

**Submission  
No 37**

## **REVIEW OF THE GREATER SYDNEY PARKLANDS TRUST ACT 2022**

**Organisation:** NSW Government

**Date Received:** 7 February 2025



# Joint Select Committee on the Greater Sydney Parklands Trust

NSW Government Submission

February 2025

# Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Joint Select Committee on the Greater Sydney Parklands Trust

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# Overview

The Joint Select Committee on the Greater Sydney Parklands Trust (the Committee) of the NSW Parliament has been established under the *Greater Sydney Parklands Trust Act 2022* (GSPT Act). Under the terms of reference, the Committee is responsible for reviewing the Act to determine whether:

- the Act's policy objectives remain valid; and
- the Act's terms are appropriate for securing those objectives.

This submission considers the above terms of reference of the Committee and seeks to inform the review. It details the work of the Greater Sydney Parklands Trust (GSPT), also known as Greater Sydney Parklands (GSP), the NSW Government agency that has set a vision and benchmark for quality metropolitan parks in Greater Sydney and manages some of Sydney's most iconic urban parks. These parks are collectively referred to as the 'parklands estate'.

With strong foundations in the successful *Western Sydney Parklands Act 2006*, the GSPT Act and the GSP is enhancing the management of the parklands estate and embedding the mechanisms for community participation in planning for the parks. It also enables a connection to Country for First Nations peoples. As a result of harmonising systems, processes and services across the parklands estate, GSP has been able to bring together a team of expert park managers and provide economies of scale, minimise administration costs and improve strategic and operational planning and outcomes for the parklands estate.

In line with the objectives of the GSPT Act, GSP has made improvements around park operations; environmental sustainability; culture and heritage; community engagement; events and activations; sport and recreation; and financial management. Funding constraints are identified as the single biggest impediment to delivering on the objects of the GSPT Act and growing the parklands estate.

Within this context and the Committee's review, this submission identifies that the policy objectives of the GSPT Act remain valid. While the policy objectives remain valid, there are areas of potential changes that will greatly improve equity and operations across the parklands estate. This submission makes several recommendations to the Committee on opportunities to improve the GSPT Act in the following areas:

- **Objects of the Act:** modernise and extend the objects to consider the functions of GSP, align the objects of the associated Trusts legislation with those of the GSPT Act and update the objects and references to repealed legislation.
- **Financial sustainability:** support efficient parkland management and make funding is available for essential and critical repairs and maintenance across the parks by enabling the GSP Board to loan funds between park Trusts, by strengthening GSP's ability to develop

business hubs outside the parklands estate, and by making financial sustainability a function of GSP.

- **Leases and licences:** encourage better activation of parkland assets and support long term management, support maintenance and asset funding by increasing the term of leases and licences in some circumstances. The GSPT Act and associated Trusts legislation could also introduce more flexibility in open tender requirements, minimise and streamline administrative processes for leases and licences, and enable leases and licences that are consistent with both the functions and objects of the GSPT Act.
- **Acquisition of land for supplementary land or parkland purposes:** support the acquisition of land and streamline the process for the transfer of surplus government land to GSP.
- **Community engagement:** support mechanisms to encourage greater participation of First Nations representatives on community trustee boards.

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# Introduction

## About the review

The *Greater Sydney Parklands Trust Act 2022* (GSPT Act) commenced on 1 July 2022. It established the Greater Sydney Parklands (GSP) and provides for the management of the parklands estate.

The parklands estate includes all parklands owned or managed by the GSPT including Callan Park, Centennial Parklands (Centennial, Moore and Queens parks), Fernhill Estate, Parramatta Park (including Wistaria Gardens) and Western Sydney Parklands. Separately, the GSPT estate collectively refers to all parklands owned or managed by GSPT, as well as supplementary land outside the parklands estates.

In accordance with section 60 of the GSPT Act, a Joint Select Committee (the Committee) of the NSW Parliament was established to review the GSPT Act to determine whether:

- the Act's policy objectives remain valid; and
- the Act's terms remain appropriate for securing those objectives.

A report on the review will be tabled in each house of the NSW Parliament by 1 July 2025.

The GSPT Act effected amendments to the 'associated Trusts legislation':

- *Callan Park (Special Provisions) Act 2002* (Callan Park Act);
- *Centennial Park and Moore Park Trust Act 1983* (CPMPT Act);
- *Parramatta Park Trust Act 2001* (PPT Act); and

- *Western Sydney Parklands Act 2006* (WSP Act).

The GSPT Act refers to the associated Trusts legislation, which remain relevant in the management of each respective park. In considering policy issues associated with the GSPT Act, this submission also considers the associated Trusts legislation.

This submission provides advice to the Joint Select Committee on the operations of GSP. It also provides an overview of policy issues and recommendations for the GSPT Act and associated Trusts legislation to ensure the efficient and sustainable management of the parklands estate for the people of NSW.

## About Greater Sydney Parklands

GSP was established in July 2020. It aims to be a world-leading parks agency through governance, administration, resourcing and operational excellence. As a single agency, it coordinates the planning, acquisition, investment and provision of parklands.

GSP was formed to collectively manage some of Sydney's most iconic parks, including:

- **Centennial Parklands** (Centennial Park, Moore Park and Queens Park) – located near central Sydney, Centennial Parklands is a hub for sport, a venue for events and a place to connect with nature.
- **Parramatta Park** – World Heritage-listed Parramatta Park is 89 ha of lawns and gardens, historic monuments, outdoor event spaces, and sporting and recreation facilities.
- **Western Sydney Parklands** – covering 5,280 ha and stretching 27 km north to south, Western Sydney Parklands is Australia's largest urban park. It encompasses a diverse range of landscapes, including an expanding corridor of endangered Cumberland Plain woodland, as well as recreation, community and tourism facilities.

GSP manages these parks under the terms of the associated Trusts legislation (CPMPT Act, PPT Act and WSP Act).

In December 2020, the NSW Government transferred:

- 423 ha at Fernhill Estate to the Western Sydney Parklands Trust; and
- 38 ha at Callan Park to the Centennial Park and Moore Park Trust. Callan Park is managed under both the Callan Park Act and CPMPT Act (it is also noted that NSW Health manages 22 ha of land at Callan Park under the Callan Park Act).

In July 2022, the NSW Government transferred Wistaria Gardens, adjacent to Parramatta Park, from NSW Health to the Parramatta Park Trust.

The *Greater Sydney Parklands Corporate Plan 2023-2028* identifies the vision for GSP, consistent with the *50-Year Vision for Greater Sydney's Open Space and Parklands*. This embraces the strategic directions of:

- keeping Sydney green and vibrant;
- connecting people to parks;
- growing parks for people; and
- caring for the environment.

GSP's Corporate Plan adopts the Western Sydney Parklands operating model, which drives sustainable long-term funding (both capital and operational expenditure) through off-park business hubs to ensure the ongoing sustainability of existing and future parklands. It also identifies the need to activate parkland assets to enhance people's experience and improve financial sustainability.

## Establishment of the GSPT Act

The May 2021 *White Paper – Parklands for People* prepared by the then Department of Planning, Industry and Environment recognised the need for legislative change to strengthen protections for the parkland estate and how community members could participate in the parks.

The white paper recommended new legislation based on the innovative and successful Western Sydney Parklands operating model. Under that model, business hubs create a sustainable revenue base to fund park management, operations and service provision.

The white paper drew on four themes:

1. **Governance:** maximise funding for park and recreation purposes by streamlining back-of-house administrative functions and establish a single skills-based, strategic board with common membership across the new GSP.
2. **Community consultation:** commit to community involvement in the planning and provision of parks through a consultation, engagement and advocacy framework and community trustee boards.
3. **Funding and finance:** remove duplication and streamline park administration, creating a nexus between where park revenues are raised and where they are spent, and allow off-park business hubs to become the funding engine for all the parklands.
4. **Planning:** provide a city-wide approach to park planning and to allow for ownership and management of new parks.

The Greater Sydney Parklands Trust Bill 2021 was assented to on 13 April 2022 and the GSPT Act, which embraces these four themes, commenced on 1 July 2022. This also resulted in corresponding changes to the associated Trusts legislation.

GSP now manages the parklands estate under the GSPT Act and the associated Trusts legislation.

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# Summary of potential improvements and recommendations

While the policy objectives of the GSPT Act remain valid, this submission identifies opportunities to modernise and extend the objects to:

- improve consideration of the functions of GSP;
- align the objects of the associated Trusts legislation with those of the GSPT Act; and
- update the objects and references to repealed legislation.

While the terms of the GSPT Act remain largely appropriate for securing the objectives, there are opportunities in:

- **Financial sustainability and integrated park management**
  - enable the loan of funds between park Trusts to assist with GSP's financial sustainability, support holistic parkland management and ensure funding is available for essential and critical repairs and maintenance across parks; and
  - strengthen GSP's ability to develop 'supplementary land' to fund parkland activities and operations:
    - amend section 15(l) of the GSPT Act to expand the functions of GSP to include considerations around the development of supplementary land and financial sustainability. This would allow GSP to undertake or facilitate business activities for prescribed purposes, including financial sustainability (similar to section 12(2)(j) of the WSP Act); and
    - amend section 21(1)(b) of the GSPT Act to allow GSP to grant a lease, licence or easement over land within the GSPT estate if the lease, licence or easement will not reduce the extent of the net existing natural environment of the parklands estate.
- **Activation of parkland assets**
  - amend the terms of the PPT Act (Parramatta Park) and Callan Park Act (Callan Park) to extend the maximum term of all leases to 50 years, consistent with recent amendments to the *Royal Botanic Gardens and Domain Trust Act 1980*;
  - amend the terms of all associated Trusts Acts to require an open tender process for leases with a term of 10 years or more, unless otherwise approved by the Minister,



which could allow for consideration of unique circumstances that may justify a direct dealing (such as a long-term lease to another government agency for a specific purpose);

- amend the terms of the PPT Act, CPMPT Act and Callan Park Act to require Ministerial consent only for leases or licences exceeding five years (aligning requirements with the *Sydney Olympic Park Authority Act 2001* and *Place Management NSW Act 1998*);
  - amend section 6(6) of the Callan Park Act so that notification terms for leases and licences only apply to those exceeding a five-year term;
  - amend section 6(5) of the Callan Park Act to remove references to section 7(3) to ensure consistency between the leasing and licensing provisions and the objects of the Act;
  - amend notification requirements in the PPT Act to remove the need for notification via newspapers and allow for contemporary methods of notification; and
  - amend the terms of the GSPT Act to require that any lease, licence or easement is consistent with the functions of the Act, applying only to future lands acquired by GSP.
- **Support the expansion of GSP and streamline land transfers**
    - include a provision within the GSPT Act that allows transfer of surplus government land for off-park business hubs or for parkland purposes to align with section 33-38 of the WSP Act and section 18 of the *Place Management NSW Act 1998*).
  - **Encourage representation by First Nations representatives on community trustee boards by creating further support mechanisms.**

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## Achieving the objectives of the GSPT Act

Since its establishment, GSP has worked to provide safe, accessible and inclusive parklands for the people of Greater Sydney. GSP has:

- developed and championed the 50-year *Vision for Greater Sydney's Open Space and Parklands*;
- developed a model for community and stakeholder involvement in the parklands;
- exhibited and finalised the Plan of Management for Fernhill Estate; and
- finalised the Landscape Structure Plan for Callan Park.

The agency achievements – outlined on the following pages – directly reflect the objectives of the GSPT Act.

## Park operations and improvements

Since its inception in 2020, a range of improvements have been made across the parklands managed by GSP. This has included: harmonisation of systems, processes and services across the parklands estate, and establishment of contracts that consolidate park maintenance activities. Collectively this has improved economies of scale, minimised administration costs and helped achieve operational excellence.

A summary of projects completed by GSP across the parklands estate is detailed below:

- At Western Sydney Parklands, upgrade and renewal works at Plough and Harrow, Bungarribee Park, and Lizard Log recreation areas and supported partner tourism attractions including Sydney Zoo, Raging Waters, Treetops Adventure Park and the Eastern Creek motorsport precinct. Additionally, the Wylde mountain bike and BMX hub was constructed and a new 11km bushwalk, Gabrugal Yana, was built.
- At Parramatta Park, the new Parramatta Aquatic Centre built and managed by City of Parramatta has opened. The first stage of the People's Loop has improved safety and access, and delivered new carparking for park users, as has new lighting provided under the Transport for NSW Safer Cities program. Wistaria Gardens has been partially restored.
- At Centennial Parklands, the Village Green at Moore Park was upgraded for community use, and Kippax Lake Field at Moore Park (in partnership with Sydney Roosters) was also up upgraded. Improvements to Centennial Parklands Equestrian Centre were made, as well as enhancements to the walking and cycling tracks in Queens and Centennial Park.
- At Callan Park, a transformation of the Waterfront Green was completed, including demolition of derelict and low heritage value buildings, a new accessible amenities building, pathways, picnic facilities, signage and native plantings.
- At Fernhill Estate, tree and landscape management works have been undertaken, unsafe and intrusive modern structures removed, directional and interpretive signage has been installed and an Estate specific landscape maintenance specification has been developed and implemented.

These actions are consistent with the objects in the GSPT Act, specifically:

- *section 3(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;*
- *section 3(e) - to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate; and*
- *section 3(f) - to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community.*

## Sustainability and the environment

GSP has commenced planning to meet the NSW Government's action on climate change and goal to reach net zero emissions by 2050. Its climate adaptation strategy and action plan will help manage the risk of climate change to the parklands estate.

GSP has implemented bush regeneration programs across its estate, which has resulted in the planting of more than 60,000 trees in Western Sydney Parklands and 17,000 native trees, shrubs and grasses in Moore Park East. Continued bushland management work at Parramatta Park, Callan Park and Fernhill Estate has also improved ecology and habitat.

Through education programs, GSP has also planted more than 7,500 native trees, shrubs and grasses at Western Sydney Parklands. The NSW Government's Greening our City program provided funding for tree planting at Western Sydney Parklands, aiming to improve the city's resilience to climate change, mitigate against the impacts of urban heat and build community awareness and acceptance of the importance of urban greening.

These actions are consistent with the objects in the GSPT Act, specifically:

- *section 3(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, and*
- *section 3(c) - to ensure the conservation of the natural [...] values of the parklands estate and the protection of the environment within the parklands estate.*

## Culture and heritage

GSP has expanded its First Nations Connections to Country program to foster relationships with First Nations communities. It has also released a [Reflect Reconciliation Action Plan](#) to

clarify relationships, respect, opportunities and governance with clear actions, deliverables, timelines and responsibilities for action.

At Western Sydney Parklands GSP has opened an 11 km walking track, Gabrugal Yana, which celebrates local Dharug Aboriginal culture.

At Parramatta Park, GSP partnered with the City of Parramatta to stage Burramatta NAIDOC in The Crescent. It continued bushland management in natural areas with Muru Mittigar, a not-for-profit Aboriginal enterprise.

At Callan Park, Centennial Park, Parramatta Park and Fernhill Estate, GSP has commenced conversations with the First Nations peoples to explore saltwater and freshwater cultural connections. These activities will incorporate First Nations voices, culture and traditions into the agency's planning for the parklands of the future.

These actions are consistent with the objects in the GSPT Act, specifically:

- *section 3(b) - to enable the Greater Sydney Parklands Trust to facilitate a connection to Country for First Nations peoples that recognises and conserves First Nations peoples' cultural heritage and values through the use of the parklands estate, and establishes long-term and mutually beneficial partnerships that give effect to the ongoing relationships of First Nations peoples with Country.*

Restoration works to Callan Park's heritage assets included remediation of the original sandstone entry gates and gatehouse at Balmain Road, and Bonnyview (Gardener's Cottage). Routine conservation works to the Parramatta Park gatehouses continues, while at Fernhill Estate conservation works to the colonial-era Fernhill House and stone bridges have been carried out.

These actions are consistent with the objects in the GSPT Act, specifically:

- *section 3(c) -to ensure the conservation of the ... cultural heritage values of the parklands estate; and*
- *section 3(e) - to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate.*

## Advocacy

GSP advocates for quality parklands, connectivity and access to public open space across Greater Sydney. GSP works with infrastructure providers to minimise impacts on parklands. It also works with NSW Government agencies to plan for new parks in new areas.

GSP, in consultation with key government stakeholders, has developed an enduring evidence-based gateway transfer assessment framework. As a way to assess and consider potential additions to the parklands estate, the framework determines whether potential sites for acquisition will help to achieve GSP's vision and purpose.

These actions are consistent with the objects in the GSPT Act, specifically:

- *section 3(d) - to advocate for a long-term vision to achieve the outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space.*

## Community, programs, sport and recreation

Working from a local, regional and city perspective, GSP integrates planning for diverse programs across sport, recreation, nature-based education, tourism and major events that support cultural and economic vibrancy. GSP is uniquely placed to drive programs that create equity of access.

In 2023-24, there were more than 2.6 million visits to Parramatta Park, 5.6 million visits to Western Sydney and 30 million visits to Centennial Parklands. There are 120 sporting and recreation facilities at Centennial Parklands that support community, amateur and professional sport in Sydney's east, providing public access to facilities that councils are not able to due to constraints on land availability.

In 2023-24, GSP hosted numerous commercial and community music events that attracted more than 260,000 people by building on partnerships with the community and local and state government.

Taking a city-wide approach to nature-based play and education, the GSP education team has expanded its programs to the entire parklands estate, delivering a nature-based education and community programs to 85,600 participants across Sydney in 2023-24.

These actions are consistent with the objects of the GSPT Act, specifically:

- *section 3(e) - to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate; and*
- *section 3(f) - to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community.*

## Community engagement

GSP's Consultation and Engagement Framework (the framework) was developed with the community to guide consultation and engagement with park users and visitors, and the public more generally. The framework allows GSP to better understand the needs and aspirations of the general public with a passion for Sydney's open space and parklands.

The framework details GSP's commitment to listening to the community and how the agency will draw on people's opinions, ideas and local knowledge to inform decision-making. It also identifies innovative ways to reach a broad range of park users and communities of interest, ensuring everyone can participate in a fair and inclusive way.

The framework guides the establishment of community trustee boards, recognising the importance of parklands to local communities. These boards have an advisory role, representing a range of community interests and local perspectives on park stewardship; activities and usage; and environmental, heritage and cultural issues. The boards directly influence decision-making for the GSP.

These actions are consistent with the objects of the GSPT Act, specifically:

- *section 3(g) - to provide increased opportunity for community engagement to shape regionally significant parklands in response to diverse community needs.*

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## Policy issues and insights

This submission provides insights and experience for the Committee to consider in its review, while also considering GSP's achievements since its inception and the NSW Government's commitment to open space as set out in the *50-year Vision for Greater Sydney's Open Space and Parklands*.

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## Objects

The objects of the GSPT Act as set out in section 3 are as follows:

- (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,
- (b) to enable the Greater Sydney Parklands Trust to facilitate a connection to Country for First Nations peoples that —
  - (i) recognises and conserves First Nations peoples' cultural heritage and values through the use of the parklands estate, and
  - (ii) establishes long-term and mutually beneficial partnerships that give effect to the ongoing relationships of First Nations peoples with Country,
- (c) 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,
- (d) to advocate for a long-term vision to achieve the outcome of quality parklands across Greater Sydney, particularly connectivity of green corridors and public access to open space,
- (e) to encourage the use and enjoyment of the parklands estate by the community by promoting and increasing the recreational, historical, scientific, educational, cultural and environmental values of lands within the parklands estate,
- (f) to ensure the parklands estate may be used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community,
- (g) to provide increased opportunity for community engagement to shape regionally significant parklands in response to diverse community needs.

The objects of the GSPT Act are considered generally appropriate for the parklands estate.

### Address the functions of GSP

While largely relevant for parkland activities and only relating to the parklands estate, the objects of the GSPT Act do not cover all the activities and functions undertaken in accordance with the GSPT Act. There is potential to align the GSPT Act to include objects consistent with the functions of GSP (similar to section 8(e) of the CPMPT Act and section 6(d) of the PPT Act). This would ensure objects relate to all functions undertaken by GSP and all land owned by GSP.

Expanding the functions of the GSPT Act to specifically consider the development of supplementary land and financial sustainability is discussed below.

### Align the objects of the associated Trusts legislation with those of the GSPT Act

The GSPT Act and the associated Trusts legislation were made at different times and include differing objects which in some cases represent a misalignment. For instance, the objects of

the associated Trusts legislation can constrain use of parkland in ways that do not always enable these spaces to be *used by the community in a way that is adaptive and recognises and responds to the diverse needs of the community* (object (f) in the GSPT Act). There may be merit in considering a closer alignment of the objects of the associated Trusts legislation with those of the GSPT Act, whilst recognising and continuing to preserve the unique attributes of each park.

### Update the objects and references to repealed legislation

The GSPT Act objects refer to Greater Sydney, with a definition referring to repealed legislation (the *Greater Sydney Commission Act 2015*). This reference should be updated, with GSP's operation to potentially be expanded to operate across greater NSW.

#### Recommendation

Modernise and extend the objects to:

- Consider the functions of GSP;
- Align the objects of the associated Trusts legislation with those of the GSPT Act; and
- Update the objects and references to repealed legislation.

## Financial sustainability

Funding and financial sustainability were a key theme in the making of the GSPT Act and remain key issues for GSP, as identified in the *Greater Sydney Parklands Corporate Plan 2023-2028*. Funding constraints are the single biggest impediment to delivering on the objects of the GSPT Act and growing the parklands estate.

Business hubs and leasing continue to provide the financial stability to secure the long-term future for Western Sydney Parklands, and revenue generated from sporting facilities, property and events provide significant income for Centennial Parklands. Income generated from business hubs goes directly back into managing, caring for and improving Western Sydney Parklands while income generated from sports facilities, property and events goes directly back into managing and caring for Centennial Parklands. However, Centennial Parklands does not self-generate enough revenue to deliver improved or new facilities.

Parramatta Park, Callan Park and Fernhill Estate currently operate at a deficit, with very constrained own source revenue generating opportunities.

### Financial sustainability to be a function

Financial sustainability could be considered for inclusion as a function of the GSPT Act under Part 3. This could include considering income production from property, sporting facilities and



events in order to support and finance improvements to parklands assets, enhance people's experience and satisfy the objects of the GSPT Act.

#### Recommendation

To support and finance improvements to parklands assets, enhance people's experience and satisfy the objects of the GSPT Act:

- expand the functions of the GSPT Act to allow for its financial sustainability.

### **Enable the loan of funds between parks**

With a city-wide parkland portfolio and with some parks currently operating at a deficit, it may be appropriate to explore ways in which GSP can loan funds between trusts to address critical asset repair and maintenance within parks. Where urgent and critical works or repairs may be required to prevent the closure of a park or asset, or to ensure public safety, a loan between trusts may be justified. Currently, a community trustee board's objection can block an allocation of money from one Trust account to another (section 46 (4-5) of the GSPT Act).

Enabling the GSP Board the discretion to make decisions about loaning funds with conditions of repayment across the parks it manages would support GSP to respond to critical asset repair and maintenance.

#### Recommendation

To respond to critical repair and maintenance across the parklands, a process could be established to:

- provide for the loan of funds between accounts to be endorsed by the GSPT Board under a loan arrangement from Trust to Trust (section 46(4) of the GSPT Act). This may include establishing criteria for transfers such as for asset repair, maintenance and operations, or potentially a funding limit from each park and maximum loan length.

### **Strengthen GSP's ability to develop 'supplementary land' to fund parkland activities and operations**

The GSPT Act allows the acquisition of supplementary land intended to be developed to finance the parklands estate for ongoing capital and operational expenses.

'Supplementary land' means land outside the parklands estate but is owned or managed within the broader GSPT estate. This model for development of supplementary land underpins GSP's

financial sustainability and is critical to sustain current levels of activity and support growth in the parkland estates.

However, the GSPT Act currently limits the GSP's ability to develop and lease supplementary land. The GSPT Act allows GSP to grant leases, licences or easements over land if the lease, licence or easement is consistent with the objects of the Act and will ensure no reduction in the extent of the net existing natural environment of the GSPT estate (see section 21(1)).

This precludes development of supplementary land as:

- the objects of the Act do not consider the potential for supplementary land to be developed for commercial purposes; and
- a requirement for 'no reduction in the extent of the net existing natural environment of the GSPT estate' may preclude the acquisition and development of undeveloped land for supplementary land, for commercial purposes and financial sustainability of GSP.

Additionally, the functions of the GSPT Act are not considered specific enough to allow development and leases of supplementary land to support financial sustainability across the parklands estate.

#### Recommendation

To strengthen GSP's ability to develop 'supplementary land' for business hubs, outside the parklands estate, to fund parkland activities and operations:

- expand the functions of the GSPT Act to specifically consider the development of supplementary land (potential amendments to section 15(l) of the GSPT Act) which would allow GSP to undertake or facilitate business activities for certain purposes including its ongoing financial sustainability (similar to section 12(2)(j) of the WSP Act); and
- amend section 21(1)(b) of the GSPT Act to allow GSP to grant a lease, licence or easement over land within the GSPT estate if the lease, licence or easement will not reduce the extent of the net existing natural environment of the parklands estate. This will enable development to sustainably fund parkland operations and the growth of the GSP parkland estate by allowing the development of supplementary land that may include areas of natural environment.

These potential amendments would have no adverse impact on the existing parkland estate through specific references to 'supplementary land'.

Amendments to the terms of the GSPT Act to require that any lease, licence or easement is consistent with the functions of the GSPT Act (section 21(1)(a)), which will ensure supplementary land can be leased, is discussed below under leases and licences.

## Leases and licences

The GSPT Act and associated Trusts legislation include terms, processes and Ministerial consent requirements in relation to leases and licences. These reduce the ability to attract tenants and activate the parklands due to:

- the restriction on the term of leases and licences;
- the requirement for all leases to be subject to an open tender process; and
- the requirement for Minister's consent and notification of all leases and licences.

These issues are discussed in more detail in the following sections.

These affect GSP's ability to satisfy the objects of the GSPT Act and to:

- ensure the parklands estate is effectively managed and operated (section 3(a));
- ensure the parklands estate is used by the community in an adaptive way (section 3(g)); and
- encourage the use and enjoyment of the parklands estate (section 3(e)).

Leases and licences are important to encourage activation of parkland assets, assist with management, maintenance and funding and to satisfy GSP's objects. Amendments to the lease and licence terms of the GSPT Act and associated Trusts legislation will make it easier and quicker for third parties to obtain licences and leases, facilitating filming, community events or other activities within the parks. Together with other potential changes to streamline the planning approval process, such as the proposed Cultural State Environmental Planning Policy, these amendments will assist support more creative, hospitality and cultural uses in our parks.

### Increase the term of leases and licences in some circumstances

The GSPT and associated Trusts Acts require a maximum term of potential leases or licences but are inconsistent across the legislation. These terms are as follows:

- unlimited for GSP and Western Sydney Parklands;
- 99 years for Centennial Parklands; and
- 10 years for most of Parramatta Park and most of Callan Park (however, some parts of both parks are 50 years).

Limited terms make it difficult to attract investment from tenants for upgrades or fitouts due to a lack of viability, particularly as many buildings are heritage-listed and require significant investment to meet modern requirements.

While the Callan Park Act allows longer term leases or licences, this can only be following notices to each house of Parliament and no resolution to disallow the proposal. This is likely to discourage potential tenants. The Callan Park Act also has further constraints for leases and

licences that include a requirement for certain uses on a not-for-profit basis and for development applications (despite any exempt provisions that may typically exist for low impact activities – see section 7(3) of the Callan Park Act). These requirements make it difficult to activate Callan Park, to find tenants for parkland assets and constrain funding that would support essential maintenance of the park.

The Callan Park Act also includes a requirement that all leases and licences must not allow a use that is not specifically authorised (see section 6(5) and reference to section 7(3)). This can be considered inconsistent with other sections of the Act (see section 5A) and may not allow leases and licences that are otherwise consistent with the objects of the Act.

### Recommendation

To encourage activation of parkland assets, assist with management, maintenance and funding:

- amend the terms of the PPT Act and Callan Park Act to extend the maximum term of all leases within Callan Park and Parramatta Park leases to 50 years, consistent with recent amendments to the *Royal Botanic Gardens and Domain Trust Act 1980*; and
- amend the leasing and licensing provisions within the Callan Park Act to require consistency with the objects of the Act (section 6(5) to remove reference to section 7(3)).

### Provide flexibility in open tender requirements

All associated Trusts Acts provide that any lease or licence with a term of 10 years or more requires an open tender process.

These requirements can be overly restrictive as they do not recognise unique circumstances where there may be merit in continuity of tenure, such as a lease to a government agency, a critical infrastructure provider or for a community/not-for-profit services.

The current legislative settings require a public tender process for any lease, including to another government agency such as:

- Create NSW for ongoing film production at Callan Park (as identified in the *NSW Arts, Culture and Creative Industries Policy* (Dec 2023) and *NSW Screen and Digital Games Strategy* (Oct 2024));
- a Council that may manage parklands on GSP's behalf; and
- Transport for NSW to facilitate transport facilities and use.

Direct dealing may be appropriate for these types of leases where there is a strong community benefit in continuity. Leases for community use or not-for profit operators could also be

appropriate for direct negotiations. There is an established framework for direct negotiations in accordance with the NSW Government Guidelines. It is noted that other land management agencies such as the *Sydney Olympic Park Authority Act 2001* or *Place Management NSW Act 1998* operate with a flexible approach that allows for direct dealing in certain circumstances.

### Recommendation

To support Government policy, infrastructure provision or other unique circumstances:

- amend the terms of all relevant Acts to require an open tender process for leases with a term of 10 years or more, unless otherwise approved by the Minister, which could allow for unique circumstances that may justify a direct dealing to be considered.

### Minimise and streamline administrative processes for leases and licences

The associated Trusts Acts specify differing requirements for obtaining the Minister's consent for leases, licences and easements and for notification. Specific examples include:

- GSP and Western Sydney Parklands require the Minister's consent for leases, licences and easements exceeding 25 years;
- Parramatta Park and Callan Park require the Minister's consent for any lease or licence;
- Callan Park has a legislated process under the Callan Park Act, where a notice must be published, exhibited for 30 days, and reasons for decisions published before seeking the Minister's consent;
- Parramatta Park, where some leases require a notice to be published in a NSW newspaper; and
- Centennial Parklands, where any lease, licence or easement must be on the terms and conditions approved by the Minister.

The requirements for Parramatta Park, Centennial Parklands and Callan Park do not consider the need to act in a timely manner, especially for short-term activations, filming or events that support the NSW Government's policies and strategies such as the Premier's Memorandum *M2021-06 Making NSW Film Friendly*. The requirement for public notification and advertising in newspapers, such as within the PPT Act, has been removed from most NSW legislation with departments generally notifying the public about specific events using government websites.

### Recommendation

To encourage activation of parkland assets, assist with management, maintenance and funding:

- amend the terms of the PPT Act, CPMPT Act and Callan Park Act to require the Minister's consent only for leases or licences exceeding five years (aligning

requirements with the *Sydney Olympic Park Authority Act 2001*, *Place Management NSW Act 1998* and *Royal Botanic Gardens and Domain Trust Act 1980*);

- amend the notification terms for leases and licences in the Callan Park Act so they only apply to leases or licences exceeding five-year terms (section 6(6)); and
- amend notification requirements in the PPT Act to remove the need for notification via newspapers and allow for contemporary methods of notification.

### **Enable leases and licences that are consistent with the functions of the Act**

The GSPT Act requires that any lease, licence or easement is consistent with the objects of the Act (section 21(1)(a)). As already noted, the objects of the Act are narrow and relate to parkland activities and not to all activities and functions of the GSP (as outlined in Part 3 of the GSPT Act). An amendment is required to facilitate development and leases and licences of supplementary land and ensure that licences are consistent with the functions of the Act.

#### Recommendation

To encourage activation of parkland assets, assist with management, maintenance and funding:

- amend the terms of the GSPT Act to require that any lease, licence or easement is consistent with the functions of the GSPT Act (section 21(1)(a)). This will apply only to future lands acquired by GSP.

## **Acquisition of land for supplementary land or parkland purposes**

Surplus land of other public authorities could also be transferred to GSP for off-park business hubs or for parkland purposes. The *WSP Act* (sections 33-38) and *Place Management NSW Act 1998* (section 18) both include mechanisms that facilitate transfer of land between government agencies. The *WSP Act* allows for transfer of land from a government agency, with the consent of the Minister responsible for the government agency, with no compensation. Similar provisions in the GSPT Act would streamline the process for transfer of surplus land to GSP and align the GSPT Act with the successful *WSP Act*, noting that any NSW Government land identified by the GSP for transfer to it will be assessed through the Government Property Framework to determine the most appropriate use for that land.

### Recommendation

To streamline the process for the transfer of surplus government land into the GSP:

- include a provision within the GSPT Act that allows transfer of surplus government land for off-park business hubs or for parkland purposes (similar to section 33-38 of the WSP Act and section 18 of the *Place Management NSW Act 1998*), subject to assessment under the Government Property Framework.

## Community engagement and community trustee boards

Section 3(b) of the GSPT Act provides an object that relates to connections to Country for First Nations peoples. While the Act creates opportunities for community engagement, including the establishment of community trust boards, feedback from community trustee board members and stakeholders is that mechanisms will assist to encourage further participation of representatives. Mechanisms could also be considered to encourage greater participation. Currently the GSPT Act requires community trustees board to approve and agree a plan of management before it goes to the Minister for approval. This is inconsistent with other Acts, for instance the Callan Park Act, which requires the Minister to have regard to the advice of the community trustee board when preparing a plan of management. Consistency of language across all Acts on this matter is required.

### Recommendation

- Encourage representation by First Nations representatives on community trustee boards by enhancing existing mechanisms and incentives.
- Clarify the role of community trustee boards for plans of management to make it consistent across all Acts.