



Entertainment Quarter Concept Plan Modification 3

Extension of the lapse date and update of the legal
description of the site

State Significant Development Modification Assessment
(MP07_0144 MOD 3)

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Glossary

Abbreviation	Definition
CMPT	Centennial Park and Moore Park Trust
Concept Plan	Approved Concept Plan for the redevelopment of the site (MP07_0144)
Consent	Development Consent
Council	City of Sydney
COVID-19 Bill	COVID-19 Legislation Amendment (Emergency Measures) Bill 2020
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EQ	Entertainment Quarter
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
Minister	Minister for Planning and Public Spaces
MPMP 2020	Moore Park Master Plan 2020
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SEPP 47	State Environmental Planning Policy No 47 - Moore Park Showground (SEPP 47)
SSD	State Significant Development
ST&OP Regulation	<i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>

1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the Concept Approval for the Entertainment Quarter Concept Plan, Moore Park (MP 07_0144).

The modification application was lodged on 6 October 2020 by Carsingha Investments Pty Ltd (the Applicant) pursuant to Section 75W of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The modification application seeks approval for extension of the lapse date by a further two years from 25 November 2020 to 25 November 2022 and an update to the legal description of the site

1.1 The Site

The site is known as the Entertainment Quarter (EQ) and is located within Centennial Parklands, approximately three kilometres southeast of the Sydney CBD and 1.8 kilometres west of Bondi Junction (**Figure 1**).

The EQ comprises of cafes, restaurants, cinema complexes, media and film related offices studios car parking and open space, including the former showground and parade ring.



Figure 1 | Site location

Boundary Adjustment

The site was formerly legally identified as Lot 52 in DP 1041134. The site is now identified as Lot 101 in DP 1246842, following registration of a boundary adjustment on 19 August 2019 to regularise the boundaries of the site and the adjacent Royal Hall of Industries site.

1.2 Approval history

Concept Approval (MP07_0144)

On 25 November 2011, the Planning Assessment Commission granted development consent for the EQ Concept Plan (MP07_0144) for demolition of buildings 17 and 220, identification of six new building locations, a maximum floor area of 76,500 m² within the EQ and re-allocation of floor area between the EQ and the Fox Studios.

The concept approval has been previously modified on two occasions as outlined in **Table 1**.

Table 1 | Summary of Modifications (MP07_0144)

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Extension of the lapse date by 2 years from 25 November 2016 to 25 November 2018	Department	4.55(1A)	29 June 2016
MOD 2	Extension of the lapse date by 2 years from 25 November 2018 to 25 November 2020	Department	4.55(1A)	15 May 2018

1.3 Unsolicited Proposal

The Proponent has submitted an unsolicited proposal (USP) to the NSW government supported by a revised master plan, that seeks to revitalise the Entertainment Quarter into a world-class entertainment, creative, cultural, events and leisure precinct.

On the 29 November 2019, the NSW Department of Premier and Cabinet announced the decision to progress to Stage 2 (Detailed Proposal) and established a Steering Committee to assess the detailed proposal. At the end of Stage 2, the Steering Committee will make a recommendation to the Government on whether or not to proceed to Stage 3 (Negotiation of Final Binding Offer).

2 Proposed modification

On 6 October 2020, the Applicant lodged a modification application to amend EQ Concept Approval (MP07_0144) under Section 75W of the EP&A Act. A link to the modification application documents is provided in **Appendix A**.

The application seeks approval to:

- Modify Condition 5 to extend the lapse date of the Concept Approval for a further two years, from 25 November 2020 to 25 November 2022; and
- update the legal description of the site.

Proponent's justification for the proposal

As outlined in **Section 1.3**, the Proponent has lodged an Unsolicited Proposal accompanied by a revised master plan with NSW Government. The Proponent seeks an extension of the lapse date as the unsolicited proposal assessment process proposal has not been finalised and there is no certainty that the revised masterplan will be approved.

The Proponent therefore seeks to preserve the Concept Approval, which includes the Moore Park Plan Master Plan 2040 (MPMP 2040), until such time that with the USP has been finalised. Should the USP proceed and a revised masterplan be approved through a separate planning application this will supersede the current MPMP 2040.

The Proponent also requests the legal description be updated to reflect a minor boundary adjustment that was registered on 19 August 2019.

3 Statutory context

3.1 Scope of modifications

The concept plan was originally approved under Part 3A of the EP&A Act. The modification is a transitional Part 3A under Schedule 2 of the ST&OP Regulation.

Under clause 3BA of Schedule 2 of the ST&OP Regulation a concept approval may continue to be modified under section 75W after March 2018 where the Minister is satisfied that:

- the proposed modification is to correct a minor error, misdescription or miscalculation, or
- the proposed modification is of minimal environmental impact, or
- the project to which the concept plan as modified relates is substantially the same as the project to which the concept plan currently relates (including any modifications previously made under section 75W).

The Department considers the Minister (or delegate) can reasonably form the view that the modification request is of minimal environmental impact and is substantially the same development. The modification is therefore within the scope of section 75W of the EP&A Act and is capable of being determined pursuant to the transitional provisions under clause 3BA of Schedule 2 of the ST&OP Regulation. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations.

3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, under the Minister's delegation the Director, Key Sites Assessments, may determine the application as:

- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

3.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) are relevant to the application:

- State Environmental Planning Policy No 47 - Moore Park Showground (SEPP 47); and
- Sydney Local Environmental Plan 2012.

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification does not result in any inconsistency with these EPIs.

3.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.

4 Engagement

4.1 Department's engagement

The application was made publicly available on the Department's website on 13 October 2020 and referred to the City of Sydney Council (Council) and CPMT with a request for comments by 22 October 2020.

4.2 Summary of submissions

The Department received correspondence from Council and CPMT, both advising that it had no comments.

5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the additional information
- the Environmental Assessment and conditions of approval for the original application (as modified)
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issue is the extension of the lapse date.

5.1 Extension of Lapse Date

Clause 11A of Schedule 2 of the STOP Regulation allows a modification to extend the lapse date of a Concept Plan for a transitional Part 3A project. The now repealed Section 75Y of the EP&A Act provided that the Minister must review the approval before extending the lapsing period and may make other modifications to the approval, as required.

The Department has reviewed the original approval and is satisfied that there has been no change in circumstances that would result in a different determination of the application today. In particular:

- *The strategic planning context of the site has not materially changed*

The key planning controls for the site are set out in State Environmental Planning Policy No 47 - Moore Park Showground (SEPP 47) and have not changed since the determination of the application. Further, key strategic policies, including *A Metropolis of Three Cities* and the MPMP 2020, continue to recognise the importance of Moore Park as an entertainment precinct, consistent with strategic policy at the time of the original approval.

- *The physical context of the site has not significantly changed*

There has not been a substantial change to the site's physical surroundings. The most significant change affecting the site's physical context is the light rail which runs along Anzac Parade and construction of the new football stadium and improvements to the Sydney Cricket Ground. The access to light rail provides the Proponent with an increased opportunity to fulfil the objectives of the original intent of the Concept Masterplan.

- *No changes are proposed to the development itself*

This application seeks only to extend the lapse date of the approval and update the land description to reflect a minor boundary adjustment.

- *The Department's assessment remains valid*

The original assessment has been reviewed and the Department is satisfied that the assessment remains valid. The original assessment noted the future use of the buildings would be the subject of separate development applications and the requirements of SEPP 47. The proposed envelopes were also carefully considered in the original assessment, including their impacts on the open

space, site character, significance, and functionality. The assessment is considered appropriate and no aspects of this assessment have changed since the time of the original determination.

- *The extension is consistent with the Government's policy for lapsing of consents during COVID-19*

The NSW Government has introduced a number of legislative changes to the planning system to keep the economy moving, support communities and keep people in jobs. Section 4.53 of the EP&A Regulation was amended to include additional time to commence approved developments.

Although this provision does not apply to Concept Approvals under Part 3A, the Department considers that in this circumstance the extension of the lapsing period for the Concept Approval by a further two years is an appropriate response to COVID-19 and is consistent with the NSW government policy.

The Department concludes that the site remains suitable for the approved development which remains consistent with the current strategic planning context for the precinct. The proposed extension to the lapsing period would not result in any change to the Department's original assessment, or any additional environmental impacts, beyond those already assessed and approved.

6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate as it:

- substantially the same development as originally approved and does not result in any adverse environmental impacts
- complies with the relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- does not alter the original Concept Approval
- allows the Proponent additional time to progress its USP and revised Master Plan while preventing the current approval from lapsing.

Consequently, the Department concludes the proposal is in the public interest and should be approved (**Appendix B**).

7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application (MP07_0144 MOD 3) falls within the scope of a 75W of the ST&OP Regulation
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the modification application
- **modifies** the consent MP07_0144
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



Candice Pon
Planning Officer
Key Sites Assessments

Recommended by:



Amy Watson
Team Leader
Key Sites Assessments

8 Determination

The recommendation is **Adopted/Not adopted** by:



18/11/2020

Anthony Witherdin

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning, Industry and Environment's website as follows:

- MP07_0144 MOD 3 Modification Report, dated 6 November 2020 prepared by BBC Consulting Planners
- Additional Information, dated 12 November 2020 prepared by BBC Consulting Planners

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10632

Appendix B – Notice of modification

- MP07_0144 MOD 3

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10632

Appendix C – Consolidated Consent