

Parramatta Park Trust

Regulatory Impact Statement

Draft Parramatta Park Regulation 2019

under the Parramatta Park Trust Act 2001

Draft: 9 April 2019

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Abbreviations

AFL	Australian Football League
BCR	Benefit Cost Ratio
CBD	Central Business District
CPI	Consumer Price Index
FTE	Full Time Equivalent
NPV	Net Present Value
PIN	Penalty Infringement Notice
POM	Plan of Management
PPT	Parramatta Park Trust
PV	Present Value
RIS	Regulatory Impact Statement
WSPT	Western Sydney Parklands Trust

1. Introduction

Regulation:	Parramatta Park Regulation 2019
Enabling Act:	Parramatta Park Trust Act 2001
Responsibility:	Minister. Matthew Kean, NSW Minister for Energy and the Environment

The Parramatta Park Regulation 2012, made under the *Parramatta Park Trust Act 2001* is proposed for remaking as the matters it contains continue to be required.

The remaking of the regulation will produce a number of social and economic benefits and costs to government and the community. The *Subordinate Legislation Act 1989* therefore provides for the preparation of a Regulatory Impact Statement (RIS) prior to remaking the regulation.

A RIS is an assessment of all social and economic costs and benefits relating to the proposed regulation and other possible options to ensure that the approved regulation is the preferred course of action in achieving the policy objectives.

1.1 Approach Used to Prepare the RIS

The RIS was prepared in accordance with the *Subordinate Legislation Act 1989* and has followed the NSW Department of Finance, Services & Innovation's *Better Regulation Principles* (see below). The RIS will be finalised after consideration of feedback received following exhibition of the draft.

Cost benefit analysis of regulatory options was completed using the *NSW Government Guidelines for Economic Appraisal* prepared by the NSW Treasury. A real discount rate of 7% was used and a five year analysis period, consistent with the life of the regulation, was employed.

1.2 Better Regulation Principles

In accordance with the NSW Department of Finance, Services & Innovation's Guide to Regulatory Impact Assessments, this RIS also addresses the seven *Better Regulation Principles*. The principles are:

1. The need for government action should be established
2. The objective of government action should be clear
3. The impact of government action should be properly understood by considering the costs and benefits of a range of options, including non-regulatory options
4. Government action should be effective and proportional
5. Consultation with business and community should inform regulatory development
6. The simplification, repeal, reform or consolidation of existing regulation should be considered
7. Regulation should be periodically reviewed and if necessary reformed to ensure its continued efficiency and effectiveness.

2. Background to the Regulatory Proposal

2.1 Current Regulation

The Parramatta Park Trust Regulation 2012 regulates the entry of persons and vehicles to trust lands and their conduct in the park. Specific sections of the regulation address entry into the park, the parking of vehicles, areas approved for designated purposes (e.g. sport, entertainment, private ceremonies), fees for use of Trust lands, areas that may be closed to the public, alcohol free zones, damage to Trust lands, waste, recreational activities, animals, vehicles, use of cycles, personal conduct (e.g. smoking, use of obscene language), policing, noise, lessees, staff exemptions and penalty notices.

2.2 Regulatory Making Powers under the Parramatta Park Trust Act 2001

The *Parramatta Park Trust Act 2001* was enacted to establish the Parramatta Park Trust, define the Trust's functions and to vest Parramatta Park land in the Trust.

The *Parramatta Park Trust Act 2001* provides for the making of a regulation. Section 36 of the Act provides for the Governor to make regulations with respect to:

- a) use and enjoyment of the Trust lands
- b) care, control and management of the Trust lands (including use of vehicles and parking)
- c) determination and payment of fees (for use of recreation areas, roadways for organised activities, commercial filming and photography, purchase of Trust written material and such other items or services as the Trust may provide)
- d) meetings of the Trust
- e) committees of the Trust
- f) use and custody of the seal of the Trust.

The regulation may create an offence punishable by a penalty not exceeding 10 penalty units and Trust land refers to any part of the Trust estate.

2.3 Need for Government Action (Policy Response)

The Parramatta Park Trust is responsible for the ongoing stewardship of the public interest of the Trust lands and associated assets. The lands vested in the Trust are defined in the Act. Trust land is located in the Parramatta CBD and makes up an area of approximately 85 hectares.

Parramatta Park was created in 1858 and is a large open recreation space. It is one of Australia's most significant cultural landscapes and as such is a place of local, national and international significance for Aboriginal and non-Aboriginal people. Its natural situation at the head of Sydney Harbour, previous Aboriginal occupation and land use, its former use as the Vice-Regal domain and its status as early public park all provide value to the people of NSW.

Values requiring management by the Trust include cultural, sporting, recreational, amenity, education, environmental and heritage.

Cultural values and activities managed by the Trust add to the social wellbeing of the community and include programs of leisure activity and events, interpretation and education.

In 2017-18 the Park's signature events program – the Crescent Summer Series attracted almost 270,000 people to events as diverse as Tropfest, the Symphony under the Stars and New Years' Eve. A public cultural events program is also conducted each year and includes guided tours of the park, Open Day at the Dairy, the Heritage Rose Festival and Stargazing in Parramatta Park. A wide range of community events are conducted on weekends throughout the year. Social picnics and private picnic bookings occur each weekend and a record 23,000 people made use of picnic facility bookings in 2017-18 (Parramatta Park Trust Annual Report 2017-18).

Sport and recreation provide a catalyst for community gatherings, from small functions to major events, where people play, talk and share experiences. Recreation events in Parramatta Park are both organised and unstructured. Organised sport is played on Old Kings Oval including scheduled grade cricket in the summer and junior AFL in the winter. The park provides for jogging, walking and cycling of the 3.2 km loop cycle lane as well as other riverside pathways. Local school use the park extensively for organised sport and recreation activities. Approximately 25% of the park's users are actively engaged in ballgames, bike riding, jogging and walking (Scape Data 2016).

Parramatta Park features significant environmental assets. Vegetation includes native woodland, riparian habitat, grassland and garden areas. The park is a mix of 180 native and exotic plant and animal species. The Trust protects Cumberland Plain Endangered Ecological Community vegetation and the park provides habitat for a population of vulnerable Grey-headed Flying fox.

The fieldwork component of Year 7/8 geography school curriculum can be completed in the park. Guided tours of the Dairy heritage buildings and precinct occur regularly.

Parramatta Park is listed on local, state and national heritage registries. The core of the park is World Heritage listed as part of an Australian listing of eleven (11) sites with significant Convict era values. Parramatta Park heritage assets include landscapes, structures and archaeological sites. Prominent examples are:

- The Crescent – alluvial flats named by Governor Phillip that include evidence of occupation by the Burramattagal clan of the Darug Nation including scar trees and artefact scatters
- Old Parliament House – the oldest remaining public building in Australia
- Bath House – built in 1823 for Governor Brisbane
- Observatory – remnants of a private observatory built by Governor Brisbane
- Governor's Dairy – built by ex-convict George Salter between 1798 and 1805
- Boer War Memorial – erected 1904 and occupying the high ground on top of the Crescent.

The Parramatta Park Trust Archaeology Collection, has been built up over decades of field research. The collection is a significant local and national research resource.

Visits to Trust lands for culture, sport, recreation, amenity, education and heritage have increased over time - climbing from 1.7 million visitors per annum when the Parramatta Park Trust Regulation 2012 was drafted to 2.0 million in 2017-18 (Table 2.1).

Table 2.1 Parramatta Park Total Visitation and Visits to Events 2011 to 2016

Year	Total Visitors	Events and Public Programs
2010/11	1,738,230	78,250
2011/12	1,800,000	146,000
2013/14	1,900,000	140,000
2014/15	1,957,608	84,220
2015/16	2,070,176	180,000
2016/17	2,107,373	197,000
2017/18	2,027,993	275,300

Source: various Parramatta Park Trust Annual Reports and data provided by Parramatta Park Trusts Visitor Services Officer

In the absence of some form of government action it would not be possible for the Trust to protect the lands and assets in its stewardship nor encourage their use and enjoyment by the public.

2.4 Policy Objectives

The objective of the proposed regulation is to give effect to the provisions of the *Parramatta Park Trust Act 2001* and to assist the Trust to meet its statutory objectives.

The Act defines the objectives of the Trust as:

- to maintain and improve the Trust lands
- to encourage the use and enjoyment of the Trust lands by the public by promoting the recreational, historical, scientific, educational and cultural heritage values of those lands
- to ensure the conservation of the natural and cultural heritage values of the trust lands and the protection of the environment within those lands
- such other objects, consistent with the functions of the Trust in relation to the trust lands, as the Trust considers appropriate.

The Trust is a statutory authority and consists of seven members appointed by the Minister for the Environment and Heritage. The Trust employs an Executive Director and management team including park rangers (authorised officers).

2.5 Relevant Stakeholders

Stakeholders relevant to the remaking of this regulation include the NSW community, various organisations and agencies of government:

- Heritage Branch of the NSW Office of Environment & Heritage (OEH)
- National Trust of Australia (NSW)
- New South Wales Police Force
- New South Wales Roads and Maritime Services
- Australian Football League (NSW)
- Parramatta District Cricket Club
- Bus and Coach Association (NSW)
- Commercial lessees of park assets including the gatehouses at the park entries at Macquarie St, George St, Queens Rd and Mays Hill.
- City of Parramatta
- Parramatta Chamber of Commerce

3. Options to Achieve the Policy Objectives

Specific options to address the policy objectives were identified:

1. Base Case – ‘Do Nothing’ and allow the current regulation to sunset.
2. Current Regulation – ‘rollover’ the current regulation without change.
3. Proposed Regulation – ‘rollover’ the current regulation with proposed amendments.

3.1 Base Case – Do Nothing

The base case is the situation that would exist if the current Parramatta Park Trust Regulation 2012 were allowed to lapse without a regulatory response.

To deliver the requirements of the *Parramatta Park Trust Act 2001* (i.e. maintain Trust land, encourage its use, protect park heritage) the Trust would need to employ other tools:

- A more cumbersome and operationally focussed Plan of Management
- Use of common law without the ability to issue Penalty Infringement Notices
- Public education and voluntary codes of conduct.

Use of these non-regulatory tools would have implications for Parramatta Park values.

A Plan of Management (POM) is a requirement of the Act it provides specific information and proscriptive responses on proposed Trust operations (see *Parramatta Park Conservation and Management Plan 2008*). If the Parramatta Park POM were expanded to include provisions currently contained in the regulation, it would become a much more cumbersome method of management and would not provide appropriate discretion for the Trust.

The POM would impose fixed requirements and would not allow those requirements to be exercised in a discretionary manner by Trust officials. Such an approach would not allow the Trust, the Trust's Executive Director or an authorised officer to make determinations depending on the circumstances. For example the Trust would lose the ability to:

- Temporarily close to the public parts of the Trust lands or buildings within Trust lands
- Declare an area alcohol free or a licensed area for the purposes of an event or public program
- Remove temporary structures, buildings, tents, or other things it deems compromise park values.

Discretion available under the regulation allows:

- Commercial and community events and other activities on trust lands
- Recreational activities on trust lands
- Certain activities with vehicles including the vending of refreshments and paid parking areas.

An absence of discretion engendered by the regulation will affect the Trusts ability to generate revenue and fund conservation activities and provide community services. Furthermore, with reduced flexibility, many of the Trust's operational activities will be made more costly. Additional costs will be incurred to increase staff presence in the park to monitor, manage and educate visitors in the absence of regulations.

Other Trust activities that would be hampered by repeal of the regulation include the Trust's ability to manage visitors to Parramatta Park and protect Trust assets using Penalty Infringement Notices. In the absence of the regulation, undesirable behaviour that is restricted by authorised officers (rangers) could no longer be enforced. This would limit the authority of the Trust to only those provisions outlined within the Act.

Current regulations are the basis upon which the Trust draws its authority to allow certain activities such as commercial events to proceed and restrict behaviour that would damage property, injure other visitors or interfere with public enjoyment of Parramatta Park.

The base case represents a situation where these regulations no longer apply and offences such as damaging property, injuring other visitors or interfering with the public's enjoyment of Parramatta Park would no longer be regulated by the Trust. The implication would be that behaviour which the Trust has considered as anti-social, dangerous or undesirable would no longer be controlled under legislation specific to the Trust.

In the absence of regulation, the Trust would be unable to establish appropriate constraints on visitor behaviour and provide visitors with an understanding of their rights and responsibilities when using the Trust's lands.

If the Trust were to operate without a regulation there would be an absence of enforceable direction on acceptable behaviour on Trust lands. Parramatta Park rangers would lose their authority to impose penalties for offences currently outlined in the regulation, and would be unable to enforce other legislation that may prohibit unacceptable behaviour. Thus previous restrictions on offences such as interference with wildlife, vandalism, damage to Trust lands or dangerous behaviour would no longer be enforceable by Trust rangers.

The responsibility for regulating such anti-social behaviour on Trust lands would fall to the NSW Police Force. However, the Police would also lose the authority to regulate undesirable behaviour of particular relevance to a heritage setting and the natural environment. Local government rangers have no authority to enforce the Local Government Act on Trust lands.

Some forms of undesirable behaviour, currently prohibited by the regulation, pose the risk of damaging natural and cultural heritage assets held by the Trust. As a World Heritage Site, Parramatta Park requires a different level of care to be taken by visitors that that of say, a suburban park.

In the absence of a regulation the Trust would endeavour to meet the objectives of the Act using non-enforceable measures such as public education and voluntary codes of conduct. Its success with non-enforceable measures would be limited.

3.2 Current Regulation

Current regulation is the situation that would exist if the Parramatta Park Trust Regulation 2012 were 'rolled over' without change.

The current regulation addresses entry of both persons and vehicles to Trust land, regulates conduct of persons on Trust land and provides for the enforcement of these requirements.

Specific provisions within the current regulation address entry, parking, parts of Trust lands approved for designated purposes, fees for use of Trust lands, parts of Trust lands that may be closed to the public, alcohol free or consumption zones, commercial and other activities on Trust lands, conditions attaching to permission to use Trust lands, damage to Trust lands, races on Trust lands, camping and erection of tents and structures on Trust lands, conditions attaching to permission to use Trust lands, damage to Trust lands, disposal of waste, recreational activities on Trust lands, activities involving horses and animals, vehicles, speed of vehicles, certain provisions not to apply to emergency vehicles, use of cycles, pedal cars and rollerblades, personal conduct of visitors, persons to leave Trust lands on request and noise on Trust Lands.

Miscellaneous provisions in the current regulation focus on lessees and licensees, application of regulation to officers and employees, penalty notices and continuity with the previous regulation.

Rollover of the current regulation would result in Trust land being maintained, visitors would be encouraged to use Parramatta Park and park heritage and assets would be protected. The objectives of the Parramatta Park Act 2001 would be met.

3.3 Proposed Regulation

The proposed regulation is the current regulation with important but relatively minor changes. The regulation clauses have been re-ordered and organised for clarity of reference and general issues have been addressed including the addition of the words 'and in the manner approved by' into clauses where approval of certain activities is only currently permitted with the written permission of the Trust or Executive Director. Changes considered to have a material effect on either government or the community are as follows.

NB: clause numbers refer to proposed regulation and do not correspond to the current regulation.

Clause 5 and 6 Closure to the Public and Limits on Number of Persons who may Enter Trust Lands

Clauses 6 and 7 are consistent with the Sydney Olympic Park Authority Regulation 2012 and are required to manage large numbers of pedestrians at major public events. These clauses will be relevant to public events where site capacity is an issue and measures are needed to limit the number of people entering the park, temporarily close part or all of the park and restrict people entering the park if they are carrying specific things or are intoxicated. Measures are designed to enhance public safety and in consideration of specific risks including terrorism type risks.

Clause 9 (1) Trust Prohibit or Regulate Entry of Vehicles

Additional control is required to manage visitor safety around vehicles before, during and after large public events. A new subclause has been included to address this risk to visitors from vehicle related injury and in consideration of specific risks including terrorism type risks. The clause is consistent with the Sydney Olympic Park Authority Regulation 2012.

Clause 11 (2) Cycle Riding Permitted After Park Closure and on Car-Free Days

This provision explicitly recognises the importance of Parramatta Park to cycle riders and provides additional opportunity for cycle riding. Under the proposed regulation cycle riders will be able to use their bikes in the park on car-free days and ride in the park after park closure. Additional community benefits will be generated for this group of park users.

Clause 13 Vehicles Use and Parking on Trust Lands

Clause 14 further clarifies use of vehicles in the park to assist with traffic and risk management. Visitors will enjoy a safer park with improved access for emergency vehicles.

Clause 20 Recreational Activities on Trust Lands

Clause 22 recognises that the current regulation limits recreational activities more than necessary for good management. Proposed changes to the regulation allow for the playing of most acoustic musical instruments in the park without disturbing others, fishing in the Parramatta River and kayaking and canoeing in the Parramatta River. These provisions will result in additional community benefits for park visitors who wish to engage in these activities.

Clause 24 (a) and (b) Personal Conduct and Direction Given by an Authorised Person

In Clause 26 (a) clarification is provided on who is able to give direction in relation to personal conduct in the park and now includes an authorised person (in addition to an authorised officer)

such as the employee of a security company or traffic controller. Clause 26 (b) includes 'or in writing to a person or entity' as well as communication through the use of a sign.

Clause 27 Affixing Signs and the Like on Trust lands

Simple adjustment to the current regulation is proposed to also allow an authorised officer to permit the affixing of signs within the park. For example the Trust booking and event officers may for management flexibility give authority in writing for certain activities such as the erecting of signs to promote a public function or event. Previously only the Executive Director or Trust was able to give authority.

Clause 29 Consuming or Possessing Liquor in Restricted Areas

Clause 30 has been strengthened. Existing provisions allowing the declaration of alcohol free areas and prohibiting alcohol consumption in those areas have been augmented with the ability to restrict sale of alcohol in certain areas of the park at public events which may have multiple age groups. The measure is consistent with the Barangaroo Delivery Authority Regulation 2015 and will increase safety and enjoyment levels for those attending events in Parramatta Park.

Clause 34 Other Prohibitions Relating to Animals on Trust Lands

Clause 34 now recognises the requirement to remove animal faeces deposited by authorised animals such as horses in the same way that dog faeces must be removed. The amendment has positive public health implications e.g. fly control and the spread of disease.

Disposal of Waste

Consistent with the Western Sydney Parklands Trust Regulation 2013 the proposed regulation removes a clause from the regulation that dealt with authorised officers controlling waste and litter. Instead waste and litter is dealt with under the *Protection of the Environment Operations (General) Regulation 2009*. The change is proposed to reduce the overlap of regulations.

Vehicles including Use of a Golf Buggy

The proposed regulation has removed the subclause dealing with restrictions on the use of a golf buggy following closure of the Parramatta Golf Course in 2015.

In Summary

Amendments have been suggested by Parramatta Park rangers and management in response to empirical issues. Amendments are consistent with achieving the policy objectives of maintaining park land, encouraging visitation and protecting park visitors and assets. A number of redundant clauses have been identified for removal. Substantive amendments likely to produce additional benefit for the community include removal of unnecessary restrictions on use of bicycles, acoustic musical instruments, fishing and kayaking/canoeing; additional measures designed to reduce incidents/accidents at public events; and minor administration cost savings.

4. Regulatory Impact Assessment Framework

4.1 Identification of Costs and Benefits for Each Option

Review of Chapter 3 description of regulatory options allows development of a framework for reporting and analysing government and community costs and benefits – Table 4.1.

Table 4.1 Costs and Benefits of Trust Regulatory Options

Option	Costs	Benefits
Base Case	<ul style="list-style-type: none"> • Augmented POM development costs • Cost of public education and voluntary codes of conduct to offset loss of enforcement powers • Damage to Trust land and assets with an increased maintenance cost • Reduction in the public's enjoyment of Trust land and assets • Diminished ability to generate revenue from events 	<ul style="list-style-type: none"> • Regulatory administration and compliance cost savings (minor and less than either the cost of POM development or the cost of public education and voluntary codes of conduct)
Current Regulation	<ul style="list-style-type: none"> • Regulation administration and compliance costs 	<ul style="list-style-type: none"> • Savings in POM development costs • Saving on public education and voluntary codes of conduct • Damage to Trust lands and assets avoided • Increased public enjoyment of Trust land and assets • Additional revenue associated with events
Proposed Regulation	<ul style="list-style-type: none"> • Regulation administration and compliance costs – broadly consistent with current regulation (some minor cost savings associated with affixing signs and disposal of waste) 	<ul style="list-style-type: none"> • All benefits associated with the Current Regulation • Additional enjoyment received by those engaged in extended period bicycle riding, acoustic instrument playing, fishing in Parramatta River from Trust land and kayaking / canoeing in the Parramatta River as it runs through Trust land • A reduction in the risk of incidents/accidents at public events • Minor administration cost savings associated with an authorised officer being able to give permission for the affixing of signs and reduction in regulatory duplication resulting from removal of Current Regulation waste disposal requirements covered by the Protection of the Environment Operations (General) Regulation 2009

Analysis of each option is presented in the following chapters.

5. Base Case – Do Nothing Benefit Cost Analysis

The *Parramatta Park Trust Act 2001* itself does not allow the Trust to prescribe the types of behaviour considered unacceptable within Trust lands, especially relating to property violations or matters of public safety. Without the regulation, the Trust is unable to impose any penalty for offences that would act as a deterrent to such behaviour.

5.1 Costs – Base Case

Augmented Plan of Management Development Costs

Under the no regulation base case the Trust would need to develop an augmented POM to address provisions currently contained in the regulation. The augmented POM would be an attempt to manage entry of people and vehicles and people's conduct in the park. Costs would be incurred in POM preparation and establishing systems internally and with other organisations such as City of Parramatta, NSW Police Force and Roads and Maritime Services.

Cost of Public Education and Voluntary Codes to Offset Loss of Enforcement Powers

In the absence of the regulation and capacity to impose penalties and enforce behaviour that is socially acceptable, the Trust will incur costs to educate members of the public on what is and isn't acceptable in a nationally significant park and communicate voluntary codes of conduct to visitors. Considerable cost will be incurred persuading large numbers of visitors to comply with voluntary measures and even with this investment, damage to Trust assets and land and a reduction in public enjoyment will occur.

Damage to Trust Land and Assets with an Increased Maintenance Cost

Additional damage to Trust assets (heritage items, buildings, collections, flora and fauna, memorials, picnic facilities and pathways) and land (native woodland, riparian habitat, grassland, the sporting oval and garden beds) can be expected. Associated with this additional damage will be an increase in park repair and maintenance costs.

Reduction in the Public's Enjoyment of Trust Land and Assets

The increase in anti-social behaviour will detract from quiet enjoyment of Trust lands, fewer local community members will visit and visitors from outside the community will find Parramatta Park a less attractive destination.

Diminished Ability to Generate Revenue from Events

The termination of the regulation will also result in the diminution of the Trust's ability to generate revenue from short-term events such as sporting activities, organised entertainment and organised ceremonies (consistent with Clause 8 of the regulation). The fees from Parramatta Park user charges total more than \$1 million per annum (Parramatta Park Trust Annual Report 2017-18). Loss of this revenue would reduce the Trust's capacity to perform its functions outlined under the Act and is likely to result in a further deterioration in maintenance, a diminished ability to encourage park use and a reduced ability to protect heritage.

5.2 Benefits – Base Case

Regulation Administration and Compliance Cost Savings

Costs are incurred by the Trust training authorised officers (rangers) in the requirements of the regulation, setting and maintaining administration systems, processing and on rare occasions prosecuting penalty infringement notices. These modest costs, approximately one full time equivalent (FTE) employee per annum, become a cost saving under the no regulation base case.

5.3 Benefit Cost Analysis – Base Case

The base case does not address the policy objectives – maintenance of Trust land is not improved; use is not encouraged and park heritage is not protected.

Accordingly the base case of do nothing is rejected.

6. Current Regulation Benefit Cost Analysis

Many of the community and government costs incurred under the base case are benefits under the current regulation.

6.1 Costs – Current Regulation

Regulation Administration and Compliance Costs

Under the current regulation costs are incurred by the Trust training rangers in the requirements of the regulation, setting and maintaining administration systems, processing and on rare occasions prosecuting PINs. These modest costs equate to approximately one FTE employee per annum, a cost of \$100,000.

6.2 Benefits – Current Regulation

Savings in Augmented POM Development Costs

Under the base case, costs are incurred by the Trust developing an augmented POM to manage entry of people and vehicles and people's conduct in the park. Costs are also incurred establishing systems internally and with other organisations such as City of Parramatta, NSW Police Force and Roads and Maritime Services. These costs include augmented POM preparation by a consultant, consultation and ongoing operation expenses for the Trust. The overall cost is estimated at \$80,000 per annum and becomes a cost saving under the current regulation.

Savings in Supplementary Public Education and Voluntary Codes of Conduct

Under the base case and in the absence of capacity to impose penalties and enforce behaviour that is socially acceptable, costs are incurred by the Trust to educate members of the public on what is and isn't acceptable behaviour in a nationally significant park and develop and communicate voluntary codes of conduct. This investment is no longer required under the current regulation and a saving on voluntary measures of \$250,000 per annum is realised.

Damage to Trust Lands and Assets Avoided

Trained Trust rangers with the power to intervene, issue penalty notices and prevent activities that threaten or damage Trust assets and land will diminish damage caused under the base case and assist with the delivery of the objectives of the Act. Protecting assets and land for the community is the purpose of this policy intervention. However, it will also manifest itself as a reduction in the cost of repairs and maintenance of approximately \$200,000 per annum.

Increased Public Enjoyment of Trust Land and Assets

Control of anti-social, dangerous and undesirable behaviour will increase the public's enjoyment of Parramatta Park to the point where steady forecast growth in annual visitation of 3% per annum (Parramatta Park Visitor Services Officer, personal communication December 2016 and shown in Table 2.1 as the long term average growth rate) will be realised against a base case where visitation stagnates. The economic value that visitors place on their visits to Parramatta Park was comprehensively established by Arche Consulting in 2012 at \$3.14 per visitor. The Arche Consulting value has been updated to \$3.54 per visitor using the CPI.

The economic value of increased public enjoyment of Trust land and assets increases over time and is shown in Table 6.1.

Table 6.1 Visits to Trust Lands – Base Case and Current Regulation

Option	2020	2021	2022	2023	2024
Current Regulation					
Visitor numbers [#]	2,000,000	2,060,000	2,121,800	2,185,454	2,251,018
Base Case					
Visitor numbers [*]	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Net increase in visitors associated with the Current Regulation	0	60,000	121,800	185,454	251,018
Economic Benefit per Visitor (\$) ⁺	3.54	3.54	3.54	3.54	3.54
Total Benefit to additional visitors (\$' million) ⁺	\$0	\$213,000	\$432,390	\$658,362	\$891,113

Basis used to estimate current visitors shown in Section 2.3 of this document. Growth in visitor numbers estimated using Trust provided forecast of an annual growth rate of 3%

* Stagnation in visitor numbers is a result of loss of amenity under the base case.

+ Economic benefit per visitor estimated using consumer surplus data for both recreation and amenity values at Parramatta Park in 2012 (Arche Consulting 2012). Arche Consulting's estimate was \$3.14 per visitor and was derived from a total consumer surplus estimate of \$5.46 million divided by 1.738 million visitors. This estimate has been updated to \$3.54 per visitor using the CPI.

Additional Revenue Associated with Events

Clause 8 of the current regulation allows for the Trust to generate revenue from short-term events such as concerts. This revenue allows the Trust to maintain park land, encourage its use and protect park heritage. The fees from Parramatta Park user charges total more than \$1.5 million per annum (Parramatta Park Trust Annual Report 2017-18) and it is estimated that up to 20% of this total is 'underwritten' by the current regulation.

6.3 Benefit Cost Analysis – Current Regulation

The current regulation addresses all three policy objectives – maintenance of Trust assets and land, encouraging their use by the public and protecting park heritage values. Benefit cost analysis results show a positive net present value of \$4.67 million and a benefit cost ratio for the NSW community of 12.39:1 (i.e. for each dollar of cost, \$12.39 is returned to the NSW community as a benefit).

7. Proposed Regulation Benefit Cost Analysis

The proposed regulation builds on the benefit and cost outcomes described and analysed for the current regulation with the following relatively minor additions.

7.1 Costs – Proposed Regulation

Proposed regulation administration and compliance costs are broadly consistent with the current regulation. There are some minor cost savings associated with allowing the affixing of signs by authorised officers rather than requiring referral to the Executive Director and some savings may result from removing duplication of provisions in relation to disposal of waste. These minor cost savings are recognised but not quantified.

7.2 Benefits – Proposed Regulation

All Benefits Associated with the Current Regulation

All benefits associated with the current regulation are relevant to the proposed regulation and their quantum remains unchanged. These benefits include savings in augmented POM development costs; savings in supplementary public education and voluntary codes of conduct; damage to Trust lands and assets avoided; increased public enjoyment of Trust land and assets; and additional revenue associated with the holding of events on Trust lands.

Additional Benefits for Cycle Riders

Clause 11 of the proposed regulation permits the riding of cycles after park closure and on car-free days. This relaxation of the current regulation will generate additional economic benefits for cycle riders. Scape Data (2016) established that 5% of visitors or 105,000 visits to Parramatta Park were associated with cycling. To value the additional economic benefit to cycle riders associated with additional access to Trust land it has been assumed that in any given year, 10% of current riders will choose to ride after park closure and on car free days – 10,500 additional cycle visits per annum at a value of \$3.54 per visit. An additional economic benefit for cycle riders of \$37,275 per annum is realised.

Additional Benefits for Musicians, Fishers and Paddlers

Clause 20 of the proposed regulation permits the playing of most acoustic musical instruments in the park without disturbing others as well as fishing, kayaking and canoeing in the reaches of the Parramatta River that border Trust lands. This relaxation of current regulation restrictions will generate additional economic benefits for musicians, fishers and paddlers. To value the additional economic benefit created, data from Scape Data (2016) on the percentage of visitors who undertake these activities in other parks in the Parramatta region has been used. Where this data was not available i.e. acoustic musical instrument players, an estimate was prepared by the consultant. Forecast annual visitors to Trust lands for each of these activities is 365 musicians, 1,825 fishers and 410 kayakers and canoeists. As a consequence the benefit is for a total of 2,600 additional visits at a value of \$3.54 per visit creating a benefit of \$9,230 per annum.

Reduction in Incidents/Accidents at Public Events

Multiple clauses in the proposed regulation address safety at public events – Clauses 5 and 6 closure to the public and limits on the number of persons who may enter Trust land; Clause 9 Trust prohibition or regulation of entry of vehicles; Clause 13 vehicle use and parking; and Clause 30

consuming or possessing liquor in restricted areas. The purpose of these proposed changes to the current regulation is to improve visitor safety and reduce the incidence of accidents at public events.

Public safety is of prime concern to the Trust as it administers Parramatta Park and delivers its statutory objectives. Public safety and avoidance of accidents is an end in its own right. However, accident avoidance also has an economic value. Dimensions of this economic value include treatment costs, personal loss experienced by accident victims and their families, costs associated with carers, lost accident victim earnings and lost productivity within the workplace.

In the absence of comprehensive data on the number and profile of incident/accident victims at public events in Parramatta Park a conservative approach to quantification of a reduction in incidents/accidents based on 'in-park' treatment costs has been adopted:

- 275,300 people attended events in Parramatta Park in 2017-18
- An assumed 688 people experienced some form of injury
- New provisions contained within the proposed regulation will halve the incidence of accidents at events held in the park
- First aid treatment cost for accident victims is estimated at \$100 per accident inclusive of St Johns Ambulance officer time and first aid materials.

The benefit of reducing incidents/accidents at public events attributable to the proposed regulation is estimated at \$34,400 per annum (344 fewer accidents costing \$100 each).

Administrative Cost Savings

The proposed Regulation results in Administrative cost savings associated with:

- an authorised officer or any other person approved by the Trust to give such directions being able to give permission for the affixing of signs; the delegated approval of public events; and the provision to give directions and instructions to persons on Trust lands for good order, safety and security
- the reduction in regulatory duplication resulting from the removal of current regulation waste and litter disposal requirements

The reduction in administrative process and the alignment of such process with efficient event management practices has the potential to save costs for the Trust and the community relative to the current regulation. These costs are however relatively minor and have not been quantified.

7.3 Benefit Cost Analysis – Proposed Regulation

Consistent with the current regulation the proposed regulation also addresses all three policy objectives – maintenance of Trust assets and land, encouraging their use by the public and protecting park heritage values. However, benefit cost analysis shows that the proposed regulation addresses the policy objectives for the same community cost but with additional community benefits. The proposed regulation results in a positive net present value of \$5.00 million and a benefit cost ratio for the NSW community of 13.20:1 (i.e. for each dollar of cost, \$13.20 is returned to the NSW community as a benefit).

8. Community Consultation Strategy

Stakeholders listed in Section 2.5 of this draft RIS will be forwarded a copy for comment.

In addition the following consultation is proposed:

- Posting of the draft RIS on the Parramatta Park website
- Advertising in NSW newspapers
- Posting of intention to remake the regulation and the availability of the draft RIS in the NSW Government Gazette.

9. Conclusions

A summary of benefit cost analysis results is provided in Table 9.1.

Table 9.1 Summary of Costs and Benefits against the Base Case

Criteria	Option 1 No Regulation	Option 2 Current Regulation	Option 3 Proposed Regulation
Costs – PV (\$'million)	<i>base case</i>	0.41	0.41
Benefits – PV (\$'million)	<i>base case</i>	5.08	5.41
NPV (\$'million)	<i>base case</i>	4.67	5.00
Benefit Cost Ratio	<i>base case</i>	12.39	13.20

Both Option 2 and Option 3 meet the policy objectives. However, Option 3 the proposed regulation is preferred on economic grounds generating additional benefits for the NSW community at no additional cost.

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