

Submission
No 82

INQUIRY INTO GREATER SYDNEY PARKLANDS TRUST BILL 2021

Organisation: Friends of Callan Park

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FRIENDS OF CALLAN PARK

SUBMISSION TO THE UPPER HOUSE INQUIRY INTO THE GREATER SYDNEY PARKLANDS TRUST BILL

The Friends of Callan Park was established in 1998 and has for the past 23 years advocated and campaigned for the protection of Callan Park, working with the community to do so. It has a wide membership affiliation of more than 3,000 in surrounding communities, across the city, and throughout the state. This membership recognises and greatly values the tranquil beauty and the health and heritage values of this unique site listed on the State's Heritage Register.

This submission outlines the Friends' fundamental objections to the Greater Sydney Parklands Trust Bill and proposes a community-based, public-goods model for Sydney's iconic parks in place of the bureaucratic, centralised, top-down, commercial model embodied in the Bill.

Our opposition to this Bill is not only based on a careful reading of its contents and our experience with the current Board and management of the Greater Sydney Parklands agency, but on reports of their operations in the other parklands in the GSP estate.

The Friends are a foundation affiliate of the Alliance of Public Parklands whose submission to this Inquiry we fully endorse.

What follows are our principal objections and proposals for an alternative model to protect and manage our vital parklands.

1. THE BILL ELIMINATES ANY MEANINGFUL COMMUNITY VOICE IN THE MANAGEMENT OF ALL THE PARKLANDS

Public and community involvement in the management of the GSP parks is limited to public exhibition of development proposals and 'community trust boards'. (*see GSPT Bill Part 4, Division 2, sections 38 and 40*)

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The first of these promises to be merely a tick-box exercise. The 2021 experience of a development proposal by the GSP agency for Callan Park is instructive. The plan was for a significant 'mound' or small hill to be constructed on the foreshore as part of a newly-designated waterfront green. The design of the 'mound' was completely out of character with the significant landscape character and setting of the site, would have caused fragmentation of the foreshore area, and impacted the legibility of this remarkable cultural landscape as well as obstructing views of the harbour from the site and visual links into Callan Park. [The Heritage Council Approvals' Committee Resolution 2021-57 made precisely these points in response to the 'mound' design.]

The GSP's proposal drew a considerable number of community objections. These were waived aside by GSP management. The proposal would have proceeded at considerable expense - despite the public objections - if the Heritage Council had not intervened to put a stop to the folly.

The Heritage Council's powers of intervention are incorporated in the Callan Park (Special Provisions) Act 2002. There is a further check in the Act on inappropriate development at Callan Park in the requirement to secure local Council approval. Both these checks provide opportunities for public comment, intervention and submissions. (See *Callan Park Act sections 7.2 and 9*)

As for the second of these two alternatives, the community trust boards outlined in the Bill, they are merely advisory in nature - whose opinions have no weight whatsoever. In addition, their composition, operation and fate would be entirely in the hands of the GSP Trust board under this Bill. Members of the community trust boards would be appointed by the Trust board and could be summarily dismissed by the Board. (see *GSPT Bill Part 4, Division 2, section 40*)

2. HISTORY HAS DEMONSTRATED THE CRUCIAL ROLE THAT THE PUBLIC HAS PLAYED IN THE CREATION, IMPROVEMENT AND PROTECTION OF OUR PARKLANDS. IT NEEDS TO BE RECOGNISED

The crucial role of the public in the existence of our parkland estate should be recognised and incorporated into the management of these parklands. This can be done by creating Trusts to manage each of these specific parks and ensuring that the boards of such Trusts include accountable local community representatives. Such individual Trusts would also recognise the unique character of each of the parks in the GSP estate.

THE CURRENT BILL VIRTUALLY ABOLISHES SUCH TRUSTS WHERE THEY EXIST

(GSPT BILL PART 3, DIVISION 1, S16)

AND EXPLICITLY EXCLUDES THE POSSIBILITY OF SUCH A TRUST AT CALLAN PARK

The establishment of a Callan Park & Broughton Hall Trust has long been a demand of the community and has been frequently and unanimously endorsed by local Councils and Councillors of all political persuasions. The Callan Park (Special Provisions) Act currently includes a provision that allows for the creation of such a Trust but the current Bill seeks to over-ride that provision. (See *Callan Park (Special Provisions) Act section 6.4[b]* and *GSPT Bill Division 5.1 definitions*)

3. ESTABLISHING LOCAL COUNCIL OVERSIGHT OF GSP TRUST DEVELOPMENT PROPOSALS WILL STRENGTHEN PUBLIC CONTROL OF PUBLIC PARKLANDS

In the current provisions of the Bill there is no role for the local elected Councils in the management of parks. A requirement for Council approval of development proposals on our parklands would allow increased transparency and public input into what happens to our parks and is essential.

4. EXCESSIVE POWERS ARE VESTED IN THE MINISTER – THERE IS A NEED TO CODIFY ANY POWERS AND INTRODUCE PARLIAMENTARY OVERSIGHT

The Minister has wide and virtually uncodified powers of intervention in the management the parklands estate. He or she can, for instance,

- over-rule and direct the Trust board (*See GSPT Bill Part 2, Division 1, section 7*)
- modify park plans of management (*See GSPT Bill Part 3, Division 3, section 23*)
- command outsourcing and business partnership (*See GSPT Bill Part 3, Division 4, sections 27 & 28*)
- authorise leases longer than 25 years (*See GSPT Bill Part 3, Division 2, section 20*)

The exercise of Ministerial powers should be embedded in a requirement to uphold the (strengthened) environmental, ecological and heritage Objects of the legislation.

A necessary further check on Ministerial powers would be to allow parliamentary oversight of long leases. The Callan Park (Special Provisions) Act 2002 currently requires any lease longer than 10 years to be notified to both Houses of Parliament and empowers either House to disallow a lease if it considers it to be not in the public interest. (*See Callan Park (Special Provisions) Act 2002 section 6.3*)

5. A MANDATE FOR GOVERNMENT GUARANTEED FUNDING FOR OUR ICONIC PARKLANDS IS MISSING FROM THE BILL

There is zero financial commitment by government indicated in any of the Objects of the Bill. Recent experience with the Covid pandemic has underlined and increased the importance of our open space for public physical and mental health. Parklands are public goods in the same category as hospitals and schools and the Bill should explicitly acknowledge this and the concomitant obligation of governments to fully fund their maintenance, preservation and protection.

6. DEFINING THE GSP TRUST AS A CORPORATION IS DANGEROUS

The absence of government financial responsibility for our iconic parklands opens the way for the commercialisation of these parks so that they may 'pay for themselves'. Such commercialisation will allow the alienation of parts of the parklands from open, free public access and entail the real danger of the degradation of these parklands.

In fact, commercialisation of the parklands is part and parcel of the DNA of this Bill. The Trust is defined as a corporation (in addition to being a government agency) in terms of the Corporations Act. This gives it wide ranging powers including compulsory acquisition of land, which is an extraordinary and unnecessary power for a Trust .

Its proposed functions include 'undertaking and facilitating business activities on the GSPT estate etc' (see *GSPT Bill Part 3, Division 1 section 15 (l)*). In addition, it is proposed that the Trust can enter into business partnerships with private individuals and corporations (*GSPT Bill Part 3 Division 4, section 27 & 28*).

Note too that in the cases of leases and licenses the Trust under this Bill only has to notify the public after the lease or licence has been granted (*See GSPT Bill Part 3, Division 2, section 20[4]*). This is an extraordinary disenfranchising of the public; all leases and licences should be open to proper, transparent public comment.

7. Long leases would enable effective privatisation

The Bill includes provisions for the GSPT Board to confer leases up to 25 years and for longer leases to be granted by the Minister (*See GSPT Bill Part 3, Division 2, section 20*). This is effectively a provision for the alienation and privatisation of public land and there are no checks and balances provided. This is unacceptable.

8. THERE IS A NEED FOR CHECKS AND BALANCES – AS INCORPORATED IN THE CALLAN PARK (SPECIAL PROVISIONS) ACT 2002

A speedy if partial remedy to the defects in this Bill would be the incorporation into the Bill of the protections embodied in the Callan Park (Special Provisions) Act 2002.

These are:

- Parliamentary oversight of leases longer than 10 years (section 6[3])
- Council approval of development applications (section 7[2])
- Heritage Council approval for development approvals (section 9)
- Specific limits to commercial, for-profit activities

Clearly these checks and balances would be part of the necessary redesign of the Bill which would encompass stronger ecological, environmental and heritage objectives; genuine local community input into decisions via site Trusts; government guaranteed funding; checks and balances on any ministerial discretionary powers; and a supportive rather than a centralised command role for a non-corporate GSP Trust acting as a government agency.

Yours for Callan Park

Hall Greenland
President

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