

Attachment C

Development Assessment Report D/2023/897/B

Modification Application Assessment

Application Number:	D/2023/897/B
Application Type:	Section 4.55(2)
Site Address:	116 Lang Road , MOORE PARK NSW 2021
Proposal:	Modification of the time limited development consent D/2023/897 to facilitate the continued use of Level 5 of the Entertainment Quarter car park for electric go-karting and associated entertainment activities until 1 July 2028
Date of Lodgement:	19 December 2025
Notification:	14 January 2026 to 29 January 2026
Submission(s) (total):	2
Recommendation:	Refusal
Officer:	Rebecca Gordon

Site and Surrounds

1. The subject site has a legal description of Lot 101 in Deposited Plan 1246842 and is commonly 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 site is irregular in shape, with an area of approximately 11.08 hectares. The site is identified as being subject to flooding.
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, a multi storey car park and open space area, including a permanent showground and parade ring.
3. The site is bounded by the Fox Studios and the Sydney Cricket Ground to the north, the showground and Cook Road to the east and Driver Avenue to the west. Further to the north and 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 and recreational facilities.
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 north to south through the Entertainment Quarter.
5. The site is located approximately 200 metres from the Moore Park Light Rail Station. Vehicular access to the site is provided from the signalised intersection at Lang Road and Errol Flynn Boulevard. Pedestrian access is gained primarily from Errol Flynn Boulevard and Chelmsford Avenue.
6. Photos of the site are provided below:



Figure 1: Aerial view of site (shaded blue) and surrounds



Figure 2: existing Entertainment Quarter multi-storey car park viewed from Horden Pavilion

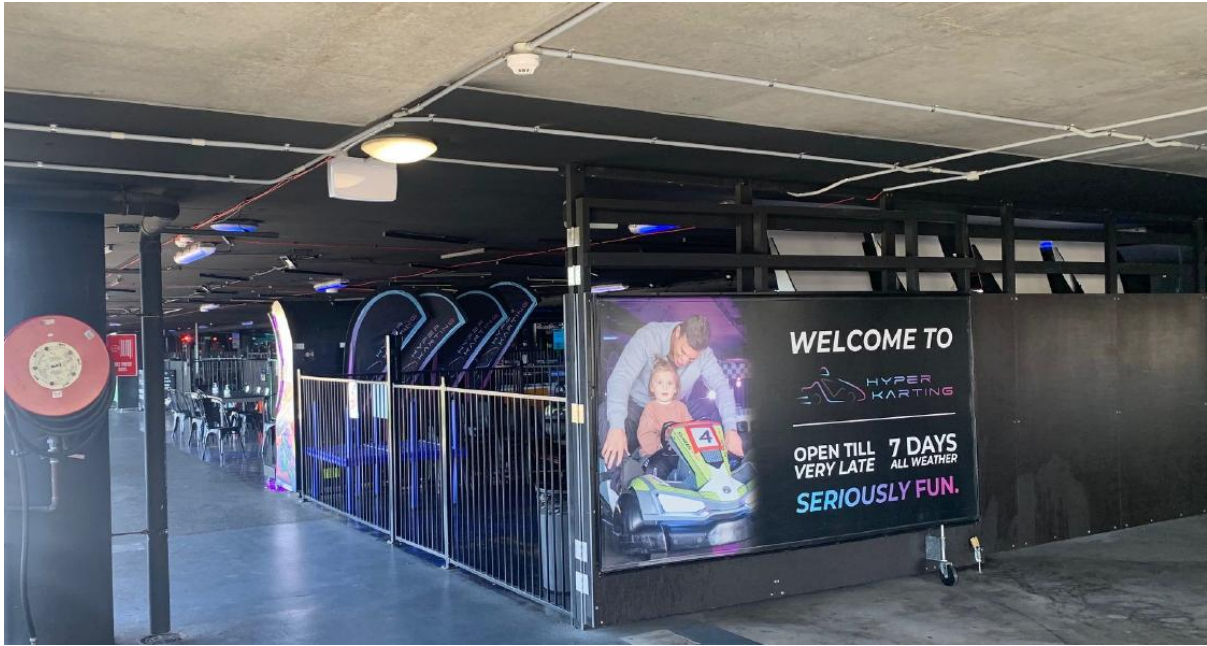


Figure 3: Go-kart use at Level 5 of the multi-storey car park

Relevant Background

Development Applications

7. The following applications are relevant to the current proposal

- **D/2020/24** – Development consent was granted on 2 July 2020 for the temporary use of Peter Finch Avenue, Bent Street, Studio Plaza, Cinema Plaza, Heritage Park and a portion of the existing multistorey carpark building within the Entertainment Quarter for temporary events for a 5-year period ending 1 July 2025.
- **D/2023/897** - Development consent was granted on 15 February 2024 for continuation of the temporary use of Level 5 of the multistorey Entertainment Quarter car park for electric go-karting and associated entertainment activities. The approval also included the expansion of the existing go-kart track and ancillary entertainment activities to occupy the whole of Level 5, with a maximum capacity of 448 patrons. The approved operating hours are 7am and 12 midnight, 7 days per week with amplified performance activities to cease at 10pm. Condition 2 of the consent restricts the approved use to a period of two (2) years from the date of consent – i.e. until 15 February 2026.

Proposed Modification

8. The application seeks approval for ongoing use of the Level 5 of the Entertainment Quarter car park for electric go-karting and associated entertainment activities.

9. To facilitate this, the application seeks to amend the wording of Condition (2) as follows:

(2) TIME LIMITED CONSENT

*The use may operate ~~for a period of two years from the date of consent~~ until **1 July 2028**. If the use is to be retained after this period, a further application may be lodged with the Council before expiration of the consent. Council's consideration of the continuation will be based on, among other things, compliance with the development consent conditions, any substantiated complaints received and the capacity of parking provisions.*

Threshold Test

10. The development to which the proposed modification relates is substantially the same as that originally granted.
11. The reasons set out in the granting of the original development consent have also been considered to satisfy Section 4.55(3) of the EP&A Act.

Assessment

Existing time limited consent

12. Under section 20AA of the *Centennial Park and Moore Park Trust Act 1983*, on-grass parking will end on:
- 1 July 2026 for carpark 2, Lower Kippax (EP2); and
 - 1 July 2028 for the grassed area adjacent to the Royal Hall of Industries and Hordern Pavilion (EP3).
13. While the original assessment acknowledged that the use of the Level 5 Entertainment Quarter (EQ) car park for the proposal would be acceptable in the short term, a time limited consent was required to ensure that the full capacity of the EQ car park would be available once the on-grass parking areas at Moore Park were closed.
14. Condition 2 of the existing consent (D/2023/897) therefore restricts the approved use to a period of 2 years from the date of the consent (i.e. until 15 February 2026).

Car parking availability in the precinct

15. The Moore Park on-grass parking areas are shown in Figure 4. The Lower Kippax parking area (EP2) has capacity for 350 spaces. The applicant has advised, however, that the capacity of this area has already been reduced from 350 to 100 spaces. The available capacity of the on-grass parking area adjacent to the Royal Hall of Industries and Hordern Pavilion (EP3) is 1,100 spaces but has been reduced to 950 spaces.

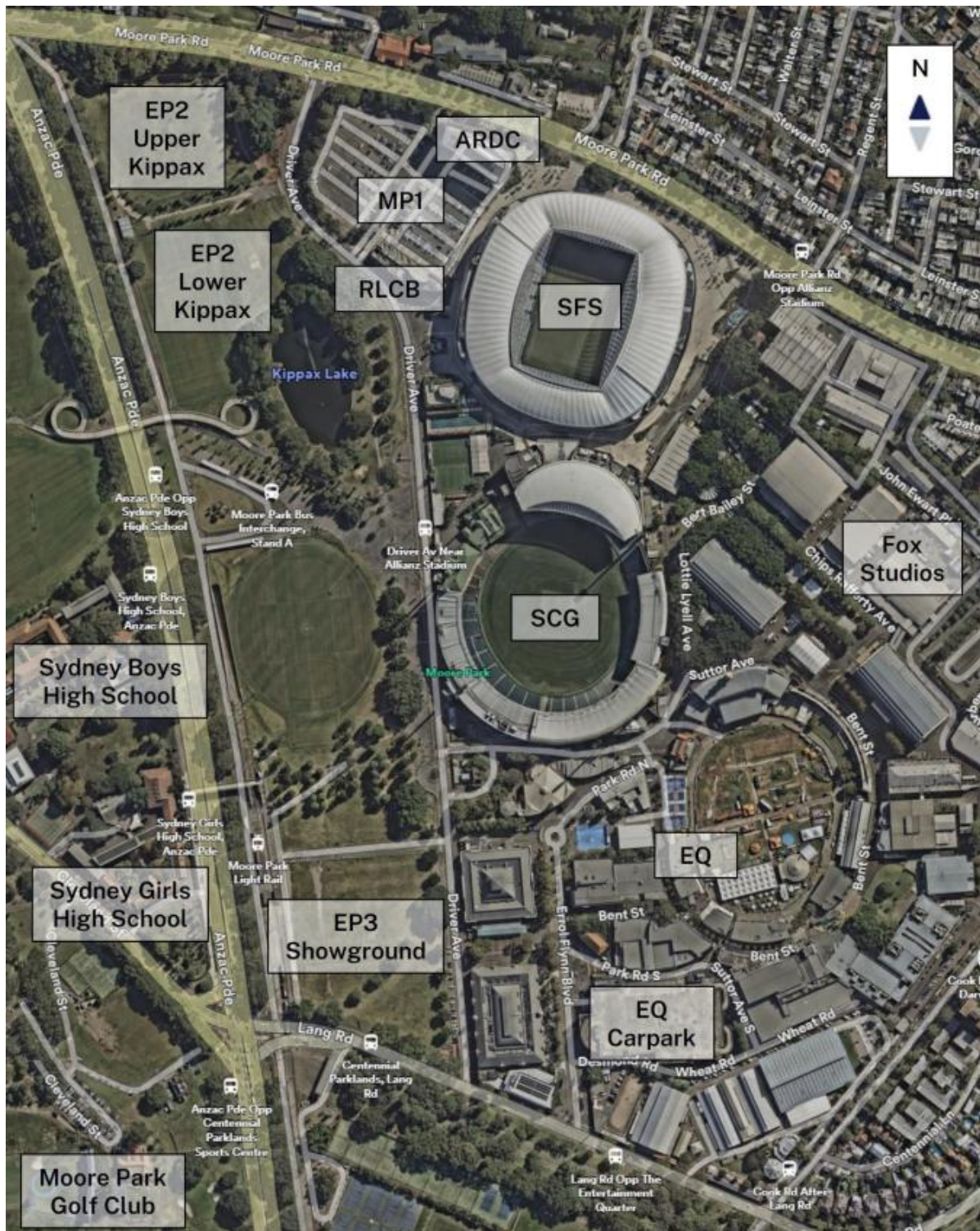


Figure 4: Local context map and parking areas (Source: Department of Planning, Housing and Infrastructure, SSD-9835-Mod-9 Assessment Report)

16. Venues NSW is currently constructing a new multi-level underground car park adjacent to the Sydney Football Stadium (SFS) pursuant to SSD-9835 (marked MP1 at Figure 4). Although condition B49A of SSD-9835 refers to the car park providing 1,500 car parking spaces, the condition allows the Planning Secretary to agree to lesser car spaces following the design refinement process. The applicant has advised that the car park will provide 1,342 parking spaces upon completion.

17. In relation to the new Venues NSW car park (MP1) and the closure dates for the on-grass parking, the applicant states:

We understand that the car park will be complete and operational in approximately 12 months' time. Therefore, it is highly likely that the 1 July 2026 date will be extended, in which case there will continue to be the existing quantum of on-grass parking available for the foreseeable future, until the new Venues NSW car park is completed.

Whether or not the new Venues NSW car park is completed and operational by 1 July 2026, the current supply of on-grass parking will continue. Once the new car park is completed, car parking capacity in the precinct will substantially increase.

This demonstrates that there is no need for D/2023/897 to be time-limited to 15 February 2026. The current parking supply in the precinct will continue until the new Venues NSW car park is complete, at which time parking supply will substantially increase by another 1,242 spaces.

18. Council officers disagree that the parking supply will substantially increase. In this regard, the new Venues NSW car park (MP1) replaces:

- 600 at-grade space which were originally located on the site of the new MP1 car park;
- 650 on-grass event spaces from Upper Kippax (EP2) (which have been inaccessible from the commencement of the Greater Sydney Parklands Trust Act 2022 on 1 July 2022); and
- 350 on-grass event spaces from Lower Kippax (EP2) (which will be closed from 1 July 2026).

19. The purpose of the new multi-level basement car park (MP1) therefore is not to provide additional stadium event parking, noting the original and replacement SFS both having the same capacity (i.e. a maximum of 55,000 persons). Instead, MP1 replaces the parking that was originally on site and removes the need for the 1,000 on-grass event parking spaces. This allows the grassed areas to be returned for permanent recreation and community uses and for new recreation uses to be provided above the basement car park.

20. Pursuant to section 20AA(1A), the Minister can extend the 1 July 2026 closure date for Lower Kippax (EP2) if the "... new car park on Venues NSW's land adjacent to the Sydney Football Stadium is not built and open to the public and operational".

21. While the applicant is of the opinion that it is highly likely the 1 July 2026 date will be extended, Greater Sydney Parklands (GSP) has advised Council officers that:

- the current estimate for construction completion of the Venues NSW's multi-storey carpark (MP1) is late 2026/early 2027; and

- they are not aware of any current request to the Minister to extend the 1 July 2026 date by regulation.
22. Based on the advice of GSP, there is no evidence that the Lower Kippax carpark (EP2) will remain open after 1 July 2026 or that the current supply of on-grass parking will continue until the new Venues NSW car park is completed.

Entertainment Quarter car park capacity

23. The Entertainment Quarter (EQ) is located to the south and east of the SFS and Sydney Cricket Ground (SCG). The EQ includes a range of venue such as the Hordern Pavilion, Royal Hall of Industries, Show Ring and Comedy Store that are important spaces for hosting events in Sydney. The EQ car park is one of the only permeant car parks in the area, being a multi-storey car park accessed off Errol Flynn Boulevard and Park Road with 2,003 parking spaces.
24. Under development consent D/2020/24, the electric go-karting and associated entertainment activities occupied 218 spaces at Level 5 of the EQ car park. Under D/2023/897, approval was granted for the go-karting to occupy the remaining 78 spaces at Level 5 (i.e. 296 spaces in total). This results in the capacity of the EQ car parking being reduced from 2,003 to 1,707 spaces.

Request to extend the operating period

25. The EQ carpark plays a role in supporting the Moore Park Precinct. Greater Sydney Parkland (GSP) advised in response to D/2023/897, that in order to facilitate the future closure of on-grass parking in line with the legislated deadlines, it would be working with Venues NSW, Transport for NSW and other stakeholders to deliver a plan to address transport needs, including parking, in relation to events at the SCG and SFS. This would require the full capacity of the EQ car park to be available following 1 July 2026. A time limited consent of 2 years was therefore considered necessary to address this possible future impact.
26. As outlined above, there is no proposed change to the scheduled 1 July 2026 closure date of the Lower Kippax carpark (EP2). The above advice from GSP therefore remains relevant. Furthermore, it also noted that the on-grass parking areas have already been reduced (i.e. EP2 down from 350 to 100 spaces and EP3 down from 1,100 to 950). The continued use of the 296 car parking spaces is therefore not supported.

Conclusion

27. The proposed modification is not supported for the following reasons:
- The proposed extension to the operating period, until 1 July 2028, is inconsistent with Council's original assessment.
 - The proposal would result in the ongoing exclusive use of 296 on-site car parking spaces for a commercial activity, reducing the availability of parking for the range

of uses throughout Moore Park. This is unacceptable when parking availability across the precinct has already been reduced and the closure of Lower Kippax (EP2) is scheduled to occur on 1 July 2026.

- The ongoing operation would not represent an orderly or economic use of the land, as it would prevent the use of 296 parking spaces intended to support activities within the EQ and the broader Moore Park precinct.
 - The new Venues NSW car park (MP1), currently under construction, will replace existing and previous parking areas at the northern end of Moore Park. It will not offset or compensate for the 296 car spaces being occupied by the go-karting use. The reduction in the number of car parking spaces in the EQ car park is therefore not justified by the construction of the new multi-level car park.
 - The continued occupation of 296 on-site spaces for the commercial activities has the potential to reduce the precinct's ability to manage future parking demands and adversely affect the amenity of the area.
 - The proposal fails to demonstrate that the supply of parking, that was originally available when the use was approved, will be consistently maintained for the duration of the operations.
 - The continued occupation of 296 on-site spaces for the commercial activities results in a reduction in publicly available on-site parking and is not in the public interest.
28. The relevant planning instruments have been taken into consideration in the assessment of the proposal.
29. The consent authority is not satisfied the proposal meets the requirements of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.

Notification

30. The proposed development was notified in accordance with the City of Sydney Community Engagement Strategy and Participation Plan and 2 submissions were received.
31. The submissions raised the following issues:
- **Issue:** No objection is raised provided the noise levels do not disturb families living nearby.
- Response:** The existing consent includes appropriate acoustic conditions to ensure that there are no unreasonable noise impacts from the activity. In the event the application was recommended for approval, continued compliance with these conditions would be required.

- **Issue:** The ever-increasing consents granted by Council and other Government authorities to activities applied for, involving the Sydney Football Stadium, Sydney Cricket Ground, Entertainment Quarter and Centennial Park/Moore Park, have been having a devastating “cumulative impact” on local residential areas. This is due to the absence of obvious fundamental conditions to first provide the necessary facilities to fix existing problems and to duly cater for the increased activity.

Response: While the subject application relates only to Level 5 of the EQ car park, the on-going use of the activity would reduce the availability of parking for all uses throughout Moore Park. This has been assessed as being unacceptable given that parking availability across the precinct has already been reduced and further parking reductions are scheduled to occur on 1 July 2026. Reinstatement of the 296 spaces at Level 5 would also assist in catering for any increased activity in the precinct.

External referrals

32. The development application was referred to NSW Police for comment.
33. In response, the Police advised that there has been a history of patron’s belongings being stolen from the open-style pigeonholes. Police therefore recommend that lockable lockers be provided for patrons which would allow patron items to be secured when participating in the activity.
34. In the event the application was recommended for approval, this matter could have been considered as a condition of consent.

Financial Contributions

Contribution	Comment
Section 7.11 Development Contribution	The proposed development will not modify the amount of contribution payable.
Section 7.12 Central Sydney Contribution	Not applicable as the Central Sydney Development Contributions Plan 2020 does not apply.
Affordable Housing Contribution	The proposed development will not modify the total floor area nor the amount of contribution payable.
Housing and Productivity Contribution	Not applicable.

Determination

35. The proposed development has been assessed under Section 4.55 of the EP&A Act and is refused.
36. The subject application is determined under delegated authority of Council and CEO by the Area Planning Manager.
37. The undersigned declare, to the best of their knowledge that they have no interest, pecuniary or otherwise, in this development application or persons associated with it and have provided an impartial assessment.

Prepared by:



Rebecca Gordon
Senior Planner

Determined by:



Michael Soo
Senior Area Planning Manager