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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.**

- 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.**  
[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]

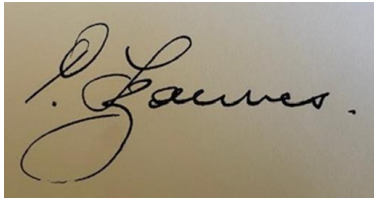
11. There can be a two-year gap before there is a public consultation system in place.

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

Yours sincerely



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