

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

File No.: D/2024/139

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development Controls:

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

Attachments:

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

Recommendation

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

Reasons for Recommendation

The application is recommended for approval for the following reasons:

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

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

Background

The Site and Surrounding Development

Entertainment Quarter

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

Subject site - Area 1 and Area 2

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



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



Figure 2: Area 1 and Area 2 highlighted in red



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



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



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



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



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



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



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

History Relevant to the Development Application

Development Applications

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

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

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

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

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

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

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

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

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

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

Compliance Action

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

Amendments

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

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

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

Proposed Development

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

Proposed uses

On-going basis

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

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

Temporary basis

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

Proposed patron capacity

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

Proposed hours of operation

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

Proposed works

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

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

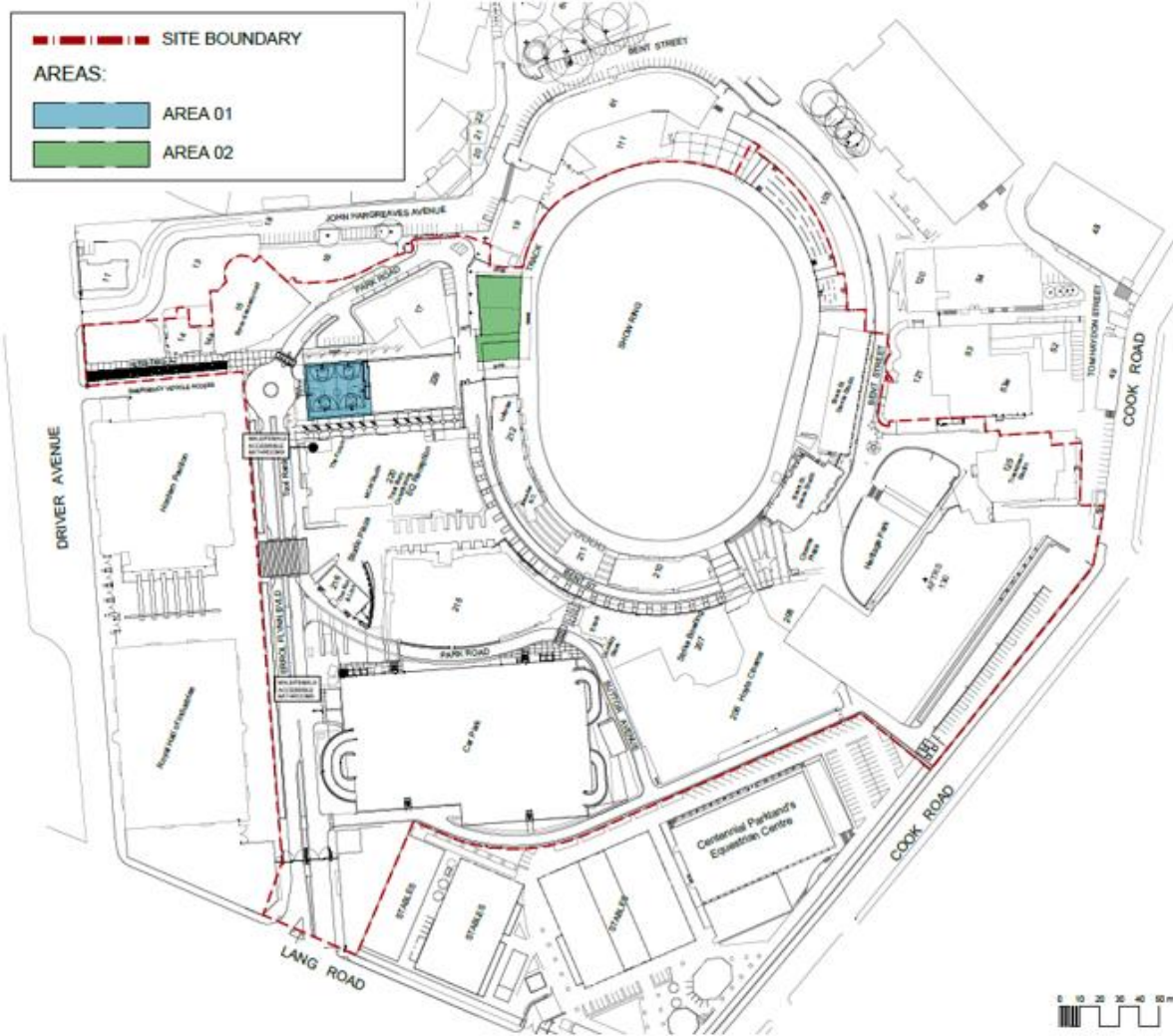


Figure 10: Proposed Site Plan

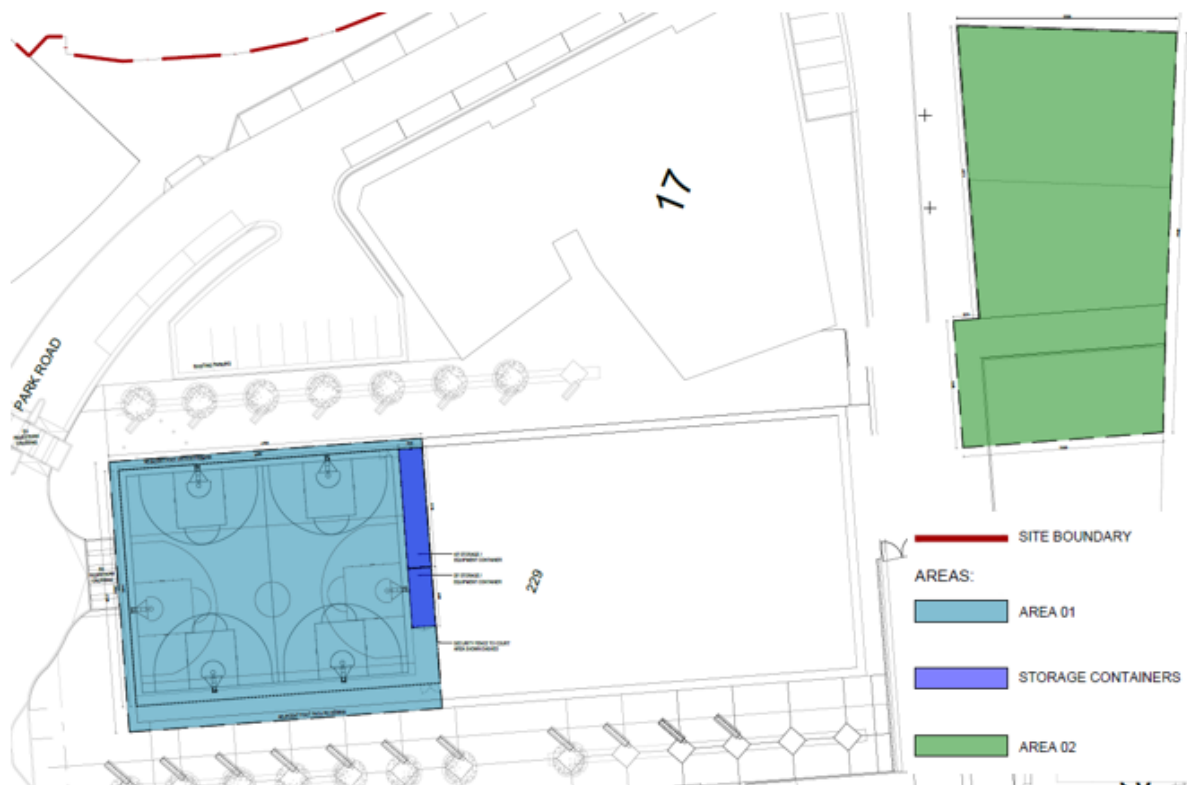


Figure 11: Proposed plan

Assessment

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

State Environmental Planning Policies

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

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

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

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

Part 7.2 Development on land shown diagonally hatched

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

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

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

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

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

Local Environmental Plans

Sydney Local Environmental Plan 2012

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

Development Control Plans

Sydney Development Control Plan 2012

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

Discussion

Function of the subject DA

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

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

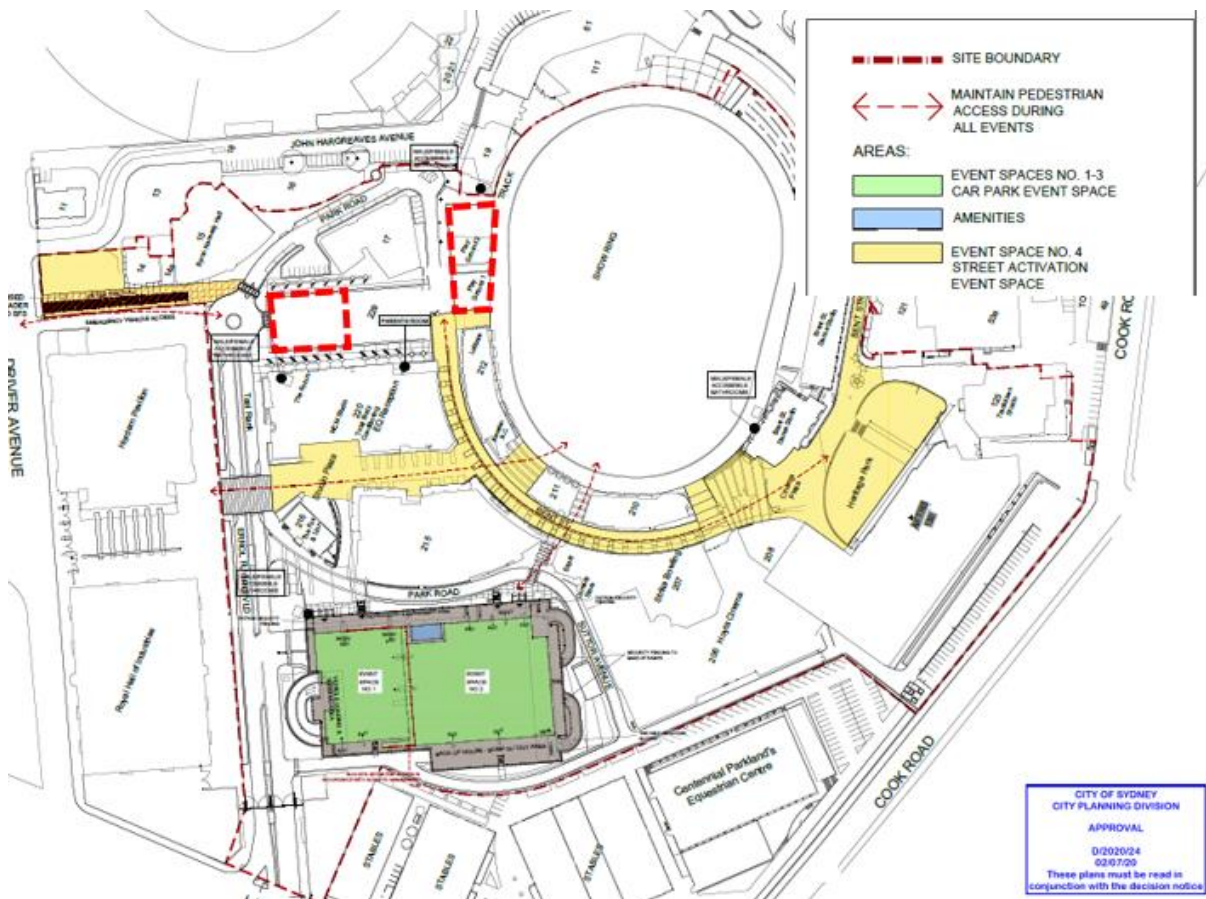


Figure 12: Approved Event Space 4 highlighted in yellow under D/2020/24/C (Subject application highlighted in red)

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

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

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

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

Noise Management

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

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

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

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

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

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

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

Plan of management and temporary structures guideline

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

More specially, the PoM outlines the following measures:

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

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

Consultation

Internal Referrals

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

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

External Referrals

NSW Police

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

Transport for NSW

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

Advertising and Notification

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

Musical Entertainment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Noisie Pollution

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

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

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

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

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

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

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

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

Hours of operation

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

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

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

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

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

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

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

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

Traffic

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

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

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

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

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

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

Health

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

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

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

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

Social Impact

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

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

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

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

Other

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56. The submissions raised the following additional issues:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Financial Contributions

Contribution under Section 7.11 of the EP&A Act 1979

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

Housing and Productivity Contribution

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

Relevant Legislation

59. Environmental Planning and Assessment Act 1979.

Conclusion

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

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

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