

INQUIRY INTO CROWN LAND IN NEW SOUTH WALES

Name: Name suppressed

Date received: 25 July 2016

Partially
Confidential

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Inquire into and report on Crown land in New South Wales

To whom it may concern,

I would like to thank the committee for undertaking this review of the Public Land in NSW as it would appear to have been treated by various Governments as a piggybank and a play thing through which they can exercise power and influence often with little regard to the community involvement or agreement.

Parramatta Park is the Western Sydney equivalent to Sydney's Botanical Garden, Centennial Park and the Domain. Why has Parramatta Park been attacked over a long period of time by various State Governments and departments yet the Sydney equivalents have been protected. It is more important that Parramatta Park be maintained and expanded given the significant development being proposed for the general Parramatta city area. The latest proposal to reduce the park area only exacerbates the problems and ignores the increased demand for public open spaces and facilities that our wise forefathers had envisioned over 170 years ago for a growing population in the area and region. No Government has allowed such an attack upon one of the first public lands in Australia's history.

I would like to outline the issue of the continued attack upon **Parramatta Park** by various Governments and the Public service bureaucrat's, constant attack upon one of the oldest and most significant Crown Parklands in the Sydney region.

The original park area (Parramatta Domain Act) in 1858 246 acres.

1860 A large proportion removed for extension of Western Rail Line.

1902 land for Parramatta Golf Course (18 holes)

1913 Parramatta High School acquired land.

1910 to 1957 The Kings School used land.

1950's Parramatta RSL also

Parramatta war memorial Swimming Pool

1970 Proposal by Parramatta Leagues for Car parking Space leased adjacent to club. Also Development of the Parramatta Stadium for virtual sole use.

1980 Proposal for Development by Parramatta Sports Club and

Expansion of Cumberland oval into Parramatta stadium

In Addition various facilities and sport ground for cricket etc are also used.

The claimed area for Parramatta Park in 2015 is said to be only 210 acres.

However there is No up to date public verified survey of the actual park and its usable land that are excluding roadways and non public usable spaces. Considered opinion is that the formal assent of approval by the Governor of NSW can be set aside as the Parramatta Park Trust Act 2012 misled the Government and Governor by not accurately describing the size and details for the Park.

When will the park cease to be suitable for the function for the communities use with its growing population? Particularly servicing a growing residential, legal, retail, administration and health industries nearby.

The current proposal for annexation of another significant portion of Parramatta Park has been undertaken by stealth with minimal / sham public involvement with little or nil capacity to determine the outcome. This has been undertaken by direction, complicity, intimidation and commercial motives by the following, amongst others:

The Premier and Minister for Western Sydney

The Urban Growth Department

The NSW Heritage Department

NSW Office of Environment and Heritage

The Department of Primary Industries

Western Sydney Parklands Trust

Parramatta Park Trust

Parramatta City Council

Parramatta Leagues Club

Various property developers and builders.

TRUST ACTIVITIES

The Trust's objectives are to:

To maintain and improve the Trust lands, encourage the use and enjoyment of the Trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage value of those lands and ensure the conservation of the natural and cultural heritage values of the Trust lands and the protection of the environment within those lands.

Recommendations.

- It is in my opinion that the current Parramatta Park Trust as a result of the conflicted motives of some members of the board and management team have failed to comply with the requirements of the legislation that was enacted in their charter by supporting and promoting the removal of the Parramatta Memorial Pool and the \$330 mil public funding of the stadium area expansion primarily for Parramatta Leagues commercial benefit and local political potentates. This is not a matter of conjecture when measured by the objectives listed above.
- To resolve this problem I feel the solution should be the termination of the Stadium development and the commercial sports transferred to the Homebush Sports complex and the building revamped into a Art Gallery or State museum relocated into it.
- Other Recommendations are that the Auditor General should when they undertake review should examine whether a board has complied with the conditions in the legislation of that body and also that it has undertaken its legislative responsibilities in the context of the external environment surrounding the Land (e.g. with increase in Parramatta population its parkland should be maintained or expanded not sold of to sectional interests).
- If land is traded from a park it should be replaced with comparable adjoining land no one has given the government, Minister or the Board authority to diminish Parramatta Park size or function to provide for the resident of Parramatta.
- Government has ignored established in a Court Decision of the Land and Environment (Justice J McLelland) in the Hale V/s PCC and the Parramatta Sport Club (Parramatta Leagues Club) [Parramatta City Council v Hale (1982) 47 LGRA 319 (NSWCA) at 338-345]
- The current method of community involvement in planning of changes to public lands does not work as it is a show and a sham process with the result basically decided beforehand in concert with other authorities and players to the exclusion of the general

public input. Minimal changes have occurred from those originally proposed by the Minister, Departments and the Parramatta Park Authority.

- I would suggest that the committee investigate the situation into the Granting of the Heritage listed Parramatta Jail to an Aboriginal group that has tenuous local connection to the area and this has little community support as it would appear that No general community was entered into. This could seriously damage the population support for these activities.

I would be available to assist the committee at a later date if it would be helpful.

Regards,

References:

Terms of Reference for Committees Investigation.

(a) the extent of Crown land and the benefits of active use and management of that land to New South Wales,

(b) the adequacy of community input and consultation regarding the commercial use and disposal of Crown land,

(c) the most appropriate and effective measures for protecting Crown land so that it is preserved and enhanced for future generations, and

Relevant Legislative Acts to Parramatta Park (Domain) over Time.

Parramatta Park Domain act 1857

No. XXXV.

An Act to provide for the disposal of the
Parramatta Domain. [18th March, 1857.]

WHEREAS it is expedient to make provision for the better disposal of the Parramatta Domain Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows :—

1. It shall be lawful for the Governor with the advice of the Executive Council to sell or otherwise dispose of the lands known as the Parramatta Domain in all respects as ordinary Waste Lands of the Crown provided that a portion **thereof not being less than two hundred acres in extent shall be reserved from sale and shall be set apart for and granted as a Park for promoting the health and recreation of the inhabitants of the Town of Parramatta.**

No. XXXVI.

**PARRAMATTA PARK (WAR MEMORIAL)
ACT.**

Act No. 45, 1952.

An Act to withdraw from Parramatta Park an area of about three acres; to deem the area so withdrawn to be dedicated under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, for a war memorial and to be a public reserve within the meaning of section two of the Trustees of Public Reserves Enabling Act, 1924; to make provision with respect to the purposes for which the area so withdrawn may be used; and for purposes connected therewith.

[Assented to, 25th November, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Parramatta Park (War Memorial) Act, 1952".

Parramatta Park Trust Nov 2012 Extract local Paper

introducing "more activities and people" to the historic park.

NSW Environment and Heritage Minister Robyn Parker introduced most of the new members exclusively to the *Parramatta Advertiser* at the park on Tuesday.

Ms Parker had been criticised by the NSW Opposition and heritage groups for taking too long to fill vacancies on the Trust after chairman Tom Uren resigned, along with other members, and director Chris Levins' contract was not renewed.

In the interim, the park was being administered by the Western Sydney Parklands Trust, with heritage groups fearing that arrangement would remain.

Ms Parker hopes that fears will be allayed with most appointments being made. The chairman and one other member are expected to be appointed soon.

But heritage groups would be concerned that not one of the new appointees has a heritage background.

Apart from Mr Fitzgerald, the members introduced today were Phil Bates, a former athlete who is in sports promotion, Lyn Lewis-Smith, a business events organiser, and Denise Taylor whose background is in education quality assurance. The other appointee is Stewart Thompson from accounting firm Moore Stephens.

Mr Fitzgerald said there was "potential for a lot more people" to use the park. "We should have more activities such as in Sydney Olympic Park," he said.

Mr Bates said he had "good ideas on how the park could be used" while Ms Taylor said she looked forward to helping make the park "a real destination" for people.

Ms Parker promised to keep an eye on heritage issues.

Lord Mayor John Chedid praised "the high calibre of the members".

“I am also pleased to hear the Minister say she was committed to opening up the park to the community and activating it, while preserving this historical asset for future generations,” Cr Chedid said.

But heritage fighters are concerned that newly-appointed members of the Parramatta Park Trust may not have the best interests of the historical park at heart.

After hearing about that none of the new appointees has a heritage background, spokeswoman for the Greater Western Sydney Heritage Action Group June

Bullivant, said she hoped there were not going to be too many changes to the park.

“It is good that we now have a Trust but it worries me that members will be paying lip service to preserving the heritage of the park, which does have a world heritage site (Old Government House) that needs protecting,” Ms Bullivant said.

“It concerns us that there is a push to have more activities that could ruin the fabric of the park with more maintenance needed. But activities such as festivals where people pay are fair enough if the money goes back to the park.”

THE PARRAMATTA STADIUM TRUST

Act No. 86, 1988

An Act to provide for the constitution of the Parramatta Stadium Trust and to vest Cumberland Oval and certain other land in the Trust; to repeal the Cumberland Oval Act 1981; and for other purposes. [Assented to 12 December 1988]

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Parramatta Stadium Trust Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. (1) In this Act—

"Trust" means the Parramatta Stadium Trust constituted by section 4;

"trust land" means the land comprised of lots 951-965 in the plan filed in the office of the Registrar-General as Deposited Plan 42643;

"trust property" means real and personal property vested in or held by the Trust;

"trustee" means a trustee referred to in section 4.

(2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

PART 2—THE PARRAMATTA STADIUM TRUST

Constitution of the Trust

4. (1) There is constituted by this Act a corporation with the corporate name of the Parramatta Stadium Trust.

(2) The Trust—

(a) has the functions conferred or imposed on it by or under this or any other Act; and

(b) is, for the purposes of any Act, a statutory body representing the Crown; and

(c) is, in the exercise of its functions, subject to the control and direction of the Minister.

(3) The Trust shall consist of 7 trustees—

(a) who shall be appointed by the Governor on the recommendation of the Minister; and

(b) no more than 2 of whom may be appointed by being identified only as the holders for the time being of specific offices.

(4) Schedule 1 has effect with respect to the members of the Trust.

(5) Schedule 2 has effect with respect to the procedure of the Trust.

Objects and principal function of the Trust

5. (1) The objects of the Trust are—

(a) to care for, control and manage the trust land; and

(b) to provide and maintain a sporting arena suitable for the conduct of football matches; and

(c) to permit the use of the trust land for such other sporting, recreational, educational or cultural activities or such exhibitions as the Trust may consider appropriate (whether or not of a commercial nature); and

(d) to provide such other ancillary facilities as may be required for effectively operating the facilities, and carrying out the activities, referred to in the preceding paragraphs; and

(e) to encourage, promote and facilitate the use and enjoyment of the trust land by members of the public, and such other objects, consistent with the use and enjoyment by the public of the trust land, as the Trust considers appropriate.

(2) It is the principal function of the Trust to attain or carry out those objects.