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29 October 2021

## FRIENDS OF CALLAN PARK

### SUBMISSION TO THE DRAFT GREATER SYDNEY PARKLANDS TRUST BILL 2021

#### PART 1 EXECUTIVE SUMMARY

Friends of Callan Park (FOCP) have little faith in the Minister and his department's "best practice community consultation".

Constructive feedback and objections from the community, including FOCP, have not yielded any positive impact on the Minister's plans but on the contrary have produced unpleasant surprises such as the proposed amendments to the Callan Park (Special Provisions) Act 2002 in the Draft Greater Sydney Parklands Trust Bill 2021. None of those changes were canvassed in earlier consultation processes. Instead the community has been ambushed by the proposed amendments.

These proposed changes are far from trivial or merely clarifications, as the Minister has tried to argue in correspondence to FOCP. These amendments threaten Callan Park with commercialisation and privatisation and strip away key protections that have safeguarded Callan Park for 20 years.

We urge the Minister to stringently review the proposed powers of the GSP Board as described within the draft legislation. As parkland advocates have commented on numerous occasions, this is a Board and a CEO focussed on land acquisition and revenue generation. As such, they are not capable of demonstrating an understanding and appreciation of the cultural and social values of Callan Park & Broughton Hall and its heritage and historic significance to the State and the nation. Their values appear not to align with the Minister's '50 Year Vision' and the ambitions to protect and enhance the parklands outlined in the White Paper.

**The intention (and the power) to commercialise is embedded throughout the Exposure Bill.** The Bill emphasises 'activation' rather than protection of the parklands and reduces community input on parkland management to a mere tick-box exercise with community trustee boards wholly under the control of the Greater Sydney Parklands Trust board.

The release of the Exposure Bill coincides with a further failure of the state government to show good faith by signing a lease for Kirkbride with the consortium of NGOs who were successful in the EOI process initiated by government more than twelve months ago, despite clauses in the Bill that pledge to prioritise Not for Profit community leases.

Our position is clear: This Bill should be withdrawn and recast to emphasise the protection of the environment, heritage, biodiversity and public access and facilitate genuine community input over the management of each of the five foundation parklands. In the case of Callan Park, this would require the creation of a Callan Park & Broughton Hall Trust with strong, local and accountable community representation on its board.

FOCP's objections to the proposed amendments and to the Exposure Bill generally follow.

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## PART 2

# 10 objections to the proposed amendments to the Callan Park (Special Provisions) Act 2002 and other provisions in the Draft Greater Sydney Parklands Trust Bill 2021

The Greater Sydney Parklands Trust (GSPT) Bill includes three pages of amendments to the Callan Park (Special Provisions) Act 2002. They refer to pages 34-36 of the Bill.

We set out here the key reasons FOCP rejects those amendments.

### 1. THE BILL WILL STRIP CALLAN PARK OF IMPORTANT PROTECTIONS

We note the provisions in the Bill are not merely ‘amendments’ – they are changes that would effectively **gut the Act and existing protections for Callan Park.**

At present there are checks and balances in the Callan Park Act that spell out what the state government can and cannot do to Callan Park. These provisions include a requirement to show parliament the details of any lease longer than 10 years and a condition that either house of parliament can disallow the lease if it is considered to be not in the public interest. Given that the government of the day rarely has a majority in the Upper House of parliament this is a very strong protection. **The Bill seeks to eliminate this proviso on key properties at Callan Park and hands this power to the Minister.**

The other vital protection the Bill **seeks to abolish** is that any development application or activity at Callan Park must be determined by the local Council as Consent Authority. This gives residents a chance to have a real say and puts decisions on what happens at Callan Park at arms-length from the Minister. The Bill would give this power to the Minister and the GSP Trust board.

Recent history – the Circular Quay café leases, Barangaroo, mining leases etc – confirms that untrammelled Ministerial power over public property is not a good idea, whoever the government of the day is.

### 2. PRIVATISATION IS A REAL DANGER UNDER SWEEPING POWERS PROPOSED FOR THE GSPT

The Bill nominates parts of Callan Park – Kirkbride, The Convalescent Cottages and Broughton Hall – that would be eligible for leases of 50 years and commercial uses. Such leases are privatisation by another name.

In a note to this amendment it is claimed this provision will allow (for example) restaurants at Callan Park. What restaurant requires a 50-year lease and 25,000 square metres of floor space - the floor space of Kirkbride?

The Bill gives the GSPT the power to **compulsorily acquire** public *and* private land; Includes the power to form, or participate in, the formation of **private subsidiary corporations and joint ventures**; includes a clause that a contravention (of the rules) regarding disclosure of pecuniary interest DOES NOT invalidate a decision of the Board.

All of these powers are extraordinary and would allow for unilateral decision-making at arms’ length even from the Minister.

### 3. THE BILL UNDERMINES THE SOCIAL PURPOSE OF CALLAN PARK ... WHAT JAMIE PARKER, MP, CALLS ITS 'MORAL HEART'

Callan Park was originally purchased in 1873 for the construction of a humane mental health hospital. During World War I the adjacent Broughton Hall estate was lent to the government by the Langdon family for the treatment of shell-shocked soldiers, was later purchased by the government and amalgamated with Callan Park to form Rozelle Hospital – which closed in 2008. However, the community and the former Leichhardt Council have always considered that mental health and well-being uses should have priority at Callan Park, along with some education and community uses. This was the reason Callan Park was reserved for not-for-profit tenants under the Callan Park Act.

Now the Bill seeks to open up the site for commercial, for-profit tenants, which we believe will **forever eliminate the potential** for much-needed modern community mental health services at Callan Park, as well as leases for social enterprises and Not for Profit activities that could be provided here in the interests of the health and well-being of the community.

Commercialisation of Callan Park will change the character of this remarkable cultural landscape forever.

The ways in which the community flooded in extraordinary numbers to Callan Park during Covid restrictions underscored the social and community values of Callan Park today. Few were searching for coffee shops or commercial activities – they were seeking solace and respite during a global pandemic.

### 4. THERE IS NO CALLAN PARK TRUST

The Bill completely ignores the case for a Callan Park & Broughton Hall Trust to manage the whole of Callan Park – 100% of Callan Park, ie, Callan Park and Broughton Hall in their entirety as described in the Callan Park (Special Provisions) Act 2021 (and such holistic management is only appropriate for a significant heritage site).

The formation of a Trust has been a long-standing demand of the community, of Council and indeed of Parliament for more than 20 years. Instead the Bill seeks to put Callan Park under the day-to-day management of the Greater Sydney Parklands Trust board which is comprised of appointees from the legal and developer industry from the 'big end of town' whose accountability to the public is not spelled out in the legislation. FOCP rejects this 'umbrella' trust strategy, and we urge the Minister to create (and recreate) Trusts for each of the five foundation parklands, including Callan Park to ensure local voices are heard.

*The issue of Callan Park is unfinished business for this Parliament, for me, and for the community, according to Jamie Parker, MP, on 4 June 2015 (p1488, Hansard).*

Mr Stokes was in the Parliament that morning when Mr Parker moved:  
*That this House calls on the Government to secure the future of Callan Park by **Implementing a Callan Park Trust**.* After 26 minutes discussion the motion was resolved unanimously in the affirmative.

When will the Callan Park and Broughton Hall Trust be formed?

## **5. THE BILL DOES NOT MANDATE COMMUNITY CONSULTATION AND ALLOWS FOR A 2-YEAR CONSULTATION HIATUS THAT WILL OBLITERATE ANY MEANINGFUL PUBLIC SCRUTINY OR RESPONSE TO PROPOSALS**

The Bill provides that consultative ‘community trustee boards **may be** established’ for the five foundation parklands currently within the Greater Sydney Parklands agency portfolio. The bill says ‘... **if** there is a community trustee board for Callan Park’, certain regulations will cover such a board.

The powers of any such community trustee board are very limited under the Bill. The members of these trustee boards are to be appointed by the Greater Sydney Parklands Trust board and can be dismissed by the Trust Chair. No grounds for any such dismissal are provided in the Bill. So much for assurances about genuine community participation given by the Minister and repeatedly by the Chair and CEO of the Greater Sydney Parklands agency.

In any case, the Trust is NOT required to have an approved consultation and engagement framework until **2 years after** establishment of the Trust, removing public scrutiny entirely from its decision-making and actions in the meantime. The Board has had over a year to establish this framework.

## **6. THE REMOVAL OF COUNCIL AS CONSENT AUTHORITY FURTHER UNDERMINES PROTECTIONS AND LOCAL COMMUNITY INPUT**

The proposed removal of Council as Consent Authority for Callan Park undermines the ability of the local community to be properly consulted and for citizens to have the ability to comment on any proposals and plans. The proposed removal of Council as Consent Authority removes an appropriate layer of checks and balances for Callan Park.

**This notion - to remove Council as Consent Authority – must be abandoned in any thinking about the future of Callan Park.**

Councils provide the relevant controls to exclude activities which would or could have negative effects on the parkland, or are incompatible with Council Planning instruments - LEPs, DCPs - which have been developed in consultation with ratepayers and residents.

## **7. THE BILL’S ASSURANCES ABOUT NOT-FOR-PROFIT LEASE PRIORITIES APPEAR TO BE A SMOKESCREEN**

The Bill says the Minister and the Trust must give priority to not-for-profits in granting leases at Callan Park. If this is the case, then why hasn’t the not-for-profit consortium which was successful in its bid for Kirkbride been granted a lease? How will not-for-profits ‘compete’ against commercial tenderers who can afford big rents? What guarantee is there that potentials for good social and public health outcomes would trump commercial revenues when decisions are being made – particularly given the makeup of the GSPT Board? We are not convinced that this stated intent will be matched with action.

## 8. THERE IS CONFUSION IN THE BILL'S PROVISIONS – AND POSSIBLY SCOPE FOR SECRET ARRANGEMENTS

FOCP and the community were dismayed to discover on 10 March 2021 that on 16 December 2020 the Minister secretly divided Callan Park into two parts. The majority, comprising 62%, was vested in the Centennial Park & Moore Park Trust (which means that portion of Callan Park is owned and managed by Centennial Park and that section will be controlled by the Greater Sydney Parklands Trust). The rest of Callan Park - 38% remains in the ownership of NSW Health – Health Administration Corporation.

The powers granted to the Trust would seem to apply to only 62% of the site **yet the Bill extends those powers to sections not owned by the GSP. In this regard, the legislation is highly deficient.**

The most valuable heritage buildings – Kirkbride, Convalescent Cottages and Broughton Hall - explicitly named in the Bill as available for 50-year commercial leases do not belong to the GSP agency OR NSW Planning OR Centennial Park & Moore Park Trust. They belong to NSW Health.

Is it the intention of NSW Health to cede ownership of all or parts of its 38% to the Trust? Are there more secret deals being done at Callan Park without scrutiny or any reference to the public?

The Ambulance Service is scheduled to move out of Callan Park in a few years. This potentially opens up a prime area, adjacent to Balmain Road, for commercial development. This area and buildings are not currently within one of the precincts managed by the Greater Sydney Parklands. We are reminded that when the state government was trying to sell-off Callan Park in 2001-2002, this area was slated for multi-storey accommodation development. We are concerned that if NSW Health 'hands over' this area to the GSPT, commercial development would be permitted under the provisions of the draft Bill, rather than consideration of either expanding the open space or repurposing the buildings for mental health or other social purpose.

## 9. THE BILL INCLUDES UNNECESSARY CHANGES TO THE ACT WHICH REMOVE PROTECTIONS

The Callan Park Act says that new development must stay within the footprint and envelope of existing buildings. The Bill seeks to amend the Act so that accessibility ramps and minor modifications can be added outside the footprint – but there is no evidence that Council has ever intended to block minor modifications like this or that the Act prevents them, so this clause is redundant.

The Planning Minister's comments aim to justify a need to change the Act in order to put cafes and coffee carts in Callan Park, but those comments are very misleading. What café, restaurant or coffee cart wants or needs a 50-year lease? Cafes are already allowed under the Act and a proposal for two are included in the 2011 Callan Park Master Plan prepared by Leichhardt Council. Sydney College of the Arts ran a café on site for years without being troubled by the Act. **This legislation is designed to allow for commercialisation and profit.**

The Bill includes an amendment that allows the 'substratum' of Callan Park to be sold for a 'public purpose'. The rationale provided to Jamie Parker, MP is that this amendment is necessary in order for the Sydney Metro West tunnel to go under Callan Park, but that seems unlikely as this requirement is not the case with residential freehold. However, it may be necessary for the future privatisation or sale of that Metro.

FOCP have asked to see the government's legal opinion (on the need to change the Act for this reason) however, we have not been provided with any evidence.

FOCP have sought the opinion of Dentons Australia Limited about the Draft Greater Sydney Parklands Trust Bill 2021 and the inconsistencies contained within it, as well as the issue of a lack of clarity regarding both the proposed changes to the Callan Park (Special Provisions) Act 2002 and the Greater Sydney Parklands Trust Bill 2021. Dentons will be making a separate submission to the Draft Bill.

**10. THE EXPOSURE DRAFT IS DIFFICULT FOR THE PUBLIC TO DECIPHER, AND THE ONLINE FEEDBACK PROCESS IS INADEQUATE**

The feedback process merely summarises the selling points for the legislation – issues like amendments to the Callan Park Act are not mentioned. It requires respondents to quote relevant clauses and references in any comments. It is not useful or user-friendly and would daunt most members of the public who had an intention to provide genuine feedback. It is a tick-the-box exercise and will result in very limited community comment.

Indeed many members of the public and of FOCP have commented how inappropriate, simplistic and difficult this is, alienating rather than encouraging and facilitating public engagement with this important issue.

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**SUMMARY:**

Friends of Callan Park reject the Minister’s aim to amend the Callan Park (Special Provisions) Act 2002 by implementing the Draft Greater Sydney Parklands Trust Bill 2021 legislation.

We believe this draft legislation does not properly reflect the feedback and input provided during the numerous consultation processes: the State Library Forum; webinars with the Chair and CEO of GSP; responses to the White Paper; meetings with the Minister and his Policy Adviser and reams of correspondence.

We believe the draft legislation does not embed any mechanisms to protect or enhance our precious parklands – including Callan Park - nor does it reflect the stated objects of the GSP Trust.



Hall Greenland  
President  
Friends of Callan Park

## **PART 3**

### **OBJECTIONS EXPRESSED BY FRIENDS OF CALLAN PARK REFERENCING SPECIFIC EXTRACTS FROM THE BILL**

1. **The Greater Sydney Parklands Trust is a corporation as well as a government agency.**  
[Part2 Div1 s6 /page 6]
2. **The Trust can delegate or assign any of its functions to another private corporation.**  
[Part2 Div1 s11 /page 7]
3. **The Trust can undertake and facilitate business activities within the Trust lands to raise revenue for its operations.**  
[Part3 Div1 s15(l) /page 8]
4. **The Trust replaces all the other individual park trusts.**  
[Part3 Div1 s16(1) /page 9]
5. **Leases and licences do not need to be subject to public consultation.**  
[Part3 Div2 s20 (3)(b) /page 10]
6. **Plans of management for parks can be varied by the Minister.**  
[Part3 Div3 s22 (5) /page 12]
7. **The Trust can form or participate in private corporations – and the Minister can direct it to outsource its functions**  
[Part3 Div4 miscellaneous s26 & s27 /page 13]
8. **The Trust can dissolve a community trustee board ‘at any time’ without specific grounds being contained in the Bill. The Trust Board ‘may’ appoint a community trustee board.**  
[Part4 Div2 s39 (b) /page 16]
9. **Commercial activities on one park can be used to finance developments on another park.**  
[Part 5Finance /page 17]
10. **A contravention of the rule of declaring a pecuniary interest by a Board member or members does not invalidate the decision of the Trust board.**  
[Schedule 1 s8 (6) /page 24]
11. **There can be a two-year gap before there is a public consultation system in place.**  
[Schedule 3, part 2 (2) /page 31]



28 October 2021

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## **THE ALLIANCE FOR PUBLIC PARKLANDS OBJECTS TO THE GREATER SYDNEY PARKLANDS TRUST EXPOSURE BILL**

### **INTRODUCTION**

**This Bill has grave implications for public parklands across Greater Sydney and beyond. It is not a 'NIMBY' or local issue.**

- Friends of Callan Park is a member of the Alliance for Public Parklands.
- The Alliance is a large group of community advocates and activists representing the interests of all of the five foundation GSP parklands.
  - Blacktown & District Environment Group Inc (BDEG)
  - Centennial Park Residents' Association (CPRA)
  - Friends of Callan Park Inc (FOCP)
  - Friends of Fernhill and Mulgoa Valley Inc (FFMV)
  - North Parramatta Residents' Action Group Inc (NPRAG)
- Group members have signed a Memorandum of Understanding to work co-operatively and pro-actively to protect the parklands and advocate as a group.
- The group has campaigned against the Bill as a whole rather than 'tinkering at the edges' with amendments, as we believe the Bill is fundamentally flawed.
- The **Alliance for Public Parklands'** principal objections to the legislation can be summarised as follows:
  - It does not proportionately reflect or support the Minister's original '50 Year Vision' or the aims and objects contained in the White Paper, providing negligible protections for five iconic parklands across Sydney and setting an alarming precedent for future public parklands across the State.
  - The Bill is a framework for asset recycling and lacks ANY FUNDING COMMITMENT FROM THE NSW GOVERNMENT. No Business Case or financial modelling have been provided.
  - No mechanism for dealing with new parklands, nor any articulation of the acquisition strategy is contained in the Exposure Draft.
  - Our public parks should be open for public access to both heritage buildings and precious green open space. They should NOT be for sale or privatisation including hotels, business hubs, cemeteries or crematoria and/or transport infrastructure such as highways and car parks.

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**ALLIANCE FOR PUBLIC PARKLANDS:** Blacktown & District Environment Group Inc (BDEG); Centennial Park Residents' Association (CPRA); Friends of Callan Park Inc (FOCP); Friends of Fernhill and Mulgoa Valley Inc (FFMV); North Parramatta Residents' Action Group Inc (NPRAG)



## **PRINCIPAL OBJECTIONS TO THE GSP TRUST DRAFT EXPOSURE BILL**

### **1 THE BILL CONTAINS NO MECHANISM TO GUARANTEE ADEQUATE FUNDING FROM THE NSW GOVERNMENT FOR THE MAINTENANCE AND PROTECTION OF OUR PARKLANDS**

There is no specific Object regarding funding; there is no mention of ‘innovative funding solutions’ as canvassed in the White Paper. There has been no apparent consideration of parklands funding models as referenced by ICOMOS<sup>1</sup>; there is no commitment to any kind of sovereign fund; there is no business case or financial modelling at all provided in the Bill.

The Bill defines the Trust as a corporation as well as a government agency and imposes on it the responsibility to raise funds for day-to-day management. This includes ‘undertaking and facilitating business activities and facilities within the GSPT estate to maintain and improve the parklands’. Also, public corporations are responsible to their shareholders, whereas the Trust is at best only responsible to the Minister whose decisions can be influenced by politics, lobbyists, or influential developers.

Apparently, this is to be done while delivering ‘high quality and ecologically sustainable parklands’. However, there is nothing to prevent the GSP entering into business activities or arrangements which directly conflict with that aim. For example, a business park can be created which occupies and impinges on former parklands and be justified on the grounds that revenue raised will be used for a ‘public purpose’ – even though such an arrangement may not benefit the parklands estate directly. There is no guarantee that existing parklands and ecologically valuable areas will not be sacrificed to these revenue-raising business activities.

### **2 THE BILL SPECIFIES NO EXPLICIT MECHANISMS TO ENSURE THE FULFILMENT OF THE PRINCIPAL OBJECT OF THE GSPT ‘TO CONSERVE, RESTORE AND ENHANCE THE NATURAL ENVIRONMENT OF THE PARKLANDS ESTATE’**

There are few mentions of ecology, habitat, wildlife, biodiversity or landscape within the document let alone any ‘vision’ for the desired future environmental and natural characteristics of parklands. Within the document there is no reference to the impacts of climate change. As far as we know, there have been no Environmental Impact Studies done.

Despite the Minister’s worthy stated aims and objects, the draft Bill lacks any mechanism to ensure the Trust board carries through on these objects and functions. There is no parliamentary oversight of board appointments or longer leases or licenses in the Bill, nor obligations for the GSPT board to appear before parliamentary committees to account for their stewardship of our parklands.

Objects in the Bill do not refer to the unique characteristics of each parkland, despite assurances that this would not be a ‘one-size-fits-all’ model. Any planning document should explicitly document the predominant features and nature of each parkland and its open spaces and refer to constraints relative to heritage and ecology. Absent from the Bill is a Statement of Significance about these iconic foundation parklands.

There is no local Council development approval mechanism within the Bill to ensure that business and other activities promoted on Trust parklands do not run counter to the duties of ecological care, or local Council LEPs and DCPs.

In fact, where checks and balances on the power of the Minister and his appointees exist in current park acts the Bill seeks to abolish them.

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<sup>1</sup> [www.thenatureofcities.com/2019/02/21/historic-urban-public-parks-incrementally-spoiled/](http://www.thenatureofcities.com/2019/02/21/historic-urban-public-parks-incrementally-spoiled/)

**3 THE BILL GIVES THE GSP BOARD SWEEPING, UNPRECEDENTED POWERS WITHOUT THE NEED FOR PROPER ACCOUNTABILITY OR OVERSIGHT**

The Trust will be a government agency as well as a corporation. The Bill allows that the Trust would have the power to ‘compulsorily acquire’ land. The Bill would allow decisions of the Board to stand even if there had been a failure to declare pecuniary interest. The Trust can delegate or assign any of its functions to another private corporation. There is no obligation for the GSPT board to publish agendas and minutes in a timely manner or for Board meetings to be open to the public.

**4 THE BILL PERMITS DISPOSAL/SURRENDER OF PUBLIC LANDS and THE BILL PERMITS 25 YEAR COMMERCIAL LEASES WITHOUT MINISTERIAL CONSENT/UP TO 50 YEARS WITH MINISTERIAL CONSENT**

The Bill allows that the Trust may propose to surrender land within the GSPT estate to the Crown to be dedicated for an (undefined) ‘public purpose’ and/or ‘a road’. This clause allows for transport infrastructure and tourism activities (for example) to make further encroachments on existing parklands and also allows for the GSPT to determine what a ‘public purpose’ is.

The lease provisions in the Bill allow for effective alienation and privatisation of lands and buildings within the five foundation parklands and indicates that the GSP Trust Board’s focus will be on revenue-raising.

**5 THE BILL DOES NOT MANDATE MEANINGFUL COMMUNITY CONSULTATION AND IT ALLOWS FOR A 2-YEAR CONSULTATION HIATUS IN CREATING COMMUNITY TRUSTEE BOARDS THAT WILL OBLITERATE ANY MEANINGFUL PUBLIC SCRUTINY OR RESPONSE TO PROPOSALS**

The community trustee boards in the Act are essentially advisory bodies at the mercy of the GSPT board who appoint the members and can dismiss members or dissolve boards – no grounds for such dismissal or dissolution of the boards are provided in the legislation.

The proper alternative is to restore or create Trusts for each of the parklands with accountable local representatives on the Trust boards. This would give real force to the oft proclaimed goal of community involvement in the management of parks.

The GSP Trust could then play the role of advocate, coordinator and back office for the parklands as a whole and be responsible for securing funds from Treasury to enhance the parklands.

**6 THE BILL CONCENTRATES TOO MUCH POWER IN THE HANDS OF THE MINISTER OF THE DAY, LEAVING OUR PARKS VULNERABLE TO POLITICS, LOBBY GROUPS AND ASSOCIATED DEVELOPERS**

The Exposure Bill is upfront about the power and authority of the Minister. Part 2 section 7 of the Bill reads: *‘The Trust is subject to the control and direction of the minister in the exercise of its functions’*. This is elaborated on throughout the Bill in provisions that cover issues such as long leases or privatisation or outsourcing or the appointment of board members – the Minister has ultimate and largely untrammelled power.

An avoidance of this concentration of power is the reason the Centennial and Moore Park Trust Act was established in 1983 and the Callan Park (Special Provisions) Act in 2002 - to protect and safeguard these parklands from all sides of politics for future generations.

**All the major protections within those Acts would be removed if this Bill becomes law. Nor will the other foundation parklands enjoy similar protections that these Acts provide. This is an inequitable and unsatisfactory outcome.**

## **7 THE BILL SEEKS TO REMOVE COUNCIL AUTHORITY AND DEVELOPMENT CONTROL**

Councils provide the relevant controls to exclude activities that would or could have negative effects on the parkland, or are incompatible with Council Plans - LEPs, DCPs - which have been developed in consultation with ratepayers and residents. The Bill seeks to remove or exclude this important role of Councils as Consent Authority, further reducing community input to parklands management and opening the door to inappropriate Development proposals.

## **8 THERE IS NO EXPLICIT MENTION OF THE NEED TO CONSERVE AND ENHANCE HERITAGE VALUES IN THE PARKLANDS**

The Bill lacks any reference to the primacy of the Heritage Act or any requirement for the NSW Heritage Council to have input to development applications or any explication of how this legislation would fit in hierarchical terms with other Acts and Legislation.

## **SUMMARY**

### **THE ALLIANCE FOR PUBLIC PARKLANDS REJECTS THE GREATER SYDNEY PARKLANDS DRAFT LEGISLATION IN ITS CURRENT FORM.**

We wish to remind Minister Stokes of his comments in the GSP White Paper:

*‘Removing local park trusts and the community voice is not what we will do’. ‘Any decision on the future of our parkland must be validated by the views of the community. They are the park users and the park experts. Their voice gives meaning to what we are trying to do’.*

### **WHAT THE ALLIANCE RECOMMENDS:**

The Alliance members believe that the best way to translate the Minister’s worthy principles into reality is to entrust each of our parks to its own discrete Trust.

We recommend a federated, community model, not a top-down umbrella trust model. The membership of these individual Trusts would combine local community members, First Nations representation and experts in heritage, biodiversity and park management and a representative of the local Council.

Under this model, there could still be a central Greater Sydney Parklands agency (rather than master Trust) advocating for Sydney's parklands for equitable government funding and providing back office, maintenance and infrastructure services and taking advantage of economies of scale while avoiding a one-size-fits-all approach.

**Alliance members do not believe the legislation reflects the stated objects of the GSP Trust nor the laudable aims of the Minister, as expressed in his '50 Year Vision' and in the White Paper.**

**Alliance members believe the draft legislation does not properly reflect the feedback and input given in good faith by the community and park advocates during the consultation processes.**

**Alliance members believe the draft legislation does not embed any mechanisms to protect or enhance our precious parklands, but instead it exposes them to increased risk of commercialisation and privatisation.**

## **OBJECTIONS EXPRESSED BY ALLIANCE FOR PUBLIC PARKLANDS - REFERENCING SPECIFIC EXTRACTS FROM THE BILL**

1. **The Greater Sydney Parklands Trust is a corporation as well as a government agency.**  
[Part2 Div1 s6 /page 6]
2. **The Trust can delegate or assign any of its functions to another private corporation.**  
[Part2 Div1 s11 /page 7]
3. **The Trust can undertake and facilitate business activities within the Trust lands to raise revenue for its operations.**  
[Part3 Div1 s15(l) /page 8]
4. **The Trust replaces all the other individual park trusts.**  
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5. **Leases and licences do not need to be subject to public consultation.**  
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6. **Plans of management for parks can be varied by the Minister.**  
[Part3 Div3 s22 (5) /page 12]
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[Part3 Div4 miscellaneous s26 & s27 /page 13]
8. **The Trust can dissolve a community trustee board 'at any time' without specific grounds being contained in the Bill. The Trust Board 'may' appoint a community trustee board.**  
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9. **Commercial activities on one park can be used to finance developments on another park.**  
[Part 5Finance /page 17]

10. A contravention of the rule of declaring a pecuniary interest by a Board member or members does not invalidate the decision of the Trust board.

[Schedule 1 s8 (6) /page 24]

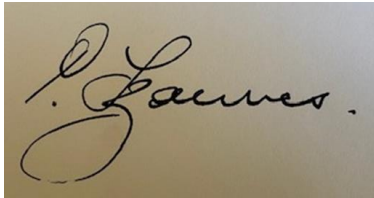
11. There can be a two-year gap before there is a public consultation system in place.

[Schedule 3, part 2 (2) /page 31]

Yours sincerely



**Wayne Olling for Blacktown & District Environment Group**



**Peter Tzannes for Centennial Park Residents' Association**



**Hall Greenland for Friends of Callan Park**



**Michael Barkley for Friends of Fernhill & Mulgoa Valley Inc**



**Suzette Meade for North Parramatta Residents Action Group**