

16 January 2022

The Hon. Robert Borsak, MLC
Chair
Select Committee on the Greater Sydney Parklands Trust Bill
NSW Legislative Council
Parliament House
Sydney, NSW 2000



EMERITUS PROFESSOR JAMES WEIRICK
School of Built Environment

Dear Mr Borsak,

Submission on the Greater Sydney Parklands Trust Bill

I thank the Select Committee for the opportunity to comment on the *Greater Sydney Parklands Trust Bill* ('the Bill') under the Terms of Reference, which were referred to the committee for inquiry and report by the NSW Legislative Council on 19 November 2021.

I make this submission on the basis of my long involvement with open space issues in Metropolitan Sydney dating from the early 1970s to the present, including 30 years as Professor of Landscape Architecture at the University of New South Wales, 1991-2020.

The Bill is mistaken legislation and should not be passed. It is mistaken legislation because it is attempting to do two things badly, (1) centralise control of five very different parks, (2) extend that control over more open spaces of Metropolitan Sydney.

This submission is based principally on Point (2) as the intention of creating a network of public open spaces across Greater Sydney is to be commended but there is a better way of achieving this than the Bill before the Committee.

On Point (1), I fully support the principle of decentralised, community-based control of major parklands proclaimed by the Alliance of Public Parklands, based on:

- restoring trust, through broad, effective public participation processes and transparent management practices
- separate boards and separate management for each park - Centennial Parklands, Callan Park, Parramatta Park, Western Sydney Parklands and the Fernhill Estate are too different from one another for a 'one size fits all' structure, detached from the local community and local environment, to be workable
- legislation that protects against inappropriate development and sell off
- NSW Government meeting its funding obligations for public parklands as a public good
- Trustees with relevant expertise and skills in community empowerment and parkland planning, design and management. First Nation men and women to be represented
- explicit commitment to landscape and heritage protection
- explicit commitment to biodiversity, ecological and wildlife habitat protection

(Source: paraphrased from the Alliance of Public Parklands Memorandum of Understanding, 29 September 2021, <https://alliance4parks.org/news/alliance-members-sign-memorandum-of-understanding> - accessed 16 January 2022)

On Point (2) there is pressing need for a coordinated, not an integrated, network of public open spaces across Greater Sydney. The Bill attempts an integrated approach, and fails. Many State-owned parklands remain outside the provisions of the Bill. Notable examples include:

- Millennium Parklands, Bicentennial Park and Newington Nature Reserve, Homebush Bay – 430 ha (more extensive than New York’s Central Park), the most significant parks created in the past 30 years, currently under the control of Placemaking NSW within the Department of Planning, Industry & Environment (DPIE).
- Mount Annan Botanic Garden, Mount Annan – 416 ha, under the control of the Royal Botanic Gardens & Domain Trust, DPIE.
- The many Regional Parks in Greater Sydney under the control of the NSW National Parks & Wildlife Service, DPIE, ‘natural or modified areas reserved for conservation (that) provide opportunities for sustainable public recreation’ such as Wianamatta Regional Park, St Marys (900 ha); Edmondson Regional Park, Ingleburn (48 ha); Leacock Regional Park, Casula (38.5 ha); William Howe Regional Park, Mount Annan (43 ha); Rouse Hill Regional Park, Rouse Hill (43 ha); and Yellomundee Regional Park (Hawkesbury Lookout), foothills of the Blue Mountains (485 ha).
- Nature Reserves in Greater Sydney under the control of the NSW National Parks & Wildlife Service, DPIE open to some recreational use such as the Castlereagh, Agnes Banks and Windsor Downs Nature Reserves, North West Sydney (940 ha); Kemps Creek Nature Reserve, Austral (197 ha); and Mulgoa Nature Reserve, Glenmore Park (213 ha).
- National Parks embedded in the built-up areas of Greater Sydney under the control of the NSW National Parks & Wildlife Service, DPIE such as Sydney Harbour National Park (400 ha); Kamay Botany Bay National Park (4.6 ha); Georges River National Park (320 ha); Lane Cove National Park (670 ha); and Berowra Valley National Park (3876 ha).

Control and management of these significant sites should remain with the specialised agencies and specialised staff that for the most part have been their custodians since establishment (the recent shift of the Homebush Bay sites to Placemaking NSW is an exception and a concern).

Millennium Parklands, Callan Park, the Fernhill Estate and the new parklands that will be created at Penrith Lakes and Badgery’s Creek/South Creek should be placed under the control of community trustee boards, properly constituted under their own Acts of Parliament for First Nation representation, diversity, expertise and autonomy.

Under the principle of decentralised, community-based control, complemented by specialist control of scientific and sensitive sites like Mount Annan Botanic Garden, the NPWS National Parks embedded in the built-up areas of Sydney, and the NPWS Nature Reserves, the issue becomes one of coordination.

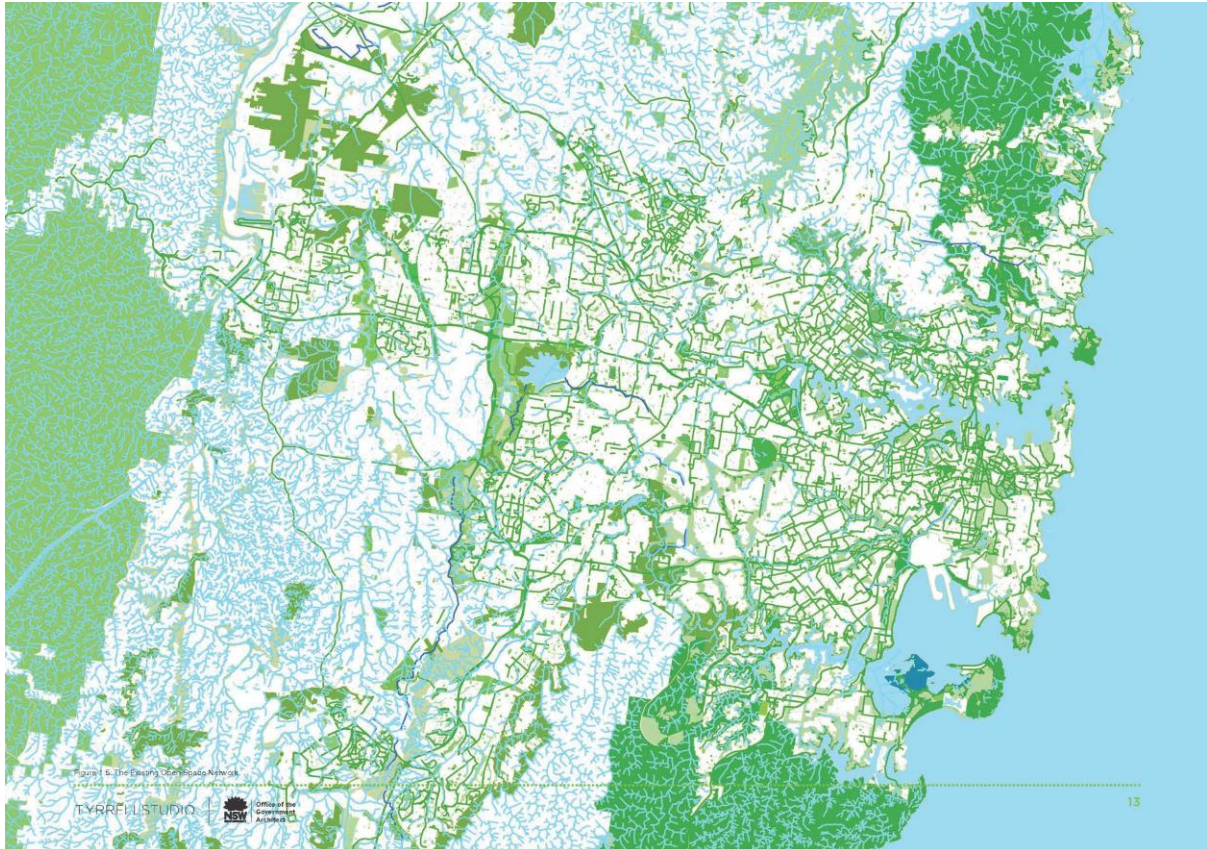
This demands a different model to the poorly conceived mega-agency proposed in the Bill.

We need a Greater Sydney Parklands Council, not a Greater Sydney Parklands Trust.

A Greater Sydney Parklands Council should be established along the lines of the Heritage Council of NSW. Fortunately, the standing and constitution of the Heritage Council, eroded in recent years, have been strengthened by the recent NSW Legislative Council Standing Committee of Social Issues review of the *Heritage Act*, and the response by the NSW Government that supported all 26 recommendations of the review in a Ministerial statement issued on 8 December 2021.

The Heritage Council thus provides a useful model for an expert and community-based Greater Sydney Parklands Council that would have the power to set the standards for a network of public open spaces across the Sydney region, monitor its implementation, and conserve its values.

The vision for this network has been provided by the path-breaking 'Green Grid' study initiated by an outstanding graduate of the UNSW Landscape Architecture Program, Barbara Schaffer FAILA (Class of 1992), Principal Landscape Architect, NSW Government Architects Office, and extended Sydney-wide by another outstanding graduate of the UNSW LA Program, UTS Adjunct Professor Mark Tyrrell (Class of 2002), Principal of Tyrrell Studio.



(Source: Tyrrell Studio & NSW Government Architects Office 2017, *Sydney Green Grid – Spatial Framework & Project Opportunities*, Figure 1.5 The Existing Open Space Network).

The problem with this vision of interlinked parks, reserves, riparian corridors and foreshores has been its implementation, principally due to fragmented ownership across government agencies and levels of government. The solution is not unified ownership. This is impossible to achieve. To the extent that the Bill suggests this is possible under a parklands mega-agency, it is seriously misleading.

The solution is a planning and management system that works despite fragmented ownership - indeed, a system that embraces fragmented ownership under the principle of decentralised, community-based control, complemented by specialist control of scientific and sensitive sites.

With the population of Greater Sydney projected to reach 6 million by 2030-2031 (DPIE 2020 population insights), the public open spaces of the Metropolitan region need to be increased, interlinked, classified and listed under the *NSW Environment Planning & Assessment Act, 1979* and a new *Greater Sydney Parklands Act* in the same way as Heritage Items are classified under the *NSW Environment Planning & Assessment Act, 1979* and the *Heritage Act, 1977*. Public open spaces need to be ranked as items of Local, State, National or International significance under ecological,

recreational and cultural landscape criteria. In this way, a park owned by a local government – such as Sydney Park owned by the City of Sydney – may be deemed to be State significant. Similarly, a park owned by a State agency – such as the 9 ha NPWS Berowra Valley Regional Park which permits dog-walking – may be deemed to be of Local significance.

All parks will need regularly updated Plans of Management produced to a standard template set by the Greater Sydney Parklands Council, cross-referenced to the Plans of Management of adjoining and/or nearby public open spaces, with plans for expansion and linkages (where appropriate). All Plans of Management (Local, State, National and International) to be maintained in a central public registry administered by the Greater Sydney Parklands Council.

Development within State significant public open spaces (and open spaces of National and International significance) to be subservient to public open space values and deemed Integrated Development under Division 4.8 of the *NSW Environment Planning & Assessment Act* requiring consent by the Greater Sydney Parklands Council under the new *Greater Sydney Parklands Act* in addition to consent by the local authority, with no exemption for State Significant Development.

Membership of the Greater Sydney Parklands Council to be mandated under the new Act to include a First Nations man and a First Nations woman, and a majority of members with relevant expertise in fields such as park management, ecological planning, biodiversity conservation, recreation planning, community empowerment, landscape design, cultural landscape conservation and/or heritage conservation.

The Greater Sydney Parklands Council to be supported by specialist staff with appropriate qualifications and skills in the same way as the Heritage Council of NSW is supported by the specialist staff of Heritage NSW.

The Greater Sydney Parklands Council to be empowered under the new Act to promote public participation in the identification, acquisition, planning, design and management of new parklands, greenways and reserves to realise the Green Grid concept for Metropolitan Sydney.

I urge the Select Committee on the Greater Sydney Parklands Trust Bill to recommend rejection of the Bill, and initiate a consultative process to frame new legislation to establish a responsive, informed, community-based Greater Sydney Parklands Council.

Yours sincerely,

A handwritten signature in black ink that reads "James Weirick". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke at the end.

Emeritus Professor James Weirick

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