

Submission
No 139

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Saving Sydney's Trees

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Saving Sydney's Trees

23 July, 2016

The Hon. Paul Green MLC,
Committee Chair
GENERAL PURPOSE STANDING COMMITTEE NO.6

Dear Mr Green,

SUBMISSION TO THE NSW UPPER HOUSE INQUIRY INTO CROWN LAND

Thank you for the opportunity to make a submission. By way of introduction, Saving Sydney's Trees was established earlier this year. This followed the commencement of works that will see the removal of nearly 900 of Sydney's most significant trees to make way for the first stage of the CBD/SE light rail project.

On our committee we are fortunate to have Professor-Emeritus in Landscape Architecture, Dr Helen Armstrong, along with two horticulturists and other specialists. While our group is relatively new, the group has the support of many thousands of individuals.

Further to our investigations, we are focused on the need for a Parliamentary Inquiry into the CBD/SE light rail project for the purpose achieving governance reforms to ensure proper process and the public interest is protected.

This submission is made in the belief and wish that Crown land should be retained in perpetuity in the hands of the public and for its free access and use.

We raise the following:

1. The Role and Management of Crown Land

The public ownership of such places as Centennial Park and Moore Parklands; Bondi Beach; Hyde Park; Prince Alfred; Parsley Bay; Watsons Bay; Observatory Hill; Martin Place; Aboriginal lands; public beaches and reserves; sports and showgrounds and many more of the like in Australia should be respected and maintained for the public in perpetuity.

As has been historically understood and continues to be expected by the public, Parliament's E-Brief

news about Crown Land Management¹ concludes that *'The management of Crown Land has a long and complex history, as does the relevant legislation. The latest reform proposals are substantial...'*

Reviewing the many changes proposed, it could be argued that the renaming and apparent intentions of 'Public Trading Enterprise', in contrast to 'Crown Lands Division' seems to indicate a focus on economic outcomes rather than the stewardship expected of the Government, its governance and its responsibility. It is clear from recent public outcry the public's expectations are not being met by the administration and management of these lands.

The expectation our local communities and the public have is one of guardianship by Government in order to provide for the use and enjoyment of these open lands for the public and our children without the appropriation and exclusion for private enterprise and commercial profits.

2. STEWARDSHIP OF CENTENNIAL PARK AND MOORE PARKLANDS

We take the example of the Centennial Park and Moore Park Parklands.

Recently these areas have been very much in the public eye after a State Government minister negotiated their use with a sporting corporation. It would appear these plans were being progressed out of the public eye since 2013. While we acknowledge that this body seeks to bring sport to the public, such intentions have been compromised by leasing the grounds for commercial profit, as it invariably places restrictions on the public by imposing an exclusion zone on this public land. While the Premier earlier this year stepped in to stop the plans in response to immense and heart felt public pressure, the just released Draft Moore Park Master Plan 2040 on 21 July, prompts some serious questions about the future use of these lands. Specifically, how will public domain and open space be retained for future generations, given the proposed plans, and in view of the significant population growth that is planned for the suburbs around the parklands, which is indicated as 70,000 people.

Further, the plans suggest that Sydney Cricket & Sports Ground Trust (SCGT) and the Australian Turf Club (ATC) exert similar exclusions on the public use of these lands. We note that the latter has generated a great deal of public ill will as a consequence of the CBD and South East Light Rail addition, which has seen the devastation of part of Centennial Parklands and the public environment by the removal of some of Sydney's most significant trees and exclusion of the public from these lands.

In particular, we draw the Committee's attention to the loss of the section of Centennial Parklands along Alison Road and unnecessary felling of a whole line of Sydney's 'significant' trees. This was the result of a major route realignment, which saw the route moved from the Racecourse side of Alison Road to Centennial Parklands, which followed approval of a development application for a hotel/entertainment complex at Royal Randwick. The venue which will cater for up to 5,000 patrons will operate 7 days a week till late. With the development application approved on the 14 November, 2014, the route realignment was part of \$500 million of changes to the project that was exhibited, less than three weeks. Given the shortness in time for the public exhibition process and that the contract for the project was approved on the day the exhibition period closed, this has prompted key questions around governance.

¹ <https://www.parliament.nsw.gov.au/researchpapers/Documents/crown-land-management/Crown%20land%20management.pdf>

Further on examination, it appears that some parcels of land that have been acquired in this and previous dealings, such as the old tram line, and the stabling yards on the ATC (formally AJC) and the associated monetary exchange suggests the commercial purchase of public lands - OUR LANDS!

The lands of Centennial Parklands are of particular significance as this land was bequeathed by the representative of the Crown when this colony was established. The Charter under which it was to be administered is clear in the intended purpose '*...for the free and open use, recreation and enjoyment of the public...'*.

Clearly this is not occurring as one could ask when was the last time members of the public could just turn up and kick a ball with their son or daughter at the cricket ground; possibly it was before the leases were entered into.

Further in suburbs and towns across NSW, community facilities are being lost, such as the local tennis courts which have been maintained by the council for the public use, with members of the public agreeing to water and bag the courts as well as store the nets securely at the end of play. This exemplifies the way a public benefit and shared responsibility has been established and adhered to thus creating good governance and citizenship. The health benefit in providing this for our children is immeasurable.

So it is with these lands, where something has been lost in the way these lands are currently operating with the need now for better ways to be found.

3. The need for a separate Parliamentary Inquiry into Sydney's Light Rail CBD/SE light rail project

The removal of nearly 900 of Sydney's significant trees, loss of public lands and the consequent environmental degradation to make way for the Light Rail route, has prompted significant questions about the governance of critical infrastructure projects.

Critically since 2006, the ability to lodge a merit appeal is no longer possible. Further the fast-tracking of major projects, has led to poor design outcomes. The Premier's new priorities to reduce the time again by 50% raises concerns, particularly, as many of the land parcels that are being used to facilitate major infrastructure projects and urban renewal are crown and public land, which are now being privatised.

For the purpose of this submission, we highlight key governance issues relating to Sydney's CBD/SE light Rail project where the trusted guardianship expected from Centennial and Moore Park Trust (CMPT) is questioned, as are project outcomes, where the capacity (and reason) for the light rail project is not being met as a result of the choice of mode and light rail design. Rather questions have been raised about the design and capacity, as well as substantial net loss in urban canopy cover (despite a replanting program) as well as the loss of public and crown land.

Recommendation:

In short despite the extraordinary cost of this project, the loss of parkland and failure by the RMS to decrease congestion as well as key governance issues highlights the need for a Parliamentary Inquiry to

find out what went wrong, and what improvements need to be made to the planning system to ensure better governance and process.

4. Case Studies

In addition to our previous comments the following examples highlight the loss of further crown and public lands.

- **Moore Park Super Centre**

The Moore Park “Super Centre” was built on Centennial and Moore Parkland grounds. This raises questions around the loss of the lands and why part of the Parklands was used, when alternative options were available, such as industrial land to the west of the site, where the land was relatively cheap and available.

To this end, the proposed changes to crown land management, whereby crown land is transferred back to councils, raises key governance concerns, with the view that the risk is increased where crown land is subsequently commercialised or disposed of. .

Recommendation: Any changes to crown land management should be deferred until the Committee recommendations can be considered by parliament; and any changes to legislation exhibited for public comment.

- **Old Tram Lines along Anzac Parade and other roads**

When the tram lines were dismantled, it appears the land was not handed back to the public. Unfortunately, the Department of Land records and Crown Land records have not allowed us to establish what happened, and as result hold the government to account.

Recommendation: This land should be held in the public possession once more, with the need to establish a proper and easily set of crown lands records paramount.

- **Australian Turf Club (ATC): Use of public lands at Randwick Racecourse**

The use of public lands by the ATC to build a hotel/entertainment complex for private gain is highlighted. Notwithstanding the governance issues already highlighted in this submission, it appears the plans which had been put on hold two years prior, were not properly readvertised when the plans resurfaced in June 2014.

Notably, less than three weeks before the proposed route modification along Alison Road was put on public exhibition, the development application for Randwick Racecourse was approved. Subsequently, Modification 1 to the Light Rail project was exhibited for only two weeks.

Notwithstanding concerns around governance and process, the use of public land for this purpose is not in the public interest. Yet it appears that private interests and the commercialisation of crown and public land is now a key driver.

Recommendation: A separate Parliamentary Inquiry is needed into the CBD/SE light rail project for the purpose of reviewing its governance and processes with view to making changes to the planning system. This includes the right to make a merit appeal for major infrastructure projects and other planning system changes.

- **Draft Master Plan for Moore Park (to 2040) and associated Plans for the SCGT and EQ**

This plan² was released on Friday, 22 July, 2016. The plan includes the introduction of a 'world-class entertainment precinct with dynamic indoor and outdoor interconnected event spaces and multiple entry points'. This is proposed to be achieved by reviewing 'the planning controls for Entertainment Quarter (EQ) to increase the use of the public estate' and integrate the EQ with lands managed by the SCGT. A lease for 99 years was acquired by Gerry Harvey, John Singleton and Mark Carnegie in June 2014 for \$80 million.

The plans also propose to make major changes to Driver Avenue and the use of land around Kippax Lake with the introduction of pre- and post-game events. This will see much needed passive open space diminished, which raises concerns about the degradation in local amenity.

Further the proposed introduction of more sporting facilities and intensification of use for much of Moore Park east and lands on Moore Park west (to the north of Sydney High Schools) in effect 'steals' much needed recreational and passive space necessary to accommodate the projected population increase around the site of more than 70,000 by 2031. This requires urgent review.

Given the Master Plan has only just been released which highlights the interrelationship between the plans by different agencies/organisations, this appears to suggest the light rail route was modified to cater to plans for the SCGT and EQ - while at the same time the public was kept in the dark.

Recommendation: A separate Parliamentary Inquiry is needed into the CBD/SE light rail project to review its governance and processes, with view to making changes to the planning system that ensure best practice governance and process.

- **Net Reduction in Community Facilities**

To accommodate the introduction of the light rail project, community sporting facilities at Centennial Parklands have been rearranged, effectively reducing netball court facilities, despite an increase in demand. This has resulted in shorter netball games and again highlights loss of community facilities.

Recommendation: A separate Parliamentary Inquiry is needed into the CBD/SE light rail project to review its governance and processes, with view to making changes to the planning system that ensure best practice governance and process. Also recommend audit of practices of Administration in relation to these facilities.

² www.moorepark.sydney

- **Malabar Headland: 50 year leasing arrangement**

Earlier this year, 70 hectares of Malabar Headland was handed back by the Federal Government to the State government, with Greg Hunt, the Federal Environment Minister at the time stating: “the whole site, all of it, will be retained in public hands forever”. While the land has been transferred, more recently, a new 50 year lease arrangement has been entered into with the NSW Rifle Association. This will substantially limit access to the public, despite plans for a new rifle range facility elsewhere³. The arrangement includes increasing the number of days for the use of the rifle range from one or two days a week to five days a week’ despite increased demand from a substantial increase in local population growth.

Recommendation: Equity and fairness to access for park users must be an inherent part of the crown land management system.

- **Watsons Bay: The use of public land for private profit**

This is an example of yet another local issue in Sydney’s eastern suburbs, where the government’s economic focus is overriding the need to ensure public land is retained for public use and local amenity preserved.

Recommendation: Asset recycling and encouraging the commercial use or privatisation of Crown land to address fiscal shortfalls in their budget is considered short sighted. Given the projected population growth for Sydney of 1 Million people over the next 10 years, the imperative should be to ensure sufficient and accessible regional space and recreational lands, with view to also addressing climate change. To this end given the high urbanisation planned for Sydney, the introduction of a public lands acquisition program should be considered, thereby substantially increasing accessible local and regional open space and habitat for recreational and passive use.

These examples are just a few that highlight the loss of guardianship and inappropriate use of lands which are not being managed in accordance with the public’s expectations or are conducive to the longer term public interest.

Sadly it seems that once public land is leased, it is effectively is given over. This does not meet public expectations, nor the intention of the “Charter” under which these lands are to be administered; namely for the free public use for their recreation and enjoyment in perpetuity.

5. Call for Moratorium

We call for an immediate moratorium on any Crown Land and Public Land being leased, sold or redeveloped or approvals or options being entered into, until this Parliament has considered this Committee’s report and its recommendations. This includes:

- The appropriate direction, use and administration of Crown and public lands;
- Audits on administrated lands, practices and monies;

³ <http://www.dailytelegraph.com.au/newslocal/city-east/sport/malabar-headland-national-park-to-open-by-june-but-with-severe-restrictions-while-shooters-on-site/news-story/c80850931355971c5fa2cc50b8e9a347>

- Aboriginal and other significant protections included in administration process;
- Public input and voice to ensure the appropriate process for the future of our Crown and Public Lands.

Thank you for the opportunity to comment. We would be happy to make further representations in person at the Sydney Hearing.

Yours Sincerely

Margaret Hogg
for Saving Sydney's Trees
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