

**Submission
No 33**

**INQUIRY INTO GREATER SYDNEY PARKLANDS TRUST
BILL 2021**

Organisation: Randwick City Council

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NSW Parliamentary Inquiry into the Greater Sydney Parklands Trust Bill 2021

January 2022

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Introduction

Randwick City Council welcomes the opportunity to make a submission to the Parliamentary Inquiry into the Greater Sydney Parklands Trust Bill 2021 (GSPT Bill).

Randwick City Council has resolved (23 November 2021) to strongly oppose the Bill and urges Parliament to reject it. A copy of the Mayoral Minute and Council resolution are attached. Council raises strong concerns regarding the introduction of new governance arrangements giving broad powers to the Parklands Board and NSW Government to make decisions on the future of valuable public open space assets. The current Trust arrangements such as the Centennial Park Trust together with its community trustees should be maintained as they provide for an appropriate and adequate management framework for the Parklands.

Council raises concern that the proposed new governance structures for the Trust and Board are likely to result less decision-making transparency, will erode community input and diminish consideration of local values and knowledge. Individual trust boards allow for a balanced management structure with genuine local involvement which is paramount to achieving high quality environmental, social, scientific and economic outcomes for the Parklands.

The Parklands are unique and precious community resources and their protection must be held in high regard. The challenges of providing funding for the maintenance and enhancement of the Parklands are acknowledged, however concerns are raised over the potential commercialisation of the Parklands to provide for alternative means of funding and finance. Council maintains that appropriate recurrent State funding is provided for the Parklands to reduce reliance on commercial activities for maintenance and upkeep, enhancements or improvements.

Key Comments

Part 1 Preliminary

Establishes the objectives of the Trust including protecting the environment and cultural heritage, encouraging the community to enjoy the parklands, increasing opportunities for First Nation people's Connection to Country and for better community consultation, and advocating for more parklands across Greater Sydney

- Council notes that there is significant community resistance to the GSPT Bill. While concerns have been somewhat alleviated through agreed amendments following debate in the Legislative Assembly, concerns remain primarily regarding long leases which may be granted for use of buildings and spaces which may erode community access and appreciation of the Parklands.
- The draft Bill lacks certainty given that details have not been provided and will be included in a forthcoming Regulation. The GSPT Bill seeks to implement significant

changes to the way existing and future Parklands are owned and managed, which have the potential to pave the way for decisions that may not be in the public interest. Given these changes, concerns are raised about the lack of broad consultation on the Bill, and more significantly, the fact that most of the operational and administrative detail are in the forthcoming Regulations and subordinate legislation which councils have not yet been afforded the opportunity to review.

Part 2 Constitution and management

Sets out governance structures for the Trust, including that it will be a NSW Government agency and a corporation (meaning it can own land and manage funds), working at the direction of the Minister

- It is essential that Sydney's Parklands are protected into the future and retain their independence.
- It is noted that a Blue-Green grid committee is proposed which may include state and local government. Should the Bill be passed Council suggests that the establishment of this committee include adequate community and local government representation.
- It is noted that the GSPT will, over time, take ownership of other regionally significant parks, or new Parklands. These future parks deserve the same level of community input and local decision-making capabilities. As such, any new regionally significant parks should have their own Trust and community trustee board as those already established.

Part 3 Functions of the Trust

Sets out powers and obligations of the Trust and ensures the Trust can carry out the work required to meet legislated objectives. This includes sale or transfer of land, acquisition of new land, leases and licences and planning functions

- Council notes that the Bill will allow the Trust to issue commercial leases for up to 25 years without the approval of the Minister, and for up to 50 years with the Minister's approval. It is also noted that Legislative Amendments require an open tender for the granting of lease/licence that has a term of 10 years or more. Whilst Section 20 of the existing CMPT Act, allows long term licenses, these are vetted by the CPMP Trust. Under the proposed Bill, the Minister is able to grant a long-term lease and could undermine scrutiny/decisions by the Trust.
- Any provision within the Bill enabling the sale of public land is not supported.
- It is noted that clause 24 relating to planning functions requires the Greater Sydney Commission (GSC), government agencies and councils, to consult with the Trust about any plans or policies that may substantially impact on open space and Parklands and requires any submissions made by the Trust to be taken into consideration. This clause should be amended to include planning proposals. This clause provides councils, agencies and the GSC the ability to self-determine whether a plan, policy or development may have the potential to substantially impact on the Parklands and whether to refer this to the Trust. This may lead to inconsistencies in referrals and the term "substantial impacts" should be clarified.

- Clause 25 requiring councils or agencies to consult with the Trust in relation to development that creates overshadowing on GSPT lands should also be amended to include planning proposals. It is suggested that this clause be expanded to address other potential adverse impacts (in addition to overshadowing) on the Parklands such as protecting landscape amenity, heritage significance, views and design quality of proposals. In relation to Centennial Park, a visual curtilage should be established around the Parklands to clarify requirements when assessing development applications and planning proposals.

Part 4 Community consultation

Requires the Trust to have a consultation and engagement framework to provide transparency of activities and set out details and procedures for community trustee boards, including requirements for diversity and scope for local perspectives on the use and management of parklands

- Council raises strong concerns that the proposed framework will result in the loss of community voice as well as legislative and administrative protections which recognise the uniqueness of each individual park. The Centennial Park Trust for example was established in 1983 with the Premier of the time, The Hon Neville Wran announcing:
"Centennial Park is of singular recreational, historical, educational, cultural and environmental significance to the people of New South Wales. The area is no ordinary park and, therefore, like the Royal Botanic Gardens and Domain, should be the subject of specific legislation to ensure that it is protected for the enjoyment of future generations of this great State and, indeed, any person visiting it."
- The proposed consultation and engagement framework which aims to provide guidance on how the Trust is to consult and engage with the community, visitors and users of parks should be strengthened to specifically reference the relationship between councils and the Trust to ensure consideration of local knowledge, community priorities and issues.

Part 5 Finance

Establishes the trust bank account to ensure the Trust can reserve and control all its funds for the better management of the parklands, and to enable transparent financial reporting

- Concern is raised about the potential for the Parklands to become further reliant on commercial revenue for future funding. The NSW Government should ensure that recurrent State funding be provided for the Parklands to reduce reliance on future commercial activities for maintenance and upkeep, enhancements or improvements.
- It is noted that the Bill establishes the Greater Sydney Parklands Trust Special Deposits Fund (the Fund) and separate accounts for each associated Trust. Any funds generated from commercial activity, penalties etc. within Centennial Parklands are to be directed into the Centennial Parklands Trust's separate account, and only to be used in Centennial Parklands into the future. The Bill should not adversely affect the financial sustainability of the Centennial Parklands Trust or use its money in other Parklands. The Bill should clarify that each Parkland trust will be guaranteed financial

sustainability by ensuring that all funds collected within each Parklands are used for the benefit of the Parklands.

Part 6 and 7

Include provisions for enforcement and legal proceedings, as well as miscellaneous requirements that do not change from what is included in existing legislation

- No comment on this section.

Schedules

Set out arrangements for the Trust Board and the community trustee boards, as well as other legislative requirements

- No comment on this section.

Should you require further clarification in relation to any matters raised in this submission please contact Council's Director City Planning

Yours sincerely

Therese Manns
General Manager