



New South Wales

Sydney Olympic Park Amendment Regulation 2004

under the

Sydney Olympic Park Authority Act 2001

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Olympic Park Authority Act 2001*.

SANDRA NORI, M.P.,

Minister for Tourism and Sport and Recreation

Explanatory note

The object of this Regulation is to review and amend the *Sydney Olympic Park Regulation 2001* which was formerly the *Homebush Bay Operations Regulation 1999* and was enacted principally to facilitate the conduct of the Sydney Olympic Games held in the year 2000.

This Regulation:

- (a) updates the list of sportsgrounds within Sydney Olympic Park, and
- (b) extends the list of commercial and other activities that cannot be carried out at Sydney Olympic Park except with the authorisation of the Sydney Olympic Park Authority (*SOPA*), and
- (c) provides for the enforcement of any plan of management made for the Millennium Parklands, and
- (d) adds some further general traffic controls with respect to the entry of vehicles into Sydney Olympic Park or any part of the Park and the parking of vehicles within the Park, and
- (e) enables SOPA to provide additional public services and facilities in the form of amusement devices, carnival rides and similar facilities, and
- (f) enables SOPA to provide and regulate reserved seating at a sportsground and to require the surrender of a ticket that is unlawfully in a person's possession, and
- (g) extends SOPA's functions as a local regulatory authority, and

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- (h) clarifies SOPA's powers to charge, recover, waive and reduce fees, and
- (i) specifies those offences that are penalty notice offences and the amount of the penalties payable in relation to them, and
- (j) makes other amendments of an associated nature or of a minor nature.

This Regulation is made under the *Sydney Olympic Park Authority Act 2001*, including sections 19, 79 and 82 (the general regulation-making power).

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Sydney Olympic Park Authority Act 2001

1 Name of Regulation

This Regulation is the *Sydney Olympic Park Amendment Regulation 2004*.

2 Amendment of Sydney Olympic Park Regulation 2001

The *Sydney Olympic Park Regulation 2001* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 2)

[1] Clause 2 Definitions

Insert in alphabetical order:

penalty unit is defined in section 17 of the *Crimes (Sentencing Procedure) Act 1999*.

[2] Clause 2, definition of “sportsground”

Omit the definition. Insert instead:

sportsground means the following:

- (a) Telstra Stadium,
- (b) Sydney Showground,
- (c) Sydney SuperDome,
- (d) Sydney Olympic Park Aquatic Centre,
- (e) Sydney Olympic Park Athletic Centre,
- (f) Sydney Olympic Park Golf Centre,
- (g) Sydney Olympic Park Hockey Centre,
- (h) Sydney Olympic Park Sports Centre,
- (i) Sydney Olympic Park Sports Halls,
- (j) Sydney International Archery Centre,
- (k) Sydney International Tennis Centre.

[3] Clause 2 (2)

Insert at the end of clause 2:

- (2) Notes in this Regulation do not form part of this Regulation.

[4] Clause 3 Commercial and other activities

Insert after clause 3 (h):

- (i) distribute a brochure, leaflet or handbill,
- (j) conduct a wedding,
- (k) collect or attempt to collect money,
- (l) busk,

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- (m) conduct, or participate in, any game or other activity in a manner that unduly interferes with the amenity of the area,
 - (n) operate or use any radio, television, record-player, tape recorder, compact disc player, musical instrument or other sound-generating device in a manner that unduly interferes with the amenity of the area,
 - (o) camp or use facilities for sleeping overnight,
 - (p) erect a tent or other temporary structure,
 - (q) paint, erect or affix any decoration, sign or other equipment,
 - (r) climb any tree, sculpture, decoration, flagpole or other fixture,
 - (s) bathe, wade, wash or swim, or operate a boat, kayak or any other water craft or vessel or flotation device, in any lake, pond or stream or in any ornamental water,
 - (t) light any fire, barbecue or stove (not being cooking facilities provided for the purpose by the Authority),
 - (u) set off any firework,
 - (v) carry or discharge or have in the person's possession any firearm (within the meaning of the *Firearms Act 1996*) or prohibited weapon (within the meaning of the *Weapons Prohibition Act 1998*), unless the person is a police officer of the State or the Commonwealth or unless the person is the holder of a licence under the *Security Industry Act 1997* and is carrying out functions authorised by the licence,
 - (w) operate a motorised model aircraft, boat, car or similar thing,
 - (x) play or practise golf,
 - (y) land or launch any aircraft, helicopter, parachute, hang-glider or hot air or gas-filled balloon, or any similar thing,
 - (z) ride or use any skate board, roller skates, in-line skates, or recreational equipment, whether motorised or not, or similar equipment,
 - (aa) bring a horse into Sydney Olympic Park, or lead or ride a horse, or leave a horse unattended or untethered,
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- (bb) bring a dog into, or have a dog within, Sydney Olympic Park unless it is on a leash,
- (cc) abandon an animal,
- (dd) destroy, capture, injure or annoy an animal,
- (ee) be in possession of a trap or device for the hunting or capturing of animals,
- (ff) destroy or interfere with the habitat of an animal,
- (gg) dig up or disturb the surface of any road or other land,
- (hh) deposit waste,
- (ii) bring a vehicle into Sydney Olympic Park which leaks an excessive amount of oil onto a sealed surface,
- (jj) moor a vessel (otherwise than by securing the vessel to a wharf of the Authority) or tie a vessel to any vegetation.

[5] Clause 3A

Insert after clause 3:

3A Plan of management

- (1) In this clause, ***plan of management*** means a plan of management for the Millennium Parklands adopted and in force under section 35 of the Act.
- (2) A person must not do anything at Sydney Olympic Park that is prohibited by a plan of management.
Maximum penalty: 20 penalty units.
- (3) A person must not do anything at Sydney Olympic Park that is contrary to an approval issued under the authority of a plan of management.
Maximum penalty: 20 penalty units.
- (4) It is not an offence under this clause if anything is done or omitted to be done in accordance with an approval issued under the authority of a plan of management or by the Authority.

[6] Clause 5 Other controls

Insert after clause 5 (1):

- (1A) The Authority may do any one or more of the following:
 - (a) prohibit the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
 - (b) regulate or otherwise control the entry of vehicles to Sydney Olympic Park or any part of Sydney Olympic Park,
 - (c) refuse to admit a vehicle to Sydney Olympic Park or any part of Sydney Olympic Park.
- (1B) A decision of the Authority for the purposes of this clause may be given by means of a sign or a direction.
- (1C) A person must not do anything in wilful contravention of a sign or a direction under this clause.

Maximum penalty: 20 penalty units.

[7] Clause 9 Parking

Insert after clause 9 (2):

- (3) The Authority or a person authorised by the Authority may direct a person to remove a vehicle that is unlawfully parked and that is under the person's control.
- (4) A person must comply with a direction under subclause (3).
Maximum penalty: 10 penalty units.
- (5) For the purposes of this clause, **park** includes stand.

[8] Clause 13A Provision and operation of public services and facilities

Insert after clause 13A (2) (t):

- (u) amusement devices, carnival rides and similar facilities.

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[9] Clause 13B

Insert before clause 14:

13B Reserved areas and reserved seating

- (1) Without limiting clause 5, the Authority may, either generally or for a particular event, set aside any area of a sportsground for reserved seats. An area so set aside is referred to in this clause as a **reserved area**.
- (2) A person who is not in lawful possession of an appropriate ticket must not:
 - (a) enter or remain in a sportsground or any reserved area, or
 - (b) occupy a reserved seat.Maximum penalty: 10 penalty units.
- (3) A person authorised by the Authority or a police officer may direct a person:
 - (a) who is within a sportsground or any reserved area, or
 - (b) who is occupying a reserved seat,to produce an appropriate ticket for inspection by the person or police officer.
- (4) A person authorised by the Authority or a police officer may direct a person who is in unlawful possession of a ticket to surrender the ticket to the person or police officer.
- (5) A person must comply with a direction under this clause.
Maximum penalty: 10 penalty units.
- (6) In this clause, **ticket** means a ticket issued by the Authority or a person authorised by the Authority, being a ticket that authorises its holder:
 - (a) to enter a sportsground or a reserved area within a sportsground, or
 - (b) to occupy a reserved seat in a reserved area.

[10] Part 3A

Insert after Part 3:

Part 3A Authority's functions as a local government council**18B Conferral of functions**

Pursuant to section 19 of the Act, the Authority, in relation to Sydney Olympic Park, has and may exercise to any necessary extent the following functions of a council (within the meaning of the *Local Government Act 1993*) under:

- (a) in the case of the *Environmental Planning and Assessment Act 1979*:
 - (i) Divisions 2, 3, 6 and 7 of Part 4,
 - (ii) Part 7A,
 - (iii) sections 149A–149G,

Note. The Authority may exercise the functions of a council under Part 6 (Implementation and enforcement) of the *Environmental Planning and Assessment Act 1979*—see section 25 of the *Sydney Olympic Park Authority Act 2001*.
- (b) in the case of the *Environmental Planning and Assessment Regulation 2000*—Parts 4, 6, 7, 8, 9, 12 and 16, clauses 280, 281, 284 and 286, Parts 2, 3 and 4 of Schedule 1, and Schedule 5,
- (c) in the case of the *Local Government Act 1993*:
 - (i) Part 1 (Approvals) of Chapter 7 in so far as it relates to the matters specified in Parts A (Structures or places of public entertainment), C (Management of waste), E (Public roads) and F (Other activities) of the Table to section 68,
 - (ii) Part 2 (Orders) of Chapter 7,
 - (iii) Part 5 (Appeals) of Chapter 7,
 - (iv) Part 2 (Entry on to land and other powers) of Chapter 8,
 - (v) Parts 1 (General offences), 2 (Public places) and 8 (Miscellaneous) of Chapter 16,
 - (vi) Chapter 17, except section 674 and Divisions 4 and 5 of Part 2 (Proceedings by the council or its employees),

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- (d) the *Local Government (General) Regulation 1999*,
 - (e) the *Local Government (Approvals) Regulation 1999*,
 - (f) the *Local Government (Orders) Regulation 1999*,
 - (g) the *Food Act 1989*,
 - (h) the *Food Regulation 2001*,
 - (i) Part 4 (Microbial control) of the *Public Health Act 1991*,
 - (j) the *Public Health (Microbial Control) Regulation 2000*,
 - (k) the *Swimming Pools Act 1992*,
 - (l) the *Swimming Pools Regulation 1998*.

[11] Clauses 19–19D

Omit clause 19. Insert instead:

19 Fees

- (1) The Authority may charge and recover a fee for any authorisation it gives or any service it provides under the Act or any other Act or this Regulation or any other statutory instrument.
- (2) The services for which a fee may be charged include the following:
 - (a) supplying a service, product or commodity,
 - (b) giving information,
 - (c) providing a service in connection with the exercise of the Authority's regulatory functions—for example, receiving an application for an approval or a certificate, granting an approval, making an inspection and issuing a certificate,
 - (d) allowing admission to a sportsground or to any building or enclosure.
- (3) In particular, the Authority may charge a fee for inspecting premises that are reasonably required to be inspected in the exercise of the Authority's functions, whether or not the inspection is requested or agreed to by the owner or occupier of the premises.

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- (4) However, the Authority may not charge a fee for the inspection of premises that are not used for a commercial activity, except where it is necessary to inspect the premises in connection with an application for an approval or a certificate concerning the premises or in connection with any inspection that is reasonably necessary to determine if an approval or a certificate has been complied with.
 - (5) If inspections of premises are reasonably necessary to determine if an approval or a certificate has been complied with, a fee may not be charged for the inspection of any thing for which the Authority relies on a certificate under section 93 of the *Local Government Act 1993* that the thing has been done in compliance with the approval or certificate.
 - (6) A fee charged for inspecting premises must be repaid to the person who paid it if the inspection is not carried out.

19A Determination of amount of fee

- (1) The Authority must determine the amount of a fee it proposes to charge before it can impose the fee.
- (2) The Authority may, from time to time, determine to increase or decrease the amount of a fee that has been determined under this clause.
- (3) In making a determination under this clause in respect of a fee for giving an authorisation, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of giving the authorisation,
 - (b) the nature of the authorisation given.
- (4) In making a determination under this clause in respect of a fee for providing a service, the Authority must take into consideration the following factors:
 - (a) the cost to the Authority of providing the service,
 - (b) the price suggested for that service by any relevant industry body or in any schedule of charges published, from time to time, by the government department or agency engaged in the administration of the Act or statutory instrument under which the service is provided,
 - (c) the importance of the service to the community.

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- (5) The cost to the Authority of providing a service in connection with the exercise of a regulatory function need not be the only basis for determining the fee for that service.
- (6) A higher fee or an additional fee may be charged for an expedited service provided, for example, in the case of urgency.

19B Effect of other Acts and statutory instruments

- (1) If the amount of a fee for a service is determined under an Act (other than the Act) or statutory instrument, the Authority may charge a fee in addition to the amount determined under the Act concerned or the statutory instrument.
- (2) If the charging of a fee for a service is prohibited under an Act, the Authority must not charge a fee for that service.

19C Authority may waive or reduce fees

The Authority may waive payment of, or reduce, a fee (whether expressed as an actual or a maximum amount) in a particular case if the Authority is satisfied that the case falls within a category of hardship or any other category in respect of which the Authority has determined that payment should be so waived or reduced.

19D Schedule of fees

The Authority may, from time to time, publish a schedule of fees that may be charged by the Authority, whether the fees are determined under the Act or this Regulation or under another Act or statutory instrument.

[12] Clause 22 Removal of certain persons

Insert “, unless, in the case of a vehicle, the person is so affected by alcohol that the driving of the vehicle by the person would cause, or be likely to cause, the person to commit an offence” after “concerned” in clause 22 (4).

[13] Clause 25 Penalty notices: section 79

Omit “Column 4” from clause 25 (b). Insert instead “Column 2”.

[14] Clause 26 Short description of offences

Omit the clause.

[15] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 25)

Column 1	Column 2
Offence	Penalty
clause 3	\$200
clause 3A (2)	\$200
clause 3A (3)	\$200
clause 4 (2)	\$200
clause 5 (1C)	\$200
clause 6 (1)	\$150
clause 7	\$150
clause 8 (2)	\$20
clause 9 (2)	\$150
clause 9 (4)	\$150
clause 10 (3)	\$200
clause 11 (1)	\$200
clause 12 (1)	\$150
clause 13B (2)	\$150
clause 13B (5)	\$150

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Column 1	Column 2
Offence	Penalty
clause 14	\$500
clause 18A	\$200
clause 20 (3)	\$150
clause 21 (2)	\$200
clause 22 (1)	\$200
clause 23 (3)	\$200

BY AUTHORITY