



Heritage Advisory Committee

Minutes

8 November 2017

Committee Terms of Reference

The Heritage Advisory Committee is to provide heritage advice on:

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

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Heritage Advisory Committee

Minutes

8 November 2017

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.

Committee Members:

Member Name	Representing
Cr Brendan Kelly	City of Bunbury
Cr Tresslyn Smith	City of Bunbury
Mrs Del Ambrosius	Community
Mr Bernhard Bischoff	Community
Mr Morris Johnston	Community
Ms Megan Lawless	Community
Mr Kent Lyon	Community
Mr Raymond Parks	Community
Mr Peter Suckling	Community

Support Staff:

Name	Title
Ms Lacey Brown	Strategic Planning Officer (Heritage)
Mr Thor Farnworth	Manager Sustainability, Planning and Development
Ms Cassandra Uren (Minutes)	Executive Assistant to Director Planning and Development Services

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1. Declaration of Opening

The Manager Sustainability, Planning and Development (on behalf of the CEO) declared the meeting open at 4.00pm.

As this is the first meeting of the Heritage Advisory Committee since the 2017 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 Manager Sustainability, Planning and Development (on behalf of the CEO) called for nominations for the position of Presiding Member.

Councillor Smith nominated Councillor Kelly as the Presiding Member. No other nominations were received and Councillor Kelly was elected to the position unanimously. Mr Farnworth left the Committee meeting at 4.10pm.

Committee Decision: Moved Cr Smith Seconded Mr Suckling

Cr Kelly is the Presiding Member of the Heritage Advisory Committee through to the next local government election.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Introduction and welcome to new members.

4. Attendances

Committee Members:

Member Name	Representing
Cr Brendan Kelly	City of Bunbury
Cr Tresslyn Smith	City of Bunbury
Mrs Del Ambrosius	Community
Mr Bernhard Bischoff	Community
Mr Morris Johnston	Community
Ms Megan Lawless	Community
Mr Kent Lyon	Community
Mr Raymond Parks	Community
Mr Peter Suckling	Community

Support Staff:

Name	Title
Ms Lacey Brown	Strategic Planning Officer (Heritage)

Mr Thor Farnworth	Manager Sustainability, Planning and Development
Ms Cassandra Uren (Minutes)	Executive Assistant to Director Planning and Development Services
Mr Anthony Pick	Senior Planning Officer
Mr Matthew Young	Team Leader Development Assessment and Compliance

4.1 Apologies

Del Ambrosius, Cassandra Uren

The Presiding Member advised the Committee of the written resignation of Megan Lawless. It was moved to accept the resignation and that past members (Wendy Giles, Richard Sargeant and Megan Lawless) should be formally thanked in writing for their contribution and time dedicated to the Heritage Advisory Committee.

Committee Decision: **Moved: Cr Kelly** **Seconded: Mr Parks**

Accept the resignation of Megan Lawless and that past members (Wendy Giles, Richard Sargeant and Megan Lawless) should be formally thanked in writing for their contribution and time dedicated to the Heritage Advisory Committee.

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.

Declaration of Interest Forms were received from:

- Mr Johnston, Mr Lyon and Mr Suckling for Item 10.3, #41 King Road
- Mr Lyon for Item 10.4, #3 Hayes Street

6. Public Question Time

Not applicable

7. Confirmation of Minutes

Committee Decision: **Moved: Mr Suckling** **Seconded: Mr Lyon**

The minutes of the Heritage Advisory Committee Meeting held on 9 August 2017, are confirmed as a true and accurate record.

CARRIED

8. Petitions, Presentations and Deputations

8.1 Petitions

Nil

8.2 Presentations

Nil

8.3 Deputations

A request for a deputation was received and accepted from Morris Johnston regarding item 10.3, #41 King Road, East Bunbury.

It was discussed that members should view the property first and that this would be organised by the Strategic Planning Officer (Heritage).

9. Method of Dealing with Agenda Business

10. Reports

10.1 Future Meeting Dates – Heritage Advisory Committee

Applicant/Proponent:	Internal Report
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
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.

Strategic Relevance

Key Priority Area 5 Corporate
Objective 5.2 Maintain a high standard of corporate governance and improve access to information.

Executive Recommendation

That the following meeting dates for 2017 and 2018 for the Heritage Advisory Committee be adopted:

1. 4pm, Wednesday 13 December 2017
2. 4pm, Wednesday 14 February 2018
3. 4pm, Wednesday 11 April 2018
4. 4pm, Wednesday 13 June 2018
5. 4pm, Wednesday 8 August 2018
6. 4pm, Wednesday 10 October 2018
7. 4pm, Wednesday 12 December 2018
8. 4pm, Wednesday 13 February 2019
9. 4pm, Wednesday 10 April 2019
10. 4pm, Wednesday 12 June 2019
11. 4pm, Wednesday 14 August 2019.

Background

Part of Council Decision 335/13 from the Ordinary Meeting held on 26 November 2013 requires advisory committees of Council to set an annual program of meeting dates.

Council Policy Compliance

City of Bunbury Standing Orders Local Law 2012.

Legislative Compliance

Local Government Act 1995.

Officer Comments

It is suggested that this committee meet every two months from 13 December 2017.

In keeping with the timing of this meeting, it is proposed to hold meetings at 4pm on the second Wednesday of each February, April, June, August, October and December of each year. The schedule would therefore be:

1. 4pm, Wednesday 13 December 2017
2. 4pm, Wednesday 14 February 2018
3. 4pm, Wednesday 11 April 2018
4. 4pm, Wednesday 13 June 2018
5. 4pm, Wednesday 8 August 2018
6. 4pm, Wednesday 10 October 2018
7. 4pm, Wednesday 12 December 2018
8. 4pm, Wednesday 13 February 2019
9. 4pm, Wednesday 10 April 2019
10. 4pm, Wednesday 12 June 2019
11. 4pm, Wednesday 14 August 2019.

Analysis of Financial and Budget Implications

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

Community Consultation

Not applicable.

Councillor/Officer Consultation

This report seeks to consult with members of the Heritage Advisory Committee to establish a suitable meeting schedule for that committee.

Outcome of Meeting

The executive recommendation was moved by Mr Suckling and seconded by Mr Bischoff and was carried unanimously.

Committee Decision: Moved: Cr Smith Seconded: Mr Suckling

That the following meeting dates for 2017 and 2018 for the Heritage Advisory Committee be adopted:

1. **4pm, Wednesday 13 December 2017**
2. **4pm, Wednesday 14 February 2018**
3. **4pm, Wednesday 11 April 2018**

4. 4pm, Wednesday 13 June 2018
5. 4pm, Wednesday 8 August 2018
6. 4pm, Wednesday 10 October 2018
7. 4pm, Wednesday 12 December 2018
8. 4pm, Wednesday 13 February 2019
9. 4pm, Wednesday 10 April 2019
10. 4pm, Wednesday 12 June 2019
11. 4pm, Wednesday 14 August 2019.

10.2 Demolition of Single House at Lot 5 (#10) Charles Street, East Bunbury

File Ref:	2017/128/1, P01524
Applicant/Proponent:	Coastline Building Group Pty Ltd
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS 1 – Site Plan Appendix DPDS 2 – Structural Engineers Report Appendix DPDS 3 – Heritage Impact Statement

Summary

The City of Bunbury has received an application for the demolition of a single house at Lot 5 (#10) Charles Street, East Bunbury. The house is located in the Stirling Street Heritage Area and is identified as making a “moderate significance” to the cultural heritage significance and character of the East Bunbury Heritage Area.

It is considered that the proposed demolition of the dwelling would have a negative impact on the cultural heritage significance of the Charles Street locality and the general Stirling Street Heritage Area. After assessment of the structural engineer’s report and Heritage Impact Statement, the proposed demolition is not supported.

For the reasons outlined above and discussed in this report, the application is recommended for refusal.

Executive Recommendation

1. That the Heritage Advisory Committee recommend refusal, for the following reasons:
 - (a) The proposal is contrary to objective 1 of Local Planning Policy: Stirling Street Heritage Area and draft Local Planning Policy: East Bunbury Heritage Area, which relates to conserving and protecting the cultural heritage significance of the Stirling Street Heritage Area.
 - (b) The proposal is contrary to item (I) of deemed clause 67 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the demolition will have a negative effect on the cultural heritage significance of the Stirling Street Heritage Area.
 - (c) The proposal is contrary to State Planning Policy 3.5: Historic Heritage Conservation in that:
 - (i) it will adversely affect the significance of the heritage area;

- (ii) the building has been neglected and demolition by neglect should not be supported;
 - (iii) the proposed redevelopment does not respect or complement the streetscape in Charles Street.
- (d) No evidence has been provided that the costs would be prohibitive for restoration and maintenance works on a modest timber structure house in comparison to the proposed demolition and construction of a new brick house.
2. That property owners in Charles Street be invited to contact the Strategic Planning Officer (Heritage) for information on conservation works and applicable concessions.
 3. Advise the applicant that the City of Bunbury is willing to consider feasible options for retention and restoration of the dwelling, with additions to the existing building that are compatible with the fabric and significance of the original building and its contribution to the streetscape in accordance with the Draft Local Planning Policy: East Bunbury Heritage Area.

Strategic Relevance

- Key Priority Area No. 1 Community and culture
Objective No. 1.5 Celebrate and recognise the richness of our arts, culture and heritage
- Key Priority Area No.3 Natural and built environment
Objective No.3.4 Facilitate urban design, diversity of land uses and enabling infrastructure.

Background

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

Property Address:	Lot 5 (#10) Charles Street, Bunbury
Zoning:	Residential R15/40
Existing Land Use:	Single House
Lot Area:	460m ²
Heritage:	Contained within the Stirling Street Heritage Area

The subject site has a single storey house of timber framed construction with weatherboard cladding to the front and fibro cladding to the side and rear. Apart from the original tin roof being overlaid with decramastic cladding and a low brick balustrade being added to the verandah, the house remains original. The site plan relevant to the application for development approval is **attached** at (Appendix DPDS 1).

Legislative Compliance

The following statutory planning instruments of the State Planning Framework 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;*

- State Planning Policy 3.5 – Historic Heritage Conservation;
- City of Bunbury Town Planning Scheme No.7 (TPS7);
- Local Planning Policy: Stirling Street Heritage Area;
- Draft Local Planning Policy: East Bunbury Heritage Area;
- Local Planning Policy: Development Assessment Process for Heritage Places;
- Local Planning Policy: Assessment of Cultural Heritage Significance; and
- Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places.

Officer Comments

Assessment for Registration on State Register of Heritage Places

The Stirling Street Heritage Area has been on the assessment program for consideration as a State Registered Place since 2003.

Municipal Heritage Inventory and Heritage Area

The subject property is included in the Municipal Heritage Inventory (MHI) as part of the Stirling Street Heritage Area, but not as an individual place. The MHI contains a statement of significance for the area:

“Precinct which contains areas of high cultural significance illustrating the evolution of settlement with the period 1875 to 1925 particularly well represented. The precinct contains areas of aesthetic characteristics highly valued by the community; cultural landscapes and notable streetscapes, all ensconced in a collection of harmoniously related buildings. Illustrations of several major historic themes of human settlement are evident. The precinct is also important for a range of social, cultural, education and spiritual associations.”

Local Planning Policies

Local Planning Policy: Stirling Street Heritage Area

Objective 1 of Local Planning Policy: Stirling Street Heritage Area is to *“conserve and protect the cultural heritage significance of the Stirling Street Heritage Area”*, and objective (a) of the Draft Local Planning Policy: East Bunbury Heritage Area aims to *“conserve existing buildings identified as making an “Exceptional”, “Considerable” or “Moderate/Some” contribution to the cultural heritage significance and character of the East Bunbury Heritage Area”*.

The management category for the subject site is ‘moderate significance’ in the revised map for the draft LPP. It is considered that the dwelling makes a positive contribution to the streetscape and to the Stirling Street Heritage Area. Notwithstanding the minor changes that have occurred to the house over time, the essential form, scale and character and much of the original materials remain apparent. The house remains, notwithstanding the charges, largely or substantially intact.

Local Planning Policy: Development Application Process for Heritage Places

The application proposes demolition that is not consistent with the management category of ‘moderate significance’ so is referred to the Heritage Advisory Committee for comments to assist in the decision-making process.

Local Planning Policy: Assessment of Cultural Heritage Significance

The level of heritage significance of the place has been assessed as ‘moderate significance’.

Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places

Key considerations for assessment are:

1. Matters set out in section 6.5 and 6.6 of the State Planning Policy 3.5 – Historic Heritage Conservation

The SPP states that local governments should have regard to the structural condition of the place, and whether the place is reasonably capable of conservation. Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified.

Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected. Consideration of a demolition proposal should be based upon the significance of the building or place; the feasibility of restoring or adapting it, or incorporating it into new development; the extent to which the community would benefit from the proposed redevelopment; and any local planning policies relating to the demolition of heritage places.

2. Design guidelines – does not apply for a demolition, but the draft LPP: East Bunbury applies for redevelopment. The bulk and design of the proposal does not complement the character or values of the heritage area.
3. Structural condition of a place and whether a place is reasonably capable of conservation

The structural engineer is of the opinion that remedial works would effectively involve complete reconstruction of the property therefore recommended demolition and construction of a new house. The structural engineer has not provided an indicative estimated cost of works to repair the damaged aspects of the house. It is also noted that houses of this era, particularly of timber construction, generally require extensive restoration works. There is extensive original fabric on the façade that is in reasonable condition.

4. Level of significance assigned to the place in accordance with the City of Bunbury Local Planning Policy – Assessment of Cultural Heritage Significance.

The level of ‘moderate significance’ has been assigned to this property in the revised map for the Draft LPP: East Bunbury Heritage Area. The objective of the draft LPP is to conserve existing buildings of this significance.

The Heritage Impact Statement does not acknowledge this.

Draft Local Planning Policy: East Bunbury Heritage Area

This policy aims to conserve existing buildings of moderate significance such as the subject property. The proposed new build is not considered to be sympathetic or to retain the character and cultural heritage significance of the heritage area.

Structural Engineer's Report

The report by WML Consulting Engineers (2015) (**Appendix DPDS 2**) documents observations from an inspection conducted in January 2015, which in summary include:

- Widespread termite damage was witnessed to the wall framing, wall cladding, architraves, skirtings and internal beams.
- Distress was evident to the roof and ceiling structure. The external roof has deflected and sagged in a number of areas.
- The condition of the floor sub-structure and stumps was not viewed as access was not available. However, a number of factors have led to the conclusion that it is in poor condition.
- Due to the high ground level sub-floor ventilation to the timber floor structure is non-existent and will be contributing to the distress of the floor structure.
- Due to settlement of the floor structure there was widespread distress to the walls, with cracking evident and distress to corners where the walls intersected.
- The external cladding was missing or damaged to several locations, revealing termite damage to the timber studs and that vegetation had grown into the wall cavity.
- There was cracking and settlement to the front verandah concrete slab and wall. One of the posts supporting the verandah roof was missing, the others in need of maintenance. The verandah roof is in danger of collapse.

The owner was contacted and asked if any remedial actions had been undertaken since the structural engineer's report of 2015 and the following response detailing the limited actions was provided:

- verandah post replaced and packed, plus another loose post packed;
- failing skylight removed and recovered;
- failing cement sheet replaced;
- failing ceiling retained with batons;
- no termite treatments;
- some minor items like refastening roofing sheets, trimming doors or altering locks to make them close or latch;
- no works on some of the other structural issues mentioned such as deformation in floors and roof.

The structural engineer is of the opinion that remedial works would effectively involve complete reconstruction of the property, alternatively demolition and construction of a new house is recommended.

The structural engineer has not provided an indicative estimated cost of works to repair the damaged aspects of the dwelling.

Heritage Impact Statement

The concluding comments of the Heritage Impact Statement (Hocking Heritage Studio, August 2017) (**Appendix DPDS 3**) state that:

- The northern end of Charles Street is compromised and does not present with the intact character illustrated in other sections of the Heritage Area. The loss of this house would not immaterially harm the significance of the heritage area nor would it impact on the overall presentation of Charles Street
- Addressing the remediation of the place in its current condition would require large scale reconstruction of the place. Much of the existing fabric and structure would have to be removed/replaced or substantially repaired.
- The houses immediately to the south are single storey timber framed and fibro dwellings of differing architectural design. The houses along the north eastern side of Charles Street are of differing styles and eras and do not present with a coherent character or aesthetic.
- The proposal does not seek to conserve the existing house but would preserve the single storey character of the streetscape. The scale and massing of the proposed dwelling is in keeping with the predominant scale and massing seen along Charles Street, and the setback follows the general pattern demonstrated along the road.
- The design of the house does not replicate any of the historical styles seen along Charles Street and will not result in a mock heritage house. The design and material palette has however been informed by the traditional housing stock of the heritage area. The main material is brick with weatherboard detailing.

Comments from the Heritage Advisor

The Heritage Advisor provided comment that the proposed demolition of #10 Charles Street is not recommended. The policy would not support demolition of this property as conservation is possible and demolition should only be considered if there are no other alternatives. There are many possible alternatives for this property including the potential for a large extension to the rear. The rooms under the main roof should be retained. The skillion additions to the rear could be removed.

Future proposal

The applicant has provided some preliminary concept plans on a future proposal for the subject site (refer to **Appendix DPDS 3**) which requires complete demolition of the existing house and replacement with a new brick house. The bulk of the dwelling results in a 60m² double garage that is visually dominant; insufficient open space as required by the R-Codes; a lesser roof pitch and building materials that are not complementary to the existing streetscape. The proposal is not considered to reflect the values or character of the existing streetscape.

Conclusion

The work of the National Trust of Australia (WA) from the 1970s and subsequently the local government to document and protect the significance of the heritage area demonstrates the social importance of the area in providing a sense of place and history in the context of the contemporary City of Bunbury.

The subject site has moderate significance (not a perceived low level of cultural significance as claimed in the Heritage Impact Statement submitted with the application), has retained the majority of original façade elements and design features and contributes to the streetscape heritage character and the community's sense of place.

The Heritage Impact Statement does not address that where properties are assigned moderate significance that conservation of the place is desirable. The northern end of Charles Street has a lot of rare intact building stock that are integral to the character and streetscape of the heritage area. The statement does however note that the potential loss of original building stock from heritage areas should always be given serious consideration.

The structural engineer and heritage professional have concluded that there are a number of remedial actions required to make the building structurally sound. This is similar for a number of properties in Charles Street of this era. The applicant has actioned few of the required remedial works documented in 2015 and it appears that little maintenance has occurred on the property. It is also noted that the new house would cost approximately \$310,000 with additional demolition fees.

Removal of internal original fabric and modifications to the rear of the existing house are not of key consideration given it is the external building form and the building's contribution to the streetscape that are of value. Demolition by neglect should not be supported as outlined in the State Planning Policy and LPP.

There are a considerable number of properties that have had extensive works for conservation purposes, particularly in Stirling, Charles and Ednie Streets. These works include restumping, recladding, reroofing, major internal modifications and significant extensions at the rear of the property. This is generally what is required for a house that is over 100 years old where the aim of the heritage area is to conserve the buildings.

The future proposal is not consistent with the LPP: Stirling Street Heritage Area; draft LPP: East Bunbury Heritage Area or the existing heritage values and character of Charles Street. Therefore, it is recommended that the proposed demolition not be supported.

Options

In accordance with clause 68 of the deemed provisions under the Planning and Development (Local Planning Schemes) Regulations 2015, the local government may determine an application for development approval by:

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

In this instance, the refusal of the proposal is recommended due to the implications of reducing the number of original housing stock that contribute to the streetscape and character of the heritage area.

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 which may result in legal costs to the City of Bunbury.

Community Consultation

The application is also referred to the Heritage Advisory Committee as required by the Local Planning Policy for proposed demolition of a heritage place.

Councillor/Officer Consultation

The application for development approval 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.

Consultation with the applicant

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

Delegation of Authority

This development application is referred to the Heritage Advisory Committee for a recommendation to assist with the decision making process as required by Local Planning Policy: Development Application Process for Heritage Places.

Outcome of Meeting

It was discussed that the development application falls short of requirements and is not a clear demonstration of need to demolish. Moderate significance is important to the heritage area and the costs of maintenance and restoration for a modest timber structure would be less than a new build and demolition. A reduction in original building stock would impact on the integrity of Charles Street which is one of the key streets in the heritage area.

The executive recommendation was moved by Mr Suckling and seconded by Mr Bischoff and was carried unanimously.

Committee Decision: Moved: Mr Suckling Seconded: Mr Bischoff

1. That the Heritage Advisory Committee recommend refusal, for the following reasons:

- (a) The proposal is contrary to objective 1 of Local Planning Policy: Stirling Street Heritage Area and draft Local Planning Policy: East Bunbury Heritage Area, which relates to conserving and protecting the cultural heritage significance of the Stirling Street Heritage Area.**

- (b) The proposal is contrary to item (l) of deemed clause 67 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the demolition will have a negative effect on the cultural heritage significance of the Stirling Street Heritage Area.**
- (c) The proposal is contrary to State Planning Policy 3.5: Historic Heritage Conservation in that:**

 - (i) it will adversely affect the significance of the heritage area;**
 - (ii) the building has been neglected and demolition by neglect should not be supported;**
 - (iii) the proposed redevelopment does not respect or complement the streetscape in Charles Street.**
- (d) No evidence has been provided that the costs would be prohibitive for restoration and maintenance works on a modest timber structure house in comparison to the proposed demolition and construction of a new brick house.**
- 2. That property owners in Charles Street be invited to contact the Strategic Planning Officer (Heritage) for information on conservation works and applicable concessions.**
- 3. Advise the applicant that the City of Bunbury is willing to consider feasible options for retention and restoration of the dwelling, with additions to the existing building that are compatible with the fabric and significance of the original building and its contribution to the streetscape in accordance with the Draft Local Planning Policy: East Bunbury Heritage Area.**

10.3 Alterations and Additions to Single House at Lot 6 (#41) King Road, East Bunbury

File Ref:	5/2017/154/1
Applicant/Proponent:	Morris Johnston
Responsible Officer:	Anthony Pick, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS1 – Site Plan, Development Plans and Supporting Information Appendix DPDS2 – Site Photographs Appendix DPDS3 – Heritage Advisor referral response

Summary

The City of Bunbury has received a development application from the landowner to undertake alterations and additions to a heritage place, known as 'Ellens Cottage', located at Lot 6 (#41) King Road, East Bunbury. The dwelling is included on the Heritage List, under the City of Bunbury Town Planning Scheme No. 7 (the Scheme). The proposed development comprises infilling part of the front verandah, at either end, in brick to create two new rooms under the existing roof. The rooms would provide additional storage (7.87m²) and a sewing room (6.36m²).

The proposed works to the primary elevation are considered to adversely affect the significance of the heritage place due to the location, form and appearance of the proposed development.

Executive Recommendation

That the Heritage Advisory Committee recommends refusal of the development application, for the following reasons:

- (a) The proposed development is contrary to State Planning Policy 3.5: Historic Heritage Conservation and the City of Bunbury's adopted and draft local planning policies on heritage, in that the development would by reason of its siting, form and appearance detract from the significance of the heritage place.
- (b) The proposed development is contrary to State Planning Policy 3.5: Historic Heritage Conservation and the City of Bunbury's adopted and draft Local Planning Policies on Heritage, as there are alternative locations for extending the dwelling behind the building line to the side and / or rear which would have less impact on the significance of the heritage place.

Strategic Relevance

Key Priority Area No. 1: Community and culture

Objective No. 1.5 Celebrate and recognise the richness of our arts, culture and heritage

Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure.

Background

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

Property Address:	Lot 6 (#41) King Road
Zoning:	Residential (R20/R30)
Lot Area:	1324.72m ²
Heritage:	Included on the Heritage List Classified by the National Trust

City of Bunbury Heritage List

The dwelling is included on the City of Bunbury Heritage List due to its considerable level of contribution to Bunbury's cultural heritage. As such, the Municipal Heritage Inventory (MHI) contains the following statement of significance for the place:

'The Slab Hut, a single storey, brick and iron house, has cultural heritage significance because it is one of the few remaining slab huts in Western Australia in continuing use; the place was built by one of the first convicts to be transported to Western Australia, Henry Trott, who went on to become a prominent Bunbury citizen; the restoration of the place in 1996 for commercial use is a demonstration of the potential of such buildings; the place has landmark qualities and contributes significantly to the streetscape and the community's sense of place.'

The proposed development plans and supporting information are **attached** at Appendix DPDS1 and officer site visit photographs are **attached** at Appendix DPDS2

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework 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 Town Planning Scheme No. 7 (the Scheme);
- City of Bunbury Heritage List;
- State Planning Policy 3.5: Historic Heritage Conservation;
- State Planning Policy 3.1: Residential Design Codes (R-Codes);
- Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places; and
- Draft Local Planning Policy: Development Assessment Process for Heritage.

Officer Comments

41 King Road (Ellens Cottage) is a single storey, brick and iron house with a symmetrical facade designed as an example of the Victorian Colonial style of architecture. The dwelling makes a positive contribution to the streetscape.

The development application is accompanied by a supporting letter from the applicant providing background information and rationale for the proposal. However, there is no Heritage Impact Statement. The applicant advises that the dwelling was purchased in 1992 as a derelict property. The dwelling has subsequently been restored by the applicant. The applicant is now planning to relocate and reside in the property in the near future. Development approval is therefore sought to extend the property by infilling part of the verandah to create two small rooms on either side of the verandah for the purposes of storage and a sewing room. The design, which retains the existing verandah posts, features red brickwork and fenestration to match the existing dwelling.

R-Codes Assessment

The proposed development is assessed to be compliant with the R-Codes and the main issue is therefore an assessment of the impacts of the development on the heritage place.

Heritage Assessment

Policy measure 6.6 of State Planning Policy 3.5: Historic Heritage Conservation sets out the guiding development control principles in considering applications in relation to places entered on a heritage list. The following provisions are considered relevant to the consideration of the application.

'Alterations, extensions or change of use affecting a heritage place:

- *Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.*
- *Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.'*

The above guiding principles are applied in the City of Bunbury's local planning policies on heritage matters. The draft Local Planning Policy: Heritage Buildings states, section 8.4.1, *that good conservation practice involves retaining significant building and landscape elements where possible.*

Section 9.3 of the draft policy deals with alterations and additions and lists the following desired outcomes.

- *All development should, as far as practicable, retain the significant character, detailing, orientation and setting of the heritage place.*
- *Additions and new buildings/structures (including garages, carports, patios, swimming pools, gazebos etc) should take account of the significance and character of the heritage place,*

involve the least possible alteration to significant fabric, retain the prominence of the original building in public views, and not unnecessarily obscure significant elements/details.

- *Additions and new buildings/structures should be set back behind the main façade.*

The dwelling has been extended over time and the front elevation as it stands today is different to the original. However, the existing wide open verandah forms an integral part of the character and appearance of the dwelling and it is considered that enclosing sections of the verandah in brick would be inconsistent with heritage policy guidance and adversely affect the significance of the heritage place.

The application has been referred to the Heritage Advisor who considers that the development does not satisfy the heritage policy requirements as, in summary:

- The proposed new rooms being to the front elevation of the house have an impact on the streetscape.
- The proposed new rooms are of brick construction and therefore would not be easily reversible at a later date.
- There is sufficient room at the side and rear of the existing dwelling for storage, behind the building façade.

The Heritage Advisor notes that some form of extension could be considered but the location and type of construction should be reconsidered. The Heritage Advisor's comments are **attached** at Appendix DPDS3.

Following the receipt of the Heritage Advisor's comments, a site meeting took place with the Heritage Advisor, assessing officer and the applicant to discuss possible alternative locations to the side and/or rear. However, the applicant requests that the application be determined on the basis of the development plans submitted. Therefore, for the reasons provided it is recommended that the application is refused.

Options

In accordance with clause 68 of the deemed provisions under the Planning and Development (Local Planning Schemes) Regulations 2015, the local government may determine an application for development approval by:

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions. This may include requiring the addition to be constructed of different materials e.g. timber weatherboarding instead of brick; or
- (c) refusing to grant development approval.

In this instance, the refusal of the proposal is recommended.

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 application is referred to the Heritage Advisory Committee for its recommendation in order to inform Council's consideration of the application.

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 met with the applicant and the Heritage Advisor on site to discuss preferred alternative options. However, the applicant confirmed that there would not be any change to the siting of the development. The applicant was advised that the application would be referred to the Heritage Advisory Committee prior to determination by Council.

Outcome of Meeting

Mr Johnston made his deputation to the Committee that additions to the side or rear of the building would be very expensive and that there would be building issues with ceiling height and building over sewerage line. This would greatly impact on the reuse of the heritage building.

Morris Johnston, Kent Lyon and Peter Suckling left the Committee meeting for the discussion and vote.

It was noted that there was now no quorum. The Presiding member suggested that members should do a site visit to fully understand the circumstances on site and that the item be deferred to the next meeting.

The Strategic Planning Officer (Heritage) is to arrange a site visit for members and the item is to be deferred to the next Heritage Advisory Committee meeting on 13 December 2017.

10.4 Retrospective Application for Patio, Outbuilding and Installation of Solar Panels at Lot 1 (#3) Hayes Street, East Bunbury

File Ref:	5/2017/48/1
Applicant/Proponent:	Patricia Tapper
Responsible Officer:	Anthony Pick, Senior Planning Officer
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Felicity Anderson, Acting Director Planning and Development Services
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Appendix DPDS1 – Site Plan, Development Plans and Supporting Information Appendix DPDS2 – Site Photographs Appendix DPDS3 – City of Bunbury Stop Work Notice

Summary

The City of Bunbury has received a development application seeking retrospective development approval for an outbuilding, patio and installation of solar panels at Lot 1 (#3) Hayes Street, East Bunbury. The property is included on the Heritage List, under the City of Bunbury Town Planning Scheme No. 7 (the Scheme), and is located within the Stirling Street Heritage Area.

The main issue of the development is the solar panels which were installed after the City formally advised the applicant to stop works in respect of the construction of an unauthorised patio and outbuilding, which had commenced without development approval.

The solar panels were installed on the verandah and main roof fronting the primary street and are highly visible in the streetscape. The siting of the solar panels is inconsistent with the draft heritage policy and is considered to adversely affect the significance of the heritage place and the heritage area. Furthermore, in this case, the dwelling has a large expanse of roof to the rear which could be used to site the solar panels and be orientated on brackets to face north for efficiency.

It is recommended that development approval be granted subject to conditions, namely relocating of the solar panels to the side or rear of the roof.

Executive Recommendation

That the Heritage Advisory Committee recommends retrospective development approval, subject to the following draft conditions:

1. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.

2. Within sixty (60) days from the date of this development approval the installed solar panels shall be relocated from the primary street frontage to the side or rear of the dwelling in accordance with details to be submitted and approved by the City of Bunbury. The solar panels shall be re-installed in accordance with the approved details.
3. All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury.
4. The boundary walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.

Advice Notes:

- (a) The patio (gazebo) the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. The owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.

Strategic Relevance

- Key Priority Area No. 1: Community and culture
Objective No. 1.5 Celebrate and recognise the richness of our arts, culture and heritage
- Key Priority Area 3: Natural and Built Environment
Objective 3.4 Facilitate urban design, diversity of land uses, and enabling infrastructure.

Background

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

Property Address:	Lot 1 (#3) Hayes Street, East Bunbury
Zoning:	Residential (R15/R40)
Existing Land Use:	Single House
Lot Area:	362.62m ²
Heritage:	<ul style="list-style-type: none">• Included on the Heritage List;• Located within the Stirling Street Heritage Area; and• Regional Heritage Place – to be assessed (14 November 2003).

City of Bunbury Heritage List

The dwelling is included on the City of Bunbury Heritage List. The Municipal Heritage Inventory (MHI) contains the following statement of significance for the place:

'House, 3 Hayes Street, a single storey timber and iron house has cultural heritage significance for the following reasons:

The place is an example of a bungalow constructed in the Federation period; the place has landmark qualities and contributes significantly to an intact streetscape (including nos 3, 5, 7, 9 and 13 Hayes Street) and the community's sense of place'.

Stirling Street Heritage Area

The development site is located within the Stirling Street Heritage Area. The Heritage Area has been on the assessment program for consideration as a State registered place since 2003.

The MHI contains the following statement of significance for the Heritage Area as:

'Precinct which contains areas of high cultural significance illustrating the evolution of settlement with the period 1875 to 1925 particularly well represented. The precinct contains areas of aesthetic characteristics highly valued by the community; cultural landscapes and notable streetscapes, all ensconced in a collection of harmoniously related buildings. Illustrations of several major historic themes of human settlement are evident. The precinct is also important for a range of social, cultural, education and spiritual associations.'

The proposed development plans and supporting information are **attached** at Appendix DPDS 1 and officer site visit photographs are **attached** at Appendix DPDS 2.

Unauthorised Development

The City of Bunbury wrote to the applicant in December 2016, see **attached** at Appendix DPDS 3, giving notification to stop works in relation to the unauthorised construction of a gazebo and shed. The applicant was advised that as the property was on the Heritage List all internal and external works would require development approval.

The applicant sought to regularise the unauthorised development by lodging an application for retrospective development approval in March 2017. However, the application was incomplete and further information requests were sent 13 March 2017, 11 April 2017, and 25 May 2017. In response to the City's request of the 25 May 2017 the applicant advised that the development was on hold. The City contacted the applicant again on 3 and 10 August 2017 advising that the application could not be deferred indefinitely and requested a meeting with the applicant. The applicant was also advised that it had come to the attention of the City that since the stop work notice had been issued the applicant had subsequently installed solar panels on the primary street frontage of the dwelling without development approval.

Following the meeting the applicant provided the required information and also sought retrospective development approval for the solar panels. The application was advertised to adjoining landowners. No submissions were received.

Relevant Council Decisions

Council recently granted (11 July 2017 and 7 February 2017) retrospective development approval for solar panels located on the primary street frontage at #51A and #49 Stirling Street (Council Decisions 257-17 and 39-17).

It should be noted that the aforementioned applications were recommended for development approval by the Executive and the Heritage Advisory Committee. The recommendation was based on the fact that the solar panels had been installed prior to the draft heritage local planning policy being advertised. The draft policy seeks to guide the location of solar panels so they are not visible from the primary street, and furthermore weight was given to the length of time the panels had been installed prior to seeking development approval. Following Council's decision the City wrote to solar panel companies both locally and in the metro area to remind installers of the need to seek confirmation that a residential property is neither on the Heritage List or located within a Heritage Area.

In this case the solar panels were installed post advertising of the draft heritage policy and following the City's letter advising the applicant not to undertake any internal or external works without development approval.

Legislative and Council Policy Compliance

The following statutory planning instruments of the State Planning Framework 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 Town Planning Scheme No. 7 (the Scheme);
- City of Bunbury Heritage List;
- Stirling Street Heritage Area;
- State Planning Policy 3.5: Historic Heritage Conservation;
- State Planning Policy 3.1: Residential Design Codes (R-Codes);
- Local Planning Policy: Heritage Conservation and Development Policy for Heritage Places;
- Local Planning Policy: Stirling Street Heritage Area;
- Draft Local Planning Policy: Development Assessment Process for Heritage; and
- Draft Local Planning Policy: East Bunbury Heritage Area.

Officer Comments

#3 Hayes Street is a single storey timber and iron house constructed in the Federation period and makes a positive contribution to the streetscape.

R-Codes Assessment

The proposed development is assessed to be compliant with the deemed-to-comply and corresponding design principles requirements of the R-Codes. The main issue is therefore an assessment of the impacts of the development on the heritage place and the heritage area, specifically in relation to the installation of the solar panels.

Heritage Assessment

Policy measure 6.6 of State Planning Policy 3.5: Historic Heritage Conservation sets out the guiding development control principles in considering applications in relation to a place entered on the Heritage List and also addresses applications within a Heritage Area. The following provisions are considered relevant to the consideration of the application.

‘Alterations, extensions or change of use affecting a heritage place:

- *Development should conserve and protect the cultural significance of a heritage place based on respect for the existing building or structure, and should involve the least possible change to the significant fabric.*
- *Alterations and additions to a heritage place should not detract from its significance and should be compatible with the siting, scale, architectural form, materials and external finishes of the place. Compatibility requires additions or alterations to sit well with the original fabric rather than simply copying or mimicking it.’*

‘Development within a heritage area

- *Development within a heritage area should respect and complement the heritage significance of the area as identified in the local planning policy. A respectful design approach gives special consideration to the siting, scale, architectural style and form, materials and finishes of the proposed development in relation to its neighbours, without copying historic detailing or decoration.*
- *Alterations and additions to existing buildings should be designed and sited in a manner that respects and complements the heritage significance of the area.’*

The above guiding principles are applied in the City of Bunbury’s local planning policies on heritage matters.

The current adopted policy for the Stirling Street Heritage Area does not explicitly reference solar panels or incidental development; however, the development would be considered under the following objectives of the policy:

‘To conserve and protect the cultural heritage significance of the Stirling Street Heritage Area.’

‘To ensure that new buildings, alterations and additions can be accommodated within the area without adversely affecting the Stirling Street Heritage Area’s cultural significance.’

The City is currently finalising its revised draft local planning policies on heritage conservation. The advertised draft policy proposes to include a performance based assessment and deemed-to-comply provisions in order to synchronise better with the R-Codes and Liveable Neighbourhoods.

The following clauses of the draft Local Planning Policy: East Bunbury Heritage Area are applicable to this application.

Clause 8.4.1 states:

‘that good conservation practice involves retaining significant building and landscape elements where possible.’

Clause 9.1.2 states:

'Desired Development Outcomes:

Incidental items such as television aerials, satellite dishes, solar panels (or solar collectors etc.) should be located away from the primary street in order to minimise their impact on heritage buildings and the wider East Bunbury Heritage Area.'

Section 9.3 of the draft policy deals with alterations and additions and lists the following desired outcomes.

- *All development should, as far as practicable, retain the significant character, detailing, orientation and setting of the heritage place.*
- *Additions and new buildings/structures (including garages, carports, patios, swimming pools, gazebos etc.) should take account of the significance and character of the heritage place, involve the least possible alteration to significant fabric, retain the prominence of the original building in public views, and not unnecessarily obscure significant elements/details.*
- *Additions and new buildings/structures should be set back behind the main façade.*

The solar panels are presently located on the primary street elevation and due to their scale are considered to be inconsistent with the draft local planning policy.

Heritage Advisor Referral Response

The assessing officer has discussed the application with the Heritage Advisor. The Heritage Advisor has verbally confirmed that previous comments apply in respect of the solar panels on the primary street elevation, which can be summarised as:

'The location of the solar panels is not consistent with the intent of the draft Local Planning Policy and it would set a precedent in the Stirling Street Heritage Area.

If the City of Bunbury were to approve solar panels on the primary street frontage then the cumulative impact of solar panels on the Stirling Street Heritage Area would be noticeable in the long run, and therefore the heritage value of the area would be diminished. It is recognised that the northern elevation provides maximum efficiency, but this should still be balanced with heritage outcomes.'

Conclusion

The outbuilding and patio are considered to be acceptable and given their siting to the rear have limited impact on the heritage significance of the place or heritage area.

However, it is considered that the solar panels by reason of their prominent location and scale adversely affect the significance of the heritage place and Heritage Area. There is a preferred alternative solution by resiting the solar panels to the side or rear.

It is therefore recommended that retrospective development approval is granted subject to a condition requiring the relocation of the solar panels to the side or rear of the dwelling.

Options

In accordance with clause 68 of the deemed provisions under the Planning and Development (Local Planning Schemes) Regulations 2015, the local government may determine an application for development approval by:

- (a) granting development approval without conditions; or
- (b) granting development approval with conditions; or
- (c) refusing to grant development approval.

In this instance, the granting of development approval for the proposal with the appropriate conditions is recommended.

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 application is referred to the Heritage Advisory Committee for its recommendation in order to inform Council's consideration of the application.

The application was referred to adjoining landowners for comment. No submissions were received.

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 met with the applicant to discuss preferred alternative options (e.g. the relocation of the solar panels). However, the applicant has subsequently confirmed that they do not intend to make any change to the siting of the solar panels. The applicant was advised that the application would be referred to Council for determination.

Outcome of Meeting

It was discussed that the solar panels shouldn't be visible from the primary street and Mr Lyon referred to material based on the principles of the Burra Charter where solar panels shouldn't be visible in the public realm from dominant roof elevation. Cost for relocation was discussed but it was recognised that this work had occurred after the issue of a stop work notice advising the owner that any work requires a development approval since the property is heritage listed.

The executive recommendation was moved by Mr Johnston and seconded by Cr Kelly and was carried unanimously.

Committee Decision: Moved: Mr Johnston Seconded: Cr Kelly

That the Heritage Advisory Committee recommends retrospective development approval, subject to the following draft conditions:

- 1. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.**
- 2. Within sixty (60) days from the date of this development approval the installed solar panels shall be relocated from the primary street frontage to the side or rear of the dwelling in accordance with details to be submitted and approved by the City of Bunbury. The solar panels shall be re-installed in accordance with the approved details.**
- 3. All water draining from roofs or other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the subject lot, to the satisfaction of the City of Bunbury.**
- 4. The boundary walls, including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.**

Advice Notes:

- (a) The patio (gazebo) the subject of this development approval is also regulated by the Western Australia Building Act 2011, Building Regulations 2012 and Building Code of Australia. The owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.**

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

13. Urgent Business

Nil

14. Date of Next Meeting

13 December 2017

15. Close of Meeting

The Presiding Member closed the meeting at **5.15pm**.

Confirmed to be a true and correct record of proceedings of the Heritage Advisory Committee meeting held 8 November 2017.

Cr Brendan Kelly
PRESIDING MEMBER