

1993—No. 549

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 38—
OLYMPIC GAMES PROJECTS**

NEW SOUTH WALES



[Published in Gazette No. 121 of 5 November 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Environmental Planning and Assessment Act 1979, has been pleased to make the State Environmental Planning Policy set forth hereunder in accordance with the recommendation made by the Minister for Planning.

ROBERT WEBSTER
Minister for Planning.

Sydney, 3 November, 1993.

Citation

1. This Policy may be cited as State Environmental Planning Policy No. 38—Olympic Games Projects.

Aims and objectives

2. The aims of this Policy are:
- (a) to identify projects that will be required for the Olympic Games;
 - (b) to facilitate the development of Olympic Games projects;
 - (c) to establish a planning process within which all Olympic Games projects can be considered;
 - (d) to establish principles which ensure that the impact of all Olympic Games projects is fully assessed;
 - (e) to provide for consultation and advertising in the assessment of applications for development of specific Olympic Games projects;

- (f) to develop Olympic Games projects that are consistent with ecologically sustainable development.

Definitions

3. In this Policy:

“ecologically sustainable development” means development which uses, conserves and enhances the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased;

“Olympic Games project” means any development that is required for hosting the Games of the XXVII Olympiad in Sydney in the year 2000 and which comprises development for any one or more of the following purposes:

- (a) venues to conduct Olympic Games sporting events;
- (b) training facilities for competitors;
- (c) media centres and any other communication facilities for the media;
- (d) residential accommodation for competitors, accredited officials and accredited members of the media;
- (e) storage facilities for sporting, communication or other equipment;
- (f) catering facilities to provide for venues, training facilities, media centres and residential accommodation;
- (g) helicopter landing facilities,

or for any other like or similar purpose;

“Sydney Region” means the land declared to be the Sydney Region by Order published in Government Gazette No. 38 of 7 April 1989 (p. 1841);

“the Act” means the Environmental Planning and Assessment Act 1979.

Land to which this Policy applies

4. This Policy applies to the Sydney Region.

Development to which this Policy applies

5. This Policy applies to all development for the purpose of an Olympic Games project.

Consent authority

6. The consent authority for all development for the purpose of an Olympic Games project is the Minister for Planning.

Olympic Games projects permissible with development consent

7. (1) A person may carry out development for the purpose of an Olympic Games project with the consent of the Minister for Planning.

(2) However, the Minister for Planning must not determine an application for consent to carry out development for the purpose of an Olympic Games project unless the Minister is satisfied that the Sydney Organising Committee for the Olympic Games has endorsed the development as being development that is required for the Olympic Games.

Application of this Policy if another environmental planning instrument permits an Olympic Games project with development consent

8. If, under another environmental planning instrument, a person may carry out development for the purpose of an Olympic Games project with the consent of a consent authority:

- (a) the consent authority under the instrument for the purpose of determining an application for consent to carry out development for the purpose of an Olympic Games project is to be the Minister for Planning; and
- (b) that environmental planning instrument continues to apply to that development, but subject to this Policy.

Advertising of development that is not designated development

9. Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development for the purpose of an Olympic Games project that comprises any one or more of the following:

- (a) the provision of residential accommodation for competitors, accredited officials and accredited members of the media;
- (b) the provision of any venue or facility that is capable of accommodating, or being used in conjunction with, Olympic Games events likely, in the opinion of the Director of Planning, to attract over 5,000 people at the one time;

(c) any other Olympic Games project that, in the opinion of the Director of Planning, is likely to have a significant impact, (not being designated development) in the same way as those provisions apply in respect of designated development.

Consultation with other public bodies

10. (1) Within 14 days after receipt of an application for consent to carry out development for the purpose of an Olympic Games project which is required to be advertised under clause 9, the Minister for Planning must seek the views of the following authorities concerning the proposed development:

- (a) the council of the local government area in which the proposed development is to be carried out;
- (b) the council of each local government area adjoining that area, if in the opinion of the Minister for Planning, the proposed development could have a significant effect on that local government area;
- (c) the Sydney Organising Committee for the Olympic Games;
- (d) any other authority the Minister for Planning considers appropriate.

(2) The Minister for Planning must not determine the application until:

- (a) the views of the authorities have been received; or
- (b) a period of 28 days has elapsed since those views were sought, whichever is the sooner.

Determining development applications

11. In determining an application for consent to development for the purpose of an Olympic Games project, the Minister for Planning must, in addition to considering the relevant matters under section 90 (1) of the Act and under any other applicable environmental planning instrument, consider such of the following matters as are of relevance to the development

- (a) the impact on long term planning strategy within the area where the Olympic Games project is to be carried out;
- (b) the purpose and the extent to which the Olympic Games project will be used after the Olympic Games;
- (c) any submissions made under clause 9 or 10;

- (d) the consistency of the Olympic Games project with the Environmental Guidelines For The Summer Olympic Games, prepared by Sydney Olympic 2000 Bid Limited and dated September 1993;
- (e) the consistency of the Olympic Games project with ecologically sustainable development;
- (f) the impact of carrying out the Olympic Games project on heritage items, heritage conservation areas and potential historical archaeological sites.

Temporary facilities

12. The Minister for Planning must, before granting consent to development for the purpose of an Olympic Games project for a limited period, be satisfied that:

- (a) appropriate arrangements have been made for the reinstatement of the site concerned after its use in accordance with the consent so that it may be used in accordance with any other applicable environmental planning instruments; and
- (b) the use will be limited to such period as the Minister for Planning stipulates; and
- (c) the use will not adversely affect any existing use or permissible development in accordance with any other applicable environmental planning instruments; and
- (d) the use will not have any detrimental effects on the natural environment.

Services

13. Before granting consent, the Minister for Planning must be satisfied that development for the purpose of an Olympic Games project will not commence until arrangements, which are satisfactory to those servicing agencies the Minister considers relevant, have been made for the supply of services such as water, gas, electricity and drainage.

Relationship to other environmental planning instruments

14. Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

Suspension of certain laws

15. (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act:

- (a) section 33 of the Sydney Harbour Trust Act 1900; and
- (b) any agreement or covenant imposing restrictions on any such development,

to the extent necessary to serve that purpose, does not apply to the development.

(2) Pursuant to section 28 of the Act, before the making of this Policy, the Governor approved the making of this clause on the recommendation of the Minister for Planning and, in the case of subclause (1) (a), with the concurrence in writing of the Minister administering the Sydney Harbour Trust Act 1900.

NOTE

TABLE OF PROVISIONS

1. Citation
 2. Aims and objectives
 3. Definitions
 4. Land to which this Policy applies
 5. Development to which this Policy applies
 6. Consent authority
 7. Olympic Games projects permissible with development consent
 8. Application of this Policy if another environmental planning instrument permits an Olympic Games project with development consent
 9. Advertising of development that is not designated development
 10. Consultation with other public bodies
 11. Determining development applications
 12. Temporary facilities
 13. Services
 14. Relationship to other environmental planning instruments
 15. Suspension of certain laws
-