

# Sydney Olympic Park Authority Act 2001 No 57

[2001-57]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**
  - [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2008 No 114](#), Sch 2.32 [2] (not commenced — to commence on the commencement of Sch 3.1 [6] to the [Environmental Planning and Assessment Amendment Act 2008](#))
  - [Road Transport Legislation \(Repeal and Amendment\) Act 2013 No 19](#) (not commenced)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Sydney Olympic Park Authority Act 2001 No 57



New South Wales

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# Sydney Olympic Park Authority Act 2001 No 57



New South Wales

An Act to constitute the Sydney Olympic Park Authority and to specify its functions; to amend certain Acts and instruments consequentially; to repeal the *Homebush Bay Operations Act 1999* and the *Bicentennial Park Trust Act 1987*; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Sydney Olympic Park Authority Act 2001*.

### 2 Commencement

This Act commences on 1 July 2001.

### 3 Objects

The objects of this Act are to make all reasonable attempts to:

- (a) ensure that Sydney Olympic Park becomes an active and vibrant centre within metropolitan Sydney, and
- (b) ensure that Sydney Olympic Park becomes a premium destination for cultural, entertainment, recreation and sporting events, and
- (c) ensure that any new development carried out under or in accordance with this Act accords with best practice accessibility standards and environmental and town planning standards, and
- (d) ensure the protection and enhancement of the natural heritage of the Millennium Parklands.

### 4 Definitions

(1) In this Act:

**Authority** means the Sydney Olympic Park Authority constituted by this Act.

**Bicentennial Park Trust** means the Bicentennial Park Trust constituted by the *Bicentennial Park Trust Act 1987*.

**Director-General** means the person exercising functions under the *Public Sector Employment and Management Act 2002* as the Division Head of the relevant Government Service Division.

**Environmental Guidelines** means the *Environmental Guidelines for Sydney Olympic Park* prepared by the Sydney Olympic Park Authority and dated February 2008, as amended from time to time under this Act.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**Millennium Parklands** means the land described in Schedule 3.

**Minister for Planning** means the Minister administering the *Environmental Planning and Assessment Act 1979*.

**OCA** means the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*.

**private road** means:

- (a) a road within Sydney Olympic Park that is subject to a lease to the Royal Agricultural Society of New South Wales, or part of such a road, or
- (b) a road (not being a public road within the meaning of the *Roads Act 1993*) that is prescribed by the regulations, or part of such a road.

**ranger** means a person appointed as a ranger under section 65 (1).

**relevant Government Service Division** means the Division of the Government Service comprising the group of staff who are employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* to enable the Authority to exercise its functions.

**RMS** means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**road** means:

- (a) a road within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or part of such a road, and
- (b) a road related area within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999*, or part of such a road related area.

**Silverwater Nature Reserve** (or **Newington Nature Reserve**) means the lands dedicated as Silverwater Nature Reserve for the purposes of the *National Parks and Wildlife Act 1974* by proclamation published in Government Gazette No 121 of 15

September 2000 at page 10588, and any modification to those lands, or the boundaries of those lands, proclaimed from time to time under the *National Parks and Wildlife Act 1974*.

**Sydney Olympic Park** means the land described in Schedule 1.

**Sydney Olympic Park Development Area** means the land described in Schedule 2.

(2) Notes included in this Act do not form part of this Act.

## Part 2 Constitution of Authority

### 5 Constitution of Authority

- (1) There is constituted by this Act a corporation with the corporate name of the Sydney Olympic Park Authority.
- (2) The Authority may also be called SOPA and the use of that name has the same effect for all purposes as the use of its corporate name.

### 6 Status of Authority

The Authority is, for the purposes of any Act, a statutory body representing the Crown.

## Part 3 Vesting of land

### 7 Vesting of Sydney Olympic Park

The lands comprising Sydney Olympic Park are vested in the Authority for an estate in fee simple, subject to this Part.

### 8 Vesting of certain roads

- (1) **Roads vested in Authority** Without limiting section 7, the roads and lands shown coloured brown on the map marked "Sydney Olympic Park Authority, Sydney Olympic Park Road Transfers, Drawing number HS-P-P-1082" dated 29 May 2001, deposited in the office of the Authority, are vested in the Authority for an estate in fee simple.
- (2) **Roads vested in Auburn Council** The roads and lands shown coloured green on the map marked "Sydney Olympic Park Authority, Sydney Olympic Park Road Transfers, Drawing number HS-P-P-1082" dated 29 May 2001, deposited in the office of the Authority, are vested in the Auburn Council for an estate in fee simple.
- (3) **Road status not affected** This section does not cause a road to cease to be a road.

### 9 Silverwater Nature Reserve

Silverwater Nature Reserve is not vested in the Authority.



## **10 Nature of vesting**

- (1) Lands vested in the Authority by this Part are vested subject to any trusts, obligations, estates, interests, charges and rates existing in respect of them immediately before the lands were vested in the Authority, except as provided by this Act.
- (2) This Part does not operate to vest in the Authority any pipeline or cable, or any apparatus used in connection with any pipeline or cable, that:
  - (a) was situated on or in any part of the principal trust lands within the meaning of the *Bicentennial Park Trust Act 1987* immediately before they were vested in the Authority, and
  - (b) was laid or constructed by or on behalf of the Australian Gas Light Company, the Electricity Commission of New South Wales, the Metropolitan Water Sewerage and Drainage Board, the Sydney County Council or C.S.R. Chemicals Limited.
- (3) However, the encumbrances that are highlighted in orange in the list of encumbrances specified on the map marked "Sydney Olympic Park Authority, Redundant Encumbrances, Drawing number HS-J-L-007" dated 29 May 2001, deposited in the office of the Authority, are extinguished by this section.

## **11 Preservation of rights under existing agreements**

Except to the extent otherwise provided by this Act or the regulations, the rights of any person under an agreement entered into with OCA that is in force immediately before 1 July 2001 are not affected by this Act.

## **12 No compensation payable**

No compensation is payable to any person as a consequence of the operation of this Part.

# **Part 4 Functions of Authority**

## **Division 1 Principal functions**

### **13 Functions—generally**

- (1) The Authority has the following functions:
  - (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,
  - (b) to promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, sporting, educational, commercial, residential, tourist, recreational, entertainment and transport activities and facilities (including the Sydney Olympic Park Sports Centre),

- (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 Olympic organisations, such as the International Olympic Committee and the Australian Olympic Committee Incorporated.

(2) The Authority cannot employ any staff.

**Note—**

Staff may be employed under Chapter 1A of the [Public Sector Employment and Management Act 2002](#) in the Government Service to enable the Authority to exercise its functions.

**14 Other functions**

- (1) The Authority has such other functions as are conferred or imposed on it by or under this or any other Act.
- (2) The Authority may do all such supplemental, incidental or consequential acts as may be necessary or expedient for the exercise of its functions.

**15 Exercise of functions—principles of ecologically sustainable development**

In carrying out any of its functions, the Authority is to take into consideration, where relevant, the principles of ecologically sustainable development within the meaning of the [Local Government Act 1993](#).

**16 Land on which Authority's functions may be exercised**

The Authority, with the consent of the Minister, may exercise its functions (other than its functions under Divisions 2-5) on or in relation to land outside Sydney Olympic Park.

**Division 2 Local government and environmental planning functions**

**17 Interpretation: Division 2**

- (1) For the purposes of this Division, development is carried out by the Authority if the development is carried out by, for or on behalf of the Authority.
- (2) Words and expressions used in the [Environmental Planning and Assessment Act 1979](#) and in this Division have the same meanings in this Division as they have in that Act.
- (3) Subsection (2) does not apply to the extent that the context or subject-matter otherwise indicates or requires.

## **18 Master plan**

- (1) For the purpose of assisting it in the exercise of its functions under this Act, the Authority is to prepare and maintain a master plan for Sydney Olympic Park.
- (2) The master plan may make provision for or with respect to the following:
  - (a) the development and use of land and buildings,
  - (b) the provision of public transport services,
  - (c) the management of roads,
  - (d) the protection, enhancement and use of waterfront areas, parklands and areas of natural vegetation,
  - (e) the use and management of the public domain.
- (2A) Provisions of the master plan may apply to the whole or any part of Sydney Olympic Park.
- (3) The Authority, in preparing the master plan, must ensure that public notice of the draft plan is given in a newspaper circulating throughout the State.
- (4) The master plan has no effect unless it is approved by the Minister for Planning. The Minister may not approve the master plan unless it complies with the requirements of the environmental planning instrument referred to in subsection (7).
- (5) The Minister for Planning must not approve the master plan, or any amendment of the master plan, unless that Minister has considered whether the master plan or the amendment is consistent with the Environmental Guidelines.
- (6) The master plan for Sydney Olympic Park must be consistent with the plan of management for the Millennium Parklands under Division 3 of this Part.
- (7) An environmental planning instrument (within the meaning of the *Environmental Planning and Assessment Act 1979*) or the regulations made under that Act, or both, must make provision for or with respect to the application and effect of the master plan and public exhibition requirements for the master plan.

## **19 Authority's functions as a local government council**

- (1) The Authority, in relation to Sydney Olympic Park, has and may exercise to any necessary extent the functions of a council (within the meaning of the *Local Government Act 1993*) under:
  - (a) sections 24, 25, 26 and 46 of this Act, and
  - (b) a provision of any other Act or a statutory instrument that is specified by the

regulations,

and, for the purpose of the exercise of those functions, Sydney Olympic Park may be taken to be an area (within the meaning of the [Local Government Act 1993](#)).

- (2) The regulations may specify a provision of any other Act or a statutory instrument as in force for the time being or as in force at a date specified by the regulations.
- (3) A function conferred on the Authority under this section is subject to such modifications (if any) as may be specified in the regulations.
- (4) If the Authority so determines, it may exercise a function conferred on it under this section to the exclusion of a council.
- (5) The Authority may revoke a determination under this section.
- (6) The Authority must notify the making or revocation of a determination under this section to any council affected by it.
- (7) Subsections (1) and (2) do not extend to a function the exercise of which is delegated to a council by RMS unless RMS consents to the exercise of the function by the Authority.

## **20 Development to be consistent with Environmental Guidelines**

Before carrying out any proposed development, the Authority is to consider whether the proposed development is consistent with the Environmental Guidelines.

## **21 Environmental planning instruments and development control plans**

The Authority may, at the request of the Director-General of the Department of Planning, provide resources or undertake work in relation to the preparation of environmental planning instruments and development control plans under the [Environmental Planning and Assessment Act 1979](#).

## **22 Consent authority**

- (1) The consent authority for any development carried out by any person on land within Sydney Olympic Park is the Minister for Planning.
- (2) In determining an application for consent to carry out development on land within Sydney Olympic Park, the Minister for Planning must consider the consistency of the proposed development with the Environmental Guidelines.

## **23 Contributions under sec 94 of EP and A Act**

The Minister for Planning may prepare and approve a contributions plan under Division 6 of Part 4 of the [Environmental Planning and Assessment Act 1979](#) for use in relation to the determination of applications to carry out development for which the Minister is the

consent authority under section 22.

#### **24 Certification of development**

- (1) A consent authority may delegate its functions under Part 4A of the *Environmental Planning and Assessment Act 1979* in relation to Sydney Olympic Park to the Authority.
- (2) In the exercise of the functions delegated in accordance with this section, the Authority is taken to be a consent authority for the purposes of the *Environmental Planning and Assessment Act 1979*.

#### **25 Powers of enforcement**

The Authority may exercise the functions of a council under Part 6 of the *Environmental Planning and Assessment Act 1979*.

#### **26 Subdivision legislation—subdivision approval by Authority**

- (1) The functions of a council in relation to approvals for plans of subdivision under the *Conveyancing Act 1919*, the *Strata Schemes (Freehold Development) Act 1973*, the *Strata Schemes (Leasehold Development) Act 1986* or the *Community Land Development Act 1989* may be exercised by the Authority in the case of development carried out by the Authority.
- (2) The approval of a council is not required for any plan that is approved by the Authority in the exercise of those functions.

#### **27 Development of major sites not owned by Authority within Sydney Olympic Park Development Area**

A person cannot make a development application for consent to carry out development on land:

- (a) that is not owned by the Authority, and
- (b) that is within the Sydney Olympic Park Development Area, and
- (c) that:
  - (i) has an area of not less than 10,000 square metres, or
  - (ii) comprises or will result in development having not less than 20,000 square metres of built space,

unless the person has first notified the Authority of the application in writing.

## **Division 3 Millennium Parklands**

### **28 Authority's objects concerning the Millennium Parklands**

The objects of the Authority in relation to the Millennium Parklands are as follows:

- (a) to maintain and improve the Millennium Parklands,
- (b) to encourage the use and enjoyment of the Millennium Parklands by the public by promoting and increasing the recreational, historical, scientific, educational and cultural value of the Millennium Parklands,
- (c) to maintain, in accordance with any relevant plan of management referred to in this Part and the regulations, the public's right to the use of the Millennium Parklands,
- (d) to ensure the protection of the environment within the Millennium Parklands,
- (e) in relation to the Newington Nature Reserve, to ensure the achievement of the purposes for which the nature reserve is deemed to be dedicated under section 49 (3) of the *National Parks and Wildlife Act 1974*,
- (f) such other objects, consistent with the functions of the Authority in relation to the Millennium Parklands, as the Authority considers appropriate.

### **29 Authority's functions concerning the Millennium Parklands**

The Authority has the following functions in relation to the Millennium Parklands:

- (a) to maintain the Millennium Parklands,
- (b) to permit the use of the whole or any part of the Millennium Parklands for activities of a recreational, historical, scientific, educational or cultural nature,
- (c) to exercise such other functions of the Authority as are necessary or convenient in order to give effect to any relevant plan of management referred to in this Part.

### **30 Newington (formerly Silverwater) Nature Reserve**

- (1) This section applies to the Silverwater Nature Reserve dedicated by proclamation published in Government Gazette No 121 of 15 September 2000 at page 10588.
- (2) The name of the nature reserve is altered to Newington Nature Reserve.
- (3) Nothing in subsection (2) affects section 51 of the *National Parks and Wildlife Act 1974*.
- (4) Nothing in this Act affects the continuing application of the *National Parks and Wildlife Act 1974*, and the regulations under that Act, to the Newington Nature Reserve.
- (5) In order to assist the making of future additions of land to the Newington Nature

Reserve, the Authority must manage the lands adjoining the Reserve in sympathy with the Reserve.

### **31 Prohibition against disposal or compulsory acquisition**

- (1) The Authority must not sell, mortgage or otherwise dispose of the Millennium Parklands, or any part of the Millennium Parklands.
- (2) Despite any other Act, the Millennium Parklands, or any part of the Millennium Parklands, cannot be compulsorily acquired except by an Act of Parliament.
- (3) This section does not affect the operation of section 32.

### **32 Grant of leases, easements and licences**

- (1) The Authority may, in accordance with the provisions of this section and with the approval of the Minister, grant:
  - (a) leases of parts of the Millennium Parklands, and
  - (b) easements through, on or in the Millennium Parklands, and
  - (c) licences for use of parts of the Millennium Parklands.
- (2) A lease, licence or any other interest or estate in respect of the Millennium Parklands may be granted by the Authority:
  - (a) for the provision of public utilities and works associated with or ancillary to public utilities, or
  - (b) in accordance with an express authorisation in the plan of management for the Millennium Parklands and with such provisions of the plan of management as apply to the granting of the lease, licence or other interest or estate.
- (3) The plan of management is to specify the purpose for which any such lease, licence or other interest or estate is to be granted by tender only.
- (4) If the Authority proposes to grant a lease, licence or other interest or estate in respect of the Millennium Parklands, the Authority must:
  - (a) give public notice of the proposal, and
  - (b) exhibit notice of the proposal on the land to which the proposal relates, and
  - (c) give notice of the proposal to such persons as appear to the Authority to own or occupy the land adjoining the land to which the proposal relates.
- (5) The notice of the proposal must include:
  - (a) information sufficient to identify the land concerned, and

- (b) the purpose for which the land will be used under the proposed lease, licence or other interest or estate, and
  - (c) the full term of the proposed lease, licence or other interest or estate, and
  - (d) the name (if known) of the person to whom it is proposed to grant the lease, licence or other interest or estate, and
  - (e) a statement that submissions in writing may be made with respect to the granting of the proposed lease, licence or other interest or estate within such period (of not less than 28 days) as is specified in the notice.
- (6) Any person may make a submission in writing on the proposal to the Authority during the period specified in the notice.
- (7) The Authority must, before granting the proposed lease, licence or other interest or estate, take into consideration all submissions duly made to it.
- (8) In addition to any other restrictions created by a lease granted under subsection (1), land that is the subject of any such lease cannot be sublet for a purpose other than a purpose for which the land is permitted to be used under the plan of management.
- (9) The Authority may, with the approval of the Minister, impose restrictions on the use of, or impose positive covenants on, the Millennium Parklands or other lands in accordance with sections 88D and 88E of the [Conveyancing Act 1919](#).
- (10) A lease granted under subsection (1) (a) may not have a term that, together with the term of any further lease that may be granted pursuant to an option contained in the lease, exceeds 25 years.
- (11) Subsection (10) does not apply to a lease that:
- (a) grants to Cawbac Pty Limited (or any transferee, assignee or successor in title) the same estate or interest in the Millennium Parklands as it had under a lease of the same lands in force immediately before 1 January 1988, and
  - (b) is for a term that, together with any further term available on the exercise of an option for a further lease, expires not later than 31 December 2009.
- (12) This section does not apply to the Newington (formerly Silverwater) Nature Reserve.
- (13) In this section, **easement** includes an easement without a dominant tenement referred to in section 88A of the [Conveyancing Act 1919](#).

### 33 Precincts

- (1) The Authority may divide the Millennium Parklands into precincts.
- (2) The Authority may abolish one or more precincts or change the boundaries of a



precinct.

- (3) The Authority may name or rename a precinct.

#### **34 Preparation of plan of management**

- (1) The Authority, in accordance with any directions of the Minister, must prepare or ensure the preparation of a plan of management for the Millennium Parklands.
- (2) The plan of management is to contain a detailed written scheme of the operations proposed to be undertaken in respect of the Millennium Parklands.
- (3) The plan of management may incorporate a plan of management prepared by the Director-General of National Parks and Wildlife under Part 5 (Plans of management) of the *National Parks and Wildlife Act 1974* in relation to the Newington Nature Reserve.
- (4) Sections 36–36N of the *Local Government Act 1993* (other than sections 36 (1) and (2), 36A (2), 36A (3) (d) and (5), 36B (3), (4) (d) and (6), 36C (2) and (5) and 36D (2), (3) (d) and (5) of that Act) apply to and in respect of the Millennium Parklands as if:
  - (a) the Millennium Parklands were community land within the meaning of that Act, and
  - (b) the Authority were a council within the meaning of that Act, and
  - (c) section 36 (4) of that Act included “contaminated land” as a category.
- (5) A plan of management, and a report that includes a summary of public submissions and responses by the Authority, must be available for public inspection at, and purchase from, the office of the Authority during ordinary office hours.
- (6) The Authority must ensure that the plan of management includes, after consultation with the Director-General of National Parks and Wildlife, a proposal that land adjoining the Newington Nature Reserve is to be managed as a buffer to that reserve.

#### **35 Adoption of plan of management**

- (1) When the plan of management has been prepared, the Authority is to give public notice that the plan has been prepared and must, in the notice:
  - (a) specify the address of the place at which copies of the plan may be inspected, and
  - (b) specify the address to which representations in connection with the plan may be forwarded.
- (2) Any person may, within one month after public notice is given, or within such longer period as may be specified in the notice, make representations to the Authority concerning the plan of management.

- (3) The Authority must refer all representations to the Advisory Committee for Millennium Parklands established under section 62 for its consideration and advice.
- (4) The Authority is to submit the plan of management to the Minister together with any comments and suggested amendments of the Advisory Committee for Millennium Parklands and a report that includes a summary of public submissions and responses by the Authority.
- (5) The Minister may:
  - (a) adopt the plan of management, without alteration or with such alterations as the Minister thinks fit, or
  - (b) refer the plan of management back to the Authority for further consideration.
- (6) The Minister must not adopt the plan of management unless the Minister for the Environment has concurred in the adoption of the plan.
- (7) Once the plan of management is adopted, any member of the public is entitled to inspect, free of charge, at the office of the Authority during ordinary office hours:
  - (a) a copy of the plan, and
  - (b) a copy of a report on the public submissions, and the responses by the Authority, made in respect of the plan.
- (8) The Minister must not adopt the plan of management, or any amendment of a plan of management, unless the Minister has considered the consistency of the plan, or the amendment, with the Environmental Guidelines.

### **36 Amendment or cancellation of plan of management**

- (1) The Authority may, in accordance with any directions of the Minister:
  - (a) amend the plan of management from time to time, or
  - (b) cancel the plan of management and substitute a new plan.
- (2) Sections 34 and 35 apply to an amendment of the plan of management or the substitution of the plan of management in the same way as they apply to the preparation or the adoption of the plan of management.
- (3) However, sections 34 and 35 do not apply to a plan of management made as referred to in section 34 (3) that is incorporated into the plan of management.

### **37 Carrying out of plan of management**

- (1) The Authority is to carry out and give effect to a plan of management adopted by the Minister.

- (2) The Millennium Parklands must be used and managed in accordance with the plan of management.
- (3) Pending adoption of the plan, the nature and use of the Millennium Parklands cannot be changed.

## **Division 4 Roads and traffic management functions**

### **38 Roads**

- (1) A road within Sydney Olympic Park cannot be provided, opened, dedicated, closed (within the meaning of Part 4 of the [Roads Act 1993](#)) or realigned by the Crown, a public authority or any person except with the consent of the Authority.
- (2) Except as provided by subsection (1), this Division does not affect the application of the [Roads Act 1993](#) or any other Act to a road within Sydney Olympic Park.

### **39 Roads for which Authority is roads authority**

The Authority is the roads authority under the [Roads Act 1993](#) in relation to the public roads within Sydney Olympic Park that are vested in it.

### **40 Private roads**

A private road, or part of a private road, within Sydney Olympic Park cannot be:

- (a) provided, opened, closed or realigned, or
- (b) regulated in its use, or
- (c) used for a purpose other than a road,

except with the consent of the Authority.

### **41 Traffic management plans**

- (1) The Authority is to prepare a traffic management plan, or plans, for all roads within Sydney Olympic Park, including roads that are coloured mauve on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the office of the Authority.
- (2) The Authority:
  - (a) may control and regulate traffic in any manner and for any purpose, and
  - (b) may temporarily close a road at any time and for any purpose,in accordance with a traffic management plan.
- (3) A traffic management plan may, with the consent of the owner or occupier of a

private road, apply to a private road within Sydney Olympic Park in the same way as it applies to roads within Sydney Olympic Park that are not private roads, subject to subsection (4).

- (4) A traffic management plan cannot authorise the closure of a private road unless the owner or occupier of the private road has consented to the closure. Such a consent may be given generally or in a particular case or class of cases.
- (5) A traffic management plan is to be prepared in consultation with RMS and does not have effect unless and until RMS has consented in writing to the plan.
- (6) The consent of RMS under subsection (5) is taken to be a consent for the purposes of the *Roads Act 1993* and the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*) in so far as the consent of RMS would, but for this subsection, be required under that Act or that legislation in relation to any matter dealt with in or arising under the traffic management plan.
- (7) The Authority may amend a traffic management plan from time to time. Subsection (5) applies to the amendment of a traffic management plan in the same way as it applies to a traffic management plan.
- (8) Nothing in this section affects the functions of the Authority as a roads authority under the *Roads Act 1993*.

#### **42 Offences relating to road closures**

- (1) If, under this Part, a road is closed to vehicles (whether or not it is also closed to pedestrians) by the use of a sign or barrier:
  - (a) a person must not bring a vehicle onto the road contrary to the sign or by interfering with the barrier, except as permitted by a person authorised by the Authority or RMS, or a police officer, and
  - (b) a person in charge of a vehicle situated on the road:
    - (i) who is informed by a person authorised by the Authority or RMS, or a police officer, that the road is closed, and
    - (ii) who is directed by such a person, or a police officer, to remove the vehicle from the road,must remove the vehicle from the road as soon as practicable after the direction is given.

Maximum penalty: 20 penalty units.

- (2) If, under this Part, a road is closed to pedestrians (whether or not it is also closed to vehicles) by use of a sign or barrier:

- (a) a person must not enter the road contrary to the sign or by interfering with the barrier, except as permitted by a person authorised by the Authority or RMS, or a police officer, or
- (b) a person on the road:
  - (i) who is informed by a person authorised by the Authority or RMS, or a police officer, that the road is closed, and
  - (ii) who is directed by such a person, or a police officer, to leave the road, must leave the road as soon as practicable after the direction is given.

Maximum penalty: 20 penalty units.

- (3) A person must not damage, remove or interfere with a sign or barrier erected or provided for the purpose of closing a road under this Part, except as permitted by a person authorised by the Authority or RMS, or a police officer.

Maximum penalty: 20 penalty units.

#### **43 Effect of road closure**

A road, or any part of a road, within Sydney Olympic Park does not cease to be a road for the purposes of the road transport legislation (within the meaning of the *Road Transport (General) Act 2005*), the *Motor Accidents Compensation Act 1999* or any other Act or law because it is closed or access to it is restricted or the use of it is restricted under this or any other Act.

#### **44 Removal of unattended motor vehicles and trailers**

- (1) This section applies to an unattended motor vehicle or trailer at Sydney Olympic Park that:
  - (a) is standing unlawfully, or
  - (b) constitutes a danger to persons or property, or
  - (c) is causing an obstruction.
- (2) The Authority may, at any time, direct a person authorised by the Authority to remove an unattended motor vehicle or trailer to which this section applies from Sydney Olympic Park, or from any part of Sydney Olympic Park to another part of Sydney Olympic Park, if the Authority is of the opinion that it is necessary to do so.
- (3) Section 76 of the *Road Transport (Safety and Traffic Management) Act 1999* applies to motor vehicles or trailers to which this section applies in the same way as it applies to an unattended motor vehicle or trailer unlawfully standing on a prescribed place within the meaning of that section.

- (4) In this section, **motor vehicle** and **trailer** have the same meanings as in the [Road Transport \(Safety and Traffic Management\) Act 1999](#).

#### **45 Delegation of functions by RMS to the Authority**

The Authority is taken to be an authorised person for the purposes of section 50 of the [Transport Administration Act 1988](#).

**Note—**

The effect of this section is to enable RMS to delegate any of its functions (other than the power of delegation) to the Authority.

#### **46 Parking**

The Authority has, in relation to land within Sydney Olympic Park, the same functions as a council and other persons and bodies have under the pay parking regulations (being the regulations made under the [Road Transport \(Safety and Traffic Management\) Act 1999](#) in respect of pay parking).

### **Division 5 Environment protection**

#### **47 (Repealed)**

#### **48 Maintenance and extension of water reuse system**

- (1) The Authority must maintain and extend, to the greatest extent practicable, the use of the Water Reclamation and Management Scheme at Sydney Olympic Park.
- (2) The Authority must encourage the use of renewable energy.

#### **48A Legal proceedings and other noise abatement action**

- (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.
- (2) The emission of such noise from Sydney Olympic Park does not constitute a public or private nuisance.
- (3) This section does not apply to or in respect of noise that exceeds the maximum permissible noise level at the closest residential facade.
- (4) This section does not limit or otherwise affect:
  - (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
  - (b) the functions of the Authority under sections 19 and 25 of this Act.

(5) For the purposes of this section:

**closest residential facade**, in relation to noise, means:

- (a) the residential facade closest to the source of the noise, or
- (b) if there is more than one source of noise, the residential facade closest to where the noise is loudest,

where a reference to a residential facade is a reference to an outside wall of a building containing residential accommodation.

**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:

- (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.

**maximum permissible noise level** means:

- (a) a noise level of 85dB (A) ( $L_{A10, 15mins}$ ), or
  - (b) if some other noise level is prescribed by the regulations, that other level,
- being, in either case, a noise level determined in accordance with:
- (c) Australian Standard AS 1055.1—1997, *Acoustics—Description and measurement of environmental noise, Part 1: General procedures*, as in force from time to time, or
  - (d) Australian Standard AS 1259.1—1990, *Acoustics—Sound level meters, Part 1: Non-integrating*, as in force from time to time, or
  - (e) Australian Standard AS 2659.1—1988, *Guide to the use of sound-measuring equipment, Part 1: Portable sound level meters*, as in force from time to time.

**noise abatement action** means:

- (a) the issuing of a noise control notice, noise abatement order or noise abatement direction under section 264, 268 or 276 of the [Protection of the Environment](#)

*Operations Act 1997*, or

- (b) the issuing of an order with respect to noise under section 121B of the *Environmental Planning and Assessment Act 1979* by a person other than the Authority, or
- (c) action of the kind that may be taken following a complaint under section 79 of the *Liquor Act 2007*, or
- (d) any other action of a kind prescribed by the regulations.

## **Division 6 Ancillary functions**

### **49 Amendment of Environmental Guidelines**

- (1) The Authority may, with the consent of the Minister, amend the Environmental Guidelines.
- (2) Before the Minister gives consent to a proposed amendment to the Environmental Guidelines, the Authority must:
  - (a) give public notice of its intention to amend the Guidelines, and
  - (b) publicly exhibit the proposed amendment for a period of not less than 28 days.
- (3) During the period of public exhibition referred to in subsection (2) (b), any person may make a written submission to the Authority concerning the proposed amendment.
- (4) When submitting an amendment to the Minister for approval, the Authority must give the Minister a report that includes a summary of public submissions and responses by the Authority.
- (5) The Environmental Guidelines may be amended only if:
  - (a) the proposed amendment will improve the environmental outcomes provided for in those Guidelines, and
  - (b) the Minister for Planning has been consulted on the proposed amendment.
- (6) Any member of the public is entitled to inspect, free of charge, at the office of the Authority during ordinary business hours, a copy of the Environmental Guidelines and a copy of the report referred to in subsection (4).

### **50 Annual state of environment report**

- (1) The Authority must produce an annual report as to the state of the environment in Sydney Olympic Park, and in particular in relation to the following environmental sectors:
  - (a) land,



- (b) air,
- (c) water,
- (d) biodiversity,
- (e) waste,
- (f) noise,
- (g) Aboriginal heritage,
- (h) non-Aboriginal heritage,

with particular reference, with regard to each such environmental sector, to:

- (i) management plans relating to the environment, and
- (j) special projects relating to the environment, and
- (k) the environmental impact of activities at Sydney Olympic Park, and
- (l) environmental impacts from the operation of buildings at Sydney Olympic Park.

- (2) In preparing the report, the Authority must make reasonable endeavours to obtain information in relation to any land, building or facility that is not owned or under the control of the Authority and that is relevant for the purposes of this section.

### **51 Acquisition of land**

The Authority may acquire land, for the purposes of this Act, by agreement or by compulsory process in accordance with the [Land Acquisition \(Just Terms Compensation\) Act 1991](#).

### **52 Application of Public Works Act 1912**

- (1) For the purposes of the [Public Works Act 1912](#), any acquisition of land under this Act is taken to be for an authorised work, and the Authority is, in relation to that authorised work, taken to be the Constructing Authority.
- (2) Sections 34, 35, 36 and 37 of the [Public Works Act 1912](#) do not apply to or in respect of works constructed under this Act.

### **53 Dedication of land**

- (1) The Authority may, by notification published in the Gazette, declare that it proposes to surrender land described or referred to in the notification to the Crown to be dedicated:
- (a) for any public purpose specified in the notification, or

(b) if so specified in the notification, as a public road.

(2) When the land is surrendered:

(a) it becomes Crown land reserved from sale, lease or licence under the *Crown Lands Act 1989*, and

(b) on revocation of the reservation, it may be dedicated under that Act for the public purpose specified in the notification or under section 12 of the *Roads Act 1993* as a public road.

(3) The Authority may, in a notification published under subsection (1), limit the description of, or reference to, land to a specified depth below the surface of the land. If the description or reference is so limited, subsection (2) does not apply to land below the specified depth.

(4) The Authority may, by notification published in the Gazette, declare any elevated or subterranean structure owned by the Authority that continues the line of a public road to be a public road. On the publication of the notification in the Gazette, the structure, except in relation to any vesting of the structure, is taken to be a public road.

#### **54 Acquisition of property by gift, devise or bequest**

(1) The Authority may acquire by gift, devise or bequest any property for the purposes of this Act and may agree to carry out the conditions of any such gift, devise or bequest.

(2) The rule of law against remoteness of vesting does not apply to any condition of a gift, devise or bequest to which the Authority has agreed.

(3) The *Duties Act 1997* does not apply to or in respect of any gift, devise or bequest made or to be made to the Authority.

#### **55 Dealings with certain property acquired by gift, devise or bequest**

(1) The Authority must not sell, lease, exchange or otherwise dispose of or deal with property acquired by gift, devise or bequest except:

(a) if the property has been acquired subject to a condition to which the Authority has agreed under section 54 (1), in accordance with the condition, or

(b) in any other case, with the approval of the Minister.

(2) Despite subsection (1) but subject to subsection (3), if the Authority decides that any property that has been acquired by the Authority subject to a condition to which the Authority has agreed under section 54 (1) is not required for the purposes of the Authority, the Authority may:

(a) sell the property and retain the proceeds of the sale as property of the Authority,  
or

- (b) exchange the property for other property, or
- (c) if the Authority is of the opinion that the property is of no commercial value, dispose of the property without valuable consideration,

in contravention of the condition.

- (3) The Authority must not sell, exchange or otherwise dispose of any property under subsection (2) except with the consent of the Minister and in accordance with any condition the Minister may impose upon the grant of that consent.
- (4) The Minister may consent to the sale, exchange or disposal of property for the purposes of this section and may impose any condition the Minister thinks fit upon the grant of that consent.

#### **56 Exercise of Authority's functions**

The Authority, in the exercise of its functions, may arrange for the use of the services of any other person.

#### **57 Delegation of Authority's functions**

- (1) The Authority may delegate to an authorised person any of its functions, other than this power of delegation.
- (2) A delegate may sub-delegate to an authorised person any function delegated by the Authority if the delegate is authorised in writing to do so by the Authority.
- (3) In this section, **authorised person** means:
  - (a) a member of staff of the relevant Government Service Division, or
  - (b) a subsidiary corporation referred to in section 58, or
  - (c) a council or the general manager of a council, or
  - (d) a person or persons:
    - (i) approved by the Minister, or
    - (ii) approved by the Authority, or
    - (iii) prescribed by the regulations.

#### **58 Subsidiary corporations**

- (1) In this section:

**private corporation** means a corporation within the meaning of the [Corporations Act 2001](#) of the Commonwealth, whether formed in or outside New South Wales.

**subsidiary corporation** means a private corporation in which the Authority has a controlling interest.

- (2) The Authority may, with the approval of the Minister:
  - (a) in relation to private corporations:
    - (i) form, or participate in the formation of, a private corporation, and
    - (ii) acquire interests in a private corporation, and
    - (iii) sell or otherwise dispose of interests in a private corporation, and
  - (b) in relation to subsidiary corporations:
    - (i) form, or participate in the formation of, a subsidiary corporation, and
    - (ii) acquire an interest in a private corporation so that, as a result of the acquisition, the corporation becomes a subsidiary corporation, and
    - (iii) sell or otherwise dispose of any interest in a subsidiary corporation so that, as a result of the sale or disposal, it ceases to be a subsidiary corporation.
- (3) The Minister must not give such an approval except with the concurrence of the Treasurer.
- (4) A private corporation in which the Authority has an interest (including a subsidiary corporation) is not, and does not represent, the Crown.

## **59 Joint ventures**

The Authority may carry on a joint venture (within the meaning of the [Public Authorities \(Financial Arrangements\) Act 1987](#)) in accordance with Part 2D of that Act.

## **Part 5 Management of Authority**

### **60 Ministerial control**

The Authority is subject to the control and direction of the Minister in the exercise of its functions.

### **61 Board of Authority**

- (1) There is to be a Board of the Authority.
- (2) The Board is to consist of the following members:
  - (a) the Director-General or a member of staff of the relevant Government Service Division nominated by the Director-General,
  - (b) not less than 3 persons appointed by the Minister.

- (3) The Minister must ensure that at least one member of the Board is appointed from the private sector.
- (4) Of the members appointed by the Minister, one is to be appointed by the Minister as Chairperson of the Board.
- (5) The Minister may appoint a member as Deputy Chairperson of the Board.
- (6) Schedule 4 has effect with respect to the constitution and procedure of the Board.

## **62 Committees**

- (1) The Board may establish one or more committees to assist it in connection with the exercise of its functions.
- (2) The Board must establish a committee to be known as the Advisory Committee for Millennium Parklands. The Advisory Committee for Millennium Parklands may make recommendations to the Board with respect to the care, control and management of the Millennium Parklands.
- (3) A committee has such functions as are conferred on it by or under this Act and as the Board may from time to time determine in respect of it.
- (4) At least one member of a committee must be a member of the Board, but otherwise a member of a committee need not be a member of the Board.
- (5) Before appointing a person (other than a member of the Board) as a member of the Advisory Committee for Millennium Parklands, the Board must consult with the Minister administering this Act and the Minister for the Environment.
- (6) A committee member holds office for such period as may be specified by the Board, but the Board may terminate the appointment of a committee member at any time.
- (7) The proceedings of a committee are to be presided over by the member of the committee who is a member of the Board or, if there is more than one such member, by the member determined by the Board.
- (8) Subject to subsection (7), the procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be decided by the Board or (subject to any decision of the Board) by the committee.
- (9) A committee member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

## **63 Director-General**

- (1) The Director-General is responsible for the day-to-day management of the affairs of

the Authority in accordance with the specific policies and general directions of the Board.

- (2) Any act, matter or thing done in the name of, or on behalf of, the Authority by the Director-General is taken to have been done by the Authority.

#### **64 (Repealed)**

#### **65 Rangers**

- (1) The Authority may appoint a person employed under Chapter 1A of the *Public Sector Employment and Management Act 2002* in the Government Service to be a ranger for the purposes of this Act.
- (2) Rangers may include persons who are engaged by the Authority to provide services to the Authority. Such persons are subject to the control and direction of the Director-General while they are exercising the functions of a ranger.
- (3) A ranger may exercise such functions as are conferred on a ranger by the regulations.
- (4) The Authority is to provide each ranger with an identification card.
- (5) An identification card is a card that:
  - (a) states that it is issued under this Act, and
  - (b) gives the name of the person to whom it is issued, and
  - (c) describes the nature of the powers conferred, and
  - (d) states the date (if any) on which it expires, and
  - (e) is signed by the Director-General, or a delegate of the Director-General.
- (6) In the course of exercising the functions of a ranger under this Act, the ranger must, if requested to do so by a person affected by the exercise of any such function, produce the ranger's identification card to the person.

#### **66 Obstructing or impersonating rangers**

- (1) A person who, without reasonable excuse, resists, obstructs, or attempts to obstruct, a ranger in the exercise of his or her functions is guilty of an offence.
- (2) A person who impersonates a ranger is guilty of an offence.
- (3) A person who threatens, intimidates or assaults a ranger in the exercise of his or her functions is guilty of an offence.

Maximum penalty: 20 penalty units.

## Part 6 Miscellaneous

### 67 Use of name

A person, other than the Authority, must not use the name “Sydney Olympic Park” for a commercial purpose without the written consent of the Authority.

Maximum penalty: 200 penalty units.

### 68 Arrangements for use of copyright

- (1) A public authority must not make any arrangement with an Olympic organisation for use of any matter for which the Olympic organisation owns or controls the copyright without the written consent of the Authority.
- (2) An arrangement made in contravention of this section is void.
- (3) In this section:

***Olympic organisation*** means the International Olympic Committee or Australian Olympic Committee Incorporated.

***public authority*** means:

- (a) a Government department or administrative office, or
- (b) a statutory body representing the Crown, or
- (c) a State owned corporation, or
- (d) any other public or local authority constituted by or under an Act.

### 69 Public inspection of drawings

Any person may inspect a drawing that is referred to in this Act and that is deposited in the office of the Authority without charge during the ordinary office hours of the Authority.

### 70 Disclosure of information

A person must not disclose any information obtained in connection with the administration or execution of this Act (or any other Act conferring or imposing functions on the Authority) unless that disclosure is made:

- (a) with the consent of the person from whom the information was obtained, or
- (b) in connection with the administration or execution of this Act (or any such other Act),  
or
- (c) for the purposes of any legal proceedings arising out of this Act (or any such other Act) or of any report of any such proceedings, or

- (d) in accordance with a requirement imposed under the *Ombudsman Act 1974*, or
- (e) with other lawful excuse.

Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.

## **71 Misuse of information**

- (1) If, through association with the Authority, a person has knowledge of specific information relating to proposals made, or to be made, by the Authority in respect of the acquisition, development or disposal of land and that information is not generally known but, if generally known, might reasonably be expected to affect materially the market price of that land, the person contravenes this subsection if the person:
- (a) deals, directly or indirectly, in that or in any other land for the purpose of gaining an advantage for the person by the use of that information, or
  - (b) divulges that information for the purpose of enabling another person to gain an advantage by using that information to deal, directly or indirectly, in that or in any other land.

Maximum penalty: 20 penalty units.

- (2) If, through association with the Authority, a person is in a position to influence proposals made, or to be made, by the Authority in respect of the acquisition, development or disposal of land and does influence the proposals by securing the inclusion or alteration of any matter in, or the exclusion or omission of any matter from, the proposals, the person contravenes this subsection if:
- (a) the person does so for the purpose of gaining an advantage for the person, or
  - (b) the person does so for the purpose of enabling another person to gain an advantage.

Maximum penalty: 20 penalty units.

- (3) If:

- (a) a contravention of subsection (1) occurs and an advantage referred to in that subsection is gained from any dealing in land to which the contravention relates, or
- (b) a contravention of subsection (2) occurs and an advantage referred to in that subsection is gained from any dealing in land to which the contravention relates, being an advantage that would not have been gained if the proposals concerned had not been influenced,

any person who gained that advantage is, whether or not any person has been prosecuted for or convicted of an offence in respect of a contravention of subsection



- (1) or (2), liable to another person for the amount of any loss incurred by that other person by reason of the gaining of that advantage.
- (4) If a loss referred to in subsection (3) is incurred by reason of an advantage gained from a dealing in land, the amount of the loss is the difference between the price at which the dealing was effected and:
- (a) in the case of any dealing to which subsection (1) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the specific information used to gain that advantage had been generally known at that time, or
  - (b) in any case to which subsection (2) relates, the price that, in the opinion of the court before which it is sought to recover the amount of the loss, would have been the market price of the land at the time of the dealing if the proposals concerned had not been influenced.
- (5) An action to recover a loss referred to in subsection (3) may not be brought more than 5 years after the dealing in land in relation to which the loss was incurred.
- (6) For the purposes of this section, a person is associated with the Authority:
- (a) if the person is a member of the Board, or a member of a committee of the Board, or a member of staff of the relevant Government Service Division, or a person of whose services the Authority makes use, or who is otherwise appointed, employed or engaged, pursuant to this Act, or
  - (b) if the person is an officer of the Department within the meaning of the [Environmental Planning and Assessment Act 1979](#) or a person who is a member of a committee or subcommittee established by or under that Act, or
  - (c) if the person is an officer or an employee of a council, or
  - (d) if the person acts or has acted as banker, Australian legal practitioner, auditor or professional adviser or in any other capacity for the Authority, the Minister, the Department of Planning or a council, or
  - (e) where the person, so associated by virtue of paragraph (d), is a corporation, if the person is a director, manager or secretary of the corporation.

## **72 Personal liability**

A matter or thing done or omitted to be done by the Authority, the Board, a member of the Board, a member of a committee of the Board, the Director-General or a person acting under the direction of the Authority, the Board or the Director-General does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member of the Board, a member of the committee of the

Board, the Director-General or the person so acting personally to any action, liability, claim or demand.

### **73 Financial year**

- (1) The financial year of the Authority is the year commencing on 1 July.
- (2) A different financial year may be determined by the Treasurer under section 4 (1A) of the *Public Finance and Audit Act 1983*.

### **74 Seal of Authority**

The seal of the Authority is to be kept by the Director-General, or by a member of staff of the relevant Government Service Division authorised in that behalf by the Director-General, and may be fixed to a document only:

- (a) in the presence of the Director-General or that member of the staff, and
- (b) with an attestation by the signature of the Director-General or that member of staff of the fact of the fixing of the seal.

### **75 Recovery of money**

Any charge, fee or money due or payable to the Authority may be recovered as a debt.

### **76 Act to bind Crown**

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

### **77 Proceedings for offences**

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before the Local Court.

### **78 Liability of owner of vehicle for certain parking offences**

- (1) This section applies to any offence against this Act or the regulations that arises from the parking of a vehicle on land at Sydney Olympic Park, other than a road (which in this section is referred to as a **parking offence**).

**Note—**

Parking offences that occur on roads, including roads at Sydney Olympic Park, are subject to section 43 of the *Road Transport (General) Act 1999*.

- (2) If a parking offence occurs in relation to a vehicle, the person who at the time of the occurrence of the offence is the responsible person for the vehicle is taken to be guilty of the parking offence in all respects as if the responsible person were the actual offender guilty of the offence, unless:
  - (a) in a case in which the offence is dealt with by penalty notice, the person satisfies

an authorised officer, or

(b) in any other case, the court hearing the proceedings for the offence is satisfied, that the vehicle was, at the relevant time, a stolen vehicle or a vehicle illegally taken or used.

(3) Nothing in this section affects the liability of an actual offender in respect of a parking offence but, if a penalty has been imposed on, or recovered from, any person in relation to a parking offence, no further penalty can be imposed on or recovered from any other person in relation to the offence.

(4) Despite subsection (2), the responsible person for a vehicle is not guilty of a parking offence by the operation of that subsection if:

(a) in a case in which the offence is dealt with by penalty notice—the responsible person:

(i) within 21 days after service on the responsible person of a penalty notice alleging that the responsible person has been guilty of the offence, supplies by statutory declaration to the authorised officer the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies the authorised officer that the responsible person did not know and could not with reasonable diligence have ascertained that name and address, or

(b) in any other case—the responsible person:

(i) within 21 days after service on the responsible person of a summons in respect of the offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies the court hearing the proceedings for the offence that the responsible person did not know and could not with reasonable diligence have ascertained that name and address.

(5) A person must not, in a statutory declaration supplied under subsection (4) falsely nominate another person as the person who was in charge of the vehicle at the time the offence occurred.

Maximum penalty:

(a) if the offence relates to a vehicle registered otherwise than in the name of a natural person—10 penalty units, or

(b) in any other case—5 penalty units.

- (6) A statutory declaration under subsection (4), if produced in any proceedings against the person named in the declaration and in respect of the parking offence concerned, is evidence (unless contrary evidence is adduced) that the person was in charge of the vehicle at all relevant times relating to the parking offence.
- (7) A statutory declaration that relates to more than one parking offence does not constitute a statutory declaration under, or for the purposes of, subsection (4).
- (8) The provisions of this section are in addition to and not in derogation of any other provisions of this or any other Act or of any instrument in force under this or any other Act.
- (9) In this section:  
**authorised officer** means:
  - (a) a person authorised by the Authority to exercise the functions of an authorised officer under this section, or
  - (b) a police officer.**responsible person** for a vehicle has the same meaning as in the [Road Transport \(General\) Act 2005](#).

## 79 Penalty notices

- (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:
  - (a) section 67, being an offence prescribed by the regulations as a penalty notice offence, or
  - (b) the regulations, being an offence prescribed by the regulations as a penalty notice offence.
- (2) A penalty notice is a notice to the effect that, if the person served does not wish to have the matter determined by a court, the person can pay, within the time and to the person specified in the notice, the amount of the penalty prescribed by the regulations for the offence if dealt with under this section.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (5) Payment under this section is not to be regarded as an admission of liability for the purpose of, and does not in any way affect or prejudice, any civil claim, action or proceeding arising out of the same occurrence.

- (6) The regulations may:
- (a) prescribe an offence for the purposes of this section by specifying the offence or by referring to the provision creating the offence, and
  - (b) prescribe the amount of penalty payable for an offence if dealt with under this section, and
  - (c) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a penalty prescribed under this section for an offence is not to exceed the maximum amount of penalty that could be imposed for the offence by a court.
- (8) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (9) In this section, **authorised officer** means a person authorised in writing by the Authority as an authorised officer for the purposes of this section.

#### **80 Amendment of Schedules 1 and 2**

- (1) The regulations may amend Schedule 1 or 2:
- (a) by omitting any matter, or
  - (b) by inserting any matter, or
  - (c) by altering any matter.
- (2) The regulations may omit Schedule 1 or Schedule 2, or both, and insert instead a Schedule that specifies or describes land, or Schedules that specify or describe land, at or in the vicinity of Homebush Bay, or Sydney Olympic Park as it was constituted at any time before any such regulation took effect.
- (3) Land that is not included in Schedule 1 or 2 on 1 July 2001 cannot be included in a Schedule by a regulation without the consent of the owner of the land.
- (4) A regulation made for the purposes of this section may declare:
- (a) that specified land is a road within the meaning of this Act, and
  - (b) that the Authority has the functions under Division 4 of Part 4 in relation to the land so specified.

#### **81 Amendment of Schedule 3**

The regulations may amend Schedule 3 to add to the land for the time being described in that Schedule:

- (a) Crown land (within the meaning of the *Crown Lands Act 1989*) or other land of the Crown, or
- (b) land of a public or local authority constituted by an Act of Parliament, or
- (c) other land in respect of which the owner of the land has consented to its inclusion in Schedule 3.

## **82 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, regulations may be made for or with respect to the following:
  - (a) the functions of the Authority and any member of staff of the relevant Government Service Division, including rangers,
  - (b) the fees and charges that may be imposed for the purposes of this Act,
  - (c) regulating or prohibiting the use by the public of any land within Sydney Olympic Park,
  - (d) regulating or prohibiting the use of facilities of the Authority, or in Sydney Olympic Park, and the provision of services by or on behalf of the Authority, or in Sydney Olympic Park,
  - (e) requiring the payment of fares or other charges for the use of any facility operated or service provided by or on behalf of the Authority, or in Sydney Olympic Park,
  - (f) authorising a person granted a lease, licence or other authority by the Authority to require the payment of fares or other charges for the use of any facility operated or service provided under the lease, licence or other authority,
  - (g) ensuring the proper conduct and safety of persons on any land within Sydney Olympic Park or while using any facility or service referred to in paragraph (e) or (f),
  - (h) providing for the removal of trespassers and persons causing nuisance or annoyance to others while within Sydney Olympic Park,
  - (i) conferring on the Authority any function that may be exercised by a council in relation to a public place.
- (3) The regulations may create an offence punishable by a maximum penalty of 50 penalty units.

### **83 Repeal of Homebush Bay Operations Act 1999 No 77**

- (1), (2) (Repealed)
- (3) For the purposes of any agreement entered into by the Olympic Co-ordination Authority constituted by the *Olympic Co-ordination Authority Act 1995*, it is declared that this Act is made in replacement for the *Homebush Bay Operations Act 1999*.
- (4) Except to the extent otherwise provided by this Act or the regulations, the functions conferred on the Authority by or under this Act do not affect the provisions of any agreement entered into by the Olympic Co-ordination Authority before the commencement of this Act in relation to land within Sydney Olympic Park.

### **84-87 (Repealed)**

### **88 Savings, transitional and other provisions**

Schedule 8 has effect.

### **89 Review of Act**

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

## **Schedule 1 Sydney Olympic Park**

(Section 4 (1))

The land that is shown coloured blue on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park, Drawing Number HS-J-L-006" dated 29 May 2001 and deposited in the office of the Authority.

## **Schedule 2 Sydney Olympic Park Development Area**

(Section 4 (1))

The land that is shown coloured yellow on the drawing marked "Sydney Olympic Park Authority, Sydney Olympic Park Development Area, Drawing Number HS-P-P-1100" dated 29 May 2001 and deposited in the office of the Authority.

## **Schedule 3 Millennium Parklands**

(Section 4 (1))

The land that is shown coloured mauve on the drawing marked "Sydney Olympic Park Authority,

Millennium Parklands Including Bicentennial Park, Drawing Number HS-J-L-005" dated 29 May 2001 and deposited in the office of the Authority.

## **Schedule 4 Constitution and procedure of Board**

(Section 61 (6))

### **Part 1 General**

#### **1 Definitions**

In this Schedule:

**appointed member** means a person who is appointed by the Minister as a member of the Board.

**member** means any member of the Board.

### **Part 2 Constitution**

#### **2 Terms of office of members**

Subject to this Schedule and the regulations, an appointed member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

#### **3 Part-time appointments**

Appointed members hold office as part-time members.

#### **4 Remuneration**

An appointed member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

#### **5 Vacancy in office of member**

(1) The office of an appointed member becomes vacant if the member:

- (a) dies, or
- (b) completes a term of office and is not re-appointed, or
- (c) resigns the office by instrument in writing addressed to the Minister, or
- (d) is removed from office by the Minister under this clause, or
- (e) is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been



absent from those meetings, or

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove an appointed member from office at any time.

## **6 Filling of vacancy in office of appointed member**

If the office of any appointed member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.

## **7 Chairperson and Deputy Chairperson**

(1) The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if he or she:

- (a) is removed from that office by the Minister under this clause, or
- (b) resigns that office by instrument in writing addressed to the Minister, or
- (c) ceases to be a member of the Board.

(2) The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.

## **8 Disclosure of pecuniary interests**

(1) If:

- (a) a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the Board, and
- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter,

the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the Board.

(2) A disclosure by a member at a meeting of the Board that the member:

- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or

(c) has some other specified interest relating to a specified company or other body or to a specified person,

is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person which may arise after the date of the disclosure and which is required to be disclosed under subclause (1).

- (3) Particulars of any disclosure made under this clause must be recorded by the Board in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the Board.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the Board otherwise determines:
- (a) be present during any deliberation of the Board with respect to the matter, or
  - (b) take part in any decision of the Board with respect to the matter.
- (5) For the purposes of the making of a determination by the Board under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the Board for the purpose of making the determination, or
  - (b) take part in the making by the Board of the determination.
- (6) A contravention of this clause does not invalidate any decision of the Board.
- (7) This clause applies to a member of a committee of the Board and the committee in the same way as it applies to a member of the Board and the Board.

## **9 Effect of certain other Acts**

- (1) Part 2 of the *Public Sector Management Act 1988* does not apply to or in respect of the appointment of an appointed member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
  - (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as a member.

## **Part 3 Procedure**

### **10 General procedure**

The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

### **11 Quorum**

The quorum for a meeting of the Board is a majority of its members for the time being.

### **12 Presiding member**

- (1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the Board who are present at a meeting of the Board) is to preside at a meeting of the Board.
- (2) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

### **13 Voting**

A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

### **14 Transaction of business outside meetings or by telephone**

- (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board.
- (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of:
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be

recorded in the minutes of the meetings of the Board.

- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

## **15 First meeting**

The Minister may call the first meeting of the Board in such manner as the Minister thinks fit.

## **Schedules 5-7 (Repealed)**

## **Schedule 8 Savings, transitional and other provisions**

(Section 88)

### **Part 1 General**

#### **1 Regulations**

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

*Sydney Olympic Park Authority Amendment Act 2010*

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any other person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### **Part 2 Provisions consequent on enactment of this Act**

#### **2 Definitions**

In this Part:

**assets** means any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**instrument** means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

**liabilities** means any liabilities, debts or obligations (whether present or future and whether vested or contingent).

**rights** means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent).

### 3 Vesting of part of OCA's undertaking in Authority

(1) On the date of commencement of this clause, the following provisions have effect:

- (a) the assets of OCA determined by the Director-General of OCA to be assets that relate primarily to the land that is vested in the Authority under section 7 (the **transferred assets**) vest in the Authority by virtue of this clause and without the need for any further conveyance, transfer, assignment or assurance,
- (b) the rights or liabilities of OCA relating to the transferred assets become by virtue of this clause the rights or liabilities of the Authority,
- (c) all proceedings relating to the transferred assets, or the rights or liabilities of OCA relating to the transferred assets, commenced before that date by or against OCA and pending immediately before that date are taken to be proceedings pending by or against the Authority,
- (d) any act, matter or thing done or omitted to be done in relation to the transferred assets, or the rights or liabilities of OCA relating to the transferred assets before that date by, to or in respect of OCA is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Authority.

(2) The operation of this clause is not to be regarded:

- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
- (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
- (d) as conferring a right of purchase, or option to purchase, the reversionary interest in any land the subject of a lease.

(3) The operation of this clause is not to be regarded as an event of default under any

contract or other instrument.

- (4) No attornment to the transferee by a lessee from OCA is required.
- (5) No compensation is payable to any person or body in connection with a transfer.
- (6) Subclause (5) does not affect the rights of any member of staff of OCA who is the subject of a transfer.

#### **4 Transfer duty**

Duty under the *Duties Act 1997* is not chargeable for or in respect of:

- (a) a transfer effected by or under this Act, or
- (b) anything certified by the Minister as having been done in consequence of such a transfer (for example, the transfer or conveyance of an interest in land).

#### **5 Staff of OCA**

- (1) The group of staff attached to OCA and determined by the Minister as being the group of staff employed in relation to the administration of an asset or liability that is transferred to the Authority under clause 3 is removed from OCA and added to the group of staff attached to the Authority.
- (2) Section 8 (5) of the *Public Sector Management Act 1988* applies to the removal of staff in accordance with this clause in the same way as it applies to the removal by the Governor of a branch from a Department and the adding of that branch to another Department under section 55A of that Act.

#### **6 Construction of references to OCA**

On the date of commencement of this clause, a reference in any other Act, in an instrument made under any Act or in a document of any kind:

- (a) to OCA in so far as the reference is a reference to or in respect of an asset or liability that is transferred to the Authority under clause 3 is, subject to the regulations, taken to be a reference to the Authority, or
- (b) to the Director-General of OCA in so far as the reference is a reference to or in respect of an asset or liability that is transferred to the Authority under clause 3 is, subject to the regulations, taken to be a reference to the Chief Executive Officer of the Authority.

#### **7 Bicentennial Park Trust**

- (1) The Bicentennial Park Trust is dissolved.
- (2) A person who held office as a trustee of the Bicentennial Park Trust immediately before it is dissolved is not entitled to any compensation for loss of office.

## 8 Staff of Bicentennial Park Trust

- (1) The group of staff attached to the Bicentennial Park Trust is removed from the National Parks and Wildlife Service and added to the group of staff attached to the Authority.
- (2) Section 8 (5) of the *Public Sector Management Act 1988* applies to the removal of staff in accordance with this clause in the same way as it applies to the removal by the Governor of a branch from a Department and the adding of that branch to another Department under section 55A of that Act.

## 9 Construction of references to Bicentennial Park Trust

On the dissolution of the Bicentennial Park Trust, a reference in any other Act, in an instrument made under any Act or in a document of any kind:

- (a) to the Bicentennial Park Trust is taken to be a reference to the Authority, or
- (b) to a trustee of the Bicentennial Park Trust, or to the Manager of Bicentennial Park, is taken to be a reference to the Chief Executive Officer of the Authority or to the Director-General.

## 10 (Repealed)

## 11 Determination of certain development applications—Australia Centre

A development application under the *Environmental Planning and Assessment Act 1979* made before 1 July 2001 to Auburn Council in relation to land within Sydney Olympic Park that has not been finally determined by that date is to be determined by Auburn Council.

## 12 Silverwater Nature Reserve

- (1) In this clause, **the proclamation** means the proclamation made, or purporting to be made, under section 49 (1) of the *National Parks and Wildlife Act 1974* and published in Government Gazette No 121 of 15 September 2000 at page 10588.
- (2) The land referred to in the proclamation is taken to be land that, when the proclamation was made, was land that had been acquired by the Minister administering Part 11 of the *National Parks and Wildlife Act 1974* by agreement from the Olympic Co-ordination Authority under section 145 of the *National Parks and Wildlife Act 1974*.
- (3) The land referred to in the proclamation is taken to have vested in the Minister administering the *National Parks and Wildlife Act 1974* immediately before the proclamation was made, or purported to be made.
- (4) The proclamation is validated and is taken, at all relevant times, to have been validly made.

- (5) Anything done, or omitted to be done, on or in relation to the land referred to in the proclamation that would have been valid if this clause had been in effect at the time the thing was done, or omitted to be done, is taken, to the extent of any invalidity, to have been, at all relevant times, validly done or validly omitted to be done.

## **Part 3 Provisions consequent on enactment of Public Sector Restructure (Miscellaneous Acts Amendments) Act 2009**

### **13 Definitions**

In this Part:

**assets** means any legal or equitable estate or interest (whether present or future and whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**former Trust** means the State Sports Centre Trust.

**instrument** means an instrument (other than this Act) that creates, modifies or extinguishes rights or liabilities (or would do so if lodged, filed or registered in accordance with any law), and includes any judgment, order or process of a court.

**liabilities** means any liabilities, debts or obligations (whether present or future and whether vested or contingent and whether personal or assignable).

**rights** means any rights, powers, privileges or immunities (whether present or future and whether vested or contingent and whether personal or assignable).

### **14 Repeal of Act**

The *State Sports Centre Trust Act 1984* is repealed.

### **15 Dissolution of former Trust**

- (1) The State Sports Centre Trust is dissolved.
- (2) On the dissolution of the former Trust, each person who was a trustee within the meaning of the *State Sports Centre Trust Act 1984* immediately before the commencement of this Part ceases to hold office as such. No compensation is payable to any such person as the result of the operation of this subclause.

### **16 Transfer of assets, rights and liabilities of former Trust**

- (1) On the date of commencement of this Part, the following provisions have effect:
  - (a) the assets of the former Trust vest in the Authority by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,



- (b) the rights and liabilities of the former Trust become by virtue of this clause the rights and liabilities of the Authority,
  - (c) all proceedings relating to the assets, rights or liabilities commenced before that date by or on behalf of, or against, the former Trust and pending immediately before that date are taken to be proceedings pending by or against the Authority,
  - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before that date by, to or in respect of the former Trust is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Authority,
  - (e) the Authority has all the entitlements and obligations of the former Trust in relation to the assets, rights and liabilities that the former Trust would have had but for this clause, whether or not those entitlements and obligations were actual or potential on the commencement of this Part,
  - (f) a reference in any Act, in any instrument made under any Act or in any document of any kind to the former Trust or a predecessor of the former Trust is (to the extent that it relates to those assets, rights or liabilities but subject to the regulations) to be read as, or as including, a reference to the Authority.
- (2) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
  - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
  - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
  - (d) as an event of default under any contract or other instrument.
- (3) No attornment to the transferee by a lessee from the former Trust is required.