SYDNEY CRICKET AND SPORTS GROUND AMENDMENT (DEVELOPMENT ASSESSMENT) BILL 2016

First Reading

Bill introduced on motion by Mr Alex Greenwich, read a first time and printed.

Second Reading

Mr ALEX GREENWICH (Sydney) (12:20): I move:

That this bill be now read a second time.

The Environmental Planning and Assessment Act 1979 and the Local Government Act 1993 set out the requirements for proposed development to limit impacts on the environment, neighbours, traffic and heritage, and provide opportunities for public input in the shaping of the built environment. These Acts ensure that people living adjacent to a proposed development will know about it before it is approved and can have their concerns taken into consideration by decision-makers. Even smaller developments that get approved by private certifiers need to be permissible in a local environmental plan.

For major developments, the proponent exhibits an environmental impact statement and neighbours are notified. For parcels of land where a number of developments will occur over a number of years, such as hospitals, universities, Barangaroo, the casino, Carlton United Brewery and the Bays Precinct, this takes form as a concept plan to prevent ad hoc planning decisions and to provide the community with certainty. Environmental impact statements include impact reports on trees, overshadowing, wind, glare, traffic, parking, noise, biodiversity and heritage. During the exhibition period, the public can make submissions and the Department of Planning and Infrastructure or the Planning Assessment Commission must consider these submissions before making a final decision.

In all cases, local plans such as local environmental plans, conservation management plans and development control plans, which get established following a rigorous community consultation process, must guide decisions. This process exists in various forms in all healthy democracies. While there are some instances across the State where certain parts of the Environmental Planning and Assessment Act and the Local Government Act are overridden, these are usually in the context of temporary events and particular projects. There is, however, one parcel of land in New South Wales where the law turns off all provisions of these Acts, and that is the Sydney Cricket and Sports Ground.

Since 1985, the Sydney Cricket and Sports Ground Act 1978 has exempted its grounds entirely from any application of the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993. Instead, planning decisions are left entirely with the sports Minister, with no need for an open and transparent environmental impact assessment. The only consultation required is with the Minister for Planning and the Minister Finance, Services and Property. Residents living adjacent to the Sydney Cricket Ground [SCG] are not consulted about proposed development, they are not presented with any environmental impact assessment and they have no opportunity to contribute to improving the development. Indeed, in practice, they are not even notified about proposals and often find out about a development when construction begins.

The only applications that have gone through an open planning assessment process on SCG land were for upgrades to grandstands. Other developments have been approved behind closed doors without any consultation with local communities. In 2007 the Rugby Centre for Excellence and in 2008 the Sports Medicine Clinic were completed. In 2011 the trust cut down mature trees on the Gold Members Car Park without any approval from local government or any arborist reports. This bill is timely because of new development being proposed. Only yesterday the Government approved the Australian Rugby Development Centre with sports science facilities, which is to be built on the Gold Members Car Park without any public assessment or consultation, and there will also be an upgrade to Aussie Stadium in the near future. We are told that the rugby centre is a part of a master plan, but that is not a public document and it was not developed with public consultation.

The people who live adjacent to the stadia and those who use the precinct have the right as citizens of a democracy to be informed about plans that impact on them before they occur and to provide input to the decision-making process. Proper assessment and community input can improve design and development outcomes—community submissions can identify pedestrian links, traffic problems, heritage values and environmental issues that proponents may not have identified. I will quote the comments of former member for Bligh Michael Yabsley, who represented the area now largely covered by the Sydney electorate, when the then Liberal Opposition opposed these exemptions when they were introduced in 1985 to allow the redevelopment of a stadium. He said:

> This bill represents the culmination of a grand and shameful conspiracy against the residents of the eastern suburbs, to thrust upon them and their residential environment a sporting stadium of massive magnitude. It is the ultimate example of government by wink and nod …
> Who would have contemplated the need for the Government to pursue this matter in a way that totally dispenses with the perfectly reasonable and respected procedures allowed for in the Environmental Planning and Assessment Act and the Local Government Act?

Yabsley's concerns back then remain relevant today. There is no reason for SCG land to be treated any differently from land owned by neighbours, developers, schools, universities, hospitals, jails, aged-care facilities and government departments. Why the special treatment? There is no reason. The Sydney Cricket and Sports Ground Amendment (Development Assessment) Bill 2016 will remove these exemptions and ensure that all future developments will go through the normal development application process that should apply to that development under existing planning laws. It will ensure that the SCG fulfils its duty as a proponent of development, as a trustee of public land and as a neighbour.

In 2011 the Coalition Government removed the extraordinary discretion of the planning Minister in determining major projects under part 3A and referred these decisions to the Planning Assessment Commission. The Government did this because it promised the community that in government it would increase accountability and transparency in planning decisions. But decisions remain behind closed doors on SCG land and this bill would contribute to the Government's delivering its promise for open and transparent planning decisions. The bill has strong support from the communities that surround the SCG. I hope that the Government will understand their concerns about development in this precinct and grant them what all other New South Wales citizens are entitled to: open and transparent public assessments of proposed developments in their neighbourhood. I commend the bill to the House.

Debate adjourned.