

INQUIRY INTO GREATER SYDNEY PARKLANDS TRUST BILL 2021

Organisation: Woollahra Municipal Council

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9 December 2021

The Director, Select Committee on the Greater Sydney Parklands Trust Bill 2021
Parliament House
Macquarie Street
SYDNEY NSW 2000
parklands@parliament.nsw.gov.au

Dear Ms Higgins

Inquiry into the Greater Sydney Parklands Trust Bill 2021

Woollahra Council welcomes the NSW Legislative Council's Inquiry into the *Greater Sydney Parklands Trust Bill 2021* and thanks you for the opportunity to comment.

Council and our community highly value parklands and open space. Many of our residents regularly use and enjoy the nearby Centennial Parklands (including Moore Park and Queens Park).

We welcome a common vision for Sydney's most iconic parklands, and are of the firm view that any legislative changes should as a priority:

- aim to preserve, protect and enhance the Greater Sydney Parklands
- ensure that the Greater Sydney Parklands are first and foremost public lands that should be available to the public and not over-commercialised
- establish a framework for the NSW Government to commit to properly funding these parklands on a recurrent basis.

However, Council is concerned that the *Greater Sydney Parklands Trust Bill 2021* as currently proposed, will not achieve this.

Position on the Bill

Woollahra Council does not support the Draft Bill, and at its [meeting of 25 October 2021](#) Council resolved to “*advocate for the rejection of the draft Greater Sydney Parklands Trust Bill 2021 in its current form.*”

Concerns with the overall intent and effect of the Bill

Council is particularly concerned that the Draft Bill centralises decision-making, opens the Greater Sydney Parkland Trust lands up to more commercial uses, and is moving towards a self-funded model for parklands and open space-which will inevitably diminish public access to the land.

The Greater Sydney Parklands are public assets and must be retained for future generations. The Greater Sydney Parklands Trust Board should provide a custodial role, providing strategic direction, and support each of the existing associated Trust Boards. In this capacity, the Trust Board must ensure that these parklands are protected from over-commercialisation and retained for the use and enjoyment of current and future generations.

Specific comments to key provisions of the Bill

Council's specific concerns with the Bill are detailed in our *Submission to the public consultation draft of the Greater Sydney Parklands Trust Bill 2021* (see attached).

We request that the Draft Bill is amended to address the issues raised in our submission, and thank you for the opportunity to comment.

If you require further information about our submission please contact Jacquelyne Della Bosca, Executive Planner .

Yours sincerely,

Anne White
Manager – Strategic Planning



Submission to the public consultation draft of the *Greater Sydney Parklands Trust Bill 2021*

Woollahra Council's submission to the *Greater Sydney Parklands Trust Bill 2021* (Draft Bill) is provided below for your consideration.

Part 1 Preliminary

Objects of the Act

We generally support the objects as set out in the Draft Bill, and make the following suggestions:

- Object 3(a) could be strengthened to include the words '*preserve, protect and enhance*' instead of '*maintain and improve*':

(a) to maintain and improve the parklands estate across Greater Sydney and ensure the parklands estate is effectively managed and operated to deliver world-class and ecologically sustainable parklands for the public,

'Preserving, protecting and enhancing' the Greater Sydney Parklands should be the primary and overarching principle that guides all decision-making as it establishes a clearer intent and direction regarding retaining the parklands. This is important as it removes any ambiguity regarding how "*maintain and improve*" may be interpreted, particularly in the context of concerns that the newly established Greater Sydney Parklands Trust Board may be moving towards a self-funded model for the Trust.

- Include the existing object from the *Centennial Park and Moore Park Trust Act 1983*:

(c) to maintain the right of the public to the use of the Trust lands,

This proposed object makes it clear that these Trust lands are first and foremost public lands and should be available to the public, and not commercialised for private, user-pays purposes.

- Introduce an additional object to address open, transparent and accountable decision-making. The Greater Sydney Parklands Trust has broad powers and functions, particularly in relation to financial management. The decision-making processes regarding the use and funds of the Greater Sydney Parklands must be open, transparent and accountable.

Part 2 Constitution and management of Trust

Selection of the Trust Board members

The Greater Sydney Parklands Trust Board will be a NSW Government agency, with members of the Board appointed by the Minister and working at the direction of the Minister. We are concerned that this may lead to politicisation of the appointment process, or at least the perception of political influence over the direction and decisions of the Board.

It is important that the decision-making processes are open, transparent and accountable, and that suitable mechanisms are in place to ensure this, including:

- an object in the Act to address open, transparent and accountable decision-making.
- time-limited Trust Board tenures
- reinstatement of separate boards for each of the associated Trusts
- rigorous Consultation and Engagement Framework.

(These matters are further addressed in our responses to Parts 1, 2 & 4).

Skills of Trust Board members

The skills of the Greater Sydney Parklands Trust Board should be directly relevant to the primary role of preserving, protecting and enhancing the Greater Sydney Parklands, and the Act should mandate that the majority of the Board members have specialist knowledge and expertise in environmental management, heritage or heritage management, and landscape or park management.

The Draft Bill proposes that the Board also has skills or experience in financial and property management skills. While these skills are relevant, these considerations must not dominate the agenda and key decisions. Opportunities for commercialisation should be a secondary consideration after preserving, protecting and enhancing the parklands and open space.

Additionally, the Draft Bill has not addressed Council's previously concerns about recurrent funding for the Greater Sydney Parklands and we remain concerned with any requirement that the parklands would need to be financially sustainable.

Diversity of Board members

The Draft Bill states that "*The Minister must also, in appointing members of the Board, have regard to the desirability of the Board having members who have a diverse background.*" (s9.2)

This provision should be strengthened so that the Minister '*must ensure*' that the Board members come from diverse backgrounds to promote greater representation of ideas. This is vitally important as the Greater Sydney Parklands cares for more than 6,000 hectares of open space and parklands in Sydney with around 40 million visits to the parks by a wide range of people every year.

Duration of board appointments

The Draft Bill, Schedule 1, section 2 states:

“Subject to this Schedule and the regulations, an appointed member holds office for the period, not more than 5 years, specified in the member’s instrument of appointment, but is eligible, if otherwise qualified, for re-appointment. The term of appointment for Board members of 5 years, specified in the member’s instrument of appointment, but is eligible, if otherwise qualified, for re-appointment.”

We suggest that the duration of the Board appointments should be limited to five years with no opportunity for re-appointment. A tenure of five years is sufficient time for the board members to have the opportunity to lead, provide strategic direction and deliver outcomes. Importantly having a time limited tenure of board members facilitates opportunities to appointment members from diverse backgrounds, and also encourages new energy and ideas.

In comparison, the Community Trustee Board members are appointed for not more than two years, but may be eligible for re-appointment but not for more than two consecutive terms. (Schedule 2, section 2). This is a more reasonable approach and should be similarly applied to the Trust Board.

Part 3 Functions of the Trust

Greater Sydney Parklands Trust must not erode powers of existing associated trusts

Part 3 of the Draft Bill sets out the powers and obligations of the Trust to achieve its objectives. These powers and functions are significant and wide ranging, and include:

- acquiring land including supplementary land (i.e. land that may not have recreation value but could be used for business purposes to support the parks) (s17)
- selling, exchanging or disposing land in some limited circumstances (s21)
- granting leases, licences and easements (s20)
- forming private subsidiary corporations, acquiring interests in private corporations, and selling or disposing interests in private corporations (s27)
- borrowing, repaying and investing money (s43).

Under Schedule 5 (Amendment of Acts) of the Draft Bill, the members of the Centennial Park and Moore Park Trust, as with the other three existing park trusts, will be replaced by the seven appointed members of the Board of the Greater Sydney Parklands. This will centralise decision-making and diminish local voices. We strongly object to this.

We support a model where existing trusts, such as the Centennial Park and Moore Park Trust, each have their own board and manage their lands according to their own legislation and under their own objects and functions. The Greater Sydney Parklands Trust Board could provide broad strategic direction to each of the existing associated Trust Boards.

The new Act must not diminish the role of existing trusts, or limit opportunities for community input and the ability to respond to place-based values.

Council supports provisions which allow the Greater Sydney Parklands Trust to arrange for other government bodies, such as a local council, to manage park of its parklands. However, such arrangements must be subject to suitable funding support as agreed by council.

Part 4 Community consultation

Consultation and Engagement Framework

Part 4 requires the Greater Sydney Parklands Trust to have a Consultation and Engagement Framework. Under the Draft Bill the Framework needs to be completed within two years of commencement of the Act.

The Framework should include consultation requirements for a range of functions of the Trust, including but not limited to:

- acquiring land including supplementary land (i.e. land that may not have recreation value but could be used for business purposes to support the parks)
- selling, exchanging or disposing land
- granting leases, licences and easements, including those granted by the Minister
- forming private subsidiary corporations, acquiring interests in private corporations, and selling or disposing interests in private corporations.

The Framework should also identify how, for each of these functions, the Trust will consult with the associated Trust Boards (which we advocate should be retained), community trustee boards, the local community and other stakeholders.

We suggest that the Consultation and Engagement Framework also include commitments for the Trust to publish decision-making criteria, provide open competitive public tenders for all leases, and establish clear protocols for the sale or transfer of land, and dealings with private subsidiary corporations.

It is important that the process and decisions of the Trust are open, transparent and accountable and are publicly perceived this way. Council staff look forward to providing further comment on the draft Framework when it is available for consultation.

Community trustee boards

Under the Draft Bill the Greater Sydney Parklands Trust may establish community trustee boards (s36). It is proposed that the community trustee boards will be a consultative body, providing local advice on relevant plans of management, or other local matters including the protection and use of the relevant parkland and the business, leasing and other activities carried out on, or to be carried out on, the relevant parkland, and another function given to community trustee boards by the Trust (s38).

It is proposed that the community trustee boards have an advisory role only. We are concerned with this model. This model will replace existing committees such as the Centennial Parklands community consultative committee, and diminishes the ability to integrate local community input into decision-making.

To promote accountably and transparency in the Trust's decision-making processes, the Trust should be required to identify how the advice of the boards has been taken into account, and that information should be made available to the public.

Part 5 Finance

The Draft Bill establishes a centralised approach to managing finances and funding of the parklands, and has a strong focus on “financial sustainability” of the parklands, including enabling new and innovative ways to fund parks. We are concerned about this approach and make the following comments:

- The protection and management of our parklands must not move towards a self-funded model. The NSW Government must commit to properly funding our parklands, including the operation of the Trust.
- The parklands are a public asset and should be retained as our legacy for future generations, they must be protected from over-commercialisation.
- Revenue from commercial activities must always be supplementary to recurrent government funding, and not relied on as the primary source of funding.
- Funding decisions should be informed by community consultation and respond to local place-based values.

In particular, we seek detail about how the Greater Sydney Parklands Trust will ensure efficient recurrent funding from the NSW Government, and a commitment that all park funds and monetary savings resulting from the establishment of the Agency are preserved for the parklands’ upkeep. These matters were raised in Council’s previous submission to the White Paper (copy attached) but have not been addressed in the Draft Bill. This is a significant concern for Woollahra Council.

As identified in Council’s Draft Recreation Strategy (May 2021), the Woollahra local government area, similar to other councils in the Eastern City District, has a deficiency of open space, with relatively few opportunities to increase the quantity. Many of our residents regularly use and enjoy the nearby Centennial Parklands. Our community values open space for escape, enjoyment, exercise, inspiration and reflection, and unfortunately the Draft Bill will only contribute to community concerns about the loss of green open space, over development and encroachments on public land.

The NSW Government must commit to properly funding these parklands on a recurrent basis, and provide assurances that the Draft Bill will not curtail residents’ access to or enjoyment of the entirety of Moore Park and Centennial Park.

Part 6 Enforcement and legal proceedings and Part 7 Miscellaneous

No comment. (Parts 6 and 7 include provisions for enforcement and legal proceedings, as well as miscellaneous requirements that do not change from that included in existing legislation.)

Schedules

Schedule 5

We object to the proposed amendments to the existing Acts which centralise decision-making and potentially open the Trust lands up to increased commercial intensification.

The Draft Bill must not erode powers of existing associated trusts, such as the Centennial Park and Moore Park Trust. In particular, provisions for each existing associated Trust to appoint their own Board retain existing powers and functions must be retained and provide for ongoing opportunities for local input to influence how Sydney's iconic parklands will be used for the enjoyment of current and future generations.