

**Submission
No 155**

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

Name: Mr Desmond Kennedy SC

Date Received: 19 January 2022

SUBMISSION TO THE SELECT COMMITTEE ON THE GREATER SYDNEY PARKLANDS TRUST BILL 2021

1. I have been a resident of Rozelle for the last 20 years and on countless occasions have visited, enjoyed, and marvelled at all that Callan Park has to offer as a unique public park and regarded by residents as the “Jewel in the Crown of Parklands” in the whole of the inner west of Sydney.
2. To my mind there are many unsatisfactory and deleterious aspects of the amended bill as far as Callan Park is concerned. I am sure there will many submissions pointing out in detail the many problems with the bill. It seems to me that there is an overwhelming case for a standalone Callan Park Trust.
3. The government only consented to two amendments as far as Callan Park by confining up to 50-year leases of important heritage buildings to community organisations and that there be an exception to the rule against for-profit and commercial uses for arts and cultural activities.
4. Sandra Nori when introducing the Callan Park (Special Provisions) Bill in the Legislative Assembly in October 2002 said, its purpose was, inter alia, “defining future use to exclude the type of private development that was the concern of the community. “

The bill was passed and became law on the 30 October 2002 and had the unanimous support of the Government.

5. Those concerns were significant and included, protecting the park in perpetuity, and excluding Leases and licences beyond 10 years.
6. To that end, Sect 6 of the Act provided that in relation to a lease or licence of more than 10 years all major details relating to such a proposal must be tabled in both houses with a view to it being considered by the Parliament. This bill abolishes that protection and the will of the people.
7. In the debate in the Legislative assembly on the second reading, Mr Humberson (the member for Davidson) stated “The opposition (liberal) does not believe in leases for more than 10 years.”
8. It is clear from the guide to the bill published by the Minister in October 2021 that the government had clearly intended to grant a lease or licence for more than 10 years and up to 50 years in relation to the historic Kirkbride, Broughton Hall and the Convalescent Cottages. There are 3 Convalescent Cottages, thus the proposal relates to 5 buildings not 3 as stated in the guide.
9. 62% of the park has already been given to the Centennial Park Trust and should be returned to a properly constituted Callan Park Trust The existing Greater Sydney Parklands agency (GSP) 7-person Board, which administers that park, comprises 6 directors with property development experience.
10. The Board proposed for the overarching Greater Sydney Park Trust is likely to comprise many of those board members. The safeguards are inadequate and illusory. There is no obligation for such a Board to set up a community Trust Board for Callan Park with a view to assisting in any consultative process. Even if that were to happen it does not give it any power to express views that must be considered in relation to any proposal let alone acted upon them. It would lack substance and in effect a toothless tiger and giving nothing more than lip service to what should be essential community involvement in the Governance, administration, and preservation of the park.

11. The minister has unfettered powers and at the end of day can-do as he likes. This must be prevented. What is proposed did not form part of the policies the government took to the 2019 election. There is no mandate for what is proposed.
12. The government's approach that one thing fits all is a flawed approach as far as Callan Park and the other parks are concerned. The history of the park, its unique aspects including its heritage importance, the long-time community interest in it, including many campaigns to protect it strongly suggest that the community is committed to its proper administration and preservation. Its overall governance, administration and protection should be placed in the hands of a properly funded Callan Park and Broughton Hall Trust.
13. The one fits all approach in the forced council amalgamations, as far as the Inner west Council appears to have been failure. The Council is said to be \$10m in debt. The said to be economies of scale illusory! There was a majority vote by the residents for a de-merger. Those Councils who rejected the forced amalgamation appear to have prospered
14. Planning approval should remain with the Local Council. The amended Bill does not provide for this notwithstanding that the minister has in the past indicated that these powers should remain.
15. Similar considerations should inform the committee in relation to the other unique Parklands covered by the amended bill.
16. As far as all the parklands are concerned there is a very real risk that if the bill is passed by the legislative Council unnecessary and deleterious commercial activities will be allowed and effectively privatise many areas within the parks.
17. The aim of the parliaments when it passed the Callan Park Preservation act was to protect the park and all that it provided. That protection is under threat and the committee must ensure that it is protected.
18. The aim of the legislation is for the proposed Trust to be able to Facilitate business activities within the GSPT parklands. This will inevitably lead to unacceptable and inappropriate commercialisation and developments which is exactly not what unique Parklands are all about. The community at large is disenfranchised.
19. I would ask that the committee reject the one fits all approach and champion the value and necessity of a local community trust approach which is appropriately regimented and funded to ensure that Callan Park and the other parks are governed, administered and protected in a way which is in the interest of the public and able to be enjoyed as unique parks as they should be a park that in whole or in part commercialised and privatised is no longer a park for the enjoyment and enrichment of the public and future generations.

Des Kennedy SC (retired)

17 January 2022

Rozelle 2039