



Heritage Advisory Committee

Minutes

14 August 2019

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*
- 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

Heritage Advisory Committee

Minutes

14 August 2019

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
Mr Kent Lyon	Community
Mr Raymond Parks	Community
Mr Peter Suckling	Community

Support Staff:

Name	Title
Ms Lacey Brown	Strategic Planning Officer (Heritage)

Table of Contents

<u>Item No</u>	<u>Subject</u>	<u>Page No</u>
1.	Declaration of Opening	3
2.	Disclaimer	3
3.	Announcements from the Presiding Member	3
4.	Attendances	3
4.1	Apologies.....	3
4.2	Approved Leave of Absence.....	3
5.	Declaration of Interest	3
6.	Public Question Time	3
7.	Confirmation of Minutes	3
8.	Petitions, Presentations and Deputations	4
8.1	Petitions	4
8.2	Presentations	4
8.3	Deputations.....	4
9.	Method of Dealing with Agenda Business	4
10.	Reports	5
10.1	Heritage Act 2018 and Heritage Regulations 2019 Update	5
10.2	Summary of Referrals and Communications	9
11.	Applications for Leave of Absence	12
12.	Questions from Members	12
12.1	Response to Previous Questions from Members taken on Notice.....	12
12.2	Questions from Members	12
13.	Urgent Business	12
14.	Date of Next Meeting	12
15.	Close of Meeting	12

1. Declaration of Opening

The presiding member declared the meeting open at 4.03pm.

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

Nil

4. Attendances

4.1 Apologies

- Mr Kent Lyon

4.2 Approved Leave of Absence

- Mr Ray Parks

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.
--

Nil

6. Public Question Time

Not applicable

7. Confirmation of Minutes

Committee Decision: **Moved: Mr Suckling Seconded: Mrs Ambrosius**

The minutes of the Heritage Advisory Committee Meeting held on 12 June 2019, are confirmed as a true and accurate record.

CARRIED UNANIMOUSLY

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 were discussed and voted on in the order they appeared on the agenda.

10. Reports

10.1 Heritage Act 2018 and Heritage Regulations 2019 Update

File Ref:	A03335
Applicant/Proponent:	Internal Report
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Gary Barbour, Director Planning and Development Services
Authority/Discretion	<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 to advise the Heritage Advisory Committee of the new *Heritage Act 2018* and *Heritage Regulations 2019*.

Executive Recommendation

That the Heritage Advisory Committee note the information provided on the *Heritage Act 2018* and *Heritage Regulations 2019*.

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 legislation impacts at a State level with key changes in the new *Heritage Act 2018* that include a streamlined process for entering a place in the State Register; more certainty for owners wishing to develop their heritage places; better protections for important heritage places; and increased transparency by publishing the Heritage Council's advice to the Minister for Heritage on the inclusion of a place in the State Register.

Background

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. The new legislation is aligned with contemporary community values.

The review of the *Heritage of Western Australia Act 1990* (1990 Act) involved two phases of community consultation in 2011 and a third in 2015. This resulted in the development of the *Heritage Bill 2016*, which was introduced in Parliament by the previous government, but a change in State Government in early 2017 saw the legislative process recommence under the McGowan Labor Government.

Heritage Minister David Templeman introduced the revised *Heritage Bill 2017* in November 2017. The Bill was passed on 12 September 2018, giving Western Australia a new heritage Act, now known as the *Heritage Act 2018*. This Act replaces the previous 1990 Act.

Council Policy Compliance

The following policies will need to be updated to reflect any changes in terminology from the new Act:

- LPP 6.1: Heritage Conservation and Development
- LPP 6.2: Heritage Listing, Assessment and Concessions

Legislative Compliance

Heritage Act 2018 and *Heritage Regulations 2019*.

Officer Comments

The *Heritage Act 2018* (*the new Act*) has been proclaimed and along with the associated *Heritage Regulations 2019*, the new Act is now in operation.

Features of the new Act generally support more effective administration, decision-making and transparency, but retain many of the provisions of the 1990 Act. Key areas that all local governments should take note of, or require changes to current practice include:

Local Heritage Surveys (LHS)

- These replace the local government inventory, which has commonly been known as the Municipal Inventory or MI. New guidelines are available that outline the intended approach to update and review of the LHS. Further information to support the assessment of local heritage will follow later in the year.
- Reviews currently under way should be updated to deliver a LHS consistent with the Guidelines.
- Existing MIs are taken to be a LHS for the purposes of the Act, so no immediate action is required.

Development affecting State Registered Places

- Proposals that may affect a State Registered place must still to be referred to the Heritage Council for advice. The normal process will be to forward the original application for development approval. Please note that Heritage Council advice will be provided both to the local government and direct to the applicant.
- Public works, proposals to be undertaken by the local government or otherwise not requiring approval under the *Planning and Development Act 2015* must also be referred to the Heritage Council for advice. Early discussions are recommended for complex proposals.

- Proposals referred under the previous legislation will be assessed under the new Act and do not need to be resubmitted.
- There is now a statutory period of 42 days for the Heritage Council to provide their advice. For complex matters, and particularly those that are escalated to the Heritage Council, we may seek local government agreement to extend this period.
- Heritage Council advice must still be followed in making a determination.
- The local government decision on the application must now be notified to the Heritage Council within 10 days of the decision being made. Both referrals and notifications can be sent to hcwareferrals@dplh.wa.gov.au.

Assessment for the State Register

The assessment process will still involve consultation with the relevant local government and other stakeholders. Local governments may wish to address the Heritage Council about a place within their district that is being considered for inclusion in the State Register, but they will no longer be eligible to vote on the matter.

Heritage Agreements

The Act retains provisions for local government to enter into a heritage agreement with the owner of a heritage place, and the Department of Planning, Lands and Heritage will continue to assist where requested.

The Heritage Council website has now been consolidated into the site operated by the Department of Planning, Lands and Heritage. The usual heritage resources are still available, including the inHerit online database.

Analysis of Financial and Budget Implications

There are no financial or budget implications from this report.

Community Consultation

Community members were consulted through the Heritage Advisory Committee and the DPLH website and DPLH media releases.

Councillor/Officer Consultation

Councillor members were consulted through the Heritage Advisory Committee.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Not applicable.

Outcome of Meeting

Strategic Planning Officer (Heritage) provided a summary of the changes to heritage legislation and what this meant to the City. An overview of the status of the Local Heritage Survey was also provided. Mrs Ambrosius asked for more detail on public works requirements.

The recommendation was moved by Mrs Ambrosius and seconded by Mr Suckling and was carried unanimously.

Committee Decision:

That the Heritage Advisory Committee note the information provided on the *Heritage Act 2018* and *Heritage Regulations 2019*.

CARRIED

6 Votes "For" / Nil votes "against"

10.2 Summary of Referrals and Communications

File Ref:	A03335
Applicant/Proponent:	Heritage Advisory Committee
Responsible Officer:	Lacey Brown, Strategic Planning Officer (Heritage)
Responsible Manager:	Thor Farnworth, Manager Sustainability, Planning and Development
Executive:	Gary Barbour, Director Planning and Development Services
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	#50 Beach Road – Subdivision – Decision
2	#131 Stirling Street - Additions
3	St Mark’s Timber Grave Marker Approval
4	St Mark’s – discussion with Churchwarden and Priest regarding DA, funding and future working bees. Scott Family contribution towards works at graveyard from reunion event
5	Access Audit Bunbury Museum and Heritage Centre – walk through to advise on implementation
6	<i>Heritage Act 2018 and Heritage Regulations 2019 – ‘live’ as of 1 July 2019</i>
7	Local Heritage Survey Review – place surveys commenced and consultation to commence on thematic history with SW Aboriginal Land and Sea Council
8	Bunbury Early Beginnings discussion with Cr Kelly, Cr Smith, Graham Houghton, Ray Parks and Bernhard Bischoff
9	Bunbury Heritage Forum 23 August 2019
10	Call for nominations for HAC – Nominations close 13/9/19

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 Meeting

After discussion on each of the items raised in the referral and communication list, the Presiding Member tabled a paper for the members interest on item (8), “Bernhard Bischoff explores the history of Bunbury”. It was noted that this paper was published on the Bunbury Mail webpage. A copy will be provided to Councillors for reference.

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

Committee Decision:

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

CARRIED

6 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

13. Urgent Business

The following motion was moved by Mrs Ambrosious and seconded by Cr Smith and carried unanimously:

That the Heritage Advisory Committee thank Cr Kelly for his dedication as Presiding Member over the last 12 years and wish him all the best for his future endeavours.

Committee Decision:

That the Heritage Advisory Committee thank Cr Kelly for his dedication as Presiding Member over the last 12 years and wish him all the best for his future endeavours.

CARRIED

6 Votes "For" / Nil votes "against"

14. Date of Next Meeting

The 9 October 2019 meeting to be postponed to 13 November 2019 due to elections.

15. Close of Meeting

The Presiding Member closed the meeting at 4:45pm.