



Minister for Planning; Culture & the Arts
Government of Western Australia

Our Ref: 33-12310

Hon Brian Ellis MLC
Chair
Legislative Council of Western Australia
Parliament House
PERTH WA 6000

PUBLIC

Dear Mr Ellis

PETITION NO. 108 - SWANBOURNE HOSPITAL CONSERVATION AREA

Thank you for your letter dated 19 May 2011 regarding Petition No. 108 - Swanbourne Hospital Conservation Area.

I acknowledge receipt of the petition that was tabled by Hon Giz Watson MLC in the Legislative Council on 17 March 2011, and that has been referred to the Standing Committee on Environment and Public Affairs.

Under Section 38 of the *Heritage of Western Australia Act 1990*, the Minister for Heritage, on advice of the Heritage Council WA, is empowered to issue an order by which any written law of the State (including regulations and town planning schemes) may be amended if in the opinion of the Heritage Council, the operation of such written law or regulation prevents or impedes the conservation of a registered place. The Heritage Council, in this instance, concurred with the applicant that the written law in form of the Scheme text relating to the site impedes progression of an Outline Development Plan (ODP) for the site and therefore contributes towards an increased level of deterioration to the existing heritage buildings, including vandalism in the form of graffiti and theft of critical heritage elements of these buildings.

The Heritage Council accordingly drafted a proposed Order and published it in the *Government Gazette* and the *Western Australian* on 17 December 2010, and the weekly *Post* edition for Nedlands of 18 December 2010. The advertisement stated that submissions would be accepted until 18 February 2011 (the long advertising period incorporated the holiday period).

The Heritage Council has advised that it stopped progressing the matter at the close of the submission period to allow the ODP process to run its course. The Heritage Council will await the Western Australian Planning Commission's decision on the matter, prior to proposing a recommendation to the Minister for Heritage to be presented to a session of Parliament, as the normal procedure of progression of the ODP is a preferable one, particularly if resolution can be achieved in a timely manner.

I thank you for bringing this matter to my attention and trust that the above information is of assistance to you.

Yours sincerely



**JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS;
SCIENCE AND INNOVATION**

15 JUN 2011