

**Submission  
No 285**

## **INQUIRY INTO SYDNEY STADIUMS STRATEGY**

**Organisation:** Saving Moore Park

**Date Received:** 28 May 2018

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## **SUBMISSION BY SAVING MOORE PARK INC.**

### **INQUIRY INTO THE SYDNEY STADIUMS STRATEGY by the PUBLIC WORKS COMMITTEE of the LEGISLATIVE COUNCIL**

Saving Moore Park Inc. (SMP) is an independent community group, established in December 2015 and unaffiliated with any political or activist group. Its core objective is embedded in its name. Through our website, Facebook and Twitter we've built a supporter base of more than 3,200 people. Attachment A outlines who we are in more detail.

#### **1. The decision to redevelop the Sydney Football Stadium (T of R item 1e)**

Why do we need a new stadium? How often are major public (or private) buildings demolished after 30 years? Needs change and safety standards change but buildings are always subject to on-going capital expenditure to respond to these changes. Why has the SCG Trust not undertaken the investment necessary to meet the changing needs of SFS patrons and its security and safety compliance responsibilities?

During the lifetime of the SFS, the SCG Members Stand - essentially a timber building with narrow wooden stairs and so a major fire risk - has had fire sprinklers and emergency lighting installed and now presumably meets minimum acceptable safety standards – the standards we're told the SFS no longer meets. Why has the SCG Trust not invested similarly in the SFS?

In the SC&SGT Annual Report dated 1 June 2015 Minister Ayres referred to Allianz Stadium as 'one of the most technologically advanced sporting venues in the world' and attributes this to a \$20M investment in such items as super screens and venue wide free wifi. How can the Trust justify (and be praised for) investing in technology while failing to maintain safety, security and comfort standards?

Why has the Trust not undertaken modifications to provide more ladies toilets (which we're told is a major reason why the Stadium needs to be rebuilt) as it has done in the Members' Stand? Had it done these things, taxpayers presumably would not now have to bear the cost of building a new stadium.

The SCG Trust has been like Rip van Winkle - asleep for the past thirty years, suddenly awakening to discover that the SFS is not as it should be. If a private sector Board were to perform so poorly that it had to go cap-in-hand to its shareholders for \$750 million to replace a key asset, it would soon be voted out.

The Government should be asking why those responsible for appalling governance of an important State asset should retain their positions. Instead it is rewarding the Trust by giving them a new Stadium. This is setting a poor example for those responsible for the governance of other major State assets.

The business case supporting the demolition and construction of a new stadium is marginal at best. Yes, we accept that due to the poor governance of the SCG Trust and senior management there are now security, safety and convenience issues affecting the SFS. But we

remain of the view that taxpayers' funds would be better used to renovate and refurbish it to bring it up to an acceptable standard.

## **2. The SFS – Where to from here? (T of R item 1d)**

That said, the Government has made its decision, and so we look here briefly at some of the processes involved in the demolition of the existing stadium and construction of a new one.

As a State Significant Project, demolition and construction is being managed by Infrastructure NSW (INSW) and there will be detailed Environmental Impact Statements covering each of two stages. The community should therefore have the opportunity to assess and comment on the Development Application for both stages – (1) demolition and concept design, and (2) detailed design, construction and operation. We strongly support this, with the proviso that the community is given ample time to do so.

We understand that the EIS for the demolition and construction concept stage will be lodged in the next few weeks, and the Department of Planning and Environment (DPE) will then place it on public exhibition. INSW has advised that due to the July school holidays, it's likely the exhibition period will be 42 days, giving the community longer than the minimum 30 days to provide a submission. (But see under 3(a) below.)

We've been briefed by INSW that:

- Moore Park will not be directly impacted during the demolition or construction of the stadium. Plant and equipment will be stored on the SCG car park, not in Moore Park.
- Driver Avenue is outside the stadium footprint and will not be permanently closed as part of the SFS redevelopment.

These commitments are welcome.

INSW has advised that the Stage 1 concept proposal will seek approval for ancillary uses such as 'retail and function uses' but that the nature and extent of these is subject to the detailed design process and will be assessed as part of the stage two DA. We ask how approval can be sought in Stage 1 when the relevant detail will only be available in Stage 2? How can the community comment on the absence of details of what's actually being proposed?

We note that INSW expects to issue a Request for Tenders in June/July. We are concerned at what seems to be a compression of the development timeline in an effort to get the project so far advanced by early 2019 that an incoming Labor Government would be unable to reverse it. How can the community's views on the Stage 1 EIS be fully taken into account in the tendering process if the timeline is not aligned to facilitate this?

### **3. Opportunities for Public Input (T of R item 1d)**

#### **3(a) The need for public consultation**

SMP has consistently stressed the need for disclosure and transparency, generally in relation to proposals affecting Moore Park, and specifically in relation to the stadium redevelopment. This is reflected, for example, in our letter at Attachment B.

As impacts on Moore Park and local residents are likely to be substantial, we believe it's essential that the community has ample opportunity to provide input into the planning approval process and that the assessment of their views isn't sacrificed in the rush to begin demolition before the next NSW election. It is encouraging that the EIS is likely to be on public exhibition for 42 days, and we look to INSW for assurances that there will be a high level of transparency in its responses to the community's views.

#### **3(b) Infrastructure NSW**

INSW states that it "is committed to extensive community engagement throughout the planning process". We welcome this and note that several members of the INSW project team have met with and briefed SMP and done likewise with other interested parties. INSW has also held several community consultation sessions to assist it in developing the EIS for the demolition phase.

We note, however, that journalists were apparently excluded from these consultations. If INSW is genuinely concerned to gain public feedback (as we believe is the case) then it should not actively take steps to discourage journalists from writing articles by depriving them of information that is otherwise available to the community. That suggests a sensitivity to open discussion and debate that does not engender confidence in the process that lies ahead.

#### **3(c) Community Consultative Committee**

We have actively promoted the establishment of a Community Consultative Committee (CCC) to play a leading role in the public consultation process. The DPE has published a set of Guidelines for these committees [here](#). These provide that "If the Department decides a Community Consultative Committee is warranted, it will require Proponents to establish these committees either:

- Early in the assessment process through the Secretary's environmental assessment requirements (SEARs) for the project; or
- Following approval through the conditions of approval for the project."

We've no idea what the latter statement means; it sounds like something from "Yes Minister". Nevertheless, INSW has advised that this is the option under which it's operating and it doesn't expect to establish a CCC until December 2018 at the earliest. We do not believe this is early enough.

The SEARs for Stage 1 of the SFS redevelopment project can be viewed [here](#). It makes no provision for a CCC. We're concerned this decision has been driven by administrative convenience rather than the needs of the community. This project is highly complex and, as noted above, has potentially major impacts on many residents and Moore Park.

We do not suggest that INSW's consultation process to date has been other than sound, but once we move to the DA/EIS stage of Stage 1 of the SFS redevelopment, we believe there is a need for more rigorous and consistent community involvement. Such a Committee needs to be an effective community voice while the EIS is on public exhibition, in a way that is difficult if not impossible for individuals, and afterwards when the community's feedback is being evaluated.

The September timetable for the Committee's report means that any recommendation it makes on this will be too late to have meaningful effect. We therefore request the Committee to advocate publicly the establishment of a CCC at an early stage of its deliberations.

### **3(d) SCG Trust Advisory Group**

The Committee will be aware that in 2016 the SCG Trust established a Trust Advisory Group (TAG) to enable it "to better understand the concerns of the local community and other residents". Its purpose is "to provide feedback and advice on current and future plans for the SCG precinct and the operation of lands under the control of the Trust". Given the importance we attach to transparency and communication with the community, SMP has been a strong supporter of this SCG Trust initiative.

It is therefore disappointing – indeed, quite extraordinary - that, despite (a) the TAG's stated purpose and (b) the briefing meetings INSW has been having with various interested parties, the SCG Trust has excluded the TAG from the schedule of briefings. INSW will not brief the TAG on the SFS development plans until 20 June - after the EIS in respect of the demolition of the Stadium has been lodged. It is of concern to us that the Trust does not place any value on community feedback via the TAG at this time.

From the outset of the TAG's deliberations, SMP has been concerned about the lack of clarity about when information the Trust provides is, and is not, confidential. It's an issue which has never been properly addressed by the Trust or the TAG. This has generated tension, recently culminating in a statement by a representative of the Trust that "All stadium specific discussions are confidential".

We feel that the lack of clarity and the Trust's narrow view of confidentiality constrain the ability of TAG members to communicate with the local community, and so impairs feedback to the SCG Trust via the TAG. From the outset it was proposed that the Minutes of TAG meetings would be posted online. However, it has taken until this month for this to happen – and then only in respect of the 2017 meetings. They can be viewed [here](#). The Minutes posted are carefully edited versions of those adopted by the TAG.

Some people may draw the conclusion from the above that the TAG may have been set up for 'window-dressing purposes' rather than as a genuine vehicle for community consultation.

#### **4. Impact of new SFS on Moore Park (T of R item i)**

##### **4(a) Moore Park's importance**

The INSW project overview ([here](#)) refers to “the transformation of Moore Park into a premier sporting and entertainment precinct”. This phrasing is, at best, loose wording and at worst a misunderstanding of what Moore Park represents to the community. We are particularly concerned that it plays to the views of those such as the Minister for Sport who see Moore Park solely as empty space that can be monetised for sports and entertainment. First and foremost, Moore Park is precious green space that exists for the benefit of the community.

In 1866, 153 hectares of the northwest section of the Second Sydney Common (first set aside by Governor Macquarie in 1811) was reserved for public recreation and named Moore Park after the then Lord Mayor of Sydney, Charles Moore. Over the years, a quarter of the park has been lost, pieces having been sliced off for roadworks and other purposes, reducing it in size to 115 hectares. What remains comprises 28 per cent of total parkland within the City of Sydney and about one third of existing outdoor sports fields and courts.

The Moore Park Master Plan 2040 further emphasises the Park's significance: “Founded 150 years ago, Moore Park is one of Australia's most significant parks and is widely loved as part of inner Sydney's ‘green lungs’. It includes magnificent landscapes, significant heritage features and 115 hectares of public open space. It offers a green escape from the urban density and complexity of our city”.

There are two ‘impact’ issues associated with the stadium:

##### **4(b) During demolition and construction**

As noted earlier, INSW has advised that Moore Park will not be directly impacted during the demolition or construction of the stadium. However while we don't doubt INSW's commitment, planning is at an early stage. Things can change, and this underlines the need, discussed above, for a Community Consultative Committee which can closely monitor observance of this commitment.

##### **4(c) Integration with the Park after the stadium has been constructed**

Integration issues are certainly on INSW's radar, but it's our understanding that the budget for the new stadium does not include funds for this.

What does integration mean? We're talking here of things which impact directly on the Park, such as parking arrangements and pedestrian access and dispersal planning, lighting and signage. But there are broader impact issues as well – such as traffic management planning, managing the impact of increased crowds on the local community and the impact on nearby commercial operations in the EQ, Fox Studios, etc.

These are all vital issues and in the absence of any agreed funding for these integration issues, we are less than confident that they will be adequately addressed. We would expect all these issues to be taken up in detail in the EIS for stage 1, which further underlines the need

for adequate public consultation rather than have this pushed through so as to enable an early start on demolition of the stadium.

## **5. Funding for Moore Park (T of R item i)**

### **5(a) The community's green space needs**

With little expenditure on Moore Park for many years, other than to construct elite playing fields, and with the Park used extensively for car parking in conjunction with events at the SCG and SFS, Moore Park has become seriously degraded.

The Park is of vital importance to those people living in the rapidly growing area west of the park. Over the next decade this area will become the most densely populated area in Australia. People living there will need ample green space for recreation – the reason the Park was established in 1866.

There is a well-recognised link between public recreation space and a community's health and welfare, one that has been acknowledged by the Government:

- The NSW Government Architect has said: “We need to think of Green Infrastructure as equally essential as roads, transport infrastructure, storm water and drainage because of the many benefits it provides”.
- In April 2018, when announcing the Government's \$290 million funding injection “to make NSW communities more liveable and green”, the Premier stated that “Having access to green open space is crucial in making communities thriving and enjoyable places to live”.

But so far as Moore Park is concerned, these are just words. Even though the Centennial Park & Moore Park Trust's operations are self-funded and its capital resources are very limited, the Government has made no funding commitment towards implementing the Moore Park Master Plan 2040. Calls for the Minister for the Environment – the Minister responsible - to allocate funds for Moore Park have fallen on deaf ears. It's not in her electorate, so she's not interested.

If community need wasn't sufficient reason for the Government to invest in Moore Park, the Park is the gateway to Allianz Stadium and the SCG. Few other stadiums in the world are in such a potentially wonderful setting. The “hard” infrastructure of Allianz Stadium and the SCG is embedded in the “soft” infrastructure of the surrounding parklands. Upgrading the park can only add to the visitor experience.

A list of the issues where we feel the need is greatest is provided at Attachment C.

### **5(b) The funding challenge**

There is a well-established practice in NSW and other states for the developers of major projects to make contributions to consent authorities for the funding of local infrastructure. In NSW, these are usually referred to as Section 94 contributions under the *EP&A Act*. (The Act has been changed and the relevant section is now 7.11.) The City of Sydney usually expects

contributions of between 3% and 6% of the development cost towards new and upgraded public infrastructure.

Our understanding of the situation in relation to the SFS redevelopment is as follows:

- Section 7.11 creates the power to require the payment of a monetary contribution, where the consent authority is satisfied that the development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area;
- Nothing in that section specifically says that the monetary contribution is payable to the consent authority;
- In the case of the SFS redevelopment, a development contribution will be paid – to the City of Sydney, even though it is not the consent authority (advice from INSW);
- As a State Significant Project, the relevant consent authority is either the Independent Planning Commission or the Minister for Planning;
- Section 7.17 empowers the Minister to direct a consent authority as to a number of things, including the use of monetary contributions or levies “for purposes other than those for which they were paid”;
- The amount of the contribution in relation to the SFS is unknown, though we understand that it relates to the number of people employed on the project.

If the above is accurate, this is an extraordinary situation. It would suggest that the State of NSW may be proposing to make a substantial contribution to the City of Sydney because of “the demand for public amenities and public services within the area” arising from the SFS redevelopment. We accept that some payment to the City of Sydney may be appropriate - though it is unclear just what “public amenities and public services” associated with the redevelopment fall within its purview.

What is obvious to us, however, is that, if this happens, it will be a wasted opportunity for the Government to allocate significant funds for the remediation and upgrading of Moore Park. As we’ve identified earlier and in Attachment C, there is a large and growing need to enhance and revitalise public amenities and public services associated with the Park.

What makes this all the more remarkable is that it was the Planning Minister who, in November 2017, announced the Government’s “Greener Places” policy which expressly identifies green spaces as an important piece of state infrastructure. The Minister will find no better opportunity than this to give effect to the State Government’s policy.

We therefore call on the Government to make a sizeable development contribution to the Centennial Park & Moore Park Trust for use in progressing the Moore Park Master Plan.

## **6. Future of Driver Avenue (T of R item i)**

As noted earlier, Driver Avenue is outside the stadium footprint and will not be permanently closed as part of the SFS redevelopment. It’s our understanding that the design of the new stadium will explicitly reflect the need for strong counter-terrorism measures that might otherwise require the permanent closure of Driver Avenue.



However, much as we would like to think this is the end of the matter, it isn't:

- On 14 September 2017, the Minister for Counter Terrorism, David Elliott, and the Minister for Sport, Stuart Ayres wrote to the Minister for the Environment, Gabrielle Upton proposing the permanent closure of a large section of Driver Avenue. (Upton is the Minister responsible, as Driver Avenue is the responsibility of the Centennial Park & Moore Park Trust.)
- While the SCG Trust claims that it has no secret plan to fully or partially close Driver Avenue, it is known to be keen to close at least a section of Driver Avenue so it can expand the Brewongle Stand out into the existing road area. This is believed not to be a short-term plan, but it is certainly on its radar.
- On 21 November 2017, the Centennial Park & Moore Park Trust advised the Department of Premier & Cabinet that, while it has no plans to permanently close Driver Avenue in the short term, it endorses its full closure “following appropriate design, consultation and analysis. This would include traffic impact studies for commercial and community access, the development of alternate access points for major landholders, event car parking analysis, engagement with key stakeholders, community and elite sporting teams and sympathetic landscape design to enhance amenity and security.”

Driver Avenue is an important road linking the Eastern Suburbs with suburbs to the south, and should remain open for most days of the year when there are no events at the SFS or SCG. Existing security arrangements on event days include the use of crude cement bollards which detract from the parkland setting of the stadium. We therefore support the installation of retractable bollards and other similar mechanisms that will allow the site to be secured on event days but “disappear” at other times to allow through traffic. In the interests of an integrated approach to security, this should be done in conjunction with the SFS redevelopment.

There do not appear to be many good things arising from the stadium redevelopment for Moore Park or the local community. But if the new stadium proceeds, and those designing it do their job properly, there will be no need to close Driver Avenue for safety and security reasons.

## **7. New building on existing SCG land (T of R item j)**

The SFS redevelopment will involve the demolition of the Sheridan Building, where the SCG Trust has its offices, as well as other buildings housing the Sydney Roosters and the Cricket NSW. The members' fitness centre, swimming pool, tennis and squash courts and Azure café – which are all used by SCG/SFS gold and platinum members – will also disappear. In our meeting with INSW, we were advised that the stadium design doesn't include provision for any of these member facilities.

In an email to SCG Members earlier this week, the Trust stated that

“Future fitness facilities for members will be located within the stadium precinct. This space will be funded by the SCG Trust and we will continue to work with the Government to find the best long-term solution.”

The Trust is being unduly coy, no doubt to discourage unwanted criticism of its plans.

We understand that these plans involve a new five or six story building on the members carpark, next door to the Rugby Australia/UTS building. This will include a range of facilities for members including a fitness centre, a 50 metre pool and tennis and squash courts. As well, it will provide office accommodation for elite sports, offices for the SCG Trust and space for other existing Sheridan Building occupants. This will inevitably result in a loss of parking spaces. (We're unaware of any plans the SCG Trust has to provide new parking facilities.)

As the Committee will no doubt be aware, under its own Act the SCG Trust is exempt from the provisions of the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*. The Minister for Sport is empowered to approve improvements of any kind on SCG Trust lands. This provision, which to the best of our knowledge is the only exemption of its kind in NSW, was included in the Act in 1985 to exempt construction of the SFS from being subject to an EIS.

We've asked the SCG Trust for an assurance that it will not use the exemptions under its Act, and that any new building proposal will be subject to a formal DA/EIS process that is no less extensive and thorough than that being used by INSW for the stadium redevelopment. We have not received that assurance.

The world has moved on a lot in the last 33 years, as is reflected in the fact that INSW is now required to prepare an EIS for its replacement. It would seem that the SCG Trust hasn't moved on at all.

We believe it's untenable that two major construction projects will be progressed side by side under two completely different sets of rules. Why should the proposed building be subject to a lower level of transparency and consultation than INSW will apply in the case of the new stadium? It makes no sense at all.

Of course, making the new SCG building subject to the normal EIS process would also mean that it will have to pay a development contribution, as with the SFS redevelopment. In the interests of blending the SCG precinct in with the surrounding parklands, we believe this contribution should be made directly to the Centennial Park & Moore Park Trust to assist it implement its Moore Park Master Plan.

We believe it's unlikely that the SCG Trust will voluntarily give up its highly prized exemptions unless forced to do so by the weight of public opinion. The Committee has an important role to play in this respect. Some of the questions it may ask:

- Is the NSW Government seriously going to go in to bat for the SCG Trust and exempt a major development of this kind from proper public scrutiny after the hostility generated by its decision to redevelop the SFS?
- If the SCG Trust is exempt for its own buildings, why bother having an EIS for the SFS?
- Why not extend the exemption to all other Government authorities in NSW?
- Why require an EIS for private buildings of similar scale?

- What externalities are there which makes the SCG Trust such a special case?
- Why should the SCG Trust be exempt from having to pay a development contribution when every other public and private building development in NSW is required to do so?

The questions go on and on...

Frankly, we take the view that the SCG Trust is being naïve in even proposing this. It's pretty easy for those who oppose such a building to run the line of argument that -

- (a) The Trust saves millions by letting the SFS run down to a point where it has to be replaced;
- (b) it then gets the Government (ie. taxpayers) to pay for a new stadium;
- (c) the Trust uses the millions saved to pay for a new building that provides offices and facilities that will otherwise disappear; and
- (d) then uses the exemptions under its Act, so that the new building is not subject to a normal DA/EIS process.

There may or may not be substance to such a line of argument, but with the SFS decision “on the nose”, many will believe this. We urge the Committee to make a strong public statement in its Report opposing any suggestion that the SCG Trust be exempt from the requirement to complete an EIS under the *EP&A Act*.

Michael Waterhouse  
President  
Saving Moore Park Inc.  
25 May 2018

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