



29 October 2021

**Submission of Blacktown & District Environment Group Inc
Draft Exposure Bill
Greater Sydney Parklands Trust**

SUMMARY OF SUBMISSION

**GO BACK
YOU ARE GOING
WRONG WAY**

The Greater Sydney Parklands Trust and the Bill to enable it will echo through the halls of history as one of the greatest betrayals of and thefts from the general public of Greater Sydney.

THE WRONG IDEOLOGY

Existing Trusts identify more with the community yet they do this with insufficient funding from the government. They manage land that are of such importance in history and as landmarks in Greater Sydney that they need greater commitment of government toward disbursement of tax revenue to do this. But no, successive governments have starved these Trusts of funding. They are the public's land and, because of their history and function for the broader community, they are deserving of realistic funding from the government budget.

It is crass, piggish ignorance for the government to treat these precious lands as a commodity that can be given over to commercial interests. Such is the proposal before us in the draft Exposure Bill for a Greater Sydney Parklands Trust.

This Bill permits commercial interests to take over space that is the people's space and charge the people to enter that which has been their own space. Whether it be a historic built structure or an open space this Bill has one villainous feature – it reduces the area that has been the public's own free space.

The public should not be robbed of their free space. The existing Trusts need to be adequately funded from the broader NSW tax revenue and the existing Trusts appropriately legislated to provide the public with access to the managers and management of their land.

A Greater Sydney Parklands Trust, propped up as it would be by "selling the furniture" is not needed nor is it wanted.

EMPIRE BUILDING

The concept of a Greater Sydney Parklands Trust (GSPT) presents as empire building.

Presiding over Western Sydney Parklands does not seem enough for the Board of Western Sydney Parklands Trust. It now looks to take over Centennial Park, Callan Park and Parramatta Park and the Trusts of those estates which have had a long history of engagement with and involvement of the general public and with which the local community can identify with – a history of voluntary function.

Quite frankly, the Board of Western Sydney Parklands Trust has demonstrated nothing more than the average person in the street could do – from the proceeds of selling off assets (the public's land) the Board engages consultants to produce reports which are the case for whatever the Board does with respect to management of Western Sydney Parklands. I can tell you with certainty, the operations of the Board of Western Sydney Parklands Trust has been to the detriment of sustaining viable populations of the flora and fauna known to have inhabited the Cumberland Plain.

The Board of Western Sydney Parklands Trust is not worthy to be given more land to manage through the concept of a Greater Sydney Parklands Trust. It will treat the open space that is the public's land as a business opportunity and will sell or lease parts of the land to business interests to sustain the Board members into the future. The public will be required to pay to enter their once free open space. This is overturning the intention for which the land was originally acquired for the public.

The lands and existing structures thereupon which are proposed for inclusion in the estate of the proposed GSPT have no certainty of continuity as the public's free open space or structures.

Resist this empire building and properly fund the existing Trusts from the tax revenue the public has already handed over.

The lands involved in the GSPT concept are of considerable worth to Greater Sydney that they should not be given over to a future founded on commercialisation and consequent reduction in access of the public to their own land.

HISTORICAL CONTEXT

Sadly, this nation has a history of empowered people dispossessing the less empowered people of land to which they had full access.

It commenced when Europeans arrived and began pushing indigenous people off the land they formerly had free access to, the area that has become Greater Sydney.

Then it began happening after Governor King declared certain large spaces "Common Land" to assist the common people to subsist but which lands the wealthy, the entrepreneurs, the elite began enclosing for their own selfish interests.

Some of that former "Common Land" has made its way back into public ownership, the most representative being what has been called Western Sydney Parklands, paid for from government revenue derived principally from taxes. It was all to be the public's land but, no, the Board of Western Sydney Parklands Trust (WSPT) found it beyond them to come up with "innovative funding solutions" (a term proposed in the GSPT White Paper.

Does the government really expect the public to believe that the Board of WSPT, shifted over to the GSPT, has the capacity to come up with "innovative funding solutions" when all it could do when the Board of WSPT was "flog-off" the public's land i.e. "sell the furniture".

Really, this is a joke isn't it???

Get rid of this lot they are nothing more than land stealers and developers!

A QUESTION OF MORALITY

How odious it is that land owners were forced off their land for a supposed hugely significant and essential concept that was to be "*the Lungs of Western Sydney*" and "... *never to be developed*" and "... *could be in fact the biggest and best urban park in the world*" and "... *the payoff for good planning, good rules-based planning, it means land is being set aside and not developed*" only for the former land owners to later find their land leased for financial benefit by the Board of WSPT – a Trust that was supposed to be funded from developing other land acquired by the government and not included in the boundary of the Parklands.

A QUESTION OF ECOLOGICAL SUSTAINABILITY

It's time for the government and its agencies to stop advocating the term "ecologically sustainable" without quantifying it with evidence-based science.

The term "ecologically sustainable" has allegedly been the principle upon which all development has occurred in Greater Sydney for decades yet, at the same time, ecological communities have been elevated in status under environmental protection legislation from not being listed to being listed as "Endangered" and later listed as "Critically Endangered". But still the destruction continues. It seems those who enter employment in the Department of Planning, Industry and Environment are comfortable living their life as a lie.

The Board of WSPT has been like minded. It has recruited ecological consultants who will do its bidding to define areas allegedly lacking ecological function because of prevalence of non-native vegetation species so that those areas can be turned over to the development bulldozer. However, lacking in that notion is the extent to which the area has been habitat and foraging for fauna. Scant monitoring of fauna activity (something dubious because most fauna hide or go quiet when humans enter an area) is the basis upon which ecological studies are produced to permit bulldozing an area for development dollars.

If you want fauna populations to be viable for sustaining species they need space. My twenty-five years of observation of fauna indicates that fauna needs space comprising vegetation – native or a mix of native and non-native vegetation to survive. The space demand is a greater demand for fauna than being left to fewer areas of better quality native vegetation because fauna are territorially competitive and the strongest will drive out the less strong to areas where they will not survive.

For the Board of WSPT to have destroyed certain percentages of its land holding for development interests but which comprised flora and fauna habitat has been to diminish the extent of space available for fauna to exist. The decisions of the Board of WSPT have not been ecologically sustainable and now this proposed draft exposure Bill for GSPT permits these perpetrators to continue their destruction unfettered because no limits are applied to what the Board can do from deriving income by consigning the public's land to business interests.

A QUESTION OF QUALIFICATION

Just look at the qualifications of the Board of WSPT *cum* GSPT, there is not a skerrick of ecological qualification among the members.

That is shameful! Those people who have alleged responsibility for what was supposed to be the sustaining of the largest estate of Cumberland Plain Woodland and other ecological communities in Greater Sydney is thoroughly lacking ecological qualification.

No, what the Board does have is business qualification after business qualification and that gives the lie to what is really intended with the GSPT.

Further, those business qualifications do no service to the bearers because they resort to doing nothing more than what the average "Jonnie in the street" could do – sell off the assets to make ends meet!

These people are elites, privileged political or insider appointments who do the basest thing – sell-off the public's free open space to business interests and diminish biodiversity in the process.

These people are the same calibre of those who stole the Aboriginals' land and the common peoples' "Common Land" for their own selfish interests.

TURNING TO CLAUSES IN THE BILL

PART 1 PRELIMINARY

3 Objects

- (a) to maintain and improve the parklands estate across Greater Sydney and ensure the parklands estate is effectively managed and operated to deliver world-class and ecologically sustainable parklands for the public,

Response

As indicated earlier in this submission, the provisions of that clause have not been achieved by the Board of WSPT so how can it be achieved when slotted into the Board of GSPT? History demonstrates that the term “ecologically sustainable” is just rhetoric and to add the handle of “world-class” to an existing failure in this regard is an attempt to put “lipstick on a pig”.

Just one, and only one of many examples, of the failure of the Board of WSPT to achieve “ecologically sustainable parklands” and “to maintain and improve the parklands estate across Greater Sydney” is how the Board of WSPT has absolutely failed to eradicate the infestation of *Nassella neesiana* (Chilean Needle Grass). This most invasive of grasses has become rife within Western Sydney Parklands to the diminution of native grass species – all because of the woeful means the Board of WSPT has dealt with it (or, more aptly, not dealt with it).

There are many examples of other failings and only to be expected when representatives of the Board focus more on “swanning” around being feted at business forums than effectively managing our natural heritage.

- (c) to ensure the conservation of the natural and cultural heritage values of the parklands estate and the protection of the environment within the parklands estate,

Response

So, does this mean the Board of GSPT will conserve natural and cultural values and not build upon them?

The Bill is lacking detail on how that will be achieved. Rather, the Bill provides open-ended scope for business interests, anything from a kiosk to a business hub to occur.

- (d) to advocate for a long-term vision to achieve the outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space

Response

So, will the Board of GSPT retain ALL the public’s open space within existing parklands?

Not on form disclosed thus far.

- (f) to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community

Response

This is a statement weighted toward people activities and opening the door to "adaptive" i.e. reuses of open space areas. – to be read as reduction of natural areas to accommodate built structures and infrastructure.

It provides for further loss of flora & fauna habitat that, in the case of Western Sydney Parklands, was land that was to be set aside and never developed.

- (g) to provide increased opportunity for community engagement to shape regionally significant parklands in response to diverse community needs

Response

The Board of WSPT failed miserably in community engagement by the way it steered the community to activities the Board had predetermined. Why would things be different when that Board is slotted into the GSPT?

On past form, there is a fear the Board will stack community engagement events with those who will benefit from what is proposed.

PART 2 CONSTITUTION AND MANAGEMENT OF TRUST

Division 2 Board of Trust

9 Appointed members of Board

- (1) (b) environmental management

Response

The Proposed Board of GSPT will have management of the largest estate of "Critically Endangered" Cumberland Plain Woodland and other threatened ecological communities and species. It is just not good enough to require of a candidate for the Board "experience or skills" in "environmental management".

Biodiversity must be understood and a candidate must have the "runs on the board" in studying and conserving biodiversity. To that end, a "jobs for the boys or girls" attitude must not apply.

A candidate must be a recommendation from at least 3 peak NGO's with a demonstrated history of going "out on a limb" to protect biodiversity. The peak NGO's must be of the stock of Total Environment Centre, Nature Conservation Council, Wilderness Society, not the environmental enterprises such as Greening Australia, Landcare NSW and Conservation Volunteers Australia.

Division 3 Powers of the Trust

11 Exercise of functions through private subsidiaries, joint ventures etc

- (b) a private subsidiary corporation
- (c) the Trust or a private subsidiary corporation, or both, in a partnership, joint venture or other association with another person or body

Response This is totally unacceptable and dangerous. Control of the public's land is being given over to corporate entities. Those corporate entities will not be involved unless they are to make money out of the proposition and that means cost to the public either through fee for entry or service or loss of what has been their own land onto and into which the public presently has free access.

PART 3 FUNCTIONS OF THE TRUST

Division 1 General Functions

15 Functions – generally

- (1) The Trust has the following functions –
 - (a) to conserve, restore and enhance the natural environment of the parklands estate

Response Placing this item as the first sub-clause in general functions of the Trust is a smokescreen.

It is intended to give the impression conserving, restoring and enhancing the natural environment carries primary importance but the reality is that it carries no more weight than sub-clause (1) which provides for business activities which are a contrary concept to the natural environment and, instead, pose a serious threat to the natural environment.

Further, given the rank form of the Board of WSPT to pursue business interests at expense of the natural environment there can be no confidence the existing natural environment in the proposed larger estate of the GSPT will be left unmolested.

- (c) to facilitate and promote the use of the parklands estate for education, environmental sustainability and scientific and other research, including by providing facilities for education and research

Response This will only result in loss of natural heritage to provide structures to accommodate the proposed facilities.

What is the sense in destroying the natural environment to provide the facilities for future students to research what is being lost to built structures on what was once ecologically diverse?

Adding to concern is the likelihood that the Board will see this structure building concept as a commercial venture.

Botanists, ecologists etc have for many decades acquired their expertise by getting out into the field without the need for built structures in their field of study. Existing educational facilities in schools and university etc have and can continue to provide the venue for theory.

No, this item can be seen as nothing else than destructive to what it is couched to protect and all to achieve another money-making venture by the Bill's architect.

- (e) to provide for and facilitate a diverse range of recreational, historical, educational, environmental, cultural, sporting, entertainment and tourism uses of the parklands estate, including by providing facilities and associated services

Response

This is bound to result in loss of biodiversity as structures proposed for this range of pursuits will inevitably take the place of areas of natural environment. It will also adversely impact the ambience of what was originally assigned to be a place of tranquillity, attributes lost to the excitements the clause in the Bill permits.

- (h) to consider advice received from community trustee boards about the parklands estate or parts of the parklands estate

Response

As stated earlier in this submission, the Board of WSPT *cum* Board of GSPT has shown a poor record in actually listening to the public. Views outside what the Board paid for in the way of consultant's reports was not entertained thereafter.

No confidence exists in our members that this statement in the functions of the Board has meaning or veracity.

- (l) to undertake or facilitate business activities and facilities within the GSPT estate, but only for the following purposes—
 - (i) to maintain and improve the parklands estate across Greater Sydney,
 - (ii) to ensure the parklands estate is effectively managed and operated to deliver high quality and ecologically sustainable parklands for the public,

and

- (m) to provide or permit the provision of food or other refreshments on land within the GSPT estate

Response

I have touched on this matter earlier in our submission.

Having been blooded by the provision permitting WSPT to develop, as business and commercial hubs, 2% of what was originally intended to be land "never to be developed" and percentages of other lands for commercial gain, the Board of WSPT now has an insatiable lust for turning over more of the public's own land to mates in the business and commercial sector.

This Bill, no doubt scripted in many ways by one or more members of the WSPT Board, provides unfettered capacity for the Board of GSPT to give over the public's land to commercial and business interests.

The public's own land is being stolen from them and the public will be either denied access to parts of their former lands or forced to pay to return to those areas they once accessed free of cost.

This is a most disgusting contempt for the public, sold in the dress of providing amenities to the public!

Damn it! The government founds its economy on bringing a huge population of people into Greater Sydney and approves density of housing which precludes sufficient space for relaxation and "smelling the roses" for the inhabitants. The provision and preservation of extensive areas for that population to relax and recreate at no cost is vital to the society now and in the future. That economy should pay for the preservation and management of what open space and natural heritage is remaining today – not look to flog-off what we have to pay for a lesser estate.

That land now exists and exists because people in the past saw a need and purpose much greater than the base, development minded Board of WSPT *cum* GSPT. It would be laughable if it were not so depressing that such simple-minded people could be acclaimed in government for simply "selling-off the furniture". Their actions are those of the bankrupt not those within telescopic sight of "innovative funding solutions".

The Board of WSPT should be banished from any responsibility with respect to the public's open, free space - not rewarded with unfettered capacity to do their worst.

What a shameful period of government in New South Wales!

- (q) to ensure Government agencies and State owned corporations have access to major service infrastructure within the GSPT estate on terms the Trust considers appropriate

Response

Infrastructure should not be "the god of this age" whereby it comes in over the top of everything existing before it.

No provision should be made for further infrastructure to diminish the public's estate of free, open space and natural heritage. That infrastructure which exists within the major parklands for which this draft Bill addresses should be the limit, no more.

Division 2 Functions about land

17 Acquisition of land

- (1) The Trust may, for the purposes of this Act, acquire and own—
 - (a) new parks, and
 - (b) supplementary land.
- (2) Land acquired and owned under subsection (1) forms part of the GSPT estate.
- (3) The Trust may acquire land—
 - (a) by agreement, or
 - (b) by compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*.

Response

What is to prevent the Board of GSPT (former members of WSPT) from the abhorrent behaviour of supporting, if not committing, the compulsory acquisition of private land on the pretence of establishing a greater parkland estate only for the Board to later lease the land to commercial, business or other interests to the benefit of keeping the Board members in a job?

Private land owners were denied opportunity to capitalise on their land investment because of an alleged noble goal, only to see their former investment become not a park but a business hub to the financial benefit of others.

This behaviour of the Board of WSPT is a stench in the nostrils of those with any moral sensibility.

19 Management of GSPT estate and other land

- (1) The Trust may enter into an agreement with a government sector agency for the Trust to—
 - (a) manage, maintain, improve or develop land of the agency, or
 - (b) provide services or do other things for the management, maintenance or improvement of land of the agency.
- (2) The Trust may enter into an agreement with a government sector agency for the agency to—
 - (a) manage, maintain, improve or develop the GSPT estate or part of the GSPT estate, or
 - (b) provide services or do other things for the management, maintenance or improvement of the GSPT estate or part of the GSPT estate.
- (3) A function of a government sector agency, or a member of the staff of a government sector agency, in relation to the management of land that is the subject of an agreement under this section may be delegated to the Trust.
- (4) A function of a Trust, or a member of the staff of the Trust, in relation to the management of land that is the subject of an agreement under this section may be delegated to a government sector agency or the head of a government sector agency.
- (5) The Trust may subdelegate a function delegated to it under this section to an authorised person but only if authorised in writing by the delegator of the function.
- (6) If a government sector agency is authorised by or under an Act to use specified funds to manage, maintain or develop land, the authorisation is taken to include providing the funds to the Trust for the

management, maintenance or development of the lands in accordance with arrangements entered into under this section.

- (7) Without limiting the *Property NSW Act 2006*, section 12, the Trust may enter into an arrangement with Property NSW under that section or this section.

Response

This, too, has hallmarks of empire building. Yet it is empire building at cost to better managed land elsewhere.

Already, WSPT has taken over what was Western Sydney Regional Park under management of the NSW National Parks & Wildlife Service (NPWS). WSPT has since fenced-off areas of the land to keep the public off what is their own land.

Also, Calmsley Hill was once in the care of NPWS but was 'resumed' by WSPT who later leased it to a private entity, City Farm Pty Ltd, who since posted signs saying "private – keep out". This is the public's own land - a clear demonstration of what happens when WSPT *cum* GSPT takes over the public's land and serves their mates in commercial and business. This is the public own space upon which they were supposed to move about in and enjoy at no cost.

The Bill, as it is presently worded, provides no strictures to prevent land in Greater Sydney under the care of NPWS, either Nature Reserve, National Park or Regional Park, from falling into the hands of the pariahs that are the Board of WSPT *cum* GSPT who will repeat, with even more devastating effect, what happened with Western Sydney Regional Park and Calmsley Hill.

This is a totally unacceptable situation.

Instead, the reverse should happen. The lands that are under the bad stewardship of WSPT, and proposed to go to GSPT, should be transferred to NPWS and NPWS better funded from tax revenue to manage the estate.

Yes, reject the poor credentials of the Board of WSPT whose only claim to success is to "sell the furniture" to survive. Hand the public's estate of natural and cultural heritage to NPWS and fund that body from tax revenue. Those lackeys of commercial and business interests whose only model is the methodology of bankruptcy should be banished from government and from the public's land.

20 Leases, licences and easements

- (1) The Trust may grant a lease, licence or easement over land within the GSPT estate.
- (2) However, a lease, licence or easement for more than 25 years may be granted only with the Minister's consent.
- (3) The Minister's consent under subsection (2) may be—
- (a) given in relation to—
- (i) particular land or a class of land, or
- (ii) a particular lease, licence or easement or a class of leases, licences, or easements, and

- (b) subject to conditions, including a condition about public consultation that is consistent with the approved consultation and engagement framework, and
- (c) amended from time to time.

Response

These lease arrangements are the basis upon which all that has gone wrong with WSPT and must not be permitted to take away the public's own free space and public's natural heritage -the latter having fallen to the bulldozer blade as WSPT approved leases for business hubs and other commercial interests. There is no coming back for that lost natural heritage.

The public's open space must not be reduced through "selling the furniture" albeit by lease arrangements.

21 Prohibition on disposal of GSPT estate other than in particular circumstances

- (1) The Trust may not sell, exchange or otherwise dispose of the GSPT estate or land within the GSPT estate other than as set out in this section.
- (2) The Trust may, by notice published in the Gazette (the *gazette notice*), declare that it proposes to surrender land within the GSPT estate to the Crown to be dedicated—
 - (a) for a public purpose, or
 - (b) as a public road.
- (4) When the land is surrendered—
 - (a) it becomes Crown land reserved from sale, lease or licence under the *Crown Land Management Act 2016*, and
 - (b) on revocation of the reservation, it may be dedicated—
 - (i) under the *Crown Land Management Act 2016* for the public purpose stated in the gazette notice, or
 - (ii) under the *Roads Act 1993* as a public road.

Response

This is rejected. As Greater Sydney is filled with people, the need for open space is even more necessary. There should be no loss of open space. All road planning must find a way around the parklands or, if that is not possible, the road must be sufficiently elevated to go over the top of the open space so as to not adversely impact on the peace of the parklands and minimise visual impact.

Other proposed government land uses must also be rejected

Indeed, the clause of the Bill needs to be rejected.

27 Private subsidiary corporations etc

- (1) The Trust may—
 - (a) with the Minister's approval, form, or participate in the formation of, private subsidiary corporations, and
 - (b) acquire interests in private corporations, and
 - (c) sell or otherwise dispose of interests in private corporations.
- (2) However, the Trust must not, without the Minister's approval—
 - (a) acquire an interest in a private corporation if, as a result of the acquisition, the corporation becomes a private subsidiary corporation, or
 - (b) sell or otherwise dispose of an interest in a private subsidiary corporation if, as a result of sale or disposal, it ceases to be a private subsidiary corporation.

Response

This is rejected. The manager of the public's own free open space is not a business entity. This clause comes from the Board of WSPT swanning around being feted by commercial and business interests. That is the circle they move in and they have lost touch with the common person – the person who struggles to make ends meet each week and who appreciates being able to access **without cost** the public's own land.

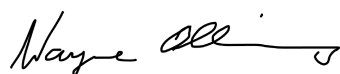
We want our land retained by us and not become the possession of corporations.

FINAL STATEMENT

For all the remaining clauses of the draft Bill for GSPT and for all that has been directly addressed in this submission, Blacktown & District Environment Group Inc says "REJECT THE BILL", "REJECT THE CONCEPT OF A GREATER SYDNEY PARKLANDS TRUST".

It is political poison.

This is the work of a privileged few capitalising on the failure of government to recognise and fund the parks set aside by governments of the past for the free pleasure and recreation of the public. The land is our land, the public's land and these pariahs want to give it over to commercial and business friends at cost to the public.



Wayne Olling
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