

State Environmental Planning Policy No 47—Moore Park Showground (1995 EPI 680)

[1995-680]



New South Wales

Status Information

Currency of version

Historical version for 1 February 2020 to 12 November 2020 (accessed 4 May 2024 at 16:32)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Editorial note**

The Parliamentary Counsel's Office is progressively updating certain formatting styles in versions of NSW in force legislation published from 29 July 2019. For example, colons are being replaced by em-dashes. Text of the legislation is not affected.

This version has been updated.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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State Environmental Planning Policy No 47—Moore Park Showground (1995 EPI 680)



New South Wales

Part 1 Preliminary

1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 47—Moore Park Showground*.

2 Land to which this Policy applies

This Policy applies to the land shown edged heavy black on the map marked “*Moore Park Showground Amendment No 1*” deposited in the head office of the Department of Urban Affairs and Planning.

3 Aims and objectives

This Policy aims—

- (a) to enable the redevelopment of the Moore Park Showground in a manner that is consistent with its status as an area of importance for State and regional planning in New South Wales, and
- (b) to improve and enhance the cultural and recreational facilities of Sydney for the people of New South Wales by furthering the development of Sydney as a world class film, television and video production centre, and
- (c) to recognise the State significance of a film and television studio on the Moore Park Showground in terms of employment generation and additional revenue for the State, and
- (d) to allow a range of film, television, video and related development, commercial uses associated with the film, television and video industry and other entertainment, recreational and educational activities on the Moore Park Showground, and
- (e) to ensure that a range of impacts is considered by the consent authority in determining development applications, and

- (f) to ensure that community and equestrian uses can continue on parts of the Moore Park Showground and that provision is made for public access, and
- (g) to recognise the heritage significance of the Moore Park Showground and protect any archaeological relics.

4 Relationship to other environmental planning instruments

- (1) On the commencement of this Policy, the provisions of any local environmental plan or deemed environmental planning instrument that, immediately before that commencement, applied to the whole or any part of the land to which this Policy applies cease to apply to that land.
- (2) In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after this Policy, this Policy prevails to the extent of the inconsistency.
- (2A) (Repealed)
- (3) The *City of Sydney Planning Scheme Ordinance* is amended in the manner set out in clause 5.
- (4) *South Sydney Local Environmental Plan No 125* is amended in the manner set out in clause 6.

5 Amendment of City of Sydney Planning Scheme Ordinance

The *City of Sydney Planning Scheme Ordinance* is amended by inserting at the end of clause 5 the words “or land to which [State Environmental Planning Policy No 47—Moore Park Showground](#) applies”.

6 Amendment of South Sydney Local Environmental Plan No 125

South Sydney Local Environmental Plan No 125 is amended by inserting in clause 3 after the words “Moore Park Road” the words “other than the land to which [State Environmental Planning Policy No 47—Moore Park Showground](#) applies”.

7 Definitions

In this Policy—

advertisement means the display of words, symbols, messages or other devices for promotional purposes or for conveying information, instructions, directions or the like, whether or not the display includes the erection of a structure or the carrying out of a work.

amusement and entertainment facilities means a building in which recreation facilities, exhibitions or displays such as cinemas, showgrounds, amusement rides and electronically-simulated experiences are contained.

car and coach parking means a building, place or structure used for parking vehicles and any associated manoeuvring space and access, whether operated for gain or not.

catering facilities means facilities for providing food and refreshments for people employed at the Moore Park Showground.

commercial premises means a building used for the purposes of administration, or for clerical, technical, professional or other specific activities, related to the film, television and video industry.

Conservation Strategy for the Moore Park Showground means a strategy for management of items of heritage significance on the Moore Park Showground available from the offices of the Heritage Council.

equestrian uses means horse stabling, horse riding schools and associated activities.

external lighting means lighting provided to the outside of a building, structure or wall or associated with outdoor advertising at the Moore Park Showground.

film and television studio means a building or place having film, television or video production as its principal function and includes a building or place used for film studio tours, displays or exhibitions to the public.

film-related development means all development associated with, complementary to or necessary to support film, television or video production, including exhibitions, post production facilities, satellite communications, storage facilities, offices, shops, restaurants and catering facilities.

fuel storage facility means a facility used for the storage of liquid fuel products.

Moore Park Showground means the land shown edged heavy black on the map.

public buildings means buildings used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

public events means musical entertainment, public entertainment, exhibitions or any community facility, community event or revenue-raising activity in accordance with the provisions of the [Centennial Park and Moore Park Trust Act 1983](#) and consistent with a Management Strategy approved by the Centennial Park and Moore Park Trust.

restaurant means a building or place, the principal purpose of which is the provision of food or beverages to people for consumption in or at that building or place.

shop means a building or place used for the purpose of selling merchandise or materials or food, but does not include a building or place elsewhere defined in this Policy.

short term accommodation means a building or place used for the purposes of

temporary accommodation for persons employed in the film, television and video industry.

temporary structures for film making purposes means any works, structures or film sets (not used for human habitation or for the storage of flammable material) that are to be used during film, television or video production and that are removed within one year of erection.

the map means the map marked “*Moore Park Showground Amendment No 2*” deposited in the head office of the Department of Urban Affairs and Planning.

8 Consent authority

The consent authority for development to which this Policy applies is the Council of the City of Sydney, except as provided by the Act.

Part 2 Development on land shown diagonally hatched

9 Development permissible with development consent

A person may, with the consent of the consent authority, carry out development for any one or more of the following purposes on land shown diagonally hatched on the map—

Advertisements; amusement and entertainment facilities; car and coach parking; catering facilities; child care facilities; commercial premises; demolition; drainage; external lighting; film and television studio; film-related development; fuel storage facility; landscaping; public utilities; restaurants; roads; shops; subdivision; short term accommodation.

9A Development for musical entertainment and public entertainment

- (1) A person may, with the consent of the consent authority, carry out development for the purpose of musical entertainment or public entertainment on the land shown diagonally hatched on the map.
- (2) The consent authority must not determine an application for consent to carry out development to which this clause applies unless the consent authority has first considered the relevant provisions of the Plan of Management for the Sydney Cricket Ground and Showground, 1994, prepared by CSK Planning and Associates.
- (3), (4) (Repealed)

9B Use of the Banquet Hall

Despite clause 9A, a person may carry out development without development consent in the Banquet Hall for the purpose of public events, but only if the development is carried out simultaneously with an event that is conducted in the Hordern Pavilion or the Royal Hall of Industries, or both.

10 Development permissible without development consent

A person may, without the consent of the consent authority, carry out development for any one or more of the following purposes on land shown diagonally hatched on the map—

The Royal Easter Show; public buildings; temporary structures for film making purposes.

Part 3 Development on land shown vertically hatched

11 Development permissible with development consent

A person may, with the consent of the consent authority, carry out development for any one or more of the following purposes on land shown vertically hatched on the map—

Advertisements; car and coach parking; child care facilities; demolition; drainage; external lighting; public utilities; roads; subdivision.

12 Development permissible without development consent

A person may, without the consent of the consent authority, carry out development for any one or more of the following purposes on land shown vertically hatched on the map—

The Royal Easter Show; equestrian uses; landscaping; public buildings; public events.

Part 4 General

12A Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in

the circumstances of the case, and

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless—
 - (a) the consent authority is satisfied that—
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Planning Secretary has been obtained.
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.
- (6) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (7) This clause does not allow development consent to be granted for development that would contravene any of the following—
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

13 Suspension of certain provisions of [Local Government Act 1993](#)

- (1) For the purpose of enabling development to be carried out in accordance with clause 10 of this Policy (as in force at the time the development is carried out), items 1, 2 and 4 of Part A of the Table to section 68 of the [Local Government Act 1993](#), and section

68 of that Act in its application to those items, to the extent necessary to serve that purpose, do not apply to development for the purpose of temporary structures for film making purposes.

- (2) Pursuant to section 28 of the *Environmental Planning and Assessment Act 1979*, before the making of this clause—
 - (a) the Minister for the time being administering the provisions of the *Local Government Act 1993* referred to in subclause (1) concurred in writing in the recommendation for the approval of the Governor of subclause (1), and
 - (b) the Governor approved of subclause (1).

14 Advertising development applications

- (1) Before the consent authority determines a development application for consent to carry out development on the Moore Park Showground, the consent authority must—
 - (a) place a notice of that application in a newspaper circulating in the locality and in the State, and
 - (b) give written notice of that development application to the Council of the City of South Sydney, the Centennial Park and Moore Park Trust and adjoining properties, and
 - (c) cause a notice to be displayed on the land on which the development is proposed to be carried out.
- (2) A notice referred to in subclause (1) must include a statement that the development application is available for inspection at particular venues and over a period of not less than 28 days commencing from a specified date.
- (3) The consent authority is taken to have given notice referred to in subclause (1) (b) if arrangements have been made to deliver the notices by way of a postal service.
- (4) The consent authority may waive compliance with this clause if the consent authority is of the opinion that the development application is for a minor matter.

15 Matters for consideration

In addition to considering other matters referred to in section 90 of the *Environmental Planning and Assessment Act 1979*, in determining a development application, the consent authority must consider such of the following matters as are in the consent authority's opinion of relevance to the development—

- (a) the management of noise emanating from the development and the views of the Environment Protection Authority in relation to noise,
- (b) traffic and parking generated by the development, measures to facilitate the use of

public transport and the views of the Roads and Traffic Authority and Department of Transport,

- (c) the height, scale and bulk of the development and whether the development maintains the original road layout and vistas,
- (d) overshadowing impacts on open spaces and adjoining residential properties,
- (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,
- (f) the extent to which the development is ecologically sustainable,
- (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,
- (h) the appearance of external lighting at the site and measures to minimise spill,
- (i) the impact of the development on the amenity of the adjoining residential areas,
- (j) the provisions of the Conservation Strategy for the Moore Park Showground and the views of the Heritage Council,
- (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.

16 Floor space

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.

17 Carrying out of public utility undertakings and certain other development

Nothing in this Policy restricts or prohibits or enables a consent authority to restrict or prohibit the carrying out of development of any description specified in Schedule 1 to the [*Environmental Planning and Assessment Model Provisions 1980*](#).

17A Temporary use of land

- (1) The objective of this clause 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.
- (2) Despite any other provision of this Policy, 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.

- (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 Policy and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (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
 - (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.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

17B Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent—
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and

any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.

- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.

- (5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

18 Temporary use of land at Entertainment Quarter until 1 January 2023

- (1) Despite any other provision of this Policy, development on the subject land for an approved temporary use during the relevant period is permitted with consent.
- (2) Development permitted with consent under this clause is complying development if the development—
- (a) meets the relevant provisions of the *Building Code of Australia*, and
 - (b) does not result in a building that exceeds 2 storeys or has a building height that exceeds 8 metres from ground level (mean), and
 - (c) does not result in a building with a gross floor area that exceeds 1,500 square metres, and
 - (d) does not result in more than 766 square metres of the gross floor area of a building in area B being used for an approved temporary use.
- (3) A complying development certificate issued for complying development under this clause is subject to the following conditions—
- (a) any premises on the subject land that are being used for an approved temporary use must operate only between 6 am and 11 pm on any day,
 - (b) any premises on the subject land must cease to be used for an approved temporary use before the end of the relevant period,
 - (c) any temporary structure on the subject land must be removed before the end of the relevant period.
- (4) A complying development certificate issued for complying development under this clause is also subject to the conditions specified in clauses 1, 2, 5, 6, 8-10 and 12 of Schedule 8 to the [*State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008*](#).

(5) In this clause, words and expressions that are not otherwise defined in this Policy have the same meanings as in the standard instrument prescribed under the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

(6) In this clause—

approved temporary use means any of the following—

- (a) commercial premises,
- (b) health services facilities,
- (c) amusement and entertainment facilities,
- (d) the construction, installation or removal of a temporary structure used for commercial premises, health services facilities or amusement and entertainment facilities.

area A means the land shown coloured yellow on the [Land Application Map](#).

area B means the land shown coloured green on the [Land Application Map](#).

commercial premises has the same meaning as in the standard instrument prescribed under the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Land Application Map means the [State Environmental Planning Policy No 47—Moore Park Showground \(Amendment No 4\) Land Application Map](#) that—

- (a) was approved by the Minister on the making of [State Environmental Planning Policy No 47—Moore Park Showground \(Amendment No 4\)](#), and
- (b) is kept and made available for public access in accordance with arrangements approved by the Minister, and
- (c) is in, and kept and made available in, electronic or paper form, or both.

relevant period means the period commencing on the commencement of this clause and ending on 1 January 2023.

subject land means land in area A or area B.

(7) This clause ceases to have effect on 1 January 2023.