

SUNSET RESERVE TRANSFORMATION BILL 2013

Second Reading

Resumed from 31 October 2013.

MS M.M. QUIRK (Girrawheen) [7.01 pm]: They say that politics is the art of compromise, but this is one occasion when compromise pleases almost no-one. The proposals under this bill do not bear close analysis. The time frame for completion of the restoration is unacceptably long, and the Barnett government's lack of real commitment to heritage is starkly demonstrated by its lack of financial investment in this project. In this context, it is interesting that this site is not considered an appropriate one for the so-called heritage revolving fund, which was part of the Liberal Party's 2013 election commitments. That commitment provided, in part —

If re-elected the Liberals will:

- **Allocate \$8million over the next four years to establish a Heritage Revolving Fund to activate underutilised or idle State or local government heritage property, through conservation and adaptive re-use.**

The State Government has an ownership interest in more than 38 per cent of the places listed on the State Register of Heritage Places. Many of these are well used, actively maintained and conserved. However, others sit idle.

The fund will be used to bring these buildings back to active community use. Buildings that have the potential to be used for vibrant community engagement purposes will be considered as a priority. This could include buildings to be used as bars, restaurants or art galleries.

The Minister for Heritage will determine which properties are appropriate for redevelopment under the Revolving Fund, and their ultimate end use.

Properties owned by the not-for-profit sector will be considered on a case-by-case basis for partial funding.

The establishment of this Heritage Revolving Fund will:

- Save at-risk heritage buildings from destruction by neglect
- Meet the State Government's obligations as the owner of a heritage listed property
- Set an example to the private sector and local government
- Demonstrate economic, social and environmental benefits of adaptive re-use to the market place
- Utilise the expertise of the Heritage Council and industry to achieve best adaptive re-use outcomes
- Explore the potential for industry partnerships and joint investments on conservation
- Foster development of skills in traditional trades by providing training and job opportunities
- Satisfy community expectations.

The issue here may well be that since no allocation of moneys under the heritage revolving fund has been made, with nothing in the 2013–14 budget, the proceeds from the fund was not available in this context. As we will talk about later, money is being raised by other means to partially fund the restoration of this site. I want to make the point, however, that the budget came mere months after this commitment for this fund was made, and already it has been broken. I think we are also proceeding on this project with rubbery figures on the sale of a small portion of land generally known as lot 302. The press releases originally talked about the size of this lot being 1 500 square metres, but it is now 1 993 square metres. That lot will be zoned under the City of Nedlands laws at R12.5, which effectively will be room for one or two single dwellings, as I understand it.

Mr A.P. Jacob: Two.

Ms M.M. QUIRK: Two. The sale of that lot is set to realise about \$10 million to fund the restoration of this site. I am not aware of any independent valuation of this lot, however, so we are operating somewhat in the dark in terms of whether that is a realistic valuation. We are also unclear of the collateral or recurrent costs that the City of Nedlands or whatever the local government authority will be down the track will need to shoulder in relation to this property. I also think the timing of the bill is somewhat unfortunate as we are expected to agree with the proposal that it will be covered by a new heritage act, which would seem to be a case of putting the cart before the horse. It would have been nice if the new heritage act were in place, which according to the Premier will be introduced sometime this year, so that we could see what laws will apply to this site. We are not able to do that at the moment.

The Liberal Party made a specific promise in relation to Sunset in its heritage election policy in 2013. It said —

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If re-elected the Liberals will:

- **Complete the redevelopment of the Sunset Hospital Site as a precinct for community use.**

The site of the former Sunset Hospital in Dalkeith will be opened to the community under a plan by the Liberals to transform the disused, heritage-listed site into a community asset for all Western Australians.

With \$275,000 already allocated towards the development of a master plan, a Liberal Government will ensure that the 8.5 hectare site will have its A-Class reserve status and all heritage-listed buildings retained.

The prime riverside location will be ideal for a range of cultural, arts and community purposes, potentially including an art gallery, café or function centre. This will require substantial restoration works to heritage listed buildings on the site.

Under the plan, a small parcel of land (1,500sqm) —

The minister might explain later why the area of this lot is now up to 1 993 square metres and why that differs from the commitment made in the election promise. It continues —

estimated to be worth up to \$10million, containing a non-heritage listed building, will be sold in order to fund the restoration works.

In the course of the election campaign, the Premier made the following announcement —

The site of the former Sunset Hospital in Dalkeith will be opened to the community under a State Government plan to transform the disused, heritage-listed site into an asset for all West Australians.

The press release continues in much the same form as I have already read. Of note is that —

The proceeds from the sale of the land, which comprised less than two per cent of the entire site but is estimated to raise up to \$10million, would be used exclusively to restore sewerage, power and water, re-roof the heritage buildings and restore their external facades to a secure, lock-up standard.

Now, the next paragraph is important —

This will allow the Government to protect the buildings from falling further into disrepair. The buildings could then be progressively restored to heritage standard throughout and leased to community organisations on the condition they contribute to the buildings' conservation.

I will come back to that shortly.

In the announcement by the Premier made in January, before the election, he stated —

A steering committee will be established to oversee development of the master plan and there will be consultation with stakeholders, such as the City of Nedlands.

The former Sunset Hospital site is managed by the Department of Finance through Building Management and Works on a care and maintenance basis, with sections of the site occupied by not-for-profit organisations such as the Australian Children's Trust on temporary lease arrangements.

Subsequent to the election, in October last year, the Ministers for Finance and Heritage made the following announcement —

A strategy to transform the State heritage-listed former Sunset Hospital site in Dalkeith into a valued community asset has been developed by the State Government.

Finance Minister Mike Nahan and Heritage Minister Albert Jacob said the Sunset Transformation Strategy would guide the development of the site over the next 10 to 15 years into a unique Government-owned asset for arts, cultural and community use.

Then much of the same is repeated from previous press releases, namely —

“After nearly 20 years of planning and various attempts to redevelop the site, the Liberal National Government will implement a strategy whereby the full potential of Sunset can be realised and shared with the community,” Mr Jacob said.

That is a statement I will return to later, too. It continues —

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Dr Nahan said the legislation would support the implementation of the strategy and provide for the sale of Lot 302 in Iris Avenue, an amendment to the A-class reserve purpose and associated planning changes.

So the master plan referred to was completed in November of last year. The steering committee comprised the director general of the Department of Finance, who was the chair; the government architect; an executive director from the Department of Premier and Cabinet; the chair of the Heritage Council; the director general of the Department of Planning; and the project director, Building Management and Works. These people comprised the steering committee who formulated this master plan. There appears to be no representative from the City of Nedlands or any other community representatives. Briefings were undertaken with the executive director of the State Heritage Office and the Committee for Perth. A design review was conducted by the Australian Urban Design Research Centre and a working group was also formed, which included representatives from Building Management and Works; Office of the Government Architect; lead consultant, Hassell; business plan and engineering consultant, GHD; cost consultant, Ralph Beattie Bosworth; heritage and town planning consultant, TPG (WA); and property consultant, Colliers International, which actually has charge of managing the property at the moment, as I understand.

The steering committee came up with a vision for the project —

... ‘to transform Sunset over time into a unique Government owned asset for arts, culture and community use, which has a high level of heritage conservation, public access, amenity and engagement with the river’

That represents a brief status report on the current state of play.

I now want to briefly look at the history of the site because I think it is intrinsic in assessing heritage values and the appropriate future use of the site. I then want to canvass concerns we have about the proposed arrangements under the bill and their administration. Finally, I want to demonstrate what a disappointing outcome this is for the Western Australian community as it represents a real wasted opportunity.

In terms of the history of the Sunset site, I am indebted to *The History of Sunset Hospital* by Ann Whyntie, published in 1999. Ann worked at Sunset Hospital for a number of years, having run the occupational therapy service from 1968 to 1993. Ms Whyntie is also the secretary of the Sunset Heritage Association. It has been actively involved in, I suspect, lobbying every member of Parliament on this bill.

To go back to the history of the Sunset site, and as Ms Whyntie records, in 1886 a select committee of the Legislative Council was convened to consider message number 10 from His Excellency, the Governor, which states —

“... relative to the construction of a building at Freshwater Bay for the purpose of a benevolent institution for the accommodation of paupers requiring government indoor relief. The cost proposed was £5,600 approximately, funds being obtained by the sale, as far as necessary, of lands and buildings at the present Knowle and Mount Eliza Depot.”

In 1890, Parliament declared the site overlooking Melville Water an A-class reserve and by an act of Parliament annexed the land for use as an old men’s home. In 1904, it was decided that Melville lots 1, 2, 3, 4, 5, 6, 44, 45 and 46 would be dedicated to the purpose of an old men’s depot site, and Melville lot 44 added to the grant. So a new institution was established on an isolated site surrounded by bushland and to be called, The Old Men’s Home, Claremont. Due the urgency for new accommodation, work began almost immediately after site planning and drawings were completed. The design for the home was simple. It was constructed from large stone blocks, could accommodate 400 inmates, and included an infirmary and a hospital. The stone was quarried from a nearby cliff face at Point Resolution. A building of the home was completed by early 1906 with the first paupers admitted in March, and the building proclaimed as a poor house in the government gazette in March 1906.

Access to the home was problematical as the area was isolated, surrounded by bush with no roads, and the only mode of transport at the time was a horse and dray. So the government was prevailed upon for expenditure of £212 to construct a jetty so that access to the site could also be secured via the river.

Significantly, Ms Whyntie notes in her book that —

At the turn of the century the area between Perth and Claremont was sparsely populated, which was indeed the main reason for building the poorhouse on this site, the land being worth just £1 an acre, but within two decades this would change. There was a dramatic increase in population due to subdivision of the land surrounding the Home and the above average income of those who bought the housing blocks. It was at this time that representations started to be made to the government for the Home to be moved to a less visible location.

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I want to just digress briefly and members might be interested in this little historic vignette about the home. A bore was needed to be sunk for water supplies to the home. In fact, it was sunk and tapped into a warm artesian well. This meant it was possible for a hot shower straight from the cold tap, even in winter. But in the 1920s, a problem developed with the water tank, so warm water from the well ran to waste forming a large pool on the foreshore of the bottom of the scarp named “Hot Pool”. This was the first of three such hot pools. Ms Whyntie chronicles the infamous goings on at the hot pool. Newspaper photographers would be sent down to the pool to photograph and when the magnesium flash went off, there would be a stampede out of the pool to get the photographer before the film could be processed.

The nickname “Naughty Nedlands” originated at this time, when the yachties at Crawley hired out boats to take young and old to the pool. The hot pools were used by the public for the next three decades before the last pool was filled in at the end of the 1940s. Mrs Whyntie notes that during the 1930s, Constable Bannear, the local policeman, vowed to clean up the vice and patrolled the river as far north as Aberdare Road. Patient numbers continued to rise throughout the 1920s with more than 600 inmates in the home. In 1927, the C-block was built at a cost £17 000, which enabled an expansion of more than 100 beds and the creation of two large wards. At this stage, additional reserve land was fenced off.

During the 1930s, letters of complaint appeared in *The West Australian* from local residents who objected to the inmates wandering the streets around the home. They suggested that the home be moved to the hills. During the Depression the number of inmates increased to 750, with many having to sleep on camp beds. In 1941, the minister approved a change of name for the home to Sunset after holding a public competition. The rationale for this change was a more enlightened attitude towards aged people.

Mr C.J. Barnett: It was still known as the old man’s home right up until the 1970s.

Ms M.M. QUIRK: Yes, that is right.

By the 1950s, with more than 500 patients or inmates and 120 staff, upgrades were made to the buildings. In 1963 the metropolitan region scheme was amended dividing the site into two-thirds special reservation, public service and hospital and one-third parks and recreation. This was no doubt done to reflect the change from a poor house or old man’s depot into the status of a medical facility. In 1965 women were allowed to live at Sunset. In July 1966, the home changed its status to a public hospital, which had implications for attracting commonwealth funding. In the same year, the Asiatic flu took hold of patients and staff with 80 people dying in one month. In 1994, the Western Australian government announced its intention to close Sunset Hospital. The decision was controversial, but Anne Whyntie cites a number of reasons for the closure—the age of the institution, its position on prime land and the inference that staff confidence and loyalty were in question. Also, Sunset did not meet modern-day standards. Apart from deciding what to do with the site, the minister of the day, who I think was Peter Foss, had the task of relocating 140 elderly, vulnerable citizens who did not want to leave. Indeed, some had been residents at Sunset for many years.

In September 1977, Sunset was put on the permanent state Register of Heritage Places, which reads —

STATEMENT OF SIGNIFICANCE

Sunset Hospital, a complex of Federation Arts and Crafts, Inter-War Arts and Crafts and other style buildings, has cultural heritage significance for the following reasons:

it is one of the largest intact early twentieth century public health facilities in the State and, through its site planning and building design, represents the health care policies and practices of the time and throughout its development and operation;

it is a unique example of the type of government sponsored housing for homeless and vagrant men in the State in the early twentieth century;

...

the buildings generally display a high degree of homogeneity and, united by the landscaped open spaces, collectively form an historic precinct;

it is a recognised and important landmark which can easily be identified from the river and other areas around Melville Water; and, its association with prominent architect Hillson Beasley who, as Chief Architect at the Public Works Department, was ultimately responsible for the original site planning and building design.

The heritage listing also notes connections to various people and associations. One is Hillson Beasley, whom I mentioned, who was the architect. Albert Rust was master of the home for many years. It also had an association with homeless and vagrant men and war veteran rehabilitation. A number of war veterans were housed at Sunset,

Extract from Hansard

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particularly post World Wars I and II. Some of them were victims of shellshock and post-traumatic stress disorder, as we now know it. The last convict to be transported to Western Australia, Samuel Speed, was also an occupant of the hospital. The opposition believes it is an absolute given that there are strong reasons for preserving the buildings on the site. Indeed, it has strong associations with the early development of the colony.

In 2000, the Land Administration Act changed the MRS site dedication to retirement village, parks and recreation, community and ancillary and commercial purposes. In 2006, the Sunset Hospital Site Bill was introduced into Parliament. The purpose of the bill was to facilitate land tenure and planning amendments to A-class reserve 1667 to enable implementation of the Sunset community master plan to provide for the timely adaptive re-use and conservation of the heritage-listed Sunset Hospital site; for most of the Sunset site to remain as an A-class reserve and be placed under the custodianship of the University of Western Australia for use as the UWA Arts Centre and for development of a residential aged-care facility; the excision of a relatively small part of the A-class reserve 1667 for the development of residential apartments; an appropriate amendment to the metropolitan region scheme; and minor boundary rationalisation to protect improvements owned by the City of Nedlands. I think they related to an easement for pumps and that sort of thing. The content and format of the bill was largely influenced by a consultant's report by consultants Syme Marmion that the then government commissioned. That is the firm of which the current Minister for Housing and, ironically, now the member for Nedlands, was principal. He was also one of the report's authors. The bill did not pass and the Sunset premises have remained largely unoccupied since then. I say "largely" because ScreenWest has occupied one of the buildings as the set for the television production of *Cloud Street*. The Australian Children's Trust has leased the Q building for some years for peppercorn rent. The ACT has spent a considerable amount of money doing up the building and had its lease renewed in 2012. The circumstances surrounding the ACT's securing occupation of the site are dubious, to say the least; however, I do not intend to expand on them here. However, I will say that the opposition expects a more transparent process from prospective tenants with full compliance. We anticipate a full and open tender process as a bare minimum.

I recently received another suggestion, and although it does not have any traction from government, it is worth mentioning as an opportunity forgone. When we think of the community uses for which the site could have been used, but were rejected, we are duty bound to ensure that what we do with the site maximises its benefit and potential. It is a suggestion that in some ways is consistent with the original use of part of the land. It has been mooted that the area at the eastern end of the Sunset Hospital site be leased to establish a purpose-built "medihotel" to provide support and accommodation for patients discharged from Western Australian hospitals. I met with Rhonda Kerr, who is one of the proponents. A considerable amount of research has been done on it. The proponents say that the Sunset site is uniquely located within seven to 15 minutes of the state's major health facilities. No other similar site offers such access to the state's premier health services. It is asserted that patients could spend less time in hospital, and that people attending for medical investigations or having rehabilitation treatments, and their immediate families, could reside there. It is a concept that is in place around Europe; in fact, I think there are medihotels in Victoria. As an example, I had knee surgery a year ago and had to spend an extra day in hospital because, being a childless spinster, I had no-one at home to care for me. That is the kind of situation we are looking at—when people have not fully recovered or need further medical scrutiny or oversight, and are taking up a bed in a tertiary hospital, which is very expensive.

Ms Kerr said that there were two compelling reasons, in her view, for developing a medihotel at a site such as Sunset Reserve. The first is that Western Australians from rural and remote areas are dying because they do not have access to the same advanced services as their city peers. Health indicators show that there is a persistently increasing requirement for access to the most advanced medical care, especially for rural and older Western Australians. The disparity between those who have access to best care and those who do not cannot be justified or sustained. As demands on our public hospital system continue to grow, it is appropriate for companion organisations to support hospitals to deliver high-quality clinical care to people in rural Western Australia. Ms Kerr also cites organisations in that area such as Lions Eye Institute, Independent Living Centre WA, Perth Children's Hospital, King Edward Memorial Hospital, Perth Cardiovascular Institute, Hollywood Hospital, Bethesda Hospital palliative care service, Lions Hearing Clinic, SolarisCare Cancer Support Centre, Mount Medical Centre, Mount Hospital, Royal Perth Hospital's Shenton Park campus, South Perth Community Hospital, and PathWest. They are all within 20 minutes of Sunset Reserve.

I will not labour the point, other than to say that such a centre would certainly ease health budget pressures, particularly hospital costs. It has been calculated that it would be the equivalent of saving approximately 23 beds per year, so it is an excellent proposition. As I said, I understand that Ms Kerr has had some discussions with Minister Hames, and, if not that site, perhaps consideration could be given to the soon-to-be vacated site at the Shenton Park annexe when Fiona Stanley Hospital is completed. I make the point that, yes, we know it is a special location, but because of the demographics of the area, we also know there are a lot of elderly people, and

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the proximity of a lot of medical tertiary facilities, a facility such as that would be fantastic at the eastern side of that site. We know it is not going to go there, but we need to realise that if that kind of opportunity is to be forgone, we need to have in its place something that will reach the same level of potential.

I will now return to some elements of the Sunset Reserve Transformation Bill 2013. Members will be grateful for that, considering I went on a discourse about the health system. I want to talk about some of the issues I foreshadowed on the current bill. From what I have seen, the plan for the overall site is pedestrian. It seems to me that all that is really occurring is a replication of the Heathcote site, and I think that is inexcusable. One of the local activists who has met with me, Malcolm Hay, has suggested that the site could be modelled on the Louisiana Museum of Modern Art in Copenhagen. The contrast between heritage buildings, modern art and the natural setting would be extraordinary. Instead, the proposal is something banal and unimaginative, but will cost the government nothing, apart from \$200 000 a year in maintenance.

A direct correlation with this lack of investment is the cited time frame for completion, which is between 15 to 20 years. That is simply too long. We have had no explanation as to why it will take that long, other than the lack of capital. Then there is the very uncertain amount of revenue that will be secured from the sale of lot 302, which is an area of 1 993 square metres, although it was originally 1 500 square metres. Under the City of Nedlands planning scheme, it will be zoned R12.5. As the minister very helpfully told me earlier, that will probably mean that there will be two houses only on that site. This reinforces the need for any tender process for the sale of those lots to be open and transparent. As it is said in the real estate business, these blocks are extremely rare earth. What is expected of the council in terms of the associated construction works in the vicinity, such as road upgrades, maintenance and various other incidental works? I am told that at Heathcote, the City of Melville spends in excess of \$600 000 per annum. Has this been factored in? Whatever shape the council is in when these works are undertaken, has that been budgeted and allowed for, and where will the income come from?

Of course, there are also the obligations and responsibilities of the lessees. I have looked at a copy of the existing lease, which I unfortunately had to obtain under freedom of information. I make the observation that I had a very comprehensive, useful and helpful briefing by officers from the Building and Works Commission, but in terms of obtaining additional follow-up information, Minister Nahan's office in particular was most obstructive and most unhelpful, and I had to seek under FOI information that I think is basic to inform myself for this debate.

When I received the lease for, I think, the Q building, I was able to ascertain that the lessee must comply with the provisions of the Heritage Act 1990. What happens when the new heritage legislation comes in? Will there be some sort of addendum to the lease, or does that obviate the need to comply with the heritage laws altogether? They must pay rates and taxes and standard service charges, use the premises for a permitted use and keep it clean and in good repair. Implicit in the relevant clause is that parts of the premises are to be improved at the lessee's expense. I will go into that in a minute. Lessees are precluded from moving materials without the consent of the lessor, and are to comply with environmental and safety laws. The rent is \$1.10 a year, if requested, and there is an option to renew for two years if permitted. I particularly wanted to draw the attention of the house to clause 3.1 of the lease. As I said, those previous clauses are all fairly standard. I thought it was clause 3.1 but I cannot find it, so I will have to look for the highlighting. It might be in the schedule. It reads —

3.1 Stage 2 Exterior Works

3.1.1 The Lessee may, but is not obliged to, carry out the following works at its cost to renovate the exterior of the Q Building:

- (a) remove the existing roof and supply and install a new roof;
- (b) remove existing guttering and supply and install new guttering;
- (c) restore existing woodwork or, if required, remove existing wood work and supply and install a new wood work;

3.1.2 The Lessee acknowledges that it will carry out the Stage 2 Exterior Works at its own risk and it will not be compensated or reimbursed on termination of this Lease for any Works it carries out.

Clause 4.1 reads —

4.1 Condition Precedent

The Lessee may only carry out the Stage 3 Works if the Lessor has first agreed in writing that the Lessee may do so, the lease of the Option Premises has been granted and the term of that lease has commenced.

For stage 3 works, it reads again —

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- 4.2.1 Subject to clause 4.1 of these Additional Provisions, the Lessee may, but is not obliged to, carry out the following works at its cost to renovate the interior of the Option Premises:
- (a) ensure that all electrical wiring is in good working order;
 - (b) install new lighting if required;
 - (c) install new air conditioning if required;
 - (d) paint plasterwork, wood work and doors (excluding any wood work which is not painted at the Commencement Date and any exposed brick walls);
 - (e) install cabling for telephone/internet connections.

It refers also to provisions about removing partitioning and so on. I am a bit confused about the obligations of lessees who rent these premises at a peppercorn rent. As I said, I expected that a condition of their tenancy was that they would undertake internal works, or stage 3 works as they are called in the annexure to the lease, and that it would be a mandatory requirement, not a discretionary one; in other words, it would say that the lessee “must” carry out these works. I am intrigued about the extent of the obligations and the extent to which they are enforceable. I would like an explanation from the minister about how he envisages the heritage restoration work will be completed. I would also be grateful if he could advise which groups are current tenants and what arrangements exist for the Australian Museum of Motion Picture and Television, for example. It seems there is an expectation that that organisation will be a tenant. If so, will it have the same lease arrangements as those I have just read out from the Australian Children’s Trust? When was that arrangement made and what buildings is it likely to occupy?

As an aside, I know that I am likely to be accused of embarking on some politics of envy, dog-in-the-manger class warfare, but can I make it clear that I grew up in the area. Unfortunately, I am sufficiently old to remember, when I was at school, being dragged down to Sunset to sing Christmas carols to the old men. I have to say that this is a site for which I have some affection. A complete history of the place is not documented in any books, but I visited it as a child and have spoken to some of its former residents.

As I said at the outset, this Sunset Reserve Transformation Bill 2013 pleases almost no-one. The activists in the Sunset Heritage Association believe the site should be kept intact and oppose the excision and sale of lot 302. In a letter the association sent to, I believe, most members of Parliament in January this year, it states —

The proposal is to sell off part of the site—initially said to be 1,500sqm, now 1993sqm, to raise approximately \$10 million for building maintenance. This would destroy the integrity of the site for little, if any, gain, as there is no funding commitment to full restoration and new use. The total cost of restoration and fit out for an arts and cultural complex is likely to be in the order of \$70 million to \$100 million. \$10 million is a very small part of the total funds required to complete all work and could well be wasted, as was the case at the East Perth Power Station when preliminary expenditure was not followed by further funding for full use. The Association considers it is far preferable to retain the subject land within the site, with the future option to lease, to provide an on-going source of income for the project.

The association certainly has asked us to vote against clause 7, which relates to the excision of lot 302.

Others consider that there is capacity for heritage buildings to co-exist on the site with, for example, as I mentioned, a low-profile subacute medical facility. This acknowledges the special location of the site, being within minutes of major hospital facilities. Few other locations possess this important attribute. To some extent, this is consistent with the vision of 1904 when the wealthiest in the community supported the old, the sick and the homeless, and is consistent with the spirit of Walter Padbury, Sir J. Talbot Hobbes and Dr Battye, among many others, who showed kind and generous leadership in their ongoing financial support of the old men’s home. Others have expressed concern that this site is not being treated as a state asset but, rather, as a local recreational facility. The plans do not include sufficient additional parking for it to be considered a regional recreation area or, indeed, a park designed to be accessed by a large number of Western Australians from outside the suburb.

Then there are those who question the notion of the buildings being used as offices for charities or non-government organisations, which is seen to offer nothing to the local community other than a stopgap measure to have parts of the buildings occupied, which is obviously preferable to them being vacant. If they operate as such, they are unlikely to be open to the public and people will not be able to look at the restored glories of heritage. And, of course, there are the equity concerns. This is a multimillion-dollar property and is being given over as another playground for the western suburbs.

Mr C.J. Barnett interjected.

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Ms M.M. QUIRK: I am just expressing the views, Premier, that have been given to me.

When health staff and services are being reduced at the nearby Sir Charles Gairdner Hospital, it is inappropriate that a valuable public health asset is being given away for the benefit of the most privileged people in our state. This proposal takes an asset created for the poor, ill and homeless and gives it over to the recreation of our wealthiest community.

Then there are those who believe that the plan outlined in the 2006 Sunset Hospital Site Bill had the potential to showcase the heritage setting against a world-class museum of Indigenous art, with the curatorial expertise of the University of Western Australia. Having been to the very impressive first nation's museums on a similar site on the campus of the University of British Columbia and in Montreal, I can readily imagine the possibilities for Sunset. Of course, that was vehemently opposed by the then member for Nedlands, who let the cat out of the bag in her second reading speech for the Sunset Hospital Site Bill, when she said —

The Liberal Party opposes this bill. It has been one of the most traumatic bills for the party, in many ways, because of the various interests and ongoing concerns of community members in the Liberal heartland of Dalkeith. The Dalkeith polling booth polls the largest number of Liberal voters in the electorate of Nedlands. Most of those voters are not Liberal Party members, but they vote Liberal. Many of the people in the different groups that have approached me—the Keep Sunset Safe group, the Sunset Heritage group and the Point Resolution group—are Liberal voters, and I know that. At least one of them started a group with me and about 40 other women in Dalkeith 24 years ago, called the Dalkeith Liberal interest group. I will not name the person, but I know that these people vote Liberal. They are totally opposed to any development or sale of this A-class reserve.

That was in *Hansard* of 17 August 2006. Ironically, those very people continued to vote Liberal, and the then member for Nedlands lost her seat despite her vociferous defence of the Sunset site. The irony was further compounded as the member who won the seat from her was none other than the author of the consultant's report that recommended the excision and sale of part of the site for various uses and the establishment of a museum by the University of Western Australia. The Sunset site clearly continues to foster controversy.

MR W.J. JOHNSTON (Cannington) [7.50 pm]: I want to make some brief remarks about the Sunset Reserve Transformation Bill 2013, and I want to put it in context; that is, all of us would like to have more open space in our electorates. It should not just be a matter of the government looking at the western suburbs and saying that there should be more open space in the western suburbs. It is important for all our communities. I want to draw attention to some issues that arise in new developments. When Hon Kate Doust and I first bought a home together, we lived in Marangaroo. It was one of the outer suburban developments that we are all very familiar with. The developer put all the open space in before it sold the housing blocks, which meant that there were no local parks for people in the development so they had to walk for probably a kilometre and a half from their house to the park. It was huge parkland once people got there, but there was no community parkland. Although the government has suggested that this is being done to make sure that there is open space for the use of everybody in Western Australia, I make the point that it is pretty hard to get to if people live in Marangaroo, Cannington or West Swan. This piece of land will principally be used by people who will walk to it when it is used as parkland. That is what happens with parkland. It is not the case that it will somehow be accessible to people across the state. That is not necessarily a bad thing, but we need to look at it in that context.

I welcome the fact that the government has adopted the Labor Party's position of using the proceeds of the sale of part of the land to offset a small portion of the costs of the heritage works on the site. I understand from the second reading speech of the Minister for Heritage that the government expects to get \$15 million from the sale of this block of land. I think that is right. It seems extraordinary. How much is the minister saying?

Mr A.P. Jacob: We'll get to that.

Mr W.J. JOHNSTON: What is the figure?

Ms M.M. Quirk: I've been told \$10 million.

Mr W.J. JOHNSTON: The \$15 million was the potential return from the sale of the slightly larger portion that was proposed in the 2006 legislation.

Ms R. Saffioti: I've read the report; it's very good.

Mr W.J. JOHNSTON: Yes, by Syme Marmion.

Mr W.R. Marmion: I thought so!

Mr W.J. JOHNSTON: The member thought so, but now he is voting against it.

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If it is \$10 million from the sale of the land, which I assume is the net cost of servicing the blocks, when 2.4 per cent of the site—1 993 square kilometres—is sold to recover some of the costs, it will be interesting to see how the government valued the land, who did the valuation and what is the basis of that assessment of the value of the land.

Ms R. Saffioti: RealEstate.com's \$10 million is ambitious, frankly.

Mr W.J. JOHNSTON: It is interesting because that has to be the net return from the site; otherwise, the \$10 million will not be available to fund a small portion of the heritage works that are intended to be funded by the sale of the land.

The next question is: what is the expected total cost of government investment in the heritage site? I look forward to the minister explaining in his second reading reply what the cost will be over the next four or 10 years for the heritage restoration. How much is expected to be drawn from taxpayers generally in Western Australia and how much is expected to be returned just from the sale of land? I also note that there is no provision in the bill that will prevent a further amendment to excise a greater share of the land. I note that one of the objections from the Liberal Party in 2006 was that there might be creeping sale of the land at the Sunset site. I wonder what guarantee there is that there cannot be some increased sale of land on the site through the legislation that has been proposed. It will be interesting to find out the answer to that question.

I also wonder whether money will be made available to heritage sites in other places in Western Australia in proportion to the money that is being allocated to this site. I can tell the minister that there are a couple of heritage sites in my electorate and there are heritage sites all across the state that are in need of refurbishment and heritage maintenance works. It will be interesting to look at the minister's plan for those equally important heritage sites. I would hate to think that the minister is focused on only one project and not the others across the state. There were some interesting comments from the current Premier in the 2006 debate. He said —

Some people in this town have lots of money. People are willing to make contributions to heritage and the community. Let us use that willingness. Let us involve the University of Western Australia.

I conclude by stressing that, in my view, the site must not only legally remain in the ownership of the state, but also remain functionally in the ownership of the state.

I would be interested if the minister could tell us how this bill complies with those comments. The member for Cottesloe also said on 17 August 2006 —

The state needs to retain the whole site. Retaining heritage sites is expensive; they are not cheap options. The government should forget about the \$15 million for the health system. The government will not be remembered in history for the day and a half of the health system that was funded by the sale of Sunset. People will not march in the streets celebrating that day and a half of health funding. That is trivial. The government should keep the entire site in public ownership. Whether it takes five, 10 or 15 years, the government should be prepared to commit some funds to the restoration of the buildings. It might take a long time to restore them. It is a slow, progressive job. It should be done well and properly.

The member went on —

As the buildings are restored, the university should be allowed to take some responsibility for them on a fair lease arrangement and to use the buildings for university research, education and public purposes to bring the site alive.

He continued —

That would be wonderful. The gardens should be restored to make it attractive. It should be made into a real asset for Western Australia.

The member for Nedlands has proposed that the site be brought under the control of the Botanic Gardens and Parks Authority, which is essentially the old Kings Park Board. I think that is a good idea.

It would be interesting if the minister could comment on those suggestions and plans. I am not criticising them in any way; I am just asking the minister to reconcile them with what we are doing.

I noted the comments about the Liberal Party by the former member for Nedlands Ms S.E Walker in that debate on 17 August 2006. She said —

Minister Nick Griffiths appointed Syme Marmion and Co as consultants. I think about six ministers have dealt with the site so far. I want to deal with Syme Marmion's statements about the University of Western Australia in the executive summary of its report —

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The University of Western Australia advised that it would be interested in being involved in any negotiations for the site and would consider taking over of the site comprising the heritage buildings and the parks ...

UWA estimates that it will cost about \$12 million to upgrade those buildings. Under the Court government it would have cost \$6 million to upgrade those buildings. Successive governments must have spent about \$8 million on that site, yet had a different approach been adopted in the first place, the site could now be a paradise for tourists. That is why I introduced my bill to bring this land under the Botanic Gardens and Parks Authority, to beautify it and make it a place people would want to visit and enjoy, which I believe would be a perfect result.

What I cannot understand about the report is that it talks about the National Trust of Australia. I believe that the National Trust is very dark about the way this whole process has been handled. The report reads —

The National Trust of Australia (WA) made a late submission (dated 24 March 2005) advising that it had a partnership arrangement with the private sector and it would be prepared to contribute \$15 million to the government for the “immediate transfer of the Sunset reserve” to them.

This was rejected by Syme Marmion because, as the report reads —

The Trust has provided no plans on what scale or type of development it proposes for the site ...

The member went on to say —

The report by Syme Marmion states that UWA made a formal submission. However, it did not.

And she goes on. Again, I would appreciate it if the minister could explain why the proposal from the Liberal shadow of the time is not considered the best way of proceeding now. There could be a good reason for that and it would be great for us to have some indication of why the change occurred. The former member for Nedlands, Ms Walker, went on to develop the argument that since the lands were in fact originally an A-class reserve and then used as an Old Men’s Depot, it should just go back to being recreational land and not be used for other purposes. Again, I am interested to know why that is not the government’s decision. I am not saying that the government should make that decision, I am just making the point that it would be good to know why it did not proceed in that way. It is interesting too that the member quoted an email from Professor Geoffrey Bolton dated 15 June 2006, which was either sent to the member or to the Leader of the Opposition at the time, Hon Paul Omodei. One way or another it would be interesting to hear from the minister. If the minister wants me to, I can quote all of the transcript, but I do not think it would help the chamber. There are eight points and they are on pages 4817 and 4818 of *Hansard* of 17 August 2006. For brevity I will not quote each of the points, but I would appreciate knowing why the eight points raised are not being considered important at this time and why the government is following this different model. As I say, the government might do something better than was proposed at the time, but I would appreciate an explanation from the minister about the reasons for the changes in the government’s and the Liberal Party’s position on these matters because I do not think this issue should just die. The Liberal Party voted against the 2006 legislation, and as the minister knows, defeated it in the upper house because, of course, the Liberal Party had control of the upper house at the time. The then Labor government did not proceed with the proposal at the time and given that it was the Liberal Party’s decision, and good luck to it, it is now incumbent upon the Liberal Party to explain to the people of Western Australia why it has changed its mind. There is no reason for it not to change its mind, but it would be helpful to the history of this matter if there was a proper explanation about why those issues that were so important in 2006 have ceased to be important in 2014. Maybe they are not important any more, but I do not think it is right for the minister to come in here with a glib second reading speech that does not canvass any of the issues raised by the Liberal Party in 2006 and then just expect the Parliament to accept the position he is now taking. I would therefore appreciate it if the minister could explain it. As I say, I am also particularly interested in the expected total cost of the restoration and what percentage of that will be achieved by the net \$10 million. If that amount is not achieved out of the sale of the land, what is the government’s plan? Is there a plan to subdivide more land on the site and sell it off or is there a plan to use taxpayers’ money to fill in the gap?

I would also appreciate it if the minister could let us know why there is not an opportunity to put any Indigenous interpretation on the site. I make the comment to people in my own electorate who are making plans for public facilities that I think it is appropriate to make sure that there is an Indigenous interpretation on the sites that we are dealing with. I agree with the efforts of all the governments that were outlined by the former member for Nedlands over a long time, including the former Labor government, to preserve the heritage buildings on the site

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and that is something we should all applaud. I know the minister says that will be done as well, and when he explains how it will be done, it will be great. I would also like to know about the intention of the government of Western Australia to provide an appropriate interpretation of the Indigenous heritage and history of the site. That is something that we miss and we do not do it enough here in Western Australia. I would appreciate it if the minister could explain what the government's plans are for that aspect.

Would the minister like to let us know, given that the sale of the land will principally be allocated to fund part of the restoration, whether there are any plans to provide some other proposals for other pieces of land around the state that require restoration? There is the East Perth power station and some of the homesteads.

Ms M.M. Quirk: The warders' cottages down in Fremantle.

Mr W.J. JOHNSTON: There are the warders' cottages in Fremantle and the Guildford Hotel.

Mr D.J. Kelly: It is a lovely building.

Mr W.J. JOHNSTON: It is a lovely building.

Mr D.J. Kelly: Half a building!

Mr W.J. JOHNSTON: It is a roofless building! There is a range of buildings.

[Member's time extended.]

Mr W.J. JOHNSTON: There is a gentleman in my electorate who has moved a house from one side of the street to the other side of the street. A property developer owns the block where the house was originally and he wanted to build on the site. The house is a timber house built in 1903 and the gentleman paid out of his own pocket to have the house moved across the road and he is slowly restoring it. He says it is the oldest house in the City of Canning and the council does not dispute this, although it does not support what he did. Will there be any opportunity for people doing the right thing by restoring properties to get access to any government funding and/or any money from the state government for the heritage work that they are doing in the same way that the state is providing \$10 million for this particular heritage project? I also wonder whether the minister could provide any guidance to the chamber about his attitude to heritage matters more generally. When there is a conflict between the heritage values of a site and other development pressures, what is the minister's approach? Clearly, if the government sold the site for development without regard to its heritage values, it would be worth an absolute fortune. I note that there are buildings in Northbridge that have been taken off the heritage register so that developers can proceed to develop the land in any way they want. That is obviously privately owned land. But the question remains: what is the government's approach to heritage? As a person who was not born in Perth and arrived here as an adult, what struck me most when I walked down the Terrace for the first time was how little heritage there is on the Terrace. Other cities in Australia have managed to preserve a far greater portion of their heritage. What is the government's attitude to preserving the bits of heritage that are left? The Florence Hummerston pavilion was pulled apart brick by brick, to be rebuilt in a different location.

Mr D.J. Kelly: Chopstick by chopstick.

Mr W.J. JOHNSTON: Yes—they probably used chopsticks to pull the bricks apart!

Ms M.M. Quirk interjected.

Mr W.J. JOHNSTON: Like the tiles in front of the belltower that my two children wrote on and that have been so rudely torn up and replaced by the Metropolitan Redevelopment Authority. I was interested to hear the chief executive of the MRA say—to paraphrase his words—that he did not know why people were complaining, because it was always part of the plan to destroy the tiles.

Ms R. Saffioti: And now they are going to put them in the Battye library. How very quickly that has turned around!

Mr W.J. JOHNSTON: I welcome the minister's change of heart on this matter and the fact that he has backed down to the people of Western Australia.

Mr J.H.D. Day: He never said anything about the Battye library in this context.

Ms R. Saffioti: That is what he said. He said they were going to get photocopies and put them in the Battye library.

Mr J.H.D. Day: Digital records exist, yes.

Mr D.J. Kelly: A different visual representation I think was the spin.

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Mr W.J. JOHNSTON: It was always interesting. I thought Richard Court was very clever with the tiles, because the belltower was very unpopular at the time, as the minister would remember, because on election night in 2001, the Labor candidate was actually ahead of him in the count.

Mr J.H.D. Day: By one vote, I think.

Mr W.J. JOHNSTON: It was a bit more than that. He was ahead, and it was a very narrow margin, but the minister beat him on the pre-polls and the postal votes, et cetera, and good luck to him. The minister would remember how unpopular the belltower was. So what Premier Court did was very clever. He got every schoolchild, or was it every primary school child —

Ms R. Saffioti: Every schoolchild was invited, and 200 000 replied.

Mr W.J. JOHNSTON: Yes, to sign their name on a piece of paper, and that was transferred onto the tiles.

Mr A.P. Jacob: And now everyone says it's too small. That is a good lesson for Elizabeth Quay.

Mr W.J. JOHNSTON: Elizabeth Quay has nothing to do with buildings. Apart from reconstructing Florence Hummerston house, not one single building will be built by the government at Elizabeth Quay. That has always been one of my big criticisms, as the minister would know from his conversations with me a number of times. The government should have spent the money on the Indigenous museum first, and, having finished the Indigenous museum, if it wanted to be stupid and build an inlet, it could have done that. The fact is that the government is building an inlet, and there will be absolutely nothing there. It will be, as I have said, a windswept cesspool.

Mr J.H.D. Day: You just don't get it.

Mr W.J. JOHNSTON: No; the minister does not get it. When the minister cuts the ribbon, there will be nothing there. Later on, someone might build a building if they can get a banker in New York to fund them. That is good. As I have said, the apartments will go. There is absolutely no question that the apartments will be sold. Those buildings will be worth a fortune, which is no surprise given that the government is basically giving away the land. But that is another issue.

To get back to the bill, we need to know what the government's attitude is to heritage matters across the state. The government is proposing to spend \$10 million on restoration works on a group of worthy buildings in the western suburbs, located on government-owned land that belongs to everybody in the state equally. Therefore, that is a perfectly reasonable question. The minister owes it to the people who pay his wages to provide a comprehensive plan for the restoration of public and other important heritage sites across the state. If the minister cannot do that, he is failing in his job. The minister cannot just say he is fixing this one problem. It is nice that the minister is fixing this one problem. However, what about the other problems? The minister cannot do half his job—well, I suppose he can, and get half his pay, but if the minister wants to get all his pay, he needs to do all his job. So I am interested to hear the minister's answers to the series of questions that I have asked.

MS R. SAFFIOTI (West Swan) [8.14 pm]: I also rise to speak on the Sunset Reserve Transformation Bill 2013 and follow on from the comments of my colleagues the members for Girrawheen and Cannington. I remember the lengthy debates on this issue in 2006. I remember also the petitions that were brought into the house by the then member for Nedlands. It was always a source of amusement to note the number of petitions that were brought into this house on a weekly basis by the then member for Nedlands. I want to go through the history of this matter and look in a bit of detail at the report that was done by the now member for Nedlands, because it contains some very interesting comments. The key point that was made by the member for Cannington, and that I would also like to make, is that the second reading speech provided by the Minister for Heritage does not explain the change of position and does not give a full picture of what is happening on this site. I want to talk about the revenue costs and ask some questions that hopefully the minister will be able to answer during his second reading response.

The member for Girrawheen gave a great history of the Sunset site. In 1998, there was a proposal for an aged-care facility on that site. At the time, that was not progressed, as I understand it, because of the cost. In 1999, a concept plan was developed for the site. That included a private retirement village, and 60 per cent open space for community use. However, an issue that the then Gallop government had to grapple with is what would happen to the Sunset site reservation. In 2005, the then government considered the business case analysis for the Sunset Hospital site that was developed by the now member for Nedlands when he was a consultant with Syme Marmion and Co. That is a pretty good document and it contains a good analysis of potential revenues and other aspects.

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In September 2005, when the then Minister for Heritage, the member for Midland, brought the legislation into the chamber, the bill consisted of the following key aspects: 91 per cent of the land was to be an A-class reserve, with 80 per cent to be used for a University of Western Australia arts centre, 11 per cent to be used for a residential aged-care facility, and the remaining nine per cent was to be sold for the development of quality residential apartments.

I want to go through some of the justification that was given for that plan at the time. The business case analysis that was released to the member for Girrawheen this year but was undertaken in April 2005 states that Syme Marmion would develop a master plan based on options assessed against the following agreed site objectives: maximise the potential for community use of the heritage buildings on site; conserve existing heritage buildings; maintain the key features of the heritage landscape on site; maximise the potential for public access to the site; maximise the potential for appropriate long-term maintenance of the environment; provide opportunities for viable and diverse uses for a range of age groups; and maximise, within this context, the potential financial value of the site. The key objectives were about preserving the heritage and providing options for aged-care facilities. They were also about financial return, noting that financial return was a secondary objective in relation to the key heritage and social objectives. The report identifies some key aspects. I refer in particular to the University of Western Australia proposal, which at the time was exciting and worthy of support. The Syme Marmion and Co “Business Case Analysis for Community Uses for Sunset Hospital Site” noted that the University of Western Australia would be interested in being involved in any negotiations for the site and would consider taking over the area of the site, comprising the heritage buildings and parks and recreation escarpment, at no cost. It also stated —

If the University were granted control of the site they would take on responsibility for refurbishing and conserving the heritage buildings, currently estimated to be a cost of about \$12 million. They ideally would also like to have an additional area of land on the east of the site, which has been recommended in this report for use as a residential aged care facility. If this site, which is recommended for aged care, remained with the government it would be available for the government to generate a commercial return.

The business case analysis went on to talk about the UWA proposal. It noted the demographic of Nedlands, and Dalkeith in particular, at the time. A high proportion of elderly people were living in Dalkeith, many of whom were single and were likely to be suited to dwellings other than single residential accommodation if they were available. It was looking at providing an accommodation choice for people in that area. As I have said in this house before, it is very important to provide choice for people within suburbs. People should have a choice about what type of accommodation is available in the communities in which they live. Too many times we force elderly people to move out of their communities and suburbs at a time when they want to be in the community they know, with the doctors they know, by the shops they know—and accessing all those things that people become familiar and comfortable with.

Mr D.A. Templeman: Choices.

Ms R. SAFFIOTI: I refer to choices in the suburbs and a combination of choices in every suburb. It is interesting that that concept was picked up by the now member for Nedlands in his 2005 report. He looked at the demographics of the area, and noted that there was not a lot of small apartment-style accommodation in aged-care facilities, and that such a proposal would give people real choice to maybe downsize while not having to leave the suburb. That is a key issue for people ageing in our suburbs. They should not be asked to move 10 kilometres or 15 kilometres away to a new aged-care facility that is being built somewhere; they should be provided choice within the suburbs they know. That was a key point picked up in the Syme Marmion business case analysis.

I now go through some of the numbers in the report. As I said, about nine per cent of the land was to be sold. In 2005–06, about \$13 million was expected to be returned to the state from the sale of the land. When that is indexed against house prices and the CPI, that amount would be significantly higher. At the time, the proposal was to return a significant amount to government. The shadow Minister for Heritage outlined all the different views presented on this issue. I am taking an equity view, and I will explore that more. I believe that more than \$20 million would have been returned under that scenario.

The Syme Marmion report concluded that the proposal would maximise the potential for community use; guarantee the conservation of existing heritage buildings; maintain the key features of the heritage landscape on site, with 80 per cent of the site remaining as is; allow public access to 80 per cent of the site, which is similar to the current University of WA site at Crawley; ensure that the responsible entity, UWA, would improve and maintain existing landscape and development; provide an appropriate mix of diversity, through art galleries, cafes, residential aged-care and some medium-density apartments; and provide an appropriate financial return to

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the government for disposing of a site of this significance. It would also be implemented in a timely fashion to avoid the danger of a progressive deterioration of the buildings. The recommendation from the now member for Nedlands was to undertake a proposal that would have seen a UWA retirement village and some density accommodation brought into the area—not a huge amount but some density. As I said, the report stated that it would provide a choice of accommodation within the suburb, it would preserve the heritage of the area, it would allow great public access, and it would ensure that there was some financial return and that the deal would not cost taxpayers millions from now on. They were the recommendations.

As the member for Cannington said, the report was brought to Parliament, but it was knocked back by the Liberal Party at the time. One of the key things the second reading speech to the Sunset Reserve Transformation Bill 2013 does not outline is why things that seemed appropriate at the time were not taken up—that is, the recommendations driven by the public sector following the consultation and all the processes behind the 2006 bill. What has changed? The second reading speech states that a retirement village is no longer appropriate. Why is it no longer appropriate? Are there fewer older people in the area? I doubt that.

The second reading speech also refers to the land to be zoned urban and sold. I understand that 1 993 square metres will be excised, which is 2.4 per cent of the site. The key point is: what is the anticipated revenue from that sale? The shadow minister said that she understood the value was \$10 million. Looking through the numbers, I do not think it would be that high. Can the minister tell us the anticipated return from the sale of that land? As I understand, given the zoning, only two blocks are anticipated to be created from that amount of land. I am not a valuer, but after a quick look at www.realestate.com.au, I think \$10 million would be an optimistic valuation. I think it would be lower. Surely the minister could answer that in his reply to the second reading debate, given that the financial returns to the state were an important point outlined by the now member for Nedlands in his report in 2006.

On the equity argument, and in relation to block sizes, it is interesting to note that in new housing subdivisions in my electorate not many blocks are zoned R12.5. There are a lot of R40s, R30s and R60s. There is a lot of high-density accommodation in our electorates. Again, relating to the equity argument, given the proximity of this land to the city and to the infrastructure and services, whether it is health or transport, would we not want to maximise housing in this area, especially when we expect other people to purchase 300-square-metre blocks in areas that are poorly serviced by existing infrastructure? A strong equity question arises: why are the apartments that were recommended by the now member for Nedlands not being pursued in this model? I do not think the return to the state is being maximised. That is an issue. The value of this public land is being given up. Higher density zoning would increase the return to the state. I am surprised that the minister did not outline the anticipated return to the state in his second reading speech, because it is an important part of this bill, which is about trying to stop this site costing taxpayers money, while preserving the heritage of the site and continuing its public use. Not to know the true valuation is quite incredible. As I said, different standards are being applied here. The standard of zoning for this block is very low, whereas for other areas it is much higher. I think many people on the other side of the house would agree that the zoning in their electorate is much, much higher. As I said, all these decisions add up to a government that wants to do a lot of land deals but is not maximising the return to government.

I want to go through another part of this equity issue. The government is ready to do a lot of land deals but is not maximising returns for taxpayers, and I say this in particular while there is a very strong issue of housing affordability. Land is an important asset of the government. The government needs to provide some justification every time it gives away land for free or at a lower value than it could return. We saw that happen with the land deal for the Ritz–Carlton Hotel. If the government wanted to give that land away for free, it should have said so on the day it made the announcement.

Mr J.H.D. Day: It's about tourism policy and hotel attraction policy.

Ms R. SAFFIOTI: The government should have said it.

Mr J.H.D. Day: We did.

Ms R. SAFFIOTI: No, it did not—not on the day. The government did not say that the land was being given away for free.

Mr J.H.D. Day: It was explained that there was a lower return for hotel sites because of the different commercial arrangements.

Ms R. SAFFIOTI: Did the minister say that on that day?

Mr J.H.D. Day: You weren't actually there; I was, and the Premier.

Mr C.J. Barnett: It was made clear.

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Ms R. SAFFIOTI: Do you know what? No-one knew that the government was giving away that block for free. No-one knew. If it was clear, is the government saying that all the journalists in Perth are absolute idiots? None of them knew it was going for free?

Mr J.H.D. Day: You can't jump to a conclusion that it is necessarily free, but certainly it's a substantially lower value.

Ms R. SAFFIOTI: The minister said there was some concession for the two blocks.

Mr J.H.D. Day: Yes.

Mr D.J. Kelly: There was some concession.

Ms R. SAFFIOTI: There was some concession. However, as I understand it, two concessions can be given on tourism developments. One type of concession is to allow the development of residential and long-stay apartments together with a hotel and land concessions.

[Member's time extended.]

Ms R. SAFFIOTI: As I understand it, the government gave both in this deal. It was incumbent on the minister to actually say, "This is the value of the land that we're giving away for free", as that is what he has done. As I said, the minister can try to justify it, but for the purposes of transparency and accountability it is a gift. The government can try to justify it but I am saying that it has to be transparent. That is not happening. Again and again it is just not happening. People have to be able to make a judgement and say, "Okay, the government's giving away \$30 million worth of land for free. Now, do I believe that is a priority, given what else is happening?" The government is not allowing people to make that judgement because it is not transparent. I read the government media statement and I read all the public comments. I read a comment about a concessional rate. However, as I understand it two concessions can be given for tourism developments. I understand also that other people across the state have not been given any concession, particularly for mixed-use developments.

Mr J.H.D. Day: What you need to realise is that those two sites have been subjected to a competitive bidding process through the expression of interest process and then going down to a short list. Price is not the only consideration. Design outcomes and the overall amenity that is going to be created have also been important aspects, as they are in the MRA model. It's not just about maximising financial return, but there has been a competitive bidding process.

Ms R. SAFFIOTI: The minister is not taking the point. The point is: be transparent about it and say that the government gave away that block for free. I am saying that when the minister went out to do the big media announcement, standing on all those poor little pavers that he had been tearing up, he should have said that he was giving away the land for free so that people could make judgements. He should not have stood there and said that there was some sort of ambiguous concession and then come out the next day or only after questioning and highlight exactly what he did. He gave away the land for free. As I said, two types of concessions can be given for tourism developments. There is a concession for allowing developers to build apartments together with a tourism development to maximise the return. I understand that the government has stopped people around the state doing that. He actually does not allow people to do that.

Mr P. Papalia: On occasions.

Ms R. SAFFIOTI: On occasions. Then there is the concession on giving away land for free. The government has done both. As I said, if the government wants to do that, it should be transparent about it.

Mr J.H.D. Day: It's actually been subject to a commercially competitive bidding process with a whole lot of other companies also involved.

Ms R. SAFFIOTI: But, as I said, if there was nothing to hide, why did the minister not make it clear?

Mr P. Papalia: An opaque commercially competitive process!

Ms R. SAFFIOTI: If there is nothing to hide, just come out and say it: "We're giving away this block of land for free." That is what the minister should have said. Also, "By the way, there's those pavers we're tearing up, but we're giving away that block of land." Those pavers were meant to be there for generations to come but now they cannot be picked up and moved because they are so terrible! As I said, just be transparent about it.

Another deal we saw recently was the Crown Perth land deal. Again, some concession on the valuation was given, but we were never able to identify the true value of what the government was doing with taxpayers' money. As I said, it is up to the government to make those decisions, as it is the government, but it has to give people the information. I know that the government does not like doing that. People have to be able to make informed judgements on whether they believe giving land away for free and giving a concession worth over \$30 million in this instance was worth it. I do not think the government has done that.

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I want to put another issue on the table, which relates to some increasing inequities in housing affordability around the state. I remember some debate when the government chose the location for the stadium at Burswood and negotiated a hotel deal at the same time.

Mr C.J. Barnett: No, the stadium decision was made before any approach from Crown on the hotel.

Ms R. SAFFIOTI: Let us not go through this.

Mr C.J. Barnett: You just said the wrong thing.

Ms R. SAFFIOTI: No, I did not say the wrong thing, honestly. I said that those two discussions were happening at the same time.

Mr C.J. Barnett: No.

Ms R. SAFFIOTI: I did not say they were linked. But if the Premier wants me to say they were linked, I will say that they were linked, because the letters show that they were linked. I said they were happening at the same time.

Mr C.J. Barnett: No, they didn't. The stadium decision was about a year and a half before.

Ms R. SAFFIOTI: The Premier said that the State Solicitor's Office told him he had to link them, so the Premier has a letter saying that both things were happening at the same time. I do not want to go through that old issue again.

Mr C.J. Barnett: Why are you raising it? This is about Sunset, not about Crown. We can talk about Crown if you want to.

Mr P. Papalia: You're raising it.

Mr C.J. Barnett: I didn't raise Crown.

Ms R. SAFFIOTI: Has it been a bit of a bad day, Premier?

Back to the issue of Crown Perth. At the time there was a question on whether Crown would be asked to contribute anything to the infrastructure around the area. The Premier said something like it would be corrupt to ask anyone who was to benefit from the infrastructure around the area to contribute to the development costs. I argue that the apartments on which the government is spending over \$440 million—let us call it—would be an improvement around the area, would increase the value of the land in that area and, one would hope, increase the value of those apartments. I do not understand the issue about development contribution costs. I raise this equity issue that a person buying a house in any of the new housing developments in my electorate has to make a development contribution.

Ms M.M. Quirk: Exactly!

Ms R. SAFFIOTI: Many members would be aware of it because their electorates are in growing suburbs. Those development contributions are becoming a significant part of the cost of purchasing a house. For example, in some housing suburbs in my electorate it is up to \$30 000 a block, which is a quite significant amount. The issue I am raising is that those people have to contribute to the infrastructure servicing the new housing developments. They have to contribute to sewerage, to public open space and to major roads.

Ms M.M. Quirk: In some cases even to a police station.

Ms R. SAFFIOTI: That is interesting. The shadow minister said in some cases even to a police station.

The Premier says that asking for a contribution to infrastructure costs from the developers of new facilities at Crown Perth would be corrupt. But first home buyers buying into new housing developments have to contribute basically to the entire infrastructure that services those developments. It is an increasing trend as governments withdraw funding from infrastructure in the suburbs and as councils become far more risk-averse about what they should fund and what the developers, owners and home buyers should fund. I understand that the government will receive a share of the apartment sales at Elizabeth Quay. Is that correct?

Mr J.H.D. Day: Yes, that is the intention.

Ms R. SAFFIOTI: How much?

Mr J.H.D. Day: Firstly, it is not appropriate to state that. Secondly, I do not personally know because all the detailed negotiations are being undertaken by the Metropolitan Redevelopment Authority; they are not being done by me personally, I can assure you. The MRA has very experienced property advisers and other financial advisers providing it advice.

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Mr P. Papalia: You've got no idea of the cost to taxpayers or of any returns.

Mr C.J. Barnett: We know you oppose Elizabeth Quay. Just put it on the record that you oppose it. We will invite you to the opening.

Mr P. Papalia: How about being honest and open?

Mr C.J. Barnett: You're so bitter about it. Why are you opposed to the improvement of the City of Perth? What is happening in Perth at the moment is breathtaking.

Ms R. SAFFIOTI: I am asking what percentage the government will get from the return of the apartments. What is the return and percentage?

Point of Order

Mrs G.J. GODFREY: I do not see the relevance of the question to the bill that we are debating.

The DEPUTY SPEAKER: I do not uphold the point of order. Member for West Swan, please direct your comments to the bill.

Debate Resumed

Ms R. SAFFIOTI: The Premier interjected with a discussion about Elizabeth Quay. I am more than keen to answer that. What is the actual return of Elizabeth Quay? What is the percentage?

Mr C.J. Barnett: Sales are about \$100 million so far.

Ms R. SAFFIOTI: If sales are about \$100 million so far, how much is the state getting?

Mr C.J. Barnett: We might go close to breaking even. We will have to wait and see.

Ms R. SAFFIOTI: Is the Premier talking about the land sales?

Mr C.J. Barnett: That's pretty relevant, isn't it?

Ms R. SAFFIOTI: I was talking about apartment sales.

Mr C.J. Barnett: It has not been built yet.

Ms R. SAFFIOTI: Oh.

Mr C.J. Barnett: For someone who skipped out with \$170 000, I'd be careful, if I were you, about ethics and business.

Ms R. SAFFIOTI: If the Premier wants to debate that, bring it on any time!

Mr C.J. Barnett: We will.

Ms R. SAFFIOTI: Bring it on!

Several members interjected.

The DEPUTY SPEAKER: Order, members! I think the debate should return to Sunset Reserve Transformation Bill.

Several members interjected.

Ms R. SAFFIOTI: Bring it on! The government should move a substantive motion and bring it on. I will go through the member for Nedlands; I will go through the members of the current government. I will go through a lot of things that the government has done.

Mr C.J. Barnett: Yeah? No-one has nicked off with \$170 000.

Mr D.J. Kelly: You are incredible, Premier!

Mr C.J. Barnett: It's a fact; it's on the public record.

Ms R. SAFFIOTI: Do members know what the Premier did?

The DEPUTY SPEAKER: Order, members!

Withdrawal of Remark

Ms M.M. QUIRK: The Premier brought this on himself. He impugned the integrity of the member on her feet. He should withdraw his comment.

Mr C.J. BARNETT: I withdraw. We will wait for a substantive motion.

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Debate Resumed

Ms R. SAFFIOTI: The government has control of the house; bring on a debate about it any time.

Mr C.J. Barnett: You're just not that important.

Ms R. SAFFIOTI: Do you know what? I know what the Premier did when he knew that I was six weeks' pregnant. I know what he did. Every day I wonder how a Premier of this state could do that. I would not go there, because if the Premier wants to bring it on, we will go through every detail of what the Premier did.

The DEPUTY SPEAKER: Order, member for West Swan. Premier, I think it is time to conclude this line of debate. I ask the member for West Swan to please direct her comments to the bill.

Ms R. SAFFIOTI: I know what the Premier did and I know what behaviour he demonstrated. If anyone wants to ask me privately, I will let them know what type of person the Premier is.

Point of Order

Mr P. ABETZ: Madam Deputy Speaker, you gave a ruling —

Mr P. Papalia: Are you directing the Chair what to do? Sit down!

Mr P. ABETZ: No. I am calling a point of order because the member for West Swan is not sticking to the subject.

Mr S.K. L'ESTRANGE: The gentleman who was on his feet was talking to a point of order when he was interrupted and told to sit down by an opposition member.

The DEPUTY SPEAKER: I gave a ruling—thank you, member for Southern River—asking the member for West Swan to return to the debate and asking the Premier to desist from his interjections. The member for West Swan has only three minutes remaining. I know she has some important information to impart.

Debate Resumed

Ms R. SAFFIOTI: I return to the Sunset Reserve Transformation Bill. If the Premier wants to debate that issue, I will bring out the letter signed by the Public Sector Commissioner. Does the Premier want me to do that? Was he not the best man at the Premier's wedding?

Several members interjected.

Ms R. SAFFIOTI: Let us see what a person with whom the Premier has a close acquaintance has had to say about the issue. We can do that. The government should bring on a motion. Look at him!

The DEPUTY SPEAKER: Order, members! Please return to the debate.

Ms R. SAFFIOTI: The Premier has had a very good day. I know he has had a good day when he plunges to these depths and goes back to the gutter, which is where he belongs. I know the Premier has had a bad day.

The DEPUTY SPEAKER: Order, members!

Point of Order

Mrs G.J. GODFREY: What the member for West Swan just said was inappropriate.

The DEPUTY SPEAKER: I remind the member for West Swan that she is already on three calls. I have asked you to return to the debate on the bill, and I would appreciate it if you could do that.

Debate Resumed

Ms R. SAFFIOTI: The key question about the Sunset Reserve Transformation Bill—for which the minister must provide an answer—is what the return will be to the state. I hope he can outline in his second reading response the value anticipated from the sale of the land and how it compares to the report that was done in 2006 by the now member for Nedlands, which estimated a \$13 million return to the state. Index would be worth more than \$20 million, I suspect. The shadow Minister for Heritage referred to the figure she was given, which was \$10 million. I have had a quick look and it does not look that high. I hope in his reply, the minister can provide the updated information.

MR C.J. BARNETT (Cottesloe — Premier) [8.48 pm]: I want to make a few brief comments about the Sunset Reserve Transformation Bill. Like the member for Girrawheen, I spent the first 20 years of my life living probably 100 metres away from the gates of Sunset. I am very familiar with the site and its history. It was not a pleasant place in the 1950s and 1960s; indeed, it was probably never a pleasant place. The buildings are of great historic interest even though they are not elaborate. They are typical solid structures of their period and are

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significant in number. As members have said during the debate, there has been a series of attempts by successive governments to either find a practical use for Sunset or to restore Sunset. Those attempts have all failed up until this point. In looking at heritage issues in the lead-up to the last election, the government decided it would take a different approach to Sunset. I will come back to that.

I place on the record that this government will go down in history as a high achieving government in the area of heritage—without doubt—although that is not recognised in the wider community. I will not go through it all, but I will provide some examples. The Treasury building has been beautifully restored. How did that happen? Because the government took accommodation in the tower being built behind it. It is one of the most significant and long-neglected heritage projects in this state and it has been restored to a high standard. I refer to the Kalgoorlie court house—Madam Deputy Speaker, you would know this well—which has been the subject of a magnificent restoration project during the period of this government. The old blind institute in Maylands has undergone fantastic restoration and has been brought back into practical use as the rehearsal space for the West Australian Ballet. I refer to the Premier's office and cabinet room in the old Hale House buildings, which the opposition has criticised. If members opposite are interested in heritage, they should come and have a look at the fine workmanship that has been done.

Mr P. Papalia interjected.

Mr C.J. BARNETT: Has the member ever been there? He should come up and have a look—he is welcome. He will see that it although it is a plain building—it is not elaborate—it is a very significant heritage project for the state. I refer to the WA Newspapers and WA Trustees buildings on the terrace—which were done by the private sector, not the government—which have been beautifully restored. Right now the government is working on the warders' cottages issue in Fremantle and also the Ascot kilns, but there will be more. Among those, Sunset stands out for a number of reasons. It is the last undeveloped headland on the Swan River. It is a unique piece of land. I do not know its commercial value—maybe the minister does—but it would be a vast amount of money.

The site is unique in the sense that it is a whole complex. To walk through the laneways or roads at Sunset Reserve is like walking through a totally self-contained village. It is quite unique in terms of heritage value. We know the history of various attempts at development there—under the previous Liberal government to have an aged-care facility there, or the Labor proposal to sell off Iris Avenue land and other land on the site to put into the health budget. They all failed for various reasons, and neither of those proposals could win any sort of acceptance in the community. The approach we took was that at the bottom of the reserve there is what is sometimes called the warder's cottage and sometimes the matron's cottage; it is at the bottom of the cliff, if you like, or the escarpment. It sits on the level land with absolute river frontage and it is not part of the Sunset site; it is a cheap, unattractive 1960s house and it is not very practical in any sense. It cannot be seen from the Sunset site or from the roads around or within the Sunset site; it is at the bottom of the cliff, down where the Dome cafe is now—around there. The proposal to sell that piece of land has not attracted objection from residents around there; and, indeed, why should they object? They will get rid of a 1960s cottage and probably have a decent building built there.

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: I know the area, I know the people, and we spoke to them, and there is no significant opposition to that proposal. In fact, at the time the government announced it during the election campaign, the local groups came out and publicly supported it on the day. To sell off that 1 900 square metre piece of land that has an existing 1960s house on it—which would be demolished under any scenario; it is certainly not part of the Sunset heritage—I do not know what the exact value would be, but I imagine it would be at least \$10 million, and maybe more. There is very little absolute river frontage available anywhere in that vicinity. Whether it is two houses or one house, we will see, but that money will be used to do what should have happened some time ago. The site has been empty for 20 years—20 years of failure. That money can be used to bring the buildings back to a secure condition, to repair or replace if necessary the roofing on the buildings, to secure the external areas to an acceptable standard, to be able to lock them up and to bring services at the site, such as power, water and sewerage, up to modern standards. That is what the \$10 million, or whatever the amount will be, will be used for. Progressively, those buildings will be made available. Who knows what the ultimate uses will be, but it will essentially be for not-for-profit groups, arts groups, maybe some University of Western Australia involvement, or maybe some City of Nedlands involvement. Groups coming onto that site, in exchange for what will be a low, almost nominal rental for a period of time, will restore the interiors up to heritage standard.

Ms M.M. Quirk: Where does it say that?

Mr C.J. BARNETT: I am just explaining to the member why we made the decision during the election campaign.

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Ms M.M. Quirk: It's not in the bill!

Mr C.J. BARNETT: Of course it is not in the bill, because it is government —

Ms M.M. Quirk interjected.

Mr C.J. BARNETT: Madam Deputy Speaker!

This is why the government made the decisions that are reflected in the bill—to do that.

Ms M.M. Quirk: They're not! That's the whole point!

Mr C.J. BARNETT: Hopefully, the \$10 million will restore the roofing and exteriors, bring services on the site up to an acceptable standard, and remove the non-heritage buildings. There are chapels that were built in the 1950s and 1960s, and other buildings added on; there are covered walkways that were never part of the original buildings. We will take it back to its original grandeur, if grandeur is the right word. That is what the hopefully \$10 million plus will be used for. This is an important heritage project for Western Australia and I am glad the opposition is supporting this bill. This bill will provide the mechanics for restoring an absolutely unique heritage site. I commend the work of the Minister for Heritage and the Minister for Finance leading up to this. It is important, it will be done, and it will be done well.

MR D.J. KELLY (Bassendean) [8.54 pm]: I rise to make a few comments about the Sunset Reserve Transformation Bill 2013. If these plans come off as the government hopes they will, it will be a lovely facility for the people of that region. It will be a facility that the local residents of Dalkeith, I am sure, will enjoy immensely.

Mr C.J. Barnett interjected.

Mr D.J. KELLY: Do not interrupt. I am not interested in interjections. I did not interject on the Premier.

The DEPUTY SPEAKER: Order, Premier! Premier, the member is not taking the interjection. Please allow him to continue.

Mr D.J. KELLY: I am interested in this bill because of its relationship with an issue that has arisen in my electorate since the last election, and that is the decision by this government to build two disability justice centres in my electorate.

Point of Order

Mr A.P. JACOB: This is quickly descending into a general debate. It is not a general debate; it is clearly the second reading debate —

Several members interjected.

The DEPUTY SPEAKER: Order! Member for Girrawheen, a point of order must be heard in silence. Thank you.

Mr A.P. JACOB: It is clearly the second reading debate on the Sunset Reserve Transformation Bill 2013—a bill of some 14-odd clauses and only a few pages. I think we can quite easily keep our comments contained in that space. This is wildly beyond even heritage.

The DEPUTY SPEAKER: Thank you, but the second reading debate allows fairly wide-ranging debate. I ask the member for Bassendean to make sure it relates to the bill.

Debate Resumed

Mr D.J. KELLY: I will explain to the minister why the issue I have raised is, in fact, very relevant to this bill. This bill sets out a particular use for the Sunset Reserve site. If the Minister for Heritage had done his homework, he would know that this site was one of the sites short-listed for the development of a disability justice centre. The minister did not know that, did he? He jumped to his feet and started spouting off before I had even finished my sentence, so maybe he should just listen, and he might learn something about this site.

Mr A.P. Jacob interjected.

Mr D.J. KELLY: Madam Deputy Speaker!

The issue of where the government is going to locate these two disability justice centres is just as important—probably more important—to the people of my electorate as what happens to the Sunset Hospital site is to the people who live in Dalkeith.

When the government announced that it was going to build two disability justice centres in my electorate, we asked the minister, through questions in the Legislative Council, how the government came to make the decision

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to place these two disability justice centres in my electorate. We were told by the minister—I am sure he will return to the chamber; he might learn something—that when the government was considering where to place these two centres, it was given 11 sites by the Western Australian Planning Commission. That information was in answer to a question that was asked on 19 June 2013. There were criteria for those 11 different sites, including that the block sizes had to be a minimum of 7 000 square metres and that the blocks were flat with capacity for landscaping and reasonable access to public transport. Importantly, one criterion was that the location was not to be in close proximity to schools, kindergartens or childcare centres. The location had to be a reasonable distance from neighbours and, importantly, the location had to be reasonably acceptable to local councils. We then asked where the 11 sites were. In an answer given by the minister to a question asked on 20 June 2013, a list of the 11 sites was provided, and one of them was lot 9547, Jutland Parade, Dalkeith—the Sunset Hospital site, which is the subject of this bill.

That is why I rise in this debate, because, obviously, if we pass this bill, that lot's use will be determined for many years to come. Once we do that, we obviously cannot then use that site to build a disability justice centre. Even though the minister has disappeared from the house, I am sure he regrets his interjection. If he had sat there and listened for two seconds, he would have realised that the comments I make are very relevant to this bill.

Mr C.D. Hatton interjected.

Mr D.J. KELLY: The question is: why was it not chosen? That is what I wanted to ask the minister. When we look at the criteria that the Disability Services Commission outlined for choosing a site, we have to ask: why did the government discard the Sunset Hospital site? I have already mentioned the criteria: 7 000 square metres, flat block, not in close proximity to schools, kindergartens or childcare centres, reasonable distance from other neighbours, likely to get local government approval, reasonable proximity to shops and community areas, and not in industrial areas. The Sunset site was rejected for the reason that buildings were on the Register of Heritage Places, and it was on a crown reserve.

None of those reasons appear in the criteria, so I thought that I would look at the Sunset site and see how it stacks up against the criteria. Obviously, it is larger than 7 000 square metres. A lot of it is flat and big enough for the buildings required. It has reasonable access to public transport and is capable of being landscaped. A criterion is that its location should not be in close proximity to schools, kindergartens and childcare centres. My understanding is that the nearest school is Dalkeith Primary School. It is 700, 800 or 900 metres away from the proposed site. Members might say that that is pretty close. It is a lot further away than Lockridge Primary School is from the site ultimately chosen. The Minister for Heritage might be interested to know that one of the sites in my electorate chosen for the disability justice centre after the election is a mere 350 metres away from Lockridge Primary School. Lockridge Primary School was an old school with lots of problems. A few years ago the government knocked it down and built a brand-new, I think, \$13 million school. It is now a school the community is immensely proud of. It is one of the best primary schools in the state, but the government is going to build a disability justice centre 350 metres from it.

Based on the criteria, “not in close proximity to schools, kindergartens or childcare centres”, the Sunset Hospital site is a much better site. It is at least 700, 800 or maybe even 900 metres away from Dalkeith Primary School. On that basis, the Sunset Hospital site is a much better fit. One criterion was “location of reasonable distance from neighbours”. We might say that the Sunset Hospital site is directly across the road from a residential area so it does not meet that criteria. Neither does either of the two sites in my electorate. The Lord Street site is directly across the road from a residential area, as is the one in Kiara. They are both directly across the road from residential areas. Based on those two key criteria, from any objective assessment, the Sunset Hospital site is a much better fit than the two sites chosen in my electorate if the government cares about the community that feeds into Lockridge Primary School as much as it cares about the community that feeds into Dalkeith Primary School.

Are we saying one school is more important than the other? I would not have thought so but when we look at the criteria the government is using, we come to the conclusion that for some reason protecting the community that feeds into Lockridge Primary School is not as important as it is for Dalkeith Primary School. The minister should look at the stated reasons the Dalkeith site was rejected.

Mr C.D. Hatton: What about proximity to a shopping centre?

Mr D.J. KELLY: It is a long walk on a hot day to the shops from the sites on Lord Street or Altone Park.

Mr C.D. Hatton: How far?

Mr D.J. KELLY: It is probably more than a kilometre. I suggest that anyone who wants to go to the shops from the disability justice centres in my electorate with a couple of security guards, because these are people who have been deemed unsafe to release into the community, will not walk; they will go in a car.

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On any objective assessment, the Sunset Hospital site meets the criteria laid down by the Disability Services Commission much better than either of the sites identified in my electorate. On the question of why this site was rejected, the minister said it was because there were buildings on the site that are on the heritage register and it is on a crown reserve. First of all, with regard to the buildings being on a heritage register, each of the disability justice centres will accommodate only 10 residents, or so we are told. It is beyond me that some of the buildings on the Sunset Hospital site could not be modified to accommodate 10 people in a secure location. I do not see the fact that the buildings are on a heritage register as any sort of deal-breaker. The fact they are on a crown reserve does not seem to matter at all. This bill amends that reserve. If the government had wanted to amend the reserve to allow a disability justice centre to be built on this site, it could have done it by legislation, just as it is doing today.

From what the minister has said, I have heard nothing to explain why this site in Dalkeith, which was on the list for a potential disability justice centre, was ruled out. I should also say about the heritage nature of the building being such a deal-breaker that there is ample room east of the heritage buildings for a standalone disability justice centre, as is planned in two places in my electorate. Members opposite might remember that the 2006 Sunset Hospital Site Bill the previous Labor government introduced into this place identified a one-hectare, 10 000 square metre area of land for some sort of public building. I think it was talked about as a residential aged-care facility.

Mr P. Papalia: Who drafted it?

Mr D.J. KELLY: I think the current member for Nedlands proposed that the one-hectare site to the east of the heritage buildings on the Sunset site be used for another purpose. It could be used for a disability justice centre and it would not interfere with anything else proposed by this bill. The government might say that it could not possibly build a custodial facility right in a residential area next to heritage buildings in a lovely place like Dalkeith. For the past nine months, since the government announced the plan to build these disability justice centres, we have heard speech after speech from government members about how these centres will blend into the local community, that they will be appealing places, that they are completely consistent with a residential area and will improve the amenity of local communities. If all that is true, there is no reason for the Sunset Hospital site to have been taken off that list as a proposed disability justice centre. That centre could have been put in the heritage buildings or, under similar measures planned in this bill, the government could adopt the current member for Nedlands' proposal and build a standalone disability justice centre on a portion of land to the east of the buildings. The minister could still consider that as a proposal for this site. He should read all the government members' speeches about how wonderful it is to have a disability justice centre in the community and he could reconfigure this proposal. The minister could amend the Sunset Reserve Transformation Bill to provide for everything he is saying he wants but include that one-hectare parcel of land to the east of the heritage buildings and accommodate a disability justice centre. I would like to know why he will not do that. I suspect it is because, for all the well-meaning words that have been mouthed in this and the other chamber about disability justice centres, his government has made a decision to locate those facilities not based upon what is really in the best interests of the residents, but on what he believes will resolve any political problems he would have from residents in that local area. This was, I suppose, laid bare when, prior to the election, the government first chose a parcel of land in each of the seats of Forrestfield and Swan Hills. There were probably 10 days—less than two weeks—in which community concern was raised. The minister, Hon Helen Morton, changed her mind and retreated from that proposal. She said that it was not because of the public backlash.

Mr P. Papalia interjected.

Mr D.J. KELLY: There was a suggestion that some family pressure was brought to bear. The minister said that it was because there were planning problems with those sites. The government could not get planning approval because the facilities would not be zoned as residential.

[Member's time extended.]

Mr D.J. KELLY: The minister said that those planning problems caused those two sites to be withdrawn. That explanation puzzled me because the two sites chosen in the electorate of Bassendean were not zoned in a way that was consistent with building two custodial facilities there. The government—the Minister for Planning was part of this sleight of hand—declared a planning control area over the two parcels of land in my electorate, and hopefully I got the terminology right. The effect of that was that local government planning provisions were bypassed; the government no longer needed local planning approval from the City of Swan. The planning approvals could be done solely through the Western Australian Planning Commission. If the government could do that in the electorate of Bassendean to get these two disability justice centres built contrary to the local planning laws, I wonder why it did not do that in Swan Hills and Forrestfield. Why is the government saying that it could not get those sites up because of planning problems? After some time, I finally got some documents

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from the minister's office about this matter through a freedom of information request. Although I did not get anything from the minister, I got a document that I suppose was discussion amongst some of the staff in her office. The reason that appeared in that documentation for why the minister had withdrawn the sites was that she was not on that occasion willing to go down the path of having a planning control area declared. It was considered in the electorates of Forrestfield and Swan Hills, and for some reason, six or eight months before the election, the minister was not prepared to say to the local community that the government knew that these facilities did not meet local planning laws and the local councillors would not approve them, and that she would ride roughshod over that and use her powers and get her colleague the Minister for Planning to declare a planning control area over those areas and completely snuff out the local community's right to have a say on these facilities. Nine months before the election the minister said that she was not going to do that. Immediately after the election, of course, that is what she did with the two sites in my electorate. She had a planning control area declared and then completely sidelined the local authority, which was quite ironic given that one of the criteria that she was operating under was that the locations be likely to be acceptable to the local council. When the government does proper public policy and comes up with criteria, one of which is that the chosen site is likely to get local government approval, and then, as part of its implementation plan, does the thing that is most likely to annoy the local council—that is, completely sidelines it from the decision-making process by having the Minister for Planning declare a planning control area over the site—it is a pretty funny way to get local council approval. I suspect that after the election, the government thought that it was a bit hot trying to put these two facilities on its preferred sites, which it thought met all the criteria—best for the clients and all that sort of stuff—so it had to find two sites in a part of Perth that it did not think it really needed to listen to, and it could just do it in a way that it could ride roughshod over the local community and just ram it through. And that is what the government has done; it has sidelined the local authority so it had no say. The communication plan, which I did get through freedom of information, makes interesting reading. There is a section on stakeholder consultation. In the section on stakeholder consultation it states, "Send the local member, Dave Kelly"—at least they got the name right—"an email at 5.00 pm the night before the minister makes the public announcement that the government has made the decision."

Mr P. Papalia: Did it really state that?

Mr D.J. KELLY: Yes; that is right. The communication program to roll this decision out actually states, "Send the local member, Dave Kelly, an email at 5.00 pm." Unless someone in my office was looking at the emails right up to the death knell, no-one in my office would have got it until the next morning, by which time the minister would already have made her public announcement. If that, along with the government's proposal to ride roughshod over the City of Swan, does not demonstrate that it has chosen these two sites in a blatantly political way rather than through a proper planning process, I do not know what does.

When the Minister for Heritage talks about the lovely facility that will be created on the Sunset site, I suspect largely for the local residents, I would like to hear from him why he chose to use this site for this purpose rather than for a disability justice centre. In those comments, I would like him to say not just what he thought or what he might like; I would like him to look at the criteria determined by his government for the location of these disability justice centres and tell me why this site is an inferior choice to either of the two sites in my electorate. The first site is on Lord Street in Caversham, which, as I have already pointed out, is 350 metres from Lockridge Primary School, and the second site is on Altone Road in Kiara, which currently shares a boundary with Lockridge Senior High School in one direction and is about 500 or 600 metres from Lockridge Primary School in the other direction. The principal of Lockridge Primary School felt as though her school was going to be sandwiched between both disability justice centres, with a distance of 350 metres to one site and about 500 metres in the other direction to the second site, not to mention the Good Shepherd Catholic School, which is about 600 or 700 metres to the south. I want the minister to explain to me why this government has chosen to use the Sunset site for what will be a spectacular facility—there is no doubt about that—rather than for one of the disability justice centres. From where I and the community that I represent stand, this site ticks all the boxes for a disability justice centre. I have talked to people in the disability community. They would love this site to be the location for one of the disability justice centres. It ticks all the boxes. If the government is looking for a site where people with intellectual impairments can be rehabilitated, where is a better site for it to be located than on a beautiful parcel of land by the Swan River? It would be a perfect place for this facility, but for some reason this government wrote off this site.

While I am on this topic, I might also add that one of the other sites on the list of 11 that were ruled out was in Cottesloe on Marine Parade. It is a building called the Cable Station. Interestingly, when I first asked the Premier a question about the disability justice centres, he basically said, "What are you complaining about? I have facilities for troubled youth and the like, and one of them is at the Cable Station in Cottesloe." I thought that was interesting, and I went to have a look at it. It has not been a facility for people with troubled backgrounds for many years, and it now houses a number of charities. That site was on the list of 11 sites identified for the

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disability justice centres. It is a beautiful site. It is on Marine Parade in Cottesloe and looks out over the ocean. If we are trying to rehabilitate people and give them a new start in life, I would rather stick them on that parcel of land in Cottesloe. As much as I love Lord Street in Caversham, of the two sites, I would pick the one in Cottesloe.

Mr M.H. Taylor: Close to shops!

Mr D.J. KELLY: The member should come to the Lord Street site in Caversham. If he thinks he will be able to walk to the shops any time soon, he just will not be able to.

The reason the site in Cottesloe was ruled out was not because of the distance to shops; it was because it was too close to a school. A few hundred metres away from the Cable Station facility is the Beehive Montessori School.

Mr P. Papalia: That is about half a kilometre away.

Mr D.J. KELLY: It is not half a kay, but it is a few hundred metres away. That school moved to that site when Cable Station was still a facility for troubled youth. The school moved there knowing that Cable Station was a public facility for troubled youth. That facility has since closed down, but that school probably would have had an objection to having a custodial facility built so close to it—I would have agreed—but the school could have at least been told that it moved to Cottesloe knowing there was a facility for troubled youth near that site.

Point of Order

Mr J.H.D. DAY: The question of relevance was raised earlier during this member's speech and it was indicated that he was making a point about why the Sunset location was not being selected for the purpose that he has now spent about the last 26 minutes talking about. It is probably reasonable to make that point for a limited time in a debate about the Sunset Hospital site. I think the bounds of reasonableness have been exceeded substantially over the last 20 minutes or so, and even though the member has only four minutes left, I ask you, Acting Speaker, to ensure that the member confine his debate to the Sunset Reserve Transformation Bill. If the member looks at the next item on the notice paper, he will see there will be ample opportunity for debate on this subject at that time.

Mr P. Papalia interjected.

The ACTING SPEAKER (Mr I.M. Britza): Silence! I have been listening to the member really closely. I am following his argument and I think the latitude is wide enough.

Debate Resumed

Mr D.J. KELLY: I call into question the quality of the decision-making of this government in respect of this bill, its choice of purpose for this site, and the way it has dealt with a range of other issues, including how it has decided on the locations of the disability justice centres.

In my remaining couple of minutes I would like to say that it was interesting that when the previous proposal was made for the Sunset Hospital site, there were petitions almost daily or weekly from local residents about what was being planned. Those on the other side—members of the Liberal Party—listened to those petitions being read and voted against that previous proposal put up by the former Labor government. I want to draw the minister's attention to what has gone on in my electorate concerning the location of those two disability justice centres, and I hope those opposite will listen in the same way that they listened to the petitions in respect of the Sunset Hospital site. We had a petition signed by over 7 000 local residents opposed to the planning decisions made in respect of the disability justice centres. Two public meetings were attended by hundreds of people. Community rallies were held both outside Lockridge Senior High School and Lockridge Primary School. Rallies were held outside the Lord Street site in Caversham. Concern was expressed by the principal of Lockridge Senior High School, by the principal of Lockridge Primary School and by many in the community associated with the Good Shepherd Catholic School. The danger when we get into this place is that we simply dig ourselves into the trenches—we are on this side; the government is on that side—and nothing that either side says seems to penetrate. I would like government members to listen to the complaints raised by people in my electorate on this issue.

Lockridge Primary School a brand-new school of which people are very proud, and the government is doing immense damage to the community around that facility by placing the disability justice centre where it is. Lockridge Senior High School has struggled for a long time, and many good people associated with that school feel that the government is giving them callous disregard by placing a disability justice centre, a custodial correctional facility, on the school boundary. The government would not do that to many other schools. It certainly would not do it to the Dalkeith Primary School. The people in my community and I are asking that the government give the same regard to the people living in Lockridge, Kiara, Eden Hill and Beechboro as it is clearly giving to the residents of Dalkeith.

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MR C.J. TALLENTIRE (Gosnells) [9.27 pm]: I rise to speak to the Sunset Reserve Transformation Bill 2013. There is no doubt that this is valuable land. It is a prime piece of real estate that is very well located with magnificent views of the Swan River. To the east, we can see as far as the Darling Range right across the river. It has an escarpment feel to it and it is very well located. It has to be said, though, that anyone passing by Birdwood Parade or Jutland Parade will feel a present eeriness about the place. That in some ways reflects its history and the fact that the premises are unoccupied, but I do not think that the last 50 years of occupation of the facility have been glorious. When it was occupied as an old men's home, I think there may have been some fairly sad history associated with some of the stories of people who were there. The more recent use of the property that I am aware of was when it was used for the filming of *Cloudstreet*. I understand that \$500 000 from ScreenWest was paid for the use of the site. I think the house that was 1 Cloud Street can be seen from Birdwood Parade; I refer to the home of the Pickles and Lamb families in Tim Winton's novel *Cloudstreet*. That use of the site as a film set is its most recent use. However, we are contemplating the future use for this 8.5 hectares of land. The location is such that when someone looks immediately across the river, they can see the Point Walter Reserve, which is an area much enjoyed by many people. It does not have the same topography at all as the Sunset Hospital site; it has more of the beach frontage rather than the escarpment approach that is found at Sunset. There is such a strong demand from the community, not just the immediate community living around Point Walter Reserve; people from the whole of the Perth metropolitan area use Point Walter. We should look to ensure that we achieve that same level of usage on the other side of the river at Sunset. I am concerned that the proposed development will not achieve that outcome.

I also want to touch on an issue that the member for West Swan raised about that piece of land along Iris Avenue that will be zoned as R12.5 and sold off. That level of zoning is not consistent with the government's own objective for the increased densification of the Perth metropolitan area. I hear the argument that an R12.5 zoning is consistent with the current zonings around the area. However, I do not think there is any reason why we could not look to up-zone this piece of land. Certainly, that is happening quite extensively in my electorate. My area is making a major contribution when it comes to zoning areas from R20, which is already a higher level of zoning that allows for a more dense style of living than an R12.5 zoning, to R40 and R60 zonings, particularly in areas in which there is proximity to transport nodes, but also because of the prime nature of the piece of real estate. That is exactly what we have at the Sunset site. Therefore, I have a concern about this rezoning that will take place. Under the metropolitan region scheme, the land will go to an urban zoning, and then under the City of Nedlands town planning scheme, it will be zoned residential. I think it would be most appropriate to look at a higher level of zoning for this land, which is prime land, close to the river, and has many attributes to it. This land is located not immediately next to public transport but is very well serviced by the road network, and it is not a piece of general road network that I think is over-stretched. In that way, we could perhaps yield more than the \$10 million that has been speculated as the potential yield from this land.

In preparing for my brief contribution tonight on this bill, I went to the Department of Finance website, and I must say that I was a bit confused, because the website, which I assume is an official government website, is actually a dot.com website. The website is www.dtfportfolio.com.au, and it has on it the Colliers International logo. I assume the government is taking commercial advice on this matter, understanding that perhaps in the Department of Finance there is not the commercial expertise to pull off a real estate property development deal such as this. However, if that is the case, why are we looking at such a low level of zoning? I would have thought that the commercial acumen that is being applied to this project would have pushed for a zoning approaching R60 that would enable densification of that land along Iris Avenue and result in a higher yield that would meet what I believe should be our real objective here—namely, to obtain the maximum amount of public gain from this asset. That is my concern. It is a worthy objective to ensure that we maintain the heritage aspects and open up the area—I think those were the minister's words in his second reading speech—for public access. However, that is not the same as obtaining optimum public benefit from the asset. We are missing an opportunity to ensure that we gain optimum public benefit from this asset. I seek the minister's guidance on the nature of that website. Is this being driven with the advice of Colliers International? Is Colliers in some way involved? What advice has Colliers given to government on the development of this site? Does Colliers believe that an R12.5 zoning is the only commercially viable option for this land or does it think there are other options? Is it perhaps a case of concern about the wishes of local residents, who would possibly be hesitant about densification of that part of Iris Avenue? That issue needs to be fleshed out during the course of this debate.

I note also that the buildings on the site are built from limestone that came from Point Resolution, which is nearby. They are solid constructions. They are of interest in terms of their heritage values. There are also some bushland flora values on the site. There are a number of other aspects on the site that need to be preserved. I am not by any means suggesting that the whole of the area should be sold off for higher density living—nothing of the kind. However, we need to look at some means by which we can achieve maximum yield from this land.

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We have had a useful discussion in this place about the different land uses that could be applied to this site and about how we can get past the idea of opening up the site for public access and move on to obtaining optimum public benefit from this site. I am particularly interested in the idea of highlighting and bringing to the fore Indigenous culture in locations that are in close proximity to the Swan River. There is a strong need in this state for a well located Indigenous heritage museum in which we can learn to respect and live with Indigenous culture. As a model, we should look at the example of the Museum of New Zealand Te Papa Tongarewa in Wellington. People can learn a lot about Maori culture, colonial culture and the current culture of New Zealand, and live it and breathe it, as they tour that museum. It is a magnificent asset that New Zealanders have. We need to provide a facility of similar quality and stature here in Western Australia. I wonder whether this location could be considered for such a facility, which we desperately need.

The Australian Heritage Database, which is found on the website of the federal Department of the Environment, outlines some of the reasons for the nomination of the Sunset Hospital and reserve site to that database. It states, under the heading “Nominator’s Summary Statement of Significance” —

Sunset Hospital is one of the largest original and intact early twentieth century public health facilities in the State (and possibly the country). Its site planning and building design, represents the health care policies and practices of the time and throughout its development and operation over the last century.

I find it intriguing that the layout and configuration of the buildings is an indication of how health care was undertaken when the site was originally developed. My understanding is that the buildings have a fairly austere look about them. That says something about how we have advanced in our dealing with health care now that we are in the twenty-first century. It continues —

It is a unique example of the type of government sponsored housing for homeless and vagrant men in the State in the early twentieth century.

That manner of looking after homeless and vagrant men went on into the latter part of the twentieth century. The nomination continues —

The buildings (constructed from large stone blocks quarried locally) generally display a high degree of homogeneity and, united by the landscaped open spaces, collectively form an historic precinct. It is a recognised and important landmark which can easily be identified from the river and other areas around Melville Water.

There are many values on that site. The challenge is to make sure that those values are used effectively into the future, and that they are preserved in some way so that we can learn about things such as the manner in which healthcare services were provided in times gone by, but at the same time achieve optimum public benefit from the site. That is where I return to my original point that we could do much better than allow the land along Iris Avenue to be zoned as R12.5.

I now turn to a short survey conducted on the Sunset Hospital site by WAtoday. There were 405 respondents to that survey, and they responded in the following way: 21 per cent said to sell the site to pay off debts; 14 per cent said to restore it to be used as an aged-care facility; 62 per cent said to restore it and open it to the public for community and entertainment purposes; and three per cent said that they were unsure. The results of that survey show that there is support in the community for this facility to be used as a public asset. I know the government wants to open it up, but I am concerned that this could be little more than a park for local people. It would be very nice for those people who live along Jutland Parade and want to take their dog for a walk along the river. It would be perfect for that. I note that bike paths are nearby and that there are opportunities for people to enjoy other facilities there. That is all well and good, but we want to make sure that this asset is accessible to not only the people who live in the immediate area, but also all Western Australians so that they can enjoy and gain full benefit from it.

MR D.A. TEMPLEMAN (Mandurah) [9.41 pm]: I will be brief. I have listened to the debate this evening and congratulate the member for Girrawheen on her contribution to the debate on the Sunset Reserve Transformation Bill 2013, which concerns a significant state asset. Tonight the house has heard contributions from the members for West Swan, Bassendean, Gosnells and Cannington, who highlighted a number of key issues in the bill. We have to be mindful that the state gets the very best value from the deal that has been put before us. I listened intently to the member for Girrawheen talk about a range of issues associated with value for money and whether this bill and the subsequent sale of a portion of the Sunset Hospital land would be commercially appropriate. Some members have questioned the density of the land being annexed, especially when comparing it with land in other parts of Western Australia, particularly in the metropolitan area, and whether we could be getting a better deal.

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The thing that concerns me in the minister's second reading speech—I will be interested in his comments shortly—is what the total cost of the restoration of the heritage assets on the site will ultimately be and, of course, what the costs in the out years will be to maintain them for the proposed purposes. Of course, the bill proposes that the Sunset heritage precinct will be used primarily for arts, culture, the community and ancillary purposes. But will the moneys raised from the sale of that portion of land be enough to deliver the resurrection of the heritage values and the ongoing maintenance of them into the future?

The second reading speech uses the phrase “over time” a number of times. For example, the sale will pay for these things “over time”. I think “over time” is mentioned at least three times in regard to when we might see the delivery of the total resurrection of the heritage buildings and the heritage precinct. I would like the minister to indicate in his second reading response exactly what time line is proposed, given that the sale of land will raise, according to the minister's valuation, around \$10 million. There is some conjecture over that amount. Indeed, tonight some of our members have raised a case for whether that is a valid valuation or whether the proposed excised piece of land would be worth more if it were up-zoned to a higher density, as the member for Gosnells just highlighted.

I would like the minister to tell me in his second reading response what the time line is, given that in his second reading speech he talked about the restoration of the heritage buildings and provision for their protection over the out years. The only timeline he gave in the second reading speech was “over time”. The second reading speech states that it is fortunate that the value of the land in Dalkeith means that a relatively small excision of just under 2 000 square metres will contribute to transforming Sunset into a public asset for community enjoyment “over time”. I want to know what time the minister is proposing, when we might see the total restoration of the heritage buildings and, indeed, the heritage precinct, and what the out costs might be for the ongoing maintenance of the heritage values of that area.

The minister also needs to tell us tonight in his second reading reply what the role of the local government authority is in this proposal, if any. I would be interested to know whether he sees a role for local government in this whole process and the concept created in this transformation bill. If the minister were to provide the answers to those questions, I may consider voting for this bill. I will consider it closely. But I would like the minister to give us an indication of the total cost and when we might see the goals of the heritage value being upgraded and protected, rather than the comment he made a number of times in his speech about “over time”. Is it five, 10 or 20 years? Can the minister give some indication of that?

My final question is: what role does the minister see for the local government authority within whose municipal boundaries this site falls, bearing in mind that the government is currently heavily involved in a so-called local government reform process as a result of which the ultimate local government authority that oversees this piece of land may be different from the current municipal authority?

MR A.P. JACOB (Ocean Reef — Minister for Heritage) [9.50 pm] — in reply: I rise to reply to the debate on the Sunset Reserve Transformation Bill 2013. Since the closure of Sunset Hospital as an old men's home back in 1995, both sides of government have tried to resolve the dilemma of how to conserve this place for the future. It has certainly been a complex issue, as has been outlined in some of the comments from members. It has also had strong community concern along the way, as any such site often does, particularly about any sale or commercialisation of the A-class reserve on which the buildings sit. In the meantime, a number of the heritage buildings had lain vacant for decades and many had been deteriorating over time while governments of both persuasions tried to find a viable and ongoing use for the site.

I need to state right at the outset, and members know, that this was a very clear election commitment contained in the heritage portfolio. Obviously, there are some finance implications, but this bill was a very clear commitment of the Liberal–National government in our election strategy going into 2013. The vision for this significant place is that the Sunset transformation strategy will transform Sunset over time into a unique government-owned heritage precinct that will contain arts, cultural, community and ancillary commercial uses—a strategy that is also supported by the Heritage Council of Western Australia. This strategy will be enabled through the Sunset Reserve Transformation Bill, and it is the bill more so than the strategy that is before the house this evening.

I will address a couple of comments raised by members opposite. I note that three of those members have stayed in the house and I thank them for staying. To be entirely honest, there were some fairly average contributions, but the three members opposite who have stayed in the house made good contributions. I thank them for making genuine contributions along the way, unlike a few of their colleagues.

Mr D.A. Templeman: Generous!

Mr A.P. JACOB: I think that is being very generous!

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Mr D.A. Templeman: Are you casting nasturtiums on me!

Mr A.P. JACOB: No. I am actually speaking highly of the only three members who managed to address the bill and who raised some genuine concerns that I will try to get to.

I will start at the beginning and go through a couple of the key points that were raised. Perhaps one of the points I will start with is the matter of Aboriginal heritage over the site, which the members for Cannington and Gosnells raised. It is important to state right at the outset that we have had advice from the Department of Indigenous Affairs that no known Aboriginal heritage site is located on the Sunset site, and completed surveys of this area have not identified any. I think that is a bit of a pity. As the Minister for Heritage, I agree with the general sentiment that members opposite were expressing that it would be fantastic to integrate an Aboriginal heritage site with it. Although it does not quite go back to settlement, it has so much recent history and it would add to the site's richness if some identified Aboriginal heritage sites were contained within it. There is no identified Aboriginal site on this particular site, but I do not think that precludes opportunities under the strategy for such a site to be incorporated in some of the cultural or artistic uses in future. I certainly think that it would richly add to the strategy, but it is not principally contained in the bill. We have advice on the current status of the site and nothing at this stage has been identified there, but it does not preclude future inclusion.

The member for Gosnells mentioned some of the film uses on the site along the way. Again, part of the richness of the heritage of the site is that it was the first place in the state to have talkies. We still have the cinema in a relatively intact state, although dilapidated but not too badly, and we have some heritage cinema elements within it. Therefore, not only has it been used by film crews, but also we have this magnificent old theatre. When we are talking about community or cultural uses, it is my hope that it will be one of the easier sites to lease out. I think that some very creative retro-cinema groups could come in and use it.

Ms M.M. Quirk: It appears that one group is of the view that they have already got an undertaking to have a lease there.

Mr A.P. JACOB: I will get to them, member for Girrawheen. I have a list of those with a current lease. I am talking about potentially something above and beyond that.

The site has also been used as the movie set for *Cloudstreet* and I believe there may have been some other interest or some other movie sets along the way. The Minister for Culture and the Arts would know better than I do about that. As I said earlier and I reiterate, the absolute intention for this site is for it to be used by all Western Australians. This is an opportunity to open up a key site on the river. Obviously, there are local sensitivities to deal with, but it will be opened up for all Western Australians as well, and it is our intention that this will be an accessible site and more broadly an activated site.

I will very quickly address the comments made about the R60 zoning. I guess my focus is on the heritage elements of the site. There is an opportunity, as was clearly identified in our election commitment, to send to market and sell off a parcel of land. The decision was taken that rather than mixing up our issues, it was better to simply retain the site in keeping with the current zonings. I think the comments around valuations are highly speculative. It is a unique parcel of land. It cannot really be compared with anything else in the market. We had some early advice in and around that and our policy clearly lays out what we hope to get for the land. I certainly would not want to put a cap on it. It is a site probably more targeted to a high-net-worth individual. However, there is certainly a great opportunity there. The market down on the river is a little distorted, so in keeping our issues straightforward, we have sectioned off that parcel of land in keeping with the area. That is the strategy to be pursued and moneys from its sale will be quarantined. As is specified in the latter part of the bill, those moneys will be specifically quarantined for use on the Sunset transformation strategy.

That brings me to the issue of the time line raised by the member for Mandurah. In the first instance, we hope to get this earlier stage up in the next two years or so, so that the sale of the land can lead to some earlier works, including the removal of fencing to start to open up the site. First of all, replacing some roofs and making buildings watertight will get the site up to a standard to which we can potentially open elements of it. Then we will kick into the latter parts of the strategy. This bill is not trying to do all things for all people. This bill is simply the early catalyst to begin this process. We envisage the whole process will take 10 to 15 years as we progressively find tenants to come in. The intent, as the Premier outlined in his comments, is that those tenants will be on shorter leases in the first instance, but incentivised to restore the buildings to a modern standard for us while they are in there, and then we can deal with how they go forward into the future.

I will just quickly go back through some of the other comments that were raised in and around the current tenants. The current tenants are the Minderoo Foundation, which the member for Girrawheen is aware of; the Australian Doctors for Africa, which is using one of those buildings; and ScreenWest, which is using a building.

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The former matron's house on the site is also currently tenanted. We therefore have four leases on the site. My understanding is that we have a caretaker on the site as well.

Ms M.M. Quirk: Minister, I think the Australian motion picture something or other group in their newsletter seem to assume that they had got a tenancy there, and that begs the question as to how that occurs. Do people approach the government or is there a tender or advertisements? How is it that people actually will be —

Mr A.P. JACOB: Pursued for it?

Ms M.M. Quirk: Yes, will pursue the government to go in there.

Mr A.P. JACOB: We will be developing a tenancy management strategy. As I said, this bill is only the initial catalyst to get this project going. That is certainly in the vicinity of what we are looking at for groups such as ScreenWest and other arts programs, but I am not going to speculate on which ones will get up and which ones will not. A key part of our consideration is to get a better heritage outcome through that process, but they will be considered as part of the tenancy management strategy that will be developed along with this project.

The Sunset Reserve Transformation Bill 2013 is, as I said, a very small and straightforward bill. It deals with the technical reserve and planning amendments to facilitate the adaption of the heritage-listed Sunset site into an arts, cultural and community facility.

The bill provides for five things to occur. In the first instance, the purpose of A-class reserve 1667 is being amended from retirement village, parks and recreation, community and ancillary purposes to Sunset heritage precinct for arts, cultural, community and ancillary commercial uses. Secondly, the bill amends the metropolitan region scheme planning reservation so that the Sunset site becomes parks and recreation.

Currently, two-thirds of the site is reserved for public purposes, hospital, which is no longer relevant, and lot 302 will be zoned urban in the metropolitan region scheme. As has already been said, it will be residential, R-coded 12.5 within the Nedlands town planning scheme.

The bill also deals with the excision of residential lot 302, which contains the former matron's house. That lot comprises 1 993 square metres. It is likely to be sold as a single lot, but it has subdivision potential. Again, that is the sort of market we are dealing with here.

Mr D.J. Kelly: Minister, are you going to address any of the points I raised in my speech?

Mr A.P. JACOB: None of the points the member raised really had anything to do with the act. I made my point of order right at the beginning —

Mr D.J. Kelly: And you were ruled out. You didn't listen to a word I said, did you?

Mr A.P. JACOB: Decisions around the siting of juvenile justice centres have absolutely nothing to do with the heritage portfolio or my act.

Mr D.J. Kelly: You're a member of the government, aren't you? Or are you just an innocent bystander?

Mr A.P. JACOB: Thanks, member.

Mr D.J. Kelly interjected.

The ACTING SPEAKER (Mr I.M. Britza): Thank you, member for Bassendean.

Mr A.P. JACOB: The fourth thing that this bill does —

Mr D.J. Kelly interjected.

The ACTING SPEAKER: Thank you, member for Bassendean!

Mr A.P. JACOB: The fourth thing the bill does is some very minor, but I think quite sensible, boundary adjustments going around a bore in the City of Nedlands and dealing with the encroachment of some cycleways on the site, and realigning the boundaries with those intrusions.

Finally, the legislation enables the establishment of a special purpose account to deal with the proceeds from the sale of lot 302. All moneys received or recovered from the use of the land will be put into that account and will be exclusively set aside for the use of the Sunset transformation strategy. The sale of lot 302 really is a very modest approach, and it was specifically tailored that way in the Liberal–National government's commitment. It provides a very positive beginning. Lot 302 contains the former matron's cottage, as I mentioned. It is currently tenanted but is really of no heritage value. It was built in the 1970s, I believe, and sits well below the main heritage complex. However, it is one of the more special sites on the river, and is a truly unique site. This lot includes a closed road, Brown Road, which was never part of the original heritage core. Other than providing

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access from Iris Avenue, this land was never used for hospital purposes until the house was built for staff accommodation in the 70s. That strip became part of the A-class reserve only in 1977.

This will enable all heritage buildings to be retained for future adaptive re-use for arts, cultural and community purposes. The revenue from the lot sale will provide for the implementation of the first stage of works as needed, and broadly, in answer to the member for Mandurah's question, that work will entail the preservation of the heritage buildings to a secure and sustainable state; new sewerage, water and electricity service infrastructure into the site; the demolition of minor non-heritage buildings and walkways and some intrusive structures on site; and landscape works to Padbury View and the eastern part of the site, including playgrounds, barbecues and a picnic area. That will be available for all Western Australians.

The Sunset Reserve Transformation Bill 2013 will enable this modest but significant step to be implemented. The bill supports the Sunset transformation strategy, which is the framework onto which more work will be undertaken by the Department of Finance, assuming Parliament approves the bill, to set up the governance arrangements necessary to manage the place, and to achieve the vision for the Sunset precinct over time.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Terms used —

Mr C.J. TALLENTIRE: Clause 3 provides the definition of “class A reserve”. I want to check that because I note the minister's second reading speech states that the class A reserve at Sunset is —

... currently set aside for retirement village, parks and recreation, community and ancillary commercial purposes.

The government is hoping to change the zoning to those purposes.

Mr A.P. Jacob: No, that is the current zoning.

Mr C.J. TALLENTIRE: That is the current zoning. To amend that zoning to make the area an A-class reserve requires legislation to be brought into this place, as has been done, but I am not clear on the nature of the A-class reserve to which it will be changed. Is the definition consistent with the metropolitan region scheme or is it consistent with definitions that the City of Nedlands would use in its town planning schemes?

Mr A.P. JACOB: We are changing the zoning to the purpose in the next clause. That is what we are changing it from, but clause 4 provides what we propose to change it to.

Mr C.J. TALLENTIRE: I want to check on the definition at the next point —

excised land means the land excised under section 7 and includes any part of that land;

Are we talking about lot 302?

Mr A.P. Jacob: Yes.

Mr C.J. TALLENTIRE: In my response to the second reading speech I raised issues around the advice that the government was receiving from external parties and how it would optimise the financial return from the land. If the excised land was to change in any way, would we not have a problem with the definition of that excised land known as lot 302? I refer to the light blue shaded area on the map that was provided with the second reading speech. I am concerned that we could have some changes to the excised land, which would be perfectly reasonable because further details will be provided; surveying plans and additional information will be provided on how we can really optimise the sale of this land. That excision could change but we will be locked in because the excision will apply to just that lot 302, if I am correctly reading the definition of “excised land”.

Mr A.P. JACOB: My apologies if I did not quite grab the question. The map attached to the second reading speech was a historical map of the site. The map for what is proposed is at schedule 1 at the back of this bill.

Mr C.J. TALLENTIRE: The minister said “what is proposed” and that is my point here. This proposal could be modified, but we are seeking to pass through this Parliament legislation that defines an area of excision as lot 302. What will happen if we want to go beyond lot 302? We will be locked into an excision area that is just lot 302. Is it not possible that the excision area could exceed lot 302?

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Mr A.P. JACOB: This bill quite clearly seeks to take out the currently defined lot 302 in schedule 1 at the back of this bill. Parliament can amend the legislation in the future but that would be through a similar process to this. This bill is prescriptive on lot 302; it maps it out quite clearly.

Ms M.M. QUIRK: In the terms used and the discussion of excised land meaning “land excised under section 7”, references have been made to two different areas. Firstly, I think the original election commitment was 1 500 square metres and it is now 1 993. Can the minister explain the reason for the change?

Mr A.P. JACOB: That was an original desktop assessment. However, on further examination of the site and after discussion with the State Heritage Office, we have landed on this specific point of 1 993 square metres for lot 302.

Ms M.M. QUIRK: Will taking the area from 1 500 to 1 993 square metres have any implications for the City of Nedlands town planning, and how many dwellings can be on that site?

Mr A.P. JACOB: Yes, in the sense that an R12.5 zoning could potentially have two dwellings on it at 1 933 square metres but not at 1 500 square metres. As I articulated, the block is likely to be sold as a single lot with subdivision potential.

Clause put and passed.

Clause 4: Change of purpose —

Ms M.M. QUIRK: The reserve will be a heritage precinct for arts, cultural, community and ancillary commercial purposes. We have heard about art galleries and some arts groups being on the precinct but community groups less so, although we have talked about charities. Is “ancillary commercial purposes” anything other than a cafe? What does the minister envisage will be covered by “community”?

Mr A.P. JACOB: “Ancillary commercial purposes” certainly could include a cafe or a small restaurant. An art gallery may also be another example of the sort of ancillary purpose that we are looking at on this site in keeping with the broader strategy.

Clause put and passed.

Clause 5: Lot 305 —

Mr C.J. TALLENTIRE: I come back to this issue of excision. The minister dealt with “excised land” in clause 3, “Terms used”, which is the land excised under section 7. Then I read in clause 5 “Lot 305” —

- (1) Sunset Reserve is amended by excising the land comprising Lot 305.

Does that mean that lot 305 is also to be excised? Referring to schedule 1, which the minister guided me to, I am struggling to see where lot 305 is, even with my specs on.

Mr A.P. Jacob: It is the bow-tie shaped one at the bottom.

Mr C.J. TALLENTIRE: Okay; thank you. It is very small. Can the minister resolve for me the problem I have that the excision seems to be defined as lot 302 but in fact he is also saying it is lot 305? It does not quite mesh with what is mentioned in clause 3 of the terminology around what excised land actually is.

Mr A.P. JACOB: I thank the member for that question. That one, and lot 304, are two minor boundary adjustments. My understanding is that lot 305 is a pump and bore station that belongs to the City of Nedlands from its adjoining reserve and historically has encroached on the boundary, so we are tidying up the boundary there a little. Anticipating the member’s questions on the next one, that is a cycleway. We are just aligning those two alignments while we have the opportunity.

Ms M.M. QUIRK: I think the member for Gosnells has made a very valid point. Clauses 5, 6 and 7 all refer to “excising”. The minister is talking about the purpose for which they are being excised but the process is the same. We do not understand why they do not similarly come within the definition of “excised land” in clause 3.

Mr A.P. JACOB: Clause 3 defines the term “excised land”. Where that term “excised land” is used throughout the bill, it specifically refers to lot 302, which is the excised land for selling.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Lot 302 —

Ms M.M. QUIRK: The minister did not raise, in response to the second reading debate, the process by which lot 302 was valued, so I need to ask now: by whom was it valued? Was it valued by the office of the Valuer-

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General or was it, as the member for Gosnells alluded to, valued by Colliers, which is on the steering committee and, as I understand it, manages the site? Strictly speaking, maybe it would not be considered totally independent.

Mr A.P. JACOB: Colliers was not on the steering committee, but I think it has provided some advice along the way into that process. However, as I said in my —

Ms M.M. Quirk: I think it was on the working group, minister.

Mr A.P. JACOB: It was on the working group, yes. As I said in my closing remarks, it is a very hard site to pick; it is a unique site. There really is not a direct comparator in the market, so this is a best guess. Nobody in this place doubts for a moment that it is a highly valuable site. By the same token, I do not want to put too much of a cap on it in my commentary; it may even go higher.

Ms M.M. QUIRK: I asked the minister about the process by which this so-called guess was undertaken. By whom was it made, how was it made and did the Valuer-General have any role?

Mr A.P. JACOB: After this bill is passed and after we go out to market, we will get valuations done again so that we can make sure that we get the best price possible in the most current market. As to how we arrived at this point, we have had feedback and estimates provided by Colliers International.

Ms M.M. QUIRK: Firstly, why was the Valuer-General not involved? I understand that the Valuer-General rates land values all over the state. I wonder why someone such as the Valuer-General was not used. Secondly, will the tenants on the existing site be precluded from putting in a bid for the land?

Mr A.P. JACOB: The Valuer-General's advice has been received along the way, but the working group felt that, with Colliers being active in the market, it would have a better feel for where we are likely to arrive at going out to market.

Ms M.M. QUIRK: Was the Valuer-General's valuation consistent with that of Colliers? The second question that I asked the minister was: will existing tenants on the property be precluded from bidding for this land at lot 302?

Mr A.P. JACOB: My understanding is that there was not a great variance, but we will get further advice on that lot from the Valuer-General going forward. In and around existing tenants being precluded, I imagine that the member is speaking about one particular —

Ms M.M. Quirk: Don't speculate, minister; it's very dangerous.

Mr A.P. JACOB: I can quite clearly see where the member is heading with that particular line. At this stage, that is not the intention, no.

Mr C.J. TALLENTIRE: Clause 7(3) states —

Duty is not chargeable under the *Duties Act 2008* on the transfer of the fee simple in the excised land under subsection (2).

I want clarification on the limits on the exemption from paying duty on excised land. Is there any possibility that the exemption from paying duty also applies to lot 302, given that this clause refers to lot 302?

Mr A.P. JACOB: No. This relates only to the transfer that this bill will enact, which is an internal transfer within government; hence, no duty is payable. When the lot goes out to market, the future purchaser will have to pay duty.

Mr C.J. TALLENTIRE: The problem is that this clause refers to lot 302. Is lot 302 the area that will be sold off or is this the R12.5 area?

Mr A.P. Jacob: Yes.

Mr C.J. TALLENTIRE: This land will eventually be in the hands of someone whom I think the minister described as a high-net-worth individual.

Mr A.P. Jacob: That was an example given in general debate. Who knows who might pick it up?

Mr C.J. TALLENTIRE: I am concerned that we are talking about lot 302 and we are saying that it could be worth \$10 million. This high-net-worth individual—we do not know who that might be—might be free from the need to pay any form of stamp duty on the acquisition of the land.

Mr A.P. JACOB: Clause 7(3) states —

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Duty is not chargeable under the *Duties Act 2008* on the transfer of the fee simple in the excised land under subsection (2). I guess I would just underline the final words “under subsection (2)”.

If the member refers to subsection (2), he would note that it clearly sets out that that is the process of the excised land being excised and transferred to the Minister for Works. Clause 7(3) relates only to subsection (2), which is the excision of that land to the Minister for Works. Post that, duty is absolutely payable.

Mr C.J. TALLENTIRE: I am just curious to know whether that is the usual process. When the government is making land available to the market, not just to one high-net-worth individual, it goes to the Minister for Works. I would have thought that the normal process would be to go to LandCorp or the Minister for Lands. I am unfamiliar with this process in which land goes to the Minister for Works. I seek an explanation.

Mr A.P. JACOB: I believe it is not uncommon. It has happened in a number of other cases over the years. The Minister for Works has the capacity to onsell the land. That is certainly the intention here, following on from the initial excision of the transfer of ownership of lot 302 to the Minister for Works.

Mr C.J. TALLENTIRE: I am not sure whether there is someone in the Barnett government who is known as the Minister for Works. I seek the minister’s explanation as to which member holds that portfolio. I would then like to be reassured about the legislation that that minister has carriage of so that I can be reassured that this portfolio is the right one for the handling of the sale of a very valuable piece of land. The minister mentioned that he can give me some examples. I would be interested to hear those as well.

Mr A.P. JACOB: I think it is important to note that the Minister for Works, who is the Minister for Finance, currently has control of the site. However, there is an interesting interface in that there is also a heritage commitment. This bill is about fulfilling this commitment that is why I as Minister for Heritage currently have carriage of it.

Mr C.J. TALLENTIRE: This is getting rather confusing now. The minister is saying that the land is with the Minister for Finance but the minister at the table is dealing with the legislation in this place. In fact, there will not be a transfer of the land at all.

Mr A.P. Jacob: The minister has a management order over the site so he does not hold it in fee simple. This bill will enable him to hold it in fee simple.

Mr C.J. TALLENTIRE: The land will be transferred to the minister who currently has responsibility for it.

Mr A.P. Jacob: Yes; there will be a management order over the site.

Mr C.J. TALLENTIRE: It is not the transfer of the title of the land but the transfer of the management order.

Mr A.P. Jacob: No, it is the transfer of title over this site. Where there is currently a management order held over the site, it will now be owned by fee simple by the minister with the ability to sell it on the market.

Mr C.J. TALLENTIRE: Where is the actual transfer? I am trying to see where the certificate of title will move from. I think it has to be created first and then it will be transferred. I am not convinced that there is a transfer of that certificate of title. I think it is created and it is straightaway in the hands of the Minister for Finance, and then it stays in the hands of the Minister for Finance. It really makes me wonder whether that subclause is of any value.

Mr A.P. JACOB: I hear where the member for Gosnells is going with this. This provision was included on instructions from Parliamentary Counsel. However, accepting his interpretation of it, there is no harm there either way and this provision would certainly catch things if his interpretation was wrong. Our advice is that a transfer does in effect take place with the title being created into a personal ownership and that is why this clause 7(3) is in place.

Clause put and passed.

Clause 8 put and passed.

Clause 9: *Land Administration Act 1997* not affected —

Ms M.M. QUIRK: I have a couple of matters to discuss, minister. The minister responded to my colleague in relation to whose responsibility the administration of this legislation is, and I understand that it is principally that of the Minister for Works. Which minister has this legislation under their portfolio?

Mr A.P. Jacob: I have carriage of the bill.

Ms M.M. QUIRK: Yes, the Minister for Heritage has carriage of the bill.

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Mr A.P. Jacob: The Minister for Works currently holds the management for the site, but it is a heritage-listed site.

Ms M.M. QUIRK: Does this legislation come under the Minister for Heritage's portfolio or that of the Minister for Works? The minister may dwell on that for a minute. Let us put it another way: the Minister for Heritage's responsibilities are really to ensure that the heritage act is complied with in whatever form it is, whether it be the Heritage of Western Australia Act 1990 or the new heritage act when it comes in. Presumably, the minister will have some input into the lessee's obligation to comply with the heritage act as well. Is that a fair assessment of the Minister for Heritage's role and responsibility?

Mr A.P. Jacob: Yes.

Ms M.M. QUIRK: Clause 9 states —

Nothing in this Part affects the powers conferred under the *Land Administration Act 1997* on the Minister for Lands in relation to the Sunset Reserve.

If the minister wanted to excise more land, could he make another amendment to this legislation to do so? Would that be correct?

Mr A.P. Jacob: As I indicated earlier, it would have to go through a similar process and it would have to go through Parliament.

Ms M.M. QUIRK: Yes, but this legislation could be amended. This clause does not preclude the minister at any time taking whatever action he wants to in relation to Sunset Reserve and that could include the excision of more land.

Mr A.P. Jacob: Yes.

Clause put and passed.

Clause 10: Terms used —

Ms M.M. QUIRK: There is reference in this clause to the Nedlands planning scheme and, as I suspect the minister is aware, there are changes afoot in relation to local governments, so there may well not be a City of Nedlands in time to come. Presumably that provision would then be amended with any consequent amendments to local government legislation. Is that correct?

Mr A.P. Jacob: Yes.

Mr C.J. TALLENTIRE: Can the minister advise how up to date the City of Nedlands planning scheme is? I understand that a town planning scheme is supposed to be reviewed every five years and if it is not up to date, is it a possibility that the amendments that we could bring about here are inconsistent with the future town planning scheme?

Mr A.P. Jacob: No, that is not the case.

Mr C.J. TALLENTIRE: The minister tells me that that is not the case and I am happy to take him at his word. Can he tell me when the scheme was last brought up to date?

Mr A.P. JACOB: They are effectively a decoupled process. It is not unusual, in my experience in local government, for town planning schemes to run behind. But the town planning scheme still takes effect, and subsequent amendments in between that process take effect as well.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Nedlands planning scheme amended —

Ms M.M. QUIRK: I was mistaken on a number of occasions when I asked the question about lot 302 and the excised land. I was told that it was a zoning of R12.5 because that is what the Nedlands scheme was. But if we look at clause 12(b), that is effectively a designation that the excised land be R12.5. That seems to me to suggest that that might not have been the case had that provision not been in the bill.

Mr A.P. JACOB: This act amendment will in the first instance create the land as an urban zone, which it currently has not been, and then as a residential zone, and it will then apply a residential zoning that is consistent with the surrounding residential zoning, including properties across the road from the site.

Ms M.M. QUIRK: That begs the question: if that is the current state of play, why does that need to be in the bill?

Mr A.P. Jacob: This site does not currently have a zoning.

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Ms M.M. QUIRK: If this comes under the City of Nedlands planning scheme, and if it is then zoned residential, would that not come under the normal provisions that relate to residential land in the City of Nedlands?

Mr A.P. JACOB: The current town planning scheme does not have a residential zoning over this site. This bill will amend that and place a residential zoning on the site. It therefore needs an R coding to be placed on the site, and that is what this bill will do.

Ms M.M. QUIRK: That begs the question: why have a zoning of R12.5?

Mr A.P. JACOB: As I said earlier, that is in keeping with the current zoning in the area.

Ms M.M. QUIRK: Is the minister saying that the land nearby is all R12.5? Is that the minister's suggestion?

Mr A.P. JACOB: Yes.

Mr C.J. TALLENTIRE: This is a key question for me. I think there is an opportunity for the government to honour its commitment to greater densification in our suburbs and implement its policies. I realise this is not in the domain necessarily of the Minister for Heritage but it is certainly government policy to improve the level of urban land use by pushing for greater urban density. An R12.5 zoning is at the very lowest end of the urban density spectrum. If the minister were given the opportunity to lift that density, I think he should take it. Why is the minister setting the bar so low as to zone this land at only R12.5? Why not take the opportunity to go a bit further? Okay, the minister is saying that the adjacent land has a zoning of R12.5; however, the minister has not been able to tell me when the City of Nedlands town planning scheme was last reviewed. It is possible that the decision was made 20 years ago that that R12.5 zoning be put in place. We need to bring things up to speed. In 2014, why should prime land off Jutland Parade stay at a zoning of R12.5? I put to the minister that he should take the opportunity to drive things further and put up the zoning to, say, R60.

Mr A.P. JACOB: In the broader intent of where the member is going, I think he would find that the government has a clear policy of pursuing urban infill and density upgrades. I have had some density upgrades in my area as well. That is certainly a very good policy from an urban planning perspective. But that is better done on a precinct-wide level and addressed through broader town planning scheme amendments, rather than picking isolated pockets on an ad hoc basis. Fundamentally, in this particular instance—this is my personal view, and I think the member would find that our views generally align—we are not seeking for this bill to do all things. This bill is specifically around getting a heritage outcome for this site. Therefore, at this stage the zoning will remain in keeping with the current zoning for this particular area.

Mr C.J. TALLENTIRE: I thank the minister for his response, but I need to put on the record that it represents a missed opportunity. I understand the government cannot do all things with this legislation, but this is an opportunity to indicate to the City of Nedlands the government's policy for greater density. Sticking to the R12.5 level leads me to wonder whether the minister has already received some request from this high-net-worth individual who the minister has already mentioned. Is that person known and is that why the government is sticking with the R12.5 designation? There would not normally be a reason for the government not to use something that is more in keeping with the zonings that we would see today. Is it the case that this high-net-worth individual future buyer has a particular layout of the property in mind—who knows—and that the government is meeting that person's requirements with the R12.5 designation, and that is as far as the government will go? That is what it is beginning to look like to me. The government should be pushing for something much better here, otherwise it is a serious missed opportunity.

Ms M.M. QUIRK: Has the minister read the Syme Marmion and Co report?

Mr A.P. Jacob: No.

Ms M.M. QUIRK: Is the minister aware that report contemplates parts of that reserve having higher density?

Mr A.P. Jacob: Yes.

Ms M.M. QUIRK: How is it that we have arrived at this figure, bearing in mind the minister has not availed himself of the full information concerning this site?

Mr A.P. JACOB: I have addressed how we arrived at the current density on a number of occasions already in and around this clause. A number of comments were made about previous plans for the site, and I acknowledge the range of previous plans for the site. I remind members of the government's clear policy position during the 2013 election about this site, and that is what this bill seeks to enable.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Minister for Works may deal with excised land —

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Chris Tallentire; Mr David Templeman

Ms M.M. QUIRK: I raised this issue in the second reading debate. Subclause (1) states —

The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the disposal of the excised land.

Bearing in mind that covers the excised land, which clause in the bill deals with the lease? I understand from my copy of the lease that the Minister for Works is the relevant minister, but where is he empowered in terms of leasing obligations?

Mr A.P. Jacob: It is under the current management order.

Ms M.M. QUIRK: What is the legislative basis for that?

Mr A.P. JACOB: It is a management order under the current Land Administration Act. Clause 14 deals with the excise of land and we are talking about land that remains within the reservation.

Mr C.J. TALLENTIRE: I am on the same issue as the member for Girrawheen. We are talking about the Minister for Finance acting as the Minister for Works. I am concerned that there are implications here for the responsibilities of the Minister for Lands. I am concerned that if, as mentioned earlier, a further excision was performed by the Minister for Lands, that would contradict this provision to confer responsibilities on the Minister for Works. How can we be sure that the Minister for Works' powers will not be in conflict with any potential future excision that the Minister for Lands might undertake?

Mr A.P. JACOB: I do not see how I can answer that question. I cannot speculate about what a future government may or may not do.

Ms M.M. QUIRK: With due respect, the minister might not be able to answer the question, but he could undertake to find the answer. In those circumstances, it might be an appropriate time to adjourn. The minister does need to answer the question because it is about how this bill will interact with other pieces of other legislation.

Mr A.P. Jacob: Hypothetical unwritten pieces of legislation.

Ms M.M. QUIRK: My understanding is that the member for Gosnells wants to know how the powers under this clause deal with the powers in the interests of the Minister for Lands. I would have thought that was a reasonable question.

Mr C.J. TALLENTIRE: I was referring to the absence of any immunity from the operation of any written law that applies in relation to excised land.

Ms M.M. Quirk: Environmental laws.

Mr C.J. TALLENTIRE: Yes, including environmental laws.

Mr A.P. Jacob: Absolutely, it still has to follow the law.

Mr C.J. TALLENTIRE: Yes, it still has to follow the law, but what happens if the Minister for Works receives a certificate of title and he is intent on selling off that land? The minister has said that it is normal government practice for a Minister for Works to be involved in selling off land. How can we be sure that that is not going to put a Minister for Works at odds with a decision by a Minister for Lands and, indeed, a Minister for Environment? It seems that potentially three or four ministers would need to have some sort of concurrence arrangement to agree to the eventual sale of a piece of excised land, yet that is not explicitly being said. That is my concern. It is not being stated that there is a concurrence arrangement that would enable the smooth negotiation between, perhaps, the Minister for Lands, Minister for Works, Minister for Heritage and Minister for Environment. Why are those things not being brought together under a specific arrangement that should be stated in this bill?

Mr A.P. JACOB: I am not sure what the member is trying to get at. The Minister for Works is empowered under clause 14(2) of the bill to conduct a range of actions with that land. Subclause (3) provides that the minister of the day cannot act unlawfully. It is a fairly straightforward clause to me.

Clause put and passed.

Clause 15: Delegation —

Ms M.M. QUIRK: Clause 15 provides that the Minister for Works can delegate to a person any function of the Minister for Works under clause 14. Is there a general power of delegation in relation to his powers in this bill or do they relate just to clause 14?

Mr A.P. JACOB: They would be only in relation to clause 14.

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Ms M.M. QUIRK: Given that the minister mentioned the issue of dealing with lessees by management order, can he advise whether the minister is able to delegate those powers to someone?

Mr A.P. JACOB: Not directly relevant to this clause, but in answer to the member's question, yes, there is the capacity for the minister to make such delegations.

Clause put and passed.

Clause 16: Sunset Reserve Account —

Ms M.M. QUIRK: Clause 16(3) reads —

Moneys held in the account are to be applied in payment of costs and expenses incurred in the conservation and management of Sunset Reserve.

Is it contemplated that that could include payments to the local government authority for works incidental or collateral to the management of Sunset Reserve that the local government authority might need to perform? Also, the minister did not answer the question I asked during my second reading contribution. I think the City of Melville expends about \$600 000 a year in relation to Heathcote, and I was wondering whether there had been any estimate or calculation of what expenses might accrue to the City of Nedlands.

Mr A.P. JACOB: My understanding is that Melville owns Heathcote, so it is a little different from this scenario. But if the works were specifically sought and provided for Sunset, then my understanding is, yes, the moneys could be paid.

Ms M.M. QUIRK: Is the minister telling this house that he anticipates there will be no ongoing costs or recurrent costs that flow to the City of Nedlands by virtue of the operation of this site?

Mr A.P. JACOB: This site will be under our control. If we ended up in the scenario where we engage with the City of Nedlands to provide specific services, those services would be paid for. If they ended up being recurrent services, that would be the case.

Ms M.M. QUIRK: I will give an example. I note that not a lot of parking is provided for on site, and so it is not beyond the realms of possibility that people will be parking in the streets. The residents will get annoyed about that and insist that the council do something about it, so the council will have to get rangers out or provide extra services to enforce the parking laws. Yes, the council will get the revenue from the tickets, but that may or may not cover the costs.

Mr A.P. JACOB: There is actually quite a lot of parking provided on site. In instances that I am familiar with, there is a range of room as well. In the instances I am aware of when the local government has been contracted into parking—I think the University of Western Australia contracts in the local government—it often is actually quite cash-positive for the local government as a by the by. When I was answering the member's earlier question it was completely speculative, but the sort of example I have been aware of in other local government circumstances is that sometimes the local government provides some lawn-mowing contracting services. If they are doing parks in the general area, there may be an efficiency or economy of scale for us to contract them to do some grounds works, and in that instance, yes, we would be making an ongoing payment for the grounds works we were receiving.

Mr C.J. TALLENTIRE: I understand it is contemplated to keep the Sunset Reserve account in operation for an extended period, or is it simply being set up to accommodate the transfer of land?

Mr A.P. JACOB: It will be in perpetuity for the site.

Mr C.J. TALLENTIRE: To follow on from the point the member for Girrawheen made about what we might call the incidental costs, the example was used of costs associated with parking expenses. I think it is quite likely that there could be many other expenses as well that the local government authority might incur depending on the type of activities that go on at Sunset in the future. There may be a frequent big attendance of people at the film institute or something like that that could have costs as well as parking associated with it. Is there the capacity to have an arrangement with the local government authority that is fairly negotiated? I am concerned that it might be that the holder of the Sunset Reserve account is in the key bargaining position—that they can say, "Well, we don't really think that you, City of Nedlands, should have to worry about the cost of cleaning up the litter that comes from an event that's held on a weekly basis at Sunset, and we're not prepared to help you with your costs." How are we going to make sure that there is an equitable arrangement when it comes to determining who can access funds from the Sunset Reserve account?

Mr A.P. JACOB: Again, I think it is important to note that we will have actual management of this site; it is our responsibility. The question put to me earlier was about a situation in which we or the future managers of the site

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choose to contract in some local government services; that is a decision for the day. There is the capacity to do that, and that would be paid for out of the Sunset Reserve account.

To answer the member for Girrawheen's question, and to put to bed the issue of car parking, the current capacity on site is 130 bays. The first phase of works would take that out to 284 bays, and the long-term vision sees a total capacity of 322 bays, so there is substantial provision for car parking on site.

Mr C.J. TALLENTIRE: I will give the minister another example. What about costs that may be brought about because of activities that happen at Sunset, but the cost is not felt immediately on the site? The cost is brought about because of activity on the site, but the cost is off-site. To give the minister an example, let us say that there is a regular screening of films on a Saturday evening, and it is decided by the Public Transport Authority that public transport services should be upgraded to enable people to get there by public transport. Would the Sunset Reserve account be used to help pay for the cost of that public transport to get people to the facility?

Mr A.P. JACOB: I think in those sorts of circumstances I would have to see what would typically be the case where people come to an arrangement with the Public Transport Authority. To quote proposed section 16(3) —

Moneys held in the account are to be applied in payment of costs and expenses incurred in the conservation and management of Sunset Reserve.

That is really specifically focused in and around that. I do not envisage that the government would be a large event holder, so if we have a leaseholder who is running those sorts of events, it would really be the leaseholder's responsibility, not Sunset Reserve as the manager of the site, to pay for that.

Clause put and passed.

Clause 17: Regulations —

Ms M.M. QUIRK: This clause is a standard clause that relates to the power to make regulations in relation to this legislation. I have a couple of questions. Firstly, what kind of regulations does the minister contemplate might need to be made?

Mr A.P. Jacob: None.

Ms M.M. QUIRK: None? In that case, I will ask my second question. Given my queries about the lack of compulsion on lessees to have to undertake heritage works, is there not the capacity under the leases to put something in regulations about what the lessees of these heritage buildings need to do?

Mr A.P. JACOB: The requirement on lessees to undertake conservation works can be twofold. It can be through the lease, and that has been quite successful on site already. I had the opportunity to see the substantial works that have been done to Q building. Heritage agreements also provide opportunities to enforce lessees' obligations.

Ms M.M. QUIRK: I read out the particular clause in one of the leases, the only lease to which I have access, obviously, and that is discretionary; it is not mandatory —

Mr A.P. Jacob: It has happened.

Ms M.M. QUIRK: It has happened because somebody wants to get on the site and pay peppercorn rent and possibly have a tax reduction to amortise over a number of years. That is irrelevant. The leases state that the tenant may undertake heritage works. Nothing in the leases requires them to do so.

Mr A.P. JACOB: It is important to note that that has happened before the strategy has been implemented. Once the strategy is implemented, those requirements will be substantially tightened for future leases. We will certainly have far stronger requirements on leaseholders, but it is important to note that in that instance those works happened.

Ms M.M. QUIRK: Can the minister explain to me how the heritage agreements fit in with requirements under, hopefully, better drafted leases in the future?

Mr A.P. JACOB: That one was by way of example. In the first instance, we will tackle this through the leases; we will strengthen the lease provisions as part of the Sunset strategy. I also flag that other avenues are available. The Heritage of Western Australia Act provides for fairly strong requirements on agreements that go beyond 10 years, which is our backup trigger in the event that we end up with longer leases.

Ms M.M. QUIRK: Is the minister talking prospectively about the new heritage act as opposed to the existing one?

Mr A.P. JACOB: I can deal only with what we have before us at this stage.

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Chris Tallentire; Mr David Templeman

Clause put and passed.

Schedule 1 put and passed.

Title put and passed.

House adjourned at 11.02 pm
