

INQUIRY INTO SYDNEY STADIUMS STRATEGY
RESPONSES TO QUESTIONS ON NOTICE - HEARING 6 AUGUST 2018
DEPARTMENT OF PLANNING AND ENVIRONMENT

Question 1:

The Hon. LYNDA VOLTZ: I show you a letter that was written by the Minister for Sport and the Minister for Counter Terrorism. Has that document been included as part of your EIS process?

Mr GAINSFORD: At this point in time I am not familiar with that letter.

The Hon. LYNDA VOLTZ: Perhaps could you take it on notice. You will also see attached a response from the Minister for the Environment, the Hon. Gabrielle Upton. That notes that there will be some meetings and reports. Could you take on notice to notify the Committee of whether there have been any follow up meetings or reports based on the Minister for the Environment's response to that letter?

The CHAIR: When the request goes out in writing for Mr Gainsford to respond, I take it the response will be attaching copies?

The Hon. LYNDA VOLTZ: Absolutely. It is a publicly available document.

The CHAIR: We would show which documents we are talking about?

The Hon. LYNDA VOLTZ: Yes.

The CHAIR: Can you take that question on notice?

Mr GAINSFORD: I am happy to take it on notice. As I mentioned before, we have not commenced our merit-based assessment at this stage. I cannot talk to what is included as part of the EIS .

The Hon. LYNDA VOLTZ: If you take it on notice you will be able to have a look at it and consider it.

Mr GAINSFORD: Okay.

Response:

The letter written by the Minister for Sport and the Minister for Counter Terrorism was not included as part of the EIS process.

The Department of Planning and Environment (DPE) is not aware of any follow up meetings or reports.

Question 2:

Mr JUSTIN FIELD: As part of that process, once a decision has been made is there any merit review or merit appeal process available to any stakeholders?

Mr GAINSFORD: There are avenues through the Land and Environment Court.

Mr JUSTIN FIELD: Who would have access to those sorts of avenues for a State significant process?

Mr GAINSFORD: Objectors have some rights through that process.

Mr JUSTIN FIELD: A merits appeal process?

Mr GAINSFORD: I am not sure it is. Can I take that on notice?

Mr JUSTIN FIELD: Yes.

Mr GAINSFORD: As to what the actual specific appeal rights are.

Response:

The applicant can lodge a merit appeal in the Land and Environment Court against a determination of a development application for State significant development.

A person who lodged a submission during the public exhibition of the development application for the Sydney Football Stadium does not have a merit appeal right against the determination. Objector merit appeal rights are available for State significant development, but only if it is categorised as designated development, which the Stadium is not.

Anyone can challenge the legal validity of a decision in judicial review proceedings in the Land and Environment Court.

Question 3:

The Hon. LYNDA VOLTZ: You feel confident that once the responses to the submissions are published people who have standing in the planning process will have a legal avenue to contest that decision?

Mr GAINSFORD: As I mentioned before, I will take that question on notice if I can.

Response:

The publication of the response to submissions prepared by the applicant is not a decision which can be legally contested. If the question is about appeal rights against the determination of the development application, refer to answer given to question 2.

Question 4:

The Hon. TAYLOR MARTIN: Would you be able to clarify some of the planning exemptions in the Sydney Cricket and Sports Ground Trust Act specifically around the consent authority?

Mr GAINSFORD: I would not profess to be an expert in that piece of legislation, but I am aware that legislation allows for proponents to effectively do some form of self-assessment within that legislation, and that has been used for development that has occurred on both the Sydney Cricket Ground [SCG] and football stadium in the past.

The Hon. TAYLOR MARTIN: How recently or how distantly in the past?

Mr GAINSFORD: I would have to take that on notice.

Response:

The *Sydney Cricket and Sports Grounds Trust Act 1978* (Act) is administered by the Minister for Sport. Under the Act, the Minister for Sport may approve the carrying out of certain works after having consulted with the Minister for Planning. The last consultation the Department is aware of took place in December 2015. The Act provides that the *Environmental Planning and Assessment Act 1979* does not apply to works approved by the Minister for Sport.

The Minister for Planning does not have a consent authority role under the Act and DPE does not have an assessment role. Further questions about the provisions of the Act should be directed to the Minister for Sport and the Sydney Cricket and Sports Ground Trust.

Question 5:

The Hon. LYNDA VOLTZ: Did some of the concerns include that the information sessions did not provide much information and there was no ability to respond to the information provided at those sessions?

Mr GAINSFORD: I would have to take that on notice.

Response:

Yes.

Question 6:

The Hon. LYNDA VOLTZ: Were those three community consultations held over a period of a month so that they were spread out, or were they all held within one week?

Mr GAINSFORD: I would have to take that on notice. Again, these were Infrastructure NSW's community information sessions. I cannot speak with authority.

Response:

Representatives from DPE attended 3 community consultation sessions on site at the Sydney Football Stadium on 3, 8 and 12 May 2018. Further information about community consultation undertaken by Infrastructure NSW should be directed to Infrastructure NSW.

