

ESPERANCE TANKER JETTY

Grievance

MR P.J. RUNDLE (Roe) [9.33 am]: I feel that I would like the opportunity at some stage to respond to the member for Pilbara. However, my grievance is to the Minister for Heritage concerning the Esperance tanker jetty, an issue that was discussed with me by nearly every single person I met in Esperance during the election campaign. The Esperance tanker jetty is an iconic structure, steeped in history and cultural significance. It is a landmark within the community, and it is the subject of many personal memories for the residents of Esperance. The 81-year-old jetty is a great attraction for tourists. Many people visiting from Kalgoorlie share a strong connection with the jetty, particularly from their childhood. The jetty also has cultural significance from when it was used as the boundary of the town and Aboriginal people were not allowed beyond the jetty after curfew. In 2011, the Shire of Esperance council resolved that the existing tanker jetty was beyond its useful life and supported its complete replacement as a priority. Between 2011 and 2016, numerous assessments were undertaken on the jetty, and consequential reports delivered. Some maintenance work was undertaken, and the iconic jetty island was removed by the Southern Ports Authority in 2015. Unfortunately, these reports identified some serious structural defects, and, consequently, the local government made the decision to close the jetty to public access in December 2015. In February 2016, the Shire of Esperance council voted unanimously to demolish the Esperance tanker jetty and to seek designs and funding for a replacement jetty. It was determined that restoration was not a fiscally responsible decision due to the ongoing maintenance costs on a restored jetty versus a new structure. I disagree.

After this decision, groups of Esperance community residents began meeting informally to share their concerns that the decision to demolish the jetty was made without adequate consideration of alternative methods of restoration to extend the life of the jetty. These groups—The Jetty Group and the Friends of the Esperance Tanker Jetty Association—believed that there was a real possibility that the jetty could be restored in a sensible and economic way to reflect the intrinsic value of the jetty to the town and its heritage value. Passionate community members have worked tirelessly to identify restoration solutions as a genuine alternative to replacement, including funding an independent engineer’s report, in which a professional civil engineer with significant marine experience determined that the jetty could be restored. I believe that there is a solution that can restore this important landmark to its former glory. It has been done in South Australia, and similar techniques can be employed here. The Esperance tanker jetty is one of only three timber jetties remaining in Western Australia, and it is a tourism asset the local community is sorely missing. The Jetty Group and the Friends of the Esperance Tanker Jetty Association are active voices within the community, constantly advocating for restoration. The community spirit and the passion of these people is inspiring. The priority needs to be on reopening the jetty. Two tourist seasons have already passed in which tourists have not been able to access the jetty to walk along its great length and see the stunning scenery. A number of mobile food vans are based at the headland of the jetty and anecdotal evidence suggests that their businesses have suffered due to the closure of the jetty. In meeting with Esperance locals to discuss the jetty, it has become evident that the community is willing to donate maintenance funds should the original concept of the jetty be kept. This proves that the jetty is truly a community asset, valued by all.

In November 2016, after lobbying from the Esperance community, the then Minister for Heritage issued a 42-day stop-work order preventing the Shire of Esperance from demolishing the jetty. In December 2016, the then Minister for Heritage replaced this stop-work order with an ongoing conservation order. The Heritage Council’s press release of 20 December 2016 states —

The Conservation Order will remain in place until the —
Shire of Esperance develops —

... a fully-funded and detailed design for a jetty ... that is supported by the Heritage Council and that meets the needs ... of the local and wider Western Australian community.

With a change of government, there is some community concern that this condition may be amended. When in Esperance in April, the current Minister for Heritage spoke to *The Esperance Express* saying that he understood the structure’s future to be a difficult and long-term issue that needed a deeper look-in. *The Esperance Express* article of 12 April 2017 reports that the minister stated —

“I haven’t arrived at a decision at this stage ...

...

“Obviously I need to be satisfied that the jetty, and the integrity of the jetty, is subject to its potential of either being preserved in its state or indeed other options.

“From the community perspective, I understand very much that this is an issue that certainly garnishes a huge interest,” ...

“[There is] concern by many, many people in the community and ... there are differing points of view with regard to how we best acknowledge the heritage of this structure, so I’ll now have an opportunity to go away and talk to the heritage council.

“I recognise it can’t go on forever. There is going to need to be a decision made, and that decision needs to be based upon expert advice.”

The Esperance community and I are very interested to know the outcome of these discussions between the minister and the Heritage Council and to know whether the initial requirements put in place regarding the conservation order remain. The longer the jetty remains closed, the more the Esperance community misses out.

MR D.A. TEMPLEMAN (Mandurah — Minister for Heritage) [9.40 am]: I thank the member for Roe for his grievance this morning on a very important issue. I also acknowledge his election to this place; this is the first time I have had an opportunity publicly to do that. This is an important issue, not just for Esperance and the Esperance tanker jetty, but also for the ongoing heritage of Western Australia. As the member stated, the Esperance tanker jetty is one of only three remaining structures of its type in Western Australia. The other two are the Carnarvon jetty and the Busselton jetty. This is an important matter for the broader issue of heritage, but of course it has had significance for the people of Esperance, as has been highlighted, and the region over the past 81 years.

The background to this matter is that the Shire of Esperance has been responsible since 1990 for the care and maintenance of the jetty under a licence agreement with the Minister for Transport. This included a one-off payment by the state of \$150 000 for the ongoing maintenance of the structure. I understand that following receipt of the engineer’s structure report in 2011, the shire resolved to accept that the jetty was beyond its useful life and requested preparation for a business case for a new jetty based on community consultation. Discussions were held from 2011 about the state of the structure and the need to move forward. As the member for Roe knows, the first 80 metres of the jetty itself were removed in 2013 as part of the foreshore redevelopment project. I know that the former member for Roe was involved in progressing that redevelopment project. The metal gangway was fabricated to rejoin the jetty structure to the land to enable public access, but as the member highlighted, in February 2016 the shire resolved to demolish the jetty due to its deteriorating condition.

The jetty is a registered place under the Heritage of Western Australia Act 1990, so that automatically means that it needs to be referred to the Heritage Council for advice. Upon receipt of that notification from the shire, the Heritage Council obviously considered it and did not support the demolition of the jetty. In April 2016 the shire determined, consistent with section 11(3) of the heritage act, to proceed with the demolition as there was no feasible and prudent alternative. In order to prohibit the demolition of the jetty, the former Minister for Heritage issued a conservation stop work order on 8 November 2016. A number of public submissions were made about that order being submitted. There were 679 submissions, 77 per cent of which supported an ongoing conservation order. Of the 153 submissions that did not support the conservation order, 63 respondents wished to see a new structure built. In December 2016, the Heritage Council advised the former Minister for Heritage to consider an ongoing conservation order, which was subsequently placed on the jetty on 21 December 2016. It is important to note that the conservation order does not require the shire to undertake maintenance works; however, it does allow for works to be undertaken for maintenance and public safety purposes. I am advised that the removal of elements of the structure to date have been undertaken in accordance with the conservation order.

As the member has highlighted and is aware, the shire established a jetty working group to assist in considering a design for a replacement jetty. That group consists of the Shire of Esperance, the Southern Ports Authority, Tourism Esperance Inc and the Goldfields–Esperance Development Commission. A set of design criteria for the jetty was sent to the Heritage Council for consideration in March this year. The Heritage Council advised the shire that the proposal was not supported and sought a resubmission, which included the explicit requirement for heritage outcomes. It is important to point out that under the heritage act, the Heritage Council does not have the power to direct the shire. It does not say, “You must do X, Y and Z.” It cannot direct. Its statutory role is to examine a proposal for its impact on the heritage values of the place and provide advice that is then binding, which is a very important difference.

I understand that the Heritage Council continues to work with the shire on the updated design criteria. As the member knows, there has been a bit of toing and froing, quite honestly, with the Heritage Council, because the Heritage Council has not been supportive of subsequent submissions and it has made comment and asked the shire to respond to that comment. Also, the matter relating to the ownership and control of the jetty is being considered by the Minister for Transport, which is a little complication to this, because the jetty and ownership is still being discussed with the minister. The shire has made contact with the Minister for Regional Development to also explore funding options because ultimately whatever the option is, there will be a funding request. I am not sure whether any commitment was made during the election campaign, but no finite dollar figure has been given for any of the options that have been proposed up until this time. The conservation order remains in place; it has not been changed. I assure the Esperance community and the member for Roe that that conservation order will remain

in place until such time as I am confident that an outcome has been proposed that relates to appropriate heritage values being considered. Until such time as that conservation order is lifted, the order to prohibit the demolition of the jetty will remain. I will continue to work with the member for Roe, Hon Darren West, the shire and the wider community to seek a resolution to this.