

HERITAGE, OLD RAILWAY HOTEL

1593. Mr Edwards to the Minister for the Environment and Heritage

I refer the Minister to the demolition of the heritage listed Old Railway Hotel on Barrack Street in 1992, and with reference to the subsequent Supreme Court proceedings *Wu Investments Pty Ltd -v- Scaffidi Nominees Pty Ltd* -

'For Feluga and Wu it is claimed that negotiations were commenced with the office of the Minister for Heritage for the [Heritage] order so issued to be discharged' BC9200836 at 12, and ask -

- (a) what issues were being negotiated between the Minister's office in 1992 and the above named and/or other involved parties in the lead up to the demolition of the Old Railway Hotel;
- (b) what was the outcome of these negotiations;
- (c) will the Minister advise whom in the Minister's office in 1992 was negotiating directly with the various parties involved in the demolition of the Old Railway Hotel in July 1992; and
- (d) are the negotiations ongoing and, if so, what is their current status?

Dr EDWARDS replied:

I obviously have no direct knowledge of the events alluded to by this question and rely on information contained on files held by the Heritage Council of Western Australia. In this context I provide the following information.

The Supreme Court proceedings of December 1992 referred to in this question were initiated by Scaffidi Nominees against Wu Investments Pty Ltd and involved Feluga Pty Ltd. The proceedings appear to have been initiated by Scaffidi to advertise the winding up of the company with the aim of Scaffidi regaining ownership of the Railway Hotel property in Barrack Street in Perth. Wu Investments brought a counter suit to defend itself against this action on the basis that Scaffidi no longer held the mortgage over the property concerned, rather the National Bank had since 1989. The matter was resolved in favour of Wu Investments.

- (a) There is no evidence that there were any issues being negotiated between the Minister's office and the above named and/or other involved parties in the lead up to the demolition of the Old Railway Hotel.

A letter from a John Coleman from Acton Consolidated was faxed to the Minister's Office on 24 June 1992. Mr Coleman claimed to act on behalf of the intending purchasers of the Old Railway Hotel. He requested the Minister for Heritage's intervention to lift a conservation order preventing the demolition of the remaining façade and balconies of the Hotel placed on the site on 19 June 1992. Mr Coleman was referred by the Minister's office to the Heritage Council to discuss his concerns.

Mr Coleman also rang the Minister's office on 26 June 1992 and stated that the Heritage Council proposals were not acceptable to the purchasers. Mr Reg Gordon of the Minister's office advised Mr Coleman the only option available to him was to formally seek the demolition of façade through the Perth City Council. He further advised that this went against the existing conditions of demolition approval and would require the Heritage Council's direct approval.

The façade of the Old Railway Hotel in Barrack Street was subsequently demolished illegally on 5 and 6 July 1992 by the contractor Dongara Demolitions on the instructions of Mr Scaffidi. Mr Scaffidi was subsequently found guilty of the contravention of a conservation order and the District Court made a restoration order for the reconstruction of the façade.

- (b) There were no negotiations. The Railway Hotel was illegally demolished, a person was found guilty of taking action illegally to demolish the place and the reconstruction of the façade was ordered by the courts as part of the sentencing for the crime.
- (c) Reg Gordon, Senior Policy Officer for Services and Heritage, dealt with Mr Coleman's inquiry by referring it to the Heritage Council. There is no evidence that he participated in negotiations with any party.
- (d) There are no ongoing negotiations that I am aware of.

The site has had a number of development applications made to the City of Perth and the Heritage Council since 1992. The most recent development application was made in June 2001 for a multistorey hotel/ residential/ commercial development adjacent to the registered place. The Heritage Council has provided advice to the proponent of the

development on the need to incorporate the remaining façade and maintain the remaining fabric in coming years.