



Review Secretariat

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Sydney Harbour Federation Trust Review
Department of the Environment and Energy
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Attention: Carolyn McNally and Erin Flaherty

The Mosman Parks & Bushland Association (MPBA) was formed in 1964 to protest against the destruction of bushland at Bradleys Head. Among its founding members were Joan and Eileen Bradley who, with other members of the association, developed a system of bush regeneration known as the Bradley Method. The Association's main objective continues to be the protection of bushland, parks and open space in Mosman for the benefit of current and future generations. Fundamental to this objective is the belief that urban and foreshore bushland and open space have a public benefit.

Summary:

- 1. The life of the Trust should be extended in perpetuity**
- 2. The Trust should be maintained in its entirety**
- 3. Its sites should not be handed over to other agencies**
- 4. The two protections of the SHFT Act and the EPBC Act should be maintained for these nationally important sites. Changes other than those needed to allow the Trust to exist in perpetuity should not be necessary.**
- 5. The Commonwealth should provide the funding required to remediate the Trust's assets**
- 6. Commercialisation that interferes with the heritage value of the sites is unacceptable.**

Background

During the 1990s when the Commonwealth Government decided to move the Defence forces away from the Sydney bases, the question of what was to become of the vacated sites was the catalyst for a public campaign to ensure that they remained in public hands. The land at Middle Head, Georges Heights and Chowder Bay was of greatest concern to the Mosman Parks & Bushland, but as the campaign grew, the benefit of retaining *all* the sites, remediating them and managing them for the public became obvious.

The campaign resulted in a great triumph. The Sydney Harbour Federation Trust Act 2001 embodied the vision of the community campaign - the preservation of the

Aboriginal, convict, military and environmental heritage of the sites around Sydney Harbour for the benefit of present and future generations.

It was the original intention that the Sydney Harbour Federation Trust (SHFT) would vest after 10 years and appropriate land would be handed to the State or local authorities. But as the work of remediation was far from complete, both the Headland Preservation Group (HPG) and this Association (MPBA) lobbied for an extension.

Now that the extension date is only 13 years away, the MPBA understands the Trust's need for certainty, so that it can continue to fulfil the objects of the Act and to manage the lands and assets in its care.

Assessment of the SHFT to date

The work of the Trust, particularly in the early days of planning, was visionary. The Comprehensive Plan is a superb document. The precinct plans were undertaken with exemplary community consultation. Renowned conservation architect, Ric Lepastrier was the overseer of much heritage restoration. Remediation was more costly than anticipated, partly because of originally unseen conditions such as plumbing and wiring that had not been budgeted for. Those buildings and precincts that have been restored have observed the heritage requirements while adapting them fairly minimally for their tenanted use. Where possible tenancies have been appropriate for the precinct. One tenancy that is particularly appropriate to the site and that is highly valued by the public is The Sydney Institute of Marine Science (SIMS).

One key moment in the history of the Trust was the attempt to privatise 10 Terminal at Middle Head by permitting an Aged Care Facility. The community objected to this privatisation of a heritage asset as it would diminish the value of a key site and public access as required by the act would be minimal. The project was eventually abandoned.

The community values the Harbour Trust sites

The community's passionate vision which led to the formation of the Trust has not diminished.

Sydney Harbour is an international, national and state icon, loved by Sydney siders and the admiration of tourists. The Mosman Parks & Bushland Association believes that the protection of the harbour and harbourside lands is of national importance.

Essential Outcomes for the Review of the Harbour Trust

Given the great significance of the Harbour Trust sites for all the people of Australia, the MPBA believes the following outcomes are essential:

1. The Trust should be maintained as a Federal agency in perpetuity (beyond its period ending 2033).

3.

1a. Importance of all the SHFT sites to the significance of Sydney Harbour as an international and national icon

1b. Reasons given by the Prime Minister John Howard at the time the Trust was formed are still relevant – “Sydney Harbour is one of the great natural beauty spots of our nation. It is the cradle of European settlement in Australia.....and gives immense pride not only to the residents of Sydney, but to all Australians because it wins such wide acclaim around the world.”

1c. Reasons given by former Federal member, Tony Abbott in his 2nd reading speech are still relevant – It will be “one of the greatest national parks in the world. It will be a permanent legacy to the nation. We did not set up this trust to fail. I do not believe that all of the lands within this bill should ultimately be destined for the Sydney Harbour National Park”

1d. NPWS is not the appropriate body to manage the Trust lands

The National Parks & Wildlife Service (NPWS) has expected that some of the Trust lands would become part of Sydney Harbour National Park. Although we have been impressed recently by the current NSW Minister for Energy and Environment’s commitment to National Parks, MPBA’s view is that NPWS

- is suffering from underfunding and from constant change at top levels
 - is understaffed. While staff numbers have been increased recently, qualified staff numbers have been reduced
 - could come under state government political pressure
 - Under NPWS management there would be no guarantee that income from leasing properties on Harbour Trust lands would continue to support the upkeep of these properties. The income could be used on other NPWS holdings or even be absorbed into state revenue
 - Legislation protecting the lands is unlikely to be as robust as Commonwealth legislation
 - The lands could even be broken up and sold
 - The lands would lose the legislative protections that are currently provided by the SHFT Act and the EPBC Act.
- **1e. Transfer of parts to relevant local councils** would result in the loss of interpretive and managerial connection between the sites and confused planning outcomes from the application of different planning instruments.

2. The Trust should be maintained in its entirety. Together the sites tell a compelling story of Australia

2a. All the current sites (and more if appropriate and publicly desired) should be kept as part of the Trust as they all tell part of our Australian story. All the Trust’s sites have differing aspects of heritage that combine to tell compelling stories about Aboriginal habitation, the struggling colony of NSW then its growth into statehood and finally as part of Australia. These attributes have been spelt out in the Management Plans for each of its sites.

2b. The lands currently controlled by the Harbour Trust make a unique contribution to an understanding and enjoyment of the harbour. As well as Aboriginal and natural heritage, they contain much military heritage and in the case of Cockatoo Island, convict history as well. Cockatoo Island has World Heritage status.

3. Legislation: The Trust should retain its own Act, noting its succinct objectives

The Trust is currently protected by its own Act of Parliament (the SHFT Act) and by the Environment Protection and Biodiversity Conservation Act (EPBC) as it relates to Commonwealth land. These give better protection than a NSW Act of Parliament which would be easier to change.

The key objectives of the Act are:

- (a) to ensure that management of Trust land contributes to enhancing the amenity of the Sydney Harbour region;
- (b) to protect, conserve and interpret the environmental and heritage values of Trust land;
- (c) to maximise public access to Trust land;
- (d) to establish and manage suitable Trust land as a park on behalf of the Commonwealth as the national government.

Changes should not be necessary other than those that will allow the Trust to be continued in perpetuity

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999) is currently under review, but it plays an important role in strengthening heritage and environmental safeguards on Commonwealth land.

4. Proper funding by the Commonwealth is required to maintain the welfare of the Trust sites and to protect it against inappropriate commercialisation

As the Trust lands were formerly held by the Commonwealth as defence sites, it is the responsibility of the Commonwealth to fund their conservation and remediation. The remediation is only partially complete.

Handing the assets to private developers is likely to result in long leases, that could essentially privatise the holdings and result in inappropriate commercialisation.

This does not accord with the community vision for the lands or with SHFT Act.

This Association does not want to see inappropriate commercial development on these nationally significant sites. MPBA considers that there is a need for seed funding to ensure appropriate use/leasing of buildings.



Kate Eccles
President

22nd December 2019