Planning Assessment Commission

25 November 2011

Determination of the Entertainment Quarter Concept Plan, Moore Park, Sydney LGA

Concept Plan
The current proposal seeks concept plan approval for 6 additional buildings within the Entertainment Quarter precinct of the Moore Park Showground. Specifically, the concept plan seeks approval for:

- the locations, maximum heights and maximum floor areas of 6 new buildings;
- a maximum floor area of 144,000 m^2 across the entire Moore Park Showground site, including:
  - a maximum floor area of 76,500 m^2 for the Entertainment Quarter;
  - a maximum floor area of 67,500 m^2 for the Working Studio; and
- demolition of buildings 17 and 220.

The original proposal and Environmental Assessment were advertised for public comment in September and October 2009 and 43 submissions were received. The proposal was modified in response to those submissions and the current proposal is the result.

Delegation to the Commission
On 1 September 2011 the Director-General of the Department of Planning and Infrastructure referred the proposal to the Planning Assessment Commission for determination under Ministerial Delegation.

Ms Gabrielle Kibble AO nominated Ms Janet Thomson to chair the Commission for the proposal. Ms Donna Campbell and Mr Richard Thorp were the other members to constitute the commission for the proposal.

Since receiving the referral, the Honourable Brad Hazzard MP, Minister for Planning and Infrastructure signed a new delegation to the Planning Assessment Commission. This delegation came into effect on 1 October 2011 and revoked the Minister's previous delegation to the Commission. The proposal also meets the terms of the Minister's new delegation and consequently will be determined under this delegation, which came into effect on 1 October 2011.

Department's Assessment Report
The Director-General's Environmental Assessment Report of the current proposal identifies the following key issues:

- Transfer of floor area;
- Future land use permissibility;
- Built form and urban design;
- Heritage;
- Transport;
- Environmental and residential amenity; and
- Demolition.

The report concludes that, subject to further modifications recommended in the draft approval, the proposed siting, scale and form of the proposed building envelopes are satisfactory. The report also indicates that the proposal is in the public interest and would help to reinforce the Entertainment Quarter as a unique employment and entertainment destination.

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Meetings
On 12 September 2011, the Commission met with Ms Heather Warton and Mr Peter McManus of the Department of Planning and Infrastructure for a briefing on the project. The Department discussed the background to the proposal, as well as *State Environmental Planning Policy No 47 – Moore Park Showground* and the Master Plan for the site.

On 26 September the Commission met with Ms Marianna Preston and Mr Geoff Reinhard representing the Centennial Park and Moore Park Trust. The planning background to the site and the broader operations of Centennial and Moore Park were discussed. The Trust considered that the proposed building envelopes were satisfactory but more information was needed about the proposed uses for the buildings. The Trust's major concerns were:

- Need for activation of the lower levels of the buildings
- Interaction between the uses and the public spaces
- Need for design guidelines for all buildings.

The Trust also considered that further transport, parking and access studies could be needed.

The Trust emphasised the importance of preserving the Show Ring as a flexible space and indicated the playground should not be moved into the Show Ring.

The Commission noted that the current master plan dates back to 1996 and had been varied many times over the intervening 15 year period. The Trust agreed that the preparation of a new overall master plan for the site would be of benefit given the cumulative impacts of the many changes.

On 4 October 2011 the Commission met with Mr Tony Smith and Mr Philip Jamieson from the Council of the City of Sydney. Council indicated that they were generally in agreement with the building envelopes proposed but had concerns about the separation between buildings B and C, particularly the lack of setback at the upper levels. Building F was also discussed.

On 4 October 2011 the Commission also met with the representatives for the Proponent, Mr Daryl Stubbings, Mr Bob Chambers and Mr Philip Graus. The overall vision for the Entertainment Quarter was discussed. The proponent indicated there is demand for commercial uses associated with film and television, including associated short term accommodation, that could be provided within building F. The proponent advised they are seeking to activate the site by retaining retail uses on the ground floor of each building.

In relation to parking, the proponent indicated that while it did not expect additional parking would be required through the development of the proposed concept plan, it was not seeking to cap the parking levels on the site.

Public Meeting
Following the briefing from the Department the Commission advertised its intention to hold a PAC meeting to hear views on the assessment report and recommendation. Notice of the meeting was advertised in the Sydney Morning Herald on 21 September 2011. The Commission also wrote to all those who had made written submissions on the proposal to invite them to register to speak at the meeting.

The PAC Meeting was held on 6 October 2011 at the Planning Assessment Commission's Offices, 301 George St Sydney. Four people spoke at the meeting.

Issues raised included:

- The lack of community consultation and opportunities for input into the changes made to the project and the precinct as a whole;
- Lack of detail about the proposed uses of the buildings, and resulting uncertainties about potential impacts;
- Traffic;
- Parking and associated impacts on local streets, particularly after hours when street parking is not restricted;
- Suitability of the site:
    - Land use conflicts with the adjoining working studio site (e.g. from hazardous activities, including the generation, use and storage of hazardous chemicals);
    - Safety and evacuation issues should there be a pollution or hazard incident on the Working Studios site;
- Economic viability of the Entertainment Quarter and proposed changes through the concept plan;
- Alternative uses for the site;
- Lack of community film and television facilities on the site, noting that it is public land;
- Need for an overall vision for the site.

Additional Information

On 7 October 2011 the Commission wrote to the Department of Planning and Infrastructure seeking clarification on:

- Whether there are any hazards arising from the uses in the working studios precinct which could impact on the adjoining land uses including the development in the concept plan.
- What emergency evacuation procedures were in place and whether they would need to be updated.
- Whether development contributions would be payable for the proposed development and whether contributions for community facilities should be required in this instance.

On 10 November 2011 the Commission received the Department's response.(Copy attached) .The letter indicates that the Environment Protection Authority is the appropriate regulatory authority with on-going responsibility for regulating activities undertaken on the adjoining working studios site. It recommends that the Commission amend the draft conditions to ensure the current emergency evacuation plan for the Entertainment Quarter is updated to take account of development approved under the concept plan.

In relation to development contributions, the letter notes that future development applications under the concept plan will be subject to the City of Sydney's section 94 Development Contribution Plan 2006.

Commission's Comments

State Environmental Planning Policy No 47 – Moore Park Showground

The Commission is satisfied that the proposal is consistent with the current provisions of *State Environmental Planning Policy No 47 – Moore Park Showground. (SEPP No 47).*

Consistent feedback from parties during the consultation process noted that *SEPP No* 47 and the Master Plan are over 15 years old and aspects of these documents are now out of date. Plans for the whole Moore Park precinct have evolved since 1996 as some ventures have proven to be more successful than others.

While the Commission agrees with these observations, it notes that it is required to determine this application under the current provisions of the SEPP and cannot defer making a decision pending any future review.

Future uses of the buildings

Members of the local community raised concerns about the potential future uses of the proposed buildings and, in particular, the impacts these might have on traffic and parking.

The Commission notes that buildings may only be developed for uses allowed under *SEPP No 47* and development consent will be required in every case. The Proponent has advised that there is an unmet demand for permissible uses of the site from the film and television industry. The Commission also notes that the City of Sydney Council is exploring the feasibility of a Film Centre for Sydney and there may be scope for this facility to be accommodated within the Entertainment Quarter.

Nonetheless, in response to community concerns, the Commission has added a requirement to confirm that all future development applications to erect a building under the concept plan must include a detailed description of the proposed uses of the building.

Traffic and Parking

Local residents and the Centennial Park and Moore Park Trust commented on the lack of any additional parking provisions. The Commission understands that the existing car park was intended to cater for the entire precinct but agrees with the Department's recommended condition requiring an impact assessment report on traffic and parking to be lodged with each future application under the concept plan.

The Commission has added a requirement that future development applications under the concept plan must demonstrate that parking and traffic impacts on the surrounding area will be acceptable.

Building design and setbacks

Significant concerns were raised regarding the building envelopes and locations proposed in the original application. Responding to these concerns, the applicant modified the application into its current form following consultation with the Department, the Heritage Office, the Trust and the Sydney City Council. These agencies are now generally satisfied that the proposal may be approved.

The Commission notes the Department's references to Concept Plan Building locations, and in particular Buildings B and C1/C2. In respect of comments from both the NSW Heritage Office and the proponent, the Commission agrees with the Department's view that the latest proposals for Buildings C1 and C2 are "considered satisfactory and appropriately respond to the existing built form".

Until such time that there is an architectural design proposal for actual buildings, it remains difficult to assess the ultimate outcome. However the proposed setbacks and separation between buildings contribute to a more intense network of pedestrian laneways that will have real benefits for the precinct. Accordingly, the Commission supports the suggestion by the Trust to seek additional means of ensuring a high quality design outcome for the development, by having a competitive design process in the selection of architects, and possibly the use of design review panels to endorse the merit of architectural designs prior to consent being granted.

The Commission considers the proposed building heights are acceptable although the suggested rooftop services zone and architectural roof features proposed at around six metres above maximum envelope Reduced Levels is excessive. The Commission therefore

supports the Departments proposed modification to limit the Rooftop Services Zone as set out in Schedule 3.

The Commission has added requirements to the concept plan which require the Proponent to prepare design guidelines, in consultation with the Centennial and Moore Park Trust, Council and the local community, and to the satisfaction of the Director-General of the Department of Planning and Infrastructure. These design guidelines would apply to all buildings proposed under the concept plan. Provisions to encourage high quality design, through requirements for a design strategy and provision for a design review panel, have also been added.

Community facilities
The proposal will impact on the children's playground which is to be moved to an alternative location on the site. Given that the playground is to be replaced and that section 94 contributions will be levied on the future buildings proposed under the concept plan, the Commission is satisfied that there will be adequate provision for community facilities.

Hazards and other potential land use conflicts
The Commission has considered the Department's response to a concern about the potential land use conflicts with the adjoining working studios. The Commission notes that the Environment Protection Authority is the regulatory authority with responsibility for regulating on-going activities permitted on the working studios site under the SEPP. The Commission also notes that those activities do not trigger the need for an environment protection licence but that the a prevention notice has been issued as a result of air quality assessments and odour dispersion modelling undertaken in 2006 and 2008. That notice imposes requirements concerning the use of chemicals.

The Commission's supports the Department's suggestion to add a condition requiring the Emergency Evacuation Procedures Manual for the Entertainment Quarter site to be reviewed and updated before any development application is lodged for buildings in the concept plan.

Commissions Determination
The Commission has carefully considered the Department's Assessment Report, including agency and public submissions and the issues raised at the public meeting.

The Commission is satisfied with the assessment and has determined to approve the concept plan, subject to the modifications recommended by the Department and the additional modifications made by the Commission. These include a condition confirming that details of proposed uses must be provided in future development applications required for the proposed buildings. Other conditions that the Commission has added include conditions relating to design guidelines, parking and traffic, and updating emergency evacuation procedures.

The Commission notes that it is over 15 years since the strategic work for the precinct was undertaken. The original Master Plan document does not accurately reflect the current development of the site. The Commission suggests that preparation of an up-to-date Master Plan in a single document would be of great benefit, particularly in determining if a more comprehensive review of *SEPP No 47* is warranted.

Janet Thomson PAC Member	Donna Campbell PAC Member	Richard Thorp PAC Member

NSW GOVERNMENT | Planning & Infrastructure

RECEIVED
10 NOV 2011
BY:

Ms Janet Thomson
Chairperson
Planning Assessment Commission
Thakral House
Level 13, 301 George Street
SYDNEY NSW 2000

Dear Ms Thomson,

Subject: Entertainment Quarter Concept Plan (MP07_0144), Moore Park

I refer to your letter of 7 October 2011 concerning Major Project MP07_0144 for the Entertainment Quarter Concept Plan and request for clarification on matters raised at a recent public meeting held on 6 October 2011.

Operations within the adjoining Working Studio precinct were previously undertaken in accordance with an Environment Protection Licence for a waste activity premises, issued under the *Protection of the Environment Operations Act 1997* (POEO Act). In April 2008, "waste activities" was removed from Schedule 1 of the POEO Act as a regulated activity and the licence is no longer in force. Notwithstanding this, the Office of Environment and Heritage have advised that activities undertaken on site must comply with a Notice of Preventative Action, issued on 1 July 2008 under the POEO Act, and that they also remain the regulatory authority for activities undertaken on the site.

The proponent has confirmed that the Entertainment Quarter precinct has an Emergency Evacuation Procedures Manual that was prepared with regard to the Working Studio operations. The proponent is aware that amendments to the manual will be required and the department considers the imposition of an appropriate condition requiring the necessary amendments would be warranted.

Future development applications will be subject to the City of Sydney's Section 94 Development Contribution Plan 2006. The proponent has also reflected this position within their Environmental Assessment. In addition, future landscaping and public domain works will accompany individual development applications to contribute to the existing public open space areas.

I trust that the above information clarifies the Commission's queries in relation to the matters raised at the public meeting and reiterated within your correspondence.

Yours sincerely

7/11/11

Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

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