



MINUTES

of the

Annual Electors' Meeting

held

Tuesday 10 December 2019

in the

Council Chambers

11-13 Waldeck Street, Dongara

Table of Contents

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	2
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	2
3. 2018/19 ANNUAL REPORT.....	2
4. GENERAL BUSINESS.....	4
5. CLOSURE	11

ANNUAL ELECTORS’ MEETING

held

Tuesday 10 December 2019

at 5.00pm

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed Councillors, Staff and Electors and opened the meeting at 5.00pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Members

Councillor M T Smith	President
Councillor B Wyse	Deputy President
Councillor G S Eva	
Councillor A J Gillam	
Councillor M Leonard	
Councillor I Scott	
Councillor H M Wells	
Councillor I F West	

Employees

Mr S D Ivers	Chief Executive Officer
Mr B Jeans	Manager Regulatory Services
Mrs D K Chandler	Governance & Executive Coordinator

Apologies

Nil.

Electors and Members of the Public (Non electors)

R Murray – Ocean Drive, Port Denison
J Rossiter – Point Leander Drive, Port Denison
V Smith – Tulloch Drive, Dongara
S Bligh-Lee – Francisco Road, Dongara

3. 2018/19 ANNUAL REPORT

S Ivers, CEO provided an overview of the 2018/19 Annual Report highlighting the following:

- Rural grading went well during 2018/19 with several plant purchases, improved grading cycle of 2-3 months using water, resheeting and emergency patching works and Roads to Recovery assisted with various works throughout the Shire including the coastal nodes.
- Seal works on Point Leander Drive in front of Foodworks through to the Port Denison foreshore. This was tremendous value for money and ended with a fantastic result.

- Water bores were installed, primarily for resheeting but also valuable for fire-fighting capabilities. The Shire working with local brigades (through the CESM) and the processes using the bores for this purpose will be developed this Summer. There are 2 x 200,000L water tanks at Melaleuca Rd and near Correy Rd (near southern border of Shire). The Shire are also able to utilise water from the Irwin River from pickup points at Milo Crossing and Warradong Road.
- Signage throughout the rural sector including installation of chevrons was undertaken during the year. This was critical to improve road safety after several minor incidents.
- Slashing & spraying of road reserves went well but was challenging with public relations issues relating to the use of glyphosate. This is very cost efficient as it only requires 1 spray through winter and is critical to improve road safety.
- RSL drainage improvements were completed to address stormwater runoff.
- Bus stop installation on Waldeck Street went well with positive feedback from the community.
- This is the first year for significant beautifying works at the Dongara Cemetery. These works were undertaken at low cost but proved successful with a high visual impact.
- The wall at Grannies Beach was installed down to approximately 2 metres deep, so the Shire doesn't expect any erosion issues in the near future.
- A round of critical maintenance on the recreational jetty was completed.
- Cleaning tender was awarded for a cleaning contract from Cliff Head to several Shire facilities in town, therefore being quite a substantial contract.
- 2019 Australia Day Awards recipients included Brodie M'Leane, Fiona Cockman and Dongara Denison Surf Life Saving Club.
- The Irwin Recreation Centre showed steady growth in gym visits and strong participation in the school holiday program and rollerskating sessions.
- The Denison Foreshore sprint has become largest event in the Midwest region and Seniors Week remains very popular.
- Community Assistance Scheme, budgeted amounts went to some very worthy recipients in 2018/19.
- The Visitor's Centre had another terrific year with an approximate 50% increase in visitors during 2018/19.
- The Library hosted several author visits and Book Week.
- The Shire of Irwin was one of the first in the state to be audited by the Office of the Auditor General with a very positive outcome and no significant compliance issues, but a couple of adverse trend ratios to be reported to the Minister that are still below standard.
- The Plan for the Future is for a strong financial recovery for the medium to long term as it will be tough to achieve in the short term.

- The Shire of Irwin Strategic Community Plan 2017-27 is not currently up for review but will be reviewed to achieve relevance within the current organisation. The Corporate Business Plan was developed but adoption was delayed. This will be reviewed and adopted in line with the Strategic Community Plan.

The CEO thanked staff for their contribution during 2018/19 and noted that everyone has worked hard to achieve great outcomes.

The CEO thanked Council for their guidance and support in bringing a dynamic edge to Council's future direction.

The Presiding Member invited questions from electors in relation to the 2018/19 Annual Report.

John Rossiter, Point Leander Drive: With the recreational jetty, what amount has been spent on repairs and maintenance so far?

Response from the CEO: The Shire has spent approximately \$120,000 in the last 3-4 years. The rec jetty is approximately 15 years old.

Mr Rossiter asked the Presiding Member if he could make a statement and the Presiding Member allowed him.

John Rossiter: In the past, it has been requested that the wooden jetty be saved, but the previous CEO said no and Council went halves with Department of Transport which ended up as a significant ongoing cost for Council.

The Shire President thanked Mr Rossiter.

There were no other questions from the gallery relating to the 2018/19 Annual Report.

4. GENERAL BUSINESS

Before inviting questions from electors, the Presiding Member responded to written questions provided prior to the Special Electors’ Meeting held 11 November 2019 and advised that these responses will also be provided in writing to the respective individuals.

Responses to questions submitted by Mr John Fitzhardinge:

1. For what reason was such sudden action taken to demolish the Hall when in receipt of a formal petition from 270 electors requesting a meeting to discuss the future uses of the Hall? The decision by Council taken at the February meeting to demolish the Hall did not indicate any requirement for urgency.

Response: The dismantling of the Bond Store component of the Fishermen’s Hall was not sudden action as the Council decision was made 26 February 2019. Council were going to dismantle the Bond Store component of the Fishermen’s Hall immediately after the 26 February 2019 decision, but an amended motion was moved that was supported by Council to delay the dismantling until 2019-20 budget approval or onwards.

2. Why was the decision taken to proceed with the demolition of the Hall in such haste when the President was in receipt of a correctly submitted petition of 270 electors calling for a meeting to discuss the future uses of the Hall? While it is certainly allowed under the Local Government Act to proceed with actions subject to such a request by Electors, it shows a complete disregard for any semblance of democracy.

Response: The dismantling of the hall was a critical step before progressing with the Foreshore Masterplan. The dismantling of the Bond Store component of the Fishermen’s Hall was not in such haste as the Council decision was made 26 February 2019. Council were going to dismantle the Bond Store component of the Fishermen’s Hall immediately after the 26 February 2019 decision, but an amended motion was moved that was supported by Council to delay the dismantling until 2019-20 budget approval or onwards. The 2019-20 Budget was adopted at the 24 September 2019 Ordinary Council Meeting and the dismantling of the hall was progressed due to the already significant delay, and this happened well ahead of the receipt of the petition from 270 Electors.

3. When were the elected members of Council advised of the receipt by the President of a formal request by Electors for the convening of a meeting to discuss the future of the Hall?

Response: Elected members were formally advised via email by the Shire President on 9 October 2019, the day after the petition was received.

4. If this advice was given to the Councillors prior to the commencement of demolition, given the vote at the 24 Sept meeting was split 4/4 (where Council received the IDHS presentation for MOFATS) and the President used his casting vote to carry the motion, were all councillors asked whether they favoured immediate demolition of the Hall, or favoured delay until the requested meeting could be called?

Response: In accordance with section 5.33 of the LG Act, the Shire is under no statutory obligation to depart from the course of action approved by a Council resolution. It is considered very poor practice for a Council to rescind a resolution and is a very rare occurrence amongst Western Australian local governments. The Agenda Report presented to Council clearly contained the petition statement requesting that Council immediately rescind its decision to dismantle the hall. Those who voted in support of the Officer Recommendation naturally supported the current course of action, which was to proceed with the dismantling of the hall given the already significant delay.

5. Is Council satisfied that none of its members had financial or proximity interests in relation to the proposed developments, which could benefit from demolition of the Fishermen’s Hall?

Response: Yes.

6. What professional community consultation was carried out by council that showed the majority of the community favoured demolition of the Hall, when the informal feedback sessions held in December 2018 on combined car parking and Hall collected feedback from 80 people (not necessarily electors of the district), 52 voting “yes” to the Hall being kept?

Response: Two professional community consultation sessions were held in December 2018. From the discussions with the proponents who voted “yes” to keep the hall at these sessions, it was found that there was a diversity of opinion on how the history should be retained. The majority of these proponents, whilst against the hall being dismantled, also verbally supported removing the Fishermen’s Hall but preserving the heritage significance of the Bond Store in an open pavilion type concept or something similar that would more widely embrace the history of the district including the original purpose of the Bond Store. It was observed also that there was a large diversity of opinion of individual members within groups such as the Dongara Professional Fishermen’s Association and the Irwin District Historical Society. The Council has full legal right to make its own assessment from community consultation sessions and to make a determination it believes represents the broader community and take into account other factors such as maximising future State or Federal Government funding opportunities.

7. In the consultation questionnaire, why was there no question to develop the 1894 bond store in its original form and location?

Response: Refer to Question 3 from the consultation, which states: “What should the Fishermen’s Hall be used for and how would you fund it?”. Responses included developing it into a museum (12 people).

8. We are aware of 2 formal consultations by the Council on broad Foreshore development proposals, both of which heavily favoured retention of the Hall in various configurations, and one Petition by Irwin District Historical Society with 184 valid signatures supporting the retention of the Hall, were they taken into account by Council?

Response: Yes, as per the decision made at the 26 February 2019 Ordinary Council Meeting (minute reference 140219) and the decision made at the 24 September 2019 Ordinary Council Meeting (minute reference 110919).

9. The data reported to Council on 26 February 2019 following the December 2018 community consultation, did not demonstrate data integrity standards had been applied, nor has any data been provided for public review, yet Council adopted a recommendation to demolish the hall from the information provided in the report. Why did Council not question the data, nor publish the data?

Response: The raw data was provided to Council under confidential cover as it contained personal information relating to community members. The results of the collated data was published in the 26 February 2019 Ordinary Council Meeting agenda and minutes. In terms of data integrity standards, 52 people in support of retaining the hall are exactly 52 people in the community, and not all of these 52 people were Electors.

10. In the CEO’s report to Council on 24 Sept 2019, why was the DPFA offer to re-lease the Hall, prepare concept plans for public discussion, and carry out all development works on the Hall at DPFA expense, not included?

Response: At the 26 February 2019 Ordinary Council Meeting, Council voted to:

1. Dismantle and remove the Fishermen’s Hall;
2. Preserve the heritage significance of the Fishermen’s Hall by removing and storing the historically significant timbers and other heritage items for the potential future use in the Shire, that will reflect the full (approx. 125 year) history of the Bond Store / Fishermen’s Hall and its place in the history of our district; and
3. Accept that all costs and actions relating to dismantling and removal of the Fishermen’s Hall and the repurposing of heritage items be subject to funding provisions within future budgets, 2019-20 onwards.

Based on this Council decision, the CEO was unable to lease the Fishermen’s Hall, however, the CEO gave permission for the Irwin District Historical Society to present to Council the DPFA proposal at the 24 September 2019 Ordinary Council Meeting before any formal voting occurred at that meeting.

11. In accordance with Council policies, why was there no engagement with major stakeholders in this project, in particular IDHS and DPFA?

Response: Major stakeholders had the opportunity to engage at the consultation sessions held in December 2018. The CEO and the Shire President were in continuous discussion with IDHS throughout the process.

12. How will Council engage with the electors in future if a previous engagement with the community on this subject has not been taken into account, in particular the 2016 Foreshore development plan consultation has been ignored?

Response: Council will engage with electors in the future in accordance with better practice. The Shire was unsuccessful with funding for the 2016 Foreshore Development Plan. Council is currently reviewing the Foreshore Masterplan with the view of significantly reducing the overall project costs and redesigning the foreshore masterplan into packages that are more likely to attract funding.

Responses to questions submitted by Mr John Rossiter:

1. Under the Shire of Irwin Municipal Inventory of Heritage Places, listed as category 2 are Bond/Fishermans Hall, Topsy McIntyres house, 2nd jetty pylons, Cypress Holme, WA Bank & quarters, Toko’s Restaurant & Downes Cottage. Why were the demolition of Toko’s Restaurant & Topsy McIntyres House rejected and the Bond Store demolished?

Response: The sites of Toko’s Restaurant and Topsy McIntyre’s House are on private property and not under the control / management of the Shire.

2. Under what criteria, except council resolutions, was the demolition of the Bond Store allowed to proceed?

Response: The remnants of the historically significant Bond Store timbers were dismantled and not demolished. The remnants of the historically significant Bond Store timbers were located inside the Fishermen’s Hall. The Fishermen’s Hall (Place Record No. 70 and formerly No. 72) was downgraded from a Management Category 2 to a 3 during the 2017 heritage review owing to “diminished heritage value” as a result of the progressive removal and modification to the historically significant Bond Store timbers over the past 100 years. The criteria of Council was to preserve the heritage significance by removing and storing historically significant timbers and other heritage items for the potential future use in the Shire that will reflect the full (~125 year) history of the Bond Store and its place in the history of our district.

3. With the Bond Store and 2nd jetty pylons historically connected, are the pylons next on the wrecking ball’s agenda?

Response: No.

Response to question submitted by Mr Peter Nunn:

1. Why was the demolition of the Port Denison Fisherman’s Hall given such a high priority after the budget approval when other more critical items have been waiting for a long time, and was the demolition prioritised by the shire president?

Response: The dismantling of the Bond Store component of Fishermen’s Hall was not given high priority as the Council decision was made 26 February 2019. Council were going to dismantle the Bond Store component of Fishermen’s Hall immediately after the 26 February 2019 decision, but a Councillor moved an amended motion that was supported by Council to delay the dismantling until 2019-20 budget approval or onwards.

The dismantling activity was not prioritised by the Shire President.

Responses to questions submitted by the Irwin Districts Historical Society Inc:

Protection Order for Denison Hall

1. When was the Shire first advised by the Heritage Council that it had received a request for a Protection Order over Denison Hall?

Response: The Shire was first formally advised by the Heritage Council 9 October 2019. The Shire did initiate conversation with the Heritage Council prior to this time to understand an email that it had received from the IDHS regarding a protection order.

2. What responses did the Shire provide to the Heritage Council concerning the Protection Order request?

Response: The Shire was not required to provide a response to the Heritage Council concerning the Protection Order request.

3. Did the Shire understand it had the Heritage Council’s support to commence demolition of the Hall before it was notified of the Heritage Council’s formal decision about midday on 11 October that a Protection Order was not warranted? If it did have that understanding, how was this conveyed by the Heritage Council to the Shire?

Response: Yes, confirmed via email on the 9 October 2019. An agreement was reached between the Heritage Council and the Shire that the additions to the 1894 Bond Store could be demolished prior to the Heritage Council meeting 11 October 2019 and the dismantling of the Bond Store could continue after this meeting should the Heritage Council not uphold the Protection Order.

4. When the Heritage Council did advise the Shire of its formal decision on the Protection Order request, did it also request or advise the Shire that it should provide more time for options other than demolition to be explored?

Response: The Heritage Council respectfully thanked the Shire for deferring the dismantling work of the Bond Store until it had held its meeting Friday 11 October to consider the Protection Order request. At the Heritage Council meeting, Council resolved that a Protection Order for Fishermen’s Hall and its surrounds was not warranted. The Council encouraged the Shire to give further consideration to the Eastman Poletti Sherwood report, which the Shire will do as part of the Foreshore Masterplan development work.

5. Did the Shire consult with the Heritage Council at any stage in its processes of making its foreshore plans over the past few years, and if it did, what were the Heritage Council’s responses?

Response: The Shire did not consult/refer the concept or master plans to the Heritage Council of Western Australia (HCWA). Referral to HCWA for the master planning process was not required due to no works affecting State Heritage listed place being triggered by this master planning process. The Shire was aware of the potential future requirements relating to the Obelisk site with HCWA.

Local heritage management and Denison Hall

6. What sources of heritage advice and information about Denison Hall did the Shire receive before the February decision to demolish Denison Hall, and was this advice made available to all councillors?

Response: The sources of heritage advice and information is contained in the agenda report of the 26 February 2019 Ordinary Council Agenda which is provided to Councillors for consideration and readily available to the public prior to the meeting being held.

7. Why did the Shire allow its heritage advisory committee and its heritage advisory service to lapse in early 2017, and what is proposed to replace these bodies?

Response: The Committee was disbanded at the 28 November 2017 OCM with the following excerpt from the Officer’s Comment in the agenda report: “The Heritage Advisory Committee has had little reason to meet over the last couple of years, with their main task to assess Heritage Award nominations. Due to lack of support for the Awards program it is proposed that it be run biannually.” There is a current plan to replace these bodies.

8. Why did the Shire remove the Heritage List from Planning Scheme No 5, and when and by whom was approval to do so given by the State government?

Response: Subsequent changes with the town planning regulations from Town Planning Scheme No 4 to Local Planning Scheme No 5 resulted in changes to how local heritage places were listed and managed administratively. Previously a heritage list would be contained within the Scheme. This however required a lengthy scheme amendment process for every minor change to this list. The new planning regulations, which came into effect with the development

of the Shire’s Local Planning Scheme No 5, removed the need for a heritage list to be contained within the Scheme and for local governments to instead establish and maintain a heritage list separate to the Scheme. For any changes it would then only require a Council resolution allowing the list to be more fluid and relevant.

The Shire retained the heritage list from Town Planning Scheme No 4 to refer to for development proposals along with the Municipal Inventory. In 2016 to 2019 the Shire carried out a review of the Municipal Inventory, with the purpose of updating the content for the revised Heritage List for Local Planning Scheme No 5.

Expert report on Denison Hall

9. What conclusions did the Shire draw from the expert findings of the Sherwood Report regarding Denison Hall and its surrounds, and was the full report made available to councillors when it was received?

Response: The report was provided to Councillors the next day after it been received, which was 25 June 2019. As stated in the report “There are eight former Bond Stores listed on the Heritage Council database, of which only two (one being the Fisherman’s Hall) are not listed on the State Register of Heritage Places. This is indicative of the rarity of these places and the importance with which they are viewed in the context of the overall heritage of the state. That ***the Port Denison Bond Store is not listed on the State Register is likely due to its low integrity resulting from the changes that have been made over time.***” and “the overall form and structure of the original Bond Store building and the materials used ***are not unique.*** They are typical of many buildings of a similar nature built across the state” and “The building fabric associated with the more recent alterations and recladding of the building has no real significance. Similarly, the building fabric from the 1930s re-purposing (shaded green) has been so compromised as to reduce any significance it may have been afforded.” and “Internally other than the posts and trusses there is little that is identifiable of the original Bond Store building fabric ... all finishes are otherwise from the use of the place as a community centre and fisherman’s hall and have no real significance.”

Demolition of Denison Hall

10. Did the Shire have a validly made demolition order for Denison Hall from the time it commenced demolition on the morning of 10 October, and if so, who gave the approval, and did it include any provisions for an archaeological watch during demolition or any site interpretation after demolition?

Response: The Shire had a valid Demolition Permit (#5383) issued on the 9 October 2019. The Shire has received no requests for archaeological work post the dismantling of the Bond Store component of Fishermen’s Hall.

11. What proportion of the \$30,000 budgeted for demolition of Denison Hall in the 2019-2020 budget was spent on the demolition, and if more than the budgeted amount was spent, from what parts of the budget were those funds drawn?

Response: \$30,000 for the contract to dismantle the hall.

12. From what part of the 2019-2020 budget was the cost of private security guards patrolling the Hall site between 9 and 15 October paid, and what was the total cost of the private security?

Response: Due to unruly/unlawful acts from some members of the public, the Shire had to authorize security for the protection of its staff, contractors and property. The Shire has not received the invoice at this time.

13. Where are the timbers removed from the Hall site now stored, what condition are they in, what is the ongoing cost of their maintenance and storage, and from which parts of the 2019-2020 budget are those costs being drawn?

Response: The timbers are stored at the Shire Depot at no cost to the rate payer. The timbers have been placed in a dry storage location, raised off the ground and bundled together to prevent any warping.

Future of Denison Hall site and surrounds

14. What does the Shire propose to do with the now vacant Denison Hall site? Does it involve the sale or any sort of lease or licence of the property to any other party?

Response: The vacant site does not involve the sale or any sort of lease or license of the property to any other party. In terms of use of the vacant site, the Shire will recommence the development of the Foreshore Masterplan with Council and then commence a consultation process with the community.

15. Can the Shire give any assurances that it does not intend to try and remove or relocate the 1867 jetty ruins, and does not intend to remove any of the Moreton Bay and Port Jackson fig trees in the foreshore reserve or beside Samuel Street and Albatross Lane?

Response: The Shire has no plans to remove or relocate the 1867 jetty ruins, and does not intend to remove any of the Moreton Bay and Port Jackson fig trees in the foreshore reserve or beside Samuel Street and Albatross Lane.

The Shire President invited any questions relating to the responses just read out.

- John Rossiter: Why were these questions not responded to at the special meeting of electors?

Response from the CEO: It took a reasonable amount of time and resources to compose the responses to the (31) questions (submitted a few days before the meeting).

Toward the end of question time, the CEO provided Mr Rossiter further clarification: it was also indicated at the Special Meeting of Electors, by the Shire President, that the written questions would be processed as normal business, as the written questions were no longer relevant due to the subject matter in the petition no longer in existence.

The Shire President invited any other general business questions from the gallery.

- Steph Bligh-Lee, Francisco Road: Are there any plans to close Francisco Road? The bottom part is in disrepair and it’s a concern, especially with the bus stop.

Response from the CEO: There are no plans to close the road. It is a Main Roads road reserve and the Shire have had lengthy conversations with Main Roads to seal the bottom part but Main Roads don’t have the funding, therefore it will need to form part of future budget considerations by Council.

Ms Bligh-Lee requested that the Shire seal the whole road.

- Rosie Murray, Ocean Drive: Can I please have clarification with the dog exercise area map that is out for comment? Will Grannies Beach & the Surf Club / Starfish Café be no dog zones as both the Starfish Café & the Green Beanie quite often have customers with their dogs on leads.

Also with the potential dog park area near Reeve Terrace, it is a beautiful area that could be maintained as a park for families. Why does this area have to be made a dog park?

Response from the Shire President: Council are currently reviewing all playgrounds and locations as the cost of maintenance is very high. Therefore, Council needs to prioritise playgrounds and their locations.

Response from Manager Regulatory Services: At Grannies Beach, it is proposed that dogs on leads are allowed on the footpath for transit purposes, however the lawn areas either side of the

footpath is proposed to be a no dog zone. For the Starfish Café, the areas from the café to the beach require dogs to be on leads for transit purposes and the red areas on the lawn and near the café are a no dog zone.

- John Rossiter: Kellie Wilson asked if the old bus stop could be used elsewhere. John wrote to Kellie suggesting that it could be placed in front of the drive in for shelter and advertising and there is no seat in this area.

The Shire President *took this question on notice*.

5. CLOSURE

There being no further business, the Shire President closed the meeting at 5.52pm.