

**Item 3.**

**Development Application: 1, 2, 3, 4, 6, 9, 11 Anzac Parade, 4, 4C Dacey Avenue & 1047 Moore Park Road, Moore Park**

**File No.:** D/2018/819

**Summary**

**Date of Submission:** 18 July 2018

The proposal was amended on 17 August 2018 to seek approval for the use on a five year temporary basis rather than on a permanent basis; delete the use of Moore Park East for car parking during events at Moore Park, the Sydney Football Stadium and the Sydney Cricket Ground; and delete the proposal to use Moore Park East for promotional vehicles and fan zones for events hosted at the Sydney Football Stadium and the Sydney Cricket Ground.

**Applicant:** Milestone

**Owner:** Botanic Gardens and Centennial Parklands

**Cost of Works:** \$10,450

**Zoning:** The site is located in the RE1 Public Recreation zone and is permissible with consent.

**Proposal Summary:** Consent D/2013/640 was approved on 7 November 2013 under delegation of Council for the *“continued use of Moore Park as a venue for major events which attract over 2,500 people, such as the Sydney Mardi Gras and the Sydney Running Festival, circuses and musical concerts. Major events with more than 2,500 people are to be held up to 20 days per year. Circuses are to be held for up to 65 calendar days per year. Musical concert events are to be held for a maximum of 8 days per year within the 20 days approved for major events set out above.”*

**Proposal Summary  
(continued):**

This Development Application seeks approval for the continued use of Moore Park for a further five year period as a venue for “major events” for 20 days per calendar year (excluding bump-in and bump-out). A major event is classed as events that attract more than 2,500 people. Included in these 20 days, the continued use of Moore Park for events which use sound amplification equipment and have a crowd capacity of greater than 5,000 people for no more than eight days per calendar year.

The proposed hours of these major events are limited to sunrise until 10.30pm (11.00pm during daylight saving). Proposed musical concerts/festival events using sound amplification, which attract more than 5,000 people, are to end before 8.00pm if they are held on a day preceding a work day.

The proposed hours of operation will permit sporting events and other ceremonial events that do not involve sound amplification, such as the dawn service at the ANZAC Memorial, to commence prior to sunrise.

The use of Moore Park for filming and photography is also proposed and covers filming and film shoots on the site that are not captured as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).

The application is referred to the Local Planning Panel for determination as the proposal received 173 submissions. However, the majority of the submissions were regarding the permanency of the proposal and the use of Moore Park East for car parking for events, these elements have now been removed from the proposal.

The application was notified and advertised for a period of 21 days from 24 July to 15 August 2018. A total of 173 submissions were received, which raised the following matters, which have been addressed within this report:

- Traffic impacts after events and pedestrian safety
- Degradation of trees and grass
- Use of grass for car parking
- The use on a permanent basis
- Increased commercialisation of Moore Park
- Restriction of public access during events
- Anti-social behaviour

**Proposal Summary  
(continued)**

- Loss of heritage value and adequacy of Heritage Impact Statement
- Insufficient owners consent
- Concurrence of NSW Heritage Office is required
- Proposal should be renotified
- Impact on amenity of area

This DA is classified as a “Crown development application” and therefore Council cannot refuse the development application or impose conditions of consent without the approval of the Centennial Park and Moore Park Trust. The Trust has reviewed and approved the proposed conditions.

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

**Development Controls:**

- (i) Environmental Planning and Assessment Act 1979
- (ii) Heritage Act 1977
- (iii) Centennial Park and Moore Park Trust Act 1983 and Centennial Park and Moore Park Trust Regulation 2014
- (iv) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- (v) State Environmental Planning Policy (Infrastructure) 2007
- (vi) A Metropolis of Three Cities - the Greater Sydney Region Plan and Eastern City District Plan
- (vii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (viii) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)

**Attachments:**

- A. Recommended Conditions of Consent

**Recommendation**

It is resolved that consent be granted to Development Application No. D/2018/819 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, subject to conditions, is consistent with the objectives of the RE1 Public Recreation zone for the reasons set out in the report.
- (B) The proposal is for the continued use of Moore Park for 20 days per calendar year as a venue for “major events”, which contributes to the local economy and provides for an appropriate diversity of uses, while retaining access to and the use of the park, by the public.
- (C) The events are temporary and not permanent.
- (D) Over the past five years, the events have been well managed in relation to noise, waste, and crowd management and control with limited impacts on the park and the amenity of the surrounding area.

## Background

### The Site and Surrounding Development

1. A site visit was carried out by staff on 21 September 2018.
2. Moore Park is located within the Centennial Parklands, which is owned and managed by the Centennial Park and Moore Park Trust (the Trust) in accordance with the Centennial Park and Moore Park Trust Act 1993. The Centennial Parklands generally comprises Centennial Park, Moore Park, Queens Park and the former Moore Park Showground.
3. Moore Park occupies approximately 120 hectares and occupies the western portion of the Centennial Parklands.
4. Moore Park is bound to the east by the Sydney Football Stadium (the SFS), the Sydney Cricket Ground (the SCG) and the Entertainment Quarter (EQ). It also adjoins a number of established residential areas including Paddington to the north, Darlinghurst to the northwest, Surry Hills to the west, Green Square to the southwest, Kensington in Randwick City Council to the south, and Centennial Park to the east.
5. A heritage item (1957), in the form of the former Tollhouse, is located in Moore Park South. Moore Park is located within the Moore Park heritage conservation area (C36). Centennial Parklands, including Moore Park, is listed on the State Heritage Register.
6. Moore Park is divided into four geographical areas:
  - (a) Moore Park West – This area is delineated by South Dowling Street, Anzac Parade, and Cleveland Street / Sydney Boys High School boundary. Moore Park West is a large expanse of grass bordered by trees, which is easily accessible by surrounding residents. It is largely used for informal sporting activities such as cycling, running as well as by both Sydney Boys High School and Sydney Girls High School. The south eastern corner is being used for light rail works. The Korean War Memorial is located at the northern entrance.
  - (b) Moore Park East – This area is delineated by Anzac Parade, Moore Park Road, Driver Avenue and Lang Road and also includes Driver Avenue (which is managed by the Centennial Park and Moore Park Trust). Within Moore Park East there are three major sections, being the land surrounding Kippax Lake in the north; the AFL field in the middle; and the southern section opposite the Hordern Pavilion and the Royal Hall of Industries. The land surrounding Kippax Lake has been used for a number of music and entertainment events in recent years, whilst the southern end of Moore Park East has been used as parking during large sporting events at the SCG and SFS and is currently being used for light rail works.
  - (c) Moore Park South East – This area is delineated by Lang Road, Anzac Parade and Robertson Road. It accommodates a number of sporting facilities including cricket fields, basketball courts, tennis courts and netball courts. There are a number of dwellings located within close proximity to these fields along Robertson Road.

- (d) Moore Park South – This area includes the area of open space delineated by Cleveland Street, Anzac Parade, South Dowling Street and the northern boundary of the Moore Park Golf Course as well as the Moore Park Golf Course itself and E S Marks Field. The open space area to the north is largely open grass land used for informal sporting activities. E S Marks Field contains a 400m running track and athletics facilities, sports field, a grand stand seating area and meeting rooms.

7. Photos of the site and surrounds are provided below:



Figure 1: Aerial image of subject site and surrounding area



**Figure 2:** Moore Park West looking south from the northern entrance, with the Korean War Memorial in the foreground.



**Figure 3:** Moore Park West looking north



**Figure 4:** Moore Park East looking south east towards the SCG and the SFS from the north western corner



**Figure 5:** Moore Park East looking north from the Albert (Tibby) Cotter Walkway



**Figure 6:** The netball courts in the northern portion of Moore Park South East looking south east



**Figure 7:** Moore Park South East looking south east towards Robertson Road



**Figure 8:** Moore Park South looking south, viewed from Cleveland Street



**Figure 9:** Moore Park South looking south east over the driving range to the golf course



**Figure 10:** Moore Park South looking south over the golf course

## Proposal

8. The application seeks the continued use of Moore Park for a further five year period as a venue for major events for 20 days per calendar year (excluding bump-in and bump-out). A major event is considered to be an event which attracts more than 2,500 people. As part of these 20 days per calendar year, the application also seeks the continued use of Moore Park for musical concert events, which use sound amplification equipment and have a crowd capacity of greater than 5,000 people. These musical concert events are to occur no more than eight days per calendar year.
9. The proposed hours of these major events are limited to sunrise until 10.30pm (11.00pm during daylight saving). Proposed musical concerts/festival events using sound amplification, which attract more than 5,000 people, are to end before 8.00pm if they are held on a day preceding a work day. The proposed hours of operation will permit sporting events and other ceremonial events that do not involve sound amplification, such as the dawn service at the ANZAC Memorial, to commence prior to sunrise.
10. The use of Moore Park for filming and photography is also proposed and covers filming and film shoots on the site that are not captured as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP).
11. The various areas of Moore Park have the following proposed uses:

Area	Proposed Events
Moore Park West	Sporting, recreational and community events whose total attendance does not exceed 5,000 people.
Moore Park East	Major events (over 5,000 persons) for 20 days per calendar year including exhibitions, music concerts, functions as well as community, sporting, charity and corporate events.
Moore Park South East	<p>Generally minor events including:</p> <ul style="list-style-type: none"> <li>• Sporting events which may include training, competition or demonstrations.</li> <li>• Cultural events which may include exhibitions, displays, performing arts, community festivals, fairs or carnivals.</li> <li>• Recreational events which may include various forms of organised performances, games or amusements.</li> <li>• Educational events which may include various forms of organised teaching.</li> <li>• Demonstration or display.</li> </ul>
Moore Park South – with exception of Moore Park Golf Course	Sporting, recreational, community and low impact music concert events.
Moore Park Golf Course	Golf competitions, other golf related events and non-sport related events.
E S Marks Field	Sporting competitions, sporting related events and non-sport related events.

12. Other than the revision to permit non-sound amplified events to occur prior to sunrise (i.e. ANZAC service) and Moore Park for filming and photography, which covers filming and film shoots on the site, the proposed use is substantially the same as the use approved under Development Application D/2013/640. The five year approval period under Development Application D/2013/640 expires in November 2018.

13. The DA has been amended since lodgement as the applicant initially applied for the use of Moore Park for events on a permanent basis. This was an error and the application has been amended to five years on a temporary basis. The DA was also amended to delete the proposed use of Moore Park East for car parking during events at Moore Park and at the SFS and the SCG and use of Moore Park East for promotional vehicles and fan zones for events hosted at the SFS and the SCG.

### **History Relevant to the Development Application**

14. D/2006/16 was approved was approved by the Chief Executive Officer under delegation of Council on 26 September 2006 for a period of five years (up until 26 September 2011) for the use of Moore Park as a venue for major events which attract over 2,500 people. Events include the Mardi Gras Parade, music festivals, circuses as well as community, sporting, charity and corporate events. Major events were to be held for a maximum of 20 days per year and additional scope is provided for circuses.
15. D/2013/640 was approved on 7 November 2013 under delegation of Council for the *“continued use of Moore Park as a venue for major events which attract over 2,500 people, such as the Sydney Mardi Gras and the Sydney Running Festival, circuses and musical concerts. Major events with more than 2,500 people are to be held up to 20 days per year. Circuses are to be held for up to 65 calendar days per year. Musical concert events are to be held for a maximum of 8 days per year within the 20 days approved for major events set out above.”*
16. The intent of the DA was to enable events to be held without individual DAs required to be lodged for each event held on the site. This Consent is valid for five years and lapses on 7 November 2018.

### **Economic/Social/Environmental Impacts**

17. The application has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, including consideration of the following matters:

#### **Part 4 (Development Assessment and Consent)**

##### **Division 4.6 (Crown Developments)**

18. Botanic Gardens and Centennial Parklands, formed in 2014, is an entity established under the Office of Environment and Heritage which is a NSW Government Agency and is the result of the merging of the Centennial Park and Moore Park Trust and the Royal Botanic Gardens and Domain Trust.
19. While the Botanic Gardens and Centennial Parklands is recognised as the combined entity, the following sites continue to be governed under the management and operation of the respective Trusts:

Centennial Parklands and Moore Park Trust

- Centennial Park;
- Moore Park; and
- Queens Park.

Royal Botanic Gardens and Domain Trust

- Royal Botanic Garden, Sydney;
- Australian Botanic Garden, Mount Annan;
- Blue Mountains Botanic Garden, Mt Tomah; and
- The Domain.

20. In accordance with Section 6(2)(b) of the Centennial Park and Moore Park Trust Act 1983, the Centennial Park and Moore Park Trust is deemed to be a statutory body representing the “Crown” for the purposes of any Act. Therefore this DA is classified as a “Crown development application” and the provisions of Division 6, Section 4.33 of the Act apply. In accordance with this provision, Council cannot refuse the development application or impose conditions of consent without the approval of the Trust.
21. The applicant has reviewed and approved the recommended conditions of consent.

### **Heritage Act 1977**

22. Centennial Parklands, including Moore Park, is listed on the State Heritage Register. However, the proposal does not constitute integrated development as the Site Specific Exemptions for Centennial Parklands dated 27 March 2000 lists the following as exempt from the need to obtain approval under the Heritage Act 1977:

#### **8. Management of temporary events.**

*Temporary use of a section of the Parklands, temporary road closures and the installation of temporary buildings, structures, fencing, facilities, exhibitions, artworks, crowd control barriers, stages, lighting, sound and public address equipment and signage for a period not exceeding 6 months where the Trust is satisfied that the activity will not materially affect the heritage significance of the Parklands as a whole or the area in which they are to be undertaken.*

23. As noted in the NSW Office of Environment and Heritage “Standard Exemptions for Works Requiring Heritage Council Approval” Document (Revised 2009): “*Some heritage items have site specific exemptions for works other than those in the standard list. Site specific exemptions will continue to remain in force.*”
24. The site specific exemption for Centennial Park, Moore Park and Queens Park remains in force and the proposal is not classified as “Integrated Development” under the provisions of the Environmental Planning and Assessment Act 1979. The proposal does not therefore require a concurrent approval from the NSW Heritage Office.
25. The NSW Heritage Office was notified of the proposal; however, no response was received.

**Centennial Park and Moore Park Trust Act 1983 and Centennial Park and Moore Park Trust Regulation 2014**

26. The Centennial and Moore Park Trust Act 1983 (CP&MPT Act) established the Centennial Park and Moore Park Trust. The CP&MPT Act sets out the objectives and functions of the (former) Trust. The continued use of Moore Park for events is consistent with the objectives and functions set out in the CP&MPT Act.
27. All applications for events made to the Trust are assessed against the objectives of the CP&MPT Act. With regard to major events, Section 20A of the CP&MPT Act enables the Trust to hold events at the Parklands attracting more than 20,000 people. Pursuant to Clause 29 of the Centennial Park and Moore Park Trust Regulation 2014, the Trust is authorised to permit a maximum of eight events in a calendar year on the site which are attended by more than 20,000 people. This existing provision will be maintained under this DA.

**Environmental Planning Instruments, Policies and DCPs.****State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

## Temporary Structures

28. Due to the site specific exemption under the Heritage Act 1977, Division 3 of Part 2 of the SEPP is applicable to the site and the following temporary structures can be installed on the site as exempt development in accordance with the relevant clauses:
  - (a) Temporary structures and alterations or additions to buildings for filming purposes (Clauses 2.115 and 2.116).
  - (b) Tents or marquees used for filming purposes and private functions (Clauses 2.117 and 2.118).
  - (c) Tents, marquees or booths for community events (Clauses 2.119 and 2.120).
  - (d) Stages or platforms for private functions (Clauses 2.121 and 2.122).
  - (e) Stages or platforms for community events (Clauses 2.123 and 2.124).
29. Clause 2.120 of the SEPP permits the erection of “tents, marquees and booths” as exempt development on the site providing such development does not have a total floor area exceeding 300sqm. This DA seeks consent for the installation of temporary structures that do not meet the requirements contained in the SEPP (i.e. greater than 300sqm, the erection of temporary structures for more than seven days, a tent or marquee having a wall height exceeding 4m above ground level etc).
30. Development consent D/2013/640 required that the Trust reviews and approves all event applications including events that involve the installation of temporary structures. The applicant has advised that this internal management process has been operated by the Trust for more than 12 years on the site and will continue irrespective of whether the temporary structures are classified as exempt development under the SEPP. A similar condition is recommended to be included within this application.

## Filming

31. Filming is permitted as exempt development under Clauses 2.113 and 2.114 of the SEPP 'on the land'. The site contains a heritage item and is within a heritage conservation area; therefore any filming that involves or results in any of the following listed below is not classified as exempt development and is included in this DA. In addition, it will be approved by the Trust to ensure no impact to any vegetation and any temporary work for filming has no permanent effect.

*“(iv) any changes or additions that are not merely superficial and temporary to any part of a heritage item, a heritage conservation area or an environmentally sensitive area,*

*(v) the mounting or fixing of any object or article on any part of such an item or area (including any building),*

*(vi) the movement, parking or standing of any vehicle or equipment on or over any part of such an item or area that is not specifically designed for the movement, parking or standing of a vehicle or equipment on or over it,*

*(vii) any changes to the vegetation on, or level of, such an item or area or any changes to any other natural or physical feature of the item or area.”*

**State Environmental Planning Policy (Infrastructure) 2007**

32. The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

## Part 2 Division 17 (Roads and Traffic)

33. The application is subject to Clause 101 of the SEPP as the site has frontage to Anzac Parade, Cleveland Street, the Eastern Distributor, Dacey Avenue and Moore Park Road, which is a classified roads. The application is considered to satisfy Clause 101 of the Infrastructure SEPP.
34. The application was referred to Roads and Maritime Services (RMS) under Schedule 3 of the SEPP. The RMS reviewed the submitted application and did not support the proposal for consent on a permanent basis, due to the changing nature of the road network, which necessitates periodic review of the suitability of the site for temporary events.
35. RMS stated they would consider the use of Moore Park for temporary events as described for a period of no more than five years. As previously discussed, the proposal has been amended to be on a five year temporary basis and is therefore supported.

**A Metropolis of Three Cities (2018) - the Greater Sydney Region Plan**

36. The Greater Sydney Commission leads metropolitan planning for the Greater Sydney region. The key strategic plans prepared by the Greater Sydney Commission are “A Metropolis of Three Cities - the Greater Sydney Region Plan” and five District Plans, all released in March 2018. A Metropolis of Three Cities - the Greater Sydney Region Plan is the 40-year vision underpinning each of the 20-year District Plans. The Plan envisages Sydney’s economic and population growth being located in three cities within the Greater Sydney region and includes the 'Eastern Harbour City'.
37. The Plan outlines four goals for Sydney:

- *"A competitive economy with world-class services and transport;*
- *A city of housing choice that meets our needs and lifestyles;*
- *A great place to live with communities that are strong, healthy and well connected; and*
- *A sustainable and resilient city that protects the natural environmental and has a balanced approach to the use of land and resources."*

### Eastern City District Plan

38. The site is located in the Eastern City District; on 18 March 2018, the Greater Sydney Commission released the District Plans in conjunction with A Metropolis of Three Cities - the Greater Sydney Region Plan. The purpose of each District Plan is:

*"...a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan, A Metropolis of Three Cities, at a district level and is a bridge between regional and local planning."*

39. The table below provides an assessment of the proposal against the relevant objectives, planning priorities and actions of the Plan.

<b>Objectives, Priorities &amp; Actions</b>	<b>Assessment</b>
<p>The District's cultural vibrancy is reinforced by night-time activities from popular eat streets, clubs and small bars to cinemas, arts and cultural activities. Stimulating and diversifying the night-time economy in appropriate locations across the District can support local economies and culture.</p>	<p><b>Complies</b></p> <p>The proposal will provide for the continued use of the site for night time activities, which include cultural activities and will support the local economy.</p>

Objectives, Priorities & Actions	Assessment
<p>Planning Priority E4 - Fostering healthy, creative, culturally rich &amp; socially connected communities</p> <p>The Moore Park area, for example, brings together a diverse range of cultural, creative, educational and recreational endeavours. There is potential to grow the opportunities of this precinct.</p> <p>Action 14. Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including:</p> <ul style="list-style-type: none"> <li>a. arts enterprises and facilities, and creative industries</li> <li>b. interim and temporary uses</li> <li>c. appropriate development of the night-time economy.</li> </ul> <p>Planning Priority E18 Delivering high quality open space.</p> <p>Objective 31 Public open space is accessible, protected and enhanced.</p>	<p><b>Complies</b></p> <p>The proposal maintains public access to the site and through the various events brings together a diverse range of cultural, creative, educational and recreational uses. This DA will ensure the potential to grow and facilitate the opportunities available to the precinct.</p> <p>Conditions of consent are recommended to ensure event organisers encourage the use of public transport. In addition, the future light rail Moore Park stop will improve the connectivity of the site.</p> <p>The proposal will continue to protect areas of open space and maintain access to Moore Park in accordance with the current requirements of the previous consent D/2013/640.</p>

Objectives, Priorities & Actions	Assessment
<p>Planning Priority E11 - Growing investment, business opportunities &amp; jobs in strategic centres</p> <p>A vibrant and safe night-time economy will enhance Greater Sydney's standing as a global city, while meeting the social and recreational needs of shift workers, families, children and communities.</p> <p>Planning for a night-time economy in centres should support a diverse range of small businesses, such as retail, and cultural events and assets accompanied by a suitable regulatory environment.</p> <p>Action 46 - Improve access from the centre of Bondi Junction to nearby open space and recreation facilities such as Queens Park, Centennial Park, Moore Park and Bondi Beach.</p>	<p><b>Complies</b></p> <p>The proposal will provide for the continued use of the site, which contributes to a vibrant day and night time economy, which meets the social and recreational needs of the greater community. Various management plans are in place to ensure the continued use is safe and enjoyable.</p> <p>People that use the site for various events often use the services of surrounding neighbourhoods, including bars, shops and restaurants, which contribute to the local economy.</p>
<p>Planning Priority E16 - Protecting &amp; Enhancing scenic and cultural landscapes</p> <p>Action 63. Identify and protect scenic and cultural landscapes.</p> <p>Action 64. Enhance and protect views of scenic and cultural landscapes from the public realm.</p>	<p><b>Complies</b></p> <p>The proposal is for temporary uses; therefore the scenic landscape will be protected.</p> <p>The proposal will not adversely impact on views to and from the site.</p>

### Sydney LEP 2012

40. The site is located within the RE1 Public Recreation zone. The proposed use of Moore Park for major events is defined as "recreation areas", "community facilities" and "recreation facilities (outdoor)", with "food and drink premises" and "markets" at certain major events, which are permissible with consent.

41. The objectives of the zone are as follows:

*To enable land to be used for public open space or recreational purposes.*

- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide links between open space areas.*

- *To retain and promote access by members of the public to areas in the public domain including recreation facilities and waterways and other natural features.*
42. The proposal generally complies with the objectives of the zone. In particular, it is considered that:
- (a) The proposal provides for a diversity of uses, while retaining access to and the use of the park, by the public;
  - (b) the proposal will have a negligible impact on the future development of the land for open space and recreational purposes as the proposal is temporary;
  - (c) the events will be ancillary to the primary use of the land as open space and will further encourage the enjoyment of the land in varying ways; and
  - (d) will increase the diversity of the recreational uses of Moore Park whilst not detracting from its enjoyment by members of the public, subject to appropriate conditions which will manage potential detrimental impacts on the natural environment and the amenity of the surrounding area.
43. The relevant matters to be considered under Sydney Local Environmental Plan 2012 for the proposed development are outlined below.

## Compliance Tables

Development Control	Compliance	Comment
5.10 Heritage conservation	Yes	<p>A heritage item (1957), the former Tollhouse, is located in Moore Park South. Moore Park is located within the Moore Park heritage conservation area (C36).</p> <p>Council's Heritage officer has reviewed the proposal and considers that the proposal will not detrimentally impact on the heritage significance of the heritage item or the heritage conservation area, due to the temporary nature of events. In addition, the proposal is generally in accordance with the Centennial Parklands Conservation Management Plan.</p> <p>Council's Heritage officer has also advised that the Heritage assessment, prepared by Milestone, adequately addresses the impact of the temporary events on Moore Park in relation to Heritage.</p>

**Sydney DCP 2012**

44. The relevant matters to be considered under Sydney Development Control Plan 2012 (DCP) for the proposed development are outlined below.

3. General Provisions	Compliance	Comment
3.5 Urban Ecology	Yes	<p>The proposed development does not seek consent for the removal or the pruning of any existing trees or vegetation on the site.</p> <p>The individual licence agreements entered into for each event between the Trust and event organisers include requirements for the protection of grassed areas and requires that all temporary structures and associated infrastructure is placed outside of any Tree Protection Zone to maintain the health of existing trees.</p>
3.9 Heritage	Yes	<p>This has been discussed above. Council's Heritage officer considers that that the overall heritage impact is acceptable, as the events will be temporary.</p>
3.11 Transport and Parking	Yes	<p>See discussion under the heading Issues.</p>
3.12 Accessible Design	Yes	<p>A condition has been recommended for the proposal to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.</p>
3.13 Social and Environmental Responsibilities	Yes	<p>Events are governed by strict security and management practices to deter anti-social behaviour and maintain residential amenity. This is implemented as part of the Event Licence agreements, which are included as a recommended condition of consent.</p>
3.14 Waste	Yes	<p>The Trust retains responsibility for waste management, Council's Waste Management officer has recommended that for each proposed event a waste management plan is developed and submitted for approval by the Trust.</p>

3. General Provisions	Compliance	Comment
3.15 Late Night Trading Management	Yes	The proposed use is not a premises and therefore the provisions in relation to Late Night Trading do not apply. Notwithstanding this, the potential impact of the proposed use regarding noise is discussed under the heading Issues.

## Issues

### Noise Impacts

45. Under the provisions of the Centennial Park and Moore Park Trust Act 1983, the Trust has its own regulations/procedures for noise complaint handling including independent Rangers to monitor the compliance of events on site. The acoustic criteria for events on the site is governed by the NSW Environment Protection Authority (EPA), with the site being issued a specific 'Notice of Prevention Notice', dated 18 February 2015, under the provisions of Section 96 of the Protection of the Environment Operations Act 1997. The Notice outlines noise control requirements for events including the following:
- Provides a definition on the types of events based on use and occupancy/ attendance numbers, and outlines:
    - the location where each event type can take place;
    - the times of year when each event type can take place;
    - hours for events and duration of events; and
    - noise level limits.
  - Details noise monitoring and reporting requirements, including location and methodology.
  - Details complaint management.
  - Requirements for notifying nearby residents likely to be significantly impacted by noise from the site.
46. Music festivals such as the former music event "Parklife" and cultural and entertainment events such as the Mardi Gras are "major events" from amplified noise/music and from crowds at the event.
47. Noise from events held on the site is often significantly louder than the surrounding environment including residential areas. The applicant has stated that to manage noise impacts, event organisers holding events, are required to enter into a licence agreement with the Trust agreeing to comply with the EPA's Notice of Prevention Notice and the Noise Management Plan relevant to Moore Park.

48. The Noise Management Plan dated 30 January 2009 sets out the noise management principles that apply to all events at Moore Park and aims to protect noise amenity for residents nearest the site. The Noise Management Plan will continue to remain applicable to events that are held on the site as part of this DA.
49. Council's Health unit has reviewed the proposal and considers the continuation on a temporary five year basis acceptable. In addition, it is noted that there have been no recent noise complaints regarding the use of Moore Park for events. It is recommended that conditions relating to the notification of residents in regards to major events and provision of a system to manage noise complaints be incorporated in the recommended conditions.
50. Over the past five years, the events held have generally had a good record with Council of managing off-site impacts associated with noise, waste, and crowd management and control. On this basis, the proposed continuation of the use is considered to be acceptable for a further five year period.
51. It is noted that the Trust provides Council with a monthly event notification for the Moore Park precinct which states the names of events and the attendances expected, this will continue with this DA.

### Traffic and Parking

52. One of the key issues of the overall Moore Park precinct is traffic congestion. The proposal does result in increased traffic congestion in the surrounding area when events are being held and therefore the Trust has a number of management plans in place to manage potential impacts on traffic and transport in the area. Specifically, the Trust is required to liaise and consult with the Sydney Coordination Office and Transport Management Centre within Transport for New South Wales (TfNSW), RMS, Infrastructure NSW, NSW Police, City of Sydney Council and Sydney Cricket and Sports Ground Trust when planning major events under the *Moore Park East Game Day Operations Plan* (the Operations Plan).
53. The precinct is very accessible by public transport, with Central Railway Station located approximately 1km to the west of Moore Park and Sydney Buses stopping along Anzac Parade, Cleveland Street and Lang Road that pass through and near the site. In addition, a new Moore Park light rail station is located approximately 120m north of Lang Road, on the eastern side of Anzac Parade, which is expected to commence operation by 2020. When major events are held, additional public transport is generally provided to cater for the additional population.
54. The applicant has advised that as all events are granted a licence to operate, they are required to prepare a Traffic and Access Management Plan. These plans are required to:
  - Address the traffic impact of an Event on the whole of Centennial Parklands and Moore Park;
  - Allow sufficient public access to most areas of the Park;
  - Ensure that event parking areas are designated;
  - Ensure adequate parking for other general public attending Moore Park;
  - Ensure the unrestricted flow of vehicle and pedestrian traffic through the Park;

- Ensure safe pedestrian access and a safe route for competitors for sporting events (if relevant);
  - Ensure efficient access for staff and contractors throughout the event set up;
  - Capability to provide updates to customers regarding changes to the Park and the event;
  - Ensure the public is informed of the event via signage, websites, advertisements etc at least two weeks prior to the event; and
  - Provide marshals to manage parking associated with the event. Marshals are briefed by a Centennial Parklands Ranger and provided with a briefing paper about the event, including a list of duties and a map of the park. In addition, Centennial Parklands Rangers are employed at the licensee's expense to oversee traffic management.
55. It is recommended that a condition be imposed requiring printed and electronic information be distributed for events over 5,000 people informing the public of the public transport options and the lack of parking in the area.
56. The application has been amended since lodgement to delete the proposed car parking from the grassed area at Moore Park East; which is a positive result.
57. The proposal has been reviewed by RMS, TfNSW and Council's Traffic Management unit and is supported on a five year temporary basis.

#### **Access**

58. Access for disabled persons can be provided to the site.

#### **Other Impacts of the Development**

59. The proposed development is capable of complying with the BCA.
60. It is considered that the proposal will have no significant detrimental effect relating to environmental, social or economic impacts on the locality, subject to appropriate conditions being imposed.

#### **Suitability of the site for the Development**

61. The proposal is of a nature in keeping with the overall function of the site. The premises are in park surrounding.

#### **Internal Referrals**

62. The conditions of other sections of Council have been included in the proposed conditions.
63. The application was discussed with the Heritage Specialists; Building Services Unit; Environmental Health; Licenced Premises; Public Domain; Safe City; Surveyors; Transport and Access; Tree Management and Waste Management, who advised that the proposal is acceptable subject to the recommended conditions and that the application is on a temporary basis and not permanent.

## External Referrals

### External

64. Police have no concerns regarding the Development Application D/2018/819.
65. As discussed above, RMS has reviewed the submitted application and does not object to the proposal on a five year temporary basis.
66. TfNSW has no objection to the proposal, subject to the applicant preparing a Travel Demand Strategy and Green Travel Plan and encouraging active transport

### Notification, Advertising and Delegation (Submissions Received)

67. In accordance with Schedule 1 of the Sydney DCP 2012, the proposed development is required to be notified and advertised. As such the application was notified and advertised for a period of 21 days between 24 July 2018 and 15 August 2018. As a result of this notification there were 173 submissions received. It should be noted that the applicant amended the application while the proposal was on exhibition to remove car parking from the proposal and to delete the word 'permanent' and replace with 'temporary - five years'.

- (a) The traffic after events is not acceptable and results in significant congestion and pedestrian safety risk. Council officers should attend the area and witness the traffic congestion, particularly to Cook Road. This is exacerbated by parking on the grassed area. Alternative means should be encouraged - public transport, walking, cycling.

**Response** - The traffic impact has been discussed above. Traffic congestion after events is generally expected; however, is to be minimised as far as practical, with non-car transport options promoted and is to be suitably conditioned. As previously discussed, the car parking on Moore Park East has been deleted from the proposal. The application has been discussed with Council's Traffic Management unit, RMS and TfNSW and is supported on a five year temporary basis.

- (b) The tree loss as part of the light rail is not acceptable. A plan should be prepared for the remediation of Moore Park that includes a clear timeline for the removal or relocation of the Light Rail construction sheds so that remediation can commence as soon as possible. Events also result in degradation of trees and turf and other vegetation.

**Response** - The proposal does not involve the removal of any trees; the light rail does not form part of this application.

It is noted that the Trust requires that all events agree to the protection of turf, trees and other vegetation and locate all structures outside of Tree Protection Zones. The applicant has stated that where turf is damaged by an event, it is necessary to close that area to allow the turf to recover, although every effort is made to ensure the areas are closed for the minimum time necessary.

- (c) Use of turfed areas for car parking is inappropriate due to loss of park space for recreation activity, damage to the turf and the resultant significant traffic congestion impacts. It is also contrary to the Moore Park Master Plan 2040 and Council and State Government Objectives to reduce car parking use of the site.

**Response** - Parking is no longer proposed on the grassed area and has been removed from the proposal. A condition is recommended to this effect. As stated above, public transport is required to be promoted with events.

- (d) The use of the space permanently for events is not appropriate and should be time limited to enable the Council and residents to review the use of the site.

**Response** - The application was revised to delete the permanency and are requesting a further five year temporary consent.

- (e) Increased commercialisation of Moore Park, playing fields should be re-established.

**Response** - The applicant has stated that *'the Trust carefully balances the number of events each year on the site with the requirement to provide public access for recreation purposes and underlying financial requirements of the Trust. Consideration of the health of the vegetation, including turf, and adequate public access to the site is paramount. The use of the site for commercial events provides an important income stream for the Trust to continue to provide a high quality public space and the funds generated by events is invested into maintenance and upgrading of the site and ongoing scientific/horticultural programs run by the Trust.'*

*The commercial aspect of holding events on the site is an essential operational and financial requirement of the Trust. The exact number of events and their nature is decided on a case by case basis by The Trust. Events are approved and managed in accordance with the Event Operational Plans of Management prepared by the event holders, Event Licence Agreements, the Noise Management Plan, the EPA Prevention Notice, the Moore Park Master Plan 2040, the Centennial Parklands Plan of Management 2018 and the conditions of the current DA consent (D/2013/640). These policies will continue to apply under the new DA to ensure the use of the site is managed to minimise impacts on the surrounding area and visitors to the place.*

- (f) Alternative event venues should be considered, such as Olympic Park.

**Response** - The site provides a large park setting that is capable of supporting the proposed use for temporary events as well as a space for active and passive recreation. Many of the events held at the site are dependent upon, and enhanced by, the parkland backdrop and located close to the CBD. The site has a long standing history for the use for events and has demonstrated that there have been minimal impacts on the amenity of the surrounding area, which demonstrates the appropriateness of the continued and is considered appropriate.

- (g) Public access to the park is restricted during events and the bump-in / bump-out period.

**Response** - The bump-in / bump-out period for events and the events themselves are generally held for a minimal amount of time. Access to the remainder of the park is maintained and the Trust imposes conditions as part of the Event License agreement with event holders to maintain safe access around event spaces and monitors the use of the park to ensure public access is not unreasonably restricted.

In addition, it is noted that event organisers are required to complete their 'bump-in and bump-out' activities within strict timeframes specified in the Event Licence Agreement with the Trust to ensure the availability of the site to the public is maximised. The applicant has acknowledged that bump-in and bump-out for some large events may take multiple days and restricts access, but is minimal. The Trust monitors impacts of events and implements revised management measures where required to improve public access.

- (h) Events facilitate illegal drug use and excessive alcohol consumption and can also result in unauthorised access into equestrian facilities/stables with potential safety issues for horses.

**Response** - It is a requirement of the Event Licence Agreement between the Trust and event organisers that appropriate security measures are in place and adherence to all drug prevention and alcohol consumption legislation is implemented at all events held at Moore Park. The Trust works with the NSW Police to ensure all the use of the park is a safe, welcoming and a lawful environment.

This application was referred to the NSW Police who raised no concerns regarding the proposal.

- (i) Loss of heritage value of the site and adequacy of Heritage Impact Statement. The Trust must also be satisfied that the temporary activity must not materially affect the heritage significance.

**Response** - The use of Moore Park as a place to host events is a significant part of its history. Any works associated with events on the site are temporary so that the physical heritage fabric on the site is not impacted.

The Heritage Impact Statement prepared by Milestone addresses the requirements of Clause 5.10 of the Sydney Local Environmental Plan 2012 and has been assessed by Council's Heritage Officer and is considered adequate and appropriate.

In a letter from the Botanic Gardens & Centennial Parklands dated 22 August 2018, the Trust confirmed that they are satisfied that the continued use of Moore Park for a range of events will not materially affect the heritage significance of the Parklands as a whole nor will such works materially impact the area in which they will be undertaken, being Moore Park.

The letter went on to state that *'the Trust plays an important role as custodian of Moore Park and we have demonstrated over time that all uses of the Parklands and temporary works are sensitive to the heritage significance of the place and the surrounding area. All events, uses and works are bound by strict agreements between the Trust and event holders to ensure Moore Park and the Parklands are returned to their previous condition following the conclusion of any events or structures being installed.'*

- (j) The concurrence of the NSW Heritage Council is required.

**Response** - The proposal is not integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 and is not required to be referred to the NSW Heritage Council for approval, or the Heritage Division of the NSW Office of Environment and Heritage for concurrence, as it is covered by the site specific exemption that applies to the land under the Heritage Act 1977.

Notwithstanding this, the application was referred to the NSW Heritage Office; however, no response has been received.

- (k) The proposal should be re-notified to the public in light of amendments to the proposal made by the applicant.

**Response** - The scope of the DA proposal has been amended to remove the originally proposed permanent use of Moore Park for events and to remove the proposed use of Moore Park East for car parking associated with events. The removal of these elements is considered to significantly reduce the impact of the proposal and re-notification was not considered necessary.

- (l) A permanent entertainment venue or function centre is not a permissible use for the site under the Sydney Local Environmental Plan 2012 (LEP 2012).

**Response** - The proposal is for the renewal of the previously approved use of Moore Park for events for a further five years and does not seek to rezone or change the use of the site. The zoning continues to be RE1 Public Recreation Zone with the primary use to be for a recreation area.

The proposal for ancillary use of the site for temporary events and filming is in accordance with the public recreational use of the land and is permissible with Consent.

- (m) Promotional events related to sporting events held off-site at the adjacent sporting stadiums is not an appropriate use of the site.

**Response** - The applicant originally proposed to use Moore Park East for proposed fan zones including promotional vehicles and signage associated with sporting events hosted at the SFS and SCG. However, this has now been removed from the proposal and will be restricted to the paved forecourt area outside the SCG.

- (n) Owners consent has not been provided.

**Response** - Complete owners consent has been provided.

- (o) Rock concerts have not been held in the area for years and are not appropriate.

**Response** - The proposal is for various types of events. Conditions are recommended to ensure that impacts are mitigated as far as practical. It is noted that there have been no complaints in relation to events held at the site.

- (p) Blanket approvals by-pass and undermine Council.

**Response** - The proposal for events for a further five years has been assessed by various units of Council and is considered acceptable, subject to conditions.

- (q) The proposed new stadium is ignored and does not comply with the Masterplan.

**Response** - . The new stadium is currently being considered as part of a separate approval process and does not form part of this application. The proposal is for a continuation of events held at Moore Park and is acceptable as has been discussed above.

- (r) The application is inadequate with limited detail and is misleading.

Response - The application is considered sufficient and is substantially same as the previous approval.

- (s) The Tibby Cotter Bridge should be relocated to where pedestrians want to cross.

Response - This does not form part of the application.

- (n) The proposed hours are not appropriate and will impact on the surrounding amenity of the area.

Response - The proposed hours are considered to be acceptable; appropriate conditions are recommended to ensure potential impacts are mitigated. In addition, it is noted that there have been no complaints regarding the use in the past.

### Public Interest

68. It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

### S7.11 Contribution

69. The development is exempt from the provisions of the City of Sydney Development Contributions Plan 2015 as it is for the continued temporary use for events on the site.

### Relevant Legislation

70. The Environmental Planning and Assessment Act 1979, Heritage Act 1977 Centennial Park and Moore Park Trust Act 1983.

### Conclusion

71. The proposal is for the continued use of Moore Park for 20 days per calendar year as a venue for "major events", which is events that attract more than 2,500 people for a further five years. Included in these 20 days, the continued use of Moore Park for events which use sound amplification equipment and have a crowd capacity of greater than 5,000 people for no more than eight days per calendar year.

72. It is considered that the proposal provides for an appropriate diversity of uses, while retaining access to and the use of the park, by the public. The events do result in impacts in relation to noise, vibration and traffic and pedestrian congestion; however, the impacts are short term and not permanent.
73. Over the past five years, the events have been well managed in relation to noise, waste, and crowd management and control with limited impacts on the park and the amenity of the surrounding area. Suitable conditions are recommended to ensure that the events continue to be well managed with limited impacts.

**GRAHAM JAHN, AM**

Director City Planning, Development and Transport

Bridget McNamara, Area Planning Coordinator