

Attachment B

Notice of Determination D/2023/897/B

NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	D/2023/897/B PAN-601357
Applicant	The Trustee for Carsingha Investments Unit Trust Level 4 180 George St SYDNEY NSW 2000
Description of development	Section 4.55(2) modification of consent to extend the time limited development consent D/2023/897 to facilitate the continued use of Level 5 of the Entertainment Quarter car park for electric go-karting and associated entertainment activities to 1 July 2028.
Property	116 Lang Road , MOORE PARK NSW 2021 Lot 101 DP 1246842
Determination	Refused Consent Authority ○ Council
Date of determination	26 February 2026

Refusal

Under section 4.55(2) of the EP&A Act and section 118(3)(a) of the EP&A Regulation, notice is given that the above application to modify D/2023/897 has been refused, for the reasons specified below.

Reasons for refusal

Unacceptable parking and amenity impacts

- 1) The proposal is likely to result in unreasonable parking and amenity impacts, as:
 - a) The proposed development would result in the ongoing exclusive use of 296 on-site car parking spaces for a commercial activity, thereby reducing parking availability for the range of uses throughout the Moore Park precinct.
 - b) The continued occupation of 296 on-site spaces for the commercial activities reduces the precinct's ability to manage future parking demands, which has the potential to adversely affect the amenity of the area.

- c) Parking availability across the precinct has reduced since the commencement of the development.
- d) Closure of the Lower Kippax car park (EP2) is scheduled to occur on 1 July 2026.
- e) The new Venues NSW multi-level car park, currently under construction, will replace existing and previous parking areas at the northern end of the Moore Park precinct and will not offset or compensate for the 296 car spaces being occupied by the proposal.
- f) The proposal fails to demonstrate that satisfactory parking provisions will be consistently maintained throughout the precinct for the duration of the development.

The proposed development is therefore contrary to and fails to satisfy:

- g) Section 4.15(1)(a) and (b) of the Environmental Planning and Assessment Act, 1979.

Incompatible with the locality

2) The proposal does not promote the orderly use of the land, given that:

- a) The ongoing operation and exclusive use of the Entertainment Quarter Level 5 car park would prevent use of 296 parking spaces which are intended to support activities within the Entertainment Quarter and the broader Moore Park precinct.
- b) The ongoing removal of 296 car parking spaces from public use undermines the orderly provision of parking for the existing and potential future uses within the Moore Park precinct.

The proposed development is therefore contrary to and fails to satisfy:

- c) Object (k) at Clause 1.3 of the Environmental Planning and Assessment Act 1979.
- d) Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

Not in the public interest

3) The proposal is not in the public interest, as:

- a) The continued occupation of 296 on-site spaces for the commercial activities results in a reduction in publicly available on-site parking.

The proposed development is therefore contrary to and fails to satisfy:

- b) Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 28 days from the date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this consent.



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GRAHAM JAHN AM

Executive Director - City Planning, Development & Transport

The person on behalf of the consent authority

For further information, please contact **Rebecca Gordon** ph. 02 9288 5842, email **rgordon@cityofsydney.nsw.gov.au**.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.