

[Act 2001 No 57]



New South Wales

Sydney Olympic Park Authority Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The object of this Bill is to provide for the use and management of the area of land at Homebush Bay that comprised the principal site for the 2000 Sydney Olympic Games, together with some areas of adjoining land, subsequent to the successful completion of the Olympic Games. The Bill identifies the land, to be called Sydney Olympic Park, and constitutes a statutory corporation, the Sydney Olympic Park Authority (*the Authority*), which is to have responsibility for the land. The principal functions of the Authority are as follows:

- (a) to promote, co-ordinate and manage the orderly and economic development and use of Sydney Olympic Park, including the provision and management of infrastructure,

* Amended in committee—see table at end of volume.

- (b) to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, sporting, educational, commercial, tourist, recreational, entertainment and transport activities and facilities,
- (c) to protect and enhance the natural and cultural heritage of Sydney Olympic Park, particularly the Millennium Parklands,
- (d) to provide, operate and maintain public transport facilities within Sydney Olympic Park,
- (e) to liaise with and maintain arrangements with the International Olympic Committee and the Australian Olympic Committee Incorporated.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 July 2001.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Constitution of Authority

Clause 4 constitutes the Authority.

Clause 5 provides that the Authority is to be a statutory body representing the Crown.

Part 3 Vesting of land

Clause 6 vests the lands comprising Sydney Olympic Park in the Authority for an estate in fee simple.

Clause 7 provides for the vesting of various roads within Sydney Olympic Park, some of which are vested in the Authority and some in Auburn Council.

Clause 8 provides that the Silverwater Nature Reserve, although situated within Sydney Olympic Park, does not vest in the Authority.

Clause 9 generally provides that lands vested in the Authority are vested subject to all existing encumbrances and restrictions. However, a small number of encumbrances that are specifically identified on a map referred to in this clause of the Bill are extinguished.

Clause 10 provides that rights under existing agreements entered into with the Olympic Co-ordination Authority will not be affected by the proposed Act.

Clause 11 provides that no entitlement to compensation is created as a consequence of the operation of Part 3 of the proposed Act.

Part 4 Functions of Authority

Division 1 Principal functions

Clause 12 sets out the Authority's principal functions.

Clause 13 provides that the Authority is to have such other functions as are statutorily conferred and any consequential functions as may be necessary or expedient for the exercise of its other functions.

Clause 14 provides that the Authority is to observe the principles of ecologically sustainable development in carrying out its functions.

Clause 15 enables the Authority, with the consent of the Minister, to carry out certain of its functions on land outside Sydney Olympic Park.

Division 2 Local government and environmental planning functions

Clause 16 provides for the interpretation of certain expressions used in Division 2 of Part 4 of the proposed Act.

Clause 17 requires the Authority to prepare a master plan for the management, use and development of land within Sydney Olympic Park. Such a master plan cannot be made without the approval of the Minister for Urban Affairs and Planning.

Clause 18 enables the Authority to exercise certain of the functions of a local government council in relation to Sydney Olympic Park.

Clause 19 enables the Authority, if requested by the Director-General of the Department of Urban Affairs and Planning to do so, to contribute to the preparation of environmental planning instruments and development control plans under the *Environmental Planning and Assessment Act 1979*.

Clause 20 provides that the Minister for Urban Affairs and Planning is to be the consent authority for any development within Sydney Olympic Park.

Clause 21 enables the Minister for Urban Affairs and Planning to prepare and approve contributions plans under section 94B of the *Environmental Planning and Assessment Act 1979* for use in relation to development within Sydney Olympic Park.

Clause 22 enables a consent authority to delegate its functions relating to the certification of development under Part 4A of the *Environmental Planning and Assessment Act 1979* to the Authority.

Clause 23 gives the Authority the enforcement powers of a council under Part 6 of the *Environmental Planning and Assessment Act 1979*.

Clause 24 enables the Authority to approve plans of subdivision in relation to development carried out by it as if it were a local government council.

Clause 25 requires a person who makes a development application for consent to carry out significant development on land adjoining Sydney Olympic Park (that is, on land within an area identified as the Sydney Olympic Park Development Area) to notify the Authority before making the application.

Division 3 Millennium Parklands

The *Millennium Parklands* are defined in Schedule 3 to the proposed Act by reference to a map. They comprise a substantial area of land that includes Bicentennial Park and the Silverwater Nature Reserve.

Clause 26 sets out the Authority's objects in relation to the Millennium Parklands. The clause re-enacts what were previously the objects of the Bicentennial Park Trust under section 6 of the *Bicentennial Park Trust Act 1987* and, in relation to the Silverwater Nature Reserve, preserves the purposes for which the nature reserve is taken to be dedicated under section 49 (3) of the *National Parks and Wildlife Act 1974*.

Clause 27 provides that the Authority's functions in relation to the Millennium Parklands are to maintain the Parklands and to permit the use of the whole or any part of them for activities of a recreational, historical, scientific, educational or cultural nature.

Clause 28 relates to the Silverwater Nature Reserve, which is to be renamed by the proposed Act as the Newington Nature Reserve. The land comprising the reserve does not vest in the Authority. The reserve is to continue to be under the care, control and management of the Director-General of National Parks and Wildlife in accordance with the provisions of the *National Parks and Wildlife Act 1974*.

Clause 29 prohibits the Authority from selling, mortgaging or otherwise disposing of the Millennium Parklands and prevents the compulsory acquisition of the Millennium Parklands, except by an Act of Parliament.

Clause 30 enables the Authority, with the approval of the Minister, to grant leases, licences and easements over the Millennium Parklands. A lease cannot be granted for a term that exceeds 25 years.

Clause 31 enables the Authority to divide the Millennium Parklands into precincts and to name, and rename, precincts.

Clause 32 requires the Authority to prepare a plan of management for the Millennium Parklands. Such a plan may incorporate a plan of management prepared by the Director-General of National Parks and Wildlife for the Newington Nature Reserve.

Clause 33 provides for the adoption of a plan of management by the Minister and for the processes that are to precede adoption.

Clause 34 provides for the subsequent amendment of a plan of management and for its possible substitution by a new plan.

Clause 35 places an obligation on the Authority to carry out and give effect to a plan of management.

Division 4 Roads and traffic management functions

Clause 36 provides that a public road within Sydney Olympic Park cannot be opened, closed or changed, without the consent of the Authority.

Clause 37 makes the Authority the roads authority under the *Roads Act 1993* for public roads within Sydney Olympic Park that are vested in it.

Clause 38 prevents a private road within Sydney Olympic Park from being opened, closed, changed, regulated or used for a purpose other than a road, without the consent of the Authority.

Clause 39 requires the Authority to prepare a traffic management plan, or plans, for all roads within Sydney Olympic Park (including roads that are not vested in the Authority). The clause specifies the processes that are to be observed in the preparation of a traffic management plan, and authorises the Authority to control and regulate traffic in accordance with a traffic management plan.

Clause 40 makes it an offence for a person to fail to observe a road closure within Sydney Olympic Park, or to interfere with structures provided for the purpose of closing a road.

Clause 41 provides that a road, when temporarily closed, does not lose its status as a road.

Clause 42 gives the Authority the power to direct the removal of unattended motor vehicles and trailers at Sydney Olympic Park that are standing unlawfully, that constitute a danger, or that are causing an obstruction.

Clause 43 enables the Roads and Traffic Authority (*RTA*) to delegate functions to the Authority.

Clause 44 gives the Authority, in relation to land within Sydney Olympic Park, the same functions as a local government council under the pay parking regulations (that is, the regulations made under the *Road Transport (Safety and Traffic Management) Act 1999* in respect of pay parking).

Division 5 Environment protection

Clause 45 makes the Environment Protection Authority the appropriate regulatory authority for the purposes of the *Protection of the Environment Operations Act 1997* for premises occupied at, and activities carried out on land at, Sydney Olympic Park.

Division 6 Ancillary functions

Clause 46 enables the Authority to acquire land by agreement or by compulsory process.

Clause 47 provides that, for the purposes of the *Public Works Act 1912*, an acquisition of land by the Authority is taken to be an authorised work for which the Authority is taken to be the Constructing Authority.

Clause 48 enables the Authority to dedicate land for a public purpose or as a public road.

Clause 49 enables the Authority to acquire property by gift, devise or bequest.

Clause 50 restricts the ability of the Authority to dispose of or deal with property acquired by gift, devise or bequest.

Clause 51 enables the Authority to obtain the assistance of other persons in the exercise of its functions.

Clause 52 enables the Authority to delegate its functions.

Clause 53 enables the Authority, with the approval of the Minister, to form, to participate in the formation of, and to deal in interests in, private corporations and subsidiary corporations.

Clause 54 enables the Authority to carry on a joint venture in accordance with Part 2D of the *Public Authorities (Financial Arrangements) Act 1987*.

Part 5 Management of Authority

Clause 55 places the Authority under the control and direction of the Minister.

Clause 56 establishes the Board of the Authority, comprising the Chief Executive Officer and not less than 3 persons appointed by the Minister.

Clause 57 enables the Board to be assisted by committees. The Board is required to establish and to be assisted by an Advisory Committee for Millennium Parklands.

Clause 58 specifies the role of the Chief Executive Officer.

Clause 59 enables the employment of the Authority's staff under Part 2 of the *Public Sector Management Act 1988* and the engaging of consultants and other persons for the purpose of obtaining services, information or advice.

Clause 60 enables the Authority to engage persons as rangers.

Clause 61 makes it an offence for a person to obstruct or impersonate a ranger.

Part 6 Miscellaneous

Clause 62 makes it an offence for a person, other than the Authority, to use the name “Sydney Olympic Park” for a commercial purpose without the written consent of the Authority.

Clause 63 prevents a public authority from making, without the written consent of the Authority, an arrangement with an Olympic organisation for the use of any matter for which the Olympic organisation owns or controls the copyright.

Clause 64 enables any person to inspect a drawing referred to in the proposed Act (being a drawing, for example, that defines the land that comprises Sydney Olympic Park, the Sydney Olympic Park Development Area or the Millennium Parklands) free of charge during the ordinary office hours of the Authority.

Clause 65 makes it an offence for a person to improperly disclose information obtained in connection with the administration or execution of the proposed Act.

Clause 66 makes it an offence for a person, who obtains knowledge through his or her association with the Authority concerning dealings in land, to use that information to his or her advantage.

Clause 67 exonerates persons acting for the Authority from personal liability for acts or omissions done or omitted in good faith.

Clause 68 provides that the financial year of the Authority is the year commencing on 1 July.

Clause 69 provides for the keeping of the seal of the Authority and for the manner in which it is to be fixed to a document.

Clause 70 enables the Authority to recover money due to it as a debt.

Clause 71 provides that the proposed Act binds the Crown.

Clause 72 enables proceedings for an offence against the proposed Act or any regulations made under it to be dealt with summarily before a Local Court.

Clause 73 applies the “owner onus” provisions to parking offences committed within Sydney Olympic Park.

Clause 74 enables the prosecution of certain offences by means of penalty notices.

Clause 75 enables the amendment of Schedule 1 (the description of the land that comprises Sydney Olympic Park) and Schedule 2 (the description of the land that comprises the Sydney Olympic Park Development Area) by regulation.

Clause 76 enables the addition of land to Schedule 3 (the description of the land that comprises the Millennium Parklands) by regulation.

Clause 77 enables the making of regulations for the purposes of the proposed Act.

Clause 78 repeals the *Homebush Bay Operations Act 1999* (but not the *Homebush Bay Operations Regulation 1999*) and enacts certain savings provisions consequent on the repeal.

Clause 79 provides for the amendment of the *Homebush Bay Operations Regulation 1999* as set out in Schedule 5.

Clause 80 repeals the *Bicentennial Park Trust Act 1987* and the *Bicentennial Park Regulation 2000*.

Clause 81 provides for the amendment of the *Water Management Act 2000* as set out in Part 1 of Schedule 6 and replaces the *Water Supply Authorities (Olympic Co-ordination Authority) Regulation 1999* with the *Water Management (Sydney Olympic Park Authority) Regulation 2001* set out in Part 2 of Schedule 6.

Clause 82 provides for the amendment of the Acts and instruments specified in Schedule 7.

Clause 83 gives effect to Schedule 8, which contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

Clause 84 requires the Minister to carry out a review of the proposed Act as soon as possible after 5 years from the date of assent.

Schedule 1 Sydney Olympic Park

Schedule 1 contains a description, by reference to a drawing deposited in the office of the Authority, of the land that comprises Sydney Olympic Park.

Schedule 2 Sydney Olympic Park Development Area

Schedule 2 contains a description, by reference to a drawing deposited in the office of the Authority, of the land that comprises the Sydney Olympic Park Development Area.

Schedule 3 Millennium Parklands

Schedule 3 contains a description, by reference to a drawing deposited in the office of the Authority, of the land that comprises the Millennium Parklands.

Schedule 4 Constitution and procedure of Board

Part 1 of **Schedule 4**, comprising clause 1, contains definitions of *appointed member* and *member* of the Board.

Part 2 of **Schedule 4**, comprising clauses 2–9, contains provisions relating to the constitution of the Board.

Part 3 of **Schedule 4**, comprising clauses 10–15, contains provisions relating to the procedure to be observed at meetings of the Board.

Schedule 5 Amendment of Homebush Bay Operations Regulation 1999

The *Homebush Bay Operations Regulation 1999* was made in order to control and regulate activities on land at Homebush Bay during the conduct of the Sydney Olympic Games. **Schedule 5** contains amendments to the regulation to convert it into a regulation that is appropriate to regulate activities on land within Sydney Olympic Park under the proposed Act.

Schedule 6 Water management legislation

Part 1 of **Schedule 6** amends the *Water Management Act 2000* to remove the Olympic Co-ordination Authority from the list of water supply authorities under that Act and to add to the list of water supply authorities the name of the Sydney Olympic Park Authority.

Part 2 of **Schedule 6** replaces the *Water Supply Authorities (Olympic Co-ordination Authority) Regulation 1999* with the *Water Management (Sydney Olympic Park Authority) Regulation 2001*, the terms of which are set out in that Part.

Schedule 7 Amendment of Acts and instruments

Schedule 7 makes amendments, consequent on the enactment of the proposed Act, to the following Acts and instruments:

Fines Act 1996

Impounding Act 1993

Olympic Co-ordination Authority Act 1995

Protection of the Environment Operations (Penalty Notices) Regulation 1999

Public Finance and Audit Act 1983

Public Sector Management Act 1988

Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

State Environmental Planning Policy No 38—Olympic Games and Related Projects

Schedule 8 Savings, transitional and other provisions

Schedule 8 contains savings, transitional and other provisions consequent on the enactment of the proposed Act.