



# Legislative Assembly

## Callan Park (Special Provisions) Bill

24/10/2002

### Hansard

### Extract

#### Second Reading

**Ms NORI** (Port Jackson—Minister for Small Business, Minister for Tourism and Minister for Women) [10.17 a.m.]: I move:

That this bill be now read a second time.

I am pleased to speak on this bill knowing that I have the full support of the Government in enshrining in law the public ownership of the Rozelle Hospital site and defining future uses to exclude the type of private development that was the focus of community concern. This legislation means Callan Park is protected forever and a day under a Labor government. The basis of this debate has moved a long way since the Minister for Health first formed his intention to close Rozelle Hospital and replace it with a state-of-the-art mental health facility at Concord hospital.

I am informed that after two years of negotiations the Department of Health and Leichhardt council failed to agree on terms of reference for the master plan. The Minister for Health finally asked the Minister for Urban Affairs and Planning to call the matter in and become the consent authority for development of the master plan so the community consultation process could begin. At the heart of the matter was the desire of the Department of Health to retrieve from the sale of a portion of the site sufficient money to build a replacement hospital. This was a basic condition the master plan had to meet.

From the beginning of the debate the Government also accepted the basic conditions I put on behalf of my electorate—that there was to be no loss of open space on the site and that the heritage buildings, the heritage gardens and the foreshore were to be preserved. I also indicated to the Government that my support was conditional on the final shape of the master plan and how it impacted on my electorate. When the draft master plan was released, I was unhappy—

**Mr Humpherson:** Point of order: In addressing the House, Ministers and members are obliged to tell the full truth, particularly in relation to private members' bills. What we need to know is whether the Minister is lying now or has been lying for the past four years.

**Mr ACTING-SPEAKER (Mr Mills):** Order! That is not a point of order. I request the honourable member for Davidson to withdraw the term "lying".

**Mr O'Farrell:** Point of order—

**Mr ACTING-SPEAKER:** Order! I will not hear a further point of order. In accordance with the standing orders the Chair has asked the honourable member for Davidson to withdraw the word "lying". Will he do so?

**Ms NORI:** Mr Acting-Speaker, I am in the middle of delivering a second reading speech. I request that this gentleman withdraw—

**Mr ACTING-SPEAKER:** Order! As I declined to hear a point of order from the honourable member for Ku-ring-gai, I will not accept a point of order from the Minister.

**Mr Humpherson:** I have a feeling that offence may have been taken by the honourable members of the House or the Minister. As far as any offence taken by the Chair or the House is concerned, that was not the intention, and any inference in that respect I withdraw.

**Ms NORI:** When the master plan was released I was unhappy about the scale and density of the area proposed for sale and development. For the benefit of the honourable member for Davidson, if he knew anything about this issue, there is plenty of celluloid of my making it absolutely clear that I wanted a minimum 20 per cent reduction in the proposed development. That was because the reality I faced at that time was that Health was still intent on the basic principles of sale and development of a portion of the site. Of course, I sought to minimise the impact of that reality by calling for at least a 20 per cent reduction in the area subject to sale and development. But the more I consulted and the more I looked at the details of the draft master plan the more I believed that the traffic issue simply had not been adequately addressed.

I believed, and still believe, that there was no cogent plan to mitigate the effect of the extra traffic the development would generate, especially in Glover Street and those streets on the western boundary of the site, and indeed on the opposite side from Manning Street. Residents in those and nearby streets felt that they would bear a great deal of the burden of the development, which was undeniable. In the end, this was the issue that really tipped the balance for me. So I started advocating within Government and my volunteer Callan Park Community Working

Group for the other permissible uses within the master plan. Other permissible uses within the master plan included health, aged care, education and community uses, all of which already occur within the grounds.

In turn, the Government came towards the view that it might as well go down that path and make those the only uses. In September the Government made its final decision that this was the best course of action. On the basis of the Government's support for my alternative proposal it agreed to withdraw the master plan. Parliamentary Counsel began drafting my private member's bill, which I received on 14 October in draft form. The dilemma for me—from the start—is that I felt that the principles of good government demanded that I find a position that balanced the rights and needs of my electorate and the rights and needs of this State's mental health patients. I fully accept that the Government cannot continue to maintain a nineteenth century hospital as the centrepiece of the State's mental health services. I have seen and accept local and international expert opinion—including from the World Health Organisation—that institutionalised, isolated care such as that provided at Rozelle is inappropriate in the twenty-first century for people with mental illness.

The staff-elected member on the Central Sydney Area Health Board, Charlie Linsell, said that most of the buildings are actually counter-therapeutic. The care and dedication of doctors, nurses and other staff at the hospital mitigate this to some extent, but it is just not good enough and it needs to change. So I am delighted to say that despite the abandonment of the master plan—despite the Government's decision to keep this site in full public ownership—the development of the new hospital at Concord will continue unaltered. The difference is that its cost will not be met from the Rozelle Hospital site.

As I said in an early letter to my constituents, the future of this important and historic site required "a full process of meaningful public consultation; that is, consultation that can influence the outcome". The Government's support for this bill makes it quite clear that it took this commitment seriously. Even though the community debate has been emotional and heated at times, I am grateful to those people who took the time to convey their views to me or to make personal submissions on the draft master plan. Although the solution was not found within the master plan, I strongly believe the process itself was important. It meant a wide range of information and public opinion was gathered and aired, which proved important in allowing the Government to reach its final decision on how to proceed in a way that satisfied both local residents and mental health needs.

I turn now to the detail of the bill. There are five objects of the bill, which will ensure continued public ownership of, and access to, Callan Park. As the objects state, the bill will ensure the preservation of open space at Callan Park. It will allow public access to that open space, including the harbour foreshore. It will allow public access for both active and passive recreation. The bill will preserve the heritage significance of Callan Park and will impose appropriate controls on future development. Clause 5 of the bill guarantees that all of Callan Park will remain in public ownership. Under clause 5, Callan Park may be transferred only to another statutory body representing the Crown that is subject to the direction and control of the Minister. Clause 5 also prohibits leases of any part of Callan Park, except as expressly permitted by the bill.

Clause 6 permits leases or licences of buildings or land to be granted with the Minister's consent. Clause 6, however, requires the Minister to engage in extensive public advertising and consultation on any proposed lease or licence. Clause 6 also permits the management of Callan Park or any part of it to be contracted out with the Minister's consent. This provision recognises that the Crown body that owns Callan Park might not always have the right expertise or resources to best manage the site. There are two important restrictions on the ability to contract out management of Callan Park. First, the extensive public advertising and consultation provisions that apply to leases also apply before the Minister is allowed to consent to a proposed management contract. The second restriction is that the management of Callan Park may be contracted only to the local government area in which Callan Park is situated or to some other body specifically formed to manage Callan Park.

Clause 7 sets out the key restrictions on development at Callan Park. The provisions in clause 7 override the environmental planning instruments that otherwise apply to the site. Under clause 7 development is permitted, with development consent, for the purposes of health care facilities, aged care facilities, educational facilities and community facilities. It is important to note, however, that in permitting such uses, clause 7 also limits buildings at Callan Park to the footprints of existing buildings. It specifically prevents any reduction in the amount of open space and it specifically prevents any increase in the total floor area of buildings at Callan Park.

This bill ensures that Callan Park will retain its character as a health and community facility. The need for adequate aged care facilities is an increasingly important issue throughout Australia. It is a particular need in Sydney's inner west, including my electorate of Port Jackson. There are many local elderly people who at present have limited options for staying in the area they know and love, and I am sure most of them would prefer to stay in the area when they reach the stage of needing aged care. Aged care has already been raised as a possibility for the site, and Callan Park may well present an ideal opportunity for providing essential aged care service facilities in the inner west. However, I emphasise that clause 7 of the bill specifically rules out State environmental planning policy 5 on aged care and disability housing. Under my bill, there is no way that we will end up with the monstrosity of the 400-bed privately funded hospital that the Leader of the Opposition has promised to build at Callan Park, which inter alia would also have chewed up more of the open space.

**Mr Humpherson:** Point of order: The Minister has just made an assertion that is entirely without any foundation in truth. The assertion of the Opposition's position is incorrect, and I ask the Minister to withdraw it.

**Mr ACTING-SPEAKER (Mr Mills):** Order! A disagreement with a statement of the Minister does not give rise to a point of order. Clearly, the Opposition will have an opportunity to correct the record if it wishes to do so.

**Mr Humpherson:** It is not a matter of opinion; it is a matter of truth.

**Mr ACTING-SPEAKER:** The Chair cannot make a judgement about that. As I said, there is no point of order.

**Ms NORI:** I refer the honourable member for Davidson to the words of Chris Puplick, who is a key person in the Central Sydney Area Health Service. In assessing the Opposition's proposal, Mr Puplick said that if a new hospital were to be rebuilt at Rozelle it would chew up at least 10 hectares of the public open space. So I am relying on Mr Puplick's advice. Clause 7 also specifically protects the important gardens in Callan Park. The Broughton Hall Garden, known locally as the Japanese gardens, the Charles Moore Garden and the Kirkbride Garden are each named in and protected by the bill. Under clause 7, the consent authority is required to consider the objects of the bill when determining a development application. This means that public and foreshore access and heritage issues will be considered in every development application.

Clause 8 enables regulations to establish a community consultation committee for Callan Park, and clause 9 ensures that the bill will not affect the application of the Heritage Act to Callan Park. It protects and enhances an important public place. It ensures that this important public place cannot be ruined by massive overdevelopment with the Opposition's proposed 400-bed hospital. This bill has been made possible because the Government has found the money needed to build a vital first-class mental health facility at Concord without needing to sell part of Callan Park. An electorate like Port Jackson, so near the centre of the city, faces many challenges as Sydney grows larger. For instance, Balmain peninsula has seen great changes over the past 20 years. Traditionally, this has been an area that combined industrial and residential use in a unique mix. Recent years have seen most industries move out—Colgate Palmolive and Unilever are just two examples—and residential development move in.

Under a previous Government and a previous local member, the so-called five sites development was set in place, and residents see on a daily basis the gross overdevelopment on some of those sites. No doubt this made the Rozelle Hospital debate a particularly resonant and fraught one. Despite Government commitments restricting the nature of any development, residents feared a duplication of existing monstrosities. I know that this has been a large factor in forming local attitudes, and I understand the reasons for this apprehension. During this whole process I have spoken to many people in my electorate, I have visited the site many times and I have spoken door to door with many residents, especially those near the hospital.

While no outcome would ever satisfy everyone, I am convinced, through my wide consultation, that this bill provides a solution that will satisfy the majority of residents in my electorate. Added to that, the new mental health facility at Concord will mean that for the first time patients will have ready access to the host of diagnostic and specialist care that holistic health care demands and that this Government wishes to provide. In the days since my announcement on Sunday it is interesting to note that the only people who have been disappointed by my bill and my proposal are those like the Leader of the Opposition, the honourable member for Davidson, other Opposition members, some members of Friends of Callan Park and other elements in the electorate who have one thing uniting them: They have only ever seen this issue as a political football.

If the Leader of the Opposition, Opposition members and the Friends of Callan Park who join him had anything other than a basic political interest they would know that the plan to retain a mental health facility at Rozelle, whether it be new or within the existing buildings, is totally inappropriate. Anyone who gave a tinker's cuss about mental health could not have put forward that proposition. The Leader of the Opposition should know, if he does not, as should the member for Davidson, some Friends of Callan Park and others who have joined the Opposition in treating this issue as a political football, that the World Health Organization has said:

One of the key messages to governments is that mental asylums, where they still exist, must be closed down ...

They would also know that the Royal Australian and New Zealand College of Psychiatrists said in September that "institutionalised isolated care is not appropriate for individuals with mental health problems" and that the college supports the "co-location of mental health facilities with general hospital services". They should have known that Dr Victor Storm, Clinical Director, Mental Health Services, Central Sydney Area Health Service, has said that the delays in the development of a new hospital at Concord "only place patients and staff at risk". They would also know that Charles Linsell, a senior nurse educator with the Central Sydney Area Health Service and staff-elected representative on the area health service board, has said that the Opposition leader's plan to develop a privately funded mental hospital on the site is "a knee-jerk, ill-conceived proposal" and "a sham". There are two distinguishing features of this bill, amongst others floating around that purport to deal with this site. The most important of those distinguishing features may not seem to be a significant difference but it is such a telltale sign about the Opposition, especially the Leader of the Opposition, who claims to be a Balmain boy.

The fine print clearly states that the bill provides for both passive and active recreation on the site. Anyone who takes community consultation seriously, as I do, would know about the strength of junior sport in the Balmain district within the Leichhardt municipality and would know from the clamouring of soccer organisations, the Balmain Junior Rugby League Club and baseball teams when the time comes that they all want to be able to use ovals that have been on the hospital site for some time. Those ovals, however, could not be used because they were so close to accommodation housing patients that their use would not have been fair on the patients. The patients are already making submissions and plans—they have certainly made submissions to me—begging that the site also provide some opportunity for active recreation and sporting facilities, particularly for kids.

That may not be the most significant concern in people's minds when they turn to the Callan Park issue and

the whole debate that has taken place over the past several months—indeed, it is probably 18 months. However, it is indicative of the telltale signs that distinguish the participants in this debate—those who took seriously the issue of redeveloping the site, and those for whom it was only ever a political football. I am proud to introduce this bill, particularly the section that refers to active recreational uses on the site, because my bill, and my bill alone, takes into account the needs of the whole electorate. At all times I have attempted to find a solution to a very difficult issue, that is, the need to find a means by which we could develop a new state-of-the-art hospital at Concord—in other words, taking an interest in the needs of people with mental health problems—and also to find a solution that would not impose unacceptable levels of development in my electorate. I commend the bill to the House.