

21 July 2019

Mills Oakley
ABN: 51 493 069 734

Privileged and confidential

Your ref:
Our ref: AXGS/3392844

Playbill Venues Pty Ltd
412/15 Lime Street
King Street Wharf NSW 2000

All correspondence to:
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AUSTRALIA SQUARE NSW 1215

By email: Scott Egelton

Partner
Aaron Gadiel +61 2 8035 7858
Email: agadiel@millsOakley.com.au

Attention: scott@pierproperty.com.au

Dear Scott

Advice re the Horden Pavilion, Moore Park, Lot 3 DP 861843

You have asked us to provide advice as to the application of clause 16 of *State Environmental Planning Policy No 47—Moore Park Showground (SEPP 47)* to the above site.

Summary advice

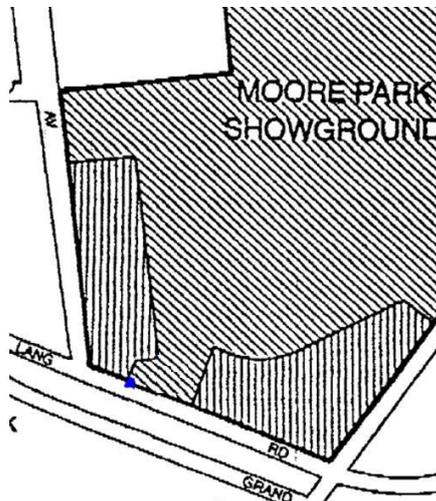
In our opinion:

- Clause 16 of SEPP 47 only applies to the land shown diagonally hatched on the statutory map.
- It does not apply to development that is contained within the area of the statutory map that is shown as vertically hatched.
- Clause 16 of SEPP 47 does not apply to your intended development application.

Background

We understand and assume the relevant facts to be as follows:

- You are preparing a development application in relation to the Horden Pavilion, Moore Park.
- The development application will entirely relate to Lot 3 DP 861843 (**the site**).
- All relevant information concerning the site is depicted on the extract of the map titled 'Moore Park Showground Amendment No 2' deposited in the head office of the Department of Planning, Industry and Environment' that is shown below.



Please tell us if any of the above facts are not correct, as it may change our advice.

Detailed advice

1. SEPP 47

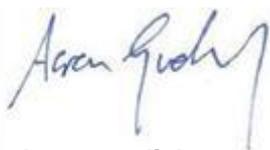
- 1.1 SEPP 47 sets up a dual planning regime for the former Moore Park showground. Most of its key provisions address **either** land that is:
- (a) 'shown diagonally hatched' on 'the map'; **or**
 - (b) 'shown vertically hatched' on 'the map'.
- 1.2 '[T]he map' is defined by clause 7 of SEPP 47 to mean
- the map marked "Moore Park Showground Amendment No 2" deposited in the head office of the Department of Urban Affairs and Planning.
- (The former Department of Urban Affairs and Planning is now known as the Department of Planning, Industry and Environment.)
- 1.3 Clause 16 of SEPP 47 is a key provision. It is titled 'Floor Space'. It says:
- The consent authority must not grant consent to an application to erect or alter a building on **that part** of the Moore Park Showground **shown diagonally hatched** on the map if the total floor area of buildings within **that part** will exceed 144,000 square metres (bold added).
- 1.4 Clause 16 **only** applies to the land shown diagonally hatched on the map. It does not apply to development that is contained within the area of the map that is shown as vertically hatched.

2. The site

- 2.1 The site is contained within the area of land that is shown vertically hatched on 'the map'.
- 2.2 Accordingly, in our opinion, clause 16 of SEPP 47 does not apply to your intended development application.

Please do not hesitate to contact me on (02) 8035 7858 if you would like to discuss this advice.

Yours sincerely




Aaron Gadiel
Partner

Accredited Specialist —Planning and Environment Law