

## **INQUIRY INTO CROWN LAND IN NEW SOUTH WALES**

**Name:** Ms Inara Molinari

**Date received:** 24 July 2016

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NSW Parliament  
Legislative Council  
6 Macquarie Street  
Sydney NSW 2000

Dear Sir/Madam

**Re: Inquiry Into Crown Land**

Thank you for the opportunity to provide input for consideration by the committee. I am writing based on my personal experience of fraught efforts to identify ownership details of public land subject to rezoning and sale for commercial high rise residential and commercial development by the NSW Government through its development arm UrbanGrowth NSW (UGNSW). Purportedly the current Crown Lands Act has an intention to simplify and streamline Crown Land administration and management. In particular, satisfying the community's expectations for improved consultation, more appropriate principles for Crown Land management, and a more streamlined tenure system. In practice, this is not occurring.

**CASE STUDY - "Parramatta North Urban Transformation Project" [PNUT]**

The Project area comprises:

- The historical **Cumberland Precinct**, home to the Parramatta Female Factory, Parramatta Gaol, Female Orphan School and Asylum buildings. The precinct exemplifies 200 years of institutional use, reflecting our changing attitudes to the welfare system, incarceration, mental health, and our social and moral values, particularly in relation to women and children.
- **Sports & Leisure Precinct** (52 hectares) comprising part of Parramatta Park, Parramatta Stadium Trust, Parramatta Memorial Swimming Pool, and the Old Kings School now being renovated as a primary school (146 hectares).

A formal exhibition of the proposal for rezoning and amendment to the existing Development Control Plan was held between November 19, 2014 and December 19, 2014. This was the first opportunity for the general public to "consult" and a hectic time to read, scrutinise, and respond to over 2,000 pages of supporting material. I made a submission at the time, but it was not until afterwards, that I was able to further investigate the details of the proposal.

**Cumberland Precinct**

In particular, I was concerned that land subject to division into "Super Lots" for sale in the historic **Cumberland Precinct** might in fact be Crown Land. (*Attachment A – UGNSW revised plan of the PNUT*). The work of identifying Crown Land and its implications for the proposed development leads me to make the following observations:

- Investigating title details of the lots was not easy and took hours of "sleuthing". It involved ordering title documents at my own expense, use of Six Maps, searching

numerous Government Gazettes published over many years online, and phoning the Crown Lands Office (Orange) who could only provide minimal information.

- I “discovered” that **Lot 2 DP862127** subject to the proposal is in fact **Crown Land** – the **Kamballa Reserve Trust** (No: D1002899) [*Annexure B, Title Search*, herein after referred to as Kamballa]. The Executive Summary exhibited by the Department of Planning for UGNSW in 2014 purported to identify the landowners (p.29). Unlike Parramatta Park, this Lot was not described as Crown Land. (*Annexure C, Table of Legal Description and Land Ownership*)
- Only by searching the Government Gazettes, did I learn that Kamballa was dedicated in 1907 as an Industrial School AND that
  - management of Kamballa is through the Land Administration Ministerial Corporation, a statutory body representing the Crown AND further
  - that the Officers in the Crown Lands Office could only tell me that the last known/recorded lease was in 2007 to “Children’s Services”.
- I am personally aware that certain buildings on this Lot are currently leased (sub-let?) to the Parramatta Men’s Shed and Parra Girls/Memory Project. As to whether this was put to public tender I am not aware. Transparent details are lacking regarding the terms of these “leases”.
- I was unable to identify and speak to anyone who managed the Land or leases.
- More disturbing, is that under UGNSW’s revised rezoning proposal that was approved by Minister Stokes in December 2015, fifty percent of this Lot has been annexed creating a further Super Lot [Lot F9, *Annexure D* ], with a six and twelve storey high rise residential building proposed in close proximity to historic buildings that will undermine and overpower them. I do not believe that the government’s proposed sale of this land for private profit is for “the benefit of the people of NSW” nor consistent with its dedicated purpose.
- I do not believe that the public was made aware that this Lot was Crown Land, nor is there anything in the UGNSW proposal to suggest that the Minister for Crown Lands was involved in the process of reviewing and accepting the proposal that leads to the sale of this land.

### **Sports and Leisure Precinct - part Lot 80-3000, Parramatta Park Trust lands**

Since an enactment in 1857 that no less than 200 acres of Parramatta Park lands be reserved from sale and granted as a Park “for promoting the health and recreation” of Parramatta residents, these lands have been divested for:

- Car parks
- Railway line
- Swimming Pool
- Sports stadium
- Parramatta Boys’ High School
- Cumberland Oval
- Parramatta RSL
- Sole use of land as car park for Parramatta Leagues Club [see Annexure C] and approved in February 2016 by the JRPP for the development of a multi-storey car park
- Roadways and easements

Further information can be found on the [Office of Environment and Heritage](#).

I would suggest that some of these amenities are for the benefit of *sectional interests* not the general public of NSW. Certainly it could be argued that the land use rights mentioned above are a “source of private profit” and therefore contravene the Crown Lands Act (*Council of the Municipality of Randwick v. Rutledge*, (1959) 102 CLR 54,88); *Minister Administering the Crown Lands Act v. New South Wales Aboriginal Land Council* (2012) NSWCA 358[30]).

My particular concern regards the process surrounding Crown Land associated with the approved multi-storey car-park development to enhance the Parramatta Leagues Club [*Annexure E*], and the announced demolition of the Parramatta War Memorial Pool [*Annexure F*] to facilitate the expansion of the Pirtek Stadium, (formerly part of the original Lot 80-3000).

Financial benefits gained by Parramatta Leagues Club, through its use of Crown Land, have not been articulated and warrant disclosure.

In respect of the Parramatta Pool, Crown land is managed by the Parramatta Park Trust and currently leased by the City of Parramatta Council. In 2007-8, the pool underwent a \$ 9.5 million refurbishment. This proposed divestment of Crown Land is not for the benefit of the people of NSW, in fact residents have strongly denounced the pool’s demolition. Mooted plans to “relocate” the pool to the former Parramatta Golf Course site, south of the Railway line (Crown Land DP 1074336, *Annexure G*) will result in a further loss of open publicly owned parkland, sorely needed by the residents of Parramatta in view of the rapid high rise residential expansion of this CBD.

I understand that “the potential relocation of the Parramatta Pool is subject to on-going consultation between Venues NSW, the Parramatta Park Trust and Parramatta City Council”.

The proposed expansion of the Stadium and retention of the pool I believe could be accommodated with consideration of innovative engineering solutions (*Annexure H, Development Concept Plan Parramatta Stadium*).

With the removal of the pools, however, land is potentially made available for the planned rezoning to allow commercial buildings on Crown Land as originally conceived by the UGNSW proposal (*Annexure I, Draft DCP Sports and Leisure Precinct*). This Lot that was deferred in December 2015 pending release of the Stadium expansion plans. With so many vested financial interests and varying government agencies seeking to avail themselves of public land, it is not surprising that public confidence and trust in relation to Crown Land management is eroded.

This raises the questions:

- What is the Minister for Crown Lands’ role and is he involved in the decision making process?
- Are trustees of the Stadium Trust (Venues NSW) and the Parramatta Park Trust independent and focused on advocating for the interests of all people of NSW?
- Are there potential conflicts of interest when for example, the Chairman of Western Sydney Parklands, to whom the Park Director of Parramatta Park Trust ultimately reports, is Brendon Crotty. He is a director of the [GPT Group](#) (“development is a core



part of GPT's business") and an independent, non-executive director of Brickworks Ltd, a large corporate donor to political parties.

- What has been the consultation process for members of the public, other than the usual opportunity to make submissions as provided for development applications that are not Crown Land?

In respect of the terms of reference, (c), the most appropriate and effective measures for protecting Crown Land include:

- Establishing a transparent **Crown Land Register** that is:
  - Accessible to the public online
  - Contains a record of all Crown Land drilled down by region, city, suburb and Lot
  - States the purpose for which the land was dedicated
  - States the trustee or authority that is managing the Crown Land, when they were appointed and by whom, as well as trustees' pecuniary interest as outlined in the Trust Handbook, "*The Handbook*". (NSW Department of Industry, Skills and Regional Development, printed 2015).
  - Provides details of any Lease, the organisation leasing the land and under what terms, and when the lease is to expire
  - Provides details of any intended sale or appropriation of the land and for what purpose.
- Establishing an independent Crown Lands Commission to ensure that those entrusted with the management and protection of Crown Land, and the appointment of Trustees, do not have any conflicts of interest in relation to the land's dedicated purpose and are independent of political agendas. The Commission would also consider representations into whether Crown Land is no longer viable for any government or community purpose prior to sale, and make public the recommendations to the responsible Minister.
- Appointed Trustees of Crown Land must be independent and are not associated with organisations or corporations that have or could be perceived as having a vested or conflicting interest, as defined by the NSW Independent Commission Against Corruption (*The Handbook*, p. 36)
- That Trustees managing particular Crown Lands are appointed in a transparent and equitable manner. They should be representative of the local and wider community interests and reflective of the principles of Crown Land management (environmental protection, conservation of natural resources, for the enjoyment by the public and sustained in perpetuity).

In respect of the terms of reference, (b), the adequacy of community input and consultation regarding the commercial use and disposal of Crown Land:

- That a public awareness campaign be commenced to educate people about the significance of Crown Land. It has suited successive governments to keep what amounts to nearly 50% of the state of New South Wales under the public's radar. There is general confusion as to the special significance of Crown Land and its dedication of public purpose, benefit and intended perpetuity compared with government controlled public land.

- That a proposed sale or lease of Crown Land is advertised (in addition to the online register suggested) and open for exhibition, comment and scrutiny by members of the public with at least 6 months' time for consultation and response.
- Members of the public must have ready access to who are the Trust members' (or staff) and their contact details in order that representations can be made and therefore Trustees can fulfil their duty to manage the land for the benefit of the people of NSW not the government of the day.
- Members of the public are entitled to receive full disclosure in relation to reasonable enquiries regarding Crown Lands, its uses, management and leases. (*The Handbook*, p. 59). Unlike in my personal experience where I perceived that the relevant officer in the Crown Lands Office either did not know, or was reluctant to pass on information to me.

Given my experience in relation to the disregard that government and their agencies have had for the management of Crown Land, it would be an opportune time for the Inquiry to identify the terms and briefs under which consultants have already been appointed to investigate **Wentworth Park's** potential re-use.

In conclusion, there are numerous examples of where those responsible for the management of Crown Land have neither conformed to the Act nor followed the detailed guidance of the Trust Handbook. Reform is urgently required to prevent the further erosion of public assets meant to be retained in perpetuity.

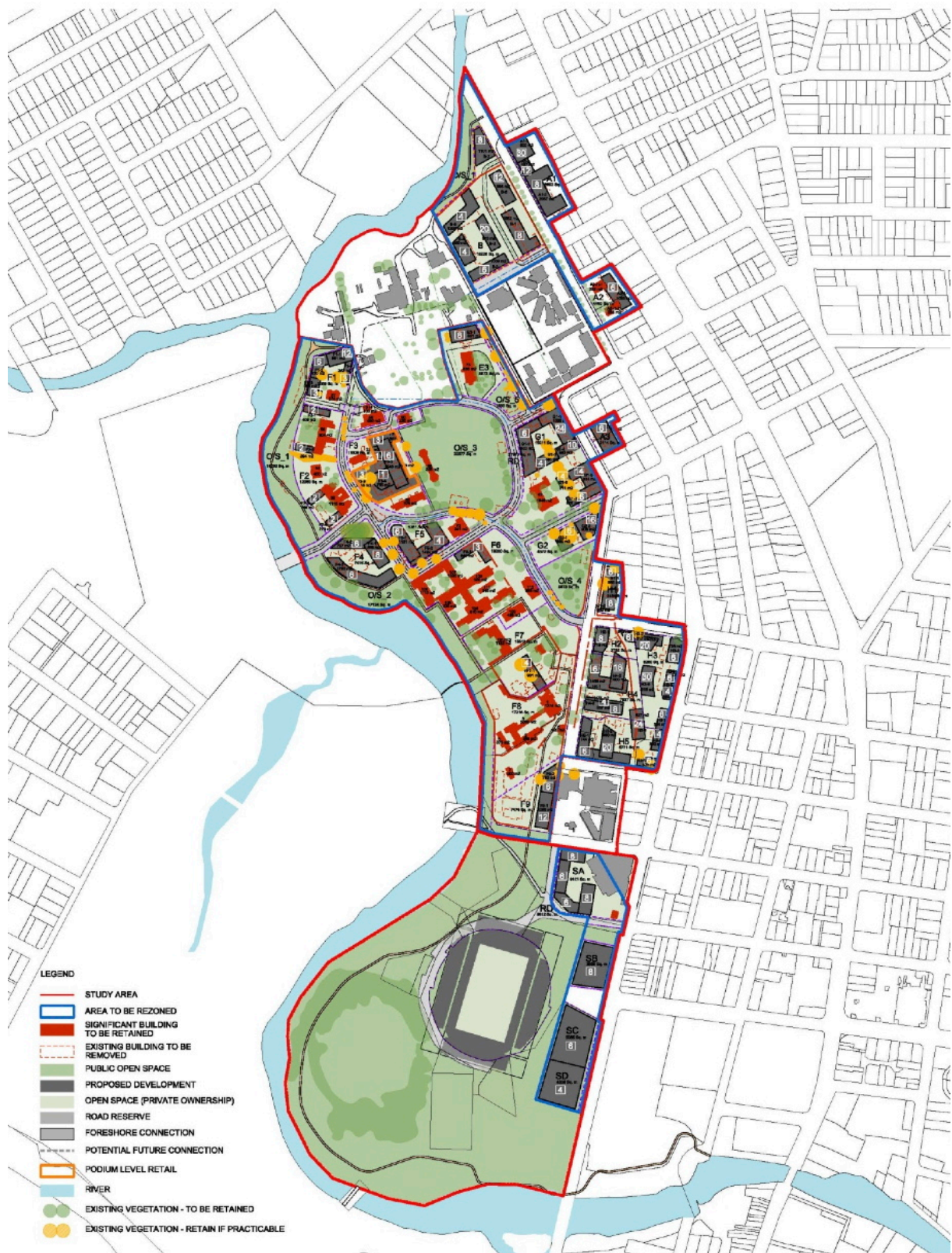
Thank you for taking the time to consider my submission.

Yours faithfully,

Inara Molinari

I declare that I am:

- Former Secretary of the North Parramatta Residents' Action Group
- Founder and Administrator of the Granville Residents' Action Network
- Community Representative of the former Woodville Ward on the Local Representative Committee of Cumberland Council



Annexure A

## Land and Property Information Division

ABN: 84 104 377 806

GPO BOX 15

Sydney NSW 2001

DX 17 SYDNEY

Telephone: 1300 052 637



Land & Property  
Information

A division of the Department of Finance & Services

# TITLE SEARCH

Title Reference: 2/862127

### LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/862127

SEARCH DATE	TIME	EDITION NO	DATE
26/7/2015	8:10 PM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 2 IN DEPOSITED PLAN 862127  
AT NORTH PARRAMATTA  
LOCAL GOVERNMENT AREA PARRAMATTA  
PARISH OF FIELD OF MARS COUNTY OF CUMBERLAND  
TITLE DIAGRAM DP862127

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES (CA149368)

SECOND SCHEDULE (3 NOTIFICATIONS)

- \* 1 THE LAND IS A RESERVE WITHIN THE MEANING OF PART 5 OF THE CROWN LANDS ACT 1989 AND THERE ARE RESTRICTIONS ON TRANSFER AND OTHER DEALINGS IN THE LAND UNDER THAT ACT, WHICH MAY REQUIRE CONSENT OF THE MINISTER.
- \* 2 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- \* 3 THE LAND IS DEDICATED FOR A PUBLIC PURPOSE

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

PRINTED ON 26/7/2015

\* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.  
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

## 2.5 LEGAL DESCRIPTION AND LAND OWNERSHIP

The legal descriptions of the Study Area are provided in Table 1.

Legal Description	Landowner
Lot 1 DP 1143431	New South Wales Land and Housing Corporation
Lot 10 DP 1143951	Health Administration Corporation
Lot 11 DP 711377	Housing Commission of New South Wales
Lot 1 DP 618753	The State of New South Wales
Lot 4 DP 808447	Health Administration Corporation
Lot 1 DP 810533	New South Wales Land and Housing Corporation
Lot 4 DP 810533	Health Administration Corporation
Lot 5 DP 810533	Health Administration Corporation
Lot 6 DP 810533	Health Administration Corporation
Lot 1 DP 848537	New South Wales Land and Housing Corporation
Lot 1 DP 998240	Minister for Disability Services
Lots 1 and 2 DP862127	The State of New South Wales
Lot 3 DP 808447	Health Administration Corporation
Lots 961 and 964 DP 42643	Parramatta Stadium Trust
Part MS 80-3000	Crown Land – Parramatta Park Trust

Table 1: PNUR Lands

## DEVELOPMENT CONTROLS

### LOT F8-F9

Additional GFA

F8: 2,460 m<sup>2</sup>

F9: 18,791 m<sup>2</sup>



LOT IDENTIFICATION PLAN



### LEGEND

	LOT BOUNDARY
	EXISTING BUILDING/WALLS - POTENTIAL DEMOLITION
	EXISTING HERITAGE BUILDING/WALLS TO BE RETAINED
	EXISTING VEGETATION - RETAIN IF PRACTICABLE
	EXISTING VEGETATION - TO BE RETAINED
	GROUND LEVEL BUILDING SETBACK - MIN. 2m OR AS DIMENSIONED
	BUILDING SETBACK FROM HERITAGE WALL - MIN. 3m OR AS DIMENSIONED
	0M BOUNDARY SETBACK
	INDICATIVE BUILDING FOOTPRINT
	4-STOREY STREET WALL - 2m STEPBACK ABOVE 4-STOREYS
	6-STOREY STREET WALL - 2m STEPBACK ABOVE 6-STOREYS

	INDICATIVE COMMUNAL OPEN SPACE (e.g. courtyard, podium garden or roof garden)
	PUBLIC OPEN SPACE WITHIN LOT (e.g. forecourt plaza, through site link)
	PREFERRED SITE ACCESS
	PREFERRED PARKING ACCESS
	POTENTIAL UNDERGROUND PARKING AREA
	POTENTIAL ABOVE GROUND PARKING AREA
	VEHICULAR CARRIAGEWAY
	THROUGH SITE LINK
	BUILD-TO LINE
	DESIRED HEIGHT IN STOREYS

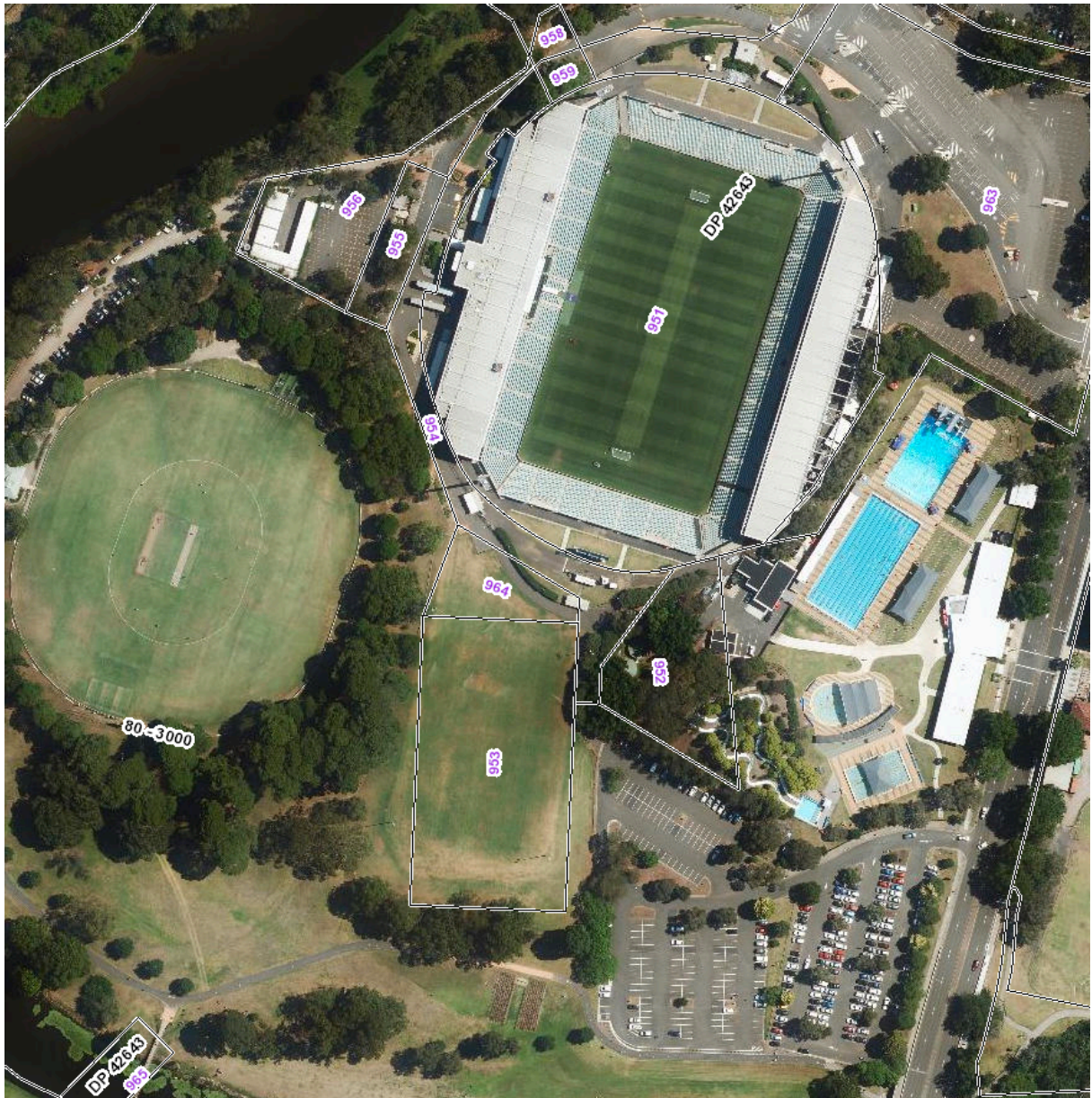


## Annexure E





Annexure F





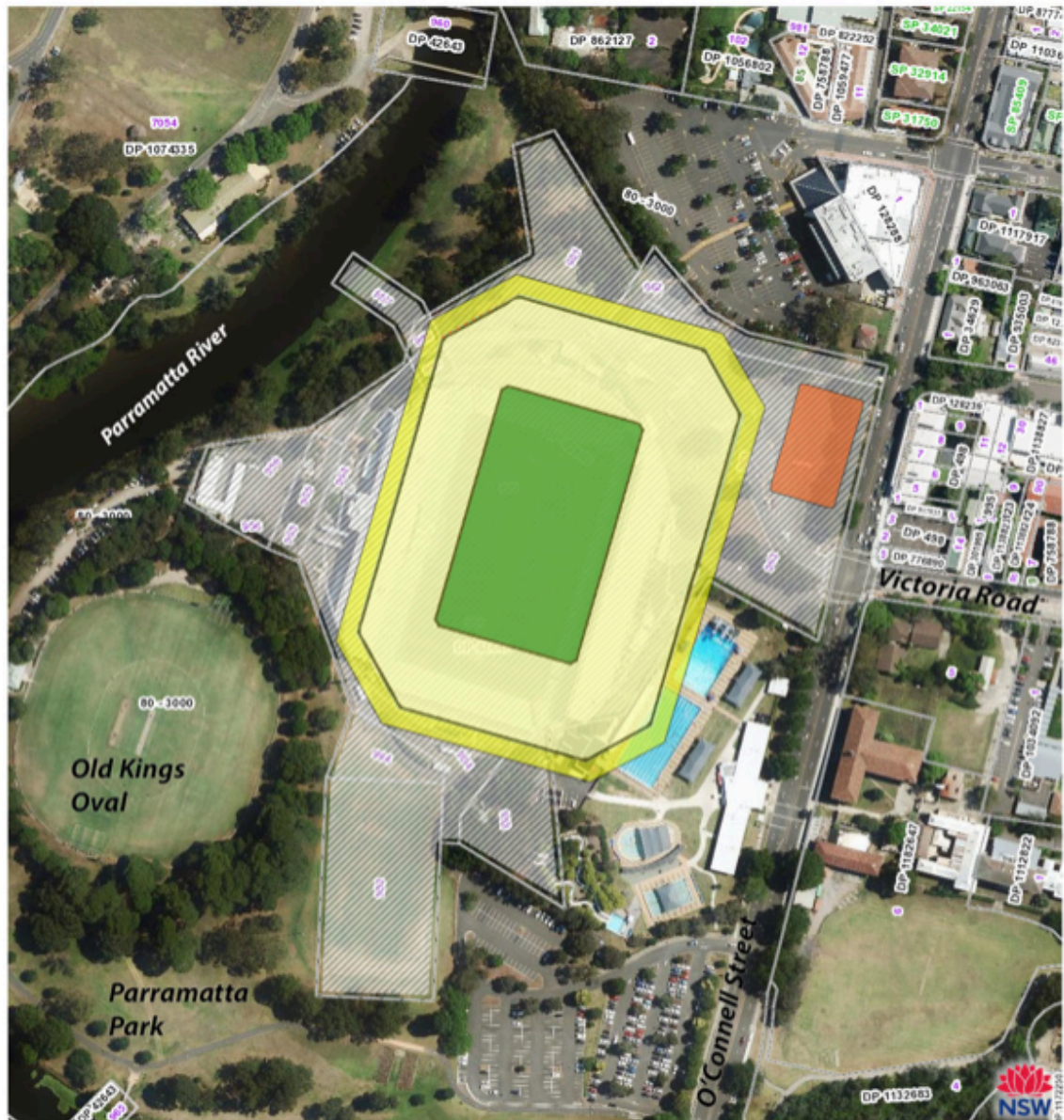


Annexure G



## Annexure H

### Development Concept Plan (15degrees northeast)



#### Legend

 VenuesNSW Land	 Perimeter Circulation	 Seating Bowl	 Playing Field	 Related Facilities
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Annexure I

