



New South Wales

Sydney Olympic Park Authority Amendment Act 2010 No 4

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Sydney Olympic Park Authority Amendment Act 2010 No 4

Act No 4, 2010

An Act to amend the *Sydney Olympic Park Authority Act 2001* to make provision with respect to noise management at major events carried on at Sydney Olympic Park; to make provision with respect to the functions of the Sydney Olympic Park Authority in relation to residential facilities; and for other purposes. [Assented to 18 March 2010]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Sydney Olympic Park Authority Amendment Act 2010*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Sydney Olympic Park Authority Act 2001 No 57

[1] Section 3 Objects

Omit “town” from section 3 (a).

[2] Section 3 (c)

Insert “accessibility standards and” after “practice”.

[3] Section 4 Definitions

Omit the definition of *Environmental Guidelines* from section 4 (1).

Insert instead:

Environmental Guidelines means the *Environmental Guidelines for Sydney Olympic Park* prepared by the Sydney Olympic Park Authority and dated February 2008, as amended from time to time under this Act.

[4] Section 4 (1)

Insert in appropriate order:

Minister for Planning means the Minister administering the *Environmental Planning and Assessment Act 1979*.

ranger means a person appointed as a ranger under section 65 (1).

[5] Section 13 Functions—generally

Insert “, residential” after “commercial” in section 13 (1) (b).

[6] Section 18 Master plan

Insert after section 18 (2):

(2A) Provisions of the master plan may apply to the whole or any part of Sydney Olympic Park.

[7] Section 48A

Insert after section 48:

48A Legal proceedings and other noise abatement action

(1) No criminal proceedings, no civil proceedings (whether at law or in equity) and no noise abatement action may be taken against any person with respect to the emission of noise from Sydney Olympic Park in relation to a major event.

- (2) The emission of such noise from Sydney Olympic Park does not constitute a public or private nuisance.
- (3) This section does not apply to or in respect of noise that exceeds the maximum permissible noise level at the closest residential facade.
- (4) This section does not limit or otherwise affect:
- (a) the operation of the *Environmental Planning and Assessment Act 1979* or any instrument under that Act in its application to land comprising any part of Sydney Olympic Park, except section 121B of that Act to the extent the functions conferred by that section are not exercised by the Authority, or
 - (b) the functions of the Authority under sections 19 and 25 of this Act.
- (5) For the purposes of this section:
- closest residential facade***, in relation to noise, means:
- (a) the residential facade closest to the source of the noise, or
 - (b) if there is more than one source of noise, the residential facade closest to where the noise is loudest,
- where a reference to a residential facade is a reference to an outside wall of a building containing residential accommodation.
- major event*** means a business-oriented occasion or a cultural, social or sporting related occasion occurring on a single day, including an exhibition, a festival, a show and other like happening:
- (a) designed for more than 10,000 patrons or participants at a single major event venue, or
 - (b) designed for more than 20,000 patrons or participants at two or more major event venues, or
 - (c) that involves a total floor area of temporary tents or marquees of more than 1,000 square metres, or
 - (d) that involves a total floor area of a temporary stage or platform of more than 300 square metres.
- maximum permissible noise level*** means:
- (a) a noise level of 85dB (A) ($L_{A10, 15mins}$), or
 - (b) if some other noise level is prescribed by the regulations, that other level,

being, in either case, a noise level determined in accordance with:

- (c) Australian Standard AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, as in force from time to time, or
- (d) Australian Standard AS 1259.1—1990, *Acoustics—Sound level meters, Part 1: Non-integrating*, as in force from time to time, or
- (e) Australian Standard AS 2659.1—1988, *Guide to the use of sound-measuring equipment, Part 1: Portable sound level meters*, as in force from time to time.

noise abatement action means:

- (a) the issuing of a noise control notice, noise abatement order or noise abatement direction under section 264, 268 or 276 of the *Protection of the Environment Operations Act 1997*, or
- (b) the issuing of an order with respect to noise under section 121B of the *Environmental Planning and Assessment Act 1979* by a person other than the Authority, or
- (c) action of the kind that may be taken following a complaint under section 79 of the *Liquor Act 2007*, or
- (d) any other action of a kind prescribed by the regulations.

[8] Section 79 Penalty notices

Omit section 79 (1). Insert instead:

- (1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against:
 - (a) section 67, being an offence prescribed by the regulations as a penalty notice offence, or
 - (b) the regulations, being an offence prescribed by the regulations as a penalty notice offence.

[9] Section 79 (6) (b)

Omit “the offence”. Insert instead “an offence”.

[10] Schedule 8 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Sydney Olympic Park Authority Amendment Act 2010

Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2009

Clause 95A

Insert after clause 95:

95A Noise control—Sydney Olympic Park

- (1) Activities carried out at Sydney Olympic Park are exempt from the following provisions of the Act:
 - (a) Part 4.3 (but only in so far as the provisions relate to the emission of noise),
 - (b) section 139,
 - (c) Part 8.6.
- (2) Subclause (1) applies only if the Director-General has approved a noise management plan for Sydney Olympic Park and the activities are carried out in accordance with that noise management plan.
- (3) In this clause:
Sydney Olympic Park has the same meaning as in the *Sydney Olympic Park Authority Act 2001*.

[Agreement in principle speech made in Legislative Assembly on 3 December 2009
Second reading speech made in Legislative Council on 10 March 2010]

BY AUTHORITY