

Submission to Central Coast Council on Mooney Mooney and Peat Island Planning Proposal

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On behalf of Council for Intellectual Disability

December 2021



Suggested citation

Linda Steele and Phillippa Carnemolla, 'Submission to Central Coast Council on Mooney Mooney and Peat Island Planning Proposal on behalf of Council for Intellectual Disability', December 2021.

Acknowledgments

Thank you to Dr Leanne Dowse (Emeritus Professor in Disability Studies, University of New South Wales) for her feedback on an earlier draft of this submission.

Thank you to Dr Gina Andrews (Research Affiliate, Centre for Disability Research and Policy, The University of Sydney) for sharing insights on Peat Island from her PhD research.

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Summary

We write to request that Central Coast Council reject Property and Development NSW's Planning Proposal for the rezoning of Peat Island.

For 99 years, the New South Wales (NSW) State Government operated a disability institution on Peat Island that segregated and incarcerated people with disability. The unpaid, hard labour of people with disability, most of whom were people with intellectual disability, contributed to the building and landscaping of the island, and the maintenance of its operations and agriculture. That very same government is now failing to take account of this history, which in effect erases the material record of these injustices from public consciousness. This sends the message that what happened on Peat Island does not matter, and that the people who experienced Peat Island, those whose memories of the island continue to affect their lives, do not matter.

Peat Island also has a significant cultural role in representing the transformation of disability policy in NSW and Australia, including through the resistance and activism of people with disability. This aspect of the history of NSW and Australia should be celebrated, particularly given the policy focus on disability inclusion both in NSW and nationally.

Property and Development NSW must ensure that any future development of Peat Island recognises, reckons with and preserves the disability social history of the island, and ensure those who experienced and are affected by that history are involved in the island's development, and ongoing stewardship and heritage management.

Property and Development NSW's Planning Proposal, the expert reports (European Heritage Impact Statement, Heritage Conservation Management Plan, and Social Impact Assessment), and the process through which this proposal and the expert reports were developed, have all failed to recognise the significance of Peat Island to former residents and their families, as well as people with disability across NSW and their representative organisations. This failure ignores state and national strategy (e.g., *Disability Inclusion Act 2014* (NSW) and *Australia's Disability Strategy 2021-2031*) and global human rights instruments pertaining to rights to equality and inclusion of people with disability (e.g., *Convention on the Rights of Persons with Disabilities*) that underscore multiple levels of expected accountability for the inclusion and equality of people with disability. Further, the planning proposal does not reflect NSW Department of Planning Industry and Environment's guidelines on Social Impact Assessments. The planning proposal fails to recognise the full range of consequences that people with disability will experience when this new project brings change through redevelopment and the history of trauma of the place.

Despite the fact that people with intellectual disability lived without choice on Peat Island for 99 years, Property and Development NSW has not made any efforts to provide inclusive and accessible consultation processes to facilitate their involvement in the planning process, such as Easy Read versions of the Planning Proposal (indeed, it did not even email Council for Intellectual Disability to alert them to the planning proposal). This is despite Property and Development NSW being made directly aware of Council for Intellectual Disability's interest in the island's development by email from one of the submission authors in September 2020.

Property and Development NSW's disregard of Peat Island's disability social history is underscored by its failure to urgently seek local, state and national heritage listing of the island. This failure is rendered even more egregious by reason of Peat Island's National Trust heritage recognition, and the Planning Proposal's own expert reports acknowledgement of the heritage significance of the island. It will be too late to preserve Peat Island's disability social history once the island is

developed or sold. Heritage listing of Peat Island must be a priority and must come prior to any further proposals to redevelop the island.

The NSW State Government's laws, policies and practices made possible the complex social history of Peat Island. As such, NSW State Government now has a responsibility in the development and ongoing stewardship and heritage management of Peat Island to honour the lives of people who lived there, provide opportunities for the public to learn about and reckon with that history, and meaningfully involve people with intellectual disability as co-designers in the future of Peat Island.

The complete absence of consultation with people with disability and their representative organisations over the past seven years of preparing the Planning Proposal, plus the absence of any discussion of the disability social history in the Planning Proposal and expert heritage and social impact reports, means that the Planning Proposal is fundamentally flawed. These flaws cannot be remedied simply by approving the current rezoning application and then ensuring more consultation with people with disability and their representative organisations at the next stage of the redevelopment. The rezoning is significant because it shapes what is possible in later stages, and this has occurred without the input of a key affected community. Because of this essential shaping role, consultation only at the subsequent stages is inappropriate and unjust to people with disability. Property and Development NSW needs to go back to the drawing board and start again with a new planning proposal that involves meaningful consultation with people with disability and their representative organisations.

The NSW State Government and Property and Development NSW have the opportunity to be world leading in their approach to recuperation and recognition of former disability institution sites, such as Peat Island. This world-leading approach must implement principles of co-design and co-production across all activities relating to the Peat Island plans for repurposing, redevelopment and reuse. These co-design principles are what ensure that any decisions and approaches allow for diversity of experience and intersecting histories. While this report focuses on the cultural and social histories of people with disability, we acknowledge the significance of Peat Island to First Nations people, and alert NSW State Government to its own recent report (published by Aboriginal Affairs NSW in July 2021) outlining co-design recommendations to government.¹ For it is only by bringing these principles of co-design and co-production into the foundations of NSW State Government's practice and processes that the communities affected by Peat Island's redevelopment will have their cultural and social heritage properly acknowledged, valued and preserved.

Recommendations

Recommendation 1

That the Mooney Mooney and Peat Island Planning Proposal is rejected on the planning grounds that:

(a) the Planning Proposal is **not in the public interest** because the Planning Proposal and the expert reports (European Heritage Impact Statement, Heritage Conservation Management Plan, and Social Impact Assessment) are not based on an understanding of and respect for the complex disability social history of Peat Island, they promote a singular, simplistic and sentimentalised approach to Peat Island's history, and they focus on commodification and economic exploitation of Peat Island;

(b) the Planning Proposal does **not promote sustainable management of the heritage** of Peat Island because the Planning Proposal and expert reports do not consider Peat Island's complex disability social history and lived experiences of people with intellectual disability and their families, and Property and Development NSW has not sought local, state and national heritage listing of the site prior to submitting the Planning Proposal; and

(c) Property and Development NSW, URBIS and Ethos Urban have **not consulted** with former residents and their families, as well as people with disability across NSW and their representative organisations, all of whom are community stakeholders in this significant place of disability social history by being affected directly by the island's recent past usage as a disability institution.

Recommendation 2

That Property and Development NSW is **required in any future planning proposals** on Peat Island to recognise and engage with Peat Island's complex disability social history, including through meaningful involvement of affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) in future planning proposals through a co-design approach using inclusive and participatory processes. Any engagement must be in alignment with established co-design principles, as already published across a range of NSW State Government departments to guide and underpin practices and processes.

Recommendation 3

That Property and Development NSW is **required in the development and ongoing stewardship and heritage management** of Peat Island to ensure meaningful involvement of affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) through a co-design approach using inclusive and participatory processes. These participatory processes must be underpinned by the principles of co-design, as already recognised within other NSW State Government departments (Aboriginal Affairs, Department of Health, and Department of Communities and Justice), and must form the foundation of any processes that seek to establish the ongoing heritage management and to recognise the social and cultural heritage significance of the Peat Island site.

Recommendation 4

That Property and Development NSW is required to **apply for local, state and national heritage** listing of Peat Island as a matter of urgency, and prior to the submission of any future planning proposals.

Introduction

1. Thank you for the opportunity to make a submission on the *Planning Proposal PP-2021-595 - Mooney Mooney and Peat Island Amend Gosford LEP 2014* (the Planning Proposal).
2. This submission is written on behalf of Council for Intellectual Disability.
3. The submission authors are deeply concerned that:
 - a. the Planning Proposal and expert reports (European Heritage Impact Statement, Heritage Conservation Management Plan, and Social Impact Assessment) are not based on an understanding of and respect for the complex disability social history of Peat Island, they promote a simplistic, singular and sentimentalised approach to Peat Island's history, and they focus on commodification and economic exploitation of Peat Island to the exclusion of its history;
 - b. the Planning Proposal does not promote sustainable management of the heritage of Peat Island because the Planning Proposal and expert reports do not adequately consider Peat Island's complex social history and lived experiences of people with disability and their families, and Property and Development NSW have not urgently sought local, state and national heritage listing of the site; and
 - c. the Planning Proposal, Consultation Summary Post 2017, European Heritage Impact Statement, Heritage Conservation Management Plan, and Social Impact Assessment demonstrate that Property and Development NSW, URBIS and Ethos Urban have not consulted with relevant and affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) and they have not provided accessible versions of the planning documents (such as Easy Read for people with intellectual disability).
4. Therefore, this submission argues that the Planning Proposal be rejected on the planning grounds that the Planning Proposal:
 - a. is not in the public interest,
 - b. does not promote sustainable management of heritage,
 - c. does not promote social welfare, and
 - d. does not demonstrate adequate community consultation with stakeholders.

About Council for Intellectual Disability

5. This submission is written on behalf of Council for Intellectual Disability (CID).
6. CID is a disability rights organisation led by people with intellectual disability. For 60 years, CID has been the peak advocacy group in NSW for people with intellectual disability.
7. People with intellectual disability are at the front and centre of everything CID does – they are CID's decision-makers, staff members, board members and spokespeople. CID has a diverse membership of people with intellectual disability, family members, advocates,

professionals, and advocacy and service provider organisations. CID Board must have a majority of people with intellectual disability, and people with intellectual disability are actively involved in all aspects of CID's work.

8. CID's vision is a community where all people with intellectual disability are valued. CID believes people with intellectual disability should have the same opportunities as everyone else, and it works to build a community that protects rights, includes everyone and supports people well. CID's goals for the next three years (2021-2024) are to: make change, empower people and connect with communities.
9. Through CID, people with intellectual disability, their families and supporters can learn skills and actively take part in the community. CID activities include policy advice, systemic advocacy, community education, and information provision and dissemination.
10. CID is a leader in inclusive and participatory practices for people with intellectual disability. In a 2018 report, La Trobe University disability academics Bigby and Henderson state that CID 'models inclusion of people with intellectual disability in everything it does. CID has driven a NSW state and, to some extent, a national agenda to ensure issues specific to people with intellectual disability are not ignored as they so often have been in the past'.² CID has a range of inclusion services, including Easy Read, building organisational inclusive capacity, inclusive governance and inclusion audits.
11. For the past 60 years, **CID has fought to end disability institutions in NSW**. CID has had a leading role in advocating for deinstitutionalisation, educating people with intellectual disability who are living within or leaving institutions about their rights, and supporting the development of a whole generation of self-advocates who have been central to shaping disability policy in NSW.³ Some of its current and former members are former residents of large residential centres.
12. CID has a long association with Peat Island. CID was at centre stage in the campaign for closure of disability institutions that followed the Richmond Report in the early 1980s.⁴ This included advocacy for closure of Peat Island. Specifically, in the lead up to the 1988 NSW election, there was a protest meeting at Davistown on the Central Coast against the proposed closure of the disability institution on Peat Island. CID organised a large silent counter-protest outside the hall where the closure protest meeting occurred. Two members of CID went into the closure protest meeting in order to advocate for the residents of Peat Island and warn the meeting participants about defamatory statements that had been made about the residents of Peat Island (a CID member recalls that there had been a leafletting campaign in the local area that suggested the Peat Island residents defecated so much that the local sewage system would be overloaded).

About the Submission Authors

13. Dr Linda Steele is a law academic at University of Technology Sydney whose teaching and research focuses on disability, law and human rights. Dr Steele has professional experience as a disability rights lawyer. She also has expertise in sites of conscience (place-based memorialisation and community education) in the context of disability and welfare institutions, and has previously conducted research with the Parramatta Female Factory Precinct Memory Project.⁵

14. Dr Phillippa Carnemolla is a built environment academic at University of Technology Sydney whose research focuses on inclusive design with people with intellectual disability. Dr Carnemolla has professional experience as an industrial designer. She also has expertise in urban planning and inclusive design and practice.

Structure of this Submission

15. **Part I** of the submission focuses on the importance of recognising the disability social history of Peat Island associated with its use as a disability institution. It explains how this history is excluded from the approach to heritage in the European Heritage Impact Statement and Heritage Conservation Management Plan, and the approach to the social groups and sense of place in the Social Impact Assessment.
16. **Part II** explains the importance of any redevelopment of Peat Island providing opportunities for people with intellectual disability and the general public to learn about and engage with Peat Island's disability social history, and offers 'Sites of Conscience' as one set of approaches that can facilitate such opportunities. It then explains how the proposed rezoning and use of Peat Island for tourist purposes does not provide scope for affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) to learn about and engage with Peat Island's disability social history, and it specifically does not provide scope for 'Sites of Conscience' approaches.
17. **Part III** discusses the importance to people with disability of the human right to inclusion. After observing Property and Development NSW's lack of consultation with people with intellectual disability, the submission explains how people with intellectual disability can be meaningfully consulted and included in the ongoing stewardship and heritage management of Peat Island.
18. Throughout the submission, we showcase current Australian and international practices and places that exemplify many of the points we make, thereby demonstrating that they are realistic and realisable.

Part I: The Importance of the Disability Social History of Peat Island

19. From 1911-2010, Peat Island operated as an institution for people with disability (mainly men and boys). Most of the people with disability who lived on Peat Island were people with intellectual disability.
20. In a contemporary context, it is widely recognised that disability institutions are harmful to people with disability because they segregate and incarcerate people with disability and create conditions for experiences of violence, abuse, neglect and exploitation. Recently, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability noted:

For much of history in the Western world, people with disability have lived on the margins of society, subjected to discrimination, segregation, exclusion and violence ...

During the 19th and much of the 20th centuries in Australia, many children born with disability were taken from their parents and locked away for life in large residential institutions. Adults with disability were sometimes reduced to begging to stay alive. Adults considered 'lunatics' (a category that included people with mental health conditions and intellectual disability) were sent to asylums. While the philosophy behind the creation of these institutions was that they would protect people from a life of poverty and exploitation on the streets, in reality they were oppressive and people with intellectual, physical and psychosocial disability had little or no control over their own lives. They typically suffered poor medical and health treatment and poor diets, and received minimal education. They were subjected to violence and sexual assault, and had no way to report the abuse and seek redress through the justice system. Women and girls with disability were sometimes sterilised without consent.⁶

21. The disability institution that operated on Peat Island reflected this broader disability social history, although the exact extent of violence, abuse, neglect and exploitation is unknown because of the closed nature of the institution and the absence of any truth-seeking and truth-telling processes to establish an official, disability-centred history of the place. However, it is important to note there are some accounts of violence, abuse, neglect and exploitation on the public record (some of which we discuss below). This information would have been accessible to Property and Development NSW and URBIS, yet it is not documented in the Planning Proposal and expert heritage reports. Indeed, the post-implementation review report on Peat Island stated that the report would 'be used for feedback to project planners involved in Grosvenor, Lachlan and Peat Island projects'.⁷
22. Peat Island residents were segregated from the rest of society, congregated together on the basis of their disability, and incarcerated on the island. Indeed, the Planning Proposal itself explicitly recognises the segregating and incarcerating history of Peat Island through its multiple references to 'unlocking' the island and making it accessible to the public.
23. Peat Island residents had little privacy or comfort in their living arrangements, were denied the standard of healthcare and education available in the broader community, and were

subject to assault and abuse. They had no choice regarding their living arrangements and were not supported in achieving their potential or making their own decisions.

24. Ellmoos and Andersen note that in the early decades of the disability institution on Peat Island:

The bare basics were covered, but no more ... they made sure that patients and hospital wards were kept clean and tidy, but no attempts were made to provide emotional or physical comforts, or to rehabilitate or prepare the patients for re-entry into society.⁸

25. The disability institution on Peat Island also utilised unpaid and arguably forced labour (by reason of the coercive living circumstances) to build the bridge from the mainland to the island and manage the operations of the institution, which included a farm. Gina Andrews notes in her PhD thesis: 'Until the late 1950s Peat and Milson Islands attempted to be largely self-sufficient by farming their own produce. Vegetables and fruit were grown on Peat Island, and attended to by staff and patients'.⁹ In their public history of Peat Island, Ellmoos and Andersen note:

In 1939, the Manager at the islands wrote to the Inspector-General of Mental Hospitals, John Andrew Leslie Wallace, recommending that the hospital acquire farm land at Mooney Mooney Point 'to ensure a good milk supply for crippled and feeble patients, to grow vegetables, and to ensure a right of way for the hospital on to the adjacent Main Road'. This land was acquired in the early 1940s, and after this time, the hospital established a dairy and a vegetable garden on the mainland, both of which were run by the patients and staff.

Apart from farm work, the boys and men at the islands chopped down trees on the mainland to supply timber for the fuel stoves in the kitchens. Landscaping works, including construction of roads and concrete paths, jetties and ornamental stone fences and walls, were also carried out by staff and patients. Major reclamation works to create a sports ground, including a cricket pitch, were carried out at Milson Island over four years from 1936. It was reported in 1940 that

... the senior officials of the Hospitals have encouraged as many as possible of the inmates on both islands to occupy themselves in this healthy outdoor activity, and also in the extensive vegetable garden at Milson Island.

Likewise, the work to connect Peat Island with the mainland by way of a stone causeway was also undertaken by patients and staff, 'with some assistance from the Public Works Department'. This was hard physical labour, and involved timber cutting and the 'quarrying, transport and dumping of some 16,000 cubic yards of rock and rubble' ...

The causeway was officially opened on 24 June 1957, having taken over 10 years to complete.¹⁰

26. Following a series of government inquiries (including a Royal Commission) on the state of NSW mental health facilities and media coverage of the living conditions at Peat Island during the 1950s,¹¹ the 1960s and 1970s witnessed several changes focused on 'improve[d]

sanitation and maintenance of the wards' and '[o]ccupational therapy and industrial training'.¹² Having access to sheltered employment allowance and associated work experience may have been beneficial for some individuals, particularly in comparison to their previous circumstances.¹³ Andrews notes that 'work at the sheltered workshop was a positive experience: it offered a sense of contribution, meaning and place'.¹⁴ However, these 'improvements' still maintained segregation and incarceration and enabled underpayment on the basis of disability (at a time when equal pay for women was a key political issue). Indeed, the continued exploitation of people with disability to this day through underpaid and segregated employment (now referred to as 'Australian Disability Enterprises', rather than 'sheltered workshops') is considered by Disabled People's Organisations¹⁵ to be a form of discrimination, segregation and exploitation, and has even been deemed a form of modern slavery.¹⁶

27. In their public history of Peat Island, Ellmoos and Andersen observe that violence was systemic:

As illustrated in the Forgotten Australians report, physical, emotional and sexual abuses were features of institutional life. This too, was the case at Peat and Milson Islands ...

Bourke Gibbons, diagnosed with cerebral palsy, lived at the islands for five years from 1958. His account of his time there is harrowing. He paints a picture of a violent and cruel environment, where physical and sexual assault occurred on a daily basis between patients, and was perpetrated by staff members towards patients ...

Violence directed by staff towards patients was one way to exert control within the institutional context, but 'was only the extreme end of a continuum of practices designed to control the patients'. Other forms of control over patients who were 'considered to be uncontrollable without physical restraint' were straight jackets, euphemistically termed 'camisoles', and sedative medications such as paraldehyde or 'drafts' consisting of 'fifteen grains of chloral hydrate, bromide and opium'.¹⁷

28. Even in its most recent decades, with all of the improvements that were purportedly made, there were instances of violence, abuse, neglect and exploitation on the island. For example, Jim Simpson (current board member of CID and former solicitor with the Redfern Legal Service) recounted one such incident at Peat Island:

A person whom we will call John stayed at a Department of Health Institution [Sanbrook Annexe on Peat Island] while his parents had a well deserved holiday. When John's parents returned from their holiday they found that all of his fingernails had been removed. They were naturally horrified. They wrote to the Minister for Health who ordered an investigation. The view of those in charge of John was that his fingernails were most probably removed by another intellectually handicapped person. They thought that this person has flicked out John's fingernails with his own finger. They felt that John had a disease leading to his fingernails being weak so they could be easily flicked out. There the matter would have been left if the parents had not asked the Ombudsman to investigate the matter. The Ombudsman conducted a very thorough investigation. He consulted John's parents, John's family doctor and a skin specialist and concluded that John's fingernails were not flicked out in the

*way suggested. He did not accept that John's fingernails were removed by another intellectually handicapped person or by John himself. He regarded it as possible that John's fingernails had been removed by a member of the staff. The Ombudsman also formed the view that there was inadequate supervision on the day when the incident happened and that proper steps were not taken by the Department of Health to investigate the incident. The Ombudsman recommended that compensation be paid to John ...*¹⁸

29. In a subsequent article, Simpson noted that John received \$20,000 compensation. Simpson reflected that:

*It would seem to the writer that cases like ... that of John, where compensation is recovered, are the rare cases. One wonders how often it is that no complaint is ever made about an assault or financial exploitation because of the disability of the person and his/her isolation from the community.*¹⁹

30. Women with disability were admitted to Peat Island from 1976. In their public history of Peat Island, Ellmoos and Andersen observe that women were subject to sexual assault and sterilisation, which they discuss in reference to the reflections of former Peat Island nurse, Margaret Scholtz:

The first female patients were admitted on a respite in 1976. Female residents were admitted on a permanent basis in 1978. From a nursing point of view, they tended to be 'more trouble than most of the men' because they required more individual attention. They would also have an impact on the equilibrium of the hospital as recalled by Margaret Scholtz.

'Oh yes some of the boys knew the difference, some of the others didn't. You had to watch that... very carefully. Most of the girls, I don't think any of the girls were willing. There used to be one girl that we used to have to watch because the boys would line up. It's not as if she has one steady boyfriend or something'.

*Female residents were placed on contraceptives or had their tubes tied to prevent pregnancies.*²⁰

31. However, the disability social history of Peat Island is not reducible to these experiences of segregation, incarceration, discrimination and violation. While this is a key element by reason of government policies and laws that shaped the structural conditions for those living on Peat Island in the 'unnatural construct'²¹ of the institution, within the limits of these conditions, individuals' experiences of the island were more nuanced. They formed friendships and positive relationships, and particularly for those who lived on Peat Island for many years, it was also their home.²²
32. People who lived on Peat Island also engaged in acts of resistance and survival. For example, Ellmoos and Andersen's public history of Peat Island notes that '[e]scapes were a regular feature of life' on Peat Island.²³
33. Moreover, the disability social history of Peat Island also encompasses the experiences of parents who were convinced they were acting in the best interests of their children by relinquishing their care in a context where there was little support for children with disability in the community and where there was strong stigma and shame about disability.

Many siblings, nieces and nephews would only discover later in life they had a relative living in an institution. Further, regarding the impact of the program of institutionalisation more broadly, the history extends to residents of disability institutions in NSW other than Peat Island who may be similarly affected. The history also extends to people with disability who were not themselves institutionalised but narrowly escaped this fate, either due to parents who resisted medical and social pressure to relinquish care or because they were born in more recent decades when deinstitutionalisation was unfolding.

34. Therefore, the disability social history of Peat Island casts a long and enduring shadow, well beyond its geographic footprint and across the disability community. There is a wide scope of people affected by this history. For those affected, their experiences were both negative and positive and cannot be reduced to a singular and simplistic narrative. Recalling and recounting all these aspects of Peat Island's history is important to the well-being of those connected to this place.
35. Some Peat Island residents and their families found the closure of Peat Island difficult. For some, it was the only 'home' they knew and moving meant separation from friends and even staff they had known for much of their lives. Thus, departure was very challenging. In her PhD on people who experienced disability institutionalisation in NSW, Andrews discusses the closure of Peat Island: 'Families were concerned about where their family member would end up'. Andrews quotes the niece of and person responsible for one former resident ('Richard McLachlan'):

I went to as many meetings as possible about the closure of Peat Island ... We asked if families were allowed to be involved. I was told that I didn't have a say about where Richard was going to move to. I didn't want Richard to move to an NGO.

36. The niece recalled McLachlan was opposed to leaving Peat Island, telling Andrews in an interview that 'Richard refused to go'. Andrews also comments on an interview she had with McLachlan: 'Indeed, when I visited Casuarina Grove, McLachlan grinned as [a former nurse who was participating in the interview with him] playfully told him the story of his refusal to leave Peat Island and the steps she had to take to obtain his agreement'.²⁴ Andrews' observations further suggest the significance of Peat Island to people who worked there – multiple generations of many families in the area will have worked on the island and have had relationships with the residents.
37. In the post-implementation review of the closure of Peat Island, Karen Fischer et al. note:

[S]ome people who moved from Peat Island Centre were not given a choice and were distressed by separation from partners, relatives and lifelong friends. It appeared that their friendships and intimate relationships were not respected and protected either in a choice to remain together or in an active strategy to maintain close contact.²⁵

38. The aftermath of the closure of Peat Island reflected the broader failure of deinstitutionalisation to end segregation and institutionalisation. There was lack of sufficient funding to resource independent living as a community option. When the disability institution on Peat Island finally closed, residents were moved into two facilities that offered segregated congregate-style living arrangements, such as group homes (i.e., institutions on a smaller scale).²⁶ People with Disability Australia commenced litigation against the NSW Minister of Disability claiming the provision and funding of the facilities

were in breach of the Minister's statutory duty because the new accommodation had an institutional style and did not promote social integration. This litigation was unsuccessful on procedural grounds.²⁷ These issues concerning deinstitutionalisation were noted by Rosemary Kayess in her evidence to the Disability Royal Commission:

Australia is obliged to engage in a genuine deinstitutionalisation process. This does not mean breaking up large institutions and creating smaller ones such as group homes.

For example, approximately 30 years ago, NSW commenced a deinstitutionalisation process. However, I consider that most of the people with disability in NSW that were part of that process are still just as institutionalised as they were when it started. All that has changed is the configuration of the institutions.

I refer to Summary Report, Closure of Grosvenor, Peat Island and Lachlan Large Residential Centres – Post Implementation Review prepared by the Social Policy Research Centre ... In approximately 2010, Peat Island residential centre was decommissioned and went through a process of deinstitutionalisation. In truth, according to that report, only one person moved from Peat Island into the community (stated as being the family), with the remaining residents being transferred to group homes ...²⁸

39. Despite the closure of Peat Island, there has never been a government apology to former residents, offer of compensation for their incarceration and abuse, or repayment of unpaid wages to recognise the labour of people with disability who lived on Peat Island. At the same time, people with disability who lived on Peat Island, sometimes for decades, exhibited resilience and survival, built communities within their circumstances, and formed lasting friendships. People who lived on Peat Island and their families continue to remember and live with the consequences of the government policies and practices that led to their lives spent in institutions.
40. Thus, the disability social history of Peat Island has not ended with the closure of the institution – it lives on in forms of segregation and discrimination within the community, community attitudes towards people with disability, and in the lives and memories of people with disability and their families. The 'deinstitutionalisation of Peat Island' is unfinished business – unresolved in terms of legal redress and community reckoning with this history.
41. Peat Island has a significant cultural role in representing the transformation of disability policy in NSW and Australia, including through the resistance and activism of people with disability.
42. The complex disability social history of Peat Island suggests it might be understood as a 'traumascape'. Tumarkin describes 'traumascape' as 'a distinctive category of place, transformed physically and psychically by suffering, part of a scar tissue that now stretches across the world' in a context where trauma is understood as 'an individual and collective response to loss and suffering – an ongoing response that affects people at their very core'.²⁹ She elaborates:

[Traumascape] describe places across the world marked by traumatic legacies of violence, suffering and loss, the past is never quite over. Years, decades after

*the event, the past is still unfinished business. Because trauma is contained not in an event as such but in the way this event is experienced, traumascapes become much more than physical settings of tragedies: they emerge as spaces, where events are experienced and re-experienced across time. Full of visual and sensory triggers, capable of eliciting a whole palette of emotions, traumascapes catalyse and shape remembering and reliving of traumatic events. It is through these places that the past, whether buried or laid bare for all to see, continues to inhabit and refashion the present.*³⁰

43. Approaching Peat Island as a 'traumascape' suggests it is not enough to superficially recognise the island's disability social history. Rather, recognition of the trauma associated with this history must be central to the substance and process of the Planning Proposal. Writing in the context of places with histories of systemic racism, Lisa Berglund and Alexandra Kitson offer a series of recommendations for an approach they call 'trauma-informed urban planning':

*[W]e developed a series of recommendations for planners collaborating with communities that have endured the trauma of systemic racism, and ways that the process can be made more flexible. Planning processes should require input from agencies, professionals, and NGOs that specialize in trauma-informed work, whose missions support community engagement with historically marginalized populations. Planners should also formally adopt engagement formats that do not require survivor communities to engage in public debates about their histories, as is often the case in public engagement required through plan review processes. In order to raise consciousness about the legacy of systemic racism in the field, planning agencies should enable self-reflection on the tradition of traumatic experiences that have occurred as a result of culturally incentive and racially biased practices, and formally create spaces for reflection and reform of practices. Lastly, planners should acknowledge and uncover important social and historic connections that trauma has to physical sites, and think carefully about how the preservation or transformation of these sites may impact survivor communities and potentially reinforce trauma.*³¹

44. Berglund and Kitson propose that planning authorities should recognise sites of trauma and provide opportunities for discussion with affected communities:

*We propose that survivors who have experienced collective trauma on a site (who may live both locally and afar) be given the opportunity to proclaim their experiences to local planning and development authorities as such. This could preempt any development process, and could be done at any time resulting in the designation of a site as socially and psychologically sensitive for a survivor community. Such a designation, in the event of a redevelopment proposal could then trigger resource allocation for predetermined methods for outreach to a psychologically and emotionally impacted survivor community, even if those individuals are not in close proximity; in other words, this designation would allow for survivors located anywhere to be consulted as stakeholders. This is not to say that building consensus among diverse, affected communities would come easily in the event that a development proposal is submitted that triggers wider scale survivor engagement, but the ensuing conversations could allow for the planning process to engage in restorative dialogues to arrive at a trauma-informed future for the site.*³²

45. These approaches (with some adaption to recognise the inclusion and accessibility needs of people with disability, as discussed in Part III below) could be adopted in relation to Peat Island and its disability social history, which continues to impact the disability community.
46. Conclusively, the social history of Peat Island is rich and complex and it remains relevant today. This history cannot be reduced to a singular or simplistic narrative, nor should it be sentimentalised as being about protection. What is required is an approach to Peat Island as a cultural landscape that is trauma-informed; that recognises the disability social history and its impacts on the disability community; and involves this community in inclusive, respectful and safe processes to interpret its multiple meanings, and embed these meanings in the development and ongoing stewardship and heritage management of Peat Island.

Exclusion of Peat Island's Disability Social History from the Planning Proposal

47. The Planning Proposal excludes Peat Island's 99 years of disability social history.
48. As a general observation, the exclusion of the disability social history of Peat Island reflects the common challenge within heritage of giving recognition and value to aspects of history that reflect its darker aspects, that do not fit dominant national narratives or that relate to marginalised populations. What is valued and what counts as heritage reflect political and social values. In the 2021 context where people with disability continue to be subject to discrimination, segregation, incarceration, violence, abuse, neglect and exploitation, where their experiences, voices and rights continue to be excluded from dominant narratives of Australian history and national identity, and where justice has not been done for the past transgressions of NSW disability institutions, there is a high risk that heritage interpretation will ignore and devalue this aspect of Peat Island's history.
49. Australian heritage scholar, Laurajane Smith argues that items of heritage do not simply exist out in the world to be discovered. Rather, sites and places become heritage through processes of ascribing cultural value and meaning:

While places, sites, objects and localities may exist as identifiable sites of heritage ... these places are not inherently valuable, nor do they carry a freight of innate meaning. ... What makes these things valuable and meaningful – what makes them 'heritage' ... are the present-day cultural processes and activities that are undertaken at and around them, and of which they become a part. It is these processes that identify them as physically symbolic of particular cultural and social events, and thus give them value and meaning. The traditional Western account of 'heritage' can be mapped, studied, managed, preserved and/or conserved, and its protection may be the subject of national legislation and international agreements, conventions and charters. However, heritage is heritage because it is subjected to the management and preservation/conservation process, not because it simply 'is'. This process does not just 'find' sites and places to manage and protect. It is itself a constitutive cultural process that identifies those things and places that can be given meaning and value as 'heritage', reflecting contemporary cultural and social values, debates and aspirations.³³

50. Peat Island holds complex histories that exemplify the centrality of disability institutionalisation to the experiences of people with disability in 20th century NSW and Australia. Yet, the experiences of people with disability on Peat Island – bad and good – are not part of Australia’s national official history, are not widely known in our communities, and are not taught in schools. This history is traumatic and confronting, and it challenges many ideals Australians hold about our welfare institutions and basic rights of citizens. However, that is even more reason to confront it and ensure it doesn’t recur. The NSW State Government and Property and Development NSW have the opportunity to be world leading in their approach to recuperation and recognition of former disability institution sites such as Peat Island.
51. The Planning Proposal has overlooked Peat Island’s disability social history because it relates to a marginalised group and a darker and traumatic aspect of Australia’s history. Insufficient attention to this history in the Planning Proposal adds to, or in effect promotes, the deepening of injustice already experienced by people with disability, and it is a missed opportunity for NSW State Government leadership on disability inclusion.
52. The absence in the Planning Proposal of engagement with Peat Island’s disability history is compounded by the failure of the expert heritage reports to explore the complexities of this history, including by reference to lived experiences of the affected community.
53. Peat Island (Precinct A) is listed as a heritage item on NSW State Government *Department of Ageing, Disability & Home Care Section 170 Heritage and Conservation Register*. The Heritage Impact Statement prepared for Peat Island and Mooney Mooney by URBIS refers to the heritage value of ‘the historic, associative, aesthetic, rarity and representative’ qualities of the site. However, the report **fails to address the social heritage and use** of the site, both its collective cultural value to people with disability as a NSW, national and global community, and specific value to the community who lived on Peat Island prior to being forcibly relocated.
54. Despite the fact that people with disability lived on Peat Island for 99 years 1911-2010, the Heritage Impact Statement does not contain a single mention of people with disability. While there are multiple references to the Department of Ageing, Disability and Home Care in the report, in the context of the site’s ownership, management and heritage listing status, people with disability themselves are not mentioned or referred to at all. This represents a failing of the current Heritage Impact Statement to adequately assess and take into consideration the long-standing history and use of the site as a disability institution prior to the 2011 transferral to Property and Development NSW.
55. The cultural significance of Peat Island to the community of people with disability has been omitted from the Heritage Assessment. Cultural significance is ‘the sum of the qualities or values that a place has, including the five values – aesthetic, historic, scientific, social and spiritual’ – that are listed in Article 1.2 of the *Burra Charter for the Conservation of Places of Cultural Significance*.³⁴ The Burra Charter is a long-established heritage charter that has shaped heritage principles in Australia and NSW for forty years.³⁵ In December 2004, the New South Wales Heritage Council resolved to recognise and endorse the Burra Charter as a key policy document to underpin policies for the conservation of heritage items in NSW.
56. The Burra Charter defines Social Value³⁶ in the context of cultural heritage of a site as:

[T]he associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for them. To understand social value, ask:

- *Is the place important as a local marker or symbol?*
- *Is the place important as part of community identity or the identity of a particular cultural group?*
- *Is the place important to a community or cultural group because of associations and meanings developed from long use and association?³⁷*

57. The Heritage Impact Statement prepared for the Peat Island redevelopment does not ask, nor does it answer, the three foundational questions (as described in the Practice Note on the Burra Charter) to examine or assess the social or cultural heritage value of the Peat Island site to people with disability. The social and cultural heritage value is legislated in NSW³⁸ as a core criterion for recognising heritage significance. Social and cultural heritage, as well as intangible cultural heritage, is recognised as a core assessment value within heritage assessment guidelines, criteria and legislation, at every level of heritage jurisdiction, as published in guidelines at a local,³⁹ state,⁴⁰ national⁴¹ and global level.⁴²
58. We call for a new assessment of the heritage significance of Peat Island based on the historical, social and cultural heritage values resulting from the site's historical use. We also call for recognition of Peat Island's significant cultural role in representing the transformation of disability policy in NSW and Australia, including through the resistance and activism of people with disability. It must also be assessed for the social value and significance of the living history of trauma, assault, abuse and incarceration of people with disability who lived on the site, as well as the value of their memories of resilience and of the community they built while they were there.
59. We call for processes to be immediately enacted for Peat Island to be independently considered for its State and National Heritage value. We note that Peat Island, given its social history and significance to people with disability, sits well within the published criteria for the National Heritage Listing Process under the criterion of 'social value'. Under this criterion, a place has 'social value' when it 'has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons'.⁴³ It is deeply concerning that the current Heritage Impact Statement makes only *one* reference to 'social value' and this is in the context of the Precinct C: Chapel, rather than Peat Island.⁴⁴
60. Peat Island also meets eligibility for consideration for National Heritage Listing under criterion (h), 'where a place has outstanding heritage value to the nation because of the place's association with the lives of a group of persons, of important to Australia's cultural history'.
61. By way of example of the failure of the expert heritage reports to explore the complexities of the disability social history, the European Heritage Impact Statement by URBIS reflects a simplistic understanding of institutionalisation based on dominant official narratives of disability institutions, rather than the lived experiences of people with disability and their families. URBIS states in a self-evident manner that boys were 'left' at Peat Island because their parents were not 'willing' or 'able' to 'deal' with their 'condition':

Many of the patients were boys (girls weren't admitted until the 1970s), who were left in the care of the state, as their parents lacked the willingness or ability to deal with their condition.⁴⁵

62. This is highly pejorative, simultaneously sustaining a negative approach to disability, the myth of the state as innocent rescuer, and the myth of families as responsible for institutionalisation and all that comes with it. This statement does not reflect the complex circumstances in which families were coerced into relinquishing care of their children, nor the subsequent difficulties many faced in maintaining contact with their children, or the positive and negative experiences when families were able to reunite with, or even meet for the first time, their institutionalised family member many years later.
63. As a further example, in the Conservation Heritage Management Plan, URBIS discusses representative characteristics associated with mental hospitals throughout NSW, focusing on design, landscape and organisational aspects:

This geography of the island within the Hawkesbury River provided physical separation and protection from the outside world.⁴⁶

64. This is a romanticised and sentimentalised understanding of institutionalisation associated with the island's geographic configuration and justified on the basis of providing apparent protection, when in fact the opposite was the case. This depiction of institutionalisation completely negates its segregating and violent effects.
65. Interpretation of the heritage value of Peat Island's built environment in the European Heritage Impact Statement and Heritage Conservation Management Plan ignores people with disability's 99 years of lived experiences of that built environment. First, the expert heritage reports interpret the built environment by reference to official NSW State Government policy approaches to institutionalisation. This largely legitimises the treatment of individuals in the disability institution. The reports do not engage in how those policies were lived or the injustice of the policies, including by reference to lived experiences of former residents or disability advocacy and scholarly perspectives on institutionalisation. Second, the expert heritage reports interpret the built environment at the level of the architectural form and significance of individual buildings. This approach fragments the environment into a collection of buildings (with some of these buildings designated for demolition) and thus negates the lived experiences of individual buildings, irrespective of their architectural form and significance, and the overall coherency of the built environment as interconnected and indivisible in a broader cultural landscape of institutionalisation that is embedded throughout the island.
66. The Heritage Conservation Management Plan is based on the built and landscape elements of Peat Island, with insufficient focus on the meanings these acquire when interpreted through disability social history and lived experiences of former residents. By way of example, the grading of heritage significance does not determine significance by reference to affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations). Instead, it focuses on cherry-picking specific buildings to preserve and to demolish and thus fractures the site into a collection of individual buildings, which loses the depth of meaning of how individuals lived on the island across and within the buildings as an operating institutional complex. Something that is 'intrusive' in the sense of its aesthetic or structural condition might hold particular significance for former residents or be particularly important in conveying the nature of institutional life.

Example: Cultural Landscapes as Experienced by Institutional Survivors at the Parramatta Female Factory Precinct (Australia)

Parramatta Female Factory Precinct Association has preserved the built environment of the Parramatta Girls' Home, including buildings and structures that might not be considered of high architectural value but are particularly important to Parragirls (former residents) in terms of their experience of institutionalisation. They have developed resources to communicate their interpretation of the built environment, including a virtual reality film moving through the site with an accompanying conversation by Parragirls and similar on-site walking tours.

The NSW State Government has explicitly recognised the importance of the social history and cultural landscape of the Parramatta Female Factory Precinct, and has supported the work of the Parramatta Female Factory Precinct Association over many years. Most recently, on 1 December 2021, NSW State Government announced 'a \$53.8 million commitment to secure, restore and preserve the culture, heritage and future use' of the precinct. The Media Release announcing the funding states:

Minister for Western Sydney Stuart Ayres said the significant funding showed the Government's commitment to preserving the state's rich history.

'This is a landmark moment in our state's history. The Parramatta Female Factory is an extraordinary site, a place of Aboriginal and colonial culture and heritage significance. It is a site of living history and memory for many people, particularly those with connections to the many institutions that operated here,' Mr Ayres said.

... Minister for Aboriginal Affairs and the Arts Don Harwin said the funding would enable the Government to plan the transformation of the Parramatta Female Factory into a public museum and plan the development of an arts and cultural precinct for Western Sydney creative organisations to operate and collaborate from.

'This funding lays the foundations for the complete restoration of the historic site, transforming the Parramatta Female Factory into a museum that tells the stories of our history for generations to come. This remarkable location deserves to be properly preserved and protected, and I am committed to working towards achieving a World Heritage listing for the site,' Mr Harwin said.

... 'The funding also includes critical repair and maintenance to Keller House to support the development of a Stolen Generations Keeping Place led by survivors and the Stolen Generations Council'.⁴⁷

This demonstrates a significant shift from NSW State Government's earlier plans to rezone the land to enable residential development of up to 4,000 apartments.⁴⁸



Above: Image courtesy of Bonney Djuric <<https://www.parragirls.org.au/memory-project>>.

Example: Historical Narrative through Preservation of the Built Environment at Cockatoo Island (Australia)

Cockatoo Island in Sydney Harbour is registered as a UNESCO world heritage site.⁴⁹ It is an example of a site with complex social histories where the heritage value has been preserved in its existing built form (without much cosmetic change or upgrade). The site has been conserved and recognised as being important to communicating an important historical narrative. Cockatoo Island's history includes use as an Indigenous fishing base, a penal establishment, a reform school and shipbuilding yards. Currently managed by the Sydney Harbour Federation Trust (a Federal Government Agency), the site was made publicly accessible from 2005 for a range of contemporary uses, including camping, hospitality and events. The existing buildings on the site have been retained, and the site management plan has recognised how older and newer buildings have co-existed and been retained as part of the valuing of the 'rich mosaic of ... exceptional heritage value'. The preservation of the full range of buildings of all ages is consistent with the island's history.



Above: Aerial view of Cockatoo Island, **cc licensed photo** by Dave Keeshan
<<https://www.flickr.com/photos/spudmurphy/2238348169/>>.

67. The recently announced commitment from NSW State Government to support the heritage preservation of the Parramatta Female Factory Precinct and facilitate public engagement with the complex social history of the place is particularly significant given the Government's earlier residential development plans for the precinct. This shift from commercialisation to heritage recognition and preservation by NSW State Government demonstrates it is possible for a similar shift in approach in the context of Peat Island and its 99 years of social history of disability institutionalisation. It is not too late.

The Need for Proper Investigation into Peat Island Burial Sites

68. Some residents of Peat Island never benefitted from deinstitutionalisation. They never had the opportunity to leave and they died on the island. For example, in their public history of Peat Island, Ellmoos and Andersen observe:

There were 601 boys and men admitted to Rabbit and Milson Islands between 1911 and 1930, 60 percent of whom were aged between 16 and 30. Of the overall population, more than half died in care ... Most of those who died while in care had limited or no contact with their families.⁵⁰

69. The Heritage Conservation Management Plan mentions:

Throughout its years of operation, there was a number of deaths of residents at the Peat and Milson Island Mental Hospital. Consequently, a small brick mortuary was built on the island. This has since been removed⁵¹

70. While the mortuary for storage of dead bodies might have been removed, there is no indication of where the bodies of residents who died were buried. In Ellmoos and Andersen's public history of Peat Island, the use of unmarked graves at various local mainland cemeteries is mentioned, but it is unclear whether every person who died on Peat Island is accounted for in these unmarked graves.⁵² There is no indication of any investigations done on Peat Island to ensure there are no unmarked graves, mass graves or bodies buried. Such burial sites have recently been uncovered overseas in relation to disability institutions⁵³ and other welfare institutions.⁵⁴ There is no reason to assume that similar burial practices were not utilised in Australia.
71. It is unclear whether Property and Development NSW and its contracted experts have done a thorough exploration of the island for human remains, including through the use of state-of-the-art forensic technology.
72. Comprehensive exploration for human remains is particularly important given the entity responsible for any such human remains would be NSW State Government, which is now seeking to redevelop the site.

Failure to Recognise People with Disability in the Social Impact Assessment

73. The failure to recognise the centrality of disability social history to the contemporary heritage significance of Peat Island is also apparent in the Social Impact Assessment (SIA) report.
74. As stated in the 2021 Social Impact Assessment Guideline (2021 SIA Guideline) concerning state significant projects published by NSW Department of Planning, Industry and Environment:

Identifying the social locality begins with understanding the nature of the project, the characteristics of affected communities and how positive and

*negative impacts may be reasonably perceived or experienced by different people.*⁵⁵

75. The 2021 SIA Guideline also requires an analysis of the history of the area, including ‘recent history of the place and people and any ongoing traumas’.⁵⁶
76. The SIA fails to identify people with disability as *an identified interest group*.⁵⁷ This is despite NSW State Government having operated the disability institution located on Peat Island for 99 years. Furthermore, the relocation of people with intellectual disability who lived on Peat Island was coordinated by NSW State Government as recently as 2010. Failure to recognise people with disability as significantly impacted by the site’s redevelopment is a critical oversight of the planning processes.
77. While the Peat Island and Mooney Mooney rezoning is not presently declared ‘state significant development’ under the *Environment Planning and Assessment Act 1979* (NSW), the 2021 SIA Guideline highlights areas of consideration that are relevant to a place such as Peat Island that has impact beyond the local population.
78. The 2021 SIA Guideline requires that the proponents address the ‘Social Locality’ of the application in the SAI report. Yet, the SIA does not recognise, acknowledge or report that the disability community (neither local communities, those who lived on Peat Island nor the nation-wide disability community) are affected by the redevelopment on the site within their ‘*relevant interests and values*’.
79. The term *disability* is only mentioned four times in the entire report, and only when describing a building or a department. This erasure of the disability community as an affected party in the redevelopment fails to recognise the significance of the social heritage this site holds for people with disability. This social heritage includes the living history of trauma, assault, abuse and incarceration of people with disability who lived on the site, as well as their memories of resilience and the community they built while they were there.
80. In the SIA report, the built form is analysed for its physical and architectural qualities and features only. The existing built forms have great significance collectively as a vessel for the lived experiences of the area and its past uses, and therefore as a Site of Conscience through which the public can learn about and reckon with this history and its continuing impact in the present.
81. Therefore, the significant intangible social experience, history and impact that relate to Peat Island as a place, and that a Social Impact Assessment is designed to capture and report, in particular those that relate to people with disability, have not been addressed in the URBIS Social Impact Assessment report.

Failure to Seek Heritage Listing

82. The State Government has not sought state or national heritage listing of Peat Island. It has not indicated any intention of doing so. Indeed, NSW Department of Planning, Industry and Environment’s FAQ document on the Planning Proposal states that: ‘A separate nomination process for listing the place on the NSW State Heritage Register can be undertaken with the Heritage Council of NSW and Heritage NSW of the NSW Department of Premier and Cabinet (as delegate)’. The reference to ‘can’ (cf ‘will’) only

indicates that such listing is possible, rather than expressing a specific commitment by the NSW Government to pursue this option.⁵⁸

83. This failure to seek heritage listing is despite Peat Island being listed as a heritage item on the *Department of Ageing, Disability & Home Care Section 170 Heritage and Conservation Register* and having National Trust recognition. It is also despite the expert heritage reports in the Planning Proposal's own expert reports recognising the heritage significance of the island.
84. The physical endurance of the built environment and landscape across time means it serves as witness to people's experiences and provides an entry point for the public to access and engage with the intangible heritage.

Example: Parramatta Female Factory Precinct National Heritage Listing (Australia)

The basis of a heritage listing as the physical site of a former institution serving witness to historical injustice is reflected in the **National Heritage Listing of Parramatta Female Factory Precinct:**

*The institutions of the Parramatta Female Factory and Institutions Precinct were places where many women and children suffered greatly under the authority of those who were meant to care for and protect them. Many of the convict women transported to the colony of New South Wales were forced to leave their children behind. For those who ended up in the Female Factory, a further loss was visited upon them when children who accompanied them were forcibly removed and placed in Orphan Schools. Recognising the history of this Precinct allows Australians to remember and serve witness to these women, their children and the children of later generations who experienced out-of-home care, known as the Forgotten Australians, Child Migrants and Stolen Generations – a recognition that they were not afforded while confined to the institutions of the Precinct.*⁵⁹

85. It will be too late to preserve Peat Island's disability social history once the island is developed or sold.
86. Heritage listing of Peat Island must be a priority and must come prior to any further proposals to redevelop the island.
87. In omitting the social and cultural heritage value of the Peat Island site, the current Heritage Assessment undervalues the heritage significance and the need for preservation of the Peat Island site. The NSW State Government must address the lack of recognition, evaluation or assessment of the social and cultural heritage significance of Peat Island. The recognition of social and cultural heritage value must be considered in heritage assessments, as per the principles documented in the Burra Charter,⁶⁰ and published guidelines for National and State Heritage.

Part I: Summary

88. The Planning Proposal should be rejected as **not in the public interest** because the Planning Proposal and the expert reports (European Heritage Impact Statement, Heritage Conservation Management Plan, and Social Impact Assessment) are not based on an understanding of and respect for the complex disability social history of Peat Island, and promote a simplistic and sentimentalised approach to Peat Island's history.
89. Moreover, Property and Development NSW should be **required in any future planning proposals** on Peat Island to recognise and engage with Peat Island's complex disability social history, include affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) as stakeholders in the development of any future planning proposals, and include in the planning proposal opportunities for meaningful engagement with the social history of Peat Island for people with disability and the general public.
90. Property and Development NSW should be required to **apply for state and national heritage** listing of Peat Island as a matter of urgency, and prior to the submission of any future planning proposals.

Part II: The Importance of the Public Learning About and Reckoning With Peat Island's Disability Social History

91. The community does not know a lot about the history of disability institutions. They do not know about the bad things that happened. They do not know about the disability rights movement. It is not taught in schools. It is rarely discussed in the news.
92. While there is the assumption that deinstitutionalisation ends when institutions close, in NSW there has never been proper acknowledgement and redress of institutionalisation. People with disability continue to be impacted, and aspects of institutionalisation live on within the community. Therefore, we cannot fully turn the page from the institutionalisation era on Peat Island to a new page of community inclusion in NSW until we have recognised and reckoned with institutionalisation and understand what it means for contemporary disability inclusion. In order to move on to a more inclusive future, it is important we understand and reconcile with the past, so we do not repeat the past, and so we can repair attitudinal and social relations. This moment in time represents an important opportunity for justice and change.
93. In part, this reckoning and repair should occur through formal legal and political processes that directly address NSW State Government accountability, such as legal redress schemes and national apologies. However, reckoning and repair should also occur in ways that directly engage the broader community, so they can be aware of and respond to the ongoing impact of the past in their everyday lives.
94. What happens to sites of former institutions plays a significant role in contributing to this public understanding and action. When former disability institutions are demolished and redeveloped, this results in an erasure of their history, a forgetting of what happened there, and a missed opportunity to raise public consciousness of this history. This forgetting not only impedes healing from the painful and traumatic experiences of former residents and their families, but also means as a society we cannot fully move forward in building more inclusive and participatory communities.
95. It is also important for the disability community to have access to learning about this history, so they can celebrate the successes of the disability rights and disability self-advocacy movements and strengthen their current movements.

Failure to Provide Opportunities to Learn and Reckon with Historical Injustices and Repair Community

96. In the context of the social impact of Peat Island's redevelopment, there is no consideration of reckoning with historical injustices, repairing community relations, or addressing negative attitudes about people with disability.
97. At present, the only site identified for recognition of Peat Island's disability social history is the Chapel in Mooney Mooney. This recognition is phrased in terms of remembrance, for family and friends, and is not directed towards broader public education about the history of Peat Island. The Chapel is not situated on Peat Island. The Chapel structure has a

religious rather than institutional aesthetic, and is therefore not immediately recognisable as part of 99 years of disability institutional history. For these reasons, recognition of the Chapel is not directed towards reckoning and repair.

98. As discussed in Part I, Peat Island can be understood as a ‘traumascape’, which served as witness to 99 years of segregation and incarceration of people with disability, and to their violence, abuse, neglect and exploitation. To leave this unacknowledged and unreckoned with in the Planning Proposal and in any subsequent development will have negative social impacts on people with disability and the broader community; it will mark failure to seek to repair these broken social bonds and challenge the dehumanisation and stigmatisation of people with disability connected with the legacy of institutionalisation.
99. In its Interim Report, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability identified that one of nine ‘themes that cut across many or all areas of a person’s life and the systems they use and rely on’ is ‘attitudes towards disability’.⁶¹ The report explains:

*Attitudes can contribute to violence against, and abuse, neglect and exploitation of, people with disability. People with disability, their family members and supporters have told us about the negative or harmful attitudes they often face, as well as assumptions other people make about their quality of life and value to society. They have described how these attitudes can affect or influence their experiences across many areas of life.*⁶²

100. Another cross-cutting theme in the Interim Report is ‘segregation and exclusion’, observing that histories of segregation can continue to impact on current attitudes:

*Segregation is when people with disability are separated from the rest of the community or from settings where people without disability can access supports and services and participate in community and economic life. Historically in Australia, social policy supported the segregation of people with disability in institutions that provided housing, recreation, employment and education, leaving families of people with disability with few options. Some academics have argued that the prolonged segregation of people with disability from mainstream society has contributed to the broader lack of understanding and negative attitudes towards disability.*⁶³

101. Reckoning with the historical injustices of Peat Island is one way that these negative attitudes and practices can be prevented and social relations can be repaired.
102. Unfortunately, the Planning Proposal does not consider this potential role of the redevelopment. The SIA completely overlooks the impact of the Peat Island redevelopment on people with disability and on disabled-non-disabled community relations. Instead, it emphasises reconnection of Peat Island to Mooney Mooney as central to the community’s sense of place:

The Planning Proposal offers an opportunity to enhance the community’s sense of place by reconnecting the Mooney Mooney community with Peat Island.

*To enhance the community’s sense of place, Aboriginal and European heritage items on the site should be preserved, interpreted and made publicly accessible, where appropriate.*⁶⁴

103. In the SIA, former residents and the disability community more broadly are not specifically identified as part of the 'community', nor is there any consideration of their sense of place. The closest the SIA comes to recognising the social impact associated with redeveloping a place of complex disability social history into a tourist destination is reference to the island's 'dark history'. However, this is considered more in terms of its impact on the local community, rather than in relation to the people with disability who experienced it and their wider disability community:

*The site has a significant and diverse history. Notably, the use of Peat Island as a hospital for people with a psychiatric illness and/or intellectual disability from 1911-2010 represents a significant portion of the site's history, and is an example of the treatment of mental illness in during that period.*⁶⁵

*... [One of the] social issues and trends associated with the local area that have been raised through strategic policy documents, targeted stakeholder consultation and other research [is that the] hospital has a sensitive history associated with its previous uses as a psychiatric institution, including a history of deaths and some reporting of mistreatment of residents.*⁶⁶

*There are a number of social issues and trends that have an impact on the context of the site, including the decline in the local economy, Peat Island's dark reputation, which has recently been highlighted by media reports, and an increase in visitors to the area.*⁶⁷

104. The SIA focuses on enhancing the social impact of the redevelopment of Peat Island from the perspective of Mooney Mooney residents via the re-connection of the island to Mooney Mooney, as is reflected in discussion of the residents' aspirations for the island.⁶⁸
105. In terms of social impact, heritage is relevant to enhance the *local community's* sense of place and their assumed entitlement to access the island, rather than to reckon with and repair the harms done to people with disability on the island:

*To enhance the community's sense of place, Aboriginal and European heritage items on the site should be preserved, interpreted and made publicly accessible, where appropriate.*⁶⁹

106. Ultimately, the function of heritage in relation to enhancing the social impact of the redevelopment is about 'celebrating' the heritage, rather than a more nuanced and complex approach of learning, recognising and reckoning with the disability social history that should inform the interpretation of Peat Island:

The community is generally in support of the redevelopment of Peat Island, stakeholders saw the development of Peat Island as an opportunity to reincorporate the site into the Mooney Mooney community and to revitalise the built and natural heritage of the site.

*The community greatly value the Aboriginal and European heritage of Peat Island and the surrounding areas, and believe it should be celebrated and accessible.*⁷⁰

107. Moreover, while the SIA does recommend involving the local community in maintaining this sense of place of Peat Island in future development, this again does not extend to

affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations):

Increased opportunities to access heritage items on Peat Island, due to restoration of and adaptive reuse of highly significant heritage assets as publicly accessible tourism and accommodation facilities. Peat Island is currently closed to the public, and improved opportunities to access and appreciate these heritage items have a positive benefit for the community. Consultation identified that the community strongly values heritage items and generally supports celebrating these heritage items through tourism. Additionally, increased access to the European heritage items on the site provides a symbolic recognition of the connection historical interactions between local residents and hospital residents, which was raised in targeted stakeholder consultation. Increased opportunities for interpretation of European heritage items, for example, through restoration of highly significant heritage assets on the site. Improved interpretation of the heritage of the site has the potential to strengthen the community's understanding of Peat Island's role in the treatment of mental health since the early 20th century, and thereby strengthen connection to place. Improved opportunities to interpret the site may also provide opportunities for residents to reflect respectfully on the darker aspects of the site, including alleged mistreatment of some patients. Potential for increased community pride and connection to place due to restoration of, interpretation of and increased opportunities to access European heritage items on the site. Targeted stakeholder consultation has identified that residents are disappointed that the Peat Island site has not been used since its closure in 2010. Some residents have a perception that the site has degraded since its closure, although Property NSW have maintained the site during that period. The restoration, interpretation and potential adaptive re-use of the site may increase community pride in Peat Island and strengthen the community's connection to place.⁷¹

108. In a similar vein, the Planning Proposal states:

Potential increased community pride associated with increased housing and recreation opportunities, new tourism and recreation uses, increased numbers of visitors, and the regeneration of the area as catalysed by the Planning Proposal. To mitigate any impacts on the existing resident's sense of place, community engagement should be undertaken for future phases to specifically address sense of place within the local community, to assist in defining sense of place to be reflected in future development

Potential enhanced connection to place arising from re-development of Peat Island in a way that preserves and celebrates European and Aboriginal heritage and increases community access to the site; providing access and the heritage significance of Peat Island for both the local and wider community including providing short-stay accommodation options on-site. Increased community access to Peat Island has the potential for increased opportunities for recreation, health and wellbeing benefits, a sense of place and community ownership. To maintain this benefit for the community it should be ensured that the community can access Peat Island for the majority of the year, and that public access is maintained regardless of whether the site is used for private tourism activities.⁷²

109. There is no recognition in the Planning Proposal that the unpaid, hard labour of people with disability contributed to the building and landscaping of the island, and the maintenance of its operations and agriculture.

‘Sites of Conscience’ Approaches

110. One way in which the built environment and landscape can be activated for engagement with social heritage is through ‘Sites of Conscience’ approaches. In these approaches, the physical place is the conduit for the public to learn about the past of a place and its connections to contemporary society, in order to put that memory into action for remembrance of the past and social change into the future.⁷³
111. ‘Sites of Conscience’ practices include activities such as walking tours, education programs, survivor-authored social histories, and artistic works situated or generated on sites of systemic harm, suffering and injustice. ‘Sites of Conscience’ practices provide the opportunity to ‘remember the past to build a better present and future’, and organisers of these activities make a ‘specific commitment to democratic engagement through programs that stimulate dialogue on pressing social issues today and that provide opportunities for public involvement in those issues’.⁷⁴ Maria Tumarkin defines sites of conscience as ‘a movement and a methodology of community-led place-making and place-tending around histories of violence, loss, dispossession, displacement, incarceration (and so, in the same breath, histories of survival, resistance and activism)’.⁷⁵ Tumarkin proposes sites of conscience practices are characterised by movement, rather than memory, the ‘ability to move us “from memory to action”, from isolation to community, from social invisibility to cultural legitimacy, from looking away to looking at, from neglect to vitality, and, finally, from safely in the past to powerfully and palpably present’.⁷⁶
112. Writing in the context of gendered violence, Tumarkin proposes that a site of conscience could keep ‘the fact of gendered violence’s dogged persistence alive in the public imagination as a wound that refuses to scab, let alone heal’.⁷⁷ In relation to the context of disability institutions such as the institution on Peat Island, ‘Sites of Conscience’ approaches do not involve remembering the institution as merely a historical phenomenon, but rather eliciting public reckoning with disability institutionalisation as an open wound or continuing phenomenon that causes ongoing trauma to former residents and the broader disability community. ‘Sites of Conscience’ approaches can offer a dynamic mode of engagement with the complex social history of Peat Island, serving as a vehicle for constantly reminding the community of harms and injustices experienced by affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) that are yet to be reckoned with and set right, and in a way that is led by the affected communities.⁷⁸
113. The International Coalition of Sites of Conscience (‘ICoSoC’) is a global network of over 300 diverse sites of conscience organisations in 65 countries. Member organisations span a wide variety of social justice issues, including armed conflict, disappearances, environmental destruction, slavery, migration, women’s rights and colonialism, but they are ‘united by their common commitment to connect past to present, memory to action’. ICoSoC focuses on capacity building ‘through grants, networking, training, transitional justice mechanisms and advocacy’.⁷⁹ Australian ICoSoC members are the Parramatta Female Factory Precinct Project or ‘PFFP Project’ (child welfare institutionalisation,

discussed further below), the Addison Road Community Centre – Living Museum (cultural diversity) and the Migration Museum (racism and migration).⁸⁰

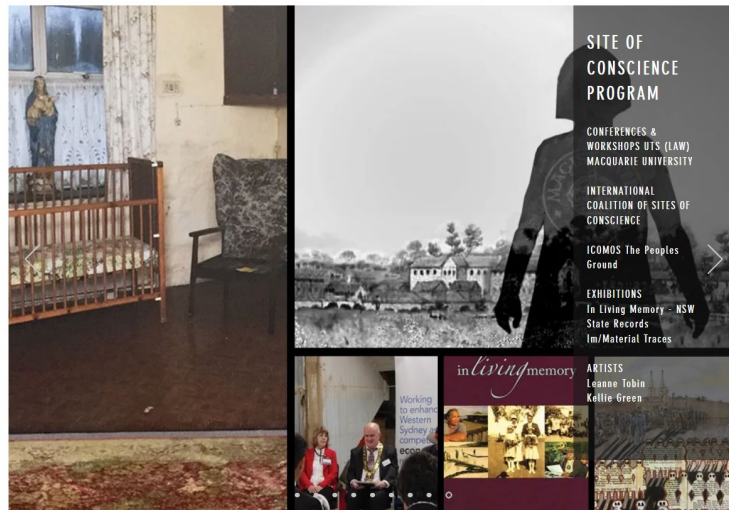
Example: Engaging the Public in the Social History of Child and Women's Welfare Institutions: Parramatta Female Factory Precinct Memory Project (Australia)

Through the **Parramatta Female Factory Precinct Project**, former residents of the Parramatta Girls' Home ('Parragirls') utilise contemporary art and social history to connect their memories and experiences to contemporary debates about institutionalisation in Australia.

They describe their purpose as:

The Memory Project brings together artists, academics, historians and former occupants to activate the Parramatta Female Factory Precinct Institutions Precinct as Australia's first site of conscience so that the history, heritage and legacy of institutional care is never forgotten.

*This institutional precinct is a place where thousands of vulnerable women and children were confined to the care of the state. In Australia, the history of institutionalisation and the institutional experience is so little known, so poorly documented and so frequently challenged. This is what the Memory Project seeks to change through the memories and experiences of those once confined.*⁸¹



Above: Image courtesy of Bonney Djuric <<https://www.parragirls.org.au/memory-project>>.

Example: Disability Institutions as Sites of Conscience (International)

114. There are some international examples of sites of conscience in the context of former disability institutions.

Example 1: Self-Guided Walk: Willowbrook State School (USA)

Willowbrook Mile is a self-guided walk around former Willowbrook State School on Staten Island – now a campus of College of Staten Island, City University of New York. The walk is a collaboration of Staten Island Developmental Disabilities Council, College of Staten Island and New York State Office for People with Developmental Disabilities.⁸² Like Pennhurst State School and Hospital, Willowbrook State School's closure was prompted by a court decision – *New York State Association for Retarded Children v Rockefeller in New York* 596 F.2d 27,⁸³ and 'the national attention over Willowbrook led to the adoption of the first federal civil rights legislation protecting disabled people, which served as the building blocks leading to the passage of the *Americans with Disabilities Act* in 1990'.⁸⁴ The aim of the walk is to 'preserve the site's history and create a visionary presence that acknowledges the deinstitutionalization movement to empty large ineffective institutions as well as the crucial initiation of sustained rights for people with disabilities'.⁸⁵

Example 2: Public Park and Performance Space: Dorothea Dix Hospital (USA)

Dorothea Dix Park, situated in Raleigh, North Carolina, is on the site of the former psychiatric hospital, 'Dorothea Dix Hospital'. The site was once used for hunting by First Nations people, then became the site of a slave plantation, followed by its development as Dorothea Dix Hospital, which was built with slave labour and initially serviced predominantly white people.⁸⁶ The hospital closed in 2012.⁸⁷ The site has been subject to significant environmental degradation, particularly through its use as a pre-regulatory landfill.⁸⁸ The mission of the Dorothea Dix Park 'is for it to serve the city, state and region by honoring its layered legacy while restoring natural and built spaces to become a park for everyone, created by everyone'.⁸⁹ The site of conscience brings together race, mental health and environmental issues in attempting to grapple with the site's complex intersecting histories of Indigenous dispossession, slavery, racial segregation, psychiatric institutionalisation and environmental destruction. Recent engagement with this site includes a 2019 performance piece 'The Will of the Father', which explores the site's earlier use as 'Spring Hill Plantation' and the role of slaves in farming the land and building the Hospital ('the hospital that would not admit them').⁹⁰

Example 3: Commemoration, Public Education and Performance: Toronto Asylum (Canada)

In Canada, psychiatric survivors/consumers have worked to preserve a 19th century brick boundary wall, the last remaining structure of the former **Toronto Asylum (now Centre for Addiction and Mental Health (CAMH))**. This wall reflects the unpaid labour of residents directed towards their confinement: '[T]he historical importance of this site was re-oriented to being one of the last remaining physical symbols of unpaid patient labour from the Toronto Asylum era. This was a particularly evocative symbol in that patients were made to build the very walls behind which they were confined'.⁹¹ The wall is used by psychiatric survivor and Mad communities 'as a site of both commemoration and public education', including through plays, walking tours and plaques which draw a connection between the site's history and contemporary prejudices against people with psychiatric disability.⁹²

Example 4: Museum Centring Oral Testimonies: The Workhouse Southwell (UK)

In England, the **Workhouse in Southwell**, which is operated by the National Trust, is a 'prototype of the 19th century workhouse' that preserves 'an example of a workhouse' and interprets 'its historic meaning as both a refuge and a warning to the millions who lived near subsistence level in 19th century Britain'.⁹³ The Workhouse also includes the 'Firbeck Infirmary' for poor individuals too sick to work in the Workhouse. When the workhouse system ended in the 1920s, the infirmary evolved into an aged care facility that operated until 1989; a research volunteer at the Workhouse observed that 'the care provided in Firbeck in the 1980s bore more resemblance to that in 1871 than 2018'.⁹⁴ The National Trust explains: 'Oral history testimonies from former staff, relatives of inmates, children of staff who lived on site, homeless residents and visiting professionals (such as welfare officers and hairdressers), describe these spaces from the 1920s to the 1980s and have given us detail about how little changed as well as how much'.⁹⁵

Example 5: Museum Centring Lived Experience and Public History: The Danish Welfare Museum (Denmark)

In Denmark, the **Danmarks Forsorgsmuseum** (the Danish Welfare Museum) 'preserves and works collaboratively to secure the heritage and memories of the institutionalised, the poor and the socially vulnerable, aiming for a Danish social history which not only sheds light on the stories from the welfare system that are not told, but also works within the field of social justice and museum activism'.⁹⁶ The museum has a 'Panel of Experience' that consists of 'people with special personal knowledge of the welfare system'.⁹⁷ In the past decade, the museum has been engaged and funded by the Danish Ministry of Social Affairs to lead two national inquiries into institutional abuse: the Godhavnsundersøgelsen ('Inquiry into abuse and medical experiments on the residential school of Godhavn and 18 other children's homes during the period 1945-1976') completed in 2010,⁹⁸ and a current inquiry into institutions for people with physical and/or mental disabilities during the period 1933-1980. The results of the Godhavn inquiry were presented in a written report and in a museum exhibition, the latter serving to expose the inquiry's 'often heartbreaking stories to a bigger audience'.⁹⁹

The Need to Explore a Sites of Conscience Approaches to Peat Island

115. 'Sites of Conscience' approaches have not previously been explored in relation to people with disability in NSW. Noting that this approach is driven by people with lived experience and their communities, at this stage we are raising the approach as a suggested area of exploration with people with disability (rather than proposing a specific form that a site of conscience could take on Peat Island).
116. 'Sites of Conscience' approaches are but one way forward, and we are not yet at a point of knowing if this is the right approach (not least because the Planning Proposal has not considered this option). Thus, at this stage we can say that:
 - a. Forgetting and erasing the history of disability institutions, such as the disability institution on Peat Island, can occur through redevelopment of these sites.
 - b. The views of people with intellectual disability on what should happen to former disability institutions, including specifically Peat Island, is an underexplored area with an absence of clear indication as to preference.
 - c. This lack of knowledge, coupled with the traumatic history of Peat Island and the complexity of possible options for community education, mean that a comprehensive and carefully considered consultation process should take place prior to the submission of any Planning Proposals on Peat Island and prior to any decisions on such proposals.
 - d. There needs to be meaningful engagement with people with intellectual disability about use of 'Site of Conscience' approaches to Peat Island, and they should have a leadership role in decisions that are made about the development, stewardship and heritage management of former disability institutions in NSW more broadly.

Example: Inclusive Research and Meaningful Engagement through Listening to People with Intellectual Disability about Disability Institutions (Australia)

University of Technology Sydney (through the submission authors Linda Steele and Phillippa Carnemolla) in partnership with Council for Intellectual Disability and People with Disability Australia are working on a pilot project to explore the perspectives of people with intellectual disability regarding the history of disability institutions. This project recognises that people with intellectual disability, regardless of whether or not they have direct experience of institutionalisation, have a right to express their perspectives on what institutional histories mean for them, and how these institutions, as places, should be remembered.¹⁰⁰

Example: Justice for Magdalenes Research (Ireland)

In 2018, Justice for Magdalenes Research hosted a two-day workshop ‘Dublin Honours Magdalenes’, which explored the views of Magdalen survivors on public engagement with the memories and places of Magdalen Laundries. Laura McAtackney explains:

An important element of the two days was a ‘listening exercise’ designed to gather the opinions of survivors in conversation with each other on how they wish to move forward. The participants were asked to engage with three question over two hours:

- 1. What should we all know about the Magdalene Laundries?*
- 2. What lessons should we learn from what happened in the Magdalene Laundries?*
- 3. How – in what ways – should we remember what happened in the Magdalene Laundries?*

The resultant report provided both individual and collectives responses to how survivors wished the institutions to be remembered. The take away point was, ‘Above all, the women insist that what happened to them should never be forgotten’ but there were different perspectives on what that could mean in practice.¹⁰¹

Tourist Use Focuses on Commodification and Erasure, not Learning, Remembering and Reckoning

117. The Planning Proposal seeks to justify the proposed development of Peat Island on the basis of the ‘redundancy’ of the former institutional uses and the need to commercialise the site:

The former institutional uses on the site are redundant and the subject site is surplus to the needs of NSW State Government. The current zoning and limited range of permissible uses are inappropriate for any future commercially viable alternate use of the site. There is therefore a genuine need to review the zoning of the site, as well as examine the site constraints and opportunities to assist in the determination of the highest and best land use for the site.¹⁰²

118. The ‘highest and best use’ of Peat Island is narrowly focused on commercial use.

119. The Economic Impact Statement explains that this re-zoning will facilitate the commercialisation of the site:

Ultimately a hotel and conference facility is a good adaptive reuse for the Peat Island’s heritage structures. In particular, this facility would most likely focus on a weekly corporate conference market and a weekend wedding and private function market. It is unlikely that a facility in this location would solely be positioned as a tourist accommodation facility. The success of an

*accommodation facility will be dependent on the operator and their ability to market this type of facility, however its proximity to Sydney, good exposure to the M1 Motorway and potential co-location with the marina facilities provide a unique selling proposition for this type of use. Further to this, this study has not identified any other viable options for the adaptive reuse of Peat Island, which indicates that it is likely to be the highest and best use for Peat Island.*¹⁰³

120. The reason why the land is no longer used for institutional purposes is because the closure of the Peat Island Centre is part of the gradual deinstitutionalisation of people with disability in NSW. The former institutional use of Peat Island reflects a dark and traumatic period of NSW history, and the island serves as witness to segregation, incarceration, violence, abuse, neglect and exploitation of people with disability, and also their resistance, relationships and community. While the use of Peat Island for institutional purposes has shifted, the impact of that previous use lives on in the island and in the lives of those who experienced or are otherwise impacted by that use.
121. Thus, while it is true that there is not and should not be any need for the continued use of Peat Island for institutional purposes, it should not automatically follow that the consequence is to maximise commercial use of the land. Instead, by reason of the circumstances in which its institutional use is no longer relevant (recognition of the harmfulness of institutionalisation), the starting point in any redevelopment of the site should be: how can Peat Island be used in a way that recognises and reckons with the history of the island, what are the views of the disability community, and how can people with disability be involved in shaping the future use?
122. Moreover, it is important to note that the Planning Proposal does not grapple with the ethics and justice of the redevelopment of a built environment and landscape that was in part built and maintained by the unpaid and (by reason of the coercive living circumstances) arguably forced labour of people with disability. For example, the Heritage Impact Statement observes:

*Man made structures including retaining walls of sandstone, garden beds, outdoor shelters and the former 'shell' landscape feature were all constructed by patients and staff as part of the landscape program to get patients engaged with outdoor work within the natural environment.*¹⁰⁴

123. People with disability contributed to building and maintaining the disability institution and its grounds on Peat Island, for the benefit of NSW State Government. Thus, any consideration of NSW State Government now redeveloping Peat Island for commercial purposes must attend to the question of restitution to people with disability for contributing to that wealth.

Inadequacy of the Current Design Response

124. The European Heritage Impact Statement proposes that the use of Peat Island for tourist purposes is 'a positive heritage outcome and will enhance the significance of the place'.¹⁰⁵
125. However, it is extremely disrespectful to all those who lived on Peat Island (and those who never left and died on Peat Island) to transform the island into a tourist destination for holidays, corporate functions and weddings. Simply retaining some buildings (which are selected based on the architectural value of the buildings, rather than the significance of

those buildings to people with disability) and adding some heritage-related signage is tokenism, and it does nothing to restore the humanity and citizenship of people with disability that was denied to them through the island's disability institution.

126. There is only mention of some interpretation and signage regarding the island's history, and no indication of more active and dynamic ways to recognise and elicit engagement with the history. This is demonstrated by the specific re-zoning as tourist (SP3). The objectives of SP3 are:

- *To provide for a variety of tourist-oriented development and related uses.*
- *To facilitate the provision of limited permanent accommodation in the form of mixed-use development to improve the off-season viability of tourist-based development.*
- *To protect and enhance the natural environment for tourist and recreational purposes.*

127. Permissible uses under SP3 zoning are:

Permitted without consent Nil

Permitted with consent Amusement centres; Attached dwellings; Boat launching ramps; Boatsheds; Building identification signs; Business identification signs; Car parks; Caravan parks; Charter and tourism boating facilities; Community facilities; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; Food and drink premises; Function centres; Helipads; Home businesses; Home occupations; Information and education facilities; Jetties; Kiosks; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Secondary dwellings; Semi-detached dwellings; Sewage reticulation systems; Shop top housing; Tourist and visitor accommodation; Water recreation structures; Water recycling facilities; Water reticulation systems

Prohibited Any development not specified in item 2 or 3

128. Tourist zoning might not permit certain site uses that would support memorialisation and community education. This suggests that any heritage interpretation will be incidental to tourist uses rather than a significant aspect in itself.
129. It is significant to note that SP3 zoning permits 'dwelling houses', 'secondary dwellings', 'semi-detached dwellings' and 'shop top housing'. Thus, if rezoned, Peat Island could be sold for residential development, irrespective of what might be the stated proposed uses of the island in the Planning Proposal.
130. The objective of the Mooney Mooney and Peat Island Site-Specific Development Control Plan is 'Adaptively reuse heritage buildings to allow the local and wider community to engage with the cultural significance of the site'. This is further explored in the Planning Proposal:

*Peat Island is also proposed to be heritage listed to preserve the cultural and built form heritage significance of the island in perpetuity. The proposed adaptive re-use the island means of conserving the significance of the place is through the facilitation of new adaptive reuse, which enable the buildings and structures of heritage significance to be repaired, adapted and occupied into the future. Adaptive reuse options which promote public accessibility and access will allow for an improved understanding and interpretation of the heritage values of the place and its contribution to the heritage of New South Wales and the Central Coast region.*¹⁰⁶

131. It is unclear how committed NSW State Government is to preserving the ‘cultural and built form heritage significance of the island in perpetuity’ when it has not yet obtained any heritage listing over Peat Island, nor has it indicated in the Planning Proposal any actions so far to urgently seek these listings, or even given an undertaking it will seek these listings in the near future. It is therefore likely that the proposed adaptive reuse will guarantee heritage preservation. Instead, the focus on heritage preservation in the context of adaptive reuse for tourist purposes makes heritage preservation secondary to the commercialisation of the island.

132. The Mooney Mooney and Peat Island Site-Specific Development Control Plan refers to heritage interpretation:

*Future uses for Peat Island (Heritage Precinct A) are to be accessible to the public and continue to be used to allow for the continued interpretation of the historical development of the site and its contribution to the history and significance of the Central Coast LGA.*¹⁰⁷

133. The European Heritage Impact Statement proposes that reuse of Peat Island for commercial tourist purposes is the best way to enable heritage preservation and public understanding of the island’s heritage:

*The best means of conserving the significance of the place is through the facilitation of new adaptive reuse proposals which enable the buildings and structures of heritage significance to be repaired, adapted and occupied into the future. Adaptive reuse options which promote public accessibility and access will allow for an improved understanding and interpretation of the heritage values of the place and its contribution to the heritage of New South Wales and the Central Coast region.*¹⁰⁸

134. Yet, this is likely to be a superficial and sentimentalised interpretation of the site, given the Development Control Plan makes references to ‘celebrating’ Peat Island’s heritage, and the Planning Proposal and expert heritage reports have neither engaged with the complex disability history (see Part I above) nor consulted people with disability. Moreover, the discussion of heritage interpretation in the Planning Proposal does not indicate any involvement of people with disability, nor recognise the traumatic nature of the site:

- *A detailed archival recording of the place, its setting, views and landscape, should be undertaken prior to physical works commencing. Any buildings or structures proposed for demolition or alteration should be recorded prior to works.*

- *An interpretation strategy should be prepared and implemented as part of the proposed works. The interpretation strategy should explore opportunities for interpretation in media, architecture, landscape and consider all aspects of the significance of the place.*¹⁰⁹

135. The failure of the Planning Proposal to indicate any involvement of people with disability, or recognise the traumatic nature of the site, is particularly concerning given this is contrary to NSW heritage guidelines, which are even explicitly mentioned in the Heritage Conservation Management Plan:

Guidelines

- *Interpretation should be consistent with the NSW Heritage Manual, the Heritage NSW's (former Heritage Division) Interpreting Heritage Places and Items: Guidelines (August 2005) and the NSW Heritage Council's Heritage Interpretation Policy (endorsed by the Heritage Council August 2005).*
- *Interpretation should:*
 - adopt 'best practice' methods to deliver key themes and messages that connect places to stories, using methods and techniques that are relevant to the former Peat Island Centre, are engaging and respond to the target audiences;*
 - address tangible and intangible evidence and values including Aboriginal and historical (non-Aboriginal) archaeology, buildings and structures, natural and cultural landscape and the people associated with the place;*
 - incorporate appropriate recognition of the historical context of people's experiences to facilitate community understanding;*
 - provide for an understanding of the history and heritage significance of the former Peat Island Centre within a wider context of similar institutions across NSW;*
 - be developed in consultation with relevant stakeholders, including government agency owners, Central Coast Council and the local Aboriginal community;*
 - be used to inform the design for new development and be incorporated into new architectural elements, graphic art and innovative display of objects as appropriate;*
 - be of a high quality, both visually and in presentation of appropriate cultural information.*¹¹⁰

Part II: Summary

136. Therefore, the Planning Proposal does **not promote sustainable management of the heritage** of Peat Island because the Planning Proposal and expert reports do not consider Peat Island's complex disability social history and lived experiences of people with

intellectual disability, and Property and Development NSW has not sought local, state and national heritage listing of the site prior to submitting the Planning Proposal.

Part III: The Importance of Consulting with and Including People with Intellectual Disability in Peat Island's Management and Redevelopment

137. In this section, we explain the importance of the inclusion of affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) in the practices and processes of rethinking and redeveloping the Peat Island site. We draw upon the existing knowledge and advocacy of local organisations, including CID and People with Disability Australia (PWDA).
138. CID is an advocacy organisation with a vision for communities where all people with intellectual disability are valued. CID believes that people with disability should have the same opportunities as everyone else, and one of their main commitments is to work to build a community that protects rights, includes everyone and supports people well. The significance of inclusion for people with intellectual disability is captured by the former chairperson of CID, Michael Sullivan, who stated 'I want to be part of the community, not just walk through it!'¹¹¹
139. PWDA is a national disability rights, advocacy and representative organisation that is made up of, led and governed by people with disability. PWDA suggests that inclusion is about community participation and belonging, the attitudes of others, and participation and leadership in decision-making. In its submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability's Issues Paper on promoting inclusion, PWDA state:

*Inclusion is integral to any equitable policy involving people with disability and must begin with honouring and hearing the voices of people with disability in debates, action, policy and any directive being made on our behalf.*¹¹²

140. PWDA explain:

*[W]here authentic inclusion is the aim, it is not enough to simply promote inclusion within existing systems. Authentic inclusion requires a deep examination of the ways in which people with disability are culturally, systemically and legally excluded. In Australia, this starts with conversations about how our human rights can be more effectively implemented, equitable access to information, systems, and resources, and the active dismantling of segregated systems.*¹¹³

*Authentic inclusion requires examination of the way in which hierarchies of authority are occupied by people with specific identities, and a radical challenge to the structure of those hierarchies.*¹¹⁴

141. Writing in the context of 'trauma-informed planning', Berglund and Kitson note that rigid planning processes that do not require community consultation until after submission of the planning proposal 'places affected communities in a position where they must respond to existing plans.' They continue to explain:

We argue that this potentially places former residents and other survivors of trauma in a reactionary position where their only role is to dispute a plan,

rather than being centered in the conversation as problem solvers or stakeholders in their own rights. When citizens are placed in a reactionary position, it also puts developers at a disadvantage, since developers may not have the resources or knowledge of a local community to conduct in-depth community engagement before they submit a plan for consideration. These concerns are supported by the scholarship on trauma that claims that promoting the agency of survivors through inclusion of decision making helps reduce the feeling of passivity and helplessness; we believe that the current engagement strategy may make alienation more likely by setting a community up to speak against development rather than as collaborative partners from the beginning.¹¹⁵

Inclusion Strategies: Global, National and State-Wide Initiatives

142. We draw attention to longstanding strategies (including some that are legislated) designed to ensure the participation and recognition of people with disability in communities, civic structures and responsibilities. The practices around planning and redevelopment are relevant to these legislations and strategic plans. These include the United Nations Convention on the Rights of Persons with Disabilities, the National Disability Strategy and the *Disability Inclusion Act 2014* (NSW).

UN Convention on the Rights of Persons with Disabilities (CRPD)

143. The United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD)¹¹⁶ articulates human rights for people with disability. The CRPD recognises the historical marginalisation of people with disability from mainstream international human rights instruments and the particular circumstances impacting on their enjoyment of rights.
144. The general principles of the CRPD, as per Article 3, include 'respect for inherent dignity', 'non-discrimination', 'full and effective participation and inclusion in society', and 'accessibility'.
145. Non-discrimination, inclusion and participation are also substantive rights in the CRPD.
146. Article 5 of the CRPD provides for the right to equality and non-discrimination, which requires people with disability to have equal protection and benefit of the law, legal protection against discrimination, and reasonable accommodation.
147. Article 19 of the CRPD provides for the right to live independently and be included in the community, which includes choosing where one lives and being supported to both make that choice and live where they choose. It also requires that community services and facilities for the general population are available on an equal basis to persons with disability and are responsive to their needs.
148. Article 8 of the CRPD requires governments to raise awareness throughout society about persons with disability. Further, it requires governments to develop respect for the rights and dignity of persons with disability; combat stereotypes, prejudices and harmful

practices; and promote awareness of the capabilities and contributions of persons with disability. In order to achieve these goals, governments can initiate and maintain effective public awareness campaigns that: nurture receptiveness to the rights of persons with disability; promote positive views about people with disability; and promote awareness of the skills, merits and abilities of persons with disability.

149. Article 9 of the CRPD provides for accessibility. It requires that government should take appropriate measures to ensure people with disability have access on an equal basis to others to the physical environment, transportation, information and communications, and other public facilities and services, in order to facilitate their independent living and participation in all aspects of life. The measures that governments should take to support accessibility include promoting appropriate forms of assistance and support to persons with disability to ensure their access to information.
150. Article 21 of the CRPD provides for the right to freedom of expression and opinion, and access to information. This includes governments supporting the freedom of people with disability to receive and share information and ideas on an equal basis to others, and through all forms of communication of their choice, by providing information for the general public in accessible formats and technologies in a timely manner and without additional cost, and by facilitating their use of alternative means of communication.
151. Article 29 provides for the right to participation in political and public life. Governments will ensure people with disability can effectively and fully participate in political and public life on an equal basis with others. This includes governments actively promoting an environment in which persons with disability can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others.
152. Article 30 provides for the right to participation in cultural life, recreation, leisure and sport on an equal basis with others. This includes enjoying access to museums and other cultural services, access to monuments and sites of national cultural importance, and access to recreational and tourism venues.

Australia's Disability Strategy

153. Disability inclusion and participation is also central to the Australia's Disability Strategy. This strategy was launched on 3 December 2021.
154. Australia's Disability Strategy 2021-2031 includes the outcome area 'Inclusive Homes and Communities', which proposes that 'People with disability live in inclusive, accessible and well-designed homes and communities'.¹¹⁷ Policy Priority 3 under this outcome is: 'People with disability are able to fully participate in social, recreational, sporting, religious and cultural life'. This is explained as:

*People with disability should be supported to live more accessible and connected lives within their communities, including being able to fully participate in social, recreational, sporting, religious and cultural life. This requires accessibility to be an integral part of the design of services and systems to avoid barriers arising. It requires going beyond just physical accessibility. Providing easily accessible information about community services, events and facilities, and providing low sensory spaces, helps support the inclusion of people with disability in their communities.*¹¹⁸

155. Policy Priority 6 under the inclusion outcome is: 'Information and communication systems are accessible, reliable and responsive'. This is explained as:

Being able to access information and communicate is vitally important in all aspects of life. It is central to people's safety and health, to involvement in their communities, employment and education, and to using transport, banking and shopping. Provision of communication in accessible formats (e.g. Braille, Auslan, Easy Read formats) can have a positive impact on the health of and opportunities for people with disability. With technology becoming a key means to participation across all elements of individual and community life, it is important that technology is inclusive of all Australians.¹¹⁹

156. Another outcome area in Australia's Disability Strategy 2021-2031 is 'Community Attitudes', which proposes that 'Community attitudes support equality, inclusion and participation in society for people with disability'.¹²⁰

157. This is explained as follows:

Building positive community attitudes towards people with disability is central to achieving an inclusive society and improving all outcomes for people with disability under the Strategy.

People with disability report the greatest barriers they face are not communication or physical, rather they are created through stigma, unconscious bias and lack of understanding of disability. This can include ableism, where people with disability can be seen as being less worthy of respect and consideration, less able to contribute, and not valued as much as people without disability. Removing these barriers will contribute to positive daily experiences and recognition of the contribution people with disability can make to society.

People with disability have said changing attitudes of others will provide more choice and independence, and lead to better support, improved treatment and more respect. Focusing on community attitudes will lead to better education outcomes, job opportunities, increased feelings of safety, and improved mental health and wellbeing for many people with disability.

Community attitudes and awareness of disability have improved in recent years. However, lack of social and professional acceptance of disability and limited disability literacy remain issues which often create barriers for people with disability. Other factors such as gender, age, sexuality, race, type of disability, and cultural background can also influence how people with disability are treated in society.¹²¹

158. Policy Priority 4 under this outcome is: 'Improving community attitudes to positively impact on Policy Priorities under the Strategy'. This is explained as follows:

Improved community awareness and understanding of disability will increase inclusion and accessibility for people with disability. Improving attitudes is as important as removing physical barriers to the built and natural environment. The Policy Priorities of this Strategy focus on improving in areas of everyday life

*so people with disability achieve the same outcomes as people without disability.*¹²²

159. The Guiding Principles of Australia's Disability Strategy 2021-2031 reflect human rights principles in the CRPD:

Principle One: Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

Principle Two: Non-discrimination

Principle Three: Full and effective participation and inclusion in society

Principle Four: Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

Principle Five: Equality of opportunity

Principle Six: Accessibility

Principle Seven: Equality of people

*Principle Eight: Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities*¹²³

160. In the Position Paper on the new Australian Disability Strategy, the vision is identified as: 'An inclusive Australian society that enables people with disability to fulfil their potential as equal members of the community'. It states that the six outcome areas of the previous Strategy 'are still the right outcome areas to focus on in the new Strategy'.¹²⁴ The Position Paper explains:

There is a widespread understanding of the need to ensure people with disability are able to fully participate in society. Changing community attitudes is a pre-requisite for overcoming the barriers to participation faced by people with disability in their daily lives ...

*All levels of government (Commonwealth, state and territory, and local governments), and all sectors of the community, share the responsibility to work together to remove barriers and shape attitudes so that people with disability can fully participate as equal members of the community. A key focus of the new Strategy will be to facilitate and foster ongoing attitudinal change so that we harness the rich contribution that people with disability make to our society.*¹²⁵

161. The Stage 2 report on targeted workshops with people with disability in relation to the Australian Disability Strategy highlights three areas of focus: a human rights approach, improving community attitudes, and improving accessibility of information. In relation to the focus area of improving community attitudes, the report notes:

Participants in targeted focus groups agreed that improving community attitudes needs to be a goal of the next National Disability Strategy. They overwhelmingly supported the proposal in the Position Paper to make a strong commitment in the new Strategy to improving community attitudes towards people with disability. Participants viewed this as a way the new Strategy could make the whole community more inclusive and accessible, and improve equality for people with disability.

...

*Participants commented on how improved community attitudes could make the lives of people with disability better. They predicted they would have more choice and independence. They would have more control in everyday decision-making, greater empowerment and confidence, and would feel safer in their communities. Many also mentioned improved attitudes would result in more job opportunities and increased employment of people with disability.*¹²⁶

162. Moreover, this report states: ‘When it came to the things people said would help to achieve positive outcomes for people with disability, the most common themes raised in focus groups and workshops’ included that ‘[i]mproving society’s attitudes towards people with disability would have a positive impact on their access and inclusion across all outcome areas and aspects of the community’.¹²⁷

163. The report also notes the importance of involvement of people with disability in policy development:

*Participants commonly noted people with disability must be heard and involved in all aspects of the Strategy to have a greater voice in public policy. This includes more opportunity for input to and influence on policy and decision making. Many participants highlighted the importance of people with all different types of disability being included, as well as those with more complex needs, to make sure all people with disability are represented and have more equitable access to the supports and services they need.*¹²⁸

164. Australia’s Disability Strategy 2021-2031 was preceded by the National Disability Strategy 2010-2020. The National Disability Strategy 2010-2020 provided ‘a unified, national approach to improving the lives of people with disability, their families and carers’ and ‘leadership for a community-wide shift in attitudes’.¹²⁹

165. The first of the six policy areas in the earlier 2010-2020 Strategy is ‘Inclusive and Accessible Communities’, with the policy outcome that ‘people with disability live in accessible and well designed communities with opportunity for full inclusion in social, economic, sporting and cultural life’.¹³⁰ Policy directions under this outcome include:

- a. ‘Increased participation of people with disability, their families and carers in the social, cultural, religious, recreational and sporting life of the community’.¹³¹
- b. ‘Improved accessibility of the built and natural environment through planning and regulatory systems, maximising the participation and inclusion of every member of the community’.¹³²
- c. ‘Communication and information systems that are accessible, reliable and responsive to the needs of people with disability, their families and carers’.¹³³

166. The second of the six policy areas in the earlier 2010-2020 Strategy is ‘Rights Protection, Justice and Legislation’, which means that ‘people with disability have their rights promoted, upheld and protected’.¹³⁴ Policy directions under this outcome include:

- a. ‘Increase awareness and acceptance of the rights of people with disability’.¹³⁵
- b. ‘Remove societal barriers preventing people with disability from participating as equal citizens’.¹³⁶

167. The fourth of the six policy areas in the earlier 2010-2020 Strategy is 'Personal and Community Support', with the outcome that 'people with disability, their families and carers have access to a range of supports to assist them to live independently and actively engage in their communities'.¹³⁷

Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

168. The importance of disability inclusion has been acknowledged by the current Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The Disability Royal Commission has terms of reference that extend to inquiring into 'what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation'.¹³⁸ The Disability Royal Commission has published an issues paper on the topic of promoting inclusion, and has sought submissions from the public on this topic. In its report summarising submissions on the issues paper, the Disability Royal Commission observes summaries concerning what makes an inclusive society:

Responses to the issues paper reflected on the meaning of inclusion and identified core characteristics of an inclusive society. Responses described an inclusive society as one that:

- *recognises and enforces human rights*
- *adopts meaningful practices of co-production and co-design*
- *embeds universal design to ensure full accessibility*
- *provides culturally competent and safe services*
- *recognises the social model of disability, and*
- *promotes a sense of belonging.*¹³⁹

169. In its report summarising submissions on the issues paper on inclusion, the Disability Royal Commission observes:

*Responses overwhelmingly identified negative attitudes and behaviours as key barriers to inclusion for people with disability. This included experiences of prejudice, stigma, discrimination and double discrimination, harmful language, and stereotyping.*¹⁴⁰

170. In terms of proposals for change, one was 'Nothing About Us, Without Us':

- a. 'All government, non-government and private sector strategies to promote inclusion require ongoing and meaningful consultation and co-design with people with disability'.¹⁴¹
- b. 'Governments should ensure people with disability are meaningfully included in all stages of policy development, planning and decision-making, including representation from all intersectional groups'.¹⁴²

Property and Development NSW's Lack of Consultation with or Inclusion of People with Disability and their Representative Organisations

171. In relation to community and stakeholder consultation regarding the redevelopment of Peat Island, the Planning Report executive summary refers to consultation with local residents:

*Consultation with the local residents of Mooney Mooney commenced in 2009 prior to the closure of the Peat Island hospital facility. To date, Property & Development NSW has engaged and actively sought community and agency feedback prior to the lodgement of this revised Planning Proposal.*¹⁴³

172. In addition, none of the list of engaged agencies have a disability focus.
173. There is no mention of consultation with people with disability by Property and Development NSW in the preparation of the proposal.
174. Property and Development NSW has not produced accessible versions of the Planning Proposal and key expert reports, such as Easy Read versions, which would support the engagement of people with intellectual disability in the planning process.
175. The lack of consultation has been recently observed by scholars Justine Lloyd and Nicole Matthews:

*A few brief sentences in the planning documents, such as the quote from the consultant's Heritage Report of 2014 above, acknowledge the institutional history of the Island. However, this consultation document, like the others produced in the multiple phases of the redevelopment, very quickly steps away from recent history and what happened to former residents, to restore the aesthetic as a framework in decisions about what parts of the site are preserved. No opportunities have yet been given in any of the planning processes, nor in the State government's overall vision of the island's future redevelopment, to listen to the lived experience, either directly or in a mediated way, of people with disabilities.*¹⁴⁴

176. While the necessity of consulting with people with disability and their representative organisations should have been obvious to Property and Development NSW, particularly by reason of NSW State Government's role in 99 years of disability institutionalisation on the island, it was specifically alerted to this by email from one of the submission authors on 11 September 2021. Following a chain of emails concerning details about the Planning Proposal, Linda Steele's email stated:

Dear DT CDA

Thank you for your email. The further information is very helpful.

Has the Department consulted with the disability community (e.g. former Peat Island residents, as well as disability advocacy organisations)? I note there is minimal nuanced consideration of this in the European heritage report.

I am currently working on a project with Council for Intellectual Disability and People with Disability Australia on what people with intellectual disability want the public to know and remember about former disability institutions. At this stage the project is exploring this at a general level, but our intention is for the next stage to explore specific sites in-depth (e.g. Peat Island, Stockton). I wonder if there is any way this research would be relevant to your department and Central Coast Council (particularly as it coincides with the Disability Royal Commission).

Kind Regards

Linda¹⁴⁵

177. Steele did not receive a reply to this email, Council for Intellectual Disability were not contacted by NSW State Government prior to submission of the Planning Proposal to Central Coast Council, and the Planning Proposal does not centre the 99 years of disability institution history from the perspectives of those who lived it and the broader disability community.
178. In the lead up to the Peat Island and Mooney Mooney Rezoning Planning Proposal Information Session 2, Linda Steele submitted a question about the extent of Property and Development NSW's consultation with people with disability and their representative bodies. Even though Property and Development NSW had advanced notice of this question, and therefore had time to make inquiries and prepare a comprehensive response, Planning and Development NSW gave a general statement about its approach to community consultation and did not provide an indication either way about their consultation with people with disability when they answered this question. There was no Easy Read information provided as part of the Rezoning Planning Proposal Information Session 2, nor is any available on the Property and Development NSW webpage on the Planning Proposal.¹⁴⁶ Property and Development NSW has still not provided any public clarification of whether they have consulted with affected communities (i.e., former residents and their families, as well as people with disability across NSW and their representative organisations) prior to submission of the Planning Proposal to Central Coast Council. NSW Department of Planning, Industry and Environment's FAQ document on the Planning Proposal states that 'PDNSW, to date, have offered to brief the following community groups', and this list includes Council for Intellectual Disability.¹⁴⁷ However, this invitation came *after* Peat Island and Mooney Mooney Rezoning Planning Proposal Information Session 2 (where the question was asked about consultation) and the single meeting which consisted of a standard presentation only took place after the Planning Proposal had been submitted to Central Coast Council and 18 days prior to the deadline for public submissions on the Planning Proposal.
179. The lack of consultation with people with disability and their representative organisations during a period of over seven years that NSW State Government has been preparing the Planning Proposal is deeply troubling. People with disability were excluded from the community through being institutionalised on Peat Island, and now they are being excluded yet again from involvement in the island's future.

Moving Forward: Including People with Intellectual Disability in Heritage Management and Property Management of Peat Island

180. People with intellectual disability continue to be excluded from the full experience of our cities and communities. However, there are important opportunities to recognise this exclusion, reflect and learn to change how we as a community invest in our practices and policies to ensure the experiences of people with intellectual disability inform how our cities and communities grow and evolve. Peat Island represents a critical example of a site where inclusive practices that actively engage with and incorporate the views of people with intellectual disability are so important, not only for the people who have lived experience of Peat Island as an institution, but for the current local, state and national disability community.
181. The inclusion of people with intellectual disability in cultural and civic activities, like planning proposals and government community engagement initiatives, is an important point for discussion, particularly in the context of supporting the social sustainability of our local communities and cities.
182. Consultation done well can include people with intellectual disability. Advocacy organisations, like CID, are consulting on a regular basis with commercial, government and not-for-profit organisations that recognise the importance of ensuring that communication, resources, information and policy processes and practices are designed to be inclusive of people with intellectual disability.

Example: My Home My Community

My Home, My Community was an inclusive research project (2018-2020) that developed resources to support and build the capacity of local government to be more inclusive of people with intellectual disability. The project was funded by the National Disability Insurance Scheme, as part of their Information Linkages and Capacity Building Grant Program.

The core research team included people with intellectual disability, all of whom provided strategy, data collection, analysis and co-facilitated the project's focus groups with local governments.



Above: The “My Home, My Community” research team conducting a workshop with Local Governments. Photographed by Tiger Gill-Finnegan.

183. People with intellectual disability have powerful insights into what authentic inclusion is, and the sharing of their lived experiences in the context of Peat Island can have a positive and powerful impact on how the design of the redeveloped site is approached.
184. It is important for Property and Development NSW to acknowledge that even after over seven years of work on the Planning Proposal, consultation with people with intellectual disability as a key stakeholder group has not happened. People with disability were incarcerated on Peat Island and some even contributed unpaid, hard labour to the disability institution and its grounds.
185. Property and Development NSW should identify and acknowledge people with disability, and particularly people with intellectual disability, as key stakeholders for consultation and engagement, individually and collectively.
186. People with disability are not an homogenous group, so wide consultation to understand the breadth of experience and views is important. People with intellectual disability require outreach to be engaged. It is not sufficient to put a proposal on public display: the process is not accessible without support.
187. Property and Development NSW should explore internal gaps in its understanding of disability sector positions on institutions (and their contemporary evolution into group homes), and its own interest in the views of people with disability.
188. Property and Development NSW should create accessible information about the history of the island and any proposals. This should include Easy Read information, but other forms

of communication are likely to be required, including resources for people with more complex communication. Information and resources should be tested with people with intellectual disability to ensure they are accessible and appropriate.

189. Accessible information about the Planning Proposal should be widely distributed to people with disability through their representative organisations.
190. Property and Development NSW should upskill staff involved in meetings or consultations in inclusive practice: for example, avoiding complex language and acronyms, allowing time and space for processing, responding and being prompted. Participation support should be provided.
191. In engaging people with intellectual disability, focus groups are generally a good source of engagement. Surveys are not.
192. Property and Development NSW should consider whether its Disability Inclusion Action Plan provides any guidance around appropriate engagement with people with disability.
193. There are a number of additional practical ways forward toward the inclusion of people with intellectual disability in planning proposal activities and community engagement practices. These include:
 - a. Clearly establish the key activities within the project. These could include design conceptualisation, early discussions, decision-making throughout the project, post-occupancy or ongoing operations.
 - b. Within each activity, consider what the important discussion areas will be.
 - c. Engage advocacy experts for support with recruitment, communications strategies, inclusive materials and facilitation.
 - d. Work with disability organisations to engage with the disability community, recruit participants in any inclusive practices, including research or civic activities.
 - e. Pay people for their time.
 - f. Engage in inclusive practice throughout the entire duration and ongoing operations resulting from a project. Inclusive practices are framed across two phases, including co-design and co-production (these concepts are explored in the following paragraph).

Inclusive Practices: Co-design and Co-production

194. There are a wide range of terms that cover inclusive practices that support collaborative, equitable and meaningful input from diverse communities in decision-making processes, including co-design, co-production, co-creation, participatory design and co-vision. There are also many definitions and differing boundaries around what these 'co' processes mean and how they are valued.
195. The NSW State Government has published numerous guidelines and strategies that are designed to underpin government practices around inclusive practice. These include NSW State Government Aboriginal Affairs Practice Paper 'Co-Designing Recommendations for

Government' and the NSW Council of Social Service's Fair Deal Forum paper, [which](#) outlines the principles of co-design.¹⁴⁸

196. For the purposes of this submission, we consider the principles of co-design and co-production as being critical to a meaningful outcome for any proposals relating to Peat Island and its reuse/repurposing.

197. Co-design can be defined as:

*[A] methodology for policy making ... a design-led process involving creative and participatory principles and tools to engage different kinds of people and knowledge in public problem solving.*¹⁴⁹

198. Co-production can be defined as:

- a. *being a part of the production process of services and value-creation of designed environments and products,*
- b. *referring to ongoing and long-term collaboration between professional service providers and citizens/users,*
- c. *having active input by citizens in order to shape the service or outcome.*¹⁵⁰

199. We consider that co-design relates to the range of strategies that ensure the meaningful participation and shared decision-making across the strategic decisions, conceptual planning, design proposals and design detailing in any Peat Island planning and design processes. Some strategies to include people with disability in decision-making relating to Peat Island can include (but are not limited to):

- a. Employment of people with intellectual disability on NSW State Government team,
- b. Steering committees and advisory committees, implemented long term throughout design, construction and ongoing processes and operations, and
- c. Regular focus groups, interviews and workshops in multiple formats to suit a range of preferences.

200. We consider that co-production covers all conceptual design, strategies, research, design development, framing and decision-making during the design of a project. Further, co-production covers all processes in the building and construction, as well as ongoing operations and maintenance and any revisions of policy or strategy relating to the site.

201. These elements and processes should be an integral part of all community engagement, inclusive of all community groups. People with intellectual disability should not be treated separately from any other group within community engagement processes. Rather, all processes should be inclusive of people with intellectual disability, and, first and foremost, be designed to include the meaningful participation of people with intellectual disability.

Part III: Summary

202. The Planning Proposal, Consultation Summary Post 2017, European Heritage Impact Statement, Heritage Conservation Management Plan and Social Impact Assessment demonstrate that Property and Development NSW, URBIS and Ethos Urban have not consulted with relevant and affected disability stakeholders, and they have not provided accessible versions of the planning documents (such as Easy Read for people with intellectual disability).
203. Property and Development NSW should be **required in any future planning proposals** on Peat Island to recognise and engage with Peat Island's complex disability social history, include through meaningful consultation with and inclusion of people with intellectual disability and their representative organisations (such as Council for Intellectual Disability) as stakeholders in the development of any future planning proposals, and include in the planning proposal opportunities in the future use of the island for meaningful engagement by people with intellectual disability and the general public with the disability social history of Peat Island.
204. Property and Development NSW should also be **required to implement inclusive practices of co-design and co-production** in all planning, design and strategic decision-making, and in particular regarding the ongoing stewardship and heritage management of Peat Island with people with intellectual disability and their representative organisations (such as Council for Intellectual Disability). The importance and value of co-design principles are widely published by NSW State Government itself, including reports from the Department of Aboriginal Affairs,¹⁵¹ and a library of resources from the Department of Health.¹⁵² Property and Development NSW must now implement their own set of equivalent co-design principles to govern practices and processes within its own department.

Conclusion

206. We strongly oppose the rezoning of Peat Island currently proposed, and we call upon NSW State Government to acknowledge not only the failure of the current proposal to acknowledge the complex disability social history of Peat Island, but the failure to engage with people with disability, particularly people with intellectual disability, throughout the heritage assessment and social impact assessment, development proposal or any design processes.
207. The Planning Proposal is fundamentally flawed. These flaws cannot be remedied simply by approving the current rezoning application and then ensuring more consultation with people with disability and their representative organisations at the next stage of the redevelopment. Property and Development NSW needs to go back to the drawing board and start again with a new planning proposal that involves meaningful consultation with people with disability and their representative organisations.
208. For 99 years, NSW State Government operated a disability institution on Peat Island. This history and its links to where we are today must be acknowledged and cannot be forgotten. The NSW State Government must seize the redevelopment of Peat Island and its ongoing stewardship and heritage management as an opportunity for remembrance, recognition, reckoning and repair.
209. The NSW State Government and Property and Development NSW have the opportunity to be world leading in their approach to recuperation and recognition of former disability institution sites, such as Peat Island, by aligning their approach to development, stewardship and heritage management with disability inclusive 'Sites of Conscience' approaches.
210. While this submission focuses on the importance of recognising the social and cultural heritage of people with disability in Peat Island's more recent colonial history, the authors would like to acknowledge that the area has significance to First Nations People over a long history. Therefore, acknowledgement of the Indigenous social and cultural histories are also urgently required, and further point to the need to immediately halt the current planning processes in place to rezone Peat Island.
211. In order to be world-leading in this way, NSW State Government and Property and Development NSW must incorporate principles of co-design and co-production across all decision-making activities relating to Peat Island and its reuse. NSW State Government has already published a range of guides and strategies, and even has a library of resources that outline the importance of co-design for diverse communities and how to do it well.¹⁵³ These principles must be incorporated from the very start, prior to any rezoning of Peat Island, and must be upheld over the long term, across all operations and the ongoing management of the site, whatever that may be. For it is only by bringing these principles of co-design and co-production into the foundations of NSW State Government's practice and processes relating to Peat Island that the communities affected by its redevelopment will have their cultural and social heritage properly acknowledged and valued.
212. People with disability did not get to choose to live on Peat Island. But they should have a choice about what happens to Peat Island in the future.

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- ¹² *Ibid* 56-62.
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