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NSW Legislative Council Hansard

SYDNEY CRICKET AND SPORTS GROUND AMENDMENT BILL

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Second Reading

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.32 p.m.]: I move:

That this bill be now read a second time.

The objects of the Sydney Cricket and Sports Ground Amendment 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 that 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 the 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to update references in the principal Act to the provisions of the Crown Lands Consolidation Act 1913 that have been repealed and replaced by the Crown Lands Act 1989.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 Sydney Cricket Ground hill. The trust considers that 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. I seek leave to have the remainder of the second reading speech incorporated in *Hansard*.

Leave granted.

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 168 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 168 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 in response to an application by the trust. Section 168 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. The Minister 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 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 28, 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 168 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.

The Hon. MELINDA PAVEY [2.34 p.m.]: I lead for the Opposition on the Sydney Cricket and Sports Ground Amendment Bill. I am advised by the shadow Minister for Gaming and Racing, and the shadow Minister for Sport and Recreation, the Hon. George Souris, that the Opposition will not oppose the bill, and for good reason. The bill will enable lands dedicated for public recreation purposes to be used for additional purposes, with restrictions. The Sydney Cricket Ground is in need of refurbishment and ground improvements, including a grandstand rebuilding program. Construction of a new hill grandstand is expected to commence in February 2007 at the conclusion of the forthcoming Ashes and international cricket season. In the past the trust has unsuccessfully explored the possibility of private sector involvement. At this point I acknowledge the solid suggestion from my upper House Leader, the Deputy Leader of the Opposition, that any future stand development or redevelopment should incorporate the name "Doug Walters".

The Hon. Duncan Gay: That's the condition of our support.

The Hon. MELINDA PAVEY: It is a condition of our support.

The Hon. Duncan Gay: Keep the Dougie Walters name.

The Hon. MELINDA PAVEY: Yes, keep the Dougie Walters name. As all honourable members know, Dougie Walters is a fine Australian and a great batsman.

The Hon. Duncan Gay: A bushy.

The Hon. MELINDA PAVEY: A bushy from Dungog, as the Deputy Leader of the Opposition said. It is a pretty good condition, and we ask that the Sydney Cricket and Sports Ground Trust and the Government keep that in mind in any future developments. The proposed amendments will broaden possible uses of specific areas subject to certain restrictions on residential and tourist-visitor accommodation to ensure that the character and amenity of the site are maintained. The hill grandstand is expected to cost \$65 million in an overall \$180 million strategy. The Act permits the Minister, in consultation with other Ministers, to approve of a wide range of developments for public recreation purposes. However, the amendments will empower the Minister for Planning to authorise additional land uses through a State environmental planning policy, after the concurrence of the Minister for Tourism and Sport and Recreation. Once additional uses are authorised, the proposals will be subject to the State's environmental planning policies, subject to the prior approval of the sports Minister.

The bill permits potential residential development over the gold members car park only and prohibits hotel accommodation in the hill area. The bill also permits the grant of a lease for these permitted uses other than lands dedicated for public recreation. The bill also authorises the use of partnerships and joint ventures. There are also a number of mechanical provisions to update the original Crown Lands Act 1913 and its 1989 successor. The shadow Minister has consulted with the Sydney Cricket and Sports Ground Trust. The trust was represented by its chairman, Rodney Cavalier, Alan Jones, the Hon. Michael Cleary and general manager, Jamie Barkley. The Opposition will not oppose the bill. We wish the Sydney Cricket and Sports Ground Trust all the very best in its future development.

Reverend the Hon. FRED NILE [2.38 p.m.]: The Christian Democratic Party supports the Sydney Cricket and Sports Ground Amendment Bill, which is an important step in improving the accommodation for members of the public at the Sydney Cricket Ground particularly. The trust in charge of the property, the Sydney Cricket and

Sports Ground Trust, has determined that the Sydney Cricket Ground hill has become a liability due to its deteriorating condition, its inefficient operation and its high maintenance costs. Therefore, the trust, having decided that the hill area is disadvantaged in comparison to other areas both within and without the State, recommended that the Government give urgent consideration and priority to the construction of a hill grandstand, which is why we are debating the bill today. The commercial development of this land has the potential to generate funds for the construction of the grandstand and other projects on 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 to be in charge of that land. The trust is charged with the responsibility, care, control and management of the land and assets of the trust that are dedicated to public recreation.

The trust's powers extend to the ability to carry out works on the trust land that includes the Sydney Cricket Ground, Aussie Stadium and the surrounding land, including the members' car park, which is an important part of this bill. Two sites are to be developed: the hill and what is known as the gold members' car park. The trust is required under its trust conditions to ensure that land is used by persons, clubs or associations, leagues or unions as the trust may think fit and proper for cricket, football, athletics sports or public amusement, and for any other purpose that the Minister may approve that is consistent with a public recreation dedication. The trust also has the power to carry out any work in connection with the improvement, development and maintenance of trust lands for public recreation purposes.

The bill has positive aspects of allowing the Minister for Planning to refer to the Minister for Tourism and Sport and Recreation the approval of parcels of land within the Sydney Cricket and Sports Ground Trust scheduled lands that are compatible with commercial development purposes, but the bill prohibits residential development over the whole of the scheduled lands, other than the land described in schedule 2B, which is the current 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 land. This part of the bill refers to the southern half of the scheduled lands where the Sydney Cricket Ground is located. The prohibitions have been introduced to ensure that the trust lands are available for use by members of the community at large. Members of the public in Sydney who enjoy cricket look forward to improvements in the facilities, especially on the hill, which is the site for a modern grandstand. I support the bill.

Ms SYLVIA HALE [2.42 p.m.]: The Greens oppose the Sydney Cricket and Sports Ground Amendment Bill. The Minister's second reading speech is one of the most deceptive pieces of spin I have seen since being elected to Parliament. It is couched in warm and reassuring terms about the need to upgrade critical sporting facilities at the Sydney Cricket Ground and the need to improve overall access and amenity for all. Associated with this are supposedly minor changes to minor land use and zoning classifications to enable better use of underutilised areas to help fund upgrades to the hill grandstand. All this is complete guff.

This bill is about flogging off open space that is adjacent to the football stadium for medium-density residential development and the construction of new commercial and retail space, including hotels and tourist development, in and around the football stadium and cricket ground. This bill is not primarily about improving sporting facilities in the Sydney showground precinct. The bill paves the way to significantly increase development in and around the stadiums. It is not a sporting bill; it is a planning bill. This bill will open the doors to new apartment towers on the open space currently known as the gold members' car park. It will be the site of new commercial buildings, office space, shops and hotels, and underground car parks that are jammed in and around the football stadium. New shops and retail development will be built in and around the cricket ground stadium.

I will go into a little of the history of the showground. Almost 200 years ago, in 1811, Governor Lachlan Macquarie made a bequest of 1,000 acres of land, or 405 hectares, for "the benefit of the present, and all succeeding inhabitants, of Sydney". That land was then known as the Sydney Common. It represented common ownership and the provision of a respite from urban living as the foundation of the parklands. It is because of that original dedication that a large portion of the land remains the property of the Crown and is protected from encroaching development. It is protected as long as the government of the day decides not to sell it off. Now the government of the day is deciding to do just that.

The Sydney Common originally encompassed what is now Moore Park, Fox Studios Australia, the cricket and sports grounds, Centennial Park, Queens Park and the Randwick racecourse. That is a list of encroachments that have been made upon what was originally the Sydney Common. Centennial Park and Moore Park and the built environment have played an important role in the cultural and social history of Sydney dating back to the early nineteenth century. The parklands as a whole, not just individual items of heritage, are central to the culture and history of New South Wales. The land belongs to the community—a legacy of a far-sighted Governor Macquarie—but it is a legacy that, over the years, has been decimated and degraded. We have seen the very same exercise with the Sydney Domain, which has been encroached upon by roads being put through it and by bits and pieces of it being alienated. The Domain has been gradually and consistently reduced in size. The Labor Government has decided to alienate more of what was originally known as the Sydney Common.

The history of the former Sydney Common is one of continuous attempted, and often successful, encroachment.

Successive governments have not acted in the spirit of the Macquarie bequest. Large slabs have been sold for private use and other areas have been allocated for restricted use. Presently only one-third of the original 405 hectares of the original Sydney Common remains as open public land, with the remainder being vested in sporting interests, leased for commercial development or permanently alienated. There have been a number of noteworthy encroachments on the public open space of the Sydney Common. The Carr and Lemm Labor Governments have been running true to their form in massive depletions of parklands and open public space around Sydney. This bill is another step in that process.

This bill continues the process of alienation under the guise of improved services. It paves the way for new land use on key parts of the site. The Government is specific about wanting to redevelop two sites—the current gold members' car park and an area behind the hill grandstand. However, the bill paves the way for additional development on other land surrounding both the football and cricket stadiums. The Greens are most concerned about the development of the gold members' car park, which could result in a major medium- to high-rise development along Moore Park Road. I believe that the Government intends to dispose of lands within the site to generate \$63 million to redevelop the hill grandstand.

The Greens do not support the bill. We believe that it has been introduced with great speed. There has been no opportunity for public debate. The Fox Studio development caused enormous dissension within the community. In relation to the proposal to sell Snowy Hydro and in relation to this proposal, the Government's tactic is, as always, to sneak legislation through, quell public knowledge_let alone debate the issue_and present redevelopment to the community as a fait accompli. To pretend that this is in any way a sporting bill is to misrepresent the Government's real intention: to alienate even more public land and to do favours for the developers of this city.

The Hon. TONY KELLY (Minister for Justice, Minister for Juvenile Justice, Minister for Emergency Services, Minister for Lands, and Minister for Rural Affairs) [2.50 p.m.], in reply: I thank honourable members for their contributions and I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.