

RJ Simpson

12 April 2011

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

Dear Sir,

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

Thank you for your invitation to provide a written submission regarding the issues raised in the abovementioned petition.

The effect of the proposed Section 38 Order will be to remove the Swanbourne Hospital Conservation Area (the "Land") from the development control requirements of the City of Nedlands Town Planning Scheme No. 2 (TPS 2) and give the Western Australian Planning Commission ("WAPC") sole responsibility for development approval on the land, pursuant to the Metropolitan Regional Scheme.

TPS 2 incorporates the recommended development guidelines for the Land that were developed through a process of extensive consultation organised by the City of Nedlands, the Department of Housing and Works and the Heritage Council of WA over the period from 2003 to 2005 with the residents of Mount Claremont and other interested parties prior to the sale of the land by the WA Government to the current owner.

The site was sold in 2006 on the basis of a development plan that was specified in the public tender (the Agreed Plan), and which had been developed after the abovementioned consultation with the community. This plan has become enshrined in Nedlands' Local Planning Policy in the form of TPS2. The supporters of the petition continue to support this plan.

The site owner seeks to develop the site beyond the boundaries of the Agreed Plan. His original proposal received overwhelming unfavorable public comment in 2008, and was rejected by Nedlands Council. Upon appeal to the State's highest arbitral body (SAT), it was likewise rejected.

The building is a prominent landmark situated at one of the highest points of Mount Claremont and is therefore visible to many residents. We are very keen to have the development proceed promptly but in an appropriate manner. We believe the delays have been caused by the current owner not wanting to comply with TPS 2 and had he done so the development could have been completed some time ago with reduced holding costs and deterioration.

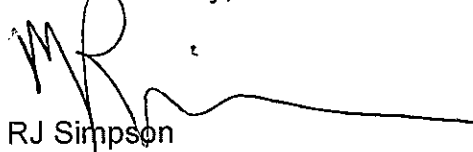
The residents have great concerns that removal of TPS 2 will result in an outcome that is not in the interests of all parties, and certainly not the residents. Under the proposed Order there will be no requirement or opportunity for comment by the public or the City of Nedlands. Approval will be at the sole discretion of WAPC and there is no right of public appeal for any such decision.

We have been informed that the use of Section 38 of the Heritage of Western Australian Act 1990 to issue such an Order has been seldom used in the past and we are concerned that this, if successful, will set a precedent which removes the ability of residents and local government bodies to provide input and some form of control over developments within their local community.

The degree of objection by the residents to the proposed Section 38 Order and its impact on the Swanbourne Hospital Conservation Area is evident by the considerable number of signatures obtained on the petition.

We respectfully request that the Legislative Council recommend to the Minister for Heritage that the proposed Legislative Amendment is not proceeded with, and instead that the recommended development guidelines for the Land, as outlined in TPS 2, are preserved and enforced.

Yours Sincerely,



RJ Simpson

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