



New South Wales

State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning. (S07/00707/PC)

KRISTINA KENEALLY, MP
Minister for Planning

State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a State significant site under *State Environmental Planning Policy (Major Development) 2005*, and
- (b) to identify development on that land that is development to which Part 3A of the Act applies, and
- (c) to establish appropriate zoning and other development controls for that land, and
- (d) to identify and protect land for environmental protection and conservation purposes, and
- (e) to ensure that adequate public utility infrastructure and services are provided in conjunction with the development carried out in Sydney Olympic Park, and
- (f) to assist in ensuring that the design of buildings on the land to which this Policy applies is excellent, and
- (g) to protect the natural environment and the heritage values of the land to which this Policy applies, and
- (h) to provide for certain development to be undertaken as exempt development or complying development, and
- (i) to amend *Sydney Regional Environmental Plan No 24—Homebush Bay Area*.

4 Land to which Policy applies

This Policy applies to the land identified on the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map.

5 Repeal of Policy

- (1) This Policy is repealed on the day following the day on which all of the provisions of the Policy have commenced.
- (2) The repeal of this Policy does not, because of the operation of sections 5 (6) and 30 of the *Interpretation Act 1987*, affect any amendment made by this Policy.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

Schedule 1 Amendment of State Environmental Planning Policy (Major Development) 2005

[1] **Schedule 2 Part 3A projects—specified sites**

Omit clause 14.

[2] **Schedule 3 State significant sites**

Insert with appropriate Part numbering in Schedule 3 (before the maps):

Part Sydney Olympic Park site

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land identified on the Land Application Map, referred to in this Part as the *Sydney Olympic Park site*.

Note. The Sydney Olympic Park site includes additional land to the land that is described as being within the Sydney Olympic Park for the purposes of the *Sydney Olympic Park Authority Act 2001*.

2 Interpretation

(1) In this Part:

Acid Sulfate Soils Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Acid Sulfate Soils Map.

Authority means the Sydney Olympic Park Authority.

building height (or *height of building*) means the vertical distance, measured in metres, between ground level (existing) at any point to the highest point of the highest habitable floor (including above ground car parking) of the building, excluding plant and lift overruns, communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

Environmental Conservation Areas Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Environmental Conservation Areas Map.

Floor Space Ratio Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Floor Space Ratio Map.

Height of Buildings Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Height of Buildings Map.

heritage conservation area means one of the following areas of land, as shown on the Heritage Map as a heritage conservation area:

- (a) State Abattoirs,
- (b) Millennium Parklands.

heritage item means a building, work, archaeological site, tree, place or Aboriginal object situated within a heritage conservation area and specified in one of the following documents:

- (a) *Abattoir Heritage Precinct Conservation Management Plan 2003*, dated June 2003,
- (b) *Millennium Parklands Heritage Precinct Conservation Master Plan 2003*, dated July 2003,

prepared by Graham Brooks and Associates, a copy of which is held in the head office of the Department.

Heritage Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Heritage Map.

high technology industry means the manufacturing, production, assembling, processing, or research and development, of any of the following:

- (a) electronic and microelectronic systems, goods or components,
- (b) information technology, computer software or hardware,
- (c) instrumentation or instruments,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components.

Land Application Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map.

Land Zoning Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Zoning Map.

major event means a business-oriented occasion or a cultural, social or sporting related occasion occurring on a single day,

2009 No 494

State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development) 2005

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,

but does not include any use of a major event venue that is consistent with any existing development consent applying to the major event venue.

major event infrastructure means traffic and transport infrastructure that supports the access of patrons and participants to and from major events, including the following:

- (a) bus terminals, busways, coachparks or public carparks within the Sydney Olympic Park site,
- (b) the M4 Exit Ramp,
- (c) the major event cross roads, being the Boulevard and Dawn Fraser Avenue,
- (d) the major event loop road, being Edwin Flack Avenue, Sarah Durack Avenue, Kevin Combs Avenue and Australia Avenue,
- (e) the Place Management Centre.

major event venue means a facility or public space designed to be used for, or to support, a major event, including the following:

- (a) the Athletics Centre,
- (b) the Aquatic Centre,
- (c) the Carnival Site,
- (d) the Exhibition Halls and Showgrounds,
- (e) the Golf Centre,
- (f) the Hockey Centre,
- (g) Olympic Boulevard,
- (h) The Overflow,
- (i) the Sports Centre,
- (j) the Sports Halls,
- (k) the Stadium,

- (l) the Superdome,
- (m) the Tennis Centre,
- (n) Bicentennial Park,
- (o) Blacksland Riverside Park,
- (p) Newington Armoury.

master plan means a master plan under section 18 of the *Sydney Olympic Park Authority Act 2001* that has been prepared by the Authority and publicly exhibited in accordance with clause 27 and approved by the Minister, a copy of which is held in the head office of the Department.

Millennium Parklands Plan of Management means the *Millennium Parklands Plan of Management*, adopted by the Minister on 28 January 2003, a copy of which is held in the head office of the Department.

place of Aboriginal heritage significance means an area of land shown on the Heritage Map as a place of Aboriginal heritage significance.

Reduced Level Map means the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Reduced Level Map.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Maps

- (1) A reference in this Part to a named map adopted by this Part is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (4) For the purposes of this Part, a map may be in, and may be kept and made available in, electronic or paper form, or both.

4 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Sydney Olympic Park site are this Policy and all other State environmental planning policies, except *State Environmental Planning Policy No 1—Development Standards*.

5 Part 3A projects

Development within the Sydney Olympic Park site, including any associated subdivision of land, that has a capital investment value of more than \$10 million is a project to which Part 3A of the Act applies, other than development for the purposes of a public utility undertaking.

Note. Clause 3 of Schedule 6 provides that the Minister is the consent authority under Part 4 of the Act for any development requiring consent under that Part within the Sydney Olympic Park site.

Division 2 Provisions relating to development within Sydney Olympic Park site

6 Application of Division

- (1) This Division applies to development on land within the Sydney Olympic Park site, except as provided by subclause (2).
- (2) Clauses 7–14, 16 and 22–35 do not apply to development to the extent that it is a project to which Part 3A of the Act applies.

7 Land use zones

- (1) For the purposes of this Part, land within the Sydney Olympic Park site is in a zone as follows if the land is shown on the Land Zoning Map as being within that zone:
- (a) Zone B1 Neighbourhood Centre,
 - (b) Zone B4 Mixed Use,
 - (c) Zone SP2 Infrastructure,
 - (d) Zone RE1 Public Recreation,
 - (e) Zone E1 National Parks and Nature Reserves,
 - (f) Zone E2 Environmental Conservation,
 - (g) Zone E3 Environmental Management.

- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

8 Zone B1 Neighbourhood Centre

- (1) The objective of Zone B1 Neighbourhood Centre is to provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone B1 Neighbourhood Centre:
nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone B1 Neighbourhood Centre:
business premises; child care centres; community facilities; neighbourhood shops; residential accommodation (but only as part of a mixed use development); roads; shop top housing.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone B1 Neighbourhood Centre unless it is permitted by subclause (2) or (3).

9 Zone B4 Mixed Use

- (1) The objectives of Zone B4 Mixed Use are as follows:
 - (a) to protect and promote the major events capability of the Sydney Olympic Park site and to ensure that it becomes a premium destination for major events,
 - (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling,
 - (c) to ensure that the Sydney Olympic Park site becomes an active and vibrant town centre within metropolitan Sydney,
 - (d) to provide for a mixture of compatible land uses,
 - (e) to encourage diverse employment opportunities,

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (f) to promote ecologically sustainable development and minimise any adverse effect of land uses on the environment,
 - (g) to encourage the provision and maintenance of affordable housing.
- (2) Development for any of the following purposes is permitted without consent on land within Zone B4 Mixed Use:
environmental protection works; recreation areas.
 - (3) Except as otherwise provided by this Part, development for any of the following purposes is permitted with consent on land within Zone B4 Mixed Use:
roads; any other development not specified in subclause (2) or (4).
 - (4) Development for any of the following purposes is prohibited on land within Zone B4 Mixed Use:
bulky goods premises; caravan parks; industries; moveable dwellings; resource recovery facilities; restricted premises; rural industries; sex services premises; truck depots; warehouse or distribution centres.

10 Zone SP2 Infrastructure

- (1) The objectives of Zone SP2 Infrastructure are as follows:
 - (a) to provide for infrastructure and related uses,
 - (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.
- (2) Development for any of the following purposes is permitted without consent on land within Zone SP2 Infrastructure:
nil.
- (3) Development for any of the following purposes is permitted only with consent on land within Zone SP2 Infrastructure:
the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; environmental facilities; environmental protection works; roads; signage.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone SP2 Infrastructure unless it is permitted by subclause (2) or (3).

11 Zone RE1 Public Recreation

- (1) The objectives of Zone RE1 Public Recreation are as follows:
 - (a) to enable land to be used for public open space or recreational purposes,
 - (b) to provide for a range of recreational settings and activities and compatible land uses,
 - (c) to protect and enhance the natural environment for recreational purposes,
 - (d) to support the Sydney Olympic Park site as a premium destination for major events.
- (2) Development for any of the following purposes is permitted without consent on land within Zone RE1 Public Recreation:
environmental protection works; roads.
- (3) Development for any of the following purposes is permitted only with consent on land within Zone RE1 Public Recreation:
boat sheds; car parks; caravan parks; community facilities; depots; entertainment facilities; environmental facilities; filming; food and drink premises; heliports; major events; recreation areas; recreation facilities (indoor); recreation facilities (outdoor); research stations; signage; water recreation structures.
- (4) Except as otherwise provided by this Part, development for any of the following purposes is prohibited on land within Zone RE1 Public Recreation:
pubs; restaurants; any other development not specified in subclause (2) or (3).

12 Zone E1 National Parks and Nature Reserves

- (1) The objectives of Zone E1 National Parks and Nature Reserves are as follows:
 - (a) to enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act,
 - (b) to enable uses authorised under the *National Parks and Wildlife Act 1974*,
 - (c) to identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (2) Development for any of the following purposes is permitted without consent on land within Zone E1 National Parks and Nature Reserves:
uses authorised under the *National Parks and Wildlife Act 1974*.
- (3) Development for any of the following purposes is permitted only with consent on land within Zone E1 National Parks and Nature Reserves:
nil.
- (4) Except as otherwise provided by this Part, development is prohibited on land within Zone E1 National Parks and Nature Reserves unless it is permitted by subclause (2) or (3).

13 Zone E2 Environmental Conservation

- (1) The objectives of Zone E2 Environmental Conservation are as follows:
 - (a) to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values,
 - (b) to prevent development that could destroy, damage or otherwise have an adverse effect on those values.
- (2) Development for any of the following purposes is permitted without development consent on land within Zone E2 Environmental Conservation:
nil.
- (3) Development for any of the following purposes is permitted only with development consent on land within Zone E2 Environmental Conservation:
environmental facilities; environmental protection works; filming.
- (4) Except as otherwise provided by this Part, development for any of the following purposes is prohibited on land within Zone E2 Environmental Conservation:
business premises; hotel or motel accommodation; industries; multi dwelling housing; recreation facilities (major); residential flat buildings; retail premises; service stations; warehouse or distribution centres; any other development not specified in subclause (2) or (3).

14 Zone E3 Environmental Management

- (1) The objectives of Zone E3 Environmental Management are as follows:
 - (a) to protect, manage and restore areas of special ecological, scientific, cultural or aesthetic values,
 - (b) to provide for a limited range of development that does not have an adverse effect on those values,
 - (c) to assist in giving effect to the Millennium Parklands Plan of Management,
 - (d) to support the capability of the Sydney Olympic Park site as a premium destination for major events.
- (2) Development for any of the following purposes is permitted without consent on land within Zone E3 Environmental Management:
environmental protection works; home occupations.
- (3) Development for any of the following purposes is permitted only with consent on land within Zone E3 Environmental Management:
community facilities; depots; dwelling houses; educational establishments; environmental facilities; filming; kiosks; recreation areas; recreation facilities (outdoor); research stations; roads; signage; water recreation structures.
- (4) Development for any of the following purposes is prohibited on land within Zone E3 Environmental Management:
industries; multi dwelling housing; residential flat buildings; retail premises; seniors housing; service stations; warehouse or distribution centres; any other development not specified in subclause (2) or (3).

15 Prohibited development

Development, other than development that is permitted with or without consent on land within a zone, is prohibited on land within that zone.

16 Subdivision—consent requirements

- (1) Land within the Sydney Olympic Park site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for the purpose only of one or more of the following:
 - (a) widening a public road,

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (b) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
- (c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
- (d) rectifying an encroachment on a lot,
- (e) creating a public reserve,
- (f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.

17 Infrastructure development and use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without consent or that is exempt development under the *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

18 Height of buildings

The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the Height of Buildings Map or the Reduced Level Map, whichever is applicable.

19 Floor space ratio

The maximum floor space ratio for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

20 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios.

(2) **Definition of “floor space ratio”**

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) **Site area**

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(6) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(5) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(6) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(7) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered in favour of a prescribed authority within the meaning of section 88E of the *Conveyancing Act 1919* that prevents the creation of floor area on a lot (the restricted lot) if the

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(8) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (7) applies to any land (*affected land*), and
- (b) the proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Part is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

21 **Exceptions to development standards—Part 3A projects**

- (1) A development standard imposed by this or any other environmental planning instrument on development that is part of a project to which Part 3A of the Act applies, and is within the Sydney Olympic Park site, does not apply to that development if the Director-General is satisfied, and issues a certificate to the effect, that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify exempting the development from that development standard.
- (2) In deciding whether to issue a certificate, the Director-General 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 Director-General.

22 Exceptions to development standards—other development

- (1) This clause applies to development on land within the Sydney Olympic Part site, other than development that is part of a project to which Part 3A of the Act applies.
- (2) The objectives of this clause are:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (3) 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.
- (4) 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.
- (5) 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 (4), 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 Director-General has been obtained.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

- (6) In deciding whether to grant concurrence, the Director-General 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 Director-General before granting concurrence.
- (7) 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 (4).
- (8) This clause does not allow 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.

23 Public utility infrastructure

- (1) Development consent must not be granted for development on land within the Sydney Olympic Park site unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.

24 Major events capability

- (1) The objective of this clause is to protect and promote the major events capability of the Sydney Olympic Park site and to ensure that it remains a premium destination for major events.
- (2) Consent must not be granted to development on land within the Sydney Olympic Park site, if the consent authority is satisfied that during major events held within the Sydney Olympic Park site:
 - (a) traffic generated by the development is likely to cause the local road network and connections to the regional road network to become saturated or otherwise fail, and
 - (b) the development is likely to prevent the effective management of crowd movement and transport services, and
 - (c) the development is likely to compromise the effective functioning of major event infrastructure, and
 - (d) the development conflicts with the emergency management plans of government agencies or the emergency evacuation plans of major event venues.

25 Transport

Development consent must not be granted for development on land within the Sydney Olympic Park site unless the consent authority is satisfied that the development includes measures to promote public transport use, cycling and walking.

26 Master plan

- (1) Development consent must not be granted for development on land within the Sydney Olympic Park site to which a master plan applies unless the consent authority has considered that master plan, except as provided by subclauses (2) and (3).
- (2) Consideration of a master plan is not required if the consent authority is satisfied that:
 - (a) the development involves a temporary use of the land, and
 - (b) the development is of a minor nature.
- (3) Development consent must not be granted for development on land within 400 metres of the Olympic Park Train Station unless the consent authority has considered whether the car parking requirements specified in the master plan should be reduced in respect of that development.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

27 Preparation and approval of a master plan

- (1) A master plan must be prepared by the Authority as a draft plan and publicly exhibited in accordance with this clause.
- (2) A draft plan must comply with the following public exhibition requirements:
 - (a) public notice of the draft plan must be given in a newspaper circulating throughout the State and in a local newspaper,
 - (b) the public notice must include the places, dates and times for inspection of the draft plan and must specify a period during which submissions concerning the draft plan may be made to the Authority,
 - (c) the period of public exhibition must be at least 30 days,
 - (d) the period during which submissions may be made to the Authority must include the period of public exhibition,
 - (e) the draft plan must be publicly exhibited in accordance with the notice as referred to in paragraph (b),
 - (f) before the draft plan is publicly exhibited, copies of the draft plan must be given to each council whose local government area includes the land to which the draft plan applies or any other land that in the opinion of the Authority is likely to be affected by the proposals contained in the draft plan.
- (3) Submissions received during the period specified in subclause (2) (d) and any submissions received from a council within 30 days of the council being given a copy of the draft plan under subclause (2) (f) must be taken into consideration.
- (4) A master plan that is approved by the Minister may be in the same form or a different form as the draft plan that is publicly exhibited.
- (5) The approval of a master plan by the Minister must be publicly advertised by the Authority in a newspaper circulating throughout the State and a local newspaper.
- (6) The provisions of this clause apply to the amendment of a master plan in the same way as they apply to a master plan.

28 Review of master plan

The Authority is to review a master plan as soon as possible after the period of 5 years from the date the master plan has effect and is to report on the outcome of the review to the Minister.

29 Development within an environmental conservation area

- (1) This clause applies to land within the Sydney Olympic Park site that is shown on the Environmental Conservation Areas Map as within an environmental conservation area.
- (2) Despite any other provision of this Part, the following development may only be carried out with development consent on land within an environmental conservation area:
 - (a) filling, clearing, draining or dredging the land,
 - (b) constructing a levee on the land,
 - (c) removing or destroying any vegetation on the land.
- (3) Before granting development consent to development on land within an environmental conservation area, the consent authority must consider the likely effect of the proposed development on that environmental conservation area.
- (4) Development consent must not be granted for development on land to which this clause applies if, in the opinion of the consent authority, the development would reduce significantly the ecological value of that environmental conservation area.

30 Design excellence

- (1) Development consent must not be granted for development that is the erection of a new building or external alterations to an existing building unless the consent authority:
 - (a) has considered whether the proposed development exhibits design excellence, and
 - (b) in the case of a building that will attain the maximum height shown for that land on the Height of Buildings Map or the Reduced Level Map (whichever is the lesser), is satisfied that the development exhibits design excellence.
- (2) In considering whether proposed development exhibits design excellence, the consent authority must have regard to the following matters:
 - (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain,
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity,

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

visual and acoustic privacy, safety and security and
resource, energy and water efficiency,

- (d) if a competition is held as referred to in subclause (3) in relation to the development, the results of the competition.
- (3) Development consent must not be granted to the following development unless a design competition has been held in relation to the proposed development:
 - (a) the erection of a new building with a building height greater than 42 metres above ground level (existing),
 - (b) the erection of a new building identified as requiring a design competition in a master plan.
- (4) In this clause:
design competition means a competitive process conducted in accordance with procedures approved by the Director-General from time to time.

31 Heritage conservation

(1) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior,
- (c) altering a heritage item that is a building, by making structural changes to its interior,
- (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance,
- (f) erecting a building on land on which a heritage item is located or that is within a heritage conservation area,
- (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.

(2) When consent not required

However, consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and
 - (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
- (b) the development is limited to the removal of a tree or other vegetation that the consent authority is satisfied is a risk to human life or property, or
- (c) the development is exempt development.

(3) Effect on heritage significance

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (4) or a heritage conservation management plan is submitted under subclause (5).

(4) Heritage impact assessment

The consent authority may, before granting consent to any development on land:

- (a) on which a heritage item is situated, or
- (b) within a heritage conservation area, or
- (c) within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

(5) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

32 **Additional permitted uses—Site 62**

- (1) This clause applies to site 62 within the Sydney Olympic Park site as shown hatched on the Land Zoning Map.
- (2) Despite any other provision of this Part, a person may, with development consent, carry out development for the purpose of a high technology industry on land to which this clause applies.

33 **Exempt development**

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

Under the section, exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 8 to this Policy in the Part relating to the Sydney Olympic Park site that meets the standards for the development contained in that Part and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, or if those provisions do not apply, must be structurally adequate, and

- (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977* or that is a heritage item under this Part, and
 - (e) must be located at least 1 metre from any registered easement, sewer main or water main, and
 - (f) must not result in the disturbance of more than one tonne of soil, or lower the water table on land shown on the Acid Sulfate Soils Map, and
 - (g) must not cause the contravention of the conditions of any development consent or notice under section 28 of the *Contaminated Land Management Act 1997* currently applying to the land.
- (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.

34 Complying development

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

Under the section, development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
- (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
- (c) the development is designated development, or
- (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or that is subject to an interim heritage order under the *Heritage Act 1977*), or
- (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment and Climate Change) in respect of development that is likely to

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*), or

- (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
- (2) Development that is specified in Schedule 9 to this Policy in the Part relating to the Sydney Olympic Park site that is carried out in compliance with:
 - (a) the development standards specified in that Part, and
 - (b) the requirements of this Part,is complying development.
- (3) To be complying development, the development must:
 - (a) be permissible, with consent, in the land use zone in which it is carried out, and
 - (b) meet the relevant provisions of the *Building Code of Australia*, and
 - (c) have a prior approval, if required by the *Local Government Act 1993*, for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system.

35 Environmentally sensitive areas

- (1) To be exempt development or complying development, the development must not be carried out on land that is an environmentally sensitive area.
- (2) For the purposes of this clause:
environmentally sensitive area means any of the following:
 - (a) the coastal waters of the State,
 - (b) a coastal lake,
 - (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,

- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100m of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved as a state conservation area under the *National Parks and Wildlife Act 1974*,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

[3] Schedule 6 Minister consent authority for Part 4 development

Omit clause 3 of Schedule 6. Insert instead:

3 Sydney Olympic Park site

Development within the Sydney Olympic Park site, as shown on the State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map as referred to in Schedule 3 to this Policy, except development that is a project to which Part 3A of the Act applies.

Note. Development controls in relation to the Sydney Olympic Park site for development under Part 4 of the Act are contained in Schedule 3 to this Policy.

[4] Schedule 8 Exempt Development

Insert before the heading to Part 1:

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

[5] Schedule 8

Insert at the end of the Schedule with appropriate Part numbering:

Part Sydney Olympic Park site

1 Ancillary event development

- (1) Ancillary event development, subject to the following requirements:
 - (a) the ancillary event development must have the written approval of the owner and, if occupied, the occupier of the land on which the ancillary event development will be carried out and the approval must state that that ancillary event development will not exceed the relevant limit specified in paragraph (b),
 - (b) a location must not be used for more than 40 days, inclusive of set-up and clean-up time, in any calendar year,
 - (c) there must be no permanent physical change to the fabric of the location where the ancillary event development occurs,
 - (d) emergency vehicle access must be maintained to and around the location at all times,
 - (e) pedestrian access at the location must be maintained along existing footpaths, or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
 - (f) the ancillary event development must not occur before 7.00 am or after 10.00 pm on any day, except Australia Day (when it may occur until midnight) and New Year's Eve (when it may occur until 2.00 am the following day),
 - (g) set-up time for the ancillary event development must not start earlier than 6.00 am,
 - (h) clean up time for the ancillary event development must end no later than 2 hours after it ceased under paragraph (f),
 - (i) temporary flags relating to the ancillary event development:
 - (i) must be attached to existing flagpoles, and
 - (ii) must not be displayed for more than 14 days before the ancillary event development starts, and
 - (iii) must be removed within 1 day after the ancillary event development ends,

- (j) other temporary signs (including freestanding banners):
 - (i) must not be more than 2.5m in height, and
 - (ii) must not be larger than 1.2m by 2.4m, and
 - (iii) must not be displayed for more than 7 days before the ancillary event development starts, and
 - (iv) must be removed within 2 days after the ancillary event development ends,
 - (k) the noise level from the ancillary event development, when measured at the boundary of the nearest residential property, must not exceed:
 - (i) L_{Amax} 70 dB(A) and L_{Cmax} 90 dB(C) on Friday and Saturday, and
 - (ii) L_{Amax} 65 dB(A) and L_{Cmax} 85 dB(C) on any other day.
- (2) In this clause:
ancillary event development means development associated with the use of a major event venue, including temporary occupation and use of land, storage areas, truck lay by areas and the like.

2 Change of building use

- (1) Change of use of a building:
 - (a) from one kind of commercial premises to another kind of commercial premises, or
 - (b) from one kind of retail premises to another kind of retail premises.
- (2) Must be an existing legal use.
- (3) The new use:
 - (a) must not involve a change of class of building as defined in the *Building Code of Australia*, and
 - (b) must not cause the building to contravene any conditions of any existing development consent applying to the building or land.
- (4) In this clause:
commercial premises means a business premises or premises that are used for high technology industry.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

3 Demolition

- (1) Demolition of development that would be exempt development under this Part if it were being constructed or installed.
- (2) The standards specified for that development are that the development must be carried out in accordance with AS 2601—2001, *Demolition of structures*.

4 Development by the Authority

The following development if carried out by or on behalf of the Authority on land vested in the Authority:

- (a) roads, cycleways, open car parks, ticketing facilities and viewing platforms,
- (b) outdoor recreational facilities, including playing fields, but not including grandstands,
- (c) information facilities such as visitors' centres and information boards,
- (d) lighting, if light spill and artificial sky glow is minimised in accordance with AS/NZS 1158: 2007, *Lighting for Roads and Public Spaces*,
- (e) landscaping, including irrigation schemes (whether they use recycled or other water),
- (f) amenity facilities,
- (g) maintenance depots,
- (h) environmental management works.

5 Minor external building alterations

- (1) A minor external non-structural alteration to a building, other than a dwelling, including (but not limited to) the following:
 - (a) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
 - (b) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
 - (c) the repair to or replacement of a non-structural wall or roof cladding.
- (2) Must not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight.
- (3) Must not reduce the existing fire resistance level of a wall.

-
- (4) If undertaken on a heritage item, must be an activity listed in the Schedule to the order under section 57 (2) of the *Heritage Act 1977*, published in the Gazette dated 23 October 1998, a copy of which is held in the head office of the Department.

6 Public art

A display of public art on land owned by the Authority, subject to the following requirements:

- (a) the placement of the public art must have the written approval of the owner and, if occupied, the occupier of the land,
- (b) the exhibition period must not be more than 6 months,
- (c) the public art must not be more than 2m in height,
- (d) the public art must not be more than 2m in diameter,
- (e) if an attribution panel is included in the display, the attribution panel must not be more than 1m².

7 Seating

The replacement of existing seating at a major event venue.

8 Signs

- (1) A sign that:
 - (a) advertises an event at the Sydney Olympic Park site, provided that the sign is displayed not more than 2 months before or more than 14 days after the event, or
 - (b) replaces:
 - (i) an existing building identification sign, other than a sign at a major event venue, or
 - (ii) an existing business identification sign, or
 - (iii) existing sponsorship signage at a major event venue, if it is of the same size and scale as the sign or signage to be replaced.
- (2) A real estate sign that:
 - (a) is placed on the premises that is for sale or lease, and
 - (b) has an area that is less than 4.5m².

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 1 Amendment of State Environmental Planning Policy (Major Development)
2005

[6] Schedule 9 Complying Development

Insert before the heading to Part 1:

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development under that Policy. The Policy has State-wide application.

[7] Schedule 9

Insert at the end of the Schedule with appropriate Part numbering:

Part Sydney Olympic Park site

1 Development at major event venues

The following development at a major event venue (other than Newington Armoury):

- (a) an internal or external alteration or addition that does not add more than 1,000m² to the external envelope of the major event venue,
- (b) a new seating area of not more than 1,000m²,
- (c) a replacement building identification sign that is of the same size, location and illumination standard as the existing sign, other than a replacement sign that is exempt development under that Part of Schedule 8 that relates to the Sydney Olympic Park site,
- (d) a new or replacement large format video screen within a stadium or auditorium.

2 Minor alterations and additions to buildings

- (1) A minor interior or exterior alteration or addition to an existing building, other than a dwelling or a major event venue.
- (2) Must not change the dominant use of the building.
- (3) Must not add more than 100m² to the external envelope of the building.
- (4) Must not be undertaken on a building that is a heritage item, if the addition or alteration would impact on the heritage significance of the building.

3 Public art

A display of public art on land owned by the Authority (other than a display of public art that is exempt development under Schedule 8), subject to the following requirements:

- (a) the placement of the public art must have the written approval of the owner and, if occupied, the occupier of the land,
- (b) the exhibition period must not be more than 6 months,
- (c) the public art must not be more than 6m in height,
- (d) the public art must not be more than 6m in diameter,
- (e) if an attribution panel is included in the display, the attribution panel must not be more than 1m²,
- (f) the public art must be structurally sound.

2009 No 494

State Environmental Planning Policy (Major Development) Amendment
(Sydney Olympic Park) 2009

Schedule 2 Amendment of Sydney Regional Environmental Plan No 24—Homebush
Bay Area

**Schedule 2 Amendment of Sydney Regional
Environmental Plan No 24—Homebush
Bay Area**

[1] Clause 2 Land to which plan applies

Omit the clause. Insert instead:

2 Land to which plan applies

This plan applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Homebush Bay Area Map”.

Note. This plan was amended by *State Environmental Planning Policy (Major Development) 2005 (Amendment No 20)* to exclude the Sydney Olympic Park site. Development controls in relation to development within that site under Part 3A or Part 4 of the Act are contained in Schedule 3 to that Policy.

[2] Schedule 2 Definitions

Insert at the end of the definition of *Homebush Bay Area Map*:

State Environmental Planning Policy (Major Development)
Amendment (Sydney Olympic Park) 2009 Homebush Bay Area
Map