

**Submission
No 164**

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Organisation: Better Planning Network

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The Hon. Paul Green MLC
Committee Chair
General Purpose Standing Committee No. 6
Parliament House, Macquarie Street
SYDNEY NSW 2000

SUBMISSION TO THE NSW UPPER HOUSE INQUIRY INTO CROWN LAND

We welcome the opportunity to respond to the Parliamentary Inquiry.

1. Introduction to Better Planning Network

Better Planning Network is a state-wide, volunteer-based not-for-profit organisation. It was established in 2012, in response to then proposed planning reforms. Today BPN has more than 450 affiliate/ member groups in its network. We are not affiliated with any political party.

Our aim is for a robust and visionary planning system for NSW - one that fosters best practice environmental, heritage, social sustainability and design outcomes. We recognise that:

- Community wellbeing (which goes beyond just economic growth) must be at the heart of our planning system.
- Community engagement in decision-making is essential at every stage of the planning process.
- Protecting our environment and our natural and cultural heritage is fundamental to the wellbeing of our communities.
- Development must comply with evidenced-based strategic planning instruments.
- Infrastructure must go hand-in-hand with development.
- Minimising corruption must be a priority for any new planning system.

2. The extent of Crown Land and benefits of active use and management of Crown Land

- Currently there are about 30 million hectares of Crown Land in western NSW and 2.5 million hectares of Crown Reserves, with the addition of waterways, travelling stock reserves, commons, roads and unallocated land. In addition there are State Forests and Crown Land reserved under the National Parks and Wildlife Act 1974.
- This land is owned by the NSW government for the benefit of the people of NSW. Crown Land includes iconic places such as Hyde Park, Prince Alfred Park, Observatory Hill, Martin Place, Jervis

Bay State Park and Centennial Parklands as well as less well-known areas such as travelling stock reserves.

- Crown Land provides a widespread range of long-term public benefits including our ecosystem and biodiversity system, cultural and health and social systems.
- Over the next 15 years the projected population growth for NSW is forecast to be 2.2 million people. When compared with other countries in the OECD, this projected growth is considered high. In Sydney, the projected growth is 1 million people over the next 10 years. This compares with London and New York, which have a much higher population base.
- Given the projected population growth and plans for high density urbanisation, the preservation of public lands and open space for passive and recreational use is crucial over the coming decades.
- Sufficient land needs to be set aside to ensure not only our current but also future populations flourish and thrive.
- Given governments are facing significant fiscal challenges, there is an inherent risk of inappropriate commercialising or disposing of public assets. To manage this risk, it is essential a longer term position be taken to ensure that public assets are protected.
- In particular the proposal that Crown Land be administered as a Public Trading Enterprise has raised extensive concerns that there will be widespread sale and commercialisation of Crown Land.
- Given the proposed changes to Crown Land management and the introduction of biodiversity reforms there is a significant risk of seeing a substantial increase in land clearing with a corresponding impact on environmental amenity, biodiversity and climate change.
- The importance of the preservation of the Crown Land estate and privatisation of public land is indicated in a survey sent to BPN members and affiliates in September 2015. Participants were asked to consider the two most important issues at that time. 25% of participants choose Crown Land reforms and the privatisation of public lands, with 176 affiliate/member groups participating over a 10 day period. At the time of the survey, the proposed Crown Land reforms were not on exhibition.

3. The adequacy of community input and consultation regarding the commercial use and disposal of Crown Land

- Crown Land is a key issue for communities across the Better Planning Network, whether it be King Edward Park in Newcastle; or the use of Crown Land and public land for new urban renewal areas such as plans for North Parramatta; or loss of Crown Land to make way for infrastructure projects such as Sydney's light rail project.
- In particular, we enclose a timeline (Annexure A) relating to changes to the light rail project at Alison Road, where a route realignment resulted in the loss of Centennial Park's and some of Sydney's most significant trees. This timeline prompts questions around the adequacy of the consultation process and governance. Further we note that the process of identifying and confirming Crown Land parcels is fraught with difficulty – with the government's recent changes to the Land Titles Office making searches even more difficult.
- While the Crown Lands Legislation White Paper gave the public the opportunity to comment on the Government's proposals in 2014, the paper did not provide sufficient detail for the outcomes of the Review to be understood, nor did it contain the draft legislation. In addition, public submissions on the Crown Lands Legislation White Paper were summarised but not made

publicly available. Therefore, we were unable to see the full range of issues identified in the public submissions.

4. The most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations

- It is essential that Crown Land remain a valuable public resource. To do this it must stay in public ownership, held in Trust by the State on behalf of the people of NSW.
- The value of all Crown Land parcels must be properly evaluated before further decisions are made about the future of Crown Land, including Travelling Stock Routes.
- Crown Land must be administered in an open, transparent and accountable manner that increases public participation in their management.
- Management of Crown Land throughout the State must be based on the principles of ecologically sustainable development.
- Crown Land management must recognise the importance of and protect ecosystems and the services they provide such as clean water and air, carbon sequestration and biodiversity.
- Agencies responsible for the administration of Crown Land, including TSRs, must work co-operatively with other land managers including State Forests, NPWS and Councils to promote conservation of biodiversity and protection of ecosystem services.

5. The extent of Aboriginal Land Claims over Crown Land and opportunities to increase Aboriginal involvement in the management of Crown Land

- Increased Aboriginal involvement in the management of Crown Land to conserve its cultural and heritage values as well as environmental values is strongly supported.
- It is unclear what implications the proposed changes to Crown Land management will have on pending or future Aboriginal land claim rights. In particular, consideration must be given as to what effect proposals to transfer or sell land to agencies or private persons will have on future claims. It is essential that Crown Land is properly managed to protect its important environmental, social and cultural values pending the resolution of any outstanding land claims.

6. Call for Moratorium

We suggest a 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.

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

Yours sincerely

Jeanette Brokman & Tom Sherlock
Co-Convenors, Better Planning Network
encls. Annexure A

Annexure A: Timeline relating to changes to the light rail project at Alison Road.

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| Jul 2012 | <p>Randwick Racecourse: 'Gateway Determination' approved for a new Hotel/entertainment facility (8 storeys + basement parking) alongside Alison Rd.</p> <ul style="list-style-type: none"> - Aug 2011: Initial Drawings - Oct 2011: Political Donation to the State Liberal Party for \$2,000 - Jul 2012: Gateway Determination - Aug 2012: Public exhibition for 1 month: (change from recreational use) - Project subsequently appears to be abeyance until June 2014 when a revised scheme is submitted - Nov 2014: Project approved (just prior to Modification 1 for CSELR) |
| 18 Apr 2013 | <p>CSELR Project Disclosure Statement – Political Donations: Amalgamated Holdings Limited to Liberal Party of Australia (T. Abbott \$20,000 & B. Baldwin \$5,000). Amalgamated Holdings now known as Event Hospitality & Entertainment Limited</p> |
| Jun 2013 | <p>NSW Government announces Sydney's CBD/SE Light Rail Project (CSELR). Declared a critical infrastructure project. (no rights of appeal)</p> |
| Nov to Dec 2013 | <p>Environmental Impact Statement for the Light Rail project on exhibition (1 month)</p> |
| Dec 2013 | <p>Masterplan for Centennial Park announced (following consultation in Oct 2013). Includes new entrance and major works off Alison Road (near Doncaster Avenue). Budget for works and landscape enhancements \$1.2M. Proportion funded by the government unknown. The subsequent route realignment and relocation of the light rail stop is close to the new entry point (Dec, 2014).</p> |
| Jun 2014 | <p>CBD/SE Light Rail Project (CSELR) formally approved.</p> |
| 14 Nov 2014 | <p>Racecourse Hotel/entertainment facility approved. This follows a Public Exhibition period more than two years prior (August, 2012) and a revised proposal in June, 2014. Land rezoned from recreational lands.</p> |
| Sep to Nov 2014 | <p>CSELR Project Consultation: A number of meetings are held with the ATC and Centennial Park Trust (prior to public exhibition period). No submissions appear to be made by these organisations in response to the public exhibition process.</p> |
| 3 to 17 Dec 2014 | <p>Public Exhibition period for the Light Rail project 'Modification 1' (14 days only). Major changes include:</p> <ul style="list-style-type: none"> - Alison Road route realignment (resulting in the loss of the significant trees) - Increase in size of light rail vehicles (from 45 to 67m) resulting in changes to the light rail stop at Moore Park & the Racecourse stop (appears to link back to Centennial Park Master Plan and enable Racecourse redevelopment plans). |
| 17 Dec 2014 | <p>On the day that the exhibition period for the CSELR Mod. 1 closes, the project is awarded to Altrac Light Rail Consortium (Transdev Sydney, Alstom Transport, Acciona, Capella Capital). Project cost increases by nearly 30% to \$2.1 Billion.</p> |
| 17 Feb 2015 | <p>Former Minister for Planning, Pru Goward approves CSLR 'Modification 1'.</p> |

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| 2 Jul 2015 | West Light Rail Network taken over by Altrac (previously operated by Transdev). |
| October, 2015 | The 'Tree report' V 4 was completed by the consultant arborist. However the report was not released until 13 January, 2015, i.e. after the trees along Alison Road were felled along with the initial set of historic fig trees on Anzac Parade. Recently Version 6 of the report was released. This shows further removals, and an increase in the construction sites at a number of locations. While the report suggests a small reduction in the number of trees removals, we believe this information is incorrect. Rather the total number of trees impacted was amended to reflect trees previously removed. |
| Currently | Light Rail Project 'Modification 4' under review. Changes relate to relocation and redesign of Randwick Terminus from High Cross Park to High Street and works. |

Further, there appears to be more layers to this story:

- The 2013 plans by SC&SG Trust to redevelop Moore Park.
- The controversial approval and design of Albert 'Tibby' Cotter Bridge
- The government's plans for urban renewal areas, with the introduction of high-rise density development along the Light Rail route.
- The sale of the Entertainment Quarter at Moore Park in June 2014 to Geoff Harvey, John Singleton & Mark Carnegie and subsequent plans
- Australian Turf Club plans to turn Randwick Racecourse into a major entertainment destination (likewise at Rosehill as well which plans link into the West Alliance consortium Light Rail plans).
- The consent approval for the project, which suggests that the Minister erred in giving consent approval.

References

- Light Rail, Modification 1
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6853
- Light Rail, Modification 4
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7412
- Racecourse Hotel, Royal Randwick Racecourse
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5002
<https://majorprojects.affinitylive.com/public/43d399458c7cf242206c853a8e61e0a0/Recommended%20Secretary's%20Environmental%20Assessment%20Report.pdf>
- Centennial Park Master Plan
http://www.centennialparklands.com.au/_data/assets/pdf_file/0004/83074/CENTENNIAL_PARK_MASTER_PLAN_2040_-_VOL_1_-_web_size.pdf
- Albert 'Tibby' Cotter Bridge
<http://www.rms.nsw.gov.au/projects/sydney-south/pathway-over-anzac-parade/index.html>
- Redevelopment Plans for the Entertainment Quarter
<http://www.smh.com.au/business/property/john-singleton-gerry-harvey-mark-carnegie-buy-entertainment-quarter-for-80m-20140604-39j0k.html>