



24 December 2021

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

Inner West Council Submission to NSW Legislative Council's Select Committee Inquiry into the Greater Sydney Parklands Trust Bill 2021

The NSW Legislative Council's Select Committee is currently conducting an Inquiry into the Greater Sydney Parklands Trust Bill 2021 (the Bill). The terms of reference for the Inquiry are that the Select Committee inquire into and report on the provisions of the Bill. The Inquiry has asked for submissions from interested parties.

The Inner West Council (the Council) makes this submission in respect of the Inquiry which supplements its initial Submission on the Draft Exposure Bill, a copy of which is attached. In making this submission the Council agrees to the publication on the Committee's website.

The Submission

The Council has carefully reviewed the Bill and continues to raise the fundamental issue that there should be no changes to the *Callan Park (Special Provisions) Act 2002* (the Act). This remains a serious concern to Council in respect of the proper management of Callan Park. In considering the Bill (and those further amendments made in the Legislative Assembly), the following submissions are made:

No Change to the Act

1. The initial Submission emphasised the importance of Callan Park as both a local and State public asset of NSW having profound public qualities with those qualities enshrined in the Act. The Council re-emphasises the fundamental concern that there should not be any change to the Act. The Bill, as it is proposed with amendments, does not guarantee that Callan Park remain in public ownership with open space areas accessible to the public. Put simply the Act should not be subject to any change as it provides important protections to the profound public qualities of Callan Park. Council's position is that Callan Park must be given the highest protection as a public space and that the amendments considered in the Inquiry should be rejected as superficial and lacking proper governance in the management of public lands. There should be no change to the Act.

Commercial Leases in Callan Park

2. Despite the Bill allowing Council to remain the consent authority for Callan Park, there remains a concern as to the power of the Minister to approve (without tabling in Parliament) 50 year leases for commercial purposes in respect of the "*relevant premises*" (i.e. Kirkbride, Broughton Hall and the Convalescent Cottages). Although section 6A of the Act - "*Power to grant certain longer leases*" has been deleted, such

leases will now to be dealt with under the current section 6 of the Act and subject to the following amendments:

- (a) The 50 year maximum period for leases of the *relevant premises* is still proposed but these premises cannot be leased on a commercial basis; yet
- (b) A lease for an arts or cultural event maybe for a commercial purpose (proposed section 6(5A) of the Act); and
- (c) All leases with 10 plus year terms, are to be subject to an open tender process; yet
- (d) There will be no Parliamentary oversight for those leases of the *relevant premises*.

The Council has an ongoing concern that the current protections for the leasing of the *relevant premises* have been removed and maybe subject to long term commercial use and thereby excluding the use of those building from members of the public. Further there should be assurances that the current tenants' rights and obligations will be safeguarded.

3. The Council raised in its initial Submission that commercial uses in Callan Park such a high-end restaurants should not be permitted. Further, that "*the priority to*" not-for-profit uses in the absence of any decision-making criteria was inappropriate. In the main, the public nature of existing uses of Callan Park has now been addressed in the Bill with the express prohibition of function centres and hotels and the deletion of section 6B dealing with the priority to not-for-profit. Yet, there still remains a concern that a lease for an arts or cultural event maybe for a commercial purpose and as such the proposed section 6(5A) of the Act should be removed. The Council asks the Inquiry to exclude the possibility of any and all commercial leases from Callan Park.

An independent Trust for Callan Park

4. The initial Submission also supported the need to establish an independent trust called the "Callan Park and Broughton Hall Trust" where the trust would be local, community-based and be compromised of members with diverse expertise and govern Callan Park as one park. The Council's request for a standalone trust has not been addressed. The Bill only proposes to amend the Act to require the GSP Trust to consult with a community trustee board for Callan Park. This is a disappointment to the Council as a "Callan Park and Broughton Hall Trust" would be representative body for the future management of the Park. Equally disappointing is the fact that despite these amendments, there is no mandatory requirement to appoint a councillor from the Inner West Council as a stakeholder and member of the proposed community trustee board. The Select Committee must consider for the public benefit the establishment of such a trust as of paramount importance.

Planning Controls

5. The Bill continues to propose the deletion of section 7(1) of the Act. Any planning controls should not be unfrozen and as such this raises the question as to what controls will now be in place for the future development of Callan Park. There is a need to clarify:

- (a) which environmental planning instruments will apply to Callan Park,

- (b) whether the proposed permissible developments in the new section 7(3) of the Act are exhaustive;
- (c) whether development that does not need consent can be carried out as such; and
- (d) whether there is any guarantee that a State Environmental Planning Policy will not be made to add uses to those proposed in the new section 7(3) of the Act.

As there are no other changes proposed in the amended Bill, Council raises a serious concern in respect to the future planning controls applying to Callan Park.

Clarification of permissible development

- 6. The replacement of section 7(3) of the Act with additional forms of permissible development is an issue which fails to be addressed in the amended Bill. No definitions of those additional forms of development are proposed in section 7(9) of the Act. Council is concerned that this ongoing lack of interpretational definitions in the legislation will water down the nature and extent of permissible development having the effect of allowing development which excludes the public use of Callan Park.

Assurances for Community access

- 7. Council has repeatedly sought assurances that the sport and recreational areas of Callan Park are to be used as community-based recreation areas. In its initial Submission, clarification was sought as to what impact the Bill would have on maintaining community access and enjoyment of the parklands and Council's continuing management of key sporting ground infrastructure. This issue has not been addressed in the amended Bill. Council requires this important issue to be properly considered with appropriate amendments incorporated into the legislation.

Reinstatement of the Parkland and its Boundaries

- 8. Council in its initial Submission raised the concern that it opposed any changes to the Callan Park boundaries. The Bill remains silent on this issue and the community concerns continue to be ignored. As such, the Council does not support these changes and again requests that the original geographical management boundaries of the parkland as a whole are reinstated, and that management of the parkland and its governance is transferred to a locally appointed Callan Park Trust.

Should you require further information, please contact Council's General Manager – Peter Gainsford on 9392 5205.

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Encl.