

14 January 2022

The Hon. Robert Borsak, MLC
Parliament House
Macquarie Street
SYDNEY NSW 2000

Submitted via website: <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/lodge-a-submission.aspx?pk=2846>

Dear Mr Borsak,

National Trust submission relating to Inquiry into the Greater Sydney Parklands Trust Bill 2021

The National Trust of Australia (NSW) welcomes the establishment of an Upper House Select Committee to inquire into the Greater Sydney Parklands Trust Bill 2021.

The National Trust are the custodian of Old Government House within Parramatta Park, as well as having a deep and abiding interest in the other parks subject to this inquiry. We have made several recent submissions and attach these as our submission to this Inquiry:

- National Trust submission, Parklands Exposure Bill, 1 November 2021
- National Trust submission, Parklands White Paper, 16 July 2021; and
- National Trust submission, Greater Sydney Parklands 50 Year Vision, 30 September 2020.

In particular, we draw your attention to the points raised in our submission of 1 November 2021 on the Parklands Exposure Bill.

We note that the Inquiry has scheduled a hearing with key stakeholders in late January 2022, with the committee due to report by 21 February 2022. The National Trust would be pleased to appear as a witness at the hearing to discuss our position in more detail.

Yours faithfully,



David Burdon
Director, Conservation

1 November 2021

Alex O'Mara
Group Deputy Secretary, Place, Design and Public Spaces
NSW Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta 2124

Submitted online: dpie.nsw.gov.au

Dear Ms O'Mara,

National Trust submission relating to Greater Sydney Parklands Trust Bill 2021

The National Trust of Australia (NSW) thanks the NSW Department of Planning, Industry and Environment for the opportunity to provide this submission on the Greater Sydney Parklands Draft Exposure Bill and thanks the Department for meeting with us to discuss the matter.

The Trust note that the Greater Sydney Parklands (GSP) was established in July 2020 and has under its control Centennial Parklands, Callan Park, Parramatta Park, Western Sydney Parklands and Fernhill Estate. We note that these existing parklands and their associated trusts will remain protected by their own legislation, unchanged except where noted in Schedule 5 of the Exposure Bill. This legislation is:

- *Callan Park (Special Provisions) Act 2002*
- *Centennial Park and Moore Park Trust Act 1983*
- *Parramatta Park Trust Act 2001*
- *Western Sydney Parklands Act 2006.*

The new Greater Sydney Parklands Trust (GSPT) will identify future regional parks, manage these as parkland and protect them in perpetuity, and the objects and functions of the GSPT will apply only to future lands vested to it.

The National Trust itself is an organisation that manages diverse portfolios of heritage places across NSW, and so the notion of a centralised body managing several parklands is not the issue. The overriding concern of the National Trust is to ensure that our public parklands are protected, in public ownership, and appropriately managed in a way that includes meaningful community input – no matter what form an overall body make take. The public do not discriminate between which government department is responsible for what land, and the recent total exclusion of the Kirkbride Complex from the *Callan Park Landscape Structure Plan* highlights the deficiencies of this kind of “siloe” approach to our public places.

If the Minister's aim through this Exposure Bill is to truly “improve how we create, manage and conserve our city's parklands with the establishment of a holistic agency that has the necessary legislation to power and support it”¹ then considering places like Callan Park in their totality, and preventing further major intrusions into Parramatta Park, must be the aim. Actions must speak louder than words.

¹ Minister's foreword, Guide to the Greater Sydney Parklands Trust Bill 2021, October 2021



Community Concern

The National Trust is well aware of the significant community concern regarding this bill. It is essential that GSP builds community trust; seeks local input, direction and control into its framework; and continues to make decisions based on the natural and cultural heritage values of the parklands in its care.

Investment

Whilst it is understandable that the GSP aims for more economic stability of the Parks it manages, it is imperative that the cumulative impact of commercial operations does not outweigh the natural, cultural and recreational functions of the Parks; which is indeed their primary role. The only way to build trust with the community is to demonstrate real commitment from the outset, and this will of necessity need to involve significant investment. The running of an agency such as GSP should be no different to our other public institutions. While the Sydney Opera House may have numerous leases for some of its restaurants, these would never make it a cost-neutral operation. The same principle must be applied to our precious parklands – we should invest in them for what they can bring to all parts of our great city, not rely on them to pay for themselves. Money has never grown on trees, and we should not expect it to in the future.

Specific comments

Part 1 Preliminary

The National Trust broadly support the objectives of the Bill, in particular the aim “to ensure the conservation of the natural and cultural heritage values of the parklands estate and the protection of the environment within the parklands estate.”

Part 2 Constitution and management of the trust

This part establishes a requirement for a Greater Sydney Parklands Trust Board. The National Trust welcome the requirement for the Board to have a diverse range of members.

Recommendation: We would argue that in appointing members to the Board the Minister must ensure they have relevant skills and experience in the desired areas of expertise.

Part 3 Functions of the trust

Leases and commercialisation

Our parklands require investment, and there is no escaping this fact. The National Trust itself of course acknowledges the benefit to be gained from some commercial operations, and our small-scale operations at Old Government House in Parramatta are an example of how this may be achieved in a sensitive way that respects the heritage values of the property. As with all of our properties, conservation and preservation is the overriding principle, with secondary functions such as retail always subservient. GSP needs to take the same approach, in that the desire for commercial interests and the aim for self-funding must not drive decisions that conflict with the overall objects of the Act.

Leases may be acceptable but must bring with them strict controls. Section 20 (3) outlines that the Minister’s consent may be given in relation to leases with certain conditions and “amended from time to time.” These sort of statements bring uncertainty that public land and resources may be used for unreasonable private gain.

Recommendation: More certainty needs to be given to these lease provisions to ensure that longer term leases approved by the Minister bring with them greater assurances, in particular to ensure that the lease is consistent with the objects of the Bill, has the support of the community trustee board, and ensures the protection and enjoyment of parklands for the community. There is a growing perception that “commercialisation” equates to “privatisation” and stricter lease conditions and shorter durations can help address this concern. The Bill should place a limit on the length of time that a lease can be granted.



Community Trustee Boards

The National Trust note the suggestion for Community Trustee Boards. These must be established and must play a meaningful role, not simply be suggested. As an organisation with numerous advisory committees and branches associated with our properties and regions, we can attest to the importance of local knowledge, skills, expertise and commitment.

Recommendation: Ensure that community trustee boards are established, play a real and meaningful role. These committees must have some form of input into the plans of management outlined in Part 3 (22).

Overshadowing

The construction of tall buildings (in particular in places like Parramatta) makes overshadowing a very real concern. The Act (Part 3, 24) notes that “in making its determination, the consent authority must have regard to the impact of overshadowing on public open space, including, in particular, the impacts set out in the *Greater Sydney Parklands Shadow Modelling Study*.”

The National Trust have been unable to locate this document on any NSW Government website.

Recommendation: Before this document is referenced within the Act, it must first be prepared (if not already) and made available for public scrutiny.

Part 4 Community consultation

Recent movements have done little to discourage the perception that a “one size fits all” approach is being considered in relation to the parklands under the control of GSP. True community consultation across this diverse portfolio must be undertaken at a local level.

Where the National Trust welcomes that that the Bill (Part 4, Division 1, 28) states that “the Trust must have an approved consultation and engagement framework for the parklands estate” we are equally concerned that the same Bill (Part 4, Division 2, 36) only outlines that “the Trust may establish community trustee boards.”

As you are no doubt aware, the *Callan Park (Special Provisions) Act 2002* (section 8) outlines that “the regulations may establish and provide for the functions and procedures of a community consultation committee for Callan Park” however, nearly twenty years later, so such committee exists. The recent decision to transfer 62% of Callan Park to the Centennial Park Trust also brings little comfort to the functions of the Trust in the Act (Part 3, Division 1, 15 (1)(g -h)) to “consider advice received from community trustee boards about the parklands estate or parts of the parklands estate” and to “consult with, and involve, the community in planning for the parklands estate.”

Recommendation: The Bill should be amended to ensure proper community consultation by ensuring that the Trust must establish community trustee boards. As the portfolio currently stands (and noting there may be future additional parklands) it is not unreasonable to stipulate that each parkland should have its own board with members as outlined. It is also recommended that the Bill be amended (Part 4, Division 2, 36 (2)) to reconsider the word “or” which would seemingly prevent the creation of an overall community trustee board for the entire parklands estate (which could be of great benefit) if an individual park within the estate has been established. Both individual and an overall board should be possible.

There is also a concern with (Part 4, Division 2, 39 (a)) that the GSP Trust may “change the part of the parklands estate for which the community trustee board is established”. Whilst this may be intended to deal with future land acquisitions, the National Trust would seek assurance that this would not allow one community trustee board to all of a sudden make decisions for another parkland (as has happened with Callan Park and the Centennial Park Trust). This provision should be removed.



Part 6: Callan Park

The National Trust has a long-standing interest in Callan Park in terms of ensuring its ongoing conservation for future generations. The *Callan Park Conservation Area*, including foreshores and Leichhardt Park, was listed on the National Trust Register in September, 1974 and was supported by twelve listing reports prepared by James Semple Kerr.

The local community has fought long and hard to protect this place, and while current legislation may in some cases be seen as restrictive, it must also be seen for what it has achieved to date which is the preservation of this unique place. Changes to this legislation must not weaken the protection of Callan Park.

A real commitment to this place must be shown. The National Trust requested that the recent *Callan Park Landscape Structure Plan* must include the Kirkbride Precinct, which was specifically excluded from that document - rendering it almost worthless as a holistic approach to that place – yet this was denied. It is therefore very concerning that where the Landscape Structure Plan excluded this component of the site, the proposed Bill recommends that Kirkbride, Broughton Hall and the Convalescent Cottages are all readily able to be considered for leases up to 50 years.

It is noted in the Guide to the Bill that “a longer lease for these 3 buildings will encourage a tenant to significantly invest in the repair of these critical heritage buildings. Currently the costs of works are estimated to be in the hundreds of millions of dollars.” Given the Government’s recent experience with the 99 year leasing of the Education and Lands Department Buildings in Bridge Street Sydney, this is an unrealistic expectation for Callan Park which is of a far greater size and which will likely take many years to repair. It is unreasonable to think that the same person who may apply for the lease of, say, a coffee shop at Callan Park, will bring with them the desire and skills to repair the building in which they seek to locate such an operation. These sort of stalemates are to neither party’s benefit, and in the meantime the repair costs for buildings will continue to rise due to lack of maintenance and repair.

An initial investment will in many cases be required, and GSP should lead in this regard, particularly where it pertains to the conservation of historic buildings. Not only will this help restore much-needed public trust, but such works could inject millions into the economy, create hundreds of jobs, retain these significant buildings in public ownership, and allow for more suitable (both commercial and not-for-profit) tenancies to be considered.

Recommendation: Changes to the *Callan Park (Special Provisions) Act 2002 No 139* as part of this Bill has, and will continue to generate, significant community concern regarding the future of Callan Park. These concerns should be thoughtfully considered.

Aside from the potential for longer term leases and the reliance on these to pay for the repair of these buildings (which may result in unsuitable uses and/or repairs), the National Trust are particularly concerned that while changes to Section 7(3) are recommended to include “arts and culture facilities” the same care has not been taken in Section 7(9) to add a definition of what constitutes an “arts and culture” facility. Not defining this use brings uncertainty, and the intended definition must be made clear.

Conclusion

The National Trust agree with the Minister that “our parklands and open spaces are some of our most precious shared places... that are central to the life of the city.” Sensible and considered changes to this Draft Bill, combined with a commitment to address the growing lack of public trust through genuine investment, can help to ensure this remains the case into the future.

Yours sincerely,

David Burdon
Conservation Director

16 July 2021

Alex O'Mara
Group Deputy Secretary, Place, Design and Public Spaces
NSW Department of Planning, Industry and Environment
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By email: gsp.whitepaper@dpie.nsw.gov.au

Dear Ms O'Mara,

National Trust submission relating to Greater Sydney Parklands White Paper

The National Trust of Australia (NSW) thanks the NSW Department of Planning, Industry and Environment for the opportunity to provide this submission on the Greater Sydney Parklands White Paper and thanks the Department for the overall extension to submissions.

Parklands White Paper

The NSW Government established a new authority known as Greater Sydney Parklands to manage some of the city's most significant open spaces, including Centennial Parklands, Western Sydney Parklands, Parramatta Park, Callan Park and Fernhill Estate.

We understand that the preferred option put forward in the White Paper is the model for one umbrella Parklands Trust that acts as the trust for different parks across Sydney and can be a stronger advocate for our green open spaces and funding.

There is broad community concern that under the Greater Sydney Parklands model the Trust appears to operate more like a public sector agency than a custodian of the parklands. We note that Alex Greenwich, Independent Member for Sydney states

“Grassroots collaboration with the people who care most about the parklands is vital for the long term protection and enhancement of the parklands, especially under a model with more centralised direction and management” and we support the concept of strong, local input into the management, use and future of these important public assets.

It is essential that any overall authority builds community and local input, direction and control into its framework, and continues to make decisions that use the natural and cultural heritage values of the parks as their basis. This submission sets out our views in more detail.

Moving to a centralised organisation

The White Paper proposes to develop an overall umbrella Parklands Trust (with its own Act) that will oversee the direction, management and use of the Parks. This is not a new model, but rather mimics existing models and organisations that manage diverse portfolios of heritage places via one organisation, such as National Parks, the Harbour Trust, Sydney Living Museums and the National Trust as the owner of 33 heritage places across NSW.

It would, however, be naïve to assume that the process of moving from independent, locally run parks to a centralised management and operational will be smooth or easy. Whilst there are likely to be operational and



managerial efficiencies and cost savings **eventually**, the time and cost of changing models is extensive, and if not done in a collaborative, transparent and consultative manner, will be fraught with long lasting difficulties.

Furthermore, it is important to note that while these parks are important as large areas of open space for Sydney, they remain local community resources, integral to the quality of life for local residents. Any centralised management must remain cognizant of this important fact.

We strongly recommend that the government workshop this process with organisations that have gone through similar structural changes to develop a well-planned, people-focused, collaborative process and to identify potential pitfalls before they are encountered.

Amending legislation needs to protect local, place based approaches to the Parks

The White Paper proposes to create a new umbrella Act for the Greater Parklands organisation, but to also retain the existing suite of individual Parks Acts and amend them so that they align with the new Parklands Trust Act.

We acknowledge that, for the efficient operation of the new umbrella organisation, alignment of the various Acts will need to occur however there is scope for the localised nature of the individual Acts to be lost in the process.

We recommend that the process of establishing the new legislation should happen hand-in-hand with the proposed amendments to the existing Acts. This will create a transparent process and ensure that community and local stakeholders are completely aware of how the new Act will impact their existing park's Acts from the outset.

The new Act will also need to ensure that it captures both an overall framework for the operation of the umbrella organisation while still ensuring a localised approach that responds to the unique needs of each park.

Heritage within the Parks

Each of the Parks within the organisation are unique – they have different users and uses, different values and different requirements for their operation. In particular, each has its own heritage and natural values that cannot be sympathetically managed with a “one size fits all” approach.

It is imperative that each Park continues to have up-to-date Conservation Management Plans that outline the place's significant values and contains robust policies to ensure that decision making is made from the basis of significance, not on basis of commercial returns or streamlined processes. Furthermore, it is important that all staff are aware of the CMPs and their relevant heritage management policies, including those involved in maintenance and repairs.

The National Trust also maintain that CMPs and Masterplans for all parks must consider the sites as a whole. We remain concerned that the most recent Masterplan for Callan Park did not include the historic “Kirkbride” buildings which must be considered at the core of any ongoing management for that place, and would be concerned if other Parks (such as Fernhill)

We recommend that up to date, best practice Conservation Management Plans (CMPs) are prepared (or updated) for each Park and are formally adopted as the basis for their management and future direction.

Role of Community Trustee Boards

The White paper proposed to establish a new Greater Sydney Parklands Trust Strategic Board plus Community Trustee Boards for each Park. In particular, it proposes:

- The establishment of a skills-based, strategic board with common membership across the new GSP Trust and the existing park Trusts to provide strategic oversight of park management within the terms of the new and existing Trusts' legislation.
- The establishment of Community Trustee Boards to represent community voices and advise the GSP Trust. The Community Trustee Boards would provide advice from a local perspective on park stewardship, usage and activities plus environmental, heritage and cultural issue and the GSP Trust



would be required to consider the advice of the community trustee boards in its strategic oversight of the Parklands Estate.

The Community Trustee Boards would appoint those with a demonstrated interest in and sound knowledge of parks and activities, and the ability to communicate effectively with residents, community groups and park visitors.

- Preparation of a new ***Consultation, Engagement and Advocacy Framework*** that sets out how the Trust will listen to both local and wider views across Greater Sydney and can ensure equal access to the park and park facilities, and provide a consistent approach to consultation and engagement with the community.

We are concerned that the role of the Community Trustee Boards is proposed to be ‘advisory’ only. This model will not support meaningful community contribution and the continuation of adequate local input. We also have concerns that the proposed backgrounds and skills of the Community Trustee Boards are based solely on technical expertise at the expense of general community input.

We strongly recommend that the Community Trustee Boards have more than an advisory role and that the GSP Trust should not simply ‘consider’ their advice, but be required to integrate it into their planning decisions.

We also strongly recommend that the Community Trustee Boards integrate a mix of technical expertise with general community representation to ensure meaningful local input to the planning and management of the Parks.

Commercialisation of areas within the Parks

There are as many bad examples of commercialisation of public parks and spaces as there are good examples. Whilst it is understandable that the GSP aims for more economic stability of the Parks it manages, it is imperative that the cumulative impact of commercial operations does not outweigh the natural, cultural and recreational functions of the Parks; which is indeed their primary role.

Any commercial activity models and “offsite business hubs” in in Parklands should not be based on an arbitrary “2% of parklands” rule but should respond to the particular needs of each park.

We strongly recommend the preparation of Conservation Management Plans for each park that seek to identify what areas of the Park could be used for such purposes, that establish buffer areas around these activities and hubs, and the greater parklands areas, and that assess the cumulative impact of individual proposals on the overall significance and values of the Park.

We further recommend that the Conservation Management Plans be prepared in consultation with the community and stakeholders, and be publicly advertised for broader comment prior to their adoption. Any subsequent business proposals should also undergo community consultation and feedback to ensure participation and most importantly, to ensure transparency of decision making about the use of public assets.

Thank you again for the opportunity to provide this feedback and we look forward to the future opportunity of continued community input.

Yours sincerely,

Jane Alexander
Advocacy Manager

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30 September 2020

Greater Sydney Parklands – 50 year vision for Sydney’s open space and parklands

The National Trust has long supported the conservation of Sydney’s significant parklands and open spaces. There are 41 Landscape Conservation Areas in Sydney on the National Trust Register.

The Trust broadly supports the strategic objectives of the 50 year vision for the Greater Sydney Parklands, in particular the following:

1. Growing a city of parks for people
2. Connecting neighbourhoods to parks
3. Keeping Sydney green and captivating
4. Being smart and resilient

The directions and objectives in the *Greater Sydney Region Plan* and the planning priorities in the supporting *District Plans* have already created a framework of required actions for these objectives to be delivered at the local and regional level.

The National Trust Register includes listings for each of the five key parks now under the management of the Greater Sydney Parklands agency. Old Government House and Fernhill were on the first National Trust Register drafted in 1946, Callan Park Conservation Area was included on the National Trust Register in 1974, Prospect Landscape Conservation Area in 1986 and Centennial Park in 1996. Each of these parks are important heritage places with unique histories, and natural and cultural values. Parramatta Park is particularly important to the National Trust, as it is the location of Old Government House, a Trust property since 1967. The Trust looks forward to a future for all these parks where these individual values are embraced and the management of the parks reflect their distinctive characteristics and heritage significance.

The Trust has some reservations regarding “the focus areas for a way forward” in particular the plans to “implement new ways to promote best practice private investment in planning and provision of open space and parklands through the development process, including the potential for the long-term involvement of the private sector in provision and maintenance of some types of local open space”.¹ At this stage it is unclear if this refers to developer contributions, planning agreements, subdivision, development or another form of privatisation of public open space, many of which are likely to be inappropriate considering the heritage significance of these places. The Trust looks forward to further clarity and consultation regarding this particular focus area.

The Trust would be keen to discuss further with you the plans for Sydney parks and open spaces, particularly issues affecting Old Government House.

Yours sincerely,



Andreana Kennedy
Conservation Manager

¹ DPIE (2020) “Greater Sydney Parklands – 50 year vision for Sydney’s open space and parklands”, p.29.