



## Heritage Advisory Committee

### Minutes

30 November 2020

#### 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*

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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

30 November 2020

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 Presiding Member declared the meeting open at 4:00pm.

#### 2. Disclaimer

Not applicable to this committee.

#### 3. Announcements from the Presiding Member

There were no announcements from the Presiding Member

#### 4. Attendances

*Committee Members:*

Member Name	Representing
Cr Todd Brown	City of Bunbury
Cr Tresslyn Smith	City of Bunbury
Mrs Del Ambrosius	Community
Mr Bernhard Bischoff	Community
Mr Stephen Craddock	Community
Mr Graham Houghton	Community
Mr Kent Lyon <i>(from 4:04pm)</i>	Community
Mr Duncan Rutherford	Community

*Support Staff:*

<b>Name</b>	<b>Title</b>
Mr Gary Barbour	Director Sustainable Communities
Ms Lacey Brown	Strategic Planning Officer (Heritage)
Ms Liz Allan	Executive Assistant (Research and Project) to the Director Sustainable Communities
Barbara Macaulay	Team Leader Development Assessment and Compliance
Alice Baldock	Planning Officer

Mayor Gary Brennan attended the meeting as an observer.

**4.1 Apologies**

Peter Suckling was an apology for the meeting.

**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 <u>before</u> 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.
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**6. Public Question Time**

Not applicable to this Committee

## **7. Confirmation of Minutes**

The Minutes of the Heritage Advisory Committee Meeting held on 12 August 2020 have been circulated.

### **Recommendation**

The Minutes of the Heritage Advisory Committee Meeting held 12 August 2020 are confirmed as a true and accurate record.

### **Outcome of the Meeting held 30 November 2020**

The recommendation was moved Duncan Rutherford, seconded Cr Brown.

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 Minutes of the Heritage Advisory Committee Meeting held 12 August 2020 be confirmed as a true and correct record.

CARRIED

7 votes "for" / Nil votes "against"

## **8. Petitions, Presentations and Deputations**

### **8.1 Petitions**

Nil

### **8.2 Presentations**

Nil

### **8.3 Deputations**

Ms Rebecca Pyke, Market Eating House, 9 Victoria Street, Bunbury

Ms Pyke requested to address Item 10.1 *‘Proposed changes to front facade - New Door to ‘Market Eating House’*”.

Pursuant to clause 6.9(2)(a) of Council’s Standing Orders, the Rebecca Pyke was approved to address item 10.1 *‘Proposed changes to front facade - New Door to ‘Market Eating House’*” and allowed a period of up to five Minutes to present to the Heritage Advisory Committee.

Kent Lyon entered the meeting at 4:04pm.

### **9. Method of Dealing with Agenda Business**

Items are to be dealt with in the order that they appear.

## 10. Reports

### 10.1 Proposed changes to front facade - New Door to 'Market Eating House'

<b>File Ref:</b>	P10189, DA/2020/202/1	
<b>Applicant/Proponent:</b>	Merge Building Design on behalf of Market Eating House	
<b>Responsible Officer:</b>	Alice Baldock, Planning Officer	
<b>Responsible Manager:</b>	Felicity Anderson, Manager City Growth	
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities	
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Legislative	<input type="checkbox"/> Review <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 1 - Development Plans Appendix 2 - Location Plan Appendix 3 - Site Photographs Appendix 4 - Market Eating House justification for proposed works Appendix 5 - Regional Heritage Advisor Place Heritage Impact Assessment Appendix 6 – Regional Advisors Development Application Heritage Assessment	

#### Summary

Development approval is sought for alterations to the front façade of Market Eating House. The proposal is for the removal of one window and a portion of the building to accommodate an additional door into the premise. In considering the application the local government is to have due regard for the built heritage conservation of a place under the *Planning and Development (Local Planning Schemes) Regulations (Cl 67, k)*. Whilst the building is not on the Municipal Heritage Inventory, or Heritage List, the submission of the application has triggered the requirement for a heritage assessment to be undertaken in accordance with the Regulations.

The application was referred to the Heritage Advisor for assessment on the heritage significance of the building and, comment on the proposed changes to the facade. The Heritage Advisor has confirmed that the building has cultural heritage significance and was built c 1910 – 1929. The Heritage Advisor has also recommended the proposal is not supported as the removal of the window will affect the symmetry of the façade and will see the removal of an early or original significant element of the place.

#### Executive Recommendation

That the Heritage Advisory Committee recommend 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), refuse the application for alterations to the front façade (new door) for the following reasons:
  - a. The proposed works would impact on the symmetry of the main façade of the building and result in the removal of an early or original significant element of the place that contributes to its heritage significance. Having regard to the *Planning*



*and Development (Local Planning Schemes) Regulations 2015, Part 9, Clause 67 (k)* and the City of Bunbury’s Local Planning Policies on Heritage the development would adversely impact upon the values and significance of the building, which through assessment of the development application, is assessed to be of ‘considerable significance’;

- b. The proposed works are not considered compatible with the existing development along Victoria Street. Having regard to *Planning and Development (Local Planning Schemes) Regulations 2015, Part 9, Clause 67(m)*, the installation of a second access door would result in the loss of the building symmetry and is likely to detrimentally impact the amenity of the streetscape.

*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

### Regional Impact Statement

The proposal related to an individual property. 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

A summary table of details relating to the subject site are as follows:

<b>Site Address</b>	Lot 4 (#9) Victoria Street, Bunbury
<b>Zoning</b>	Regional Centre
<b>Subject Tenancy Land Use</b>	Restaurant/ Cafe
<b>Overall Lot Area</b>	496 sqm

Development plans are **attached** at Appendix 1.

A location plan is **attached** at Appendix 2.

Site photographs are **attached** at Appendix 3.

An application for development approval has been submitted by Merge Building Design on behalf of the lessee of the building (Market Eating House). The lessee has advised that they have renewed their lease of the building for an additional five (5) years.

The proposal is for the removal of one window and the demolition of a portion of the building to accommodate a new door at the front of the building. This access door will be in addition to the

main entrance to the building. Market Eating House has advised that the additional access door is necessary to service the outdoor alfresco eating area on the road reserve recently approved by the City. Additionally, it will also ease congestion that is already experienced in the main entry/exit to the building.

A full copy of Market Eating House justification in support of the proposal is **attached** at Appendix 4.

### **Council Policy Compliance**

Not applicable.

### **Legislative Compliance**

The following legislation and statutory planning instruments of the State and Local Planning Framework are applicable to the assessment of this application for development approval:

- *Planning and Development Act 2005* (as amended);
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Bunbury Local Planning Scheme No.8 (LPS8 or the Scheme);
- Local Planning Policy 6.1: Heritage Conservation and Development (LPP 6.1);
- Local Planning Policy 6.2: Heritage Listing, Assessment and Concessions (LPP 6.2).

### **Officer Comments**

#### ***Matters to be Considered***

Pursuant to clause 67 of the deemed provisions under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the subject proposal has been assessed against the matters relevant to the subject application, specifically (k) and (m).

#### **(k) The built heritage conservation of any place that is of cultural significance**

Upon lodgement of the application, the proposal was referred to the Heritage Advisor to determine the cultural significance of the building. The Heritage Advisor provided a detailed heritage assessment of the building (contained in **Appendix 5**), identifying that it has considerable significance for the following reasons:

- The place has significance as an integral part of the Victoria Street streetscape;
- The place has aesthetic significance as a commercial building constructed c1910 – c1929 with aspects of the Federation/Inter-War Functionalist style of architecture. Its level of decorative detailing demonstrates a level of importance at the time of construction;
- The place reflects early subdivision patterns of Victoria Street with long, narrow lots; and
- The place contributes to the community's sense of place as it contributes to the historic streetscape of Victoria Street.

The Heritage Advisor has recommended that the proposed alteration of the front façade not be supported (**attached** at Appendix 6). It is considered that the proposal will detrimentally impact the cultural significance of the building, with the loss of symmetry to the façade and the removal of an early or original significant element of the place. As such, it is considered that the proposed alterations to the façade do not comply with this matter and cannot be supported.

It is noted that the Heritage Advisor has proposed to assist the applicant investigate solutions that respond to operational need whilst retaining the cultural heritage significance of the place.

(m) The compatibility of the development with its setting including the relationship of the development to the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development

The proposed façade alterations for a new access door is not considered to be compatible with its setting. The subject lot has a 10m frontage with the building being built from boundary to boundary. The current front façade is symmetrical with a central front door and single timber framed, vertically proportioned windows one either side. The installation of a second access door in a 10m building frontage is not considered compatible with existing development along Victoria Street and the loss of the building symmetry is likely to detrimentally impact the amenity of the streetscape. It is noted that other restaurants with larger al fresco areas (e.g. Nicola's Ristorante) have the one entry/exit point.

#### ***Local Planning Policy 6.1: Heritage Conservation and Development***

One of the key objectives of this policy is to ensure that development, including alterations to existing buildings, does not adversely impact on the cultural heritage values, significance and character of a heritage place. Best practice involves alterations/additions to be set behind the main façade and to retain original building fabric. The proposed works are contrary to these objectives and will detrimentally impact on the values and significance of the building.

#### ***Local Planning Policy 6.2: Heritage Listing, Assessment and Concessions***

The subject building is not currently included in the City of Bunbury Municipal Inventory (Local Heritage Survey) or the City of Bunbury Heritage List. Pursuant to clause 4.1(c) of LPP 6.2, the Heritage List may be amended for the inclusion of a place should it be found to be of significance in a Heritage Impact Statement/Assessment prepared as part of an application for development approval.

As previously mentioned, the Heritage Advisor completed a Heritage Impact Assessment of the building which identified that the place be included in the City of Bunbury Municipal Inventory (Local Heritage Survey) with a considerable (category 2) level of significance and be included in the City of Bunbury Heritage List.

The City has funding allocated in the 2021/22 budget for the review of the City of Bunbury Municipal Inventory (Local Heritage Survey) and based on the findings of the Heritage Impact Assessment, the subject building will be included in the review.

### **Analysis of Financial and Budget Implications**

This application for planning 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**

Due to the request of the lessee for the proposal to be referred to Council for determination, the application has not been advertised.

### **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**

The applicant was advised of the need to consult with the Heritage Advisory Committee and 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.

Should Council approve the application the applicant will have two years to commence development, with a further two years provided for under clause 4.2 of the Notice of Exemption from Planning Requirements During a State of Emergency issued by the Minister for Planning under clause 78H of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

### **Outcome of the Meeting held 30 November 2020**

Ms Rebecca Pyke of Market Eating House addressed the Heritage Advisory Committee in relation to this matter.

The recommendation (as printed) was moved Del Ambrosius, seconded Cr Smith.

The Presiding Member put the motion to the vote and it was Lost with 2 votes “for” and 6 votes “against”.

**Motion**

That the Heritage Advisory Committee recommend 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), refuse the application for alterations to the front façade (new door) for the following reasons:
  - a. The proposed works would impact on the symmetry of the main façade of the building and result in the removal of an early or original significant element of the place that contributes to its heritage significance. Having regard to the *Planning and Development (Local Planning Schemes) Regulations 2015, Part 9, Clause 67 (k)* and the City of Bunbury’s Local Planning Policies on Heritage the development would adversely impact upon the values and significance of the building, which through assessment of the development application, is assessed to be of ‘considerable significance’;
  - b. The proposed works are not considered compatible with the existing development along Victoria Street. Having regard to *Planning and Development (Local Planning Schemes) Regulations 2015, Part 9, Clause 67(m)*, the installation of a second access door would result in the loss of the building symmetry and is likely to detrimentally impact the amenity of the streetscape.

LOST

2 votes “for” / 6 votes “against”

Cr Smith and Del Ambrosius voted ‘for’

Cr Brown, Bernard Bischoff, Stephen Craddock, Graham Houghton, Kent Lyon and Duncan Rutherford voted ‘against’

Note: The Heritage Advisory Committee voted against the Executive Recommendation as:

- \* they felt that the approved alfresco dining area would hide the frontage of the building from the road and that reinstatement of the façade following cessation of the Lease would prevent there from being issues with the symmetry of the frontage; and
- \* they felt that allowing approval of the proposed changes would ensure that the building continued to be used and did not fall into disrepair.

An alternate recommendation was moved by Graham Houghton, seconded Cr Brown

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:

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 (LPS8)*, approve the development application for alterations to the front façade (new door) at Lot 4 #9 Victoria Street subject to applicable standard and non-standard development conditions including the following:
  - a. All development shall be in accordance with the approved development plans;
  - b. Upon cessation of the lease between the lessor and lessee (Market Eating House), the landowner or Market Eating House must reinstate the window and wall within 30 days to the satisfaction of the City of Bunbury.

CARRIED

6 votes "for" / 2 votes "against"

Cr Brown, Bernard Bischoff, Stephen Craddock, Graham Houghton, Kent Lyon and Duncan Rutherford voted 'for'

Cr Smith and Del Ambrosius voted 'against'

Del Ambrosius and Mayor Brennan left the meeting at 5:03pm.

**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**

Nil

**13. Urgent Business**

Nil

**14. Date of Next Meeting**

The next meeting of the Heritage Advisory Committee will be held on 9 December 2020.

**15. Close of Meeting**

The Presiding Member closed the meeting at 5:04pm.