

Special Council Minutes Index – 19 September 2019

Subject	Page No
Acknowledgment of Country	2
Attendance, Apologies & Leave of Absence	2
Attendance of Gallery	2
Public Question Time	2
Petitions/Deputations/Presentations	2
Comments on Agenda Items by Parties with an Interest	2
Notification of Disclosures of Interest	2
Business Items	3
SpC.01/0919 Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update – Greenbushes Mill Nomination.....	3
Matters Behind Closed Doors	11
Closure	11
List of Attachments	11

unconfirmed minutes

Minutes of a Special Meeting of Council held on Thursday, 19 September 2019 in the Council Chambers Bridgetown, commencing at 5.30pm, called for the purpose of:

1. Consideration of a request by the owners of the Whittakers Timber Mill to cease or defer consideration of the nomination of that site for inclusion in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory.

The Presiding Member opened the Meeting at 5.30pm

Acknowledgment of Country – Presiding Member

On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.

Attendance, Apologies and Leave of Absence

President	- Cr A Pratico
Councillors	- J Bookless
	- J Boyle
	- D Mackman
	- J Moore
	- J Nicholas
	- P Scallan
	- A Wilson
In Attendance	- T Clynch, CEO
	- M Larkworthy, Executive Manager Corporate Services
	- G Arlandoo, Executive Manager Development & Infrastructure
	- T Lockley, Executive Assistant

Attendance of Gallery

T Amonini, T Richardson

Public Question Time - Nil

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest

T Richardson – SpC.01/0919 - Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update – Greenbushes Mill Nomination

Mr Richardson spoke against the officer recommendation

Notification of Disclosures of Interest

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

Name	Cr Scallan
Type of Interest	Impartiality
Item No.	SpC.01/0919 Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update – Greenbushes Mill Nomination
Nature of Interest	I signed the nomination of behalf of the Greenbushes Grow Group

Business Items

Cr Scallan declared an Impartiality Interest in Item SpC.01/0919 as he signed the nomination on behalf of the Greenbushes Grow Group. Cr Scallan stated that as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Scallan declared that he would consider the matter on its merits and vote accordingly.

ITEM NO.	SpC.01/0919	FILE REF.	023
SUBJECT	Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update – Greenbushes Mill Nomination		
OFFICER	Chief Executive Officer and Manager Planning		
DATE OF REPORT	16 September 2019		

Attachment 1 Draft Place Record - Greenbushes Mill
Attachment 2 information Sheet - Municipal Heritage Inventory Update

OFFICER RECOMMENDATION: That Council cease consideration for nomination of the Greenbushes Mill for inclusion in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update, and directs the Chief Executive Officer to liaise with relevant landowner when undertaking a subsequent review or update to the Municipal Heritage Inventory.

Summary/Purpose

To consider ceasing or deferring consideration for nomination of the Greenbushes Mill as part of the Municipal Heritage Inventory Update. Given the background to this matter it is recommended that Council cease consideration for nomination of the Greenbushes Mill for inclusion in the Municipal Heritage Inventory Update at this time, and directs the Chief Executive Officer to liaise with the relevant landowner when undertaking a subsequent review or update to the Municipal Heritage Inventory.

Background

As background, a comprehensive review of the current 99 places in the Shire's Municipal Heritage Inventory (MHI) was undertaken and following public consultation period the final MHI was presented to Council in March 2018 whereby Council resolved:

"C.13/0318 That Council:

- 1. Notes the submissions received, as per Attachment 2, and the staff responses in the Schedule of Submissions, as per Attachment 3.*
- 2. Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015 and the Heritage of Western Australia Act 1990, adopts the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review 2018, subject to the modifications highlighted in the Schedule of Submissions plus the following:*
 - a) For Place Record B30 St Brigid's Roman Catholic Church, Convent of Mercy and School (Hall), Bridgetown, the Physical Description and Historical Notes be updated referencing the recent re-roofing of the Parish school hall and a new photo in Attachment 3 be added.*
 - b) For Place Record B40 Old Cider Factory the Gordon Holdsworth sketch in Attachment 3 be added.*
 - c) For Place Record R19 Brooklyn School the new photograph in Attachment 3 be added.*
 - d) For Place Record R22 [Peninsula] House the Historical Notes be corrected to confirm that the current owners bought the property in 2004, and not 2007.*
- 3. Grants delegated authority to the Chief Executive Officer to make minor corrections or updates to approved place records when appropriate in light of new information, however any significant changes such as changes to management categories or deletion of places will require Council approval.*
- 4. Directs the Chief Executive Officer to commence assessment of new nominations as part of the ongoing review of the Municipal Heritage Inventory, with new place records to be presented to future meetings of Council for preliminary consideration."*

A supplementary report was presented to Council in April 2018 whereby Council resolved:

"C.05/0418 That Council, noting the original submission from the Department of Biodiversity, Conservation and Attractions as per Attachment 6, supports modification of the Management Category from B to C for Place Record R21 Grevillea Fire Tower, with the adopted Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Review (2018) to be updated."

As reported to Council in July 2019, following adoption of the MHI Review, Shire staff continued to assess the cultural heritage significance of other places previously nominated by Council, Shire staff or the public, and in consultation with affected landowners where practical. Pursuant to the Shire's Assessment of Cultural Heritage Significance Policy, with oversight from heritage consultant Greenward Consulting, an assessment and draft place records were prepared for 28 new

places, including the Whittakers Mill, named as the Greenbushes Mill in the draft place record.

The 28 new draft place records were presented to Council in July 2019 whereby Council resolved:

“C.08/0719 That Council adopt the 28 draft place records for updating of the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory, as per Attachment 6, and directs the Chief Executive Officer to undertake public advertising including direct consultation with landowners of recognised places, with a subsequent report to be presented to a future meeting of Council.”

The public advertising period commenced on 4 September 2019 with correspondence sent directly to landowners of all affected properties (excluding Shire owned nominated properties) including Blueleaf Corporation Ltd as owners of the Whittakers Mill property. The public advertising period is still in process, with the closing date for written submissions being 3 October 2019. Correspondence was also sent to the Greenbushes Golf Club and Bridgetown Historical Society (as tenants of Shire land), plus the Department of Planning, Lands and Heritage.

Cr Pratico, Shire President and Tim Clynch, Chief Executive Officer last week had telephone conversations with Mr Trevor Richardson of Blueleaf Corporation Pty Ltd, with Mr Richardson raising concerns that the proposed nomination of the Greenbushes Mill for inclusion in the MHI could potentially interfere with the current negotiations the owners are having with a company to purchase the site and potentially continue milling operations. The owner has requested that the proposed nomination be overturned, and the Shire President has called the Special Meeting to consider that the proposed nomination be either ceased or deferred.

Councillors will be aware that in April 2019, “Brickworks” the parent company of Auswest made the following announcement to the Australian Stock Exchange:

Despite significant restructuring initiatives, Auswest hardwood operations, based in Greenbushes (Western Australia) and East Gippsland (Victoria) have delivered unsatisfactory returns on invested capital. These businesses are faced with a number of structural challenges, and require significant investment in plant and equipment to materially improve performance. Following the strategic review, Brickworks has determined that further investment in these assets is not justified, given other capital priorities across the Group. Brickworks is now focussed on realising the maximum value possible from these assets, through an orderly exit, including the initiation of a sale process. As a result, these assets have been reclassified as held for sale, and are not reported in underlying continuing operations. On the reclassification, an after-tax impairment of \$30 million to Auswest Timbers hardwood assets was recorded. This comprises an impairment of \$15 million to the carrying value of inventory and an impairment of \$15 million to buildings, plant and equipment.”

Although not privy to any commercial dealings Brickworks may have been having with prospective purchasers until last week the Shire was unaware of any significant interest being expressed by prospective purchasers of the mill. Noting that at its peak operations there was over 200 employees at the mill site (now more likely to be between 100 and 150) plus many indirect jobs (fallers, truck drivers, etc.) the closure of the mill will have a very significant economic impact locally not to mention the devastation that can occur to individuals when losing their employment.

A copy of the draft place record is available in Attachment 1. The subject landholding consists of Lots 5, 6, 7 and 8 Greenbushes-Grimwade Road, North Greenbushes (on Deposited Plan 54240). The draft place record listed only Lot 5, with Lots 6, 7 and 8 unintentionally omitted. The intended nomination is to recognise all four Lots 5 to 8 upon which the Greenbushes Mill is understood to have operated since the 1950s.

As detailed in the MHI Update - Information Sheet (see Attachment 2) provided to Blueleaf Corporation, and further explained in correspondence dated 10 September 2019, places with an Exceptional or High Level of Significance and respective management categories of A and B are intended to form the Shire's statutory Heritage List under Town Planning Scheme No. 4 (and any subsequent Local Planning Scheme). The MHI document itself is a strategic policy document as required under the new Heritage Act 2018 and in time will be renamed a Local Heritage Survey, recognising current or former places having cultural heritage significance.

The Greenbushes Mill has been assessed as having a Medium Level of Significance, described in the Shire's Policy as *"Moderate contribution to the heritage of the locality. The built fabric helps to illustrate an important aspect of the area's history, but it is not a rare or key representative example of its type."*

Management Category C has been proposed for the Greenbushes Mill with the desired outcome being *"Conservation of the place is desirable but not essential. Development proposals should reinforce the significance of the place, and original fabric should be retained wherever feasible. Record important elements prior to redevelopment or demolition, recognise and interpret if possible."*

Most importantly the Greenbushes Mill place record states that the Medium Level of Significance primarily relates to the continued use as a timber mill since 1950, and recognises the significant physical changes over time with limited extant historic fabric.

Mr Richardson from Blueleaf Corporation has stated verbally in a conversation with Shire staff that the place record information is inaccurate, advising that the dwelling on Lot 7 served the owners/operators of the original dairy on the property and was used by Whittakers Mill as a temporary site office for a short period; Lot 7 was used for processing and storage of woodchips by a separate company for a number of years only; and Lot 8 was used by Whittakers intermittently for storage of processed timber.

The Shire's Assessment of Cultural Heritage Significance Policy includes other levels of significance being Exceptional, High and Low, with the Low category and corresponding Management Category D applicable to sites with little historic fabric, and there is potential that upon further assessment that the Level of Significance for Greenbushes Mill could be dropped to Low, with a corresponding Management Category D.

In response to concerns raised by the owners of the property regarding development potential of the property, the Shire confirmed in writing that Lots 5, 6, 7 and 8 are zoned Industrial under the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 4 (TPS4). A Sawmill is listed as Permitted use within the Industrial Zone under Table 1 - Zoning Table of TPS4, subject to compliance with relevant legislation and regulations. Table 1 – Zoning Table lists a range of industrial and commercial uses, plus public utility and telecommunications infrastructure, possible within the Industrial zone. Without prejudice, Shire staff are of the view that should the MHI nomination be adopted by Council the proposed Management Category C would not detrimentally impact the current or future use/development of the site.

There are four options available to Council listed below:

1. Continue with the current MHI nomination process and consider any written submissions in presenting all 28 draft records back to Council in either October or November 2019 following the closure of public advertising.
2. Give in-principle support to lower the Level of Significance to Low and corresponding Management Category D for the Greenbushes Mill, recognising that the cultural heritage significance relates to the site only.
3. Defer consideration of the proposed nomination of the Greenbushes Mill pending the potential sale of the property, to then enable consultation with the new landowners and future consideration by Council.
4. Cease nomination of the Greenbushes Mill for inclusion in the MHI Update, and directs the Chief Executive Officer to liaise with the relevant landowner when undertaking a subsequent review to the Municipal Heritage Inventory.

Whilst Council could resolve to continue with the proposed nomination process and receive written feedback from the landowner, Council may wish to be mindful of the urgency of this matter and the important economic implications should the proposed purchase of the site be stalled or fail due to the proposed nomination.

Noting the above, it is recommended that Council cease the process for nomination of the Greenbushes Mill for inclusion in the Municipal Heritage Inventory at this time, and instead directs the Chief Executive Officer to liaise with the relevant landowner when undertaking a subsequent review or update to the Municipal Heritage Inventory.

Statutory Environment

- Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and Town Planning Scheme No. 4

The Municipal Heritage Inventory sits outside of the Shire's operative local planning schemes however amendments to both schemes may be necessary to improve the statutory recognition and protection of important heritage places, notwithstanding the Deemed Provisions in the Local Planning Scheme Regulations 2015 discussed below.

- Planning and Development (Local Planning Scheme) Regulations 2015

The Local Planning Scheme Regulations 2015 provide statutory power under local planning schemes to protect places of recognised cultural heritage significance, to reference a Local Heritage List and to designate Heritage Areas (or precincts). The Greenbushes Mill has been nominated with a Medium level of Significance and corresponding Management Category C and is not proposed to form part of the statutory heritage list under Town Planning Scheme No. 4.

- Heritage Act 2018

As of 1 July 2019, the *Heritage of Western Australia Act 1990* was replaced by the *Heritage Act 2018* and pursuant to Part 8 a Municipal Heritage Inventory is now known as a Local Heritage Survey.

s.103 Local heritage survey

(1) *A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance.*

(2) *In preparing, or reviewing and updating, a local heritage survey, a local government must have regard to –*

- (a) *the purposes set out in section 104; and*
- (b) *guidelines published under section 105.*

(3) *Nothing in subsection (2) –*

- (a) *derogates from the duty of the local government to exercise its discretion in a particular case; or*
- (b) *precludes the local government from taking into account matters not set out in the guidelines.*

(4) *After preparing a local heritage survey, or reviewing and updating, a local heritage survey, a local government must –*

- (a) *provide the Council with a copy of the local heritage survey; and*
- (b) *make the local heritage survey available to the public*

s.104 Purposes of local heritage survey

The purposes of a local heritage survey by a local government include –

- (a) *identifying and recording places that are, or may become, of cultural heritage significance in its district; and*
- (b) *assisting the local government in making and implementing decisions that are in harmony with cultural heritage values; and*
- (c) *providing a cultural and historical record of its district; and*
- (d) *providing an accessible public record of places of cultural heritage significance to its district; and*
- (e) *assisting the local government in preparing a heritage list or list of heritage areas under a local planning scheme.*

s.105 Guidelines for local heritage surveys

(1) *The Council must issue guidelines about the preparation, review and periodic updating of local heritage surveys, including guidelines about the following –*

- (a) *criteria for the inclusion of places in the survey;*

- (b) *assessment processes;*
- (c) *processes for consultation with interested parties and with the public;*
- (d) *processes for reviewing and updating the survey, and the frequency of reviews;*
- (e) *processes and mechanisms for making surveys available to the public;*
- (f) *any other matter the Council considers appropriate.*

(2) *The guidelines must be published in the prescribed way.*

(3) *The Council may amend or revoke the guidelines.*

(4) *An amendment or revocation under subsection (3) must be published in the prescribed way.*

(5) *The guidelines are not subsidiary for the purposes of the Interpretation Act 1984.”*

The process for assessment, nomination and ultimate adoption or otherwise of the place record for the Greenbushes Mill for inclusion in the MHI Update complies with the Heritage Act 2018.

- Local Government Act

Revocation of Resolution C.13/0318 isn't required as that resolution has been actioned in accordance with the directions contained in that resolution.

Policy Implications

- Shire of Bridgetown-Greenbushes Municipal Heritage Inventory

This report relates to the potential cessation or deferral of the proposed nomination of the Greenbushes Mill for inclusion in the MHI Update.

- Assessment of Cultural Heritage Significance Policy

The Assessment Cultural Heritage Significance Policy TP.26, adopted by Council in August 2016, has been used to assess the Level of Significance of the nominated Greenbushes Mill according to assessment criteria and allocation of the recommended Management Category C reflecting the desired outcomes for each place. Council has the power to retain, raise or lower the recommended Level of Significance and Management Category, in consultation with the landowner.

- State Planning Policy 3.5 Historic Heritage Conservation

SPP 3.5 sets out the principles and sound responsible planning for the conservation and protection of Western Australia's historic heritage. Due regard has been given to the content of SPP3.5 in undertaking the MHI Update.

Integrated Planning

- Strategic Community Plan
Key Goal 1 – Our Economy will be Strong, Diverse and Resilient
Objective 1.2 A proactive approach to business development
Strategy 1.2.1 Embrace a “can do” approach to development

Key Goal 3: Our built environment is maintained, protected and enhanced
Objective 3.1 Maintained townsite heritage and character
Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities
Strategy 3.1.3 Work with community to identify and implement projects that promote the unique heritage and history of each town
- Corporate Business Plan
Objective 3.1 Maintained townsite heritage and character
Strategy 3.1.1 Ensure relevant policies and plans offer appropriate protection to existing heritage character whilst still allowing appropriate development opportunities
Action 3.1.1.1 Prepare a new Municipal Heritage Inventory.
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Budget Implications - Nil

Fiscal Equity – Not applicable

Whole of Life Accounting – Not applicable

Social Equity – Not applicable

Ecological Equity – Not applicable

Cultural Equity

Ultimately adoption of the nomination and place record for the Greenbushes Mill will improve identification of the cultural heritage significance of the place, albeit with little extant fabric worthy of protection.

Risk Management - Not applicable

Continuous Improvement

Liaison between the landowners and Shire elected members and staff has prompted this report and assisted consideration of the relevant issues.

Delegated Authority - Nil

Voting Requirements – Simple Majority

Moved Cr Wilson, Seconded Cr Moore

That Council cease consideration for nomination of the Greenbushes Mill for inclusion in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update, and directs the Chief Executive Officer to liaise with relevant landowner when undertaking a subsequent review or update to the Municipal Heritage Inventory.

Amendment Moved Cr Wilson, Seconded Cr Bookless

Remove “and directs the Chief Executive Officer to liaise with relevant landowner when undertaking a subsequent review or update to the Municipal Heritage Inventory.”

Carried 8/0

The Amended Motion becomes the Substantive Motion – the Motion was Put

Council Decision Moved Cr Wilson, Seconded Cr Moore

SpC.01/0919 That Council cease consideration for nomination of the Greenbushes Mill for inclusion in the Shire of Bridgetown-Greenbushes Municipal Heritage Inventory Update.

Carried 8/0


Matters Behind Closed Doors (Confidential Items) - Nil

Closure

The President closed the Meeting 5.45pm

List of Attachments

Attachment	Item No.	Details
1	SpC.01/0919	Draft Place Record - Greenbushes Mill
2	SpC.01/0919	Information Sheet - Municipal Heritage Inventory Update

Minutes checked and authorised by T Clynch, CEO		20.9.19
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As Presiding Member, I certify that the Minutes of the Special Council Meeting held 19 September 2019 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on 26 September 2019.

..... 26 September 2019