

Chief Executive Officer
Shire of Wyndham East Kimberley
PO Box 614
Kununurra 6743
mail@swek.wa.gov.au

Paul Cavanagh
PO Box 74
Wyndham 6740

14/06/2022

Dear Vernon,
Shire of Wyndham East Kimberley proposed Heritage List, 2022

I wish to make the following submission in respect to the Level of Significance proposed for the properties, owned by me, as listed below:

Lot 3 on DP 43166; Lot 4 on DP62465 and Lot 400 on DP 223234, 38 O'Donnell Street, Wyndham (Site of Wyndham Hotel)

Your Recommendation = 2; My Recommendation = 4

The Statement of Significance for this property refers to a building/s that no longer exists. The last building of any historical and/or cultural significance on this site was demolished in 1964.

The current building on the site, in no way complies with the significance requirements of a Level 2 or 3. I would strongly object to anything other than Significance Level 4 on this property.

Lot 1767 on DP 192452, 12-28 O'Donnell Street, Wyndham (Port Hospital - former)

Your Recommendation = 2; My Recommendation = 3

According to the Heritage Council's guidelines, Category 2 places must "exhibit a High degree of integrity / authenticity". The port Hospital (former) does not fulfil this requirement as it has undergone considerable alterations and modifications over time.

I strongly suggest that it fits the description of a Category 3 site, that being:

- Some altered or modified elements, not necessarily detracting from the overall significance of the item.
- Contributes to the heritage of the locality

Lot 1767 on DP 192452, 26 O'Donnell Street, Wyndham (Drovers Memorial)

Your Recommendation = 2; My Recommendation = Agree

Lots 395 and 396 on DP 223234, 34 O'Donnell Street, Wyndham (Site of CD&D Store & Truscott Shed)

Your Recommendation = 2; My Recommendation = 3

The store was demolished by council order in 2012. Only the shed remains. I strongly suggest it does not comply with a Category 2 rating.

Please contact me if you require any further information.

Yours Sincerely



Paul Cavanagh

Shire President
Mr David Menzel
Shire of Wyndham East Kimberley
PO Box 614
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mail@swek.wa.gov.au

Paul Cavanagh
PO Box 74
Wyndham 6740

11/04/2023

Dear David,

Re: Shire of Wyndham East Kimberley Heritage List

I wish to:

- **Object to the process undertaken** in determining the Level of Significance proposed for the Site of Wyndham Hotel - Lot 3 on DP 43166; Lot 4 on DP62465 and Lot 400 on DP 223234, 38 O'Donnell Street, Wyndham; and
- **Request a review of your decision Minute Number: 21/03/2023 - 118800**

I note that the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* require that local governments establish and maintain a heritage list to identify places that are of cultural heritage significance and worthy of built heritage conservation (s.8(1)).

1. Cultural Heritage Significance

The Shire has deemed that the site of the Wyndham Hotel is of 'Considerable (cultural) Significance' (Cat.2), based on the fact that it has "associations with all who passed through the port ... and the Swan Brewery who built the existing hotel" and the fact that "the hotel played an important role [in] social connections in the remote Kimberley".

- **Can the council explain how the above associations and connections make the site a "Rare or outstanding example" of this type of hotel (as per the 'Threshold for Inclusion in the heritage list Table 1', Heritage Council WA guidelines, shown below)?**

2 Threshold for inclusion in the heritage list

Table 1: Heritage significance and inclusion in the heritage list

Level of significance to local area	Category	Description	Heritage list
Exceptional significance	1	Essential to the heritage of the locality	All places included in heritage list
Considerable significance	2	Rare or outstanding example	All places included in heritage list
Some / Moderate significance	3	Very important to the heritage of the locality	Places may be included in the heritage list
Little significance	4	Contributes to the heritage of the locality	Below the threshold for the heritage list

(Ref: *Guidelines for Establishing a Heritage List, HCWA, March 2021, p.9*
<https://www.wa.gov.au/system/files/2022-03/Guidelines-for-establishing-a-heritage-list-mar2021.pdf>)

- **Can the council explain how this site's associations and connections are any different, or more important, to the associations and connections of the 6-Mile Hotel site (deemed Cat.3)**

2. Worthiness of Built Heritage Conservation

Further, in assessing my submission (regarding the site of the Wyndham Hotel) I believe that council has made an error of judgement in that, although it considered the "cultural heritage significance" of the site, it failed to consider and assess whether the "built heritage" is worthy of conservation.

Regardless of the importance in terms of the heritage of the locality, the Wyndham Hotel is not a "Rare or outstanding example" of a hotel, or an outback hotel or unique hotel of any kind, nor is the site rare or outstanding in this respect.

- **Can the council explain how (and in what way) the Hotel site is "worthy of built heritage conservation** irrespective of its current state of repair; ongoing requirements for conservation, care and maintenance; or economic worth." (Ref: *Guidelines for Establishing a Heritage List*, p.9)?

I suggest that the cultural heritage significance of the Wyndham Hotel would be better preserved and displayed by erecting informational signage at the site.

I am willing to erect such informational signage at the request of the Shire (but not design or produce it), IF the Cat 2 classification of the site is removed.

Please advise me of your actions in this matter at your earliest convenience.

Yours Sincerely



Paul Cavanagh

cc. Vernon Lawrence, CEO
Nick Kearns, Director Planning and Community Development



KIMBERLEY AGRICULTURAL INVESTMENT

Kimberley Agricultural Investment P/L
PO Box 2531 Kununurra WA 6743

Mr Vernon Lawrence
Chief Executive Officer
Shire Wyndham East Kimberley
Kununurra 6743 WA

9th May 2023

Dear Mr Lawrence,

RE: Local Heritage Survey 2023

The release of the Local Heritage Survey 2023 is notable for the change to the Levels of Significance attached to the various sites. These levels of significance are a move away from the previously adopted commentary around a site's assessed importance. Importantly these Levels of Significance carry with them obligations, hinderances or the ability for SWEK to fetter a property owner's ability to re develop a site.

The list contains very few sites with a level of significance of 1 or 2 which carry the major imposition to development. These were applied without, as far as can be determined, any approaches or consultation with the owners of the sites. The Country Club has been assessed as a 2 alongside many of the cemeteries within Wyndham and Kununurra suggesting that redevelopment is not an option.

It is also notable that reference is made in several of the sites listed as a 2 regarding the use of sites as backdrops to film or television productions. The clear, unambiguous message from SWEK is not to grant permission for sites to be used in the production of any fictional, broadly consumed media.

Clarity is sought from the Shire over the listing on the Country Club and particularly the significance level of 2:

- Why the site, effectively a workers camp, attracted a Level 2 the same as the local cemetery?
- What impact does that have on our ability to redevelop the site?
- Our ability to upgrade facilities and the cost imposition, in an already high cost of construction area, that will be imposed by SWEK.
- Our ability to maintain a competitive business in an already difficult region to operate a highly variable and seasonal business.
- The restrictions to upgrading or removing a building that is clearly old, tired and highly modified from original.

Your response to these queries would be appreciated.

Regards,

A handwritten signature in black ink, appearing to read 'Jim Engelke', written over a light blue horizontal line.

Jim Engelke
General Manager
Kimberley Agricultural Investment