

Subject: Application for Modifications to Luna Park - Restaurant Development, as submitted to NSW Planning & Environment

Dear Natasha,

As per our brief discussion, I am now puzzled why this application has been submitted to NSW Planning & Environment, with consultation initiated with neighbours, such as ourselves. According to the recent published news, as well confirmation from the State MP, Ms Jillian Skinner, the restaurant development originally planned by Luna Park is not going ahead. Instead, the NSW government has paid Luna Park \$3.2 million, and has confirmed that the clifftop will become a public park. Please see the initial newspaper article from August 5, 2016 as well as the letter confirming the news from Ms Skinner.

Perhaps the Application was made prior to newer arrangements being made? Appreciate your checking into this, as you may find that work on the Application is now redundant.

Best regards,
Irene Bennett
Phone 0499400701

Minister stares down Multiplex over Luna lease

EXCLUSIVE

IAN HIGGINS

NSW property minister Dominic Perrottet has stared down Brookfield Multiplex's demand that he honour a backroom deal struck under his corrupt Labor predecessor Tony Kelly and refused to extend the big developer's lease over Sydney's iconic Luna Park.

The move follows *The Australian* a year ago exposing that state government officials were moving to finalise the secret deal, prompting a community campaign involving prominent locals, including architect Harry Seidler's widow, Penelope, and artist Brett Whiteley's widow, Wendy.

The state government will today announce a new agreement in which Multiplex will give up any rights it had under the in-principle agreement signed in the final weeks of the Keneally Labor government.

That would have extended its tenure at the amusement park by another 40 years.

The 3ha Sydney Harbour site is crown land, but the state government will pay Multiplex \$3.2 million to buy out a separate lease over a small cliff-top section, to create a new public park.

Government sources said the overall deal would provide legal certainty over lease arrangements, as the prelude for further discussions on upgrading the amusement park and keeping it commercially viable.

The move comes despite huge



BRAD HUNTER

Luna Park entrance

pressure on Mr Perrottet from Multiplex to proceed with what was known as the "umbrella deed" memorandum signed in March 2011 under then lands minister Mr Kelly that would have not only extended Multiplex's lease — on which 25 years remain — but reduced its rental.

In December 2011, Mr Kelly was found to be corrupt by the Independent Commission Against Corruption for backdating a letter to approve the \$12 million purchase of a former union-owned property, Currawong, also in the Labor government's last days.

Multiplex sought the extended lease after a deal to sell its Luna Park interests to an Asian investor fell through in 2010, with observers saying a longer lease would make it more attractive to potential purchasers.

The umbrella deed never received ministerial sign-off, but a source close to recent negotiations said Multiplex had threatened to take the government to

court claiming it was enforceable.

Over a decade, Multiplex has made hundreds of thousands of dollars in political donations, weighted to Labor when it was in power in NSW and later weighted to the Liberal Party. That included \$22,000 to the Millennium Forum, a fund that a corruption inquiry heard was often used by NSW Liberal Party figures to avoid state laws banning developers from political donations before elections.

Multiplex and the Liberals maintained all the donations were lawful and fully disclosed.

As part of the new agreement, a cliff-top section of the site over which Multiplex has a 99-year lease and development approval to build a restaurant — which never eventuated — will return to direct government control, in exchange for \$3.2m.

Multiplex will then proceed with an earlier agreement to landscape another adjacent section, and the whole cliff-top area will be integrated into a new park.

Ian Mutton, who led a residents' campaign against the umbrella deed deal, praised the outcome: "An agreement that ensures that this land, providing a spectacular view of Sydney Harbour, becomes a public area for all, is something the government should be congratulated for."

A Multiplex spokeswoman said the company was "committed to securing a long-term sustainable future for Luna Park so as to ensure its attractiveness and viability for the people of Sydney, NSW and the tourism industry."



The Hon
Jillian Skinner MP

**Member For North Shore
Minister For Health**

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Ms Joan Street
2/6 Glen Street
MILSONS POINT 2061

Dear Joan, members of the Precinct and residents of Lavender Bay

I am very pleased to inform you that we have been successful in our fight to rule out the questionable extension of the 40-year lease on Luna Park which had been signed by the former Labor Government in its dying days in 2010.

As you know from our meeting with my colleague Minister for Finance, Services and Property Dominic Perrottet, he indicated he would consider the facts put to him on behalf of the Precinct.

I also reassured local residents at the public meeting held at the Kirribilli Club in June that, despite disinformation to the contrary, the Liberal Government had not progressed the lease arrangements and I am thrilled to now confirm that the Minister has ruled out the secret deal to extend the lease.

The fight to retain Luna Park as an amusement park and to prevent commercial development by creep has been one of the enduring issues I have fought over my many years in office. And I thank you for your steadfast assistance in this campaign.

It also gives me great pleasure to confirm, as I hinted at the Kirribilli Club public meeting, that there will be no commercial development on the cliff top overlooking the amusement park.

This has been achieved by the government re-acquiring the clifftop lease for \$3.2 million so it can be transformed into a public park. A development application for the new public park is expected to be lodged for the Milsons Point clifftop site in the coming months.

I am advised that the long promised landscaping of adjacent Harry's Park, purchased by Mrs Penny Seidler to convert it into a park will also get underway.

I know you will agree this is a fantastic win for the local community.

For years local residents have put up with speculation about unsuitable commercial buildings on the cliff-top.

Thanks to the NSW Government buying back the land, we can now look forward to picnics on the cliff top park overlooking the iconic historic rides of Luna Park out over the harbour.

And the relinquishing of any rights to the 40-year lease extension promised by Labor in 2010 under a so called 'head or umbrella agreement', will provide reassurance to local residents.

With best wishes and regards


Jillian Skinner MP

- 8 AUG 2016





12 August 2016

Jonathan Glen Bennett & Irene Anne Bennett
38 Fitzroy Street
KIRRIBILLI NSW 2061

Contact: Fiona Gibson
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Fax: (02) 9228 6555

Our Ref: MP 06_0163 MOD 1 and MOD 2

Dear Sir / Madam

Modifications Luna Park – Restaurant

JBA Urban Planning Consultants Pty Ltd on behalf of Luna Park Sydney Pty Ltd (the Proponent) has submitted two modification applications to modify the approval for the Luna Park Restaurant on Site C at 1 Olympic Drive, Milsons Point.

The proposed modification applications seek approval to:

- MOD 1- change the construction staging to allow an early stage for landscaping works to commence; and
- MOD 2 - include a new condition specifying an approval lapse date of 1 October 2017 unless the project is physically commenced.

A copy of the modification applications and accompanying documents are available on the Department's website at the following links:

MOD 1: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7764; and

MOD 2: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7872

If you wish to make a submission on the proposals please read the information overleaf. Submissions should reach the Department by close of business **Monday 29 August 2016**.

If you have any questions, please contact Fiona Gibson or Natasha Harras, who can be contacted on 9228 6371 and 9228 6332.

Yours sincerely,

Anthony Witherdin
**Acting Director
Modification Assessments**

*natasha harras @ planning
gov. au*



MODIFICATION REQUESTS

Luna Park Restaurant - Site C

Application No	MP 06_0163 MOD 1 and MOD 2
Location	1 Olympic Drive, Milsons Point
Proponent	Luna Park Sydney Pty Ltd
Council Area	North Sydney

Description of proposed modifications:

- MOD 1 - change the construction staging to allow an early stage for landscaping works to commence and
- MOD 2 - include a new condition specifying an approval lapse date of 1 October 2017 unless project is physically commenced.

Notification

A copy of the proposed modification applications may be viewed on the Department's website at: <http://majorprojects.planning.nsw.gov.au/> Type in 06_0163 in the *Search Projects* field on the left-hand side).

Submissions

Any person wishing to make a submission should use the online form if possible. To find the online form to the web-page for this proposal via

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7764; or

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7872

Your submission must reach the Department by Monday 29 August 2016. Before making your submission, please read our Privacy Statement at <http://www.planning.nsw.gov.au/privacy> or for a copy telephone the number below.

The Department will publish your submission on its website in accordance with the privacy statement.

If you cannot lodge online you can write to the address below. If you want the Department to delete your personal information before publication, please make this clear at the top of your letter. You need to include

- your name and address, at the top of the letter only;
- the name of the application and the application number;
- a statement on whether you support or object to the proposal;
- the reasons why you support or object to the proposal; and
- a declaration of any reportable political donations made in the previous two years. To find out what is reportable, and for a disclosure form, go to www.planning.nsw.gov.au/donations or ring the number below for a copy.

Contact

Phone: Information Centre - 1300 305 695 or Fiona Gibson or Natasha Harras on 9228 6371 and 9228 6332
Address: Planning Services, Department of Planning & Environment, GPO Box 39 SYDNEY NSW 2001 or fax to (02) 9228 6555. Your submission should be marked, Attention: Acting Director - Modification Assessments