



Sue Higginson
NSW GREENS MP

w: suehigginson.org
p: (02) 9230 2273
e: sue.higginson@parliament.nsw.gov.au
a: NSW Parliament, Macquarie Street, Sydney 2000



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John McKee
General Manager, Ku-ring-gai Council
818 Pacific Highway Gordon NSW 2072
Via email: krg@krg.nsw.gov.au

Cc. Penny Sharpe
Minister for the Environment
Via email: office@sharpe.minister.nsw.gov.au

Dear Mr McKee

Failure to comply with environmental assessment requirements for Norman Griffiths Oval

I write to you today about the assessment requirements for the upgrade of Norman Griffiths Oval at West Pymble and the apparent failure of Ku-ring-gai Council to comply with the important and specific legal requirements of the Environmental Planning and Assessment Act 1979 (EPA Act).

Section 5.5 of the EPA Act requires a determining authority, in its consideration of an activity, to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity. Pursuant to section 5.10 of the EPA Act the regulations may make provision for or with respect to determining the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment.

Clause 171A of the Environmental Planning and Assessment Regulation 2021 (EPA Regulation) provides specific and additional matters that must be considered where the proposed activity is within a regulated catchment and including matters under State Environmental Planning Policy (Biodiversity and Conservation) 2021.

The location of Norman Griffiths Oval falls within the boundaries of the Sydney Harbour Catchment, which is a regulated catchment and is, therefore, subject to clause 171A of the EPA Regulation. It is my understanding that the Review of Environmental Factors (REF) for Norman Griffiths Oval has not addressed clause 171A of the EPA Regulation.

Without addressing the specific matters in clause 171A of the EPA Regulation in the environmental assessment contained within the REF, section 5.5 of the EPA Act has not been satisfied. Furthermore, by examining the effects that the proposed development may have on the environment, as required by section 5.5 and clause 171A, it may be found that an Environmental Impact Statement (EIS) is in fact required for the activity, as opposed to a REF. Failing to discharge the duty under section 5.5 is a breach of the EPA Act and failing to prepare an EIS when one is required is a breach of the EPA Act.

I urge you to halt work upgrades of Norman Griffiths Oval until the above requirements are addressed. Ku-ring-gai Council may otherwise find it is faced with legal action, as any person can commence proceedings in the Land and Environment Court to restrain and or remedy a breach of the EPA Act.

While public access to sports fields for games and other outdoor activities is vital for a vibrant community, environmental assessment as required by law for development and activities is paramount and a duty examinable by the court.

Please do not hesitate to contact me directly on 0428 227 363 to discuss the matter further. I look forward to your timely response on this important issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sue Higginson', written in a cursive style.

Sue Higginson
Member of the Legislative Council & Solicitor