



**Minister for Local Government; Heritage,
Citizenship and Multicultural Interests**

Our ref: 38-09498/7

Hon Brian Ellis MLC
Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mr Ellis,

**Petition No. 108 – Swanbourne Hospital Conservation Area – Requesting the
Legislative Council to recommend to the Minister for Heritage that development
guidelines for the land be preserved**

In my letter of 29 September 2011 to the committee, I advised that further investigation was necessary before I could make a decision on this complex matter. I am now in a position to make a final response. I thank the Committee for its patience.

Two important changes occurred to the statutory planning framework in the second half of 2011 that had a bearing on this matter.

The first is that from 1 July 2011 the determining authority for development applications in relation to the site became the Metro-West Joint Development Assessment Panel. This effectively bypassed the issues that had plagued the project in relation to the inability to reach agreement between the City of Nedlands and the owners of the Swanbourne Hospital Conservation Area.

Secondly, the Outline Development Plan became operative in the latter part of 2011. It was an absolute requirement under the City of Nedlands Town Planning Scheme to have an Outline Development Plan in place before planning approval could be applied for, or obtained, over the site, and there had been long delays in progressing this. The WA Planning Commission approved a final Plan on 26 July.

The owners of the Swanbourne Hospital Conservation Area are satisfied that these changes have provided some certainty in relation to the site and that a Section 38 Order is no longer necessary.

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I have advised the owners that I will not be proceeding with a Section 38 Order to amend or suspend any written laws in relation to this place.

I trust that this will bring some closure to this issue.

Yours sincerely



G M (John) Castrilli MLA

**MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CITIZENSHIP AND MULTICULTURAL INTERESTS**

15 FEB 2012

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