



Heritage Advisory Committee

Minutes

8 December 2021

Committee Terms of Reference

The Heritage Advisory Committee is to provide heritage advice on:

- 1. City-owned heritage assets*
- 2. strategic and statutory planning instruments*
- 3. promotion and education of heritage and history*
- 4. enhancement of economic development and tourism opportunities*
- 5. matters raised by the general community*

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
Post Office Box 21
Bunbury WA 6231

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Acknowledgement of Country

We acknowledge the Traditional owners of this land, the Wardandi Noongar people, and pay our respects to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Heritage Advisory Committee

Minutes

8 December 2021

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

1. Declaration of Opening

The Strategic Planning Officer (Heritage) declared the meeting open at 4:00pm.

Please note Council Decision 335/13 from the Ordinary Meeting held on 26 November 2013 when administering Committees of Council states in part:

“That Council:

1. *Request that the Committees retained appoint a Councillor as the Presiding Member to enable more effective reporting back to Council in relation to Committee items and recommendations.*

...

3. *Require each Committee to set an annual meeting program which will be advertised to enable members of the public to attend.”*

As this is the first meeting of the Heritage Advisory Committee since the 2021 local government elections, the Committee is required to elect a Presiding Member from amongst themselves in accordance with section 5.12 of the *Local Government Act 1995*. The Strategic Planning Officer (Heritage) will call for nominations for the position of Presiding Member, and if necessary, conduct a ballot.

Outcome of the Meeting held 8 December 2021

Peter Suckling nominated and Graham Houghton seconded Cr Smith as the Presiding Member. No other nominations were received and Councillor Smith accepted the nomination and was subsequently elected to the position unanimously.

Committee Decision

That Cr Smith be appointed as the Presiding Member of the Heritage Advisory Committee.

CARRIED

11 votes “for” / Nil votes “against”

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

The Presiding Member welcomed the members of the Heritage Advisory Committee and noted that these meetings would run the same way that the Mayor funs Council Meetings with all questions through the Presiding Member.

4. Attendances

Committee Members:

Member Name	Representing
Cr Tresslyn Smith	Presiding Member
Cr Cheryl Kozisek	City of Bunbury
Cr Marina Quain	City of Bunbury
Del Ambrosius	Community
Bernhard Bischoff	Community
Sam Brown	Community
Stephen Craddock	Community
Graham Houghton	Community
Duncan Rutherford	Community
Robert Schmidt	Community
Peter Suckling	Community

Support Staff:

Name	Title
Gary Barbour	Director Sustainable Communities
Lacey Brown	Strategic Planning Officer (Heritage)
Liz Allan	Executive Assistant (Research and Project) to the Director Sustainable Communities
Matilda Hodge	Planning Officer

4.1 Apologies

Nil

4.2 Approved Leave of Absence

Nil

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Nil

6. Public Question Time

Not applicable

7. Confirmation of Minutes

The Minutes of the Heritage Advisory Committee held on 11 August 2021 have been circulated.

Recommendation

The Minutes of the Heritage Advisory Committee Meeting held on 11 August 2021, are confirmed as a true and accurate record.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Peter Suckling, seconded Stephen Craddock.

The Presiding Member put the motion to the vote and it was adopted to become the Committee’s decision on the matter.

Committee Decision

The Minutes of the Heritage Advisory Committee Meeting held on 11 August 2021, are confirmed as a true and accurate record.

CARRIED

11 votes “for” / Nil votes “against”

8. Petitions, Presentations and Deputations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

Nil

9. Method of Dealing with Agenda Business

Items will be dealt with in the order in which they appear.

10. Reports

10.1 Terms of Reference – Heritage Advisory Committee

File Ref:	COB/517
Applicant/Proponent:	Internal
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input checked="" type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 1: Heritage Advisory Committee Terms of Reference

Summary

The purpose of this report is for the Committee to consider reviewing and endorsing the Terms of Reference for the Heritage Advisory Committee as **attached** at Appendix 1, City of Bunbury Committee Book, pg.12 and 13.

Executive Recommendation

That the Heritage Advisory Committee recommend Council adopt the Terms of Reference for the Heritage Advisory Committee as **attached** at Appendix 1.

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.2: A highly-engaged and involved community, working together on strategy development and implementation.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

Council Decision 335/13 requests that all Committees commence a review of their terms of reference. This has been included in agendas for the first meeting of Committees.

Council Policy Compliance

Not applicable.

Legislative Compliance

Local Government Act 1995.

Officer Comments

The terms of reference has been drafted with broad intent to recognise that heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations.

The purpose of the Heritage Advisory Committee is to provide for information exchange between Council and the general community on heritage.

The Heritage Advisory Committee is to provide heritage advice on:

- City-owned heritage assets;
- strategic and statutory planning instruments;
- promotion and education of heritage and history;
- enhancement of economic development and tourism opportunities;
- matters raised by the general community.

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Cr Kozisek, seconded Peter Suckling.

The Presiding Member put the motion to the vote and it was adopted to become the Committee's decision on the matter.

Committee Decision

That the Heritage Advisory Committee recommend Council adopt the Terms of Reference for the Heritage Advisory Committee as **attached** at Appendix 1.

CARRIED

11 votes "for" / Nil votes "against"

10.2 Future Meeting Dates – Heritage Advisory Committee

File Ref:	COB/517						
Applicant/Proponent:	Heritage Advisory Committee						
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)						
Responsible Manager:	Felicity Anderson, Manager City Growth						
Executive:	Gary Barbour, Director Sustainable Communities						
Authority/Discretion	<table><tr><td><input type="checkbox"/> Advocacy</td><td><input type="checkbox"/> Review</td></tr><tr><td><input type="checkbox"/> Executive/Strategic</td><td><input type="checkbox"/> Quasi-Judicial</td></tr><tr><td><input checked="" type="checkbox"/> Legislative</td><td><input checked="" type="checkbox"/> Information Purposes</td></tr></table>	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review	<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial	<input checked="" type="checkbox"/> Legislative	<input checked="" type="checkbox"/> Information Purposes
<input type="checkbox"/> Advocacy	<input type="checkbox"/> Review						
<input type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Quasi-Judicial						
<input checked="" type="checkbox"/> Legislative	<input checked="" type="checkbox"/> Information Purposes						
Attachments:	Nil						

Summary

The purpose of this report is for the Committee to consider a program of future meeting dates for the Heritage Advisory Committee.

Executive Recommendation

That the Heritage Advisory Committee endorse:

1. The meeting schedule as follows:
 1. 4:00pm, Wednesday 9 February 2022
 2. 4:00pm, Wednesday 13 April 2022
 3. 4:00pm, Wednesday 8 June 2022
 4. 4:00pm, Wednesday 10 August 2022
 5. 4:00pm, Wednesday 12 October 2022
 6. 4:00pm, Wednesday 14 December 2022
 7. 4:00pm, Wednesday 8 February 2023
 8. 4:00pm, Wednesday 12 April 2023
 9. 4:00pm, Wednesday 14 June 2023
 10. 4:00pm, Wednesday 9 August 2023
2. Advertising of this schedule in accordance with Council Decision 335/13.

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.2: A highly-engaged and involved community, working together on strategy development and implementation.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations.

The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

At its meeting held 26 November 2013 Council decided (335/13) the follow which has set a precedent for new Committees:

Council Decision 335/13

“That Council:

1. *Request that the Committees retained appoint a Councillor as the Presiding Member to enable more effective reporting back to Council in relation to Committee items and recommendations.*
2. *Require that the Minutes of all Committees are to be provided to Council for noting with a separate report being provided on all items requiring a resolution of Council.*
3. *Require each Committee to set an annual meeting program which will be advertised to enable members of the public to attend.*
4. *Require all agendas for each of the Committees to be made available on the Council’s website and distributed to all Councillors prior to each meeting.*
5. *Request that each of the Committees commence a review of their terms of reference in March 2015 to enable a complete review of the operations to be completed prior to the next Ordinary Elections.”*

Council Policy Compliance

There are no Council Policies applicable to this report.

Legislative Compliance

Local Government Act 1995.

Officer Comments

The Heritage Advisory Committee meeting program be as follows:

1. 4:00pm, Wednesday 9 February 2022
2. 4:00pm, Wednesday 13 April 2022
3. 4:00pm, Wednesday 8 June 2022
4. 4:00pm, Wednesday 10 August 2022
5. 4:00pm, Wednesday 12 October 2022
6. 4:00pm, Wednesday 14 December 2022
7. 4:00pm, Wednesday 8 February 2023
8. 4:00pm, Wednesday 12 April 2023
9. 4:00pm, Wednesday 14 June 2023
10. 4:00pm, Wednesday 9 August 2023

Analysis of Financial and Budget Implications

There are no financial or budgetary implications impacting from the recommendations of this report.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Not applicable.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Del Ambrosius, seconded Cr Kozisek.

The Presiding Member put the motion to the vote and it was adopted to become the Committee's decision on the matter.

Committee Decision

1. The meeting schedule as follows:
 1. 4:00pm, Wednesday 9 February 2022
 2. 4:00pm, Wednesday 13 April 2022
 3. 4:00pm, Wednesday 8 June 2022
 4. 4:00pm, Wednesday 10 August 2022
 5. 4:00pm, Wednesday 12 October 2022
 6. 4:00pm, Wednesday 14 December 2022
 7. 4:00pm, Wednesday 8 February 2023
 8. 4:00pm, Wednesday 12 April 2023
 9. 4:00pm, Wednesday 14 June 2023
 10. 4:00pm, Wednesday 9 August 2023
2. Advertising of this schedule in accordance with Council Decision 335/13.

CARRIED

11 votes "for" / Nil votes "against"

10.3 Heritage Advisory Committee Achievements and Future Directions

File Ref:	COB/517
Applicant/Proponent:	Internal Report
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	Nil

Summary

This item is to update the new Heritage Advisory Committee (HAC) on the status of existing and new strategic planning (heritage) projects in the 2021/22 financial year.

Executive Recommendation

That the Heritage Advisory Committee note the information provided on the status of existing and new strategic planning (heritage) projects in the 2021/22 financial year.

Strategic Relevance

Theme 4: Our City
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community.

Objective 4.2: A highly-engaged and involved community, working together on strategy development and implementation.

Theme 3: Our places and spaces
Goal: A natural and built environment that reflects Bunbury's core values.
Objective 3.3 High-quality urban design, well planned neighbourhoods with housing choice, and appropriate provision for diverse land uses to meet the community's needs.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

There are strategies, events and programs with which the HAC are affiliated. This item is designed to outline these, their current status and future direction. The post-election Heritage Advisory Committee (HAC) met for the first time in December 2019 with some new members joining the Committee.

It was thought timely to conduct a strategic planning workshop in February 2020 with the new Committee to revisit the terms of reference, current projects and any priorities. On completion of the workshop, the HAC members agreed on five priorities that were consistent with the terms of reference.

Council Policy Compliance

There is no Council Policy associated with his report.

Legislative Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the strategic priorities:

- The Burra Charter
- *Heritage Act 2018*
- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Relevant Local Planning Policies for Heritage
- State Planning Policy 3.5 Historic Heritage Conservation

Officer Comments

HAC Priorities

The strategic planning workshop was held with HAC members after the closing of the February 2020 HAC meeting. It was facilitated by the Strategic Planning Officer (Heritage) with the Director Sustainable Communities and the consultant Heritage Advisor providing advice as required.

The workshop focused on the HAC Terms of Reference and projects that were currently addressed in the budget. On completion of the workshop, five priorities were identified by the HAC members and officers.

Current details and status are as follows:

Priority Project	Summary	Timeframe	Current Budget
1. Ocean Beach Heritage Trail	A heritage trail adjacent to the footpath predominantly along Ocean Drive. Scoping study and Noongar Art engagement completed 2020/21. Budget and project confirmed for 2021/22.	2021-22	\$30,000
2. Asset Management Prioritisation	The City has 10 Conservation Management Plans (CMPs) for City-owned heritage assets. A lot of the conservation works occur reactively due to lack of budget. A qualified professional is required to assess the CMPs, prioritise works across the heritage assets and assign costs. This would allow for budget preparation and a rollout of works from year to year. This has been identified as a priority in the draft Heritage Strategy.	2022-23	Nil - Requires a budget bid. Approx. \$15k

Priority Project	Summary	Timeframe	Current Budget
3. Street-by-street survey to inform Local Heritage Survey (MHI)	After the initial preparation of the Municipal Heritage Inventory, places have been added to the MHI by nomination only. This has resulted in ad hoc listings. The budget will allow a street-by street assessment of the Tree Street Area and CBD.	2021-22	\$30,000
4. Policy development - Significant Tree Register and Heritage Conservation Notices	Under the <i>The Planning and Development (Local Planning Schemes) Regulations 2015</i> , local governments have the ability to issue tree preservation orders and heritage conservation notices. A public information sheet has been drafted and officers are awaiting release of a State model policy template. Will require a contemporary review of the draft tree listings.	2021-22	Will be completed inhouse
5. Incorporation of heritage into City-wide strategies	This has been identified in the draft Heritage Strategy. Officers are currently finalising the draft to prepare for public consultation.	Strategy reviews are ongoing	Expended

Local Government Election 16 October 2021

Spill of all Committees for election.

Operational Projects

Projects include:

- State Heritage Awards 2021
- City of Bunbury Heritage Awards 2022
- Bunbury Heritage Forum (in line with the National Trust Heritage Festival 2022)
- Heritage Advisory Service
- Heritage Advisory Committee

Analysis of Financial and Budget Implications

The project for Asset Management Prioritisation has been identified in consultation and drafting of the Heritage Strategy as a priority. A recommended budget of at least \$15,000 will be recommended as part of Council budget deliberations for 2022/23.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Councillor members were consulted through the Heritage Advisory Committee.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Graham Houghton, seconded Del Ambrosius.

The Presiding Member put the motion to the vote and it was adopted to become the Committee's decision on the matter.

Committee Decision

That the Heritage Advisory Committee note the information provided on the status of existing and new strategic planning (heritage) projects in the 2021/22 financial year.

CARRIED

11 votes "for" / Nil votes "against"

10.4 Proposed Carport at Lot 32 (#47A) Moore Street, Bunbury

File Ref:	DA/2021/143/1, P06585, COB/
Applicant/Proponent:	CPR Outdoor Centre on behalf of Graham and Amanda Machin
Responsible Officer:	Matilda Hodge, Planning Officer
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix 2: Location Plan Appendix 3: Development Plans Appendix 4: Site Photos

Summary

Development approval is sought for the construction of a carport at Lot 32 (#47A) Moore Street, Bunbury. The property is located within the East Bunbury Heritage Area. The carport is proposed to be setback 3m setback from the primary street and forward of the dwelling. The proposal is inconsistent with Local Planning Policy 6.1 Heritage Conservation and Development (LPP6.1) which precludes carports located within the front setback area unless there is no other alternative location.

As there is significant area available behind the street setback to suitably locate the carport, it is considered there is no planning justification to site the carport in the front setback area contrary to the LPP6.1. The applicant has been advised of alternative options but has requested the application be determined on the basis of the development plans lodged. It is therefore recommended that the proposed carport be refused on the basis of its scale and location.

Executive Recommendation

That the Heritage Advisory Committee recommends that Council:

1. In accordance with clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to refuse the development application for a carport at Lot 32 (#47A) Moore Street for the following reasons:
 - a. The proposed carport by reason of its location and scale, within the primary street setback area, is inconsistent with and would adversely impact the streetscape character of the locality as a heritage area.
 - b. The proposal is inconsistent with adopted Local Planning Policy 6.1: Heritage Conservation and Development in respect of the siting of a carport within the front setback area and does not meet the policy requirements or policy objectives for supporting the variation.

Voting Requirement: Simple Majority

Strategic Relevance

Theme 1	Our community and culture
Goal	A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.
Objective 1.4	Arts, culture, heritage and events that enrich our understanding and enjoyment of life, celebrate our identity and bring the community together
Theme 3	Our places and spaces
Goal	A natural and built environment that reflects Bunbury’s core values
Objective 3.3	High-quality urban design, well-planned neighbourhoods with housing choice, and appropriate provision for diverse land uses to meet the community’s needs.

Regional Impact Statement

Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. The City of Bunbury recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.

Background

The subject site is located within the ‘Residential Zone’. A locality plan is **attached** at Appendix 2. A summary table of details relating to the subject site are as follows:

Property Address:	Lot 32 (#47A) Moore Street, Bunbury
Zoning:	Residential – R15/40
Existing Land Use:	Single House
Lot Area:	598m ²
Heritage	Located within the East Bunbury Heritage Area (moderate significance)

The property is abutted to the north by a residential dwelling and a 5m wide drainage reserve to the south. The proposed carport is setback 3m from the primary street and 12m forward of the existing dwelling, with a nil setback proposed from the southern lot boundary.

The subject site is located within the East Bunbury Heritage Area. The main planning consideration in the assessment of the proposed development is the impact of the carport on the streetscape and character of the heritage area.

Development plans and site photos are **attached** at Appendices 3 and 4.

Legislative Compliance

The following legislation and statutory planning instruments of the state and local planning framework are applicable to the assessment of this application:

- Planning and Development Act 2005;
- Heritage Act 2018;
- Planning and Development (Local Planning Schemes) Regulations 2015;

- City of Bunbury Local Planning Scheme No.8 (LPS 8);
- State Planning Policy 7.3: Residential Design Codes Volume 1
- State Planning Policy 3.5: Historic Heritage Conservation
- Local Planning Policy 6.1: Heritage Conservation and Development

Officer Comments

State Planning Policy 7.3: Residential Design Codes Volume 1

The proposed carport complies with all R-Code requirements except for section 5.1.3 Lot boundary setback.

Residential Design Codes	Requirement	Proposed
Cl 5.1.3 – Lot Boundary Setback	Southern Boundary: 1m	Southern Boundary: Nil

The applicant proposes a variation to the required setback distance from the southern lot boundary. The variation was not advertised to neighbouring properties as the only property directly impacted is a drainage reserve under ownership of the City of Bunbury. Notwithstanding the heritage considerations, the proposed reduced setback distance to the side boundary is considered to satisfy the relevant Design Principles of the R-Codes.

State Planning Policy 3.5: Historic Heritage Conservation

Whilst not a State Registered Heritage Place, the heritage area is currently on the RHP Assessment Program. This policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. It aims to ensure development does not adversely affect the significance of heritage places and areas. Location and setting are key considerations in heritage areas and development should respond sympathetically and complement the heritage values of the area as detailed in the local planning policy. The proposed location of the carport does not comply with the objectives of this policy.

Local Planning Policy 6.1: Heritage Conservation and Development

The property is not listed on the City of Bunbury Municipal Inventory (now referred to as Local Heritage Survey), nor is it included in the Heritage List. The site however is located within a designated Heritage Area, which recognises the collective value of all buildings within the East Bunbury Heritage Area. LPP6.1 sets out guidance for the assessment of garages and carports. The policy sets out that garages and carports should be located behind the dwelling. Where this is not feasible, carports are not to be dominant features on the streetscape.

LPP6.1: Heritage Conservation & Development	Requirement	Proposed
5.5 Garages Carports and Outbuildings	Cl 5.1.1 – Garages or carports are constructed behind the front setback of the main building and comply with the following: (a) Set back a minimum of distance of 1.0m behind the main building	Carport is setback 3m from the primary street and set forward

	setback; and (b) the width of the garage or carport is not greater than 6 metres or 35% of the frontage of the lot, whichever is the lesser.	12m of the dwelling. Carport occupies 46% (6m) of the lot frontage.
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The proposed carport does not comply with the above-mentioned requirements. Variations to LPP6.1 may be considered subject to demonstrating that the proposed development is in keeping with the intent and objectives of the policy, which includes:

- (a) *to ensure that development, including alterations and additions to existing buildings and the construction of new buildings, does not adversely impact on the cultural heritage values, significance and character of heritage places and designated heritage areas.*

Whilst it is acknowledged that the location of the dwelling precludes locating the carport behind the dwelling, there is sufficient space available to locate the carport behind the front setback area.

It is considered the proposed carport set significantly forward of the dwelling and its scale will dominate the streetscape and significantly impact upon the character of the heritage area, contrary to the objectives of LPP6.1.

The applicant has been advised that a 6m primary street setback consistent with the setback of the heritage dwelling to the north would be supported. The applicant advised they required the carport in the proposed location to provide a larger continuous lawn area. It is noted that prior to storm damage, there was a carport of similar dimensions setback 9m from the front boundary as shown in the Site Photos attached at Appendix 4.

It is acknowledged that the residential property to the South at Lot 14 (#49) Moore Street has an attached carport setback 2.6m from the primary street. This carport was recommended for refusal by both the assessing officer and the Heritage Advisory Committee in 2018, however was approved at approved by Council after the applicant cited examples outside of the Heritage Area of carports that were within the street setback area.

Heritage Advisor Comments

The application was referred to the City's Heritage Advisor, who provided the following comments:

"We have assessed the proposal for the new carport to a non-contributory house on subdivided lot with contributory places adjacent. We note that this is a significant streetscape with consistent setbacks to left of proposed carport.

The proposed carport is not supported in its current location for the following reasons:

- *The carport is set within the front setback area of the lot and is set in front of the prevailing streetscape setbacks.*
- *The carport location will have a negative impact on the significant heritage streetscape and on the Heritage Area.*

- *As per 5.5.2 – The proposed carport is not consistent with the policy:*
- *there are clear and viable alternatives for the location of a double carport on this lot*
- *The proposed carport does visually dominate the streetscape.*
- *The proposed carport does detract from the heritage character of the adjoining contributory buildings*

It is noted that the carport on the adjoining lot (49 Moore St) was recommended for refusal.”

Analysis of Financial and Budget Implications

This application for development approval relates to private property, and therefore, the effect of the recommendation has no direct budgetary or financial implications for the City of Bunbury.

If the applicant is aggrieved by Council’s decision they may apply for a review of the decision through SAT. If the decision is forwarded to SAT for appeal, the City of Bunbury may incur legal costs.

Community Consultation

The development application was advertised for public comment from 22 November to 6 December 2021. Public consultation measures involved a letter sent to the landowners and occupiers of 3 surrounding properties. Following consultation, no submissions of objection have been received to date.

Councillor/Officer Consultation

The proposal has been referred to the City of Bunbury’s Development Coordination Unit (DCU) for professional advice and technical assessment prior to the finalisation of this report.

Applicant Consultation

Officers have advised the applicant of alternative solutions for the siting of a carport that would comply with LPP6.1. Given the sufficient vacant area directly behind the proposed carport location, it is considered that the proposal could be readily modified to achieve the objectives of the policy.

The applicant has requested the application be determined based on the original development plans and information lodged. The applicant has been informed of the officer recommendation.

Timeline: Council Decision Implementation

Should Council refuse the application, the applicant has the option to lodge an appeal within 28 days of the date of the decision to the State Administrative Tribunal.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Peter Suckling, seconded Graham Houghton.

The Presiding Member put the motion to the vote and it was adopted to become the Committee's decision on the matter.

Committee Decision

That the Heritage Advisory Committee recommends that Council:

1. In accordance with clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No. 8 (LPS 8), resolves to refuse the development application for a carport at Lot 32 (#47A) Moore Street for the following reasons:
 - a. The proposed carport by reason of its location and scale, within the primary street setback area, is inconsistent with and would adversely impact the streetscape character of the locality as a heritage area.
 - b. The proposal is inconsistent with adopted Local Planning Policy 6.1: Heritage Conservation and Development in respect of the siting of a carport within the front setback area and does not meet the policy requirements or policy objectives for supporting the variation.

CARRIED

11 votes "for" / Nil votes "against"

10.5 Summary of Referrals and Communications

File Ref:	COB/517
Applicant/Proponent:	Heritage Advisory Committee
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Felicity Anderson, Manager City Growth
Executive:	Gary Barbour, Director Sustainable Communities
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Information Purposes
Attachments:	Nil

Summary

The Heritage Advisor and Strategic Planning Officer (Heritage) have provided details to the Heritage Advisory Committee on recent development application referrals, discussions and events since the last Committee meeting.

Executive Recommendation

That the Heritage Advisory Committee note the summary of referrals and communications as detailed in the Officer Comments.

Strategic Relevance

- Theme 1: Our community and culture
Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive social environment.
Objective 1.4 Arts, culture, heritage and events that enrich our understanding and enjoyment of life, celebrate our identity and bring the community together.

Regional Impact Statement

Not applicable.

Background

The Heritage Advisory Committee (HAC) is advised of recent development applications, decisions, policy, enquiries and/or events to assist in the awareness and promotion of heritage development and education in Bunbury. This provides a transparent approach for the wider community and is consistent with the terms of reference for the HAC.

Legislative/Council Policy Compliance

The following statutory planning instruments of the State Planning Framework and Local Planning Framework are applicable to the assessment of development applications and heritage advice:

- The Burra Charter
- *Heritage of Western Australia Act 1990*
- *Planning and Development Act 2005*

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Relevant Local Planning Policies for Heritage
- State Planning Policy 3.5 Historic Heritage Conservation

Officer Comments

The referral and communications list is as follows:

1	#47A Moore Street
2	Wellington Hotel
3	#12 Preston Street
4	#2 Jarrah Street
5	#36 Stirling Street
6	#52 Stirling Street
7	#5 Charles Street
8	Red Mill Store
9	Local Heritage Survey Work
10	Heritage Strategy (Women in Planning Network)
11	Rate concession enquiry
12	#4 Symmons Street

Analysis of Financial and Budget Implications

Not applicable.

Community Consultation

Not applicable.

Councillor/Officer Consultation

Councillor members were consulted through the Heritage Advisory Committee.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of the Meeting held 8 December 2021

The recommendation was moved Cr Kozisek, seconded Duncan Rutherford.

The Presiding Member put the motion to the vote and it was adopted to become the Committee's decision on the matter.

Committee Decision

That the Heritage Advisory Committee note the summary of referrals and communications as detailed in the Officer Comments.

CARRIED

11 votes "for" / Nil votes "against"

11. Applications for Leave of Absence

Not applicable to this committee.

12. Questions from Members

12.1 Response to Previous Questions from Members taken on Notice

Nil

12.2 Questions from Members

Q1 Question from Del Ambrosius

Why is the laneway at the back of Stirling Street not gazetted as a road? What is stopping this from occurring. Currently access to properties is only allowed from Stirling Street to park a vehicle in order to comply with TPS No.8. The City should gazette this road.

A1 Answer by Gary Barbour, Director Sustainable Communities

Currently the ownership of the laneway is not clear. There is a laneway project being undertaken on all laneways throughout the City. Most of these laneways are not owned by the City and some are the result of deceased estates. It is sometimes easier to keep these for density reasons. Some of these will probably be offered to owners to purchase their section and extend their property. Some have underground infrastructure and cannot be sold off or built on. The City is currently looking to determine what is to be the City's and how to upgrade this, possibly through development contributions.

Gary noted that this question would be taken on notice so that a more informed response could be provided.

Q2 Stephen Craddock

What is happening with the interpretative signing for the jetty? In 2013 an undertaking was given that if the timber jetty was demolished, interpretative signage would be erected to acknowledge the history of the area.

A2A Answer provided by Lacey Brown

A detailed design had been completed and this included six signage panels and artwork. The signs have recently been fabricated.

It should be noted that any installation would only be temporary as the Department of Transport still need to remove the spur at the end of the groyne and will be bringing big machinery in to do it, for which signage will need to be removed.

The City will contact the Department of Transport to arrange for the temporary installation and staff will advise the Committee once an installation date is known.

13. Urgent Business

Nil

14. Date of Next Meeting

The next meeting of the Heritage Advisory Committee will be held on 9 February 2022.

15. Close of Meeting

The Presiding Member closed the meeting at 5:01pm.