



NSW Legislative Assembly Hansard

Sydney Cricket and Sports Ground Amendment Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 25 May 2006.

Second Reading

Ms SANDRA NORI (Port Jackson—Minister for Tourism and Sport and Recreation, Minister for Women, and Minister Assisting the Minister for State Development) [4.22 p.m.]: I move:

That this bill be now read a second time.

The objects of this bill are to amend the Sydney Cricket and Sports Ground Act 1978, being the principal Act, to enable the lands defined as scheduled lands under the principal Act which are dedicated for public recreation to be used for additional purposes in accordance with State environmental planning policy, to place certain restrictions on the use of that land and to update references in the principal Act to the provisions of the Crown Lands Consolidation Act 1913 that have been repealed and replaced by the Crown Lands Act 1989. The Sydney Cricket and Sports Ground Trust identified in its Strategic Asset Management Plan, Condition Audit Assessment Report and a draft master plan the need to provide new and upgraded public and corporate facilities within trust lands including the construction of the Sydney Cricket Ground [SCG] Hill grandstand. The trust considers there are two sites within trust lands with potential for redevelopment to fund these new and upgraded facilities: the gold members car park site and the area behind the SCG Hill.

The trust considers the gold members car park site is underutilised and that its commercial development has the potential for generating funds to be used on the construction of public infrastructure on its lands, including the proposed SCG Hill grandstand. The trust considers that the SCG Hill site has become a liability due to its deteriorating condition, inefficient operation and high maintenance costs. The trust believes the current state of the Hill area is disadvantaging it in comparison to other venues both within the State and interstate. Construction of the proposed Hill grandstand is considered an urgent priority by the trust. The commercial development of this land has the potential to generate funds for the construction of the grandstand and other projects in the trust draft master plan.

The Sydney Cricket and Sports Ground Act came into force in April 1978. The Act established the Sydney Cricket and Sports Ground Trust, known as the trust. The trust is charged with the responsibility of care, control and management of the land and assets of the trust, which are dedicated for public recreation. The trust's powers extend to the ability to carry out works on the trust land which includes the SCG, Aussie Stadium and the surrounding land, including the members' car park. Trust land is described in schedule 2 to the Act. The Sydney Cricket and Sports Ground Act currently allows the Minister to authorise certain uses on trust land and allows the trust to carry out works or enter into agreements to carry out works for those uses.

Section 14 of the Sydney Cricket and Sports Ground Act allows trust land to be used by persons, clubs, associations, leagues or unions as the trust may think fit and proper for cricket, football, athletic sports or public amusement, and any other purpose the Minister may approve consistent with public recreation dedication. Section 16 of the Sydney Cricket and Sports Ground Act allows the trust to carry out any work in connection with the improvement, development and maintenance of trust lands for public recreation purposes. Section 16A (1) of the Sydney Cricket and Sports Ground Act requires the Minister to consult with the Ministers administering the Environmental Planning and Assessment Act and the Public Works Act before approving the carrying out of certain improvements and plans relating to the improvements on trust lands.

Section 16B of the Sydney Cricket and Sports Ground Act allows the Minister to approve the carrying out of certain improvements on scheduled land and assets of the trust for public recreation under 16A of the Act, without reference to the Environmental Planning and Assessment Act 1979 and the Local Government Act 1993 in respect to the approval of the Minister to the carrying out of improvements, the use of those improvements or the designated land on which the improvements are carried out. Section 12 (2) of the Sydney Cricket and Sports Ground Act only permits trust land to be leased in accordance with division 3 of the Crown Lands Consolidation Act 1913 or the equivalent provision in the Crown Lands Act 1989.

This bill provides a mechanism for the authorisation of additional land uses on SCG land in the following manner. The Minister for Planning may authorise additional uses on specified sites within the "scheduled lands" through a State environmental planning policy, and the concurrence of the Minister for Sport and Recreation is required before making the policy. Developments on land where additional uses are authorised will be subject to State planning processes. Once additional uses are authorised, section 16B of Sydney Cricket and Sports Ground Act will no longer apply.

Exceptions will apply in relation to approvals granted under section 16A of the Act before a State environmental

planning policy or these changes to the Act took effect or took affect in response to an application by the trust. Section 16B of the Sydney Cricket and Sports Ground Act does not prevent provision being included in a State environmental planning policy in relation to any part of the scheduled land that is designated land. The trust will also be required to gain the approval of the Minister for Sport and Recreation before submitting a proposal for additional uses.

I would like to highlight this last point. The Minister for Sport and Recreation will have a critical role in approving any proposed additional uses that will impact on the most important sporting icon in New South Wales. I personally will take this responsibility to consider the heritage and sporting history of the venue in the most serious manner. Furthermore, the need to ensure the interests of the broader sporting community in accessing the venues administered by the trust will be foremost in my considerations for any changes to the allowable uses.

The bill enables the trust to enter into commercial agreements and other legal arrangements to allow additional uses to be realised in respect of the specific areas of the scheduled lands, including the gold members car park site and the area behind the area of the proposed hill grandstand. The bill also enables the trust to enter into agreements, with the approval of the Minister for Sport and Recreation, with the private sector for the development and funding of projects identified in the trust's draft master plan. These projects could include the development of a new grandstand to replace the Doug Walters Stand and building the proposed hill grandstand, incorporating corporate facilities and commercial facilities. Commercial uses are not currently permitted under section 14 of the Sydney Cricket and Sports Ground Act.

A significant aspect of the bill is that allowing trust lands to be used for additional purposes ensures that the land is used for the benefit of the trust and the community. The public and business community will benefit from additional uses. The bill prohibits residential development over the whole of the scheduled lands other than on the land described in schedule 2B, which is currently the site of the gold members car park. The bill also prohibits tourist and visitor accommodation—including hotels and serviced apartments—from any part of the scheduled lands that are not designated lands, which is the southern half of the scheduled land in the environs of the Sydney Cricket Ground, including the Sydney Cricket Ground hill site.

The bill amends section 16 of the Sydney Cricket and Sports Ground Act by inserting new sections 16C, 16D and 16E after 16B relating to additional uses on the scheduled lands. Section 16C prescribes additional uses allowed on the scheduled lands. Subject to the restrictions proposed in section 16D, section 16C (1) provides that any part of the scheduled lands may be used for permissible purposes, that is, purposes permitted on that part by a State environmental planning policy. Section 16C (2) provides that, despite any provision under the Environmental Planning and Assessment Act 1979, provision permitting or prohibiting the use of any part of the scheduled land for specified purposes may not be included in a State planning policy without the prior concurrence of the Minister for Sport and Recreation. Section 16D prescribes certain uses of scheduled lands which are prohibited. Section 16D (1) prescribes that:

- (a) no part of the scheduled lands (other than the land described in schedule 2B—the members car park site) may be used for residential accommodation;
- (b) no part of the scheduled lands (other than designated land) may be used for tourist and visitor accommodation.

Section 16D (2) clearly defines the terms "residential accommodation" and "tourist and visitor accommodation". Section 16E prescribes ancillary provisions relating to the development and use of scheduled lands for additional purposes, that is, permissible purposes permitted by a State environmental planning policy. Section 16E makes it clear that the dedication of scheduled lands for public recreation does not prevent or otherwise affect the use of any part of the scheduled lands for a permissible purpose, and makes it clear that the dedication of scheduled lands for public recreation does not prevent or otherwise affect the grant of a lease or licence that permits or otherwise provides for its use for a permissible purpose.

The section also extends the provisions of sections 102, 103 and 108 of the Crown Lands Act 1989 to the leasing and licensing of any part of the scheduled lands for a permissible purpose; extends the provisions of section 16 of the Act to enable the use of any part of the scheduled lands for permissible purposes in the same way that they apply to purposes referred to in sections 14 and section 15 of the Sydney Cricket and Sports Ground Act in respect to trust powers to authorise use of schedule lands and powers in respect additional lands; and allows the trust to exercise its functions in a partnership, joint venture or other association with other persons or bodies for the purposes of enabling the use of any part of the scheduled lands for purposes permitted by the State environmental planning policy.

The provisions relating to additional uses are similar to existing provisions in the Crown Lands Act 1989 that allow the Minister to authorise additional uses of Crown land. In July 2005 amendments were introduced into the Crown Lands Act 1989 to provide for additional uses on Crown Land and allow for greater flexibility in leasing land. These provisions provide for additional uses on reserves where the Minister considers it is appropriate and

the proposed use has been duly notified. The bill also amends outdated references to the predecessor of the Crown Lands Act 1989 allowing the trust to exercise its functions as if it were a reserve trust established under that Act.

The Sydney Cricket Ground was originally dedicated for public recreation under the Crown Lands Consolidation Act 1913, which was repealed by the Crown Lands Act 1989. No order has been made previously in relation to the Sydney Cricket and Sports Ground Act to amend the references to the Crown Lands Consolidation Act 1913 to provide for the application of the Crown Lands Act 1989 on trust land. The bill rectifies this by amending sections 8, 9, 10, 11 and 12 of the Sydney Cricket and Sports Ground Act by replacing references to the Crown Lands Consolidation Act 1913 with appropriate references to the provisions of the Crown Lands Act 1989.

Following the enactment of this bill by the Parliament the Minister for Planning will broaden the permissible uses allowed within the site consistent with the provisions of the bill. This will be done by a suitable planning instrument such as an amendment to the Major Projects State Environmental Planning Policy. The amendment to the instrument will not only allow for a broader range of uses but also introduce appropriate controls to ensure compatibility of any proposed development with the main recreational functions of the Stadium and the Sydney Cricket Ground.

Perhaps the most important aspect to note in the proposed amendments to the legislation is that there will be two processes of checks and balances to ensure that the continued operation of this most important sporting venue precinct is protected for future generations. The Minister for Sport and Recreation is required to approve any new uses on the trust lands, and the Minister for Planning will provide an additional level of scrutiny through statutory planning processes. These safeguards are comprehensive to ensure that public interests are protected, yet allow for some flexibility for the trust to further develop the venues under its management to best meet the needs of the State's sporting community. I commend the bill to the House.