

State Environmental Planning Policy No 38—Olympic Games and Related Projects (1993 EPI 549)

[1993-549]



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—

- **Previously named**
State Environmental Planning Policy No 38—Olympic Games Projects
- **Repeal**
The Policy was repealed by Sch 4.10 to the *State Environmental Planning Policy (State Significant Development) 2005 (194)* (GG No 60 of 25.5.2005, p 1785) with effect from 25.5.2005.

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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State Environmental Planning Policy No 38—Olympic Games and Related Projects (1993 EPI 549)



New South Wales

1 Name of Policy

This Policy may be cited as *State Environmental Planning Policy No 38—Olympic Games and Related Projects*.

2 Aims, objectives etc

The aims of this Policy are as follows:

- (a) to identify projects that will be required for the Olympic Games,
- (b) to facilitate development for Olympic Games projects and other development by the Olympic Co-ordination Authority,
- (c) to establish a planning process within which all Olympic Games projects and other development by the Olympic Co-ordination Authority can be considered and their impact assessed,
- (d) to ensure that any such project or development is consistent with ecologically sustainable development,
- (e) to complement the provisions for consultation required under the *Olympic Co-ordination Authority Act 1995* and to provide for public exhibition of significant development proposals to which that Act applies.

3 Definitions

In this Policy:

advertisement means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure means a structure used or to be used principally for the display of an advertisement.

approved certifier means a person appointed by SOCOG to act as a certifier of dwellings proposed to be used for Olympic Home Host accommodation.

Australia Centre means the Australia Centre shown on the map marked “SEPP 38 (Amendment No 6)—Australia Centre”, a copy of which is deposited in the offices of the Department.

boarding house means a house let in lodgings or a hostel, but does not include a motel.

Darling Harbour Development Area means the Development Area within the meaning of the [Darling Harbour Authority Act 1984](#).

Director of Planning means the Director-General of the Department of Urban Affairs and Planning.

ecologically sustainable development means development which uses, conserves and enhances the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.

existing venue or facility means an Olympic Games project or an OCA project for which development consent has been granted under this Policy.

Homebush Bay means:

- (a) the land shown by distinctive colouring or marking on the drawing numbered HS-P-P-722 dated 1 November 1999 deposited in the office of Olympic Co-ordination Authority, and
- (b) land that is vested in the State Sports Centre Trust constituted by the [State Sports Centre Trust Act 1984](#) and that is leased to the Olympic Co-ordination Authority.

OCA project means any development that is carried out by the Olympic Co-ordination Authority within the meaning of Part 5 of the [Olympic Co-ordination Authority Act 1995](#).

Olympic advertising means development that comprises:

- (a) the display of an advertisement, or
- (b) the erection of an advertising structure,

in accordance with such guidelines for Olympic related signage as are established for the time being by the Director-General of the Olympic Co-ordination Authority for the purposes of this Policy.

Olympic Games means the Games of the XXVII Olympiad to be held principally in Sydney in the year 2000, and includes:

- (a) the Paralympic Games, being the games for athletes with a disability that are to be held principally in Sydney in the year 2000, and

- (b) a test event, being an event conducted at a venue or facility at which Olympic Games and Paralympic Games sporting events are to be conducted before those Games are held in order to test the capacity and operational functions of the venue or facility to provide for those sporting events, and
- (c) a special event within the meaning of the *Olympic Roads and Transport Authority Act 1998*.

Olympic Games project means:

- (a) any development that is required for venues and facilities for hosting the Olympic Games, including the following:
 - (i) venues to conduct sporting events,
 - (ii) training facilities for competitors,
 - (iii) media centres and other communications facilities for the media,
 - (iv) residential accommodation for competitors, officials and members of the media,
 - (v) storage facilities for sporting, communication or other equipment,
 - (vi) catering facilities for venues, training facilities, media centres and residential accommodation,
 - (vii) helicopter landing facilities,
 - (viii) transport and other physical infrastructure associated with any of the above venues or facilities, and
- (a1) Olympic advertising, and
- (b) any other development determined by the Director-General of the Olympic Co-ordination Authority to be required for or as being associated with the Olympic Games.

Olympic Home Host accommodation means temporary bed and breakfast style accommodation provided during the period from 25 August 2000 to 5 November 2000 from a dwelling that is certified by an approved certifier.

Olympic sporting route means an Olympic sporting route shown on the map marked “SEPP 38 (Amendment No 6)—Olympic Sporting Routes”, a copy of which is deposited in the offices of the Department.

Olympic sporting venue means an Olympic sporting venue shown on the map marked “SEPP 38 (Amendment No 6)—Olympic Sporting Venues”, a copy of which is deposited in the offices of the Department.

Olympic transport route means any road that is marked as an Olympic Primary Route,

Homebush Bay Regional Bus Route or Spectator Shuttle Route on the map prepared by the Olympic Roads and Traffic Authority, marked “Olympic Routes, Road routes for the Sydney 2000 Olympic Games” and dated June 1999, a copy of which is deposited in the offices of the Department.

Olympics Live advertising control area means an Olympics Live advertising control area shown on the map marked “SEPP 38 (Amendment No 6)—Olympics Live Advertising Control Areas”, a copy of which is deposited in the offices of the Department.

operational plan means a plan to manage the operation of a venue or facility, a public road or a public place, used for or in association with the Olympic Games or Paralympic Games or test events, prepared by one or more of the following:

- (a) the Olympic Co-ordination Authority,
- (b) SOCOG,
- (c) the Olympic Roads and Transport Authority,
- (d) any other relevant body associated with the conduct of the Olympic Games or Paralympic Games or test events.

Sydney and Middle Harbours means such of the waters of Sydney and Middle Harbours (including the bays and inlets around Sydney and Middle Harbours) as lie east of a line between Longnose Point and Manns Point and west of a line between North Head and South Head, but does not include any waters of Middle Harbour that lie upstream of the Spit Bridge.

test event means an event conducted at an Olympic Games venue or facility, being an existing venue or facility or a venue or facility that is provided for the conduct of Olympic Games and Paralympic Games sporting events (including a public road or a public place), before those Games are held in order to test the capacity and operational functions of the Olympic Games venue or facility to provide for those sporting events.

the Act means the [Environmental Planning and Assessment Act 1979](#).

4 Land to which this Policy applies

- (1) This Policy applies to all land in New South Wales, subject to this clause.
- (2) This Policy does not apply to the land comprising the Sydney Olympic Park Development Area within the meaning of the [Sydney Olympic Park Authority Act 2001](#).

5 Development to which this Policy applies

This Policy applies to all development for the purpose of an Olympic Games project or an OCA project.

6 Consent authority

The consent authority for all development for the purpose of an Olympic Games project or an OCA project is the Minister for Urban Affairs and Planning.

7 Olympic Games projects permissible with development consent

- (1) A person may carry out development for the purpose of an Olympic Games project or an OCA project with the consent of the Minister for Urban Affairs and Planning.
- (2) However, the Minister for Urban Affairs and Planning must not determine an application for consent to carry out development for the purpose of an Olympic Games project unless the Minister is satisfied that the Sydney Organising Committee for the Olympic Games has endorsed the development as being development that is required for the Olympic Games.

8 Application of this Policy if another environmental planning instrument permits an Olympic Games project or an OCA project with development consent

If, under another environmental planning instrument, a person may carry out development for the purpose of an Olympic Games project or an OCA project with the consent of a consent authority:

- (a) the consent authority under the instrument for the purpose of determining an application for consent to carry out development for the purpose of an Olympic Games project or an OCA project is to be the Minister for Urban Affairs and Planning, and
- (b) that environmental planning instrument continues to apply to that development, but subject to this Policy.

9 Olympic projects and other OCA projects—public exhibition

- (1) This clause applies to the following development for the purpose of an Olympic Games project or an OCA project, being development for which the consent of the Minister for Urban Affairs and Planning is required or sought:
 - (a) the provision of residential accommodation for competitors, officials and members of the media for the purposes of the Olympic Games,
 - (b) the provision of any venue or facility that is capable of accommodating, or being used in conjunction with, Olympic Games events likely, in the opinion of the Director of Planning, to attract over 5,000 people at one time,
 - (c) any other such development that, in the opinion of the Director of Planning, is likely to have a significant impact.
- (2) The Director of Planning is to publicly exhibit any application made for consent to development to which this clause applies for a period of at least 14 days after receipt of the application and before its determination by the Minister for Urban Affairs and

Planning.

- (3) The exhibition of the application is to be in accordance with such requirements as the Director of Planning considers appropriate, subject to the following:
 - (a) notice of the application is to be published in a newspaper circulating in the locality of the development,
 - (b) the notice is to indicate where a copy of the development application may be inspected and where any submission concerning the development may be lodged,
 - (c) a copy of the development application is to be made available for public inspection during office hours at the specified locations for the period of public exhibition.
- (4) Public exhibition of an application is not required under this clause if the application replaces an earlier application for substantially the same development that was publicly exhibited. Public exhibition is also not required for an amendment of any such earlier application unless, in the opinion of the Director of Planning, the amendment makes a significant change to the proposed development.

10 Determination of Olympic and OCA projects

- (1) The Minister for Urban Affairs and Planning, before determining an application for consent to an Olympic Games project or an OCA project, must be satisfied that the requirements of section 24 of the [Olympic Co-ordination Authority Act 1995](#) (Development by OCA-consultation and matters for consideration) have been complied with.
- (2) In determining any application for consent to an Olympic Games project or an OCA project, the Minister for Urban Affairs and Planning must, in addition to considering the relevant matters under section 90 (1) of the Act, consider such of the following matters as are of relevance to the development:
 - (a) any submission made in response to the public exhibition of the application under clause 9,
 - (b) in the case of an Olympic Games project, the consistency of the proposed development with the Environmental Guidelines For the Olympic Games, prepared by Sydney Olympic 2000 Bid Limited and dated September 1993,
 - (c) the consistency of the proposed development with ecologically sustainable development.
- (3) A provision of any other environmental planning instrument that would require:
 - (a) an application for development consent for an Olympic Games project or an OCA project to be advertised before it is determined, or

(b) the consent authority to consult, notify or otherwise seek the views of any person or body, or to take the views of any such person or body into account, or to obtain the concurrence of any person or body, before determining any such application,

does not have any effect.

(4) The Minister for Urban Affairs and Planning may grant consent for an Olympic Games project or an OCA project, despite any development standard under any other environmental planning instrument.

(5) A consent to development for an Olympic Games project extends beyond the hosting of the Olympic Games unless the consent is granted for a limited period or limited purpose specified in the consent in relation to the hosting of those Games.

11 Olympic projects that are not OCA projects—consultation and matters for consideration

(1) This clause applies to any development for the purpose of an Olympic Games project that is not an OCA project, being development for which the consent of the Minister for Urban Affairs and Planning is required or sought.

(2) Section 24 (2)–(4) of the *Olympic Co-ordination Authority Act 1995* (Development by OCA-consultation and matters for consideration) applies to development to which this clause applies in the same way as it applies to development to which section 24 of that Act applies. For that purpose, references in that section:

(a) to the Authority are to be read as references to the Minister for Urban Affairs and Planning, and

(b) to the Authority carrying out development are to be read as references to that Minister giving consent to that development.

11A Olympic Games projects and OCA projects that comprise exempt development

(1) Pursuant to section 76 (2) of the Act, development specified in Schedule 1 is exempt development.

(2) Development that is exempt development by virtue of subclause (1) may be carried out only if:

(a) the Director-General of the Olympic Co-ordination Authority is satisfied that the proposed development meets the criteria in Schedule 1, and

(b) the Olympic Co-ordination Authority has approved the proposed development as complying with:

(i) the *Building Code of Australia*, if that Code is applicable to the proposed development, or

(ii) any relevant Australian Standard, or

- (iii) the *Local Government (Approvals) Regulation 1993* as in force at 30 June 1998.

11B Olympic Home Host accommodation

- (1) Pursuant to section 76 (2) of the Act, the use of a dwelling for Olympic Home Host accommodation is exempt development, provided that:
- (a) smoke detectors are installed in all bedrooms that are part of the accommodation, and
 - (b) advertising signs are not displayed on or in association with the dwelling in which the accommodation is provided, other than advertising signs that display the name of the dwelling (if any) and its street number.
- (2) The use of a dwelling for Olympic Home Host accommodation is not exempt development if, immediately before the commencement of this clause, the dwelling was used as a boarding house or for bed and breakfast style accommodation.

11C Advertising structures and advertisements at or in the vicinity of Olympic sites and Olympic routes

- (1) This clause applies to the following land:
- (a) Homebush Bay (including the Australia Centre), and land within 1,000 metres of Homebush Bay,
 - (b) the Darling Harbour Development Area, and land within 500 metres of the Darling Harbour Development Area,
 - (c) an Olympic sporting venue, and land within 500 metres of an Olympic sporting venue,
 - (d) an Olympic sporting route, and land within 500 metres of an Olympic sporting route,
 - (e) an Olympic transport route, and land within 500 metres of an Olympic transport route,
 - (f) an Olympics Live advertising control area, and land within 50 metres of an Olympics Live advertising control area,
 - (g) Sydney and Middle Harbours.
- (2) The following development is prohibited on land to which this clause applies:
- (a) the display of:
 - (i) a single advertisement that has an area of more than 5 square metres, or

- (ii) a series of related advertisements that together have an area of more than 5 square metres,
- (b) the erection of:
 - (i) a single advertising structure capable of being used to display an advertisement that has an area of more than 5 square metres, or
 - (ii) a series of advertising structures capable of being used to display a series of related advertisements that together have an area of more than 5 square metres.
- (3) This clause does not apply to the following development:
 - (a) Olympic advertising,
 - (b) the display of one or more advertisements on a building (not being a building that is within, or forms part of, the Australia Centre) for the sole purpose of identifying the building or its occupants, and the erection of one or more advertising structures for the sole purpose of displaying such an advertisement,
 - (c) the display of not more than one advertisement on a building that is within, or forms part of, the Australia Centre for the sole purpose of identifying the building or its occupants, and the erection of not more than one advertising structure for the sole purpose of displaying such an advertisement,
 - (d) the display of one or more advertisements on a vehicle or vessel (otherwise than in circumstances in which the display of advertisements is the dominant purpose for which the vehicle or vessel is being used),
 - (e) the display of one or more advertisements by means of laser or other light projection equipment,
 - (f) the replacement of one or more advertisements by one or more new advertisements, where each of the new advertisements is no larger in area than the advertisement it replaces.
- (4) Subclause (3) (e) ceases to have effect on 1 September 2000.
- (5) This clause does not apply to development that is the subject of a development application, or an application for a complying development certificate, that has been made but not finally determined before the commencement of this clause.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to the display of an advertisement, or the erection of an advertising structure, on land to which this clause applies.
- (7) This clause ceases to have effect on 28 February 2001.

12, 13 (Repealed)

14 Relationship to other environmental planning instruments

- (1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this Policy and another environmental planning instrument whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.
- (2) Without limiting subclause (1), this Policy prevails over:
 - (a) *State Environmental Planning Policy No 47—Moore Park Showground*, and
 - (b) *State Environmental Planning Policy No 56—Sydney Harbour Foreshores and Tributaries*,to the extent of any inconsistency.

15 Suspension of certain laws

- (1) For the purpose of enabling development to be carried out in accordance with this Policy or in accordance with a consent granted under the Act:
 - (a) Part 5 of the *Crown Lands Act 1989*, any regulatory instrument made under or for the purposes of that Part, and Division 5 of Part 7 of that Act, and
 - (b) any agreement, declaration of trust or covenant imposing restrictions on any such development,to the extent necessary to serve that purpose, does not apply to the development.
- (2) Pursuant to section 28 of the Act, before the substitution of this clause by *State Environmental Planning Policy No 38—Olympic Games and Related Projects (Amendment No 2)*, the Governor approved this clause on a recommendation made with the prior concurrence in writing of:
 - (a) in relation to the regulatory instruments referred to in subclause (1) (a)—the Minister for Land and Water Conservation, and
 - (b) in relation to the regulatory instruments referred to in subclause (1) (b)—the Minister for Urban Affairs and Planning.

Schedule 1 Olympic Games projects and OCA projects that comprise exempt development

- (1) Olympic Games projects and OCA projects of a temporary nature**, where the development:
 - (a) is of minimal environmental impact, and

(b) is consistent with an operational plan, and

(c) is removed and the building or land reinstated to its previous use and condition or to a better condition by 30 June 2001, or such later date as agreed by the Director-General of the Department of Urban Affairs and Planning.

(2) Minor development which is of minimal environmental impact and is (or is part of) an Olympic Games project, an OCA project, or development linked to operations at Homebush Bay, including:

(a) amenities and communications buildings and associated infrastructure, information booths, kiosks, access ramps for people with disabilities, bus shelters, park and street furniture, playground equipment, cycle and pedestrian paths, signs, fences, walls, utility installations, and any similar development, and

(b) entertainment, merchandising, food and beverage outlets, markets, festivals and the like which are consistent with guidelines and management strategies adopted by the Olympic Co-ordination Authority, and

(c) building alterations provided that the owner of the building has given approval, the building is not enlarged, and, if the building is listed in an environmental planning instrument as a heritage item, the development does not impact on the heritage significance of the building.

(3) Subdivision of lands within Homebush Bay owned, controlled or managed by the Olympic Co-ordination Authority which is of minimal environmental impact and which is generally consistent with the Masterplan or a development consent.