



Legislative Council

Callan Park (Special Provisions) Bill

Hansard - Extract

13/11/2002

Second Reading

The Hon. JOHN DELLA BOSCA (Special Minister of State, Minister for Industrial Relations, Assistant Treasurer, Minister Assisting the Premier on Public Sector Management, and Minister Assisting the Premier for the Central Coast) [4.56 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

I am pleased to say that I rise to speak on this bill knowing I have the full support of the Government in enshrining public ownership of the Rozelle Hospital site in law 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 new 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 Masterplan.

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 Masterplan so the community consultation process could begin.

At the heart of the matter was the Department for Health's desire to retrieve from sale of a portion of the site sufficient money to build the replacement hospital.

This was a basic condition the Masterplan 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 heritage buildings, heritage gardens and the foreshore were to be preserved.

I also indicated to Government that my support was conditional on the final shape of the Masterplan and how it impacted on my electorate.

When the draft Masterplan was released I was unhappy about the scale and density of the area proposed for sale and development.

Given that the reality I faced was that Health was still intent on the basic principle of sale and development of a portion of the site—I sought to minimise the impact of that reality by calling for—at the 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 Masterplan, the more I believed that traffic issues simply had not been adequately addressed.

I believed there was no cogent plan to mitigate the effect of the extra traffic the development would generate—especially in Glover and Manning Streets.

Residents in those and nearby streets put it to me that they would bear a great deal of the burden of development—and that 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 Masterplan—health, aged care, education and community uses, all of which already occur within the grounds.

In turn, the Government came towards the view that we might as well go right 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 their support for my alternative proposal, the Government agreed to withdraw the

Masterplan.

Parliamentary Counsel began drafting my private member's bill, which I received on 14 October in draft form.

The dilemma for me—right from the start—is that I felt the principles of good government demanded I must 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 accept that the Government cannot continue to maintain a 19th 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 21st century for people with mental illness.

As the staff elected member on the Central Sydney Area Health Board—Charlie Linsell—said, most of the buildings are actually counter-therapeutic.

This is mitigated by the care and dedication of doctors, nurses and other staff at the hospital—but it's just not good enough and it needs to change.

So I am delighted to say that despite the abandonment of the Masterplan—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 they 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 Masterplan.

Because, although the solution was not found within the Masterplan, 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 only be transferred 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 of the bill 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 of the bill 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 only be contracted to the local government area in which Callan Park is situated or to some other body specifically formed to manage Callan Park.

Clause 7 of the bill 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 of the bill 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 in the 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 if and when they reach the stage of needing aged care.

This aged care use has already been raised as a possibility for the site and Callan Park may well present an ideal opportunity for providing essential aged care facilities in the inner west.

I emphasise, however, that clause 7 of the bill specifically rules out SEPP 5 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 the Opposition Leader has promised to build at Callan Park.

Clause 7 of the bill 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.

Finally, under clause 7, the consent authority is required to consider the objects of the bill when determining a development application.

This means public and foreshore access and heritage issues will be considered in every development application.

Clause 8 of the bill enables regulations to establish a community consultation committee for Callan Park.

Finally, clause 9 ensures that the bill will not affect the application of the Heritage Act to Callan Park.

This bill is about listening to the community.

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, the Balmain peninsula has seen great changes over the past twenty years. Traditionally this was an area that combined industrial and residential areas in a unique mix.

Recent years have seen the large majority of industry have moved out—I think of names like Colgate Palmolive and Unilever as just two examples—and residential development has moved 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.

There is no doubt that this had 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 this to have been a large factor informing local attitudes. I understand the reasons for this apprehension.

During this whole process, I have spoken to many, many people in my electorate. I have visited the site many times. I have spoken door to door with many residents—especially those near the hospital.

While no outcome would every satisfy everyone, I am convinced by my wide consultations that this bill provides a solution that will satisfy the vast majority of residents in my electorate.

Added to that, the new mental health facility at Concord will mean patients will—for the first time—have ready access to the host of diagnostic and specialist care that wholistic healthcare demands, and that this Government wishes to provide.

The Government will move a number of amendments in Committee, which will provide for parliamentary scrutiny of leases exceeding 10 years and proposals to contract out for management of Callan Park to any trustees. The amendments will also prohibit development for the purposes of retirement villages and will limit buildings at Callan Park to their current heights. I commend the bill to the House.