

CALLAN PARK TRUST BILL 2008

Bill introduced, and read a first time and ordered to be printed on motion by Ms Sylvia Hale.

Second Reading

Ms SYLVIA HALE [2.37 p.m.]: I move:

That this bill be now read a second time.

<15>

In speaking in debate on the Callan Park Trust Bill 2008 I commence by acknowledging the Wangal people, whose wise custodianship of their traditional lands has given us the legacy of Callan Park. I would also like to acknowledge the work of the Friends of Callan Park, a group that, for the past 10 years, has led the community campaign to save Callan Park. In speaking to this bill I will rely on a great deal of the work of the Friends of Callan Park, both in documenting the history of the site and in providing a vision for how Callan Park should be administered. Callan Park covers over 60 hectares on the southern side of Iron Cove on the Parramatta River in Sydney's inner west.

In 1839 John Ryan Brenan, the Crown Solicitor, acquired the land and commissioned Mortimer Lewis, the Colonial Architect, to build a house known as Garry Owen. In 1841 Brenan bought an additional three acres to the west of his estate and the following year built Broughton Hall. In 1873 the Government acquired Callan Park, Garry Owen House, and the surrounding 104.5 acres in order to build a new lunatic asylum to be operated according to the enlightened ideas of the American doctor Thomas Kirkbride. The Kirkbride block was completed in 1885 to the designs of the then Colonial Architect James Barnet. The last psychiatric patients left this complex in 1994. It was then converted for use by the University of Sydney's Sydney College for the Arts and reopened in 1996.

In 1915 Broughton Hall was donated by its then owners to be used as a convalescent hospital for shell-shocked soldiers returning from World War I. Subsequently it was resumed by government and in 1921 became the first psychiatric clinic in New South Wales for volunteer patients. The founder of the clinic, Dr Sydney Evan Jones, established a 25-acre garden, which his patients tended as part of their therapy. Large parts of the garden still survive. During the 1980s Broughton Hall suffered extensive fire damage and it has since been boarded up. Garry Owen House was also used for patients and later as a training school for nurses. In 1991 it was converted for use as the New South Wales Writers Centre.

During the twentieth century many additional facilities and buildings were built on the Callan Park grounds as part of the hospital complex. These include a sportsground, swimming pool, wards, staff residences, and a central kitchen and laundry. In 1976 the Broughton Hall Clinic was amalgamated with the Callan Park Mental Hospital to form the Rozelle Hospital. The hospital had 250 beds and operated in various buildings scattered across the site. Callan Park incorporates archaeological, Aboriginal, historical, cultural, aesthetic and environmental heritage. Five Aboriginal heritage sites are identified at Callan Point. These are shell middens in sheltered areas close to the water's edge where groups camped or stopped for a meal. These middens contain rock oysters, cockles, mussels and *Terrebralia* shells, and have been dated at about 4,500 years old.

Built of sandstone mainly quarried on site, the buildings of the former Rozelle Hospital have slate roofs, timber floors and copper downpipes. Spacious rooms lead to verandas linking several courtyards. The verandas are supported by hundreds of cast iron columns acting as downpipes for water which is fed into an underground reservoir. Dominating the complex is a Venetian clock tower with a ball that rises and falls according to the water level of the reservoir. Essential to treatment at the hospital was the calming influence of natural beauty and pleasant parklands designed by the former Director of the Botanic Gardens, Charles Moore.

Further landscaping in the 1890s included the planting of palms and rainforest trees and the conversion of an informal pond to the curious sunken garden, which still survives. In May 2002 NSW Health released a draft master plan for the Rozelle Hospital site at Callan Park, which proposed:

the development of a purpose-built mental health unit at Concord Hospital, which would make the Rozelle Hospital surplus to its needs

the sale of about 20 % of the 61-hectare site for development as two- to four-storey housing

the creation of a 47-hectare park in which all the significant heritage buildings and gardens would be protected.

In response to widespread community concern, and following the introduction by my Greens colleague Ms Lee Rhiannon of her Save Callan Park Bill, the New South Wales Parliament passed the Callan Park (Special Provisions) Act 2002, otherwise known as the Save Sandra Nori Act. This Act was assented to on 24 December 2002. The stated objects of the Act are:

- (a) to ensure that the whole of Callan Park remains in public ownership and subject to public control, and
- (b) to ensure the preservation of the areas of open space at Callan Park that were in existence immediately before the commencement of this Act, and that extend to and include the foreshore of Iron Cove on the Parramatta River, and
- (c) to allow public access to that open space, including that foreshore, for public recreational purposes of both an active and a passive nature, and
- (d) to preserve the heritage significance of Callan Park, including its historic buildings, gardens and other landscape features, and
- (e) to impose appropriate controls on the future development of Callan Park.

In June 2007 the Government announced that it was in discussions with the University of Sydney to sign a memorandum of understanding to expand the university's presence on the site when the Rozelle Psychiatric Hospital was closed. It also announced that it would appoint the Sydney Harbour Foreshore Authority to develop a land-use plan for Callan Park. In April 2008 the Government closed down the Rozelle Psychiatric Hospital. This move was highly unpopular with the local community and with other people who had friends, relatives and children who had been treated at that psychiatric hospital. Not just the immediate residents of the area were upset; people right across the Sydney area found that the provision of facilities at Concord was not adequate to meet the urgent demands of the community.

As I said, in April 2008 the Government closed down the Rozelle Psychiatric Hospital, a move that was highly unpopular with the local community. Protest rallies were attended by hundreds of local residents, former patients and their families, as well as mental health advocates, over the weekend surrounding the closure of the hospital. Besides the protest rallies I have no doubt that the community made known its views about this closure at the recent local government elections. It should be noted that in the lead-up to the local government elections, in a local newspaper interview, Mr Damien Copley-Finch, the Labor candidate in the ward of Birrabirragal-Balmain, and identified in that article as Labor's candidate for the position of mayor of Leichhardt, was critical of the stance taken by the Friends of Callan Park.

In words eerily reminiscent of former planning Minister Frank Sartor, he criticised those leading the campaign to save Callan Park for being too resistant to change. The community's response to Mr Copley-Finch's views was made very clear on polling day. Not only will Mr Copley-Finch not be the mayor of Leichhardt; his vote dropped so sharply that he lost his seat on the council, leaving Labor unrepresented in the Balmain ward for the first time in a century. The community cannot make its views known much more clearly than that. The community wants Callan Park protected and it wants Callan Park administered by and on behalf of the community.

This bill sets out to meet that legitimate community aspiration. This bill has the purpose of establishing the Callan Park Trust, a community-based trust that will administer the site in accordance with the objects of the Callan Park Act. The bill, which is generally modelled on the Centennial Park and Moore Park Trust Act 1983, states:

1. The Trust is to consist of 10 trustees as follows:

- (a) 3 trustees appointed by the Governor on the recommendation of the Minister made in consultation with the Minister for Health,
- (b) 3 trustees appointed by the Governor on the recommendation of the relevant local council and who are residents of the council's area,
- (c) 1 trustee appointed by the Governor on the recommendation of the National Trust of Australia (New South Wales),
- (d) 1 trustee appointed by the Governor on the recommendation of the Advisory Council of the Sydney College of the Arts,
- (e) 1 trustee appointed by the Governor on the recommendation of a majority of the lessees of land within the Trust lands, and
- (f) 1 trustee elected in the manner prescribed by the regulations by persons employed for more than 20 hours per week on the Trust lands.

<16>

(2) Each person appointed as a trustee must have expertise in at least one of the following areas:

- (a) park management,

- (b) cultural heritage management,
- (c) local community affairs,
- (d) landscape history,
- (e) finance,
- (f) planning law,
- (g) environment,
- (h) mental health.

The objects of the trust are as follows:

- (a) to maintain and improve the Trust lands,
- (b) to encourage the use and enjoyment of the Trust lands by the public by promoting and enhancing the rehabilitative, historical, scientific, educational, cultural and environmental value of the land,
- (c) to maintain the right of the public to use the Trust lands,
- (d) to define and respect the usage rights of lessees of Trust lands,
- (e) to ensure the protection of the built and natural environment within the Trust lands.

The functions of the trust are:

- (a) control and manage the Trust lands, and
- (b) permit uses, and impose appropriate conditions, on any activities that are not inconsistent with the objects of the Trust, and
- (c) permit the use of the whole or any part of the Trust lands for any purpose that is consistent with the objects of the Trust and for activities of a passive and contemplative, rehabilitative, recreational, historical, scientific, educational or cultural nature, and
- (d) in or in connection with the Trust lands provide, or permit the provision of, food or other refreshments and apply for, hold or dispose of any licence, permit or other authority in connection with the provision of food or other refreshments, and
- (e) to ensure the protection of the built and natural environment within Trust lands, and
- (f) promote and provide exhibits, lectures, films, publications and other types of educational instruction relating to the Trust lands (including the architecture, landscaping, flora, fauna and history of the Trust lands), the history of mental health treatment and any other subject not inconsistent with the objects of the Trust, and
- (g) subject to the regulations, charge and receive fees or other amounts for or in connection with, any service provided, articles sold or permission given by the Trust in its exercise of its functions, and
- (h) enter into any contract or arrangement with any person for the purpose of promoting the objects of the Trust.

However, the trust cannot employ any staff. It is the duty of the trust to establish an effective procedure for community consultation concerning the activities and policies pursued by the trust from time to time. The procedure for community consultation is to include the establishment of a Community Consultative Committee whose members are to be appointed by the trust on the recommendation of the director. The committee is to meet at least once in each quarter starting on 1 January, 1 April, 1 July and 1 October. The bill therefore sets out a model of community involvement in the administration of this great asset.

Since the Callan Park Act was passed in 2002 people from all sides of politics have publicly supported the establishment of a community trust to manage the Callan Park site. In the same way that community trusts have been established to administer Centennial, Moore and Parramatta parks, Callan Park is recognised as an iconic public asset that should be administered by the community on behalf of the community. Liberal, Greens, Labor and Independent councillors on Leichhardt council voted unanimously in favour of the establishment of a Callan Park trust. In October 2002 the Reverend Nile told this House in relation to Callan Park, "Our policy is that a genuine trust should be established." Education Minister and local ALP member Verity Firth is on the public record as supporting the establishment of a Callan Park trust. It is now time to create such a trust.

As I pointed out in the earlier debate the deeply unpopular closure of Rozelle psychiatric hospital is seeing the developers again circling Callan Park. Rather than being administered by the community trust that all sides of politics have called for, Callan Park is currently administered by the Sydney Harbour Foreshore Authority [SHFA]. The foreshore authority is in the process of developing and implementing a land use plan for the site that appears to breach both the spirit and the letter of the Callan Park Act. In view of the charter of the foreshore authority, whose emphasis is totally upon financial returns to the authority and to the Government, it is not surprising that the authority should come up with a draft land use plan that has more to do with meeting the authority's commercial objectives than with meeting the objects of the Callan Park Act. That is why it is inappropriate for the Sydney Harbour Foreshore Authority to be managing Callan Park and why a genuine community trust should be established to undertake the important work of developing a master plan for the site that has genuine community input and real community support. A community trust to run Callan Park has support from all sides of politics, the unanimous support of the local council and overwhelming support from the local community. I commend the bill to the House.