

public consultation draft

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

This public consultation draft has been prepared by the Department of Planning and the Sydney Olympic Park Authority for the purposes of public exhibition.

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

Minister for Planning

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State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

1 Name of Policy

This Policy is *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)*.

2 Aims of Policy

The aims of this Policy are:

- (a) to identify the land to which this Policy applies as a State significant site under *State Environmental Planning Policy (Major Projects) 2005*, and
- (b) to identify development on that land that is development to which Part 3A of the Act applies, and to establish appropriate zoning and other development controls for that land, and
- (c) to provide appropriate development on the site to promote the social and economic welfare of the community and a better environment, and
- (d) to identify and protect land for environmental protection and conservation purposes, and
- (e) to protect and promote the major events capability of Sydney Olympic Park, and
- (f) to promote ecologically sustainable development, and
- (g) ensure that adequate infrastructure and services are provided in conjunction with development carried out in Sydney Olympic Park by requiring satisfactory arrangements for contributions to the provision of designated State public infrastructure and public utility infrastructure, and
- (h) to assist in ensuring that buildings on the land to which this Policy applies achieve design excellence, and
- (i) to protect the natural environment and the heritage values of the land to which this Policy applies, and
- (j) to amend *Sydney Regional Environmental Plan No 24—Homebush Bay Area*.

3 Land to which Policy applies

This Policy applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Land Application Map” held at the head offices of the Department and the Sydney Olympic Park Authority.

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4 Amendment of State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 is amended as set out in Schedule 1.

5 Amendment of State Environmental Planning Policy No 60—Exempt and Complying Development

State Environmental Planning Policy No 60—Exempt and Complying Development is amended as set out in Schedule 2.

6 Amendment of Sydney Regional Environmental Plan No 24—Homebush Bay Area

Sydney Regional Environmental Plan No 24—Homebush Bay Area is amended as set out in Schedule 3.

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Schedule 1 **Amendment of Sydney Environmental Planning Policy (Major Projects) 2005**

(Clause 4)

[1] **Schedule 2 Part 3A projects—specified sites**

Omit clause 14.

[2] **Schedule 3 State significant sites**

Insert at the end of Schedule 3 (before the maps) with appropriate Part numbering:

Part Sydney Olympic Park

Division 1 Preliminary

1 Land to which Part applies

This Part applies to the land shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Land Application Map” held at the head offices of the Department and the Authority.

2 Interpretation

(1) In this Part:

Authority means the Sydney Olympic Park Authority.

Biodiversity Management Plan means the Sydney Olympic Park Biodiversity Management Plan published by the Authority (as in force on the commencement of this Part).

Environmental Conservation Areas Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Environmental Conservation Areas Map.

Environmental Guidelines means the Environmental Guidelines for the Summer Olympic Games prepared by Sydney Olympic 2000 Bid Limited and dated September 1993, as amended from time to time under the Sydney Olympic Park Authority Act 2001.

Floor Space Ratio Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Floor Space Ratio Map.

Height of Buildings Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Height of Buildings Map.

Heritage Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Heritage Map.

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Land Application Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Land Application Map.

Land Zoning Map means the State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Land Zoning Map.

Millennium Parklands Plan of Management means the Millennium Parklands Plan of Management adopted by the Minister for Planning on 28 January 2003.

- (2) A word or expression used in this Part has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006* unless it is otherwise defined in this Part.

3 Maps

- (1) reference in this Part to a named map adopted by this Part is a reference to a map by that name:
- (a) approved by the Minister when the map is adopted, and
 - (b) amended from time to time by maps declared by environmental planning instruments to amend that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Part to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.

Note. The maps adopted by this Part are the Environmental Conservation Areas Map, Floor Space Ratio Map, the Height of Buildings Map, the Heritage Map, the Land Application Map and the Land Zoning Map.

4 Relationship with other environmental planning instruments

The only environmental planning instruments that apply, according to their terms, to land within the Sydney Olympic Park site are this Policy and all other State environmental planning policies except for:

- (a) *State Environmental Planning Policy No 1—Development Standards*,
- (b) *State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007*.

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Division 2 Part 3A projects

5 Part 3A projects

- (1) Such development within the Sydney Olympic Park site as has a capital investment value of more than \$5 million, other than development for the purposes of a public utility undertaking.
- (2) Subdivision of land within the Sydney Olympic Park site, other than a strata title subdivision, a community title subdivision, or a subdivision for any one or more of the following purposes:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, emergency service purposes or public conveniences.

Note. Clause 3 of Part 1 of Schedule 6 provides that the Minister is the consent authority for all development on the Sydney Olympic Park site that is development to which Part 4 of the Act applies.

Division 3 Provisions applying to development within Sydney Olympic Park site

Subdivision 1 Application of Part

6 Application of Part

This Part applies with respect to any development within the Sydney Olympic Park site and so applies whether or not the development is a project to which Part 3A of the Act applies.

Subdivision 2 Permitted or prohibited development

7 Land use zones

- (1) For the purposes of this Part, land within the Sydney Olympic Park site is within a zone:

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- (a) Zone B4 Mixed Use,
 - (b) Zone E3 Environmental Management.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

8 Zone B4 Mixed Use

- (1) The objectives of Zone B4 Mixed Use are as follows:
- (a) to protect and promote the major events capability of Sydney Olympic Park site and to ensure that it remains a premium destination for cultural, entertainment, recreation and sporting events, and
 - (b) to ensure that the Sydney Olympic Park site becomes an active and vibrant town centre within metropolitan Sydney, and
 - (c) to provide for a mixture of compatible land uses, and
 - (d) to encourage diverse employment opportunities, and
 - (e) to promote ecologically sustainable development and minimise any adverse effect of land uses on the environment, and
 - (f) to encourage the provision and maintenance of affordable housing.
- (2) Development for any of the following purposes is permitted without consent within Zone B4 Mixed Use:
- Environmental protection works; Recreation areas.
- (3) Development for any of the following purposes is prohibited within Zone B4 Mixed Use:
- Bulky goods premises; Caravan parks; Extractive industries; Hazardous industries; Hazardous storage establishments; Heavy industries; Industries; Light industries; Materials recycling or recovery centres; Mines; Moveable dwellings; Offensive industries; Offensive storage establishments; Restricted premises; Sex services premises; Truck depots; Warehouse or distribution centres.
- (4) Except as otherwise provided by this Part, development is permitted with consent within Zone B4 Mixed Use unless it is permitted without consent by subclause (2) or prohibited by subclause (3).

9 Zone E3 Environmental Management

- (1) The objectives of Zone E3 Environmental Management are as follows:
- (a) to protect, manage and restore areas of special ecological, scientific, cultural or aesthetic values, and
 - (b) to provide for a limited range of development that does not have an adverse effect on those values, and
 - (c) to assist in giving effect to the *Millennium Parklands Plan of Management*, and

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- (d) to support the major events capability of Sydney Olympic Park site as a premium destination for cultural, entertainment, recreation and sporting events.
- (2) Development for any of the following purposes is permitted without consent within Zone E3 Environmental Management if the development is in accordance with the *Millennium Parklands Plan of Management*:
Environmental protection works; Recreation areas.
- (3) Development for any of the following purposes is permitted with consent within Zone E3 Environmental Management:
Development for any purpose if the development is in accordance with the *Millennium Parklands Plan of Management*.
- (4) Except as otherwise provided by this Part, development is prohibited within Zone E3 Environmental Management unless it is permitted by subclause (2) or (3).

10 Subdivision—consent requirements

- (1) Land within the Sydney Olympic Park site may be subdivided, but only with consent.
- (2) However, consent is not required for a subdivision for one or more of the following purposes only:
 - (a) widening a public road,
 - (b) making an adjustment to a boundary between lots, being an adjustment that does not involve the creation of a greater number of lots,
 - (c) a minor realignment of boundaries that does not create additional lots or the opportunity for additional dwellings,
 - (d) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings,
 - (e) rectifying an encroachment on a lot,
 - (f) creating a public reserve,
 - (g) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, emergency service purposes or public conveniences.

11 Demolition within Zone E3 Environmental Management

Development for the purposes of demolition may be carried out with consent on land within Zone E3 Environmental Management.

12 Infrastructure development and the use of existing buildings of the Crown

- (1) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out without consent under *State Environmental Planning Policy (Infrastructure) 2007*.

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- (2) This Part does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

Subdivision 3 Exempt and Complying development

13 Definitions

In this Subdivision, *heritage conservation area* and *heritage item* have the same meanings as they have in clause 45.

14 Exempt development

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or assessment under Part 5 of the Act. Among other things, the section states that exempt development must be of minimal environmental impact.

Specifying a type of development as exempt development does not authorise the contravention of any condition of development consent applying to the land on which the exempt development is carried out nor does it remove the need for any approval that may be required under other legislation.

- (1) Development specified in clauses 15-26 that meets the requirements for the development contained in those clauses and that complies with the requirements of this clause is exempt development.
- (2) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, a heritage item that is listed on the State Heritage Register under the *Heritage Act 1977* or in Division 1 of Part 1 to Schedule 9 to this Policy or that is subject to an interim heritage order under the *Heritage Act 1977*, and
 - (e) must not be carried out on land that is identified as primary habitat for the green and golden bell frog in the *Biodiversity Management Plan*, and
 - (f) must not be carried out on land that is identified as containing endangered ecological communities as defined by the *Threatened Species Conservation Act 1995* in the *Biodiversity Management Plan*, and
 - (g) if it relates to land the subject of a notice under section 28 of the *Contaminated Land Management Act 1997* that is in force—must comply with the terms of that notice, and

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- (h) must not be carried out on land comprised in any easement or right of way unless agreed to in writing by the person or authority in whose favour the easement exists, and
 - (i) must not be carried out within 3 metres of a public water or sewer main unless it complies with any relevant requirements of the Sydney Water Corporation,
 - (j) if it relates to land within the Millennium Parklands, as defined in *Sydney Olympic Park Authority Act 2001*, must be in accordance with the *Millennium Parklands Plan of Management*, and
 - (k) must not contravene any conditions of a development consent currently operating on the land, and
 - (l) must not be likely to result in the disturbance of more than one tonne of soil, or to lower the water table, on land on which acid sulphate soils are present, and
 - (m) must be of minimal environmental impact.
- (3) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or classes 2–9 is exempt development only if:
- (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
- (4) Development is exempt development only if:
- (a) the development is consistent with any relevant master plan, and
 - (b) the development is consistent with any guidelines and management strategies adopted by the Authority, and
 - (c) the development is consistent with the *Millennium Parklands Plan of Management*, and
 - (d) the development is consistent with the *Biodiversity Management Plan*.

15 Change of use—commercial premises and retail premises

- (1) A change of use from one kind of commercial premises to another kind of commercial premises of the same classification under the *Building Code of Australia*, and
- (2) A change of use from one kind of retail premises to another kind of retail premises of the same classification under the *Building Code of Australia*.
- (3) In this clause:
commercial premises includes a warehouse or distribution centre or premises used for high technology industry, but does not include retail premises.

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16 Demolition

Demolition of sheds, kiosks, roof structures, fencing, flagpoles, advertising structures, lighting and the like, internal walls, ceilings, stairs, ducts and any other development which is exempt development.

17 Development ancillary to use of public land and sports, exhibition and entertainment venues in Sydney Olympic Park

Amenities, facilities and support infrastructure for existing sports facilities, public domain and exhibition and entertainment venues such as, but not limited to utility installations, mobile telecommunication facilities, traffic management and maintenance of road works, visitor information booths, walls, fences, solar panels and solar panel structures, exterior lighting (including street lighting, lighting of trees, public art, building and landscaping features, and themed lighting for events and festivals, but not including installation of permanent outdoor lighting for stadia or outdoor venues), drinking fountains, bubblers and public art.

18 Development for cultural, educational or recreational purposes

Development affecting existing buildings and structures within the Millennium Parklands, for the purposes of cultural, educational and recreational activities, undertaken by or on behalf of the Authority for the provision, management and maintenance of the Sydney Olympic Park site.

19 Emergency services

Emergency services equipment including replacement or augmentation of fire systems, pumphouses, fire water tanks and scaffolding.

20 Landfill

- (1) Storage of landfill originating from the Sydney Olympic Park site by the Authority on land vested in it, other than land in or within 30 metres of the environmental conservation area.
- (2) In this clause:
environmental conservation area has the same meaning as in clause 38(1).

21 Landscaping and public domain works in Sydney Olympic Park

Minor landscaping and installation of fittings in the public domain of Sydney Olympic Park (which includes, but is not limited to, Overflow Park, Olympic Boulevard, Olympic Plaza, Fig Grove, Yulang, Millennium Parklands, the RAS Showgrounds and Bicentennial Park), including paving, gardening, planting, bus shelters, park and street furniture, fences and gates, cycle and pedestrian paths, cycle storage racks/areas, public art and the like, undertaken by or on behalf of the Authority for the provision, management and maintenance of the Sydney Olympic Park site.

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22 Non-structural alterations to the exterior

Non structural alterations to the exterior of existing buildings and structures (other than heritage items) such as minor façade alterations, façade repairs and maintenance, painting, plastering, cement rendering, attaching fittings and decorative works.

23 Minor maintenance to heritage items

Minor maintenance, repairs, painting, excavation, and restoration works to heritage items, as described in the standard exemptions gazetted on 23 October 1998 under section 57(2) of the *Heritage Act 1977*.

24 Public domain works in Sydney Olympic Park

Access ramps for people with disabilities, flagpoles, shade structures, awnings, playground and recreational equipment in the public domain of Sydney Olympic Park (which includes, but is not limited to, Overflow Park, Olympic Boulevard, Olympic Plaza, Fig Grove, Yulang, Millennium Parklands, the RAS Showgrounds and Bicentennial Park) undertaken by or on behalf of the Authority for the provision, management and maintenance of the Sydney Olympic Park site.

25 Signage

Directional and identification signage, but not the provision of advertising signage and advertising billboards (other than real estate signs less than 4.5 square metres in area erected on land or premises that are being advertised for sale or lease).

26 Temporary signage

Temporary signage for the purpose of events promotion for a period of two months or less, which is not displayed earlier than two months before the event and which is removed no more than 14 days after the event.

27 Complying development

Note: Under section 84A of the Act, complying development may be carried out without the need to obtain development consent, if a complying development certificate has been issued and if the development proceeds in accordance with the provisions of any environmental planning instrument, development control plan or regulations applying at the time of the grant of the complying development certificate.

- (1) Development specified in clauses 28-30 that meets the requirements for the development contained in those clauses and that complies with the requirements of this clause is complying development.
- (2) Development complies with the requirements of this clause if:
 - (a) the development is consistent with any relevant master plan, and
 - (b) the development is consistent with any guidelines and management strategies adopted by the Authority, and
 - (c) the development is consistent with the *Millennium Parklands Plan of Management*, and

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- (d) in the case of development that affects any land or building that is, or is part of, heritage item or an item listed on the State Heritage Register under the *Heritage Act 1977*:
 - (i) a heritage conservation management plan or conservation management master plan has been endorsed by the Heritage Council in respect of the land or building, and
 - (ii) the development is consistent with that plan, and
- (e) the development is consistent with the *Biodiversity Management Plan*.

28 Temporary land uses and buildings

Temporary uses, buildings and structures (being for a period of two months or less) associated with festivals, minor events including all temporary structures used as places of public entertainment, markets, carnivals, outdoor cinemas, interactive video screens, street performers, entertainment, information booths, merchandising, food and beverage outlets, trade shows, exhibitions, public meetings and the like.

29 Places of public entertainment

Public entertainment uses within existing buildings for a restricted period subject to:

- (a) compliance with the *Building Code of Australia*, and
- (b) completion of any building work, fire protection, structural capacity, sanitary facilities and ventilation of the building will be appropriate to the proposed use, where relevant.

30 Minor alterations or additions to retail premises, commercial premises and sports, exhibition and entertainment venues

- (1) Minor building alterations and additions to existing sports, exhibition or entertainment venues which:
 - (a) do not involve a change in the dominant use of the building or structure, and
 - (b) do not add more than 100 square metres to the external envelope of the building or structure.
- (2) Internal alterations to existing sports, exhibition or entertainment venues, retail and commercial premises (including premises used for warehousing or high-technology industry) including fit out works or partitions which:
 - (a) do not involve a change in the dominant use of the building or structure, and,
 - (b) do not add more than 100 square metres to the external envelope of the building or structure.
- (3) Minor alterations and additions to, and uses of, heritage items, provided that the development does not impact on the heritage significance of the building structure or landscape.

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Subdivision 4 Principal development standards

31 Height of buildings

The height of a building on any land within the Sydney Olympic Park site is not to exceed the maximum height shown for the land on the Height of Buildings Map.

32 Floor space ratio

The maximum floor space ratio for a building on any land within the Sydney Olympic Park site is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

33 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building.

(2) Definition of “floor space ratio”

The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the site area is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.
- (c) inclusive of any land required to be dedicated to the Authority for use as a community facility, public road, public open space or as part of the public domain.

In addition, subclauses (4)–(6) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Strata subdivisions

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The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(5) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(6) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(7) **Covenants to prevent “double dipping”**

When consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(8) **Covenants affect consolidated sites**

If:

- (a) a covenant of the kind referred to in subclause (7) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Part is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

34 **Exceptions to development standards**

(1) The objectives of this clause are:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written

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request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (b) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (c) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
- (5) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (6) This clause does not allow consent to be granted for development that would contravene any of the following:
- (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated,
- (7) The development standards provided for in clause 35 are excluded from the operation of this clause (except this subclause).

Subdivision 5 Miscellaneous

35 Designated State public infrastructure

- (1) This clause applies to the land zoned B4 Mixed Use on the Land Zoning Map, but does not apply to any such land if the whole or part of it is in a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance to authorities of the State towards the provision of designated State public infrastructure to satisfy the needs that arise from development on land to which this clause applies.
- (3) Despite any other provision of this Part, the consent authority must not consent to development on land to which this clause applies unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of

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designated State public infrastructure in relation to the land to which this Part applies.

- (4) Subclause (3) does not apply in relation to:
 - (a) any land that is reserved exclusively for a public purpose, or
 - (b) any development that is, in the opinion of the consent authority, of a minor nature.
- (5) In this clause, designated *State public infrastructure* means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:
 - (a) State or regional roads,
 - (b) land required for regional open space,
 - (c) land acquired for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

36 Public utility infrastructure

- (1) The consent authority must not grant consent to development on land to which this Part applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, *public utility infrastructure* includes infrastructure for any of the following:
 - (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the supply of natural gas,
 - (d) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of maintaining or repairing any public utility infrastructure referred to in this clause.

Note. The consent authority may also require a contribution towards provision or improvement of local amenities or services under section 94 of the Act.

37 Major events capability

- (1) The objective of this clause is to protect and promote the major events capability of Sydney Olympic Park site and to ensure that it remains a premium destination for cultural, entertainment, recreation and sporting events.
- (2) Consent may be granted to any development on land to which this Part applies, but only if the consent authority is satisfied that:
 - (a) traffic generated by the development will not materially reduce the capacity of the local road network and connections to the regional road network during major events at the Sydney Olympic Park site, and

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- (b) the location and amount of car parking serving the development will not hinder the free flow of vehicular traffic or the operation of public transport systems to or from the Sydney Olympic Park site when major events are being held; and
 - (c) the access and egress routes to and from the development site will not limit the ability of the Authority to close or otherwise restrict for operational purposes access by pedestrians or vehicular traffic to any part of the public domain in the Sydney Olympic Park site; and
 - (d) the development will not limit the ability to cater for the safe and effective movement of crowds to and from major venues in the Sydney Olympic Park site during major events; and
 - (e) the development will not interfere with any event infrastructure that the Authority has determined is critical to maintenance of the capability of the Sydney Olympic Park site to effectively support major events; and
 - (f) that adequate provision has been made to ensure that egress from the development site in the event of an emergency will not conflict with emergency evacuation plans for major venues in the Sydney Olympic Park site.
- (3) **Event impact assessment**

The consent authority may, before granting consent to any development on land to which this Part applies, require an event impact statement to be prepared that assesses the matters referred to in subclause (2).

38 Commercial development

Consent must not be granted to commercial floor space unless the consent authority is satisfied that there is adequate provision made through the public transport and road networks to support the workforce traffic generated by that development.

39 Environmental Guidelines

Consent must not be granted to any development unless the consent authority has considered whether the proposed development is consistent with the Environmental Guidelines.

40 Development on or near environmental conservation areas

- (1) In this clause:
environmental conservation area means land identified as an environmental conservation area on the Environmental Conservation Areas Map.
- (2) Development within an environmental conservation area is advertised development.
- (3) The consent authority must not consent to the carrying out of development on land within an environmental conservation area if, in the opinion of the consent authority, that development would reduce significantly the

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ecological value of the environmental conservation area within which the land is located.

- (4) The consent authority must not consent to the carrying out of development on land within the buffer area shown on the Environmental Conservation Areas Map if, in the opinion of the consent authority, that development would reduce significantly the ecological value of the environmental conservation area.
- (5) A person must not fill, clear, drain or dredge land within an environmental conservation area, construct a levee on any such land or remove or destroy vegetation on any such land, except with the consent of the consent authority.
- (6) Before granting consent to the carrying out of development on land within an environmental conservation area, the consent authority must consider:
 - (a) the effect of the proposed development on the environmental conservation area within which the land is located, and
 - (b) the development consent (reference number S/38/3/98) granted by the Minister in relation to the development of the Millennium Parklands, and
 - (c) the *Biodiversity Management Plan*, and
 - (d) whether the development is consistent with any plan of management adopted under section 35 of the *Sydney Olympic Park Authority Act 2001*.

41 Master plans

- (1) The consent authority must consider any master plan that is approved by the Minister, as referred to in section 18 (4) of the *Sydney Olympic Park Authority Act 2001*, before granting consent to the carrying out of development on land to which the master plan applies.
- (2) The Minister may waive the necessity to consider a master plan under subclause (1) if:
 - (a) the development involving the temporary use of land to which a master plan applies or,
 - (b) the nature of the development concerned is minor,
 - (c) the planning controls that apply to the proposed development are adequate enough to avoid the necessity for consideration of the master plan, or
 - (d) for such other reason as the Minister considers sufficient.

42 Master plans under section 18 of Sydney Olympic Park Authority Act 2001

- (1) This clause applies to a master plan prepared under section 18 of the *Sydney Olympic Park Authority Act 2001*.
- (2) Following the preparation of a draft master plan, the Authority:

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- (a) must give public notice in a local newspaper of the places, dates and times for inspection of the draft plan,
 - (b) must publicly exhibit at the places, on the dates and during the times set out in the notice a copy of the draft plan, and
 - (c) must specify in the notice the period during which submissions about the draft plan may be made to the Authority (which must include the period during which the plan is being publicly exhibited), and
 - (d) copies of the draft plan are to be given to each council whose area includes the land to which the plan applies or any other land that, in the opinion of the Authority, is likely to be affected by the proposals contained in the draft plan.
- (3) A draft master plan must be publicly exhibited for at least 21 days.
- (4) After considering any submission about the draft master plan that have been duly made and the views of the relevant council, the Minister may:
- (a) may approve the plan in the form in which it was publicly exhibited, or
 - (b) may approve the plan with such alterations as the Minister thinks fit, or
 - (c) may decide not to proceed with the plan.
- (5) A draft master plan becomes a master plan if it is approved by the Minister.
- (6) When a master plan is approved, the Authority must advertise the approval of the master plan in a local newspaper.

43 Dedication or contribution for affordable housing

- (1) Before granting consent to the carrying out of development for residential purposes (other than subdivision) on land in the B4 Mixed Use Zone on the Land Zoning Map, the consent authority must consider whether an affordable housing condition should be imposed on the consent.
- (2) The following are *affordable housing conditions*:
- (a) A condition requiring the payment of a monetary contribution to the consent authority by the applicant to be used for the purpose of providing affordable housing that is the value, calculated in accordance with subclause (3) of 3% of the gross floor area to which the development application relates.
 - (b) If 3% of that accountable gross floor space provides a sufficient amount of gross floor area, a condition requiring:
 - (i) the dedication in favour of the consent authority, free of cost, of land of the applicant comprised of one or more complete dwellings with a gross floor area of not more than the amount equivalent to that percentage, each dwelling having a gross floor area of not less than 50 square metres, and
 - (ii) if the total amount of gross floor area of the complete dwelling or dwellings is less than the amount equivalent to that

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percentage, the payment of a monetary contribution to the consent authority by the applicant that is the value, calculated in accordance with subclause (3), of the gross floor area equivalent to the difference between those amounts.

(3) **Calculation of contribution of money for affordable housing**

The amount of the contribution required to be paid by a condition described in subclause (2) is the value of the gross floor area concerned calculated by reference to the market value of dwellings of a similar size to those proposed by the development application. That market value is taken to be the most current median sales price of such dwellings in the relevant local government area.

- (4) This clause authorises the imposition of an affordable housing condition when the consent authority grants consent to the carrying out of development for residential purposes (other than subdivision) on land within the Sydney Olympic Park site, subject to section 94F (3) (c) and (4) of the Act.

44 Design excellence

- (1) Consent must not be granted to development involving the erection of a new building or external alterations to an existing building unless the consent authority has considered whether the proposed building exhibits design excellence.
- (2) In considering whether proposed building exhibits design excellence, the consent authority must have regard to the following matters:
- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, and
 - (b) whether the form and external appearance of the building will improve the quality and amenity of the public domain, and
 - (c) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency, and
 - (d) if a design competition is required to be held in relation to the building, as referred to in subclause (3) in relation to the development, the results of the competition.
- (3) Consent must not be granted to the following development unless a design competition has been held in relation to the proposed development:
- (a) the erection of a new building that will be greater than 42 metres in height from ground level (existing),
 - (b) the erection of a new building identified as requiring a design competition in any master plan that is adopted by the Minister, as referred to in section 18 (4) of the *Sydney Olympic Park Authority Act 2001*.

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- (4) The Director-General may issue procedures setting out or dealing with the following:
 - (a) the conduct of design competitions,
 - (b) the establishment of design competition juries.
- (5) In the event a design competition is held, the consent authority must, before granting consent, consider the advice of a design competition jury established in accordance with any procedures issued under this clause.
- (6) In this clause:
design competition means a competitive process conducted in accordance with procedures issued by the Director-General from time to time.

45 Heritage conservation

(7) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving a heritage item or a building, work, relic or tree within a heritage conservation area, or
 - (b) altering a heritage item or a building, work, relic, tree or place within a heritage conservation area, including (in the case of a building) making changes to the detail, fabric, finish or appearance of its exterior, or
 - (c) altering a heritage item that is a building, by making structural changes to its interior, or
 - (d) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, or
 - (e) disturbing or excavating a heritage conservation area that is a place of Aboriginal heritage significance, or
 - (f) erecting a building or carrying out of a work on land on which a heritage item is located or that is within a heritage conservation area, or
 - (g) subdividing land on which a heritage item is located or that is within a heritage conservation area.
- #### (8) When consent not required
- Consent under this clause is not required if:
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature, or is for the maintenance of the heritage item, archaeological site, or a building, work, relic, tree or place within a heritage conservation area, and

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- (ii) would not adversely affect the significance of the heritage item, archaeological site or heritage conservation area, or
 - (b) the development is limited to the removal of a tree or other vegetation that the Authority is satisfied is a risk to human life or property, or
 - (c) the development is exempt development.
- (9) In this clause:
 - heritage item* means a building, work, archaeological site, tree, place or Aboriginal object that is indicated as a heritage item on the Heritage Map.
 - heritage conservation area* means an area of land that is indicated as a heritage conservation area or as a place of Aboriginal heritage significance on the Heritage Map.
 - place of Aboriginal heritage significance* means an area of land that is indicated as a place of Aboriginal heritage significance on the Heritage Map.
- (10) **Effect on heritage significance**

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned. This subclause applies regardless of whether a heritage impact statement is prepared under subclause (5).
- (11) **Heritage impact assessment**

The consent authority may, before granting consent to any development on land:

 - (a) on which a heritage item is situated, or
 - (b) which is within a heritage conservation area, or
 - (c) which is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage impact statement to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (12) **Places of Aboriginal heritage significance**

The consent authority must, before granting consent under this clause to the carrying out of development in a place of Aboriginal heritage significance:

 - (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
 - (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 28 days after the notice is sent.

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[3] Schedule 6 Minister consent authority for Part 4 development

Omit “described in Schedule 1 to the *Sydney Olympic Park Authority Act 2001*” from clause 3 of Part 1.

Insert instead “shown edged heavy black on the map marked “State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—Sydney Olympic Park site—Land Application Map” (except as provided by clause 5 of Part [insert appropriate Part numbering] of Schedule 3)”.

[4] Schedule 6, Part 1, clause 3

Insert at the end of the clause:

Note. The Minister is the consent authority in relation to all land in Sydney Olympic Park by the operation of section 22 of the *Sydney Olympic Park Authority Act 2001*.

Development controls in relation to the Sydney Olympic Park site for development under Part 4 of the Act are contained in Part [insert appropriate Part] of Schedule 3 to this Policy.

[5] Schedule 9

Insert after Schedule 8:

Schedule 9 Environmental heritage

(Clause 23 of Part [insert appropriate Part] of Schedule 3)

Part 1 Sydney Olympic Park site

Division 1 Heritage Conservation Areas

Abattoir Heritage Precinct

The collection of buildings, structures, relics and landforms identified in relation to the Abattoir locality in the inventory entitled *Heritage Items Site Identification Manual* and known as: The Vernon Buildings, the Maiden Gardens and the Railway Garden within the Historic Abattoir Administration Precinct, bounded by Herb Elliott Avenue, Showground Road, Dawn Fraser Avenue and the Railway Garden, and the Avenue of Palms, to the extent to which they are:

- (a) situated on land shown on the Heritage Map, and
- (b) specified in the document entitled “*Abattoir Heritage Precinct Conservation Master Plan 2003*”, prepared by Graham Brooks and Associates.

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Millennium Parklands Heritage Precinct

The collection of buildings, structures, relics and landforms constructed by the Royal Australian Navy as an armaments depot during the 19th and 20th centuries, together with the wetlands and forests gazetted as the Newington Nature Reserve, to the extent to which they are:

- (a) situated on land shown on the Heritage Map, and
- (b) specified in the document entitled “*Millennium Parklands Heritage Precinct Conservation Master Plan 2003*”, prepared by Graham Brooks and Associates.

Schedule 2 **Amendment of Sydney Environmental Planning Policy No 60—Exempt and Complying Development**

(Clause 5)

[1] Schedule 1 Where does this Policy apply?

Omit “*Sydney Regional Environmental Plan No 24—Homebush Bay*” to the extent that it applies to all land identified in Schedule 1 of the Sydney Olympic Park Authority Act 2001 from Part 1.

[2] Schedule 1, Part 1

Insert at the end of Part 1:

- (4)** This Policy (except for Parts 2 and 4 and Schedule 3) applies to the land to which Part [insert appropriate Part] (Sydney Olympic Park schedule) of Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005* applies.

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Schedule 3 Amendment of Sydney Regional Environmental Plan No 24—Homebush Bay Area

(Clause 6)

[1] Clause 2, Land to which plan applies

Omit the clause. Insert instead:

This plan applies to the land shown edged heavy black on the Homebush Bay Area Map.

Note. This plan was amended by *State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)* to exclude Sydney Olympic Park.

Development controls in relation to the Sydney Olympic Park site for development under Part 3A and 4 of the Act are contained in Part [insert appropriate Part] of Schedule 3 to that Policy.

[2] Schedule 2. Definitions

Insert at the end of the definition of Homebush Bay Area Map:

State Environmental Planning Policy (Major Projects) 2005 (Amendment No 20)—
Sydney Olympic Park site— Homebush Bay Area Map.