



New South Wales

# Sydney Olympic Park Authority Amendment Bill 2009

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Sydney Olympic Park Authority Act 2001* (***the principal Act***):

- (a) to make provision for the management of noise emissions in respect of major events carried on at Sydney Olympic Park, and
- (b) to expand the functions of the Sydney Olympic Park Authority to include the function of promoting, co-ordinating, organising, managing, undertaking, securing, providing and conducting residential facilities, and
- (c) to make other minor amendments to facilitate the administration of the principal Act or by way of statute law revision.

This Bill also amends the *Protection of the Environment Operations (General) Regulation 2009* to provide for certain exceptions to the provisions of the *Protection of the Environment Operations Act 1997* dealing with noise but only in relation to activities at Sydney Olympic Park carried out in accordance with an approved noise management plan.

## Outline of provisions

**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 a day or days to be proclaimed.

### **Schedule 1      Amendment of Sydney Olympic Park Authority Act 2001 No 57**

**Schedule 1 [1]** amends the objects of the principal Act to remove a reference to Sydney Olympic Park becoming a vibrant town centre. Instead, the object of the principal Act will be to ensure that Sydney Olympic Park becomes a vibrant centre within metropolitan Sydney.

**Schedule 1 [2]** amends the objects of the principal Act to include taking all reasonable steps to ensure that any new development carried out under or in accordance with the principal Act accords with best practice accessibility standards as well as best practice environmental and town planning standards.

**Schedule 1 [3]** updates the definition of *Environmental Guidelines* in section 4 of the principal Act.

**Schedule 1 [4]** inserts definitions for the terms *Minister for Planning* and *ranger*, which are used in the principal Act.

**Schedule 1 [5]** provides that the functions of the Sydney Olympic Park Authority include the function of promoting, co-ordinating, organising, managing, undertaking, securing, providing and conducting residential facilities.

**Schedule 1 [6]** makes it clear that provisions of the master plan for Sydney Olympic Park may apply to the whole or any part of the Park.

**Schedule 1 [7]** inserts proposed section 48A. The proposed section prevents criminal proceedings, civil proceedings or noise abatement action from being taken in respect of the emission of noise from major events held at Sydney Olympic Park that does not exceed the maximum permissible noise level which is defined. The proposed section is similar to a provision enacted with respect to Luna Park.

**Schedule 1 [8]** amends section 79 of the principal Act to provide that an authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against section 67 of the principal Act. That section makes it an offence to use the name Sydney Olympic Park without the consent of the Sydney Olympic Park Authority. Currently, a penalty notice may only be issued in respect of an offence against the regulations. **Schedule 1 [9]** makes a consequential amendment.

**Schedule 1 [10]** amends Schedule 8 to the principal Act to enable regulations to be made containing provisions of a savings or transitional nature as a consequence of the enactment of the proposed Act.

## **Schedule 2      Amendment of Protection of the Environment Operations (General) Regulation 2009**

**Schedule 2** amends the *Protection of the Environment Operations (General) Regulation 2009* to provide that activities carried out at Sydney Olympic Park are exempt from certain provisions of the *Protection of the Environment Operations Act 1997* (relating to the emission of noise) so long as the Director-General of the Department of Environment, Climate Change and Water has approved a noise management plan for Sydney Olympic Park and the activities are carried out in accordance with that noise management plan. The proposed clause is similar to a provision made with respect to Luna Park.



First print



New South Wales

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## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Sydney Olympic Park Authority Act 2001 No 57	3
Schedule 2 Amendment of Protection of the Environment Operations (General) Regulation 2009	6





New South Wales

# **Sydney Olympic Park Authority Amendment Bill 2009**

No. , 2009

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## **A Bill for**

An Act to amend the *Sydney Olympic Park Authority Act 2001* to make provision with respect to noise management at major events carried on at Sydney Olympic Park; to make provision with respect to the functions of the Sydney Olympic Park Authority in relation to residential facilities; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Sydney Olympic Park Authority Amendment Act 2009</i> .	3
<b>2 Commencement</b>	4
This Act commences on a day or days to be appointed by proclamation.	5



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<b>Schedule 1</b>	<b>Amendment of Sydney Olympic Park Authority Act 2001 No 57</b>	1
		2
<b>[1] Section 3 Objects</b>		3
	Omit “town” from section 3 (a).	4
<b>[2] Section 3 (c)</b>		5
	Insert “accessibility standards and” after “practice”.	6
<b>[3] Section 4 Definitions</b>		7
	Omit the definition of <i>Environmental Guidelines</i> from section 4 (1).	8
	Insert instead:	9
	<i>Environmental Guidelines</i> means the <i>Environmental Guidelines for Sydney Olympic Park</i> prepared by the Sydney Olympic Park Authority and dated February 2008, as amended from time to time under this Act.	10
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		12
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<b>[4] Section 4 (1)</b>		14
	Insert in appropriate order:	15
	<i>Minister for Planning</i> means the Minister administering the <i>Environmental Planning and Assessment Act 1979</i> .	16
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	<i>ranger</i> means a person appointed as a ranger under section 65 (1).	18
		19
<b>[5] Section 13 Functions—generally</b>		20
	Insert “, residential” after “commercial” in section 13 (1) (b).	21
<b>[6] Section 18 Master plan</b>		22
	Insert after section 18 (2):	23
	(2A) Provisions of the master plan may apply to the whole or any part of Sydney Olympic Park.	24
		25
<b>[7] Section 48A</b>		26
	Insert after section 48:	27
<b>48A Legal proceedings and other noise abatement action</b>		28
	(1) No criminal proceedings, no civil proceedings (whether at law or in equity) and no noise abatement action may be taken against any person with respect to the emission of noise from Sydney Olympic Park in relation to a major event.	29
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- (2) The emission of such noise from Sydney Olympic Park does not constitute a public or private nuisance. 1  
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- (3) This section does not apply to or in respect of noise that exceeds the maximum permissible noise level at the closest residential facade. 3  
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5
- (4) This section does not limit or otherwise affect: 6
- (a) the operation of the *Environmental Planning and Assessment Act 1979* or any instrument under that Act in its application to land comprising any part of Sydney Olympic Park, except section 121B of that Act to the extent the functions conferred by that section are not exercised by the Authority, or 7  
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11  
12
- (b) the functions of the Authority under sections 19 and 25 of this Act. 13  
14
- (5) For the purposes of this section: 15
- closest residential facade**, in relation to noise, means: 16
- (a) the residential facade closest to the source of the noise, or 17
- (b) if there is more than one source of noise, the residential facade closest to where the noise is loudest, 18  
19
- where a reference to a residential facade is a reference to an outside wall of a building containing residential accommodation. 20  
21
- major event** means a business-oriented occasion or a cultural, social or sporting related occasion occurring on a single day, including an exhibition, a festival, a show and other like happening: 22  
23  
24  
25
- (a) designed for more than 10,000 patrons or participants at a single major event venue, or 26  
27
- (b) designed for more than 20,000 patrons or participants at two or more major event venues, or 28  
29
- (c) that involves a total floor area of temporary tents or marquees of more than 1,000 square metres, or 30  
31
- (d) that involves a total floor area of a temporary stage or platform of more than 300 square metres. 32  
33
- maximum permissible noise level** means: 34
- (a) a noise level of 85dB (A) ( $L_{A10, 15mins}$ ), or 35
- (b) if some other noise level is prescribed by the regulations, that other level, 36  
37

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being, in either case, a noise level determined in accordance with:	1
(c) Australian Standard AS 1055.1—1997, <i>Acoustics—Description and measurement of environmental noise, Part 1: General procedures</i> , as in force from time to time,	2
or	3
(d) Australian Standard AS 1259.1—1990, <i>Acoustics—Sound level meters, Part 1: Non-integrating</i> , as in force from time to time, or	4
(e) Australian Standard AS 2659.1—1988, <i>Guide to the use of sound-measuring equipment, Part 1: Portable sound level meters</i> , as in force from time to time.	5
<b>noise abatement action</b> means:	6
(a) the issuing of a noise control notice, noise abatement order or noise abatement direction under section 264, 268 or 276 of the <i>Protection of the Environment Operations Act 1997</i> ,	7
or	8
(b) the issuing of an order with respect to noise under section 121B of the <i>Environmental Planning and Assessment Act 1979</i> by a person other than the Authority,	9
or	10
(c) action of the kind that may be taken following a complaint under section 79 of the <i>Liquor Act 2007</i> , or	11
(d) any other action of a kind prescribed by the regulations.	12
<b>[8] Section 79 Penalty notices</b>	13
Omit section 79 (1). Insert instead:	14
(1) An authorised officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence against:	15
(a) section 67, being an offence prescribed by the regulations as a penalty notice offence, or	16
(b) the regulations, being an offence prescribed by the regulations as a penalty notice offence.	17
<b>[9] Section 79 (6) (b)</b>	18
Omit “the offence”. Insert instead “an offence”.	19
<b>[10] Schedule 8 Savings, transitional and other provisions</b>	20
Insert at the end of clause 1 (1):	21
<i>Sydney Olympic Park Authority Amendment Act 2009</i>	22

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<b>Schedule 2</b>	<b>Amendment of Protection of the Environment Operations (General) Regulation 2009</b>	1
		2
		3
<b>Clause 95A</b>		4
Insert after clause 95:		5
<b>95A Noise control—Sydney Olympic Park</b>		6
(1) Activities carried out at Sydney Olympic Park are exempt from the following provisions of the Act:		7
		8
(a) Part 4.3 (but only in so far as the provisions relate to the emission of noise),		9
		10
(b) section 139,		11
(c) Part 8.6.		12
(2) Subclause (1) applies only if the Director-General has approved a noise management plan for Sydney Olympic Park and the activities are carried out in accordance with that noise management plan.		13
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(3) In this clause:		17
<i>Sydney Olympic Park</i> has the same meaning as in the <i>Sydney Olympic Park Authority Act 2001</i> .		18
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