

25 September 2024

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 116 Lang Road, Moore Park - D/2024/139**
- 4. Development Application: 68-80 Erskine Street, Sydney - D/2024/395**



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

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1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 4 September 2024

Item 3.**Development Application: 116 Lang Road Moore Park - D/2024/139**

File No.: D/2024/139

Summary**Date of Submission:** 1 March 2024**Applicant:** The Trustee for Carsingha Investments Unit Trust**Owner:** Centennial Park and Moore Park Trust**Planning Consultant:** Ethos Urban**Cost of Works:** \$0.00**Zoning:** The proposed development is for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events, which are permitted with consent in the Moore Park Showground.**Proposal Summary:** Approval is sought for the use of two areas (Area 1 and Area 2) within the Entertainment Quarter for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events.

The proposed maximum patron capacity is 3,000 persons, with maximum 1,500 patrons in Area 1 and Area 2 each at any one time.

The proposed trading hours are between 7.00am to 12.00 midnight Monday to Sunday.

The application is referred to the Local Planning Panel for determination as the proposal involves contentious development, due to the receipt of more than 25 unique submissions made in objection to the proposal.

The application was notified for 28 days between 18 March 2024 and 16 April 2024 in accordance with the City of Sydney Community Participation Plan. A total of 2,455 properties were notified, and 24 submissions in opposition to the proposal were received. Issues raised in the submissions include:

- Amplified music for 'musical entertainment'
- Noise impact
- Hours of operation
- Diverse nature and unlimited events
- Traffic and parking congestion
- Health and wellbeing
- Anti-social behaviour

Following an assessment of the application, concerns were raised by Council regarding the undefined nature of the proposal, proposed patron capacity and potential amenity impacts associated with the proposal. The applicant was requested to withdraw the application and resubmit with a proposal that addressed these concerns.

Following a meeting held between Council officers and the applicant on 11 June 2024, amended plans and information were submitted on 11 July 2024 to address concerns raised.

The original proposal included three areas (being Area 1, Area 2 and Area 3) with a maximum patron capacity of 8,000 persons. The proposal was amended to remove the original Area 2 - the Sydney Roosters HQ building, with Area 3 being renamed to Area 2, and reduce the maximum patron capacity from 8,000 to 3,000 persons on site at any given time.

Clarification has been provided to state that the application does not seek consent for concerts or music events. However, the above uses/activities may be supported by ancillary background music to enhance the uses of the space. Any ancillary background music associated with the operation of activities on the subject site is restricted between 10.00am and 10:00pm and is subject to noise criteria

The amended application was placed on public exhibition for a period between 15 July 2024 and 30 July 2024 in accordance with the City of Sydney Community Participation Plan.

The City received 9 submissions (from 7 original objectors and 2 new objectors) objecting to the amended proposal during and after this notification period. The concerns raised in these submissions were similar to those identified in relation to the original proposal, including noise, traffic, hours of operation and frequencies of the event. As a result of the modifications made to the proposed

development and subject to recommended conditions, the amended proposal presents a satisfactory response to the conditions of the site and locality and will not result in unacceptable impacts. The amended proposal is generally acceptable with regard to the applicable planning controls.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) State Environmental Planning Policy (Precincts Eastern Harbour City) 2021
- (ii) State Environmental Planning Policy (Transport and Infrastructure) 2021

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management and Temporary Structure Guidelines
- D. Submissions

Recommendation

It is resolved that consent be granted for Development Application Number D/2024/139 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The proposed development is for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events, which are permitted with consent under the State Environmental Planning Policy (Precincts Eastern Harbour City) 2021.
- (B) The proposal is consistent with the objectives of the State Environmental Planning Policy (Precincts Eastern Harbour City) 2021 by improving and enhancing the cultural and recreational facilities.
- (C) The proposal allows for the orderly and economic development of the land by facilitating the ongoing use of the site for recreation facilities, events and temporary events within an entertainment precinct.
- (D) The proposal complies with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997).

- (E) The proposed development does not include concerts or music events. Any ancillary background music associated with the operation of activities on the subject site is restricted between 10.00am and 10:00pm.
- (F) The development, subject to conditions, will not unreasonably compromise the amenity of nearby properties.

Background

The Site and Surrounding Development

Entertainment Quarter

1. The wider site has a legal description of Lot 52 in DP 1041134, and is known as Moore Park Entertainment Quarter. The Entertainment Quarter is adjacent to Moore Park and The Centennial Parklands, and is located at 116 Lang Road. The Entertainment Quarter has an irregular shape with an area of approximately 11.08 hectares.
2. The Entertainment Quarter contains a mix of cafés, restaurants, cinema complexes, media and film related offices, Brent Street Studios, the Australian Film, Television and Radio School (AFTRS), shops, weekly markets, car parking and open space area. The permanent showground and parade ring, known as the Show Ring, is located within the Entertainment Quarter, as is Liberty Hall, a live music venue.
3. The Entertainment Quarter site is bounded by Fox Studios and the Sydney Cricket Ground to the north, Cook Road to the east and Driver Avenue to the west. Further to the north, east and south-east are the predominantly residential areas of Paddington and Centennial Park. The surrounding areas are characterised by a mixture of land uses including commercial, sports, recreational facilities and residential. The site is located approximately 500 metres from the Moore Park Light Rail Station.²⁰⁵
4. Centennial Park and Moore Park are State Heritage items and adjoin the site to the east and south, with Busby's Bore, also a State Heritage item (listing No. 00568), running beneath the site from north to south through the Entertainment Quarter. The site is not located within a heritage conservation area.

Subject site - Area 1 and Area 2

5. The site the subject of this DA is located at the north eastern corner of the Entertainment Quarter near the corner of Peter Finch Avenue and Errol Flynn Boulevard. The DA site consists of two areas and was previously used as a Coach Bay. Area 1 is approximately 900 sqm and is currently occupied by a basketball court. Area 2 is approximately 1,200 sqm and is currently occupied by a padel and pickle ball court.
6. Liberty Hall is located directly to the south of Area 1 and the Show Ring is located directly to the east of Area 2. Area 1 and Area 2 are separated by a two storey building occupied by the Sydney Roosters Head Quarters, which is required to be demolished by 1 January 2026 in accordance with Section 7.20 of the State Environmental Planning Policy (Eastern Harbour City) 2021.
7. A site visit was carried out on 11 March 2024. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds. The Entertainment quarter is highlighted in blue and the subject site (Area 1 and Area 2) is highlighted in red.



Figure 2: Area 1 and Area 2 highlighted in red



Figure 3: View of Area 1 (basketball court) looking south-east



Figure 4: View of Area 1 looking south-west. The existing shipping container is currently being used for storage.



Figure 5: View of Area 2 (padel and pickle ball court) looking east



Figure 6: View of the existing pickle ball court looking east



Figure 7: View of the existing padel ball court looking east



Figure 8: View of the second padel ball court looking south west with the Sydney Roosters Headquarters behind



Figure 9: View of the existing Sydney Roosters Headquarters, which is situated between Area 1 and Area 2

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current site:

- **Moore Park Showground Master Plan (Development Application 1/96)** – Development consent was granted on 24 April 1996 for the Moore Park Showground Masterplan (DA No.1/96). This consent approved land uses and land use intensity, including a Film Studio Precinct and a Family Entertainment Precinct. Specific works were not authorised under this consent.
- **Family Entertainment Precinct (Development Application 37/96)** – On 22 April 1997, development consent was granted for Fox Studios DA No. 3, relating to the Entertainment Quarter and film and television exposition component (i.e. “the Studio Tour”) of the Fox Studios Development. Pursuant to this approval, consent was granted for the continued use of the show ring as a public outdoor space to be used for a variety of outdoor events such as parades, markets, book fairs, circuses, theatrical presentations, musical recitals and other performances.

This DA established a number of management strategies that seek to guide the use of the Family Entertainment Precinct. These management strategies continue to apply to the site and include the following:

- Lighting Management Strategy Part 2: Family Entertainment Precinct (March 1997);
 - Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997);
 - Outdoor Filming and Outdoor Events Management Strategy Part B: Outdoor events (March 1997 as updated with Show Ring Management Plan in August 1999);
 - Water Quality, Drainage and Waste Management Strategy Fox Site (November 1996);
 - Public Transport Management Strategy (August 1999); and
 - Parking Management Strategy (August 1999).
- **D/2006/561** - On 20 June 2006 the City of Sydney granted consent for the temporary use of the Show Ring for the Cirque du Soleil show “Varekai” from 1 July 2006 to 30 November 2006, with a capacity of up to 2,631 per performance. Approval was granted for a maximum of 10 performances per week held Tuesday to Sunday, with performances finishing no later than 10:30pm, and included the erection of temporary structures.
 - **D/2008/474** - On 16 May 2008 the City of Sydney granted consent for the use of the Show Ring to accommodate a circus for a 5 month period once a year over, a five year period, with a seating capacity of 2,800 per performance. Approval was granted for a maximum of 10 performances per week held Tuesday to Sunday, with performances finishing no later than 10:30pm, and included the erection of temporary structures.
 - **D/2014/1087** - On 07 June 2019 the City of Sydney granted consent for temporary use of the Show Ring at Moore Park Entertainment Quarter for one Cirque Du Soleil event per year over a five year period including the erection or temporary structures such as tents, fences, ticket boxes, toilets and signage. Maximum patron capacity is up to 2,800.
 - **D/2019/374** - On 11 September 2014 the City of Sydney granted consent for the use of the former showgrounds within the Moore Park Entertainment Quarter for the licenced event known as the ZIRK Big Top Circus From Russia and the World on 24 June 30 July 2019 and associated temporary structures.
 - **D/2019/639** - On 01 August 2019 the City of Sydney granted consent for the temporary use of the Show Ring within the Moore Park Entertainment Quarter for one licensed Cirque du Soleil event over a 5 month period each year for a 5 year period and erection of associated temporary structures.
 - **D/2022/1078** - On 27 October 2022 consent was granted for the temporary use of Liberty Hall carpark within the Entertainment Quarter for a live music event held on Saturday 29 October 2022 within Liberty Hall (Building 220G06) and the adjacent Liberty Hall carpark. The maximum number of patrons permitted on site was 2,000 persons.

- **D/2023/128** - On 15 March 2023 consent was granted for the temporary use of the Showground set within the Entertainment Quarter for the 'Ministry of Sound Classical' live music event, which is to be held on Saturday 18 March 2023 (operating hours 2pm to 10pm). The maximum number of patrons permitted on site was 7,000 persons.
- **D/2023/305** - On 27 April 2023 consent was granted for the temporary use of the Showground set within the Entertainment Quarter for the "Fatboy Slim LIVE in concert" music event, which is to be held on Friday 5 May 2023, with operating hours between 4:30pm to 10:30pm, and a maximum patron capacity of 12,500.
- **D/2024/43** - On 5 March 2024 consent was granted for the use for a one-off music event 'Ministry of Sound Classical' on 16 March 2024 between 2.00pm and 10.00pm. The maximum number of patrons permitted on site was 12,000 persons.
- **D/2024/336** - On 24 June 2024 consent was granted for the use of the Show Ring, the Entertainment Quarter for 1 licensed Cirque du Soleil event each year over a period of five months, for a period of five years, and erection of associated temporary structures. The maximum number of tickets for each performance shall not exceed 2,800.
- **D/2024/653** - A development application was lodged on 6 August 2024 for a two-day single stage concert under a big top tent with pop-up bars, food trucks and market stalls in the Show Ring. The application is still under assessment.

In addition to the above, the following applications are particularly relevant to the subject proposal, as it relates to Area 1:

- **D/2020/24** - On 2 July 2020 consent was granted for the temporary use of Peter Finch Avenue, Bent Street, Studio Plaza, Cinema Plaza, Heritage Park and the existing multi-storey carpark building within the Entertainment Quarter for temporary events. The proposal created 4 event spaces and the events involved the sale of alcohol and the erection of temporary structures.

The latest modification D/2020/24/C was granted on 22 January 2024 to continue the temporary use of Event Space 4 until 1 January 2026 including film production, food and beverage stalls, street performance/busking and community events. The ongoing use of the car park was not renewed as part of this modification.

- **D/2023/838** - On 23 October 2023 consent was granted for the use of Liberty Hall and the adjoining Hoops Park within the Entertainment Quarter for two temporary events held on 29 October 2023 and 11 November 2023 between the hours of 2.00pm and 10.00pm. The maximum number of patrons permitted on site per event was 2,000 persons.
- **D/2023/1053** - On 11 December 2023 consent was granted for the use of Liberty Hall and the adjoining Hoops Park within the Entertainment Quarter for three temporary events held between 2.00pm and 10.00pm on 16 December 2023, 6 January 2024 and 27 January 2024. The maximum number of patrons permitted on site per event was 2,000 persons.

- **D/2024/62** - On 21 February 2024 consent was granted for the temporary use of the basketball courts in the Entertainment Quarter for three temporary events, with associated temporary structures between 2.00pm and 10.00pm on 24 February, 9 March, and 23 March 2024. The maximum number of patrons permitted on site per event was 2,000 persons.

Compliance Action

9. The site has previously been subject to complaints where the outcome of matter is discussed below:
 - 3134137 - On 2 February 2024, an unauthorised work was received regarding a new playground located south of the Show Ring, that was constructed without a construction certificate. The issue was discussed with the landowner and a warning letter was issued under HBC/2023/296 and a building information certificate was issued under BC/2023/94.
 - 3081585 - On 7 November 2023, a noise complaint was received stating dance parties are scheduled every Sunday night. Investigation was undertaken and found out the noise complaint related to the Watsons pub. The issue was discussed with the licensee and noise monitoring was undertaken. The noise levels were adjusted and monitored appropriately.
 - 3024944 - On 28 July 2023, a noise complaint was received regarding loud music being played until 2am at the Liberty Hall. An investigation was carried out that confirmed the noise related to the new venue 'Marys' that was approved recently with live music component. The impact was a one off occasion and has not occurred since.
 - 2981548 - On 8 May 2023, several noise complaints were received regarding a concert at the Show Ring which occurred on 5th May approved under D/2023/305. The Entertainment Quarter provided a response to Council's investigations, stating that proactive sound monitoring had occurred at various locations during the event and the submitted report confirmed that it did not exceed the relevant noise criteria.

Amendments

10. Following a preliminary assessment the applicant **was advised** that the submitted application was unclear and the potential amenity impacts associated with the proposed development were not adequately assessed with the information submitted to support the development application. The application was considered deficient for the following reasons:
 - The submitted SEE stated that temporary event uses would be limited to 52 days per year, due to the restrictions of clause 7.18 of the Precincts Eastern Harbour City SEPP. Beyond this, no detail was provided regarding the potential number or exact nature of events that may be held.
 - The proposed patron number in the SEE of 8,000 persons was inconsistent with the 1,700 patrons specified in the Plan of Management (PoM).
 - The combined size of Areas 1, 2 and 3 was significantly smaller than the size of the Show Ring, despite similar patron capacities being proposed (recent DAs for the Show Ring approved patrons with a range between 8,000 and 12,500).

- There were no management controls within the PoM outlining how large numbers of patrons were intended to be managed for various types of events.
 - The SEE made no reference to sanitary facilities to accommodate the proposed capacity.
 - The submitted noise management plan excluded the maximum predicted noise levels for entertainment style events that may include low frequency noise sources and larger patron capacity. The absence of any assessment of these types of events was a significant concern.
 - The submitted noise management plan stated several times within the report that further acoustic testing of events would need to be completed to identify or alter noise mitigation measures.
 - The development application sought approval for the use of the facilities within Area 1 and Area 3. The recreational facilities within these areas are already constructed, however Council has no record of approval for these works.
11. At the request of the applicant, a meeting was held with Council officers on 11 June 2024. A further four weeks extension was granted to the applicant to provide information to address concerns raised in Council's letter.
12. The applicant responded to the request on 9 July 2024 with a modified proposal to significantly scale back the proposed patron capacity and to make it clear the proposed uses are of a minor and low-impact nature. The applicant submitted the following information to respond the request:
- The space identified as 'Area 2' within the SEE, being the Sydney Roosters Head Quarters has been removed from the proposal. As a result, 'Area 3' has been renamed to 'Area 2'.
 - Significant reduction in patron numbers from a total of 8,000 patrons across the previous subject site, to a maximum of 1,500 patrons within Area 1 at any given time, and a maximum of 1,500 patrons within the new Area 2 at any given time.
 - Removal of references to concerts and music events and clarifying that amplified music will be background music only, and ancillary/supportive to other activities listed in A-F, on the site.
 - Amended architectural plans, PoM, Noise Impact Assessment and SEE were submitted.
13. A further request for additional information and amendments was sent to the applicant on 13 August 2024. The following concerns were raised and amendments were requested:
- The Plan of Management to be updated to be consistent with the amended acoustic report to state that no sub-woofer speakers should be utilised.
 - Clarification was requested as to how the single entry point would be managed for Area 1 and Area 2 as they are not connected and are distanced from each other.

- The Plan of Management to be updated to include that some events may require security. As such, individual event organisers should liaise with NSW Police and NSW Liquor and Gaming and have security guards when required.
14. The applicant responded to the request on 21 August 2024. The updated PoM has removed the reference of any sub-woofer speakers and states security guards will be directed by NSW Police or NSW Liquor and Gaming. The applicant also explained that entrance points to Area 1 and Area 2 will depend on the activity taking place, 2 entry points will be provided, with one entrance point allocated to each event area based on the most favourable pedestrian entrance location for the site, corresponding to the specific activity. The information provided is the subject of this assessment.

Proposed Development

15. The application seeks consent for the use of the site for ongoing outdoor recreation and activities listed in categories A-D below, and temporary community uses that are limited to 52 days per year listed in categories E-F below, for Area 1 and Area 2.

Proposed uses

On-going basis

- (i) Category A - Film, video and photography production, including live media coverage. This is intended to complement the neighbouring uses of the nearby Fox Studios.
- (ii) Category B - Food and beverage stalls, trucks, cooking exhibitions. This is intended to provide food and drink installations within easy access of any event being held on the wider site.
- (iii) Category C - Exhibitions, such as art exhibitions.
- (iv) Category D - Outdoor/open-air recreation and sporting activities, such as:
 - Mini golf;
 - Racquet sports (e.g., pickle ball and padel tennis);
 - Bowling;
 - Temporary swimming pool (no excavation proposed – above ground temporary structures only);
 - Electric go-kart;
 - Outdoor gymnasium;
 - Squash;
 - Ice skating;
 - Mini soccer;

- Basketball / mini basketball;
- Netball;
- Obstacle courses;
- or any other use of a like character.

Temporary basis

- (i) Category E - Community markets.
- (ii) Category F - Community events, including any ceremony, cultural celebration, fete or fair.

Proposed patron capacity

- A maximum capacity of 1,500 patrons within Area 1 and 1,500 patrons within Area 2 at any one time.

Proposed hours of operation

- Proposed hours of operations are between 7.00am and 12.00 midnight Monday to Sunday.
- Amplified music is to be restricted between 10.00am and 10.00pm.
- No concert or music events proposed. Any music that is played on the site will be background and ancillary/supporting to the activities defined in Categories A-F, such as street busking or a single DJ.

Proposed works

- No approval is sought for any works associated with the proposed uses. The erection of any physical structures is to meet the Temporary Structure Guideline and/or the Exempt and Complying Development Codes SEPP 2008. Alternatively, a separate development application is to be obtained from the relevant authorities prior to carrying out the development approved under this consent if approval is required for any structures.

16. Plans of the proposed development site are provided below.

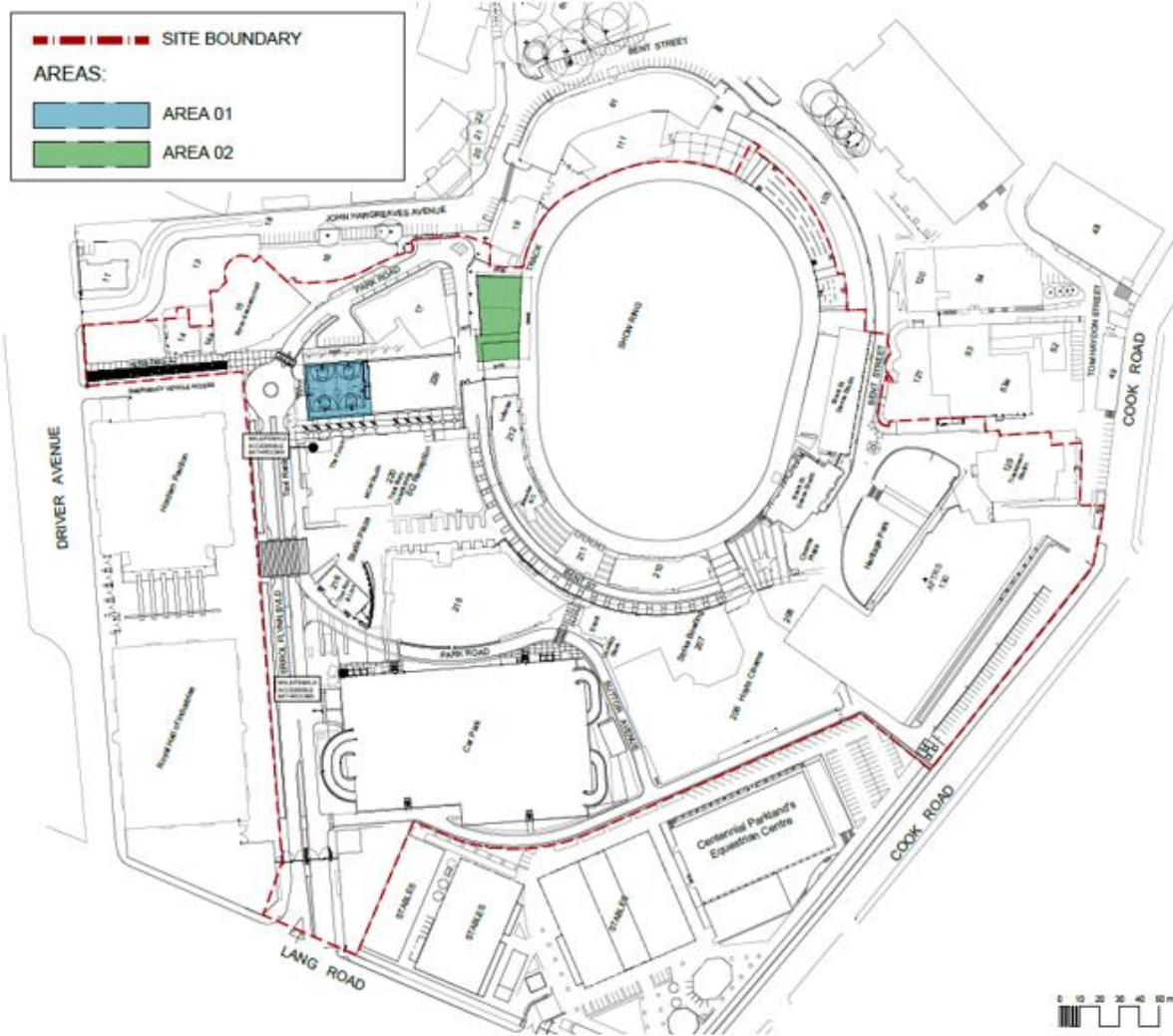


Figure 10: Proposed Site Plan

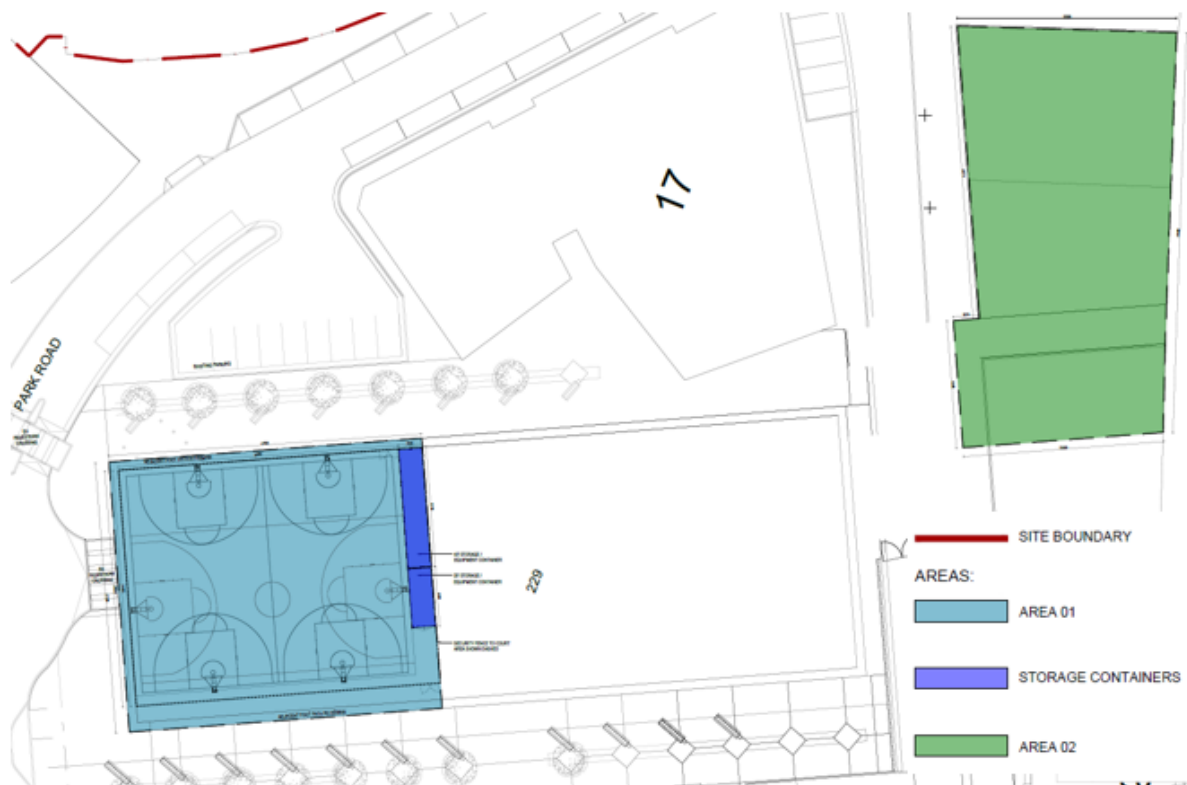


Figure 11: Proposed plan

Assessment

17. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

18. The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP) have been considered in the assessment of the development application.
19. In accordance with Clause 4.60 of the Infrastructure SEPP the proposal was referred to Transport for New South Wales (TfNSW) for comment.
20. TfNSW has no objection to the proposal subject to the following recommendations:
- (a) Preparation of a Green Travel Plan to increase the mode share of public transport and active transport for the development and the surrounding precinct. TfNSW requests as part of the GTP, a Travel Access Guide (TAG) be prepared for those accessing the site. The TAG will need to be updated on a regular basis as more infrastructure and services come into existence. The TAG should:

- (i) Provide additional information about service routes and timetables for public transport available on the Trip Planner at transportnsw.info/
 - (ii) Provide information advising that additional information about walking routes is available on the Trip Planner at transportnsw.info/
 - (iii) Clearly show the number and location of bicycle parking and End of Trip (EoT) facilities (showers, lockers, irons, ironing boards, towels, change rooms etc) and locate on map.
 - (iv) Promote and provide information on any car-pooling options, or parking management options.
- (b) TfNSW requests the applicant consults with the Moore Park Events Operations Group (MEOG) and other relevant stakeholders to provide event specific details at least two months ahead of any planned events to address the safe and efficient management of event traffic and transport operations
- (c) A 'Traffic and Transport Management Plan' should be prepared in accordance with the TfNSW Guide to Traffic and Transport Management for Special Events.

Sydney Environmental Planning Policy (Precincts - Eastern Harbour City) 2021 - Chapter 7, Moore Park Showground

21. State Environmental Planning Policy (Precincts Eastern Harbour City) 2021 Chapter 7, Moore Park Showground provides for a range of film, television and related development, commercial uses, entertainment, recreational and educational activities within the Moore Park Showground.
22. The subject site is located on land shown diagonally hatched on the SEPP map where Part 7.2 of the SEPP applies. An assessment of the proposed development against the relevant provisions is provided in the following sections:

Part 7.2 Development on land shown diagonally hatched

Provision	Compliance	Comment
7.6 Development permissible with development consent	Yes	<p>The proposal includes film, video and photography production (Category A), food and beverage stalls (Category B), exhibition (Category C) and outdoor/open-air recreation and sporting activities (Category D) which are all permissible with consent.</p> <p>The proposed Category A is defined as 'film-related development' which is a permissible use with development consent.</p> <p>The proposed Category B relates to 'shops' which is a permissible land use with consent. This is defined as ' a building or place used for the purpose of</p>

Provision	Compliance	Comment
		selling merchandise or materials or food'. 'Amusement and entertainment facilities' is a permissible land use with consent, which includes recreation facilities, exhibitions or displays such as cinemas, showgrounds, amusement rides and electronically-simulated experiences. The proposed category C relates to exhibition and the proposed category D meets the definition of a recreation facility.
7.7 Development for musical entertainment and public entertainment	N/A	The amended proposal does not seek consent for concerts or music events.
7.8 Use of the Banquet Hall	N/A	The proposal does not involve the use of the Banquet Hall.
7.8A Development consent not required for Airfields event on 19 March 2022	N/A	The proposal does not relate to the Airfields event.
7.9 Development permissible without development consent	Yes	Temporary structures for film making purposes do not require development consent.
7.15 Matters for consideration		
(a) the management of noise emanating from the development,	Yes	The application is accompanied by a Noise Impact Assessment prepared by Trinity Consultants and is supported by Council's Environmental Health Unit. Appropriate conditions have been recommended to safeguard the amenity of the surrounding neighbourhood. Refer to the further details and assessment provided below under the 'Discussion' heading.
(b) traffic and parking generated by the development, measures to facilitate the use of public transport and the views of Transport for NSW,	Yes	As a pre-existing entertainment complex, extensive ticketed public car parking (including mobility impaired parking) is available within the site. The Entertainment Quarter is located in proximity to bus and light rail public transport options.

Provision	Compliance	Comment
		<p>The submitted Plan of Management states that the operator is to create a 'Transport Access Guide' for employees and patrons to encourage public transport use. This is supported by Council's Transport and Access Unit.</p> <p>The proposal was referred to Transport for NSW who raised no objection as the proposed development as it is not expected to have a significant impact on the classified road network.</p> <p>Appropriate conditions have been included in the notice of determination.</p>
(c) the height, scale and bulk of the development and whether the development maintains the original road layout and vistas,	Yes	No change is proposed to the height, scale and bulk of the existing buildings. It is noted that temporary structures may be installed from time to time to support the recreation activities such as basketball games and competitions, however all built features including the courts and storage cages are located at ground floor. The development will maintain the original road layout and vistas.
(d) overshadowing impacts on open spaces and adjoining residential properties,	Yes	The proposal will not introduce any overshadowing impacts to open space or adjoining residences.
(e) the capacity of on-site sewerage and drainage systems and their performance in a manner that will not cause adverse effects on the quality of the Centennial Park ponds and Botany wetlands,	Yes	The proposal will not result in any change to the existing storm water runoff and will not require any modification to the existing sewerage and drainage system.
(f) the extent to which the development is ecologically sustainable,	Yes	The proposal relates to temporary events and recreational facilities that do not generate excessive air emissions.
(g) whether there is contamination on the site, or asbestos is present in buildings, and remediation and validation of remediation so as to protect public health,	Yes	The proposal does not involve any works that will breach the existing concrete slab. There is no excavation proposed for the swimming pool as they will be above ground structures only.

Provision	Compliance	Comment
(h) the appearance of external lighting at the site and measures to minimise spill,	Yes	All lighting will be consistent with the Lighting Management Strategy – Part 2: Family Entertainment Precinct approved by the Director General of the Department of Planning on 18 April 1997. Appropriate conditions of consent have been recommended to ensure that light spill is minimised.
(i) the impact of the development on the amenity of the adjoining residential areas,	Yes	The proposal is accompanied by a Noise Impact Assessment and a Plan of Management, which has been reviewed and supported by Council's Environment Health Unit and Licensed Premises Unit. Refer to the further details and assessment provided below under the 'Discussion' heading.
(j) the provisions of the Conservation Strategy for the Moore Park Showground,	Yes	Busby's Bore' is a State Heritage listed item (No.000568), which runs north south through the Show Ring and is located under the eastern part of the Entertainment Quarter. The proposed location for the event incorporates a significant degree of separation from the position of the Bore. No excavation of the site is proposed.
(k) how the proposed development would affect the heritage significance of the site and any relic known or reasonably likely to be located at the site.	Yes	The proposal will not have any adverse impacts upon the significant heritage building fabric within the site.
7.18 Temporary use of land		
(1) The objective of this section is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.	Yes	The proposal seeks consent for temporary uses (no more than 52 days a year) on the site including: <ul style="list-style-type: none"> • Community markets • Community events, including any ceremony, cultural celebration, fete, fair or gathering. The proposal is consistent with the objectives of the control as it does not

Provision	Compliance	Comment
		compromise future development of the land and has no detrimental economic, social, amenity or environmental impacts on the site.
(2) Despite any other provision of this Chapter, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.	Yes	The proposed community markets and community events are limited to a maximum period of 52 days in any period of 12 months. Appropriate conditions have been recommended accordingly.
(3) Development consent must not be granted unless the consent authority is satisfied that— (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument, and	Yes	The proposed temporary uses will not prejudice the carrying out of development on the land.
(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and	Yes	Subject to conditions, the proposal will not adversely impact neighbourhood amenity. Refer to the further details and assessment provided below under the 'Discussion' heading.
(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and	Yes	The proposed temporary uses do not involve significant works and will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards.
(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.	Yes	Future operators will be required to restore the site to its original condition as a requirement of the use of the site.

Local Environmental Plans

Sydney Local Environmental Plan 2012

23. In accordance with Clause 1.3 and the Land Application Map outlined in the Sydney Local Environmental Plan 2012 (SLEP 2012), the controls within the SLEP 2012 do not apply to the Entertainment Quarter site.

Development Control Plans

Sydney Development Control Plan 2012

24. The Sydney Development Control Plan 2012 does not apply to the Entertainment Quarter site.

Discussion

Function of the subject DA

25. The purpose of the subject development application is to provide flexibility to hold activities and events within the proposed trading hours, without the need for subsequent DAs for individual activations. This approach has been previously supported by Council within the Entertainment Quarter as outlined below.
26. D/2020/24, approved on 14 January 2020, allowed for the temporary use of 4 event spaces (being Peter Finch Avenue, Bent Street, Studio Plaza, Cinema Plaza, Heritage Park and the existing multi-storey carpark building) within the Entertainment Quarter for temporary events ending 1 January 2023, with the option to renew.
27. The approval included a range of entertainment, recreation and education events with the erection of temporary structures, food and drink stalls and the sale of liquor. The approval allowed for a maximum patron capacity of 1,500 for Event Space 1 and 2 (the roof top of the carpark), 500 patrons for Event Space 3 (level 5 of the carpark building), and undefined patron capacity for Event Space 4 (Peter Finch Avenue, Bent Street, Studio Plaza, Cinema Plaza, and Heritage Park).
28. A condition was imposed limiting the period the time of operation for the above uses to cease on 1 January 2023. However, D/2020/24/C was granted on 22 January 2024 to continue the temporary use of Event Space 4 until 1 January 2026. Uses approved for Event Space 4 include film production, food and beverage stalls, street performance/busking and community events (refer to figure 12 below), which are similar uses to the current proposal. It should be noted that Event Spaces 1, 2 and 3 which relate to the EQ carpark has now ceased.
29. The approved trading hours for the extension of Event Space 4 are between 10.00am and 12.00 midnight Monday to Sunday, and any amplified performance events are to cease at 10.00pm.

30. Considering the aforementioned factors, the proposal is generally supported given a similar DA has been approved in the precinct (D/2020/24) and the past temporary events within the basketball court ((D/2023/838, D/2023/1053 and D/2024/62)) have been managed satisfactory. The proposed application seeks consent for the ongoing use of the site for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events, which are all permissible under Clause 7.6 and Clause 7.18 of the Easter Harbour City SEPP 2021.
31. A 5 year time limited consent has been recommended allowing Council to monitor the operation of the events. A further development application may be lodged before the expiration date for Council’s consideration of the continuation of the use. Council’s consideration of this further application will take into account the management of the uses in terms of compliance with conditions of development consent, number and nature of substantiated complaints regarding the operation of the premises and any views expressed by the NSW Police Service.

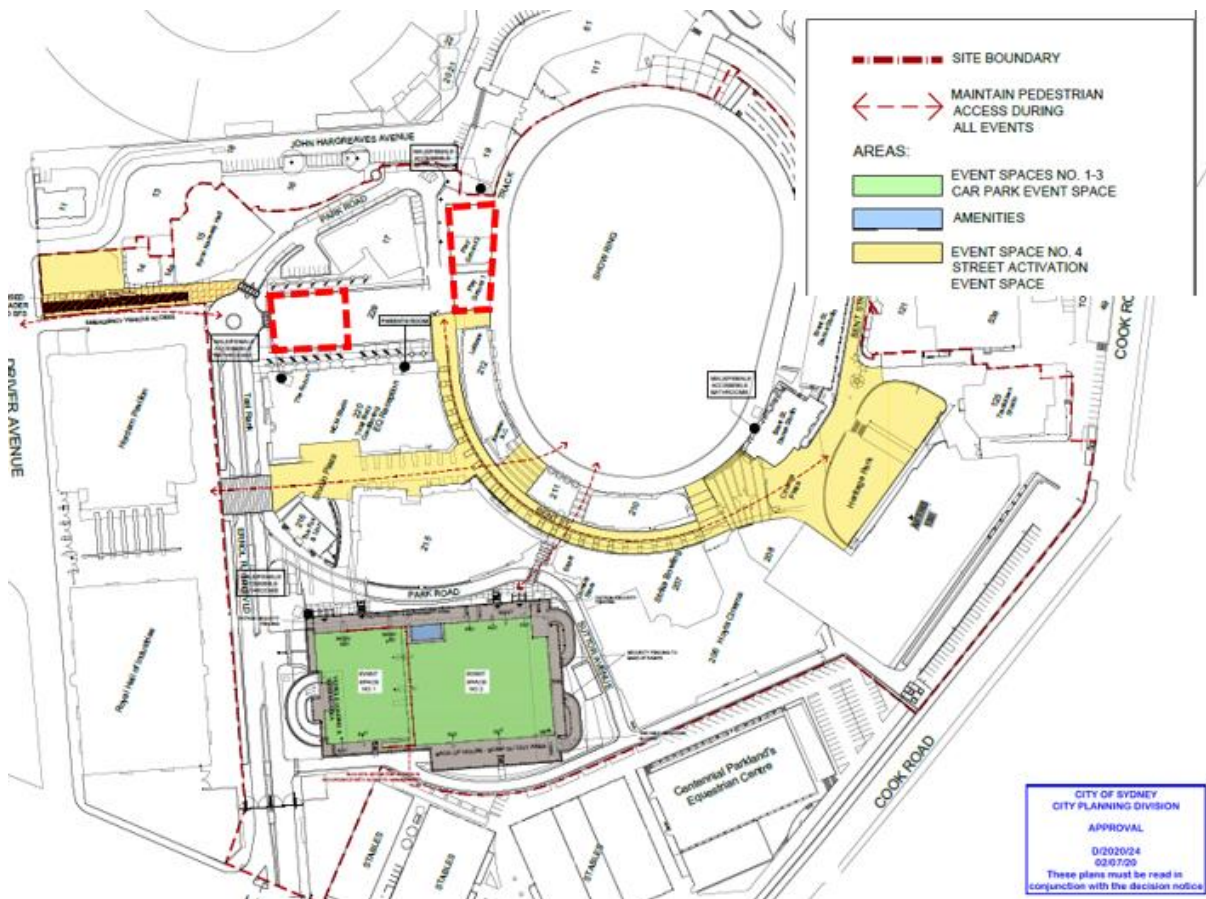


Figure 12: Approved Event Space 4 highlighted in yellow under D/2020/24/C (Subject application highlighted in red)

32. It is noted that in the past two years, three applications for temporary musical events have also been submitted and approved by Council in Area 1 including:
 - D/2023/838 - On 23 October 2023 consent was granted for the use of the Liberty Hall and the adjoining Hoops Park within the Entertainment Quarter for a temporary event (being summer series with outdoor DJ and event) to be held 29

October 2023 and 11 November 2023 between the hours of 2.00pm and 10.00pm. The maximum number of patrons permitted on site was 2,000 persons.

- D/2023/1053 - On 11 December 2023 consent was granted for the use of the Liberty Hall and the adjoining Hoops Park within the Entertainment Quarter for a temporary event (being summer dance and outdoor DJ event) to be held between 2.00pm and 10.00pm for 16 December 2023, 6 January 2024 and 27 January 2024. The maximum number of patrons permitted on site was 2,000 persons.
- D/2024/62 - On 21 February 2024 consent was granted for the temporary use of the basketball courts in Entertainment Quarter for temporary events (being summer dance with outdoor DJ event), with associated temporary structures between 2.00pm and 10.00pm for 24 February, 9 March, and 23 March 2024. The maximum number of patrons permitted on site was 2,000 persons.

33. It should be noted that no complaints were received from the above approvals. It is emphasised that the subject proposal does not include any concerts or musical events. Any concerts, musical events or dance parties like those approved under D/2023/838, D/2023/1053 and D2024/62 referenced above would need to be subject to a future application.

Noise Management

34. The noise controls and acoustic performance parameters for the Entertainment Quarter were established under DA No. 3 (DA37/96). Specifically, this DA approved a number of management strategies for the entertainment precinct, including the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997).
35. An amended Noise Impact Assessment (NIA) including Noise Management Protocol (NMP) prepared by Trinity Consultants Australia was submitted on 11 July 2024. The assessment includes the potential impact of noise from the proposed activities on surrounding residential receptors and the noise character of the surrounding area. Modelling of the potential for amplified entertainment announcements, capacity crowds (in active areas), and generators/waste management have also been considered. The modelling has considered the general site layout, including potential speaker locations and potential for shielding of noise. Modelling has also reviewed the potential for the two areas to be utilised simultaneously for different uses.
36. The assessment has assumed that the proposed activities could occur every day of the week between 7.00am and 10.00pm, with some lower level activity from 10.00pm-midnight. It is also noted that the described potential uses will not all occupy the site simultaneously, and proposed activities will not occur on a permanent basis.
37. The noise modelling results demonstrate that the proposal can comply with the applied Fox Studios Noise Management Strategy to surrounding residential receivers, including residents to the north on Moore Park Road (RG1), residents to the east on Cook Road (RG 2), residents to the south on Robertson Road (RG 3) and residents to the west across the Eastern Distributor (RG 4).
38. The noise modelling results indicate that the average and maximum levels may be above the screening levels for the neighbouring commercial buildings (including the Hordern Pavilion and Show Ring) during certain activities, however, it is anticipated that the Hordern Pavilion will have the external doors closed for the majority of active periods, and internal noise level will be suitably mitigated from external influence.

Furthermore, most commercial buildings will already have implemented significant façade noise reduction methods, given their location in an entertainment precinct, as well as the existing noise from the internal roadway, and historic use of the site as a coach terminal. Therefore, the average and maximum noise levels being above the screening level of surrounding commercial buildings is considered acceptable.

39. The NIA concludes that the revised proposal with crowds of up to 1,500 people in Area 1 and 1,500 people in Area 2 would be compliant with the adopted noise limits at the nearest commercial and residential receivers based on the following management measures:

- (a) Amplified entertainment with operable volumes as follows:
 - (i) 7:00 am – 10:00 pm
 - Area 1 compliant up to levels of 95 dB(A) @ 10m
 - Area 2 compliant up to levels of 90 dB(A) @ 10m
 - (ii) Speakers should only be operated west facing in Area 2.
 - (iii) If amplification is north/south facing in Area 1, levels 5 dB lower than those of west facing should be adopted.
 - (iv) If amplification is east facing in Area 1, levels 10 dB lower than those of west facing should be adopted.
 - (v) No sub-woofer speakers should be utilised.
 - (vi) It is generally recommended that higher level amplification ceases ahead of the 10 pm curfew (or operated to the lower level at all times) to avoid the potential for breaches.
- (b) Sports excluding loud whistles or PA, are to achieve compliance (10pm – midnight). A preference for pea-less whistles is recommended;
- (c) Loud activities associated with waste handling should be restricted to 7 am – 10 pm (e.g. breaking glass, bangs/clangs), where possible, although predicted to be compliant with the maximum criteria at all times
- (d) Should complaints arise, it is recommended to review the source of the complaint and review the various operational and potential mitigation advice given in the assessment report.

40. Furthermore, if disruptions to residential or commercial receivers are identified, the following mitigation measures have also been recommended:

- (a) Reduction of amplification (main speaker system, and/or general PA volumes).
- (b) Programming the performance entertainment earlier in the evening (as ambient levels reduce further into the evening).
- (c) Waste handling/removal during quieter (patronage) periods of Entertainment Quarter operations, storing waste overnight, and removing after 7 am the following day.

41. The NIA was reviewed by Council's Environmental Health Unit, who advised that the assessment has adopted noise criteria that are consistent with the requirements of the Noise Management Strategy that applies to the Entertainment Quarter, and modelling has been carried out to demonstrate ability to comply with those criteria.
42. As such, the City's Environmental Health Unit raised no objections to the amended noise assessment. Conditions are recommended to clearly stipulate noise criteria for any amplified noise; to ensure compliance with the NIA; to stipulate other relevant noise criteria; and to require a suitably qualified acoustic engineer to measure and verify noise levels for any events with background/amplified music, from the nearest residential boundary, to ensure associated activities do not exceed the relevant noise criteria. These recommended conditions are included in the Notice of Determination.

Plan of management and temporary structures guideline

43. The application is accompanied by an amended Plan of Management (PoM) submitted on 21 August 2024. The PoM will be used by the operator to manage operations and patrons on the site, and covers matters including noise management, patron management, security, waste, complaints monitoring and public transport usage.

More specially, the PoM outlines the following measures:

- Compliance with the Noise Impact Assessment and the Noise Management Protocol, including:
 - Amplified music is to be restricted between 10.00am and 10.00pm.
 - No rubbish transfer to the communal EQ waste/recycling holding area between 10.00pm and 7.00am.
 - Any speakers should as far as practicable, be oriented toward the west, with elevated speakers hanging with a downward tilt to cover the audience and reduce throw into the surrounds.
 - Compliance attended monitoring and advice following a verified complaint.
 - Designation of responsibility in relation to noise to an on-duty operator that has authority to override performers, if sound exceeds the noise limits.
 - A Resident Hotline number is to be made available on the operator's website.
 - An Incident and Complaints Register be implemented in accordance with Part 9.0 of the PoM.
- Any events are to be booked and 'ticketed' prior to attendance. The operator is to check ticket register prior to the event to ensure patron capacity. A staff member will be stationed at the door entry to check patron capacity. If patron exceedance is noted, appropriate actions will be taken to reschedule bookings.

- Appropriate pedestrian barriers are to be installed and/or staff employed to ensure the no queuing or blocking of footpaths and roads, fire egress doors or adjacent building entrances.
 - All lighting must comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting, and must not result in any light spill impacts upon residential properties.
 - Staff shall take all reasonable measures to control the behaviour of patrons within the event area and when entering or leaving the event area to ensure nuisance impacts upon other EQ patrons, tenants and the local residential neighbourhood.
 - The Operator is required to prepare and regularly update an Emergency Patron Evacuation Plan and Risk Management Plan.
 - The Operator is to create a 'Transport Access Guide' for employees and patrons to encourage public transport use.
 - Security guards will be provided depending on individual events as directed by NSW Police or NSW Liquor and Gaming.
 - The PoM will be reviewed yearly. If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan and a copy shall be provided to the City of Sydney Council.
44. The application was referred to Council's Licensed Premises Unit who advised that the PoM is satisfactory, and the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Recommended Conditions of Consent. Regarding the potential for the applicant to amend the PoM, a condition has been recommended to require the submission of a Section 4.55 modification to allow Council to assess the proposed changes.
45. The PoM is accompanied by a Temporary Structure Guidelines to establish performance criteria for the installation and placement of any temporary structures, including any fixed or loose furniture and equipment. A similar approach was approved under D/2020/24 for temporary structures associated with temporary events.
46. The Temporary Structure Guideline is supported. In the event that the proposed structures do not meet the Temporary Structure Guideline and/or the Exempt and Complying Development Codes SEPP 2008, a separate development application is to be obtained. It should be noted that no permanent physical works are approved under this consent. It is the applicant's responsibility to ensure that all other necessary approvals or exemptions are obtained from the relevant authorities prior to carrying out the development approved under this consent.

Consultation

Internal Referrals

47. The application was discussed with Council's;
- (a) Environmental Health Unit;

- (b) Licenced Premises Unit;
 - (c) Safe City Unit;
 - (d) Transport and Access Unit; and
 - (e) Waste Management Unit.
48. The issues raised in the referral responses have been discussed elsewhere in this report. See further details in the 'Discussion' section above.

External Referrals

NSW Police

49. The application was referred to NSW Police for comment.
50. No comment was received.

Transport for NSW

51. Pursuant to clause 4.60 of the State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
52. Comments were received on 5 April 2024. TfNSW raises no objection as the proposed development is not expected to have a significant impact on the classified road network. TfNSW has recommended the preparation of a green travel plan, travel access guide and a traffic and transport management plan. These items are covered by a recommended condition of consent (condition 26) recommended by Council's Transport and Access Unit. A condition is also recommended requiring the applicant to consult with the Moore Park Events Operations Group (MEOG) and other relevant stakeholders, to provide event specific details at least 2 months ahead of any planned events to address the safe and efficient management of event traffic and transport operations.

Advertising and Notification

53. In accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2023, the proposed development was notified and advertised for a period of 28 days between 18 March 2024 and 16 April 2024. A total of 2,455 properties were notified and 24 objections were received.
54. The submissions raised the following issues:

Musical Entertainment

- (a) **Issue:** The proposal includes musical entertainment which is controversial and will adversely affect the amenity of local residents in a significant way. The proposed noisy and disruptive activities after 10.00pm, every day of the week for an indefinite period is unacceptable.

Response: It is agreed that the original submitted application was unclear and the potential amenity impacts associated with the proposed development were not adequately assessed. The proposal was amended to clearly exclude concerts and music events. Any ancillary background music associated with the operation of activities on the subject site will cease at 10.00pm. The proposal was also amended to exclude the Sydney Roosters HQ building and reduce the maximum capacity from 8,000 to 3,000 patrons. The amended acoustic report has been reviewed and supported by Council's Environmental Health Unit. Appropriate conditions have been included in the determination to safeguard the amenity of the surrounding neighbourhood.

- (b) **Issue:** An open-ended approval for disruptive musical events is a dangerous precedent and is inappropriate for a residential area which immediately adjoins the EQ and it should be excised from the current proposal.

Response: The proposal was amended to remove any concerts or musical events. Condition 2 has been recommended to limit the consent to 5 years from the date of the consent. A further development application may be lodged before the expiration date for Council's consideration of the continuation of the use. Council's consideration of this further application will take into account the compliance of the use in terms of: compliance with conditions of development consent, number and nature of substantiated complaints regarding the operation of the premises and any views expressed by the NSW Police Service. .

- (c) **Issue:** Outdoor concerts with amplified music at the Entertainment Quarter are a recent phenomenon and adjacent residents in apartment buildings on Cook Road facing the grounds have experienced unacceptable noise disturbance from such events. Conditions are needed to protect the community from noise impacts from outdoor concerts.

Response: The application has been amended to remove any concerts or musical events. The submitted acoustic report includes an assessment of the potential impacts on residential receivers, including the residential receivers to the east on Cook Road. The proposal was amended to reduce the patron capacity and the area from the original proposal, the acoustic assessment concludes that the proposal complies with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997) and is supported by Council's Environmental Health Unit. Appropriate conditions have been included in the determination.

- (d) **Issue:** The local residents' group must be notified of proposed musical events one month in advance of the event. Affected residents must be notified by letter and notice of the event should be displayed on the exterior of the entrance to the EQ from Cook Road.

Response: The proposal was amended to exclude any concerts or music events and any background music will only be ancillary to the operation of activities. A condition has been recommended restricting the amplified music between 10.00am and 10.00pm. Given the other existing activities in the entertainment quarter, the nature of the proposal with low-impact outdoor recreation and the temporary activities, additional notification prior to each event is not considered necessary. Any concerns or music events will be subject to a separate development application and the residents will be notified in accordance with Council's Community Engagement Strategy and Community Participation Plan.

- (e) **Issue:** Conditions of consent should require each event to be supported by relevant noise modelling from an acoustical consultant that considers the impacts of the venue through its proposed operating hours on all affected residential receivers, including upper floor receivers. This ensures that concerns are addressed at the planning phase instead of relying on calibration measurements once everything is set up.

Response: A condition has been recommended requiring that a suitably qualified acoustic engineer be appointed to measure and verify noise levels prior to the commencement of any events with background/amplified music, from the nearest residential boundary, to ensure that the activity does not exceed noise criteria detailed in the Noise Management Strategy Part 2; Family Entertainment Precinct.

- (f) **Issue:** Holding outdoor events with a DJ would amount to music festivals, yet there has been no noise testing conducted. As these uses are not permitted under section 7.6 or 7.7 of State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021, they should not be permitted on a temporary basis.

Response: The proposal does not seek for the approval of concerts or music events. The proposed use relates film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events which are all permitted under Clause 7.6 and Clause 7.18 of the Eastern Harbour City SEPP 2021, the ancillary background music will only be associated with the proposed activities and will cease at 10.00pm.

- (g) **Issue:** Within a submission to EQ's increase in the number of open-air concerts, it was reiterated that a holistic approach must be taken on all the venues that want to hold concerts, there is no appreciation of the impact on the local communities nor concern expressed.

Response: The proposal complies with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997), which is the key noise management strategy that applies to the site. Condition 16 has also been recommended requiring the proposal to comply with the relevant management strategies that were approved under DA No. 3 (DA/37/96) to guide the use of the Family Entertainment Precinct. Each future DA will be assessed on its own merits.

Noisie Pollution

- (a) **Issue:** Residents already experience high volume and reach of noise generated by events and fans conducted at Allianz Stadium, SCG, Hordern Pavilion and EQ, the proposal will cause lots of noise generated by a frenzy of activity which will impact the health and quality of life of people living in the area.

Response: The proposal has been amended to reduce the patron capacity and excluded concerts and musical events. The proposal complies with the noise management strategy and appropriate conditions have been recommended to safeguard the amenity of the surrounding neighbourhood.

- (b) **Issue:** The acoustic report identifies the amplified events will exceed the adopted criteria both before and after 10.00pm. The proposal to have amplified musical events in Area 1 (basketball courts) and Area 2 (the adjacent area) are the source of difficulty.

Response: The original acoustic report did not contain sufficient information to provide an assessment of the potential amenity impacts associated with the proposal. The proposal was amended to reduce the patron capacity and the area, no concerts or music events are proposed, and any background music is restricted between 10.00am and 10.00pm. The amended proposal has reduced the impacts from the original proposal. The proposal complies with the relevant noise criteria and is supported by Council's Environmental Health Unit.

- (c) **Issue:** The appointment of a noise manager as recommended in the acoustic report should be made a firm condition of any future approval.

Response: A condition has been recommended requiring a suitably qualified acoustic engineer must be appointed to measure and verify noise levels prior to the commencement of any events with background/amplified music, from the nearest residential boundary, to ensure that the activity does not exceed noise criteria detailed in the Noise Management Strategy Part 2; Family Entertainment Precinct.

- (d) **Issue:** A more detailed, specific plan of noise control measures be drawn up, especially relating to the removal of a crucial natural sound barrier, the Roosters building, in 2026.

Response: The applicant states that there is potential for the Roosters HQ Building to be extended as a temporary use further beyond January 2026. However, the original acoustic report included an assessment of the removal of the Roosters building and considered this space being used for recreational activities, which deemed it still to be compliant with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997).

Hours of operation

- (a) **Issue:** Concerned about the hours of operation for the proposed development, particularly the noise after events. Must consider a coordinated approach of events across Centennial Park, Moore Park, EQ, Allianz Stadium and SCG.

Response: The proposed hours are consistent with the existing trading hours of the Entertainment Quarter precinct. Any amplified music or amplified performance is restricted to between 10.00am and 10.00pm Monday to Sunday.

- (b) **Issue:** 7:00am is too early for noise to start on any day of the week, with midnight being too late for noise to be tolerated in residences along Cook Road. Recommended that all noise causing activity, including noise of patrons leaving the area, be ceased by 10pm on all 5 days, with a start time of 8.00am on weekdays and Saturday, and 9.00am on Sunday.

Response: It is likely that events occurring during earlier morning periods (7:00am – 10:00am) would be associated with recreational activities such as those listed within category D. The submitted acoustic report concludes that these uses are not likely to result in significant noise generation impacts to sensitive residential receivers along Cook Road. Rather, they will impact immediately surrounding commercial receivers that are already located within the EQ and broader Moore Park Entertainment Precinct. Notwithstanding the findings of the acoustic report, conditions have been recommended limiting amplified ancillary music on the subject site to between 10:00am and 10:00pm.

- (c) **Issue:** Recommended that the applicant should prepare individual applications for each event given the diverse nature of events, timespan and range of temporary events.

Response: The purpose of this application is to provide ongoing use of the site for recreational and temporary activities, negating the requirement for the submission of individual DAs for each event and recreational activities occurring within the site. However, a 5-year limited consent has been recommended which allows Council to monitor the operations of the events. Any potential musical entertainment, concerts or other uses that is not approved under the current proposal will be subject to a separate development application.

- (d) **Issue:** The developers state that the proposed hours of operation are already in existence in the precinct. However, the significant difference is that up until now activities in the Entertainment Quarter take place largely in enclosed spaces – a cinema, gym, restaurants, cafes and retail stores - thus limiting noise pollution.

Response: The submitted acoustic report provided an assessment of the proposed outdoor activities and concludes that the proposal is able to comply with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997). Appropriate conditions have been included in the determination.

Traffic

- (a) **Issue:** The proposed uses increase the capacity of the existing space and will place traffic and parking pressures on surrounding streets including Cook Road, Lang Road and Moore Park Road. Traffic (air pollution) is increasing concurrently with the events happening on the stadium and in the park on weekends.

Response: The subject site is located approximately 500m east of the Moore Park Light Rail Station operating on the L2 and L3 light rail lines. The station provides regular light rail services to Sydney CBD, Juniors Kingsford and Randwick. A Transport Access Guide will be required as part of the condition to promote sustainable transport. The applicant must consult with the Moore Park Events Operations Group (MEOG) and other relevant stakeholders to provide event specific details at least 2 months ahead of any planned events to address the safe and efficient management of event traffic and transport operations. Furthermore, it is envisaged that private cars utilised by future patrons will be able to be accommodated within the existing EQ car park, therefore, the subject site has the capacity to suitably accommodate the proposed activities and event uses while preventing parking spill-overs into surrounding residential streets in Centennial Park.

- (b) **Issue:** The EQ carpark holds a maximum of 2,000 cars. Ultimately, the 8,000 patrons projected by the proposal will be problematic if patrons mostly expect to park in the precinct. What would be the cost of supplying buses and drivers to the area every day of the year before 7:00am and after midnight.

Response: The proposal has been amended to significantly reduce the patron capacity from 8,000 people across 3 areas to 3,000 people across 2 areas. The proposal was referred to Transport for NSW and no objections were raised. The proposal was also reviewed by Council's Transport and Access Unit who supports the proposal, a condition has been recommended requiring the preparation of a transport access guide to promote sustainable transport options.

- (c) **Issue:** Users of the EQ site should be required to link EQ parking ticketing to site use where practical instead of throwing cars and other vehicles on to local street parking that cannot be properly policed 24/7 in the public interest and to preserve the amenity of local residents.

Response: As a pre-existing entertainment complex, extensive ticketed public car parking is available within the site. It is envisaged that private cars utilised by future patrons will be able to be accommodated within the existing EQ car park.

Health

Issue: This intensity of development, together with the frequency and duration of events and activities, threaten the health and wellbeing of residents and the viability of other stakeholders in the Old Showgrounds precinct.

Response: The proposal was amended significantly to reduce the patron capacity and the site area. Any ancillary music is also limited on the subject site between 10:00am and 10:00pm. The revised proposal achieves compliance with the relevant criteria contained within the Fox Studios Noise Management Strategy.

Issue: Children's bedrooms currently reverberate when late night events are occurring, with their late-night sleeps affected. Their impaired development would not make for a good future case study.

Response: Any ancillary music is limited on the subject site between 10:00am and 10:00pm. The proposal complies with the relevant criteria contained within the Fox Studios Noise Management Strategy.

Social Impact

- (a) **Issue:** If approved, the proposal will further saturate Moore Park with drinking, large crowds and associated anti-social problems. Events are currently hardly family-friendly and are centred around alcohol.

Response: The application has been clarified and will not seek consent for concerts and standalone/independent music performances which utilise amplified music that are not related to the prescribed activities. The proposed uses such as outdoor recreation facilities and the temporary events are considered family-friendly events, while some alcohol may be involved such as the food and beverage stalls. Appropriate conditions will be imposed from NSW Liquor and Gaming as part of liquor licensing requirements.

- (b) **Issue:** More in depth guidelines are required in the plan of management to highlight potential illegal drug distribution problems associated with rock concerts and of past difficulties in policing them.

Response: The proposal has been amended to state clearly that the proposal does not seek consent for concerts and standalone/independent music performances which utilise amplified music that are not related to the prescribed activities. The proposed uses such as outdoor recreation facilities and the temporary events are considered family-friendly events.

Other

- (a) **Issue:** The proposal will constitute a gross overdevelopment and over-utilisation of the site. All events and activities would be allowed to take place Monday to Sunday – seven days per week – all year round between the hours of 7 am and midnight.

Response: A five year time limited consent has been recommended which allows Council to monitor the operation of the events taken into account the compliance of the use. There will be no permanent structures erected on the subject site, with temporary structures erected to support activities or events. The activities (permissible and temporary) proposed on the subject site will not constitute its over-utilisation, with events of a similar scale to what is envisaged approved in previous applications applicable to the subject site (such as D/2020/24).

- (b) **Issue:** The practice of Carsingha (the applicant) seeking profits by subcontracting the planning of the site to individual operators who in turn seek to maximise their profits irrespective of the Official Guidelines leads to chaotic planning of the site that is not in the public interest.

Response: The mechanics of how the areas are leased are not planning matters. The proposal promotes a range of film, television, video and related development, while also enhancing an existing site to cater for additional recreational activities. This is consistent with the aims and objectives detailed within Part 7.2 of the Eastern Harbour City SEPP 2021, as the proposal will provide for a flexible space that will enable the operation of film, video and photography production uses associated with the nearby Fox Studios and a series of recreation, as well as other recreational and community market uses (which are established within the Moore Park Entertainment Precinct).

- (c) **Issue:** The SEPP overarching EQ clearly states that activities on EQ must benefit film, TV and the video industries. It is not for sport or the music who already have a disproportionate amount of EQ and Moore Park space. The coach bay was specifically planned for the use of coaches whenever there is an event in the EQ or surrounding areas. It was never designed to be an open theatre space, there is no roof over it so sound escapes in all directions.

Response: The proposal is consistent with the aims and objectives detailed within Part 7.2 of the Eastern Harbour City SEPP. The proposed uses are permissible under Clause 7.6 and Clause 7.18 of the SEPP. The proposal complies with the relevant noise strategy and all amplified music is restricted to between 10.00am and 10.00pm Monday to Sunday.

- (d) **Issue:** The information provided in the PoM is inconsistent with the acoustic report.

Response: The information submitted in the original proposal was inconsistent and further clarification was sought during the assessment process. The applicant has submitted an amended PoM which is consistent with the recommendations provided in the amended Acoustic Report.

- (e) **Issue:** Description of the subject site as the “former Coach Bay” is misleading. Claims that since the establishment of the Entertainment Quarter the space has never been used as a “Coach Bay”, but for a variety of uses otherwise detailed in the documents.

Response: The applicant does not claim that the space has never been used as a Coach Bay. Rather, it highlights that the recent former usage of the site as a coach bay presented an under-utilised outcome for the subject site, especially when compared to its usage as a temporary informal event space in recent approvals such as D/2023/838, D/2023/1053 and D/2024/62.

- (f) **Issue:** The monetisation of public spaces is inappropriate in a precinct that already has a number of suitable entertainment venues that can be utilised for events such as those proposed. The proposed uses on the site for the temporary and permissible permanent events are not necessary given Moore Park already provides the community more than adequate facilities.

Response: The proposal will contribute to the precinct’s provision of community uses (such as community markets and events), as well as film, video and photography production and recreational activities. While the proposal does include monetised activities, it will also provide for suitable spaces that promote temporary community uses, as well as film, video and photography production, leveraging its location in proximity to the nearby Fox Studios.

- (g) **Issue:** Council’s attitude of “notifying” that an application is on public exhibition ignores their obligation to explain to local residents the prospective impacts of a proposal to enable people to form an informed opinion.

Response: The application, including supporting technical information, was notified in accordance with the City of Sydney Community Engagement Strategy and Community Participation Plan 2023. All receivers are encouraged to read the information published online and provide feedback.

- (h) **Issue:** The proposal will endanger all the wildlife in the area by increasing the pollution around the area (physical and noise).

Response: It is not considered that the amended proposal will result in acoustic impacts that will endanger wildlife within the Moore Park Area.

55. Following the submission of amended plans, the application was re-notified between 7 August 2023 and 22 August 2023. A total of 2,455 properties were notified and the City received 9 submissions (7 original objectors and 2 new objectors) objecting to the amended proposal during and after this notification period.

56. The submissions raised the following additional issues:

- (a) **Issue:** The amended proposal continues to constitute an over utilisation of the EQ site, the amended activities would continue to result in regular events permanently being scheduled for every day and others permanently scheduled once a week. There should be amendments that limit events to certain periods during the year and to hours that reflect community and residential concerns with noise.

Response: The proposed uses are consistent with Part 7.2 of the Eastern Harbour City SEPP 2021 and are considered appropriate given the function of

the site as an entertainment precinct. The purpose of this application is to provide ongoing use of the site for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events, rather than individual DAs having to be submitted to Council for each event occurring within the sites. Similar temporary DAs were also approved under D/2020/24. Furthermore, a 5 year time limited consent has been recommended allowing Council to monitor the operation of the events taken into account the compliance of the use.

- (b) **Issue:** Events and activities listed in groups B, C, D and E – comprising primarily all the outdoor/open-air sport and recreation activities – should not be permitted to be ‘supported’ by music at all – live or recorded and certainly not amplified.

Response: The background music will only be ancillary to the recreational and community activities listed in groups B, C, D and E and will not be solely utilised for musical entertainment uses. A condition has been recommended to specifically state that no concerts, music events and/or dance parties are permitted.

- (c) **Issue:** Council should require greater precision in the proposed uses A-F described on page 11 of the SEE and/or impose conditions that narrow the interpretation of those uses. The revised list of possible uses needs further examination.

Response: The proposed uses are permissible under Clause 7.6 and Clause 7.18 of the Eastern Harbour SEPP 2021 and are considered appropriate given the entertainment precinct. While the types of activities listed in Category D are examples, it is noted that any other recreational activities on the site would be of a like character and would need to comply with the noise limits and mitigation measures prescribed by the Noise Impact Assessment. A condition has been recommended to specifically state that no concerts, music events and/or dance parties are permitted.

- (d) **Issue:** Concern that provision to potentially allow DJs can easily be abused, with events effectively being run as an ‘outdoor dance party’. Any activity or event requiring the involvement of a DJ should also be confined to the indoors, such as Liberty Hall or the Hordern Pavilion, or completely excluded from the application all together.

Response: A condition has been recommended requiring any music that is played on the site must be background and ancillary to support the approved use and complies with the relevant noise conditions specified under this consent. No concerts, music events and/or dance parties are permitted or approved. A separate development application would be required to be submitted and assessed for any such musical event or concert.

- (e) **Issue:** Setting up and dismantling of temporary structures for events should be restricted to the hours of 8 am to 6 pm.

Response: Bump-in and bump-out construction related noise is to be restricted between the hours of 7.00am and 10.00pm Monday to Sunday as recommended in the amended acoustic report. It is also noted that setting up and dismantling of temporary structures, as well as waste handling procedure would likely be organised to be conducted during quieter (patronage) periods of Entertainment Quarter operations. Appropriate noise conditions have been recommended requiring the proposal to comply with the Noise Management Strategy.

- (f) **Issue:** Need for enforcement of noise limits, rather than simply monitoring them. It is recommended that the specific event organisers should be notified in writing of the noise limits that will apply and the penalties for breaching them. They must nominate in writing who will take responsibility for meeting the noise control requirements at their event. If the nominated noise limits are breached, fines should be implemented, with repeated breaches leading to bans from using the EQ site for a minimum of two years.

Response: The event organiser and EQ will be responsible for complying with the relevant noise requirements of the event as required under the consent. In the event that if there is a breach of development consent, it is recommended that this issue is reported to the City's Compliance and Ranger Units for investigation and action as appropriate.

- (g) **Issue:** Busking is a form of amplified music and is still proposed, the recommendation provided in the acoustic report requiring that the speakers facing west will now impact the residents on Robertson and Martin Roads.

Response: The Noise Modelling Results produced from the acoustic report demonstrates that the proposal still demonstrates compliance with the applied Fox Studios Noise Management Strategy to surrounding residential receivers, including the residents on Robertson and Martin Roads to the south.

- (h) **Issue:** The proposed noise generation and mitigation concerns continue to be inadequate, with measures such as shielding buildings and the reorientation of the speakers to the west not guaranteeing that residents along Cook Road will not be impacted.

Response: The amended Acoustic Report was reviewed by Council's Environmental Health Unit and no objections were raised. The period during which the use is approved to operate is restricted to 5 years from the date of the consent, this allows Council to monitor the operation of the events taken into account the compliance of the use.

- (i) **Issue:** The proposed hours of operation between 7:00am – 12:00am continues to deliver an inappropriate outcome, stating that patrons will be exiting the venue, and operations such as the loading and unloading of vehicles will be taking place later at night when surrounding residents are trying to rest.

Response: The proposed hours are consistent with the existing trading hours of the Entertainment Quarter precinct. Any amplified music or performance is restricted to between 10.00am and 10.00pm Monday to Sunday. Appropriate noise conditions have been recommended to ensure the proposal complies with the Noise Management Strategy.

- (j) **Issue:** Applicant is vague about the time periods events will operate if approval is granted on a permanent basis, uses should be limited to an end time of 9:00pm.

Response: The purpose of the subject development application is to provide flexibility to hold activities and events within the proposed trading hours, without the need for subsequent DAs for individual activations. This approach has been previously supported by Council within the Entertainment Quarter under D/2020/24. Appropriate conditions have been recommended to ensure the proposal will comply with the relevant strategies. A 5 year time limited consent has also been recommended allowing Council to monitor the operation of the events taken into account the compliance of the use.

- (k) **Issue:** Parking will be a key issue, considering other events would likely be occurring at the same time within the broader Moore Park showground. Existing on-street parking along Cook Road for residents will be monopolised by EQ patrons. Requests that the back door that open on Cook Road into the EQ be sealed to prevent on-street parking being monopolised by EQ patrons.

- (l) **Response:** The subject site is located approximately 500m east of the Moore Park Light Rail Station, it is also envisaged that private car mode share can be accommodated within the existing EQ car park to the south. The proposal was reviewed by Transport of NSW and Council's Transport and Access Unit, who supports the proposal subject to conditions. It is anticipated that the existing car park within the EQ will have the capacity to accommodate the proposed activities while preventing parking spillovers into the surrounding residential streets. Further, the car park is accessed from Errol Flynn Boulevard via Lang Road. As such private vehicles are unlikely to access the car park via Cook Road. It should be noted that Cook Road has existing parking restrictions limited to a maximum of one to two hours.

- (m) **Issue:** The bus parking bay has been improperly closed off without approval and should be separately administered by a Greater Sydney Parklands agency. Relocation of bus parking to the residential precinct from the coach bay is unacceptable, as private bus operates ignore the traffic regulations limiting the parking time in residential areas. In doing so, there is failure to provide for future bus parking needs of EQ activities.

Response: The proposal does not seek to relocate the bus parking bay to any surrounding residential areas. Bus parking remains within the Entertainment Quarter along Park Road and immediately to the north of Area 1.

- (n) **Issue:** Recommend that security is present at events if the site is proposed to be open for 7 days a week. There also continues to be a lack of policing in the suburb.

Response: It should be noted while not all events would require security, some events, particularly those proposing the sale of alcohol may require security. As such, the amended Plan of Management requires individual event organisers should liaise with NSW Police and NSW Liquor and Gaming and have security guards when required. The application was also referred to NSW Police and no comments were received.

- (o) **Issue:** Existing tennis club facilities (padel and pickle ball courts) do not have Council approval.

Response: It is acknowledged that Area 2 is occupied by padel and pickle ball courts, and that approval has not been sought for the construction of these courts. This matter has been reported to Council's compliance team for investigation. Notwithstanding, the subject application relates to the uses of Area 1 and Area 2 only and does not approve any permanent physical works.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

57. The development is not subject to a Section 7.11 development contribution as it as it does not result in a permanent net population increase of either residents, workers and visitors to the site.

Housing and Productivity Contribution

58. The development is not subject to a Housing and Productivity Contribution under the provisions of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

Relevant Legislation

59. Environmental Planning and Assessment Act 1979.

Conclusion

60. The proposed development is for film production, food and beverage stalls, recreation facilities, exhibitions, and temporary activities such as markets and community events and are permitted with consent under the State Environmental Planning Policy (Precincts Eastern Harbour City) 2021.
61. The proposal allows for the orderly and economic development of the land by facilitating the ongoing use of the site for basketball courts, events and temporary events within an entertainment precinct.
62. The amended proposal complies with the Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997), as demonstrated by the submission of an amended acoustic report.
63. The site does not seek consent for any concerts or music events. Any ancillary background music associated with the operation of activities on the subject site is restricted between 10.00am and 10:00pm.

64. The amended Plan of Management has demonstrated to be satisfactory regarding the operation and management of the uses proposed.
65. The development, subject to conditions, will not unreasonably compromise the amenity of nearby properties.

BILL MACKAY

A/Executive Manager Planning and Development

Joe Wang, Specialist Planner

Attachment A

Recommended Conditions of Consent

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/139 dated 18 March 2024 and the following drawings:

Drawing Number	Drawing Name	Date
001 Rev 5	Site Plan	25/06/2024
002 Rev 5	Plan Proposed	25/06/2024

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) TIME LIMITED CONSENT

The period during which the use is approved to operate is restricted to **5 years** from the date of this consent. The use must cease after 25 September 2029. A further development application may be lodged before the expiration date for Council's consideration of the continuation of the use.

Note: Council's consideration of this further application will take into account the compliance of the use in terms of: compliance with conditions of development consent, number and nature of substantiated complaints regarding the operation of the premises and any views expressed by the NSW Police Service

Reason

To ensure that the approved use is operated on a time limited basis only.

(3) APPROVED USE

- (a) Use of Area 1 and Area 2 within the Entertainment Quarter under this consent is to be limited to those events specified in Categories A-F listed in the table below:

Category	Proposed Events
Category A	Film, video and photography production, including live media coverage.

Category B	Food and beverage stalls, trucks, cooking exhibitions
Category C	Exhibitions, such as art exhibitions
Category D	<p>Outdoor/open-air recreation and sporting activities, such as:</p> <ul style="list-style-type: none"> ▪ Mini golf; ▪ Racquet sports (e.g., pickle ball and padel tennis); ▪ Bowling; ▪ Temporary swimming pool (no excavation proposed – above ground temporary structures only); ▪ Electric go-kart; ▪ Outdoor gymnasium; ▪ Squash; ▪ Ice skating; ▪ Mini soccer; ▪ Basketball / mini basketball; ▪ Netball; ▪ Obstacle courses; ▪ or any other use of a like character.
Temporary events	
Category E	Community markets
Category F	Community events, including any ceremony, cultural celebration, fete, fair

- (b) Any amplified music that is played on the site must be background and ancillary to support the activities specified in Condition 2(a) and must comply with the relevant noise conditions specified under this consent. No concerts, music events and/or dance parties are permitted or approved.
- (c) All temporary events listed in Categories E and F must not operate for more than 52 days (whether or not consecutive days) in any period of 12 months in each of Area 1 and Area 2.

- (d) No permanent physical works are approved under this consent. The applicant or operator must ensure all necessary approvals or exemptions are obtained from the relevant authorities prior to carrying out the development approved under this consent.

Reason

To ensure the type of events is restricted to those listed above.

(4) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(5) GENERAL SITE REQUIREMENTS

- (a) Access for emergency vehicles must be provided to and within the site area at all times for the duration of events including bump in and bump out periods.
- (b) Perimeter security fencing must incorporate sufficient opening exit gates to provide access to emergency services and adequate egress in an emergency situation for the intended event capacity. All exit gates must be clearly indicated with conspicuous 'Exit' signage.
- (c) All mechanical and electrical installations including generators, electrical cabling and any mobile structures must comply with AS/NZS 3002 and be surrounded or covered by appropriate physical barriers so as to prevent unauthorised access by the public at all times and to prevent ground laid cabling from being a trip hazard during public use of the site.
- (d) Appropriate firefighting equipment must be available for installations such as generators, power boxes, mechanical systems, food stalls and the like, which may be utilised on site during normal occupation times.
- (e) Any "Display Boards", viewing screens, temporary signage and artwork used on site must be adequately secured to prevent toppling or otherwise falling due to wind effects.

Reason

To ensure the site and use of temporary structures are of an appropriate standard.

(6) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO COMMENCEMENT OF USES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Trinity Consultants, dated 8 July 2024, ref 237401.0153.R02V02, titled Noise Impact Assessment, Council Ref 2024/406413 must be implemented in the development prior to the commencement of its use.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(7) TEMPORARY STRUCTURES – GENERAL

- (a) The ground surface on which the structure is to be erected is to be sufficiently firm to sustain the structure while it is being used and isn't dangerous because of its slope or irregularity or for any other reason.
- (b) The temporary structures must be erected and secured in accordance with the manufacturers' structural specifications to ensure they are structurally sound and can withstand likely wind and live loadings. Modular stage sections must be adequately bolted or clamped together to ensure that the overall design stability of the stage structures is achieved and maintained.
- (c) Separate Certification must be provided by the installers for the structures, confirming installation in accordance with the relevant design and specification(s). Note: where structures are minimal in nature such as food stalls, marquees less than 10m², platforms raised less than 300mm and the like, a copy of the manufacturer's specification must be sufficient.
- (d) Stage structures are not to be loaded in excess of those loadings recommended by the suppliers and / or manufacturer. Appropriate signage nominating the maximum number of persons permitted on the stage must be prominently displayed.
- (e) Any lighting, rigging, scaffolding or the like, associated with the subject stages must be constructed and certified by a SafeWork NSW licensed rigger.
- (f) Electrical services serving stage(s) and allied structures must meet with the requirements of AS/NZS 3000 & 3002 and be certified by a licensed electrical contractor prior the commencement of use.
- (g) Sufficient exits with designated 'Exit' signage must be provided to all temporary structures appropriate to the intended occupancy capacity for each structure.
- (h) All structures to which members of the public may be allowed access must be supervised by appointed responsible persons at all times when accessible to the public.

- (i) There must be NO SMOKING inside any of the subject structures. Appropriate signage must be displayed at the entrance to the structure and all security personnel made aware of this requirement.
- (j) Erection and dismantling (packing up) must be done quietly and orderly to minimise disturbance to the surrounding locality.

Reason

To ensure temporary structures are installed and managed appropriately.

(8) SANITARY FACILITIES – TEMPORARY STRUCTURES

Adequate sanitary facilities, including specialised facilities for use by persons with a disability, must be provided on the site to cater for the maximum number of patrons attending each event. In this regard user demand must be monitored and appropriately managed for the duration of the event to ensure that public convenience is provided and maintained. Adequate directional and way finding signage to these facilities must be displayed throughout the site.

Reason

To ensure adequate sanitary facilities are provided and the temporary structures meet the relevant requirements.

(9) TEMPORARY FOOD STALL - SET UP AND OPERATION

- (a) Details of all temporary food stalls must be submitted to the City of Sydney at least 28 days prior to the event commencing using the City of Sydney "Temporary Food Stall Event Register".
- (b) All temporary food stalls at the event must be registered with the City of Sydney in accordance with the requirements of the *Food Act 2003* using the City of Sydney, 'Temporary food stall application' form.
- (c) The set up and operation of any temporary food stall and associated equipment must comply with the NSW Food Authority Guidelines for Food Businesses at Temporary Events and *Australian New Zealand Food Standards Code 3.2.2 - Food Safety Practices and General Requirements*.

Note: The "Temporary Food Stalls Event Register" and Temporary food stall application forms can be obtained from the City of Sydney website <http://www.cityofsydney.nsw.gov.au>

The completed forms may be returned to Council's Health and Building Unit by post, email or in person.

Post: Health and Building, Level 16, Town Hall House, 456 Kent Street, Sydney, NSW 2000

Email: council@cityofsydney.nsw.gov.au

In Person: Town Hall House - Level 2, 456 Kent Street, Sydney.

Reason

To ensure details of the temporary food stall are provided to the City of Sydney.

OCCUPATION AND ONGOING USE

(10) OCCUPATION CERTIFICATE - TEMPORARY STRUCTURE USED AS AN ENTERTAINMENT VENUE

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a temporary structure used as an entertainment venue

Reason

To ensure the use as an entertainment venue is certified appropriately.

(11) HOURS OF OPERATION

The hours of operation for the premises are regulated by the conditions as follows:

- (a) The hours of operation must be restricted to between 7.00am and 12.00 midnight Monday to Sunday inclusive.
- (b) Notwithstanding (a) above, any amplified music or amplified performance must be restricted to between 10.00am and 10.00pm Monday to Sunday.
- (c) Bump-in and bump-out construction related noise must be restricted between the hours of 7.00am and 10.00pm Monday to Sunday.

Reason

To ensure the premises operates within the approved hours of operation.

(12) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is:
 - (i) Area 1 – 1,500 patrons.
 - (ii) Area 2 – 1,500 patrons.
- (b) The capacity for each area must not exceed the maximum numbers at any given time.
- (c) The management of the event is responsible for ensuring the number of persons in the premises does not exceed the maximum specified above.

Reason

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(13) PLAN OF MANAGEMENT AND TEMPORARY STRUCTURES GUIDELINES

The use must always be operated / managed in accordance with the Plan of Management, prepared by Que Consulting dated 21 August 2024 (Council Reference: 2024/485329) and the Temporary Structure Guidelines dated 21 August 2024 (Council Reference: 2024/485333) that have been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Should the operator seek to amend the approved plan of management, a Section 4.55 modification application must be submitted to and approved by Council's Area Planning Manager.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(14) COMPLIANCE WITH MANAGEMENT STRATEGIES

The following Strategies are to be complied with during any of the activities approved by this consent:

- (a) Lighting Management Strategy Part 2: Family Entertainment Precinct (March 1997);
- (b) Noise Management Strategy Part 2: Family Entertainment Precinct (March 1997);
- (c) Outdoor Filming and Outdoor Events Management Strategy Part B: Outdoor events (March 1997 as updated with Show Ring Management Plan in August 1999);
- (d) Water Quality, Drainage and Waste Management Strategy Fox Site (November 1996);
- (e) Public Transport Management Strategy (August 1999); and
- (f) Parking Management Strategy (August 1999).

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(15) NOISE CONTROL

- (a) The noise level emitted must comply with Minister for Planning consent DA 37/96 and the 'Fox Studios Australia Noise Management Strategy Part 2; Family Entertainment Precinct'.
- (b) No sub-woofer speakers are to be utilised on site at any given time.
- (c) Any amplified noise as associated with this development must not exceed the following criteria:

- (i) An L_{A10} noise level not exceeding 48dB measured over any 15 minute period between 7am and 10pm at the most affected residential receiver;
 - (ii) An L_{A10} noise level not exceeding 40dB measured over any 15 minute period between 10pm and midnight at the most affected residential receiver, and
 - (iii) The L_{A1} noise level not to exceed 55dB measured over any 1 minute period between 10pm and midnight at the most affected residential receiver.
- (d) A suitably qualified acoustic engineer must be appointed to measure and verify noise levels prior to the commencement of any events with background/amplified music, from the nearest residential boundary, to ensure that the activity does not exceed noise criteria detailed in the "Noise Management Strategy Part 2; Family Entertainment Precinct".

Reason

To safeguard the amenity of the surrounding neighbourhood.

(16) NOISE – MECHANICAL PLANT USED FOR EVENTS

- (a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:
 - (i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.
- (b) An $L_{Aeq,15\text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90,15\text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:
 - (i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.
 - (ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.
- (c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(17) NEIGHBOURHOOD AMENITY

The event organiser must ensure that the behaviour of patrons entering and leaving the event venue does not detrimentally affect the amenity of the neighbourhood. In this regard, the event manager must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(18) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

To ensure all relevant approved documents are available on-site upon request.

(19) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from Area 1 and Area 2 in the boundaries of the licensed premises.

Reason

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

(20) EMISSIONS

- (a) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (b) Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act 1997* and *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- (c) Uses that produce airborne particulate matter must incorporate an effective dust collection system.

Reason

To protect the amenity of the surrounding area.

(21) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Reason

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

(22) COMPLAINTS HOTLINE

The applicant must provide the contact details of the complaint hotline and the relevant person/s for any complaints to Council prior to the commencement of any events.

Details shall be emailed to HealthBuildingInfo@cityofsydney.nsw.gov.au and council@cityofsydney.nsw.gov.au

Reason

To protect the amenity of the surrounding area.

(23) INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

Reason

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

(24) TRANSPORT ACCESS GUIDE

A Transport Access Guide must be implemented and maintained by the operators of the premises and be made available to staff, clients, customers and visitors at all times.

The following information shall be submitted to and approved by Council's Area Coordinator Planning Assessments/Area Planning Manager prior to the issue of an Occupation Certificate for the site/use:

- (a) A Transport Access Guide detailing sustainable transport options to access the site including public transport, cycling and walking or a combination of these modes.
- (b) Communication methods by which the Transport Access Guide will be made available to staff, clients, customers and visitors.

Reason

To ensure that sustainable transport options are considered and communicated effectively.

(25) MOORE PARK EVENTS OPERATIONS GROUP

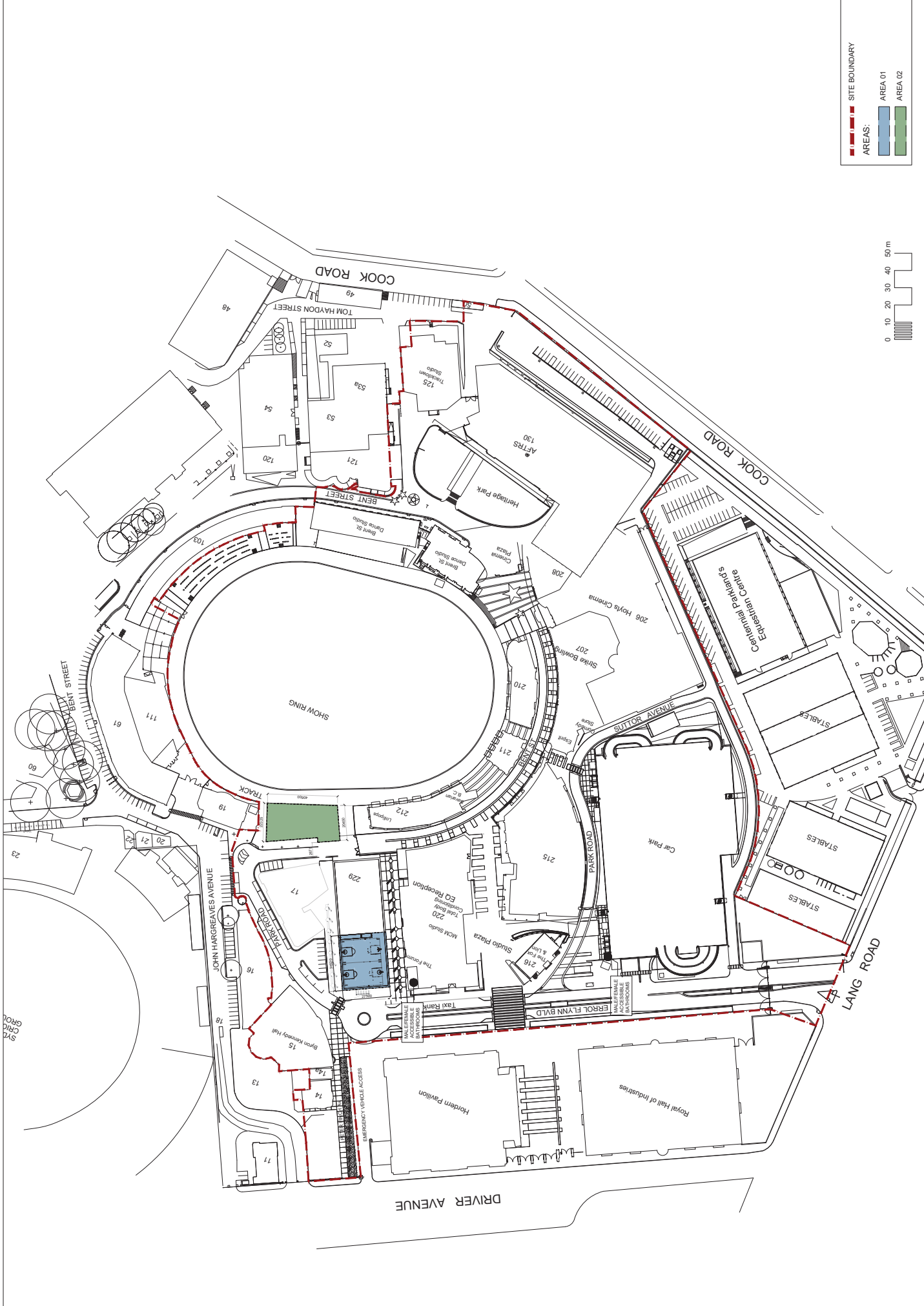
The applicant must consult with the Moore Park Events Operations Group (MEOG) and other relevant stakeholders to provide event specific details at least 2 months ahead of any planned events.

Reason

To address the safe and efficient management of event traffic and transport operations.

Attachment B

Selected Drawings



LEGEND

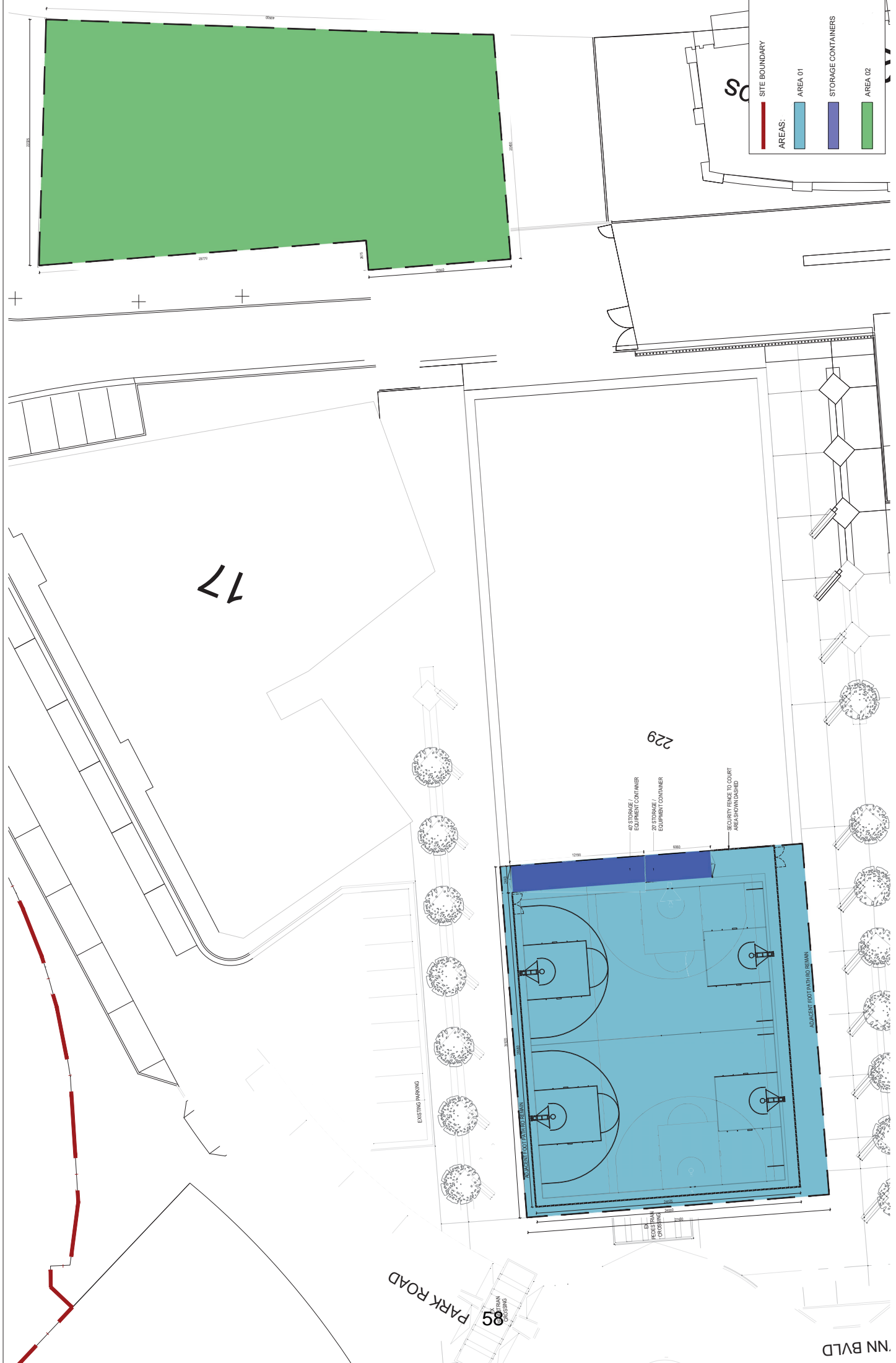
- SITE BOUNDARY
- AREAS:
 - AREA 01
 - AREA 02



loopcreative
 55/61 marborough street
 surry hills nsw 2010 australia
 phone +61 2 9550 6600
 loopcreative.com.au
 architecture/interiors/graphics/digitalvisualisation

NO.	DATE	DESCRIPTION	BY	CHK
01	12/03/2023	PRELIMINARY	JK	JK
02	13/03/2023	REVISED TO REFLECT COMMENTS	JK	JK
03	13/03/2023	REVISED TO REFLECT COMMENTS	JK	JK
04	13/03/2023	REVISED TO REFLECT COMMENTS	JK	JK
05	13/03/2023	REVISED TO REFLECT COMMENTS	JK	JK

CLIENT: CARSINGHA INVESTMENT P/L
PROJECT: COACH BAY HOOPS
DATE: 13/03/2023
SCALE: 1:100 @ A1
 1:200 @ A3
PROJECT NUMBER: 24009
DATE: 05/03/2023
SCALE: 1:100 @ A1
 1:200 @ A3
PROJECT NUMBER: 24009
DATE: 05/03/2023



LEGEND

- SITE BOUNDARY
- AREAS:
 - AREA 01
 - STORAGE CONTAINERS
 - AREA 02

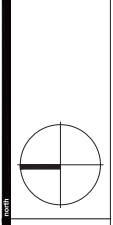
loopcreative
 55/61 marlborough street
 surry hills nsw 2010 australia
 phone: 02 9550 6666
 loopcreative.com.au
 architecture/interiors/graphics/3dvisualisation

DATE	DESCRIPTION
05	1:150 @ A1
05	1:300 @ A3
	LOCK UP PLAN

PROJECT NUMBER: 24009
 DRAWING NUMBER: 002

CLIENT: CARSINGHA INVESTMENT P/L
 PROJECT: PLAN PROPOSED
 LOCATION: COACH BAY HOOPS

NO.	DATE	REVISION
01	10/03/2023	PRELIMINARY
02	11/03/2023	REVISED FOR CLIENT COMMENTS
03	11/03/2023	REVISED FOR CLIENT COMMENTS
04	12/03/2023	REVISED FOR CLIENT COMMENTS



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Attachment C

<p>Plan of Management and Temporary Structures Guidelines</p>
--

Plan of Management

Site

116 Lang Road, Moore Park
Entertainment Quarter

Project

Use of the former coach bay and adjacent areas as an outdoor recreation facility and temporary events.

21 August 2024



telephone 1300 123 783

email info@queconsulting.com.au

web queconsulting.com.au

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Document Management

Date	Revision	Author	Approver
08.07.2024	Revision 4	JW	SQ

Plan of Management

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1.0 Introduction

Purpose

- 1.1 The purpose of this 'Plan of Management' ('Plan') is to establish performance criteria for the use of the former coach bay and adjacent areas in the Entertainment Quarter as an outdoor recreation facility and temporary events, located at 116 Lang Road, Moore Park ('EQ').

Scope and Use of the Plan

- 1.2 The key objectives of the Plan are to:
 - a) Ensure the safety and well-being of staff, visitors and patrons.
 - b) Maintain the amenity of the neighbourhood.
- 1.3 This Plan is to be reviewed by the operator and to ensure all operations are in accordance with the guidelines.

Compliance with Existing Conditions

- 1.4 The use is to operate in accordance with:
 - a) Development Consent No. 37/96, issued by then Minister for Urban Affairs and Planning on 22 April 1997.
 - b) Noise Management Strategy, 'Part 2: Family Entertainment Precinct', approved under Development Application 37/96.

A copy of the above-mentioned documents are contained in **Attachment No.1**.

Amendments to the Plan

- 1.5 This Plan is to be reviewed yearly.
- 1.6 If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan and a copy shall be provided to the City of Sydney Council.

2.0 Site and Location Details

- 2.1 This Plan relates to land at 116 Lang Road, Moore Park (Lot 101 DP1246842), known as the Entertainment Quarter ('the subject site').
- 2.2 This Plan relates to the Areas 1 and 2, as shown in Figure 2.1 and 2.2 below ('event area').

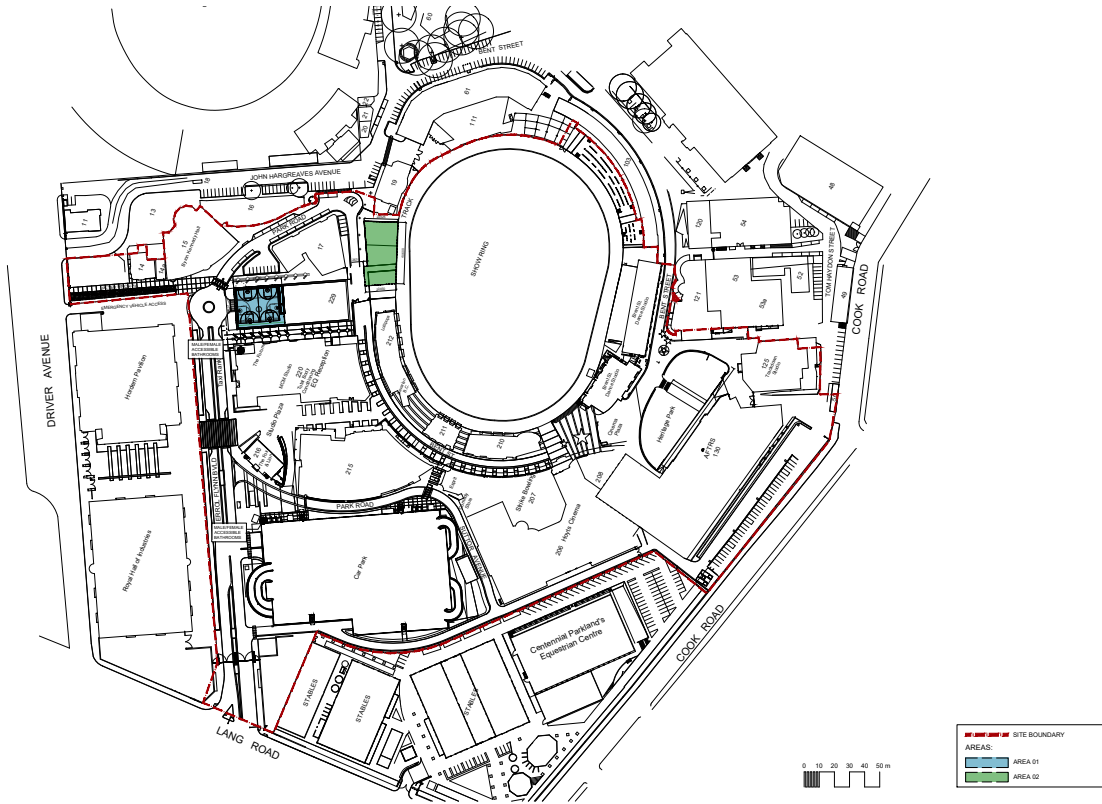


Figure 2.1 Location to which this Plan of Management applies



Figure 2.2 Location of Area 1 and 2

3.0 Operation Details

Use

3.1 The use includes the following activities:

- A. Film, video and photography production, including live media coverage. This is intended to complement the neighbouring uses of the nearby Fox Studios.
- B. Food and beverage stalls, trucks, cooking exhibitions. This is intended to provide food and drink installations within easy access of any event being held on the site.

C. Exhibitions.

D. Outdoor/open-air recreation and sporting activities, such as:

Mini golf

Racquet sports (e.g., pickle ball and padel tennis)

Bowling

Temporary swimming pool (no excavation proposed – above ground temporary structures only)

Electric go-kart

Outdoor gymnasium

Squash

Ice skating

Mini soccer

Basketball / mini basketball

Netball

Obstacle courses

or any other use of a like character.

E. Community markets.

F. Community events, including any ceremony, cultural celebration, fete, fair

The above uses (both temporary and permanent) may be supported by ancillary background music, such as street busking or a single DJ, to enhance the uses of the space. This application does not seek consent for concerts and standalone/independent music performances that are not related to the above activities.

It is intended that temporary structures may be installed from time to time to support such activations.

Organisational Overview

3.2 The roles and responsibilities of all staff members are to be carried out generally as follows:

Staff Members	Role & Responsibility	
EQ Management	<i>Manage and Review</i>	<ul style="list-style-type: none"> • Management of registers, approvals and licenses. • Regular review of this Plan of Management. • Review Incident and Complaints Register. • Advise of any Corrective Action Plans.
Operator	<i>Advise & Train</i>	<ul style="list-style-type: none"> • To ensure all staff are aware of the requirements outlined in this Plan of Management. • Undertake training and mentoring of staff in relation to the requirements outlined in this Plan of Management. • Maintain an Incident and Complaints Register.
Staff	<i>Action</i>	<ul style="list-style-type: none"> • To ensure all conduct and actions are carried out in accordance with this Plan of Management.

Capacity

3.3 The maximum patron capacity is:

- Area 1 – 1,500 patrons.
- Area 2 – 1,000 patrons.

Hours of Operation

3.4 The use is to operate only between 7am to 12 midnight, seven days a week

3.5 Amplified music activities are to cease at 10pm.

Sanitary Facilities

- 3.6 Access is to be made available during all hours of operation to the existing sanitary facilities located within Liberty Hall and carpark building.
- 3.7 Directional signage is to be installed within the EQ precinct showing the location of the sanitary facilities available to the public.

4.0 Waste Management

- 4.1 Waste and recycling bin stations will be established through-out the event area and will be emptied regularly each day.
- 4.2 All waste is to be transported to the communal EQ waste/recycling holding area, for truck collection.
- 4.3 No rubbish transfer to the communal EQ waste/recycling holding area between 10pm and 7am.

5.0 Noise Management

- 5.1 The Operator is to ensure compliance with the Noise Impact Assessment and Noise Management Protocol.
- 5.2 The following Noise Mitigation Measures are implemented to ensure nuisance impacts are minimised upon the nearest residential receivers:
- a) Amplified music is to be restricted between 10am and 10pm.
 - b) No rubbish transfer to the communal EQ waste/recycling holding area between 10pm and 7am.
 - c) Any speakers should as far as practicable, be oriented toward the west, with elevated speakers hanging with a downward tilt to cover the audience and reduce throw into the surrounds.
 - d) Compliance attended monitoring and advice following a verified complaint.
 - e) Designation of responsibility in relation to noise to an on-duty operator that has authority to override performers, if sound exceeds the noise limits.
 - f) A Resident Hotline number is to be made available on the operator's website.
 - g) An Incident and Complaints Register be implemented in accordance with Part 9.0 of this Plan.

6.0 Patron Management

General

- 6.1 Staff shall take all reasonable measures to control the behavior of patrons within the event area and when entering or leaving the event area to ensure nuisance impacts upon other EQ patrons, tenants and the local residential neighbourhood.
- 6.2 Staff shall take all reasonable measures to control the health and safety of patrons in accordance with Health and Safety Legislation (Refer to SafeWork NSW)

Entry

- 6.3 All entrances and exits are to include signage, be adequately lit, and wide enough to allow mass patron exit, or patron emergency evacuation.
- 6.4 For events, each event area should incorporate only one (1) entry point to ensure the patron capacity can be managed.

Accessibility

- 6.5 Ensure all publicly accessible areas of the event area are to be accessible for wheelchair user and for persons with a vision and hearing impairment.

Queuing

- 6.6 Appropriate pedestrian barriers are to be installed and/or Staff employed to ensure the following:
 - a) No queuing adjacent to any designated fire egress doors.
 - b) No queuing or blocking of footpaths and roads
 - c) No queuing or blocking of adjacent building entrances.

Closure

- 6.7 To assist in the closure of the use in a timely manner Staff are to implement the following actions:

	Action	When
Entry of Late Patrons	Staff to remind patrons of the closing time prior to entry.	60 minutes before closure
Reminder No.1	Staff to advise patrons of closing time. Entry doors closed.	30 minutes before closure
Reminder No.2	Staff to advice patrons of closing time.	20 minute before closure

	Commencement of pack up procedures.	
Reminder No.3	Staff to advise patrons to start leaving the event area. All background music is to be turned off.	15 minutes before closure

Entertainment Functions and Events

- 6.8 Any events are to be booked and 'ticketed' prior to attendance.
- 6.9 A ticket register is to be maintained by staff and reviewed the day prior to the event to ensure patron capacity is not exceeded.
- 6.10 On the day prior to the event, the Operator is to check ticket register to ensure patron capacity. If patron exceedance is noted, appropriate actions must be taken to notify to contact Patrons to reschedule bookings.
- 6.11 A staff member is to be stationed at the door entry to control patron numbers.

7.0 Security and Safety Management

CCTV

- 7.1 Nil

Evacuation Plan

- 7.2 The Operator is required to prepare and regularly update an Emergency Patron Evacuation Plan.
- 7.3 All Staff are to be informed and trained in regard to this Plan.

Risk Management Plan

- 7.4 The Operator is required to prepare and regularly update a Risk Management Plan.
- 7.5 All Staff are to be informed and trained in regard to this Plan.

Hazardous Materials

- 7.6 Ensure the use and storage of any gas cylinders, electrical/fuel engines, and chemicals are managed accordance with Health and Safety Regulations and Guidelines.

Lighting

- 7.7 Ensure adequate lighting is provided at night to ensue patron safety along walkways, around any obstacles such as equipment/structures and to all paths of travel to an exit.
- 7.8 Any use of laser light is to be in accordance with Work Health and Safety Regulation 2011, Civil Aviation Regulations 1988 and Australian Standard 60825, and the *Civil Aviation Safety Authority (CASA)* is to be notified.
- 7.9 All lighting must comply with *AS4282-1997 Control of the obtrusive effects of outdoor lighting*, and must not result in any light spill impacts upon residential properties.

First Aid and Public Health

- 7.10 Operators shall prepare and regularly update a First Aid and Public Health Plan to deal with first aid, public health and emergency events.

Security Guards

- 7.11 Nil, unless directed by NSW Police or NSW Liquor and Gaming.

8.0 Communication, Complaints and Monitoring

- 8.1 The Operator shall maintain an 'Incident and Complaints Register' ('Register Book').
- 8.2 The 'Register Book' will be required to be completed on all:
- a) Incidents that necessitate action by an emergency service, fire brigade, police and maintenance called in after hours.
 - b) Any complaints made directly to the management or staff by local residents or business people about the operation of or the behaviours of its patrons.
 - c) Any visits by any law enforcement personnel noting their agencies or departments, badge numbers, reasons for the visits and results of the visits; and
 - d) Any details of incidents which required intervention by staff within the premises involving staff members (including security personnel) including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.
- 8.3 The 'Register Book' is to include the following details, and is to be similar in format to the 'Incident Register Book' issued by the NSW Office Liquor and Gaming:
- a) Complaint date and time.
 - b) Name, contact and address details of person(s) making the complaint.
 - c) Nature of complaint.
 - d) Name of staff on duty.
 - e) Action taken by premises to resolve the complaint.
 - f) Follow-up actions and outcome.

Complaints Response Procedure

- 8.4 Staff are to ensure the Operator and EQ Management are aware of all Incidents and Complaints.
- 8.5 All complaints are to be responded to within 48 hours of a complaint being made.
- 8.6 EQ Management and Operator are to meet regularly to review the Incident and Complaints Register and provide 'Improvement Instructions' if required.
- 8.7 The Operator will be available to meet with the person making the complaint by appointment to work towards resolving any reasonable concerns that are raised.

9.0 Public Transport

- 9.1 The Operator is to create a 'Transport Access Guide' for employees and patrons to encourage public transport use, and is include:
- a) A map showing the walking path to the Tram Station.
 - b) A map showing the location of the nearest bus stop
 - c) A copy of the local bus network map
 - d) The telephone number and website of Transport NSW showing the timetable for buses and trains.
 - e) A map of the local bicycle network
 - f) Advise the availability of bicycle parking on the site.
 - g) A list of taxis and ride share companies that operate within the local area.
- 9.2 The 'Transport Access Guide' is to be made available to all employees upon indication and is to be made available on the website for patrons.
- 9.3 The 'Transport Access Guide' is to be regularly updated in January and July each year.
- 9.4 Staff are to allow patrons to access a telephone free of charge to arrange taxi or ride share services.

10.0 Temporary Structures.

- 10.1 The installation and placement of any temporary structures, including any fixed or loose furniture and equipment, is to be undertaken in accordance with the 'Temporary Structure Guidelines' ('Guidelines').

Attachment No.1

Compliance with other Documents

- Development Consent No. 37/96, issued by then Minister for Urban Affairs and Planning on 22 April 1997.
- Noise Management Strategy, 'Part 2: Family Entertainment Precinct', approved under Development Application 37/96.

Attachment No.2

Noise Impact Assessment and Noise Management Protocol

Attachment No.3

Temporary Structure Guidelines

Temporary Structure Guidelines

Site

116 Lang Road, Moore Park
Entertainment Quarter

Project

Use of the former coach bay and adjacent areas as an outdoor recreation facility and temporary events.

21 August 2024



telephone 1300 123 783

email info@queconsulting.com.au

web queconsulting.com.au

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Document Management

Date	Revision	Author	Approver
21.08.2024	Revision A	JW	SG

Temporary Structure Guidelines

1.0	Introduction	4
2.0	Site and Location Details	5
3.0	Operation Details.....	7
4.0	Temporary Structures.....	8

1.0 Introduction

Purpose

- 1.1 The purpose of this 'Temporary Structure Guidelines' ('Guidelines') is to establish performance criteria for the for the installation and placement of any temporary structures, including any fixed or loose furniture and equipment.

Scope and Use of the Plan

- 1.2 This Plan is to be reviewed by each Event Operator and to ensure all event operations are in accordance with the Guidelines.

Compliance with Other Documents

- 1.3 This Guideline is to be read in conjunction with the following documents relating to the proposed Event area:
 - a) Development Consent No. 37/96, issued by then Minister for Urban Affairs and Planning on 22 April 1997.
 - b) Noise Management Strategy, 'Part 2: Family Entertainment Precinct', approved under Development Application 37/96.

Amendments to the Plan

- 1.4 This Plan is to be reviewed yearly.
- 1.5 If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, that modification shall be made to the plan and a copy shall be provided to City of Sydney Council.

2.0 Site and Location Details

- 2.1 This Plan relates to land at 116 Lang Road, Moore Park (Lot 101 DP1246842), known as the Entertainment Quarter ('the subject site').
- 2.2 This Plan relates to the Areas 1 and 2, as shown in **Figure 2.1** and **2.2** below ('event area').

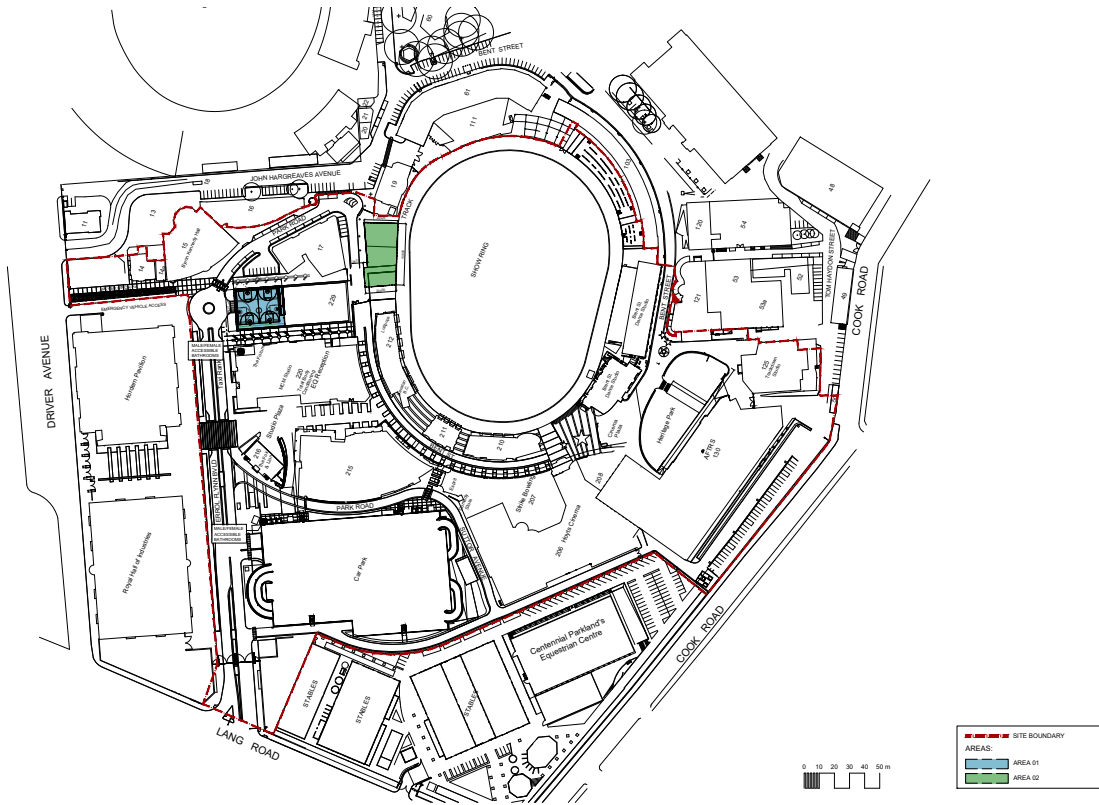


Figure 2.1 Location to which this Plan of Management applies



Figure 2.2 Location of Area 1 and 2

3.0 Operation Details

3.1 The roles and responsibilities of all staff members are to be carried out generally as follows:

Staff Members	Role & Responsibly	
EQ Management	<i>Manage and Review</i>	<ul style="list-style-type: none"> • Management of registers, approvals and licenses. • Regular review of this Guideline. • Review Incident and Complaints Register. • Advise of any Corrective Action Plans.
Event Operator	<i>Advise & Train</i>	<ul style="list-style-type: none"> • To ensure all staff are aware of the requirements outlined in this Plan of Management. • Undertake training and mentoring of staff in relation to the requirements outlined in this Plan of Management. • Maintain an Incident and Complaints Register.
Event Staff	<i>Action</i>	<ul style="list-style-type: none"> • To ensure all conduct and actions are carried out in accordance with this Plan of Management

4.0 Temporary Structures

- 4.1 Any structure and any fixed or loose furniture and equipment to be located within the event space are to comply with the Guidelines contained in **Attachment No. 1**
- 4.2 Prior to commencement of each Event, the Event Operator together with the EQ Event Manager is to undertake a pre-commencement site induction of the whole Event area in accordance the Commencement Checklist contained in **Attachment No.1**
- 4.3 Any corrective action is required to be undertaken prior to the commencement of the event.

Attachment No.1

Guidelines & Prior to Commencement Checklist

Temporary Structures

Guidelines & Prior to Commencement Checklist

Event Location:	
Date:	
Event Operator:	
Entertainment Quarter Reviewer:	

Guideline		Event Operator Check	EQ Event Manager Check
1. Event Space Clear Path of Travel	The minimum width of the clear path of travel needs to be:		
	<ul style="list-style-type: none"> 1.2m for any path of travel between temporary structures within the event area (to allow for safe access for people with a disability). 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> 4m wide to any required access to a fire hydrant (to enable fire truck access) 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> any mobile structures or equipment installed as part of the event, such as video screens, communications equipment and mobile phone towers are to be erected or installed on level ground with sufficient support and are to be located so as not to obstruct pedestrian paths of travel. 	<input type="checkbox"/>	<input type="checkbox"/>
2. Temporary Structures – Area	<ul style="list-style-type: none"> Provide an unobstructed pedestrian circulation area around the perimeter of any enclosed temporary structure for maintenance. 	<input type="checkbox"/>	<input type="checkbox"/>
3. Temporary Structures – Setbacks	All temporary structures are to be positioned to be:		
	<ul style="list-style-type: none"> 0.8m minimum setback from the base of any tree 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> 1m minimum setback from any fire hydrant 	<input type="checkbox"/>	<input type="checkbox"/>
4. Temporary Structures – Height	The maximum height of temporary structures is to be :		
	<ul style="list-style-type: none"> Maximum height of 9m above existing the finished floor level. 	<input type="checkbox"/>	<input type="checkbox"/>

	<ul style="list-style-type: none"> A minimum head clearance of 2 m from the ground for pedestrian movement and safety. 	<input type="checkbox"/>	<input type="checkbox"/>
5. Temporary Structure Safety	<p>All temporary structures are to be designed and installed to be able to resist loads determined in accordance with the following Australian and New Zealand Standards:</p> <ul style="list-style-type: none"> AS/NZS 1170.0:2002, <i>Structural design actions, Part 0: General principles</i>, AS/NZS 1170.1:2002, <i>Structural design actions, Part 1: Permanent, imposed and other actions</i>, AS/NZS 1170.2:2011, <i>Structural design actions, Part 2: Wind actions</i>, 	<input type="checkbox"/>	<input type="checkbox"/>
	<p>All temporary structures are to be designed and installed to be able to resist any high wind events.</p>	<input type="checkbox"/>	<input type="checkbox"/>
6. Enclosed Structures	<p>Any enclosed structure is to be designed and installed as follows:</p>		
	<ul style="list-style-type: none"> Provide an unobstructed pedestrian circulation area around the perimeter of the structure for maintenance. 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Each structure must have the following number of exits arranged so as to afford a ready means of egress from all parts of the tent or marquee to open space or a road: <ul style="list-style-type: none"> (i) 1 exit if the tent or marquee has a floor area of not more than 25m², (ii) 2 exits if the tent or marquee has a floor area of not more than 100m², (iii) 4 exits in any other case, 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> If internal seating, stalls, tables or other obstructions are provided, a clear path of travel to any exit no greater than 40m in length must be provided, unless certified by a Building Consultant. 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Each structure must have a width for each exit of at least: <ul style="list-style-type: none"> (i) 850mm if the floor area of the tent or marquee is less than 150m², or (ii) 1m in any other case, 		
	<ul style="list-style-type: none"> A building consultant is to review and certify the enclosed structure to ensure adequate public safety in the event of a fire. 	<input type="checkbox"/>	<input type="checkbox"/>

7. Stages or Platforms	<ul style="list-style-type: none"> The stage or platform must have a height as measured from the surface on which the tent or marquee is erected to the floor of the stage or platform not exceeding 2m, 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> A notice indicating the actual distributed and concentrated load for which the stage or platform has been designed must be conspicuously displayed on the stage or platform, 	<input type="checkbox"/>	<input type="checkbox"/>
8. Temporary Signage	Temporary signs (including freestanding banners):		
	<ul style="list-style-type: none"> Must not be more than 2.5m in height 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Must not be larger than 1.2m by 2.4m 	<input type="checkbox"/>	<input type="checkbox"/>
9. Loose Furniture	All loose furniture (including chairs, tables, umbrellas, barriers), artwork, screens and display boards are to be:	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Appropriately secured in place to resist wind gusts. 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> To be of metal or quality timber frame construction and not plastic. 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> No permanent fixings into the ground and readily removed. 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Rope or chain barriers are not permitted. 	<input type="checkbox"/>	<input type="checkbox"/>
10. Storage	When no event is occurring, all temporary structures will be removed and stored in an area nominated by EQ Management.	<input type="checkbox"/>	<input type="checkbox"/>
11. Lighting	<p>Sufficient lighting is to be provided to ensure safe access for pedestrians with low-vision.</p> <p>Aim for a luminance contrast of 30% between temporary structures and ground surface.</p>	<input type="checkbox"/>	<input type="checkbox"/>
12. Waste /Recycling	Waste and Recycling Bin Stations are to be provided.	<input type="checkbox"/>	<input type="checkbox"/>
	Ensure Contractors are inducted and informed of location of stations within event area, and the location of the communal EQ waste/recycling holding area.	<input type="checkbox"/>	<input type="checkbox"/>
13. Fire Safety Measures	A 'Competent fire safety practitioner' is to review the existing and installed fire safety measures prior to the commencement of the event.	<input type="checkbox"/>	<input type="checkbox"/>

Attachment D

Submissions

From: <[REDACTED]>
Sent on: Sunday, March 24, 2024 10:30:18 AM
To: [REDACTED]
Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Mr Wang,

I have reviewed the proposal and have only one issue and that is the last temporary use i.e. Musical Entertainment which is intended to be for DJs and other musical performances to be provided on the site.

I note that the applicant claims that

*noise goals currently applicable to the site (and EQ venue) have been reviewed to define activities which are predicted to comply if operated after 10 pm. **The applicant seeks, as a minimum that the activities continue until midnight. To be conservative, the assessment has assumed that activities could occur every day of the week.***

I can see merit in having a global approval for **non-disruptive** activities at the EQ (and I make no objection to them) but Musical Entertainment is controversial and adversely affects the amenity of local residents in a significant way. The proposal that noisy and disruptive activities continue after 10:00pm - every day of the week for an indefinite period - is unacceptable, residents have enough noise to deal with arising from existing uses but to push it later and indefinitely is too much.

Also having outdoor musical events until 10:00pm or even midnight (as proposed), every night of the week for an indeterminate period without approval is an astounding proposition.

It seems to me that each proposed musical event should have its own separate DA process or that strict limits be imposed on such events, so that:

1. Strict Noise limits are imposed that are bearable to residential flat dwellings surrounding the EQ (see discussion below re limits),
2. Sound levels should be set at the stage and not at nearest residential boundary which are behind high walls and do not adequately detect noise levels in residential apartments
3. Musical events cannot continue past 10:00pm in open areas
4. Musical events cannot continue every night of the week (the residents deserve respite)
5. Musical events cannot continue indefinitely
6. Affected residents must be notified by letter and notice of the event should be displayed on the exterior of the entrance to the EQ from Cook Road.
7. The Local Residents Group must be notified of proposed Musical events one month in advance of the event
8. The set-up of speakers, noise attenuation procedures and processes and compliance with noise limits be extensively documented and strictly enforced

In relation to setting the noise limit our acoustical consultant has advised us that conditions of consent should require each event to be supported by relevant noise modelling from an acoustical consultant that considers the impacts of the venue through its proposed operating hours on all affected residential receivers, including upper floor receivers. This ensures that concerns are addressed at the planning phase instead of relying on calibration measurements once everything is set up – the responsibility should fall on the proposal to demonstrate that ~~they~~ ^{they} can operate in compliance with all relevant conditions

prior to it being approved.

An open ended approval for disruptive musical events is a dangerous precedent and is inappropriate for a residential area which immediately adjoins the EQ and it should be excised from the current proposal.

Regards

George Newhouse
121-125 Cook Road
Centennial Park

We acknowledge the Traditional Owners of the lands on which we meet and work. We pay our respects to their Elders past and present.

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From: [redacted] <[redacted]> on behalf of [redacted]
<[redacted]> <[redacted]> <[redacted]>

Sent on: Wednesday, March 27, 2024 10:18:09 AM

To: [redacted]

Subject: Feedback on Application D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello,

I would like to offer feedback on the application D/2024/139 by The trustee for Carsingha Investments unit trust.

I am very concerned about the hours of operation for this proposed development. I am providing feedback via this avenue as I do not need my personal details published. That is irrelevant. I am a resident in the area and have lived here for over 10 years so have seen the changes.

The increase of events in the area, together with the increase of time to have events finish over the last 6 - 12 months has been massive. This application would just add to the problems.

- SCG increasing events from 4 to 20 per year.
- Allianz Stadium increased events and size of international events.
- Entertainment Quarter events increased in number.

These have all increased noise and congestion in the Moore Park and Paddington area. I particularly oppose the noise after events. The cars that sit around traffic lights with music playing loudly, the people that walk along the footpath yelling at each other screaming in some cases. Just talking in general is louder at later hours of the night because the noises are all magnified as the general noise of the area has dropped - as it should later on in a day.

Noise minimalisation is what helps the body relax and unwind from a day, that is healthy for a body. Not being woken up by a drunk or a yelling couple, or have an intermittent noise disruption or kept from sleeping until late. And we wonder why mental anxiety and fatigue is a major concern in society. None of this activity is supportive of a healthy community.

Also to provide a specific example of a sports noise. There are already people that walk along the footpath that bounce their basket ball continuously as they walk. But it is incredibly noisy. No one stops to think about this, and I generally don't have the right to comment about this in the middle of the day, but this could start happening at 9pm or later so that would then become a big problem. You may think that it sounds trivial, but I am pretty sure you wouldn't like it outside where you live.

Again I am absolutely flabbergasted how the big picture of the number of events in the area is continuously dismissed when considering these applications. Also that there appears to be minimal coordination between what is happening across Centennial Park, Moore Park, EQ, Allianz Stadium, SCG. The whole point of having a council is to look at the big picture and consider the impact over time!!!

I will look out for my comments published, and with my privacy maintained.

Thank you.

From: Clare Weewan <[REDACTED]> on behalf of Clare Weewan <[REDACTED]> <Clare Weewan <[REDACTED]>
Sent on: Tuesday, April 2, 2024 3:38:11 PM
To: DAsubmissions <[REDACTED]>
Subject: FW: D/2024/139 Entertainment Quarter coach bay (Case Ref: AG55760)
Attachments: D 2024 139 116 Lang Rd Centennial Park REP 240322.rbl - Copy.pdf (166.78 KB)

Hi team,

FYI.

Thanks.

Kind regards,
Clare Weewan
Customer Service



Telephone: 02 9265 9333
cityofsydney.nsw.gov.au



The City of Sydney acknowledges the Gadigal of the Eora nation as the Traditional Custodians of our local area.

From: Alex Greenwich MP <[REDACTED]>
Sent: Thursday, March 28, 2024 5:49 PM
To: OLM Reception Mailbox <[REDACTED]>
Subject: D/2024/139 Entertainment Quarter coach bay (Case Ref: AG55760)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi folks

Please see the attached representations about D/2024/139 Entertainment Quarter coach bay.

Regards
Roy Bishop
Electorate Officer



Roy Bishop JP (He/Him)
Senior Electorate Officer

+61 2 9267 5999
Gadigal Country
21 Oxford Street
Darlinghurst NSW 2010

We acknowledge the Australian Aboriginal and Torres Strait Islander peoples as the first inhabitants of the nation and the Gadigal people of the Eora nation, traditional custodians of the lands where we live, learn and work.

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Do you want to have Alex's weekly email Update?

SUBSCRIBE

27 March 2024

Clr Clover Moore
Lord Mayor
City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Dear Clover

D/2024/139 – 116 Lang Road Moore Park

I write on behalf of constituents who have raised concerns about this development, which proposes to use the existing coach bay as an additional facility for outdoor recreation and temporary events between 7am and midnight Monday to Sunday. The proposal would allow for up to 8,000 patrons across three separate areas and/or activities.

Constituents who have contacted me about this proposal are concerned about amenity impacts. They have raised concerns about noise particularly from amplified music and announcements, and noise impacts late at night. They point out that the noise assessment report indicates Centennial Park residents are likely to suffer the greatest noise impacts.

Constituents who have contacted me are concerned that adjacent residents already experience significant levels of noise, light spill, parking and traffic impacts from precinct events and argue that additional events and activities will increase these impacts.

Could you please ensure that adjacent residents' amenity are protected when council considers this proposal?

Yours sincerely



Alex Greenwich
Member for Sydney



From: Clare Weewan <[redacted]> on behalf of Clare Weewan
<[redacted]> <Clare Weewan <[redacted]>
Sent on: Thursday, April 4, 2024 3:01:41 PM
To: DAsubmissions <[redacted]>
Subject: FW: TRIM CM: FW: DA 2024/139 Submission
Attachments: D2024 139 116 Lang Road REP 240402 tnl.pdf (231.61 KB)

Hi,

FYI can we include this as a part of the submissions?

Thanks,
Clare

From: Tammie Nardone <[redacted]>
Sent: Wednesday, April 3, 2024 3:55 PM
To: Clover Moore <[redacted]>
Subject: DA 2024/139 Submission

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi

Attached is a submission from Alex for this DA. He put one in earlier however following concerns raised by other constituents, he has decided to provide an additional submission.

Best wishes
Tammie



Tammie Nardone (She/Her)
Policy Officer

+61 2 9267 5999
Gadigal Country
21 Oxford Street
Darlinghurst NSW 2010

We acknowledge the Australian Aboriginal and Torres Strait Islander peoples as the first inhabitants of the nation and the Gadigal people of the Eora nation, traditional custodians of the lands where we live, learn and work.

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Please consider the environment before printing this email.

3 April 2024

Clr Clover Moore
Lord Mayor
City of Sydney
Sent via: [REDACTED]

Dear Clover

D/2024/139 116 Lang Road Moore Park

I write on behalf of communities adjacent to the Entertainment Quarter to request conditions on the proposed application to protect neighbourhood amenity from outdoor events. Since my previous letter on this application I have heard from additional residents and ask that you treat this letter as an additional submission.

The proposed development would enable the use of three outdoor areas for temporary events including film, food and beverage, community markets and concerts. Under the application, outdoor concerts with amplified music could take place up to 52 days a week, until midnight, on any night of the week.

Outdoor concerts with amplified music at the Entertainment Quarter are a recent phenomenon and adjacent residents in apartment buildings on Cook Road facing the grounds have experienced unacceptable noise disturbance from such events. Noise mitigation measures have failed to protect residents from excessive noise late at night. Noise testing occurs behind fences where noise is blocked instead of up in apartments where impacts are experienced. Complaints options have not resulted in real time improvements.

Conditions are needed to protect the community from noise impacts from outdoor concerts. Residents need respite from back-to-back concerts, and they need hours of operation that respect their need to sleep and maximum noise levels that protect their right to the peaceful enjoyment of their home.

It may be more appropriate to exclude concerts with amplified music from any development approval so that each concert is assessed with an expert acoustic report reflecting the concert's unique specifics and ensure appropriate council oversight that protects local amenity.

Development decisions must reflect that the Entertainment Quarter's location within the densely populated Centennial Park. Holding concerts outdoors create greater risks of amenity impacts than in acoustically treated indoor venues and I ask that the determination protect local residents from intrusive noise.

Could you please ensure that the determination for this application protects local residents from noise impacts from outdoor concerts at the Entertainment Quarter?

Yours sincerely

[REDACTED]

Alex Greenwich
Member for Sydney



From: Simply Legal <[REDACTED]> on behalf of Simply Legal
<[REDACTED]> <Simply Legal <[REDACTED]>
Sent on: Thursday, April 4, 2024 1:36:37 PM
To: [REDACTED]
CC: [REDACTED] Peter McEwen <[REDACTED]>
Subject: I am resending this letter, sent earlier this morning, as the first letter sent contains an incorrect email address from Mr Peter McEwen- Apologies!
Attachments: Hawkins Hawkins.vcf (176 Bytes), 10A Martin Road - Letter City of Sydney - 1-4-2024.doc (61 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Jill Hawkins
Simply Legal

Tel: [REDACTED] - Mobile [REDACTED]
Email: [REDACTED]

10A Martin Road
Centennial Park NSW 2021

Tel: [REDACTED]
(Work: [REDACTED])
(Fax: [REDACTED])

Email: [REDACTED]

1 April 2024

The City of Sydney
GPO Box 1591
SYDNEY NSW 2001

Attention: Mr MacKay

Email: [REDACTED]

Dear Mr MacKay

**Re: DA No D/2024/139
116 Lang Road, Moore Park – “Former Coach Bay”**

I write in response to your letter of notification of 18 March 2024.

It is obvious that the proposal confronts serious noise difficulties, details of which are apparent from the Noise Impact Assessment and the SEE.

To describe the area as the “Former Coach Bay” is itself misleading (per Fig. 2.1 in the Plan of Management).

The area the subject of the Application, since the establishment of the EQ has never been sued as a “Coach Bay” but for a variety of uses otherwise detailed in the documents.

The Plan of Management concludes that with noise mitigation measures there ought be *no problem*. Whilst it refers to crowds of greater than 1,000 people (para 5.3), as requiring the assistance of an accredited acoustic engineer - *to achieve compliance* – no explanation is given as to why appropriate tests could not be carried out now. Which usually involve a *worst case scenario* being proposed and measured in operable, ambient conditions. No explanation is given as to why that type of testing could not be carried out now. Without its results the Council, as the consent authority, is deferring that assessment to a later time (and will probably fall foul of the decision in *Weal v Bathurst Council*).

Further the Noise Impact Assessment notes that in major events there could be up to 5,000 patrons in what is identified as the “*Central Area*”, with an additional 3,000 patrons on the “*concrete slab area*”. Whether this amounts to 8,000 in total is not clear but obviously the figure of 1,000 people in paragraph 5.3 of the Plan of Management is at odds with those proposed figures.

In the Noise Impact Statement (page 15) the authors identify amplified events after 10:00 pm which will exceed adopted criteria. In fact, Table 5.2 identifies Residential Area 2 (the Cook Road Residential area) as having significant exceedances of the criteria, both before and after 10:00 pm.

The claim in the SEE of the proposal “suitable and in the public interest” is not borne out by the Applicant’s own analysis.

Extant uses are not amplified. The proposal to have amplified musical events in Area 1 (the Basketball Courts) and Area 2 (the adjacent area) are the source of the difficulty.

That problem (in the Residential 2 Cook Road area) is supposedly met by orientating speakers to the west (pages 17-18 of the SEE). This, of itself is an explicit acknowledgement of deleterious and unacceptable impact on the residential area in Cook Road, Residential 2. No empirical analysis is provided to support acceptability or otherwise of the proposal but seeks examples.

Unfortunately, the majority of recipients of your Notification of 18 March, particularly those in Cook Road and whose amenity is going to be deleteriously impacted by this proposal, will be regarded as just *further bombardment* by EQ Management, its proprietors and tenants, to ilk out the last dollar they can from the Old Showground Lease. Examples of prior applications of this nature include: rock concerts on top of the parking station and the closure of Driver Avenue to accommodate markets and stalls.

The absence of response from residence in Cook Road ought not be taken by the Council as an indication of an absence of opposition to this proposal. If it was properly explained to local residents, it is beyond doubt that they would strenuously oppose this application.

Indeed, Council’s attitude of merely “notifying” that there is an application with supporting documents, ignores a Council’s obligation to explain to local residents the prospective impacts of a proposal, so that lay people in a residential area would be able to form a proper opinion.

Finally, would you please notify me when the Council officer with carriage of the matter prepares and submits to Council his Assessment Report – which I assume will be available on your website when it is submitted?

Yours faithfully,

Peter McEwen

c.c. Mr Peter Tzannes
Centennial Park Residents Association
Email: [REDACTED]

c.c. G. Lenthen
Email: [REDACTED]

From: <[REDACTED]>

Sent on: Sunday, April 7, 2024 9:17:26 PM

To: [REDACTED]

Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Development Application D/2024/139

by The Trustee for Carsingha Investments Unit Trust

For "Use of the former coach bay within the Entertainment Quarter as an outdoor recreation facility and temporary events." Etc See details in the DA.

Dear Joe and Councillors,

I live on 17 Robertson Road, Centennial Park. My house directly faces the EQ across the field and I moved into the area approximately 8 months ago.

My wife and I have serious concerns regarding the above application and believe it should be rejected for the following reasons:

- The Application amounts to an unacceptable unfettered use that is clearly not in the public interest. See the long list of possible uses at 3.1 in the Application. The DA reads like anything that the unnamed operator desired including "musical entertainment" for up to 1,700 patrons! Music events including rock concerts have been rejected or withdrawn in the past (eg on top of the EQ Car Park) because of widespread local resident concern including noise disturbance. There is a marked tendency for temporary structures and illegal uses to become "permanent" within the EQ. And surprisingly it is apparently envisaged that Sydney City Council only needs to be informed of changes (this is not good enough !); see Application.
- Failure to use the coach bay in the proper manner in the recent history points to an administrative failure on the part of the various authorities involved in the area that should be corrected. The exclusive use of the coach bay by Carsingha is not in the public interest. Unnecessary local street or Park parking calls for a correction and the retention of the coach bay.
- The DA proposed hours of operation are not in the public interest and local residential amenity. There is already growing concern about noise being generated in the EQ site without proper supervision and restraints by lessees. The proposed hours of operation of the coach bay site for the new unnamed operator are 7am to 12 midnight seven days a week but it concedes amplified performance activities that may start at 10am and are to cease at 10pm. Moreover, as has been frequently demonstrated in the past the closest residence is not the most affected (below the RAS/EQ Wall, Sound rises etc and Cook Road has high rise, etc)
- It is not apparent that the proper guidelines have been given to queconsulting by Carsingha in preparing the DA. There is a token and highly vague reference to activities that might complement Fox/Disney Studios. There is no mention of illegal drug distribution problems associated with rock concerts and of the past difficulties in policing them (eg at the adjacent City Live night club) requiring resident intervention.
- The practice of Carsingha seeking profits by subcontracting the planning of the site to individual operators who in turn seek to maximise their profits irrespective of the Official Guidelines leads to chaotic planning of the site that is not in the public interest. The underutilisation of the EQ carpark is a classic example of lack of proper planning. Users of the EQ site should be required to link EQ parking ticketing to site use where practical in stead of throwing cars and other vehicles on to local street parking that cannot be properly policed 24/7 in the public interest and to preserve the amenity of local residents.

Thank you for your consideration and there is reasonableness applied.

Johnny Zhang and Alice Hua

From: [redacted] on behalf of [redacted]
<[redacted]> <emmanuelle.revelut@[redacted]>

Sent on: Saturday, April 6, 2024 4:27:14 PM

To: City of Sydney <[redacted]>

Subject: D/2024/139 - objection

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi I want to reject the application D/2024/139 - 116 Lang Road Moore Park in its entirety for the following reasons:

- the area is already jam-packed on weekends with the events happening on the stadium and in the park. Traffic (air pollution) and noise pollution are increasing. This development proposition is going to increase the pressure on parking spots and the noise for the immediate residents days and evenings, including week days and weekends.
- it will also endanger all the wildlife in the area by increasing the pollution around the area (physical and noise)

According to the report from the developers' own noise consultants, Cook road residents will suffer the most from the noise. This can generate a lot of diseases and health conditions such as hearing loss, hypersensitivity to noise, sleep disturbances, stress etc.



From: Martha Castaño <[REDACTED]> on behalf of Martha Castaño <[REDACTED]> <Martha Castaño <[REDACTED]>

Sent on: Tuesday, April 9, 2024 6:42:51 AM

To: [REDACTED]

Subject: Object to D/2024/139-116 Lang Rd, Moore Park

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I declare that I object the above development and want it be rejected outright and in its entirety.

I purchased an apartment in this area because it is a quite area to live in and I want it to remain in this way. The development will cause lots of noise generated by frenzy of activity which I believe will impact the health and quality of life of everybody that lives in this area. Noise pollution causes many health problems including hearing loss, tinnitus, sleep disturbance, stress, mental health and cognition problems among others.

I claim my right to continue leaving in a peaceful place and I want the development be rejected preserving the health and wellbeing of all Cook Road residents.

Kind Regards,

Martha Castano Arbelaez
Unit 73/53-59 Cook Road Centennial Park

From: Frank Heckes <[REDACTED]> on behalf of Frank Heckes
<[REDACTED]> <Frank Heckes <[REDACTED]>

Sent on: Tuesday, April 9, 2024 11:30:12 AM

To: [REDACTED]

Subject: Fwd: Objection: D/2024/139 - 116 Lang Road

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney,

I and my wife Amanda (copied) are writing to convey our, and our family's, strong objection to the proposed development application relating to the Entertainment Quarter precinct.

The increased activities proposed - and their associated noise - have been confirmed by the developers' own noise consultants to deliver excessive and concerning levels of noise pollution to Cook Road.

When combined with the increased traffic and congestion, and noting that the cap on events at Allianz Stadium have also been raised materially, we have serious concerns about what this will all mean for potential hearing loss, cardiovascular disease, stress, mental health problems and memory impairment.

We have three small children and their bedrooms already reverberate when the relatively few late night events are in effect with their sleep and development clearly affected - their impaired development would not make for a good future case study.

I should say that we are not averse to development per se but the breadth and increased timezones as currently proposed are undoubtedly excessive. Providing reasonable limits on what can be done where on the site and until what times - recognising that this was never intended to be a late-night pleasure zone a la Darling Harbour - is something that we strongly request the Council to continue to respect for our - and our children's - sakes.

With regards,

Frank & Amanda Heckes
25 Cook Road
Centennial Park

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From: Mik S <[REDACTED]>
Sent on: Monday, April 8, 2024 9:23:04 AM
To: [REDACTED]
Subject: Proposal Ref D/2024/139 - Feedback

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hi team

As a resident of Cook Rd, Centennial Park NSW 2021 of over 15 years, sending my feedback on the proposal D/2024/139 The Trustee for Carsingha Investments Unit Trust re Entertainment Quarter redevelopment. I object to the project outright and in its entirety as per below:

- residents of adjacent areas in Moore Park/Centennial Park already experience significant levels of noise, light spill, parking and traffic impacts from events conducted at Allianz Stadium, SCG, Horden Pavilion and Entertainment Quarter
- proposed car park with increased capacity will significantly impact already at capacity traffic on Cook Rd, Lang Rd and Moore Park Rd and adjacent streets, making it hard and occasionally impossible to drive home, having to park in nearby areas that are not blocked off for cars
- residents already experience high volume and reach of the noise generated by the events and fans

Thanks,
Mik

From: Mariabradley <[REDACTED]> on behalf of Mariabradley
<[REDACTED]> <Mariabradley <[REDACTED]>

Sent on: Wednesday, April 10, 2024 6:37:47 PM

To: [REDACTED]

Subject: Proposed development for Entertainment Quarter (ref No: D/2024/139)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

I Object to D/2024/139

Changes to original consent will set a dangerous precedent.

This area is saturated with events and evening events that are hardly family friendly but rather, centre around alcohol.

If approved, Moore Park will become saturated with drinking, noise, large crowds and associated anti social problems and only harm the successful businesses that operate currently.

This area is supposed to benefit the Film, TV and Video industry not the sport or music industry who have already a number of indoor and outdoor venues to operate from.

This is DA seeking to expand the interests of both the SCG and Allianz Stadium and ultimately the leaseholders of the EQ.

Holding outdoor events with a DJ would amount to music festivals yet there has been no noise testing conducted.

As these uses are not permitted under section 7.6 or 7.7 of the Eastern Harbour City SEPP, they should not be permitted on a temporary basis.

I urge City of Sydney to refuse this DA

Maria Bradley
64 Brook St
Coogee

From: Greg Lenthen <[REDACTED]> on behalf of Greg Lenthen <[REDACTED]> <Greg Lenthen <[REDACTED]>

Sent on: Thursday, April 11, 2024 12:56:37 PM

To: [REDACTED]
Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Greg Lenthen
15 Robertson Rd
Centennial Park 2021

02 [REDACTED]

11 April 2024

Mr Bill MacKay
Manager Planning Assessments
City of Sydney Council

Dear Mr Mackay

Re – proposed development D/2024/139 at 116 Lang Rd, Moore Park

Every new activity in the EQ is a potential noise polluter.

The level of noise from the proposed "outdoor recreation facility" will be a serious concern to most residents, particularly those living east of the proposed development in Cook Rd.

Trinity Consultants' Noise Impact Assessment suggests various measures to keep the proposed development's activities within noise regulations. Perhaps the most significant is to have amplifiers facing west.

But noise abatement regulations are only as good as their enforcement. In section 6 of its report, Trinity Consultants suggests EQ appoint a noise manager "to focus amplified music and announcements to the audience area, and minimise 'spill' to the surrounding sensitive receiver areas and to receive and implement advice from acoustic consultants."

It says the noise manager "would also ensure ambient music is maintained to a reasonable minimum" and that the noise manager "must be accessible when the venue is being used and must report back to residents and to council."

The appointment of such a noise manager (with the responsibilities set out in considerable detail by Trinity Consultants) should be made a firm condition of any approval of Carsingha's proposed "outdoor recreation facility."

Sincerely,

Greg Lenthen

From: [redacted] <[redacted]> on behalf of [redacted] <[redacted]> <[redacted]>
[redacted] <[redacted]>
Sent on: Thursday, April 11, 2024 6:44:32 PM
To: [redacted]
Subject: Response to D/2024/139 - 116 Lang Road, Moore Park
Attachments: SydCouncil_letter_[redacted]_240409.docx (27.39 KB)

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Attention: Sydney City Council

Attached is a letter giving my objections to Development Application: Ref**D/2024/139 - 116 Lang Road, Moore Park.**

I posted this letter to Sydney City Council on 10 April but am concerned it may not reach you by the closing date for submissions.

Regards

[redacted]
Cook Rd
Centennial Park

9 April 2024

Attention: City of Sydney Council

Re: Response to Development Application D/2024/139 – 116 Lang Road, Moore Park

I wish to lodge my objections to the above development application and urge that consent to it be denied. I am requesting that all identifying information about myself, apart from the fact that I am a long-term resident of Cook Road in Centennial Park, be withheld.

The development proposal covers the *entire* Entertainment Quarter site with the intention of converting it into three areas: an amusement park, a recreational/sporting centre and a site for various large-scale events. Total number of patrons would be up to 8,000. It is no secret that two of the members of Carsingha Investments responsible for the DA are multimillionaires John Singleton and Gerry Harvey. It's not their wealth I find objectionable but their proposed uses of the EQ site.

Extreme Over-Utilisation of the EQ Site Too Frequently and for Too Long

The activities proposed include, *but are not limited to*:

music events and concerts; markets; community events, including any ceremony or cultural celebration, fete, fair or gathering; mini golf; racquet sports; bowling; a temporary swimming pool; electric go kart riding; a gymnasium; an ice rink; mini soccer; mini basketball; netball; obstacle courses; children's basketball camps/clinics during school holidays; privately booked basketball games; social basketball competitions; corporate team building events; exhibitions; food and beverage stalls; food trucks; cooking competitions; street performances and busking.

This clearly constitutes **gross overdevelopment** of the site. If public executions, cockfighting and bear baiting were still legal, I'm certain the developers would eagerly include these activities in their proposed list, such is their determination to wring private profit from every square inch of what was – in living memory – public land.

All events and activities would be allowed to take place Monday to Sunday – 7 days per week – all year round between the hours of 7 am and midnight. The developers state that these hours of operation are already in existence in the precinct. The significant difference is that up until now activities in the Entertainment Quarter take place largely in enclosed spaces – a cinema, gym, restaurants, cafes and retail stores - thus limiting noise pollution. The Hordern Pavilion stages concerts extending to very late hours, but it too is an enclosed space and residents are not bothered by the noise.

Apart from the lengthy **duration** of events, their **frequency** is also problematic for residents. I learned from my phone call to Joe Wang, the Council's contact for further information about this DA, that the number of large-scale events requested would be up to 52 per year, allowing within

the limit for some events, eg outdoor music festivals and concerts, to extend for more than one day at a time.

This intensity of development, together with the frequency and duration of events and activities, threaten the health and wellbeing of residents and the viability of other stakeholders in the Old Showgrounds precinct.

Reluctance by EQ Developers to Acknowledge Existing Uses of the Showgrounds Precinct by Other Businesses

The developers' plans are characterised by 'silo thinking': they barely acknowledge the existence of other business organisations currently operating in close vicinity in the Old Showgrounds site. Several offer similar activities and events to those being proposed by the EQ developers.

Centennial Park residents already experience significant levels of noise, light spill, parking and traffic impacts from precinct events conducted by Allianz Stadium, the SCG, the Hordern Pavilion and Centennial Parklands. If this DA is approved, the cumulative overall impacts on Centennial Park residents, especially in Cook Road, will become unacceptably worse.

In considering the parking impacts on the local community of up to 8,000 patrons, I note that the EQ carpark holds a maximum of 2000 cars. In terms of both parking and traffic, South Paddington is badly impacted by Stadium events with patrons of 20,000 or more. But even the 8,000 patrons projected by the developers for the EQ may be problematic if patrons mostly expect to park in the precinct. As for public transport, what would be the cost of supplying buses and drivers to the area every day of the year before 7 am (opening time) and after midnight (closing time)? Sydney is already experiencing a serious shortage of bus drivers.

Some of the sporting activities proposed by the developers for the Entertainment Quarter seem to be a duplication of those already easily accessible to the public in a nearby Centre at Moore Park, comprising tennis and basketball courts, with their own competitions, camps and events. I'm unaware of noise complaints relating to this venue.

Other activities proposed by the developers are a potential threat to the continuing viability of other business stakeholders. When Centennial Parklands was made self-funding some years ago, the Park's administration had no option but to stage in the park various fundraising activities such as music festivals and concerts, an outdoor cinema, community events, children's school holiday camps, fun runs and corporate team building events. The staging of events is spaced and noise reduction measures adopted in good faith. Residents accept that such activities are essential to the upkeep and maintenance of the park and are therefore in the public interest. Many of these activities overlap with those proposed by the EQ developers, who would constitute a rival for such events but in the name of private profit. Their proposed activities are not essential in the way they are for Centennial Parklands.

The precinct was a contested site for business prior to this DA for the Entertainment Quarter. When the Allianz Stadium recently applied for and was granted permission to increase its number of outdoor concerts from about four to twenty per year, the professional football club complained that the agreed-upon allocation of the Stadium for its home football games was coming under threat. The Centennial Park Trust limits music festivals to four times per year with one-day duration. The number of outdoor music concerts in the developers' DA for the Entertainment Quarter seems to be limited only by the number of main events – 52 per year –

being proposed. Not only would the round of activities routinely offered by the Centennial Parklands Trust be threatened by this competitor, but granting of the DA could trigger a kind of 'free-for-all' in which all the relevant business stakeholders seek to have the current restrictions on their activities loosened to match those applying to the EQ. The downside of the ensuing frenzy of activity for residents is undeniable.

Detrimental Impacts on the Health of Cook Road Residents due to the Volume, Frequency, Duration and Reach of the Noise that would be generated if the DA is Approved

The noise pollution that would inevitably be generated if this DA is approved is my most serious objection to it.

Such noise would emanate not only from PA systems and live outdoor music concerts but any other activity accompanied by amplified recorded music – as so many events are today. In addition there is the loud noise produced by the hammering and power drilling involved in setting up the infrastructure required for the staging of temporary events, and its noisy dismantling, as the various pieces of metal and wooden scaffolding are hurled into the back of trucks prior to removal.

The developers' noise consultants have emphasized in their report that their estimates of noise impacts are necessarily very conservative, and do not take into account the cumulative impact of noise emanating from different activities happening at the same time. The developers state that the Entertainment Quarter is not directly bounded by the houses of residents. But the noise consultants very clearly report that residents in Cook Road especially will be negatively impacted by the **reach and volume** of the noise generated by the activities and events being proposed for the Entertainment Quarter.

The developers seem to be relying on the natural sound barriers provided by other buildings located in the vicinity to protect residents from noise. But the consultants point out how even this passive measure will be weakened when the Roosters building is removed from the precinct in 2026, thus exposing Cook Road residents even more to damaging noise. No specific remedy for this is given. One measure advocated to reduce noise impacts – to have sports referees employ quieter whistles – suggests to me that the noise problem is not being taken very seriously by the developers.

Noise pollution is real and has serious consequences for the health of those having to endure it. I suffer from tinnitus and have first-hand knowledge of how prolonged loud sound can produce and worsen the condition. Research has shown that noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease, type 2 diabetes, sleep disturbances, stress, mental health and cognition problems, including memory impairment, attention deficits and childhood learning delays. The human body does not become physiologically accustomed to noise, even after years of exposure, and the effect of lower noise levels over long periods is the same as louder noise levels over a shorter period.

To sum up, I am urging Sydney City Council to reject this development application outright and in its entirety. Approval with modifications would be tantamount to tinkering at the edges of plans which ignore the needs of other business stakeholders and the legal right of residents to be protected from damaging noise pollution.

The development application concludes with the lame assertion that the proposals are in the public interest. But the application itself does not present a clearly argued and convincing case for this. It basically presents a succession of proposals about how the site would be used rather than a justification of *why* it should be used in this way. That the Entertainment Quarter might be able to accommodate all the activities and events proposed does not mean that it is desirable that it should. The problems the plans pose for other business stakeholders in the vicinity are ignored, while the destructive impacts for residents are downplayed. The real interests being served by the development application are those of the consortium lodging it.

In rejecting their development application, the Council is probably legally bound to notify the developers of their right to lodge a new, amended application. I am requesting that, in communicating their rejection, the Council imposes the following restrictions on any new, revised development application for the Entertainment Quarter:

- That the number of large-scale events – 52 - to be held each year be cut in order to allow fair coordination with those of other businesses and organisations operating in the vicinity and to reduce the cumulative noise impacts on residents. The Entertainment Quarter is a defined space embedded in a larger one *shared* with other businesses, each generating traffic and noise. The EQ developers need to recognise this and take account of it in their plans;
- That all large-scale music events in the EQ be staged indoors in Liberty Hall (as has been the practice of the consortium in relation to 'one off' uses of the site up until now);
- That a more detailed, specific plan of noise control measures be drawn up, especially relating to the removal of a crucial natural sound barrier, the Roosters building, in 2026;
- That hours of operation be curtailed in recognition of the fact that the vicinity is the site of multiple businesses engaging in activities generating significant noise and traffic impacts on local residents. Expectations of inflicting such impacts on residents for 17 out of the 24 hours every day by the EQ alone is outrageous.

I hope my feedback on the development plan carries weight with its assessors. Thank you for giving me the opportunity to respond to it.

Email: 

From: [redacted] <[redacted]> on behalf of [redacted]
<[redacted]> <[redacted]> <[redacted]>

Sent on: Friday, April 12, 2024 1:46:27 AM

To: City of Sydney <[redacted]>

Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir ,

I am sending my Submission to the "council@" email address because I want some of my Personal information not disclosed to Public nor to the Applicant.

That is: please do **not** publish my email address , and please do **not** publish the Street Number of the building which I live in.

If required, you may publish my Name , and that I live in: Cook Road, Centennial Park, NSW 2021.

I refer to:

" D/2024/139

Address

116 Lang Road MOORE PARK NSW 2021

Applicant

THE TRUSTEE FOR CARSINGHA INVESTMENTS UNIT TRUST

Description

Use of the former coach bay within the Entertainment Quarter as an outdoor recreation facility and temporary events.

The proposed hours of operations are between 7.00am and 12.00 midnight Monday to Sunday.

City of Sydney contact

Joe Wang

Estimated cost

\$0.00

Lodged date

01/03/2024

Status

Being assessed

Exhibition period

18/03/2024 to 16/04/2024

"

For the above "Proposed development" I object to the "proposed hours of operations" of: "between 7.00am and 12.00 midnight Monday to Sunday" ,

For the reasons as follows:

- 1)- Noise from the Moore Park Entertainment Quarter is very audible in Cook Road, Centennial Park, including recently in this Year 2024.
 - 2)- As result of disturbance by Noise likely from the proposed activities mentioned in, and otherwise implied will be permitted under, the "Proposed development"
- { for which I have read all the documents published on the City of Sydney Council website }-

I state:

(a)- 7.00am is too early for start of Noise on any day of the week.

I submit that for all week-days Monday to Friday inclusive and Saturday that Noise causing activity not be commenced before 8.00am ,
and not before 9.00am on any Sunday.

(b)- 12.00 Midnight is too late at night for Noise to be tolerated in Residences in Cook Road.

I submit that all Noise causing activity, including noise of Patrons leaving the area, be ceased by 10pm on all 5 days of: Sunday to Thursday inclusive,

because many Residents of Cook Road need to be able to get to Sleep from 10.00pm to be able to have sufficient undisturbed sleep to be able to Work on the next Day.

I submit that the 12.00 Midnight operation be permitted only on Friday and Saturday nights, because those are the long-standing and commonly accepted Nights for late night Public Recreation and related Events.

Yours sincerely ,

[REDACTED] ,
[REDACTED] Cook Road ,
Centennial Park ,
NSW 2021.

email: [REDACTED]

From: Melinda Fatcher <[REDACTED]> on behalf of Planning Systems Admin
<[REDACTED]> <[REDACTED]>
<[REDACTED]>
Sent on: Friday, April 12, 2024 2:30:07 PM
To: DAsubmissions <[REDACTED]>
Subject: FW: DA D/2024/139

From: Peter Tzannes <[REDACTED]>
Sent: Thursday, April 11, 2024 6:26 PM
To: Bill MacKay <[REDACTED]>
Cc: Clover Moore <[REDACTED]>
Subject: DA D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

The Lord Mayor, Cr Clover Moore and the Councillors of the City of Sydney.

Mr Bill Mackay
Manager Planning Assessment
City of Sydney Council

I strongly oppose 'the use of the former coach bay within the Entertainment Quarter as an outdoor recreation facility and temporary events.'

I find it difficult to understand the lack of foresight that had led to this application.
The coach bay was specifically planned for the use of coaches whenever there is an event in the EQ or surrounding areas.
It was never designed to be an open theatre space. There is no roof over it so sound escapes in all directions

This application is an open ended attack on the local amenity of EQ's surrounding neighbours
The proposed hours of operation the coach bay are 7am to 12 midnight seven days a week. Sound travels in all directions.
There is no roof on the coach bay to minimise sound. and local experience has shown the performers exceed all limits during events.

As direct neighbours we are expected to tolerate invasive noise potentially 17 hours per day seven days per week.

In our submissions to EQ's increase in the number of open air concerts permissible we strongly pointed out that a **holistic approach must be taken on all the venues that want to hold concerts**. Then a logical balance can be reached by the authorities when assessing DAs
The EQ, SCG, SFS, Randwick Racecourse, Centennial Parklands all want to make money by holding concerts.
There is no appreciation of the impact on the local communities nor concern expressed.

Moore Park and the local communities are impacted by the noise, the anti-social behaviour of patrons, massive traffic gridlock and even graffiti on our homes.
This area is saturated with events that are hardly family friendly but rather, centre around alcohol.

The SEPP overarching EQ clearly states that activities on EQ must benefit film, TV and the video industries. It is not for sport or the music who already have a disproportionate amount of EQ and Moore Park space.

This is an open ended DA which is unreasonable, obtrusive and unnecessary. The impact on the residential amenity is not acceptable.

Monitoring of sound has never been a deterrent to the bands who regularly slip over the limits sent.

I urge the City of Sydney to reject this DA.

Peter Tzannes
43 Robertson Rd
Centennial Park 2021



11th April 2024.

From: Susan Acret <[REDACTED]> on behalf of Susan Acret <[REDACTED]> <Susan Acret <[REDACTED]>>

Sent on: Thursday, April 11, 2024 4:15:32 PM

To: [REDACTED]

Subject: D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Regarding the above application, I would like to object to the proposed development/use of land for the following reasons:

1. There is no time/date limit on the proposed use of this area for outdoor temporary events, meaning that events can take place Monday through Sunday, and from 7am to midnight, indefinitely;
2. The multiple temporary events include almost every kind of event, including amplified music events, 7 days a week from 7am to midnight. The applicant should be required to apply individually for each event given the diverse nature of events and the proposed timespan of events. For example, on a Sunday, Monday, Tuesday or Wednesday night it is not appropriate for amplified music events to be held until midnight.
3. The monetisation of public spaces is inappropriate in a precinct that already has a number of suitable entertainment venues that can be utilised for events such as those proposed;
4. The constant nature of events increases traffic and noise pollution, due to busing in and out of required infrastructure as well as loss of coach parking spaces in an already busy precinct.

Yours sincerely,

Susan Acret

From: Leonie de Groen <[REDACTED]> on behalf of Leonie de Groen <[REDACTED]> <Leonie de Groen <[REDACTED]>

Sent on: Saturday, April 13, 2024 10:25:32 PM

To: [REDACTED]

Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Re D/2024/139 - 116 Lang Rd Moore Park NSW 2021

Dear Mr Wang,

The Entertainment Quarter is known to me as I walk through it whenever I want to catch the Light Rail. The most obvious comment I have to make is that as soon as the property is entered a person is subject to what I call 'white noise'. It is almost like the precinct could not function without noise. If it is not the noise of air conditioners, or generators, then it is the constant amplification of advertising or music, or machinery. I am prefacing my comments about the DA with this background to draw on.

I fail to see the reason for the DA. It is almost like the developers 'dream up' a suggestion that may just earn a few dollars for them without the 'needs' of anyone

The above application seeks to have approved an area of the Entertainment Quarter for 7 days a week over 17 hours in each day. The area is what the DA calls the former coach bay.

So for 17 hours a day more noise than already exists in the Entertainment Quarter is sought an approval. For the developer to suggest that these so-called entertainments are necessary for the community is far-fetched. Moore Park already provides the community more than adequate sporting facilities, with basketball courts, netball courts, golf facilities, tennis courts, soccer fields etc not to mention parklands that surpass most others in the greater Sydney area, such that the DA is superfluous to needs. Is that why the application says the proposed 'recreation' facilities would be 'supported' by music events & concerts, there being no other way for the developer to finance the application? The major complaint of the local community apart from traffic, is noise. This application demonstrates why. 17 hours a day of additional noise where

noise goals currently applicable to the site (and EQ venue) have been reviewed to define activities which are predicted to comply if operated after 10 pm.

The applicant seeks, as a minimum that the activities continue until midnight. To be conservative, the assessment has assumed that activities could occur every day of the week.

This being the case, the community problem of noise is exacerbated by this DA.

It is also totally unrealistic to suggest that Area 3 be used for events using amplified music, & once again adds to the noise problem.

I would suggest the use will adversely affect the neighbourhood especially because of the totality of the times involved, and the problem of noise.

In terms of traffic, it seems pointless to have the coaches parked on Park Rd, when an area is already allotted for their use. Get them off the roads & make the roads for the use of vehicles, not coach parking, by making them no parking areas.

It is time to put a halt to noise increases in the area, & thus I object to this DA.

Yours faithfully,

Leonie de Groen
23 Cook Rd
Centennial Park. 2021

From: Carol Fenton-Lee <[REDACTED]> on behalf of Carol Fenton-Lee
<[REDACTED]> <Carol Fenton-Lee <[REDACTED]>

Sent on: Sunday, April 14, 2024 9:47:49 PM

To: [REDACTED]
Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Planning Assessments,

Re D/2024/139

I don't know where to begin to strongly oppose the proposed development to use the coach bay in the Entertainment Quarter (EQ) as an outdoor recreation facility 7 days a week between 7am and midnight thus giving no respite to the residents or businesses of the surrounding area. I hope the City of Sydney is not so naive as to allow this application to proceed.

As I sit typing this email the noise of a dance party- "Sash"- from the EQ is loud and intrusive. I have called the City of Sydney to draw attention to the unacceptable level of noise disturbance on a Sunday night but I have few expectation that anything will change unless I give up my time and Sunday night to provide detailed documentary evidence which is unrealistic for a family where both parents work full time. The City of Sydney seems powerless to monitor and manage the noise impact from such outdoor events. No matter what restrictions are placed it is only a matter of time before they are breached again. It seems that the EQ is slowly becoming a venue for raves and underground dance parties.

I have read through the application and see that one proposed use is for musical entertainment and DJ events which means this outdoor area could be used for dance part events without restriction. Centennial Park is regularly used for outdoor musical festivals with significant disruption to the surrounding neighbourhood. The Hordern Pavilion is a purpose built venue where at least the disturbance and noise pollution is kept to a minimum. The cricket ground and football stadium are busy venues which cause traffic and noise pollution but we accept that this is part of living in this area. We do not accept that a disused coach park should become a venue for limitless outdoor dance festivals or DJ events.

The type of outdoor events mentioned in the proposal will limit the amenity of the EQ for the general public. Outdoor music and DJ events do not encourage community participation and I believe would detract some patrons from visiting the EQ. I would love to see better use of the EQ by ventures which encourage more arts productions: something that the City of Sydney could be really proud of and the could elevated the EQ to a higher standard.

I would be very happy to be contacted to discuss this further.

Yours sincerely,

Carol Fenton-Lee

[REDACTED]
3 Robertson Road Centennial Park, 2021

From: Gregory Hampshire <[REDACTED]> on behalf of Gregory Hampshire
<[REDACTED]> <Gregory Hampshire <[REDACTED]>

Sent on: Tuesday, April 16, 2024 12:32:56 PM

To: [REDACTED]
Subject: D/2024/139 116 Lang Road MOORE PARK NSW 2021. Use of the former coach bay within the Entertainment Quarter as an outdoor recreation facility and temporary events.

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Without Prejudice – views are personal.

Hello,

Just a few comments about - D/2024/139 116 Lang Road MOORE PARK NSW 2021

I am concerned about:

- Increased noise levels from this event space within EQ. Especially for residents in Cook Road.
- Increases foot and road traffic within the precinct.
- The number of events to be held in the Coach Bay.
- Security at the event if the Coach Bay will be open 7 days a week from early to late.
- The current lack of Policing in the suburb – more will be need other than the drive through suburb service we get from Surry Hill Station.
- The current status of the Police Station in Jersey Road Woollahra.
- The lack of interest in Centennial Park by the current State Member for the area – compared to the previous State Member for Heffron.

The EQ, SCG and Allianz Stadium spaces currently offer sufficient entertainment opportunities.

Cook Road residents will not appreciate more noise and more crowds in a nice suburb. There are already issues with large events at the SCG and Allianz and public transport and traffic jams associated with events.

I am opposed to this development.

Kind regards,
Greg Hampshire
Cook Road
Centennial Park.

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From: Rence <[REDACTED]> on behalf of Rence <[REDACTED]> <Rence <[REDACTED]>

Sent on: Monday, April 15, 2024 2:29:26 PM

To: City of Sydney <[REDACTED]>

Subject: Object to D/2024/139-116 Lang Road, Moore Park

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom It May Concern,

Although it is economically beneficial to the suburb, It will greatly impact the residents living here.

Not long ago that the area just been Recovered from Allianz stadium. Besides, it is likely the same service that Allianz can offer on the proposed project.

The calmness and peaceful surrounding of the suburb are their great features.

I, therefore object to the said project.

Thank you.

Sent from my iPhone

From: Antony Reynolds <[REDACTED]> on behalf of Antony Reynolds
<[REDACTED]> <Antony Reynolds <[REDACTED]>

Sent on: Monday, April 15, 2024 2:23:12 PM

To: City of Sydney <[REDACTED]>

Subject: Objection to D/2024/139 116 Lang Road MOORE PARK NSW 2021

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

RE: D/2024/139 116 Lang Road MOORE PARK NSW 2021

Dear City of Sydney,

I am writing to object to the abovementioned development application. Kindly keep my e-mail address and phone number private when publishing my objection.

My fellow residents and I already suffer enough from living in the vicinity of the Moore Park sports and entertainment facilities. Prior to the application even being approved there seems to be music wafting over from the Entertainment Quarter on most weekends. Then there's all the weekends when the NRL, AFL and soccer are on, with sirens, whistles and cheering crowds.

I only have street parking so when I go to visit my elderly father on the weekends I already have to google "events at scg" and "events at allianz stadium" prior to leaving so I can plan my return trip to ensure I don't get caught in some traffic snarl and will be able to find a parking spot. At the moment I rarely take the car anywhere if I know I won't return till the evening because it's too hard to park.

I can only imagine what hell it will be taking the car anywhere if this application is approved and there are MAJOR events most weekends at the Entertainment Quarter. Now that there's a backdoor into the Entertainment Quarter on Cook Road, I'm sure more and more people will be parking in our streets hoping to avoid parking fees.

We deserve to spend our weekends without the constant distraction of music, screaming crowds, and amplified voices ruining our peace and quiet.

I respectfully ask that you deny this application.

Kind regards,
Antony Reynolds

[REDACTED]
64/53-55 Cook Road
Centennial Park NSW 2021

From: [REDACTED]
Sent on: Wednesday, July 17, 2024 4:04:14 PM
To: dasubmissions@cityofsydney.nsw.gov.au
CC: [REDACTED]
Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Hello Sydney City Council Planning Department

As a nearby resident of the Entertainment Quarter in Centennial Park I have received a letter from you notifying that the above mentioned DA is on exhibition.

I have read the statement of environmental effects document (EIS) prepared by the applicant.

While as a nearby resident I do not object to the use of this area within EQ I think some of the proposed uses by the applicant are so loosely worded and generally described you could drive the proverbial truck through them, so I submit the Council should require greater precision in the proposed uses A-F described on page 11 of the EIS and/or impose conditions that narrow the interpretation of those uses.

For example although the applicant says there will not be stand alone concerts or "music events" the provision to allow DJ's at any time can easily be abused. The applicant says only "background music" ancillary to other uses is contemplated, but I know from observation that under the previous temporary approvals permitting a limited number of events last Summer, these events have in many cases been effectively an outdoor dance party. It is easy to have a DJ and a couple of food stalls and describe the event as primarily an "entertainment" but in reality the DJ will be the main feature and it becomes a dance party.

Therefore I think Council conditions should tighten up this loophole and specifically exclude DJ's from the approval. Recorded music within reasonable sound level limits should be sufficient if all that is intended is to provide background music during other types of entertainment events. There are already other venues nearby where dance parties can be conducted indoors eg the Hordern Pavillion and the indoor music venue right next to the open basketball courts subject to this application.

The applicant is also very vague about the time periods events will operate if approval is granted on a permanent basis. The applicant seeks approval to use the nominated areas for uses A -F from 7am to midnight 7 days a week, basing this on the opening hours of the Entertainment Quarter-refer section 4.5 on page 13 of the EIS.

I believe this is excessive for the proposed uses and Council should impose conditions substantially limiting these hours of operation, and certainly require all events to finish by 9 pm at night at the latest to avoid large numbers of people departing EQ through residential areas late at night.

In relation to noise, the Applicant says no special noise control measures will be required for after 10pm because it says in the EIS (see extracts copied from pages 18 and 19 below) events will "largely" or "generally" finish by 10 pm. The use of "largely" and "generally" are intentional in this context and means the Applicant does not want to accept responsibility to ensure that events generating noise finish by 10 pm or to ensure noise levels are reduced if this occurs and I submit this should be unacceptable to the Council. To put it another way the Applicant is seeking to avoid accountability for breach of the DA if events with music etc continue after 10 pm without noise reduction measures being put in place. This is another reason I believe Council should impose a condition requiring all events to finish by 9pm at the latest so that if there is any overrun in events finishing at least noise stops and crowds can disperse before 10 pm at the very latest.

have been predicted to require significant controls after 10:00pm.

The use of the site will generally finish by 10:00pm, therefore additional controls for amplified announcements and waste collection will not be required. There are no east facing amplified activities expected to occupy the space. Rather, noise amplifiers such as music and speakers."

Page 19 of EIS

"Amplification for events must be west facing, with noise levels from activities to be reduced after 10:00pm
As highlighted, noise amplifiers such as music and speakers will be oriented to the west, therefore reducing direct acoustic impact to surrounding neighbours to the east.**The use of the site will also largely finish by 10:00pm**. This will enable the swift reduction of noise levels after the entertainment quarter curfew."

Thank you for bring this Development Application to my attention and I would be grateful if in due course you can notify me of the outcome of the Application and the conditions of any consent.

Yours sincerely

Timothy Hirshman
92 Lang Road Centennial Park NSW 2021

From: Leonie de Groen <[REDACTED]> on behalf of Leonie de Groen
<[REDACTED]> <Leonie de Groen <[REDACTED]>

Sent on: Monday, July 29, 2024 9:34:40 AM

To: dasubmissions@cityofsydney.nsw.gov.au; council@cityofsydney.nsw.gov.au

Subject: comment on D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

This email is in relation to the renewed development application by The Trustee for Carsingha Investments, with a minor amendment.

It is noted that the renewed application (a) deletes the proposal for concerts or music events & (b) reduces the number of patrons.

What would be an even better amendment is if the whole application for development was deleted. Why do we need more of the same in the same area. The EQ already has markets, community events, a gymnasium, food & beverage stalls, food trucks, street performances & busking. And why are mini soccer, mini basketball netball, kids camps & clinics, corporate team building events, exhibitions, go kart riding, & an ice rink needed when all are available in the vicinity of the EQ? All of these represent unnecessary & totally inappropriate monetisation of public spaces well as increasing the problem of noise that our neighbourhood endures weekly.

Whilst the original proposal included concerts or music events, all the events included in the renewed application involve music - musak the applicant describes as 'ambient' or 'background' music. In other words, from amplified sound over the period from 7am to 10pm. There is insufficient noise control in all of the EQ area, & this application will fail to overcome the fact that the residents of Centennial Park yet again are subjected to white noise - continual noise that operates from 7am to 10 pm, & that fails to consider why that noise is necessary. Most young people, presumably the people to whom the development application is aimed at, have their own music they carry with them & are 'plugged into' in the form of their mobile phones. They do not need musak supplied by others that do not 'know' their tastes, nor is it needed to do any of the above proposed activities. If concerts or parties or DJ's or other large population events are proposed, then the already existing places for such (eg Hordern Pavillion) should be compulsory locations.

It is time the said Trustee should seek some other area of investment for his client, than the noise-making, population increasing sort, & perhaps the local population of the area the City represents could enjoy the CentennialPark-Moore Park precinct

as it was intended. Give the City of Sydney back its Parklands & get rid of the avaricious moneymakers.

Leonie de Groen

23 Cook Rd

Centennial Park 2021

From: [redacted] <[redacted]> on behalf of [redacted]
<[redacted]> <[redacted]> <[redacted]>

Sent on: Sunday, July 28, 2024 1:00:57 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: Submission - D/2024/139 - 116 Lang Road MOORE PARK NSW 2021 - Attention Joe Wang

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Sir/Madam ,

Re: D/2024/139 - Applicant name: THE TRUSTEE FOR CARSINGA INVESTMENTS UNIT TRUST - "Re-notification".

The "No concert or music events proposed" is an improvement on the previous DA by the above Applicant for this matter ,

however the requested Hours of Operation remain as previously: 7.00am and 12.00 midnight Monday to Sunday. 7.00am start and 12.00 midnight stop both allow excess Noise too early and too late every Day from Vehicles transporting, unloading and later re-loading items for the events, and from People going to and later leaving from the Location, some of whom will be intoxicated and calling out loudly, and some of whom will be parking their vehicles in, and later removing their vehicles from, Cook Road in large numbers too early and too late for the additional higher than otherwise levels of Noise caused to be tolerated or considered as Reasonable.

7.00am to 12midnight could be acceptable for Fridays and Saturdays only, because Friday nights are are long-standing and commonly accepted nights for Public Entertainment and Public Activities events, as also is Saturday for all day and into the night extending to midnight. Sundays should be reduced to between 9.00am and 10.00pm to allow Residents of Cook Road some extended quiet periods to be able to rest and recover from their weekdays schedules, and the four Weekdays of Monday, Tuesday, Wednesday, Thursday should be reduced to between 8.00am and 10.00pm to be in accord with the common hours of weekdays activities by residents of Cook Road who have to had sufficient rest and quiet to be able to Work efficiently at their jobs during the Week.

P.S. please do **not** publish my Unit number [redacted] for Public Access reading, because I do not want to be a Target for nuisance-type People who get satisfaction by baiting and otherwise annoying identifiable People who attempt to maintain a reasonable civilized Society.

Yours sincerely ,

[redacted] ,
[redacted] /53-55 Cook Road,
Centennial Park,
NSW 2021.

email: [redacted]

From: Joe Wang <[REDACTED]> on behalf of Joe Wang
<[REDACTED]> <Joe Wang <[REDACTED]>

Sent on: Monday, July 29, 2024 9:27:02 AM

To: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov.au>

Subject: FW: D/2024/139 - 116 Lang Road MOORE PARK NSW 2021

Hi Team,

Can you please include the following submission into the submission folder?

Many thanks

Joe Wang

Planning Assessments



Telephone: +612 9246 7640
cityofsydney.nsw.gov.au

The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local area.

From: Susan Acret <[REDACTED]>
Sent: Monday, July 15, 2024 3:39 PM
To: Joe Wang <[REDACTED]>
Subject: D/2024/139 - 116 Lang Road MOORE PARK NSW 2021

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Joe,

I continue to have objections to the Carsingha DA, now resubmitted with additions and amendments.

1. I continue to object to the 24-7 nature of this DA. If approved, Carsingha has permission to put continuous events on the site from 7am-12am, 7 days a week. There should be amendments that limit events to certain periods during the year and to hours that reflect community and residential concerns with noise. Traffic noise and associated behaviour issues continues for at least an hour after the conclusion of the event; with a 12am end time in place, we are looking at noise continuing into the early hours of the morning;

2. While no concerts or music events are proposed, I note that busking, in addition to: 'Musical entertainment ... DJs and other musical performances' is proposed. In other words, amplified music. The DA continues, saying that Area 2 'may also accommodate music events and concerts such to support the sport and recreation uses'. The development application proposes facing speakers to the West, where there is no residential impact. I would argue that this will affect the residents of Robertson and Martin Rds;

3. I note that according to Carsingha, no extra traffic will be caused by these events. This is simply not possible. I would also note that with work being done on the car park for the Sporting Club of Sydney, making it unavailable for 2 years, parking bays in Driver avenue are constantly full, despite additional parking on Moore Park being provided. Overflow is also evident in the residential streets around EQ;

4. While I note the proposed DA now lists some family friendly events such as kids sport and markets, these are merely examples of the kinds of events that COULD be held. There is no limit on the type of events (apart from 'concerts/music events') that can be held. Should council approve this application, council and the community will have no say should a particularly inappropriate event be proposed.

In summary, I object to the carte blanche nature of this DA. I would like to see substantive limitations around hours, noise and purpose applied to the benefit of communities that use the EQ and surrounding lands.

Yours sincerely,

Susan Acret

From: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> on behalf of Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> <Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>>
Sent on: Monday, July 29, 2024 11:14:16 AM
To: DAsubmissions <DAsubmissions@cityofsydney.nsw.gov.au>
Subject: FW: Re-notification Letter - 116 Lang Road, MOORE PARK - D/2024/139

From: Martha Castaño <[REDACTED]>
Sent: Sunday, July 28, 2024 2:55 PM
To: Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au>
Subject: Re: Re-notification Letter - 116 Lang Road, MOORE PARK - D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear Madam/Sir.

As previously advised, I declare that I object the above development and want it be rejected outright and in its entirety.

I purchased an apartment in this area because it is a quite area to live in and I want it to remain in this way.

Even when now the proposal has changed to no include concert of music events, it includes the use of the premises until midnight Monday to Sunday and events supported by background music, with the option of amplified sound. This is a overdevelopment which will cause lots of noise generated by the events which I believe will impact the health and quality of life of everybody that lives in this area. Noise pollution causes many health problems including hearing loss, tinnitus, sleep disturbance, stress, mental health and cognition problems among others.

I claim my right to continue leaving in a peaceful place and I want the development be rejected preserving the health and wellbeing of all Cook Road residents.

Kind Regards,

Martha Castano Arbelaez
Unit 73/53-59 Cook Road Centennial Park

On Monday 15 July 2024 at 02:37:39 pm AEST, Planning Systems Admin <planningsystemsadmin@cityofsydney.nsw.gov.au> wrote:

15 July 2024

Applicant name

THE TRUSTEE FOR CARSINGHA INVESTMENTS UNIT TRUST

Reference number:

D/2024/139

Site address:

116 Lang Road , MOORE PARK NSW 2021

Proposed development:

Re-notification - Use of the former coach bay within the Entertainment Quarter for outdoor recreation, film production, exhibitions and temporary activities such as markets. Proposed hours of operations are between 7.00am and 12.00 midnight Monday to Sunday. No concert or music events proposed.

The City of Sydney has received the above application. As part of our assessment, we are notifying surrounding neighbours and property owners to seek their views on the proposal.

We are accepting comments on the proposal until **30 July 2024**. If this date is on a weekend or public holiday, the period is extended to the next working day.

We encourage you to review all documents to understand the details of the proposal.

View the full application and send us your comments by typing [cityofsydney/find-da](https://cityofsydney.nsw.gov.au/cityofsydney/find-da) in the address bar on your browser.

For more information, contact Joe Wang on 02 9265 9333.

Bill MacKay
Manager Planning Assessments



cityofsydney.nsw.gov.au

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From: michael schey <[REDACTED]> on behalf of michael schey
<[REDACTED]> <michael schey <[REDACTED]>

Sent on: Monday, July 29, 2024 4:44:20 PM

To: City of Sydney <council@cityofsydney.nsw.gov.au>

Subject: Ref. no. D/2024/139

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Applicant name: Trustee for Carsingha Investments Unit Trust
TO: Mr. Bill Mackay
Manager Planning Assessments

Dear Sir,

As long term (local) residents we strongly object to the above application. We are sure and we fear that this will cause more noise & traffic chaos in our area. Particularly in/on Cook Road, Centennial Park. This has been and remains an important issue to us & other local residents.

However, we are also aware that this applicant always seems to get approved whatever it wants. This leaves us as very disappointed and sceptical Council rate payers.

Yours sincerely,
Lynn and Michael Schey
54/133 Cook Rd
Centennial Park 2021

From: Janet Keller <[REDACTED]> on behalf of Janet Keller <[REDACTED]> <Janet Keller <[REDACTED]>
Sent on: Monday, July 29, 2024 11:28:49 AM
To: council@cityofsydney.nsw.gov.au
Subject: Response to D/2024/139 116 Lang Rd, Moore Park
Attachments: SydCoouncil_letter_240729.docx (20.63 KB)

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Mr Bill MacKay
Manager Planning Assessments
City of Sydney Council

Please find attached my response to the amended and reissued development application for **116 Lang Road, Moore Park (Ref No: D/2024/139)**

Thank you for your diligence in handling this DA and for allowing residents to express their comments and objections.

Regards

Janet Keller
55/53-55 Cook Road
Centennial Park

MOB: [REDACTED]
Email: [REDACTED]

29 July 2024

Attention: Mr Bill McKay
Manager Planning Assessments
City of Sydney Council

Re: Response to Development Application D/2024/139 – 116 Lang Road, Moore Park

Thank you for giving me the opportunity to comment on the above reissued development application in response to its applicants' amendments. I am requesting that all identifying information about myself, apart from the fact that I am a long-term resident of Cook Road in Centennial Park, be withheld.

First I wish to thank the Council's planning assessors for their recommendation that the applicants withdraw their original DA. This was on the grounds that their proposals were not supported by enough information about the potential impacts on the amenity of all who would be affected by their implementation.

The most welcome outcome of Council's response is that, according to the amended DA proposals, Centennial Park residents will now be spared the prospect of being subjected to large scale outdoor concerts in the EQ with amplified music taking place up until midnight on any day of the week for up to 52 days per year. The estimated reduction in EQ patrons is also a very significant improvement.

However I believe that some of the proposals contained in the amended DA will still have detrimental impacts on the health and well being of Centennial Park residents.

- **Continued Overdevelopment of the Entertainment Quarter**

The new proposals still constitute overutilisation of the Entertainment Quarter site. Although concerts and music events have now been excluded, all other activities as put forward in the original development proposal would continue to be held, with some regular events permanently scheduled for every day and others permanently scheduled for once every week. In addition there would be temporary 'one off' events included in the mix. It seems that events and activities could be held back-to-back. Activities would continue to include:

markets; community events, including any ceremony or cultural celebration, fete, fair or gathering; mini golf; racquet sports; bowling; a temporary swimming pool; electric go kart riding; a gymnasium; an ice rink; mini soccer; mini basketball; netball; obstacle courses; children's basketball camps/clinics during school holidays; privately booked basketball games; social basketball competitions; corporate team building events; exhibitions; food and beverage stalls; food trucks; cooking competitions; street performances and busking.

This still constitutes unnecessary, intrusive and intensive use of public space for activities already duplicated nearby with their own noise impacts. This is especially the case in light of the \$9.4 million allocated in this year's NSW Budget for construction of new sports and recreational facilities at Centennial Park and Moore Park. Our densely populated neighbourhood is in danger of reaching saturation point with this type of development and the harmful noise it generates.

Although 'no concert or music events' are now being proposed, it is my understanding that all the above events would be allowed to be 'supported' by ambient or background music, with the option of amplified sound, up until 10 pm every day. Noise at lower levels from activities would be allowed to continue after 10 pm to the midnight deadline.

What the developers are failing to understand is that, for Centennial Park residents not actually present, EQ sporting and recreational events even just accompanied or 'supported' by music can only be experienced primarily as 'music events' (which are supposed to have been deleted from the amended DA proposals).

It is clear from the tables provided in the Noise Management Plan attached to that Cook Road residents will still suffer the worst noise impacts of all Centennial Park residents.

- **Inadequate Noise Management Strategies Continue to be Proposed**

From hard experience, Centennial Park residents have learned that noise *mitigation* measures cannot ensure that we will be protected from excessive noise disturbance. There is an over reliance by the developers' noise consultants on buildings to act as shields against noise reaching residents. One of the most significant of these buildings - the Roosters Headquarters – is scheduled to be removed in 2026. The recommendation that, where possible, loud speakers should face westwards does not ensure residents living in Residential Receiver Group 2 - East (Cook Road) will escape excessive noise. This is because, in an open space lacking a roof, sound waves escape in all directions. Similarly, monitoring noise as it happens does not protect residents from excessive noise disturbance *in real time*, regardless of complaints options.

1 Need to prioritise prevention rather than mitigation of noise

We should seek to *prevent* as much noise as possible at its source rather than simply try to *mitigate* it once it has been generated.

In their report the noise consultants have itemised the proposed activities and events in groups listed from A to F (see pages 3-4 of their Noise Impact Assessment).

- **Events and activities listed in groups B, C, D and E – comprising primarily all the outdoor/open-air sport and recreation activities – should not be permitted to be 'supported' by music at all – live or recorded and certainly not amplified.**

Patrons will not view exhibitions more efficiently with the help of music. Sports players will not run or swim more slowly, score fewer goals or perform more badly on obstacle courses if music does not accompany their efforts. If either contestants or spectators

cannot survive even for a limited time without music being pumped into their ears, they can always connect to their own digital devices with ear plugs. For the noise consultants to argue that “ancillary background music” is required “to enhance the uses of the space” (page 4) is ludicrous. The developers are proposing “scaled down events” – not the AFL or rugby league grand finals where cheer leaders and musical performances by celebrity singers are the expected norm. The proposed sporting and recreation events should be able to stand as attractions in their own right, without being propped up by music. Noise does not make an event more ‘vibrant’ and enjoyable.

- **Setting up and dismantling of temporary structures for events should be restricted to the hours of 8 am to 6 pm.**

This will more likely be possible if events are not held back-to-back.

- **If dance parties are to be held in the EQ, they must take place in an enclosed space, e.g. Liberty Hall or the Hordern Pavilion.**

The successful use of such venues can be seen in the example of the annual Gay and Lesbian Mardi Gras Ball held for decades in the Hordern Pavilion. These venues also allow for easier crowd control than is possible with outdoor events.

- **Any activity or event requiring the involvement of a DJ should also be confined to the indoors.**

2 Need for enforcement of noise limits, rather than simply monitoring them

It is easier to set noise limits than to ensure that they will be adhered to. When seeking to hold an event in the EQ, organisers should be notified in writing of the noise limits that will apply and the penalties for breaching them. They must nominate in writing who will take responsibility for meeting the noise control requirements at their event. Breaches of the noise limits should result in fines, levied proportionately, but leading to significant profit loss from the event. Repeated breaches should lead to bans from using the EQ site again for a minimum of two years. (Some events are only held annually so a one-year ban would be ineffective).

By these measures, the “scaled-down, low-impact” events now being championed by the developers might be achieved.

Janet Keller (MOB: [REDACTED])
Email: [REDACTED]

Centennial Park Garden Suburb Association
C/- 2 Martin Road, Centennial Park, NSW, 2021
26/7/24

Bill MacKay, Esq
Manager Planning Assessments,
City of Sydney,
GPO Box 1591
Sydney 2001



Dear Mr MacKay,
TO the Council of the City of Sydney re D/2024/139
RE the Bus parking bay at the EQ

The revised application has clearly been resubmitted to appear that the revised application fits the site Dedication as a complement to the Disney film studios. However the revised application should be rejected as

1. the existing uses are already a violation of that Dedication;
2. the existing uses (mini tennis SFS club facilities) do not have Council approval;
3. The GSP Agency is not properly supervising the licensee to accord with the Dedication;
4. The bus parking bay has been improperly closed off without approval;
5. The bus parking bay should be separately administered by GSP Agency, instead of the licensee, to accommodate patrons in the EQ and the Parklands.
6. Shunting buses to park in the residential precinct from sporting and other events (eg concerts) and even from the Marks Athletic field because the bus bay is closed is a failure from a town planning point of view. Private bus operators (but not government buses) ignore the traffic regulations limiting the parking time in residential areas, and locally the light traffic ordinance and one and four hour zoning.
7. The revised list of possible uses to fit the Dedication needs further examination. For example film production is already catered for at Disney or AFTRS or should be. Loud Public address systems are used in conjunction with existing market facilities. Public recreation is too broad and needs clarification as it is already catered for at various points in the EQ.
8. There is a failure to provided for future bus parking needs of EQ activities (eg a circus already booked)

Thank you for your attention,
Yours sincerely,

Neil Runcie
Convener



From: Antony Reynolds <[REDACTED]> on behalf of Antony Reynolds
<[REDACTED]> <Antony Reynolds <[REDACTED]>

Sent on: Tuesday, July 30, 2024 3:02:09 PM

To: council@cityofsydney.nsw.gov.au

Subject: Objection to D/2024/139 116 Lang Road MOORE PARK NSW 2021

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

Dear City of Sydney,

I am writing to object to the abovementioned development application. Kindly keep my e-mail address and phone number private when publishing my objection.

In my objection to the original application I referred to difficulties parking. The reduction in the number of EQ patrons allowed at events is noted but as someone with only street parking, I already find it difficult finding a spot at times, and currently have to plan my use of the car around weekend events at Moore Park, the SCG, and Allianz Stadium for fear of returning home at the wrong time and not being able to park. With significant events proposed 7-days a week, I'd be too afraid to take the car anywhere!

If this application is approved, the back door that opened on Cook Road last year will exacerbate the parking issues. When it first opened, I was pleased with the back door; it made it easier to pop over and get a coffee or see a movie. I'm afraid though it's just made it more difficult to park when a major event takes place as people try to dodge parking fees. The development application proposes significant events 7-days a week from 7am to Midnight. If this is allowed, the back door into EQ should be sealed to prevent resident parking being monopolised by EQ patrons.

I also object to the use of ambient music to accompany the proposed events, with amplified sound up to 10PM and beyond every day! OMG it'll be like living in a shopping centre! At least I can leave a shopping centre and return to the peace and quiet of home. Sadly that will no longer be the case if this application is approved!

I respectfully ask that you deny this application.

Kind regards,
Antony Reynolds

[REDACTED]
64/53-55 Cook Road
Centennial Park NSW 2021

From: Gregory Hampshire <[REDACTED]> on behalf of Gregory Hampshire
<[REDACTED]> <Gregory Hampshire <[REDACTED]>

Sent on: Tuesday, July 30, 2024 4:30:39 PM

To: dasubmissions@cityofsydney.nsw.gov.au

Subject: D/2024/139 116 Lang Road MOORE PARK NSW 2021. Use of the former coach bay within the Entertainment Quarter as an outdoor recreation facility and temporary events.

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Without Prejudice – views are personal.

Hello,

D/2024/139

The view of the local community has not changed re this DA even with the resubmission with amendments.

- Too much noise
- Too many open air events
- Too many open air events with amplified music
- Not enough parking
- Disruption to the suburb's quiet existence.
- No limits are certain events which are likely to generate noise and disruption

There are already enough events impacting Centennial Park residents.

Consequently, I respectfully request that the (amended) DA be rejected.

Kind regards,
Greg Hampshire
Cook Road
Centennial Park

Without Prejudice – views are personal.

Hello,

Just a few comments about - D/2024/139 116 Lang Road MOORE PARK NSW 2021

I am concerned about:

- Increased noise levels from this event space within EQ. Especially for residents in Cook Road.
- Increases foot and road traffic within the precinct.
- The number of events to be held in the Coach Bay.
- Security at the event if the Coach Bay will be open 7 days a week from early to late.
- The current lack of Policing in the suburb – more will be need other than the drive through suburb service we get from Surry Hill Station.
- The current status of the Police Station in Jersey Road Woollahra.
- The lack of interest in Centennial Park by the current State Member for the area – compared to the previous State Member for Heffron.

The EQ, SCG and Allianz Stadium spaces currently offer sufficient entertainment opportunities.

Cook Road residents will not appreciate more noise and more crowds in a nice suburb. There are already issues with large events at the SCG and Allianz and public transport and traffic jams associated with events.

I am opposed to this development.

Kind regards,
Greg Hampshire
Cook Road
Centennial Park.

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Item 4.**Development Application: 68-80 Erskine Street, Sydney - D/2024/395**

File No.: D/2024/395

Summary**Date of Submission:** 23 May 2024**Applicant:** Brian Hollis**Owner:** The Owners - Strata Plan No.19563**Cost of Works:** Nil**Zoning:** The site is located within land zoned as SP5 Metropolitan Centre under the Sydney Local Environmental Plan 2012. The proposed development is defined as a 'sex services premises' which is permissible with consent in the zone.**Proposal Summary:** The proposed development application seeks continuation of the existing use as a sex services premises, now known as 'JK80 Gentlemen Club', with base operating hours between 10.00am and 2.00am the following day, Monday to Sunday inclusive, and extended hours between 2.00am and 4.00am, Monday to Sunday. No physical works are proposed.

The existing use has been in operation since 2004 in accordance with previous consents D/2003/951 (as modified) and D/2009/2007 (as modified). The previous consents placed a time limited restriction on the continuation of the use for a period of 5 years at a time, after which the use must cease. The latest consent lapsed on 30 August 2023.

The application was notified for a period of 21 days between 3 July and 24 July 2024. A total of 82 properties were notified and no submissions were received.

The application was referred to NSW Police who raised no objections to the proposal, however recommended that conditions of consent be included in the Notice of Determination relating to provision of CCTV and crime scene preservation.

Subject to conditions, the proposal is generally consistent with the objectives and applicable planning provisions in

the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) and Sydney Development Control Plan 2012 (Sydney DCP 2012). The proposed operating hours comply with the permitted base and extended hours in the DCP. It is recommended that the hours between 2.00am and 4.00am, Monday to Sunday, are approved for a 5-year trial period.

No substantiated complaints have been received by Council during the operation of the premises, nor has there been a history of substantiated non-compliance issues or breaches apart from continued trading past the cease date of the development consent in 2023.

The application is reported to the Local Planning Panel for determination due to the expiry of the use under the previous consent, and thus the proposal being a sensitive development for the purposes of a sex services premises.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) Environmental Planning and Assessment Regulation 2021
- (iii) Heritage Act 1977
- (iv) SEPP (Biodiversity and Conservation) 2021
- (v) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (vi) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

Recommendation

It is resolved that consent be granted to Development Application Number D/2024/395, subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development is consistent with the objectives of the SP5 Metropolitan Centre Zone.
- (B) The proposal generally satisfies the objectives and provisions of the Sydney Local Environmental Plan 2012 and subject to conditions, will not create adverse amenity impacts nor cause disturbance in the neighbourhood.
- (C) The proposal is consistent with the relevant objectives of the Sydney Development Control Plan 2012.
- (D) The proposal is consistent with the permissible hours of operation of Section 3.15.4 of Sydney Development Control Plan 2012 and accords with Section 4.4.6 of Sydney Development Control Plan 2012 for sex services premises, subject to conditions.
- (E) Subject to the recommended conditions of consent, the proposed development will maintain the existing level of amenity the site locality and will not result in additional adverse environmental impacts to adjoining sites. Conditions of consent are recommended to ensure the use continues to be managed in appropriate manner in accordance with safe practices and the procedures outlined within the endorsed Plan of Management.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 101 DP 626245, known as 68-80 Erskine Street, Sydney. It is rectangular in shape with area of approximately 540sqm. It has a primary street frontage of 34 metres to Erskine Street and a secondary street frontage of 15 metres to Kent Street, and the site is located at the intersection of these streets.
2. The site contains an existing row of eight 3-storey brick terraces with basement, known as the 'Watch House' terraces identified as both a State and local heritage item (State Heritage Register (SHR) Item No. 00223 and Local Item No. I1757). The subject premises is the first terrace from the east, known as 80 Erskine Street, Sydney (subject site).
3. It is noted that 70 Erskine Street (approximately 25m) to the west of the subject site is another sex services premises is known as 'City Touch' which has also been in operation since 2004. The existing sex services premise at 70 Erskine Street is of an identical scale to the existing sex services premise at the subject site.
4. The surrounding area is characterised by a mixture of land uses, primarily being high density commercial uses, including retail and food and drink uses located on the ground floor with commercial offices or hotel accommodation on the floors above. There are no existing residential uses within the immediate vicinity of the site. The site is located within a late-night trading area and is approximately 170 metres from Wynyard Station.
5. A number of State and local heritage items are located within the site locality, adjoining the terraces to the east and across Kent Street to the west. These heritage items include the:
 - (a) 'Former "Watch House" including interiors' at 82 Erskine Street (SHR Item No. 00501 and Local Item No. I1758);
 - (b) 'Commercial building including interior' at 105A Clarence Street (Local Item No. I1715) to the east;
 - (c) 'Commercial Terrace group including interiors' at 42-50 Erskine Street (Local Item No. I1754);
 - (d) 'Former "CW Foley and Co" commercial terrace pair including interiors' at 52-54 Erskine Street (Local Item No. I1755); and
 - (e) 'Commercial Terrace group including interiors' at 62-66A Erskine Street (Local Item No. I1756) to the west.
6. The site is located within the Central Sydney locality and is not identified as being subject to flooding.
7. A site visit was carried out on 8 August 2024. Photos of the site and surrounds are provided below.

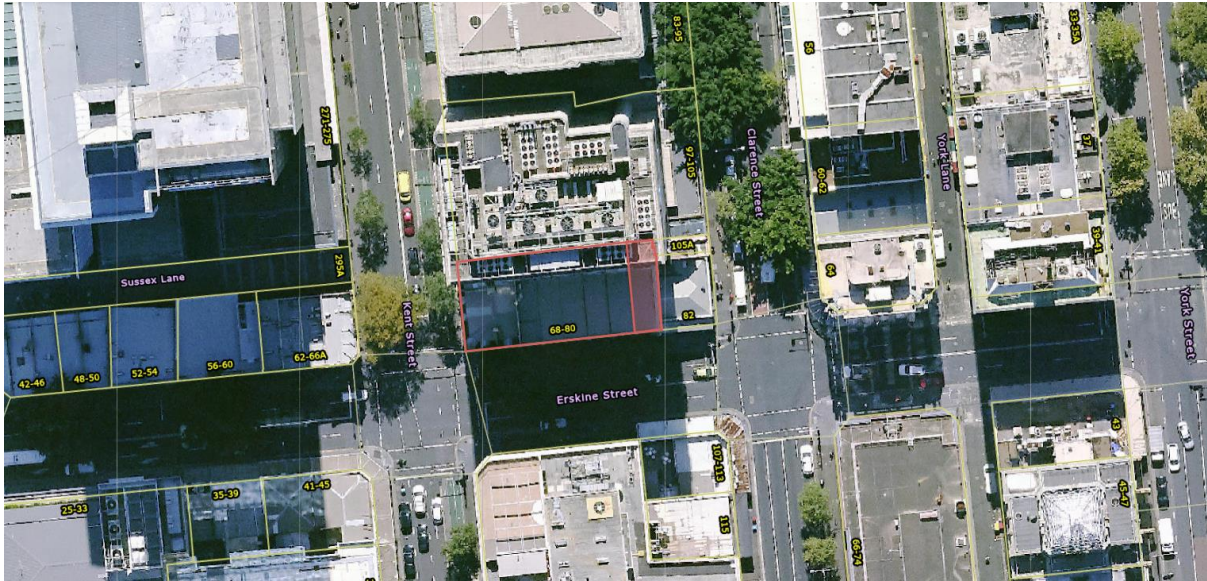


Figure 1: Aerial view of site (outlined red), the subject premises (shaded red) and surrounds

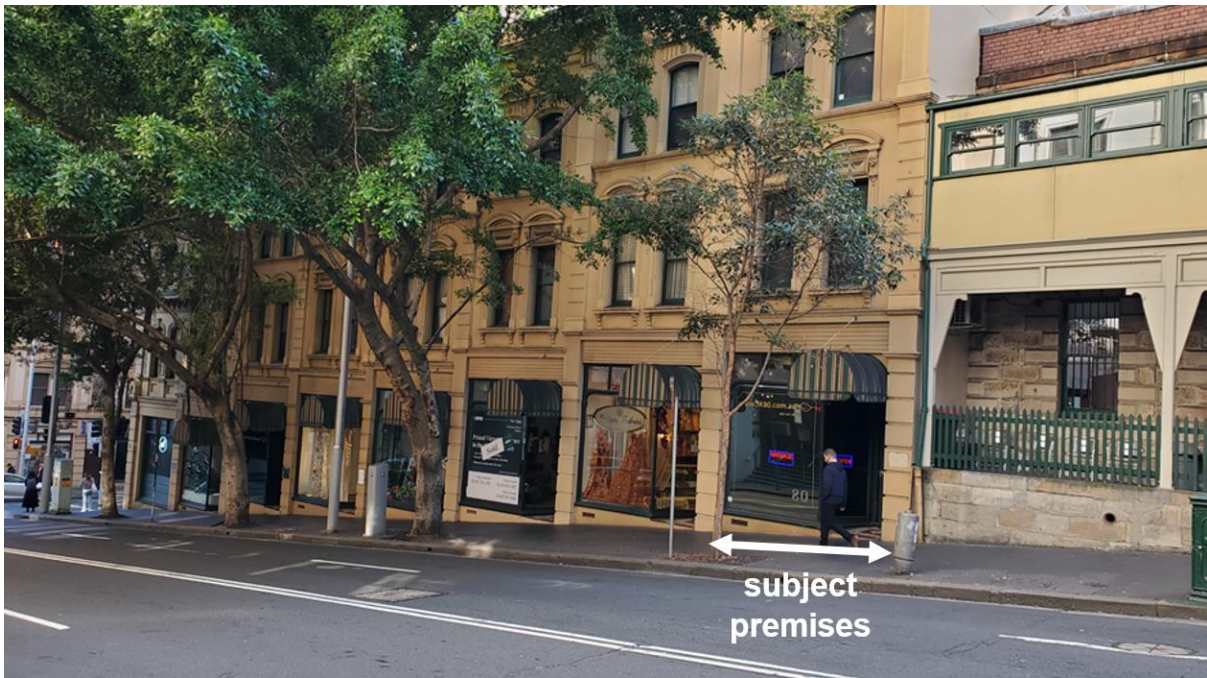


Figure 2: Collective site (68-80 Erskine Street), and the subject premises, as viewed from Erskine Street facing northwest



Figure 3: Subject premises (No. 80) as viewed from Erskine Street facing northwest

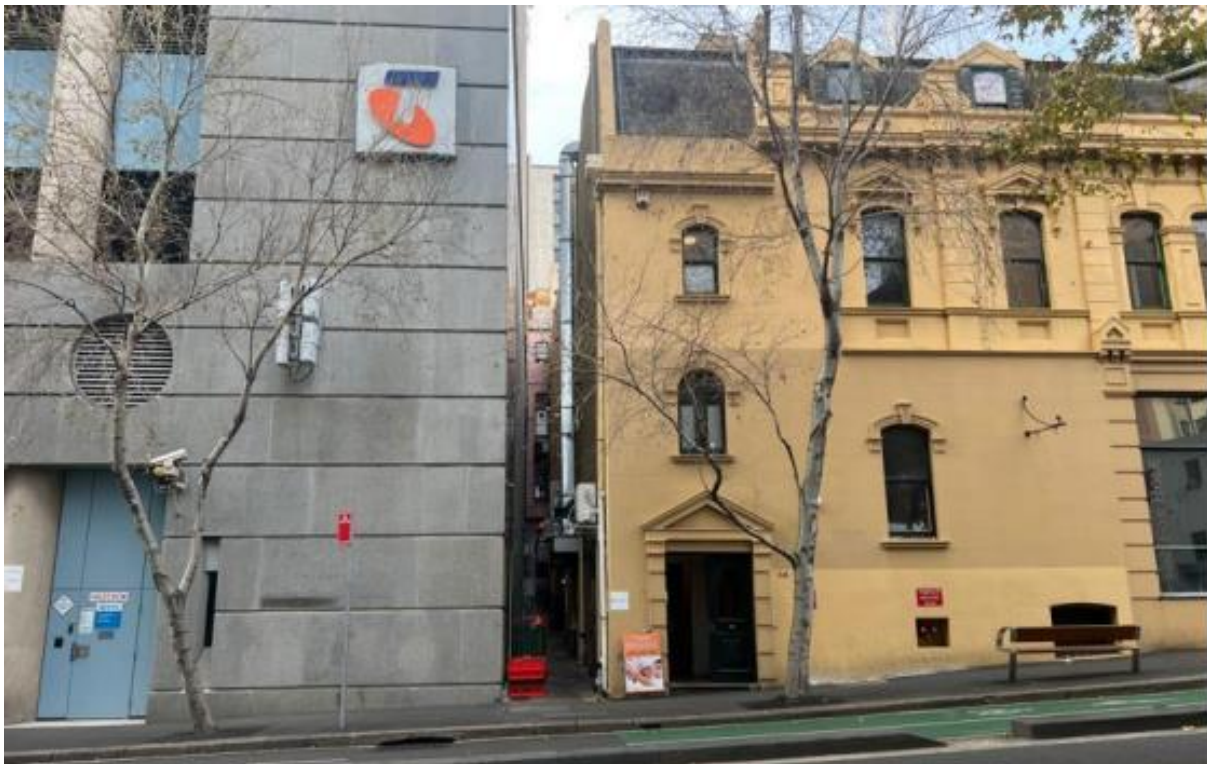


Figure 4: Rear access to the subject site from Kent Street between 97-105 Clarence Street (left) and 68A Erskine Street (right) facing east



Figure 5: Subject site rear access from Kent Street



Figure 6: Existing CCTV at 70 Erskine Street with subject site in background

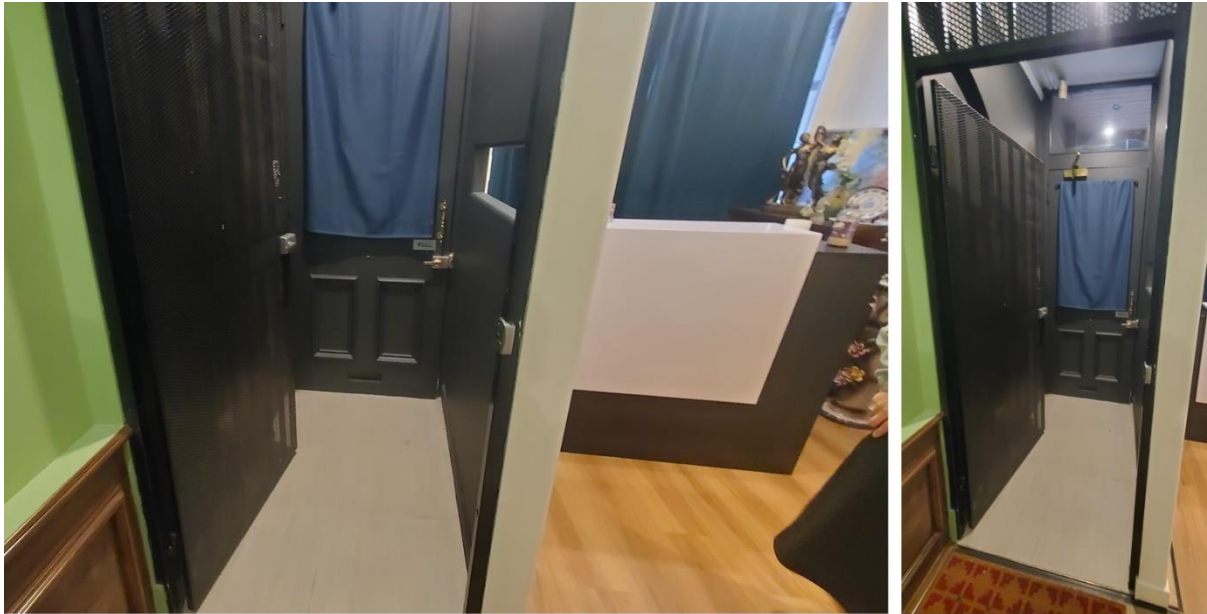


Figure 7: Internal view of entry space and front door to Erskine Street



Figure 8: Ground floor reception area



Figure 9: Ground floor waiting room



Figure 10: Management office located at basement level



Figure 11: Laundry located at basement level



Figure 12: Staff room located at ground floor

History Relevant to the Development Application

Development Applications

8. The following applications are relevant to the current proposal and the subject site.
- **D/2003/951** – Development consent was granted on 22 March 2004 for change of use for 80 Erskine Street from a 'Relaxation and Stress Therapy Centre' to a brothel for 12-month trial period.
 - **D/2003/951/A** – A Section 4.55 modification was granted on 10 May 2006 for the continued use of the premises as a brothel for a further 5 years and the deletion of condition 23 requiring the removal of a rear exit intercom.
 - **D/2009/2007** – Development consent was granted on 29 January 2010 for the continuation of the use of the premises as a brothel for a further 5 year period expiring on 29 January 2015. The approved base hours of operation were 10.00am to 1.00am (the following day), with a one year trial period granted for operation between 1.00am to 2.00am, Mondays to Sundays inclusive.
 - **D/2009/2007/A** – A Section 4.55 application was granted on 19 May 2011 for a further extension of the operating hours of the premise from 1.00am until 4.00am (the following day), Mondays to Sundays inclusive, subject to a two year trial period expiring on 19 May 2013.
 - **D/2009/2007/B** – A Section 4.55 application was granted on 29 July 2013 for the continuation of the trial period operating hours between 1.00am and 4.00am, Mondays to Sundays inclusive, subject to a 5 year period expiring on 29 July 2018.
 - **D/2009/2007/C** – A Section 4.55 application was granted on 19 November 2014 for the continuation of the use for a further 5 years expiring on 19 November 2019. No changes were made to the approved hours of operation.
 - **D/2009/2007/D** – A section 4.55 application was granted on 30 August 2018 for the continuation of the use for a further 5 years expiring on 30 August 2023 No changes were made to the approved hours of operation.
 - **D/2009/2007/F** – A section 4.55 application was lodged on 20 April 2024 for continuation of the approved use. However, the application was rejected as the most recent consent at the time, being Modification D, had lapsed. The subject development application was then lodged on 23 May 2024.
9. The following applications are relevant to the nearby premises at 70 Erskine Street.
- **D/2003/669** – Development consent was granted on 29 March 2004 for change of use of the premises from a relaxation centre to a brothel including operating hours until 12.00am midnight.

- **D/2003/669/A** – A Section 4.55 application) was granted on 22 June 2005 for the continuation of the use for a further 5 years expiring on 22 June 2010.
- **D/2014/498** – Development consent was granted on 2 December 2014 for the continued use and operation of brothel known as 'City Touch' for a further 5 years expiring on 27 November 2019 as well as internal alterations to the ground floor of the premises.
- **D/2014/498/A** – A Section 4.55 application was granted on 13 December 2016 to modify the approved internal works including amendments to the proposed reception area, modifications to Condition 26 requiring provision of an internal staff bathroom at the ground floor level, and modifications to Condition 28 in relation to a security gate system to restrict access to the basement staff area.
- **D/2023/92** – Development consent was granted by the Local Planning Panel on 14 February 2023 for the continuation of use and operation of 70 Erskine Street as a sex services premises on a permanent basis, including operating hours between 8.00am and 4.00am the following day, Monday to Sunday inclusive. The hours between 2.00am and 4.00am, Monday to Sunday, were approved subject to a one year trial period.

Compliance Action

10. The site is not currently subject to any ongoing compliance action or investigation and does not have a history of substantiated compliance issues.
11. It is noted that the premises has continued operating following the lapsing date of the consent on 30 August 2023.

Amendments

12. Following a preliminary assessment of the proposed development by Council Officers, a request for additional information and amendments was sent to the applicant on 7 June 2024.
13. As the Statement of Environmental Effects (SEE) and Plan of Management (POM) lodged with the application were out of date or referred to the wrong application type, it was requested that a new SEE and POM be lodged to address the relevant LEP and DCP provisions. It was also requested that a site plan and existing floor plans be provided for the subject site.
14. The applicant responded to the request on 28 June 2024, and submitted the required documentation.
15. On 20 August 2024, a follow up correspondence was sent to the applicant which requested that minor inconsistencies on the floor plans be amended. The applicant responded on 21 August 2024 and provided the amended existing floor plans.

Proposed Development

16. The application seeks consent for the continuation of the existing use of the premises at 80 Erskine Street as a sex services premises, including six service rooms.
17. The premises has previously operated as 'Sirs' and now operates as 'JK80 Gentlemen Club'.
18. The proposed continuation of the previously approved use and operating hours includes:
 - Base hours: 10.00am to 2.00am (the following day), Monday to Sunday inclusive.
 - Extended hours: 2.00am to 4.00am, Monday to Sunday.
19. No physical works are included in the proposal.
20. 'As built' plans of the existing development are provided below.

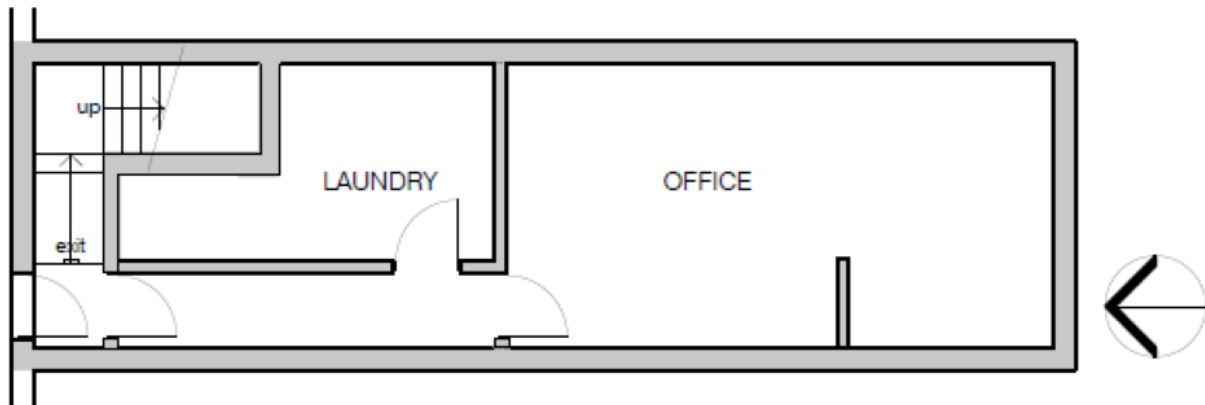


Figure 21: Existing basement floor plan

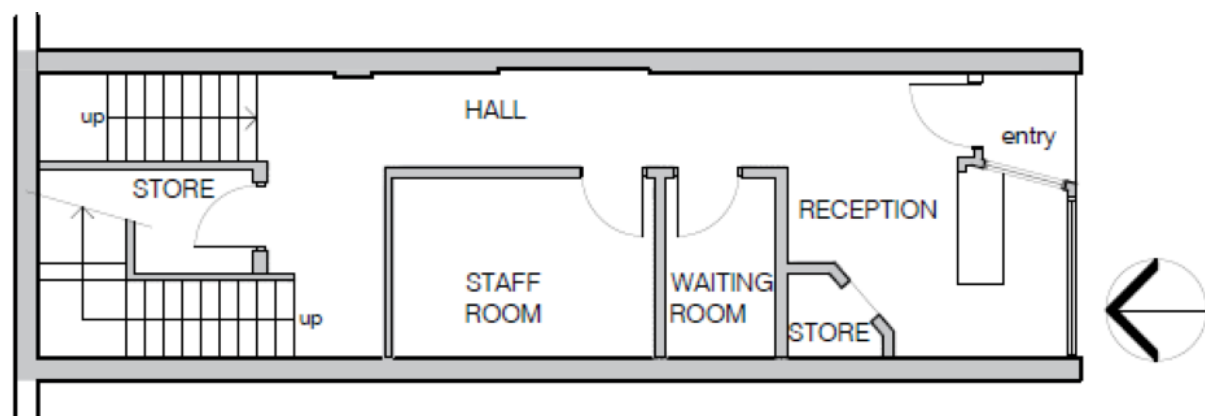


Figure 22: Existing ground floor plan

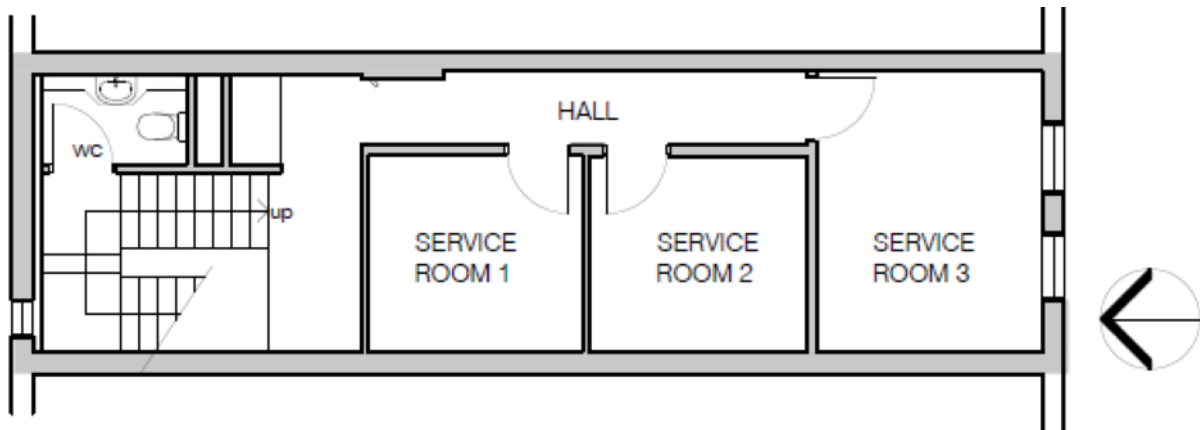


Figure 23: Existing first floor plan

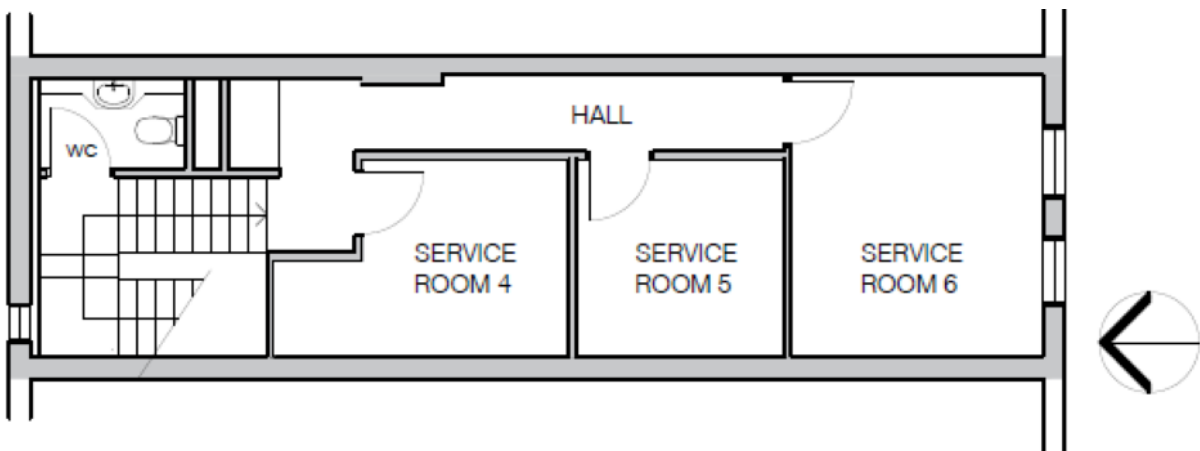


Figure 24: Existing second floor plan



Figure 25: Existing Erskine Street elevation

Assessment

21. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Heritage Act 1977

22. The subject site is listed as an item known as the 'Watch House' terraces on the State Heritage Register under the Heritage Act 1977 (SHR 00223). The site is not located within a heritage conservation area.
23. Standard Exemption 21 under Subsection 57(2) of the Heritage Act 1977 stipulates that a change of use does not require approval under the Act.

24. Notwithstanding this, the proposal does not include any physical works nor change of use, and as such does not require any approval under the Heritage Act 1977. The proposal therefore does not constitute as Integrated Development under Division 4.8 of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water catchments

25. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.
26. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the control of improved water quality and quantity, the controls set out in Division 2 of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

27. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the SP5 Metropolitan Centre zone. The proposed development is defined as 'sex services premises' and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	Yes	No physical works are proposed as part of the application. The existing building height is not altered by the application.
4.4 Floor space ratio	Yes	No physical works are proposed as part of the application. The existing building

Provision	Compliance	Comment
		floor space ratio is not altered by the application.

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The site is identified as both a State and local heritage item known as the Watch House terraces (SHR Item 00223 and Local Item I1757).</p> <p>The proposal does not involve any physical works and therefore does not result in any detrimental impacts on the heritage significance of the subject heritage item or surrounding heritage items. The proposal is keeping with the heritage conservation provisions of Clause 5.10 of Sydney LEP 2012.</p>

Part 7 Local provisions – general

Provision	Compliance	Comment
7.21 Location of sex services premises	Yes	<p>The existing premises has been in operation since 2004. Whilst it is noted that the site is located on the same block as another sex services premises, both have been in operation for over two decades and have not resulted in any substantiated adverse impacts or compliance issues. The subject proposal will not result in any additional impacts beyond that which currently exists.</p> <p>The premises has generally demonstrated good management to date without any substantiated compliance issues and Council's Safe City Unit raised no objections to the proposal, subject to recommended conditions.</p> <p>The existing sex services premises is not located in the same building as a dwelling and complies with Clause 7.21(3). Overall, the continued operation of the premise is considered in keeping with the objectives of this clause.</p>

Development Control Plans

Sydney Development Control Plan 2012

28. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

29. The site is not located within a Special Character Area.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	As noted above, no building works are proposed as part of this application. The proposed continuation of the sex services premises and hours of operation will not have any significant adverse heritage impacts on the heritage item.
3.14 Waste	Yes	A condition has been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	<p>The premises is located in a Late Night Management Area and is considered most closely categorised, and has been assessed in the past, as a Category B premises. In accordance with Section 3.15 of Sydney DCP 2012, permissible indoor late-night hours of operation for Category B premises are:</p> <ul style="list-style-type: none"> • Base hours: 6.00am to 2.00am. • Extended hours: 24-hours subject to a trial period. <p>It is noted that Section 3.15 of Sydney DCP 2012 stipulates that Category A, B and C premises does not include the sex service premises use. Notwithstanding, consideration is given to the permissible hours outlined under Section 3.15 as a guide to ensure consistency for businesses operating within the Late Night Management Area.</p>

Provision	Compliance	Comment
		<p>The proposal seeks trading hours of:</p> <ul style="list-style-type: none"> • Base hours: 10.00am to 2.00am, Monday to Sunday inclusive. • Extended hours: 2.00am to 4.00am subject to a 5 year trial period, Monday to Sunday. <p>The proposed hours between 10.00am and 2.00am the following day are recommended for approval on a permanent basis in accordance with the base house in the DCP. The extended hours between 2.00am and 4.00am are permitted, subject to a 5 year trial period from the date of this consent.</p> <p>A modification application may be lodged to request a renewal of the extended hours in accordance with this section.</p>
3.16 Signage and Advertising	Not applicable	No signage is proposed as part of the subject application.

Section 4 – Development Types

4.4 Other Development Types and Uses

4.4.6 Sex industry premises and adult entertainment

Provision	Compliance	Comment
4.4.6.1 Location of premises	Partial compliance	<p>The proposal complies with clause (a) and (b) of this section.</p> <p>The existing premises is not located in a building that contains a residential dwelling, nor immediately adjacent or directly opposite land developed for residential purposes.</p> <p>Whilst it is noted that the premises is located within a radius of 75m of another existing approved sex services premises at 70 Erskine Street, both premises have been in operation since 2004.</p> <p>Furthermore, the sex services premises at 70 Erskine Street was recently approved by the Local Planning Panel</p>

Provision	Compliance	Comment
		on 14 February 2023 to continue its operation on a permanent basis, while acknowledging that the subject premises (No. 80) was operating under a valid development consent at the time.
4.4.6.2 Design of premises	Yes	<p>No changes are proposed to the shopfront of the subject site. The existing entrance and exits of the premises are consistent with Section 4.4.6.2(1) of the DCP which requires the design to facilitate privacy of staff and visitors without compromising personal safety, adequate lighting, maximised surveillance and safety.</p> <p>A condition of consent is recommended to maintain discretion of the use and ensure the existing exterior of the building and shopfront remains the same. The building number is displayed on site in accordance with clause (3) and is clearly visible from Erskine Street (see Figure 4). The interior of the premises is not visible from the public domain.</p>
4.4.6.3 Scale of sex services premises	Yes	Six service rooms are considered to be an appropriate scale for this sex services premises. The premises maintains a staff room and staff facilities generally comply with section 4.4.6.3 of the DCP, subject to conditions.
4.4.6.4 Health, safety and security	Yes	<p>The premises is considered to have appropriate health, safety and security measures for staff and visitors and is considered acceptable by Council's Safe City Unit and Environmental Health Unit.</p> <p>Upon inspection of the site by Council Officers, it was found that the premises is generally compliant with section 4.4.6.4 of the DCP, however was missing duress alarms which must be located in each service room. The staff on site during the site inspection were made aware of the need for duress alarms, and a condition of consent is recommended to ensure duress alarms are installed in each service room.</p> <p>The premises maintains internal security cameras and is in accordance with this</p>

Provision	Compliance	Comment
		<p>section. However, there is no security camera located at the rear as stated in the Plan of Management. Conditions of consent are recommended to ensure security cameras are installed where required. It is noted that while the Police did not raise any objection to the proposal, it was requested that conditions be included relating to surveillance cameras. This is to ensure they are properly installed and maintained.</p>
4.4.6.5 Signs	Yes	<p>No additional signs or amendments to existing signs are proposed as part of the proposal.</p>
4.4.6.6 Management of operations	Yes	<p>An amended Plan of Management was submitted with the application. The Plan of Management is in keeping with the standards set out under the City of Sydney Sex Industry and Adult Entertainment Premises Guideline. The Plan of Management satisfactorily addresses staff training, premises security, CCTV, worker safety, sharps waste management, worker amenities and incident responses.</p> <p>The Plan of Management also includes details on the prevention of sexually transmitted infection, worker induction, infection controls and provision of safe sex equipment to clearly and adequately guide all staff, including cleaning staff.</p> <p>Council's Late Night Trading Unit, Environmental Health Unit and Safe City Unit advised the proposal is acceptable subject to recommended conditions.</p> <p>Appropriate conditions to ensure compliance with the Plan of Management, including surveillance systems, duress alarms and operational requirements are recommended.</p>

Section 5 – Specific Areas

Provision	Compliance	Comment
5.1 Central Sydney	Yes	The proposal is in accordance with the general objectives of the Central Sydney locality.

Discussion

Time Limited Consents and Continuation of the Use

30. As outlined under the heading 'History Relevant to the Development Application' above, the existing premise has been operating as a sex services premises since 2004.
31. It is noted that Section 3.15.4 and Section 4.4.6 of Sydney DCP 2012 do not stipulate the requirement for time limited consents for sex services premises. Historically, time limited consents permitting the use for a period of 5 years have been applied to both D/2003/951 and D/2009/2007 (as modified). This was to enable Council to review any potential long term environmental impacts on the locality of the area including any views expressed by the Police, number and nature of any substantiated complaints regarding the operation of the premise given the initial change of use to a sensitive use.
32. As the consent is not required to be time limited, the continuation of the use as a sex services premises can be approved on a permanent basis, including operating hours between 10.00am and 2.00am (the following day), Monday to Sunday inclusive. The hours between 2.00am and 4.00am, Monday to Sunday, are recommended to be approved on a trial basis.
33. For reference, Section 3.15.4(3) of Sydney DCP 2012 states that premises seeking extended operating hours beyond the base hours may be permitted on a trial basis.
34. Section 3.15.4(9) of Sydney DCP 2012 further permits continuous trial periods to be consecutively applied upon successful completion of each duration - commencing with a first trial period of one year, second trial period of two years, then third and subsequent trial periods of 5 years.
35. Considering that the premises has been utilising the extended hours since May 2011, the extended hours are considered to be a continuation of previous trial periods. As such, the extended hours between 2.00am and 4.00am, Monday to Sunday, are recommended to be subject to a 5-year trial period.

Consultation

Internal Referrals

36. The application was discussed with Council's;
 - (a) Environmental Health Unit;
 - (b) Licenced Premises Unit; and

(c) Safe City Unit.

37. The above advised that the proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

38. The application was referred to Sydney City Police Area Command who provided comment on 23 August 2024.
39. No objection was made to the proposal. However, it was requested that conditions relating to surveillance cameras and crime scene preservation are included in the Notice of Determination. These conditions have been included where appropriate.

Advertising and Notification

40. In accordance with the City of Sydney Community Participation Plan 2023, the proposed development was notified for a period of 21 days between 3 July 2024 and 24 July 2024. A total of 82 properties were notified and no submissions were received.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

41. The Central Sydney Development Contributions Plan 2020 applies to the site. However, as the cost of the development is less than \$250,000, a contribution is not payable.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

42. As the development is development for purposes other than residential accommodation that will result in the creation of no additional gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

43. Environmental Planning and Assessment Act 1979.
44. Heritage Act 1977.

Conclusion

45. The proposed application seeks permanent continuation of the existing use as a sex services premises, with the base trading hours between 10.00am and 2.00am, Monday to Sunday inclusive, and extended hours between 2.00am and 4.00am, Monday to Sunday. The proposal does not include any physical works.
46. The proposal generally satisfies the relevant provisions of the City's controls. The development is consistent with the objectives of the SP5 Metropolitan Centre Zone, and is generally consistent with the locational requirements and operating hours controls.
47. The premise is to operate in accordance with the management and safety procedures outlined within the endorsed Plan of Management.
48. The operating hours between 10.00am and 2.00am (the following day), Monday to Sunday inclusive, are recommended to be approved on a permanent basis. The extended hours between 2.00am and 4.00am, Monday to Sunday, are recommended to be permitted on a trial basis, beginning with a 5 year trial from the date of this consent.
49. Subject to the imposition of conditions in Attachment A, the proposed continuation of the use as a sex services premises will not result in any additional impacts on the surrounding area beyond that which currently exists. Therefore, the proposal is recommended for approval.

BILL MACKAY

A/Executive Manager Planning and Development

Callum Byrnes-Krickl, Planner

Attachment A

Recommended Conditions of Consent

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/395 dated 23 May 2024 and the following drawings prepared by RFA Architects:

Drawing Number	Drawing Name	Date
A2101 – Rev 2	As-Built Floor Plans	21/08/2024
A2102 – Rev 2	As-Built Floor Plans	21/08/2024
A3001 – Rev 1	As-Built Street Elevation	26/06/2024

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) APPROVED USE

The premise as shown in the approved plans referenced in Condition (1) above is approved as a sex services premises (brothel) as defined in the *Sydney Local Environmental Plan 2012* and *Section 4.4.6 of Sydney Development Control Plan 2012*.

The premise must not be used for any other land use or adult entertainment premises as defined in *Section 4.4.6 of Sydney Development Control Plan 2012*.

Reason

To restrict the use of the premises.

(3) HOURS OF OPERATION - SENSITIVE USES

The hours of operation hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 10.00am and 2.00am the following day, Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 2.00am and 4.00am, Monday to Sunday, for a trial period of 5 years from the date of this consent, being from 25 September 2024.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

To ensure the premises operates within the approved hours of operation.

(4) MANAGEMENT OF PREMISES

- (a) No more than 6 sex working rooms shall be provided at the premises.
- (b) There must be a receptionist and manager on the premises at all times during operating hours.
- (c) No display or soliciting shall take place outside the premises.
- (d) Clients are required to wait inside the building and are not permitted to wait outside the premises or in passageways associated with the premises.

Reason

To ensure appropriate operation of the premises.

(5) PHYSICAL WORKS

No approval or consent is granted for any physical works to the building, with the exception of the installation of CCTV and duress alarms in work rooms.

Reason

To ensure all parties are aware that no physical works are approved or granted as part of this consent.

(6) SEX SERVICE PREMISES STAFF FACILITIES

Staff facilities must be provided within the premises, in an area which is not accessible by clients and is adjacent to and accessible from work areas. The facilities must have controlled access and appropriate facilities including: a rest area with seating; fully equipped bathroom (shower, toilet and hand basin); sink with running water, water boiling facilities and fridge; food and drink preparation areas; staff lockers and health information noticeboard.

Reason

To ensure appropriate staff facilities are provided on the premises.

(7) SEX INDUSTRY PREMISES - LIGHTING

- (a) All workrooms in sex service premises must be provided with an adequate level of lighting to allow sex workers to conduct health checks of their clients for any visible signs of sexually transmitted diseases, and/or a lamp is to be provided specifically for this.
- (b) All sex on premises cubicles, booths and sexual activity areas must be fitted with a local lighting system that achieves an adequate level of luminance for the purpose of allowing patrons to conduct examination of each other for visible evidence of sexual transmitted disease and to assist safe sexual practices. User adjustable dimmer switches may be installed to achieve this.
- (c) All sex on premises cubicles, booths and sexual activity areas must be fitted with lighting that achieves a minimum luminance of 80lx for the purpose of spot cleaning. This must be achieved either through the provision of a separate zoned lighting system or incorporated into the design of the local lighting system for sexual transmitted infection examination by patrons.
- (d) The premises must be capable of being illuminated with an adequate level of lighting so that the premises can be thoroughly cleaned when patrons are not on the premises.

Reason

To protect the health and safety of sex workers.

(8) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

(9) SEX SERVICE PREMISES DATABASE

Prior to the issue of any Occupation Certificate, Councils Health and Building Unit must be renotified that the premises is being used for the purposes of a 'sex service premises' and the business registered on Council's database. The premises will then be subject to Council inspection.

Reason

To ensure the premises is registered on Council's database to allow appropriate inspections.

(10) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(11) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(12) PLAN OF MANAGEMENT – SEX SERVICES PREMISES

The operation of the premises must be conducted in accordance with a Plan of Management (Council ref: 2024/384858) that has been approved by Council. Should there be any additional or altered activities/procedures to those specified in the approved plan of management that remain within the scope of the development consent, or change of ownership or management, then the plan of management must be appropriately reviewed and submitted to and approved by Council.

Reason

To ensure appropriate management of the premises.

(13) SEX ON PREMISES VENUE - CLEANING

- (a) The premises must be maintained in a clean, sanitary condition and kept in a satisfactory state of repair at all times.
- (b) The premises, including any booths, cubicles, walls, floors and 'glory holes' must be constructed of durable, impervious materials with smooth finishes that are able to be cleaned easily.
- (c) All performance/working rooms must be cleaned on a daily basis and should also be assessed for cleaning after every performance/ service with spot cleaning occurring as necessary and as frequently as possible.

- (d) All linen, towelling and other bed coverings which come into contact with clients must be changed immediately after each use. While the premises are operating, coverings used on beds, furnishings or the like must be regularly changed. Clean linen and towels must be provided for the use of each client.
- (e) Used linen must be stored separately to clean linen and if laundering is carried out on site, adequate, sealable receptacles are to be used.
- (f) All mattresses used for sex must be fitted with washable mattress covers. It is recommended that covers are made from a waterproof material. While the premises is operating all coverings used on beds, furnishing or the like that are visibly stained with body fluids must be immediately changed.
- (g) Evidence of a commercial contract to launder linen must be provided to Council upon request. Alternatively, a commercial washing machine capable of washing at a temperature of not less than 70 degrees Celsius must be installed on the premises and provided with hot water reaching 70 degrees Celsius at all times.
- (h) A cleaning register is to be kept on the premises at all times and must be available for inspection by authorised officers on demand. The register must include but not be restricted to: date/time of all cleaning activities; printed name and signature of the employee(s) conducting the cleaning; and notation of specific areas requiring spot cleaning attention.
- (i) Spot cleaning must be conducted on as a minimum hourly basis or more frequently if needed and during peak periods.
- (j) There must be a minimum of 2 staff available at all times at the premises so as cleaning and security can be maintained.

Reason

To ensure adequate cleaning is undertaken within the premises.

(14) SEX SERVICE PREMISES - SHARPS WASTE DISPOSAL EQUIPMENT

A least one sharps container of a one litre or more capacity is to be provided and kept on premises at all times for use by clients or staff as required.

The container(s) are to comply with the requirements of AS4261:1994 and/or AS4031:1992 and be disposed of in accordance with the Department of Environment and Conservation's requirements.

Reason

To ensure sharps waste can be disposed of appropriately.

(15) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:

- (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.
- (f) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(16) NO FOOD FOR SALE

No food is to be prepared, cooked or supplied onsite for the purposes for sale to clients.

Reason

To ensure no food is prepared, cooked or sold to clients on the premises.

(17) LIQUOR

At no times is liquor, or any product purported to be or contain liquor, is to be served, supplied or sold on the premises.

Reason

To no liquor is severed, supplied or sold on the premises.

(18) DISCRETION

- (a) The premises must not display sex-related products, sex workers, performers, or nude or semi-dressed staff from windows, doors or outside of their premises.
- (b) The interior of the premises must not be visible from any place in the public domain.
- (c) Where the interior of an adult entertainment or sex industry premises maybe visible from neighbouring buildings, adequate measures should be taken to screen the interior of the building, for example using blinds, screens etc.

Reason

To ensure appropriate discretion for the premises and not attract undue attention to the sensitive use within the site locality.

(19) MANAGEMENT AND OPERATION OF SEX SERVICE PREMISES

- (a) All working rooms and staff areas must be provided with intercoms or duress alarm systems linked to a central base and monitored at all times.
- (b) An adequate supply of condoms (in a variety of three sizes), dental dams and water based lubricant must be supplied free of charge for sex workers and their clients.

- (c) The premises must be provided with artificial lighting to provide a level of illumination appropriate to the function or use of the building/spaces to enable safe use and movement of occupants in accordance with Part F4 of the BCA.
- (d) Adequate sanitary facilities must be provided for the use of both sex workers and clients. Each room in which sex services are provided should contain its own sanitary facilities including a toilet, shower and hand basin. Alternatively in existing terrace semi detached or similar buildings, one bathroom with full facilities every three workrooms or part there of must be provided. Each room in which sex services are provided is to have direct access to these sanitary facilities.
- (e) Condoms are to be worn for any sexual service provided by a sex worker.
- (f) Adequate waste disposal procedures or facilities must be provided for the disposal of used condoms, soiled paper and other waste products of sexual activity for all work rooms.

Reason

To ensure appropriate management and operation of the premise.

(20) SEX INDUSTRY SEXUAL HEALTH INFORMATION

- (a) Current written information such as pamphlets, brochures, and notice board displays, in a variety of languages including all those spoken by staff, on sexually transmitted infectious diseases and occupational health and safety material must be made available and easily accessible to all sex workers and clients.
- (b) All sex workers must receive appropriate induction, be adequately trained and continually be provided with updated information about how to examine clients for any visible evidence of sexually transmitted infections. Examination of clients must be conducted before any sexual contact.
- (c) A staff notice board specifically for occupational health and safety information, sexually transmitted infection information and contact details for health service providers must be provided in the staff room.

Reason

To ensure current sex health information is readily available at the premises for sex workers and clients.

(21) HEALTH SERVICES ACCESS

The proprietor must give access to health service providers to provide information and educational activities on sexually transmitted infections issues and any other issues.

Reason

To ensure access to health service providers is provided.

(22) NO SPRUIKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(23) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(24) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the sex services premises including the endorsed Plan of Management must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

To ensure all relevant approved documents are available on-site upon request.

(25) NOISE

- (a) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Zeq 15 \text{ minute}}$ noise criteria level.
- (d) Notwithstanding (b) above, the $L_{A1 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

Note: L_{eq} , L_{01} , and L_{90} , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(26) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.
- (b) The management/operator must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf). <https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf> The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:
the collection of stormwater,
the reuse of stormwater,
the detention of stormwater,
the controlled release of stormwater, and
connections to easements and public stormwater systems.

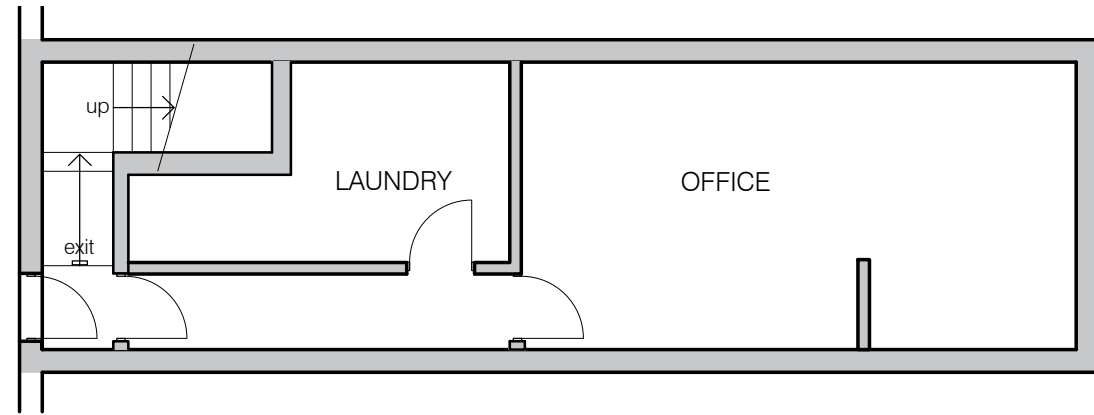
Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

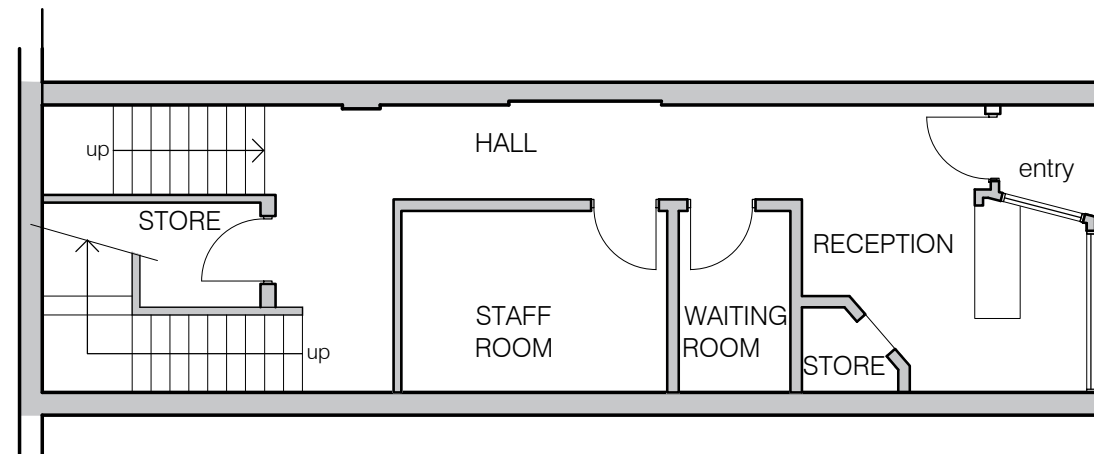
Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Attachment B

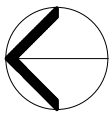
Selected Drawings



1 AS-BUILT BASEMENT FLOOR PLAN & SITE PLAN
SCALE 1:100



2 AS-BUILT GROUND FLOOR PLAN
SCALE 1:100

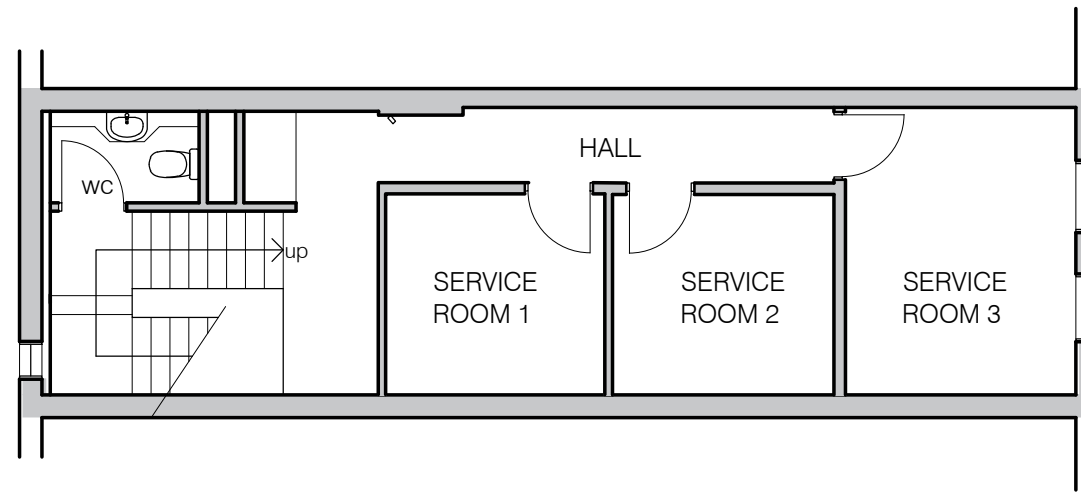


NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THIS DRAWING.

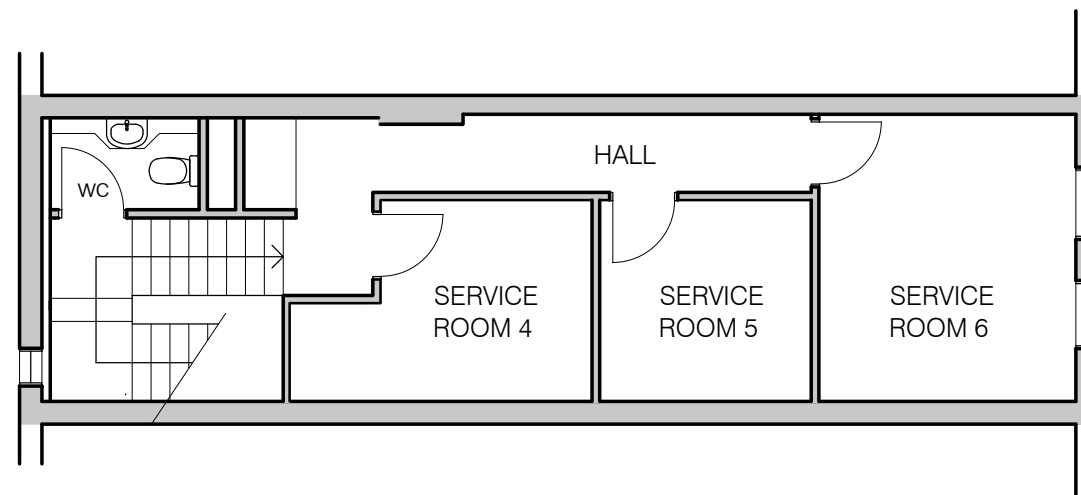
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Ms. Yada Martyn
70 Erskine Street, Sydney NSW 2000
T 0403 824 568

Level 1 / 121 Alexander Street
Crows Nest NSW 2065
T 02 9901 4422 F 02 9901 4466
E admin@rfaarchitects.com.au

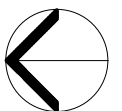


1 AS-BUILT FIRST FLOOR PLAN
SCALE 1:100




2 AS-BUILT SECOND FLOOR PLAN
SCALE 1:100

41



NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THIS DRAWING.

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Ms. Yada Martyn
70 Erskine Street, Sydney NSW 2000
T 0403 824 568

Level 1 / 121 Alexander Street
Crows Nest NSW 2065
T 02 9901 4422 F 02 9901 4466
E admin@rfaarchitects.com.au



1 AS-BUILT STREET ELEVATION
SCALE 1:100

NOTE: CONTRACTOR TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION. DO NOT SCALE FROM THIS DRAWING.

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Ms. Yada Martyn
70 Erskine Street, Sydney NSW 2000
T 0403 824 568

Level 1 / 121 Alexander Street
Crows Nest NSW 2065
T 02 9901 4422 F 02 9901 4466
E admin@rfaarchitects.com.au

Attachment C

Plan of Management

PLAN OF MANAGEMENT

"JK 80 Gentlemen Club"
80 ERSKINE STREET, SYDNEY
NSW 2000

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1. Property Ownership Management and Contact Details

1.1 Building Owner

Mrs. Yada Martyn
Tel: 0411 708 357

Registered Lessee
CBD Style Pty Ltd
CAN: 69905373009

The Owner (hereinafter referred to as "the manager") has the overall responsibility for ensuring that the premises achieves the planning and design objectives of the Central Sydney local Environment Plan 2012 and Sydney LEP 2012, and that it is operated in accordance with conditions of consent and approved plan of management and strategies included therein.

Furthermore, that the premises and business conducted therein is operated in accordance with all the relevant guidelines, policies and legislation and best practice guidelines including:

- Health and Safety Guidelines for Brothels in NSW,
- Workcover NSW and NSW Health Occupational Health and Safety in the Australian Sex Industry
- Guide to Best Practice: Scarlett Alliance and the Australian Federation of AIDS Organizations 2000.
- Crime Prevention through Environmental Design
- All other relevant legislation

The roles and responsibilities of the manager include:

- Oversight of all health, safety, security and conduct policies and procedures
- Oversight of all cleaning and infection control procedures and practices
- Oversight of all waste management practices and procedures
- Implementation of EEO requirements, NSW Health and Workcover NSW
- Health and Safety Guidelines for Brothels and all other requirements and regulations of the NSW Health Department and the Workcover Authority of NSW
- Induction and supervision of all personnel
- Education and training of all personnel in all policies, procedures and practices, legislative requirements and best practice standards and guidelines.
- Duty rosters for all personnel including contract cleaners.
- Rostering of sex workers will ensure adequate time is taken between shifts and that which allows for self care, rest and rejuvenation. The Number of shifts in any given week determined by sex workers and receptionists in consultation with management.
- Resolving issue of conflict between personnel and personnel and clients
- Monitor and review safety and security precautions and cleaning and infection control practices to ensure the safety of the workplace
- Ensure a well stocked supply of condoms lubricants, dental dams, and disposable gloves and provided to sex workers before each client service.
- Monthly evaluation of the premises for maintenance, repairs and replacement and waste management collection

- Maintaining the premises accident/ injury register and reporting of serious accidents to Workcover Authority Of NSW
- Oversee the evacuation of the premises in case of fire or emergency
- Ensuring fire safety equipment is in place and provides an annual statement to the consent authority.
- Contacting police and other emergency services if and when required.
- The register can be provided to police if required.
- Maintaining appropriate public liability. Fire and general and works comp insurance
- Allocation of space for Sex Workers Outreach Project (SWOP) and other health services to visit with and or conduct workshops for personnel.

1.2. Receptionists

The premises engages the service of three receptionists with one receptionist on site for 7.5 hour per shift. They report directly to the manager and in the absence of the manager is responsible for the day to day running of the business.

The role and responsibilities include but not limited to :

- Work in conjunction with the manager to ensure procedures, health, hygiene, safety is met.
- Demonstrated knowledge of sexual health and infective pathogens and prevention:
 - Sexually transmissible infections STI, including HIV, other bloodborne viruses, hepatitis C, other body fluid substances including hepatitis, A & B shigella and giardia
 - Checking with clients for obvious signs of an STI
 - Safe Sex, proper use of condoms, dams and latex gloves
 - HIV Post Exposure Prophylactic PEP treatment
 - Immunization against hepatitis A & B and tetanus
 - Safe disposal of sharps
- Demonstrated knowledge of infection control and cleaning
- Maintenance and use of cleaning equipment and products
- -Cleaning and maintenance standards including spa baths and cleaning schedules
- Maintenance of incident and accident injury register and reporting requirements
- Ensure safety and security are in place including verifying identification of people presenting at the premises purporting to be from a utilities service or govt dept or agency
- Refuse entry to intoxicated persons or persons under the age of 18 years
- Contact police if required in an emergency
- Monitor cameras, intercom, reception and waiting room
- Oversee the daily cleaning.
- Maintain garbage disposal and cleaning schedules.
- Maintain clean linen and towel supplies and ensure that the entire premises remain in clean, hygienic and presentable manner
- Answer telephone, record messages and maintain office records
- Greet clients and direct them to the appropriate room or person
- Oversee introduction to sex workers
- Collection of money or credit card clearances
- Recording time of service, allocation of room and expected time of completion
- Provide a support role to sex workers
- Address any disagreements or problems between sex works and clients
- Ensuring that sex workers are familiar with use of condoms and detection of STI

- Provide sex works with condoms and sufficient quantity of cleaning products prior to each client service
- Pursue professional development opportunities to enhance knowledge of safe practices, security and cleaning and infection control in the operation of a commercial brothel.

1.3 Sex Workers

The premises engage the services of adult women with up to six sex workers on site per shift. The Sex workers report directly to the manager/receptionist

The role and responsibilities of sex workers include:

- Working with manager/ receptionist to ensure all procedures and conduct standards are met and maintained.
- Demonstrated knowledge of sexual health and prevention including
- STI HIV , body fluid, hepatitis A & B , shigella and giardia
- Checking clients for obvious signs of STI
- Safe sex / proper use of condoms, dams and latex gloves
- Treatment for HIV and PEP
- Immunization against hepatitis A & B and tetanus
- Personal limits in service delivery and self care
- Safe disposal of sharps
- Providing the manager with sexual health attendance certificate prior to commencing work
- Attending sexual health screening, medical certificates kept in confidence and will not be shown to clients or personnel
- Pre session agreement for safe sex
- Having the right to refuse a client, if they believe the client has STI
- intoxicated / do not feel comfortable with a particular service
- Clean and tidy room, spa and linen is provided during each session
- Maintain the cleanliness of personnel lounge room, toilet, shower and dressing room
- Honour the roster and advise if unable to attend
- Comply with all legislative requirements
- Pursue professional opportunities to enhance knowledge skills of any changes in relation to safety precautions and cleaning infection
- control in the operation of a commercial brothel.

1.4. Contract cleaner

The premises engages the services of a contract cleaner on a daily basis. The manager/ receptionist and sex workers attend to all other daily cleaning requirements

The contract cleaner maintains the total physical environment ensuring it is clean, safe and attractive of routine cleaning.

The cleaner ensures the appropriate cleaning of premises, fixtures, fittings, including spa baths, maintenance of the premises, cleaning equipment, use of clean products and all relevant occupation health and safety procedures.

The role and responsibilities of the cleaner include:

- Demonstrated knowledge of infection control and cleaning
- Maintenance and use of equipment and cleaning schedules including spa baths
- Full daily cleaning and maintenance activities
- Demonstrated knowledge of transmission and prevention of infective pathogens
- Maintenance and cleanliness of the premises with structured program of routine and non-routine cleaning
- Safe handling of waste and cleaning products
- Dusting, vacuuming, mopping of all floors
- Removal of waste
- Completion of cleaning schedules and oversight of daily cleaning and maintenance activities
- Pursue professional knowledge to keep abreast with cleaning and infection control relevant to the commercial sexual services industry.
- Details of the cleaner are as follows:-

Cleaner:

Mrs. Lai Fei TSE
12 Kent Street /
SYDNEY NSW 2000 TEL: 0401 938 989

2. Description

2.1 The Site

The site is located at 80 Erskine Street, Sydney and is comprised of a 4 level brick terrace known as "The Watch House Terrace and Shops" that occupy the land at 68- 80 Erskine Street, Sydney. Entrance is gained from the front of the building with a clearly visible number denoting "80" located. Rear lane access is available for service, trade personnel and emergency egress. **See Attachment A -Location Map**

2.2 Service and facilities

The premises has consent to operate as a brothel, specializing in erotic massage, and body slide, catering to an adult predominately male clientele.

Additional services include the provision of clean towels, clean linen- safe sex products and sexual health related information.

Whilst the management does not encourage or promote sexual intercourse it is understood that the provision of services such as hand relief, oral sex, body slide, erotic massage are defined as prostitution under Section 20 of the Summary Offences Act. 1988.

Facilities include

- Reception Area
- Two client waiting rooms
- Five client service rooms all with showers and two with spa baths
- One client toilet with hand basin
- Sex worker and other personnel private facilities (lounge room!
- kitchenette, toilet and hand basin and shower and dressing room).
- Office and store

- Garbage and cleaning products! equipment storeroom
- Back to base alarm system
- Security camera monitoring of the premises of the entrance and surrounds reception area, back gate and rear door entrance .
- Video intercom located at the back gate.

2.3 Hours of Operation

The brothel currently operates between the hours of 10:00am and 4:00am Monday to Sunday

We would like to seek to continue these opening hours.

The trading will be consistent with the City of late night trading premises under the DCP. The operation will not alter or be amended from the prior approved Development Application.

2.4 Number of sex Workers and Other Personnel

The premises engages the services of adult women with up to six sex workers on site per 7.5. Hour shift. The Sex workers report directly to the manager/ receptionist. The number of sex workers at any one time is deemed appropriate for the size of the premises and number of service rooms.

2.5 Sex Worker and Other Personnel Private. Facilities

Facilities include, lounge-room, kitchenettes, toilet and hand basin. Shower and dressing room. These are for the exclusive use of sex workers and other personnel and private sanitary facilities as a requirement of Work Cover NSW.

2.6 Access and Mobility for People with Disability

The Management seeks to cater for all members of the community and to meet wherever possible and within the constraints of the existing building the objectives of the Disability Discrimination Act, 1992.

The premises do not provide access to people with mobility issues requiring the use of lifts and ramps. The premises is an historic building that when constructed did not provide for access for people with disability. If a ramp was to be constructed at the entrance, clients with mobility issues would still not be able to access the service rooms or toilet which is not Located on the ground floor.

The cost of unjustifiable hardship would be made in the event of any requirement to comply with the Disability Discrimination Act 1992. Furthermore, any building works would alter the facade of the building Which would be detrimental to the heritage integrity of the site and the historic streetscape.

3. Safety, Security and Conduct

It is paramount concern of the manager for the safety of sex workers, clients and visitors for the overall safe, secure and hygienic operation of the premises.

It practices high occupational health and safety outcomes. Greenland Beverages Pty Limited the registered Lessee of the property has an overall responsibility for the outcomes, objectives, performance criteria set ensuring that the premises meet the guidelines in Sydney LEP 2012 and the business is conducted in accordance with the Plan of Management and the strategies therein.

Furthermore, the manager ensures that the premises and business conducted therein is managed in accordance with all relevant government policies and legislation and best practice guidelines and to maintain the safety and security precautions to prevent and one person or the Whole business being put in jeopardy.

Security arrangements are in operation at all times and of high standard consistent with objectives of the Crime Prevention through Environmental Design to create a physical environment that encourages a feeling of safety to prevent the opportunity for criminal activity.

The building is achieved through a combination of passive and active systems .. Five CCTV security cameras to monitor the building entrance and surrounds, hallway, reception area, back gate, rear entrance, and backdoor. A back to base alarm system is installed and police alert! remote panic buttons are provided to all personnel. Additionally, a security guard is on site during evening trading hours.

In support to the above it further ensures the safety and security of all personnel, clients and visitors to the premises.

- adequate lighting
- Monitoring of people entering the premises and leaving.
- Pre session agreements are entered into prior to service and sex workers notify the manager or receptionist if they re extending the original session time.
- Policy alert. Remote panic buttons are provided to all personnel
- Public entry is available through the front door with service and trade entrance through the rear of the premises,. The backdoor is secured with the use of a security grill.
- Maintaining a register of accident / illness
- Manager liaises regularly with the Sex Works Outreach Project and provides space for onsite workshops and visits by SWOP staff or other The Plan of Management and Statement of Heritage Impact details the individual role and responsibilities of all personnel and clearly identifies the required knowledge, duties and responsibilities. Training is provided and referral is made for good sexual health care and ongoing supervision.

The manager conducts monthly team meetings to develop team approach to maintaining a safe and secure environmental for all. Each individual on site has a responsibility to maintain all safety and security precautions to prevent anyone person or the whole of the business being put in jeopardy.

A range of management policies are in place and procedures that are designed to maintain the safety and integrity of the premises and the neighborhood.

In summary the high level of compliance complies with specific controls relating to health, safety and security.

3.1 Restricting Access

The Management

The management policy restricts access is' displayed at the entrance and in the reception area. It applies to both underage access and unauthorized and unidentified entry to the premises. All service providers and government officers must provide identification

The Policy contains the following information:

Restricted access.·
Persons Under 18 years of age
May not enter- photo ID *may be requested*
All service providers including
Government officers must provide Identification.

Signed management

A questionnaire for underage access includes the following:

- Photo identification
- If age is verified, individuals permitted entry
- If under 18 the individual is denied access and escorted to the front door
- If in any doubt about the age, even with photo ID, the individual is
- refused entry
- If an individual is denied entry they are requested to leave the premises in a quiet and orderly manner
- The incident is reported to the manager and entered into the premises incident book.
- The same process applies to potential personnel including women seeking work as sex workers and receptionists.

Standard procedure for checking of persons purporting to be from utilities service, gas, electricity, govt departments, agencies/fire equipment maintenance, policy, council and health authorities and other service providers

A questionnaire for access includes the following;-

- Photo identification
- If identification is acceptable, the individual is permitted entry
- If under 18 the individual is denied access and escorted 10 the front
- door
- If in any doubt about identification even with photo ID, the individual is refused entry and the receptionist will ask them to phone the manager to make an appointment.
- If an individual is denied entry they are requested to leave the premises in a quiet and orderly manner
- The incident is reported to the manager and entered into the premises incident book.
- Any unidentified and unauthorized attempted access will be reported to the manger and -entered into the incident book. See Attachment 8- Restricted Access Policy

3.2. Conduct Policy

The arrival and departure of clients, visitors and personnel the management policy is provided for in personnel training and in the client reception area.

The policy reflects the requirement to maintain a quiet and peaceful presence in the street, discrete and orderly operation of the business.

Personnel, clients and other visitors are made aware of noise restrictions upon entering and leaving the premises.

The policy contains the following information:

The entrance to SIRS is through the front of the building which is located at no: 80 Erskine Street, Sydney. The street number is located clearly visible from the street. The preferred method of access is to done in advance to make an appointment

Current hours of operation:

<p style="text-align: center;">HOURS OF OPERATION Mon - Sun 10:00am - 4:00 am Please ensure that when arriving and leaving the premises that you consider our neighbours and conduct yourself in a quiet and orderly manner Signed Management</p>
--

Proposed Hours of Operation (continue existing hours of operation):

<p style="text-align: center;">HOURS OF OPERATION Mon- Sun 10:00am-4:00am Please ensure that when arriving and leaving the premises that you consider our neighbours and conduct yourself in a quiet and orderly manner Signed Management</p>
--

3.3. Illegal Activities on the Premises

The Management Policy on illegal activities including the sale use and supply of illicit drugs and or intoxicated behavior on the premises is prominently displayed in the reception area of the premises. The Policy contains the following:-

<p style="text-align: center;">Illegal activities including the sale, supply and or use of illicit drugs on the premises is strictly prohibited.. Anyone visibly affected by alcohol or drugs is not permitted entry. The Management may report any illegal activity to Police. Signed Management</p>
--

Any person found involved in any illegal activity will be dismissed immediately.

3.4 Control of Anti Social Behavior

Prevention of anti social behaviors the first course of action. As previously stated action is in place for access to the premises. Security cameras monitor the entrance and rear gate of the premises, Secondly, security locks at the front and rear doors and the rear gate prevent unauthorized entry.

Manager/ Reception access whether to permit entry to persons having conversed with them at the front door or via the video intercom system at the rear gate. Any visitor that reflects affected behaviour of alcohol drugs or otherwise is politely refused entry and requested to leave the premises in an orderly manner. In the event that a person refuses to leave the premises the police would be called immediately.

3.5 Emergency Procedure

All personnel are trained in an emergency procedure as of ongoing personnel training including familiarity with fire exits and position and use of fire extinguishes.

In the event of a fire requiring evacuation of the premises the manager will implement the fire evacuation procedure and ensure that all persons are removed from the premises immediately, the manager would report the fire and or other emergency immediately to the appropriate emergency service via the pre coded entry in the telephone. In the event of occurring medical assistance, the manager would call emergency services all assistance required would be provided.

4. Presentation and Maintenance of Premises

The Premises are kept in a clean, hygienic and satisfactory state of repair at all times. Strict guidelines have been implemented to ensure high standard are met and maintained. Monthly evaluation for maintenance, repairs and replacement and waste management include:-

- Maintenance of paint and wall surfaces is painted and any damage to paint be repainted similarly.
- Any chipped Of broken tiles to spa baths, and kitchenette immediately replaced
- Maintenance of floor coverings and floors are kept clean and replaced when worn.
- Curtains and blinds and of fire resistant nature and kept clean and replaced when worn.
- Towels and linen are evaluated regularly for wear and tear and replaced as required.
- Furniture and fittings, particularly massages tables to ensure that vinyl covers are intact and regulated frequently for fair wear and tear and replaced as required.
- Waste Management collection frequency.

4.1. Cleaning of Premises

The premises engages the services of a contract cleaner on a daily basis. The manager / receptionist and sex workers attend to all other daily cleaning requirements. The cleaner, manager, personnel and sex workers wear gloves when performing cleaning duties.

The contract cleaner maintains the total physical environment ensuring it is clean, safe and attractive of routine and cleaning

The cleaner ensure the appropriate cleaning of premises, fixtures, fittings, including spa baths, maintenance of the premises , cleaning equipment, use of dean products and all relevant occupation health and safety procedures.

The role and responsibilities of the cleaner include:

- Demonstrated knowledge of infection control and cleaning
- Maintenance and use of equipment and cleaning schedules including
- spa baths·
- Management provides cleaning products, equipment including gloves to provide a clean and safe environment.
- Full daily cleaning and maintenance activities
- Demonstrated knowledge of transmission and prevention of infective
- pathogens
- Maintenance and cleanliness of the premises with structured program of routine and non routine cleaning
- Safe handling of waste and cleaning products
- Dusting, vacuuming, mopping of all floors
- Equipment cleaned with warm water and detergent
- After use the equipment is cleaned with warm water and detergent
- and buckets are placed upside down and mop heads supported off
- the ground
- Cleaning sanitary facilities re disposed of after use
- Removal of waste
- Completion of cleaning schedules and oversight of daily cleaning and
- maintenance activities
- Pursue professional knowledge to keep abreast with cleaning and
- infection control relevant to the commercial sexual services Industry.
- Details of the cleaner are as follows:

4.2. Laundering and Maintenance of Towels and linen

The Manager ensures a good supply of linen, towels massage table covers, Clean towels arid linen are stored in closed receptacles and used linen and towels in appropriate covered linen tidies until laundered. All linen towels and massage table coverings are changed immediately after uses.

Cleaner: and Laundry Service Provider

Mrs. Lai Fei TSE
12 Kent Street,
SYDNEY NSW 2000
TEL: 0401 938 989

5. Health and Safety

It is paramount concern of the manager for the safety of sex workers., clients and visitors for the overall safe, secure and hygienic operation of the premises. It practices high occupational health ,and safety outcomes. Greenland Beverages Pty Limited the registered Lessee of the

property has an overall responsibility for the outcomes, objectives, performance criteria set ensuring that the premises meet. Furthermore, the manager ensures that the premises and business conducted therein is managed in accordance with all relevant government policies and legislation and best practice guidelines including:-

- Health and Safety Guidelines for brothels in NSW. Work cover NSW and NSW health 2001
- Occupational Health and Safety in the Australian Sex Industry -
- Guide to Best Practice / Scarlet Alliance and the Australian
- Federation of AIDS Organizations 2000
- Crime-Prevention through Environmental Design Principles
- Site specific health safety policies are currently in place and are developed including the following strategies:
- Management promotes and supports safe sexual practices, safe sex products Including condoms and other safe sex equipment are stored in a secure area and replaced regularly and provided free of charge to all sex workers.
- Management liaises regularly with health and related authorities to ensure that best practice health and safety procedures are adhered to.
- Adjustable lighting is provided to client service rooms to enable Sex workers to check clients for obvious signs of sexually transmissible infections
- Any client found to have obvious sign of STI is informed to seek medical assistance and referred to a sexual health centre.
- Information material is available on STI and drug policy and
- procedure are available for first aid following contact with body fluid, body substance and needle stick injury.
- Hygiene and cleaning requirements and processes provided to all personnel.
- All sex workers are encouraged to attend training and information sessions conducted by the Sex Workers Outreach Project and Aids Council of NSW.
- Sex workers are encouraged to avail themselves to free immunization against Hepatitis A & B and range of health care facilities as provided on the bulletin board.
- CPR procedures are in place on the back doors in all client service rooms and outlets.
- Accident incident register is kept on the premises and maintained by the manager, any injury or other emergency is reported to Work Cover NSW
- Sharp safe disposed in a disposal unit installed in the toilet and basement personnel facility.
- Premises are kept in a clean, hygienic and tidy condition ongoing from full daily cleaning by contract cleaners to daily maintenance and spot cleaning which the manager and or sex workers attend to.
- Fire and emergency evacuation plan is in place and all personnel are aware of evacuation procedures including the use of the emergency service number coded into the telephone for easy access to emergency services.
- Fire safety Fire extinguishers, exit signs smoke detectors and sprinklers are installed to comply as required by the Building Code of Australia for the building.
- CPR procedures are in place on the back of all client service rooms, toilets and sexworker private facilities
- The Manager ensures good supply of linen, towels massage table covers. Clean towels and linen are stored in closed receptacles
- and used linen and towels in appropriate covered linen tidies until laundered. All linen, towels and massage table coverings are changed immediately after use.

- Sexworkers are given ample time to attend their medical service provider for sexual and related health check ups. It should be noted that sexual health attendance certificates are now shown to clients.
- Smoking is not permitted in the building.

Additionally, the Management Health and Safety Policy provides that sex workers have the right to refuse a client regardless if they suspect the client is infected with STI or not Any with client with any obvious signs of STI will be informed to seek medical advice immediately. In summary the high level of compliance complies with specific controls relating to health, safety and security.

5.1. Safe Sexual Practices and Availability of Condoms and other Safe Sex Products.

Whilst the manager does not encourage or promote sexual intercourse, he/she supports and encourages safe sexual practices and other harm minimization practices and provides condoms, other latex products and lubricant free of charge.

The following policies displayed in the reception room and client waiting rooms:

**Management supports safe sexual practices and
Provides lubricants, condoms, latex gloves and dental dams free of
Charge**

Signed Management

The following products are provided free of charge:-

- condoms in variable sizes
- water based lubricant
- dental dams
- disposable latex glove

All products are stored in a secure area and any sex aid device used in conjunction with a new condom form is disinfected and cleaned securely and stored after each use.

See Attachment G''' Safe Sexual Practices Policy

5.2. Maintenance and Handling of Sharps and SharpsSafes

Sharps disposal units are located in the toilets and lower ground personnel private facilities. The first aid procedures and displayed and any use of syringes for direct injection of medication into the penis to assist with erection is disposed of immediately in the sharps disposal unit provide.

Repidu provides the sharps safes. Repidu do not provide a pick up and delivery service to private businesses, the manager is responsible for conveying any filled sharp safes and accessing new safes. Contact details for Repidu is as follows:-

Repidu
151 Pitt Street
Redfern NSW
Tel: (02) 9699 6188

6. Education Information and Training

Sex workers and other personnel are trained and refresher courses including management policies and procedures and occupational health and safety policies and procedures. The manager liaises with all relevant authorities to adhere all necessary occupation health and safety standards are adhered to.

The following publications are used as guidelines for occupational health and safety instruction.

- A guide to best practice. Occupational Health and Safety in the
- Australian Sex Industry - produced by the Scarlet Alliance and the
- Australian Federation of AIDS Organizations 2000 swop STI Introduction Booklet
- Health and Safety Guidelines for Brothels - Workcover NSW Health and Safety Guide 2001 - produced by NSW Health and Workcover NSW Public Swimming Pools and Spa Pools Regulation 2000

6.1 Management Policies and Procedures

The induction and refresher training program for an personnel includes the practical application of the following management policies and procedures:-

- Restricted Access Policy
- Illegal Activities Policy
- Conduct Policy
- Safe Sex Policy
- Dealing with difficult anti social, violent behaviour including process for and content of pre session agreement.
- Emergency procedures including how to summons emergency service assistance, location and use of fire extinguishers and emergency exists and evacuation procedures
- Use and maintenance of incident register including reporting requirements
- Use and maintenance of accident injury register including reporting requirements

6.2. Occupational Health and Safety Policies and Procedures

The induction and refresher training program for all personal includes the practical application of the following of the following occupational health and safety policies and procedures.

- Sexual health and general health information including transmission and prevention of the range of sexually transmissible infections STI's including HIV and hepatitis A, Band C bacterial infections, safe sex practices' and other harm reduction practices together with information on a range of sexual health clinics and related services.
- Proper storage and use of condoms, dental dams, and lubricant
- Checking clients for visible signs of STIs
- Safe handling and disposal of sharps and sharps safes, needle stick precautions and reporting requirements in the case of a needle stick injury.
- First aid following contact with body fluid, boy substance and or needle stick injury and procedures in finding a needle and syringe on the premises
- Information and explanation of Section 13 of the Public Health Act
- 1991 (penalties for knowingly transmitting STI)
- Hygiene and cleaning requirements and procedures

Provide for the appropriate cleaning arid the health and safety of contract cleaning personnel and others engaged in any cleaning duties, information is to provided on infection control requirements and safety precautions.

All sex workers and other personnel are given the opportunity to attend training and information sessions to be conducted by the Sex Workers Outreach Project. Space is provided for SWOP and sexual health outreach personnel to conduct information sessions for sex workers and other personnel on occupation health and safety issues.

7. Waste Management

Used condoms, tissues and the like are not considered hazardous waste and are therefore able to be collected with ordinary trade waste.

The garbage storage area is located in the lower level storage room.

Trade waste control contractors are instructed on how to access the premises and the storage area. The store accommodates both putrescible waste and recycling bins. As stated in clause 5.2. Above -non reusable "Sharp bins" that comply with the relevant Australian Standard AS 4031 are provided in the toilets and the lower level personnel private facilities and are serviced as needed.-

A trade waster contractor is contracted on a once fortnightly weekly basis with trade waste pick up frequency reviewed monthly.

The waster contractor details are as follows:-

Stericorp NSW PTY Ltd

2 Wilben Street

Silverwater NSW 2128

Ph: (02) 9748 4350

8. Car Parking

The premises do not and cannot provide for on site car parking. The premises are located within a walking distance of the Wynyard Railway station and parking stations in both Kent Street and Sussex Streets, Additionally, a number of government buses services the area from the city and surrounds.

9. Signage

The premises display web address and phone number on front glass and clearly visible street number "80" is displayed at the front of the premises to denote the location and entry point.

10. Ventilation and lighting

The premises are ventilated in accordance with the requirements of the Building Code of Australia and relevant Ventilation Code. Additionally, the premises is provided with adequate lighting in accordance with the Australian Standards as *16801*.

Dated this 27 June 2024

Yada Martyn

Attachment A - Location Plan

