

Development Application: 2 Anzac Parade, Moore Park - D/2023/1061

File No.: D/2023/1061

Summary**Date of Submission:** 21 November 2023**Applicant:** Centennial Park and Moore Park Trust**Owner:** Centennial Park and Moore Park Trust**Planning Consultant:** Milestone**Heritage Consultant:** Milestone**Cost of Works:** \$10,000**Zoning:** RE1 - Public Recreation**Proposal Summary:** The application seeks consent for the use of Moore park for temporary events and is a Crown development application.

Consent D/2018/819 was granted 24 October 2018 by the Local Planning Panel. This consent approved the continued use of Moore Park as a venue for hosting temporary events for a further five years, including:

- major events which attract over 2,500 people, for 20 days per calendar year such as the Mardi Gras and Sydney Running Festival, music concerts, exhibitions, competitions and other events.
- events with sound amplification equipment, with crowd capacity of greater than 5,000 people for no more than 8 days per calendar year.
- use of Moore Park for filming and photography.

This subject development application seeks approval for the continued use of Moore Park for temporary community and sporting events including up to 20 “major events” for no more than a combined 20 days per calendar year (excluding bump-in and bump-out). However, in contrast to the

previous consent, temporary uses proposed will not include music concerts and festivals.

The proposed hours of these temporary community and sporting events are as follows:

- 7.30 am to 11.00 pm on Sunday to Thursday.
- 7.30 am to 12.00 am on Friday or Saturday.
- Notwithstanding the above sporting events and other ceremonial events not involving sound amplification may commence prior to sunrise.
- Anzac Day Dawn Service may commence at 5.00am with set-up from 2.00am.

The proposal also seeks approval for the erection of temporary structures which are not consistent with the Development Standards of the State Environmental Planning Policy (Exempt and Complying Development Codes) SEPP 2008.

The application is referred to the Local Planning Panel for determination as the proposal received more than 25 unique submissions.

The application was notified and advertised for a period of 14 days from 4 December 2023 to 19 December 2023. A total of 41 submissions were received, which raised the following matters, which have been addressed within this report:

- Number of events per calendar year
- The use on a permanent basis
- Traffic impacts and pedestrian safety
- Restriction of public access during events
- Impact on amenity of area
- Degradation of trees and grass
- Increased commercialisation of Moore Park
- Anti-social behaviour
- Loss of heritage value and adequacy of Heritage
- Concurrence of NSW Heritage Office

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) Greater Sydney Parklands Act 2022
 - (v) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
 - (vi) State Environmental Planning Policy (Transport and Infrastructure) 2021
 - (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
 - B. Statement of Environmental Effects

Recommendation

It is resolved that consent be granted to Development Application Number D/2023/1061 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, for the continued use of Moore Park for temporary community and sporting events and structures which includes up to 20 major events for no more than a combined 20 days per calendar year (excluding bump-in and bump-out), contributes to the local economy and provides for an appropriate diversity of uses, while retaining access to and use of the park by the public.
- (C) The site will not include music concerts and festivals.
- (D) The subject consent includes appropriate controls with regard to the timing and location of events, offering an improved level of certainty not previously afforded with past consents.
- (E) The events are temporary and not permanent.
- (F) 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. 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 and the Greater Sydney Parklands Act 2022
2. 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 is located within 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 local heritage item (I957), 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 five geographical areas (refer Figure 1 below) :
 - (i) 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 Korean War Memorial is located at the northern entrance.
 - (ii) Moore Park East – This area is delineated by Anzac Parade, Moore Park Road, Driver Avenue and Lang Road and also includes Driver Avenue. 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.
 - (iii) Robertson Road Precinct – 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.
 - (iv) Moore Park Golf Precinct – 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. The open space area to the north is largely open grass land used for informal sporting activities.

- (v) E.S. Marks Precinct – This area includes the E.S. Marks Field which contains a 400m running track and athletics facilities, sports field, a grand stand seating area and meeting rooms.

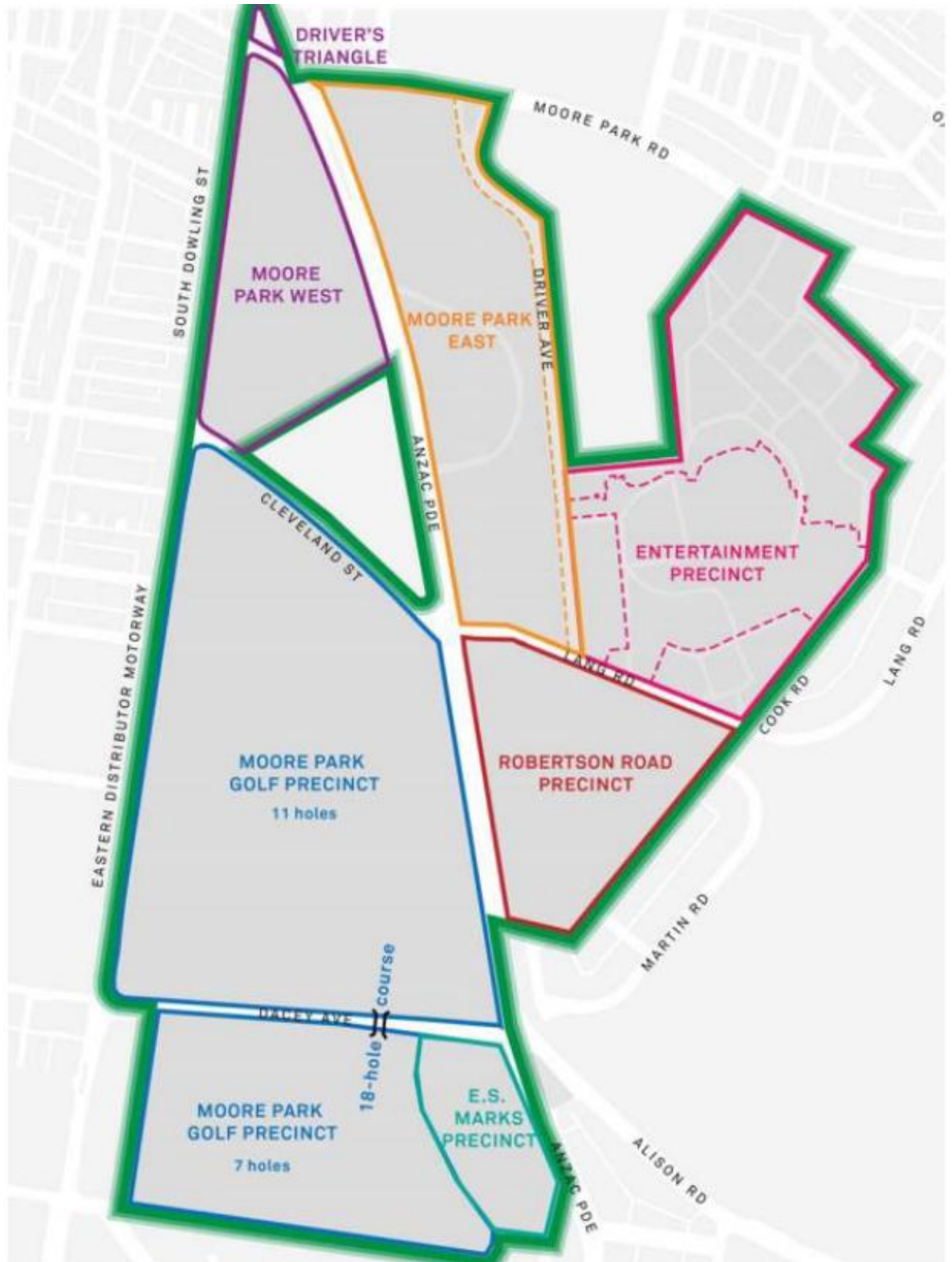


Figure 1: Moore Park Precincts Plan (Source: Moore Park Master Plan 2040)

- 7. A site visit was carried out on 15 January 2024. Photos of the site and surrounds are provided below:



Figure 2: Aerial view of site and surrounds



Figure 3: Moore Park West looking south from the northern entrance, with the Korean War Memorial in the foreground



Figure 4: Moore Park West, looking north



Figure 5: Moore Park Golf Precinct, looking south to the driving range



Figure 6: Moore Park Golf Precinct, looking south from Dacey Ave



Figure 7: E.S. Marks Precinct viewed from Boronia Street, looking north



Figure 8: Robertson Road Precinct viewed from Robertson Road, looking north-west



Figure 9: Moore Park East Precinct looking south-east from Moore Park Road



Figure 10: Moore Park East Precinct looking north-west from cnr of Driver Ave and Land Rd



Figure 11: Moore Park East Precinct, example of a 'fan zone' temporary structure located adjacent the Sydney Cricket Ground

History Relevant to the Development Application

Development Applications

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

- D/2006/16 was granted 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 included the Mardi Gras Parade, music festivals, circuses as well as community, sporting, charity and corporate events. Major events were held for a maximum of 20 days per year and additional scope provided for circuses.
- D/2013/640 was granted 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."
- D/2018/819 was granted 24 October 2018 by the Local Planning Panel for "Continued use of Moore Park as a venue for hosting temporary events,

including major events which attract over 2,500 people, for 20 days per calendar (excluding bump in and bump up out) year for a further five years, such as the Mardi Gras and Sydney Running Festival, music concerts, exhibitions, competitions and events. This also includes events with sound amplification equipment, which have a crowd capacity of greater than 5,000 people for no more than 8 days per calendar year. Use of Moore Park for filming and photography."

- The intent of the previous DA (and the previous consents) was to enable events to be held without the submission of individual DAs for each event. The most recent consent was valid for five years and has since lapsed on 24 October 2023.

Compliance Action

9. The site is not subject to any ongoing compliance action that is relevant to the application.

Amendments

10. Following a preliminary assessment of the proposal by Council Officers, a request for additional information and amendments was sent to the applicant on 21 December 2023. Issues raised included clarification regarding operational aspects and undefined nature of the events.
11. The applicant responded to the request on 10 January 2024, and submitted additional information in response to Council's concerns which is the subject of this assessment.

Proposed Development

12. The application seeks consent for the following:
 - Continued use of Moore Park as a venue for hosting temporary events, including up to 20 major events for no more than a combined 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.
 - The proposed hours of these events are 7.30 am to 11.00 pm on Sunday to Thursday and 7.30 am to 12.00 am on Friday or Saturday. For sporting events and other ceremonial events that do not involve sound amplification are proposed to commence prior to sunrise.
 - Erection of temporary structures associated with the events, as well as temporary structures in exceedance of the Development Standards under Division 3 of the Codes SEPP.
 - The various areas of Moore Park have the following proposed uses:

<i>Precinct</i>	<i>Proposed Events</i>
Moore Park East	<ul style="list-style-type: none"> • Mardi Gras, activities include: <ul style="list-style-type: none"> - Gathering area pre-parade for limited groups that start the parade at Moore Park - Viewing area for final section of the parade. - Basic event services e.g. medical, water and food for participants and volunteers, toilets, bins, etc. - End of parade operational area – to dismantle floats, volunteer gathering area. - Boneyard/storage space during days prior and after parade for storage *Note: The Mardi Gras after party does not occur on the subject site. • Fan zones aimed to improve visitor’s arrival experience for games at the stadia • Sydney Running Festival supporters zone • Sporting events which may include training, competition or demonstrations and community events including cultural, recreational and educational events.
Moore Park West	<ul style="list-style-type: none"> • Mardi Gras, activities include: basic event services e.g. medical, water and food for participants and volunteers, toilets, bins etc. • Sporting events which may include training, competition or demonstrations and community events including cultural, recreational and educational events. • No more than 5,000 patrons.
Robertson Road Precinct	<ul style="list-style-type: none"> • Sporting events which may include training, competition or demonstrations and community events including cultural, recreational and educational events.
Moore Park Golf Precinct and ES Marks Precinct	<ul style="list-style-type: none"> • Sporting events which may include training, competition or demonstrations and community events including cultural, recreational and educational events.

Table 1: Proposed Event Precincts

13. The DA has been modified since lodgement as the applicant initially applied for the use of Moore Park for events on a permanent basis and proposed no limit on the number of major events to be held in a calendar year. The proposal now includes constraints on the number of 'major events' permitted per year. Additionally, conditions of consent have been agreed with the applicant which include a 10 year time limited consent and restrictions on the number of days community events can be held within each precinct (refer Table 1) in a calendar year.

Assessment

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

Crown Development Applications

15. This application has been made by or on behalf of a public authority, being The Centennial Park and Moore Park Trust (CPMPT), which sits under the Greater Sydney Parklands.
16. 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, a consent authority (other than the Minister) must not:
 - (a) refuse its consent to a Crown development application, except with the approval of the NSW Minister for Planning and Public Spaces; or
 - (b) impose a condition on its consent to a Crown development application, except with the approval of the applicant, or the NSW Minister for Planning and Public Spaces.
17. Draft conditions of consent were provided to the applicant on 22 January 2024.
18. The Centennial Park and Moore Park Trust provided their response on 22 January 2024 and requested amendments to conditions relating to specifying the approved use, clarification regarding the amount of major events and minor amendments to transport conditions.
19. Following review the amendments were considered acceptable. Draft conditions of consent were resubmitted to the applicant on 25 January 2024 and were approved on 25 January 2024.

Heritage Act 1977

20. 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 under Section 57(2) of the Heritage Act 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."

21. In light of the above, the site specific exemption which covers Moore Park remains in force and the proposal is not classified as 'Integrated Development' under the provisions of the EP&A Act.
22. As there is a site specific exemption for temporary events, a separate approval for the proposal is not required under the Heritage Act provided the use and associated temporary installations do not exceed 6 months every year and the Centennial Park and Moore Park 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. The proposal, therefore, does not require separate approval from Heritage NSW under the Heritage Act 1977.

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

24. 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.
25. 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 up to eight events at the Parklands attracting more than 20,000 people.

Greater Sydney Parklands Trust Act 2022

26. The Greater Sydney Parklands Trust was established by the Greater Sydney Parklands Trust Act 2022 and is responsible for protecting existing parklands and establishing new ones to realise the 50-year vision for Greater Sydney to become a 'city within a park'. The trust manages parklands such as Centennial Parklands (including Moore Park and Queens Park), Western Sydney Parklands, Parramatta Park, Callan Park, and Fernhill Estate. The Act outlines the constitution and management of the Trust, including the appointment of members to the board of trust and ministerial control.
27. All temporary uses on the site are proposed to be carried out in accordance with the Centennial Parklands Plan of Management (2018-2028) endorsed by the Trust, as well as the requirements imposed under the Venue License Agreements, to ensure effective event management and conservation of the natural and cultural heritage values of the site and surrounding lands. The proposal directly supports the long-term vision of the site to achieve quality parklands and public access to open space. The proposal is therefore consistent with the objectives of the Greater Sydney Parklands Trust Act 2022.

State Environmental Planning Policies

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Temporary Use

28. To be exempt development under Subdivision 1 General requirements for temporary uses and structures, development specified in this Division must:

2.108(2)(h) have an approval for the use of the land related to the purpose of the temporary structure, unless the use of the temporary structure is specified as exempt development or is ancillary to the principal use of the land.

29. The proposal includes temporary events that may not be considered 'ancillary to the principle use of the land' and thus not considered 'exempt development' under the Codes SEPP and in turn is seeking development consent.

Temporary Structures

30. 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 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).

31. 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.

32. 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) to be determined on the needs of each event.

33. In contrast to the previous consent (D/2018/819) the subject application specifically proposes the proposed temporary use and structure:

- (i) Not be for more than 30 consecutive days, from the start of set-up to the completion of clean-up for the use, and
- (ii) Not use a location for more than 60 days, inclusive of set-up and clean-up time, in any calendar year.

34. The Codes SEPP does not specify the length of time for temporary uses for events outside 'Major Events Sites'. The proposed parameters are considered acceptable as they enforce time limits on temporary use that would not be captured by the SEPP.
35. Development consent D/2018/819 required the Trust review and approve all event applications including events involving the installation of temporary structures. The applicant advises this internal management process has been operated by the Trust for more than 17 years and will continue irrespective of whether the temporary structures are classified as exempt development under the SEPP. A condition of consent is recommended requiring the Trust continue to review and approve all event applications.
36. Additionally, an agreed condition recommends requiring each event must:
 - (i) Not be for more than 30 consecutive days **per event per precinct** (refer 'Table 1: Proposed Event Precincts') from the start of set-up to the completion of clean-up for the use, and
 - (ii) Not use an **individual precinct** for more than 60 days, inclusive of set-up and clean-up time, in any calendar year with the exception of sporting events and fan activation zones.
37. The condition excludes sporting events as they are contained within defined locations (e.g Justin Wright Tennis Courts, Moore Park Golf Course, E.S marks Athletic field) and fan zones which are specifically located within the Activation Space in the vicinity of the Sydney Cricket Ground.
38. The intent of the condition is to limit the length of time and amount of community events that may be carried out within a specific precinct in a year. The condition provides increased certainty and prescribed timeframes for public access to parkland areas.

Relationship to previous consents

39. With reference to temporary use and structures the proposal is largely the same as the previous consents. However, previous consents allowed for an unrestricted amount of temporary use events and structures with no constraints on location, with the caveat being for events that were in excess of 2500 people. The subject application and agreed conditions include restrictions (detailed above) with regard to timing and location of events, offering a level of certainty not previously afforded with past consents, and in turn is considered acceptable.

Hours of Operation

40. Division 3 of the Codes SEPP outlines hours of operation permitted for community events via the Exempt Development Pathway under Clause 2.120 of Subdivision 7.
41. The application proposes to vary to the hours of operation for temporary uses and events at Moore Park from those provided under the Codes SEPP, as follows:

Codes SEPP Requirements	Proposed Hours of Operation
<p>Clause 2.120 Development Standards</p> <p>(k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies)—</p> <p>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</p> <p>(ii) 7.30 am to 12.00 am on Friday or Saturday,</p> <p>(iii) 8.00 am to 8.00 pm on Sunday.</p>	<ul style="list-style-type: none"> • 7.30 am to 11.00 pm on Sunday to Thursday. • 7.30 am to 12.00 am on Friday or Saturday. • Setup time for the use to start no earlier than 6.00 am, or end later than midnight, on any day. • Clean up time for the use to end no later than 2 hours after the use was to stop. • Sporting events and other ceremonial events that do not involve sound amplification may commence prior to sunrise. • Anzac Day Dawn Service may commence at 5:00am with set-up from 2.00am.

42. The proposal is generally consistent with the Codes SEPP requirements. However, includes a variation of Clause 2.120 (iii) of the Codes SEPP to operate half an hour earlier on a Sunday at 7:30am and an additional 3 hours on Sundays to 11pm.
43. The proposed hours are considered acceptable. The previous consent (D/2018/819) allowed hours of operation to 11pm on a Sunday with no complaints regarding the use in the past. Appropriate conditions are recommended to ensure potential impacts are mitigated.

State Environmental Planning Policy (Transport and Infrastructure) 2021

44. The provisions of State Environmental Planning Policy (Transport and Infrastructure) 2021 (Infrastructure SEPP) have been considered in the assessment of the development application.
45. In accordance with Clause 2.122 of the Infrastructure SEPP the proposal was referred to Transport for New South Wales (TfNSW) for comment.
46. TfNSW has no objection to the proposal subject to the following conditions:
- (i) Preparation of a site-specific Event Traffic and Transport Management Plan (ETTTP) in consultation with TfNSW, NSW Police, City of Sydney Council, and Greater Sydney Parklands Trust for the proposed operation of the site to ensure that traffic and transport during events (including bump – in and bump-out periods) are safely and efficiently operated.

- (ii) Preparation a Green Travel Guide to outline site-specific measures to promote and maximise the use of public and active transport. This would also help manage any impacts to the traffic and transport network in the vicinity of the Moore Park Precinct. In addition, a Travel Access Guide is required to provide information to patrons how to access the Entertainment Quarter to attend events. The GTP must be endorsed by TfNSW.
- (iii) TfNSW requests the applicant consults 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 with consideration to the cumulative impacts from multiple events being held in the Moore Park Precinct (including Randwick Racecourse).

47. The applicant has agreed to the above.

Local Environmental Plans

Sydney Local Environmental Plan 2012

48. 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.
49. 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; and
 - to protect sun access to publicly accessible land.
50. The proposal generally complies with the objectives of the zone as :
 - (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 events are temporary;
 - (c) the events will be supplementary to the primary use of the land as open space and will further encourage the enjoyment of the land in varying ways; and

- (d) the proposal 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.

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

Part 5 Miscellaneous provisions

Provision	Compliance	Comment
5.10 Heritage conservation	Yes	<p>The entire Moore Park site is located within Heritage Conservation Area C36 known as “Moore Park” under Schedule 5 Part 2 of LEP 2012, the only locally listed item is the “Former Tollhouse ” (Heritage Item No. 1957).</p> <p>The site is also part of the state heritage listed ‘Centennial Park, Moore Park, Queens Park’ and part of State Heritage Item Sydney Mardi Gras Parade Route also runs through the site along Anzac Parade between the Moore Park West and Moore Park East Precincts.</p> <p>Council's Heritage officer has reviewed the proposal and considers 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>

Development Control Plans

Sydney Development Control Plan 2012

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

Section 3 – General Provisions

Provision	Compliance	Comment
3.5 Urban Ecology	Yes	The proposed development does not involve the removal of any trees and will

Provision	Compliance	Comment
		<p>not have an adverse impact on the local urban ecology.</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	As discussed above. Council's Heritage officer considers that that the overall heritage impact is acceptable, as the events will be temporary.
3.11 Transport and Parking	Yes	See discussion under the heading 'Discussion'.
3.12 Accessible Design	Yes	A condition is recommended to provide appropriate access and facilities for persons with disabilities in accordance with the DCP and the BCA.
3.13 Social and Environmental Responsibilities	Yes	Events are governed by security and management practices to deter antisocial behaviour and maintain residential amenity. This is implemented as part of the Event Licence Agreements, which are included as a recommended condition.
3.14 Waste	Yes	The Trust retains responsibility for waste management. Council's Waste Management officer recommends for each proposed event a waste management plan is developed and submitted for approval by the Trust.
3.15 Late Night Trading Management	Yes	The proposed use is not a premises as defined in the controls 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.

Discussion

Noise Impacts

53. 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:
 - (i) the location where each event type can take place;
 - (ii) the times of year when each event type can take place;
 - (iii) hours for events and duration of events;
 - (iv) noise level limits;
 - (v) noise monitoring and reporting requirements, including location and methodology;
 - (vi) complaints management; and
 - (vii) requirements for notifying nearby residents likely to be significantly impacted by noise from the site.
54. Noise from events is often significantly louder than the surrounding environment including residential areas. The applicant states to manage noise impacts, event organisers 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.
55. The Noise Management Plan dated 30 January 2009 sets out the noise management principles that apply to all events and aims to protect noise amenity for residents nearest the site. The Noise Management Plan will continue to remain applicable to events held as part of this DA.
56. Council's Health Unit has reviewed the proposal and considers the continuation on a temporary ten year basis acceptable. In addition, it is noted there have been no recent noise complaints regarding the use of Moore Park for events. Conditions are recommended requiring notification of residents prior to major events and provision of a system to manage noise complaints.
57. 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 acceptable for a further ten year period.
58. 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

59. One of the key issues for event in and around Moore Park precinct is traffic congestion. The proposal will result in increased traffic in the surrounding area and therefore the Trust has a number of management plans in place to manage potential impacts on traffic and transport. Traffic Management Plans are required for all temporary events. Traffic impacts will be appropriately managed by the Trust, who are a member of the Moore Park Event Operations Group (MEOG), comprising of staff from relevant venues and government agencies, responsible for the coordination of event operations and traffic management of the Moore Park Precinct. MEOG develops operational plans to ensure the delivery of safe and successful events in the Moore Park Precincts.
60. The Trust has several management plans to mitigate potential traffic and transport impacts. Additionally, the Venue License Agreement mandates that all event organisers prepare a Traffic Management Plan to ensure pedestrian and vehicle safety and traffic management throughout the site. The Traffic Management Plan must be certified by a Transport for NSW accredited certifier before the Trust approves the event in accordance with Item No. 11 of the Venue License Agreement.
61. The precinct is very accessible by public transport, the Moore Park light rail station is located approximately 120m north of Lang Road, on the eastern side of Anzac Parade, 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. When major events are held, additional public transport is generally provided to cater for the additional population.
62. The applicant has advised 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.
63. As with the previous consent it is recommended 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.
64. The proposal has been reviewed by TfNSW and Council's Traffic Management unit and is supported.

Consultation

Internal Referrals

65. The application was discussed with the following Council units:
- (a) Access and Transport
 - (b) Heritage and Urban Design
 - (c) Cleansing and Waste
 - (d) Construction and Building
 - (e) Cultural Strategy
 - (f) Environmental Health
 - (g) License Premises and Late Night Trading
 - (h) Safe City
66. 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

67. The application was referred to NSW Police for comment.
68. No response was received.

Transport for NSW

69. Pursuant to Clause 2.122 of the SEPP (Transport and infrastructure) 2021, the application was referred to Transport for NSW (TfNSW) for comment.
70. Comments were received on 20 December 2023. The applicant has agreed to conditions of consent recommended by TfNSW.

Advertising and Notification

71. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 4 December 2023 and 19 December 2023. A total of 9,879 properties were notified and 41 submissions were received.

72. The submissions raised the following issues:

- (a) **Issue:** Traffic, parking and surrounding Infrastructure is insufficient to support such events.

Response: As discussed above under the heading 'State Environmental Planning Policy (Transport and Infrastructure) 2021' and under the Discussion heading 'Traffic and Parking' the proposal was referred to Transport for NSW who support the application subject to recommended conditions of consent. These conditions include the submission of Event Traffic and Transport Management Plan, Preparation a Green Travel Guide and liaison with the Moore Park Event Operations Group (MEOG), and notification of surrounding residents prior to events. The applicant has agreed to these conditions.

- (b) **Issue:** Nearby residents have to compete with Allianz Stadium, NSW College of Arts and Design, Verona Cinema resulting in cumulative amenity impacts.

Response: The site offers an expansive setting across a number of parks and precincts that has the capacity to accommodate a large number of people, temporary events and provide a space for active and passive recreation. The site has a long-standing history of hosting events and has demonstrated minimal impacts on the surrounding area's amenity. This demonstrates the continued appropriateness of the site for hosting events. As discussed above a condition requires the Trust 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 with consideration to the cumulative impacts from multiple events being held in and around the Moore Park Precinct.

- (c) **Issue:** The documentation provided for public review does not include any details on the number of structures, nature of these, their size or location.

Response: Development consent D/2018/819 requires the Trust review and approve all event applications including events involving installation of temporary structures. The applicant advises this internal management process has been operated by the Trust for more than 17 years and will continue irrespective of whether the temporary structures are classified as exempt development under the SEPP. A condition is recommended requiring the Trust continue to review and assess all event applications.

- (d) **Issue:** The manner in which the temporary uses are outlined is misleading, 3 of the 4 are annual events but fan zones and activations sound as though related to stadium and therefore frequent use? Could you please outline in submission how often the structures will be used, how many there will be and where they will be located? We have no sense of how this DA will impact the park as an amenity and open public green space

Response: The applicant provided additional information regarding 'fan zones' citing they will be restricted to the paved forecourt area outside the SCG in Moore Park East. The space typically includes facilities such as food vans, marquees for information, merchandise or sponsors and game related activities (eg ball games, face painting) and will operate for approximately 6-7 hours including bump in/out. The fan zones are to coincide with sporting events at the SCG.

- (e) **Issue:** The proposed development itself is describes 'the erection of temporary structures on a permanent basis'. These are two very different things and the environmental assessment should reflect the permanent nature of the proposal.

Response: The proposal was originally for permanent consent for the provision of temporary structures in association with temporary uses. The applicant has since agreed to a condition requiring a 10 year time limited consent for temporary events and associated structures.

- (f) **Issue:** Moore Park is listed on the state heritage register and is a green space of national significance. It hosts fig trees that are over 100 years old. The light touch nature of the detail provided in the DA is not consistent with the level of care and due diligence that should be applied to considering the establishment of 'temp/perm' structures in this park.

- (g) **Response:** 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.

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.

- (h) **Issue:** Proposal is unclear as to where the events will be held and what impacts they will have.

Response: The proposal has been clarified to detail the types and location of events. Please refer to Table 1 within the report for precinct and event detail. Conditions are recommended including restrictions regarding the timing and location of temporary events, offering a level of certainty not previously afforded with past consents.

- (i) **Issue:** The proposed events will lead to the commercialisation of the public parklands.

Response: The applicant maintains '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 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/2018/819). These policies will continue to apply to ensure the site is managed to minimise impacts on the surrounding area and visitors.

- (j) **Issue:** The proposal states that it will not be for concerts however in many of the proposed activities it says music and entertainment will occur which is ambiguous.

Response: It is noted music and entertainment is identified by the applicant as a supplementary activity to events such as Mardi Gras and the Sydney Running festival, however it is made very clear by the applicant and in the recommended conditions of consent, which have been agreed to by the applicant, that music concerts/festivals are not part of the application/consent.

- (k) **Issue:** The proposal will result in unacceptable noise and anti-social behaviour.

Response: Strict security and management practices are implemented to deter antisocial behaviour and maintain residential amenity during events. These practices are governed by the Event License Agreements, which are included as a recommended condition of consent agreed to by the applicant.

The Noise Management Plan, which was dated 30 January 2009, outlines the noise management principles that apply to all events at Moore Park. The plan aims to protect the noise amenity for residents who live closest to the site. The Noise Management Plan will continue to be applicable to events that are held on the site as part of this Development Application.

Council's Health unit has reviewed the proposal and considers the continuation on a temporary ten-year basis acceptable. There have been no recent noise complaints regarding the use of Moore Park for events. It is recommended that conditions, agreed to by the applicant, relating to the notification of residents in regard to major events and provision of a system to manage noise complaints be incorporated in the recommended conditions. 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 acceptable for a further ten year period.

- (l) **Issue:** The CPMP Trust does not have a good record over the years when it comes to the control of light and noise pollution.

Response: It is noted previous events over the past 10 years have resulted in one unsubstantiated complaint. Council records indicate that the events have operated in a manner that appear to have caused minimal negative amenity impacts.

- (m) **Issue:** Concern with regard to impact the proposal will have on the future of Moore Park Golf Course

Response: The proposal does not include any works regarding the Moore Park Golf Course.

- (n) **Issue:** Concern that the proposed development application would permit broad event conditions in perpetuity, with untested conditions and impacts.

Response: The applicant has agreed to include a time limited consent of 10 years.

- (o) **Issue:** Limit the number of days of events and the approval period so that it lapses after five years to ensure conditions remain appropriate.

Response: The applicant has agreed for the continued use of Moore Park for 20 events, for no more than a combined 20 days per calendar year (excluding bump-in and bump-out) as a venue for "major events", which are events that attract more than 2,500 people for a further ten years. Additionally the consent includes restrictions regarding the timing and location of temporary events, offering a level of certainty not previously afforded with past consents.

- (p) **Issue:** Does not align with the stated objectives of the Trust Act, including that use of the parklands that is adaptive and responds to the needs of the community, and allows community engagement to shape the use of each parkland (Refer objectives f and g in particular in the Greater Sydney Parklands Corporate Plan).

Response: The applicant submits "The proposal has a strong community focus, seeking the temporary use of Moore Park site for sporting and community events, including associated temporary structures. All temporary uses on the site will be carried out in accordance with the Centennial Parklands Plan of Management (2018-2028) endorsed by the Trust, as well as the requirements imposed under the Venue License Agreement, to ensure effective event management and conservation of the natural and cultural heritage values of the site and surrounding lands. The proposal directly supports the long-term vision of the site to achieve quality parklands and public access to open space. The proposal is therefore consistent with the objectives of the GSPT Act."

- (q) **Issue:** It is not possible, without assessing the nature and extent of the proposed events, to ensure the heritage values of the site will not be compromised. At minimum, the proposal should be considered as an integrated development to allow thorough and considered assessment by Heritage NSW of the impacts of the proposed development on the heritage values of the site.

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.

Council's Heritage officer considers 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.

- (r) **Issue:** To give powers to a government trust without ongoing accountability is against the very processes of good governance and the intent of the relevant legislation.

Response: The applicant has agreed to a condition limiting the consent to 10 years.

- (s) **Issue:** Concern regarding restricted access to the public parklands

- (t) **Response:** The previous consents allowed for an unrestricted amount of temporary use events and structures with no constraints on location, with the caveat being for events that were more than 2500 people. The subject consent conversely includes restrictions (detailed above) regarding timing and location of events, offering a level of certainty not previously afforded with past consents, and in turn is acceptable.

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

73. The development is not subject to a Section 7.11 development contribution as it is a type of development listed in Table 2 of the City of Sydney Development Contributions Plan 2015 and is excluded from the need to pay a contribution.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

74. As the development is development for purposes other than residential accommodation that will result in the creation of less than 60 square metres of gross floor area, the development is excluded and is not subject to a Section 7.13 affordable housing contribution.

Relevant Legislation

75. Environmental Planning and Assessment Act 1979.
76. Heritage Act 1977.
77. Centennial Park and Moore Park Trust Act 1983.
78. Greater Sydney Parklands Trust Act 2022.

Conclusion

79. The proposal is for the continued use of Moore Park for temporary events and structures, including up to 20 major events, which is events that attract more than 2,500 people, for no more than a combined 20 days per calendar year (excluding bump-in and bump-out).
80. The subject consent includes restrictions regarding the timing and location of temporary events, offering a level of certainty not afforded with past consents. The consent is for 10 years.

81. The proposal removes consent for music concerts and festivals.
82. 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. Impacts regarding noise, traffic and anti-social behaviour will be mitigated with the implementation of operational management plans and relevant conditions of consent.
83. 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.

ANDREW THOMAS

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