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**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
STATE ENVIRONMENTAL PLANNING POLICY No. 38—
OLYMPIC GAMES PROJECTS (AMENDMENT No. 1)**

NEW SOUTH WALES



[Published in Gazette No. 83 of 7 July 1995]

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 Urban Affairs and Planning.

C. J. Knowles
Minister for Urban Affairs and Planning.

Sydney, 5 July 1995.

Citation

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

Commencement

2. This Policy commences on the date of its publication in the Gazette.

Principal Policy

3. In this Policy, State Environmental Planning Policy No. 38—Olympic Games Projects is referred to as the Principal Policy.

Aims, objectives etc.

4. This Policy aims:

- (a) to make amendments to environmental planning instruments as a consequence of the enactment of the Olympic Co-ordination Authority Act 1995; and

- (b) to streamline the consent process for development by the Olympic Co-ordination Authority and other Olympic Games development.

Application of Policy

- 5. This Policy applies to the Sydney Region.

Relationship to other environmental planning instruments

- 6. (1) The Principal Policy is amended in the manner set out in clause 7.
- (2) Sydney Regional Environmental Plan No. 24—Homebush Bay Area is amended in the manner set out in clause 8.

Amendment of Principal Policy

- 7. The Principal Policy is amended:
 - (a) by omitting clauses 1 and 2 and by inserting instead the following clauses:

Citation

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

Aims, objectives etc.

- 2. The aims of this Policy are as follows:
 - (a) to identify projects that will be required for the Olympic Games;
 - (b) to facilitate development for Olympic Games projects and other development by the Olympic Co-ordination Authority;
 - (c) to establish a planning process within which all Olympic Games projects and other development by the Olympic Co-ordination Authority can be considered and their impact assessed;
 - (d) to ensure that any such project or development is consistent with ecologically sustainable development;
 - (e) to complement the provisions for consultation required under the Olympic Co-ordination Authority Act 1995 and to provide for public exhibition of significant development proposals to which that Act applies.
- (b) by inserting in clause 3 in alphabetical order the following definition:

“OCA project” means any development that is carried out by the Olympic Co-ordination Authority within the meaning of Part 5 of the Olympic Co-ordination Authority Act 1995;

- (c) by inserting after paragraph (g) of the definition of “Olympic Games project” in clause 3 the following paragraphs:
 - (h) transport and other physical infrastructure associated with any of the above projects;
 - (i) any other Olympic venue or facility within the meaning of the Olympic Co-ordination Authority Act 1995,
- (d) by inserting in clauses 5, 6, 7 (1) and 8 after the words “Olympic Games project” wherever occurring the words “or an OCA project”;
- (e) by omitting from clauses 6, 7 and 8 (a) the words “Minister for Planning” wherever occurring and by inserting instead the words “Minister for Urban Affairs and Planning”;
- (f) by omitting clauses 9, 10, 11, 12 and 13 and by inserting instead the following clauses:

Olympic projects and other OCA projects—public exhibition

9. (1) This clause applies to the following development for the purpose of an Olympic Games project or an OCA project, being development for which the consent of the Minister for Urban Affairs and Planning is required or sought:

- (a) the provision of residential accommodation for competitors, officials and members of the media for the purposes of the Olympic Games;
- (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 one time;
- (c) any other such development that, in the opinion of the Director of Planning, is likely to have a significant impact.

(2) The Director of Planning is to publicly exhibit any application made for consent to development to which this clause applies for a period of at least 14 days after receipt of the application and before its determination by the Minister for Urban Affairs and Planning.

(3) The exhibition of the application is to be in accordance with such requirements as the Director of Planning considers appropriate, subject to the following:

- (a) notice of the application is to be published in a newspaper circulating in the locality of the development;
- (a) the notice is to indicate where a copy of the development application may be inspected and where any submission concerning the development may be lodged;
- (c) a copy of the development application is to be made available for public inspection during office hours at the specified locations for the period of public exhibition.

(4) Public exhibition of an application is not required under this clause if the application replaces an earlier application for substantially the same development that was publicly exhibited. Public exhibition is also not required for an amendment of any such earlier application unless, in the opinion of the Director of Planning, the amendment makes a significant change to the proposed development.

Determination of Olympic and OCA projects

10. (1) The Minister for Urban Affairs and Planning, before determining an application for consent to an Olympic Games project or an OCA project, must be satisfied that the requirements of section 24 of the Olympic Co-ordination Authority Act 1995 (Development by OCA-consultation and matters for consideration) have been complied with.

(2) In determining any application for consent to an Olympic Games project or an OCA project, the Minister for Urban Affairs and Planning must, in addition to considering the relevant matters under section 90 (1) of the Act, consider such of the following matters as are of relevance to the development:

- (a) any submission made in response to the public exhibition of the application under clause 9;
- (b) in the case of an Olympic Games project, the consistency of the proposed development with the Environmental Guidelines For the Olympic Games, prepared by Sydney Olympic 2000 Bid Limited and dated September 1993;
- (c) the consistency of the proposed development with ecologically sustainable development.

(3) A provision of any other environmental planning instrument that would require:

- (a) an application for development consent for an Olympic Games project or an OCA project to be advertised before it is determined; or

- (b) the consent authority to consult, notify or otherwise seek the views of any person or body, or to take the views of any such person or body into account, or to obtain the concurrence of any person or body, before determining any such application,

does not have any effect.

(4) The Minister for Urban Affairs and Planning may grant consent for an Olympic Games project or an OCA project, despite any development standard under any other environmental planning instrument.

(5) A consent to development for an Olympic Games project extends beyond the hosting of the Olympic Games unless the consent is granted for a limited period or limited purpose specified in the consent in relation to the hosting of those Games.

Olympic projects that are not OCA projects—consultation and matters for consideration

11. (1) This clause applies to any development for the purpose of an Olympic Games project that is not an OCA project, being development for which the consent of the Minister for Urban Affairs and Planning is required or sought.

(2) Section 24 (2)–(4) of the Olympic Co-ordination Authority Act 1995 (Development by OCA-consultation and matters for consideration) applies to development to which this clause applies in the same way as it applies to development to which section 24 of that Act applies. For that purpose, references in that section:

- (a) to the Authority are to be read as references to the Minister for Urban Affairs and Planning; and
- (b) to the Authority carrying out development are to be read as references to that Minister giving consent to that development.

Amendment of Sydney Regional Environmental Plan No 24—Homebush Bay Area

8. Sydney Regional Environmental Plan No. 24—Homebush Bay Area is amended:

- (a) by omitting the words “Homebush Bay Development Corporation*” wherever occurring in the instrument and by inserting instead the words “Olympic Co-ordination Authority”;
- (b) by inserting in clause 4 (1) after the words “Development Without Consent,” the words “and State Environmental Planning Policy No. 38—Olympic Games and Related Projects”;

- (c) by inserting after clause 4 (1) the following subclause:

(1A) In particular, this plan is subject to clauses 6, 7 and 10 of State Environmental Planning Policy No. 38—Olympic Games and Related Projects.

- (d) by omitting from clause 10 (6) (a) and (b) the words “Corporation” wherever occurring and by inserting instead the words “Authority”;

- (e) by omitting clause 11 and by inserting instead the following clause:

Permissible uses

11. Development of land within the Homebush Bay Area may be carried out for any purpose that the consent authority considers to be consistent with any one or more of the planning objectives for the Homebush Bay Area.

- (f) by omitting the definition of “Homebush Bay Development Corporation” from Schedule 2;
- (g) by omitting the words “that Corporation” from Schedule 3 and by inserting instead the words “that Authority”.
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