



MINUTES

of the

Special Electors' Meeting

held

Monday 11 November 2019

in the

Council Chambers
11-13 Waldeck Street, Dongara

I certify that this copy of the Minutes is a true and correct record of the meeting held on 11 November 2019

Signed:
Presiding Elected Member

Date:

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SPECIAL ELECTORS’ MEETING

held

Monday 11 November 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 I Scott	
Councillor H M Wells	
Councillor I F West	

Employees

Mr S D Ivers	Chief Executive Officer
Mrs D K Chandler	Governance & Executive Coordinator

Apologies

Councillor M Leonard
L Sunderland

Electors and Members of the Public (Non electors)

Electors

J N Arden, L C Baskerville, M Bau, J A Birdling, M J Butcher, L K Butler, R T Cail, W H Campbell, G S Cole, J Cole, L J Cole, B J Crofts, I H De Baugy, B Fitzhardinge, J B Fitzhardinge, K M Halden, C A Hope, M Laycock, J C McMahan, H N Money, J M Money, R J Murray, J N Nunn, P B Nunn, G R Parker, P M Parker, P Parker, M J Peacock, D L Philipps, J L Rossiter, D E Turnock, P A Warnock.

Non Electors

G Grundy, B Baskerville.

3. REQUEST FOR SPECIAL MEETING OF ELECTORS – BUSINESS TO BE DISCUSSED

The Shire President addressed all those in attendance by firstly, outlining the purpose of the meeting and the procedures to follow:

The purpose of this meeting is for the Electors to generate a motion for the matter listed on Form 1 of the petition, which must be supported by a simple majority vote. A motion supported by a simple

majority vote will then go to the November 2019 Ordinary Council Meeting for Council consideration. Any decisions made at a Special Electors' Meeting are not binding on the Council.

In accordance with sections 5.28 and 5.29 of the Local Government Act 1995, this Special Meeting for Electors is being held as a result of a petition received on 8 October 2019 containing 271 elector's signatures.

In terms of the meeting procedure, please note the following:

1. Elector Registration - in order to be able to ask a question, move and second a motion and vote, all electors in attendance must be on the current Shire of Irwin Electoral Roll so please ensure you have your name marked off the roll.
2. Questions from Electors - Only questions relating to the business item on the agenda will be accepted. I will ask for a show of hands, allow two questions from each elector, move on to the next elector and if there is enough time, go back to the first person should they wish to ask another question. When asking a question please stand up, state your name and address before asking your question.
3. Voting - With regards to voting on a motion, only electors on the electoral roll are entitled to vote. I will only accept motions on matters listed on the agenda and motions from the floor will be accepted at Item 5 of the Agenda. The mover may speak for up to three minutes then the seconder will be invited to speak for up to three minutes. The Presiding Member will allow for speakers for and speakers against the motion and the mover will then have the right of reply. Voting will only take place after a motion that has been moved and seconded has been provided to the minute taker in full. The mover and seconder of a motion must state their name and address prior to moving or seconding a motion.
4. Rules of Conduct - All elected members and Shire of Irwin staff must abide by the Shire of Irwin's Code of Conduct. All members of the public must be fair and respectful before, during and after the meeting. The use of any electronic visual or vocal recording or transmitting device or instrument to record or transmit the proceedings of the meeting is prohibited.

Matter to be discussed - As per the petition received, the business to be discussed at this Special Electors' Meeting is "*to explain the proposal being developed by the Irwin District Historical Society (IDHS) and Dongara Professional Fishermen's Assoc. (DPFA). The intention being to return the appearance of the Hall to the original structure. The total cost of this work would be funded by the DPFA.*

Included in this refurbishment will be the creation of a Maritime Museum reflecting the historical uses such as a Bond Store, Community Hall, a Bank and over the past 50 years being the home of the DPFA. Over this long time the DPFA have been responsible for the upkeep of the building including a \$200,000 refurbishment. It is proposed that the museum would be operated by IDHS.

We wish to discuss the refusal by Council at the recent Council meeting to give sufficient time for the joint proposal for the future of the Hall by the IDHS and DPFA to be developed and urge the Council to re-consider this decision.

Finally, we wish to allow the public to express their views in regard to this proposal, as it is our view that the Council has not been willing to accept previous consultations, which overwhelmingly supported retention of this Historical building.”

The Shire President invited the CEO to comment on the agenda item.

The CEO stated that the matter to be discussed is no longer relevant due to the Hall being dismantled.

4. PUBLIC QUESTIONS

Before the Shire President invited questions from the gallery, he thanked the electors that provided written questions prior to the meeting. The Shire President explained that these written questions are no longer relevant to the subject matter on the Special Electors’ Meeting agenda, however they will be responded to in due course as normal business correspondence.

- 4.1. John Fitzhardinge, Point Leander Drive: 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?

Response from the Shire President: This question is no longer relevant, however as it was provided in writing prior to the meeting, it will be answered as normal business correspondence.

- 4.2. Jill McMahon, Morrissey Place: Can the CEO please explain as to which part of the petition is no longer relevant?

Response from the Shire President: The subject matter no longer exists, therefore questions relating to the hall are irrelevant.

- 4.3. Jill McMahon, Morrissey Place: Council hasn’t followed policies and processes, so why can’t the electors ask questions relating to the Hall?

Response from the Shire President: As the questions are no longer relevant to the item on this agenda, they can’t be responded to at this Special Electors’ Meeting, however they can be brought to an Ordinary Council Meeting. The written questions will be responded to as normal business correspondence.

- 4.4. Greg Cole, Wimpole Road: Since we can’t discuss the hall, why can’t we discuss the refusal of Council to consider the proposal?

Response: The Shire President did not accept the question as the subject matter no longer exists.

- 4.5. Peter Nunn, Brand Highway: Why did Council not discuss the proposal?

Response from the Shire President: Council have discussed it at several meetings. This question is no longer relevant.

- 4.6. Greg Cole, Wimpole Road: Was the hall demolished or dismantled for future use?

Response from the Shire President: The 1894 aspect of the hall was dismantled and Council will be workshopping the development of the foreshore. This process will include public consultation.

- 4.7. Linda Cole, Wimpole Road: Will Council have more consultation regarding the Bond Store re-establishment?

Response from the Shire President: Yes.

- 4.8. Hugh Campbell, Brand Highway: Why were we told at the December meeting that the hall wouldn't be demolished?

Response: The Shire President did not accept the question.

- 4.9. Peter Nunn, Brand Highway: Can I look at the plans that were available at the consultation sessions and can I have a date as to when responses to my written questions will be given in due course?

Response from the Shire President: Yes. Normal business response is 10 business days.

- 4.10. Trish Parker, Acacia Road: Can you expand on future consultation processes?

Response from the Shire President: Based on the 2016 foreshore plans, Council will workshop a new, financially achievable plan that will be presented to the community for consultation.

- 4.11. Margaret Peacock, Bygrave Drive: Will the idea put forward by the IDHS and DPFA be considered in future foreshore plans?

Response from the Shire President: Yes, we have been working with the IDHS previously.

- 4.12. Margaret Peacock, Bygrave Drive: So, there is a chance that there will be a museum at the foreshore?

Response from the Shire President: Yes, or some aspect of a museum.

- 4.13. Rosie Murray, Ocean Drive: Is it possible for Council to communicate better with the community by using letter drops?

Response: The Shire President took this question on notice.

- 4.14. John Cole, Point Leander Drive: In relation to the petition, why wasn't this meeting held before the hall was dismantled?

Response from the Shire President: Council is under no statutory obligation to depart from the course of action approved by a Council resolution due to a Special Electors' meeting.

- 4.15. Linda Cole, Wimpole Road: When was the decision voted on to set the rushed date?

Response from the Shire President: There was no rushed date. This question was received in writing and will therefore be responded to as normal business correspondence.

- 4.16. John Fitzhardinge, Point Leander Drive: For the 26 February Ordinary Council Meeting, consultation data was put together by 2 members of staff. Why was it not published in the minutes and not questioned by Council?

Response from the Shire President: This question is no longer relevant, however as it was provided in writing prior to the meeting, it will be answered as normal business correspondence.

Due to disruption in the Chambers, the Shire President reiterated that these questions are no longer relevant to the subject matter on this agenda, however they will be responded to as normal business correspondence.

5. MOTIONS

The Shire President invited any motions from the gallery.

John Fitzhardinge, Point Leander Drive moved the following motion:

“That the meeting express their disappointment at the process pursued by the Irwin Shire Council during the recent demolition of the Bond Store or Fishermen’s Hall. In particular the following points that the Council have carried out and which are generally in contradiction of their own policies. In particular the following are the major points of disagreement:

- 1. The CEO and President’s refusal to have any meaningful dialogue with the key stakeholders in this project, IDHS and DPFA. This as are the other points against their own Community Engagement and Public Consultation Policy.*
- 2. The very disjointed consultation carried out over time with their electors was certainly not adequate for the making of a decision to demolish this 125 year old building. All the published public consultations strongly favoured the retention of the Hall in some form.*
- 3. Why was the only consultation seemingly used by Council in their deliberations an in house report prepared by two staff members, which was never peer reviewed or published in any form, it is really a secret report. This is again their own Policy, which requires a report to be independent. This report should have never been used in the process of making the final decision to rapidly demolish the Hall.*
- 4. The Council were in receipt of a correctly formatted Petition signed by 270 electors calling for a public meeting to be called to discuss the issue of the demolition of the Hall, however the council proceeded with the demolition before the meeting was called, which is certainly not democratic.*
- 5. The Council refused to explore the opportunity to have the Hall converted into a museum at no cost to the community, the work to be funded by DPFA.”*

The motion was seconded by Peter Nunn, Brand Highway.

The Shire President invited speakers for and against the motion, with John Fitzhardinge invited to close the debate.

6. VOTING

SPECIAL MEETING OF ELECTORS’ DECISION SEM011119:

MOVED: John Fitzhardinge

SECONDED: Peter Nunn

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- 1. The CEO and President’s refusal to have any meaningful dialogue with the key stakeholders in this project, IDHS and DPFA. This as are the other points against their own Community Engagement and Public Consultation Policy.**
- 2. The very disjointed consultation carried out over time with their electors was certainly not adequate for the making of a decision to demolish this 125 year old building. All the published public consultations strongly favoured the retention of the Hall in some form.**
- 3. Why was the only consultation seemingly used by Council in their deliberations an in house report prepared by two staff members, which was never peer reviewed or published in any form, it is really a secret report. This is again their own Policy, which requires a report to be independent. This report should have never been used in the process of making the final decision to rapidly demolish the Hall.**
- 4. The Council were in receipt of a correctly formatted Petition signed by 270 electors calling for a public meeting to be called to discuss the issue of the demolition of the Hall, however the council proceeded with the demolition before the meeting was called, which is certainly not democratic.**
- 5. The Council refused to explore the opportunity to have the Hall converted into a museum at no cost to the community, the work to be funded by DPFA.**

VOTING DETAILS:

Carried 31/1

7. CLOSURE

Before closing the meeting, the Shire President reminded all in attendance that a decision made at a Special Electors’ Meeting is not binding on the Council, but is required to be considered by Council.

The Shire President closed the meeting at 5.38pm.