

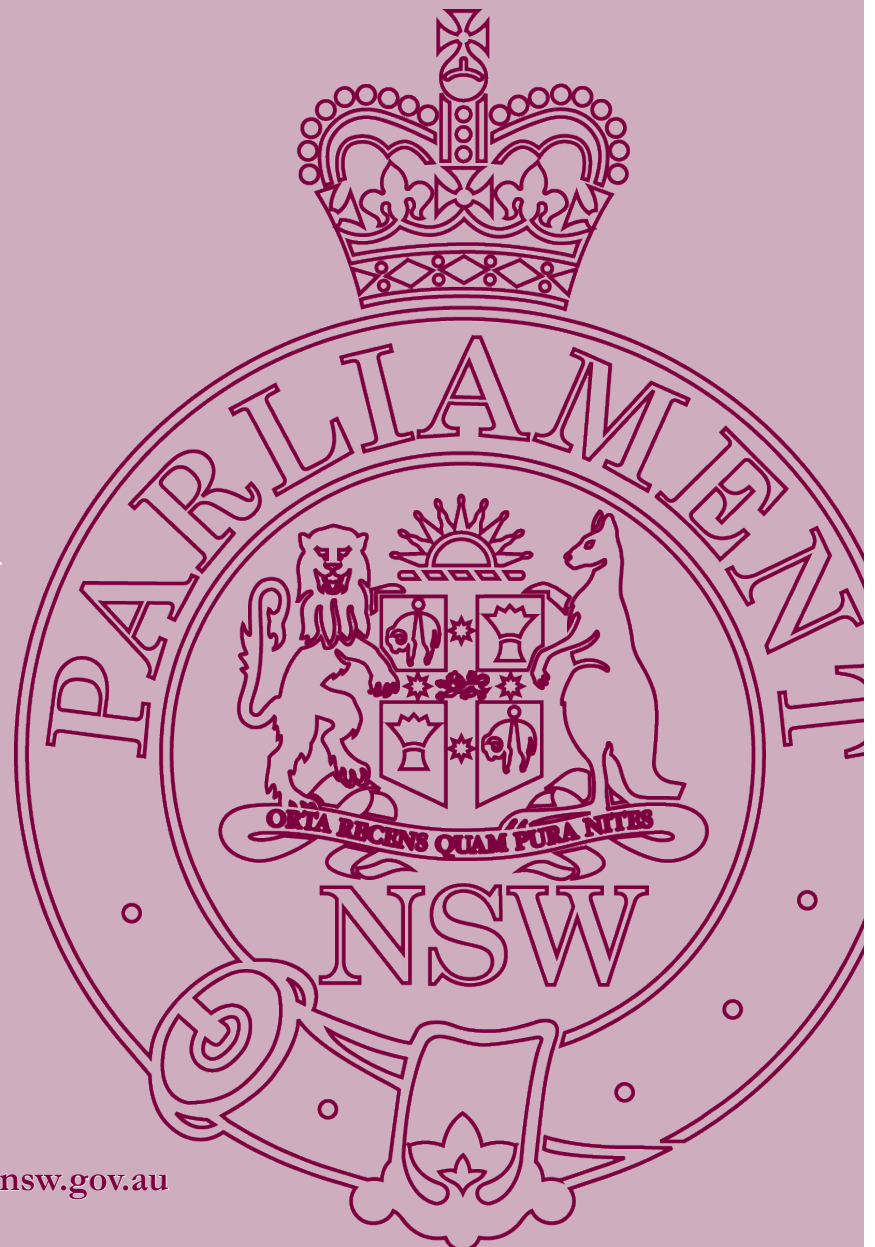


LEGISLATIVE COUNCIL

SELECT COMMITTEE ON THE GREATER SYDNEY PARKLANDS TRUST BILL 2021

Provisions of the Greater Sydney Parklands Trust Bill 2021

February 2022



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Select Committee on the Greater Sydney Parklands Trust Bill
2021

Provisions of the Greater Sydney Parklands Trust Bill 2021

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Provisions of the Greater Sydney Parklands Trust Bill 2021

“February 2022”.

Hon Robert Borsak MLC



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Terms of reference

1. That:
 - (a) a select committee be established to inquire into and report on the provisions of the [Greater Sydney Parklands Trust Bill 2021](#), and
2. That the committee report by Monday 21 February 2022.

The terms of reference were referred to the committee by the Legislative Council on 19 November 2021.¹

¹ *Minutes*, NSW Legislative Council, 19 November 2021, p 2785.

Committee details

Committee members

Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	<i>Chair</i>
Hon Penny Sharpe MLC	Australian Labor Party	<i>Deputy Chair</i>
Hon Lou Amato	Liberal Party	
Hon John Graham MLC	Australian Labor Party	
Hon Mark Latham MLC	Pauline Hanson's One Nation	
Hon Shayne Mallard MLC	Liberal Party	
Mr David Shoebridge MLC	The Greens	

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Chair's foreword

The Greater Sydney Parklands Trust Bill 2021 proposes to establish the Greater Sydney Parklands Trust (the GSPT) to manage a number of Sydney's key parklands. These are Callan Park, Centennial and Moore Parks, Parramatta Park, Western Sydney Parklands and Fernhill Estate. The GSPT would be responsible for managing, restoring and developing these parklands, while also playing a broader role in advocating for open space and parklands across Greater Sydney. The bill also grants various powers to the GSPT to manage the parklands within its estate, including the power to grant leases, licences and easements, as well as the power to compulsorily acquire new parks and supplementary land.

The committee's inquiry into the bill's provisions highlighted just how important parks are to the residents of Greater Sydney. Stakeholders were highly engaged and passionate about how Sydney's parklands should be managed and protected into the future, with strong views on how this would best be achieved. For some, centralising management under the Greater Sydney Parklands Trust was seen as offering strategic benefits, as well as a unified voice to advocate in favour of parklands. In contrast, many community groups and local councils advocated for the retention of local management to ensure the different needs and issues of each park are addressed.

Views on the commercialisation of parklands were similarly complex. While stakeholders may have disagreed about the appropriateness of parks generating their own revenue, it was clear to the committee that stakeholders believed protections against 'over-commercialisation' in the bill could be strengthened, to ensure parklands are not subsumed by commercial developments. A solution suggested by a number of stakeholders was that the length of leases able to be granted under the bill – up to 50 years in certain circumstances – be shortened, while also retaining parliamentary oversight of their approval. These issues, along with others canvassed by the bill, will benefit from further exploration and potential refinement when the bill is debated in the Legislative Council.

The inquiry also highlighted a number of issues specific to each park. For instance, there was significant disagreement around the bill's proposal to amend the *Centennial Park and Moore Park Trust Act 1983* to immediately ban on-grass parking at Upper Kippax Lake in Moore Park and to prohibit on-grass parking throughout Moore Park East from 31 December 2023. While there was general support for prohibiting on-grass parking at Moore Park eventually, stakeholders were divided on when and how this should occur. The committee is aware that this issue has been the subject of long-term discussions and it therefore warrants further consideration when the bill is debated in the House.

On behalf of the committee, I would like to thank all who participated in the inquiry. I would also like to thank committee members for their considered contributions and the secretariat for their assistance.

Finally, I present the report to the House and call on members of the Legislative Council to consider the views of this committee and the stakeholders who provided evidence during this inquiry when the Greater Sydney Parklands Trust Bill 2021 is brought forward for debate in the House.



Hon Robert Borsak MLC
Committee Chair

Findings

- Finding 1** **26**
Having considered the evidence, the committee believes more should be done to ensure local communities continue to play a significant role in the management of their parklands.
- Finding 2** **27**
The committee is of the view that the bill should ensure that commercialisation is minimised at a level appropriate to each parkland, with any revenue raised to be reinvested in those parks.

Recommendations

Recommendation 1

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That the Legislative Council proceed to debate the Greater Sydney Parklands Trust Bill 2021, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House.

Conduct of inquiry

The terms of reference for the inquiry were referred to the committee by the Legislative Council on 19 November 2021.

The committee received 157 submissions², two supplementary submissions and two pro forma submissions, A and B.

An online questionnaire was also conducted which received 191 responses.

The committee held one public hearing at Parliament House in Sydney.

Inquiry related documents are available on the committee's website, including submissions, hearing transcripts, tabled documents and answers to questions on notice.

² The number of submissions received is different to the total number listed in Appendix 1 and on the committee's website, due to a submission being withdrawn from the inquiry.

Chapter 1 Overview

This chapter outlines the background and purpose of the Greater Sydney Parklands Trust Bill 2021 and gives an overview of the bill's provisions, including amendments agreed to by the Legislative Assembly.

Background and purpose of the bill

- 1.1** The Greater Sydney Parklands Trust Bill 2021 seeks to establish the Greater Sydney Parklands Trust (the GSPT), and provide for its governance, functions, powers and obligations. The bill also seeks to amend other related legislation.
- 1.2** Greater Sydney Parklands is an existing government agency that sits within the NSW Department of Planning, Industry and Environment. It was established as an interim administrative arrangement in July 2020.³ The bill formalises this arrangement by legally constituting the GSPT as a corporation and a NSW Government agency.
- 1.3** A key function of Greater Sydney Parklands is to manage parkland areas within its estate. Under the bill, the GSPT would be responsible for five parkland areas in Greater Sydney: Callan Park, Centennial and Moore Parks, Parramatta Park, Western Sydney Parklands and Fernhill Estate.
- 1.4** Prior to the creation of Greater Sydney Parklands, these lands were managed individually. The Greater Sydney Parklands Trust Bill 2021 therefore introduces a new management model for these parks. This is described as a 'hybrid model', in which the GSPT would act as an 'umbrella' agency, while the specific legislation for each park is retained.⁴
- 1.5** In his second reading speech, the Hon Rob Stokes MP, then Minister for Planning and Public Spaces, said:
- The Greater Sydney Parklands Trust Bill 2021 is essentially the first-ever metropolitan-wide legal framework that will deliver a network of parklands and green open spaces right across Greater Sydney in New South Wales.⁵
- 1.6** The proposed GSPT has various powers under the bill to manage the existing parkland estate. This includes managing, maintaining, improving or developing parklands and granting leases, licences and easements.⁶ The GSPT must also ensure that there is an approved plan of management for each park.⁷
- 1.7** The bill also establishes the GSPT Fund within the Special Deposits Account.⁸ There are to be separate accounts for each associated trust, and in allocating money from a separate account,

³ Submission 93, Greater Sydney Parklands, p 1.

⁴ Submission 93, Greater Sydney Parklands, p 5.

⁵ Rob Stokes, Second reading speech: Greater Sydney Parklands Trust Bill 2021, 10 November 2021.

⁶ Greater Sydney Parklands Trust Bill 2021, cl 19-21.

⁷ Greater Sydney Parklands Trust Bill 2021, cl 23.

⁸ Greater Sydney Parklands Trust Bill 2021, cl 42.

the trust must give priority to the associated trust or park for which the separate account was established.⁹ Minister Stokes commented:

This matter was raised, in particular, by representatives from western Sydney who are concerned that funds generated to support the great Western Sydney Parklands, for example, do not go to subsidise parks in the east. I could not agree more, and so this part is all about ensuring that if a parkland is able to generate some funds then those funds are expended within those parklands.¹⁰

- 1.8** In his second reading speech, Minister Stokes acknowledged that in consultations for the bill, there were community concerns about the need for 'balancing city-wide strategic vision for parklands with local input and representation for each park'.¹¹ Under the bill, the Trust is required to have an approved consultation and engagement framework.¹² The bill also establishes a community trustee board for each part of the parkland estate.¹³ The community trustee boards are intended to be 'truly independent and critical local stewards of the parklands, giving a voice to individual parks within the broader framework of parks all across Sydney'.¹⁴
- 1.9** In addition to managing the existing parkland estate, the GSPT would also have a broader role to 'advocate for open space and parklands across Greater Sydney, and look to expand open spaces and parklands in partnership with local communities and local councils'.¹⁵ It is to play a critical role in achieving and promoting the NSW Government's *50-year Vision for Greater Sydney's Open Space and Parklands*, which was published in May 2021. This plan envisions Sydney as a 'city within a park' with a 'sustainable network of green space throughout the city'.¹⁶
- 1.10** To this end, under the bill, the GSPT is empowered to create a Blue-Green grid committee to advocate for a long-term vision for quality parklands across Greater Sydney.¹⁷ The GSPT would also have the power to acquire new parks and supplementary land.¹⁸ Minister Stokes said:

We simply cannot allow this metropolis to expand without having a framework to also expand, preserve and, excitedly, restore our parklands ... What I want to see through this agency and legislation is that we do not just protect against further decline but that we aggressively and assertively restore, rehabilitate and build upon our parklands.¹⁹

⁹ Greater Sydney Parklands Trust Bill 2021, cll 43(3), 45(3).

¹⁰ Rob Stokes, Second reading speech: Greater Sydney Parklands Trust Bill 2021, 10 November 2021.

¹¹ Rob Stokes, Second reading speech: Greater Sydney Parklands Trust Bill 2021, 10 November 2021.

¹² Greater Sydney Parklands Trust Bill 2021, cll 29-36.

¹³ Greater Sydney Parklands Trust Bill 2021, cll 37-41.

¹⁴ Rob Stokes, Second reading speech: Greater Sydney Parklands Trust Bill 2021, 10 November 2021.

¹⁵ Greater Sydney Parklands Trust Bill 2021, cl 15(1)(i).

¹⁶ NSW Department of Planning, Industry and Environment, *A 50-Year Vision for Greater Sydney's Open Space and Parklands* (2021) p 5.

¹⁷ Greater Sydney Parklands Bill Trust 2021, cl 12(1)(a).

¹⁸ Greater Sydney Parklands Bill Trust 2021, cl 17.

¹⁹ Rob Stokes, Second reading speech: Greater Sydney Parklands Trust Bill 2021, 10 November 2021.

Amendments in the Legislative Assembly

1.11 The Greater Sydney Parklands Trust Bill 2021 was introduced in the Legislative Assembly on 10 November 2021 by the Hon Rob Stokes MP, then Minister for Planning and Public Spaces. It was agreed to by the Legislative Assembly on 17 November with 16 amendments.²⁰

1.12 The amendments agreed to include:

- A requirement that the Trust must not grant a lease or licence with a term of 10 years or more over land within the trust estate unless it has been subject to an open tender process, along with the insertion of similar provisions in each associated trust legislation.
- A requirement that the Trust establish a community trustee board for each of Callan Park, Centennial and Moore Parks, Parramatta Park, and the Western Sydney Parklands.
- A provision entitling a member of Parliament to attend meetings of a community trust board of a parklands estate if the estate is in or adjacent to the member's electoral district.
- A reduction to the maximum term that a lease may be granted under the *Centennial Park and Moore Park Trust Act 1983* from 99 years to 50 years.
- Removal of the words 'directly or indirectly' from a provision in the *Centennial Park and Moore Park Trust Act 1983* which previously said 'The Trust may grant a lease over any part of the Trust lands for a purpose, including a commercial purpose, that would directly or indirectly help the Trust achieve its objects'.
- Restricting the maximum term of a lease in Callan Park from 50 years to 10 years except in the case of 'relevant premises', defined as Kirkbride, Broughton Hall, and the Convalescent Cottages.
- Providing that a lease, licence or contract over Callan Park may be granted or entered into for the purposes of an arts or cultural event.
- Reversing the repeal of a section that provides that the consent authority for development applications relating to land within Callan Park is the council of the local government area within which the land is situated.
- A requirement that development may be carried out in Callan Park for certain purposes on a not-for-profit basis only and addition of a Note providing that development may be carried out only on a not-for-profit basis and not on a commercial basis.
- Removing a section that would permit the erection of 'minor modifications' in Callan Park.²¹

Referral of the bill

1.13 Prior to its introduction in the Legislative Council, the bill was reviewed by the Selection of Bills committee on 16 November 2021. The committee did not recommend that the bill be referred to a standing committee for inquiry and report.²²

²⁰ *Votes and Proceedings*, NSW Legislative Assembly, 17 November 2021, pp 1411–1415.

²¹ *Votes and Proceedings*, NSW Legislative Assembly, 17 November 2021, pp 1411–1415.

²² Selection of Bills Committee, NSW Legislative Council, *Report No. 53* (2021), p 2.

- 1.14** The bill was introduced to the Legislative Council on 19 November 2021 by the Hon Taylor Martin MLC, Parliamentary Secretary for the Hunter and Cost of Living on behalf of the Hon Sarah Mitchell MLC, Minister for Education and Early Childhood Learning.
- 1.15** On 19 November 2021, the Legislative Council resolved on the motion of Mr David Shoebridge MLC to establish a select committee to inquire into and report on the provisions of the bill. The reporting date was set for 21 February 2022.²³

Overview of the bill

- 1.16** The object of the bill, as set out in the explanatory note, is to constitute the GSPT as a corporation and NSW Government agency and provide for its functions, powers and obligations, including in relation to the Greater Sydney Parklands estate, as well as make amendments to certain other legislation.²⁴
- 1.17** The bill sets out:
- the governance structure of the GSPT
 - the functions of the GSPT
 - community engagement requirements of the GSPT, including the creation of community trustee boards
 - the financial structure of the GSPT
 - the enforcement regime for offences against the bill or related Acts, and
 - amendments to the associated trust legislation.²⁵

²³ *Minutes*, NSW Legislative Council, 19 November 2021, p 2785.

²⁴ Greater Sydney Parklands Trust Bill 2021, Explanatory Note, First Print, p 1.

²⁵ Greater Sydney Parklands Trust Bill 2021, Explanatory Note, First Print.

Chapter 2 Key issues

This chapter outlines the key issues raised by stakeholders in the course of the inquiry. The chapter commences with an exploration of evidence received on the governance of the Greater Sydney Parklands Trust (the GSPT), including arguments for and against the centralisation of parklands management under the Trust, as well as the composition of the Board and its powers. It then considers the funding model proposed for the GSPT, including stakeholder views on commercialisation and the use of funds generated by individual parks. The chapter then concludes with an examination of concerns relating to specific parklands within the Greater Sydney Parklands estate (the GSP estate), specifically Callan Park, Centennial and Moore Parks and the Western Sydney Parklands.

Governance and strategic issues

- 2.1 The following sections explore governance and strategic issues relating to the GSPT. This includes concerns regarding the potential loss of local community input under the proposed model and the role of community trustee boards in maintaining local representation. On the specific composition and powers of the GSPT, later sections cover stakeholder views on the tenure of board members and the compulsory acquisition powers of the GSPT.

Centralisation of parkland management

- 2.2 As noted in chapter 1, the Greater Sydney Parklands Trust Bill 2021 seeks to consolidate the management of five parkland areas in Sydney into one central agency. This would be achieved administratively through the constitution of the GSPT as a corporation and a NSW government agency,²⁶ and through providing for common board membership across each individual trust.²⁷
- 2.3 The committee heard strong opposing views about the desirability of centralised parkland management.

Benefits of centralised parkland management

- 2.4 Greater Sydney Parklands argued that a 'hybrid model', in which the GSPT would act as an 'umbrella agency', while the specific legislation for each park is retained would allow:

GSPT to protect the existing trust lands with their special and differing qualities, and at the same time creates a statutory framework, including a new set of objects, that can allow GSPT to take a city wide view and promote open space networks across the city.²⁸

- 2.5 Greater Sydney Parklands explained that under the current individual trust arrangements, there is no statutory, consolidated voice for metropolitan urban parks in Sydney that responds to the community's considerable support for parks.²⁹

²⁶ Greater Sydney Parklands Trust Bill 2021, cl 6.

²⁷ Greater Sydney Parklands Trust Bill 2021, Sch 5.2[2], Sch 5.4[2], Sch 5.5[2].

²⁸ Submission 93, Greater Sydney Parklands, p 5.

²⁹ Submission 93, Greater Sydney Parklands, p 5.

- 2.6** According to Greater Sydney Parklands and the government there are three overall benefits to centralising parkland management. Firstly, it would facilitate broader strategic planning about Sydney's green spaces. This includes long-term planning that takes into account changes to local environmental and demographic conditions.³⁰ Mr Michael Rose, Chair, Greater Sydney Parklands, told the committee:

These are important assets, not just for the people who live in the suburbs that adjoin them but for people right across the city. They need to be, and they deserve to be, thought about, planned for, cared for and connected in a way that reflects their wider whole-of-city significance. I think that is what Greater Sydney Parklands intends to do and what the legislation intends to do.³¹

- 2.7** The Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport likened the model of the GSPT to that of the management of national parks in New South Wales:

the National Parks and Wildlife Service ... is a unitary strategic focussed organisation that looks after a whole range of entirely diverse parks but no one is suggesting that that should be dismantled and each park be administered and managed separately. There are benefits of local involvement and also of State involvement too. I think the trick... is ... getting that balance right.³²

- 2.8** Secondly, the consolidation of parkland management within a central entity would allow that entity to act as a single voice to advocate for parklands within the government.³³ Greater Sydney Parklands argued that the bill creates 'a statutory entity to deliver a consolidated view to government, including in resource allocation decisions'.³⁴ It was also noted that there is no other government agency that has such a role.³⁵

- 2.9** In support of this proposal was Saving Moore Park who argued a single agency was 'necessary to counter the influence of other super-agencies such as Venues NSW, Infrastructure NSW and Transport for NSW'.³⁶

- 2.10** Thirdly, centralised parkland management would allow administrative expertise to be pooled, while creating cost savings through the removal of duplication.³⁷ As Greater Sydney Parklands submitted:

It has been GSP's experience over the last 18 months, and as a result of previous administrative amalgamations of park management ... that a combined administration produces operational savings that can be redirected back into park management,

³⁰ Evidence, Mr Michael Rose, Chair, Greater Sydney Parklands, 27 January 2022, p 47.

³¹ Evidence, Mr Michael Rose, Chair, Greater Sydney Parklands, 27 January 2022, p 47.

³² Evidence, The Hon Rob Stokes, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 50.

³³ Evidence, Mr Michael Rose, Chair, Greater Sydney Parklands, 27 January 2022, p 53; Submission 93, Greater Sydney Parklands, p 5.

³⁴ Submission 93, Greater Sydney Parklands, p 5.

³⁵ Submission 93, Greater Sydney Parklands, p 9.

³⁶ Submission 32, Saving Moore Park, p 1.

³⁷ Evidence, Ms Suellen Fitzgerald, Chief Executive Officer, Greater Sydney Parklands, 27 January 2022, p 55; Submission 93, Greater Sydney Parklands, p 8.

projects and services, and provides a better resourced, higher quality and more professional park management service for the community.³⁸

Disadvantages of centralised parkland management

- 2.11** Several local councils, community groups and private citizens were opposed to the centralised management of parklands areas within the GSP estate.
- 2.12** Some inquiry participants argued that a 'one size fits all' approach to parklands management is unworkable because each parkland area is unique and carries different needs and issues.³⁹
- 2.13** For example, Cumberland Bird Observers Club Inc noted that 'each of the parks of the GSP have their own unique geological and vegetation features'⁴⁰ while Friends of Fernhill and Mulgoa Valley Inc commented that the parks contain 'differences in scale, nature, audience, resources and carrying capacity'.⁴¹ Centennial Parklands Residents Association expressed the view that 'the concept that one policy driver has the ability to truly understand each park's needs is flawed'.⁴²
- 2.14** One suggestion to address this was for the bill to contain a 'Statement of Significance' for each park, which would outline the cultural and natural heritage values attached to it, the particular character of the place, and relevant constraints.⁴³
- 2.15** Another concern raised by inquiry participants was that the GSPT Board would lack the localised experience and expertise necessary to manage each individual parkland.⁴⁴ Participants argued this would diminish the overall involvement of local communities in management and planning of parkland areas.⁴⁵
- 2.16** The City of Sydney were of the view that the Board would be focussed on 'broader strategic matters' at the expense of 'local parkland issues'.⁴⁶

³⁸ Submission 93, Greater Sydney Parklands, p 8.

³⁹ Evidence, Ms Susan Steedman, Member, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park, 27 January 2022, p 27; Submission 27, Alliance for Public Parklands, p 6; Submission 32, Saving Moore Park, p 10; Submission 59, Ms Bronwen Campbell, p 2; Submission 61, Cumberland Bird Observers Club Inc, p 1; Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 3; Submission 107, Emeritus Professor James Weirick, p1.

⁴⁰ Submission 61, Cumberland Bird Observers Club Inc, p 1.

⁴¹ Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 3.

⁴² Submission 43, Centennial Parklands Residents Association, p 3. See also Submission 27, Alliance for Public Parklands, p 6.

⁴³ Evidence, Emeritus Professor James Weirick, Former Director of the Master of Urban Development and Design program, University of New South Wales, 27 January 2022, p 61; Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 4.

⁴⁴ Evidence, Cr Dylan Parker, Mayor, Randwick City Council, 27 January 2022, p 2; Submission 43, Centennial Parklands Residents Association, p 3; Submission 44, City of Sydney, p 1; Submission 40, Mrs Susan Durman, p 1; Submission 126, D Cassi Plate, p 1.

⁴⁵ Evidence, Cr Dylan Parker, Mayor, Randwick City Council, 27 January 2022, p 2; Evidence, Ms Susan Steedman, Member, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park, 27 January 2022, p 27; Submission 44, City of Sydney, pp 1 and 4; Submission 81, National Trust of Australia (NSW) Parramatta Regional Branch, p 3.

⁴⁶ Submission 44, City of Sydney, p 4.

- 2.17** Meanwhile, Ms Susan Steedman, Member, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park, argued:

The idea that any local or hard-earned intelligence about the unique aspects and assets of each park can be addressed by a board that is common to all is a nonsense to us... Yes, we do agree there is a need for an overarching voice, but the position of that agency should be to advocate for the funding and they should take notice of what each individual park's needs are and not attempt a one-size-fits-all approach.⁴⁷

- 2.18** Emeritus Professor James Weirick argued that an 'integrated approach' of 'interlinked parks' was not realistic or achievable in Sydney because of the fragmented ownership of parklands across government agencies. He noted that many parklands are not covered by the bill, including Millennium Parklands, Bicentennial Park and Newington Nature Reserve in Homebush Bay; Mount Annan Botanic Gardens; and several regional parks, nature reserves and national parks under the control of the NSW National Parks & Wildlife Service.⁴⁸
- 2.19** In relation to the GSPT being a government agency, Blacktown and District Environment Group Inc argued that the trust's influence in government would allow it to 'to navigate through government planning and environmental laws and regulations which private entities and public owners would otherwise be constrained by'.⁴⁹

Alternative models

- 2.20** Some inquiry participants proposed alternative models for the management of parkland areas. A popular model was the 'federated model', in which each park would retain its own trust,⁵⁰ and the role of Greater Sydney Parklands would be to provide overall advocacy and administrative support.⁵¹
- 2.21** In the case of Callan Park, which does not currently have a trust, Inner West Council proposed that one should be established:
- The establishment of a local trust, with local expertise to oversee the management of Callan Park would be a far better option than the larger Greater Sydney Parklands Trust whose concerns will inevitably be drawn away from local interests due to its cross-Sydney focus.⁵²
- 2.22** Alternatively, Saving Moore Park suggested that each of the parklands should be under the direction of a regional manager, who 'would be accountable to the GSPT Chief Executive, but

⁴⁷ Evidence, Ms Susan Steedman, Member, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park, 27 January 2022, p 27.

⁴⁸ Submission 107, Emeritus Professor James Weirick, pp 2-3.

⁴⁹ Submission 30, Blacktown and District Environment Group Inc, p 1.

⁵⁰ Submission 15, Mr Kealan Coleman, p 1; Submission 17, Name suppressed, p 1; Submission 24, Name suppressed, p 1; Submission 27, Alliance for Public Parklands, p 6; Submission 43, Centennial Parklands Residents Association, p 3; Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 1; Submission 81, National Trust of Australia (NSW) Parramatta Regional Branch, p 2; Submission 82, Friends of Callan Park, p 2; Submission 84, Callan Park Bushcare Inc, p 1.

⁵¹ Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 1.

⁵² Submission 35, Inner West Council, p 9. See also Submission 82, Friends of Callan Park, p 2.

'... they would have a dotted line to [community trustee boards] and, through them, to the local communities'.⁵³

- 2.23** Emeritus Professor James Weirick put forward the view that there should be a Greater Sydney Parklands Council, instead of the GSPT, which would be modelled on the Heritage Council of NSW. Such a body 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'.⁵⁴

Role of local communities

- 2.24** As noted above at 2.15, a key concern put to the committee was that the centralised management of parklands through the GSPT would result in a loss of local community input.⁵⁵
- 2.25** The Greater Sydney Parklands Trust Bill 2021 sets out two key methods of community consultation: the consultation and engagement framework, and community trustee boards.

The consultation and engagement framework

- 2.26** Clause 29 of the bill requires the GSPT to have an approved consultation and engagement framework for the parklands estate.⁵⁶ The purpose of the framework is to provide guidance to the trust about how it is to consult and engage with the community generally, and visitors and other users of particular parks, on matters relating to the parklands estate.⁵⁷
- 2.27** In preparing the consultation and engagement framework, the trust must consult and engage with the community and relevant stakeholders, including community trustee boards, local councils, and government sector agencies.⁵⁸ The framework must be in place within 12 months after the relevant clauses in the bill commence.⁵⁹
- 2.28** While Penrith City Council supported the requirement to have a consultation and engagement framework,⁶⁰ Randwick City Council expressed 'strong concerns that the proposed framework will result in the loss of community voice...'.⁶¹

⁵³ Submission 32, Saving Moore Park, p 10.

⁵⁴ Submission 107, Emeritus Professor James Weirick, pp 2-3.

⁵⁵ Evidence, Cr Dylan Parker, Mayor, Randwick City Council, 27 January 2022, p 2; Evidence, Ms Susan Steedman, Member, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park, 27 January 2022, p 27; Submission 44, City of Sydney, pp 1 and 4; Submission 81, National Trust of Australia (NSW) Parramatta Regional Branch, p 3.

⁵⁶ Greater Sydney Parklands Trust Bill 2021, cl 29.

⁵⁷ Greater Sydney Parklands Trust Bill 2021, cl 30.

⁵⁸ Greater Sydney Parklands Trust Bill 2021, cl 32(a).

⁵⁹ Greater Sydney Parklands Trust Bill 2021, Sch 3[3].

⁶⁰ Submission 26, Penrith City Council, p 3.

⁶¹ Submission 33, Randwick City Council, p 4.

2.29 Given these concerns, Randwick City Council suggested that the proposed framework be 'strengthened to specifically reference the relationship between councils and the Trust to ensure consideration of local knowledge, community priorities and issues'.⁶²

Community trustee boards

2.30 Clause 37 of the bill requires the GSPT to establish a community trustee board for Callan Park, Centennial and Moore Parks, Parramatta Park, and Western Sydney Parklands.⁶³ Members of the community trustee boards are to be appointed by the GSPT in accordance with the consultation and engagement framework.⁶⁴ Community trustee boards must include representation for local First Nations peoples, a representative of local councils, and a representative who has experience or skills in heritage or heritage management.⁶⁵ Members are appointed for two-year terms and may be reappointed once.⁶⁶

2.31 Functions of the community trustee boards include:

- providing advice and assistance to the GSPT in the development and review of the plan of management for the relevant parkland
- staying informed about current visitor and local community issues relating to the relevant parkland, and
- providing advice to the Board about those issues.⁶⁷

2.32 Inquiry participants expressed mixed views about the community trustee boards. For example, Councillor Dylan Parker, Mayor, Randwick City Council, welcomed the inclusion of First Nations representatives, describing it as one of the 'good components' of the bill⁶⁸ while Parramatta City Council, Blacktown City Council and City of Sydney supported the inclusion of representatives from local councils on the community trustee boards.⁶⁹

2.33 On the other hand, Woollahra Municipal Council was concerned that the community trustee boards would have an 'advisory role only' and argued this would diminish 'the ability to integrate local community input into decision-making'.⁷⁰ Blacktown City Council stated that the community trustee boards should not 'replace broader consultation and engagement with local communities'.⁷¹

⁶² Submission 33, Randwick City Council, p 4.

⁶³ Greater Sydney Parklands Trust Bill 2021, cl 37.

⁶⁴ Greater Sydney Parklands Trust Bill 2021, cl 38(1)-(2).

⁶⁵ Greater Sydney Parklands Trust Bill 2021, cl 38(3)(b).

⁶⁶ Greater Sydney Parklands Trust Bill 2021, Sch 2[2].

⁶⁷ Greater Sydney Parklands Trust Bill 2021, cl 39.

⁶⁸ Evidence, Cr Dylan Parker, Mayor, Randwick City Council, 27 January 2022, pp 2 and 5.

⁶⁹ Evidence, Cr Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 16; Evidence, Cr Brad Bunting, Deputy Mayor, Blacktown City Council, 27 January 2022, p 16; Submission 44, City of Sydney, p 9.

⁷⁰ Submission 2, Woollahra Municipal Council, p 6.

⁷¹ Submission 25, Blacktown City Council, p 14. See also Submission 44, City of Sydney, pp 1 and 9.

2.34 Saving Moore Park argued:

The inclusion of the word ‘Trustee’ seems intended to make the CTBs sound more important than they really are – unless the Bill is amended they will be advisory bodies, whose advice can be accepted or rejected at will and without explanation by GSPT. No meaningful trustee function is envisaged.⁷²

2.35 Councillor Brad Bunting, Deputy Mayor, Blacktown City Council, put to the committee that the boards should have 'decision-making' powers, rather than only being consultative bodies.⁷³ Similarly, the City of Sydney argued that the boards 'must be afforded influence in decision-making over outcomes at the parklands'.⁷⁴

2.36 Other suggestions for improving community trustee boards included:

- a requirement that the GSPT publicly document the advice of the community trustee boards and how it has been considered and addressed⁷⁵
- a requirement to establish a community trustee board for Fernhill Estate (with inquiry participants noting it was the only parkland area for which one is not currently required under the bill)⁷⁶
- a requirement to include representatives with biodiversity, ecology or environmental science in the boards,⁷⁷ and
- a requirement to include representatives from each local council within which a parkland is located.⁷⁸

Greater Sydney Parklands Trust Board composition and appointment

2.37 The bill also include provisions for a GSPT Board.⁷⁹ As noted at 2.2, members of the Board would also constitute members of the boards of the Centennial and Moore Park Trust, the Parramatta Park Trust, and the Western Sydney Parklands Trust.⁸⁰ The Board is to consist of the chief executive of the trust and seven additional members appointed by the Minister.⁸¹

⁷² Submission 32, Saving Moore Park, p 4.

⁷³ Evidence, Cr Brad Bunting, Deputy Mayor, Blacktown City Council, 27 January 2022, p 17. See also Evidence, Mr Michael Waterhouse, President, Saving Moore Park Inc, 27 January 2022, p 32.

⁷⁴ Submission 44, City of Sydney, p 9.

⁷⁵ Submission 2, Woollahra Municipal Council, p 6.

⁷⁶ Submission 26, Penrith City Council, p 2; Submission 27, Alliance for Public Parklands, p 5; Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 12.

⁷⁷ Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 11.

⁷⁸ Submission 91, Liverpool Local Council, p 3.

⁷⁹ Greater Sydney Parklands Trust Bill 2021, cl 8(2).

⁸⁰ Greater Sydney Parklands Trust Bill 2021, Sch 5.2[2], Sch 5.4[2], Sch 5.5[2].

⁸¹ Greater Sydney Parklands Trust Bill 2021, cl 8(3).

- 2.38** The committee heard of concerns that the appointment of board members by the Minister would politicise the appointment process and/or the Board itself.⁸²
- 2.39** Clause 9 of the bill provides that in appointing board members, the Minister must ensure the Board, as a whole, has experience or skills in:
- community consultation
 - environmental management
 - financial and property management
 - governance and risk
 - heritage or heritage management, and
 - landscape or park management.⁸³
- 2.40** Woollahra Municipal Council suggested that the requirement that board members have skills in environmental management, heritage or heritage management, and landscape or park management be mandated.⁸⁴ However, it was concerned that requiring board members to have expertise in financial and property management skills could lead to these considerations dominating the agenda or decision-making of the Board.⁸⁵
- 2.41** Friends of Rushcutters Bay Park put forward that the Board should also include an individual community representative, and members of the National Trust of Australia (NSW), the NSW Aboriginal Land Council, the Heritage Council of NSW, and the NSW Ombudsman.⁸⁶
- 2.42** Clause 9(2) of the bill provides that the Minister must have regard to the desirability of the Board having members with diverse backgrounds, including having members who live in western Sydney.⁸⁷
- 2.43** Woollahra Municipal Council argued that this provision should be strengthened so that the Minister ‘must ensure’ that the Board members come from diverse backgrounds, commenting:
- This vitally important as the Greater Sydney Parklands cares for more than 6,000 hectares of open space and parklands in Sydney with around 40 million visits to the parks by a wide range of people every year.⁸⁸
- 2.44** The City of Sydney also argued that the term ‘diverse backgrounds’ was vague and required greater clarity.⁸⁹

⁸² Submission 2, Woollahra Municipal Council, p 4; Submission 28, Friends of Rushcutters Bay Park, p 4.

⁸³ Greater Sydney Parklands Trust Bill 2021, cl 9(1).

⁸⁴ Submission 2, Woollahra Municipal Council, p 4.

⁸⁵ Submission 2, Woollahra Municipal Council, p 4.

⁸⁶ Submission 28, Friends of Rushcutters Bay Park, p 6.

⁸⁷ Greater Sydney Parklands Trust Bill 2021, cl 9(2).

⁸⁸ Submission 2, Woollahra Municipal Council, p 4.

⁸⁹ Submission 44, City of Sydney, p 4.

- 2.45** Under the bill, board members may be appointed for a period up to five years and may be reappointed for additional terms.⁹⁰ Woollahra Municipal Council and Friends of Rushcutters Bay Park argued this period was too long, particularly given that the terms of members of community trustee boards are limited to four years.⁹¹
- 2.46** Woollahra Municipal Council also suggested that the duration of the Board appointments should be limited to five years with no opportunity for re-appointment.⁹² The Council argued:

A tenure of five years is sufficient time for the board members to have the opportunity to lead, provide strategic direction and deliver outcomes. Importantly having a time limited tenure of board members facilitates opportunities to appoint members from diverse backgrounds, and also encourages new energy and ideas.⁹³

Compulsory acquisition powers of the Greater Sydney Parklands Trust

- 2.47** The powers of the GSPT to compulsorily acquire and own new parks and supplementary land for the GSP estate are set out in Part 3 of the bill.⁹⁴
- 2.48** A number of stakeholders raised concerns about the various aspects of the Trust's compulsory acquisition power. For example, the Alliance for Public Parklands and Centennial Parklands Residents Association expressed concerns about the provision of this power to a body like the Trust, noting that such a function has always been one for government⁹⁵
- 2.49** Some stakeholders also queried whether such broad acquisition powers, particularly the power to acquire 'supplementary land' might be used for the ulterior motive of acquiring land under the pretence of expanding the parkland estate, only for it to be subsequently used for commercial purposes.⁹⁶
- 2.50** When asked by the committee about the Trust's acquisition capacity, the Hon Rob Stokes MP, Minister for Infrastructure, Cities and Active Transport responded that the power was intended for parks and that the government would still likely bear primary responsibility for this:

...I would imagine that the main responsibility for acquisition will be with central government but then once that land is acquired it has to go somewhere and the parklands being set up for there to be somewhere legislatively for that land to go and be looked after.⁹⁷

⁹⁰ Greater Sydney Parklands Trust Bill 2021, Sch 1[2].

⁹¹ Submission 2, Woollahra Municipal Council, p 5; Submission 28, Friends of Rushcutters Bay Park, p 10. See Greater Sydney Parklands Trust Bill 2021, Sch 2[2].

⁹² Submission 2, Woollahra Municipal Council, p 5

⁹³ Submission 2, Woollahra Municipal Council, p 5.

⁹⁴ Greater Sydney Parklands Trust Bill 2021, Pt 3.

⁹⁵ Submission 27, Alliance for Public Parklands, p 5; Submission 43, Centennial Parklands Residents Association, p 3.

⁹⁶ Submission 30, Blacktown & District Environment Group Inc, p 10; Submission 77, Friends of Fernhill and Mulgoa Valley Inc, p 6; Submission 2, Woollahra Municipal Council, p 3.

⁹⁷ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 51.

- 2.51** Not all stakeholders were concerned with this proposed granting of power to the Trust. For example, Councillor Donna Davis, Lord Mayor, Parramatta City Council described this aspect of the Trust's power as 'a useful mechanism for increasing Sydney's open space'.⁹⁸ Similarly, Saving Moore Park, citing the inquiry by the Legislative Assembly Legislation Review Committee, noted that the any exercise of the power would primarily deal with public land and would be limited by the operation of the *Land Acquisition (Just Terms Compensation) Act 1991*.⁹⁹

Lack of overarching vision for parklands estate

- 2.52** The committee also heard evidence on the bill's lack of detail about how the GSPT will identify new parklands for inclusion in the estate, as well as how the bill would implement the Government's 50-Year Vision for Greater Sydney's Open Space and Parklands. For the Alliance for Public Parklands, this was one of the fundamental failings of the bill. The organisation stated:

[The bill] does not proportionately reflect or support the Minister's original '50 Year Vision' or White Paper... These aspects have been relegated to Plans of Management and therefore the Bill reflects no enduring GSPT concept or vision for each parkland.¹⁰⁰

- 2.53** Blacktown City Council, who expressed concerns in relation to the lack of consultation around the bill, also asserted that the bill contained no detail on how the GSPT would operate in terms of identifying or planning for open spaces as the city grows.¹⁰¹
- 2.54** Other community groups, such as Saving Moore Park and Centennial Parklands Residents Association, noted that the bill was silent on how the acquisition of new parklands and the cost of upgrading them to a minimum acceptable standard would be funded.¹⁰² For these stakeholders, along with the Alliance for Public Parklands, this created a fear that parks themselves would be required to generate the funds for acquisition of new parklands.¹⁰³
- 2.55** Related to the lack of strategy, some stakeholders questioned the rationale behind the parks that were chosen for inclusion in the GSP estate. For example, Emeritus Professor James Weirick noted in his submission that many 'notable' State-owned parklands, including over 430 hectares of parkland in Millennium Parklands, Bicentennial Park and Newington Nature Reserve were omitted from the GSP estate.¹⁰⁴ However, Professor Weirick did not advocate for their inclusion, stating that they would be better managed by community trustee boards.¹⁰⁵
- 2.56** When asked about why these parklands were not included in the GSP estate, Minister Stokes said that for the Millennium Parklands, Bicentennial Park and Newington Nature Reserve, it

⁹⁸ Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 15.

⁹⁹ Submission 32, Saving Moore Park, p 8.

¹⁰⁰ Submission 27, Alliance for Public Parklands, pp 1 and 3.

¹⁰¹ Submission 25, Blacktown City Council, p8.

¹⁰² Submission 32, Saving Moore Park, p 3; Submission 43, Centennial Parklands Residents Association, p 3.

¹⁰³ Submission 32, Saving Moore Park, pp 3-4; Submission 43, Centennial Parklands Residents Association, p 3; Submission 27, Alliance for Public Parklands, p 4.

¹⁰⁴ Submission 107, Emeritus Professor James Weirick, p 2.

¹⁰⁵ Submission 107, Emeritus Professor James Weirick, p 2.

came down to their 'dominant' purpose being for sport, not parkland.¹⁰⁶ Upon further questioning, the Minister advised there was no reason why those areas could not be included in the estate.¹⁰⁷ In his answer to questions on notice, the Minister also confirmed that he had asked the GSPT to investigate the suitability for including surplus land from WestConnex at Homebush within the GSP estate.¹⁰⁸

Funding and land use issues

2.57 The following section explores the funding model proposed for the GSPT. Particular consideration is given to stakeholder views on the appropriateness of commercial development within parklands and the appropriateness of protections contained within the bill. The use of revenue generated by parklands is also examined, including stakeholder concerns about 'cross-subsidisation', where funds generated by one parkland might be used to the benefit of another parkland within the GSP estate.

Lack of commitment for government funding

2.58 One of the biggest focuses of the inquiry was the funding model proposed for the GSPT. A key concern raised by stakeholders was that the bill contained no commitment or requirement for Government funding.¹⁰⁹ Some of these stakeholders believed this absence of funding would cause parklands within the GSP estate to become reliant on revenue-generating commercial activities.¹¹⁰ For example, Ms Susan Steedman, Alliance for Public Parklands, and Member of the Executive, Friends of Callan Park said:

We have a fundamental disagreement with the legislation because there is no funding commitment from the Government to the improvement or enhancement of our existing parklands, let alone any business case for how the acquisition of new parklands will be achieved.¹¹¹

2.59 Stakeholders expressed a variety of opinions on the appropriateness of parks using a proportion of their estate to generate income, or 'self-funding'. At one end of the spectrum, representatives from Friends of Callan Park were strongly opposed to any level of self-funding.¹¹² When asked if some level of commercial activity might support the financial viability of parklands – particularly in the restoration of heritage buildings within Callan Park – Ms Rochelle Porteous, a member of Friends of Callan Park responded:

¹⁰⁶ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 49.

¹⁰⁷ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 49.

¹⁰⁸ Answers to questions on notice, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 8 February 2022, p 1.

¹⁰⁹ Submission 27, Alliance for Public Parklands, p 3; Submission 43, Centennial Parklands Residents Association, p 3, Submission 82, Friends of Callan Park, p 3.

¹¹⁰ Submission 27, Alliance for Public Parklands, p 3; Submission 33, Randwick City Council, p 4.

¹¹¹ Evidence, Ms Susan Steedman, Alliance for Public Parklands, and Member of the Executive, Friends of Callan Park, 27 January 2022, p 25.

¹¹² Submission 82, Friends of Callan Park, p 3.

I think the flawed premise on which this whole bill falls is that element of self-funding of parks. Parks should not be self-funding. The fact that you have heritage buildings in Callan Park, as in some of the other parks as well, is a blessing. It is something that should be taken on board by the State Government and properly funded.¹¹³

2.60 Woollahra Municipal Council appeared to be less opposed to some self-funding by parklands but emphasised that any revenue raised much be supplementary to recurrent government funding.¹¹⁴ Similarly, Randwick City Council contended that appropriate recurrent State funding was essential to preventing an over-reliance on commercial activities.¹¹⁵

2.61 In their submission, Greater Sydney Parklands stated that the provisions of the bill were 'not specific' about the funding model to be used and that it proposed to 'build on' the operating model used by the Western Sydney Parklands.¹¹⁶ Under this model, a proportion of the estate is used to generate revenue to manage the parklands. According to the submission, this funding model:

... allows the [Western Sydney Parklands] Trust to generate income to manage the parklands, while increasing public access to quality parkland, and also providing jobs, investment and attractions in Western Sydney.¹¹⁷

Concerns about commercialisation

2.62 Throughout the inquiry it became clear that while stakeholders' views might differ in the extent to which they believed parks should generate income, many agreed that the bill contained insufficient safeguards against commercialisation and that amendments to the current governing legislation for each parkland weakened any existing protections.¹¹⁸

2.63 For example, Mr Matthew Pearce, General Counsel, Inner West Council argued that the bill proposed to remove important checks and balances from the *Callan Park (Special Provisions) Act 2002*, allowing for the possibility of buildings within the park to be used for commercial purposes.¹¹⁹

2.64 These concerns around the risk of commercialisation of parklands by the bill were echoed in responses to the online questionnaire. For example respondents who supported the bill with amendments called for the following additional amendments to prevent over-commercialisation.

- 'Greater restrictions on commercialisation of parklands, especially long lease times for hotels, event management etc'.

¹¹³ Evidence, Ms Rochelle Porteous, Member, Friends of Callan Park, 27 January 2022, p 12.

¹¹⁴ Submission 2, Woollahra Municipal Council, p 1.

¹¹⁵ Submission 33, Randwick City Council, p 2.

¹¹⁶ Submission 93, Greater Sydney Parklands, pp 2 and 8.

¹¹⁷ Submission 93, Greater Sydney Parklands, p 2.

¹¹⁸ Submission 27, Alliance for Public Parklands, p 3,6; Submission 33, Randwick City Council, p 4; Submission 34, Hawkesbury Environment Network, p 1; Submission 35, Inner West Council, p 1-2, 5; Submission 30, Blacktown & District Environment Group Inc, p 2.

¹¹⁹ Evidence, Mr Matthew Pearce, General Counsel, Inner West Council, 27 January 2022, p 13.

- 'Stronger controls against privatisation and commercial leases. All initiatives should meet strong accountability controls and are consistent with the values and vision of a not for profit and public space. Stronger controls over heritage protection.'¹²⁰

Length of proposed lease terms

2.65 For many stakeholders, it was the bill's proposal to allow long-term leases that caused the most concern. Under clause 20(1) of the bill, the GSPT may grant a lease, licence or easement of up to 25 years over land within the GSP estate,¹²¹ while a longer lease may be granted under clause 20(2) with the Minister's consent.¹²² Many argued that granting leases of this length was akin to privatisation and appeared to be designed to allow major commercial operations.¹²³ For example, Friends of Callan Park stated:

The Bill includes provisions for the GSPT Board to confer leases up to 25 years and for longer leases to be granted by the Minister...This is effectively a provision for the alienation and privatisation of public land and there are no checks and balances provided.¹²⁴

2.66 In his submission to the inquiry, Mr Jamie Parker MP, Member for Balmain said that in order to prevent this 'effective privatisation', leases should be capped at 10 years, a view shared by the Hawkesbury Environment Network and Paddington Darlinghurst Community Group.¹²⁵

2.67 In contrast, Saving Moore Park were less concerned with the length of leases, provided there were limitations on when leases could be approved. They contended that this should only occur where a lease is 'expressly permitted by the Plan of Management' for the parkland and the 'local community is given the opportunity to express their views about the suitability of the proposed lease'.¹²⁶

2.68 Stakeholders, including the Hon Rob Stokes MP, Minister for Infrastructure, Cities and Active Transport, appeared generally supportive of amendments agreed to by the Legislative Assembly to require a lease or a licence with a term of 10 years or more to be the subject of an open tender process.¹²⁷ A notable exception was Carsingha Developments, whose representatives told the

¹²⁰ Select Committee on the Greater Sydney Parklands Trust Bill 2021, *Report on the online questionnaire: Inquiry into the Greater Sydney Parklands Trust Bill 2021*, 24 January 2022, p 3.

¹²¹ Greater Sydney Parklands Trust Bill 2021, cl 20(1).

¹²² Greater Sydney Parklands Trust Bill 2021, cl 20(2).

¹²³ Submission 43, Centennial Parklands Residents Association, p 2; Submission 44, City of Sydney, p 2; Submission 77, Friends of Fernhill and Mulgoa Valley, pp 1, 7 and 8; Submission 149, Mr Jamie Parker MP, Member for Balmain, p 2.

¹²⁴ Submission 82, Friends of Callan Park, p 4.

¹²⁵ Submission 149, Mr Jamie Parker MP, Member for Balmain, p 2; Submission 34, Hawkesbury Environment Network, p 1; Submission 80, Paddington Darlinghurst Community Group, p 3.

¹²⁶ Submission 32, Saving Moore Park, p 6.

¹²⁷ Greater Sydney Parklands Trust Bill 2021, Cl 21. See Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, 27 January 2022, p 58; Submission 80, Paddington Darlinghurst Community Group, p 2; Submission 32, Saving Moore Park, p 6; Submission 44, City of Sydney, p 6.

committee that the bill as amended would effectively terminate their unsolicited proposal for the Entertainment Quarter.¹²⁸ This is explored in further detail at 2.98.

2.69 The Minister gave the following evidence on this point:

There are two parts to the amendment that the member for Sydney put up, and I think one is more important from a probity to transparency and good governance and public benefit perspective than the other. The one that I think is really an adornment to the bill is this idea that any lease of more than 10 years needs to be put through an open process and competitive process. I think that is the one that really matters. I think the lease term is actually the more arguable point. I think it is probably a good thing to provide more flexibility to go for a longer lease. Remember, just because the Act provides for a lease of 99 years does not mean that a lease of 99 years needs to be given and it would depend on the proposition that was put. But if it is over 10 years, it would need to be through an open and transparent process. I think that is the more important amendment.¹²⁹

2.70 Other stakeholders argued that the Minister's lease-granting power under clause 20(2) of the bill was too wide.¹³⁰ For example, City of Sydney Council described the breadth of the power as of 'serious concern',¹³¹ while Randwick City Council contended that these powers could undermine the scrutiny and decisions of the GSPT.¹³²

2.71 Friends of Callan Park suggested that this power could be appropriately limited by parliamentary oversight such as through granting powers of disallowance over the lease to either House of Parliament. As the organisation's submission noted, this power is currently contained within the *Callan Park (Special Provisions) Act 2002*, allowing either House to disallow any lease longer than 10 years if it considers it not to be in the public interest.¹³³

2.72 These concerns appeared particularly strong around Callan Park, given amendments proposed by the bill to allow long-term leases of up to 50 years on three heritage properties within the park. These concerns are explored in greater detail at 2.79.

Limitations on use of funds generated

2.73 In order to further limit commercialisation, the committee received evidence that there should be limitations placed on the use of funds generated by parklands. In particular, local councils were strongly opposed to the idea of 'cross-subsidisation', where funds generated by one parkland might be used to the benefit of another parkland within the GSP estate.¹³⁴

¹²⁸ Evidence, Mr Max Moore-Wilton, Chairman, The Entertainment Quarter, 27 January 2022, p 36.

¹²⁹ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 49.

¹³⁰ Submission 44, City of Sydney, p 6.; Submission 33, Randwick City Council, p 3; Submission 82, Friends of Callan Park, p 3; Submission 27, Alliance of Public Parklands, p 4.

¹³¹ Submission 44, City of Sydney, p 6.

¹³² Submission 33, Randwick City Council, p 3.

¹³³ Submission 82, Friends of Callan Park, p 3.

¹³⁴ Submission 91, Liverpool City Council, p 4; Submission 33, Randwick City Council, pp 4-5; Submission 44, City of Sydney, p 10; Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 17; Evidence, Mr Ken Robinson, Chief Executive Officer, Blacktown City Council, 27 January 2022, p 17.

2.74 For example, Liverpool City Council expressed concerns that the bill did not include suitable safeguards to ensure any income generated from the Western Sydney Parklands was spent on the Western Sydney Parklands only, stating:

A key component in establishing the WSP is for income to be directed to programs and services within the Parklands boundaries... Council would not support funds from the WSP being used to fund the day-to-day operations of the GSPT if all other parklands managed by the Trust are not making similar contributions.¹³⁵

2.75 Similar concerns were expressed by Randwick City Council, who called for the bill to be clarified to rectify this issue.¹³⁶ In evidence to the committee, Councillor Dylan Parker, Mayor, Randwick City Council said:

I would suggest to the Committee, if councils across both western and eastern Sydney are in agreement around the concern of funds raised being spent on other parklands across Sydney that is a cause for concern and a pause for thought. I think it will lead to additional pressures to generate revenue, which will be placed on Centennial Parklands. These are very viable parks and they do quite well and the concern is that that will be pushed to other parts of Sydney. I acknowledge part 5, section 45, subsection 2 (a), that the trust may in its discretion allocate money in the fund to expenditure across the Greater Sydney Parklands Trust estate. Yes, there is mention around prioritising local needs and making sure that local parklands are adequately served. But, this is really an insufficient protection and will not adequately address those needs.¹³⁷

2.76 When asked about the issue at the hearing, Minister Stokes said that it was important that the scheme proposed by the bill be compared with 'what happens now'.¹³⁸ According to the Minister, while the current arrangements could allow money raised by individual parklands to 'flow back to Treasury without any oversight', it was less likely under the arrangements proposed by the bill.¹³⁹

2.77 On the bill's requirement that the future GSPT prioritise spending on those parks that have generated that revenue, Mr Michael Rose AM, Chair, Greater Sydney Parklands provided the following example:

The board of Greater Sydney Parklands in deciding that it was going to spend Western Sydney Parklands Trust money in Centennial Park would need to satisfy itself that that was an object of the Western Sydney Parklands Trust, which is pretty unlikely unless it was expenditure which was going to some target that had benefits for all of the parks.¹⁴⁰

¹³⁵ Submission 91, Liverpool City Council, p 4.

¹³⁶ Submission 33, Randwick City Council, pp 4-5.

¹³⁷ Evidence, Councillor Dylan Parker, Mayor, Randwick City Council, 27 January 2022, p 2.

¹³⁸ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 54.

¹³⁹ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Minister for Cities, and Minister for Active Transport, 27 January 2022, pp 54-55.

¹⁴⁰ Evidence, Mr Michael Rose AM, Chair, Greater Sydney Parklands, 27 January 2022, pp 55-56.

Concerns relating to specific parklands

2.78 In addition to the issues outlined above, the committee heard a number of concerns relating to specific parklands within the GSP estate. These are set out below.

Callan Park

The 'relevant premises' of Kirkbride, Broughton Hall and Convalescent Cottages

2.79 Schedule 5.1 of the bill makes a number of changes to the *Callan Park (Special Provisions) Act 2002*. In particular, it proposes changes to the way three buildings within the park – specifically Kirkbride, Broughton Hall and the Convalescent Cottages – may be leased and developed.¹⁴¹ Under the current Act, development on these premises may only be carried out for the purposes of health facilities and educational facilities.¹⁴² Leases over these premises are also limited to a length of 10 years.¹⁴³

2.80 The bill proposes to expand the type of development that can be carried out at these 'relevant premises' to include arts and culture facilities and food and drink premises – provided the development is for a not-for-profit basis.¹⁴⁴ It also proposes to extend the lease length from 10 years to 50 years.¹⁴⁵

2.81 According to Greater Sydney Parklands, the restoration and adaptive reuse of these premises is a priority and private investment would partially contribute to the 'significant investment' required to achieve this.¹⁴⁶

2.82 The committee received a significant amount of evidence on the bill's proposed changes to the *Callan Park (Special Provisions) Act 2002*, with local residents and community groups generally opposed.¹⁴⁷ For example, one local resident expressed concern that the bill's proposal to open up the 'relevant premises' to more commercial uses might disadvantage the not-for-profits that currently occupied them.¹⁴⁸

2.83 This view was shared by Mr Hall Greenland, President of Friends of Callan Park who agreed that the current Act created an advantageous market for non-government organisations to rent these premises – a positive feature that should be maintained 'given the good work they do'.¹⁴⁹

¹⁴¹ Greater Sydney Parklands Trust Bill 2021, Sch 5.1.

¹⁴² *Callan Park (Special Provisions) Act 2002*, s 7(3).

¹⁴³ *Callan Park (Special Provisions) Act 2002*, s 6(2).

¹⁴⁴ Greater Sydney Parklands Trust Bill 2021, Sch 5.1, cl 3.

¹⁴⁵ Greater Sydney Parklands Trust Bill 2021, Sch 5.1, cl 9.

¹⁴⁶ Submission 93, Greater Sydney Parklands, p 10.

¹⁴⁷ Submission 35, Inner West Council, p1; Submission 27, Alliance for Public Parklands, p 11. See also Submission 53, Name suppressed, p 1; Submission 59, Ms Bronwen Campbell, pp 2-3; Submission 69, Ms Gail Abbott, p 1; Submission 105, Ms Rose Peel, p 1; Submission 119, Sue Cameron, Rachael Hagggett and Christina Hicks, p 1; Submission 126, Dr Cassi Plate, p 1; Submission 144, Ms Dilhara Gonsalkorale, p 1.

¹⁴⁸ Submission 59, Ms Bronwen Campbell, p 2.

¹⁴⁹ Evidence, Mr Hall Greenland, President, Friends of Callan Park, 27 January 2022, p 11.

Mr Greenland also questioned the necessity of private investment for their restoration, citing the success of a consortium of non-government organisations that currently hold the lease over Broughton Hall:

That consortium is being led by We Help Ourselves ... [who] have done wonders in maintaining [Broughton Hall]... we do not need commercial leases in order to restore and maintain and look after Callan Park. The course we are now on will do that without commercialisation.¹⁵⁰

2.84 Inner West Council, the local council in which Callan Park is situated, also opposed the changes. One of their key concerns was that the bill could be interpreted as permitting 50 year commercial leases over these premises, notwithstanding an amendment agreed to by the Assembly to limit such leases to arts and cultural events. Explaining how this might work, Mr Matthew Pearce, General Counsel of Inner West Council said:

There is one reservation and that is the concern of some regarding the proposal for 50-year leases and licences, which relate, obviously, to relevant premises and Kirkbride is one of those relevant premises. If it is used for, say, arts and cultural events, there is a section... through the amendments in the Legislative Assembly, which allows for the possibility of commercial use. The concern is that the relevant premises such as Kirkbride would fall into a commercial use of some kind.¹⁵¹

2.85 Inner West Council called for this section of the bill to be removed, in order to 'exclude the possibility of any and all commercial leases from Callan Park'.¹⁵²

2.86 Friends of Callan Park were less concerned with this aspect of the bill, with the group's President, Mr Hall Greenland, expressing the organisation's view that music and artistic events of a commercial nature had always been allowed under the Act:

Those so-called commercial uses—it is the same with cafes and weddings, for instance, and the writers centres and so on—of a special nature have been allowed under the Act before. The amendments clarify that and more specifically state it. That is true. Given that council is a consent authority for such activities, the community has a real say. That is not in our mind at present a clear and present danger or problem.¹⁵³

2.87 In contrast to these stakeholders, representatives from NSW Health told the committee that as the current owner and manager of Callan Park, they were generally supportive of the changes proposed to the *Callan Park (Special Provisions) Act 2002*.¹⁵⁴ Mr Peter Dicks, Director of Asset Management, Asset Management Branch, NSW Ministry of Health told the committee that changes to allow more flexibility in the use of these 'relevant premises' in order to alleviate the costs associated with their upkeep were welcomed.¹⁵⁵

¹⁵⁰ Evidence, Mr Hall Greenland, President, Friends of Callan Park, 27 January 2022, p 10.

¹⁵¹ Evidence, Mr Matthew Pearce, General Counsel, Inner West Council, 27 January 2022, p 12.

¹⁵² Submission 35, Inner West Council, p 2.

¹⁵³ Evidence, Mr Hall Greenland, President, Friends of Callan Park, 27 January 2022, p 13..

¹⁵⁴ Evidence, Mr Peter Dicks, Director of Asset Management, Asset Management Branch, NSW Ministry of Health, 27 January 2022, p 43.

¹⁵⁵ Evidence, Mr Peter Dicks, Director of Asset Management, Asset Management Branch, NSW Ministry of Health, 27 January 2022, p 43.

- 2.88** Mr Dicks also questioned whether non-government organisations would be as disadvantaged as some feared, stating that it was his understanding that these organisations would get 'the first...bite of the cherry' on the rental of the 'relevant premises'.¹⁵⁶
- 2.89** In addition, Ms Sue-Ellen Douglas, Manager Property and Business Continuity, Corporate Services and Business, NSW Ministry of Health stated that under NSW Health policy, non-government organisations whose services contribute to the provision of health services could be provided with a rental assistance grant.¹⁵⁷
- 2.90** The final concern raised by stakeholders related to the proposed removal of parliamentary oversight for leases over these premises. Mr Hall Greenland, President, Friends of Callan Park described parliamentary oversight provisions as allowing for real 'public surveillance' and expressed concern that in the case of the relevant premises, 'leases over 10 years and up to 50 years can be just made by the Minister and the Government without any parliamentary oversight'.¹⁵⁸

Centennial Park and Moore Park

On grass parking

- 2.91** Schedule 5.2 of the bill amends the *Centennial Park and Moore Park Trust Act 1983* to immediately ban parking on grass at Upper Kippax Lake (EP2) in Moore Park, while also prohibiting parking on grass throughout Moore Park East (EP3) from 31 December 2023.¹⁵⁹
- 2.92** Inquiry participants were generally supportive of the proposal to prohibit on-grass parking at Moore Park, however there was significant disagreement over the time frame in which this should occur. On one hand, stakeholders such as City of Sydney called for its immediate cessation at both EP2 and EP3.¹⁶⁰
- 2.93** On the other hand, the Alliance of Moore Park Sports and its constituent members,¹⁶¹ called for a more gradual approach to the removal of parking from greenspace.¹⁶² While these stakeholders did not specify a preferred date for this removal, they insisted that any change must ensure 'no net loss of parking capacity in the broader Moore Park precinct'.¹⁶³

¹⁵⁶ Evidence, Mr Peter Dicks, Director of Asset Management, Asset Management Branch, NSW Ministry of Health, 27 January 2022, p 44.

¹⁵⁷ Evidence, Ms Sue-Ellen Douglas, Manager Property and Business Continuity, Corporate Services and Business, NSW Ministry of Health, 27 January 2022, p 45.

¹⁵⁸ Evidence, Mr Hall Greenland, President, Friends of Callan Park, 27 January 2022, p 12.

¹⁵⁹ Greater Sydney Parklands Trust Bill 2021, Sch 5.2

¹⁶⁰ Submission 44, City of Sydney, p 2.

¹⁶¹ Submission 89, Alliance of Moore Park Sports, p 1; Submission 87, Sydney Football Club Pty Ltd (Sydney FC), p 1; Submission 90, Sydney Swans, p 1.

¹⁶² Submission 89, Alliance of Moore Park Sports, p 1; Submission 87, Sydney Football Club Pty Ltd (Sydney FC), p 1; Submission 90, Sydney Swans, p 1; Submission 83, Venues NSW, pp 5-6.

¹⁶³ Submission 89, Alliance of Moore Park Sports, p 1.

2.94 According to the Alliance of Moore Park Sports, the prohibition of on-grass parking from 31 December 2023 as proposed by the bill would result in a:

...43% reduction of available car parks immediately adjacent to the stadium with no feasible public transport and equivalent car parking solution formulated to rectify the inaccessibility issue this action causes.¹⁶⁴

2.95 On the effect of this reduction in parking availability, Venues NSW stated that 'huge swathes' of Sydneysiders would be locked out from using the precinct, with a particular impact on patrons from the south and west of Sydney, for whom driving is the most convenient transport option.¹⁶⁵

2.96 The assertion of a 43 per cent reduction in parking was disputed by stakeholders such as Saving Moore Park. According to Saving Moore Park, this figure was 'misleading' as it did not take into account the planned construction of a 1500 space car park by Venues NSW, which the organisation believed would lead to a net loss of car spaces of 'no more than 10%'.¹⁶⁶ Moreover, the organisation noted that current demand for car spaces rarely exceeded supply and that, combined with the effect of the CBD and South East light rail, demand for car parking in the future would be further reduced.¹⁶⁷

2.97 There was also evidence provided about the development of a Green Transport Plan that is part of the conditions of consent for the new stadium. Venues NSW advised that it was currently being finalised.¹⁶⁸

Leases over the Entertainment Quarter

2.98 Schedule 5.2 of the bill also amends the *Centennial Park and Moore Park Trust Act 1983* to reduce the maximum lease length under that Act from 99 years to 50 years.¹⁶⁹ The bill would also introduce open tender requirements for leases over 10 years.¹⁷⁰ Both these proposed provisions were inserted as a result of amendments agreed to by the Legislative Assembly.

2.99 While evidence received on these provisions was limited, those stakeholders who did address them had strongly polarising views. On one hand, both Saving Moore Park and Centennial Parklands Residents Association spoke in favour of the reduction of the maximum lease time to 50 years,¹⁷¹ as did the City of Sydney.¹⁷² On this issue, Mr Michael Waterhouse, President, Saving Moore Park built on the organisation's statement that 50 year leases struck the right balance,¹⁷³ describing the previous 99 year lease length as 'way too much'.¹⁷⁴

¹⁶⁴ Submission 89, Alliance of Moore Park Sports, p 1.

¹⁶⁵ Submission 83, Venues NSW, pp 5 and 7.

¹⁶⁶ Submission 32, Saving Moore Park, p 7.

¹⁶⁷ Submission 32, Saving Moore Park, p 7.

¹⁶⁸ Evidence, Ms Kerrie Mather, Chief Executive Officer, Venues NSW, 27 January 2022, p 39.

¹⁶⁹ Greater Sydney Parklands Trust Bill 2021, Sch 5.2, cl 10.

¹⁷⁰ Greater Sydney Parklands Trust Bill 2021, Sch 5.2, cl 5.

¹⁷¹ Submission 32, Saving Moore Park, p 1; Submission 43, Centennial Park Residents Association, p 2.

¹⁷² Submission 44, City of Sydney Council, p 11.

¹⁷³ Submission 32, Saving Moore Park, p 1.

¹⁷⁴ Evidence, Mr Michael Waterhouse, President, Saving Moore Park, 27 January 2022, p 33.

2.100 In contrast, Carsingha Investments, the current leaseholder of the Entertainment Quarter at Moore Park, strongly opposed these provisions on the basis that they would prohibit its proposed revitalisation of the area.¹⁷⁵ According to Mr Max Moore-Wilton, Chairman of Carsingha Investments, amendments agreed to by the Legislative Assembly would 'terminate' an unsolicited proposal to redevelop the Entertainment Quarter, submitted by Carsingha in 2019.¹⁷⁶ When asked why the redevelopment of the area should not be opened up for public tender, as the bill would require, Mr Moore Wilton responded:

The reason is because we have 24 years of the lease remaining. This would involve surrendering the current lease, which does have value and it would mean, in fact, giving no value at all to the work and experience we have had and the value of the lease we have. It is a totally uncommercial proposal.¹⁷⁷

2.101 AFL NSW ACT gave their strong support for Carsingha's proposed development, which they said would 'stimulate Sydney's sporting and entertainment industries at a critical time as Sydney seeks to recover from the COVID-19 pandemic'.¹⁷⁸

2.102 Similar views were shared by Playbill Venues, the company that manages and operates the Hordern Pavilion at Moore Park.¹⁷⁹ The Alliance of Moore Park Sports also supported Carsingha's proposal, expressing concern at the possibility the proposal might not go ahead and calling for the 'prohibitive amendments' to be removed.¹⁸⁰

Western Sydney Parklands

The Western Sydney Parklands funding model

2.103 As discussed at 2.61, the current Western Sydney Parklands model allocates a proportion of the parkland estate for commercial development, known as business hubs, in order to generate revenue to manage the parklands. Under the Western Sydney Parklands Plan of Management, this is set at 2 per cent.¹⁸¹

2.104 Councillor Donna Davis, Lord Mayor, Parramatta City Council described this funding model as 'very different' to the model proposed for eastern parklands within the GSP estate,¹⁸² while the Chief Executive Officer of Blacktown City Council, Mr Ken Robinson was more critical, referring to it as 'flawed' and noting the Council's fundamental objection to it.¹⁸³

2.105 While the bill does not propose any changes to this model for Western Sydney Parklands, councils in Western Sydney were strongly opposed to it being used to provide other parklands

¹⁷⁵ Submission 92, Carsingha Investments, p 3.

¹⁷⁶ Evidence, Mr Max Moore-Wilton, Chairman, The Entertainment Quarter, 27 January 2022, p 36.

¹⁷⁷ Evidence, Mr Max Moore-Wilton, Chairman, The Entertainment Quarter, 27 January 2022, p 40.

¹⁷⁸ Submission 88, AFL NSW/ACT p 2.

¹⁷⁹ Submission 85, Playbill Venues, p 1.

¹⁸⁰ Submission 89, Alliance of Moore Park Sports, p 2.

¹⁸¹ Western Sydney Parklands, *Western Sydney Parklands Plan of Management 2030*, pp 38-39.

¹⁸² Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 17.

¹⁸³ Evidence, Mr Ken Robinson, Chief Executive Officer, Blacktown City Council, 27 January 2022, p 17.

within the GSPT' with a source of revenue.¹⁸⁴ For example, Councillor Davis asserted that 'Western Sydney Parklands as a whole should not be a cash cow for other parks in other parts of the city',¹⁸⁵ while Mr Robinson told the committee that funds raised by Western Sydney Parklands should 'not be used as a government slush fund to top up Treasury's liabilities in relation to...other parks'.¹⁸⁶

Concerns around business hubs

- 2.106** The committee heard that the 'business hubs' central to this commercial development were not without issue. At a conceptual level, Ms Susan Steedman, Member, Friends of Callan Park questioned the appropriateness of such hubs within a parkland estate:

[T]he concerns of the councils in western Sydney [are] that those parklands are being further and further encroached on by developments, by car parks and business hubs rather than preserving what are the lungs of the inner west.¹⁸⁷

- 2.107** Blacktown City Council also queried their value, noting that they had conducted studies that suggested that the future Eastern Creek Business Hub, located within Western Sydney Parklands, was likely to have a negative impact on the trading performance of nearby centres in Rooty Hill.¹⁸⁸

- 2.108** One stakeholder contended that the 2 per cent limit in Western Sydney Parklands had already been exceeded, based on the size of approved development applications for these business hubs.¹⁸⁹

- 2.109** This was also supported by Councillor Donna Davis, Lord Mayor, Parramatta City Council who claimed:

I already know that more than 2 per cent of the Western Sydney Parklands is being utilised when you actually look at what has been earmarked for further development and for further commercialisation.¹⁹⁰

- 2.110** When asked about this issue at the hearing, Minister Stokes stated that he was not aware of any exceedance over the 2 per cent limit, which translated to approximately 105 hectares of Western Sydney Parkland.¹⁹¹ Ms Sue-Ellen Fitzgerald, Chief Executive Officer, Greater Sydney Parklands echoed this position:

¹⁸⁴ Submission 91, Liverpool City Council, p 2; Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 17; Evidence, Mr Ken Robinson, Chief Executive Officer, Blacktown City Council, 27 January 2022, p 17.

¹⁸⁵ Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 17.

¹⁸⁶ Evidence, Mr Ken Robinson, Chief Executive Officer, Blacktown City Council, 27 January 2022, p 17.

¹⁸⁷ Evidence, Ms Susan Steedman, Member, Friends of Callan Park, 27 January 2022, p 25.

¹⁸⁸ Submission 25, Blacktown City Council, p 28.

¹⁸⁹ Submission 154, Ms Linda Bergin OAM, pp 1-2.

¹⁹⁰ Evidence, Councillor Donna Davis, Lord Mayor, Parramatta City Council, 27 January 2022, p 17.

¹⁹¹ Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 49.

[We] have made a pact with the community that 2 per cent is the upper limit for business hubs... We watch it very closely. I can confirm that at the moment we have got... 96 hectares, 6,518 square metres are under bid with hubs at the moment. That leads about 9 hectares still to go within the 105 hectares.¹⁹²

Committee comment

- 2.111** This is a bill which raises fundamental questions about how the parklands of Greater Sydney should be managed. As a committee, it is important that we acknowledge that parklands are vital for the physical and mental health of the citizens of New South Wales – a fact made even clearer during the COVID-19 pandemic. Parklands also protect biodiversity and contribute to lower the temperatures in urban environments. Moreover, as Sydney continues to grow, it is important we get the balance right in ensuring both their protection and future viability.
- 2.112** What was clear in this inquiry is that there are widely differing views as to how Sydney's parklands should be managed. On the one hand, the Government has contended that centralising management under the Greater Sydney Parklands Trust would offer strategic benefits, as well as providing a unified voice to advocate in favour of parklands. On the other hand, community groups and many local councils believe that parklands are best served at the local level, allowing the different needs and issues of each park to be addressed.
- 2.113** The committee accepts that community trustee boards will go some of the way to provide this local representation. However, the committee also notes that many stakeholders believe that under the bill, these community trustee boards would have limited influence on the decision-making of the Greater Sydney Parklands Trust. Having considered the evidence, the committee believes more should be done to ensure local communities continue to play a significant role in the management of their parklands.

Finding 1

Having considered the evidence, the committee believes more should be done to ensure local communities continue to play a significant role in the management of their parklands.

- 2.114** There is a strong case, as articulated by Emeritus Professor James Weirick, for adopting a more federated structure for the Parklands. This would have the benefits of a centralised co-ordinating and strategic planning body together with local control of critical issues in local parks. This would involve providing real decision making power for local park trusts over issues such as locally generated income, plans of management and long term leasing.
- 2.115** The committee also acknowledges stakeholder concerns around the commercialisation of parklands, particularly from those associated with Callan Park. While there were differing opinions about the appropriateness of parklands being used to raise revenue, it was clear to the committee that all stakeholders were united in the view that parklands should not be 'over-commercialised' and that as far as possible, funds raised in one parkland should remain in that

¹⁹² Evidence, Ms Sue-Ellen Fitzgerald, Chief Executive Officer, Greater Sydney Parklands, 27 January 2022, p 49.

parkland. Furthermore, the committee agrees that any revenue raised by parklands should be supplementary to, and in no way replace, long-term recurrent Government funding. For these reasons, the committee is of the view that the bill should ensure that commercialisation is minimised at a level appropriate to each parkland, with any revenue raised to be reinvested in those parks.

Finding 2

The committee is of the view that the bill should ensure that commercialisation is minimised at a level appropriate to each parkland, with any revenue raised to be reinvested in those parks.

- 2.116** As noted in the report there were questions raised about why significant parklands surrounding the Homebush Olympic site (Millennium Parklands, Bicentennial Park and Newington Nature Reserve, excluding the site itself) were not included in the bill and were not given the protection proposed for other parklands. If the purpose of the bill is to provide an integrated approach to Parklands across the city then there appears to be powerful reasons to include these parklands, which are situated right in the heart of the city, within the bill.
- 2.117** On the bill's amendment of the current governing legislation for Callan Park, Centennial and Moore Parks and Western Sydney Parklands, the committee notes the specific concerns raised regarding each. In particular, the committee acknowledges that there was significant disagreement around the bill's proposal to amend the *Centennial Park and Moore Park Trust Act 1983* to immediately ban on-grass parking at Upper Kippax Lake in Moore Park and to prohibit on-grass parking throughout Moore Park East from 31 December 2023.
- 2.118** Regarding this issue, the committee heard that the Alliance of Moore Park Sports has offered in good faith to phase out car parking over time, once adequate alternatives are explored and created. Moreover, the committee recognises that for thousands of sports fans and families from Western and South-Western Sydney, the current parking arrangements offer a convenient and safe way to depart Moore Park and significantly shorten the journey home, particularly after late-night events. This is of critical importance, not only to these fans, but to women, children, the elderly and people with a disability.
- 2.119** However, the committee also acknowledges that Saving Moore Park has questioned the actual negative effect of the removal of this parking, given the planned construction of a 1500 space car park by Venues NSW. The committee is aware that these issues have been the subject of long-term discussions and therefore warrant further consideration when the bill is debated in the House.
- 2.120** The committee also believes it is important to recognise the proximity of this parkland to the Green Square urban renewal area, which as representatives from the City of Sydney Council observed, will soon become one of the highest density residential areas in Australia.
- 2.121** Finally, the committee acknowledges the historic neglect of South-West Sydney in State-run parklands and encourages the Government to work with Canterbury-Bankstown Council and Liverpool City Council to explore the option of establishing a new major State park at Lake Gillawarna and Chipping Norton Lakes.

- 2.122** The committee therefore recommends that the Legislative Council proceed to debate the Greater Sydney Parklands Trust Bill 2021, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House.

Recommendation 1

That the Legislative Council proceed to debate the Greater Sydney Parklands Trust Bill 2021, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House.

Appendix 1 Submissions

No.	Author
1	Name suppressed
2	Woollahra Municipal Council
3	Name suppressed
4	Confidential
5	Mr Kevin Eadie
6	Dr Ian Macindoe
7	Mr John Philpott
8	Mr Martin O'Reilly
9	Name suppressed
10	Mrs Pamela Lange
11	Ms Patricia Corbitt
12	Name suppressed
13	Mr Michael Streatfeild
14	Name suppressed
15	Mr Kealan Coleman
16	Name suppressed
17	Name suppressed
18	Ms Maria Bradley
19	Name suppressed
20	Confidential
21	Mr Alan Bottle
22	Mr Finbar O'Donoghue
23	Name suppressed
24	Name suppressed
25	Blacktown City Council
26	Penrith City Council
27	Alliance for Public Parklands
28	Friends of Rushcutters Bay Park
29	Birding NSW inc.
30	Blacktown & District Environment Group Inc
31	Total Environment Centre

No.	Author
32	Saving Moore Park
33	Randwick City Council
34	Hawkesbury Environment Network
35	Inner West Council
36	Mrs Jillian Snell
37	Mr Kevin Snell
38	Mr Graeme Robinson
39	Name suppressed
40	Mrs Susan Durman
41	Name suppressed
42	Mr Bandula Gonsalkorale
43	Centennial Parklands Residents Association
44	City of Sydney
45	Saving Sydney Trees
46	Ms Zena Davies
47	Ms Yvonne Moloney
48	Ms Bronwen Geering
49	Mrs Karin Viles
50	Mr Chris Holley
51	Mr Michael Perroux
52	Mr John Fitzpatrick
53	Name suppressed
54	Mrs Jill Stephenson
55	Name suppressed
56	Ms Anne Robinson
57	Name suppressed
58	Mrs Signe Westerberg
59	Ms Bronwen Campbell
60	Business Sydney
61	Cumberland Bird Observers Club Inc
62	Mr Jim Manzie
63	Ms Janet Thompson
64	Name suppressed
65	Mr Ben Buggy
66	Name suppressed

No.	Author
67	Confidential
68	Mr Greg Bloomfield
69	Ms Gail Abbott
70	Name suppressed
71	Name suppressed
72	Name suppressed
73	Mr Sean Maroney
74	Ms Peta Moore
75	Name suppressed
76	Ms Jenna Bateman
77	Friends of Fernhill and Mulgoa Valley Inc (FFMV)
78	-
79	North Parramatta Residents Action Group (NPRAG)
80	Paddington Darlinghurst Community Group
81	National Trust of Australia (NSW) Parramatta Regional Branch
82	Friends of Callan Park
83	Venues NSW
84	Callan Park Bushcare Inc.
85	Playbill Venues
86	NSW Rugby Union
87	Sydney Football Club Pty Ltd (Sydney FC)
88	AFL NSW ACT
89	Alliance of Moore Park Sports
90	Sydney Swans
91	Liverpool City Council
92	Carsingha Investments Pty Ltd
93	Greater Sydney Parklands
94	Confidential
95	Confidential
96	Name suppressed
97	Ms Kim Hague-Smith
98	Mr Barry Cummins
99	Name suppressed
100	Ms Jo Hobson
101	Confidential

No.	Author
102	Ms Dinah McClelland
103	Name suppressed
104	Name suppressed
105	Ms Rose Peel
106	Meron Wilson
107	Emeritus Professor James Weirick
108	Mr Francis Breen
109	Ms Cynthia Nadai
110	Mr Michael Mangold
111	Name suppressed
112	Ms Helen Reynolds
113	Brad Norington
114	Name suppressed
115	Name suppressed
116	Name suppressed
117	Name suppressed
118	Name suppressed
119	Sue Cameron, Rachael Haggett and Christina Hicks
120	Name suppressed
121	Dr Nic Witton
122	Name suppressed
123	Mr Jonathan Scott
124	Mr Lawrence Smith
125	Mr Bryan Alchin
126	Dr Cassi Plate
127	Ms Diana Bagnall
128	Name suppressed
129	Name suppressed
130	Name suppressed
131	Confidential
132	Mr Peter Nickell
133	Name suppressed
134	Ms Josephine Davidson
135	Name suppressed
136	Ms Melissa de Silva

No.	Author
137	Ms Lynne Openshaw
138	Name suppressed
139	Name suppressed
140	Mrs Rosie White
141	Peter Greenland
142	Name suppressed
143	Ms June Lunsmann
144	Ms Dilhara Gonsalkorale
145	Ms Marijke Leermakers
146	Ms Hilary Bell
147	Mr Jim Morris
147a	Mr Jim Morris
148	Name suppressed
149	Mr Jamie Parker MP, Member for Balmain, Parliament of NSW
150	Mr Michael Mangold
151	Dr Bernice Melville
152	Darling Point Society
153	National Rugby League Ltd
154	Ms Linda Bergin OAM
155	Mr Desmond Kennedy SC
156	Dr Neil Runcie
156a	Confidential
157	Community Consultative Committee for the redevelopment of the Sydney Football Stadium

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Wednesday 27 January 2022 Jubilee Room Virtual hearing	Mr Kim Woodbury	Chief Operating Officer, City of Sydney Council
	Mr Laurence Johnson	Program Manager Public Domain Strategy, City of Sydney Council
	Cr Dylan Parker	Mayor, Randwick City Council
	Mr Kerry Kyriacou	Director City Planning, Randwick City Council
	Mr Matthew Pearce	General Counsel, Inner West Council
	Mr Hall Greenland	President, Friends of Callan Park
	Ms Rochelle Porteous	Member, Friends of Callan Park
	Cr Brad Bunting	Deputy Mayor, Blacktown City Council
	Mr Kerry Robinson OAM	Chief Executive Officer, Blacktown City Council
	Cr Donna Davis	Lord Mayor, Parramatta City Council
	Mr Brett Newman	Chief Executive Officer, Parramatta City Council
	Ms Sue Steedman	Alliance for Public Parklands and Member of the Executive, Friends of Callan Park
	Dr Michael Barkley	Alliance for Public Parklands and President, Friends of Fernhill and Mulgoa Valley Inc
	Mr Jeff Angel	Director, Total Environment Centre
	Ms Margaret Hogg	Saving Sydney Trees
	Mr Michael Waterhouse	President, Saving Moore Park Inc
Ms Vivienne Skinner	Vice-President, Saving Moore Park Inc	

Date	Name	Position and Organisation
	Mr Danny Townsend	Chair of the Alliance of Moore Park Sports and Chief Executive Officer of Sydney FC
	Mr Tom Harley	Member of the Alliance of Moore Park Sports and Chief Executive Officer of Sydney Swans
	Ms Kerrie Mather	Chief Executive Officer, Venues NSW
	Mr Max Moore-Wilton AC	Chairman, The Entertainment Quarter, Carsingha Investments
	Mr Michael Hodgson	Co-Chief Executive Officer, The Entertainment Quarter, Carsingha Investments
	Mr Sam Romaniuk	Co-Chief Executive Officer, The Entertainment Quarter, Carsingha Investments
	Mr Peter Dicks	Director of Asset Management, Asset Management Branch, NSW Ministry of Health
	Ms Sue-Ellen Douglas	Manager Property and Business Continuity, Corporate Services and Business Improvement Branch, NSW Ministry of Health
	Hon Rob Stokes MP	Minister for Infrastructure, Cities and Active Transport
	Ms Kirsten Fishburn	Former Secretary of the Department of Planning, Industry and Environment
	Mr Michael Rose AM	Chair, Greater Sydney Parklands
	Ms Suellen Fitzgerald	Chief Executive, Greater Sydney Parklands
	Emeritus Professor James Weirick	Former Director of the Master of Urban Development and Design program, University of New South Wales

Appendix 3 Minutes

Minutes no. 1

Thursday 25 November 2021

Select Committee on the Greater Sydney Parklands Trust Bill 2021

Room 1043, Parliament House, Sydney, 1.35 pm

1. Members present

Mr Borsak, *Chair*

Mr Amato

Mr Graham

Mr Mallard

Ms Sharpe

Mr Shoebridge

2. Apologies

Mr Latham

3. Tabling of resolution establishing the committee

The committee to note the following resolution establishing the committee:

(1) That a select committee be established to inquire into and report on the provisions of the Greater Sydney Parklands Trust Bill 2021.

(2) That, notwithstanding anything to the contrary in the standing orders, the committee consist of seven members comprising:

(a) two Government members;

(b) two Opposition members; and

(c) three crossbench members, being Mr Borsak, a member of The Greens and a member of Pauline Hanson's One Nation.

(3) That the Chair of the committee be Mr Borsak and the Deputy Chair be a member of the Opposition.

(4) That, unless the committee decides otherwise:

(a) submissions to inquiries are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration;

(b) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement;

(c) the sequence of questions to be asked at hearings is to alternate between Government, Opposition and crossbench members, in order determined by the committee, with equal time allocated to each;

(d) transcripts of evidence taken at public hearings are to be published;

(e) supplementary questions are to be lodged with the committee clerk within two days, excluding Saturday and Sunday, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness; and

(f) answers to questions on notice and supplementary questions are to be published, subject to the committee clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration.

(5) That the committee report by Monday 21 February 2021.

4. Election of Deputy Chair

Mr Graham nominated Ms Sharpe to be Deputy Chair.

There being no other nominations, Ms Sharpe elected Deputy Chair.

5. Conduct of committee proceedings – media

Resolved, on the motion of Mr Amato: That unless the committee decides otherwise, the following procedures are to apply for the life of the committee:

- the committee authorise the filming, broadcasting, webcasting and still photography of its public proceedings, in accordance with the resolution of the Legislative Council of 18 October 2007
- the committee webcast its public proceedings via the Parliament’s website, where technically possible
- the committee adopt the interim guidelines on the use of social media and electronic devices for committee proceedings, as developed by the Chair’s Committee in May 2013 (attached)
- media statements on behalf of the committee be made only by the Chair.

6. Conduct of the inquiry into the Greater Sydney Parklands Trust Bill 2021

6.1 Proposed timeline

The committee discussed inquiry activity dates and noted that the report will be distributed less than 7 days prior to the deliberative.

Resolved, on the motion of Ms Sharpe: That the committee adopt the following timeline for the administration of the inquiry:

- 9 January 2022 – closing date for submissions
- 19 December 2021 – closing date for online questionnaire (3 weeks)
- 27 January 2022 – hearing date
- 15 February 2022 – circulation of chair's draft report
- 17 February 2022 – report deliberative
- 21 February 2022 – report tabling.

6.2 Stakeholder and witness list

Resolved, on the motion of Mr Amato: That the following stakeholders be invited to make a submission:

- Alliance for Public Parklands
- Better Planning Network
- Centennial Park and Moore Park Trust
- City of Sydney
- Department of Planning, Industry and Environment
- Even Greater Sydney Planning Committee
- Friends of Callan Park
- Friends of Fernhill & the Mulgoa Valley
- Greater Sydney Commission
- Inner West Council
- Keep Sydney Beautiful
- North Parramatta Residents Action Group Inc
- Parramatta Park Trust
- Parramatta City Council
- Save Sydney Coalition
- Saving Sydney's Trees
- Total Environment Centre
- Western Sydney Parklands Trust.

Resolved, on the motion of Mr Amato: That members have until 12.00pm Monday 29 November 2021 to nominate additional stakeholders to make submissions and that the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

6.3 Online questionnaire

Resolved, on the motion of Mr Graham: That the committee conduct an online questionnaire to capture individuals' views with the following questions and preamble:

On 19 November 2021, a Select Committee in the Upper House of NSW Parliament commenced an inquiry into the Greater Sydney Parklands Trust Bill 2021.

The main object of the Bill is to constitute the Greater Sydney Parklands Trust as a corporation and NSW Government agency and provide for its powers and obligations, including in relation to the Greater Sydney Parklands Trust estate.

Further information about the inquiry, including the terms of reference, can be found on the committee's [website](#).

As part of the inquiry, the committee is seeking public comment on the bill through the following questions. Responses are due by 19 December 2021.

Responses may be used in the committee's report.
Names and contact details of respondents will not be published.
The questionnaire will take approximately 5 minutes to complete.

1. Please enter your contact details.

Name:
Email address:
Postcode:

2. Are you a resident of NSW? Select one of these options:
 - a. Yes
 - b. No

3. Position on the bill:

The main object of the Bill is to constitute the Greater Sydney Parklands Trust as a corporation and NSW Government agency and provide for its powers and obligations, including in relation to the Greater Sydney Parklands Trust estate.

Based on your own understanding and the description above, what is your position on the Greater Sydney Parklands Trust Bill 2021? Select one of these options:

- a. Support
- b. Partially support
- c. Support with amendments
- d. Oppose

4. *Based on the response selected at question 3, the respondent will be directed to a customised question asking them to explain their position on the bill:*
 - a. Please explain why you support the bill (max 300 words)
 - b. Please explain why you partially support the bill (max 300 words)
 - c. What amendments would you like incorporated? (max 300 words)
 - d. Please explain why you oppose the bill? (max 300 words)
5. Do you have any other comments (max 300 words)

6.4 Questionnaire report

Resolved, on the motion of Mr Graham: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- only responses from NSW participants will be analysed in the report
- the committee authorises the secretariat to publish the questionnaire report on the inquiry website unless any member raises an objection to publication via email
- individual responses be kept confidential on tabling.

6.5 Advertising

The committee noted that all inquiries are advertised via Twitter, Facebook, stakeholder emails and a media release distributed to all media outlets in New South Wales.

It also noted that the focus of advertising will be to encourage participation in the online questionnaire rather than submissions.

7. Next meeting

Thursday 27 January 2022 (Public hearing for the Inquiry into the Greater Sydney Parklands Trust Bill 2021).

Tina Higgins

Committee Clerk

Minutes no. 2

Thursday 27 January 2022

Select Committee on the Greater Sydney Parklands Trust Bill 2021

Jubilee Room, Parliament House, Sydney, 9.03 am

1. Members present

Mr Borsak, *Chair*

Ms Sharpe, *Deputy Chair* (via videoconference)

Mr Amato (via videoconference)

Mr Graham (via videoconference)

Mr Latham (from 9.23 am via videoconference)

Mr Mallard (from 9.11 am via videoconference)

Mr Shoebridge (via videoconference)

2. Draft minutes

Resolved, on the motion of Mr Amato: That draft minutes no. 1 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 29 November 2021 – Email from Mr David Burdon, Director Conservation, National Trust of Australia (NSW), to the Chair, offering to appear before the committee
- 15 December 2021 – Email from Ms Linda Bergin OAM, private citizen, to Chair, offering advice and assistance to the committee
- 18 January 2022 – Email from Mr Peter Dicks, Director Asset Management, NSW Ministry of Health, to the secretariat, requesting that the submission from the NSW Ministry of Health be withdrawn from the inquiry
- 19 January 2022 – Email from Ms Anne White, Manager - Strategic Planning, Woollahra Municipal Council to the secretariat, declining invitation to appear at hearing on 27 January 2022

- 21 January 2022 - Letter from Mr Max Moore-Wilton AC, Chairman, Carsingha Investments to the Chair, requesting that Carsingha Investments be invited to give evidence at hearing on 27 January 2022
- 24 January 2022 – Email from Ms Jasmin Toro, Secretary - City Futures, Penrith City Council to the secretariat, declining invitation to give evidence at hearing on 27 January 2022
- 25 January 2022 – Email from Ms Elizabeth Mildwater, Chief Executive Officer, Greater Sydney Commission to the secretariat, declining invitation to appear at hearing on 27 January 2022.

Sent:

- 18 January 2022 – Email from the secretariat, to Mr Peter Dicks, Director Asset Management, NSW Ministry of Health, seeking reasons for request for NSW Health submission to be withdrawn from inquiry
- 19 January 2022 – Letter from the secretariat, to the Hon Rob Stokes MP, Minister for Infrastructure, Cities and Active Transport, inviting him to give evidence at the hearing on 27 January 2022
- 24 January 2022 – Email from secretariat to Mr Peter Dicks, Director Asset Management, NSW Ministry of Health, advising that the Chair has agreed to request that the submission lodged on behalf of NSW Health be withdrawn from the inquiry.

4. Submissions

4.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 2, 5-8, 10, 11, 13, 15, 18, 21, 22, 25-38, 40, -42-52, 54, 56, 58-63, 65, 68, 69, 73, 74, 76, 77, 79-93, 97, 98, 100, 102, 105-110, 112, 113, 119, 121, 123-127, 132, 134, 136, 137, 140, 141, 143, 144, 146, 147, 147a, 149, 152 and 154.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of submission nos. 145, 150, 151, 153, 155, 156.

4.2 Partially confidential submissions

The committee noted that the following submissions were partially published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1, 3, 9, 12, 14, 16, 17, 19, 23, 24, 39, 41, 53, 55, 57, 64, 66, 70-72, 75, 96, 99, 103, 104, 111, 114-118, 120, 122, 128-130, 133, 135, 138, 139, 142, and 149.

Resolved, on the motion of Mr Graham: That the committee keep the following information confidential, as per the request of the author: names and/or identifying information, in submissions nos. 1, 3, 9, 12, 14, 16, 17, 19, 23, 24, 39, 41, 53, 55, 57, 64, 66, 70-72, 75, 96, 99, 103, 104, 111, 114-118, 120, 122, 128-130, 133, 135, 138, 139, 142, and 149.

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of submission no. 148, with the exception of identifying and/or sensitive information which are to remain confidential, as per the request of the author.

4.3 Confidential submissions

Resolved, on the motion of Mr Amato: That the committee keep submission nos. 4, 20, 67, 94, 95, 101 and 131 confidential, as per the request of the author.

5. Withdrawn submission from NSW Health

Mr Shoebridge moved: That the withdrawn submission from NSW Health be circulated to the committee on a confidential basis.

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Graham, Ms Sharpe, Mr Shoebridge.

Noes: Mr Amato, Mr Mallard.

Question resolved in the affirmative.

6. Pro forma responses

Resolved, on the motion of Ms Sharpe: That:

- pro formas not be treated as submissions
- one copy of each pro forma be published on the committee website, noting the number of responses, and
- all individual pro forma responses be kept confidential.

Mr Latham joined the meeting.

7. Summary report from online questionnaire

Resolved, on the motion of Mr Mallard: That the committee publish the summary report from the online questionnaire on the inquiry's website.

8. Timeframe for answers to questions on notice and supplementary questions

Resolved, on the motion of Mr Shoebridge: That:

- members provide any supplementary questions to the secretariat within 24 hours of receiving the transcript of evidence
- witnesses be required to provide answers to questions on notice/supplementary questions within 3 days.

9. Photo of committee for social media

Resolved, on the motion of Mr Shoebridge: That the secretariat take a screenshot of the committee during its deliberative for the purposes of publishing on social media.

10. Public hearing

Resolved, on the motion of Mr Mallard: That the sequence of questions to be asked during the hearing be left in the hands of the Chair.

Witnesses were admitted via video link.

The committee proceeded to take evidence in public.

The Chair made an opening statement regarding the broadcasting of proceedings, virtual hearing etiquette and other matters.

The following witnesses were sworn and examined:

- Mr Kim Woodbury, Chief Operating Officer, City of Sydney Council
- Mr Laurence Johnson, Program Manager Public Domain Strategy, City of Sydney Council
- Cr Dylan Parker, Mayor, Randwick City Council
- Mr Kerry Kyriacou, Director City Planning, Randwick City Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Matthew Pearce, General Counsel, Inner West Council
- Mr Hall Greenland, President, Friends of Callan Park
- Ms Rochelle Porteous, Member, Friends of Callan Park.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Cr Brad Bunting, Deputy Mayor, Blacktown City Council
- Mr Kerry Robinson OAM, Chief Executive Officer, Blacktown City Council
- Cr Donna Davis, Lord Mayor, Parramatta City Council
- Mr Brett Newman, Chief Executive Officer, Parramatta City Council.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Sue Steedman, Alliance for Public Parklands and Member of the Executive, Friends of Callan Park
- Dr Michael Barkley, Alliance for Public Parklands and President, Friends of Fernhill and Mulgoa Valley Inc
- Mr Jeff Angel, Director, Total Environment Centre
- Ms Margaret Hogg, Saving Sydney's Trees

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Michael Waterhouse, President, Saving Moore Park Inc
- Ms Vivienne Skinner, Vice-President, Saving Moore Park Inc.

Mr Waterhouse tendered the following documents:

- Briefing note entitled 'Car Parking on Moore Park: A Way Forward'
- Document entitled 'Saving Moore Park: A Vision for Moore Park Common based on the 2016 Master Plan'.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Danny Townsend, Chair of the Alliance of Moore Park Sports and Chief Executive Officer of Sydney FC
- Mr Tom Harley, Member of the Alliance of Moore Park Sports and Chief Executive Officer of Sydney Swans
- Ms Kerrie Mather, Chief Executive Officer, Venues NSW
- Mr Max Moore-Wilton AC, Chairman, The Entertainment Quarter, Carsingha Investments
- Mr Michael Hodgson, Co-CEO, The Entertainment Quarter, Carsingha Investments
- Mr Sam Romaniuk, Co-CEO, The Entertainment Quarter, Carsingha Investments

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Peter Dicks, Director of Asset Management, Asset Management Branch, NSW Ministry of Health

- Ms Sue-Ellen Douglas, Manager Property and Business Continuity, Corporate Services and Business Improvement Branch, NSW Ministry of Health

The evidence concluded and the witnesses withdrew.

The Hon Rob Stokes MP, Minister for Infrastructure, Cities and Active Transport, and departmental witnesses were admitted via video link.

The Chair noted that members of Parliament swear an oath to their office, and therefore do not need to be sworn prior to giving evidence before a committee.

The following witnesses were sworn and examined:

- Ms Kirsten Fishburn, Former Secretary of the Department of Planning, Industry and Environment
- Mr Michael Rose AM, Chair, Greater Sydney Parklands
- Ms Suellen Fitzgerald, Chief Executive, Greater Sydney Parklands

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Emeritus Professor James Weirick, Former Director of the Master of Urban Development and Design program, University of New South Wales.

The evidence concluded and the witness withdrew.

The public hearing concluded at 4.55 pm.

10.1 Tendered documents

Resolved on the motion of Ms Sharpe: That the committee accept and publish the following documents tendered during the public hearing:

- Briefing note entitled 'Car Parking on Moore Park: A Way Forward', tendered by Mr Michael Waterhouse, President, Saving Moore Park
- Document entitled 'Saving Moore Park: A Vision for Moore Park Common based on the 2016 Master Plan', tendered by Mr Michael Waterhouse, President, Saving Moore Park.

11. Adjournment

The committee adjourned at 4.58 pm, until Thursday 17 February 2022, TBC, report deliberative.

Laura Ismay

Committee Clerk

Draft minutes no. 3

Thursday 17 February 2022

Select Committee on the Greater Sydney Parklands Trust Bill 2021

Via WebEx, 10.05 am

1. Members present

Mr Borsak, *Chair*

Ms Sharpe, *Deputy Chair*

Mr Amato

Mr Graham

Mr Latham

Mr Mallard

Mr Shoebridge

2. Previous minutes

Resolved, on the motion of Mr Latham: That draft minutes no. 2 be confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received:

- 28 January 2022 – Letter from Mr Max Moore-Wilton, Chairman, the Entertainment Quarter to the Chair, clarifying evidence he gave at the hearing on 27 January 2022
- 7 February 2022 – Letter from Mr Michael Waterhouse, President, Saving Moore Park to the secretariat, forwarding two open letters to Ms Kerrie Mather, Chief Executive, Venues NSW, outlining concerns about Venues NSW submission to inquiry
- 8 February 2022 – Letter from Dr Michael Barkley, President, Friends of Fernhill and Mulgoa Valley Inc to committee, providing additional information to inquiry
- 9 February 2022 – Letter from Ms Kerrie Mather, Chief Executive, Venues NSW to the secretariat, forwarding letter to Mr Michael Waterhouse, President, Saving Moore Park, responding to concerns raised by the organisation
- 13 February 2022 – Letter from Mr Michael Waterhouse, President, Saving Moore Park to the secretariat, forwarding an open letter to Ms Kerrie Mather, Chief Executive, Venues NSW, responding to correspondence dated 9 February 2022 from Venues NSW, dated 13 February 2022.

Resolved, on the motion of Mr Graham: That the committee authorise the publication of correspondence from:

- Mr Michael Waterhouse, President, Saving Moore Park, forwarding two open letters to Ms Kerrie Mather, Chief Executive, Venues NSW, outlining concerns about Venues NSW submission to inquiry, dated 7 February 2022
- Dr Michael Barkley, President, Friends of Fernhill and Mulgoa Valley Inc, providing additional information to the inquiry, dated 8 February 2022
- Ms Kerrie Mather, Chief Executive, Venues NSW, forwarding letter to Mr Michael Waterhouse, President, Saving Moore Park, responding to concerns raised by the organisation, dated 9 February 2022
- Mr Michael Waterhouse, President, Saving Moore Park, forwarding an open letter to Ms Kerrie Mather, Chief Executive, Venues NSW, responding to correspondence dated 9 February 2022 from Venues NSW, dated 13 February 2022.

4. Submissions

4.1 Public submissions

The committee noted that the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 157.

4.2 Confidential submissions

Resolved, on the motion of Mr Shoebridge: That the committee keep submission no. 156a confidential, as per the request of the author.

4.3 Attachments to submissions

Resolved, on the motion of Ms Sharpe: That the committee authorise the publication of attachments to submission no. 93.

5. Answers to questions on notice

The committee noted that the following answers to questions on notice were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Mr Laurence Johnson, Program Manager Public Domain Strategy, City of Sydney Council, received 7 February 2022

- answers to questions on notice from Cr Dylan Parker, Mayor, Randwick City Council, received 8 February 2022
- answers to questions on notice from Mr Kerry Kyriacou, Director City Planning, Randwick City Council, received 8 February 2022
- answers to questions on notice from Cr Donna Davis, Lord Mayor, Parramatta City Council and Mr Brett Newman, CEO, Parramatta City Council, received 8 February 2022
- answers to questions on notice from the Hon Rob Stokes MP, Minister for Infrastructure, Cities and Active Transport, received 8 February 2022
- answers to questions on notice from Emeritus Professor James Weirick, received 9 February 2022
- answers to questions on notice from Ms Kerrie Mather, Chief Executive, Venues NSW, received 10 February 2022
- answers to questions on notice from NSW Health, received 11 February 2022.

6. **Transcript clarification – Mr Max Moore-Wilton, Carsingha Investments**

The committee noted that it had previously agreed via email to a request from Mr Max Moore-Wilton, Chairman, the Entertainment Quarter, Carsingha Investments to clarify his evidence at the hearing on 27 January 2022.

Resolved, on the motion of Mr Shoebridge: That the committee authorise:

- the publication of Mr Moore-Wilton's letter clarifying his evidence; and
- the insertion of footnote/s to the relevant paragraphs within the hearing transcript for 27 January 2022, as requested by the witness.

7. **Consideration of Chair's draft report**

The Chair submitted his draft report entitled *Greater Sydney Parklands Trust Bill 2021*, which, having been previously circulated was taken as being read.

Resolved, on the motion of Mr Graham: That the following new paragraph be inserted after paragraph 2.68:

'The Minister gave the following evidence on this point:

There are two parts to the amendment that the member for Sydney put up, and I think one is more important from a probity to transparency and good governance and public benefit perspective than the other. The one that I think is really an adornment to the bill is this idea that any lease of more than 10 years needs to be put through an open process and competitive process. I think that is the one that really matters. I think the lease term is actually the more arguable point. I think it is probably a good thing to provide more flexibility to go for a longer lease. Remember, just because the Act provides for a lease of 99 years does not mean that a lease of 99 years needs to be given and it would depend on the proposition that was put. But if it is over 10 years, it would need to be through an open and transparent process. I think that is the more important amendment.' [FOOTNOTE: Evidence, Hon Rob Stokes MP, Minister for Infrastructure, Cities, and Active Transport, 27 January 2022, p 49.]

Resolved, on the motion of Ms Sharpe: That the following new paragraph be inserted after paragraph 2.95:

'There was also evidence provided about the development of a Green Transport Plan that is part of the conditions of consent for the new stadium. Venues NSW advised that it was currently being finalised.' [FOOTNOTE: Evidence, Ms Kerrie Mather, Chief Executive Officer, Venues NSW, 27 January 2022, p 39.]

Resolved, on the motion of Ms Sharpe: That paragraph 2.109 be amended by inserting 'Parklands also protect biodiversity and contribute to lower the temperatures in urban environments', after 'during the COVID-19 pandemic'.

Resolved, on the motion of Mr Shoebridge: That:

- (a) paragraph 2.111 be amended by omitting 'more could be done' and inserting instead 'more should be done'

(b) the following new paragraph be inserted after paragraph 2.111:

'There is a strong case, as articulated by Emeritus Professor James Weirick, for adopting a more federated structure for the Parklands. This would have the benefits of a centralised co-ordinating and strategic planning body together with local control of critical issues in local parks. This would involve providing real decision making power for local park trusts over issues such as locally generated income, plans of management and long term leasing.'

Resolved, on the motion of Mr Shoebridge: That the following new paragraph be inserted after paragraph 2.112:

'As noted in the report there were questions raised about why significant parklands surrounding the Homebush Olympic site (Millennium Parklands, Bicentennial Park and Newington Nature Reserve, excluding the site itself) were not included in the Bill and were not given the protection proposed for other parklands. If the purpose of the Bill is to provide an integrated approach to Parklands across the city then there appears to be powerful reasons to include these parklands, which are situated right in the heart of the city, within the Bill.'

Resolved, on the motion of Mr Graham: That the following new finding be inserted after paragraph 2.111:

'Finding X

Having considered the evidence, the committee believes more should be done to ensure local communities continue to play a significant role in the management of their parklands.'

Mr Graham moved: That the following new finding be inserted after paragraph 2.112:

'Finding X

The committee is of the view that the bill should ensure that commercialisation is kept at a level appropriate to each parkland, with any revenue raised to be reinvested in those parks.'

Mr Shoebridge moved: That the motion of Mr Graham be amended by omitting 'kept' and instead inserting 'minimised'.

Amendment of Mr Shoebridge put.

The committee divided.

Ayes: Mr Borsak, Ms Sharpe, Mr Amato, Mr Graham, Mr Mallard, Mr Shoebridge.

Noes: Mr Latham.

Amendment of Mr Shoebridge resolved in the affirmative.

Original question of Mr Graham, as amended, put and passed.

Mr Latham moved: That Recommendation 1 be omitted: 'That the Legislative Council proceed to debate the Greater Sydney Parklands Trust Bill 2021, and that the concerns identified by stakeholders as set out in this report be addressed during debate in the House' and the following new recommendation be inserted instead:

'Due to inadequacies and inconsistencies in the Bill presented to the Legislative Council, the Government should withdraw the Bill.'

Question put.

The committee divided.

Ayes: Mr Borsak, Mr Latham.

Noes: Ms Sharpe, Mr Amato, Mr Graham, Mr Mallard, Mr Shoebridge.

Question resolved in the negative.

Mr Latham moved: That the following new recommendation be inserted:

'Recommendation X

That the sections of the Bill banning car parking at Moore Park be deleted, in recognition of:

- a) this is not the kind of matter that needs to be written into legislation.
- b) the Alliance of Moore Park Sports has offered in good faith to phase out the car parking over time once adequate alternatives are explored and created.
- c) the way in which many thousands of sports fans and families in Western and South-Western Sydney rely on the current parking arrangements for a convenient and safe exit from the Moore Park precinct, especially at late-night events, cutting up to two hours off their journey compared to public transport alternatives.
- d) the critical importance of the parking for women, children, the elderly and people with disabilities.
- e) the way in which the space in front of the Hordern Pavilion has limited recreational use given its small size and perimeter bounded by busy roads and light rail.
- f) the thousands of acres of open and recreational space available to local residents in the Moore, Centennial and Queens Park areas.
- g) the limited number of days each year in which the Moore Park car parking is used.
- h) the unknown impact of the completion of the new Football Stadium and the parking needs of events when the new stadium and SCG are hosting matches concurrently.'

Ms Sharpe moved: That the motion of Mr Latham be amended by inserting instead the following new paragraphs after paragraph 2.113:

'On the bill's amendment of the current governing legislation for Callan Park, Centennial and Moore Parks and Western Sydney Parklands, the committee notes the specific concerns raised regarding each. In particular, the committee acknowledges that there was significant disagreement around the bill's proposal to amend the *Centennial Park and Moore Park Trust Act 1983* to immediately ban on-grass parking at Upper Kippax Lake in Moore Park and to prohibit on-grass parking throughout Moore Park East from 31 December 2023.

Regarding this issue, the committee heard that the Alliance of Moore Park Sports has offered in good faith to phase out car parking over time, once adequate alternatives are explored and created. Moreover, the committee recognises that for thousands of sports fans and families from Western and South-Western Sydney, the current parking arrangements offer a convenient and safe way to depart Moore Park and significantly shorten the journey home, particularly after late-night events. This is of critical importance, not only to these fans, but to women, children, the elderly and people with a disability.

However, the committee also acknowledges that Saving Moore Park has questioned the actual negative effect of the removal of this parking, given the planned construction of a 1500 space car park by Venues NSW. The committee is aware that these issues have been the subject of long-term discussions and therefore warrant further consideration when the bill is debated in the House.

Finally, the committee believes it is important to recognise the proximity of this parkland to the Green Square urban renewal area, which as representatives from the City of Sydney Council observed, will soon become one of the highest density residential areas in Australia.'

Amendment of Ms Sharpe put and passed.

Original question of Mr Latham put.

The committee divided.

Ayes: Mr Borsak, Mr Latham.

Noes: Ms Sharpe, Mr Amato, Mr Graham, Mr Mallard, Mr Shoebridge.

Original question of Mr Latham resolved in the negative.

Resolved, on the motion of Mr Latham: That the following new paragraph be inserted after paragraph 2.113:

'The committee also acknowledges the historic neglect of South-West Sydney in State-run parklands and encourages the Government to work with Canterbury-Bankstown Council and Liverpool Council to explore the option of establishing a new major State park at Lake Gillawarna and Chipping Norton Lakes.'

Resolved, on the motion of Mr Mallard: That:

- The draft report as amended be the report of the committee and that the committee present the report to the House;
- The transcripts of evidence, submissions, tabled documents, answers to questions on notice, summary report of the online questionnaire and correspondence relating to the inquiry be tabled in the House with the report;
- Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;
- Upon tabling, all unpublished attachments to submissions and individual responses to the online questionnaire be kept confidential by the committee;
- The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;
- The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;
- Dissenting statements be provided to the secretariat within 24 hours after receipt of the draft minutes of the meeting;
- The secretariat is tabling the report on Monday 21 February 2022;
- The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

8. Adjournment

The committee adjourned at 11:20 am, *sine die*.

Laura Ismay
Committee Clerk

Appendix 4 Dissenting statement

The Hon Mark Latham MLC, Pauline Hanson's One Nation

It's hard to know what this inquiry was actually about. Members of the Committee have said it was to "establish the facts" and then let the Legislative Council decide.

But the facts were known last year and the LC could have deliberated and voted then.

So, too, it is hard to know what the Government now hopes to achieve with this Bill.

Minister Stokes initially said he wanted to achieve economies of scale and efficiencies in parks management. Then he accepted Alex Greenwich's amendments in the other place that created a new, inefficient tier of Community Trust Boards for at least 5 parks and potentially them all.

Stokes also said he wanted to create greater commercial investment in the parklands. But then he accepted Greenwich/Greens amendments in the Legislative Assembly that heavily restricted new leasing and commercial arrangements.

What a confused and vacillating Minister.

The key goals of the Bill that passed through NSW Cabinet have been lost.

Generally, there appear to be two approaches to parklands use. The first is to wander through green spaces communing with nature, essentially for the sake of communing with nature.

Normal people take the second approach: to seek a convenient, comfortable parklands experience they can enjoy with family and friends, to do things of active recreational and social benefit. Sporting activities for children is an important part of this aspiration: the adults enjoying a picnic, a coffee or just a chat, while the children are safely engaged nearby.

These park users couldn't care less if the coffee they drink, food they eat or function centre they attend in the parklands is owned by the private sector or government. They are unfazed by the Leftist bogey of 'commercialisation'. They just want a good outcome, a positive parklands experience.

Even though the Committee said it was leaving it to the LC, it has still made a finding to 'minimise commercial activity'. In practice, this means minimising public use. It also limits the funds needed to sustain decent parkland facilities.

Just look at the disaster at Callan Park where heritage buildings are falling apart because of the Green aversion to anything 'commercial'. Out of a narrow ideological obsession these inner-city activists are fouling their own nests.

This is also a problem on the question of car parking off Driver Avenue, Moore Park, for major sporting events. The attitude seems to be: You Western Sydney types, get off our land, get on the train, and get back to your own areas (that have an incredible paucity of State-run and -funded parklands). The selfishness is appalling.

I stand by my view that the Committee should have made a finding:

"That there is no need to legislate for banning car parking at Moore Park, in recognition of:

- a) this is not the kind of matter that needs to be written into legislation.
- b) the Alliance of Moore Park Sports has offered in good faith to phase out the car parking over time once adequate alternatives are explored and created.
- c) the way in which many thousands of sports fans and families in Western and South-Western Sydney rely on the current parking arrangements for a convenient and safe exit from the Moore Park precinct, especially at late-night events, cutting up to two hours off their journey compared to public transport alternatives.
- d) the critical importance of the parking for women, children, the elderly and people with disabilities.
- e) the way in which the space in front of the Hordern Pavilion has limited recreational use given its small size and perimeter bounded by busy roads and light rail.
- f) the thousands of acres of open and recreational space available to local residents in the Moore, Centennial and Queens Park areas.
- g) the limited number of days each year in which the Moore Park car parking is used.
- h) the unknown impact of the completion of the new Football Stadium and the parking needs of events when the new stadium and SCG are hosting matches concurrently."

In a dreadful 50-year pattern of government neglect, the vast residential expanse of South-West Sydney, from Bankstown to Wollondilly, has no State-run parklands. At least the inner-city mob should allow us to park near the SCG and the new Football Stadium, rather than young families getting home at 3am from evening sporting events.

The Government urgently needs to address the neglect of South-West Sydney in State-run parklands, exploring the option of a new major park from taking over and amalgamating Lake Gillawarna (Canterbury-Bankstown Council) and Chipping Norton Lakes (Liverpool Council).

It also needs to convert the under-utilised Mount Annan Botanic Gardens into useable parklands, letting family pets in, encouraging family use and getting rid of PC-nonsense like the Nature Therapy Walk, Dreaming of a Green Xmas and Aboriginal Biscuits and Bush Tea.

Most of us would rather go to the dentist than sign up for these non-events.

