



University of Technology (Kuring-gai Campus) Bill 2007

University of Technology (Kuring-gai Campus) Bill 2007

Extract from NSW Legislative Assembly Hansard and Papers Thursday 28 June 2007.

Agreement in Principle

Mr BARRY O'FARRELL (Ku-ring-gai—Leader of the Opposition) [10.02 a.m.]: I move:
That this bill be now agreed to in principle.

This bill is identical to a bill introduced during the previous Parliament. That bill was unable to be debated during the term of the previous Parliament because of the cancellation of private members days, which afford the only opportunity for non-Government members to have legislation considered. This legislation remains important for a reason that I will refer to at the end of my remarks.

The University of Technology (Kuring-gai Campus) Bill 2007 has a clear and simple purpose: it will ensure that the Lindfield site continues to be used for educational purposes. The history of the site is interesting. In February 1961 the then State Labor Government purchased the site for the stated purpose of "public instruction", that is, education. In April 1971 William Balmain Teachers College opened on the site. In 1974 William Balmain Teachers College changed into the Kuring-gai College of Advanced Education. In 1990 the University of Technology was created with the old Kuring-gai College of Advanced Education as its Kuring-gai campus. The legislation establishing the University of Technology, Sydney, section 18 (2), states:

The Council shall not except with the approval of the Minister, alienate, mortgage or demise any lands of the University.

In establishing the University of Technology, Sydney, and vesting property in the new tertiary institution, the expectation was that the land would continue to be used for those educational purposes. However, there is a frustration in the community that I represent. It is that in vesting the site in the University of Technology, Sydney in 1989 no provision was made for the site to be returned in the event it was ever found to be either no longer needed or surplus to requirements. It is clear, from reviewing documents relating to the establishment of the University of Technology, Sydney and the transfer of the land, that the intention was that the site be used for educational purposes. That was confirmed by the fact that the transfer of the land to the University of Technology, Sydney at the time was done in exchange for a single dollar. That goes to the nub of the issue here.

The University of Technology, Sydney has proposals for redevelopment of the site and vacation of the site by the university to enable unit development. Those proposals are rejected by most members of the community that I represent and by most right-minded people. There is a clear desire expressed in the debate on the proposal for the site, for this piece of land, as a publicly-owned asset, to be retained for educational purposes. If the prudent thing had been done back in 1989, a clause would have been inserted in the transfer documents saying in effect: Here is a piece of land, we are going to vest it in the University of Technology, Sydney, for a single dollar, and it will be used for educational purposes. And a further clause would also have been included to say: If at any time the land is not needed or is surplus to requirements, it will be returned to the Crown in exchange for another dollar.

I have no doubt that if the only profit that the University of Technology, Sydney could make out of the site were a single dollar return to it from the State Government, the university would have found a way to have a continuing role with the site. The great beauty of the University of Technology, Sydney Kuring-gai site is that it overlooks Lady Game Drive and the Lane Cove National Park. It is deep in the residential suburb of Lindfield. It is served principally by two residential streets, Eton Road and Westbourne Road. Motorists who wish to turn south onto the highway use Grosvenor Road, which goes past Lindfield Public School.

Delivery of 400, 500 or 600 units to the site will significantly impact local residents by traffic volume alone, let alone one's views about maintaining in public ownership an educational precinct. Traffic in parts of the area, particularly outside Lindfield Public School at the intersection of Grosvenor Road and the highway, is a cause for concern now. That concern has prompted the Government recently to put in speed cameras and the like. Wherever significant traffic loads occur beside a school, there are issues. Development of the University of Technology, Sydney Kuring-gai site for unit development will simply make traffic conditions in that area worse. This legislation can resolve the matter. It would ensure continued use of the site for educational purposes. Importantly, it is based upon a precedent—an earlier example of a State Government stepping in to stop the alienation of a similar property. Highly significantly, the current State Government established the precedent to which I refer. In 1999 the then State education Minister, John Aquilina, rushed the University of New South Wales (St George Campus) Bill through Parliament. That legislation, which passed both Houses, stopped the University of New South Wales selling the site of another former college of advanced education. That site had earlier housed a teachers college and had been similarly transferred to a higher education institution for just a single dollar on the same expectation that it would be used for educational purposes. The parallels with the

current situation at Lindfield are extraordinary. In justifying the 1999 decision to move special legislation to prevent the sale the then State education Minister declared:

I am not willing to see a valued educational facility like that at St George wound down and taken out of the public domain.

The same should apply to the University of Technology, Sydney Kuring-gai site at Lindfield. The then education Minister pointed out that the legislation establishing the University of New South Wales, and specifically that section outlining the university's functions, did not contain a clause relating to "selling public assets". I note the same omission in relation to the legislation concerning the University of Technology, Sydney. The then Labor Minister for Education and Training stated:

The public interest will suffer if the university effectively removes the land from public use.

I say the same about the Kuring-gai campus on the Lindfield site of the University of Technology, Sydney. Finally, this Government's former education Minister noted his responsibility under the 1989 Act to approve or otherwise any proposed sale of land. Section 18 (2) of the University of Technology, Sydney Act gives the State education Minister the same power. That is, the current Minister for Education and Training, the Hon. John Della Bosca, MLC, could, without need for this legislation, refuse to allow the University of Technology, Sydney to sell the Lindfield site. I regret that, to date, no such refusal has been forthcoming. I regret that the State Government seems to have double standards. I regret that what was apparently sound policy when it came to the St George campus will not be applied to the Kuring-gai campus. I regret that the 1999 refusal to allow a university to sell a site—a refusal which was based, in the words of this State Labor Government, on the absence of public interest—is not being repeated in 2007, and that is why this bill has been introduced.

The University of Technology (Ku-ring-gai Campus) Bill is simple. If passed it would prevent the site from being used for anything other than educational purposes. This legislation is important. It is urgent because last Friday the Minister for Planning indicated that he would take planning control for this site from Ku-ring-gai Council. Residents in this area now have no doubt that this site is going to be sold by the university and redeveloped. There are two opportunities to stop it. One is for the Minister for Education and Training to refuse, under the Act, to allow it to be sold. The second is for this legislation to be passed and for the land to be retained for educational purposes.

I previously raised the interests of Moore Theological College in relation to the site. I do not want to verbal the Moore College representatives, but I understand the reason that issue has not proceeded is the return the University of Technology, Sydney expects to get from the site. It paid one dollar and is expecting to get between \$30 million and \$60 million in return. That is why enormous pressure is placed on the State Government for the maximum unit development on the site. It is poor public policy, it is poor treatment of a public asset and it does not fit with what this State Government was prepared to say about another site in 1999.

A number of proposals have been made over the years for alternative educational uses, not just from Moore College. Private schools have made suggestions. There have been suggestions about the relocation of public high schools. Members of the school community of Lindfield Public School—in which I declare an interest, as I have a child in year 2—have asked me why we do not move Lindfield Public School off the highway and put it on the university site. If there is going to be development of units, as there are up and down the highway at Ku-ring-gai, they can go on the old school site. Whatever the outcome, the public interest is best served by maintaining the site for educational purposes. The best outcome would be for this legislation to pass, for the Minister for Planning to reject the approach by the university and for the Minister for Education and Training to stand up for the protection of an educational asset in the community.