



Schedule of Submissions

Proposed Tree Streets Heritage Area – Local Planning Policy 4.3

#	Name / Address	Summary of Submission
Public Comments - OBJECTION		
1.		<p>First Submission: My name is [REDACTED] and I am the owner/occupier of xxxxxxxxxx in Bunbury and I am heavily impacted by the council push to make the Tree Streets a Designated Heritage Area.</p> <p>I am fully against this proposal as I wish to retain full autonomy over my home and investment.</p> <p>Second Submission: Re: resident submission for xxxxxxxxxxxx, owner and occupier of xxxxxxxxxxxxxx in Bunbury. Part one (pending the possibility of future submissions).</p> <p>I fully object to the proposal to make the Tree Streets a Designated Heritage Area. I am unsure why a group of people, who would largely not reside in the aforementioned area, have a vested interest to pursue such a designation. It feels like a vanity, "I achieved that" project which unfairly emotionally and financially impacts many others, and their potential inheritors.</p> <p>Our homes, our autonomy.</p> <p>If the group are concerned with the appearances of the area please buy into the zone and tinker with your own property as you see fit.</p> <p>I also object to the time, effort, emotion and exhaustion involved in my submission, due to whims conceived elsewhere. I have concerns with the financial worth of my property under the proposed designation. [REDACTED] [REDACTED] [REDACTED]</p> <p>I have concerns with the insurances under the designation. It would appear insurance could inflate with a heritage designation. Many Tree Street owners already have multiple high insurance responsibilities and do not need anymore. I have concerns with who will carry the costs of long term capital and maintenance of properties and their compliance with Heritage and Local Planning Policies. Many Tree Street residents and/or owners have already worked for decades contributing to the country's taxation and rates systems and do not need yet another (in this case, needless) monetary debt. Many Tree Street owners will have worked too hard to entitle a pension</p>

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		<p>and our superannuation via our home/property is paramount and should not be under threat by the proposed designation.</p> <p>I have concerns, in an alleged democracy, with the "like for like" suggested compliance, under the designation. We currently have a very weathered short picket fence (thirty-ish years old) atop a retaining wall. We would prefer a tall zincalume fence due to privacy, longevity, aesthetics and most importantly, the rights of personal choice. The neighbours can see into our yard, balcony and kitchen area which is similarly returned. We, are at times, confronted by what can be an aggressive dog on the other side of the tired picket fence site. Our present, and future personal day to day choices should not be thwarted due to the professional pursuits of a group of non-residents.</p> <p>I have concerns as the above realties confront Tree Street owners only, and not the council lobby. Our solutions and freedoms should not be dictated to by an external group, a group which will only dissolve in the future, while our consequences under the proposed designation would live on.</p> <p>I have concerns with intentions. Please disclose your interests in pursuing the local planning project.</p> <p>Please, let us return to our peaceful lives.</p>
2.		<p>First submission:</p> <p>The Tree Street Assessment of our property is flawed and as such the outcome of the assessment (high) is incorrect and as such the findings should not be used.</p> <p>Though this property has maintained it character- there have been significant alterations made to the front and rear of the property. The most recent being a significant extension built in 2021, which significantly changed the inside of the dwelling. The front verandah was changed significantly by the previous owner as well in the 1980s.</p> <p>The interior of the house, though in character, is clearly not original either. There is not a consistent colour scheme, cornicing or skirting.</p> <p>Second submission:</p> <p>I am hereby detailing my very strong objection to the entirety of the proposed policy and assert that under no circumstances should any part of it be implemented.</p> <p>First Submission:</p>

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		<p>IF this proposal is to be accepted, the Council should re-do the report and complete an true and accurate reflection of the area and this should including speaking to the owners of the home and seeking current and archival images of the homes.</p> <p>The council can not endorse a report that is significantly flawed; a simple review of council records on my home will clearly demonstrate that the report is inaccurate. Whilst the inaccuracies exist, and the council is aware of them, the report should not be accepted or endorsed by council. Council must review the document and provide and updated and accurate report.</p> <p>The 'Tree Street Heritage Area Assessment Report, September 2022' is out of date and highly inaccurate, especially in reference to our home.</p> <p>The image in the report clearly shows demolition and building works were in place at the time, yet at no stage did the company completing the report access council building documents or speak to the owners, therefore, due diligence was not adhered to when completing the report.</p> <p>There has been significant works to the property (as approved by the City of Bunbury).</p> <p>I also have several photos and paintings of the home showing that it was changed in the 1980s and does not reflect the 'original' home. Changes such as the verandah, front door and fence should not be included in referencing the 'character' or 'originality'. These documents should have been considered when compiling the report.</p> <p>When purchasing the home, there were no restrictions or criteria on the home; this should not change now. As a family of five in a period of economic difficulty, it is unrealistic to expect families to pay for excessive maintenance costs that do not meet contemporary standards. If the council wants to maintain these buildings, it should be at their expense, not the owners. I am concerned for my neighbours who are elderly and may not be able to meet the costs required in maintaining the standard or expected or the requirements for them to adjust their homes to meet their needs so they can remain in their home (for example, accessibility aids). In addition, by heritage listing the area, the homes will become less desirable and the prices of the homes will fall as buyers will be reluctant to purchase a home they will be restricted to and forced to maintain 'in character'.</p> <p>I believe in keeping with the 'character' of the area, however, I do not believe the excessive restrictions proposed should be imposed on families.</p> <p>In the future, when funds become available, I plan on:</p>

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		<p>1. Widening the main doorway to improve light, air flow and accessibility, things identified by the City of Bunbury as significant and important.</p> <p>2. Removing all internal walls and ceilings, insulating the walls and replacing the interior to provide consistency and improve liveability and meet contemporary standards; the current interior has been changed several times and each room does not match and is not 'original'. Re-painting (there is not a consistent paint scheme or cornicing).</p> <p>3. Removing the chimneys as they are leaking, beyond repair and contribute to damp and air draft, issues that must be addressed are in line with COB contemporary planning.</p> <p>4. Removing the dilapidated fence and replacing with a modern fence (rusted iron). 'Original' photos and paintings do not show a fence.</p> <p>5. Re-doing the garden.</p> <p>6. Replacing downpipes and gutters.</p> <p>7. Re-roofing as the current roof is starting to wear.</p> <p>8. Re-stumping and insulating the floor - this may require removing the floor and replacing with something different.</p> <p>9. Installing solar panels and rainwater tanks that best meet demands of a contemporary home (and not be restricted to inadequate facing solar panels due to heritage listing).</p> <p>I should not be restricted in these activities, especially when they improve the quality of the home and meet the Councils accessibility and sustainability ideologies.</p> <p>In short, works will need to be completed on the house, and I intend on keeping, where possible, with the character of the area, however, I do not want to be forced to adhere to current building as it has changed several times over the years and does not reflect the original 1930's home.</p> <p>The excessive restrictions provided under 'heritage listing' must be changed. I do support adhering with the 'character' of the area (allowing changes that still reflect the area).</p> <p>Second Submission:</p> <p>I am hereby detailing my very strong objection to the entirety of the proposed policy and assert that under no circumstances should any part of it be implemented.</p> <p>I am hereby detailing my very strong objection to the entirety of the proposed policy and assert that under no circumstances should any part of it be implemented.</p>
3		<p>Dear Officer,</p> <p>As the tree street residents as well as the property owners, we are so proud of living here and enjoy the lovely neighbourhood.</p>

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		<p>However, our goal has been to demolish and rebuild on our land, since our house is old and there are no historic, aesthetic or social features. It will cost a fortune to renovate the old house like ours, such as repairing the structure deficits, flooring, solving the plumbing issues in the walls, electronic rewiring, etc... Plus the cost of structural extension will cost way more than demolish and rebuild does. Furthermore, it is [REDACTED] which attracts traffic, police cars, strangers at front side of our house... And also the house is near a roundabout, the traffic lights can easily go through our window/curtain during the nights. We are eager to demolish and rebuild a new house to turn the bedrooms at the back to make it liveable for a family of five when we have enough savings.</p> <p>However, our house is classified ‘Moderate contribution’, which means we have limited right to demolish and rebuild. We cannot accept this happening. The property is our biggest asset in our life, we just cannot agree the classification that will affect our plan so much in any way.</p> <p>We strongly require the council to reconsider our house as ‘limited/ no contribution’ to the heritage area. Thank you very much and looking forward to your reply.</p>
		<p>Second submission:</p> <p>Thank you for providing us this opportunity to express our opinions towards council’s Tree Street Heritage Proposal. We are living at [REDACTED] [REDACTED] we enjoy the lovely neighbourhood around this area and are going to raise our 3 young children in this beautiful community, and our parents are going to live with us as well.</p> <p>First of all, we are strongly against this proposal, because we think that goes against humanity. As property owners, we spent a fortune on the properties in the area and have right to do the developments to make the houses on the properties more liveable. It is unfair to put the heavy blanket - “heritage area” on our area, especially for the younger and growing families. We bought the old house a few years ago legally for the Primary School intake zone, planning to demolish and rebuild our dream house in the near future, simple because the renovating and extending our old house costs more than ‘demolish and rebuild’, since there are a good numbers of issues in our old house. Our house is in Zone R30, we have the potential to demolish and subdivided our land as well. In this way, we are entitled to build two houses, one for our parents, one for us with the children. However, our house is classified as “Moderate contribution”, which means we need to retain our old problem house. There are lack of consultation and adequate engagement with us as the impacted homeowners. That is not acceptable for all the members of our family at all, because that will disturb our life so much by the impending negative impacts on us if it proceeds.</p> <p>Secondly, we do not think any properties on Beach Road can be classified as ‘Heritage’. It is a such a busy and noisy road with lots of</p>

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		<p>public transport and private cars. The atmosphere is not related to 'heritage' at all. Most of the houses on Beach Road are lacking of the characters of the place and its landscape value. The road is mixed used with a lot of commercial buildings and small apartments up the hill on William Street. And also [REDACTED] is just right opposite to our house on the other side of [REDACTED] which attracting different staff/ private cars and police cars. There is not meaningful to preserve the residential properties on Beach Road, because most of them are not liveable. There is a good example- 88 Beach Road -showing the old houses on Beach Road need to be demolished and rebuild to support the community development and satisfy residents' need. We think the new building will serve the community more profoundly than the old house did.</p> <p>Last but not least, in regard to our house, it should not be classified as 'moderate contribution' to the area. It does not have any cultural heritage significance, nor aesthetic, historic, scientific, social significance for the current community and future generation.</p> <p>From an architectural point of view, it does not have the beauty for being a heritage property and it cannot be classified as any styles of the architectural, like Queenslander style or Victorian style, etc. And there are a lot of modifications made to the house and the material is not original. It is a brick house without any Jarrah board cladding decoration. The brick surface has been rendered in the recent years, which made the original front face changed dramatically. The original tiles on the roof have been replaced by green color bond material. A small sleep-out room has been added to right hand side of the front and the single garage has been attached the left-hand side of the front as well, all the front windows have been changed to modern Heatseal double glaze windows already, which all make the house lose the original look over the past decades.</p> <p>Inside, as it is an old house, there are a good number of repairing issues coming up. For example, the floor is shaking when stepping on, it is hard to repair the underneath stumps because the house has brick walls. Cracks on the wall are a result of that. It is also very difficult to solve plumbing pipes running through the walls as they are aging, the plumber had to break the tiles to the bathroom to change the leaking pipes and we were told there are several other pipes need to be changed by breaking the walls/ tiles, as the aging of the house. And electronic rewiring is another issue to the old house as well. Leaking from the garage roof is still there... All these mentioned will only cost us a fortune to repair. Moreover, the house has not got a liveable proportions as well. In the main house, there are only two bedrooms and one bathroom. It will be hard for a big family with 3 children to live in. And it is right near the roundabout and opposite to [REDACTED] which attracts lots of strange cars, police cars parking in front of our house. We need to put all our bedrooms facing to the back yard or to Palm Street when rebuild. However, If the proposal proceeds, we have to remain the old house, the extension and alteration to the old house will only add another heavier financial burden on our family without good effects. We urge the council to have a re-assessment and classify our house as "no/ little contribution" to the area.</p> <p>Thank you and hope to get your understanding and support.</p>

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4		<p>I feel this is unnecessary - new builds and renovations in 14 years I have lived here are sympathetic to heritage style. Restricts/limits choices for future renovations for those who purchased unaware area would be heritage listed.</p> <p>Restricts/limits rights to choose energy efficient cost effective measures such as solar/ double glazing /similar measures to assist reducing global warming and power bills in a time when costs are escalating and we are all encouraged to do the right thing by reducing emissions.</p> <p>Insurance costs will increase. Other costs potentially increase which are borne by householder not the Council.</p>
5		<p>This is my family home. If I want to change it – modernise this should be my choice not the City of Bunbury. [REDACTED] has been changed a lot over the years. The carport, fences, ground levels, roof line, retaining walls, indoor swimming pool, exterior of house, secondary storey etc etc. This house is not heritage!! I strongly disagree with telling people what they can and can't do with their homes. If a person wants to modernise their family home – The City of Bunbury are restricting this. If this goes ahead are the City of Bunbury going to pay for upkeep?</p>
6		<p>We object to the proposal on the grounds that it may restrict or make it more difficult to improve, maintain and enjoy our families home.</p>
7		<p>Strongly object to the proposal on the following grounds.</p> <ul style="list-style-type: none"> • Owner of Property • STRONGLY OBJECT on following grounds: <p>O Mental health - currently being adversely affected due to the stress and anxiety associated with this proposal and what this means as far as future financial implications.</p> <p>O Absence of public consultation and engagement by the council to inform homeowners of this proposal and how It will impact them in the future. My neighbour currently rents her property, she is located overseas and as at the 15th July 2023 she had received no knowledge in regards to this. Likewise, there will be many homeowners who will be travelling up North at this time of year and may also have no knowledge.</p> <p>O Unclear on why the 'Heritage Area' Is required and what this is trying to achieve.</p> <p>O Unclear on how 'High Contribution' determination has been reached for my property and exactly what this means for any future plans.</p> <p>O From what I can see in future I will be limited at least on the following:</p> <ul style="list-style-type: none"> ▪ Not able to add on a second storey to [REDACTED] property (due to second storey being visible from road), ▪ Section 5.3 - Vehicular Access: Will not be able to install triple garage to potential new dwelling on [REDACTED]

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		<ul style="list-style-type: none"> ▪ Section 5.3 - Outbuildings: Any new sheds/buildings need to be with traditional materials. We wish to construct new shed on [REDACTED] (currently secondary access), will need to use traditional materials if visible from the street. This will potentially be double the cost of a stratco colourbond shed - we as the owner will need to pay for this - what compensation is being provided by the council? ▪ Section 8.2 - Works Requiring Planning Approval: Strict requirements on any future changes to exterior which will all need to go through development approval (new gutters, downpipes etc which are currently able to be replaced as required). What happens in an emergency situation? ▪ Section 8.2 - Works Requiring Planning Approval: 'Internal works associated with a change In use will also require approval' -what does this mean? Unclear if this will affect my property, ▪ Section 9.1 Demolition and Relocation: Our property Is High Contribution. We will be unable to demolish our property at any point In the future - in 10-20 years time this may be required - the house will be over 100 years old! It's costly to change stumps etc as this creates cracking and the possibility all the walls need to be replaced, a very expensive exercise! We want ourselves or any potential new home owners to be able to have that choice available to demolish if they wish and if economically it makes sense to do so, ▪ Section 9.2 Subdivision: 'Any subdivision proposal is accompanied by a Heritage Impact Statement' - we wish to subdivide our property in the future, what Is a Heritage Impact Statement and who will incur this expense? Is there a chance that we will not be able to subdivide our property in the future? ▪ Section 9.3 Conservation of Contributory Places - D.4 Verandahs: 'Verandah posted and balusters are always timber' - this is not correct, ours are concrete! ▪ Section 9.3 Conservation of Contributory Places - D.7 Painting: 'In keeping with traditional colour schemes' -what does this mean? What colours are we not allowed to paint our house? ▪ Section 9.3 Conservation of Contributory Places - D.7 Painting: 'Remove paint from surfaces not Intended to be painted' - our chimney is painted, does this paint need to be removed? ▪ Landscaping sounds limited and will need to be subject to review and approval - I cannot choose plants to put in my front garden! ▪ Cannot remove significant mature trees- what if they are dangerous or placed where they could potentially damage the main structure? ▪ Demolition requirements - unclear on whether we can demolish our rear shed or if this needs to be made good despite not aligning with potential future plans, ▪ Front decking - concrete currently cracking and will need to be replaced however it states this needs to be timber decking? Despite this not being the original form? ▪ Sustainability concerns- unable to have solar panels placed at front where it might be more economical, cannot have double

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		<p>glazed windows which does not align with sustainability</p> <ul style="list-style-type: none"> ▪ Our front carport would not have been permitted as we could have used our rear access ▪ Use of traditional building materials - can you have a steel structure and have it timber clad? ▪ Parking areas to be concealed from primary street - often not practical - better to have cars stored in a designated area rather than parking on street verges ▪ Cannot have colourbond fences beyond front building line - so we would have needed to incur additional cost to change the fencing type to pillars and/or infills? <p>In summary I am extremely disappointed primarily in the lack of engagement and consultation with the residents in the area regarding this as this will have financial implications for which we will receive no compensation. I would not have bought in the area had I known this was to occur and I am very concerned for the valuation of our property If this is to proceed.</p>
		<ul style="list-style-type: none"> • Owner of Property • STRONGLY OBJECT on following grounds: <ul style="list-style-type: none"> ○ This proposal unfairly impacts my families and my personnel well being, ○ This proposal will negatively impact me financially (as verified by Bunbury real estate agent), ○ This is an unnecessary addition to onerous planning process, ○ The Tree Street proposal document is difficult to read, hard to comply with and written with contradictions, <ul style="list-style-type: none"> ○ What has been written in black and white is out of touch with modern reality, living sustainability and likely to reduce improve development in this area due to it the perception of it being harder to improve ones home), ○ There is no grandfather clause protecting the home owner from being forced to change in the future at the whim of the council, ○ The house facades are not the reason why tree street is special! It is the street scape, foot paths, trees, proximity to town, street names on the foot paths, proximity to Bunbury high and primary school and street names. Visitors to the area do not expect the houses to have a certain look, ○ Delayed engagement with the residents has placed pressures (mental, social and financial) on the home owner to inform themselves by reading hundreds of pages of material, that is not easy to understand and provide one on one sessions that are biased to the councils proposal, ○ Absence of public consultation and engagement by the council to inform homeowners of this proposal and how it will impact them in the future. Tree street residents did not know about this significant change until it was in their letter box despite this potentially having significant repercussions, ○ Unclear on why the 'Heritage Area' is required and what this is trying to achieve. ○ If this policy is to prevent childcare buildings, buildings being demolished or control new buildings then produce a document that meets the intent, ○ Unclear on how 'High Contribution' determination has been reached for my property

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		<p>and exactly what this means for any future plans,</p> <p>o Based on the wording in the proposal I will be limited by the following, this is not the list:</p> <ul style="list-style-type: none"> • Not able to add on a second storey to [REDACTED] property (due my house position being below the road in front of my house) as the second storey can be seen from the road, • Section 5.3 & 9.12-Vehicular Access: Will not be able to install triple garage to potential new dwelling on [REDACTED] • Section 9.11- If I build a new home I can only have a 3m wide driveway, • Section 5.3 - Outbuildings: Any new sheds/buildings need to be with traditional materials. We wish to construct new shed on Reading St (currently secondary access), will need to use traditional materials if visible from the street. This will potentially be double the cost of a stratco colourbond shed - we as the owner will need to pay for this -what compensation is being provided by the council? • Section 8.2 -Works Requiring Planning Approval: Strict requirements on any future changes to exterior which will all need to go through development approval (new gutters, downpipes etc which are currently able to be replaced as required). What happens in an emergency situation? • Section 8.2 - Works Requiring Planning Approval: 'Internal works associated with a change in use will also require approval' - what does this mean? Unclear if this will affect my property, • Section 9.1 Demolition and Relocation: Our property is High Contribution. We will be unable to demolish our property at any point in the future - in 10-20 years time this may be required - the house will be over 100 years old! It's costly to change stumps etc as this creates cracking and the possibility all the walls need to be replaced, a very expensive exercise! We want ourselves or any potential new homeowners to be able to have that choice available to demolish if they wish and if economically it makes sense to do so, • Section 9.2 Subdivision: 'Any subdivision proposal is accompanied by a Heritage Impact Statement' - we wish to subdivide our property in the future, what is a Heritage Impact Statement and who will incur this expense? Is there a chance that we will not be able to subdivide our property in the future? • Section 9.3 Conservation of Contributory Places - D.4 Verandahs: 'Verandah posted and balusters are always timber' - this is not correct, ours are concrete! • Section 9.3 Conservation of Contributory Places - D.7 Painting: 'In keeping with traditional colour schemes' -what does this mean? What colours are we not allowed to paint our house? • Section 9.3 Conservation of Contributory Places - D.7 Painting: 'Remove paint from surfaces not intended to be painted' - our brick chimney is painted, does this paint need to be removed? Paint removal will cause damage to the chimney and likely result in a worse look than leaving it painted, • Section 9.3 D.5 a - Modifications to existing dwellings cannot have aluminium frame windows - not even sure you can purchase wooden window frames and the additional costs to do this - what security options are available with these types of windows?

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		<ul style="list-style-type: none"> ● Planning policy LPP-6.2 - Council can add my property to the heritage list without my consent or awareness and then the internal of my home become subject to further regulations and control. ● Landscaping sounds limited and will need to be subject to review and approval- I cannot choose plants to put in my front garden! ● Cannot remove significant mature trees - what if they are dangerous or placed where they could potentially damage the main structure? ● Demolition requirements - unclear on whether we can demolish our rear shed or if this needs to be made good despite not aligning with potential future plans, ● Front decking - concrete currently cracking and will need to be replaced however it states this needs to be timber decking? Despite this not being the original form? ● Our front carport would not have been permitted. We have used modern materials and also matched the look of the carport to the house. It is possible to enhance the look of an old house with a modern approach, ● Use of traditional building materials - Does the prescribed approach allow for use of a steel structure with timber/weatherboard clad? ● Parking areas to be concealed from primary street-often not practical - better to have cars stored in a designated area rather than parking on street verges, and ● Cannot have colourbond fences beyond front building line - so we would have needed to incur additional cost to change the fencing type to pillars and/or infills?
8		<p>Homeowner of xxxxxxxxx and I'm totally against the proposed Tree Streets Heritage Area.</p> <ol style="list-style-type: none"> 1. How will the Council provide assistance for payment of like for like majority of the materials within our house you simply just can get if you can they cost too much and we have a budget. 2. Didn't buy this property to have this type of restriction put on us. Particularly with no consultation from Council. This has been done very sneakily by Council and not happy! 3. House value will now be devalued if this proposal goes ahead.
9		<p>Our House is considered moderate significance, I am concerned about the added costs that will be involved if we need to carry out repairs or improvements and limitations at market changes.</p> <p>I'd like to know more about the financial impacts for me as an owner and the likely cost impacts for us developing or redeveloping our property. If there's increased rates for our property what will the Council be doing to improve roads, drains and services in the area. It's an inner city area and the RCode density should be increased to encourage redevelopment, will this be happening?</p>
10		<p>I strongly object to the proposed changes in town planning that I believe will have a detrimental effect on the area in question. The proposed changes appear to have no benefits to the Bunbury community and its residents. I am very concerned by the potential adverse impacts the proposed changes will have on property prices in the area as there is a real potential to drive down demand for properties in the area.</p>

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11		<p>I do not support this local planning policy. As owner of [REDACTED] I am concerned about the impact that living in a heritage listed building could make. I do not think that it is in my best interests as an owner-occupier, to have to seek council approval to make changes to my home that I deem necessary to ensure comfort or that have environmentally sound impact - such as adding solar panels for example.</p> <p>In the so called tree street area, owners respectfully and sympathetically make changes to their properties that are in keeping with area and maintain the fabric of the community, whilst not being restricted or confined by council/heritage rules. To date, the area retains local charm and a strong reputation for quality/historical homes, without the need for a label to clarify this or indeed 'protect' it.</p>
12		<p>The proposed changes seek to impede on our ability to improve and/or change our home. Our home is not original as it was built in the early 1900's and has already been substantially renovated prior to our purchase [REDACTED]. These restrictions will impact on the value of our home and its desirability in the real estate market. This is a broadbrush approach rather than preserving the homes that actually represent historical significance. Maintenance of the existing fabric of the area can be achieved under the existing local planning policies.</p>
		<p>The proposed changes seek to impede on our ability to improve and/or change our home. Our home is not original as it was built in the early 1900's and has already been substantially renovated prior to our purchase [REDACTED]. These restrictions will impact on the value of our home and its desirability in the real estate market. This is a broadbrush approach rather than preserving the homes that actually represent historical significance. Maintenance of the existing fabric of the area can be achieved under the existing local planning policies.</p>
13		<p>I own the property at xxxxxxxxxxxx, Bunbury and have resided in the Tree Street Area since [REDACTED]. My property is classified in the recent survey as having high heritage value.</p> <p>I strongly oppose the proposed changes to the Local Planning Policy 4.3 that incorporates a proposed Tree Street Heritage Area. The reason for this is that it imposes significant controls over my rights as a property owner for absolutely no reason. The area's character is not being altered away from its historical facade through dramatic development or alterations. It is in fact the exact opposite. Properties in Jarrah Street, Tuart Street, Karri Street and Stockley Road have all had major facade improvements or alterations in character with the area in the last 10 years. From a personal estimation - my neighbours and I can think of only 10-12 demolitions in the last 20 years, with almost all resulting in the rebuilding of properties in the character of the area. It is quite extraordinary to appreciate why - in lieu of this, the City would look to impose strict heritage requirements over the area.</p> <p>My property is classified as high heritage value - see an image of the property ([REDACTED]) taken two years ago from the corner of [REDACTED] and [REDACTED]. It is quite staggering to see the heritage value as the house was all asbestos with a brick rendered wall built over the top. The construction was very poor and of low quality - with the roof construction leading to internal floor subsidence of over 3 inches in some corners.</p>

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		 <p>Figure 1. [REDACTED] taken circa 2019 - classified as high heritage value: We would not have bought this property and spent almost \$ [REDACTED] to renovate it if there had been heritage controls over what we could do or how we could do it. We have replaced it with what is shown in figure 2 - taken from the same corner position. Figure 2. Construction of [REDACTED] as of 30 July 2023. The progression of this policy alteration to this stage by Councillors is true to form - focusing on the wrong things and being completely out of touch with the opinions of the community.</p>  <p>I hope that this proposal is not endorsed and those who are up for re-election this year who voted in favour of it are no longer representatives of our community as they well and truly have lost the support of many in the Tree Street Area. Additionally - from the community meetings I have attended with many many residents of the area, this has further harmed the already poor reputation of the City as focusing on the wrong issues and being out of touch with its residents.</p>
14		<p>Multiple ways see below - loss of property value, inability make improvements or make change without following requirement of heritage listing. Decisions around building specifications, garages, trees. Notes on Tree Street debacle in by 21st August 2023</p>

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		<p>XXXXXXXXXXXXXXXXX- XXXXXXXXXXXXX</p> <p>Problem issues for me:</p> <ol style="list-style-type: none"> 1) Who owns properties and how they will be impacted financially and building and renovating. 2) Are you compensated for needing to use particularly products/methods to renovate! 3) Not having choices around where your garage and outbuildings are! 4) Expectations around fencing 5) Loss of saleability due to heavy restrictions 6) 302 properties in 17 streets what point is here to restricting this many of us 7) Unable to build or reno – second story! 8) Removing of trees from your own property for purposes of building or danger to people due to falling limbs 9) Compromise your plans and restrictions to needs of consumer for example aged resident wanting to plan suitable house for elderly residence. 10) Inability to build two story. 11) Do those impacted get compensated. 12) Do you have less rates to pay due to higher property cost? 13) What happens when these properties comes into disrepair and the owners cannot or are advised to demolish the property. Unsafe. 14) Shire trees already impose leaves and litter that blows into private property potential risk fire hazard. Property owner has to continually pick up and dispose of. 15) High Contribution for what I have maintained my house according to my means I should not be penalised further for other people’s renovations. 16) Negative impact people will not want to buy into restricted area. Negative impact on growth and younger population likely school in area downgraded. <p>POINT TO IT ALL? Not a tourist attraction or point of interest to people? Appears only a couple of really old properties. Imposing on people rights to do what they wish the same as others not Heritage listed – punished for choice of home. Cost of properties and upkeep is already a stretch for many!</p> <p>QUESTION TO SHIRE COUNSELLORS Are any of the shire Counsellors impacted by this decision or do they own land elsewhere. Quick decision to put forward to the community in the affected area.</p>

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15		<p>I am against the proposal.</p> <p>I have owned property that was heritage listed in the Tree St and the restrictions whilst warranted at [REDACTED] do not apply to all houses in the Tree St area.</p> <p>In the past the council has listed certain properties in and that is accepted - but most Tree St houses do not warrant heritage listing- you should be able to modify and extend the old houses to suit your lifestyle.</p> <p>I agree that demolishing the houses in the Tree St should be stopped however.</p>
16		<p>xxxxxxxxxxxxx has been changed over the years and has been renovated recently. I have a property for sale and this proposed heritage area, will put the sale at risk. Moderate interest rating – will put stop on additions and changes eg Carport addition. This proposed Tree Street Heritage Area is all too late, and should be rejected in its present form. Many of the homes in the proposed area have been altered extensively, changing many aspects of their original value as stated in your own documents. These are acknowledged as one of the nicest and best areas to live, and new buyers are discerning about the area and should be allowed to acknowledge their own view of their properties, without Council imposing more rules and regulations, that they have. The older homes of historical interest are already under the Bunbury Heritage lists. My property at xxxxxxxxxxxx will be of concern and my home in Tuart Street – maybe.</p>
17		<p>I have owned this property since [REDACTED] where I lived for [REDACTED] and then moved towns and retained the property as an investment. I have subsequently managed this property as a business venture with the long term goal to eventually rebuild. As proposed by the Tree Street Heritage Proposal, my property is located in a high contribution area. However, I consider my property to have little heritage value in its current state. Are properties to be considered on an individual case by case basis? If yes, is there a review process which can be undertaken sooner rather than later? Will there be a cost to home owners to have their properties assessed? Will there be any financial support to homeowners for works?</p>
18		<p>We purchased our home over [REDACTED] years ago, attracted to the area due to its beauty and the lovely neighbourhood. We have completed significant renovations to our home and have respected the period of the home as this was what attracted us to the house. However, upon reading the proposed tree street heritage area guidelines, it is apparent that these guidelines ensure home maintenance and renovations in the area to be unaffordable and a complicated process.</p> <p>It is important to note that we have rented out our house and we became aware of this proposal through our neighbours rather than directly from the City of Bunbury. We first received formal notice via our property manager on 14/7/2023 when a letter was forwarded on.</p> <p>Our objections and questions are as follows:</p> <ul style="list-style-type: none"> • The proposal lacks details and contains repeated language such as preferred, encouraged and wanted which means homeowners are without the necessary detail to confirm the rules. How do we get clarity on the exact details rather than these suggestions? • This proposal creates obstructions and additional cost to modernise the home to increase energy efficiency. It seems the City

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		<p>wants to retain sash windows when after 100 years, they are so difficult to use and makes double glazing impossible or at least an unaffordable option. In fact, it is stated replacement glass should match the original and be non-reflective. Disallowing any double glazing.</p> <ul style="list-style-type: none"> • The works we have completed would not have able to be completed with these additional hurdles. Our concern is our area will be negatively impacted as homeowners are unable to complete the works required to maintain and improve their home. Therefore, they will let the homes let go rather than improve them. • How does this proposal benefit homeowners? How is the City of Bunbury going to add to the heritage of the area? How is this a benefit to the community members – leading to better outcomes and lives for them? • These guidelines will most likely ensure we cannot extend our home. This impacts our resale value and also our options for the longer term. • Why are internal restrictions even mentioned? This proposal seems to be all about the street views so everyone can appreciate our homes (potentially at the cost of our privacy) but our internals have been mentioned. Is this to open an option to include further restrictions in the future? • All renovations and improvements in these homes are so labour intensive and already so expensive. Items such as timber weatherboards are mandated when they are just painted, this seems unnecessary. And does Jarrah need to be replaced with Jarrah? The comment is like for like – again, more detail is required. • In regards to the outside colours, what is a sympathetic colour scheme? How do we understand the colours we can paint our home? • These homes are hot in summer, cold in winter, nothing is square, the energy efficiency is poor and none of these things seem to have been considered. Has the city consider the green impact of this proposal? Whilst many councils and states are focussing on improving energy efficiency, this proposal seems to be neglecting the City’s green obligations. • Our insurance premiums will increase as we need to increase our insured amount to cover the increased building costs this proposal will enforce if we need to rebuild. • There is comment of restrictions with plants and trees, but this again lacks the detail to understand what the City expects. It notes we cannot remove mature trees, but the trees are only in place as we have planted them. • There are references to old pictures when making changes, will a library be available or are homeowners expected to do their own research and hopefully get it right? • When maintenance becomes too much, when the internals need replastering (currently batten and render), chimney becomes unsafe (but cannot be rendered etc) – what do we do? We can’t knock the property down and build a home we want. The restrictive guidelines for new builds will ensure that the houses which need to be demolished in the street, can’t be and will continue to be an eyesore. • We didn’t buy this house to be on display for everyone to look at. We have grown trees, built a higher fence to provide privacy

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		<p>and allow us to enjoy our full property including front yard. We are concerned for our safety and privacy as the City wants to put our life on show. We have already had numerous thefts from the front of our home and also via the laneway, why do we need to allow anyone full access to our lives?</p> <ul style="list-style-type: none"> • Development approval will be required for works such as gutters, pools and internal works (vague) plus so much more. Our experience with the City to get approval for our garage was convoluted and lacked common sense. We are incredibly concerned if this is the type of process that homeowners will have to endure to complete minor common sense works on their homes. • With additional pressure on our laneway, as more rear facing garages will be built – will the City better maintain the laneways? • Some of the guidelines are also impossible, Remove paint from surfaces which were not originally intended to be painted through non-abrasive methods. These houses are over 100 years old, the number of layers of paint (potentially lead based) will not allow a good outcome as the timber is generally damaged and non-abrasive methods are unlikely to be successful. <p>We feel like we moved into this area and loved it. The beautiful heritage tree from our verge was removed and a horrible jacaranda was planted, we lost our parking on the street in front of our home and now more restrictions placed over our home. After renovating and improving our home, we feel this proposal does not understand nor sympathise with the homeowner. Several of the completed improvements to our property would not be approved now but they were completed as the house needed much work and improvements to ensure it was safe and a functioning home to provide us with a good lifestyle.</p> <p>We are very disappointed in this proposal and object to its implementation.</p>
19		<p>I would like to object to the heritage listing for the following reasons:</p> <p>The plan presented shows 88 Beach Rd as high value heritage the house does not exist this would indicate that very little effort has been applied in the identification of any houses worth heritage listing. The obvious answer would be that the house did exist when the plan for heritage listing was completed and placed on public record, if so why did the Mayor and council not table this document when the application for the daycare at 88 Beach Rd was discussed. Furthermore it was expressed clearly in council meetings that 88 Beach Rd had no heritage value at all. This would seem to contradict proposed heritage plan.</p> <p>Second the council has not discussed any compensation for maintenance.</p> <p>Third my house is located on a mixed residential zoning my neighbours will not be held to the same standard as myself due to a low rating</p>

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		<p>Four My house has been extensively modified internal and externally 1970's garage 1980 driveway Sidewall with 4 different bricks</p> <p>Fifth replacement costs it may actually be impossible to source material that comply with heritage listing.</p> <p>Six Any heritage listing in lower Beach Rd is irrelevant as the area is already semi industrial</p>
20		<p>"I AM HEREBY DETAILING MY VERY STRONG OBJECTION TO THE ENTIRETY OF THE PROPOSED POLICY AND ASSERT THAT UNDER NO CIRCUMSTANCES SHOULD ANY PART OF IT BE IMPLEMENTED".</p> <p>I instead think the opposite should be happening and the council should be looking to free up land and changing the R codes to meet with the rest of Bunbury R20. What a waste, the area is full of 1000m2+ blocks and close to the city. Priority should be meeting the needs of the lack of land and homes for all Bunbury residents and encouraging this. I support City growth & sustainability and look to fix the problem of home shortages.</p> <p>#1 The proposed changes DO NOT look after the homeowners in the Tree Street area? The financial cost of repairs, the increases in Insurance policies to us will be financially crippling for us. I inherited my family home and I'm the 3rd generation of my family to own [REDACTED] My late Dad owned it before me and before him my Grandparents, [REDACTED] family have been long time owners. I plan to keep our home in the family and leave our home for our boys. We could not afford the extra costs of replacing custom built windows or the huge bill to upkeep like for like or an insurance increase for a heritage listed property. We could be forced to sell. It's should be everybody's right to create a home that is comfortable and sustainable in a way that is affordable to them.</p> <p>#2 Costs "There is a cost of living crisis right now" Families are already cutting costs to keep a roof over their heads. Homelessness in Bunbury is at an all-time high... Homeowners are already struggling! The tree street area also has low- and average-income families and elderly living here. The stress on residents is already showing as this looming policy could be force on us. Leave the choice for the homeowners. We are the very same people who want to preserve their own historic memories growing up in the Tree Street area, but we have homes covered in Asbestos, leaking and rotting windows and boards, cold drafts & extra costs for heating & cooling. Maintaining our homes as is will simply not be affordable & is problematic- Basic shelter minimum recommended temperatures cannot be met as our older homes in original condition were not insulated at all. The local Bunbury council have no funding available just a discount on rates, this proves council is ill equipped to manage this proposal and it should be scrapped. Leave the State Government to follow through well considered heritage listings who offer \$1 for every \$1 spent for State heritage listed properties.</p>

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21		<p>#3 Devalue our Homes. The pool of buyers decreases. Buyers want choice not limitations. The feedback I've had by local Bunbury real-estate agents has been that the values would be expected to decrease.</p> <p>I, xxxxxxxxxxxx do hereby vehemently oppose the Bunbury City Councils tree street heritage proposal in its entirety.</p> <p>Placing my home AND the future home of my children and grandchildren into the hands of the bureaucrats within the Bunbury City Council with no recompense to the private property owners, is totally lacking in forethought for our future generations, let alone the availability/ sustainability of building materials needed to build "like for like".</p> <p>My father purchased this property in [REDACTED] I grew up there, reside there and eventually the home will be passed to my grandchildren, that's 4 generations of [REDACTED] that will have lived in the home. Home, not just a house.</p> <p>The escalating cost of ongoing maintenance and future costs of materials that are not only getting harder to obtain but will eventually become impossible to source. This seems to be completely overlooked in this proposal, essentially making it impossible for my grandchildren to do any modifications, let alone repairs, to an already aged premises. This will leave them with no other option but to sell and more than likely at a greatly reduced amount also due to it being "heritage" listed. What a great loss to OUR family's heritage that will be!</p> <p>This leaves me no other option but to wholeheartedly oppose this proposal.</p>
22		<p>First Submission</p> <p>My name is xxxxxxxxxxxx and we have lived at xxxxxxxxxxxx for some 40 years, We purchased the property in need of repairs and maintenance. A second story had been built but not very sympathetically. Over the years we have tried to bring it up to a more acceptable building and carried out extensive additions and alterations both internally and externally trying to keep the property in the style of other older buildings.</p> <p>I am very concerned with the council proposal for a heritage precinct especially the current proposal which I see as unreasonable and onerous to property owners. Considering the document's many detailed building controls I cannot believe the council is uniformed to the replacement of like for like materials. How do you replace Jarrah floorboards and weather boards and find suppliers who can and are willing to manufacture timber windows, (none exist in Bunbury anymore), knowing the State Government has stopped the supply of Forrest timber which I approve of.</p> <p>Timber houses are temporary buildings by their nature, overtime timber gets brittle and does not take nails lightly, Existing nails holding joinery together deteriorate with time.</p>

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		<p>New Wall cladding with the profile of old weather boards is double the weight of timber and if replacing an existing wall will add additional weight to the timber stumps supporting the structure which will need to be strengthened.</p> <p>All of this work adds additional expense to the construction also additional bureaucracy in having to get additional approvals which does not apply to other building areas.</p> <p>Our property sits on 1164 sq meters with 2 street frontages both [REDACTED] and [REDACTED]. The building sits in the middle of the property. The buildings North and South of us site between 6 to 4 metres above our natural ground level due to filling of the land before construction of the house. This leaves us in a hole so how unsympathetic is that building by law.</p> <p>We are now in our late 70 and are thinking of down sizing, due to the cost of maintaining and holding the property. Estate agents have told us that the uncertainty caused by the proposal has effected new buyers in the area and the expected price for property is affected by the proposal.</p> <p>Overall we are totally opposed to the proposal and hope the council will realize the effect this proposal has on property owners especially elderly owners.</p> <hr/> <p>Second Submission:</p> <p>I, xxxxxxxxxxxxxxx, object to and reject, the Bunbury City Council's proposed Heritage Precinct affecting the Tree Street area in Bunbury, for the following reasons:</p> <ol style="list-style-type: none"> 1. Aggrieved person: As an aggrieved resident and rate payer I have read and turned my mind to the proposal. I am deeply concerned by the ramifications the proposal will directly have upon me in a real, personal, oppressive, unfairly burdensome and ongoing manner. 2. Lack of consideration: The Chief Planning Officer's response to my previous correspondence consisted of verbatim quotes from the proposal. It is clear to me the Council has not actually turned their minds to the proposal or what it will realistically impose on the affected registered proprietors. The proposal satisfies certain council members personal intentions and ideologies at the expense of common law, statutory, and constitutionally guaranteed private property rights. 3. Environmentally nonsensical: The State and Commonwealth Governments have committed to Net Zero Emissions by 2050. This is to be achieved in part through solar energy initiatives, promotion of modern steel and aluminium products, waste reduction, energy efficient buildings and environmentally conscious building practices. The proposal will act inconsistently with this commitment. This is evidenced by the unfair and unnecessary restrictions made on household renovations and the placement of residential solar panels and modern efficient air-conditioning. Additionally, the expensive imposition of timber windows deny residents the freedom to install modern building materials such as doubling glazing, and impositions such as stripping paint from exterior walls which is wasteful and

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		<p>environmentally detrimental.</p> <p>4. Onerous financial burden: The restrictions and impositions as set out in the proposal seek to place regulatory controls over a registered proprietors use and enjoyment of their property. The legal and economic cost of the restrictions and impositions, which will erode my property rights, will not be borne by the council in any way, but entirely by myself. This cost burden to me is economically unreasonable and unfeasible as my wife and I are pensioners. The proposal's intention to maintain the streetscape is a matter of contentious benefit that will not be enjoyed by me in any way whatsoever.</p> <p>5. Disincentive: The proposal seeks to maintain the streetscape of the area but much of the proposal deals with restrictions and regulations on internal aspects of homes in the Tree Street area. This is counterproductive because, in effect, it acts a strong disincentive for me to maintain my property due to the added approval processes and restrictions on materials used, areas of my home that cannot be updated, and prohibitions on my ability to make proper utilisation of my land. The proposal contradicts itself as it focuses on aspects of buildings that have no impact at all on the street scape.</p> <p>6. Lack of due process: There has not been lawful due process engaged by the Council in their attempts to push this proposal through to enactment. As an interested party directed affected by the proposal I have not been consulted until this late stage of the process and I do not give my consent for this proposal to proceed. This lack of transparency and nonadherence to due process will burden me with the unreasonable cost of appealing the proposal, if enacted.</p> <p>7. Compensation: The Council has made an unacceptable offer of compensation by way of a reduction in Council rates to affected residents for a period of 5 years. Financial institution property valuers use Council rates to assist in calculating the value of a property. By reducing the Council rates payable the Council would, in effect, further punish the affected Tree Street area ratepayers by reducing the market value of their properties in addition to the detrimental effect the proposal will have on market value, if enacted.</p> <p>8. Lack of structural integrity: The Council has not considered the structural integrity of existing buildings in the Tree Street area. This is likely because, to the best of my knowledge, none of the Councillors behind this proposal live in the affected area themselves. Most existing buildings in the area that the council considers of heritage significance, do not comply with any modern engineering and construction standards. The proposal would force homeowners to expend vast amounts of money in maintaining (and restoring to some unknown and unproven original condition) buildings that have long past their prime and are not suitable to modern living. Only by allowing proprietors the freedom to renovate and revitalise these old homes, to a new and compliant standard that is in keeping with the way modern persons and families live, can these homes have any longevity.</p> <p>9. Inconsistency:</p>

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		<p>The proposal imposes on some proprietor's regulations and restrictions that do not apply to the houses either side of them. One house in Picton Crescent is considered of high heritage significance whereas nearly every other house in the street is not considered to be of any significance. It is wholly unreasonable to impose on one property oppressive and onerous restrictions and regulations that do not apply to other houses in that street. This is an imposition that no reasonable decision maker of an administrative nature would rationally make.</p> <p>10. Incoherency: The proposal is incoherent, counterproductive, contradictory, and inconsistent with authoritative state and federal legislation and international convention commitments. It is overly burdensome, counterproductive, unreasonable, unfair, and oppressive; not to the Council who seeks to impose the proposal but the registered proprietors it will affect, who have not been consulted, and do not consent to the proposal. The proposal, in its entirety, must be immediately and permanently abandoned. I will be affected by the proposal, if it is enacted, in the following ways:</p> <p>11. Health: The proposal has caused me significant distress and anxiety in my retirement. The impositions that the proposal seeks to inflict upon me will cause financial ruin because my house requires constant maintenance and desperately needs updating. The ongoing distress that the restrictions and regulations will have on me will substantially compound the deterioration in my mental and physiological health and well-being.</p> <p>12. Property values: The proposal renders my large land holding non subdividable, and unsaleable for its proper market value. I need to move to a smaller property soon due to my wife's ill health, and the proposal has meant I cannot sell my property for enough money to move elsewhere. I am therefore forced to stay in a large timber home on a huge block of land that I can no longer properly maintain, with limited funds to expend on it. My property is no longer attractive to the sort of young family who could revitalise it to make a beautiful home because of the untenable restrictions the proposal imposes on the property.</p> <p>13. Inadequate compensation: Based on the Council's pitiful and unacceptable offer of reduced rates, I will not be adequately compensated for the loss and harm the proposal will cause me. Full and equivalent compensation must be given to registered proprietors for the extent of harm experienced by them if the proposal proceeds. The proprietor is to be compensated at the price equivalent to the level of alienation from their properties by way of the onerous and unreasonable restrictions and regulations that the proposal seeks to impose on them.</p> <p>14. Inadequate due process: The council as a matter of due process must consult property owners from the outset about decisions or actions that limit what a landowner can do with their property. Onerous restrictions become a 'taking' of property rights, requiring that property owners be fairly and adequately compensated, especially when restrictions are introduced which directly or indirectly reduce the property's market value.</p>

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		<p>I, xxxxxxxxxxxx, Bunbury, object to and reject, the Bunbury City Council's proposed Heritage Precinct affecting the Tree Street area in Bunbury, for the following reasons:</p> <ol style="list-style-type: none"> 1. Aggrieved person: As a registered proprietor of land in the Tree Street area, I am an aggrieved person, withstanding to object to and challenge this heritage proposal. There has been no regard for the demographic of registered proprietors who live in the Tree Street area. There has also been no regard for the onerous burden the proposal will inflict on these resident's finances or their freedom to choose, as is their common law, statutory and constitutional property right, what they do with their properties. The proposal grossly impacts on my ability to enjoy the peace and amenity of my land and home. 2. Land value: The Council has ignored the devastating effect the proposal will have on land values in the Tree Street area due to proprietors being rendered unable to subdivide their land as they wish, and onerous restrictions on any desired renovations and alterations to their homes, which in turn deters purchasers from buying into the area. 3. Impermissibly oppressive: The proposal prohibits landowners from altering the internal floor plan and building envelope of their homes so that the home may better reflect the way people live together in the 21st century. It restricts the homeowner's ability to alter the building to enable more cost effective and energy efficient heating and cooling of their homes. Furthermore, the proposal mandates that proprietors undertake to reinstall, conserve, and maintain chimneys in this century where the use of chimneys are both environmentally damaging, obsolete and of no utilisation. 4. Incoherency: The Council's purpose in the proposal is supposedly to maintain uniformity in the current streetscape of the Tree Street area. In reality the streetscape is not uniform at all but ad hoc. The content of the proposal makes onerous, expensive, unrealistic, and unreasonable impositions and restrictions on the internal aspects of registered proprietors' residences that has no impact on the external streetscape in any way or form. 5. Contradictory and Counterproductive: The proposal seeks to maintain the streetscape as it is today, effectively freezing the Tree Street area in the present moment and not in the past as the Council would like the proposal to achieve. Regardless of the Council's intentions, the proposal prohibits future progress, which is unrealistic. The proposal contradicts itself by mandating that homeowners take their home back to its original state including original decorative finishes and external paint colours or stripping back to original brick facing. However, there is no evidence presented that shows categorically what the original state was of affected buildings and there is no consideration given to whether this outcome would in fact look aesthetic in any way. The proposal makes allowance for fictitious development that cannot realistically occur due to the inability of landowners to subdivide their land. The proposal, in turn, imposes vague and illusory restrictions on development that 'does not mimic' but is 'complementary' to the present streetscape. The proposal seeks to alter in a way that would

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		<p>make homes look as they did when they were originally built and theoretically allow development that is not to mimic the street scape as it is now or was originally but then must complement the imagined streetscape. This is not realistic or enforceable and it is not progressive. It is entirely incoherent, and a decision of a kind that no rational or reasonable administrative official would either decide or be able to enforce.</p> <p>6. The proposal is of no effect: The proposal is so contradictory, oppressive, and unreasonable it can have no standing and is of no effect. The only rational decision, and the only decision the residents aggrieved by the proposal will support, is to abandon the proposal permanently and in its entirety. I will be affected by the proposal, if it is enacted, in the following ways:</p> <p>7. Unfair restrictions: The proposal contains limitations that severely restrict the extent to which I can renovate and modernise my home. I want to replace the bathrooms, laundry and kitchen with a fashionable, modern design and change the building envelope and floor plan of our home so that these areas better reflect our needs. The proposal greatly affects my private property rights and causes me enormous distress that the renovations that I want to do and need to do, I will not be able to do. I will not be able to create to my liking in my own home, and I will have to get extra consultations and approvals to do any renovations. The extra cost this excessive approval process would cause me makes any renovations to my home financially unfeasible. I have a large landholding which I should be able to subdivide, as my neighbours have been able to, should I wish to. The proposal would deny me the right to do this due to the position of the building on the land. This is unfair and unreasonable and causes me great angst.</p> <p>8. Health: In July I was diagnosed with [REDACTED] [REDACTED] This proposal has caused me immeasurable distress on top of the distress that [REDACTED] I am having sleepless nights and days of worry, despair and mental anguish over the heritage proposal when I should be focusing on [REDACTED] It is abhorrent that the Council thinks it can inflict such misery on the registered proprietors in the Tree Street area without any regard for the resident's wishes, welfare, wellbeing or rights.</p> <p>9. Property values: I have enjoyed living in my home in the Tree Street area for [REDACTED] The proposal will have the effect of drastically limiting potential buyers should I need to sell my home [REDACTED] It will also have the effect of exponentially increasing the time it would take to sell my home which will be devastating for me should I need to sell my home quickly due to [REDACTED] [REDACTED] The proposal's effect on property values is great. We will not be able to sell our property for its true worth because the property will no longer be attractive to buyers who either want a large family home or large landholding that they can subdivide.</p> <p>10. Fear for the future: I fear that the proposal will have the effect of permanently devastating land values in the Tree Street area to the extent that the area</p>

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		<p>will become mostly a rental area with transient tenants living in homes no one cares about. In years to come this eventuality would make the area vulnerable to property developers with powerful influence being able to purchase large tracts of land in the Tree Street area for a gross undervalue and develop at will. The Tree Street area for the most part has value in its sweeping views of the city, harbour, and the Darling Ranges and its proximity to the CBD and the beach. These are all aspects that property developers value and the area is vulnerable to their long-term intentions.</p>
23		<p>First Submission:</p> <p>I am the owner and resident at xxxxxxxxxxxx, which is right in the heart of the tree street area. I very strongly oppose to the proposed Tree Street Heritage Area and local planning policy 4.3. I think it is completely ridiculous. This is of absolutely no benefit to any of the residents in the area. I have spoken to many of the residents in the area and absolutely no one has said that they would like this to go ahead. We paid a lot of money for our house's in this area and now we are being penalised. Stop this nonsense and focus on improving our parks, community centres, road and footpaths.</p> <p>Second Submission:</p> <p>To the City of Bunbury Mayor and Honourable Members of the City Council, I am writing to you today as a concerned resident at xxxxxxxxxxxx Bunbury to express my opposition to the Tree Street Heritage Area and the associated Local Planning Policy 4.2. I feel the proposal has absolutely no benefit to the residents of this area and will make renovations or the sale of my home extremely difficult if the proposal goes forward and I will be wearing the financial burden of this. Please drop this proposal and let us enjoy living in our beautiful area.</p>
24		<p>Our home is on the west side of [REDACTED] with our property receiving an assessment of "moderate contribution." We are a two storey road frontage house.</p> <p>We object to homes in the Tree Street area forcibly being incorporated into a heritage area. Our homes are our castles and for most of us, they are the largest investment that we will ever make in our lifetime. Our home is our refuge. We paint, we decorate, we renovate and we create the home of our dreams.</p> <p>Our home retains very little of original heritage value. The massive alterations and addition of the second story across the front of the home was completed in 1985. It has more character appeal rather than heritage value.</p> <p>At this stage our property does not appear to be directly affected by the proposal. However, due to it already now being assessed, it is obvious that future planning is anticipating the incorporation of our property into this proposed "heritage precinct."</p> <p>It affects our interest because we are a community, and we are a neighbourhood who very much care about the welfare of each other. Consequently, we support all those who feel that they are negatively affected by the passing of this legislation to create this Tree</p>

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		<p>Streets Heritage Precinct.</p> <p>I feel that it is not fair, nor democratic to have our local shire council determine what they think is best for us. We have all purchased homes in this area for various reasons. Many have appreciated the heritage style of some homes and have sympathetically altered their own in this same character. A few others have built their own dream homes not resembling a heritage house. This contrast in style has emphasized the differences in old and new. In my opinion, the mix in architectural style is beneficial to creating an interesting neighbourhood. All that I have seen has been tastefully done. The self-regulation of a “character” area has proved successful while allowing others to still be creative in homes that they design. I think that same, same can sometimes become boring while a mix can inject interest and variety in any neighbourhood. Rather than continuing along the lines of home owners determining the future of their home and neighbourhoods, I do want to point out the excessive stress and anguish that this proposal has caused the elderly and long term residents of this area. This proposal has turned their lives upside down with the potential prospect of lower property values and regulations far exceeding what they ever expected. We encourage the shire and the Councillors to “do the right thing” and reject this “Tree Streets Heritage Area” proposal. Our futures best with the decision of government. Please think of others before making this final decision.</p>
25		<p>Real estate marketing gave rise to the term Tree Street Area and Sampson Road has never been part of it. Considering the 2004 rejection of the Heritage Precinct proposal for it to now crop up again suddenly, is causing us elderly owners of affected property, mental anxiety, anguish and even anger. I urge the Councillors to understand our concerns and to vote against the Heritage precinct proposal.</p>
		<p>This is the first time that I have heard of Sampson Road being in the ‘Tree Street Area’(TSA). Real estate marketing gave Tree Street Area TSA it’s moniker. Heritage Area Precinct will put financial burden on residents and decreased value on property, and also cause mental anguish, and anxiety amongst the elderly. Why are we being encumbered with a proposed Heritage Area Precinct, that we didn’t ask for?</p>
26		<p>The impact on the selling of property and installing solar panels is a major factor. There is no clear feedback provided especially on how this will impact selling of the property.</p>
27		<p>We have lived in the Tree Street area for [REDACTED] Renovating our first house in [REDACTED] for our family. The attitude then-[REDACTED] was why fix up an old house like this you should bulldoze it and put up a "spec" home.</p> <p>When you could get someone to work on the house some trades did a very average job with lots of critical comments.</p> <p>All homes in the area at some point need updating and a lot of maintenance. It has been amazing to see young families buy into the area and continue to do the renovations and maintenance.</p> <p>This is an amazing community. Most residents know their neighbours. There is definitely a caring aspect to those older by those younger as we have experienced.</p> <p>Two generations of our family attended the Primary School here.</p>

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		<p>Residents in the area are doing an amazing job of taking care of their homes and gardens. They do not need any further restrictions and stress in their lives living in this magic area.</p>
28		<p>Please be advised that we the undersigned strongly object to our property being listed as "high contribution" in the proposed heritage listing of the Tree Streets area.</p> <p>Our property/buildings do not represent in their original form as required for a heritage listing and we provide the following reasons.</p> <ol style="list-style-type: none"> 1. The original asbestos sheeting has been replaced with synthetic weatherboard lookalike cladding. 2. The original wooden sash windows have been replaced with aluminium sliders. 3. The guttering has been replaced with a modern style. 4. The original car port has been replaced with a modern style steel structure. 5. The roof tiles have been replaced with a different style and colour. 6. The rear of the house has been altered with the addition of a large family room incorporating a flat roof joining into the existing roof line. 7. The driveway has been changed from bitumen to paving bricks. 8. The inside of the house has been modernised and the old plaster ceilings and decorative pieces were removed due to excessive cracking. 9. All of the doors have been replaced. <p>So, in summary and to emphasise our objection to the planned heritage listing, our house/property does not represent anything like its original form and does not look as it was originally built.</p> <p>We are also in the process of considering a retaining wall across the front to reduce the area of lawn to save on watering and maintenance.</p> <p>Generally, we believe it is unreasonable to impose heritage listing on a broad scale across an area thereby creating conditions of possible financial burden and restrictions on owners' rights.</p> <p>We would also point out that as retirees we do not have the capacity to finance draconian changes to local government laws which affect the quiet enjoyment of our home.</p> <p>Please accept this correspondence as our submission to the heritage listing proceedings and our objection to the heritage area proposal</p>
29		<p>Objection</p>

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		<p>Impact on future sale of property</p> <p>Properties in a heritage area are likely to only attract certain buyers i.e. buyers prepared to live by the conditions included in the policy. There are likely to be buyers hesitant to commit to the additional costs and regulations. They could also be concerned about future resale themselves. This is too much of a risk especially for elderly owners who may be considering selling in the short to medium term.</p> <p>Impact on property values</p> <p>While this is difficult to determine based on evidence available in Australia, the risk is too high. People like us who have been in the area for a long time cannot afford any impact on sale values. Many owners in the area would have planned their retirement based on likely resale estimates for their homes without this potential impost.</p> <p>Cost of maintenance and renovations re like for like</p> <p>Older properties require significant maintenance. Therefore there is already a cost penalty for living in the Tree Street area. Requiring owners to match materials where possible could be prohibitive for many. The area contains a high number of retired owners. Evidence shows that in general, owners are maintaining properties already, based on their individual budgets.</p> <p>Application of the policy- impact of new/change to councilors</p> <p>Councillors come and go. Interpretation of policy changes with staff changes. This was evident when the council held meetings with residents 20- 25 years ago regarding street tree replacement. The policy adopted was to replace the Cape Lilacs with a choice (by street) from 3 species. I followed this up with Parks and Gardens I was advised that the staff member I spoke with knew nothing about this new policy on Street Trees in the area and commented that the committee must have moved on. That raises concerns related to administration of this policy in the future and applying consistency.</p> <p>Management plan for traffic/verges</p> <p>The Tree Street area requires more important management by Council including traffic management and tree/verge management. The traffic in Tuart Street is horrendous and is now the only shortcut between the city and south of Beach Road. The traffic became significantly worse when traffic lights were installed on Spencer/Stuart Streets as drivers wish to avoid two sets (Highway corner</p>

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		<p>and Spencer/Stuart) of lights getting into the city centre. Tuart Street is now the favoured route from Minninup Road!!!!</p> <p>Maintaining verges is left solely to property owners. The Cape Lilac trees attract cockatoos and parrots which make a significant mess. Apart from the offer of an extra street sweep, Council has not been able to assist us in cleaning up from these birds. We fill our green waste bin weekly for periods up to three months per year when the cockatoos arrive. At times, due to health reasons I have simply raked it all onto the road as the bin is full and the pile can be half a meter deep until it breaks down and weeds grow on the edge of the road. Council has told me a number of times there is no assistance provided for verges however they can perform an extra street sweep.</p>
30		<ol style="list-style-type: none"> 1. Proposal causing division and anxiety in the community. 2. Increased costs e.g. ongoing maintenance and insurance premiums. 3. Lack of initial consultation. The details were not made available to the people that mattered; the residents of the Tree St Precinct. 4. I feel that the Councillors who also sit on the Heritage Committee have a conflict of interest and should abstain from voting on the proposal.
31		<p>The Council's plan is too vague</p>
32		<p>I wish to submit my STRONG OBJECTION to the proposed tree streets heritage area and local planning policy 4.3.</p> <p>The implications of this proposal are profound and has caused considerable mental and emotional distress to homeowners of the more than 300 dwellings that have been included in this Tree Streets Heritage Area.</p> <p>What is particularly disappointing is that the CoB had an opportunity to be transparent and bring its community together. Instead, it has created a wall of uncertainty, anxiety, and anger. Residents' fears have been dismissed and many of their genuine concerns have not been answered sufficiently.</p> <p>Hundreds of residents were completely blindsided by the announcement, after receiving a letter from the COB and informed they had just 5 weeks to read an incredible amount of documentation and write their response.</p> <p>I wish to submit my STRONG OBJECTION to the proposed tree streets heritage area and local planning policy 4.3.</p> <p>I also wish to express my disappointment at the City of Bunbury initially allowing just 5 weeks for residents to read through substantial documentation to have enough knowledge to offer a comment on this proposal. That documentation including a: Draft Local Planning Policy 4.3, a 31 January 2023 Council Report to prepare LPP, a 27 June 2023 Council Report for Public Advertising, Tree Street Heritage Area Assessment, Tree Street Study Area, Tree Street Contributory Dwellings, FAQ Sheet, Public Information Session Presentation 8</p>

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		<p>August, Heritage, Heritage Area, Process and Local Planning Policy.</p> <p>The COB failed to inform fundamentally impacted homeowners that this proposal was even being considered, let alone leave us now to play catch up and read documents that are lengthy, detailed and in some cases quite convoluted and confusing. This confusion has continued despite feedback from the City of Bunbury encouraging us to ‘individually’ meet to discuss how the heritage proposal will impact our properties.</p> <p>Any document that relies on ‘interpretation’ is a flawed document because it opens up homeowners to potential ‘different’ opinions. Homeowners may need to seek a legally binding document that guarantees the ‘given’ outcome of ‘individual’ discussions cannot be altered by the COB in the future.</p> <p>There has been a complete and utter lack of consultation, transparency, and good faith in giving affected homeowners the consideration and respect to be a part of this process BEFORE being told we now must apply for a review of the heritage value that has been placed on our homes if we don’t agree with what a flawed document has bestowed.</p> <p>This is a planning policy that impacts our homes – properties that we have worked hard to purchase, and that we chose to buy in the area because we value the ‘character’ of the area. The idea that you believe you can dictate what we do with our properties, particularly when it potentially has significant financial impacts, is fundamentally wrong.</p> <p>The COB cites ‘community interest’ as being the reason to extend the public comment period for a further two weeks. I would suggest it is ‘community outrage’ that has caught the City of Bunbury by surprise, and we can only hope will cause the City of Bunbury to pause and reflect on how it could have conducted itself better in this situation, and to not proceed with the proposal.</p> <p>Once more, I STRONGLY OBJECT to this planning policy.</p>
		<p>I wish to submit my STRONG OBJECTION to the proposed tree streets heritage area and local planning policy 4.3 Additionally, I wish to add that I am appalled by the City of Bunbury’s actions and dealings with homeowners and home occupiers that will be fundamentally affected by this local planning policy.</p> <p>As a home occupant I was completely blindsided by a letter from the City of Bunbury on the 10th of July stating that Council had resolved to proceed to advertise a proposed Tree Streets Heritage Area and associated Local Planning Policy. Upon lengthy reading, this proposal revealed more than 300 homes could be fundamentally impacted by potentially stringent restrictions, with significant compliance costs without any discernible benefit, and at great inconvenience to the homeowner.</p> <p>The City of Bunbury has displayed a complete lack of transparency in failing to advise residents that it had commissioned an independent heritage assessment, and in fact I would suggest this heritage assessment is fundamentally flawed because it was conducted (as identified within the document) by frontage exterior qualities (where discern-able) without internal inspections or consultation with occupants or community groups, and the documentary evidence is substantially drawn from a report back in 2004. The photo in the document taken at [REDACTED] was taken in approximately 2014 because the car we had that year is shown</p>

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		<p>in the driveway.</p> <p>Any quality and thorough heritage survey would have included cooperation from fundamentally impacted residents, to access what or if building work had been undertaken, the state of the dwelling, and the impact this had on the heritage value of the home. The fact the COB could send a letter detailing works being undertaken to replace a children’s playground in Garvey Place but couldn’t send us a letter to explain this potentially far-reaching heritage review was being undertaken, is an absolute disgrace. The Heritage review is fundamentally flawed and should never have been used as a reference document. Additionally, it is a mockery for homeowners to now be forced to request a review to argue against a flawed classification of ‘heritage contribution’. If proper consultation had been undertaken in the first place, it would have stopped a mockery of a so-called heritage review. We live in the tree street area because we value and feel strongly connected to its character. Most people living in this area are all residents who respect the character significance and carefully maintain their homes.</p> <p>As a person in the impacted tree street area, I strongly object to this proposed policy and under no circumstances should any part of it be implemented.</p>
		<p>I am 100% against the Tree Streets Heritage Area and Local Planning Policy 4.3. I believe the whole process by the City of Bunbury has been flawed and is in no way in the best interest of the affected stakeholders in the heritage zone.</p> <p>I would STRONGLY like to submit my 100% DISAPPROVAL as a homeowner of the proposed tree street heritage area and local planning policy 4.3. NO, TO HERITAGE AREA. YES, TO CHARACTER AREA.</p> <p>Firstly, I feel that the whole process up to the point at which the City of Bunbury voted to put the proposal forward is completely flawed and disrespectful to the rate payers involved.</p> <p>TO USE SUBSTANTIAL INFORMATION FROM A SURVEY DONE IN 2004 THAT THEN PUT A STOP TO A PROPOSED HERITAGE AREA AT THE TIME AND THEN TO ADD VERY LIMITED STREET VEIWS OF THE PROPERTIES TO VOTE A PROPOSAL THROUGH IS AT BEST LAUGHABLE, AMATEURISH AND A COMPLETE DERILICT OF DUTY.</p> <p>Secondly, to not consult homeowners in any way to let them know a heritage survey/review was being undertaken at the time, so that they could have a chance to communicate with the party involved, only to then give them five weeks’ notice after the proposal was voted in to track down all the related documents is totally unprofessional to say the least. It wreacks of the Council once again trying to sneak something past the effected residents.</p> <p>If this had all been done above board, we would not be trying to put a stop to it now as it would not have been voted through as the voting councillors would have been fully aware of the residents’ concerns.</p> <p>We bought our house in [REDACTED] Since then, we have completely rebuilt it from the timber stumps up. It was split into two halves/units with two kitchens and two bathrooms. There would be at best <5% of anything original left. We have completely changed the roof line and internal layout we have stumps from Manjimup, windows, doors and floorboards from Carey</p>

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		<p>Park and Albany. (Photos attached) Yet it was still classed as of moderate value to the area. If we had a chance to explain that to the parties involved, it would have been marked as little or no value to the area. <u>To now have the City of Bunbury come in after 26 years of blood sweet and tears and try and tell us what we can and can't do to our house is a joke.</u></p> <p>At the first public meeting the council was asked about the complete absence of communication to the stakeholders with the answer being that something was put in the local paper a year ago. How can any professional organisation say that that is enough communication to 300 effected residents? Was there not one alarm bell go off to the voting councillors that there was not one resident come forward at the time to express their concern about the survey?</p> <p>Then at the second meeting the Council was asked if this proposal was already decided and that our submissions were a waste of time. The answer back was no. But it was then said later that when you put in your submission and are not happy with your houses classification you can ask to meet with the parties involved to put a case forward to have it changed. <u>This says to me that the proposal IS already going ahead no matter what we say.</u></p> <p>I would also like to put forward my disgust at the disrespectful body language shown toward some very upset homeowners who were putting their comments to council at the second public meeting. Those people should be ashamed of themselves and shows that there are councillors who have already made their mind up on this issue and have no interest in listening to the people who voted them in. They were voted in democratically, not so they can become a dictatorship and start forcing things onto people. Councillors are voted in by the rate payers are to represent the rate payers not to push something onto them that they had now idea was going on behind there back.</p> <p>Also, at the second meeting it was said that residents can/should contact councillors to express their concerns. I know for a fact that my neighbour has contacted some of the councillors and they have not been remotely interested in talking to them.</p> <p><u>Finally, At the second meeting it was asked how the boundary for the heritage zone was chosen. No real answer was given. Surely the houses north of Money Street and east of Picton Cresent would be of as much of heritage interest to the area as any of the ones currently in the zone.</u></p> <p><u>BUT how convenient that the Deputy Mayors house sits just outside of the boundary selected.</u></p> <p>I would again like to STRONGLY OBJECT to this planning policy and if the proposal is to be voted in, I look forward to seeing the City of Bunbury in court trying to defend a process that has been completely flawed.</p>

[Redacted]

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		 <p>The first photograph shows a white, single-story house with a gabled roof and a small front porch. A date stamp '28/36' is visible in the bottom right corner. The second photograph shows a row of similar houses with a white picket fence in the foreground. The third photograph shows a dark-colored building, possibly a garage or shed, with a car parked in a carport area.</p>

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	City of Bunbury	 <p data-bbox="504 258 913 1552">Aerial photograph of a large, grey-roofed building with a central tower and two long windows. The number '188' is visible on the building. The building is situated on a lot with a lawn and trees. The text 'Ave' is partially visible at the top left of the image.</p>

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33		<p>I worry that the draft LPP 4.3 document is heavy handed and very much about controlling amendments and renovations to already well preserved character houses. The wording of the document, and that of LPP 6.2 and LPP 6.1 is ambiguous which causes stress and worry over the future of our home. I bought into the area for location and character and over the last 22 years, I have endeavoured to renovate and maintain my homes in keeping with the area's character.</p> <p>Attached are my comments and a few highlighted excerpts from the Draft Policy 4.3 and LPP6.2, plus LPP6.1. These are just some of the issues I am concerned with.</p> <p>I understand that the main issue is to curtail the demolition of character dwellings in the area. Since 1996, 18 houses in the area have been demolished which is less than 1% on average annually or 6% over nearly 27 years. As much as I see that keeping houses from being demolished is an important issue, I worry that the draft LPP 4.3 is rather heavy handed, as it is very much about controlling amendments and renovations to already well preserved character houses. The wording of the document, and that of LPP6.2 and LPP 6.1, is ambiguous and I along with other residents are worried about our homes.</p> <p>I have provided just a few excerpts from the Draft Policy 4.3 and LPP 6.2 that contain the points that I have concerns with. They come across as ambiguous and could be open to a different interpretation and implementation.</p> <p>I also refer to LPP 6.1 as it is currently in use for East Bunbury and is mentioned below, also there are houses in this area that are individually listed as heritage.</p> <p>I have made my comments where necessary and have attached the documents with the relevant excerpts highlighted so you can locate them easier.</p> <p>Draft Local Planning Policy 4.3 Tree Streets Heritage Area excerpts</p> <p>Development of a heritage-protected property Places on the Heritage List or in a Heritage Area enjoy special protection under the local planning scheme. Heritage listings and areas do not prohibit any development of a place - it means that any changes sought should respect and be sympathetic to the heritage values of the place. This makes sense although it is obvious that most homeowners in the area are already self-regulating any changes.</p> <p>In most circumstances, development within these places requires planning approval so that the City can assess the impact of a proposal on the heritage significance of a particular place and ensure that this principle is met.</p>

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		<p>The assessment will consider: The objectives and provisions of the planning scheme State Planning Policy 3.5 - Historic Heritage Conservation Any applicable local planning policies, including - LPP 6.1: Heritage Conservation and Development and LPP 6.2: Heritage Listing, Assessment and Concessions The specific attributes and significance of the place The Burra Charter 2013.</p> <p>8.2 Works Requiring Planning Approval All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes.</p> <p>D.5 Windows and Doors a) Windows – window types, grouping, sizes, materiality, detailing, and fixtures are retained or restored to their original or most significant appearance. Typically, windows are casement or double sash with timber framing. Replacement or addition of aluminium or other metal frames is not a suitable design approach. Returning original windows to functional order is encouraged. b) Original glazing is retained unless there is unavoidable need for replacement. Replacement glass should match original and be non-reflective.</p> <p>The points above are intrusive and the onus and cost falls onto the homeowner to comply with new regulations that are not forward thinking in terms of energy efficiency. I would love to see Bunbury move forward to allow and encourage older properties to embrace new technologies while retaining character.</p> <p>D.7 Painting a) Paint colours to external timber elements are selected: i. to match original colours based on investigation; or, ii. in keeping with traditional colour schemes for buildings of a similar style and era of development within the relevant Character Statement.</p> <p>c) Remove paint from surfaces which were not originally intended to be painted through non-abrasive methods. Test any paint removal methods such as chemical paint strippers or steam cleaning in a concealed location prior to applying to visible surfaces. Abrasive approaches including sandblasting or grinding are not acceptable.</p>

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		<p>This is ambiguous in that the era and style could be interpreted from any time. Some houses were not painted for several years after construction, and some have been painted many times. How would a suitable colour be chosen? Why can't the homeowners be left to their own good judgements for this? Are there existing examples of 'incorrect' or 'poor' colour choice in the area? Why include it in a policy when the example of poor choice is opinion driven?</p> <p>D.8 General Restoration/reconstruction of places to their original or earlier form and detailing is encouraged where practicable. Where possible this should be based on evidence such as remaining traces of earlier fabric, old photographs, or comparison with other similar places.</p> <p>9.4 Alterations and Additions to Existing Buildings Ideally, where original internal walls or features are proposed to be removed these changes should be managed to allow evidence of the original layout to be read at close inspection where practicable (for example by retention of small wall "nibs" or the use of different finishes). Does this pertain to houses in area or specifically for listed houses? At any rate, if it is just a recommendation, why have it in a policy?</p> <p>9.10 Materials and Colours D.1 For existing contributory buildings, retain original materials where possible or where materials require replacement, the policy of replacing 'like for like' should be applied. For example, our house is Jarrah from floorboards to roof trusses, there is no way we can replicate using a hardwood of any description for building. It is no longer available. In my opinion and experience, those who do move into the Tree Streets Area, renovate, and build to compliment the old features anyway. Including like for like in a policy document is not feasible. This is another point that is open to interpretation, this is concerning people and should be removed.</p> <p>11.0 Applications for Development Approval – Accompanying Material</p> <p>11.1 Heritage Impact Statement (HIS) If in the opinion of the local government, a proposal is for works that are likely to have a moderate or major impact on the cultural heritage significance of a local heritage place or area, the application for development approval must be accompanied by a heritage impact statement (HIS) consistent with the guidelines produced by the Heritage Council of Western Australia. A HIS</p>

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		<p>may be required for the following types of development proposal:</p> <ul style="list-style-type: none"> (a) partial or full demolition of a Contributory Place including proposed new development; (b) alterations or additions to any individually State Registered Heritage Place; (c) alterations or removal to internal elements of a heritage place that is individually listed; (d) new construction visible from the public realm (inclusive of the streetscape) or with potential to affect adjacent heritage listed properties; (e) subdivision and amalgamation of lots; (f) seeking major and/or multiple variations to any built form controls set out in this policy. <p>The City of Bunbury may require that, at the applicant’s cost, the HIS is provided by a heritage professional with relevant experience.</p> <p>So for any small or large changes to a listed home, there are more hoops to jump through. At your own cost. For the sake of reducing demolitions, this policy is far too intrusive.</p> <p>11.6 Removal of Significant Landscape Elements Where a tree has been identified as significant or forms a significant part of the setting/amenity of a heritage place, and is proposed for removal, the local government may require that a comprehensive report (demonstrating why removal is necessary) be prepared by a suitably qualified arborist. As much as I see the importance of established trees, it concerns me that trust in residents self regulation of what is best for their property is being undermined and controlled.</p> <p>Local Planning Policy 6.2 Heritage Listing, Assessment and Concessions excerpts</p> <p>5.6 Development Application Fees (a) The City of Bunbury recognises the importance of preserving or conserving heritage places and that effective protection of heritage values can have economic, social, cultural and environmental benefits. Therefore, development approval is required for most works to a place listed on the Heritage List or to a property located in a designated heritage area. As well as all the paperwork and time for planning approvals and surveys, homeowners will be bearing extra cost.</p> <p>Local Planning Policy 6.1 Heritage Conservation and Development excerpts 4 Land Use and Development Requirements 4.6 Internal Alterations Where any internal fabric has been identified as being of exceptional or of considerable significance this should be conserved</p>

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		<p>where practicable. Where the original assessment for entry in the Heritage List has not included an internal inspection, the local government may require that a Heritage Impact Statement (Heritage & Character) be undertaken that addresses the impact of internal alterations for the local government’s consideration. This pertains to houses that are on the heritage list. However, my concern is how intrusive it is to homeowners. Modern life should not be hindered or curtailed to suit a policy.</p> <p>4.8 Development on Neighbouring Properties</p> <p>Development adjacent to a heritage place should not unduly detract from the significance or setting of a place on the Heritage List or heritage area. The local government shall have due regard for the heritage values of a place when assessing development proposals on neighbouring properties. Construction of modern homes should be encouraged. These are snapshots of our current times.</p>
		<p>Please accept this as my formal submission to express my strong objection and grave concerns of the proposed heritage area designation of the Tree Street Area under the Local Planning Policy 4.3.</p> <p>First and foremost, beyond the financial and administrative implications that come with such a designation, this proposal and the way it has been presented and handled by the city, along with the way some councillors are treating it as a “done deal” and appearing to not be willing to accept or consider the personal impacts a decision like this can cause, has reintroduced a significant level of stress and uncertainty into our lives yet again for the second time with-in 10 years because of decisions made by the City. The first being the removal of the trees and street redesign for additional school parking in Lovegrove Avenue in 2014, again without a proper and transparent community consultative process, so yet again we have had to spend an inordinate amount of time and emotional energy into fighting the proposal.</p> <p>The current process has reopened the anxiety and uncertainty associated with our biggest financial asset, our family home, when all we want to do is get on with our lives and improve our quality of living. [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] The thought of navigating the complex processes, incurring unforeseen expenses, and potentially facing limitations on future property developments of our biggest financial asset, for which we have worked very hard for most of our working life, creates an unsettling feeling of being trapped into increased and unexpected costs associated with the property, both financially and</p>

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		<p>mentally.</p> <p>In examining the basis for this proposed change, I find myself questioning the validity and comprehensiveness of the initial report that paved the way for this proposal, that leaves a lot of questions unanswered due to the vague wording within the report.</p> <ul style="list-style-type: none"> • Were the report’s authors rigorous in the proper data collection methods? • Were budget constraints applied to the scope of the report engagement with the consulting firm? This would appear to be the case as the report lacks the comprehensiveness, consistency and detail required for the decisions being undertaken. • How was the data collected? • Were the same data collection method applied across each property? • Was the most recent data used or was it only what was available from google street view at the time, if so, this data can be years out of date? • Was a consistent and peer reviewed methodology applied in how the individual properties were assessed? As the individual property assessments appear to not be consistent in any way, they appear to be evaluated in an adhoc manner. • Was this methodology applied equally across all properties? • What is the experience of all who were involved with the report, i.e. data collection, assessment and recommendations? Students? Graduates? Staff with years of experience? • Were all permanent factors considered? • Was there enough community input? • Were the health and well-being impacts on residents sufficiently weighed against the proposed benefits? • Were they considered at all? I don’t believe so! <p>These questions merit serious reflection, as this report forms the underlying foundation used to justify the proposed policy changes. I’m arguing that this report has been flawed from the beginning, as such, the proposed changes should not be proceeding. Furthermore, I've noticed troubling ambiguities within the proposed policy. The lack of clarity on certain aspects of the policy leaves much room for subjective interpretation, which could lead to discrepancies in its application. Clear guidelines and a well-defined framework are essential to ensure fair and consistent application, eliminating potential future disputes or misinterpretations (and undue stress and anxiety again in the future)</p> <p>As a property owner and resident, I am concerned about the significant financial implications that come with such a designation to our biggest asset that we have worked hard to finance in the current economic climate. The requirements for Development Approval, the need for Heritage Impact Statements, and additional controls on property modifications not only impose a substantial administrative burden but also involve considerable costs. These expenses will become a financial strain for property owners who are merely seeking</p>

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		<p>to maintain or improve their property and quality of life.</p> <p>Additionally, the policy's restrictions on external alterations such as the installation of solar panels/collectors or other energy-efficient technologies such as double glazing, pose a serious impediment to our collective goals for sustainability and energy efficiency. By limiting the ability to modernize and make energy-saving improvements to the building, we may be missing an important opportunity to reduce our environmental impact and achieve longterm cost savings for not only ourselves, but for future generations.</p> <p>While I appreciate the intent of preserving cultural heritage, I respectfully submit that most of the building in question do not possess such a level of historical or architectural significance to justify a heritage area. Those that do, are already listed in the state heritage register, therefore it is essential that we balance the need for conservation with the necessity for progress and evolution, especially in a time when the need for sustainable, energy-efficient structures is more pressing than ever.</p> <p>I kindly urge the Planning Department and Council to reconsider the proposed heritage area proposal for the Tree Street area.</p> <p>Thank you for your time and consideration. I trust that the Council will make a comprehensive and fair decision considering all viewpoints and potential impacts.</p>
34		<p>I believe that we do not need to adopt a strict Heritage listing. I understand and appreciate that we are not only the home owners, but also custodians of these homes.</p> <p>A historical and sympathetic approach to the improvements, materials, maintenance and appearance of this home is what we are already doing. This existing amenity is why I purchased in this area in the first place.</p> <p>I have no issues with maintaining some of the heritage architecture, however, something that is of a similar heritage look, using more readily available material should also be acceptable.</p>
35		<p>I strongly disagree that our end/side of Stockley Rd be included in the proposal. There is no heritage streetscape to maintain here. Old homes have long been renovated/demolished. There is no conformity of block size, fencing, driveway size, setback, garage placement or any dual footpaths to maintain.</p> <p>I see this proposed plan as overly restrictive and unnecessarily causing a lack of trust between residents and the council. I am still unsure who exactly benefits from this policy, certainly not the residents of the area.</p> <p>The policy pushes to an ideal where old is better and worth maintaining. I would prefer we were building for the future - looking at sustainability and lower energy usage. I have lived in an old home and the cost and effort to maintain this heritage look is</p>

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		high.
36		I feel there is not enough clarity or definition within the proposal.
37		Overall we support the heritage significance however, we object to the level of restrictions of the homeowners e.g. internal works requiring planning approval (section 8.2), external painting colours selections (9.3), general maintenance (gutters) and landscaping (9.13).
38		<p>I am writing this submission to you regarding the Tree Street Heritage and Local Planning Policy 4.3 Reference COB/5870. I am hereby detailing my very strong objection to the entirety of the proposed policy and assert that under no circumstances should any part of it be implemented.</p> <ul style="list-style-type: none"> • Problematic to sell a heritage listed property. [Redacted] proposal to be listed as heritage listed, by City of Bunbury Council is shrinking our buyers' market. 'Banks believe that heritage listed properties do not always appeal to the general market and as a result take longer to sell, because of this, banks consider them to be higher risk than a non-heritage listed property' (Home Loan Experts). In addition to this, The Real Estate Institute of Australia undertook a survey in 2014 stating that '62% of people surveyed would not buy a heritage listed house'. Real Estate.com stated on 22 October 2014, 'recent research suggests Australian buyers aren't as wowed by ornate features, especially if there's a heritage factor that complicates changing the property. Only 12% said a heritage property would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage'. Further, Allianz surveyed clients in October 2019, top things people consider in their property research is 1. PRICE (46%), 2. Suburb (37%), 3. Size/bathrooms (17%). • Heritage Listing High Ending the Tree Streets even further and increased fuel emissions- Houses that are heritage listed go up in price. 'There is growing evidence to support the view that heritage listing has a positive impact on property values', (Australian Financial Review, March 17, 2015, NSW Office of Environment and Heritage). This will price some people out of the area, especially families. The PUBLIC primary school (Bunbury Primary), located on Lovegrove Street will encounter further additional traffic throughout the Tree Streets, as families will not be able to afford to buy a high-end heritage listed property (or stay in their existing) and the ongoing costs to a heritage dwelling (insurance, like for like etcetera). The outcome of this, families will have to drive their children to school. The streets are already a scene of pandemonium at school drop off times, this scene would grow dramatically. This would lead to increased fuel emissions, not a forward-thinking motion locally or on the World stage by City of Bunbury Council. • Expensive Insurance

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		<p>Home building insurance will increase by an average of 20% (July 2023). Some insurers will not even ensure a heritage listed dwelling as is too much of a risk. This would prove financial stress on my family and I, especially in the current environment of increased food, petrol, and mortgage costs. In addition, the stress of searching for the best option in my valuable time.</p> <ul style="list-style-type: none"> • [REDACTED] <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] A person's house is their home. I bought this home not being Heritage Listed and free to not what I will with it, within reason, not to think almost 8 years later I would have limitations ahead of me and financial increases and future selling delays. The feeling that building permits for my own house creates a sense of intrusion to my privacy and my rightful choices for my own home.</p> <p>The limited time given to the proposal. I have only known for the past 7 weeks the council's proposal, whereas Councillors have known since December 2021. Will these people pay my increased insurance? Will they come and help sell my house in the future and pay my additional real estate fees for taking longer to sell as a heritage house? {'60% buyers heritage listing disadvantage', realestate.com, October 2014). I know [REDACTED] won't be, as he willingly said at the meeting at Council, evening of Tuesday 8/8/23 "I won't be here in five years" after a resident asked a question in regard to the like for like and what it would look like, for example in 5 years' time. It will be a tick in their professional portfolio that they worked upon the Tree Street Heritage Area Policy with the owners living with the countless outcomes for years to come, mentally, financially, and environmentally to name a few.</p> <ul style="list-style-type: none"> • Like for Like repairs - This is vague. What is 'Like for like' in 2023/24 would look very different, for example in 2033. The sourcing of the 'like for like', the time, trying to find a trade willing to implement the 'like for like'. The additional costs for 'like for like', the trade persons extra percentage to costs for the 'like for like' on a heritage listed dwelling. • Limitations - paint colour schemes, gutters - Building permits will be costly and time consuming in an environment that already has limited trades. Having to wait for Council for building permits when I require to replace guttering or paint my house would add to my valuable time and costs. It would also be an intrusion to my privacy and give me unnecessary constraints. • Energy Efficiency - solar panels and double glazing- Again, building permits will be costly and time consuming in an environment that already has limited trades. Having to wait for Council for building permits when I require to update my house would add to my valuable time and costs. It would also be an intrusion to my privacy.

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		<p>In conclusion, referring to the Tuesday 8th August community meeting at the COB offices, I was amazed, as well as disgusted by the flippant response from Councillors at the end of the meeting. There is a common motion that owners in the Tree Street area have an abundance of monies to spend on additional insurance cover and like for like repairs. One councillor even mentioned her daughter's interior design business. This does make one wonder why she is in support of the implementation of the Tree Street Heritage proposal. I find this astonishing, and a group think mentality with no facts of any of the Tree Street residences' current financial status or the real reasons why we bought in this area of Bunbury.</p> <p>Further, I find it concerning and unjust that in voting for the Tree Street Heritage Planning Policy, out of 10 council members, I understand (from 8/8/23 meeting), 3 are from the Heritage Planning section of City of Bunbury Council. A 30% unfairly prejudiced outcome from the set go.</p>
		<p>I am concerned with how insurance availability and price if the Heritage Area goes ahead. I am equally concerned that I may not alter or amend the front of my property without permission.</p>
39		<p>The house was built as a workers cottage so has had many alterations over its life, many of them using second-hand material therefore I struggle to see what heritage value it has.</p> <p>As I am in my 70s, at some stage in the future I will have to sell. With the Council proposal my house value will decrease, insurance costs will increase and prospective buyers will be limited. This will make for a very stressful time during the last stages of my life.</p> <p>I would like to ask the Council and the Councillors' what give them the right to dictate to me what I can and cannot do to my property that I have spent my whole life working to obtain and maintain to have a lifestyle to suit my family?</p> <p>I strongly object to the create of the Tree Street Heritage Area.</p>
40		<p>The above property has been identified as having a "high contribution", which will make future repairs massively more expensive, if "like for like" materials such as jarrrah verandah floorboards will be insisted upon by Council Inspectors.</p> <p>I therefore object to the property being listed as having a "high contribution".</p>
41		<p>The above property has been identified as having a "high contribution", which will make future repairs massively more expensive, if "like for like" materials such as jarrrah verandah floor boards will be insisted upon by Council Inspectors.</p> <p>I therefore object to the property being listed as having a "high contribution".</p>
42		<p>Submission Objecting to "Moderate Contribution" for xxxxxxxxxxxx, BUNBURY</p>

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		<p>The above property has been identified as having a "moderate contribution", which I find difficult to understand, given the assessor noted in the assessment report under Comments that "Obscured place. Limestone pier fence and timber pickets". See report excerpt below:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Scale</th> <th>Form</th> <th>Roof Form</th> <th>Roof Material</th> <th>Wall Material</th> <th>Verandah</th> <th>Front Yard</th> <th>Fence</th> <th>Carport</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/> SS</td> <td><input type="checkbox"/> SYM</td> <td><input checked="" type="checkbox"/> H-G</td> <td><input checked="" type="checkbox"/> Corru</td> <td><input type="checkbox"/> WB</td> <td><input type="checkbox"/> YES</td> <td><input type="checkbox"/> Grass</td> <td><input checked="" type="checkbox"/> Timber</td> <td><input checked="" type="checkbox"/> Carport</td> </tr> <tr> <td><input type="checkbox"/> DS</td> <td><input checked="" type="checkbox"/> ASYM</td> <td><input type="checkbox"/> Hip</td> <td><input type="checkbox"/> T. Tile</td> <td><input checked="" type="checkbox"/> Brick</td> <td><input checked="" type="checkbox"/> NO</td> <td><input checked="" type="checkbox"/> Porim</td> <td><input type="checkbox"/> Mas.</td> <td><input checked="" type="checkbox"/> Garage</td> </tr> <tr> <td><input type="checkbox"/> Other</td> <td></td> <td><input type="checkbox"/> Flat</td> <td><input type="checkbox"/> C. Tile</td> <td><input type="checkbox"/> Rend</td> <td></td> <td><input checked="" type="checkbox"/> Plant</td> <td><input checked="" type="checkbox"/> Pier</td> <td><input type="checkbox"/> None</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> Other</td> <td><input type="checkbox"/> CFC</td> <td></td> <td><input type="checkbox"/> Pays</td> <td><input type="checkbox"/> Steel</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> High</td> <td></td> <td></td> <td></td> <td></td> <td><input type="checkbox"/> None</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Low</td> <td></td> <td></td> <td></td> <td></td> <td><input checked="" type="checkbox"/> Stone</td> <td></td> </tr> </tbody> </table> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>CONTRIBUTION</p> <p><input type="checkbox"/> HIGH</p> <p><input checked="" type="checkbox"/> MODERATE</p> <p><input type="checkbox"/> LITTLE/ NO</p> </div> <div style="width: 50%;"> <p>PHOTOGRAPH</p>  </div> </div> <div style="margin-top: 10px;"> <p>COMMENTS</p> <p>Obscured place. Limestone pier fence and timber pickets.</p> </div> </div>	Scale	Form	Roof Form	Roof Material	Wall Material	Verandah	Front Yard	Fence	Carport	<input checked="" type="checkbox"/> SS	<input type="checkbox"/> SYM	<input checked="" type="checkbox"/> H-G	<input checked="" type="checkbox"/> Corru	<input type="checkbox"/> WB	<input type="checkbox"/> YES	<input type="checkbox"/> Grass	<input checked="" type="checkbox"/> Timber	<input checked="" type="checkbox"/> Carport	<input type="checkbox"/> DS	<input checked="" type="checkbox"/> ASYM	<input type="checkbox"/> Hip	<input type="checkbox"/> T. Tile	<input checked="" type="checkbox"/> Brick	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> Porim	<input type="checkbox"/> Mas.	<input checked="" type="checkbox"/> Garage	<input type="checkbox"/> Other		<input type="checkbox"/> Flat	<input type="checkbox"/> C. Tile	<input type="checkbox"/> Rend		<input checked="" type="checkbox"/> Plant	<input checked="" type="checkbox"/> Pier	<input type="checkbox"/> None			<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> CFC		<input type="checkbox"/> Pays	<input type="checkbox"/> Steel				<input type="checkbox"/> High					<input type="checkbox"/> None				<input type="checkbox"/> Low					<input checked="" type="checkbox"/> Stone	
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		<p>It appears that the "moderate contribution" has been based on the timber picket fence, which does not relate to the building itself, it is merely something I built in 2001.</p> <p>As per the attached photos I would like to explain the history of the property:</p>																																																															

[Redacted]


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		 <p data-bbox="504 933 2094 1045">Photo 1: This was the condition of the property when I purchased it in 1998. It had dark roof tiles and brick walls that had massive cracks from the rusting lintels that appeared to date from a previous renovation done in the mid 1960s. This shows that the property had little connection to a heritage building style as at 1998.</p>


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#	Name / Address	Summary of Submission
		 <p data-bbox="501 946 2051 1011">Photo 2: The condition of the property during a complete rebuild in the year 2000, removing the spalled brick work, installing new stumps, complete re-wiring, new windows, new wall insulation and new plumbing was installed.</p>




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		 <p data-bbox="504 933 2116 1037">Picture 3: After the complete rebuild – property condition in the Year 2001, showing the new double garage and double driveway, new colorbond roof and reconstituted concrete front retaining walls. The condition of the building is now similar to the condition of 33 Picton Crescent, which your assessor has listed in the report as “Little/Low Contribution”, see excerpt below:</p>

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43		<p>I strongly object to the Tree Street Heritage Area and Local Planning Policy 4.3 for many reasons. Mostly I want to live in a vibrant community which adapts to the needs of the current times. The heritage proposals imposes many rules that will stop owners from having the choice of adapting their properties to their own needs. Demolition, subdivision, additions and alterations all choices that we as rate payers can make about our own properties. The Heritage precinct stops us from having this choice of how we can change our properties to meet our current needs or objectives. 9.1 Demolition -not supported. Conservation 9.3 like for like and 9.4 D3 where</p>																																																																	

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44		<p>possible include the reinstatement of significant detailing where it has been previously removed adds massive building costs.</p> <p>We are almost in a financial position to renovate front veranda (collapsing and floorboards need replacing) and wood rot enclosed back veranda. If some become heritage we will no longer be in a financial position to restore these areas to heritage requirements. This is causing many sleepless nights and not good for our harmony (creating friction).</p>
		<p>If area becomes heritage and we are no longer able to subdivide this will have a huge impact on our finances later in life – current causing much anxiety and concern.</p>
45		<p>There is severe restrictions on garages. I can't park on the street and have a 1 car garage and the rest of my frontage is brick wall. I have been told previously if this wall was to be replaced due to cracks I would have to follow new guidelines on wall height and have multiple walls set back. This is contradicted by heritage now where it should be like for like i.e. 1 full height wall. Solar power is restricted and I have a east west roof line. my hot water is currently on the west side and during autumn, winter and early spring I am lucky to have hot water from my solarhart without using a booster. With no solar panels on the east my power collection will be minimal. My heating and cooling costs for my residence is astronomical compared to others due to the building type, styles i.e. sash windows and the types of glass used which transmits heat/ cold easily. I would be unable to repair/replace sash windows to install double glazing.</p> <p>I am a homeowner in the proposed tree street area. The proposal will severely restrict what I can do with my property to make improvements, repairs/replacements and will have a negative financial impact on my residential costs. It will increase my insurance and the resale value of my property will drop.</p> <p>There is severe restrictions on garages. I can't park on the street and have a 1 car garage and the rest of my frontage is brick wall. I have been told previously if this wall was to be replaced due to cracks I would have to follow new guidelines on wall height and have multiple walls set back. This is contradicted by heritage now where it should be like for like i.e., 1 full height wall. Solar power is restricted, and I have an east west roof line. my hot water is currently on the west side and during autumn, winter, and early spring I am lucky to have hot water from my solarhart without using a booster. With no solar panels on the east my power collection will be minimal. My heating and cooling costs for my residence is astronomical compared to others due to the building type, styles i.e. sash windows and the types of glass used which transmits heat/ cold easily. I would be unable to repair/replace sash windows to install double glazing.</p>
46		<p>We strongly object to the tree street heritage area. We feel the large blanket approach to heritage list the area is not considered reasonable or appropriate and more research is required. As a suggestion if the look of the tree street area is what is wanted to be preserved maybe investigation in an urban character area would be more suitable. This would then allow the character of the area be maintained and enhanced through design that responds to the distinctive characteristics of the area. With planning controls on new developments rather than the requirement to retain current fabric and materials.</p> <p>Over the years our home has had many modifications to the street view of the property. This includes the addition of the double</p>

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		garage and patio, alteration of the front entrance and addition of the front veranda. There has also been the addition of an extra bedroom on the right hand side of the house. Therefore, we feel the heritage value of the house is little. There are not many properties of heritage value on Picton Crescent and Picton Crescent has also been considered just outside of the 'tree street area'
47		<p>I am writing to you to let you know that I totally disagree with the council's decision to make the tree street area a heritage area.</p> <p>My parents have lived at xxxxxxxxxxxx since 1971. In 1977 they added a family room, new bathroom, toilet and laundry. Since then, my father has not added or improved the house in any way whatsoever. Dad is currently reaching the end of his life and now resides at [REDACTED] I currently live with my mother and am her carer.</p> <p>Both my parents have no money available to make any repairs or improvements. Changing the status of the area would have repercussions for my family in the coming years. Once both my parents are gone the house will need to be sold. In its current state the house itself is worth nothing. The land is the only thing worth anything.</p> <p>New owners would need a HUGE amount to restore the house or, in all likelihood, will want to demolish. Heritage listing will make that impossible.</p> <p>I could sink my entire superannuation into the house but I'm pretty sure [REDACTED] would not be enough to completely restore the house and then I would be left destitute.</p> <p>Please do not vote for this proposal. The whole situation is stressing my 88yo mother. I would like the last few years of her life to be stress free.</p>
48		I believe Council has sufficient control over all aspects of every property as we are at this point in time. I am disappointed in the way this proposal was announced with very inadequate information and consideration given to landholders. A very large community protest to this proposal is significant.
49		<p>100% object the TREE STREET HERITAGE AREA AND LOCAL PLANNING POLICY 4.3 and the TREE STREET HERITAGE AREA ASSESSMENT DOCUMENT on which it was based.</p> <p>* The assessment document is poorly done with very little relevant, factual information on the 302 individual homes and some of the information included is either out of date or incorrect.</p> <p>*The lack of community engagement and consultation by the City of Bunbury has caused significant upset and stress to the homeowners in the designated area. Many taking considerable time from their work and families to digest and respond to this</p>

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		<p>proposal. The financial, emotional, physical and mental impact is high</p> <p>*The COB has approached the proposal and the interaction with the community as though dealing with 'structures' rather than 'homes' and has failed to consider the impact on the people and their lives.</p> <p>I OBJECT to the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3</p> <p>Below are some of my concerns regarding the abovementioned proposed planning policy which has been put forward by the City of Bunbury and resolved by the Bunbury City Council Meeting on 27 June 2023 to advertise for public comment.</p> <p>We, as residents/ratepayers were advised by the City of Bunbury in a letter dated 10 July 2023 that this planning policy was being put forward for public comment. Although the process of completing a heritage area survey and writing of the proposed local planning policy was active from 2022, at no stage were property owners notified that their homes were being 'assessed' for heritage value to that area or that the City of Bunbury were proposing a blanket heritage area to 302 homes. As a property owner/resident of two properties within the proposed zone I am very concerned with the lack of community engagement and consultation during the process and the massive personal impact, financially, mentally and emotionally, that this proposal is currently, and will have on all residents & ratepayers of the area if it is approved by the Bunbury City Council.</p> <p>The Tree Street Heritage Area Assessment Document which was prepared by an architectural firm and informed the Tree Streets Heritage Area and Local Planning Policy 4.3 provides a history of the area (most of which was taken from a 2004 proposal which was abandoned) and minimal information on each property, some of which is out of date and incorrect. This is a poorly done heritage assessment which as stated by XXXXXXXXXXXX (COB Director of Sustainable Communities) at a public meeting on 8th August 2023 regarding a consultant making judgements on individual properties ratings of significance in the document, they "looked at it (the individual houses) and thought it looked significant". We would argue that without detailed history and facts on original features of homes that the assumptions made by the consultant are not factual and purely of personal opinion.</p> <p>The document states in The Methodology (Pg 8) that "The physical analysis of the Tree Street Heritage Area was informed during a February 2022 site visit. The site visit included surveying each place within the study area to identify aesthetic quality, consistent characteristics, streetscape quality and specific elements of built form. The survey also included photographing each place."</p> <p>If I just look at the information in the document for our street of 11 homes (Lovegrove Avenue) alone there are multiple discrepancies in the information recorded.</p> <ul style="list-style-type: none"> • Photograph of 13 Lovegrove Ave is part of a google image of 11 Lovegrove Ave taken in 2015 • Page 124 Table summary of individual place assessments states 2 properties have carports when in fact 3 properties have

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		<p>carports and have done for the 25 years we have lived in the street.</p> <ul style="list-style-type: none"> • Page 123 "The remainder of the street is relatively intact except for No. 1 (demolished and rebuilt in 2004) and No. 13 (substantial rear extension in 2004)." In fact No's. 11, 17 and 21 all had substantial rear extensions prior to the survey in 2022. • Page 123 "No. 9 Lovegrove Avenue has undergone a number of changes and alterations over the years including a form change in the late 1990's and what appears to be either a substantial alteration or complete rebuild in 2015' Looking at this home from the street it is clear that this is a complete rebuild. A quick google street view image search of the address shows an image of the property mid build of a Dale Alcock home in 2015. <p>If I, as a community member with no architectural qualifications, am able to note these discrepancies at a glance for just one street of 11 homes in the proposed area, I question how much other incorrect or outdated information has been included in the assessment document and suggest that due to the lack of correct factual information that the document is not only flawed but invalid. It is then a serious concern that the City of Bunbury have based their Draft Tree Street Area and Local Planning Policy 4.3 on this document.</p> <p>I am also concerned with the changing views of the City of Bunbury dependent on the staff in office at any given time. In 2014 the City of Bunbury proposed to remove the trees on the northern side of our street (Lovegrove Avenue) in order to create more on street parking. We had a lengthy community battle to retain the trees and our beautiful streetscape which, as residents, we highly value not only for the aesthetics but for the environmental advantages of having shady trees in built up areas. In the Statement of Significance (Pg. 4) in Tree Street Heritage Area Assessment document it states "The aesthetic value of the area due to highly intact streetscapes. This is influenced by the subdivision pattern, wide street verges, mature street trees and consistent building setbacks". It is interesting that the COB seems to now value the importance of mature street trees. When engaged in a discussion with COB staff at a recent site visit to our property the COB staff had no knowledge of that previous battle...this only serves to highlight that staff or councillors are concerned only with championing issues during their term and are often not aware of historical facts.</p> <p>Further to my concerns, there is no prescribed appeals process in either the Heritage Area Assessment document or the Draft Tree Street Area and Local Planning Policy 4.3, yet the COB staff have verbally advised residents and property owners that they can appeal the rating of significance placed on their individual properties. When we questioned the staff on this during a recent site visit to our property we were advised to just add it into our submission form for public comment on the Draft Tree Street Area and Local Planning Policy 4.3 and that the architectural firm who completed the original assessment would have to be engaged to re-assess individual properties. I feel firstly, that there should be a separate appeals process for individual property ratings and secondly that if the original survey was thorough it would not be necessary to re-engage the consultants at extra cost.</p>

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		<p>I am definitely wanting to appeal the 'high' heritage value contribution rating that both of our properties ([REDACTED]) have been given. We bought our current home at No. [REDACTED]. We then purchased a 2nd property (No. 7 - being the 'worst house in the best street') 10 years ago as an investment for our future. It is a basic 1½ bedroom fibro home without any resemblance of heritage appeal. Many State Housing homes in Carey Park are of the same vintage and architecturally superior and are not considered heritage. We bought No. 7 in 2014 for the sole purpose of demolishing the existing structure to build a home sympathetic to the area for our retirement.</p> <p>Heritage listing this property, in effect, leaves us with a liability and a scourge on Lovegrove Avenue into the future, not forsaking the capital loss of this asset.</p> <p>The value of this property is the land. The building has no commercial value in its current form and we could not consider refurbishment under the heritage guidelines provided as it would not meet any reasonable outcome. The property is not suitable for modern living in its size or design. It has no environmental considerations suitable for sustainable living and is partly asbestos construction. Furthermore, we will be left with a stranded asset with nowhere to go for our retirement.</p> <p>[REDACTED] our current family home of 24 years has been modified and renovated over the years to suit the needs of modern day family living while keeping the 'character style' of the area. In 2007 we added to the width of the building to include a second bathroom, toilet, laundry and bigger living space. In 2019 we added an extension to the rear of the property to update our kitchen, raise the roof in the living area and include a large outdoor area. At the time we also restumped the house which required the lifting of the entire jarrah floorboards and removal of the lath and plaster interior walls. The interior was stripped to the stud framework, a fireplace and 3 ceilings. In effect all of both the interior and exterior of the building has been replaced with the exception of a section of the front weatherboards, 3 window frames, 1 door frame, 3 ceilings and a fireplace.</p> <p>Our home may "look significant" to someone passing but we would expect that if someone with 'qualifications' were to assess our home for heritage significance that they pay us the respect we deserve as homeowners, and thoroughly research our home's history and physical characteristics in consultation with us in order to determine an accurate assessment of its heritage value.</p> <p>This action by the COB came out of left field with little notice and is life changing for us. It will significantly impact our financial future and is already impacting our mental and emotional wellbeing. According to City of Bunbury staff, when questioned on who benefits from this proposal, the response was "The community". I ask though, what financial contribution will the community make to cover the costs of this proposal now and into the future? It seems that the individual property owners are the ones who will carry the financial</p>

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		<p>burden - extra planning costs, higher building/renovating costs when replacing with 'like for like' and greatly increased insurance premiums and excess. That is not taking into consideration the financial losses from decreased property value (in our case particularly for [REDACTED] and a smaller pool of buyers. One of the many concerns we have in owning two properties in the zone is that if this proposal is adopted are we, in the long term leaving our children an inheritance or a financial burden to deal with?</p> <p>The City of Bunbury have put this proposal out for public comment and responded to a high volume of relevant questions from ratepayers at their Council meeting on 25th July 2023. As a result of the decisive dissatisfaction of residents at that meeting COB facilitated a public information session on 8th August 2023. This forum was attended by over 150 residents with overwhelming opposition to the proposal. Despite this response, a number of Bunbury Councillors have been quite vocal in their support for the proposal without really listening to the community. As ratepayers we trust in the local government system in which our elected council members make informed decisions based on facts and in the best interest of the community. It is inappropriate for any councillor to express either support or rejection prior to the close of the public comment period without taking into account all of the information which may be presented.</p> <p>I have loved living for 24 years with my husband in this beautiful character area and raising our children here. Our neighbours over the years from both our street and surrounding streets have become life-long friends and we enjoy a very supportive community. It's the neighbours who maintain the weeds and trees along the opposite side of the street and look out for each other if someone is in need. The community often pitch in to help each other or support community projects in the area.</p> <p>Since we have lived here we have seen many of the character homes renovated to maintain the character of the area and a handful of new builds which are mostly sympathetic to the style of the area. It seems that the people who choose to live here not only do so for the proximity to the town centre, beach and Australia's No. 1 primary school, but also for the wonderful community and the style of the character area which is amazingly self-managed without restrictions and encumbrances.</p> <p>I thank you for taking the time to read my concerns and trust that you will not only thoroughly review the facts but engage in further community consultation.</p>
		<p>I do not believe there has been a fair process undertaken - Property owners did not receive a draft of the assessment for their property at any time, nor were we consulted or involved. The assessment survey was finalized and published in September 2022. We only found out about it in July 2023... some 10 months after the report had been published. Affected homeowners were deliberately excluded in any consultation and the whole scenario reeks of flawed processes that were not properly funded and heavily biased toward the city of Bunbury... One of your councillors and a member of the Heritage</p>

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		<p>committee who has failed to respond to my request for a meeting but managed to verbally say to me "it's nothing to worry about".</p> <p>Of course it's nothing to worry about if you are not affected!</p> <p>As an owner of two properties in [REDACTED] I 100% object to the Tree Street heritage area and local planning policy 4.3.</p> <p>I do not believe there has been a fair process undertaken - Property owners did not receive a draft of the assessment for their property at any time, nor were we consulted or involved. The assessment survey was finalized and published in September 2022. We only found out about it in July 2023...some 10 months after the report had been published.</p> <p>The affected homeowners were deliberately excluded in any consultation and the whole scenario reeks of flawed processes that were not properly funded and heavily biased toward the City of Bunbury... One of your councillors and a member of the Heritage committee who has failed to respond to my request for a meeting but managed to verbally say to me "it's nothing to worry about". Of course it's nothing to worry about if you are not affected!</p> <p>According to realestate.com.au 60% say a heritage listing would be a disadvantage. Our Insurer has advised us that if our properties are heritage listed, our premiums will significantly increase and there is a possibility that no cover would be offered.</p> <p>The emotional affect this proposal is having on me and my wife is at a high level, we are not sleeping at night due to the amount of stress this has caused us.</p> <p>The Tree Streets Heritage Area Assessment Survey is flawed and inaccurate... Our street alone (in the survey) has many discrepancies. This means that any decisions made which utilize this document in full or part must be called into question including the decision to proceed to public consultation for the proposal.</p> <p>[REDACTED] being assessed as high contribution is incorrect and I challenge this due to the clear fact that we have done major renovations firstly in 2006 and again in 2019. All our renovations have been in keeping with the character look and feel - but very little of the original structure/facade remain including internal fit out (completely replaced).</p> <p>[REDACTED] being assessed as heritage at any level seems incredulous let alone at the high end. It is a basic 1 ½ bed fibro/asbestos home without any resemblance of heritage appeal. Many State Housing homes in Carey Park are of the same vintage and architecturally superior and are not considered heritage?</p>

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		<p>To quote from your assessment -The physical analysis of the Tree Street Heritage Area was informed during a February 2022 site visit. The site visit included surveying each place within the study area to identify aesthetic quality, consistent characteristics, streetscape quality and specific elements of built form.</p> <p>Some independent definition of what Heritage Homes mean?</p> <ul style="list-style-type: none"> • Heritage homes are residential properties that the government, typically at the municipal level, designate as having a "special heritage interest". Heritage homes are frequently adored for their unique design and rich character • The facade, architectural features and general construction should have the distinctive qualities and ambience in keeping with the traditional way of life of the area. • A place may be of heritage significance for reasons it may demonstrate a high degree of creative, aesthetic or technical construction or design style, <p>It would be drawing a long bow to genuinely regard [REDACTED] as a heritage asset.</p> <p>They say pictures paint a thousand words.</p> <p>These are a few examples of typical heritage homes:</p>

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		<div data-bbox="504 268 1657 762" data-label="Image"> </div> <p data-bbox="504 805 824 837">This is [REDACTED]</p> <div data-bbox="504 853 1041 1197" data-label="Image"> </div> <p data-bbox="504 1204 2116 1412">It is agreed "the Inclusion of a place on a Heritage List or Heritage Area does not affect ownership or public access rights". The elephant in the room however is that we bought this property 10 years ago for the sole purpose of demolishing the existing structure to build our forever home in the street that we absolutely love. Heritage listing this property in effect leaves us with a liability and a scourge on Lovegrove Avenue into the future, not forsaking the capital loss of this asset. The value of this property is the land. The building has no commercial value in its current form and we could not consider refurbishment under the heritage guidelines provided as it would not meet any reasonable outcome. Furthermore, we</p>

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		<p>will be left with a stranded asset with nowhere to go. This action came out of left field with little notice and is life changing for us. It will significantly impact our financial future and the future for our kids and their inheritance.</p> <p>In conclusion the entire blanket approach of this proposal is unfair and completely wrong - if Future Heritage assessments are required then this must be done at an individual property level and in consultation with the stakeholders. I am all for character but I am requesting that the Tree Street heritage area and local planning policy 4.3. Be completely scrapped.</p>
50		<p>I don't believe this property to be eligible for high contribution as in the future this home will be demolished. It would be unaffordable for me to renovate as the average cost according to master Builders Association is between 2,500 – 4,000 per square metre to build new is 1000 – 1250 square metre.</p>
51		<p>We, as owners of xxxxxxxxxxxx for 36 years STRONGLY OBJECT to the Tree Streets Heritage Area proposal currently advertised for public consultation.</p> <p>Our objections to adoption of the Tree Street Heritage Area Planning Policy include the following reasons:</p> <p>1. Inadequate Consultation & Flawed Assessment: We believe that due to consultation and engagement not being undertaken at an early stage with us as residents, the City of Bunbury has failed to properly treat us, and include us, in the formative stages as RELEVANT & KEY STAKEHOLDERS. This has resulted in the outcome of the assessment survey for our home as <i>High Contribution</i> being made without accurate history and knowledge of our home, and therefore is a flawed process with an incorrect rating. Additionally, the planning policy has been progressed, decided upon and presented by the City to us as virtually a <i>fait accompli</i> with residents only notified at the end of the process for us to research implications and write submissions.</p> <p>1.1 Inadequate Consultation In Clause 2.1 of the <i>Heritage Council of WA's Guidelines for Assessment of Local Heritage Places</i>, referring to <i>Initiating an Assessment</i>, it states that in this early initiating phase "... As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place. While property owners should be advised of the assessment process and invited to participate, the assessment of a place should not be conditional on owner support.".</p> <p>We believe from the public meeting held at the Council offices a few weeks ago with residents, Councillors and the City, that this proposal commenced in 2021 and that the assessment survey was finalised and published in September 2022.</p> <ul style="list-style-type: none"> • In the identification phase of this Tree Street Heritage area, this consultation was clearly not done. • We as property owners were not advised of the process, nor invited to participate as this clause states!

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		<ul style="list-style-type: none"> • Nor was any Draft Report of the assessment made available to us. <p>We as a community were only informed as of mid July 2023 of the Finalised Report including the contribution levels given to our homes. We were also instructed to refer to Planning documents to search for ourselves what implications these decisions have on our homes. <i>This shows a disregard for us as part of the Bunbury community as well as a disregard for due process as relevant stakeholders as required by Clause 2.1 above.</i></p> <p>1.2 Flawed Assessment We assert that our home's assessment of the contribution rating is based on a flawed and insufficient process and resulting in an incorrect rating. The survey appears to have been undertaken at a high level only with the basis of the survey having been done by visual inspection as viewed from the street and perhaps also by digital aerial imagery (which couldn't have been available any earlier than the late 1950's). We assume that, in our case, no historic streetscape photography was assessed, and the age of our home was not known to the Heritage Surveyors.</p> <p>Our assumptions and reasons for contesting the High Contribution rating are therefore as follows:</p> <ul style="list-style-type: none"> • The survey was high level only with apparently little or no knowledge of our home's age (built in the early 1900's), original materials or original aesthetics; • No original external wall or roof cladding/fabric actually exists on our home as evidenced by an early 20th century photograph in our possession of Jarrah Street (including our home) taken from Picton Crescent; • We have lived in our home since February 1986 (almost 37 years). The home's original iron roof and wall materials (fibro cement & weatherboard) had been altered from the original some time in the 50's (to cream brick, not in keeping with the original style) before we moved in. In the mid 1990's we further substantially altered the roof and veranda structure, cladding materials, front boundary fence and other aspects as viewed from the street (refer to Appendix for a list of specific alteration details) <p>Further, with no original fabric and significant changes to roof structure and aesthetics arguably our home has had significant changes as seen from the front compared with the both the original structure and that of the 1980's, yet it's been given a High Contribution. In comparison, the home adjacent to us was the original home on the entire block before the subdivision of homes in Jarrah, and we assume Banksia Streets, prior to 1905. It has maintained the original brickwork, roof shape and materials, and the front veranda has had minimal alterations. Additions to the side and rear have occurred. It has been given a Moderate Contribution. This seems inconsistent and we wonder whether the assessment surveyors knew the history of the original home (or any of the homes) to make these Contribution ratings. The assessment has been done without our consultation, without our knowledge of the home's history, and lack of original photographs such as we have, to make comparisons of original materials and aesthetics with the present. We contend that the conclusions are therefore incorrect. As a result, the survey appears to be a waste of the communities rates. We respectfully request dialogue with the City and subsequent consideration for a change to a Moderate</p>

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		<p>or less contribution rating.</p> <p>2 No Advantage in a Heritage Area to us as Rate Payers The City has not undertaken (or made available) to us a cost-benefit study of what property owners in a Tree Street Heritage Area are likely to experience if the policy is passed. There is strong evidence that there will be no advantage to us as homeowners if this Heritage precinct planning policy is adopted. In fact there is every indication there will be a negative financial and administrative burden on us. This is due to, in part the following:</p> <ul style="list-style-type: none"> • Restrictive sourcing of "like-for-like" material requirements when maintaining, repairing or enhancing our home; • A financial penalty to us depending on the Contribution value rating of our home; • Reduced opportunity to sell our home as prospective buyers perceive heritage areas / properties negatively due to complications and compliance with red tape associated with requirements to maintain and enhance the property; • Reduced financial offers by prospective buyers as they factor in the perceived cost of complying with onerous requirements; <p>4. Additional Burden from Imposed New Compliance If this proposal is passed, there will be a new and additional heavy burden on us as homeowners to obtain approvals from Development Applications for minor external works that we are currently free of (even gutters & downpipes!!).</p> <p>The Draft LPP 4.3 Tree Streets Heritage Area applies to the assessment of proposals for works on places within the Tree Streets Heritage Area" (2.0 — Introduction)</p> <p><i>Clause 8.2 Works Requiring Planning Approval, states: External All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place. Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval".</i></p> <p>Currently, Planning approval isn't required by us as homeowners for these minor works (except swimming pools and some structures). Also, If it is only the facade or visual aspects from the street that are important to maintain a 'heritage' area, it is unclear in this clause if replacing existing fencing and other ancillary structures at the rear or sides of the property are relevant and if they would require planning approval under this policy.</p> <p>5. Summary:</p>

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		<p>We strongly object to this proposal. We understand that the City is required to periodically revisit the Heritage Act and assess possible areas for Heritage listing, however we also understand from the recent public meeting held at the Council offices, that there is the option to do nothing.</p> <ul style="list-style-type: none"> • We advocate for the 'do nothing' option. • The Heritage Council of WA's Guidelines referring to <i>Initiating an Assessment</i> were not followed. In the early initiation phase we were not advised of the assessment process or invited to participate, we were not engaged or consulted with as relevant stakeholders, nor provided later with a Draft Report. • There has therefore been a lack of due process and no clear, ongoing inclusion, engagement and consultation from the start. • There is no benefit to us as homeowners and ratepayers for this policy to proceed, and it would instead be a burden to us. • <p>A designated Heritage Area in the Tree Street precinct is not needed and not wanted. We respectfully recommend It be removed from the council agenda and from any council decision-making forums. And finally, Many residents in the Tree Street area like us have bought into this precinct due to the proximity to public amenities, the CBD, the back beach, as well as the character homes. We have undertaken home and property maintenance and improvements with pride, thought and pleasure (and compliance) to keep the character of our homes. This is an increasingly costly process as our homes age with time without further requirements being imposed with no added benefit to us. A Character Precinct could be an acceptable possibility and many like us would be happy to engage with the City in such a discussion. Thank you for taking your time to read this submission.</p> <p>APPENDIX</p> <p>Original: (from early photograph)</p> <ul style="list-style-type: none"> • Fibro cement cladding & corrugated iron roof with single pitch from ridge to veranda; • White picket front boundary fence. • Open back veranda <p>Modifications: 1950's - 70's: (as communicated by previous neighbour at #9)</p> <ul style="list-style-type: none"> • Wall cladding changed to cream brick • Decromatic beige aluminium profiled roof sheeting installed • Low brown brick front boundary fence • Italian looking cement front veranda balustrade • Steel circular veranda posts • Enclosed back veranda <p>1988-95:</p> <ul style="list-style-type: none"> • Colorbond red roof, with gable cut in & pitch broken to accommodate bullnose veranda roof at front & southern side;

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		<ul style="list-style-type: none">• Painted the 2 chimneys• Changed windows, door, gutters & barge board colour scheme from red to green & cream• Installed N antenna & satellite dish adjacent chimney;• Dutch gables enclosed;• Jarrah square veranda posts;• Side steps from driveway installed;• Cement veranda ballustrade removed;• Red brick pier and aluminium post & rail inserts front boundary fence installed ;• Reclad & insulated the back room(previous back veranda)• Replaced northern & southern side boundary fences from timber picket to fibro cement. <p>1998 to current:</p> <ul style="list-style-type: none">• Brick paved the driveway and front path to front steps;• Installed veranda decorative post inserts;• Rear patio add on installed by Stratco;• Solar panels installed on rear skillion roof

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		 <p>1987</p>  <p>1993-95</p>  <p>circa 2020</p>
52		STRONGLY OBJECT TO DO NOT GIVE MY CONSENT TO the current Tree Streets Heritage Area proposal under consideration.

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		<p>Here are my primary concerns:</p> <p>Lack of Genuine Consultation The seeds of this proposal were sown as early as 2021. Yet, the City chose not to involve residents during its foundational stages. It was only on 11 July 2023, bound by legal obligations, that the City initiated the public consultation phase.</p> <p>There was a glaring absence of prior engagement, even during the heritage assessment survey of 2022. Consequently, numerous residents are now questioning the validity of their home's assessment. The survey was superficial, missing the homeowners' insights, which are crucial for a comprehensive assessment. This approach blatantly disregards the Heritage Council of WA's best practices.</p> <p>The Heritage Council of WA's, "Guidelines for the Assessment of Local Heritage Places" (this includes proposed heritage areas) it refers to "2.1 Initiating an Assessment". This refers to when an assessment survey is initially undertaken. In this, it says:</p> <p><i>"...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place".</i></p> <p>The Heritage Council of WA's guidelines emphasize the importance of stakeholder consultation during the assessment process. However, property owners were kept in the dark, receiving no draft assessments. The finalized report was made public in September 2022, but homeowners were only informed about it in July 2023, almost ten months later.</p> <p>Given these lapses, the Tree Streets Heritage Area Assessment Survey lacks the necessary depth and precision. As this survey is foundational to the proposal, any decisions based on it warrant reconsideration. The consultation process is flawed. There are four elements that need to be met for a proper consultation to occur logically, and legally.</p> <p>These include:</p> <ol style="list-style-type: none"> 1. Consultations to be undertaken at formative stage 2. Provision of sufficient reasons and material 3. Adequate time to respond 4. Conscientious taking into account of the product of consultation <p>1. Consultations to be undertaken at formative stage — the city failed to involve the community at the formative stages. I note that the recent Ocean Pool project consultation has started to engage with the community in talking about the idea of it, and that it is not yet a</p>

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		<p>project or proposal that has been formed or is underway.</p> <p>I note that the recent Ocean Pool project consultation has started to engage with the community in talking about the idea of it, and that it is not yet a project or proposal that has been formed or is underway. Why did this not happen for the Tree Streets? Especially when there is precedent for this when the 2004 attempt to make the Tree Streets a heritage area failed and Council Decision 377/03 (16 December 2003) established a community driven committee to set up "to determine the feasibility of establishing a Heritage Precinct in the Tree Street area"!</p> <p>2. Provision of sufficient reasons and material - <i>no clear reasons for this proposal</i> have been given as to why this is being done and the problems it is trying to solve.</p> <p>3. The time given to make a submission is wholly inadequate and not allowed the community to come together and source professional advice on heritage, planning, engineering, legal, consultation, policy and other issues by which to provide input to the process.</p> <p>5. <i>The outcome of the consultation is not being considered</i> - finally, other residents have shared how some councillors have said that they will be supporting the proposal, and this is before the public consultation period has finished and before the submission process and review has begun. This strongly suggest that the product of any consultation will not be properly considered, and that the consultation has been about a single decision choice that the city and council have created, and that no other options are available.</p> <p>Ambiguous, Unclear, & Vague Local Planning Policies & Design Guidelines The provided documents are riddled with ambiguities and contradictions, making them challenging for residents to decipher. The City's advice often clashes with the written content, leading to confusion and inconsistency. For instance, while LPP-6.1 pertains only to the East Bunbury Heritage area, LPP-6.2, which was initially not made available to residents until asked for inclusion by a resident, contains conflicting clauses about development approvals. Such discrepancies and the prevalent use of vague terms like "should" and "may" make the policies' intentions and interpretations uncertain. The clauses often state that subsequent things "may" happen, but lack any subsequent details as to what that might be, what is involved, or how it might occur.</p> <p>For example: Draft LPP-4.3, 8.3 Adaptation d). In the final paragraph it says: <i>Where possible, evidence of the original use of a building should be retained, and in some circumstances interpretation may be appropriate to help understand the former use where this is not readily apparent.</i> Who decides on this and how? What are the circumstances that might be appropriate, and how are they assessed, on what criteria and by whom? What is the process for this? There are many questions which arise from this because of the vague</p>

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		<p>wording.</p> <p>Or, for example, it says:</p> <p style="padding-left: 40px;">a) If part of the significant fabric has deteriorated to the point where it requires replacement, a policy of 'like for like' is generally recommended. However, in some cases similar, but not identical, fabric may be appropriate. Examples include existing corrugated iron roof sheeting, which in some cases may be replaced by Colorbond or zincalume sheets; or asbestos cement sheets which should be replaced with comparable sheet material that does not contain asbestos.</p> <p>Again what is appropriate, when, and how? Who decides and using what criteria? What is the process for engaging with the homeowner, and what flexibility exists or not? Again, very vague and this makes this clause, as many others in this LPP and others, so broad as to be a "catch-all" to justify anything the city might decide.</p> <p>Overwhelming Financial Implications If this proposal sees the light of day, homeowners will face a daunting financial burden, reaping no benefits in return. The City has not conducted a formal impact assessment to gauge the financial implications for homeowners. From skyrocketing insurance premiums to sourcing rare materials and skills for 'like-for-like' replacements, homeowners will bear the brunt of these costs. And with no compensation from the City, homeowners are hit twice as hard. This proposal particularly affects pensioners, retirees, and families already grappling with rising expenses in an era of dwindling real incomes. The potential fallout? A decline in the area's character as homeowners might struggle to maintain their properties. Furthermore, it is recognised that having heritage restrictions reduces the pool of buyers for a property. As such, it is harder to realise the value of the property would achieve it was not subject to heritage restrictions. A 2014 survey by realestate.com.au highlighted that at least 62% of people would not buy a home with heritage restrictions. This, with our not being allowed to develop the property as we wish (or future potential buyers) further reduces the price that can be realised when people sell.</p> <p>Demolitions- A Non-Issue The City's apprehension about demolitions eroding the area's character seems misplaced. Evidence for this has been requested from the city and it has stated that it has no details to share on this. This means that this supposition has no validity.</p> <p>Over 28 years (1996-2023), only 16 dwellings were demolished in the proposed heritage zone. If this rate of demolition were to continue then it would take over 500 years to demolish all homes in the proposed heritage area! Most of the demolished homes were replaced due to their natural aging process, and had reached the end of their natural life. In Australia, the average life of a brick home is 88 years and a timber home is 58 years (Snow and Prasad 2011). All homes have a natural life, and beyond this it is not practical to</p>

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		<p>maintain them. Older homes in the Tree Streets were built cheaply, from whatever materials could be found or scrounged, and were never meant to be long-term structures and, at some point, will need replacing. The City itself has acknowledged that many new constructions align with the Tree Street area's character.</p> <p><i>"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area". (OCM Minutes, July 2023)</i></p> <p>The minimal demolitions and the building of home that are sympathetic to and respect the area's character show that the demolition concerns are baseless, and there is no need to impose onerous demolition and development restrictions via a heritage area.</p> <p>Tree Streets: A Character Area, Not a Heritage Zone The Tree Streets have always been celebrated for their unique character, not as a heritage zone. Only about 15 properties in the area of over 300 homes are heritage-listed. As a character area, residents should have the freedom to design in harmony with the area's distinct features. The community has showcased its capability in preserving the area's essence, making additional restrictions unnecessary.</p> <p>In the Heritage Council of WA's "Guidelines for Heritage Areas" from the Heritage Council of WA (March 2023) it says: <i>"1.3 Where a heritage area is not appropriate. A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list"</i>.</p> <p>Current properties in the Tree Streets area that are worthy of being heritage-listed have already been included on the local heritage inventory and/or the State Heritage List. All other places in the Tree Streets area are not suitable. So, the proposal is not suitable or appropriate as it is trying to be <i>'a mechanism for protecting places that fall below the threshold for the heritage list'</i>. The Heritage Council of WA's guidelines clearly state that a heritage area shouldn't be established merely based on the proximity of diverse heritage places. Also, The proposal seems to contradict the City's strategy of maintaining at least R-20 zoning for all residential areas, hindering the City's growth prospects.</p> <p>Excessive Development Approval Requirements The draft LPP 4.3 mandates Draft LPP 4.3 Tree Streets Heritage Area applies to "the assessment of proposals for works on places within the Tree Streets Heritage Area" (2.0 — Introduction)</p>

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		<p><i>"8.2 Works Requiring Planning Approval</i></p> <p><i>External</i></p> <p><i>All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.</i></p> <p><i>Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval".</i></p> <p>This places a heavy burden on homeowners as even minor works, which previously required no planning approval now need it. Also, when replacing items, the homeowner can be required to restore what was there originally, even if it had been changed legitimately previously. This means that the "grandfather clause" that exists for all work in place prior to a new LPP coming into play, and not needing to be changed retrospectively, can be made null and void (9.3).</p> <p>Heritage Restrictions Depress Property Prices Imposing heritage restrictions can inadvertently penalize homeowners. Many potential buyers are wary of properties with heritage constraints. The City's admission of its lack of expertise in this domain underscores the need to heed real estate experts. Research by realestate.com.au reveals that heritage properties often deter buyers. The associated costs and regulatory hurdles can deter potential buyers, pushing property values down.</p> <p>Conclusion In conclusion, I vehemently oppose this proposal. It's neither desired nor justified. The entire process, from its inception to its current state, has been marred by a lack of transparency and genuine consultation. This proposal has already inflicted undue stress on retirees, families, and residents, threatening the community's fabric in the Tree Streets area. For the well-being of all stakeholders, this proposal must be stopped, removed from draft council agenda and decision-making forums, and not revisited.</p>
		<p>I STRONGLY OBJECT to the Tree Streets Heritage Area proposal currently under public consultation.</p> <p>My objections include, but are not limited to:</p> <ol style="list-style-type: none"> 1. Proper Consultation Not Done

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		<p>The development of this proposal started in 2021, if not before. The City did not engage or consult with residents during these formative stages of the proposal. Residents were only informed as of 11 July 2023 when the City was legally obliged to introduce the public consultation period.</p> <p>No prior engagement or consultation took place, including when the heritage assessment survey was conducted in 2022. This has meant that many residents are questioning their home's assessment contribution as the survey carried out was only at a high level and lacked the details and insights from the homeowners to provide accurate and informed assessments. This goes against best practices and guidelines from the Heritage Council of WA.</p> <p>The Heritage Council of WA's, "Guidelines for the Assessment of Local Heritage Places" (this includes proposed heritage areas) it refers to "2.1 Initiating an Assessment". This refers to when an assessment survey is initially undertaken. In this, it says:</p> <p>"...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place'</p> <p>Property owners did not receive a draft of the assessment for their property at any time, nor were they engaged, consulted, or involved. The assessment survey was finalized and published in September 2022. Only at the commencement of the public consultation period, 11 July 2023, were property owners informed of materials that were available to them, including the finalized report (some 10 months after the report had been published). No residents received a copy of their draft assessment during the assessment process when it was being carried out.</p> <p>This has resulted in the Tree Streets Heritage Area Assessment Survey not containing the information detail and quality required. This has also because the scope of the work specifically excluded consulting with homeowners who have more insight into how the home has changed from the original form. Also, the historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review. So, there is no evidence available prior to then to determine what the homes looked like, their original form, and how they have changed since being built. This also makes it hard for the City to determine and justify how residents may have to repair, maintain or develop homes at any point in the future.</p> <p>This makes the assessment survey document flawed and incomplete as it lacks the depth and detail of information required. As this document underpins the proposal, then decisions that rely on this document should be revisited.</p>

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		<p>2. Local Planning Policies & Design Guidelines Unclear & Ambiguous</p> <p>These documents are general, vague, ambiguous and conflicting making them hard for to resident to understand. These documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This makes it hard for myself and others to provide an informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply.</p> <p>For example. LPP-6.1 specifically relates to the East Bunbury Heritage area only. This has no relevance the Tree Streets which are not mentioned in any way, shape, or form.</p> <p>LPP-6.2 was not originally made available to residents and, in clause 5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area it states within designated heritage areas requires the development approval of the local government, including but not limited to, the following:</p> <ul style="list-style-type: none"> (i) partial or complete demolition of premises; (ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.); (iii) development of an outbuilding or swimming pool; and (iv) internal and external works to a building. <p>Yet, in part b) it says:</p> <p>Development approval is not required for internal works of a building located within a designated heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.</p> <p>These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing. Also of concern is that this LPP has been in force since August 2018 but this type of mistake and poor wording has not been identified till now or addressed in the LPP's formulation or subsequently.</p> <p>In all the LPPs the wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted uncertain and ambiguous. This makes it difficult for us as residents to make an informed submission with vague and ambiguous documents, and conflicting advice from the city, as to how the policies will be implemented and interpreted</p>

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		<p>on an ongoing basis. The way they are written means that they are open to interpretation in different ways by different people, and there is no consistency or transparency as to how this will be done.</p> <p>3. Financial Burden The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit. Also, the City has not carried out any formal impact assessment on what the financial burden for homeowners will be. The additional costs that the homeowner will have to meet on an ongoing basis, now and in the future, include higher insurance costs, higher costs sourcing scarce materials and skills (especially with 'like-for-like' requiring materials need to be replaced with the same material - and which often do not meet current standards in engineering, climate change. Also, no compensation is on offer from the City to address such issues, these creates a double whammy for the homeowner.</p> <p>This burden falls heavily on pensioners and retirees who do not have the funds to accommodate the extra costs, and also on families who are struggling to pay increasing bills and mortgages at a time of declining real income. This can drive people away from the area or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to afford to maintain. This will erode the character of the home, and of the area.</p> <p>4. Demolitions The City has expressed concern over the level of demolitions and "incremental erosion" of the character of the area. From 1996-2023 (28 years) there have only been 16 dwellings demolished in the proposed designated heritage area. There have been no demolitions for seventeen years, one demolition in 7 years, two demolitions for two years, and three demolitions in one year. These homes have replaced old homes that were at the end of their natural life. The average life of a timber homes is 58 years, and 88 years for a brick home.</p> <p>The new homes have been built and developed in a way that is sympathetic to the character of the Tree Steet area. Even the City has recognized this saying: " It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area' (OCM Minutes, July 2023)</p> <p>The low level of demolitions, and the subsequent development of sympathetic homes in their place, demonstrates that there is no reason to be concerned about the level of demolitions, and that any fears over the "incremental erosion" of the area are unfounded. As such there is no need for a designated heritage area.</p>

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		<p>5. The Tree Streets is a Character Area For many years the Tree Streets has been informally regarded as a character area, and never as a heritage area. There are about 15 properties in the area that are heritage</p> <p>6. Minor & Major Works Require Development Approval</p> <p>Draft LPP 4.3 Tree Streets Heritage Area applies to "the assessment of proposals for works on places within the Tree Streets Heritage Area" (2.0 - Introduction)</p> <p>"8.2 Works Requiring Planning Approval</p> <p>External All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.</p> <p>Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval'</p> <p>This places a heavy burden on homeowners as even minor works, which previously required no planning approval now need it. Also, when replacing items, the homeowner can be required to restore what was there originally, even if it had been changed legitimately previously. This means that the "grandfather clause" that exists for all work in place prior to a new LPP coming into play can be made null and void (9.3).</p> <p>7. Property Prices Are Lowered with Heritage Restrictions There is a financial penalty to the home owner for a property which comes under the restrictive requirements of a newly enacted Heritage Precinct planning policy. It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:</p> <ul style="list-style-type: none"> • Heritage listed by itself. • In a Heritage Precinct • Subject to potential future heritage listing if its condition is enhanced/upgraded

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		<ul style="list-style-type: none">• Subject to future inclusion in a Heritage Precinct. <p>The City has admitted that it does not have the skills or expertise in determining how price is affected when your property comes under heritage constraints. The experts in this are in real estate.</p> <p>Independent research by experts in property and prices, realestate.com.au, has shown that having a designated heritage area will reduce the pool of buyers. Many people perceive heritage property negatively as evidenced in the research below:</p> <p>"Though many perceive period features as an asset for a property on the market, recent research suggests Australian buyers aren't as wowed by ornate features as we may have thought, especially if there's a heritage factor that complicates changing the property. Only 12% said a heritage property would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage".</p> <p>Source: https://www.realestate.com.au/, "Are heritage homes harder to sell, 22 October 2014.</p> <p>The increase in costs in repair, maintenance, and development of the home - as well as many other costs that the homeowner has to bear to comply with the onerous burden of regulation as described elsewhere (e.g., increase insurance costs, replacing for "like-for-like" with scarce and expensive materials and skills, the need for heritage consultants, structural engineers, increase in costs when working with architects/ designers/etc in navigating the to-and-fro with the city etc) - will mean that either:</p> <ul style="list-style-type: none">• firstly, prospective buyers will offer a lower price significantly below the market value to offset this risk; and• secondly, prospective buyers will look elsewhere where they can get more for their money with homes that are not heritage-protected and provide them with greater ease and opportunities to develop and adapt, without incurring excessive costs or red-tape. <p>I strongly object to this proposal. It is unwarranted and not wanted. There has been a lack of proper, clear, ongoing consultation from the start and, as shared above, good reasons why it should not proceed and should be removed from the council agenda and from any council decision-making forums.</p> <p>This proposal, the process, and the way it has been managed has caused significant stress - financial, emotional, and mental - for retirees, families and residents - which is detrimental to the well-being and social cohesiveness of the community in the Tree Streets area. To prevent further harm and stress, and in consideration of the residents' real concerns this proposal and process should be stopped in its entirety.</p>

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53		<p>I STRONGLY OBJECT to the Tree Streets Heritage Area proposal currently under public consultation.</p> <p>My objections include, but are not limited to:</p> <p>Lack of Proper Consultation</p> <ul style="list-style-type: none"> • There has been a failure to properly consult and engage with the residents of the Tree Steets from the start of the proposal in 2021. • The City failed to follow the precedent of Council Decision (377/04) which stopped the previous attempt to make the Tree Streets a heritage area, and <i>"required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area"</i>. This has deprived the residents of the opportunity to engage and be consulted with in the formative stages of the proposal. • No clear, substantiated reasons have been provided as to why this proposal has come about or what the 'problem' it is trying to fix. • Not all materials were made available in a timely or effective manner. • Inadequate time for homeowners to read, understand, and analyse complex documents in making their submissions; and the lack of time to obtain professional advice and expertise on this and other associated area. <p>Assessment Survey</p> <p>The assessment survey which created the Tree Streets Heritage Area report, and which underpins the development of the proposal and associated documents is fundamentally flawed in that:</p> <ul style="list-style-type: none"> • There was a failure to provide draft assessments of properties to homeowners as per Heritage Council of WA best practices. • No residents were informed that this was being done. Precedent from the 2003/04 Tree Streets Heritage Area proposal show that letters had been sent to residents at that time, informing them this was occurring. • The review brief excluded or consultation with occupants or community groups. The architects from Perth thus lacked local knowledge, or insights as to how homes had been developed, changed, or modified and did not know how much of the original home was still in situ • The assessment was only carried out using a single photograph of each home from the start. Photographs of homes have been found not to be from the time of when the survey was carried out. • The historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dated back as far as 1959 and this was used as the basis for the contributory review. This makes it impossible to assess homes properly. • A half-page assessment, based on a photograph taken from the street, is insufficient detail or investigation to make a proper assessment of each home for the purpose of this proposal. • Many residents have questioned the assessments of their homes, and there has been no clear explanation of the methodology and

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		<p>process by which the assessment survey was carried out.</p> <ul style="list-style-type: none"> • There is no clear process in place for as to what the process is for what to do, and how, when a property should be re-assessed. <p>Heritage Area Not Appropriate</p> <ul style="list-style-type: none"> • A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list (Heritage Council of WA). This is the case for the Tree Streets area. • Claims by the City over concerns regarding demolitions in the Tree Streets area and "incremental erosion of the character of the area" have not been substantiated. • Only 16 dwellings have been demolished in the last 28 years. For 17 years there have been no demolitions, 7 years have had 1 demolition, 2 years have had 2 demolitions, and 1 year has had 3 demolitions. With 302 homes in the area, it would take over 500 years to demolish them all at this rate. • Homes that were demolished were old and had reach the end of their natural life. • Homes that were demolished had the approval of the City. • Homes that have been built to replace those demolished have been sympathetically developed with the character of the area. • The City recognizes that, <i>"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area". (OCM Minutes, July 2023)</i> • In this, the City has recognised that the area is about character and not heritage. As such: <i>"Identifying a precinct as an 'urban' or 'residential character' area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric". — Heritage Council of WA</i> <p>Strong Opposition to the Proposal from Residents</p> <ul style="list-style-type: none"> • Over 100 people attend the OCM on 27 July to put questions to Council on this matter. • Over 175 people attended the public information session on 8 August 2023. This ran for over two hours. Everyone who spoke was against the proposal. No-one spoke up for it. • Many residents have shared their concerns with the City as well as elected member via phone, email, and face-to-face meetings. <p>Engagement & Communication with the City</p> <ul style="list-style-type: none"> • The City only allowed for one-to-one meetings with residents. This is a tactic of "divide and conquer" which did not allow residents to raise, share, and address commonly shared issues, concerns or problems. • The City and Council excluding community meetings from their engagement plan. When a public information session was held, due to pressure from residents, it was not facilitated or allow for a robust, constructive two-way dialogue allowing residents to raise issues and concerns, and to have a conversation on them. • The City has not proactively engaged with residents. They have had a policy of "come to me" to engage. The only proactive approach

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		<p>has been the initial notice letter of the public consultation which the City was legally required to send on July 11 2023. It was also the first time that residents had been directly informed of the existence of this proposal which had started in 2021, and had been discussed in Council and Committee meetings.</p> <ul style="list-style-type: none"> • The letter did not provide sufficient information on what the proposal was about, why it had arisen, or what were the implications are for it, and underplayed its importance and potential impact. It also implied that if people did not comment then they were supporting the proposal — this is lack of procedural fairness and bias to the City. • Requests from residents for a public meeting to discuss the proposal were continually rebuffed by the City. A public information session was held only after public pressure from the residents was brought to bear. • No opportunity was offered or created by the City to engage and consult with the community until nearly 2 years after the process had started. • Questions asked at council meetings did not properly address the question, and the format did not allow for follow up or clarification. This frustrated the ability to get meaningful answers, or to create a dialogue between community, city and council. <p>Inadequate Documentation</p> <ul style="list-style-type: none"> • Documents provided are vague, ambiguous, conflicting and open to such a broad interpretation that they are not meaningful. • The way documents have been written makes them a "catchall" including items which are not referred to or covered in the documents. • Advice and interpretation of these documents from the City has conflicted with what has been written. This advice and interpretation cannot be relied upon now or in the future. • Poor documentation and conflicting advice have made it hard and confusing for residents who have to make submissions based on this. <p>Community Well-Being and Social Fabric</p> <ul style="list-style-type: none"> • The proposal has caused significant stress for residents —financially, emotionally, socially, physically and mentally. • At least 4-5 properties in the Tree Streets have come on to the market since public consultation started. • Families are concerned they may not be able to afford to stay causing disruption for children and their social relationships, or that they may not be able to afford to go and subject to higher costs. • Concern that their children's inheritance will be diminished or become a 'white elephant'. • Retirees and pensioners with limited funds not being able to afford the additional financial burden of maintaining their property and complying with heritage requirements. <p>Cost Burden to the Homeowner</p>

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		<ul style="list-style-type: none"> • Increase costs in maintaining or developing homes, and meeting the compliance burden, fully borne by homeowners, and they get none of the benefits. • Reduced ability to develop home and property diminishes the potential market value. • Heritage restrictions reduce the pool of buyers making it harder to sell, and reducing the price that can be realised. • No compensation or funding made available to offset the financial burden borne by the homeowners. • Increase in financial costs are long-term and ongoing <p>For all these reasons, I STRONGLY OBJECT TO THE PROPOSAL. The proposal and all documents should be withdrawn, and it should be removed from the council draft agenda, from any discussion forums, and from any decision-making meetings, and it should not be revisited.</p>
54		<p>As the owner of the above property my home even though classed as non contributory will still come under heritage restrictions. The value will drop as not many buyers will want to buy with the restrictions that come with a heritage label in place.</p> <p>I totally Object to the whole concept of a Heritage Area if individual properties or dwellings meet the Heritage criteria list them but do not lump all together. Since when has Cross St. & Sampson Rd. been in the Tree St. area your own method is at FAULT ie. wide verges mature trees neither in Sampson Rd. If this goes through the Value of properties will go Down, nobody will want to buy when the All Encompassing HERITAGE ACT is in place over a property. Repair/renew Like as Like where is a person going to source the timber [mainly Jarrah from]?</p>
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55		<p>I 100% object to the draft Tree Streets Heritage Area and Local Planning Policy 4.3</p> <p>I am very concerned with the impact of this proposal not only on my daughter and her family but on the other homeowners in the area. We have seen the impact of the street of this proposal firsthand. Most conversations with our daughter since they received notification from the COB have been relating to the effects of this proposal on both their current home and on their future plans for retirements at their 2nd property. This has taken time from both of their jobs, it is affecting their sleep and in turn their health. All of which I feel could have been avoided with proper community engagement. The ratepayers within the area are not just ratepayers they</p>

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		<p>are people with a collective wealth of knowledge, experience, history and information. I believe that the COB has been remiss in not recognising this.</p> <p>I 100% object to the draft Tree Streets Heritage Area and Local Planning Policy 4.3</p> <p>I live just outside the proposed heritage area in central Bunbury and have, in 2021 built and moved into a home which was designed to be sympathetic to the character homes of the area.</p> <p>I feel that there has been a lack of community consultation by the City of Bunbury during this process.</p> <p>The documentation is lacking in detail and I question how such a restrictive planning policy could be imposed on the homeowners and their homes within the area without thorough research and consultation having taken place.</p> <p>Ratepayers have been left in confusion and interaction with COB Councillors has not allayed their fears of what might be the result if the above policy is implemented.</p>
56		<p>I have a number of concerns that the heritage area listing will negatively impact me:</p> <ul style="list-style-type: none"> - Plan states 'like for like' this means maintenance and repairs are not affordable for me and my family. Eventually my home will become rundown and unsafe. - Financial costs of insurance – No builder will quote like for like repairs. Insurance cost is going to double. - Concerned about the ramification of how future town planning staff members will interpret the policy that will guide the process of renovators and/or replacement/repair of property. - Concerned about how “heritage” being forced upon residents will affect their attitude towards the City of Bunbury and future events or activities they ask residents in the community to be a part of. For e.g. Tree Street Art Safari, this event could be boycotted or used as a protest by non participation in an event that that been very successful for the tree street area. - Community sentiment towards this proposal is negative and has put a dampener on our time living here. We invested in this area because of its character feel, and trust that those who decide to live in the area will faithfully uphold and maintain its character, look and feel to the best of their ability and according to their budget and financial situation. To force such a policy on people, does not leave us feeling like we want any part in residing in an area with such draconian measures to maintain the very thing people have and want in the area. <p>We are in the middle of an economic and housing crisis. Cost of living is extremely high, housing affordability and accessibility is near impossible. Imposing this on homeowners – young and old – is not well thought through, unfair and inappropriate given the current economic and housing climate.</p>
57		<p>I am writing to express my deep concern regarding the proposed Tree Street Heritage Area and Local Planning Policy 4.3. While I</p>

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		<p>understand the intention behind preserving the historical and cultural significance of our locality, I believe that this decision could have a negative impact on both homeowners and the overall community. I kindly request you to consider the following points before proceeding with the Tree Street Heritage Area and Local Planning Policy 4.3.</p> <p>Property Value and Marketability: Turning our area into a heritage zone could potentially lead to a decrease in property values. Prospective buyers often prefer properties without extensive restrictions, as they have the freedom to modify and personalize their homes according to their preferences. The heritage designation could discourage potential buyers, leading to a limited market and consequently reducing property values. As homeowners, this could have significant financial implications for us and our community.</p> <p>Home Insurance Limitations: A heritage designation often comes with certain restrictions and guidelines that may not align with standard home insurance policies. This creates a situation where homeowners could face difficulties in obtaining suitable insurance coverage. I, for one, have been informed by my home insurance company that they would not provide coverage under these new conditions, leaving me vulnerable in case of unforeseen events.</p> <p>Additional Criteria and Approval Process: The introduction of new criteria and procedures for any renovations or modifications to our properties is likely to add an extra layer of bureaucracy and complexity. The time and effort required to navigate through these additional requirements could lead to frustration and stress for homeowners. This process may discourage people from undertaking necessary maintenance or repairs due to the perceived hassle, resulting in a decline in the overall aesthetic and structural quality of our community.</p> <p>Interpretation and Conflict: Heritage designations are often open to interpretation, which can lead to conflicting opinions and disputes within the community. Different interpretations of the guidelines might cause disagreements among homeowners, leading to unnecessary tension and divisions. This potential for conflict could undermine the sense of community that we have worked hard to build.</p> <p>Availability of Skilled Labor and Resources: Obtaining skilled labour and resources for specific work that adheres to heritage guidelines can be challenging. The scarcity of professionals experienced in heritage restoration and renovation and the resources they would require may lead to delays and higher costs for homeowners who wish to maintain their properties in line with the new regulations. This could deter homeowners from investing in necessary repairs and renovations, further deteriorating the overall condition of our area.</p>

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		<p>In light of these concerns, I kindly urge the local council to reconsider the proposed heritage designation for our area. While I respect the importance of preserving our heritage, I believe that a balanced approach can be adopted that takes into account the interests and needs of both homeowners and the community at large.</p> <p>I am open to participating in discussions and providing further input on finding alternatives that can preserve our heritage while avoiding the potential negative consequences outlined above. Your attention to this matter is greatly appreciated, and I look forward to hearing back from you.</p> <p>Thank you for your time and consideration.</p>
58		<p>Although I support the principle behind the proposed Heritage Area of retaining the character of the area and preventing unnecessary demolitions or developments/ subdivisions that would detract from the character of the area, I am opposed to many elements of the Draft-Local-Planning -Policy-4.</p> <ul style="list-style-type: none"> • Section 9.1 Demolition and Relocation. My home at [REDACTED] assessed as high contribution, like many others in the area is timber framed supported on timber stumps. This building type has a limited life compared to brick or stone buildings on solid foundations as timber stumps deteriorate over time. I am about to replace some external stumps. Replacement of interior stumps requires a rebuild of the house from the inside and is a major undertaking, especially if “like for like” replacement flooring etc is required. This section forces owners who find themselves with a structurally unsound dwelling to attempt to repair the home regardless of cost. At some point all timber framed homes on stumps in this area would be faced with this predicament. This is also likely to put people off buying into the area detracting from property values. • Section 9.1 E1. As a structural engineer I would envisage that naturally overtime the timber houses in the area would reach the end of their lives and slowly be replaced with other more energy efficient, sustainable, and structurally sound buildings sympathetic to the character of the area, perhaps reusing some materials from previous dwellings. The restrictions against demolition in this section would not permit this and are too rigid relating to houses which naturally have reached the end of their life. Owners should at least have choices in this situation. • Section 9.1 A.3 The requirement to engage a heritage structural engineer and heritage consultant if seeking to demolish the house adds to costs for owners. • Section 9.3 Intent. The “like for like” conservation and repair requirement will also have financial implications for owners. This will potentially lead to repairs that are necessary to maintain the structural integrity and functionality of the building not being completed

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		<p>due to cost when a more affordable option sympathetic to the character of the home could have been implemented. The ‘like for like’ requirement could therefore potentially negatively impact the heritage value of the area.</p> <ul style="list-style-type: none"> • Section 8.2 External. The requirement for planning permission to replace for example gutters could also lead to work not being completed when needed due to the extra steps required and time required for approvals. This could potentially negatively impact the heritage value of the area. • Section 9.16 A.5 The requirement for verges to be grassed is outdated, has little benefit and is not consistent with sustainable outcomes and policies. Lawns require high maintenance, high water usage, weed control chemicals and high fertiliser rates with negative impacts on our surrounding waterways. They tend to be mostly weeds. Bay OK native street verge plantings would provide a much more sustainable alternative and improve the streetscape significantly providing habitat for urban wildlife. The area supports critically endangered Western Ringtail Possums and threatened Red-tailed Black Cockatoos and any measures that can be implemented to support them should not be prevented. Homeowners should at least have the choice to provide wildlife friendly gardens if they choose. <p>In summary I am opposed to the proposed heritage area as I am concerned about the many financial implications for owners. I would like to see the area maintained as a Character Area with input from the City of Bunbury towards a sustainable streetscape which enhances the character of the area.</p>
59		<p><i>We submit:</i></p> <ol style="list-style-type: none"> 1. There is no lawful basis for classifying the Tree Streets as a Heritage Area. 2. Council has failed to form the statutory opinion as to cultural heritage significance. 3. The Tree Street area lacks cultural heritage significance. 4. A Heritage Area for Tree Street is not needed. 5. A Heritage Area for Tree Street is contrary to law and policy. 6. The Heritage Assessment is not a sufficient basis for the classification. 7. A Heritage Area for Tree Street would be counterproductive. 8. The Heritage Area restrictions are onerous and disproportionate. 9. The process is flawed and unfair. <p><i>Council has not formed or expressed the statutory opinion</i></p> <ol style="list-style-type: none"> 1. On 31 January Council approved a Tree Streets Heritage Area. It resolved to “... support the proposal of a designated heritage area.” Council supported the proposal because it approved it. Council was entitled to designate the Tree Street area as a Heritage Area only if it had formed the opinion that special planning control was needed to conserve and enhance the cultural heritage

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		<p>significance and character of the area. Council did not, on 31 January or at any time previously or since, form or express that opinion. Council pre-empted public consultation. Council could have resolved on that day to move to advertising and consultation, but it chose to support the Heritage Area, and thus approve it.</p> <p><i>No Cultural Heritage Significance</i></p> <ol style="list-style-type: none"> 2. The Tree Street area is an area of asbestos houses. The original houses are built of asbestos and weatherboard, mainly asbestos. The fabric is not compressed fibre cement as the Assessment claims. There has been no asbestos in fibre cement for decades. Fibre cement houses contain wood and cellulose fibre. Tree Street houses contain asbestos fibre. 3. The area has no significance except as a place where asbestos houses were built. Council by preserving asbestos houses, or houses that look asbestos, disrespects the victims of asbestos-related death and illness and their relatives and friends, and commemorates a sad and toxic era. 4. Aesthetic value must be based on the proposed Heritage Area, not on individual houses. The area as a whole lacks aesthetic value. 5. Contrary to assertions in the Heritage Assessment, the Tree Street area does not have historic value, for the reasons set out in the appendix. <p><i>Heritage Area not needed</i></p> <ol style="list-style-type: none"> 6. There is no need for a Heritage Area. Council officers advised Council: “Recent demolitions and new built form have triggered further consideration of this area as part of the Local Heritage Survey review.” No evidence of that statement was provided and it appears to be wrong. Very few demolitions have occurred since 2004, even before that. 7. Despite the absence of a Tree Street Heritage Area listing, many owners have renovated their houses voluntarily to put them in original condition. If a Heritage Area comes in those people will go. 8. The bar is higher for a Heritage Area than an individual heritage listing. In its <i>Assessment of Local Heritage Places 2022</i>, the Heritage Council states: “<i>Heritage areas will generally be quite uncommon within a locality</i>”. The Tree Street area is a locality. <p><i>Contrary to State and Council policy</i></p> <ol style="list-style-type: none"> 9. Council’s adoption of the Heritage Area runs counter to the State and City of Bunbury policy in favour of infill and increased density: see Planning & Development Act especially s77 which states that an LPP must consider State policy; <i>Directions 2031 and Beyond (WAPC 2010)</i> for medium density; City of Bunbury Housing Strategy (calling for sensible infill); State Planning Policy 3.5 (conservation and development are complementary); Heritage Commission Guidelines 2022; Planning & Development (LPS) Regulations; State Planning Policy 7.3: Design codes; Heritage Act s103: nothing derogates from the Council’s duty to exercise its discretion in a particular case or precludes it from considering matters not set out in the guidelines. 10. If Tree Street becomes a Heritage Area, there can be no planning decisions because demolition of most houses is banned. There can be no rezoning. If there is rezoning, there can be no subdividing because any house deemed heritage will be likely to span the lot and cannot be demolished to make way for the subdivided lots. <p><i>Assessment is fatally flawed and invalid</i></p>

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		<p>11. The Assessment is fatally flawed and does not provide a lawful basis for classification of a Heritage Area. The draft local planning policy for a Heritage Area must set out a record of places of heritage significance. The Assessment fails to do that. The viewing of the houses was cursory; the heritage features are bland and insignificant.</p> <p>12. The Assessment is impermissibly limited. As it acknowledges, there were no internal inspections and no inspection of the exterior other than that revealed by photographs taken from the road, some in the public domain (presumably Google Streetview). It appears the Architect came down from Perth once to look at the Tree Street Area once; otherwise the assessment was done at a desk.</p> <p><i>Unfair process</i></p> <p>13. The process for adoption of a Tree Street Heritage Area began in 2021 at the latest. Preparation of the Heritage Assessment began in 2021 and was completed one year ago, September 2022. Council approved the Heritage Area in January this year without public consultation. See paragraph 1.</p> <p>14. At no time has the issue of asbestos been raised or mentioned. The Assessment Report is nearly 200 pages long and makes no reference to it. The asbestos issue is central. It should have been considered and it should have been raised with the public.</p> <p><i>Heritage Area is onerous and disproportionate</i></p> <p>15. If contrary to these submissions the Tree Street area has any cultural heritage significance, the protection is nothing compared to the misery, upset and anxiety that will be suffered, and is being suffered, by the residents of the Tree Street area. Those Councillors attending the meeting might have been impressed by the quality of the people there: emotional but not histrionic; thoughtful and reserved.</p> <p>16. The restrictions in Local Planning Policy 4.3 are onerous. Houses in Tree Street are nothing like those the subject of the East Bunbury Heritage Area.</p> <p>17. The Council has adopted a blunt instrument in imposing a Heritage Area. Council should have identified particular houses and considered listing them. This would have given owners the opportunity to make submissions and to appeal and to seek assistance and compensation. Presumably Council opted for a Heritage Area rather than individual listings because it was quicker, easier and cheaper.</p> <p>18. Those who have had their houses classified medium or high significance are in an impossible position. We own a house built in 1970 which is brick veneer, probably a veneer for asbestos. It has no discernible cultural heritage significance. Every feature the architect lists is found in almost any house. The setback is considered a heritage feature of our house, but the front of our house is three metres from the front fence. The front wall is described as stone with wood, but the wall is limestone and was built just before we bought the house in 2004; Ian built the picket fence. We have no right of appeal against our medium classification.</p> <p>19. The value of all houses in Tree Street will fall and there is no compensation. That extends to houses of little or no heritage contribution; although they can be demolished, any new building must match the local theme.</p> <p><i>Heritage Area counterproductive</i></p>

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		<p>20. If contrary to these submissions, there is heritage in the Tree Streets, a Heritage Area classification is the greatest threat to it. Those who have preserved, and enhanced the original houses will be shattered by the decline in value of their main asset, by Council’s treatment, and by the fear of difficulties selling their house. The likely scenario is:</p> <ul style="list-style-type: none"> (a) at the first opportunity the owners may sell and leave; (b) developers will fill the vacuum, play the system and pay lip service to the heritage requirements; (c) Tree Street will be full of asbestos houses or fake asbestos houses. <p style="text-align: center;">APPENDIX NO HISTORIC VALUE</p> <p>1. The Assessment states: <i>“The Tree Street Heritage Area, located south of the Bunbury CBD, has cultural heritage significance for the following reasons:</i></p> <ul style="list-style-type: none"> <i>(a) the historic value is reflected in the development of part of Captain James Stirling’s Leschenault Location 26, resulting from the expansion of residential development to the south of the Bunbury town centre following the relocation of the railway in 1893;</i> <i>(b) for its association with the proclamation of the townsite of Bunbury by Captain James Stirling in 1841 on the site of the current Bunbury Primary School;</i> <i>(c) the aesthetic value of the area due to the highly intact streetscapes. This is influenced by the subdivision pattern, wide street verges, mature street trees and consistent building setbacks. The streetscapes display cohesive and consistent building form; materiality; architectural style and scale from the Federation, Inter War and Post-War periods;</i> <i>(d) the area comprises a high concentration of workers houses dating from c.1901; and,</i> <i>(e) the area contains individually significant places including the St Boniface Anglican Cathedral (1962), Bishopscourt (1905), and Myrniong House (1925).”</i> <p>2. As to (a), firstly it may be said of any subdivision that it occurs because of an expansion of residential developments; secondly lot 26 was only part of Stirling’s huge land grant in the Leschenault area: more than 20,000 acres.</p> <p>3. As to (b) the Proclamation, the Bunbury Primary School and oval and several houses are already the subject of a heritage listing, based partly on the Proclamation. In any event, few people in the Tree Street area would know of the Proclamation.</p> <p>4. As to (c):</p> <ul style="list-style-type: none"> • firstly, the aesthetic value of the area is largely due to the well-kept lawn verges; • secondly, a consecutive row of intact houses is rare; • thirdly, houses in the area do not take a cohesive and consistent building form; they are brick, brick veneer, weatherboard or weatherboard and asbestos; • fourthly, the period from “Federation, Inter War and Post-War periods” is meaningless, it refers to a period from 1900 to the present day.

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		<p>5. As to (d) in paragraph 1 above, no details are provided of the old workers’ cottages that are said to be in high concentration.</p> <p>6. As to (e): St Boniface is already the subject of an individual listing: 05667; Myrniong is already the subject of an individual listing: 00332; and Bishops court is already the subject of individual listings: 18565 and 18566.</p>
60		<p>[REDACTED] Thus my submission is in support of all those property owners who do not want their property heritage listed because they will undoubtedly suffer significant negative impacts if they are.</p> <p>Heritage listing can be a positive outcome when property owners seek it themselves on a property by property basis, but it is a blight when externally imposed on property owners who simply want to own and manage the property they have legally purchased. It is an infringement on their property rights and imposes a whole new set of rules and burdens upon people simply trying to get by and enjoy their own assets. To seek to force residents to obey a new set of rules in relation to their own houses is in my view an abuse of power and should be resisted in the strongest possible terms. It will impact on the maintenance, replacement and ultimately the value of the largest and most expensive asset most of them will ever own.</p> <p>While the lack of consultation and adequate engagement with impacted owners is disturbing, it is the impending negative impacts on home owners that is the greatest problem with the proposal.</p> <p>I urge the City to not inflict the tree streets area owners with a generalised heritage listing that will hurt them for decades to come. I simply ask that those who seek heritage listing be supported and that those that are opposed to it on their properties be left to manage their homes as they see fit whilst complying with existing bylaws.</p> <p>A person's home is supposed to be their castle; it is certainly where they are supposed to be safe from attack. Please support this principle.</p>
61		<p>I STRONGLY OBJECT to the Tree Streets Heritage Area proposal currently under public consultation. My objections include:</p> <p>1. Local Planning Policies & Design Guidelines are Unclear & Ambiguous These documents are general, vague, ambiguous and conflicting making them hard for to resident to understand. These documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This makes it hard to provide an informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply.</p> <p>For example. LPP-6.1 specifically relates to the East Bunbury Heritage area only. This has no relevance the Tree Streets which are not mentioned in any way, shape, or form.</p> <p>LPP-6.2 was not originally made available to residents and, in clause 5.4 Development Assessment of Places on the Heritage</p>

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		<p>List and/or in a Heritage Area it states within designated heritage areas requires the development approval of the local government, including but not limited to, the following:</p> <ul style="list-style-type: none"> (i) <i>partial or complete demolition of premises;</i> (ii) <i>development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);</i> (iii) <i>development of an outbuilding or swimming pool; and</i> (iv) <i>internal and external works to a building.</i> <p>Yet, in part b) it says: <i>Development approval is not required for internal works of a building located within a designated heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.</i></p> <p>These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing. Also of concern is that this LPP has been in force since August 2018 but this type of mistake and poor wording has not been identified till now or addressed in the LPP's formulation or subsequently.</p> <p>In all the LPPs the wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted uncertain and ambiguous. This makes it difficult for us as residents to make an informed submission with vague and ambiguous documents, and conflicting advice from the city, as to how the policies will be implemented and interpreted on an ongoing basis. The way they are written means that they are open to interpretation in different ways by different people, and there is no consistency or transparency as to how this will be done.</p> <p>2. Minor & Major Works Require Development Approval</p> <p>Draft LPP 4.3 Tree Streets Heritage Area applies to "the assessment of proposals for works on places within the Tree Streets Heritage Area" (2.0 — Introduction)</p> <p><i>"8.2 Works Requiring Planning Approval</i></p> <p><i>External</i></p>

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		<p><i>All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.</i></p> <p><i>Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval".</i></p> <p>This places a heavy burden on homeowners as even minor works, which previously required no planning approval now need it. Also, when replacing items, the homeowner can be required to restore what was there originally, even if it had been changed legitimately previously. This means that the "grandfather clause" that exists for all work in place prior to a new LPP coming into play can be made null and void (9.3).</p> <p>3. Financial Burden for Homeowners</p> <p>The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit. Also, the City has not carried out any formal impact assessment on what the financial burden for homeowners will be. The additional costs that the homeowner will have to meet on an ongoing basis, now and in the future, include higher insurance costs, higher costs sourcing scarce materials and skills (especially with like-for-like' requiring materials need to be replaced with the same material — and which often do not meet current standards in engineering, climate change. Also, no compensation is on offer from the City to address such issues, these creates a double whammy for the homeowner.</p> <p>This burden falls heavily on pensioners and retirees who do not have the funds to accommodate the extra costs, and also on families who are struggling to pay increasing bills and mortgages at a time of declining real income. This can drive people away from the area or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to afford to maintain. This will erode the character of the home, and of the area.</p> <p>4. Lack of Proper Consultation</p> <p>The development of this proposal started in 2021. Yet residents were only informed as of 11 July 2023 when the City was legally obliged to introduce the public consultation period. At no point did the City engage or consult with residents during</p>

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		<p>these formative stages of the proposal. This includes when the heritage assessment survey was conducted in 2022.</p> <p>This has meant that many residents are questioning their home's assessment contribution as the survey carried out was only at a high level and lacked the details and insights from the homeowners to provide accurate and informed assessments. This goes against best practices and guidelines from the Heritage Council of WA.</p> <p>The Heritage Council of WA's, "Guidelines for the Assessment of Local Heritage Places" (this includes proposed heritage areas) it refers to "2.1 Initiating an Assessment" for when an assessment survey is initially undertaken. In this, it says:</p> <p><i>"As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place".</i></p> <p>Property owners did not receive a draft of the assessment for their property at any time, nor were they engaged, consulted, or involved. The assessment survey was finalized and published in September 2022. This was only made available to homeowners when they were informed at the commencement of the public consultation period on 11 July 2023 as part of the finalized report (some 10 months after the report had been published). No residents received a copy of their draft assessment during the assessment process when it was being carried out.</p> <p>This has resulted in the Tree Streets Heritage Area Assessment Survey not containing the information detail and quality required with the scope of work specifically excluding consulting with homeowners who have more insight into how the home has changed from the original form than the architects from Perth.</p> <p>Also, the historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review. So, there is no evidence available prior to then to determine what the homes looked like, their original form, and how they have changed since being built. This also makes it hard for the City to determine and justify how residents may have to repair, maintain or develop homes at any point in the future.</p> <p>This makes the assessment survey document flawed and incomplete as it lacks the depth and detail of information required. As this document underpins the proposal, then decisions that rely on this document should be revisited — this includes the development of the policy and the decision to proceed with the proposal.</p>

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		<p>5. Demolitions</p> <p>The City has expressed concern over the level of demolitions and "incremental erosion" of the character of the area. When asked for evidence on this the City has not been able to provide anything substantive. So, this opinion cannot hold any weight. From 1996-2023 (28 years) there have only been 16 dwellings demolished in the proposed designated heritage area. There have been no demolitions for seventeen years, one demolition in 7 years, two demolitions for two years, and three demolitions in one year. These homes have replaced old homes that were at the end of their natural life. The average life of a timber homes is 58 years, and 88 years for a brick home. The new homes have been built and developed in a way that is sympathetic to the character of the Tree Steet area. Even the City has recognized this saying: "<i>It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area</i>". (OCM Minutes, July 2023) The low level of demolitions, and the subsequent development of sympathetic homes in their place, demonstrates that there is no reason to be concerned about the level of demolitions, and that any fears over the "incremental erosion" of the area are unfounded. As such there is no need for a designated heritage area.</p> <p>6. The Tree Streets is a Character Area</p> <p>For many years the Tree Streets has been informally regarded as a character area, and never as a heritage area. There are about 15 properties in the area that are heritage listed and are on the local and/or State heritage list. These properties are suitably protected and gain no further protection from a designated heritage area.</p> <p>As a character area, then residents can retain and enhance through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric which happens in a heritage area. As shared in point four, the City has acknowledged that "<i>...many landowners are already developing in a manner that is sympathetic to the character of the area</i>".</p> <p>The Tree Streets community has already proven itself to be good at self-managing in terms of demolition and new developments (see Demolitions) and in the sympathetic development of the character of the area. There is no need to impose an unneeded blanket set of restrictions over 300-plus homes which are onerous and unreasonable, and which provide no benefit to the homeowner and all the costs.</p> <p>Each street has a different look and feel to it, and no street is the same as the other. There is a blend of older and newer properties which complement each other and provide suitable contrasts in capturing how the Tree Streets area has evolved and continues to do so. Nearly a third of all properties are "Low" in terms of contribution, and many of those that are moderate or high have been assessed on a basis which lacks the necessary information, archive material, history and detail. So,</p>

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		<p>many residents are challenging the assessment of their property and asking how it was arrived at.</p> <p>In the Heritage Council of WA's "Guidelines for Heritage Areas" from the Heritage Council of WA (March 2023) it says:</p> <p><i>"1.3 Where a heritage area is not appropriate. A heritage area should not be created simply because a collection of diverse individual heritage places are located close together Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list".</i> Current properties in the Tree Streets area that are worthy of being heritage-listed have already been included on the local heritage inventory and/or the State Heritage List. All other places in the Tree Streets area are not suitable. So, the proposal is not suitable or appropriate as it is trying to be <i>'a mechanism for protecting places that fall below the threshold for the heritage list'</i>.</p> <p>7. Property Prices Are Lowered with Heritage Restrictions</p> <p>There is a financial penalty to the home owner for a property which comes under the restrictive requirements of a newly enacted Heritage Precinct planning policy. It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:</p> <ul style="list-style-type: none"> • Heritage listed by itself. • In a Heritage Precinct • Subject to potential future heritage listing if its condition is enhanced/upgraded • Subject to future inclusion in a Heritage Precinct. <p>The City has admitted that it does not have the skills or expertise in determining how price is affected when your property comes under heritage constraints. The experts in this are in real estate.</p> <p>Independent research by experts in property and prices, realestate.com.au, has shown that having a designated heritage area will reduce the pool of buyers. Many people perceive heritage property negatively as evidenced in the research below:</p> <p><i>"Though many perceive period features as an asset for a property on the market, recent research suggests Australian buyers aren't as wowed by ornate features as we may have thought, especially if there 's a heritage factor that complicates changing the property. Only 12% said a heritage property would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage".</i> Source: https://www.realestate.com.au/, "Are heritage homes harder to sell, 22 October 2014.</p>

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		<p>The increase in costs for repair, maintenance, and development of the home — as well as many other costs that the homeowner has to bear to comply with the onerous burden of regulation will mean that either:</p> <ul style="list-style-type: none"> • firstly, prospective buyers will offer a lower price significantly below the market value to offset this risk; and • secondly, prospective buyers will look elsewhere where they can get more for their money with homes that are not heritage-protected and provide them with greater ease and opportunities to develop and adapt, without incurring excessive costs or red-tape. <p>8. Impact on the Social Fabric of the Tree Streets Area</p> <p>The proposal is already causing damage for residents in the Tree Streets area. Since the start of public consultation five properties have come on to the market. People with families and retirees are especially concerned about the implication on reduced property prices (as heritage restrictions reduce the pool of buyers, realestate.com.au survey puts this as being 60% of people will not buy if there are heritage restrictions). Families have moved into the area to be in the catchment area of Bunbury Primary School (Australian School of the Year, 2022) and Bunbury High School, as well as to be close to shops and beach. They have not bought because they want an old house. Families are considering moving out of the catchment area, and this will also disrupt their children's friendship groups and social networks in formative years. They are also feeling the real stress and worry that their parents are experiencing. The stress of this proposal is hurting people. If it goes through, the stress will become chronic and long-term. This is already being seen in people suffering physical, mental, and emotional stress as the future is now even more uncertain, and the cost burden makes their financial situation — especially for families and retirees with limited funds — more precarious.</p> <p>I strongly object to this proposal. It is unwarranted and not wanted. There has been a lack of proper, clear, ongoing consultation from the start and, as shared above, good reasons why it should not proceed and should be removed from the council agenda and from any council decision-making forums. This proposal, the process, and the way it has been managed has caused significant stress — financial, emotional, and mental - for retirees, families and residents - which is detrimental to the well-being and social cohesiveness of the community in the Tree Streets area. To prevent further harm and stress, and in consideration of the residents' real concerns this proposal and process should be stopped in its entirety.</p>
62		<p>The area proposed by LPP 4.3 is fictional and has been chosen randomly. The area does not exhibit a consistent architectural style. There are no historical or cultural links between the streets or its houses. The area proposed by LPP 4.3 is fictional as many of the streets; Sampson, Lovegrove, Cross etc, do not even have a tree species in the same.</p>
63		<p>My primary concern are as follows:</p> <p>Lack of consultation by the Council - the residents received no draft assessment and were only informed in July this year of the</p>

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		<p>proposal. Consequently I'm questioning the validity of my homes assessment.</p> <p>Financial ramifications</p> <ul style="list-style-type: none"> • insurance costs which are on the rise already up by 46% without our home being heritage listed. • materials like-for-like - these materials are expensive and hard to come by • house repairs - would require a Development Approval adding more to financial burden not only for major repairs but for minor repairs such as gutters, downpipes etc as well. • lose value of our residence as buying in a Heritage Listed Area will deter potential buyers, due to the cost in repairs and maintenance. As stated above expensive and scarcity of materials and expertise in skills will result in lower property values. <p>Demolitions - a Non-Issue</p> <p>The Council are concerned by the number of old houses in the area being demolished. These homes were at the end of their use by date. They have been replaced with beautiful homes design in the character of the Tree Street Area in such a way that the old and new homes complete each other, and as such there is no need for a designated Heritage Area. I hereby strongly object to the entire Tree Street Heritage Area proposed policy and assert that under no circumstances that any part of it be implemented.</p>
		<p>My objections as to why this process should be removed from the Council agenda and not be considered now or in the future.</p> <p>Lack of consultation by the Council - there has been no proper clear consultation with residence from the beginning of this process.</p> <p>Financial burden</p> <ul style="list-style-type: none"> • insurance costs - already on the rise. • materials like-for-like' - higher cost for materials and scarce to come by. • house repairs - cost of Council Development Approval for minor house repairs such as roofing, gutters, downpipes etc. property values - experts in property and pricing have shown that designated heritage areas will push property values down and deter potential buyers due to costs and regulations. <p>Demolished houses - since our time (46 years) living in the Tree Street Area we have seen a low level of houses been demolished and we see several more that probably should be. The new homes have been built in the character of the area and the blend of old and new homes complement each other. I challenge that the homes of moderate or high contribution have been assessed on a basis which lacks the necessary information, archive material, history and details.</p> <p>I ask how was this assessment arrived at!! In conclusion, I strongly object to this proposal it isn't warranted, needed desired or</p>

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64		<p>justified.</p> <p>We purchased our property in March 2022 and at this time there was no mention of a proposal to heritage list the area. As a family with teenage children we were keen to buy in this area due to the proximity to schools and the city centre, despite a higher price point. We spent the top of our budget to purchase in the area. Had we known this proposal was being considered we would of avoided buying in this area. We now are concerned about the effect the proposed changes will have on the property as we have potentially purchased at the "peak" of property values in the area. As imagined this uncertainty is causing stress to our family.</p> <p>We agree the area is beautiful with historic charm, however properties in the area vary in age and characteristics. Therefore, this proposed blanket heritage listing of the area seems confusing and perhaps a lazy approach to town planning. I understand listing properties of historical significance but not for an entire area such as the tree streets precinct. Barriers whether true or perceived to home improvements (due to heritage listing restrictions) will result in homeowners less likely to partake in home maintenance and renovation. This will potentially have a negative impact and overall appeal of the street scape in the area. Currently homeowners in the area self-manage and are able to keep the charm of the area without these restrictions and hurdles. New construction appears to be minimal with demolition <1 year.</p> <p>The decision to heritage list the area would disappoint our family and cause an increase in levels of stress. We would also avoid buying in this area in the future.</p>
		<p>Objection - No comments made.</p>
65		<p>I don't accept the premise that the Tree Streets Heritage Area and Local Planning Policy 4.3 should determine the future of every dwelling in the area. I don't accept the premise that the Tree Streets Heritage Area should be determined by the "development of part of Captain James Stirling's Leschenault Location 26, resulting from the expansion of residential development to the south of the Bunbury town centre following the relocation of the railway in 1893".</p> <p>I don't accept that the Tree Streets Heritage Area should be determined by being contiguous to the "proclamation of the townsite of Bunbury by Captain James Stirling in 1841 on the site of the current Bunbury Primary School". I wish to make the following comments supporting my rejection of the Tree Streets Heritage Area and Local Planning Policy 4.3 in its current form.</p> <ol style="list-style-type: none"> 1. Item 9.3 Conservation of Contributory Places implies that approval ("Acceptable Outcomes") will be favoured where works "retain, conserve and restore" "elements, features and finishes" "in their original, or most significant state". The result seems to be a policy which seeks to retrofit a house in the case of my dwelling, which was largely constructed about 20 years ago with features from the 1950s, when the house was originally built. Other parts of the policy could lead one to conclude the above means the previous century when the area was originally developed. Either way, the outcome, though no doubt well-meant, is almost certain to be an abomination and out of step with the natural and necessary inclination of people to renovate their

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		<p>homes with little or no heritage value in the most aesthetically pleasing style, in keeping with the existing features and mindful of practical considerations required to maintain a home for family needs.</p> <ol style="list-style-type: none"> 2. Inspection of the proposed Tree Streets Area and awareness of the surrounding area suggests the street that I live in, Wattle Street, is of less value to the policy than adjoining areas. Similarly, I would note there is apparently only one “High Contribution” dwelling between number 28 and 52 Stockley Rd and that stretch of street could be excised as well. Trying to construct an area based on a theme of “tree streets” seems nice to have but I believe it has blinkered the proponents from the reality of the situation that “Little/Non Contribution and “Moderate Contribution” dwellings add nothing the heritage value of the area. That is, it is a misguided plan. Certainly, if it weren’t named Wattle Street I don’t think the street would have warranted inclusion in a South Bunbury Heritage Area. 3. It would be more reasonable to construct the policy for the so-called “High Contribution” dwellings in the greater Tree Streets area, for instance, incorporating “High Contribution” dwellings clearly visible on and around Beach Road and leaving the “Little/Non Contribution and “Moderate Contribution” dwellings outside the scope. 4. The “Little/Non Contribution and “Moderate Contribution” dwellings are not going to be contributing to the Heritage Area any time in the next 50 years. “In the fullness of time” maybe they could be incorporated if in the ensuring time they retain sufficient architectural merit and accumulate the required antiquity. However, that is a heavy burden for homes to carry entirely based on just their location. In the case of Wattle Street it seems to be also based, in part, on the consistent street setback of dwellings, a completely trivial reason that few would recognise unless it was pointed out to them. 5. In the case of my dwelling at [REDACTED] there have clearly been a number of renovations of this house. The bay windows at the front would have been installed about 20 years ago, not 60+ years ago when the original house was built. Indeed, we understand the original house faced south and now faces west so it is far from representative of the original house and more representative of its major renovation, as I noted, about 20 years ago. Parts of the original house are still insitu (the floors which need restumping and parts of the roof which shows signs of needing replacing) but I think it can be easily argued the dwelling is essentially “Little/No Contribution”. How many other dwellings in the area were similarly wrongly assessed and categorised? 6. How carefully was the Tree Street Heritage Area Assessment made in 2022? The “High Contribution” house at 39 Stockley Road has been completely rebuilt in recent months and was stripped, though not demolished, many months before that. How many other places in the recent period of high building and renovation activity have changed their character further diminishing their heritage values in the Tree Streets area? 7. I am firmly against a Heritage Area and Local Planning Policy that puts constraints on homeowners incorporating solar cells on their roof. For example, preventing solar cells from being visible from the street. It is not reasonable or ultimately practical for heritage precincts to become museums freezing houses and property in time when there is so much to be done to mitigate against the effects of global warming. The Bunbury City Council (BCC) has its own Sustainability policy which is at least equal in

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		<p>importance to Heritage Areas and should ensure no more constraints are placed on landowners to take their own initiatives to achieve sustainability objectives. Indeed, it could be argued that effectively quarantining an area from the Sustainability policy undermines the policy and therefore should not be enacted.</p> <p>8. I recommend that solar cells, batteries and fixtures for charging electric vehicles et al, which contribute to sustainability are allowed as an adaption under Policy item 8.3. Such fixtures will soon be a regular feature of homes furthering illustrating the policy is not fit for immediate future, never mind that to be contemplated in 20, 50 or 100 years time.</p> <p>9. I question the motivation to include Little/No/Moderate Contribution dwellings in the policy. I would hate to think it is a tool of exclusivity. The community consultation process locks out a really key voice, and that's the voice of people who want to live in a place, but are unable to. Whether that be because of affordability, whether that be because of lack of supply, those people don't have a voice in these processes. Including dwellings with Little/No/Moderate Contribution is going to limit their availability to people who will aspire to live in the area.</p> <p>10. While houses with little current heritage value are being constrained from evolving other houses of heritage value, such as on Edward St and adjoining the Tree Streets area are being demolished.</p> <p>11. Heritage preservation can only work if there is a critical mass of people who are committed to retaining and even improving buildings designed and built in an earlier era. If it is something artificially imposed there will be passive resistance at best and, at worst, anger towards the policies, which will be counterproductive to the desired outcome. As such, including Little/No/Moderate Contribution dwellings in the policy has a number of negative, undesirable effects which can only be mitigated by removing them from the policy.</p> <p>12. Urban renewal can be exciting and is the genesis of the heritage of tomorrow. As it is designed the policy actively prevents urban renewal and passively constrains it.</p> <p>13. In order to maintain property there should be no constraint on the front fence style. Winter winds can be gale force and extremely damaging to a house in the absence of a suitable fence</p>
66		<p>We, xxxxxxxxxxxxxxxx, Bunbury would like to provide this submission in regard to the Tree Streets Heritage Proposal introduced by the City of Bunbury. This proposal will directly affect our property as it is captured within the mapped boundary.</p> <p>We strongly object to this proposal as it will unnecessarily impose very stringent restrictions and conditions for any future repairs or modifications to our home. In doing so, it will also significantly increase the cost of any repairs in order to comply with the proposed regulations.</p> <p>We are fully in favour of retaining the charming historic character of our home and neighbourhood which was the initial motivation for securing property in the Tree Street Area. However, as we approach retirement age, our future income sources will be limited and any additional financial burden as a direct result of the proposed Heritage Precinct, will cause undue stress</p>

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		<p>and be detrimental to our lifestyle.</p> <p>The following points outline reasons for our objection to this proposal.</p> <p>Having read the Draft Local Planning Policy 4.3 – Tree Streets Heritage Area, it is clear that the proposal will:</p> <ul style="list-style-type: none"> • Add further expense and obstructions to any works that may be undertaken in the future, over and above what would be normally expected in a similar non-heritage listed precinct. • The ability to replace the required “like-for-like” materials and finishes to maintain this 90-year-old property will not always be possible and will be more expensive or even impossible to obtain. • To complete works on the property there will be instances where specialists in regard to heritage repairs will be required. Undoubtably, this will come at an increased cost and potentially cause delays as the pool of available experts will be significantly smaller than the general pool of tradesman. • Being included in a heritage precinct or heritage listing will limit any future design creativity for the property. • As the family dynamic changes over time, this proposal will restrict the required changes that are necessary to live comfortably. • It is noted that in some cases, when providing evidence and/or justification for repairs and/or modifications the opinion of expert heritage professionals will be required to support proposals. This will add significant extra costs. • Experts will also be required to complete any Heritage Impact Statements and Heritage Interpretations, where required by the Regulations. This will include Heritage Professionals, Historical Society Researchers and potentially a qualified Aborist. This will add significant costs. • Some restoration techniques are dictated by the regulations e.g., non-abrasive techniques in order to remove paint? The role of the regulations is not to determine on how you can undertake the works. • Design solutions will prioritise the heritage streetscape character over other building code requirements. This could be very detrimental to any proposed changes to improve the energy efficiency of a house that was built over 90 years ago. • All aspects of the property will be controlled in detail by the Proposed Planning Policy which we find unacceptable, as we will not be able to add or incorporate any individuality and uniqueness to the property. Not only are the designs and styles controlled but also the physical attributes controlled in the absolute. Rather than introduce a range for physical properties (e.g., fencing) the Policy details absolute measurements that must be adhered to. • Emergency repairs (e.g., storm damaged guttering and fencing,) will be hampered and delayed since permission will be required from the Heritage Advisory Committee before works can be undertaken. • Being located on a corner block, we will be required to conform to the regulations on both street frontages and the rear of the property as all aspects of the property are visible from the street.

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		<p>Further to the issues raised above we have a number of queries which have been unable to be answered prior to the required final submission date. These are:</p> <ul style="list-style-type: none"> • There is no mention of the Council’s commitment to help preserve and promote this area if the proposal was to be successful. For example: creating an appropriate tasteful entry statement, new street signs, verge trees, improvement to footpaths etc. Is this a further impost of the owners and residents to bare? • Why is there a requirement to use the same materials when there are modern materials which have been developed that are far superior to old materials? • As an owner, why should we accept the permission and approval of an appointed heritage committee on how to repair and/or update our house? • Does the property have to be declared as a Heritage Listed Property for insurance purposes and will this fact alone increase the premiums? Or limit access to insurers? • How is it possible that houses along the western side of Picton Crescent have been assessed with high and moderate heritage value but are not included within the proposed boundary? Why was ratepayers’ money used to assess those properties outside of the proposed boundary? <p>Conclusion</p> <p>Further community dialogue with the council is essential in order to discuss this proposal properly with the views of the residents and owners being taken into account. This proposal will add extra layers of bureaucracy and costs causing significant delays for the approval of any repairs, modifications and improvements. Our preference is to retain the character of the Tree Street Area without the designation of Heritage Precinct.</p>
67		<p>The proposed Tree Street Heritage Area and Local Planning policy is fundamentally flawed.</p> <p>The residents and homeowners in the area already do an excellent job upholding the heritage value and amenity of the area.</p> <ul style="list-style-type: none"> • Internal works needs clarification. Reads as all homes in the area require planning for internal works. • Allowances need to be in place to allow for progressive Architecture in the area that can complement and add interest to the zone. Not all homes need to look alike and forcing a continuance of a style on an area, will only stunt the growth of that area. • Replacement of like for like needs to be re-defined. Modern materiality will only add to the area and reduce the maintenance of a home. • Defined colour schemes do not work. A dark colour scheme can add depth and dimension to a street scape compared to forcing all homes to be white or worse still forcing owners to replicate a colour scheme that is outdated. Colour is an ever evolving medium and homeowners need the ability to express their personality to continue the vibrancy of our area.

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		<ul style="list-style-type: none"> • Council needs to recognise the public realm of the Tree Streets, the area is known for the trees and wide streets, the residents need assistance to maintain the public realm. • Items visible from the street needs to be redefined to items on the front elevation, my home is on the lower side of the hill and the side is visible from the street. Why am I being penalised for having visible elements down the side of my home compared to flatter streets. • Timber framed doors and windows whilst beautiful and becoming increasingly expensive. • Please recognise this as a place of significance rather than a moment in time. We the residents all choose to live in the area for different reasons and should not be penalised to maintain a pre-defined look for eternity.
68		Submission contained 8 pages please see: DOC/1176564
		Submission contained 9 pages please see: DOC/177250
69		<p>Supporting my objection, please find attached</p> <p>(i) a copy of the letter from the community that met repeatedly to discuss and understand this council proposal;</p> <p>(ii) a review of how I feel the proposal has been handled based on discussions with other residence of the area, answers from council meeting questions and personal/professional understanding of the broader implication of this proposal.</p> <p>An open letter to the City of Bunbury Mayor and Honourable Members of the City Council.</p> <p>We write this open letter as concerned citizens and owners of the City of Bunbury to express our deep reservations and opposition to the new proposal that pertains to the Tree Street Heritage Area and the associated Local Planning Policy 4.3.</p> <p>We, the owners in the proposed Tree Street Heritage Area, appeal to the Mayor and Councillors of the City of Bunbury, to abandon the proposed Tree Street Heritage Area and Local Planning Policy 4.3 in totality.</p> <p>The proposal under consideration places an unnecessary and onerous burden on us as owners and, more importantly, on future generations of owners. While we undoubtedly recognize and respect the unique character of this area, it is important to acknowledge that the current proposal, seeking to declare our homes a heritage area, has triggered significant anxiety and stress within the community.</p> <p>The Council's offering of a potential 'rates relief' of \$1000 annually for up to five years, while appreciated, does little to alleviate the financial costs that will undoubtedly be incurred by us in adhering to the Heritage regulations while performing essential maintenance on our homes. These regulations, though well-intentioned, have the potential to impose substantial financial strains on owners, as they</p>

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		<p>require adherence to specific guidelines that often necessitate specialized materials and labour, driving up overall costs.</p> <p>Furthermore, the anxiety surrounding the prospect of these regulatory requirements not only disrupts the tranquillity of our community but also undermines the very essence of why we have chosen to make this area our home.</p> <p>The Tree Street Area has flourished because of the dedication and love poured into it by its owners, who have maintained its charm and character with unwavering devotion. It is disheartening to consider the potential adverse impact on this cherished district, as well as the stress that could be passed on to future generations of owners.</p> <p>In light of these concerns, we humbly urge the City Council to reconsider the proposal and engage in a more extensive dialogue with the affected owners, which we do not believe had happened to date. A collaborative and transparent approach is essential, allowing owners to voice their anxieties and present alternative solutions that could preserve the integrity of the Tree Street Area without imposing undue financial burdens.</p> <p>We firmly believe that by working collectively and attentively, we can find a balanced resolution that respects the character of this area while supporting the owners who have nurtured it over the years. We wholeheartedly hope that our concerns will be taken to heart, and we look forward to the opportunity for constructive discussions that will contribute to the well-being of both the community and our beloved city.</p> <p>Thank you for your time and understanding. We await your response with optimism and trust in your commitment to our city's past, present, and future.</p> <p>Signed by the 302 owners in the area affected by the proposed policy.</p> <p>I strongly object to the proposal of creating the Tree Street area into a Heritage Area.</p> <p>I feel from the outset the council has appeared to act in a manner that betrays the Organisation Values of the Bunbury City Council. These values cannot be picked or ignored at will and I share my thoughts, opinions and feeling below.</p> <p>Organisational Values</p> <p>#WEARECOB</p>

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		<p>WE ARE COMMUNITY</p> <p>We are one team – Any interaction with the community has been reactionary rather than proactive collaboration. This is not how a team functions unless the council deems itself as a team against the community rather than with it.</p> <p>We display empathy and respect – The community has been outraged by poor communication, which along with other failings such as inconsistencies between what is written and what is verbally communicated to the community from the council. Poor communication can be through contempt for people and this appears to be the case, thus showing a disregard for respect and empathy for the Tree Street community.</p> <p>We have fun and celebrate our successes – This has caused heart-ache from a community that has significant commitment to the Tree Street area. This is not a celebration and is certainly not the foundation for future growth and success.</p> <p>We work together to achieve great outcomes – This matter has divided the council from the community.</p> <p>WE ARE OPEN</p> <p>We are open to opportunities – Communities that are allowed to evolve and adapt, using what is good with the old and bring in what is good about the new to improve the way things are is an opportunity. This proposal would significantly limit the opportunities of the Tree Street area.</p> <p>We actively listen and think things through – Surely the council cannot believe this to be true if this proposal is implemented.</p> <p>We are honest and open in our communications – There has been a community feeling from meetings held that</p> <ul style="list-style-type: none"> (i) the community has been deceived and misled by the council using the local paper to provide notice to the community, well known as an ineffectual means for targeted communication, and (ii) by explanations from the council diverging from the specific text of the proposal when concerns are voiced and discussed individually. <p>We are open to feedback to improve our performance – The community, I feel, does not believe this.</p>

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		<p>WE ARE BRAVE</p> <p>We lead the change, we own it –This Heritage area proposal is about preventing change and placing all the costs on someone else. 5 years of council discount verses perpetuity of higher real costs for residence doesn't even come close to "owning it". The council has confirmed that no independent study was made prior to embarking on this proposal. Therefore, the ongoing socio-economic impacts that will face Bunbury are not being considered. The community, which has a high proportion of highly qualified individuals in numerous professions are of the consensus that the proposal will likely destroy future values of the area and add to costs.</p> <p>We trust and empower each other – The council fundamentally is communicating that it doesn't trust the community to sympathetically implement changes into the Tree Street area by the current planning processes. This proposal across a whole area is a crude tool.</p> <p>We have the difficult conversations early - Bunbury is a small regional town that is very vulnerable to economic down turns caused by events such as high inflation and interest rates, yet these have not been considered independently. This isn't even a consideration and certainly not one being discussed.</p> <p>We hold ourselves to the highest standard – The highest standards would have started with open and disclosed due-diligence that was independent and considered all aspects of the impacts of passing this proposal. This has not been done as confirmed by the council.</p> <p>We have the courage to improve and simplify – This proposal will make things much more complicated for many aspects, from getting repairs done and sourcing material to planning any building changes, thus inflicting inefficiencies in processes. These are not improvements or actions that simplify.</p>
70		<p>Poor consultation. Proposal started 2021. The City did not engage or consult residents until 11th July 2023. The tree street is a "CHARACTER AREA". The community / landowners already developing in a manner. "Older Houses" are not heritage (15 properties in the area that are heritage listed). I have several friends in the area strongly objected. Proposal needs to be STOPPED.</p>
71		<ol style="list-style-type: none"> 1. I object to the proposed Tree Streets Heritage Area. 2. The City of Bunbury's (the City) proposal is described in the "Draft Local Planning Policy 4.3 Tree Streets Heritage Area" (the Policy). My objection is based on there being no demonstrable need for the Policy, the Policy detail being unclear as written and in how it may be interpreted by City Officers. 3. The general objectives of the Policy are to preserve and protect heritage. However, the City has not clearly described where the status quo is lacking or requires control. [REDACTED] My home has been renovated and extended in keeping with the original house and the area. Considerable funds have been expended by

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		<p>my family and other families in the street to similarly renovate and extend their homes. The results are impressive and achieved without the need for the heritage policy. We have demonstrated commitment to the area, call it commitment to the character of the area.</p> <p>4. A key element of the Policy is the contribution of individual places (Table 2). I understand the table was developed by a heritage architect. It has been shown in public and private discussions there are many errors in the table. The City has offered homeowners a review of their individual assessment upon request. Interestingly a review is not described in the Policy. A review deflects attention away from a fundamental but poorly developed assessment. Homeowners were not engaged at any stage of this process. Why not? What was the hurry?</p> <p>5. There are examples of unclear or unnecessary detail in Clause 9.0, as follows:</p> <ul style="list-style-type: none"> • (Clause 9.1.A.3). "Demolition approval will not be granted because redevelopment is a more attractive economic proposition, or because a building has been neglected. Contributory built form will not be approved for demolition other than in exceptional circumstances where it has been assessed as structurally irredeemable based on an assessment by a qualified structural engineer with heritage experience and supported with a Heritage Impact Statement prepared by a heritage consultant. The City may also obtain its own independent heritage advice prior to making a determination." <p>It is the interpretation of this clause that is the concern. Firstly, given sufficient funds any building can be retained. So, an economic argument cannot be presented in any case. However, the reality is homeowners are nearly always budget constrained and looking to do the most with the least. The notion of neglect is an interesting one. Who determines neglect? Also, was it neglected by the current or previous homeowner? Is a respectfully re-developed site not better than a badly neglected building not in keeping with the area?</p> <ul style="list-style-type: none"> • (Clause 9.3.A1 (a)). "Retain the original materials or replace on a like for like basis if damaged beyond repair". Why retain? Modern building materials are often superior to their original counterparts. For example, gyprock compared with lathe and plaster. Externally they look the same. • (Clause 9.3. D2 (a)). "Where original roofing material is unknown, the most appropriate materiality selection in most cases will be corrugated galvanised iron...". Note it will never be corrugated iron so why include it in the Policy? • (Clause 9.3 D5 (b)). "Original glazing is retained unless there is unavoidable need for replacement. Replacement glass should match original and be non-reflective". Why? Older Tree Streets houses are not very thermally efficient, yet this clause seems to prevent a homeowner from reducing their energy consumption through modern glazing options? This is fundamentally at odds with our community aspirations for a sustainable future. • (Clause 9.3 D7 (a)). "Paint colours to external timber elements are selected: i. to match original colours based on investigation; or, ii. in keeping with traditional colour schemes for buildings of a similar style and era of development within the relevant Character Statement". Why include the first requirement? The external colour of the original part of my house is "railway green". The external colour of my neighbour's original part of the house is "railway green". It may have been popular originally but more likely cheap and available. This type of control is unnecessary. Left to their own devices the Banksia Street homeowners have chosen some excellent

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		<p>colours in keeping with the area. Not surprisingly “railway green” was not one of the colours used.</p> <ul style="list-style-type: none"> • (Clause 9.4 D8). “Alterations to the interior of a heritage place to meet reasonable modern living standards and/or to suit a compatible new use will be supported, subject to consideration of the impact on any fabric identified as being of exceptional or considerable significance”. Significant to whom? Note this is the interior of someone’s home. Why should there be any planning controls over the interior of a home? • (Clause 9.4 D9). “Ideally, where original internal walls or features are proposed to be removed these changes should be managed to allow evidence of the original layout to be read at close inspection where practicable (for example by retention of small wall “nibs” or the use of different finishes)”. As above, this is the interior of someone’s home. Why should there be any planning controls over the interior of a home? Who benefits from such an intrusive clause? • (Clause 9.14). “INTENT: Incidental development for contemporary services such as television aerials, satellite dishes, solar panels (or solar collectors), etc., can have an impact on heritage places and areas through the introduction of elements that are not part of traditional development”. (Clause 9.14. A.1). “Solar collectors, satellite dishes, microwave and radio masts and antennae are not visible from the primary street frontage”. The Policy should be rejected on this one clause alone. Homes built or developed with good solar principles in mind often have trees on the northern side of the house. This is also the best side for solar panels if not in shade. If in shade other sides of the house such as the front face (facing east or west typically) come into consideration. If this the case, then the solar panels should be seen as a badge of honour, proudly supporting our community aspirations for a sustainable future. If not allowed who pays for the significant lost financial opportunity? • (Clause 9.16. A2). “Retain the current layout of footpaths on both sides of the street”. How is this interpreted from the City’s perspective? Using Banksia Street as an example the City appeared to have decided the originally neglected slab footpath could not be maintained so made the financial decision to replace it with a modern cast insitu equivalent. Is this keeping with one of the purported guiding principles of the Policy? • (Clause 9.16. A4). “Maintain the specified street tree species in the verge and replace when required to retain canopy coverage”. Why? Using Stockley Road as an example the old trees are an ongoing danger and should be removed as a matter of urgency. Note there is no mention of underground power in the Policy (even as an aspiration). The Tree Streets area would be even better when we could have trees unrestrained by power poles and lines. <p>6. Summary and conclusions.</p> <ul style="list-style-type: none"> • There has not been a demonstrated need for the Policy. It is not filling a gap or void in how the Tree Streets area is managed. • The Policy has not been developed in partnership with the residents. To that end the City has not created an environment of trust. This has not been helped by presenting a Policy with onerous clauses but (publicly) claiming any considerations would be reasonable. • The Policy contains clauses that are intrusive, potentially very difficult and expensive to implement or make little practical sense. • The City has an opportunity to be a leader – to work with residents to manage the Tree Streets as we head into a time of great

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		<p>environmental and energy challenges.</p> <ol style="list-style-type: none"> 1. I object to the proposed Tree Streets Heritage Area proposal. 2. The City of Bunbury’s (the City) proposal is described in the “Draft Local Planning Policy 4.3 Tree Streets Heritage Area” (the Policy). My objection is based on there being no demonstrable need for the Policy, which in its detail is flawed, unclear and in how it may be interpreted by City Officers present and emerging. 3. The general objectives of the Policy are to preserve and protect the heritage of the area. However, the City has not clearly described where the status quo is lacking or requires change or control. As an example, in Banksia St, where I have lived for nearly 30 years - my home has been renovated and extended in keeping with the character of the original house and the area and considerable funds have been expended by myself and other families in the street to similarly renovate and extend their homes. The results are impressive and achieved without the need for the heritage policy. We have demonstrated commitment to the area, and commitment to the character of the area. 4. A key element of the Policy is the contribution of individual places (Table 2). I understand the table was developed by a heritage architect, but not sure how the detail was obtained. However, it has been shown in public and private discussions that there are many errors in the Table. The City has offered homeowners a one-on-one review of their home assessment upon request. Interestingly a review is not described in the Policy. I believe the review deflects attention away from a fundamental but poorly developed assessment. Homeowners were not engaged at any stage of this process. Why not? What was the hurry? 5. There are examples of unclear or unnecessary detail in Clause 9.0: <ul style="list-style-type: none"> • (Clause 9.1.A.3). “Demolition approval will not be granted because redevelopment is a more attractive economic proposition, or because a building has been neglected. Contributory built form will not be approved for demolition other than in exceptional circumstances where it has been assessed as structurally irredeemable based on an assessment by a qualified structural engineer with heritage experience and supported with a Heritage Impact Statement prepared by a heritage consultant. The City may also obtain its own independent heritage advice prior to making a determination.” <p>It is the interpretation of this clause that is the concern. Firstly, given sufficient funds any building can be retained, however redevelopment, within the proposed constraints will more than likely NOT be an “economical proposition”, so this argument cannot be presented in any case. The reality is homeowners are nearly always budget constrained and looking to do the most with the least. The notion of neglect is an interesting one. Who determines neglect? Also, was it neglected by the current or previous homeowner? Is a respectfully re-developed site not better than a badly neglected building not in keeping with the area?</p> <ul style="list-style-type: none"> • (Clause 9.3.A1 (a)). “Retain the original materials or replace on a like for like basis if damaged beyond repair”. Why retain? Modern building materials are often superior to their original counterparts. For example, gyprock compared with lathe and plaster. Externally they look the same. • (Clause 9.3. D2 (a)). “Where original roofing material is unknown, the most appropriate materiality selection in most cases will be corrugated galvanised iron...”. Note it will never be corrugated iron so why include it in the Policy?

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		<ul style="list-style-type: none"> • (Clause 9.3 D5 (b)). “Original glazing is retained unless there is unavoidable need for replacement. Replacement glass should match original and be non-reflective”. Why? Older Tree Streets houses are not very thermally efficient, yet this clause seems to prevent a homeowner from reducing their energy consumption through modern glazing options? This is fundamentally at odds with our community, national and global planning/commitments for a sustainable future. • (Clause 9.3 D7 (a)). “Paint colours to external timber elements are selected: i. to match original colours based on investigation; or, ii. in keeping with traditional colour schemes for buildings of a similar style and era of development within the relevant Character Statement”. Why include the first requirement? The external colour of the original part of my house is “railway green”. The external colour of my neighbour’s original part of the house is “railway green”. It may have been popular or the only colour available originally but more likely the cheapest available. This type of control is unnecessary. Left to their own devices the Banksia Street homeowners have chosen some excellent colours in keeping with the area. Not surprisingly “railway green” was not one of the colours. • (Clause 9.4 D8). “Alterations to the interior of a heritage place to meet reasonable modern living standards and/or to suit a compatible new use will be supported, subject to consideration of the impact on any fabric identified as being of exceptional or considerable significance”. Significant to whom? Note this is the interior of someone’s home. Why should there be any planning controls over the interior of a home? Many character houses and buildings in the state and around Australia have been “modernised” inside to reflect today’s living requirements and standards but have also been repaired and refurbished on the outside to retain the character of the house/building or commercial complex in keeping with the various periods/eras. • (Clause 9.4 D9). “Ideally, where original internal walls or features are proposed to be removed these changes should be managed to allow evidence of the original layout to be read at close inspection where practicable (for example by retention of small wall “nibs” or the use of different finishes)”. As above, this is the interior of someone’s home. Why should there be any planning controls over the interior of a home? Who benefits from such an intrusive clause? Also, structurally this may not be viable or appropriate. • (Clause 9.14). “INTENT: Incidental development for contemporary services such as television aerials, satellite dishes, solar panels (or solar collectors), etc., can have an impact on heritage places and areas through the introduction of elements that are not part of traditional development”. (Clause 9.14. A.1). “Solar collectors, satellite dishes, microwave and radio masts and antennae are not visible from the primary street frontage”. The Policy should be rejected on this one clause alone. Homes built or developed with good solar principles in mind often have trees on the northern side of the house. This is also the best side for solar panels if not in shade. If in shade, because of previous planting to keep a house cooler, other sides of the house such as the front face (facing east or west typically) come into consideration. If this is the case, then the solar panels should be seen as a badge of honour, proudly supporting a sustainable future. If not allowed who pays for the significant opportunity for lost financial savings? • (Clause 9.16. A2). “Retain the current layout of footpaths on both sides of the street”. How is this interpreted from the City’s perspective? Using Banksia Street as an example the City appeared to have decided the originally neglected slab footpath could not be maintained so made the financial decision to replace it with a modern cast insitu equivalent. Is this in keeping with one of the purported guiding principles of the Policy?

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		<ul style="list-style-type: none"> • (Clause 9.16. A4). “Maintain the specified street tree species in the verge and replace when required to retain canopy coverage”. Why? Using Stockley Road as an example the old trees are an ongoing danger and should be removed as a matter of urgency, whereas, in Banksia St the “specified street tree species”, the flame trees, were removed by the City because of the ongoing pruning of the thorny branches. Note, there is no mention of underground power in the Policy (even as a consideration). The Tree Streets area would be even better where we could have trees unrestrained by power poles and lines. Note residents of Banksia St previously proposed the option of underground power when the road was to be dug up for sewer works and resurfaced. This proposal was sent to the City well beforehand by the residents at the time, with the commitment to significantly contribute to the cost of the underground power option. 6. Summary and conclusions. • There has not been a demonstrated need for the Policy. • The policy is flawed in its current proposal. • The policy does not fill a gap or void in how the Tree Streets area is currently managed by residents purchasing in the area because of its character and zoning with a mind to keeping it in character. • The Policy has not been developed in partnership with the residents. To that end the City has not created an environment of trust. This has not been helped by presenting a Policy with onerous clauses but (publicly) claiming any considerations would be reasonable. • The Policy contains clauses that are intrusive, potentially very difficult and expensive to implement or make little practical sense. • The City has an opportunity to be a leader – to work with residents to manage the Tree Streets as we head into a time of great environmental and energy challenges. • The policy does not reflect the LOGICAL EVOLUTION FROM EARLY 20TH CENTURY AND PAST MATERIALS TO BETTER PRACTICES AND SUSTAINABILITY AND ENVIRONMENTAL RESPONSIBILITY OF TODAY AND IN THE FUTURE.
72		<p>I strongly object to the draft proposal 4.3. Although we have a modern house, any changes to our properties will be controlled by the new policy.</p> <p>The policy will also curtail any modern style new builds in the area, and modern homes can be such a fantastic inclusion to the streets and areas they are built in. They are a showcase of the time they are built, just as older homes are for their eras.</p> <p>I am concerned for the stress and worry the whole proposal has caused for our neighbours and friends in the area.</p> <p>It concerns me that the onus of keeping a ‘heritage’ area is falling on to the homeowners, without any contribution from the City.</p> <p>**unable to read the remainder of the submission...</p>
		<p>As owners of a relatively new build, we are still concerned with the over reaching and unclear policy that is being proposed.</p> <p>The area has been cared for and maintained well enough over the years by residents so there is no need for this policy.</p> <p>Many homes are owned by older residents who cannot afford to apply for every improvement or any maintenance to their properties.</p> <p>The restraints and red tape will cause homes to be neglected, and the stress of this has already affected our neighbours.</p> <p>Some homes in this area are no longer fit for the purpose they were built, so they shouldn’t be held to such stringent regulations. The</p>

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73		<p>council should be encouraging growth and energy efficiency not **unable to read the remainder of the submission...</p> <p>I strongly object to the proposed Tree Street Heritage Area and Local Planning Policy 4.3 and 6.2. The lack of consultation and adequate engagement with owners prior to assessment is disappointing. A Kerbside drive by assessment of Dwellings and Streetscape by Stephen Carrick Architects with No Assessment of the Structural and / or Condition of each Dwelling taken into consideration is appalling.</p> <p>Unlike new home with the double gazing, insulation, air tightness, placement of solar panels to obtain the most efficiency and being sustainable. The current dwelling is not able to function with modern living, with the draft policy going as far as to restrict paint colours, types of roofing and gutters.</p> <p>Once a Heritage Area is imposed some Insurance Companies will not insure or they impose an increased premium on the Insurance Policy. To repair a Heritage Building like for like is costly with the availability of materials to replace the same and Trade’s Personnel to carry out the work, as many are Project Home Tradies.</p> <p>Younger people who have just bought into the area now face uncertainty in Developing or Renovating of their Home under the proposed Heritage Area and Policy 4.3 and 6.2. While Residence in other areas of Bunbury which only need to comply with the R-Codes and the Building Code of Australia for works on their Dwellings.</p> <p>The City should commend Residences of the Tree Street Area as with No Local Government Regulations they have maintained the presentation of these Dwellings in the Tree Street Area. The City back in the 90’s recognised Residence of well-kept Dwellings/Gardens with a Certificate of Appreciation issued by the Parks and Gardens Director.</p> <p>Successive Town Planning Schemes have allowed Commercial activities to creep into the Tree Street Area in the past, with most recent the Child Care Centre on the corner of Beach Road and Karri Street.</p> <p>I/We urge Councillor’s to vote against this Tree Street Heritage Area and Local Planning Policy 4.3 and 6.2 and thank you to the Mayor in holding a Special Meeting for the Residents of the Tree Street Area of which 170 attended that night.</p>
74		<p>Planning Solutions acts on behalf of xxxxxxxxxx, the registered proprietor of xxxxxxxxxxxxxxxxxxxxxx, Bunbury.</p> <p>We refer to the City’s proposed draft <i>Local Planning Policy 4.3 – Tree Streets Heritage Area (LPP4.3)</i>, which Council resolved to proceed to advertise at the Ordinary Council meeting held on 27 June 2023. We thank the City for the opportunity to provide comment on LPP4.3.</p> <p>On behalf of our client, we strongly object to LPP4.3. While we support the protection of heritage, we do not support broad stroke policy that contradicts strategic planning and ignores the current economic climate.</p> <p>For the reasons outlined within this submission, we do not consider LPP4.3 to be equitable or reasonable. We respectfully request the City do not proceed with LPP4.3.</p> <p>INTRODUCTION</p> <p>The draft LPP4.3 applies to the proposed Tree Streets Heritage Area (heritage area) which combined encompasses 17 streets. Investigation of the heritage area was first commissioned in 2004 and later reviewed in 2022 when it was expanded considerably.</p> <p>State Planning Policy 3.5 Historic Heritage Conservation (SPP3.5) requires that:</p>

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		<p>The local government adopt a local planning policy that sets out the objectives and guidelines for conserving the significant heritage fabric of the area. The draft LPP4.3 varies the provisions of the R-Codes within the heritage area restricting development.</p> <p>INCONSISTENT WITH THE LOCAL PLANNING STRATEGY</p> <p>The draft LPP4.3 deviates from the strategic priorities of the City’s Local Planning Strategy. Policy that does not align with the overarching local planning strategy will categorically hinder progress towards achieving the City’s long-term vision.</p> <p>The City’s Local Planning Strategy provides the following strategic priorities:</p> <ul style="list-style-type: none"> <i>Plan for increased housing supply in response to housing needs.</i> <i>Promote and increase housing diversity, adaptability, affordability, and choice.</i> <i>Create attractive, safe, functional, and well-connected neighbourhoods and towns.</i> <p>Given the current demand for housing amidst a housing crisis, it is crucial that planning policies support the development of a diverse range of housing options. LPP4.3 will restrict development and exacerbate the current challenges facing housing supply ultimately leading to housing shortages and issues with affordability.</p> <p>Plan for increased housing supply in response to housing needs The draft LPP4.3 does not align with the strategic priority of increasing housing supply. It will impede attempts to increase housing supply by discouraging housing development and maintaining the status quo. Variation of the R-Codes creates uncertainty for developers and investors. Developers require clear and consistent guidelines to plan and budget for their projects. When codes vary, it becomes difficult to predict project outcomes, leading to hesitation and a lack of confidence. Ultimately, LPP4.3 will introduce restrictions on housing development, driving up costs and challenging the feasibility of projects. Further, it will add greater complexity to the approval process. This is not consistent with State-level planning reform.</p> <p>Promote and increase housing diversity, adaptability, affordability, and choice. The draft LPP4.3 does not align with the strategic priority of promoting and increasing housing diversity, adaptability, affordability, and choice. It prioritises maintaining the architectural style of the period as well as the low density subdivisional pattern. This limits the design flexibility</p>

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		<p>of new housing projects, preventing innovative architectural subdivisional solutions to deliver adaptable and affordable housing of choice as different typologies. Prioritising low-density housing reduces housing diversity, adaptability, affordability, and choice.</p> <p>Create attractive, safe, functional, and well-connected neighbourhoods and towns. The draft LPP4.3 does not align with the strategic priority of creating functional neighbourhoods. Policy that protects single, detached homes on large blocks is not reflective of the City’s housing needs and functional housing. It is established that inner-city densification, not peri-urban sprawl is required to meet housing demand and to meet sustainable growth objectives. Policy that impedes this densification cannot be considered conducive of creating functional and well-connected neighbourhoods and hinders well-located sustainable development.</p> <p>CURRENT ECONOMIC CLIMATE</p> <p>The State Government off the back of the current housing crisis and an economy heading into recession is currently focussed on planning reform items to reduce ‘red tape’ and facilitate affordable housing. The recent deferral of the implementation of the Medium Density Codes is an example of more restrictive development controls being pared back so as not to impede housing. Reducing red tape stimulates the economy by allowing projects to accelerate - creating jobs, attracting investment, encouraging innovation, fostering confidence, and aligning government priorities. The draft LPP4.3 contradicts State-led planning reform by introducing stringent controls on redevelopment of properties within this area, and is ill-advised in current economic climate. For all the good reducing red tape does, introducing more does worse.</p> <p>CONCLUSION</p> <p>For the reasons listed above, we submit LPP4.3 should not proceed. We respectfully request we are informed of any meetings at which this matter is considered and are invited to attend the meeting. Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.</p>
75		<p>I recognise and respect the unique character of the area. Our renovations were made with this in mind, However, I object to the current planning proposal as is for the following reasons: <u>Development process of the proposed policy</u> There has been a lack of consultation with homeowners in the development of the proposed planning policy. It seems that the 'preplanning' has been for some time with our homes judged without our knowledge. There is lack of clarity in the documentation as to</p>

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		<p>what is meant by 'heritage significance'. This lack of clarity is compounded when you try to compare the ratings of various homes; I find it difficult to see consistency of criteria applied.</p> <p><u>Impact of the proposed policy</u></p> <p>It states in the policy that 'development approval' will be required for external works and this includes "minor works such as, but not limited to, replacement of roofing, gutters and downpipes", gardens (9,3), doors and painting is to match original colours 'based on investigation'. This is onerous and expensive for homeowners. There is lack of clarity of what an 'investigation' for routine maintenance items entails and for processes for approvals of these minor works. It is potentially expensive on an ongoing basis for homeowners. While homeowners are being offered some recompense in terms of reduced rates, this is not for all and a 'one off' for a short period of time for costs that are likely to be ongoing.</p> <p>In 9.16 it states, "Street furniture is well considered as part of an overall approach for the Heritage Area". Homeowners are seemingly carrying the ongoing burden (and costs) for this. The policy is unclear as to the contribution of Council in the maintenance and development of the proposed Heritage Area in streetscape and street furniture. I have just visited Sydney and seen Heritage Areas there that are well supported by the Councils. Streetscape features such as traffic calming, and underground power have contributed to the heritage character of the area and attracted tourism and business accordingly. What are Council considering in supporting the ongoing development of the Tree Street Heritage Area? For instance, underground power would allow larger trees to grow - essential for a 'tree street' area,</p> <p>I humbly urge the Council to engage in further dialogue with community members and consider investigating other options that would still preserve the character of the area in collaboration with the homeowners.</p>
76		<p>My objections include, but are not limited to:</p> <p>Lack of Proper Consultation</p> <p>From the outset of the proposal in 2021, there has been a glaring oversight in the proper consultation and engagement with the residents of the Tree Streets. This oversight is further magnified by the City's failure to adhere to the precedent set by Council Decision (377/04). This decision not only halted a previous attempt to designate the Tree Streets as a heritage area but also mandated the establishment of a community-driven committee. Such a committee was intended to assess the feasibility of creating a heritage precinct in the Tree Street area. By neglecting this directive, the residents were denied a crucial opportunity to be actively involved and consulted during the proposal's foundational stages.</p> <p>Furthermore, the City's approach has been marked by a lack of transparency. There have been no clear and substantiated reasons presented to explain the rationale behind this proposal or to identify the specific issues it aims to address. This ambiguity is compounded by the City's inefficiency in disseminating vital materials. Not only were these materials not provided promptly, but their distribution was also ineffective, leaving residents in the dark.</p> <p>Lastly, the timeframe allocated for homeowners to review and comprehend the intricate documents related to the proposal was woefully inadequate. This tight schedule hindered residents from thoroughly analyzing the documents, and more critically, from</p>

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		<p>seeking professional advice and expertise on this matter and other related concerns. Such constraints have further strained the trust between the City and its residents, emphasizing the need for a more inclusive and transparent approach in future endeavors.</p> <p>Assessment Survey</p> <p>The recent actions surrounding the property assessments in accordance with the Heritage Council of WA's best practices have raised several concerns among homeowners and residents. Firstly, there was a glaring omission in providing draft assessments of properties to homeowners. This lack of communication was further exacerbated by the fact that no residents were informed of these assessments taking place. This stands in stark contrast to the precedent set during the 2003/04 Tree Streets Heritage Area proposal, where residents received letters notifying them of such activities.</p> <p>The review brief's guidelines were notably restrictive, explicitly excluding consultations with occupants or community groups. This limitation meant that the architects from Perth, who were responsible for the assessments, were devoid of any local knowledge. They lacked insights into the historical and architectural evolution of the homes, including any modifications or changes made over the years. Their understanding was solely based on a single photograph of each home, which, in several instances, did not even correspond to the time of the survey. Such an approach is fundamentally flawed, as it fails to capture the essence and history of each property.</p> <p>Moreover, the historical review was disappointingly superficial. It did not provide individual historical data for each place within the study area. The reliance on aerial imagery, which only dates back to 1959, as the primary source for the contributory review, severely undermines the accuracy and depth of the assessments. A mere half-page assessment, based on a single street-view photograph, is hardly sufficient to gauge the true heritage value of these homes.</p> <p>Many residents, understandably, have raised doubts about the assessments of their properties. The lack of clarity regarding the methodology and process of the assessment survey only adds to their apprehensions. Furthermore, there is a conspicuous absence of a defined process detailing the steps and procedures for re-assessing a property. This entire approach not only questions the credibility of the assessments but also underscores the need for a more transparent, inclusive, and comprehensive methodology in the future.</p> <p>Heritage Area Not Appropriate</p> <p>The designation of a heritage area is not merely a tool to protect places that don't meet the criteria for the heritage list, as outlined by the Heritage Council of WA. This is particularly true for the Tree Streets area. The City's assertions about concerns over demolitions in the Tree Streets area and the supposed "incremental erosion of the area's character" lack concrete evidence to support them.</p> <p>When asked, the City was unable to substantiate this with documented proof. A closer look at the data reveals that over the past 28 years, only 16 dwellings have been demolished. Breaking this down further, there were no demolitions for 17 years, seven years witnessed a single demolition, two years saw two demolitions, and only one year experienced three demolitions. Given that the area comprises 302 homes, at the current rate, it would take over half a millennium to demolish them all.</p> <p>It's essential to note that the homes which were demolished had reached the end of their lifespan. Furthermore, these demolitions were carried out with the City's approval. The new homes constructed in place of the demolished ones have been thoughtfully designed, keeping in line with the area's character. This commitment to preserving the area's essence is further acknowledged by the</p>

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		<p>City itself. As stated in the OCM Minutes from July 2023, "It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area."</p> <p>This recognition by the City underscores a crucial distinction: the Tree Streets area is more about its unique character than its heritage. The Heritage Council of WA aptly captures this sentiment, suggesting that labelling a precinct as an 'urban' or 'residential character' area, rather than a heritage area, implies that its character can be maintained and enhanced through designs that resonate with the area's distinct features. Such a designation focuses on guiding new developments rather than mandating the preservation of the existing fabric.</p> <p>Strong Opposition From Residents</p> <p>On 27 July, the OCM witnessed a significant turnout with over 100 individuals attending to pose questions to the Council regarding the pressing matter at hand. This heightened interest was further evident on 8 August 2023, when a public information session drew a crowd of over 175 attendees. Spanning more than two hours, the session became a platform for unanimous dissent. Every individual who voiced their opinion during this gathering expressed opposition to the proposal, with not a single voice in its favor. Beyond these formal gatherings, the City and its elected members have been inundated with feedback from concerned residents. Numerous residents have reached out, leveraging various communication channels such as phone calls, emails, and direct face-to-face meetings, to share their apprehensions and standpoints on the issue.</p> <p>Engagement & Communication with the City</p> <p>The City's approach to community engagement regarding the proposal has been marked by significant lapses and shortcomings. It wasn't until nearly two years after the initiation of the process that the City made its first attempt to engage with the community. This engagement, which took place on 11 July 2023, was not a proactive measure but a legal obligation, requiring the City to inform the affected residents in the Tree Streets area about the commencement of the public consultation period.</p> <p>Instead of fostering an open dialogue, the City's strategy was limited to one-on-one meetings with residents. Such an approach, often perceived as a "divide and conquer" tactic, hindered residents from collectively discussing and addressing shared concerns. Notably absent from the City's engagement plan were community meetings. The sole public information session that did occur was a result of persistent demands from the residents. However, this session fell short of expectations, lacking a structured format that would encourage constructive two-way communication.</p> <p>The City's engagement can best be described as passive, adopting a "come to me" stance rather than actively reaching out to residents. The sole exception was the legally mandated notice letter sent out on 11 July 2023. Alarming, this letter was the first direct communication to residents about a proposal that had been in the works since 2021 and had been a topic of discussion in various Council and Committee meetings. The content of the letter was equally concerning, offering scant details about the proposal's intent, origins, and implications. It also insinuated that a lack of response equated to support for the proposal, a presumption that undermines procedural fairness and displays a bias in favor of the City.</p> <p>Despite residents' repeated calls for a public meeting to delve deeper into the proposal, the City consistently turned a deaf ear. When a</p>

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		<p>public information session was finally organised due to mounting pressure, it was far from satisfactory. With no proper facilitation, recording, or minute-taking, the session saw about 175 attendees, none of whom voiced support for the proposal. Furthermore, questions posed during council meetings were inadequately addressed, with no provision for follow-ups or clarifications. This approach stifled meaningful dialogue and left residents feeling unheard and frustrated.</p> <p>Inadequate Documentation</p> <p>The documents provided by the City have raised significant concerns among residents due to their lack of clarity and precision. These documents are riddled with vagueness and ambiguity, often presenting conflicting information. Such broad interpretations render them virtually meaningless, making it challenging for residents to discern their true intent and implications. Furthermore, the structure and content of these documents appear to be crafted as a "catchall." They frequently allude to various items, actions, or steps without providing any substantive details or references within the documents themselves.</p> <p>Compounding the issue is the inconsistent advice and interpretations offered by the City regarding these documents. Such discrepancies between the written content and the City's explanations undermine the reliability of the information provided. Residents cannot place their trust in such guidance, both in the present context and for future reference.</p> <p>This combination of poorly drafted documentation and conflicting advice has created a convoluted and perplexing situation for residents. Those attempting to make submissions based on these documents are left navigating a maze of uncertainty, further straining the relationship between the community and the City.</p> <p>Community Well-Being and Social Fabric</p> <p>The recent proposal has had a profound impact on the residents, manifesting in various forms of distress, including financial, emotional, social, physical, and mental strain. Since the initiation of public consultation, there has been a noticeable shift in the Tree Streets community, with 4-5 properties being listed for sale. This trend underscores the deep-seated anxieties families are grappling with. Many are apprehensive about their financial future, fearing that they might be unable to bear the costs associated with staying in their homes. This concern is especially poignant for families with children, as they worry about potential disruptions to their children's social relationships. Additionally, the looming prospect of increased expenses due to heritage rules means that some families might be trapped in aging homes, burdened by escalating costs.</p> <p>The implications of the proposal extend beyond the immediate residents. There's a growing unease that the value of these properties, often viewed as a legacy to be passed on to the next generation, might be compromised. Parents are troubled by the thought that their children might inherit properties that are more of a liability, often referred to as a 'white elephant', rather than a valuable asset. This sentiment is particularly resonant among retirees and pensioners, who, with limited financial resources, are daunted by the potential additional costs of adhering to heritage requirements while maintaining their homes. The cumulative effect of these concerns paints a picture of a community in turmoil, grappling with the uncertainties and challenges posed by the proposal.</p> <p>Cost Burden to the Homeowner</p> <p>The introduction of the new regulations has brought about a slew of financial implications for homeowners. One of the most pressing</p>

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		<p>concerns is the escalation in costs associated with maintaining or developing homes to meet the new compliance standards. These increased expenditures fall squarely on the shoulders of homeowners, who, ironically, do not reap any of the benefits that might arise from these regulations. Compounding this issue is the absence of any compensation or funding mechanisms to alleviate the financial strain homeowners now face.</p> <p>Furthermore, these regulations have inadvertently affected the market dynamics for properties in the area. The diminished flexibility to develop or modify homes directly impacts their potential market value, making them less attractive to potential buyers. The heritage restrictions further narrow down the pool of interested buyers, making the selling process more challenging. This limited buyer interest, combined with the constraints on property development, inevitably leads to a reduction in the achievable selling price.</p> <p>In essence, homeowners are confronted with a dual financial blow. Not only do they face immediate and increased costs, but they also grapple with potential long-term financial repercussions. These monetary burdens, both immediate and ongoing, underscore the profound challenges homeowners are set to face in the wake of these new regulations.</p> <p>For all these reasons, I STRONGLY OBJECT TO THE PROPOSAL.</p> <p>The proposal and all documents should be withdrawn, and it should be removed from the council draft agenda, from any discussion forums, and from any decision-making meetings, and it should not be revisited.</p>
77		<p>I object to the "tree streets" being incorporated into a heritage area due to the following 3 main concerns:</p> <ul style="list-style-type: none"> • Financial hardships - increase in insurance premiums, loss of property value due to the area being in less demand [REDACTED], the high cost of having to replace 'like for like', inability to efficiently install environmental equipment such as water tanks and solar panels which may be viewed from the street - loss of potential energy savings. • Reducing the number of young families in the area due to hassle, cost, and inability to individualise their homes (I bought into this area with the intent to start a family and be a part of the community). • Lack of upkeep - people who cannot afford 'like for like' will not upkeep their homes and this will have an opposite effect to what this proposal is aiming to do. My understanding is that the council has no intention on offering financial support regarding upkeep. <p>Additionally, I lack to understand the 'heritage reason' for wanting to include this area (other than it is a nice area which has been well maintained by its owners).</p> <p>Thank you in advance for reading and taking my concerns into consideration.</p>
78		<p>Submission contained 71 page document DOC/1176700</p> <p>Submission contained 9 pages please see: DOC/1177257</p>

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79		<p>I would like to state my <u>STRONG OBJECTION</u> to my home being placed in the proposed Tree Street Heritage Area [TSHA] Draft Local Plan Policy [LPP] 4.3.</p> <p>I was made aware of the proposal in a letter dated 10th July 2023 from the Heritage Strategic Planning Officer xxxxxxxxxx. This letter states that at a meeting on 27th June Council resolved to proceed to advertise the proposed Tree Street Heritage Area. I obtained a hard copy of LPP 4.3, a map of the proposed area and an outline of LPP for Heritage Listing, Assessment and Concessions and was shocked at the apparent extent that Council wishes to intrude in the activities that could be undertaken on my high contribution property should the TSHA proceed.</p> <p>My objections are listed below.</p> <ul style="list-style-type: none"> • As planning must have been underway for some time, why was no canvassing of owners and residents' ideas and opinions undertaken? • Why such a <u>short time frame</u> for owners and residents to read, understand and comment on the proposal? Since lengthened. • The LPP 4.3 (9.3) states in the Intent and Design guidance that <u>repair, maintenance</u>, restoration and reconstruction in consultation with a qualified heritage professional <u>CAN</u> be required of owners. <u>MAINTENANCE ISSUES dealt with over the passage of time should be owners' responsibility only.</u> • Who determines whether these repair, maintenance issues require a heritage professional? • What does a Heritage professional charge? Who pays? • The use of the word <u>ENCOURAGED</u> in the Design Guidance is demeaning to owners and open to broad <u>interpretation. WHO encourages and HOW.</u> • The stated Development Fee application waiver, <u>how long does this last, as long as the TSHA is in place?</u> This needs to be specified!! • <u>The outline of Council Rates discount for 5 years is ambiguous.</u> Is it 5 years from the adoption of the TSHA for all owners, or is it calculated out for each owner over an extended period whenever they need work done that an application must be submitted for? E.g., An owner does works 2024, applies for first year of rates discount, then in 2029 does more work and applies for the second year of rates discount? <u>This needs to be made clear!!</u> • There are <u>VERY STRONG</u> statements of the obligations and expectations of owners but a <u>VERY WEAK</u> commitment by council in assisting to retain the charm of the area? • Has an <u>IMPACT STATEMENT</u> been undertaken by Council to consider how the proposal will affect owners and residents into the future? <p>Reading through LLP 4.3 and LPP for Heritage Listing Assessment and Concessions trying to work out how this proposal would possibly affect the quiet enjoyment owners and residents expect from their homes has been an unwanted strain, and I know from speaking with neighbours already very busy with work/ family, some dealing with complex family and health issues it is an unwanted intrusion</p>

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80		<p>and an emotional burden to even have to think about let alone writing and submitting a Submission of Objection.</p> <p>Objection to the City of Bunbury Draft Tree Street Heritage Area Proposal 4.3</p> <p>We the residents of [REDACTED] wish to express our unequivocal objection to the City of Bunbury's Proposal, Local Planning Policy (the Policy) as prepared under Schedule 2, Part 2 of the Deemed Provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>The proposed policy has been flawed from its inception and has failed to meet the acceptable criteria for the development of a heritage area or take into consideration the negative impact that it would have on the residents of the Tree Street Area. Based on the below points we call for the abandonment of the proposal in its entirety.</p> <p>The Guidelines for Heritage Areas 1.3 (WA Planning Commission, 2023, p.6) states "A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. It further states, "A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list."</p> <p>The Heritage Council of WA's, "Guidelines for the Assessment of Local Heritage Places" process has not been applied in relation to the consultation process. Section 2.1 requires that consultation with stakeholders at the commencement of the assessment process. At no stage prior to receiving notification of the council's draft proposal did we receive any correspondence notifying us that an assessment was under way. If that process had been followed, we could have easily demonstrated to the assessor that very few elements of the original building structure remain. Over the last 30 years extensive changes have been made to the property by us and the previous owners. While we and the previous owners have maintained the essential character of the home, this is no way constitutes a home that would meet the criteria for a heritage area high contribution value.</p> <p>It would appear that with the sad passing of the person initially employed to conduct the assessment the City of Bunbury has scrambled to complete the assessment by essentially conducting a desk top audit using inexperienced and poorly qualified people. Again, at the council's consultation meeting held on the 8th of August xxxxxxxxxx admitted that the assessment process was flawed, stating that the City of Bunbury did not have access to any historical photos of the Tree Street areas from the last 30 - 40 years and therefore were unable to establish how many of the homes in the area would have appeared at that time. It would appear that the City of Bunbury's Tree Street Heritage Area Proposal 4.3 is based upon a deficient assessment process and report that has no historical integrity or quality control measures.</p> <p>At the council meeting on the 8th of August, xxxxxxxxxx acknowledged that the residents of the Tree Street area had done a good job in maintaining the character of the neighbourhood. To now apply a blanket Tree Street Heritage Area would constitute a draconian and oppressive abuse of power.</p> <p>The Draft Tree Street Heritage Area Proposal 4.3 is at best is ambiguous, with contradicting statements throughout. While City of</p>

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		<p>Bunbury staff have attempted to reassure residents about the concerns raised in relation to the impacts the policy would have on them, these reassurances seem to be hollow when reading the draft policy. Experience would say that when there is a point of difference between residents and City of Bunbury planning officials, they are going to refer to what is in black and white in policy documentation. This was clearly demonstrated at the council's community consultation meeting on the 8th of August when the matter was raised an no consensus could be achieved on how the document could or should be interpreted. Similarly, there are conflicting points of view being expressed by City of Bunbury staff and council officials as to whether this policy in relation the requirement for approval for internal works. Any attempts to control the internal structure of a resident's home is an invasion of privacy and contravention of basic human rights to live in peace without undue interference.</p> <p>At points within the proposal, it indicates that gardens and fencing at the front of properties would come under the approval processes contained within the document. Again, this raises the question as to how the City of Bunbury would determine what constitutes a heritage fence or garden." Section 9.3 A.1 b) Contributory elements such as ancillary buildings and secondary structures including fences, gates, and gardens. No elements of the original garden or fencing remain and so one begs to question what contributory value these hold.</p> <p>My wife and I take pride in maintaining our property and its gardens to a standard that enhances the character of the area but does not constitute a heritage contributory factor.</p> <p>Application of this policy creates an ongoing financial burden to house owners, particularly with the requirement to conduct maintenance and repairs using like for like materials. In many cases materials are no longer available or would need to be custom made at significant cost. A cost which is totally borne by the homeowner. The City of Bunbury has offered no adequate compensation other than a tokenistic offer of a reduction in rates and planning approval costs for a time limited period. Continuing maintenance on our older homes is not time limited and therefore residents will bear the ongoing financial burden. For the ageing population in the area, many of whom are pensioners, the requirement for like for like replacement will be beyond their financial resources. A likely impact will be the degradation of buildings in the area due to inability to meet the financial costs of maintaining their properties in accordance with the policy. Younger families who have worked hard to be able to afford to buy into the area are also likely to be heavily impacted and may need to leave the area, negatively impacting the diverse social structure of the tight knit Tree Street community. It would be highly erroneous of the City of Bunbury to assume that homeowners in the area have the financial resources to conduct maintenance and repairs in accordance with the restrictions of this policy. Young families forced to leave the area would no doubt have a negative impact on the number of enrolments at Bunbury Primary School and other local primary schools.</p> <p>Creating a Tree Street Area also has a significant deleterious impact on property values and sale ability. XXXXXXXXXX stated at the council's community consultation meeting that the City did not have the experience or expertise to comment on whether property</p>

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		<p>values would be affected by the proposal. We sought advice from a local real estate agent whose family has more than fifty years' experience in the local real estate market. The advice received was that values were likely to drop and that the pool of potential buyers due to the restrictions it would place on their ability to make any alterations to the property and significantly increased costing for any approved changes based upon the like for like requirements of the policy.</p> <p>Residents have raised concerns with various councillors that non-submissions will be counted as 'not objecting' to the proposal. This process is undemocratic and does not accurately reflect the voice of the people they have been elected to represent. Furthermore, the councillors on the Heritage Committee have clearly indicated to multiple residents that they are in favour of the proposal and not interested in hearing the voice of the people who would be directly affected by the application of the policy. Principles of natural justice and procedural fairness would suggest this is an unacceptable position and therefore should be excluded from voting on the proposal. The vast majority of councillors who will vote on the proposal do not live in the Tree Street area, and as one resident put it, at the consultation meeting on the 8th of August, "don't have any skin in the game."</p> <p>Approximately 175 residents attended the council's community consultation, and we did not hear one resident voice their support for the proposed Tree Street Heritage Area. What also was clear was the level of mental distress that the council's proposal is causing residents of the Tree Street area. The council has a duty of care to consider in its decision-making processes the real and potential psychosocial impacts of its decisions on the members of the community it serves.</p> <p>In summary, the residents of the Tree Street Area have demonstrated for decades that they are more than capable of maintain the character of the area and have a genuine desire to continue to do so. There is no need, nor is it appropriate for the council to move forward with the proposed Tree Street Heritage Area proposal. "If it ain't broke, don't fix it."</p>
81		<p>I would like to submit my reasons for my strong objection to this proposal.</p> <p>I think the City needs to understand the potential impacts on the commercial precinct that exist in the proposed area, in addition to the residential impacts. We are a unique business in this area in that we do not advertise online or use any form of social media. We work hard to have a strong presence in the local community - many of our clients are residents of the area, we support local businesses in the area and support the local school in the area wherever possible. For this reason, I request for the City of Bunbury to keep my name, business and other personal details redacted on all public documents.</p> <p>Summary:</p> <p>This Tree Street Heritage Area and Local Planning Policy 4.3 is a plan to fundamentally change the nature of a person's property investment. Councilors must bear in mind that property is the largest investment asset for most Australians. It is their home, their future retirement plan and often something they will spend a lifetime working to pay for. All affected residents made a very careful consideration of all facts at the time of purchasing their property, and that assessment will have included in every case, that they have the ability to use their property for its highest and best use value at any point in time. A vote to implement this plan is a vote to</p>

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		<p>remove this right from all property owners and I ask councilors to carefully consider the extensive emotional, mental and financial this is having on all directly affected property owners. This would be entirely different if you were inviting property owners to be involved in the scheme or making it applicable to new property owners entering the area who would then be able to consider this limitation in their choice to make a significant financial investment but to impose it onto pre-existing owners is a very different proposition. While I fully understand the reasons for the proposal and would love to see the area remain in its current character, there are far more serious considerations than aesthetics involved in this decision. I have attempted to detail some of these below.</p> <p>1. Commercial Considerations:</p> <p>Insurance – Due to the nature of our commercial building insurance, the need for insurance cover to include like for like replacement, being that we are identified as a high contribution area, we have been told would require reassessment. [REDACTED]</p> <p>[REDACTED] With any heritage area listing our insurer will require a full licensed valuation before assessing whether they will continue our insurance and acknowledge the insured value will likely need to be increased, thus a premium increase is expected. Obviously, the Replacement Value assessment is a further cost to us also.</p> <p>Services – [REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] If we were in a heritage area, the position of our solar panels for maximum efficiency would have been dictated by regulation, rather than optimal environmental benefits. Our roof space is North facing but others in the area may not be. Councils have increasing pressure to ensure they are not hindering environmental advancements and one of my objections lies in that we do not know what the future holds in terms of available technology that will benefit the occupier and the environment. I would not want to be put in a position where the facade of my property was more important than my contribution to the environment.</p> <p>Property Value/ Business Lending - In the four years we have owned this property we have chosen to maintain it in its current heritage style. It has definitely proven to be a costly exercise and requires constant maintenance. We have white ants, salty air and sinking, uncompacted ground in this area and the effects of these elements need constant attention. Although we have been willing to make this investment and will continue to do so wherever commercially practical, it is currently our choice to do so, and we may not always be able to afford to maintain the facade in these exact materials and style. I do not believe all homeowners in the area are either willing or financially capable of making such an ongoing investment. At the time of buying these properties, no current homeowner will have factored into their investment decision that would not have any option but to replace and maintain properties to this like for like standard, and if they had have known I think their property purchase decisions may have been different. I can say with 100% certainty that if this property was in a heritage listed area at the time of purchase, we would not have purchased it. In fact, we specifically checked this fact, and the bank who have mortgaged the property also checked this was not the case.</p>

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		<p>Any heritage area listing now would have to be declared to the bank providing our business loan and they would require revaluation of the property at our cost. Any decrease in value may affect our overall business lending. [REDACTED]</p> <p>[REDACTED]</p> <p>Any heritage listing will substantially decrease the available sales market and therefore worth of our property. I believe this effect will be far more substantial for commercial use properties such as ours which although zoned mixed residential, are not fit for residential purpose. A high contribution listing in a Heritage area would make it almost impossible to covert for any residential purpose (discussed below).</p> <p>Property Use - We have had two members of the council attend the property to answer our questions and clarify facts in relation to this section. We still await our response to these questions, so I am detailing below the problem I raised with them. I believe there is potential conflict between the heritage regulations and regulations around commercial use in a mixed residential zone which may need considering further.</p> <p>This heritage area plan puts us at risk of being left unable to operate from the premises. We may be left with an unsaleable property, or at least significantly devalued, as there is the <u>potential that the property will be unable to be used for commercial (discussed below), residential purposes (missing main rooms - No shower, bath, kitchen or carport and many unopening windows, no front or side yard fencing for security) and would then not even be able to be demolished for land value.</u></p> <p>Being a mixed residential use property we had clarified by the council at the time of purchase that the commercial use of the property is grandfathered due to its prior commercial use as an office and therefore we were free to operate our accounting business from the premises. It was implied to us that we could never change the use or make any building development application of any kind or this may render the property unusable for business purposes as we would have to comply with parking and disability regulations, which would be impossible given there is no available land space. (The only small space potentially available is the front facade area which under this proposal would require protection). Therefore, we have always been mindful to maintain the property as is so as not to do anything that may require a building/development application. If we were to have to put in a development application to perform external works to the property under heritage requirements, of which there is plenty to do on an ongoing basis, we are concerned this may trigger an effect that makes us not comply with other business use legislation.</p> <p>If we wanted to sell the property under a heritage area, our buyers would become limited. The property cannot be demolished or altered and fenced off on the verge for residential purposes. The commercial use buyers would be limited to those who could use the building for exactly the same office use as we have it, as any additional carparks would need to be at the front of the building, significantly changing the facade.</p> <p>Council Resources – When we purchased the property it took more than a year to get through a successful signage application. In our experiences with the City of Bunbury planning and development departments so far, although the staff have been very helpful, we find they have all struggled with the effects of understaffing. Have the council considered how they will cope with the additional</p>

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		<p>applications as a result of this potential heritage precinct. The turnaround times would have to be prompt to allow essential maintenance to be performed (often with urgency). Will more staff be required and who will pay for those resources - Will those in this heritage precinct have increasing rates to cover the associated costs and if so, is this an acceptable impost on those not in favour of this plan? Or will there be an increase in costs on all rate payers and if so, is this the best use of funds?</p> <p>2. Community Considerations:</p> <p>I strongly feel that a heritage area should be about more than just construction. It should be about preserving the stories behind the properties. I personally do not know any of the history around my particular property or the people that built it back in the early 1900's, and as far as I am aware nor does the City of Bunbury. I cannot be sure of what heritage I am preserving in this situation. I note that other actual heritage listed properties in the Beach Road area all have a background story to their property, it is more than just about the architecture.</p> <p>Bunbury has done wonderful work in recent times in acknowledging and raising awareness in the community in respect of the traditional owners of the land in this region. Although I respect that this heritage precinct is likely being considered with the thought of preserving the aesthetics of buildings from a particular era, we must as a community stop to fully assess the impacts of preserving a time and place in history on all community members.</p> <p>3. Alternative Strategies:</p> <p>Review High School Zoning:</p> <p>Review Bunbury High School Zone to include South Bunbury residents at a minimum – Aim to reduce the movement of people into the area for school location only. These people are moving likely due to location for school choice only and not because they like the character of the area. They are less likely to choose to retain the character of a property and more likely to subdivide land to fund expensive property purchases, or demolish to build a lower maintenance, larger family home. It would provide the option for families to move to, or remain in, other areas of Bunbury. I understand Bunbury Primary School is a small school and therefore can only include those in the immediate vicinity, but High School is, in general, a far more vested decision for parents and including such a large conglomerate of children from other council areas at the exclusion of those in the Bunbury area seems to put an unnecessary pressure on housing density in an area you are seeking to preserve.</p> <p>Density Codes:</p> <p>Maintain residential density codes in the area at a level that supports the maintenance of the aesthetics of the area that the council is wanting to preserve.</p> <p>Individual Property Heritage Listings:</p> <p>Increase awareness in the community of the importance to the Council of the area and provide incentive/assistance to individual property owners to choose to Heritage List their individual properties. This may not maintain all properties in the area but surely those in support of this submission may be willing to participate in order to protect some of the area.</p> <p>Review the area under consideration:</p>

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		<p>Beach Road in itself is a very busy road, largely now occupied by commercial use businesses that service the residents of the area and play an important part in bringing people from out of town to visit the area of Bunbury. A significant portion of the street has moved on from the character of the tree street area. It does not possess the same aesthetic appeal as the tree streets themselves. For the City to encourage businesses to remain based in Bunbury they should avoid putting any further restrictions on small businesses. Small business has been through an extremely tough few years and the mental health of any and every small business owner will be at a point where additional requirements, additional legislation, additional restrictions may be just be too much to warrant continuing to operate in the area. All small businesses want to choose to operate in an area with a progressive council, who support change and small business and Bunbury still has a lot of work to do to position themselves at the forefront of this criteria.</p>
		<p>Overall, the City has failed to holistically assess the benefits and impacts associated with this proposal. Heritage, and its value to the community, needs to be considered beyond the contribution of a building's facade and needs to reflect current drivers (not adequately captured) and align with future development aspirations of the City.</p> <p>Please see attached word document for further detail.</p> <p>The following comments have been provided in support of my strong objection; The potential increase to insurance premiums has not been identified or well evidenced.</p> <p>While the City has stated there is no evidence to suggest premiums would increase, it has failed to undertake this component of investigation within the assessment. It would make sense that premiums would naturally rise in a heritage area given the requirement (cost) to replace 'like for like' or to 'retain rather than remove'.</p> <p>At a bare minimum, the City should make enquiries to a range of insurance companies to better inform the discussion and show evidence to support its claims. The City should consider a range of properties, current value, condition, age, security etc. in a suite of hypothetical scenarios to inform this unqualified impact.</p> <p>The City has provided no information with regards of potential/likely rate increases for the area as a result of heritage listing.</p> <p>It is expected there would be additional costs to the City in context of processing and assessing an increased number of development approval applications. While subsidies exist, this would be eroded by rate increases over time.</p> <p>City of Bunbury have not identified revenue/costs associated with the proposed Heritage listing and LPP4.3.</p> <p>Notwithstanding subsidies, waivers and access to heritage services, there is likely to be an overall increase in revenue raising for the</p>

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		<p>City as a result of increased development applications and their associated fees – the City has not identified the potential contribution of these increases or how the City proposes to utilise this additional revenue. Conversely, there is no mention of any costs to be borne by the City as a result of this proposal.</p> <p>The City has not identified the average cost to property owners as a result of this proposal.</p> <p>It would appear the proposal sets out to ‘protect existing heritage value’ however the proposal does not consider ‘at what cost’. Much of the burden in context of the time (development application) and cost (like for like materials) is borne solely by the property owner. At a bare minimum an average annual cost to owners should included in the assessment.</p> <p>The City have not committed any additional contributions, additional work or services to support the proposal.</p> <p>Unlike City of Vincent, who have committed to street scape assessment, underground power, tree management and planting, the City of Bunbury has not included ANY additional works or services such as improved streetscaping and verge maintenance to support the broader vision of the heritage listing proposal.</p> <p>The assessment should necessarily differentiate between private homeowner and business operations.</p> <p>There has been no allowance or consideration in the proposal that differentiates between residential and business-related properties. There are inherent differences between the two that should be considered and accounted for in the proposal.</p> <p>The City has not considered the demographics of the community within the affected proposal area.</p> <p>This information is critical in determining the type and extent of development expected in the area. A survey of the occupants would assist in supporting or re-aligning the proposal to an alternate pathway.</p> <p>Further, the status of the Bunbury Primary School as a ‘school of choice’ should be considered given recent successes at the school. The City should enquire with the school to identify the rate or increase in student applications so that a holistic and integrated approach to maintaining value can be applied for the broader area – particularly give the small catchment area.</p> <p>The heritage assessment is limited in scope and extent.</p> <p>I understand that both a visual (kerb side) inspection and desk top assessment has been used by the consultant in deciding on the</p>

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		<p>contribution value of each property within the proposed heritage area boundary. This assessment only provides a snap-shot view of the property in time. It is impossible to classify contribution value without any documented proof (photos) of the history or original form of the structure being assessed.</p> <p>The expectation for owners to undertake re-classification work if they dis-agree with the contribution value of the Heritage Assessment is completely in-appropriate. Contribution value is supported by a half page assessment of tick boxes that is not easily understood by the lay-person. It is therefore inappropriate to suggest that challenges need to be supported by further work by the owner.</p> <p>The assessments/tools utilised by CoB do not provide an integrated and systemic approach to adequately consider all aspects of heritage value.</p> <p>There are a number of direct/indirect, tangible/intangible values that have not been considered in the assessment and therefore it is skewed to support the proposal instead of providing an objective view or a view to an alternate pathway. Again this reflects poor scoping by the City and by the consultant.</p> <p>The assessment does not consider or assess impacts to the ‘valuation’ of a property.</p> <p>An evaluation of our property was undertaken prior to purchase that clearly identifies the need for re-evaluation if Heritage values/listing are or will be applied. The City of Bunbury have completely sidestepped this issue by suggesting there is no evidence for a reduction or increase in valuation WITHOUT providing any evidence. This is a shortcoming of the assessment and needs further investigation at broad and property level.</p> <p>The assessment provides no consideration or assessment of other options with respect to maintaining ‘heritage values’ or ‘character’ without the need for formal heritage area listing.</p> <p>Alternate options need to be identified and considered. Owners do not accept there are not other pathways to protect the heritage character and associated value of the tree street area.</p> <p>Consideration should be given to the verges and streetscape of the ‘tree street’ area for what largely makes this area what it is today.</p>

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		<p>Again, this element speaks to the lack of scope and extent of the assessment done to support the proposal.</p> <p>The City has suggested that zoning changes without heritage listing may result in further subdivision and loss of visual amenity in terms of heritage value without providing data to support this claim.</p> <p>No indication of the number and type of subdivision or other related development approval applications submitted previously to date. This data would be beneficial in illustrating some of the external drivers, that have been raised during the consultation process, but not substantiated.</p> <p>The consultation process has been poor from the get-go.</p> <p>The City need to work with people in the subject area early and without prejudice so that the process can be accountable, open and honest. It will be near on impossible to get the required support from the community to implement this proposal. As such a review needs to be done with respect to how the process was implemented, what worked, what didn't and identify a raft of improvements so that future engagement does not repeat such mistakes.</p>
82		<p>Submission to City of Bunbury draft Local Planning Policy 4.3</p> <p>Demolition - There are a number of dwellings that are in an extremely rundown condition (as highlighted in the heritage assessment report). With the proposed heritage restrictions these dwellings will remain this way and these and others will deteriorate further, due to the purchase of these houses being unattractive because of restrictions in what owners can do the buildings and the expense of complying with the restrictions. We understand that the draft Policy is seeking to stop purposeful neglect being an approved reason for demolition, however this means that houses that are already highly neglected are unlikely to be of interest to potential owners who are interested in owning and maintaining a heritage building and so will remain that way. This outcome is counter-productive with what the draft Policy 4.3 is attempting to achieve.</p> <p>Conservation - The retention of existing glazing and therefore restrictions on replacement using energy efficient glazing is not supported.</p> <p>Incidental development - The restriction of placing solar panels on the most energy and cost-effective aspect (which could be street facing) is not supported.</p> <p>The above restrictions within the draft Policy 4.3 are inconsistent with the City's existing plans/policies and WAPC State planning policies, highlighting that the proposed Heritage Policy 4.3 is not contemporary and does not reflect today's community or best practice planning expectations or standards.</p> <p>The above restrictions are not consistent with the City's Strategic Community Plan 2023, which identifies:</p> <ul style="list-style-type: none"> • Climate change (identified as a top local priority) – states that the City will; Facilitate and promote renewable and alternate energy production and storage across the City of Bunbury.

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		<ul style="list-style-type: none"> • The community would like the City to become a leader in sustainability and adoption of renewable energy. • Objectives include - Encourage the adoption of sustainable practices. An aware and resilient community equipped to respond to natural disasters and emergencies. • Minimise risks and impacts from fires, floods, heat waves, and other natural disasters. • Identifies that the City has a role to - We help to make it possible or easier to meet community needs. <p>The above restrictions of the draft Policy are also inconsistent with State Planning Policy 3 – Urban Growth and Settlement, which include:</p> <p>Objectives include - promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand while ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.</p> <p>The above restrictions in the draft Policy are also inconsistent with Planning Policy 7 – Design of the Built Environment (which applies to development applications)</p> <p>Sustainability design principles:</p> <ul style="list-style-type: none"> • Sustainable built environments use passive environmental design measures at various scales, responding to local climate and site conditions by providing optimal orientation, • shading, thermal performance and natural ventilation. Reducing reliance on technology for • heating and cooling minimises energy use, resource consumption and operating costs over • the life-cycle of the project. • Sustainable design also includes the use of sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures, harnessing of renewable energy sources, and total water cycle management. <p>The additional cost impositions and restrictions regarding achieving energy efficiency of houses would be inconsistent with housing affordability objectives, including the City’s Housing Strategy which includes:</p> <ul style="list-style-type: none"> • Objective - Ensure sustainable and environmentally responsible residential development is delivered throughout the City of Bunbury. <p>Residential design code, 5.4.3 Outbuildings - we consider requirements for sheds to be built out of traditional materials and not visible from the street to be completely unreasonable and unachievable, from both a significant cost imposition on owners and practicality perspective. Many areas of the proposed tree street heritage area are subject to undulating terrain, with areas of blocks being higher than street levels, making it impractical and unfeasible for sheds to not be visible. It is unreasonable to expect residents to have forego being able to have a shed due to these restrictions.</p> <p>Landscaping and boundary fences - the fence height restriction should not apply to side/boundary fences, residents should not have to give up having privacy in their yards due to living in a heritage building. Dictating to owners/occupiers what they can plant in their own</p>

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		<p>gardens is also considered unreasonable and an over-reach. We consider it unfair and illogical that the same restrictions apply to all dwellings regardless of how much they contribute to the heritage landscape (i.e., low, moderate being treated same as those with high contribution).</p>
83		<p>I strongly object to the proposed Tree Streets Heritage Area and Planning Policy 4.3 as it restricts my ability to develop my property and will contribute to higher building costs. As a result, it will also devalue the property. A precedent has already been set with new developments in the area which are not consistent with the proposed Heritage policy. I purchased the property on [REDACTED] due to its location, proximity to the City, schools, parks and all the lifestyle advantages the tree street area offers. It was important for me to be able to future develop to maximise my investment – being able to uplift without the imposition of unnecessary constraints. Restricting the potential to develop will have a direct effect on the value of my property and will affect future options for my family to develop for our needs financially and emotionally.</p>
		<p>I strongly object. Please refer attached page for justification supporting my submission. Objection to the proposed Tree Streets Heritage Area and Local Planning Policy 4.3 due to the following:</p> <ol style="list-style-type: none"> 1. It will negatively impact property owners who will suffer for the following reasons: <ul style="list-style-type: none"> • Reduce property values and subsequently affect the personal equity of owners • Limit ability of owners (or anyone else) to redevelop – the proposed rules not only restrict what owners can do but will also increase costs for any redevelopment work • Reduce potential purchasers desire for the property and therefore limit the owners ability to sell the property at market value 2. Considering a precedent has already been set with new developments in the area that are not consistent with the proposed policy, adopting such a policy is unfair on property owners who have future plans to redevelop their property. 3. The proposed policy could have the potential for properties to become run-down as owners have no incentive to upkeep their property if they do not agree it. 4. Should this proposed policy be adopted, property owners should be able to seek compensation from the Council. Such compensation would be a considerable cost to the Council and will result in increased rates for rate payers. <p>Additionally, property owners in the area should have been consulted before work on this proposal even started. Why are we only being consulted now? This highlights the Councils lack of consideration for property owners and demonstrates wasteful use of rate payer funds.</p>
84		<p>It is unbelievable that Bunbury Council, which is supposed to represent the people of Bunbury, would launch a heritage precinct proposal without discussing this significant matter with the people residing in the Tree Street area. For compensation, the council has offered a few thousand dollars, this isn't very respectful. Everyone is aware of the country's financial</p>

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		<p>difficulties, including Bunbury, and renters and homeowners are also right in the firing line. Yet, the increasing financial liability ensuing if this proposal should pass would be detrimental to both parties.</p> <p>If successful, the proposal would prevent the area from rezoning R20, despite the federal government requesting the states to implement changes allowing for higher density living within city boundaries to assist with the extreme housing shortage for buyers and renters. With their current strategic plan to implement zoning changes, the Bunbury City Council would sabotage this change by declaring the area a heritage precinct.</p> <p>I have a large rear garden, which would be ideal for a second home. Our homes have been well maintained in general. We have allowed our homes and gardens to be used for the Tree Street Art Safari with colossal success, an excellent platform for exposure for artists in the area. The council is putting this event at risk. Our homes are old but not of significant historical and architectural value. They were surveyed remotely without residents being included or allowed to participate. Where am I going to access and pay for like-for-like materials?</p> <p>At a recent town meeting, I was asked about my commitment to the city's future. I have been a GP in Bunbury for forty years and have answered calls to the hospitals and people's homes many times out of hours over the years. For my commitment to Bunbury and its welfare to be questioned is both insulting and offensive.</p> <p>There are several of my neighbours who will present detailed submissions that contain all the rules and regulations that have been violated in this process. I applaud them and will help them prosecute their case. I have tried to access [REDACTED] about his statement at the recent town meeting about the Bunbury strategic plan and the rezoning of Tree Streets, to no avail. Also, a neighbour has told me that he has left four messages for one Councillor to discuss various matters about this proposal, which has yet to be replied to.</p> <p>I spoke to [REDACTED] a well-known events manager involved in promoting Bunbury on and for various occasions. She told me that South Bunbury, an adjacent suburb, was rezoned, and they had built a place at the rear of her existing house.</p> <p>Everyone is entitled to be treated equally and have the same opportunities. Any household owner who wishes their house to be heritage listed can put forward their case individually.</p> <p>In 2004, the council rejected the Tree Street heritage proposal, and it was stated that the area's residents should drive any such change. There is no evidence that this recommendation has been followed.</p> <p>**2nd & 3rd page of the submission includes indexed listings ?????? DOC/1177147</p>
		<p>I object for several reasons, among them being the complete lack of proper consultation, especially its lack during the formative planning stages. Waiting until legally obligated!</p> <p>A significant onerous financial burden is being placed on owners and residents, and tree streets are regarded as being character areas NOT heritages ones!</p> <p>As private citizen who resides in Tree Streets, specifically [REDACTED]</p> <p>Plus, the proposal would negatively affect the property value and I do not see the city compensating for that loss! There has been a clear lack of regard for Tree Streets, especially for residents, and financial burden or repair, maintenance, insurance costs and the pool</p>

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		<p>of buyers. Furthermore, it is unnecessary! The Character of Tree Streets has endured very minimal change, and this whole venture seems indicative of bureaucratic overreach and make work. There are fair better uses for this zealously that would actually help people, especially if attention was redirected to infrastructure or even charity.</p>
85		<p>I formally express my objection to the proposed Tree Street Heritage Area and Local Planning Policy 4.3, as detailed in my communication sent to the City of Bunbury Council on [REDACTED]. I believe the policy's restrictions may hinder responsible property improvements while seeking to preserve the area's heritage significance. I kindly request the Council to consider the concerns raised in my communication and work towards a balanced approach that respects both heritage conservation and property owner rights.</p> <p>I am writing to express my strong objection to the proposed Tree Street Heritage Area and Local Planning Policy 4.3, which aims to conserve areas of heritage significance in our beautiful city of Bunbury. While I acknowledge the importance of preserving the heritage and cultural value of the Tree Street area, I believe that the current proposed policy is excessively restrictive and will have adverse effects on ratepayers and property owners in the area.</p> <p>I understand that the policy's intent is to protect the historical and aesthetic value of the Tree Street area, and I genuinely appreciate the need for such preservation. However, I urge you to consider the concerns of affected ratepayers who have invested in this area and wish to contribute to its preservation without facing unnecessary hardships.</p> <p>My objections to the proposed policy are as follows:</p> <ol style="list-style-type: none"> 1. Building height restrictions: The imposition of height restrictions seems unreasonable, especially when there are already existing multi-story buildings in the area that blend harmoniously with the heritage aesthetics. Flexibility should be allowed to accommodate diverse architectural styles that complement the heritage look of the Tree Street area. 2. Setback of carports and garages: Many properties in the area may not be able to comply with the prescribed setback requirements for carports and garages. This could result in unnecessary limitations on property development and hinder homeowners from making necessary improvements. 3. Restrictions on materials and colours: While I support the preservation of the heritage look and feel, requiring identical materials and colours on all properties may be too rigid. Instead, properties listed with the Heritage Council could be subject to such strict guidelines, while other properties should be allowed to achieve the same outcome with alternative materials, as long as they do not compromise the overall aesthetics of the area. 4. External fixtures, utilities, and facilities: The policy's requirement to conceal external fixtures imposes unnecessary costs on homeowners and may not be practical in all cases. Sustainable elements like solar panels should be encouraged and strategically placed for efficiency, even if they are visible from the streetscape. 5. Approval processes: The policy's requirement for minor works and internal works to undergo approval could lead to bureaucratic delays and impact homeowners' ability to carry out timely maintenance, repairs, and renovations. A streamlined process should be considered to promote timely maintenance and improvements. <p>I must emphasize that I support the need for a policy to protect the heritage and streetscape of the Tree Street area. As a proud</p>

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		<p>property owner in the area, my partner and I actively sought out and purchased our property in December 2022 with the intention of making significant renovations to improve the appearance and functionality of our home. Unfortunately, while we understand that our property will never be a heritage home, our planned works are designed to blend with the streetscape and preserve the area's character.</p> <p>If the current proposed policy is ratified, it would significantly impact our plans and place us in a financially burdensome position to adjust our renovations to meet the policy's stringent design elements. This would be a violation of our rights as property owners to utilize, enjoy, and improve our property as we see fit.</p> <p>I firmly believe that a well-balanced policy can indeed increase the value of the area over time. However, the current proposed policy, with its excessive restrictions, may deter homeowners from making necessary repairs and improvements, resulting in properties falling into disrepair and ultimately diminishing the value and streetscape of the Tree Street area.</p> <p>In conclusion, I respectfully urge you to reconsider the proposed Tree Street Heritage Area and Local Planning Policy 4.3 to strike a balance between heritage preservation and the rights of property owners to enhance and improve their home. Please take into account the concerns of the affected ratepayers and genuinely consider a more flexible and practical policy that achieves the shared goal of preserving the heritage charm of the Tree Street area.</p> <p>Thank you for your attention to this matter. I hope for a thoughtful and positive outcome that ensures the long-term sustainability and cultural significance of our cherished Tree Street Heritage Area.</p>
86		<p>I express my objection to the proposed Tree Street Heritage Area and Local Planning Policy 4.3 and 6.2.</p> <p>This proposal has caused owners of properties within this area significant anxiety and stress. The owners chose to purchase and reside within this area because of the character, charm and appeal of the location. The homes within this area have improved due to the unwavering love and devotion of the owners. Property owners should not be forced to bear full cost of maintaining a heritage listed dwelling given their diminished rights over their dwelling along with the inconvenience and bureaucracy associated with ownership of a heritage area property.</p>
87		<p>We are owners of two residential properties, (originals built circa 1930 and 1913) which we substantially renovated in accordance with the City planning requirements at the time. (1995 and 2010). In both cases we retained the heritage features as much as possible whilst constructing significant additions at the rear of the houses. Both these properties have been listed a 'high contribution' in Map 1 Tree Streets Heritage Area. This demonstrates our interest in and contribution to the heritage of the area.</p> <p>We do however have concerns with the proposed Tree Streets Heritage Area and Local Planning Policy 4.3. 'heritage' is a 'shifting' concept. The designations of high, medium and low contribution seem arbitrary. Inevitably properties constructed post-WW2 will need to be included in the register. There is also no indication/acknowledgement of the indigenous heritage that might be contained in the area.</p> <p>The area has attracted residents who value it for its location (close to the city centre, beach, schools, health services), larger blocks (currently preserved), older-style homes, trees, views. In response to the changing economic times many of these homes have changed</p>

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		<p>hands. During the 30 year period we have lived in the area, the local minimum boom of the early 2000s saw many engineers and their families in our street and property prices were high. This cohort have moved on and there are many medical professionals living in the area and medical offices in Beach Road and Spencer St.</p> <p>Older houses require frequent maintenance and conversion costs associated with solar power, heating and cooling and communications technology are high. To purchase an older home there requires a significant commitment to heritage and most residents are willing to do this. However, if additional rules specifically based on a heritage rating system are to be imposed, this may deter potential buyers.</p> <p>Residents already have demonstrated their commitment to the area through the successful annual Tree Street Art Safari and many have been prepared to open their properties to the public. Rather than impose one-size fits all heritage policy, we suggest that the Council through discussions with residents, work to improve the area – streetscapes, footpaths, tree and verge maintenance, playgrounds, Irwin Street Reserve access, encouragement to owners of vacant homes and rental properties to maintain yards and verges – and support those residents who wish to list their homes on the state/council heritage listing by perhaps some grants or reduction in rather to enable them to undertake sympathetic renovations. Council could perhaps revisit the area of underground power. This would remove the risk of damage to power lines during winter storms and remove the aging timber poles.</p> <p>The Beach Road business precinct needs careful development. Many older homes have been converted to business premises. The businesses at the corner of Beach Road and Jarrah Street have developed and are contributing to the ‘neighbourliness’ of the area but are restricted by limited parking and other planning restrictions.</p> <p>We support current planning restrictions such as subdivision, building height and commercial uses. We believed the area must be retained as a family friendly residential area.</p>
88		<p>First Submission:</p> <p>I object in the strongest terms to this proposal, and my attached submission will cover some of the reasons why.</p> <p>First and foremost, the rules, guidelines, costs and restrictions placed on homeowners within the area are an unwanted impost on homeowners who have in good faith purchased, in many cases, their biggest and most cherished possession.</p> <p>To have our rights as normal Bunbury ratepayers stolen from us in this way indicates a council that appears to have no feeling of community, or an understanding of the human implications of their actions.</p>

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		<p>SUBMISSION BY THE RESIDENT AT xxxxxxxxxx BUNBURY AGAINST THE PROPOSED HERITAGE RESTRICTIONS FOR THE TREE STREETS AREA OF BUNBURY</p> <p>I urge all ‘elected’ councillors to read and fully understand this, and all submissions, regarding this proposal. It would also be incumbent on any councillor voting on this proposal to fully read and research the Heritage rules and requirements, and to understand ALL the implications and possible negative side effects of such a proposal. Just so there is no ambiguity, I am completely opposed to this proposal.</p> <p>In my opinion this proposal represents, at best, a misguided attempt at heritage preservation that will not lead to the stated objectives and, at worst, agenda based bureaucratic overreach that will result in a massive impost and an unworkable set of restrictions on the true caretakers of this unique area of Bunbury.</p> <p>The homeowners who wilfully chose to occupy these beautiful homes in this wonderful area did so BECAUSE of the unique nature of the surrounds and properties, and have the greatest vested interest in its preservation. We have been totally excluded in the drafting of rules and guidelines on its upkeep, which is contrary to the council’s own study.</p> <p>In a response to the question regarding previous studies from 2004 and 2008, xxxxxxxxxx stated ‘There was action – investigation, consultation etc. It was resolved to not proceed with the heritage area at that time but to set up a Resident’s Committee to do further work. There were some meetings but appears to be limited records after 2008.’ Also, that ‘The City of Bunbury Local Planning Strategy for Heritage and Character was adopted on 6 November 2007.’ In fact, the councils’ own records that show ‘Council Decision (377/03) was not to endorse the draft “Tree Street” Heritage Precinct Local Planning Policy but required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area, with the geographical area being determined at a later date.</p> <p>There appears to be no information available to contradict the suggestion that the reasons the previous study was rejected are still valid. It also seems that this important point about the requirement of a community driven committee was ignored when the executive decided to proceed with the latest proposal without community involvement. An invitation for community submissions, post introduction, is NOT community involvement in the planning, and points to an agenda-based outcome being the objective. As stated categorically at the community meeting of 8/8/2023 in the council rooms, the process for Heritage, as set down by the council heritage committee, must proceed to a conclusion before any alternative solutions that may be more in keeping with the objectives can be explored or proposed. This process alone is a gross betrayal of homeowners and the community at large.</p> <p>PROPERTY VALUES</p> <p>The council has downplayed the prospect of reduced property values should this proposal be implemented. In answer to my suggestion to xxxxxxxxxx that prices may be negatively affected, she replied ‘This is not a heritage consideration. However, I did refer to reports by the HCWA that suggested positive impacts from heritage listings which is attached for your reference.’ I view this as more like ‘not our problem’.</p> <p>The HCWA report is directed at the upper end of heritage class buildings and high end homes, not the blanket listing of a large number</p>

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		<p>of basic structures that happen to be of a certain age or style that, while still being interesting and beautiful, are in the most, certainly not overly exceptional or historically linked to necessitate heritage listing in their own right, but are to be bound to the same restrictions and restoration costs as the more significant buildings that truly deserve the heritage tag.</p> <p>This report by HCWA reads more like a sales pitch for the heritage industry that is justifying their existence and excessive fee structures, and an attempt to increase their market. It is anecdotal and opinion based, with no back up reports or data, and appears self-serving, and therefore cannot be considered objective. The report, and the council’s denial of the effect on values, is categorically incorrect and lacks substance and fact. The undeniable fact is that there will be a diminished market willing to opt into a heritage area or home, with its added red tape and construction restrictions, and this leaves no room for any other conclusion than that reduced overall property values are inevitable. The only thing up for debate is by how much the market is diminished, and therefore, how much the price will be affected.</p> <p>Note that in 2014, a survey of 2000 people carried out by realestate.com.au, indicated that 60% of potential buyers would consider a heritage home as a disadvantage. Using anecdotal, offhand comments referencing East Bunbury as an example by XXXXXXXXXXXX in her meeting with me, or XXXXXXXXXXXX, Director of Sustainable Communities, in the public information session of 8th August, shows a total lack of genuine understanding and demonstrates that the council has not researched sufficiently, and does not intend to research or provide any objective data to back up their claims. That a council can be so arrogant and locked in on an agenda-based outcome without the necessary studies is astounding.</p> <p>The example used was the sale of a beautiful older house of high heritage significance selling for \$877k in a great location with water and park views on an 855m2 block. This home is arguably underpriced in comparison to 9 Stanley Street, which is a modern, land locked, house on 609m2 and not in the heritage zone, which sold for over \$1M. My opinion is that the homes in the East Bunbury Heritage zone have underperformed in comparison to the market price increases across Bunbury in the last few years, and all the houses within the proposed area of Tree Streets will also be hit with a downturn in value. High heritage homes will be affected by the reduced market, the increased cost of maintenance and difficulty in finding appropriate insurance. The medium, low or no heritage value houses will also be affected due to the added restrictions on construction styles materials and approvals. We will all be affected by the extra application fees and requirements to supply expensive heritage and structural reports that are not at present needed.</p> <p>INSURANCE</p> <p>Similarly to the home value question, in answer to my suggestion to XXXXXXXXXXXX that insurances may be negatively affected, she replied that ‘I mentioned that I did not know of a property that had not been able to attain insurance in East Bunbury Heritage area and there are some expensive properties particularly along Stirling Street. I have attached a fact sheet on this issued by HCWA’ This reply, and the report, demonstrates the same lack of data, research and care factor. The HCWA report is also dated, and ignores the accelerating trend by insurers to continually tighten their risk management in the face of growing environmental concerns. Insurance is fast becoming more expensive and restrictive, where insurance companies are looking for reasons to lower exposure to potential costs of repair increases. One area that is becoming oppressive is the added costs of outdated material due to supply.</p>

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		<p>Heritage is front and centre of the insurance industry’s quest to restrict exposure. Already a number of residents have been advised by their own insurers that there will be a significant increase in premium, or reluctance to insure at all. If this proves correct, and proof can be provided, a class action for compensation or a council requirement to underwrite some properties does not seem unimaginable, and could have a significant chance of success. A totally underwhelming offer of reduced rates for a few years will not cover the true cost.</p> <p>EXTRA COSTS OF DEVELOPMENT APPLICATIONS</p> <p>My request for information regarding extra development fees and Xxxxxxxx’s reply; -Fee requirements for building and modification applications. You stated that there would be no change to the development application process other than a heritage review being added to the approval process, which would be at no extra cost. Any application that was required for heritage reasons alone, that would not normally be required, would also be free. Partially correct – if a demolition was proposed, there would be a requirement for structural condition report (sic) and heritage impact assessment. If it was an application that sought a number of variations or was a very unusual build, there may be a requirement for a heritage impact statement to demonstrate how the design does not negatively impact the area. These reports would be at the owner’s expense but are only required as noted above.</p> <p>This comment states very clearly that all development applications will need to go through a larger and longer approval process that will more than likely involve long delays and fees, and will add time and/or costs to every attempt to manage maintenance and development that is not required at present, or on other ratepayer in the Greater Bunbury Area. This may end up actually having a negative effect on the preservation of the area due to reluctance to beautify or enhance homes because of costs and red tape.</p> <p>INTERNAL MODIFICATIONS AND IMPROVEMENTS</p> <p>We are assured in discussions with Xxxxxxxx, and in the public meeting by the council’s CEO, Mr Mal Osborne, unless the dwelling has its own specific heritage listing there will be no extra restrictions regarding internal renovations and modifications, other than the existing building requirements.</p> <p>The heritage rules that we have been able to interpret appear to contradict this. Many homes, including my own, already have had extensive internal renovations and modifications that would render the internal layout unrecognisable from the original home. A council tick of approval in a home’s internal layout and upkeep in the name of heritage would be unwelcome, restrictive, and council overreach at very least.</p> <p>ENVIRONMENT</p> <p>When this undeniable climate change we are experiencing affects our world, it will necessitate the advancement of better and more sustainable construction techniques and materials, and homeowners will be required to futureproof older homes, and adapt or suffer. The addition of solar panels, double glazing, water tanks and other energy saving devices will be in direct conflict with the heritage regulations if exposed to the streetscape. The unenforceable assurance that council will do what is right and overrule some restrictions in the face of a lack of alternative locations, materials or solutions does not make for good and clear planning, as it will be reliant on who is in the roll of approving applications at any point in time. Clear, sustainable, and intelligent planning will be required to oversee</p>

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		<p>this process. This seems to be missing in the council’s subjective and opaque process.</p> <p>HERITAGE STUDY PAPER PRESENTED BY COUNCIL</p> <p>This classification study commissioned by the council appears to be extremely hastily constructed, and has reduced our homes to mere ticks in pick boxes that do not fully cover all the individual nuances of each dwelling. There are glaring inconsistencies indicating poor research, which point to a lack of understanding of the objectives. Some homes have been deemed moderate or little/no heritage value that seem no different to some high heritage value homes. A very quick study of the report indicates glaring inconsistencies within the first few pages, and sets the tone for the entire report.</p> <p>10 Banksia St is clearly an older significant home with only a new garage as per the comments. This lovely home could conceivably be demolished under the new rules, and lesser homes that could be considered eyesores would have to be restored. 16 Banksia St is deemed moderate, although very similar to 6 and 14 in the same street as well as many other high value homes. 9 Banksia St may have a second story but appears to be high value, but noted as moderate. The lesser street appeal home next door at 11 is marked high. 5 Cross St is similar. 88 Beach Rd is deemed high, but has been demolished since review.</p> <p>All this is in the first few streets of the study, and there are examples of this on nearly all streets.</p> <p>Other questionable ratings; 76 Beach Rd, 1 Cross St, 2 Garvey Pl, 9 Garvey Pl, etc, ect.</p> <p>DEMOLITION OF EXISTING STRUCTURES</p> <p>The council continually points to the demolition of structures as being a motivation for the current proposal. Evidence to contradict this concern has been overwhelming. There have reportedly only been 18 demolitions in the last 24 years in the boundary of the proposed Tree Street Heritage Area. Some would argue that the neighbourhood is better off without some of those dilapidated structures. A large proportion of the demolished structures have been replaced with homes in such a sympathetic way that they are well and truly in keeping with the supposed character of the area, demonstrating that self-regulation is achievable without unnecessary and unreasonable council interference. Those that were replaced with modern architectural styles have also undoubtedly ADDED to the class and value of the surrounds. A quick review of the houses earmarked as ‘high heritage value’ by the council’s study shows some houses that are either in such poor condition as to suggest demolition should be a major consideration, and/or of such unremarkable style and type of construction that other similar homes cannot be seen in any other area of Bunbury, and not at all unique. Indeed, some of them would be a health hazard due to asbestos contamination or unstable foundations etc. Note that ALL demolition applications within the Heritage Area would be subject to a structural engineer’s report and heritage report at the owner’s considerable cost, that any other ratepayer would not be subject to.</p> <p>CLAIM BY COUNCIL REGARDING NON-RETROSPECTIVE NATURE OF PROPOSAL</p> <p>The representatives of the council have claimed that they do not intend to apply a retrospective rule of governance to the heritage proposal, however, they have not considered the effect on properties that have been neglected in preparation of future redevelopment. We are told that all attempts at restoring high heritage value homes will be pursued in favour of demolition, and</p>

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		<p>neglect will not be a defining reason for dispensation. If the previous actions of these owners were deemed within guidelines prior to the possible introduction of any future regulations, then it would be, by definition, retrospective to enforce costly repairs of dilapidated structures. To force these owners to either repair their homes, or sell at a vastly reduced value, would be disastrous for some of these elderly owners, and an impost that the council need to carefully consider.</p> <p>MODERN ACHITECTURE</p> <p>There is a strong argument that modern, contemporary architecture will not only fit in well with the supposed character of an area such as the Tree Streets Precinct, but will actually enhance the style of the older homes and increase values in the area, making this already unique location even more exclusive and desirable. Trying to restrict the introduction of homes such as the home at 39 Picton Cres (nominated in the study as a well-considered design), and the Black House at 2 Sampson St, would actually be detrimental to a balanced and healthy future environment.</p> <p>ELDERLY RESIDENTS</p> <p>There are a considerable number residents that purchased homes early in their working life or inherited them from parents and have lived in their HOMES for most of their lives. They may be, at present, considered cash poor and asset well off due to location. The impost on them of enforced restoration or maintenance could force them out of the area at great financial and emotional loss. I would suggest that this proposal has the potential of having unintended, inhumane, and ill considered side effects that could be crushing to many elderly or disadvantaged residents, and could be disastrous to some. To suggest that council would take their concerns into account without written rules and specific guidelines on the vulnerable, would appear to be disingenuous and lacking empathy, as future determinations are subjective and in the hands of future custodians of the council. It is not inconceivable that humane considerations could be overruled by dogmatic and enthusiastic draconian rulings.</p> <p>COUNCIL'S APATHY WITH COSTS AND IMPOSITIONS FACED BY RESIDENTS</p> <p>On the question of possible compensations to residents negatively affected by the council's actions, [REDACTED] has stated 'Heritage is not a compensation consideration.' This clearly demonstrates a total lack of empathy by the council of its constituents that they have sworn to protect and represent.</p> <p>CONCLUSION</p> <p>It appears that the only responsible course of action that a truly representative council could take at this point in time would be to call a halt to the proposal in its current form. If the council are genuine in their stated objectives of preservation, they may be well advised to commence meaningful discussions with the homeowners and occupiers of the Tree Streets Precinct and explore possible solutions that may better protect the area and preserve the character, without the negative side effects and unintended consequences. One solution may be to see if we can adapt a Character Preservation set of guidelines, with unambiguous objectives, rules and guidelines that do not require expensive reports and impost on the residents and has community support.</p> <p>There is possibly any number of solutions that would be considered acceptable to everyone. I implore the council to take the concerns of its constituents seriously, and not push a very unpopular agenda, as the effects could very well damage our community.</p>

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89		<p>I think that the restrictions will make it hard for my family to make changes so that we can live in our house as adults – we need more space and a second bathroom. I am a teenager living at home with my parents (15 years old).</p> <p>Amongst other things, we are dismayed that heritage is considered at the same level of importance as environment. Surely environment should be prioritised and heritage should work around that. For example, hardwood weatherboards or other fixtures should be replaced with environmentally sustainable and solar passive alternatives whilst upholding heritage aesthetics. Solar panels should be positioned to maximise capacity and not restricted by street frontage aspect.</p>
90		<p>Dear Councillors,</p> <p>Thank you for the invitation to your meeting with the ratepayers on Tuesday the 8th of August and for the opportunity to respond to your heritage proposal to part of the Bunbury town site.</p> <p>Since I bought my house in 1980, this is at least the second time it has been suggested and though I haven't paid a lot of attention to it in the past, I am concerned:</p> <ul style="list-style-type: none"> • With the manner that it was set about without consultation prior to, I would assume, large quantities of ratepayers money being spent on the proposal, even down to the glossy letters we were all sent once it became open knowledge; • That it is a consideration at all and given the general feeling of the concerned residents of the area. As you are aware there were a lot of people at the meeting and all that I heard speak were opposed to the idea of making a wholesale heritage area across such a diverse range of dwellings, though most I believe would be in favour of allowing discussion with the owners of specific significant historical and architectural buildings of merit had they been contacted prior to what appears to be an ultimatum; • That the blanket coverage of the area includes a large percentage of below standard buildings as well as a large percentage of restored ones not in keeping with any particular style which in itself is tenuous at best especially given the councils record of keeping and preserving buildings throughout greater Bunbury; and <p>Your refusal at the meeting to adequately explain who was behind the proposal and what the benefits are to the landowners.</p> <p>From a counting of the maps on your website there are approximately 326 houses in the area in question. From my understanding of heritage areas a number of restrictive practices are applied on what can and can't be built or changed to the existing dwellings once it has been legislated. The decision to proceed with this legislation would, I expect affect the financial and emotional wellbeing of that amount of landowners plus their families. Though, we weren't told who or how many people were involved in the promotion of the concept, only that 11 councillors, (allowing for the absence of those with declared interests) would vote on it, it seems a small section of people who have unknown interest/sin the outcome that will affect the homeowners and residents, remembering also, that it is the councillors who were elected to represent the owners not the</p>

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		<p>other way around. Is that a case of we know better than you?</p> <p>The main emphasis of the evening from the council seemed to be to pacify concerns which I don't believe it did and from the ratepayers why are we even having a meeting to establish a need for a heritage area, after one would assume a significant amount of our rates money had already been spent engaging architects and historians both in 2004 for it to be rejected as a proposal and now again, starting in 2022, for what appears to be the same reaction. The council officer responsible and the mayor could not tell us even a rough figure of its cost, which leaves me to question who authorises payments.</p> <p>Government has three tiers, federal, state and local. People pay taxes and land rates etc., to their elected representatives to cover the main responsibilities of each level of government. In Western Australia the main responsibilities of local government are infrastructure and property services, including local roads, bridges, footpaths, drainage, waste collection and management; provision of recreation facilities, such as parks, sports fields and stadiums, golf courses, swimming pools, sport centre's, halls, camping grounds and caravan parks. They are responsive to requests by their constituents where community members believe there is a need for improvement and change and they are responsible to listen to people who question what the purpose of such change will achieve. A second heritage cost within 20 years is not a distraction from infrastructure improvements half done. Water and drainage, power, footpaths public open spaces to name a few.</p> <p>The following dot points are from your Tree Street Heritage Area Assessment from September 2022 that new were directed to read to give us an understanding behind the proposal and in italics are brief responses from me, though I will apologise for any mistakes made through a very brief research.</p> <p>The City of Bunbury is investigating the Tree Streets Area being a designated heritage area.</p> <p>Heritage is important for the community and has environmental, economic and social benefits as a resource for present and future generations. Local governments are responsible for reviewing their town planning schemes and formulating local planning policies to ensure the heritage assets within their jurisdiction are conserved for future generations.</p> <p><i>I fully agree and consider the land backed wharf, what is left of the old timber jetty and surrounds as well as the back beach especially from Mangles/ Hayward Streets through to the lighthouse very worthy of development along a heritage/ historical bent to promote the town as a worthy tourist and lifestyle destination.</i></p> <p>The City recognises the importance of identifying, assessing and managing heritage places within its local government area to align with contemporary community values.</p>

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		<p><i>Contemporary???</i></p> <p>STATEMENT OF SIGNIFICANCE</p> <p>The Tree Street Heritage Area, located south of the Bunbury CSD, has cultural heritage significance for the following reasons:</p> <ul style="list-style-type: none"> • the historic value is reflected in the development of part of Captain James Stirling's Leschenault Location 26, resulting from the expansion of residential development to the south of the Bunbury town centre following the relocation of the railway in 1893; <p><i>Stirling administered the Swan River settlement from June 1829 until August 1832 and from August 1834 until December 1838. (Irwin administered for him in 1833-34 while he returned to England} He was lieutenant governor until 1831 and governor till 1838. During Stirling's tenancy the colony proceeded at a particularly slow rate and among many other features of it, in October 1834 he personally led a posse of 25 police, soldiers and settlers to the Murray River where the subsequent "Battle of Pinjarra" ended with 14 Aborigines and 1 police man being killed. A statement of his land grants reads, "He could never distinguish clearly between his personal profit and the public advantage, and he constantly changed the location of the various portions of land which were to form his own grant of 100,000 acres (40,469 ha)." Stirling 1791-1865. Mangles Street was named after his under aged wife's family? See contemporary values.</i></p> <ul style="list-style-type: none"> • for its association with the proclamation of the townsite of Bunbury by Captain James Stirling in 1841 on the site of the current Bunbury Primary School; <p><i>Stirling left Fremantle on the 5th of January 1839. "After his return to England Stirling toyed with the idea of a further colonial appointment. He was only 48 and doubly qualified as naval commander and civil administrator. However, in October 1840 he was appointed to command the Indus on the Mediterranean Station, where he remained until June 1844."</i></p> <p><i>The original Bunbury Primary School was in Arthur Street. "Located two hours south of Perth, Bunbury Primary School is situated in the heart of Bunbury, in an area known as the 'Tree Street Area' and is located minutes from the Bunbury city centre?? Bunbury Primary School opened in 1895 at what is currently known as the Paisley Centre. This was named after the first headmaster, Mr Thomas W. Paisley. The school moved to its present site and opened on 12th February 1962." Schools Online. Also there was a school at Picton since 1861 instigated by William Forrest for the education of his workers children, who it seems had a greater interest in the township.</i></p> <ul style="list-style-type: none"> • the aesthetic value of the area due to the highly intact streetscapes. This is influenced by the subdivision pattern, wide street verges, mature street trees and consistent building setbacks. The streetscapes display cohesive and consistent building form; materiality; architectural style and scale from the Federation, Inter-War and Post-War periods;

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		<p><i>New subdivisions are being landscaped at significantly higher level of urban utilitarian function and aesthetics as stipulated by councils across the country, to the developers.</i></p> <p><i>Many of the street trees in the area under discussion are not native, infected with insects, attract destructive bird behaviour and require continual council maintenance to keep safe and out of power lines. Also many mature trees have been removed across many years for many reasons.</i></p> <ul style="list-style-type: none"> • the area comprises a high concentration of workers houses dating from c.1901; and, <p><i>Workers are generally the less wealthy in society and their houses in style and construction often reflect this. Any of the "original cottages" that are still original are in a fairly sad state of repair and require significant expenditure to make them habitable to anywhere near acceptable current standards. There is a house I often walk past in Stockley Road that has had a condemned sticker on it for perhaps 15 years and has been listed by the surveyors as high significance?? Between 1921 and 1987 fibro sheets used in the cladding and fencing of properties in Western Australia were made from <u>asbestos???</u></i></p> <ul style="list-style-type: none"> • the area contains individually significant places including the St Boniface Anglican Cathedral (1962), Bishopscourt (1905), and Myrning House (1925). <p><i>The two "significant" Anglican institutions in the area were:</i></p> <ul style="list-style-type: none"> • <i>St Davids Church was on the south west corner of Clarke and Spencer Streets prior to its artefacts going to St Boniface, St Davids Rectory was on Forest Ave before becoming a private residence before being demolished for a government housing building; and</i> • <i>St Pauls the original "Cathedral" was on the north west corner of Stephen and Victoria Streets, which was taken down amid strong opposition and briefly made a car yard and then a small public space and shop then a bank.</i> <p><i>Heritage Council Government of Western Australia St Paul's Anglican Pro-Cathedral & St Paul's Place Site DEMOLISHED</i></p> <p><i>The Anglican Church played a significant and pivotal religious and cultural role in the development of the early township. From the earliest days in 1845, the place has been associated with church activities. From 1866 until 1962, St Paul's was Parish Church to the district.</i></p> <p>In the time that I have lived in [REDACTED] I have seen the residents living and growing older within their particular resources, structures and styles some of them the original owners. The variety of families and lifestyles is quite significant but / and in the area I live it has and continues to be a normal and reasonably harmonious environment.</p> <p>During this time the houses, the streetscape, the infrastructure have all got older, been renewed and replaced. As the older people have died, new people have come in to try to recreate their idea of a new, pleasant and harmonious environment, in an area they are happy to enjoy and raise their new and growing families.</p>

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		<p>I am not sure why the council feels the need to add another level of legislation to an already over bureaucratized environment, that still lets the anomalies pass through the system and only really impacts the new working class people living and paying their bills that go to supporting the community very much the same as it was when Captain Stirling did all of the things that he would now probably go to prison for.</p>
		<p>From the 2004 process which was rejected, what has changed? Time only. Time in which more houses have been renovated asbestos removed etc – all in keeping with the general look of the area. Why place undue, unnecessary duress on the property owners who live here because the area and it's look, properties suits us.</p> <p>Although the house we live in is of minimal heritage value due to a fence, we have continued to develop our property in a way that suits us and doesn't abstract from the general overview of the area. Any future plans we have will most definitely be impacted by this policy along with, I understand, a considerable portion of homeowners.</p> <p>It is an unnecessary process as Council still has control over planning permission to all dwellings.</p>
91		<p>I have lived at [REDACTED] and my house and land is zoned R40. [REDACTED] is where my driveway is and I do not wish to subdivide my block.</p> <p>My solar panels are staying (not shifting) my insurance will go up this year and it will go up more if you Heritage List the House.</p> <p>Question 1 I cannot get an answer from my insurance company as to how much extra it will cost for heritage listing. Question 2 the trees in tuart street are all rotten even after a letter to you about the trees and your arborist report that the trees were good, big rotten limbs were falling off after the report. Question 3 my solar panels face in the right direction and the roof has the right pitch; the block is a corner block. I am not removing them. (2009) When I upgrade the solar can I put a whisper quite wind turbine on my roof. 1.5 kw and battery storage. Do have any say in this. Question 4 my land at [REDACTED] is subdividable R 40 and if I want to build on the extra cost to build in a heritage to match any of the house in my street. The building code is as in moving the shed or garage to the back of the block. Question 5 if you're going to heritage list are you going to mow the verge and my verge is 73 m x 4 m and it is a lot of verge to look after. (I can send you the bill) Question 6 over thirty years ago the rate payers had a meeting with the council, and we had an agreement that there would be no more business down beach road as it was too dangerous. The council has not kept that agreement.</p> <p>Question 7 has the childcare centre done a traffic management risk assessment and safety. if they have done one, can I have a copy. Question 8 my water tank has been in the same spot for thirty years and I am not moving it and my big aerials is staying as well. Question 9 my doors are solid jarrah doors, and no one can make them as they did in the old days. Who makes window frames from Oregon pine, and it is hard to get. All this type of work is at a very high cost. Question 10 How do say if a house is Federation or inter war or post war periods? There is no guidelines as what to look for and where you house fall in, what to look for.</p>

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92		<p>TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3 Ref COB/S87o SUBMISSION We have lived in the Trees Street area for the past 40 years. During this time we have witnessed new builds, restoration, extensions and maintenance of many of the character homes in our area. Bar a handful of exceptions, these works have been undertaken at great expense and with great care to continue to reflect the existing style of the area. To impose punitive restrictions via the Local Planning Policy 4.3 on the residents of our area without any valid reason, notification or consultation is heavy handed to say the least. We are ratepayers, we pay your salaries and councillors stipend, we deserve more respect and consideration. Council talks about community consultation, however we have worked in community consultation with many diverse communities across the South West region for many years, and this statement by the Council is just populist lip service'. In reality the proposed implementation of this policy is the top down' imposition of a policy without any advanced community notice, community consideration or consultation. Buying a home is for most people the most expensive commitment of a life time. This policy will devalue our significant investment. For many existing and future residents it will make construction, renovation and extension of these homes unaffordable and a bureaucratic nightmare. We strongly oppose the implementation of Local Planning Policy 4.3</p>
93		Objection, no comment
94		Submission contained 7 pages please see: DOC/1177289
95		No proper consultation tree st area is a character area and has been well self managed, contains many low contributing homes.
96		Submission contained 5 pages please see: DOC/1177296
		<p>I OBJECT to the Tree Streets Heritage Area proposal currently under public consultation. My objections include, but are not limited to: Strong Opposition from Residents The proposal has ignited a wave of dissent among residents, evident from the significant turnouts at various council meetings and public sessions. The overwhelming sentiment, both in formal gatherings and through various communication channels, has been one of staunch opposition. Residents have been vocal in expressing their concerns, leveraging phone calls, emails, and face-to- face interactions to convey their apprehensions. Engagement & Communication with the City The City's engagement strategy, or the lack thereof, has been a significant bone of contention. The City's passive stance, epitomized by its "come to me" approach, stands in stark contrast to the residents' demand for proactive engagement. The City's communication, limited to a legally mandated notice letter, was not only delayed but also woefully inadequate in its content, further straining the already tenuous relationship. Lack of Proper Consultation From its inception in 2021, the proposal has been marred by a conspicuous absence of genuine consultation and engagement with the Tree Streets residents. This oversight becomes even more glaring when juxtaposed against the City's disregard for the precedent established by Council Decision (377/04). This decision not only thwarted a prior attempt to label the Tree Streets as a heritage area but also emphasized the formation of a community-driven committee. This committee was envisioned to evaluate the viability of instituting a heritage precinct in the Tree Street vicinity. By sidestepping this mandate, the City effectively deprived residents of a pivotal chance to participate actively and be consulted during the early</p>

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		<p>phases of the proposal. The City's modus operandi has been further tainted by its opaque approach. The absence of lucid and validated reasons for the proposal, coupled with the City's inefficacy in disseminating crucial materials in a timely and effective manner, has left residents grappling in the dark. This opacity is accentuated by the insufficient window provided to homeowners to sift through and grasp the intricate proposal documents. The constrained timeline not only impedes a thorough analysis but also restricts residents from seeking specialized advice, further eroding the already fragile trust between the City and its inhabitants. The City's approach contrasts with that of other local authorities who have engaged with the community at the very start of the process, allowing the community to be engaged in the co- development of suitable policies. Assessment Survey The recent assessment activities, have not aligned with the Heritage Council of WA's best practices, have elicited a slew of concerns among the residents. The initial misstep was the glaring omission in furnishing draft assessments of properties to homeowners. This communication lapse was accentuated by the fact that residents were kept in the dark about these ongoing assessments. This approach starkly contrasts with the 2003/04 Tree Streets Heritage Area proposal, where residents were duly informed through letters. The review brief further compounded the issue with its restrictive guidelines, which explicitly sidelined consultations with occupants or community factions. Consequently, the architects, hailing from Perth, embarked on the assessments armed solely with a single photograph of each home, devoid of any local insights or historical context. This methodology is fundamentally flawed, as it overlooks the rich tapestry of each property's history and evolution. Many residents have asked for a re-assessment as the assessment does not reflect how their home has been modified, changed, or adapted over the years. In many cases, little if any of the original property still exists. The overarching sentiment among residents is one of scepticism, fuelled by the lack of clarity surrounding the assessment's methodology and the conspicuous absence of a clear re-assessment procedure. Heritage Area Not Appropriate The Heritage Council of WA underscores that a heritage area designation isn't merely a protective shield for places that don't qualify for the heritage list. "<i>A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list</i>". (Heritage Council of WA) This distinction is particularly pertinent for the Tree Streets area. The City's claims, centered around demolition concerns and the purported gradual erosion of the area's character, lack empirical backing, and the City was unable to provide documented evidence to support this claim when asked A granular examination of the data reveals a minuscule number of demolitions, sixteen dwellings over the past 28 years. Moreover, the demolished homes had naturally reached the end of their lifecycle and were replaced with structures that harmoniously blended with the area's character. The City's own acknowledgment, as captured in the OCM Minutes from July 2023, reinforces the idea that the Tree Streets area is more about its distinctive character than its heritage. "<i>It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area</i>" (OCM Minutes, July 2023) As such: "<i>Identifying a precinct as an 'urban' or 'residential character' area, rather than a heritage</i></p>

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		<p><i>area, suggests that such character may be retained and enhanced through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric". — Heritage Council of WA</i></p> <p>Inadequate Documentation The City's documentation, rife with ambiguities and inconsistencies, has been a major source of frustration for residents. The documents, characterized by their vagueness and frequent contradictions, have left residents navigating a maze of uncertainty. This confusion is exacerbated by the City's inconsistent interpretations and advice regarding these documents. For example, LPP-6.1 is for the East Bunbury Heritage Area and makes Community Well-Being and Social Fabric The proposal has cast a long shadow over the community, manifesting in various forms of distress. The palpable anxiety among families, especially those with children, revolves around the financial implications of the proposal. The overarching concern is the potential erosion of property values, viewed as a legacy for the next generation. This sentiment resonates deeply among retirees and pensioners, who face the daunting prospect of additional financial burdens. Cost Burden to the Homeowner The new regulations have ushered in a slew of financial challenges for homeowners. The immediate financial implications, coupled with potential long-term repercussions, paint a grim picture. The absence of any compensatory mechanisms further exacerbates the financial strain, underscoring the profound challenges homeowners are poised to confront in light of these new regulations.</p>
97		<p>We object to the heritage listing of the Tree St Area. This (our) area has a lot of character homes, also a lot of old homes that should be able to be renovated to be in keeping with the area. We specifically built our home to fit with the Tree St style. Heritage is not what we are after, it is the character of the area that should remain.</p>
98		<p>First Submission: This will cause my family financial hardship and emotional stress. I strongly disagree with your proposal.</p> <p>Second Submission: It's unfair to change peoples rights to a property after they have already brought it with no conditions in place.</p>
99		<p>Submission contained 16 pages please see: DOC/1177302</p>
100		<p>Submission contained 7 pages please see: DOC/1177328</p>
		<p>Submission contained 6 pages please see: DOC/1177285</p>
101		<p>I strongly OBJECT to the draft policy 4.3 on many reasons, such as ongoing costs, intrusion and the lack of transparency from the council in preparation of the policy. I have made notes and they follow on separate page. As new residents of this area, we own a house with very little contribution however we will still be compliant with the Draft Local Planning Policy 4.3. I am also concerned for the 301 other homes in the area who will be DIRECTLY affected. Below are just a FEW of</p>

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		<p>the issues I object to that are in the Draft LPP 4.3. Development of a heritage-protected property Places on the Heritage List or in a Heritage Area enjoy special protection under the local planning scheme. Heritage listings and areas do not prohibit any development of a place - it means that any changes sought should respect and be sympathetic to the heritage values of the place. 8.2 Works Requiring Planning Approval All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This directly affects our new home, although it was built 20 years ago in a sympathetic manner. 11.0 Applications for Development Approval – Accompanying Material 11.1 Heritage Impact Statement (HIS) If in the opinion of the local government, a proposal is for works that are likely to have a moderate or major impact on the cultural heritage significance of a local heritage place or area, the application for development approval must be accompanied by a heritage impact statement (HIS) consistent with the guidelines produced by the Heritage Council of Western Australia. A HIS may be required for the following types of development proposal: (a) partial or full demolition of a Contributory Place including proposed new development; (b) alterations or additions to any individually State Registered Heritage Place; (c) alterations or removal to internal elements of a heritage place that is individually listed; (d) new construction visible from the public realm (inclusive of the streetscape) or with potential to affect adjacent heritage listed properties; (e) subdivision and amalgamation of lots; (f) seeking major and/or multiple variations to any built form controls set out in this policy. The City of Bunbury may require that, at the applicant's cost, the HIS is provided by a heritage professional with relevant experience. More paperwork at our expense for no justifiable reason. 11.6 Removal of Significant Landscape Elements Where a tree has been identified as significant or forms a significant part of the setting/amenity of a heritage place, and is proposed for removal, the local government may require that a comprehensive report (demonstrating why removal is necessary) be prepared by a suitably qualified arborist. I don't understand why I should be told which trees can be kept or removed by the council. Everything that has been added or built or planted on our property has been in keeping why can't we be left to make our own decisions. I am concerned that any changes I might want to make to MY home will be met with resistance, that I will have to go through more red tape and more costs. At this stage, I would consider selling and moving to any area without such restrictions. Therefore I STRONGLY object to this proposal. Lisa Allan. 1 Lovegrove Avenue Bunbury WA</p>
		<p>I think this is absolute nonsense and I strongly object.</p> <p>My wife and I have recently purchased a relatively new build within the Tree Street Area and as such we will be subject to the Draft Local Planning Policy 4.3. Although it is a newer build, it is still 20 years old and was built in a Federation style. We have maintained the feel of the area and will continue to do so and feel that the policy is restrictive and puts added costs and all the onus on us. I have strong objections with the following:</p> <ul style="list-style-type: none"> • Heritage Impact Statement. We would be required to engage a professional to do an assessment for our home, as we are in the area, before we undertake any major changes to our home. This will put added stress and cost onto us when we are already making sympathetic changes to our home when necessary. • I am concerned for my neighbours and others in the area who will put be put under stress, both financial and mental with the implementation of this policy. It is flawed and unclear document, which has already caused anguish within the area. • The process has not been transparent, nor have we as

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		<p>stakeholders, been included until now. The level of 'secrecy' until the draft policy was put to out for comment was highlighted by councillors which speaks volumes to the lack of respect shown by the CoB. • Some of the reactions and lack of understanding by certain councillors. The resistance to wait until our submissions and concerns have been collated is glaringly obvious by at least two of the councillors. We are told repeatedly that they will read EVERY submission, and only then will they make up their minds, based on public feedback and recommendation from the city. However, comments from these councillors are very clear that they will not change their minds, they have not read all the policy's and since they are on the Heritage Committee, they have a vested interest in approving the policy, regardless of homeowners opinions.</p>
102		<p>I have the following concerns about the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY and the limitations it stands to cause re: my capacity as landowner to enjoy residence at the property, along with limiting my capacity to cost-effectively improve and maintain the property and stand to see return on our initial investment.</p> <ol style="list-style-type: none"> 1) If the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY is made law, the cost of renovation / improvement / maintenance of both existing buildings / structures, along with any prospective developments will be amplified / attract a premium - this includes, drafting / architectural consultancy costs, planning approval costs, building product costs, builder service costs. (See additional attached page x 2) <p>Our family made a significant investment to move into the area for the obvious benefits of proximity to great Public Primary and Senior Schooling, along with proximity to our Small Business and Bunbury CBD. We justified the purchase price we committed to at the time, believing that over time we could make gradual, carefully budgeted renovations / improvements to the property-aesthetic and interior to bring it up to a more modern, fit-for-purpose and well-maintained status. The beneficial outcomes being, ability to enjoy our dwelling, unencumbered / without significant external limitations (beyond the usual planning permissions for other areas of Greater Bunbury), whilst also realizing return on original investment and property value growth. I believe these aspirations will be significantly impacted upon by the expected increases in cost to do anything with / to the property associated with the limitations caused by the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY.</p> <ol style="list-style-type: none"> 2) Given the limitations on development / improvement the proposed Tree Street Heritage Area and Local Planning Policy will enforce, this is likely to significantly reduce the prospective buyer cohort for future property sale. This will undoubtedly mean longer Estate Agent sales listing times to achieve acceptable sale price. It will also likely attract Estate Agent fee premiums. These are clearly another disadvantage to the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY. 3) The dwelling was designed and built with basic building techniques / joinery etc. Our dwelling is v drafty – this includes around existing timber-frame sash windows, timber doors / frames (that are quite 'out-of-square'). It seriously brings into question the validity of 'like-for-like' replacement / upcycling. The energy-rating of the property is currently anticipated to be extremely poor. In order to bring this property up to spec re: energy rating / to a future-proofed level, whilst using the building materials / facades the proposed planning policy enforces, I anticipate unrealistic building / product costs. Without being sensationalist, every time you view current

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		<p>media, weather and contemporary evidence-based science is reporting increases in extreme climate events. Ours (and other similar era/ style buildings) in the proposed heritage area are not engineered / designed / built to hold up to this sort of climate change. By committing to the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY, COB will be seriously disadvantaging owners / occupiers from making cost-effective critical improvements to their properties in preparation for such climate issues. This potentiates a risk to safety / public health for people living in this area.</p> <p>4) It is unrealistic to expect owners / occupiers of the TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY to lodge a planning application every time internal or external minor improvements or alterations are desired to be made (as stipulated in tedious detail in COB's Tree Street Heritage Area Planning Proposal). This sort of extreme town-planning micromanagement will be deleterious both to rate payers, who will ultimately be funding the extra 'bums on seats' to adjudicate and police this crazy red tape, but also extremely onerous upon anyone trying to enjoy uninterrupted occupation of their dwelling.</p> <p>5) I have three Primary School-aged children attending Bunbury Primary School. I acknowledge that this is an amazing public primary school. We pushed ourselves financially to 'buy into' this area to be within the catchment for this school and local services (2 of our children have medical conditions that require intense supervision / Ed Assistant support. TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY will undoubtedly deter other young families from moving into the area and access to this school. It prevents facilitating a future-minded pathway for the area.</p> <p>I trust that COB Councilors will see that on-balance, the negative impacts of this Planning Proposal far outweigh the positives.</p> <p>Sincerely, xxxxxxxxx</p>
103		<p>I am against the proposal to create a Heritage precinct. The property I reside in and is owned by my mother xxxxxxxxxxxx is heritage listed. It was done so without the approval of my grandfather xxxxxxxxxxxxxxxx.</p> <p>He worked all his life to purchase his home at what was [REDACTED] He was very upset at the time to have the council determine what he could and couldn't do with his own home.</p> <p>The basis of this listing was to list three dwellings situated in a row until the council approved the construction of a two storey brick building next door. The compaction and retaining wall created significant damage to the home at [REDACTED] that is constructed on sand and on stumps.</p> <p>The details of the listing according to the Tree Street Assessment are inaccurate for [REDACTED] It does have paving and it does have a garage built on site, and there are perimeter plantings.</p> <p>This property originally had a fence and a very large hedge, one that would block the view from the street as did the property next door. It also had lattice on either side and a screen that hid the verandah.</p>

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		<p>A heritage precinct and the listing of dwellings as Heritage status inhibits the rights of the owners to appropriately maintain and manage their own properties.</p> <p>Since the government announced the end of old growth harvesting, almost all mills in the south west have closed their operations which means the capacity source jarrah is exceedingly difficult. Most can only be sourced through salvage. I know this as a Design and Technology Teacher that sources timber for the school at which I work.</p> <p>One of the issues I'd like to raise is the communication to home owners in regard to the process. To advertise in a local obscure paper and classify this as adequate consultation is questionable. There are a number of owners in area that do not live in the region. Letters sent out to those involved was welcomed but rather late in the consultation process.</p> <p>Whilst the council may want to zone this area as a heritage area, there has been no real consideration about how the council might assist in the preservation or conservation of the region. The routes of buses along streets with primarily homes that previously never had significant traffic impact on the structures of homes on stumps. The vibration of traffic has a major impact on homes in this area. Extending Tuart Street, increase traffic flow significantly and the rat runs via Tuart Street to and from the city and down Stockley Road to avoid the light at Beach Road.</p> <p>There is a degree of hypocrisy when homes are heritage listed and yet decisions are made to allow the compaction of a two storey brick building next door. The limited consideration for traffic flow in the area and the limited consideration for the allowance of owners to make decisions for their own properties. We shouldn't be here to create a museum. We are families that have lived and continue to live in the area. Please have consideration for providing us with the best means available to us to preserve rather than impose regulation.</p>
104		<p>To whom it may concern</p> <p>I do NOT accept your proposal to convert the Tree Street Area to a Heritage area. This will dramatically impact my financial position, not to mention the mental anguish (which even the proposal is causing).</p> <p>We presently have the house tenanted, if this proposal goes through, we will have no choice but to increase their rent, which will create furthering financial hardship for them and their young family.</p> <p>The rent will need to be increased to cover higher maintenance costs due to the over the top restrictions that will be imposed on us as a "high contributor".</p> <p>Our house is a big part of our life plan & our retirement plan. We don't feel the strict guidelines and process you are proposing</p>

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		<p>is a fair & realistic approach. Had this house been heritage listed at the time we brought it, we would not have even looked at it.</p> <p>We have purchased this property with our money, with no conditions, it is so unfair to then change the rules. The proposal will, without a doubt, create a lot higher maintenance cost, and take longer for planning & approvals for the most basic of tasks. We feel we are already completing these tasks to a good level, sympathetic to the character & age of the house.</p> <p>It has been our hard work which has saved our house, it was suggested that we knock it down when we brought the property, however we made the property worth something, and now we feel we will be financially impacted in a negative way. Studies show that if a property is heritage listed, it lessens the prospective buyers list, making it much harder to on-sell. Lowering the possible resale values. We have worked hard trying to pay a mortgage and its debt interest. To then have the re-sale value lowered, based on a photo and someone ticking boxes that doesn't get affected at all by this proposal is very unfair.</p> <p>We have purchased this property with the plans of doing upgrade work. If we cannot do these upgrades, as we had planned during the purchasing of this home, we would seriously reconsider our property purchase.</p> <p>For example - Energy efficiency is a requirement, for us and for the rest of the world. It is expected that we all change to be more energy efficient compliant. This would defiantly include the following.</p> <ul style="list-style-type: none"> - Double glazed windows - Insulation installed into wall, ceiling & under floor - Adequate Solar panel & battery install - Rainwater collection <p>It would not be easy to install any of these with the proposal.</p> <p>I would like to know on what grounds our home has been placed as a high contribution? I don't believe the research has been done properly and to a standard that assessments could be made accurately. All there has been is a photograph taken from the road.</p> <p>Since the original house was built, a lot of work has been completed and the inside has changed dramatically. This work would surely lower the heritage value from our home.</p> <ul style="list-style-type: none"> - A section of the house is an addition from the 70's

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#	Name / Address	Summary of Submission
		<ul style="list-style-type: none"> -There have been entire walls removed -Door ways moved -All new gyprock to walls & ceilings -New bathroom -New Toilet - New Kitchen - New front door -The front veranda has been replaced. All the subfloor is made from treated pine. -It had no driveway - new -It had no front yard fences - new -Apart from the floorboards & weatherboards, everything is from the 2000's <p>If this information was known, I am sure our house would not meet the high contribution category.</p> <p>We believe that the area is showing a character style, and the majority of property owners purchased these properties wanting to keep the character home look from the street view. We are all sympathetic to keeping the area this way. However, the strict guidelines you propose to enforce is not the answer.</p> <p>Why are we only finding out now of this proposal? We feel this is an underhanded approach, considering all these changes will not directly affect YOUR lives.</p> <p>I feel my husband & I are quite reasonable people, however this proposal has created emotional stress and anxiety in our household. I can only imagine how much pressure this has created for the financially struggling, elderly or someone already struggling with a health condition. We feel the well-being of the people affected by this proposal has not been considered.</p>
		<p>I object to your heritage proposal</p> <p>To whom it may concern</p> <p>Let it be known that we do NOT accept your proposal to convert the Tree Street Area to a Heritage area. This will dramatically impact my property and my neighbours.</p> <p>Our home is our largest investment made in our lifetime. It is a big part of our life plan & our retirement plan. We don't feel the</p>

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		<p>strict guidelines and process you are proposing is a fair & realistic approach.</p> <p>We have purchased this property with our money, with no conditions, to then be forced to follow your proposal? The proposal will, without a doubt, create a lot higher maintenance cost, and take longer for planning & approvals for the most basic of tasks. We feel we are already completing these tasks to a good level, sympathetic to the character & age of the house. It is my right to be able to approach any upgrades to my house, my way. As said, I bought it with no conditions.</p> <p>It has been our hard work which has saved our house, made the property worth something, and now we feel we will be financially impacted in a negative way. Studies show that if a property is heritage listed, it lessens the prospective buyers list, making it much harder to on-sell. Lowering the possible resale values. This is hardly fair to the homeowner who has been working hard trying to pay a mortgage and its debt interest. To then have the re-sale value lowered, based on incorrect information and a nice idea from a select few...</p> <p>We have purchased this property with the plans of doing upgrade work. If we cannot do these upgrades, as we had planned during the purchasing of this home, we would seriously reconsider our property purchase.</p> <p>For example -</p> <p>Energy efficiency is a requirement, for us and for the rest of the world. It is expected that we all change to be more energy efficient compliant. This would defiantly include the following.</p> <ul style="list-style-type: none"> -Double glazed windows -Insulation installed into wall, ceiling & under floor -Adequate Solar panel & battery install -Rainwater collection <p>It would not be easy to install any of these with the proposal.</p> <p>I would like to know on what grounds our home has been placed as a high contribution? Your proposal is completely based on incorrect information.</p> <p>There has been no proper assessment of our property or any others. A drive-by or desktop review with a photograph is not good enough.</p> <p>Since the original house was built, the following work has been completed. All this work I am sure retracts heritage value from</p>

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		<p>our home.</p> <ul style="list-style-type: none"> - A section of the house is an addition from the 70's - There have been entire walls removed - Door ways moved - All new gyprock to walls & ceilings - New bathroom - New Toilet - New Kitchen - New front door - The front veranda has been replaced. All the subfloor is made from treated pine. - It had no driveway - new - It had no front yard fences - new - Apart from the floorboards & weatherboards, everything is from the 2000's <p>If this information was known, I am sure our house would not meet the high contribution category. There is only 50% of homes in the area with the high contribution value, if all of these properties had been given proper assessment, I am sure the percentage would be dramatically reduced. This would turn the number of high contribution properties in the proposed heritage area, into a minority of properties.</p> <p>We believe that the area is showing a character style, and the majority of property owners purchased these properties wanting to keep the character home look from the street view. We are all sympathetic to keeping the area this way. However, the strict guidelines you propose to enforce is not the answer.</p> <p>Why are we only finding out now of this proposal? This will immediately impact our lives. We could have been notified in 2021 when you started this process, you have now only given us a short period to respond, when you have had the chance to keep us informed from the beginning. We feel this is an underhanded approach, considering all these changes will not directly affect YOUR lives.</p> <p>I feel my wife & myself are quite robust and capable of change. However, this proposal has created emotional stress and anxiety in our household. I can only imagine how much pressure this has created for the elderly or someone already struggling with a health condition. We feel the well-being of the people affected by this proposal has not been considered.</p>

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		<p>Your heritage proposal will affect more than the property owners. It will impact the future owners. It will reduce the number of young families entering the area and utilising the primary school. As a young person I would love to live in the area, however it needs to be energy efficient and suit my modern lifestyle. [REDACTED]</p>
105		<p>Submission contained 7 pages please see: DOC/1177386</p>
106		<p>Second Submission (personal one, further to petition that was submitted):</p> <p>I am not a property developer nor an expert on local governance. I am a resident who, like most of my fellow Tree Street owners, have proven that I am a reliable custodian of my home. A home that is domestic only with no commercial income. I bought into the Tree Street precinct based upon its flora, colour, vibrancy and different forms of architecture that come with an older inner-city suburb. I admire the CHARACTER of the precinct, and I can sympathise with the Council as to the reasoning behind this proposal. But I would like it to be in keeping with the current status quo which provides me economic options, without significant interference, protocols and red tape. If I was aware of this proposal and the high grading of my home (which I also dispute), I would not have purchased into the tree street precinct. I would have wanted to avoid the extra cost and administration. I am frustrated that this proposal has been thrust upon us with a limited consultation period, two of the original four weeks I was overseas on a holiday, so I was thankful it was extended an additional two weeks. I am further frustrated by the hours I have spent researching this proposal and I still only have a basic knowledge. A little over a month is simply not long enough to become educated. I am an amateur trying to investigate several statutory documents from policy to planning to heritage. I know my research has not accessed or understood certain key documents &/or process. I have attended the community group but have come to the realisation the consultation period was too short, the time frame didn't allow for the community to organise expert consultation or opinion from lawyers, planners and the like. My community as a gathering of domestic property owners have been individualised without the revenue to engage such expert opinion, they are opposed to council who have an in-house skillset to create and adopt such policy. I feel prejudiced by of lack of knowledge or knowhow to engage, consider this a denial of justice. The only option which remains is for myself and my community is to lodge the objections with the hope the amateur responses will gain traction within council. To understand and not dismiss the emotion which the submissions may contain: I therefore object for the following reasons: 1. Manner of implementation,</p>

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		<p>2. Matters of policy,</p> <p>3. Council’s disclosure including reveal of monetary relief and</p> <p>4. The imbalance within Council chambers, based on a perceived conflict of interest.</p> <p>5. Conclusion</p> <p>I am personally lost with the method behind this process. It is unlike the past attempt to list the precinct, where a community group was created to represent the residents.</p> <p>Manner Of Implementation.</p> <p>I marvel at this area, it is unique, a collection of residents who have been proven custodians. I understand that in the last 28 years around 6% of homes demolished. A telling statistic, so why the need to create a policy over proven custodians? MORE SO NOT seek the residents’ expert opinion in the creation of the rules that would apply? ‘</p> <p>(Like the last attempt to heritage list where council created / engaged a community group to recommend matters of policy.)</p> <p>This proposal has seen the City impose themselves on 302 homes which I consider will affect:</p> <ul style="list-style-type: none"> • • 1000 to 2000 residents. Equivalent to (If the City’s website is correct) 5% of the City’s population. Effectively • • 25% of people who voted in the last local election. • • The number of residents comparative to the whole township of Donnybrook (as per 2001 census). <p>I mention these statistics / comparatives to prove this proposal is significant, set to impact a wide variety of individuals of varying demographic. All are private residents domestically residing in their home. If I have issue (and I consider myself capable), I feel for those who are vulnerable, pensioners and young families. Certain many are suffering mental anguish which was shown and expressed in the August community / council meeting.</p> <p>I deem Council has met the bare minimum of statutory obligation, an advert in the newspaper for the precinct survey in 2022 which wasn’t noted or understood by the community. I would have considered a precinct the size of Donnybrook that our Council would have wanted to truly promote and engage with the owners? Yet this proposal with predetermined policy has landed and caught us all by surprise.</p> <p>Reviewing the heritage acts I found, now provide, the following extracts:</p>

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		<p><i>1.3 Community and stakeholder consultation</i></p> <p>When assessing a place for inclusion in an MI there is no statutory definition or requirement to consult with any particular stakeholders; the Heritage Act simply calls for 'proper public consultation'.</p> <p>Owners will often have information about their property, so consultation should always include a request to the property owner for historical and physical evidence. This also gives the local government the opportunity to discuss the role of the MI and initiate a broader conversation with the owner that establishes a constructive relationship.</p> <p>Later discussions with the owner can include a review of the information provided to date, and an explanation of the heritage values and level of significance that have been proposed for their property.</p> <p>Wider consultation helps to identify the MI as a community survey and encourage a greater sense of ownership and participation. This can take the form of open nominations, facilitated community meetings, and consultation with specific groups.</p> <p>Extract of Guidelines for Heritage Areas (1.3) https://www.wa.gov.au/system/files/2023-03/Guidelines-for-Heritage-Areas.pdf</p> <p>1.3 Where a heritage area is not appropriate</p> <p>A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list.</p> <p>Heritage Council – Policy Consultation https://www.wa.gov.au/system/files/2022-03/HER-Policy-Governance-Consultation.pdf</p>

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		<ul style="list-style-type: none"> • support a consistent and trans in those areas of consultation t discretionary or otherwise oper • assist in management of stakel expectations in relation to cons processes and the handling of <p>5.1.4 Public consultation that is complex, contentious or ot particular care will be unde with a Stakeholder Engage exercise.</p> <p>Although the act does not govern consultation it strongly encourages it. Not one person in the area knew of the survey, the surveyor conducting did not approach myself nor my neighbours, some with 4 generations in the same home (so that they could advise on the history of their homes). With Council and their surveyor failing to engage there has been no “constructive relationship”, the reason many in the precinct fear the outcome. I believe most residents would declare they have no ownership in this proposal, shown by number attending community and Council meetings. During the August Council / community meeting residents had queries relating to the surveyors grading, begs the questions: Does point 1.3 apply? Is this survey report relevant, it certainly wasn't transparent when it was being conducted, it didn't meet many of the stakeholders expectation? Can the time frame for consultation be extended, so the community can assemble and discuss to engage their own expert opinion? Better still, will Council fund this support given we are all domestic homeowners. The act also declares the heritage area policy should be created specific to the area, why haven't Council asked the stakeholders (proven residents & historians) what clauses they would like adopted for their area? Would council organise and engage a community group and assist them in creating a policy which is specific and deserving to the Tree Street Precinct?</p> <p>The Policy Being in insurance I deal with policy(s) which contain strict clauses. I negotiate with the insurers who created them, and I am still</p>

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		<p>amazed at the varying interpretations which still present. Outcome always in favour of the insurer, who enforce the wording. Ironically, there is an easy to access statutory appeal process via the insurance ombudsman, an appeal process which I am unaware of for local council.</p> <p>Does such an appeal process exist at Council, as it isn't disclosed on the policy like insurers [financial sector has to disclose in their Product Disclosure Statement] must under statutory obligation?</p> <p>I would hope there would be an escalation process within Council to enable me to promote an internal review and then a state governing body thereafter should expectation not be met. Like insurers are made to cover costs of this process, I would assume Council would indemnify the stakeholder's costs during this period?</p> <p>If so, then our rights of appeal should be disclosed on this Heritage Policy?</p> <p>I reviewed the proposed Heritage Policy and find clauses open to interpretation. It could be suggested that the proposed policy is in fact a combination of numerous clauses cut and then paste from other heritage area wordings.... Sorry, but isn't the Tree Street area deserving of their own customised policy? Gathering input from a proven community?</p> <p>Due to the combination of wordings the current proposal contains contradictory clauses which I highlighted below.</p> <p>To be struck</p> <p><small>D.7 Paintings</small></p> <p>a) Paint colours to external timber clad <small>i) to match original colours; or ii) to keep with traditional development within the area</small></p> <p>b) Retain unpainted brick, masonry, etc</p> <p>c) Remove paint from surfaces which <small>abrasive methods, Test any paint cleaning in or concealed location including sandblasting or grinding in</small></p> <p>As 9.10 of the policy provides better options as to keeping with current status quo</p> <p>To be struck</p> <p><small>leads to limited, desired options, reduced value</small> D.8, ideally, where should be managed to <small>practicable (for example)</small></p> <p>Declared by council that internal renovation is of no concern.</p> <p>To be struck</p> <p><small>D.1 For existing contributory built materials require replacement, the poli</small></p> <p>Like for like is to open for interpretation. Hardwoods will become a material of the past after the states closure of mills and old growth harvesting. Council should be encouraging acceptable & economic modern material replacement? For example, the future will contain green material alternatives and contain recycled plastics etc which can have a finish applied and be made to keep in character of the</p>

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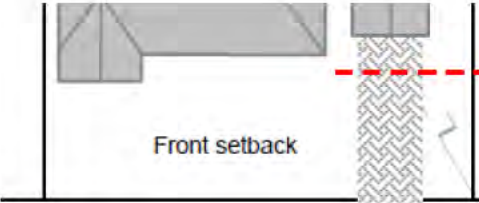


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		<p>home. Morally we all have a duty to promote such material.</p> <p>Furthermore, Heritage and the Like for Like clause alienates insurers. Enabling a modern material alternative will see many insurers continue to offer competitive insurance, as they can apply a modern material endorsement onto their policy (instead of declining or loading the risk).</p> <p><i>Will these clauses be struck &/ or reworded?</i></p> <p><i>Request redrafting of current policy, request Council:</i></p> <ul style="list-style-type: none"> • <i>Engage with the community as recommended by state government / heritage guides in order to create mutually acceptable policy?</i> • <i>Provide an example of Character Area wordings to the precinct so community can consider clauses for adoption into “OUR” future policy?</i> <p><i>Will a redrafted document then be open for consultation for final review before it is voted by council for adoption?</i></p> <p>Clauses 11.1 High Impact Statements (HIS)</p> <p>I have a serious concern of the inclusion of this section. It could be utilised as a tool by Council to deter a build proposal, especially a residential application.</p> <p>It would be Council who would deem a build proposal is of moderate impact. After learning it was \$30,000 for a local group to purchase a HIS for a required hall (which was initially disregarded by the heritage committee) then these costs should be assumed by Council.... Not the property owner.</p> <p>An Appeal process may be a solution? Or perhaps a good work around would be Council to create a forum to which the residents could vote on moderate & high proposals. Residents would ensure the proposal would be in keeping with the character of the area.</p> <p><i>Will section 11.1 be reworded or removed?</i></p>

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		 <p>Policy implies the front elevation to be protected to be in keeping with the area, per the table above it states all enhancements are not to be visual from the street. So, what of corner properties or those dwellings which are visual from multiple streets. Policy imposes such enhancement are to be out of line of sight. Picture above does not demonstrate fencing, where policy dictates an expensive style of fencing must be built / replaced.</p> <p>My house is visual from two streets which is the front (north facing) and rear (South facing), does this mean I have lost all option of future enhancements like solar panels, tanks and the like? (In theory all elevations for my home is visual). Then to fencing, does this mean future fencing to the rear has to be a certain hight and I cannot protect my family's privacy?</p> <p>Councils Disclosure including Monetary Relief (Compensation)</p> <p>It is clear to me that this policy, if adopted, will come at greater cost for the resident. Heritage guidelines address this issue. Sadly, lacking in this process is Councils disclosure of monetary assistance. Is there a fund and can amounts / assistance be clearly disclosed to us?</p> <p>Extract of Guidelines for Heritage Areas (3.0 The Heritage Framework) https://www.wa.gov.au/system/files/2023-03/Guidelines-for-Heritage-Areas.pdf</p>

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		<p>Assistance measures, such as specialised services, grants, rates concessions and development incentives, are practical and accessible ways local governments can recognise owner contributions to the conservation of heritage places and can encourage positive engagement with the heritage process.</p> <p>Following the order of recommended assistance:</p> <ul style="list-style-type: none"> • Specialised services. <p>Council have offered up their heritage employees to attend site. This is not a specialised service, rather the enforcement of policy. I would deem assistance in this area would involve architects / engineers / building service. Will the Council assist in compensation for the third-party consulting costs which we will assume?</p> <ul style="list-style-type: none"> • Grants <p>I would consider Council will be receiving state funding / grants on successful adoption of this Heritage Policy. If so, how much will Council receive? Will these grants be held in trust specific for the Tree Street precinct? For Council to be transparent in the payments towards:</p> <ul style="list-style-type: none"> - Residents' compensation to abide by the policy? <p>&/Or</p> <ul style="list-style-type: none"> - Spent specifically on the Tree Street area to improve common ground & service? <ul style="list-style-type: none"> • Rate Concession <p>This has been mentioned at the council and community meeting; however, the rate of relief not disclosed. The fact the amounts have not been openly disclosed creates scepticism that the proposed relief is minimal. Can council please confirm the amounts? Personally hope this would have an unlimited time frame as the burden is for the period of property ownership (which could be a lifetime)</p> <p>Development Incentives.</p>

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#	Name / Address	Summary of Submission
		<p>Are there any?</p> <p>Future Voting and Imbalance at Council I am intrigued why only one councillor out of a future eleven councillors lives in a heritage home (in the tree street area). Yet three councillors reside on the heritage board? – No need to answer but it’s ironic that those empowered to protect heritage, seemingly avoid ownership of heritage. It was declared at the community meeting that two councillors are being asked to abstain from the vote due to a <i>conflict of interest</i>, (which includes the Tree Street counsellor). These councillors are not set to profit or gain, rather for the ‘resident’ receive a liability / burden if this policy is passed. I would have thought that these 2 councillors would best represent the precinct so their votes should be tabled, especially given the scale of this proposal affecting a community the size of Donnybrook. Then I find it ironic the three councillors who currently reside on the local heritage committee retain their voting rights. They are part of a committee who has organised and promoted this proposal, a proposal with no current community engagement. Allowing them voting rights is a true conflict of interest, they are not independent. They are supportive of heritage over the residents, as shown by the lack of community / resident engagement in the planning of precinct, policy and history survey. Successful adoption of policy is reward for the three heritage councillors. Those recommending this policy should not be allowed the right to vote on policy. Consequently, these three councillors should be made to abstain from the vote? Will this imbalance be corrected for a fair outcome?</p> <p>Conclusion As probably seen by my submission I am no expert; however, Council should not expect professional submission as this proposal effects 302 RESIDENTIAL homes, the majority families in a cost-of-living crisis. These residents are without the money nor time to gather appropriate representation. Through Councils own admission they had only two areas to elect for Heritage, the CBD or Tree Street. For reasons unknown, this proposal has landed to the domestic Tree Street area, a proposal I am certain has been recommended to council by their own local heritage committee. A Heritage committee where 3 voting councillors reside, their votes represent 25% of the current vote. With 2 councillors then being asked to abstain from vote, in a period where council is reducing number from 12 councillors to 11. These heritage councillors will represent 33% of the casting vote. They should be made to abstain to ensure a fair outcome. The proposal has a policy which I assume the Heritage committee created, a survey they commissioned whilst defined a precinct that captured 302 domestic homes. At no stage has Council really advertised or sort community input which was strongly recommended by the state’s heritage guidelines.</p>

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#	Name / Address	Summary of Submission
		<p>I believe Council has failed to:</p> <ul style="list-style-type: none"> • • openly disclose compensation available, • • declare possible grants they will receive, if so <p>- will these monies will be specific to the Tree Street area,</p> <ul style="list-style-type: none"> • promote an objection &/or escalation process within their policy for fairness of outcome, • seek community input, • promote a policy with a modern materials endorsement which would satisfy many insurers. • Provide us a fair voting platform when it comes to vote. • engage which has many residents querying the validity of the survey and the grading of their homes. <p>Recommend this proposal shelved and if the area is to adopt a policy, it be coordinated along with the community, a domestic community (not commercial enterprise) whose numbers reflect the same as many WA country towns. The numbers alone dictate fair and transparent governance. A pool of residents to whom need a constructive relationship and funding to ensure a mutually beneficially policy is created and adopted.</p>
107		<p>Second Submission: The proposal will impose significant unnecessary cost burden to normal home maintenance. For example, replacement of jarrah windows with jarrah windows like for like will require additional extra costs when the same character appearance could be achieved with other wood materials. The additional costs will add no benefit. to the character of the neighbourhood and could lead to properties becoming cost prohibitive to maintain and hence detract from the neighbourhood.</p>
		<p>Second Submission: My comments to the draft local planning policy are brief; however the highlight what I believe to be some glaring shortcomings:</p> <ol style="list-style-type: none"> 1. Policies like this are rigid and do not scale well. When the scope is a singular building it is manageable but in the case of a diverse area like Tree Street there are simply to many variables. 2. Although it has been stated that internal areas won't be the subject of this proposal it is clear that the Heritage Council WA has its own performance requirements and it is unclear to me how Bunbury Council expects resolve its responsibility as a delegated authority in relation to what it has told the public. I would cite the document on repair of wooden floors as an example.

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		<p>Table 1- Residential Design Code Variations</p> <p>5.1.6, C6 Building height: Maintaining a 2.7m plate height is not always possible without significant structural changes that under the new policy would need an architect to design plus additional application fees. This is assuming the required access is even possible. Please explain how planning department personnel will be trained and where the budget for this comes from. Presumably it will be paid by the homeowner through additional fees and charges for an initiative they never asked for.</p> <p>5.2.1, Cl.1- 1.5 Setback of carports and garages: Given the narrow roads and hills in the area in the interest of safety it seems that off-street parking in any form would be a better outcome. There would have been far fewer cars in the 1940s. Please explain how this proposal benefits the community at large in any way.</p> <p>Table 2. Contribution of individual places</p> <p>There appears to have been little to no investigation into this and because this is a technical requirement of the listing I would challenge:</p> <ul style="list-style-type: none"> Council has provided no historic photos to validate the findings for #11 Tuart Street. There are numerous errors in the assessment. 11 Tuart Street is not the only address with errors in the assessment. <p>For these reasons I reject the assessment of 11 Tuart Street Bunbury in its entirety as found in <i>TREE STREET HERITAGE AREA ASSESSMENT</i> dated September 2022</p> <p>8.2 Works Requiring Planning Approval</p> <p><i>External All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.</i></p> <p>Secondly, please explain how this would affect modifications that were made decades later to the front facade of a building keeping in mind the errors made during the contribution assessment phase.</p> <ul style="list-style-type: none"> Is there any plan to correct the errors made in the assessment phase? How will exceptions be managed when it is discovered that only a small part of a particular facade is original construction? <p>Please confirm in writing that no agency, including but not limited to, Bunbury Council AND the Heritage Council WA will have any basis to challenge said later modifications or force their removal.</p> <p>9.3 Conservation of Contributory Places</p> <p>Without photos most of these requirements will be subjective. My understanding is that it is advice is to consult an architect to</p>

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		<p>which there is a cost.</p> <p>Please explain what recourse I have if I don't agree with the architect.</p> <p>Please explain what protection are in place to ensure the mistakes made in the assessment won't be repeated at my expense.</p> <p>Please confirm that Bunbury Council has no plans to retain suitably qualified individuals with the ability to ascertain modern building practices in relation to heritage areas.</p> <p>Please explain where qualified building contractors will come from to carry out the work. As it is it is hard enough to find a contractor willing to work on these houses let alone with council and a heritage architect looking over their shoulder. It will be cost prohibitive in any case.</p>
108		Submission contained 5 pages please see: DOC/1177390
109		Submission contained 5 pages and photo's please see: DOC/1177589
		<p>TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3 Reference COB/5870 My husband, xxxxxxxxx, owns the property at the above address - shown as high interest and I, xxxxxxxxxx as wife, occupier, strongly object to the proposed precinct. SUBJECT OF SUBMISSION Such a change to our character area has the following negative impacts :- # financially, as our primary asset the conditions imposed and are crippling with loss of management of our "Heritage Precinct" home and # emotionally: the on-going significant anxiety that has already consumed unnecessary time and demanded written submission to reject this proposal. 1.0 The Consultation Process with the primary stakeholders has not happened.</p> <ul style="list-style-type: none"> • The 302 home owners have not been involved in producing any of the baseline data for assessment of the contribution their property has been given. • There are errors in these assessments. • The Heritage Architects in our area have not been contacted for input. Arpad has not been consulted, even though he was instrumental in preserving heritage builds in the city precinct. • The owners have no guidelines for an appeal process. • Therefore the onus is entirely with the owner to produce criteria to object to their classification. This has huge cost implications if, as is our property, been classified: High Contribution. • The consultation process has not begun. • One public meeting does not constitute consultation. <p>2.0 Hardship, stress and division of community...where the Tree Street Area has been admirably self-managed and maintained by the owners to draw attention to the heritage value and features of our homes.</p> <ul style="list-style-type: none"> • The lack of openness, clarity and involvement in this whole process has caused excessive anxiety within homes and the Tree Street Community,

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		<ul style="list-style-type: none"> • Many individual's have expressed the trauma this has & will cause in adhering to excessive detailed guidelines, restricting design and materials. • The time and expenses involved are not being offset in any way by financial assistance from the City of Bunbury and the compliance with the documentation is onerous and confusing . • This process is entirely unnecessary and as homeowners we are left with no reason or incentives to agree to these proposals. • It is not acceptable for the majority of subjected Tree Streets homeowners. <p>3.0 Furthermore documentation is inaccurate, complex and ambiguous.</p> <ul style="list-style-type: none"> • The sheer volume of policy documents is difficult to navigate and onerous. • The following documents have been referred to in response to questions from homeowners regarding what will impact the changes they require. LPP-6-1 (28 pages) LPP-6-2 (12.pages) Draft Local Planning (38 pages) Policy 4.3 This constitutes 80 pages of documentation. • This is complex and open to interpretation. • Currently "paperwork" lacks coherence. - plus clauses are open to interpretation by incumbent public officers winging it as more information/research is required. • This task is not the work of the homeowners and expert assistance will be required to interpret how to proceed. • changes to buildings facadism cosmetically only - how unnecessary & unsuitable for <ul style="list-style-type: none"> • future generations of owners, • for families today; • home can potentially be heritage Listed against the house owner's wishes, • deterioration of homes are due to normal aging • changes in the past 100 years as old homes are being shaken apart as vehicle movements are increasing • Becoming a "must do" policy will be crippling design creativity!! • These documents, even as a mere guide - to maintaining and assisting with building maintenance and new builds need more relevant input - via architect/ builder/designer/vernacular owner builder/homeowner considerations. • How debilitating, even the process of 'appealing a designated municipal officer's assessment of a properties contribution', is not documented. Therefore legally burdensome to the owner to object without the criteria and specialised knowhow! • The Tree Streets Precinct Homeowner, in having to contest any assessment without guidelines, will be subject to onerous and expensive protocols! <p>In conclusion we require an emphatic "No!" Councillors elect & City Municipal Administration Officers are representing all of our affected local community and we are fighting to retain ownership of and continue to self-manage our homes in the beautiful tree street community & area. To resolve & abandon this precinct imposition, we need the Council's incumbent officers, as writers of our</p>

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		"Heritage documentation along with both Councillors & City Admin Executives to support and listen to homeowners!
110		<p>I believe the implementation of a Heritage policy will become onerous for the residents who by choice have invested significant money to reside in the area. Restoration and maintenance of their properties within keeping of their homes era is evident. A heritage policy will place further significant burdens upon families who may either be unable to financially support the policy therefore the property will become run-down or they will leave the area. The Heritage Policy may become the 'death knell' of the tree street area including the devaluing of property prices.</p> <p>The pleasant 'tree street' area exists only due to the willingness of the owners to preserve its character over the years. When viewing Google maps over past years it can be seen that the houses were run down and any subsequent improvement is due to the owners, independent of council.</p>
111		<p>Submission Proposed Tree Streets Heritage A & Local Planning Policy 4.3 We object to the proposed Tree Streets Heritage Area & Local Planning Policy 4.3 for the reasons:</p> <p>In summary the policy requires additional developmental approval for minor works such as roofing, gutters, downpipes, fencing, swimming pools and "other ancillary structures" ana minor internal renovation works. Our objection is based on our beliefs and what we value as citizens and ratepayers in our local community under the umbrella of the Australian Constitution.</p> <ul style="list-style-type: none"> • The proposed policy removes our right to make choices on minor works that do not affect the structural integrity of our house and property. • The proposed policy will bureaucratic and expensive to implement, and an expanded planning department will be an additional cost impact to the ratepayers. • Ratepayers will be required to provide additional service fees and their time to seek developmental approval for minor works which will further exacerbate the current impacts of high interest rates, high inflation, and time poor working families. • The policy conflicts with Australia's commitment to a 43% reduction below 2005 levels in greenhouse gas emissions by 2030. By imposing a requirement to ensure solar panels cannot be seen from the road means that Tree Street residents will not always be able to place solar panels facing towards the preferred northern aspect to maximise the effect of solar radiation. We believe the sustainability objectives of our country are far more important than the subjective visual aesthetic objectives of this policy. • This policy, if implemented, is likely to erode the value of property in the Tree Street area for the reasons listed above.
112		<p>We strongly oppose the Tree Streets Heritage Area and Local Planning Policy 4.3 and do not agree with any part of it being implemented. See following 2 pages for our comments.</p> <p>We have been homeowners and residents in the Tree Street area for 22 years. In that time any additions or improvements to our property have been done in keeping with the character of our home and the area. We have been able to self manage and take responsibility of maintaining our home without being dictated to by a heritage policy. ·Why are we not able to maintain our home as we see fit and can afford without interference from the council?</p>

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#	Name / Address	Summary of Submission
		<p>We strongly object to our house being assessed by someone from Perth using Google images to deem it of high contribution. What is it about our asbestos and weatherboard house that is of high significance? To highlight how inaccurate the assessment process is it was noted that our chimney was well maintained but if you actually look at it up close you can see bricks are broken and mortar is missing – far from being in good condition. Our front verandah is not original, at some point the original Art Deco pillars and wooden verandah have been replaced with metal poles and a brick and concrete pad. How accurate are the assessments of each of the houses when deeming them of heritage significance? How can they make an accurate assessment from a photo without speaking to the homeowner? Something as important as the heritage contribution rating that will affect what can and can't be done to our house should be taken seriously and made with proper consultation and investigation.</p> <p>Why weren't the residents notified and spoken to about this whole process before the proposal was finalised? Something that is going to affect every resident financially and emotionally should be consulted with the community from the beginning. This will affect us financially due to the strict rules around maintenance and upkeep.</p> <p>Having to replace like for like when the same materials are not readily available and costs are prohibitive isn't realistic. How can we replace jarrah fixtures when jarrah is not readily available or extremely expensive. Having to seek permission for any updates (eg replacing gutters) is time consuming and will increase cost to the homeowner. If application fees are not charged at the moment what's to say they won't be charged in the future. Wanting to update our house to be more environmentally friendly with heating and cooling seems financially impossible under these rules. Having to place solar panels in a position that doesn't show from the street but is in a less efficient spot doesn't make sense. Insurance costs will increase for our home. Our insurer has told use there will be a premium increase if our house is in a heritage area. Having a house in a heritage area will have a negative impact on the sale of our house and the price, not everyone wants to buy an old house that has restrictions placed on it. Making a blanket decision to deem the whole Tree Street area as a heritage area doesn't make sense. There is a huge variety of houses from all different eras, all of them contributing in different ways to the character of the area. There are 14 properties that are already on the Heritage List/Local Heritage Survey. If a homeowner wanted their house to be on the Heritage list they can do so themselves or they would have already been approached by the Heritage council to be included. Why can't we decide for ourselves if this is something we want for our house. In what way is the council going to contribute to the character/heritage of the area? Footpaths are broken and dangerous, their style and the materials used varies, there is 2/3, no consistency. When some footpaths were replaced from the original concrete slabs to a poured concrete path the old slabs with the street names were thrown out. Surely original elements that gave the area character should have been kept and incorporated into the update or the old slabs replaced with newer ones to maintain a consistent look. The proposed planning policy is open to interpretation. The interpretation of the policy can change whenever new personnel are employed by the council resulting in long term uncertainty and concerns. Whenever the council proposes a policy that creates such anger, worry and frustration amongst ratepayers such as this surely the correct action is to stop and rethink it's progress.</p> <p>We hope that the councillors who have spoken to residents and attended the public meeting have listened to our concerns and really understand how this proposal affects us emotionally, financially and mentally. These are our homes and our biggest investment so we</p>

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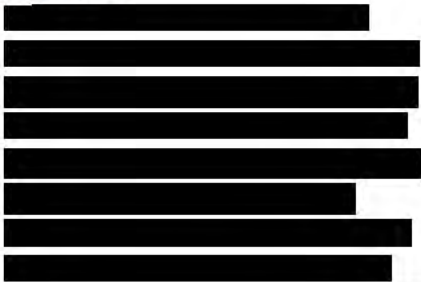


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		hope that our views are taken seriously without prejudice. You have been elected to represent us all and with such strong opposition to this proposal it doesn't make sense to go ahead with it.
113		Submission contained 5 pages please see: DOC/1178054
114		I feel the 'horse has bolted' on declaring my neighbourhood as a heritage precinct. From my front porch I can see four structures that have either been built or renovated in a modern style. Both of my neighbours have modifications that have destroyed any sign of heritage building. This applies to [REDACTED] which has had its bullnose verandah replaced with a modern Mediterranean style front, further north on Picton cres are at least 7 new modern residences that do not reflect heritage value.
PETITION		
		<p>The same open letter has been submitted by several people with multiple signatures.</p> <p>Submission contained 2 pages please see: DOC/1177343</p> <p>An open letter to the City of Bunbury Mayor and Honourable Members of the City Council,</p> <p>We write this open letter as concerned citizens and owners of the City of Bunbury to express our deep reservations and opposition to the new proposal that pertains to the Tree Street Heritage Area and the associated Local Planning Policy 4.3</p> <p>We, the owners in the proposed Tree Street Heritage Area, appeal to the Mayor and Councillors of the City of Bunbury, to abandon the proposed Tree Street Heritage Area and Local Planning Policy 4.3 in totality.</p> <p>The proposal under consideration places an unnecessary and onerous burden on us as owners and, more importantly, on future generations of owners. While we undoubtedly recognize and respect the unique character of this area, it is important to acknowledge that the current proposal, seeking to declare our homes a heritage area, has triggered significant anxiety and stress within the community.</p> <p>The Council's offering of a potential 'rates relief of \$1000 annually for up to five years, while appreciated, does little to alleviate the financial costs that will undoubtedly be incurred by us in adhering to the Heritage regulations while performing essential maintenance on our homes. These regulations, though well-intentioned, have the potential to impose substantial financial strains on owners, as they require adherence to specific guidelines that often necessitate specialized materials and labour, driving up overall costs.</p>

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		<p>Furthermore, the anxiety surrounding the prospect of these regulatory requirements not only disrupts the tranquillity of our community but also undermines the very essence of why we have chosen to make this area our home.</p> <p>The Tree Street Area has flourished because of the dedication and love poured into it by its owners, who have maintained its charm and character with unwavering devotion. It is disheartening to consider the potential adverse impact on this cherished district, as well as the stress that could be passed on to future generations of owners.</p> <p>In light of these concerns, we humbly urge the City Council to reconsider the proposal and engage in a more extensive dialogue with the affected owners, which we do not believe had happened to date. A collaborative and transparent approach is essential, allowing owners to voice their anxieties and present alternative solutions that could preserve the integrity of the Tree Street Area without imposing undue financial burdens.</p> <p>We firmly believe that by working collectively and attentively, we can find a balanced resolution that respects the character of this area while supporting the owners who have nurtured it over the years. We wholeheartedly hope that our concerns will be taken to heart, and we look forward to the opportunity for constructive discussions that will contribute to the well-being of both the community and our beloved city.</p> <p>Thank you for your time and understanding. We await your response with optimism and trust in your commitment to our city's past, present, and future.</p> <p>Signed by the 302 owners in the area affected by the proposed policy.</p> <p>138 signatures:</p> 

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#	Name / Address	Summary of Submission
		<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
		<p>Open Letter (as above) with DOC/1177389</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>6 household</p>
		Open Letter (as above) with DOC/1177437 1 household
SUPPORT/SUPPORT WITH CHANGE		
1		<p>Most residents who buy a home in the Tree Street are do so because of its character. Therefore, most would tend to keep the character of their home if it is suitable to do so.</p> <p>We bought in 2005 and made several drastic changes to the property when we renovated it. This included replacing windows with aluminium ones, removing walls, filling in another window which would be seen from the street and adding an extension that can be seen reaching beyond the width of the house. The roofing is also corrugated tin and not the original tiles. The colours of our home are also not the heritage colour it was built with. Our house has no photograph in the study but is deemed of high value heritage.</p> <p>From this I believe that as an identified high value home it suggests that the rules are flexible. I do suggest that in this context any other home of high value also does not need to replace like for like and can make extensions that can be seen from the front of the property.</p> <p>A further point is if a property has deteriorated to an extent that renovation make it cost prohibitive some leniency should be made considering block prices are high in the area and building costs are also at an all time high. I rent a property that has been deemed high value in the designated area. The property has sunken footings, is white ant ridden, has enormous structural issues including every wall with a multitude of cracking and has an extensive amount of asbestos. It is a worker's cottage and would require extension for contemporary living. As such it will under the proposal not be financially viable for the owner to renovate or sell.</p>

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		<p>Finally, homes require new standards for climate control and power generation. If a property has its north facing roof on the street frontage, they should be able to add solar panels and put in double glazing if they wish. Considering this some flexibility is required. The heritage officers need also to be yes people rather than no. In that they should look to find solutions for the homeowner first. The upshot from my perspective is that some level of heritage preservation should be in place but a larger amount of flexibility should be adopted rather than with the level of the Stirling Street precinct.</p>
2		<p>Thank you for the opportunity to comment on the Proposed Tree Street Heritage Area and associated Local Planning Policy. We acknowledge and appreciate the amount of effort and analysis the City has done to date, and is continuing to do so with this project. We fully support the proposal, but have a number of suggestions for the draft Policy, which you may wish to consider, which are listed below.</p> <p>We are a young family who purchased in this area for the location, lovely streetscapes, character homes and the zoning of the land not allowing subdivision into smaller lots, and hence retaining a single dwelling feel within the area. Our property is determined as ‘High Significance’ within the draft LPP.</p> <p>The main reason and intent the Council should support the Heritage Area, is the incremental demolition of buildings within this area negatively impacts the area as a whole, and erodes the character in the locality. In addition, there are no planning controls to ensure that new dwellings are integrated sympathetically into the streetscape. Without any statutory protection, there is no ability for the City of Bunbury to control future development outcomes within this area, and there have been numerous examples of knock-down rebuild developments within the area, which look poor, overbearing, and out of character with the area.</p> <p>We have had a one-on-one meeting with the City’s Heritage Officer and Heritage Architect, as our future plans would require an extension to the existing dwelling. Our future plans involve a two storey extension that would be visible from the street due to the topography, although setback substantially from the street. We are retaining the large majority of the existing fabric, but this meeting was very productive and very supportive, with a substantial modern extension broadly consistent with the Policy.</p> <p>There has been a number of loud voices in the community, and during the community open session the City of Bunbury ran. There has been a number of concerns raised relating to maintenance, like-for-like, insurance, property prices, lack of community consultation, and other matters.</p> <ul style="list-style-type: none"> • In regards to insurance – a number of people have raised matters with dwellings being ‘uninsurable’. As such, we contacted our insurer, which is a very large WA based insurance company, and would have no problems with our house being included within a Heritage Area. Our premiums would increase by approximately \$15 per annum, which is very reasonable. • In regards to maintenance and like-for-like, these aspects of the Policy could be clarified, and it is recommended that the City of Bunbury consider reviewing the associated local planning policies in relation to heritage incentives. As per the City’s Local Planning Strategy 3A-1.3 ‘Review and where necessary update or rationalise relevant LPPs relevant to cultural heritage’ <p>It is strongly recommended that the City of Bunbury consider allocating additional budget to heritage concession rates, or the</p>

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		<p>implementation of a heritage grant scheme, similar to other local governments (e.g. Subiaco, Fremantle, Stirling). It is noted that the existing 2023/2024 Budget has only an allocated amount of \$2,132 as rate concessions towards TPS Heritage Rates (Page 28 of the 2023/2024 budget), which is a very small amount based on total rates revenue.</p> <ul style="list-style-type: none"> • In regards to property value, there is no evidence to suggest that heritage listing negatively affects property prices, or affects the amount of purchasers interested in a property. It is suggested that the Council consider the anecdotal nature of these comments as they are not based on quantifiable (evidence-based) data. • In regards to 'community consultation', the City of Bunbury have exceeded the requirements listed under the LPS Regulations, and all property owners could have undertaken a one-on-one meeting with City Officers. The policy and heritage area is draft and the LPS Regulations allow modifications following advertising. <p>Please note that we would not support higher density in this location, as future subdivision would erode the character and feel of the area, with increased driveways, retaining, filling/drainage, and likely reduction in vegetation within the locality. The rezoning of the area would also increase the land value, and would result in the demolition of circa 1900s buildings to facilitate grouped dwelling developments. There is very little prospect to retain existing dwellings and subdivide the land.</p> <p>It is noted that the City's Housing Strategy outlines '<i>Consideration of new sensitive and appropriate infill within the Tree Street should be investigated where the existing housing stock, landform and significant trees can be retained.</i>' (Action 8). It is also noted that the Bunbury Geographe Sub-regional planning strategy promotes '<i>urban infill and residential densities, while respecting heritage values and the distinctive character of each locality</i>' (Action 10). Notwithstanding the above, it is extremely unlikely that infill subdivision and the retention of the existing housing stock can be undertaken at the same time.</p> <p>In summary, we are supportive of the Heritage Area and draft LPP, and strongly encourage the Council to consider additional incentives, policies and budget allocations to provide ongoing maintenance to the City's heritage areas and heritage listed properties.</p> <p>Policy Modifications</p> <p><u>General</u></p> <p>The Policy does not have the reflect Heritage Council's Guidelines relating to 'works in a heritage area' Cl 4.2 and the requirements - e.g. a schedule of finishes, elevations at a street level, site analysis plan?</p> <p><u>Objectives</u></p> <p>The objectives are very broad and not specific. Shouldn't these objectives include statements relating to the conservation of existing buildings which make a contribution to the heritage significance. For example:</p> <ul style="list-style-type: none"> • '<i>To conserve existing buildings identified as making a high or moderate contribution to the heritage significance and traditional streetscape character of a designated heritage area;</i> '

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		<ul style="list-style-type: none"> To encourage innovative and contemporary new building developments, and alterations and additions to existing buildings, that are in harmony with, and maintain the integrity of, the heritage area’s cultural heritage significance, its established character and visual amenity; <p><u>Relationship to Planning Framework</u> The R-Codes have recently changed, I believe this is now Part 3 of the R-Codes, not Part 7.</p> <p><u>Cultural Heritage Significance of the Tree Streets Heritage Area</u> The Statement of Significance for Site P5642 outlines the proclamation was in 1836, whereas Part b of the Draft LPP outlines the proclamation was in 1841?</p> <p><u>8.2 Works Requiring Planning Approval</u> <u>External</u> External Works – The Policy outlines that replacement of roofing, gutters, downpipes etc, all required approval. The LPS Regulations 2015 Cl 61 specifies maintenance and repair works do not require development approval, with the following conditions: Either – a) the works are not located in a heritage-protected place; or b) the maintenance and repair works are of a kind referred to in the Heritage Regulations 2019 regulation 41(1)(b) to (i).</p> <p>The Heritage Regulations 2019 Reg 41 (1)(e) specifies: (e) repairs, including replacing missing or deteriorated fabric with like for like fabric, that does not involve the removal of, or damage to, the significant fabric of the building;</p> <p>For example, if you’re replacing colorbond guttering with the same profile, colour, location, etc, would this actually require approval?</p> <p><u>8.2 – Internal Works</u> This should be clarified, as the exemption within the LPS Regulations 2015 outlines that “Internal building work that does not materially affect the external appearance of the building.” The wording is currently unclear and does not specifically state that properties only included within the heritage area do not require approval for internal works. It is unlikely that a member of the general public will understand the difference between a Heritage List vs. Heritage Area – maybe this should be clarified as a note?</p>

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		<p>In addition, it may be a good idea as a note for example, the demolition of a chimney breast (which results in the modification of the external appearance) would require approval.</p> <p><u>9.1 – Demolition and Relocation</u> A4.3 – Should this also reference that the City may engage an independent structural engineer to provide advice, as well as independent heritage advice?</p> <p><u>9.3 – Conservation of Contributory Places</u> I note that these comments are predominantly related to the ‘Design Advice’, however, the Design Advice is D.3 Advice - <i>Weatherboards – painted hardwood horizontal weatherboards are retained and restored. Where weatherboards require replacement, new elements match the type of material (timber), width of board, profile and lapping of the original.</i></p> <p>This should probably clarify that the species of timber is not significant, i.e. you don’t have to replace with Jarrah - Also the intent of this is to maintain the same visual aspect, should this also consider James Hardie Weatherboard, which is a fibre cement product with significantly less maintenance compared to timber? Suggest the City investigate cost implications between timber & fibre cement, noting that it is likely that many submissions will refer to the ongoing cost/maintenance in this regard.</p> <p>D5 – Windows and Doors <i>b) Original glazing is retained unless there is unavoidable need for replacement. Replacement glass should match original and be non-reflective.</i></p> <p>This could be clarified. For example, 1 of my windows were broken in a 1910s build and the glazier said it was 2mm thick (which they don’t even make anymore, and potentially it doesn’t comply with Australian Standards) - It was replaced with 6mm glazing, and it is difficult to tell the difference.</p> <p>Also - what about LOW - E Glazing, or Double Glazing - I would say as long as the window frame is not modified, does it matter what glazing goes in? As heating/cooling gets more expensive, it is likely that people may wish to modify their dwellings to reduce heat loss, with the main reduction in heat loss coming from windows.</p> <p>D7 – Painting</p>

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		<p>Should the guidance statement also provide a summary of the main colours in the area? E.g. a Subiaco policy has this sort of statement:</p> <p><i>Colours that are appropriate to the Area are essentially a reflection of the building materials, and range from light cream to deep ochres, reds and oranges. However, this does not necessarily exclude other colours from being used, provided they harmonise with the streetscape and do not disrupt the characteristic unity of the area.</i></p> <p><i>Monochromatic schemes are not appropriate on the heritage buildings in the Heritage Area and should be avoided.</i></p> <p><i>Colour schemes that deviate from these recommendations may be approved if it is considered that they do not detract from the significance or character of the area</i></p> <p><u>9.4 – Alterations and Additions to Existing Buildings</u></p> <p>Should this section consider that the Tree Sts Area has quite steep topography at sections, and as such, which may result in greater prominence of additions? I believe this is predominantly taken from the East Bunbury heritage area - For example, my property from the street, you can actually see to the very rear of my property, due to the stepped nature of the property. For example, A.3 (a) is very difficult to achieve on my property noting that it has an extremely wide frontage, and the topography of the land.</p> <p>Should this section have pictures/examples of sympathetic extensions to heritage buildings to show examples of what could be developed.</p> <p><u>9.7 – Building Form, Scale and Bulk</u></p> <p>A1 (b) – <i>The upper floor area of the building does not exceed 50% of the ground floor area</i> – On an alteration/addition, does this relate to the ground floor area of the existing dwelling/building, or the ground floor area of the renovation. Should this be modified to refer to ‘original ground floor area’ if that it is the intent?</p> <p><u>9.8 – Roof Form and Pitch</u></p> <p>A.1 <i>The roof forms of new buildings are pitched between 25° and 35° and are of similar scale, form and articulation (i.e. complexity) to traditional development in the immediate locality.</i></p> <p>Does this include additions/extensions? Should this be clarified. Often a pavilion or extension may not have similar roof pitches (or be a</p>

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		<p>flat/concealed roof) to distinguish old from new.</p> <p><u>9.10 – Materials and Colours</u> <i>D.2 Alterations or additions to an existing dwelling should use materials that match the original or that are compatible with its significance. Sometimes different materials can be used to distinguish the new from the old.</i></p> <p>What about contemporary additions - There are a number of new building products which are often used to distinguish new from old (e.g. colorbond cladding, horizontal timber slats, Cemintel edge cladding) - Should additional information or guidance be outlined - e.g. horizontal lines vs vertical lines to distinguish new from old, or other techniques.</p> <p><u>9.11 – Access, Parking and Rights-of-Way</u> Figure 6 is an East Bunbury Example - Should the figure and design be tailored to Tree Sts - e.g. there are a number of properties that have double frontages (e.g. Tuart/Reading), and laneways near Sampson/Lovegrove.</p> <p><u>9.14 – Incidental Development Requirements</u> E2 - Should this section include portions of design guidance for Solar Panels on the front roof of dwellings - e.g. not tilted/flat to the roof?</p> <p><u>9.16 – Public Realm</u> Should the public realm intent outline the retention of street trees is paramount - and proposals that require removal of street trees will not be supported?</p>
3		<p>In general terms, I am in favour of the draft proposal to conserve the heritage significance of the area under consideration. Unfortunately, over time, numerous historic places within the southwest region have been lost, without appropriate consideration for their heritage/cultural value. It is therefore prudent, and desirable, to protect and conserve the Tree Streets precinct.</p> <p>There are a few comments I wish to make:</p> <ul style="list-style-type: none"> • From a global perspective, there are numerous buildings, and associated heritage areas, that have been preserved for many hundreds of years. The custodians of these buildings take much pride in what they have achieved. We, also, can take pride in preserving what we are able to achieve. • Within the proposed Tree Streets Heritage precinct there are examples of landowners having built houses that are in keeping with the "character" of the area. From my perspective, these buildings complement existing "heritage" buildings.

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		<ul style="list-style-type: none"> • I note under 9.3 (A.1) a) of the Draft Local Planning Policy 4.3 that conservation works "retain the original materials or replace on a <u>'like for like' basis if damaged beyond repair</u>". It may be difficult to source particular materials (even on a 'like for like' basis). Flexibility is important. • It is important that in the pursuit of protecting/preserving the heritage area, that it does not become prohibitively expensive for landowners to meet desired outcomes. Hopefully a balanced approach can be achieved.
		<p>Our heritage is a valuable intangible asset that is recognized by most citizens but not by all. The opinions of those who do not see heritage value is acknowledged and accepted. That acceptance, however, does not extend to granting permission to them to destroy heritage that is a communal asset. In our free and open market, those who do not recognise heritage value are still able to sell their property with its heritage value recognized by the buyer even if not recognized by the seller. There is little complaint by anyone.</p>
4		<p>I wish to withdraw my former submission with my objections. Following a telephone consultation with xxxxxxxxxxxx (Planning Officer – Heritage) today. I am happy that my concerns regarding the Heritage Planning proposal are unfounded now that I have a clearer understanding of the policy implications.</p> <p>I continue to support the conservation of the Tree Street Area in terms of conserving the original historic houses and mature trees. Please stop the destruction of the historic cottages and the felling of mature trees before there are none left.</p>
		<p>The draft planning policy is a "full-on" heritage protection policy that overly restricts sensitive home improvements. I would support with amendments but you have not provided that as an option.</p> <p>Objections to City of Bunbury Draft Local Planning Policy 4.3 - Tree Streets Heritage Area</p> <p>In response to your request for comment and as a registered owner-builder of a property rated as a 'High' contribution to the area, I have set out below my objections to specific requirements listed in your draft Local Planning Policy: Tree Streets Heritage Area. Whilst I am supportive of the policy objectives for preventing ongoing wanton demolition of period homes and architectural vandalism in redevelopment, I feel that recognition of the value of architectural heritage is decades overdue for the City of Bunbury. The area of most concern with your proposed policy is the far reaching implications of applying such a strict heritage policy. Only one residence within the Tree Street area is a listed property – 2 Jarrah Street.</p> <p>Section 5.3 Relationship to residential design codes:</p> <p>5.1.6 C6 Building height: The proposed plate height of 2.7m ignores the fact that many pre 1945 houses in the area have a ceiling height of 3.3m (11'), which is commensurate with the typical room dimension of 4.5m x 4.5m (15'). If you reduce the ceiling height, the room proportions are wrong. Furthermore, if you extend the property with a ceiling height limit of 2.7m, the external walls and roof line will not match the existing and the resultant bodge job unsightly to all.</p> <p>5.2.1 Car parking structure setback of at least 1.0m behind the building line. If you adopt this, then you cannot enter the garage from</p>

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		<p>the side, only via the front garage door. Note that these older houses, being constructed on timber stumps, do not permit a doorway into the living areas as per the modern slab-on-ground Dale Alcock-style homes. A 1m extension in front of the house would at least allow you to exit the garage via a side door opening to get to the front door. Refer 12 Banksia Street garage as an example.</p> <p>I agree with the principle that the garage should not dominate the front of the house, as it escalates the importance of the car over the house. 48 Tuart Street is a case in point, closely followed by 12 Jarrah Street.</p> <p>5.2.4 Street walls and fences – see below.</p> <p>5.4.4 External fixtures, utilities and facilities: Air conditioner units, hot water services, electricity and gas meters cannot be concealed from the streetscape as they need to be serviced and accessed. For example, despite having moved my electricity meter box from next to the front door to the front corner of the house, Western Power still use their standard excuse card for not being able to access it.</p> <p>6.0 Cultural Heritage Significance</p> <p>Is the Council going to hold a Truth and Reconciliation Commission, as part of the Tree Street Heritage Area policy adoption, to give residents a very minor lift to what little confidence remains in Council-led decisions? Some examples include:</p> <ul style="list-style-type: none"> • Why did the council cut down every tree on the verge, in Banksia Street, in the 1980's ? The exception was the one outside of 6 Banksia Street, only saved due to the neighbour having his car parked underneath at the time. • Why did the Council want the historic Rose Hotel to pull down their verandah ? • Why did the Council knock down the original Victorian-style library in the 1970's and rebuild it twice? • Why did the Council want to knock down the Stirling Street Art Centre buildings a few years ago ? • Why did the Council want to knock down BRAG and build a Myer store on the site ? • Why do older residents in the Tree Street area allege that the Council had a reputation for receiving secret commissions for retrospective planning approval being given for strata developments e.g. 4 Banksia Street? • Why did the Mayor support construction of a monstrous 2 storey monstrosity day care centre, requiring the demolition of a historic house at 88 Beach Road ? <p>8.2 Works Requiring Planning Approval</p> <p>External: Object to require planning approval for replacement of roofing, gutters and downpipes on the basis of these having heritage significance. Many of the original houses in the street did not have gutters to start with; the corrugated iron roofing shedding water straight onto the ground. This is why the timber stumps around the perimeter of the houses have rotted away. Guttering and downpipes are a relatively new phenomenon and are not a heritage item.</p> <p>Internal: You need to make it very clear that the <u>only property where internal works requires planning approval is No. 2 Jarrah Street.</u></p> <p>8.3 Adaption</p> <p>This section is very subjective – who decides this ? Either delete or give specifics in terms of SMART.</p> <p>9.1 Demolition and relocation</p> <p>I want to demolish the chicken coop and relocate it to another area and then construct an outbuilding on the site. Are you saying that</p>

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		<p>this is not now permitted and my approved building permit is no longer valid ?</p> <p>Design Guidance</p> <p>D2: Traditional landscaping was Kikuyu grass - which requires a lifetime commitment to Victa lawn mower ownership. This is not acceptable to retain.</p> <p>You are also asking for retaining of architectural elements such as timber window frames, doors, etc. but you have not acknowledged that I got the last set of jarrah period windows from Ausdens Bunbury before they shut their doors for good, after allegedly sustaining a \$1 million loss. If you include the forestry ban on jarrah timber then you will know that we are pretty well stuffed for like-for-like replacement. In effect, you are insisting on future proofing jarrah timber joinery without recognition of supply chain collapse. If you want this then you need to actively support. How many joinery apprentices has the council take on in recent years to maintain its extensive portfolio of period properties ?</p> <p>D3: Walls</p> <p>a) Brickwork: Original mortar was lime-based, which is why it needs repointing. Do not insist on original mortar or joint profile unless it is a heritage-listed building i.e. 2 Jarrah Street’s brick chimney. If you want to get serious, then you would provide a recommendation to use local dune sand (dug up in the back yard) and Swan coastal cream M4 cement (\$12.25 at Bunnings) with 30% lime added, or else Cockburn Cement’s Brickies Lite Coastal M4 cement, which has the lime already added.</p> <p>c) Weatherboards: Except for 2 Jarrah Street, forget getting jarrah as original replacement – they do not exist. What you have to use is Design Pine finger jointed H3 176x18mm Chamfer Board in 5.4m lengths then take typically 20mm off each board with your circular saw so that the width matches. Once painted, they are a close match. M&B Building products in the Halifax industrial estate sell them but you have to wait 3 to 4 months for delivery.</p> <p>D4 Verandahs:</p> <p>DO NOT MATCH original dimensions – they were not designed for the wind uplift under the current wind loading code. You will now need deeper glulam verandah beams and chunkier posts. Forget getting jarrah - it will have to be laminated H3 structural pine. Unless it is 2 Jarrah Street, forget trying to replace the verandah with the original timber handrail.</p> <p>D5 Windows and doors:</p> <p>The original window locks are not Burglar Bill proof. Why are you insisting that our houses be easily broken into and robbed ?</p> <p>b) Original glass cannot be matched, as the original was hand rolled, not float, and is not safety glass. For 2 Jarrah Street, you could insist upon using greenhouse glass, which has defects and is thinner but this is non-compliant in terms of safety. If a councillor knocks on the door and puts their wrist through the glass, they will bleed to death from the cuts. On second thoughts.....</p> <p>c) Doors: This clearly needs to state <u>“Front door only”</u> and allow for steel mesh security flywire doors to be fitted and deadlocks for insurance purposes. Side doors, back doors, internal doors, cellar doors, garage doors, french windows, kids cubby hut doors etc. need to be clarified as exempt.</p> <p>d) Ornamentation: Please define. Do we have to put back the concrete garden gnomes and the white-painted rubber swan made out of</p>

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		<p>a hacked apart truck tyre ??</p> <p>e) Paint: The original paint colours were ghastly. Strongly object to having to paint the house in those colours. Refer 9.3.</p> <p>D8 General:</p> <p>Remove paragraph a) reference to “may be appropriate” and change to “is expected that” zincalume corrugated roofing and villaboard cement sheeting will be used. No tradesman is going to use asbestos and zincalume lasts twice as long as galvanised.</p> <p>b) How many councillors, past and present, live in butchered homes ? Are they going to lead by example ?</p> <p>9.4 Alterations and additions to existing buildings</p> <p>Point E2: I strongly disagree. New buildings, additions, and other works should be designed to mimic the style of the existing building and should not be in a contemporary style.</p> <p>Point A6: I strongly disagree. New work should NOT be readily identifiable as such. It should look like the original. It’s not hard if you are a decent tradesman.</p> <p>9.3 Conservation of Contributory Places</p> <p>The use of the ICOMOS Burra Charter is not supported for non-heritage listed residences. Specify that the ICOMOS Burra Charter only applies to 2 Jarrah Street and St Boniface Church. For example, my verandah is not original to the house and I am not going to put it back to original.</p> <p>I do not support the need to get a qualified heritage professional to tell me how I should repair, maintain and restore my house. I have my wife to do that; her choice is impeccable and her word is final.</p> <p>Furthermore, like-for-like colour is not acceptable. The original paint used on this property was the ghastly “West Australian Railways Larch Green”, in recognition of its original owner being a railway worker. The paint was probably procured as per the “reject” railway sleepers used as stumps to support the house.</p> <p>D2 roofs:</p> <p>Galvanised iron should read Zincalume. It lasts twice as long in coastal areas.</p> <p>Gutters are a recent addition and are not half round, as stated. Look for the ‘birdmouth’ cutouts at rafter ends. Do not specify the shape.</p> <p>Chimney pots – 1930’s houses did not have chimney pots, just cut-outs in the brick. Where do you intend us to source replacements ? The only chimney pot maker I found lived in the Perth hills and may still be alive.</p> <p>Design Guidance</p> <p>Does this imply that if I want to erect anything on my property, I need to submit a design to the council building department for approval ? Including garden structures and chicken coop ??</p> <p>You need to make this very clear that this only applies to 2 Jarrah Street and St Boniface Church.</p> <p>D7: Object - no reason why an extension should be distinguishable from the original. Visitors and tradesmen to our house can’t spot</p>

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		<p>the difference - that is the whole intent of sensitive building work.</p> <p>D8: Object to the council interference to making internal modifications to a non-listed heritage property. We have different expectations and lifestyles from the original residents. Like an indoor toilet and laundry, more than 1 bathroom, separate kitchen and dining room, and separate bedrooms.</p> <p>D 9: Object to this. It makes the changes to room layouts and doors seem bodedged. The whole idea of internal changes is to make it appear as if it was the original layout. Hence attention to detail.</p> <p>D10: Why not mimic ?</p> <p>Second point, from the image presented, what brain within the council dreamed up the requirement that hiding the 2 storey addition to the rear of the house is for the benefit of a young mum out pramwalking not to be see the extension ? Most women with young kids doing the school run speed past in their 300 series Landcruisers without a sideways glance.</p> <p>9.5 New Buildings</p> <p>Object to point E.1 A new building should be able to copy an existing building. What is your problem ??</p> <p>The real problem is that the restoration and extension cost of an old weatherboard or brick home is prohibitive for most homeowners. For example Challis Builders quote around \$550,000 for an extension in the Tree Street area; the cost of a house and land package in Dalyellup. No wonder cashed up boguns are buying old houses and flattening them for a Dale Alcock-style home. It is not acceptable but it's far cheaper, even if the new home won't last the life of the mortgage.</p> <p>9.8 Roof Form and Pitch</p> <p>A.2 Object that alterations/additions to building retain the original roof form. If you extend the property, then the internal stick roof layout does not work. Ask Wayne Stepnell of Stepnell Builders, who is one of the best builders in Bunbury for work on period properties.</p> <p>9.9 Verandahs and Porch</p> <p>Object: The house you have shown is [REDACTED] where the verandah was added by [REDACTED] wner in the early 2000's It is not original but it was his vision as to what it should look like. So what you are saying is that if we, as homeowners, have added a verandah, then we must now keep it as is, is our workmanship is now considered "original".</p> <p>9.12 Garages, Carports and Outbuildings</p> <p>I want my new garage down the side of the house, having spent several years demolishing the garages in the rear of the property, to free up for the garden and pool. If I set back the garage 1m from the front of the house, I cannot exit the garage, except via the front garage door. Refer to earlier note and house opposite.</p> <p>9.13 Landscaping and Boundary Fences</p> <p>Object: I intend to timber infill between the stone pillars of my front garden, as the cottage planting has struggled to establish in the harsh, exposed conditions. I will thus have to get this built before the planning deadline, as it will exceed 1.2m. Why is the council insisting that my private parts remain on public display ?</p>

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		<p>Design Guidance D8. Object. Why is the council encouraging public views of my front garden. I intend to take up nude sunbathing in my retirement and you are intent on creating unrestricted views. Is this the desire of the councillors ? I want the fence height to prevent this, not to improve the view.</p> <p>9.14 Incidental Development Requirements A.1. Object. Solar panels work best if they are spread around the roof, to be east, north and west-facing. They also kill the heat off the roof and reduce the air conditioner load from the corrugated iron. Why does the council feel the need to contribute to global warming with this short-sighted policy ? D.1 Object, as per A.1 above</p> <p>9.15 Signage Object – council policy effectively bans Christmas lights – no Merry Christmas, no Santa and no reindeer. Humbug !</p> <p>9.16 Public Realm Is this not the same council that tried to flog off the block of land on Beach Road/Tuart Street corner that was gifted to the council, hoping to develop it for high density modern housing ? Verges are under the ownership of the council, not the homeowner. Do you need to specify what you, as the council, will do to your property ?</p> <p>11.1 Heritage Impact Statement Object to the need to get a HIS by a heritage professional with relevant experience for a non-heritage listed house. Furthermore, you have not defined who a heritage professional is, nor their experience with 1930's former railway houses in the Bunbury area. Sounds like work creation, at homeowner expense.</p> <p>11.4 Recording Change Object: You have the architectural drawings as part of the building approval submission.</p> <p>11.6 Removal of significant landscape elements Please provide a link to the public register of significant trees</p>
5		<p>Thank you for the opportunity created at the Council on Tuesday evening.</p> <p>Whilst our home is rated little to no contribution, I wish to support the Tree Street Heritage Landscape proposal. By this I mean, maintaining the wide streets, double paths on some streets, street trees indicative of the heritage precinct, maintaining and enhancing the character of the tree street area.</p>

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Proposed Tree Streets Heritage Area – Local Planning Policy 4.3



#	Name / Address	Summary of Submission
		<p>With regards to the Tree Street Heritage regarding personal homes, I wish to support the preservation of the character homes of the past within the boundaries set in the proposal with some commonsense approach. eg Like for like to mean, same look, newer more modern lightweight product such as jarrah sash windows replaced by lookalike aluminium sash windows.</p> <p>Additions - be contemporary or still in the vintage of the home but be the owners choice. The addition should be definitive yet seamless so as not to compromise the liveability.</p> <p>The policy interpretation must be clear to both the Shire, designers and residents to minimise conflict.</p> <p>Some of the homes chosen as 'high' appear ready for demolition eg 52 Beach Road, 12 Oakley Street, 6 Sampson Road. Some consideration should be given as to the difficulty of selling these homes (eg deceased estate or other) in their current state, new owners considering demolition etc. Adding homes of this calibre, when so many other homes of similar character are listed, should be excluded, following individual assessments by the relevant heritage authorities prior to the completion of the report. An opportunity for a few others that are in a similar condition should also be included that may not appear so in the photos.</p> <p>Homes on the high contribution list should be analysed individually to further determine their eligibility or not to become a heritage listed high contributor. The big 'blanket' approach diminishes the important heritage significance of the true high contributors.</p> <p>This in turn maintains the value of the 'true high contributors'.</p> <p>The Council provide a free heritage consultation service with owners prior to engaging services to extend, alter or rebuild in the area. The planning department and consultant to be on the same page.</p> <p>This is very important!</p> <p>New homes built on vacant blocks should be able to build 'of it's time' showcasing the old from the new. Our home is a prime example of this. We would like it noted that in considering our design we aimed to be sympathetic to our surrounds. We did this by way of laser cut screens depicting the Big Swamp with tuart trees, bull rush reeds and migrating swans. James Hardie look alike weather boarding on the south elevation. Jarrah flooring to the ground floor. Double garage hidden from the street. All characteristics of the precinct.</p>

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Proposed Tree Streets Heritage Area – Local Planning Policy 4.3



#	Name / Address	Summary of Submission
		<p>For me the importance is saving the character of the precinct whilst also saving the heritage of 'true high contributors' that currently exist.</p> <p>Many thanks for the opportunity to provide the submission.</p>
6		<p>I personally feel very privileged that I have a house that is deemed to have significant heritage value. The Tree Streets Heritage Area and Local Planning Policy 4.3 would ensure that this amazing area that we live in continues to be just that – amazing!</p> <p>As with everything new, it is natural to feel a little bit anxious about how the change will affect us but I think I would be more anxious if a bulldozer were to turn up tomorrow to destroy the heritage house that is next to me.</p> <p>As a Tree Streets Heritage Area community, we should be grabbing this opportunity to help the City of Bunbury retain this heritage significant area. I personally feel very sad when I see an empty block, where a house more than 100 years old used to be. This happened to me on Beach Road recently and I am still in shock.</p> <p>I am fully supportive of the Tree Streets Heritage Area and Local Planning Policy 4.3. It will protect my beautiful cottage and protect the other heritage houses in this area. There is no doubt the heritage houses make the backdrop of living in this area charming and enriching. These houses need to be cherished, looked after and protected from being knocked down or losing their appeal through renovations.</p> <p>I find it incredible that an architect with heritage knowledge has deemed my house to have a high heritage significance. I know this is a special house, every time I arrive home, I feel blessed to live in a house that has stood here for 100 years – what a lot of stories and history!</p> <p>Instead of looking at the perceived negative aspects about this heritage listing, we should be embracing how lucky we are to be in the position to help protect these houses and our community for years to come, so the next generation can walk along our streets and love the slice of history that we are lucky enough to be part of.</p> <p>There are not a lot of times when we have to stand up and be leaders, really putting our own personal needs secondary to what is right for our community and the future Tree Street Area. We have the opportunity to leave an architectural legacy for our future generations. I hope as a community we can stand up to this challenge.</p> <p>I fully support the City of Bunbury's Tree Streets Heritage Area and Local Planning Policy 4.3.</p>
7		<p>The Tree Street area has a unique character which deserves protection. The built form in the area speaks of our our history and how Bunbury has been shaped over time. The past and current residents in the area have mostly done a good job to maintain this sense of character as new houses have been built and existing houses modified which has attracted people to live in the area. This was highlighted recently by the proposed Beach Road day care facility which received much criticism for not "fitting in". If we don't have a policy in place to guide future development then there is no mechanism to protect this sense of place which will inevitably be eroded over time as new development occurs.</p>
8		<p>First Submission:</p>

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Proposed Tree Streets Heritage Area – Local Planning Policy 4.3



#	Name / Address	Summary of Submission
		<p>In concept I support the proposal to maintain the Tree Street area, subject to:</p> <ul style="list-style-type: none"> - current zoning to be maintained - contribution level of [REDACTED] to be reduced from high to medium contributor due to the existing renovations to the front elevation where there are no original features - council to commit to improvements including underground power, improved management of verge trees & footpaths, and remove bus stops at the front of residential properties & amend bus route to utilise major stops at Wattle Hill Lodge & Bunbury Primary School to improve streetscape, at no cost to home owners, assisting in the share of cost burden of the proposal between property owners and council. <p>Second Submission:</p> <p>I support in concept the proposal for Tree Street heritage area to maintain the current aesthetic & zoning, subject to the following amendments:</p> <p>I support in concept the proposal for Tree Street heritage area to maintain the current aesthetic & zoning, subject to the following amendments:</p> <ul style="list-style-type: none"> - contribution level of [REDACTED] to be reduced from high to medium contributor due to the existing renovations to the front elevation where there are no original features - council to commit to improvements including underground power, improved management of verge trees & footpaths, and remove bus stops at residential properties & amend bus route to utilise major stops at Wattle Hill Lodge & Bunbury Primary School to improve streetscape, at no cost to homeowners. - council to refer to community for further comment on the heritage area proposal prior to voting, providing an additional opportunity for comment to provide transparency in the process.
9		<p>I whole heartedly support the adoption of the <i>Tree Streets Heritage Area and Draft Local Planning Policy</i>. Since 1994, I have been the joint owner occupier at [REDACTED]</p> <p>What is attractive about living in the area is the identifiable sense of place which is created by the distinctive aesthetic of the precinct. It's the overall features of the retained homes and street trees, in the area that creates the continuity, character, and context of the Tree Street area and not just a few homes on the heritage register. The implementation of the <i>Tree Streets Heritage Area and Draft Local Planning Policy</i> is an important process to preserve this overall character of the area.</p> <p>The aspects of the DRAFT Local Planning Policy: Tree Streets Heritage Area that are crucial to retain in their entirety to place emphasis</p>

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Proposed Tree Streets Heritage Area – Local Planning Policy 4.3



#	Name / Address	Summary of Submission
		<p>on maintaining <i>the intact streetscape</i> and character of the area are -</p> <p>9.1 Demolition and Relocation [PRIORITY] 9.2 Subdivision and/or Amalgamation [PRIORITY] 9.6 Building Setbacks and Orientation [PRIORITY] 9.11 Access, Parking and Rights-of-Way 9.12 Garages, Carports and Outbuildings 9.15 Signage</p> <p>I would like to see greater emphasis placed on the retention of the street trees in section 9.16 Public Realm.</p> <p>I would like to see a more sustainable and contemporary approach to 9.14 Incidental Development Requirements in relation to solar panels (or solar collectors). To maximise outputs from solar energy generation the orientation of solar panels is determined by sun. Not all houses are orientated so that the panels can be <i>“not visible from the primary street frontage”</i>.</p> <p>We need our houses to be liveable now, while still maintaining their history and connection to the past. The sections of the proposal that could benefit from more clarification to make them workable and more practical, are -</p> <p>9.3 Conservation of Contributory Places 9.4 Alterations and Additions to Existing Buildings 9.10 Materials and Colours 9.13 Landscaping and Boundary Fences 2</p> <p>Personally, I would like to see the emphasis placed on the retaining the street facing portion of properties while allowing flexibility to other areas of properties.</p> <p>There is potential for considerable pain points (even if inadvertent) surrounding the <i>“Conservation and repairs are undertaken ‘like-for-like’ in terms of materials, colour, finishes and functionality”</i>. At this point, some of the concerns are –</p> <ol style="list-style-type: none"> 1. One Council officer’s own individual policy interpretation or intransigence could tie our whole neighbourhood up in red tape, delays, and unnecessary expense. <p>The inconvenience and financial burden on residents should a stringent ‘like-for-like’ approach be implemented by the council. First, in establishing and providing evidence of the “original” form. Are there adequate and reliable reference points to establish <i>“their original, or most significant state”, “neighbouring buildings of a similar design and era”</i> or to match <i>“appearance based on photographic, archival and physical evidence”</i>?</p> <p>Second, in the difficulties in sourcing a replacement that is completely faithful to the “original” form. This is due to scarcity of some of the materials as well as finding tradesman who have the required skills. Once you start venturing into the scope of needing “custom” made, the expenses rise exponentially.</p> <p style="text-align: center;">Many houses in the area were originally built as modest timber workers cottages which have stood the test of time due to the</p>

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Proposed Tree Streets Heritage Area – Local Planning Policy 4.3



#	Name / Address	Summary of Submission
		<p>hardiness of the local jarrah used in their construction. These same houses have been “embellished” over time. Will the enforcement of the like <i>'like-for-like'</i> approach rely too heavily on reinstating these embellishments, rather than the original form? The costs to the ratepayers and community overall in implementing a highly regulated version of the policy. The City of Bunbury rates are already disproportionately high compared to surrounding areas and comparable areas in the metro area.</p> <p>This proposal has stirred up what has traditionally been a conservative <i>Tree Street Area</i> neighbourhood. Some of my neighbours appear to be caught up in the details of the policy and hold tightly the sentiment that <i>“my home is my castle, and no one will tell me what I can do to my home”</i>. I am concerned that neighbours who are against the heritage proposal are knocking on doors to entice people to sign a NO petition through a combination of fear mongering and guilt enticing assertions. Some of their statements are that <i>“you will not be able to insure your house if the Tree Streets heritage area goes through”</i>, or <i>“if you vote YES your elderly neighbours will bear the burden of not being able to afford to maintain their house”</i>, or <i>“if you don’t vote, you will be counted as a YES”</i> (in an attempt to stop YES votes).</p> <p>I suggest it is possible to address how the City of Bunbury will approach the implementation of <i>“like-for-like”</i> and mitigate neighbourhood speculation and fears around this. This is an opportunity to preserve and celebrate our character area, rather than getting caught up in the granular details.</p> <p>Thank you for considering my submission, Kind Regards, XXXXXXXXXXXXXX</p>
10		<p>The Tree Street area is one of Bunbury's outstanding built heritage areas. It has a character, based on the similarity of architectural styles, that makes it distinct from its surrounds and other subdivisions in Bunbury . The strength of character suggests that the area was created , with the help of some legislative guidance - almost like a work of art, by the combined efforts of planners, architects, builders and owners of the individual properties. The guidance could have come from the Building Act of Bunbury, the adoption of which was promoted in an article <i>ii-ex_ekse,34</i>) in the Bunbury Herald (11 Jan. 1896). The following quotes speak for themselves: 'The Building Act judiciously applied, carefully enforced, and legitimately restricted within a defined area, cannot fail to be productive benefit to the individual and the community.... ..No better method could be adopted for encouraging and cultivating the artistic taste that has been displayed in the erection of buildings of late than the adoption of the Building Act.</p> <p>Submission included article from the Bunbury Herald 1896 please see: DOC/1177760</p>

Submission Form



TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY

Reference COB/5870

Public submissions must be received by the City of Bunbury by the close of business on **Monday 4 September 2023**.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer

Mail: City of Bunbury, PO Box 21, BUNBURY WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: [Redacted]

Email: [Redacted]

(All future notifications for this proposal will be sent to this provided email)

Address: [Redacted]

Phone: [Redacted]



Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

I am concerned for the Tree Street built heritage area as a citizen of Bunbury. I would suggest that the attached article about Bunbury's Building Act(ca. 1896) has at least indirect relevance to the creation of the Tree-Street area and that it could therefore be used to strengthen the case for the adoption of the Local Planning Policy associated with the Tree-Street built heritage area.

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known)

[Redacted]

Submission (Please provide in full, your comments and arguments to support your submission. Attach additional pages if required.)

- Support / no objection
- No comment
- Objection

The Tree Street area is one of Bunbury's outstanding built heritage areas. It has a character, based on the similarity of architectural styles, that makes it distinct from its surrounds and other subdivisions in Bunbury . The strength of character suggests that the area was created , with the help of some legislative guidance - almost like a work of art, by the combined efforts of planners, architects, builders and owners of the individual properties. The guidance could have come from the Building Act of Bunbury, the adoption of which was promoted in an article (attached) in the Bunbury Herald (11 Jan. 1896). The following quotes speak for themselves:
'The Building Act judiciously applied, carefully enforced, and legitimately restricted within a defined area, cannot fail to be productive benefit to the individual and the community...
.No better method could be adopted for encouraging and cultivating the artistic taste that has been displayed in the erection of buildings of late than the adoption of the Building Act.

Signature: [Redacted]

Date: Sept. 4, 2023

**THE
Bunbury Herald.**

(Published Every Saturday Morning.)

The progressive tendency of modern ideas and local circumstances have again been happily illustrated in the announcement of the contemplated application of the provisions of the Building Act to Bunbury. Nothing could better demonstrate the thorough grasp which the administrators of the Municipal Government of the town have taken of the necessities of the situation than the practical and progressive suggestions that of late emanated from our city fathers. Every meeting of the Municipal Council of late has been productive of ideas having for their object the early and further improvement of the town, and although no glaringly apparent or startling results have yet emanated from the germination of these gems of thought, every indication points to a speedy development of the town's opportunities. The latest expression of a desire to march with the times, and to keep in line and touch with the other towns of the colony is the suggested application of the Building Act to the

town. At the last meeting of the council Mr. W. Spencer, who possesses a large experience of Municipal life, and an intimate knowledge of the requirements of the town, gave notice of his intention to move a resolution affirming the advisability of adopting the Building Act to Bunbury. Any resolution submitted by so competent and cautious an authority on Municipal matters would, no doubt, receive as it would merit, the gravest consideration. The subject of his contemplated resolution (however) will, we feel convinced, be welcomed by every shade of the community. No resolution but could be submitted to the

council would tend to so clearly show the great advancement the town has experienced in the very recent past. Up to very recent times we would have deemed the introduction of the Building Act to Bunbury injudicious and detrimental to the interests of both town and country. The general wave of prosperity that is passing over the colony has, however, changed the face of nature, and nature's needs, and the phenomenal progress of the country in which Bunbury has fully participated, has demonstrated the need for the adoption of such artificial appliances and accessories as legislation has provided for controlling and conserving the stability, beauty, and sanitation of towns. It was essential in the past that the small capitalist should be encouraged in the local investment of his limited means. To this end it was desirable that, having purchased a plot of land, no impediments should transpire him in erecting such a structure as was within his means, trusting that as business prospered, a corresponding improvement would be effected in his surroundings. Thus temporary structures would give place to more pretentious and permanent buildings. Such we regarded as the best policy in the past. Many circumstances now combine to justify a new departure in this respect. The town in many parts is becoming more densely populated, and business sites are daily becoming scarcer. The style of architecture now in vogue is largely tending to beautify the town. Some effort, therefore, is required to maintain a uniformity in the position of buildings if not in their style. In justice to those who have sunk capital in the erection of handsome edifices, it is demanded, and the time has arrived, when some control should be exercised over the buildings that will in time surround them. It is also necessary that some regard should be now paid to the safety of the buildings from a point of stability, and also for the better securing their immunity from fire. The Building Act judiciously applied, carefully enforced, and legitimately restricted within a defined area, cannot fail to be productive of benefit to the individual and the community. If only from the sanitary aspect of the subject, it is imperative that better attention

should be paid to the laws of health in the erection of future buildings, and this can only be effected by the adoption of legislation specially designed to this end. The improvement in land values is also another factor that should exercise an influence in this direction.

An owner of land desirous of building has now no difficulty in supplementing the money at his command by means of the enhanced value of land, and thus improving the character and quality of a building in accordance with the reasonable requirements of the Building Act. The entire absence of water for extinguishing fires is another reason why precautions should be adopted to guard against dangerous and combustible structures from being erected contiguous to valuable life and property. No better method could be adopted for encouraging and cultivating the artistic taste that has been displayed in the erection of buildings of late than the adoption of the Building Act. As a sea-side resort the beauty of the town must be studied, and its architectural features relied upon to form one of the attractive features of Bunbury. The adoption of the Building Act will ably supplement the efforts that are about to be made by the council to improve the appearance of the streets by tree planting. The attractiveness of the town has been largely added to during the last two years, and there is abundant evidence of a desire to make Bunbury still more attractive. The picturesque character of the small cottages that have lately been built in the town and suburbs, and the architecture of the new business places are ample evidence, if such were wanting, that the time is opportune, and the mind of the public receptive for the introduction of legislation, so calculated to improve the prospect, raise the hopes, and enhance the future and fortunes of Bunbury.

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3

Reference COB/5870

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Name

email

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

I, with my Wife, have been an owner occupier of a Banksia street property for [REDACTED] For nearly [REDACTED]

In [REDACTED] we have done numerous repairs and character-sympathetic upgrades to our property, either by ourselves or engaging contractors as required. We still have a wish-list of upgrades to enhance the appearance, functionality, security, energy efficiency, rain-water management & collection, and mobility access. But now, with my understanding of the implications of the detail of the proposed policy I know that our planned upgrades would be seriously threatened by this proposed planning policy if it is adopted.

[REDACTED] that there should be less government intrusion in our lives, not more. And this proposal is in fact the worst type of Local Government overreach as it directly attacks the sovereignty of our home ownership.

So, in that context I am hereby detailing my very strong objection to the entirety of the proposed policy and assert that under no circumstances should **any part of it** be implemented.

And, as this matter had already previously been rejected by the Tree Street Area residents circa 2003 I propose that Council move a motion to instruct the Planning Department that this proposal be buried and never be revisited as it is such a hostile and counter productive act against the home owners in the area and that to resource it any further would be an act of recalcitrance and an indulgent waste of scarce ratepayers funds.

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known)

Submission (Please provide in full, your comments and arguments to support your submission. Attach additional pages if required.)

To be recorded as an **Objection**

Heritage is for history, not warm fuzzies.

This house was built [REDACTED] nothing remarkable happened here, nobody important ever lived here, it was actually a pretty basic house when first built, 'run of the mill', and there are many more like it around Bunbury. It is not adjacent to or anywhere near a full heritage listed building, so why should there be any heritage controls imposed on our activities?

Warm fuzzies, or "I like old stuff" is not a valid reason.

Heritage Management in Bunbury

[REDACTED] In summary it left me with the belief that the biggest threat to Bunbury's significant public heritage assets, built or natural, is the activities of the City of Bunbury. Additionally, it left me with the belief that if you have the influence or the money you can make most of the heritage problems go away but everyone else is in for a frustrating and expensive time. Inequitable doesn't begin to describe it.

Heritage Management in Practice

In practice, the strict application of the wording of the draft policy will put form before function. Re-assuring motherhood statements from Councillors or pro-heritage policy advocates all mean nothing when a planning officer sits down and has to apply the wording of the planning policy.

Double speak – heritage is not engineering wherein most facts are self evident, instead heritage is too nuanced and too subjective.

Of course, money and influence will overcome most of the problems of getting a development approval application through the extra layer of heritage approval and some owners wont mind so much but that leaves everyone else vulnerable and floundering.

Performanced Based Approvals, from my recollection this is heritage planning's card trick. The horse trading that taints planning approvals. This is where things get really blurry and incredibly frustrating for those who are used to straight talk and hard facts. It's where things get subjective and one applicant may be seen to get preferential treatment over another applicant.

The result being that the optimisation of these properties for the owners needs, in terms of basic amenity, resale value, aesthetics, energy efficiency, rain water management, mobility access, security, and any new technological developments will be restricted.

I want no part of it, nor would I wish it on anyone else.



Justification for the Heritage Planning Policy proposal - demolitions

It has been confirmed that a major trigger for this draft heritage planning policy proposal was alleged concern over demolition of existing buildings. Allegedly, and from my discussions with Councillors, concerns had been raised by 'somebody' about the number of demolitions and therefore a response was needed. Quote: "how should we control this!"

However, I will refer to the excellent research compiled by [REDACTED] in his submission where he deftly eviscerated this claim of complaints about demolitions. Which in my mind, and no doubt in the mind of others affected, raises some interesting questions with regard to intent and subsequent pecuniary detriment under the WA Criminal Code Act 1913, section 409 - Fraud.

But while we are on the topic of demolition I will share my thoughts.

Having lived here since [REDACTED] I have a reasonable knowledge of the demolitions in the locality and I have never considered it to be excessive.

[REDACTED]
[REDACTED] Which only confirms my belief that the rate of demolitions is not excessive.

In summary, my response to demolitions, as a home owner that has been exposed to the activities of the Heritage Advisory Committee, is that the occasional demolition is still better than being under heritage controls".

I'm not joking.

To Demolish? Or not Demolish.?

The housing stock in this area is dominated by timber frame & weatherboards/fibro cladding. As mentioned earlier much of it is not unique or remarkable and can be found all through old South Bunbury, East Bunbury, and Carey Park.

By modern metrics, and tested against the need to conserve energy consumption, they are very badly built. Typically there is no insulation, either under the roof cladding, behind weatherboards or under floorboards. Typically they have significant wall areas clad with asbestos panels.

Asbestos was also a component of many linoleum floor coverings as well.

All the services that run through the walls, in the roof space, or under the floors, ie: wiring, water supply, waste plumbing, are usually past their use-by date in terms of safety and reliability.

As well, some of the houses are directly in the designated **Bush Fire Prone** areas and any changes must meet the new requirements of Bushfire Attack Levels (BAL), while the the rest are still at risk as they are in the very leafy neighbourhoods immediately abutting the designated **Bush Fire Prone** areas.

So, when you think about it there is not much of the original detail of these houses that is useable.

Now, imagine having to make one of these buildings comfortable, safe and energy efficient.

So the upgrade / renovate option is definitely not for the faint hearted, especially under the current economic climate of Tradies charging for their services in gold bullion, AND imposing a massive

surcharge for renovations, AND imposing a 'Tree Street' Tax.

One approach is to completely strip the entire structure back to a bare timber frame, treat that meticulously for asbestos residue, and re-clad with modern materials and energy efficient building techniques, but I have only seen one house redevelopment done that way.

In that context, I can't blame people for demolishing. I understand the reasons.

There is the other matter that houses on Beach Road which are in the mixed use – business/residential zone are subject to demolition because of commercial redevelopment pressures, but the Planning Department knew of that threat that way back when they amended the Town Planning Scheme, (remember, I sat in the subsequent planning meetings) so who's fault is that? Not ours.

But Planning now want to create a new problem (for us) to solve the problem(s) they helped create.

Demolitions will still happen regardless.

Even if we are all subject to the draconian restrictions of heritage controls via planning policy there will still be demolitions. Property owners will still successfully challenge planning decisions and escalate the claim, lawyer-up, call in favours & influence, throw money at it, until they get their result. This is an undeniable fact.

So everyone else will suffer pain, for what?

City of Bunbury operations - past failure to manage the fabric of the locality:

Here, in rough chronological order are examples of why the Tree Street residents don't trust the City:

2002. the Banksia Street Flame Tree massacre. After a token consultation with residents the City cut down all (except 2 that had cars parked under them) the Flame trees on Banksia street verges in one day while everyone was at work, because 'policy'. Following the uproar and several very heated site meetings the City planted poor-stock Jacaranda trees. Degraded & stressed saplings that should not have been re-planted. Meanwhile, Flame trees were being planted on the waterfront.

2011 circa. Stockley Road Cape Lilacs – An initial big hammer approach versus residents who by then having witnessed Banksia Street carnage & failure to thrive now have no faith that the City will manage the tree replacement program properly = Mexican stand off.

2015 circa. Existing Footpath removal. Proposal to remove half of the footpaths in the Banksia Street to Karri Street grid. In a move that would have significantly diminished the fabric of the streetscapes and severely impacted the highly valued walkability of the area someone at the City decided to remove the footpaths from one side of Banksia, Jarrah, Tuart, Karri streets and Stockley road, with Banksia street being the first street. The reason given: Too hard to maintain existing 600mm slabs and the money could be better spent providing footpaths elsewhere in Bunbury. It wasn't too hard to shoot holes in their flawed project economics and amateur socialist arguments and this initiative appears to have been halted, for now.

2014 Lovegrove Avenue Tree Removal. In another scorched earth initiative the City wanted to delete all the verge trees on the north side of the street. Once again the residents and friends of Lovegrove had to launch the good fight and push back against those who would, as Joni Mitchell

sang "*pave paradise and put up a parking lot*". The City was forced to back off, the trees were retained, and now the modified result is there for all to see how well it works. But why does it have to be so hard for the residents?

Ongoing - general neglect of road surfaces and kerbing. Road surfaces are too old and seriously degraded. Poor sweeping of the resultant gravel build-up. Inadequate preparation of Banksia street road substrate prior to re-surfacing resulting in new road surface failing by delamination.

Ongoing - Neglect of footpaths – no innovative plan to explore suitable alternatives eg 400mm slabs (which are all through Perth CBD & West Perth) instead of 600mm slabs which they won't touch due to manual handling policy.

So, considering we have 302 properties that are paying some of the highest property rates in Bunbury we have been quite a patient mob, putting up with the worst street surface conditions in town, not really asking for much when maybe we should be demanding more, just wanting to be left alone.

Self Management vs City Policy Management:

There exists a strong case that the character and appeal of the area is being Self Managed very successfully without heritage policy or controls.

It is self evident, now that the real data around actual demolitions have been revealed, that the area is not experiencing a tsunami of demolitions, is not being degraded, and has in fact reached a healthy and sustainable state of balance between the desire to retain & enhance, versus the desire or need to demolish and redevelop.

Dept' of Heritage WA – priority will be Indigenous Heritage

Many people dont realise that the State Government Department responsible for built heritage is also responsible for Indigenous Heritage. My experience recently with a phone query to the department suggests that customer service for built heritage queries is already being adversely impacted. And home owners will be forced to deal with that.

Note: as of 1st September 2023 the Aboriginal Cultural Heritage laws are still active.

Impact on Property Values

It is indisputable that, given the choice, a number of people will *not knowingly* purchase a property that is subject to any of the following impediments:

- In a Heritage Area.
- Subject to future inclusion in a Heritage Area.
- Heritage listed by itself.
- Subject to potential future heritage listing if it's condition is enhanced/upgraded.

What *is up for argument* is the percentage of potential buyers that will walk away. Regardless of

that percentage, and it doesn't matter how many heritage industry sponsored or local government sponsored consultants studies that may be quoted, there is a ***financial penalty to the home owner*** for a property to become either heritage listed, or, become ensnared by the restrictive requirements of a newly enacted Heritage Area planning policy.

Threat of New Heritage Listings.

For some reason [REDACTED] I gained the impression that as far as individual properties are concerned all the important properties in Bunbury had already been identified and recorded in the relevant categories of historical contribution. I.e: you can't conjure up history, it's historical or it isn't.

Imagine my shock to hear recently that the City had already funded and initiated a campaign to actively identify new properties and include them in the Heritage Register. Approximately 21 new central Bunbury properties were listed in January 2023.

This is absurd. A building or property is historical or it isn't, and to now claim that because "we have funds we can identify new listings" is unethical bordering on fraudulent. But this is the new reality in the City of Bunbury thinking. The terms 'power grab' and 'empire building' also come to mind.

So this is now a real and imminent threat, that individual properties in the Tree Streets area will no doubt be next on the list for review, and possible inclusion, in full blown heritage registers.

Whereas in the past they poo-hooed the notion that if people enhanced their property they would come to the attention of Heritage zealots and end up heritage listed I can see now that right here and right now it is a real threat.

Of all the news I have received around this planning proposal this is the one that has shocked me the most.

This must be stopped, we need the grown-ups to get involved, the Council has failed us.

Public consultation

If you step back from this process you should be able to acknowledge that it is simply not acceptable, or at least highly questionable, that the opinions of non residents can be counted for support to impose a restrictive and finance-sucking planning policy on a select group of other residents, with no consequences on themselves, and for what? ... so they can experience a nice warm fuzzy feeling because they like to see 'old stuff' ?.

The study area is essentially a ***character precinct*** consisting of houses, the majority of which when viewed individually are actually unremarkable housing stock, the likes of which can be found scattered all through surrounding suburbs, (over the years I have seen a number of examples of exactly the core of our house, a basic timber & fibro cottage, with identical form or slightly tweaked or mirrored in South Bunbury, East Bunbury & Carey Park) but in this case they are in a cluster and it's just that over the years most have been well maintained, well updated, & well landscaped.

But more importantly, an almost identical proposal had already been strongly rejected by the Tree Street residents 20 years ago (ref Council Decision 377/04). So arguably, it should never have been re-visited for public consultation. In fact I have very clear recollections of senior planning staff stating in Council briefing sessions, and on several occasions, that "*the residents made it very*

[REDACTED]

clear that they wanted nothing to do with it". Did the planning staff think that we would forget, like they 'forgot' to follow through with the clear Council directive at the time? Or are they as a culture just disrespectful of the community's wishes.

Public Consultation - Letter of Notification

But what has offended many residents here and now is the tone of the letter of notification from the City.

The letter should have started with an apology for re-visiting this topic, but it didn't.

It should have been that the default position of the planning department was that the proposal was not going ahead unless it got majority support from the 302 home owners, but instead the message was clearly "cop this, it's a done deal".

It should have been limited only to the 302 affected home owners to comment on the draft planning policy, but instead it was thrown open to anyone anywhere to comment.

And, the final sentence, should have been to the effect that "*if we don't receive a response from you we will assume that you don't support the proposal for a Heritage Area.*" Instead of the officious backhanded dismissal that was authorised for distribution.

It must be understood that the draft planning proposal is to effectively nationalise, under restrictive planning policies, and for the so-called public benefit, nearly a quarter of a billion dollars worth of private property.

Heritage Area versus Urban Character Area.

The distinction between a formally recognised Heritage Area versus an informal Urban Character Area (Guidelines for Heritage Areas 2023. Section 1.1. & State Planning Policy 3.5 Historic Heritage Conservation WAPC 2007.) was never made in the communications from the City.

Nor did they attempt to alert the affected residents that this is how the City had previously recognised the Tree Streets area in the past, as the *Tree Streets Character Area* (or Precinct). I know this because [REDACTED] This terminology appears to have been conveniently dropped out of the City's documents, probably about the time they started planning this campaign.

So at some point the decision was made that instead of consulting early with affected homeowners and informing that there was actually a choice between as formalised Heritage Area vs informal Character Area they would proceed to spend substantial funds to strengthen their case for a formalised Heritage Area, regardless of the feedback they had received in the past, and with no regard or interest of the current wishes of 302 home owners.

Choose Respect, they say.



Summary:

It's not broken.
It doesn't need fixing.
We are doing fine without your meddling.
Go away.



Signature:



Date: 02.09.2023

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3

Reference COB5870

Public submissions must be received by the City of Bunbury by the close of business on Monday 4th September 2023.

Please return completed form to city of Bunbury, 4 Stephen Street, Bunbury or write to the City via;

To: Chief Executive Officer Mail: City of Bunbury, PO Box 21, BUNBURY WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name:
Email:
Address:
Mob:



Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required).

I am the joint owner of the house and land at [redacted] Bunbury. I have lived in this street since [redacted] and in this area for all but [redacted]. I am an active member of the local community, including hosting [redacted]. Over the years we have done many upgrades to our property and have done so in a manner sympathetic to the area. I am extremely disappointed that the City wants to re-visit this heritage proposal after it was strongly opposed in 2004 and then abandoned. This time round myself and the residents have even greater opposition.

Address of Property Affected by Proposal (include lot number and nearest intersection if known)



Submission – To be recorded as an Objection

I STRONGLY OBJECT to this proposal on the following grounds;

- 1. I fail to be convinced there is a sound argument why a Tree Street Heritage Area and associated Local Planning Policy should go ahead.

Residents asked the City 'What does the Council expect this proposal to achieve' and the opening response (in writing) was 'This investigation started due to community concerns over demolition and incremental erosion of the character of the area..'

I too asked 'What has prompted this?' and was told by a member of the Heritage Committee, councilors and the Heritage Project Officer and a primary reason was because it was 'necessary to control the rate of demolition of houses in the area'. I wished to have this claim quantified, so I asked the City how many houses have been demolished, in the area covered in the proposed designated boundary, since [REDACTED] (when we moved into [REDACTED] until the present day.

When this data was analysed, there were only **16 houses that had been demolished in 28 years. That's less than 1 per year.**

Surely this would have to be the lowest, or one of the lowest, rates of housing demolition in the whole of Bunbury, and cannot possibly be used as a sound argument to push for the introduction of a Heritage Area.

I would go one further and argue that the Councillors who voted on this proposal were possibly misled. In the Council meeting where it was decided to proceed with this action, *did the Councillors actually have at hand the details of the amount of demolitions over the past 25-odd years - or was it spoken of in general terms that implied there were more demolitions than had actually occurred over the past years – were they misled as to how few there actually were?*

On page 7 of the Draft LPP, 9.1 Demolition and Relocation it states 'Once gone, it can never be replaced' but the very small numbers of houses that have been demolished are arguably at the end of their life and have not been fit for purpose for a modern family and way of life.

For example, the demolition of a 'high contribution' but uninspiring, asbestos-riddled, workers cottage with no street appeal (for example, 7 Lovegrove Avenue) would be no loss to the street or the area. In its place could be an amazing new build, built in keeping with the area – such as its lovely next door neighbour, 9 Lovegrove Avenue.

If the public realm/streetscape is truly being considered as an argument in support of this proposal, how can one argue that cottages such as 7 Lovegrove, which have reached the end of their natural life, contribute positively to the area and therefore should be kept?

Much has been made of the demolition of 88 Beach Road (site of the proposed day care business) as also being a trigger for this proposal. This was stated at the City meeting with concerned residents held 8th August at the Council Chambers by [REDACTED]. Indeed, the demolition permit was issued by the City on 20 January 2023 – and just 11 days later the Council decided to proceed with the heritage proposal on 31 January 2023.

This part of Beach Road was rezoned 'Mixed-Use Residential' (business/residential premises) some time ago because of commercial redevelopment pressures and old homes have been demolished to accommodate these business. It was the City Planners who decided to amend the Town Planning Scheme to allow businesses to move into this area. So why is it then that the City is concerned about that demolition in a Mixed Use Residential zone when their own planners have made it possible?

If the current Local Planning Policy doesn't give the City enough 'teeth' when it comes to preventing a demolition from occurring, then it's up to the City to strengthen its ability to do so in another way – not by slapping a blanket 'Heritage Area' on this part of town.

2. The residents don't want this.

This was evident in the public information meeting held on 8th August that was **attended by around 175 residents, cited to be the largest turnout of concerned citizens for a matter before the council in many years.** We heard that Councillors and staff could not remember a meeting with such a large turn-out. The Councillors and staff present *must surely have felt the sentiment in the room.* For over 2 hours, the residents voiced their opinions and concerns. Every single attendee was against the proposal, not one person spoke in favour of it. This was in addition to over 100 residents attended the Council Meeting on 27th July to put questions to Council and the petition with numerous names on it.

3. Zoning

If the Tree Street Heritage Area proposal and LPP 4.3 is adopted, the *City will be going against its stated intent* to establish R20 zoning to allow for subdivision (under 2a-2.1 of the City of Bunbury Local Planning Strategy 2018). This will reduce the City's opportunity to increase the number of homes within the City. Sensible, medium density housing is what *our city* needs to help the growing housing crisis.

4. Tree Street home owners are already self-managing the area well.

Home owners have been contributing to the public realm, street appeal and

character of the area for years. We are doing this by maintaining our properties, fences, verges, front gardens and homes. The vast majority of home owners bought into this area for its existing *character* and have built sympathetic extensions and modifications as needed, in keeping with the style and intent of the area – *because they wanted to keep the character of the area.*

Those who have built new homes have overwhelmingly built in a style that is sympathetic to the area with set-backs, roof pitches and materials that are in keeping with the area. To the extent that is difficult, in many instances, to tell a new build from a renovated older house. *This is illustrated in the Carrick Architects 'Area Assessment' where the surveyor seems to have confused a new build for an original property e.g., 10 Banksia Street.*

My point is that for years we have successfully been self-managing our properties to keep the character of the area without any heavy-handed approaches being needed. I feel this proposal is an infringement of our property rights that will negatively impact one what is our most expensive asset.

Why is this change needed now when for years tree street owners have been managing their property correctly, and within keeping, of a character area already?

5. Character Area versus Heritage Area.

Our area has long been referred to as a character area, but it is not a heritage area. Having an old home does not make it automatically heritage worthy. Bishopscourt, Myrniong House and the Cathedral are already on the State Heritage List and several more Tree Street houses are on the local Heritage List. These are already 'protected' and having the rest of the Tree Street Area heritage listed will not afford them further protection.

The overwhelming majority of homes in the area started life as plain workers cottages. Similar houses are also found in South Bunbury and Carey Park. Where we differ from these homes is that many of the Tree Street cottages have been extended and renovated over the years and are now considered 'charming and quaint homes' unlike some of their Carey Park and South Bunbury counterparts which have not benefitted from similar enhancements or maintenance.

I, and others like me, feel the Tree Street residents are being penalised simply because the residents had the means to maintain and enhance our properties, whilst striving to *actively keep the character of the area.* Indeed, this has been

already acknowledged by the City recently *'It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area'*. (OCM Minutes, July 2023)

There is nothing unique or 'heritage' about our homes - they are simple, weatherboard and fibro cottages - not architecturally-designed, historic stone mansions or buildings of significance worthy of being on a municipal inventory. When put in one area, our homes, public realm and street appeal do create a 'character area' which the residents are happy to have this area referred to.

There is no reason why it needs to be listed as a 'heritage area', when a 'character area' will do (remember, there is no argument for having a heritage area based on a 'demolition concern' as I have demonstrated above) – so what exactly is the reason again??

6. Threat of new heritage listings

Maintaining the public realm and streetscape can still be achieved without the area being formally listed as a 'heritage area'. If an individual home owner feels it necessary for their house to be individually listed on the Heritage Register, they can still do so. It's not dependent on the area being a Heritage area.

Heritage listings have already been identified across Bunbury and a recent injection of 'heritage funds' has allowed a further 21 properties to be listed in the Central CBD of Bunbury, against the owner's wishes (I read their submissions). This may be repeated in our area too.

Hence I hold grave fears that the Council will use the 'Tree Street Heritage Area' umbrella to formally list some homes against the wishes of home owners, as home owner permission is not needed for a Council to place a home on a Heritage List.

It's not a wild leap to think that this would be 'easier' to do this if a house in already located in a heritage area.

7. The Tree Street Area Assessment is a very flawed document that lacks detail and was informed by questionable methodology, yet it is being used as a decision making tool and underpins this whole proposal.

It appears that this assessment survey was not adequately funded. The survey cost only 17,000 plus GST which helps explain why it was done so poorly. One reason cited was that 'heritage budgets are difficult to come by'. A

thorough consultation with owners, who could have provided further information, was not obtained; instead a photo with some tick boxes of physical features was used with no detail on how the homes were assessed or why they were given the rating there were. Details in the preface of the Assessment document do not adequately describe this.

Some photos of houses were taken from existing on-line photos and pre-date the 2022 survey (e.g. the photo of 13 Lovegrove Avenue is a google image of 11 Lovegrove Avenue taken in 2015). This casts doubt over the quality and accuracy of the assessment. Other examples include; 14 Jarrah – listed as 'Little or No contribution', yet it is one of the original, early 1920's cottages in the area, with some later additions. Yet 7 Lovegrove has a 'high value contribution' with absolutely no street appeal. There are other examples too numerous to list here.

8. The Councillors role and the Heritage Council WA,

"Guidelines for the Assessment of Local Heritage Places, "2.1 Initiating an Assessment" - In this document it states "Community engagement at the early stage in the process can also play an important role in identifying places of local heritage significance and may assist".

The Assessment Survey was completed in September 2022, however residents were not aware of this until the public consultation phase started in July 2023. We should have been advised and consulted within the formative stage.

The review brief did not include internal inspections or consultations with occupants or community groups, as that was outside the scope of work for Carrick Architects. So the home owners did not receive a draft of the assessment for their property at any time, were left unable to question or query aspects of the assessment document nor were they consulted, engaged or involved – all of which goes against Heritage Council of WA's '**2.1 Initiating an Assessment**' best practice guidelines.

Very disappointingly, I have been told that Councilors were advised NOT to make public or discuss the Tree Street Heritage Area proposal – even though this had been discussed in Council meetings and was on public record in minutes (as they had to agree to approve the investigation of the Tree Streets area as an agenda item which included the appointment of Stephen Carrick Architects).

Additionally, there are reported instances where some Councillors have made it known that their mind is already made up to support the proposal even

before the public consultation process had begun. This strongly indicates that any input garnered from the consultation period is unlikely to be adequately considered.

This is very unfortunate as one of these Councillors is the chair of the Heritage Advisory Committee whose role it is to review the report made on the submissions and make recommendations to the City Executive team, which full Council will then vote on. I feel this is a conflict of interest 1) because of their views which are pre-determined and 2) because it was the Heritage Advisory Committee who originally recommended it to Council who proceeded with it.

The consultation process has been questionable as it has omitted community involvement during its initial and formative phases. I fear the public consultation is a box-ticking exercise before an inevitable decision is made. I hope I am wrong, and sincerely hope that all Councillors, especially the three on the Heritage Advisory Council, will now truly listen to the residents who are raising their objections to this proposal.

9. It's Ok if you have the money.


Many people solve their problems by throwing money at it. But not everyone has access to unlimited or excess funds that would be needed to conform to the challenges of a restrictive Local Planning Policy.

Money, and I suspect influence, will help to get a development application through the City or SAT, or 'engaging a licensed structural engineer with experience in heritage planning buildings', or requiring a '*Heritage Impact Statement which the City of Bunbury may require at the applicant's cost*' (Ref: page 33 LPP 4.3). These financial burdens will be felt keenly by some.

There are many older retirees and young families in the area who have competing financial demands, especially at a time of high costs of living generally. This is causing undue stress and poor mental health for many residents.

Replacing like-for-like with soaring prices for scarce materials, increasing insurance premiums, or needing to have more solar panels than should be necessary because one can't place them in an optimal north-facing side of the roof as that might be visible to the street - are all examples of the extra costs that would be borne by the home owner.

This has the potential of creating stand-offs between home owners and the City. An example of this is in the East Bunbury Heritage Precinct where some



home owners cannot afford, or maybe can't be bothered with the extra rigmarole, to maintain their homes within the recommended guidelines; hence these properties are not being adequately maintained and are creating eyesores in the meantime.

Even property values could be affected. I know of people who will not buy a home in a heritage area, because of the restricting guidelines. If even 15-20% of potential buyers balk at buying into this area, you will immediately reduce the buyer pool and as a consequence, the competition and potentially the price. This is also backed up by realestate.com.au who surveyed potential property buyers with 60% of them said a heritage listing would be a disadvantage (ref: [Are heritage homes harder to sell?](#))

The Mayor also seems to agree that property prices will drop. When in discussion with a resident, the resident said that there were properties going to come onto the market as a result of this proposal he said '*oh good, I might be able to get a cheap house*'. Even in jest, it was disheartening to hear that came from the Mayor.

10. Conflict with the City's sustainability goals

Home owners want to modify their homes to meet modern standards of energy efficiency, comfort and to take advantage of cost savings afforded by energy loss. The City also subscribes to a *Council Policy on Climate Change*. Yet, home owners will now be asked to seek permission and development approvals for a range of situations (Ref: Draft LPP 4.3), instead of being able to use their informed initiative to make the changes modern living requires, and society in general now demands.

For example, a home owner wants to install solar panels. The house faces east so the optimal placement for panels is on the East, North and West roof line. But the East and North panels are visible from the street. Special permission will be needed from the Council to install these which may or may not be approved. The Council should be embracing their installation as part of its Climate Change Policy. I am aware of a situation in East Bunbury where a lady is being forced to remove her solar panels as she didn't get Council permission - hers are visible from the street as having them elsewhere out of sight would render them ineffectual.

The City needs to be using the Tree Street Character Area as an example of its community embracing modern, climate-friendly building practices, within its character homes. *Celebrate* the fact that old and new can be blended. Encourage the use of double-glazing in windows made from modern materials, but in the old style. Don't make it hard for the home owner to install them by needing to get a development approval. No-one would be able to tell

from the street that they are double-glazed. And isn't that what the intent is for this proposal – to keep the character of the streetscape and public realm? Does it really matter that a water tank is visible from the street? They used to be very visible in every yard back in the day.

I really feel this policy supports unnecessary overreach of local government controls on all the aspects of what you can and cannot do on your own property.

For all of the above reasons **I strongly object to the Tree Street Heritage proposal. It is my fervent wish and belief that this proposal be withdrawn and never re-visited again.**

Please let the residents of the Tree Streets continue to self-manage our properties well, as we have been doing. There is no need to have it as a Heritage Area, just continue to label it a Character Area. That's all the City actually needs.

Yours sincerely

[Redacted]

Signature

[Redacted]

Date:

4/9/2023

(PDF of submission provided to City of Bunbury via email 04/09/2023)

Submission by [REDACTED], Bunbury

**SUBMISSION OBJECTING TO THE
TREE STREET HERITAGE AREA AND LOCAL PLANNING POLICY 4.3
PROPOSAL**

REFERENCE: COB/5870

Mobile: [REDACTED]

E: [REDACTED]

Subject of Submission: As a resident of [REDACTED] and the Tree Streets Area

Address of Property A fected by Proposal: [REDACTED] & the Tree Streets Area

Submission: OBJECTION – see a attached document

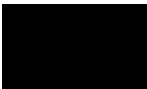
Signature: [REDACTED]

2 September 2023

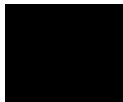


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I, [REDACTED] of [REDACTED] Bunbury strongly object to the Tree Streets Heritage Area proposal

Heritage Strategy & Approach

The Heritage Advisory Committee and Council are making decisions without the requisite credentials or experience. It's essential that they consult experts, such as economists, housing academics, and environmental and climate specialists, to provide valuable input on heritage strategies and individual listings. Solely relying on the input from a heritage architect, who lack local insights and knowledge of the area, creates an incomplete picture. There is a need to weigh the potential heritage benefits against other costs that might come to the community. In order to gain a full picture and make a decision that considers these key factors, this expert knowledge is needed. Currently this is lacking.

The City of Bunbury has committed to increase in fill for new housing. This means the vast majority of our city's new homes, businesses, services and institutions will need to be created within our existing urban footprint - including in and near heritage listed places.

The desire for heritage protection needs to be balanced with the need to facilitate the necessary change of our city and adaptive reuse of properties and land. This will lead to complex and difficult decisions balancing heritage against housing, prosperity, emissions reduction, environmental conservation, transport infrastructure and other factors. But these decisions need to be made and made in a democratic and accountable manner. Bunbury residents deserve and expect that the decision maker to such important decisions be democratically accountable.

Heritage should not be about trapping in amber a particular moment or building and preserving it for eternity. Doing so robs future generations from truly understanding its importance and place in Bunbury's story. It also greatly restricts the ability of our city to use the site for more appropriate modern uses or to face new challenges in our city. Instead, heritage should be about telling the story of our city's past and journey to the present.

Unfortunately, our current heritage system is built to keep certain parts of our city trapped in a moment in time, no matter the cost of doing so, and this has major impacts on the potential to deliver housing, services, and environmentally sustainable upgrades through our existing city footprint.

In place of this approach, our heritage system should look to benefit our current city through storytelling and allowing buildings to evolve in time. An enhanced heritage system would look at ways to incorporate heritage values into new developments for heritage assets and allow them to evolve with our city's needs while telling a story about how we got here.

Legal Requirements of Consultation Not Met

Once a duty to consult arises, the consultation must be undertaken properly. The requirements for proper consultation were summarised by Lord Woolf MR in *R v North and East Devon Health Authority; Ex parte Coughlan* [2001] QB 2137 to be fourfold:

"It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, if it is embarked upon it must be carried out properly. To be proper, cons

ultation must be undertaken at a time when proposals are still at a formative stage; it must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response; adequate time must be given for this purpose; and the product of consultation must be conscientiously taken into account when the ultimate decision is taken” (at 258 108]).¹

Four Requirements for Proper Consultation

These are:

- 1. Consultations to be undertaken at formative stage.**
- 2. Provision of sufficient reasons and material**
- 3. Adequate time to respond.**
- 4. Conscientiously taking into account of the product of consultation.**

Consultations to be undertaken at formative stage.

The proposal started life in early to mid-2021, if not earlier, but there was no consultation with the residents until notification of the commencement of the public consultation period was received by letter on 11 July 2023.

Effectively, a decision has been made to make the Tree Streets a designated heritage area, and then the residents have been asked to make a submission on this single option. No other options have been offered or created. At the public information session, the City and the council were repeatedly asked to consider other options. The CEO responded that there were no other options and that this had to go through the submission process. Effectively the City has already determined in principle to make the Tree Streets a heritage area. This makes the public consultation exercise futile as it can never influence the decision in principle which has already been made.

As such, the only consultations relating to the Tree Streets Heritage Area proposal are taking place at a time when the proposals are in truth no longer at a formative state. This has frustrated and prevented those opposed to the proposal to be given a real opportunity to present their case. As such, the consultation process has been inadequate and has failed.

Previous Council Decisions Not Informing or Followed in the Process

It should also be noted that a previous attempt in 2004 to make the Tree Streets a Heritage Area failed. In a response by the City to a question by Mary Collins at the June Ordinary Council Meeting it was noted:

Question:

On what grounds was a similar proposal rejected previously?

Response:

It is noted that the proposal for a heritage area/precinct was 20 years ago, however Council Decision (377/03) was not to endorse the draft “Tree Street” Heritage Precinct Local Planning

¹ See also *R v Brent London Borough Council; Ex parte Gunning* (1985) 84 LGR 168 at 189.

Policy but required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area, with the geographical area being determined at a later date. There appears to be ad hoc meetings of a community reference group through to 2006 (it was not established as a formal Committee of Council) that were in support of the drafting of design guidelines but there is also evidence of mixed opinion within the group. The project was not finalised and there is no indication of any further progress.

Source: 25 July 2023, Agenda – Council Meeting, page 15 of 231

In response to the question: How does precedent work as regards previous council decisions? How binding are council decisions on the city and executive?

“A decision made by Council is binding and to be implemented by the CEO. A decision of Council is binding until it is either revoked by a Council decision or superseded by a subsequent Council decision. For example; Council Policies are reviewed by the Council regularly. The initial decision of Council to adopt the contents of a Policy is superseded by the following decision of Council upon review, whether that’s to revoke, amend or leave as is”.

(Source: email response from Leanne French, Senior Governance Officer, City of Bunbury. 14 August 2023).

The previous council decision (0377/03) is as detailed below:

<u>Council Decision:</u>	Moved Cr Major	Seconded Cr Mason
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377/03 PART A

1. That Council determines to note the submissions received in relation to the draft “Tree Street” Heritage Precinct Local Planning Policy.
2. That pursuant to Clause 2.3.2 of TPS 7 Council determines not to endorse the draft “Tree Street” Heritage Precinct Local Planning Policy.

PART B

1. That Council take the following action in relation to the Tree Street Heritage Precinct area:
 - 1.1 To place a public advertisement in the local print media to the effect that Council is seeking nominations/expressions of interest from persons who are interested in becoming part of community driven committee, and which would act under the auspices of the City of Bunbury, whose primary brief is to determine the feasibility of establishing a Heritage Precinct in the Tree Street area, with the actual geographical area being determined at a later date; and
 - 1.2 To write to all persons within the currently perceived Tree Street area and to all persons who most recently made submissions to Council on the matter to advise them of the proposed establishment of a Committee and to seek their input along the lines of their nominating for the Committee; and
 - 1.3 To request the Executive oversee the establishment of the Tree St Committee in terms of its initial formation, and that once the committee is established in principle that the terms of reference of the committee be submitted for Council’s further consideration.

CARRIED

13 Votes “For” / Nil Votes “Against”

Source: City of Bunbury Council Meeting, 16 December 2003. (p.123)

As such, the previous council decision (0377/03) would be binding on the City as it has not been revoked or superseded. This decision established a Tree Street Committee “whose primary brief is to determine the feasibility of establishing a Heritage Precinct in the Tree Street area, with the actual geographical area being determined at a later date”.

This acts as a precedent that the 2023 Tree Street Heritage Area proposal should have begun on the same basis by consulting with them at the start of the process. This did not happen and reflects the City’s failure to consult with the residents at the formative stages of the process.

Failure to Follow Heritage Council of WA Guidelines

The Tree Streets Heritage Area Assessment Survey carried out in 2022 failed to consult with property owners and other stakeholders as it failed to follow the proper process or the best practices as specified by the **Heritage Council WA, “Guidelines for the Assessment of Local Heritage Places”** (this includes proposed heritage areas) it refers to “**2.1 Initiating an Assessment**”. This refers to when an assessment survey is initially undertaken. In this, it says:

*“....As part of the assessment process, consultation should be undertaken with relevant stakeholders. **A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place**”.*

Property owners did not receive a draft of the assessment for their property at any time, nor were they engaged, consulted, or involved. The assessment survey was finalized and published in September 2022. Only at the commencement of the public consultation period, 11 July 2023, were property owners informed of materials that were available to them, including the finalized report (some 10 months after the report had been published). No residents received a copy of their draft assessment during the assessment process when it was being carried out.

Deliberate Exclusion of Consultation with Occupants or Community Groups by City

Furthermore, in the finalized report, “Tree Streets Heritage Area Assessment” report (September 2022) it states in the section, ‘Limitations’, on page 8:

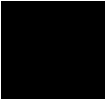
“The review brief did not include internal inspections or consultation with occupants or community groups”.

In short, the brief from the city for [REDACTED] deliberately excluded consultation with homeowners. This conflicts with and fails to follow the Heritage Council of WA’s best practices for this.

It also says, in **Heritage Council WA, “Guidelines for the Assessment of Local Heritage Places, “2.1 Initiating an Assessment”**:

“Community engagement at the early stage in the process can also play an important role in identifying places of local heritage significance and may assist”.

In a meeting with one councillor, when I asked why there had been no consultation with the Tree Street residents when this being carried out, the councillor said that they were not allowed to make it public at that time. This is despite it being a matter of public record when the council approved the investigation of the Tree Streets area as an agenda item which included the appointment of Stephen Carrick Architects to do this work. I am concerned that



the assessment survey process from start to finish has been opaque, especially as it has such a significant impact on homeowners, and their ability to enjoy and develop their property – their biggest asset and investment being more than house, but a home.

As a result of residents not being informed or consulted in a proper manner for this, they have been excluded from the process when the proposal was at a formative stage. This has led directly to the creation of a flawed document, the heritage assessment survey report, which has been used to inform city and council decisions. As such, the decisions based on this document, in full or part, are inherently flawed and biased toward the city.

When this was pointed out the inaccuracies and lack of detail in the survey assessment report in meetings I had with councillors, one responded said, *“Do you know how difficult it is to get heritage budgets through?”*. The implication being that there may have been budget constraints which meant the assessment could not be done properly or fully. This raises the question of why the city and council were prepared to underfund a survey, and to have an incomplete scope in doing so which, as a result, would be inconsistent with best practices and incomplete in terms of information and detail.

The City has said that the cost of this survey was \$17,000 plus GST. We have been told that this is a “high level” survey (as described by [REDACTED] when discussing the assessment survey in the public information session). However, there is insufficient and inaccurate details, which have been found by many residents and consequently raised with the City. This suggests that the assessment survey report was not of a suitable standard for the purpose for which it is being used.

The fact that residents were not informed or consulted about the assessment survey when it was being carried out has meant that many incorrect assessments of individual houses have been made by the heritage architects. These were based on some photos (some of which are years old and do not represent the present state or look of the current house) and desktop research. In many cases, if the current homeowners had been consulted, the architects would have discovered that many of the houses have been significantly modified and no longer represent the original home or qualify for the contribution listing that it has been given.

This has directly contributed to the creation of a flawed document that has been used to inform city and council decisions regarding the Tree Street Heritage Area proposal. As such, the decisions being made (based on this document), in full or part, are inherently flawed and biased toward the city and should be disregarded and the proposal should be stopped in its tracks.

Preclusion of Public Discussion

The Community Engagement Plan for this proposal states:

2. How will the community be consulted and how can feedback be provided?

Should Council agree to proceed with public consultation, owners, occupiers and the Bunbury community will be notified regarding the draft LPP and invited to lodge a submission for consideration. Officers will also be available for one-on-one meetings and enquiries. The City of Bunbury Community Connect page will host all supporting information on the proposal.

This only allowed for 1-to-1 meetings with the city for residents to raise their concerns and issues. Despite many residents asking, verbally and in writing, for a public meeting the community was continually rebuffed.

One city officer said that the city didn't want to have a public meeting as it was concerned it would be "railroaded" by vocal or aggressive attendees. They also said that the City felt that it wasn't needed as different people had different situations and questions. I explained that this was not the case with the residents whom I knew and had met with, and who wanted to address commonly shared issues and concerns in a courteous and respectful dialogue. This has made people feel that they have been excluded from the process and disempowered individually and as a community.

It was only after about 100 residents turned up to the council meeting on 27 July 2023, and asked about 34 questions (see Appendix 3) reflecting the wide range of commonly shared issues and questions that the residents had, that the mayor agreed to a public information session to be held on the 8th of August.

Provision of Sufficient Reasons & Material

The second requirement for proper consultation is the provision of sufficient reasons and material to the residents to enable an intelligent consideration of the proposal and therefore a proper informed response.

Sufficient Reasons Not Given

Many residents, collectively at the public information session as well as individually before and after, have asked for clear reasons as to why this proposal is happening now. What is the 'problem' that needs to be fixed? No good answers have been offered.

One resident asked the question below and got the following response:

"What does the Council expect this proposal to achieve?"

Response

This investigation started due to community concerns over demolition and incremental erosion of the character of the area and actions to review localities across the City for infill development. The City's Local Planning Strategy required to a comprehensive review of the Local Heritage Survey and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and one of the priority locations raised to be assessed was that known as the "Tree Streets." The aim of this proposal is to conserve and enhance the heritage significance of the area by guiding change and ensuring heritage places that contribute to the significance of the area are retained.

The City's Local Housing Strategy 2021 includes the aim to have a base R-Code of 'R20' over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Code will apply and heritage areas to protect these areas from demolition and to maintain significance and character. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy".
(Source: Ordinary Council Meeting Minutes, 27 July 2023, p.14)

For clarification and details, I emailed [REDACTED], to ask regarding the "community concerns over demolition and incremental erosion of the character of the area".

Question:

Can you please detail what concerns have been formally raised or documented regarding this ("demolition and incremental erosion the character of the area"), when they were raised, regarding what property/s, and what was raised in terms of any concerns, or 'incremental erosion' associated with them? If a matter of public record, then can you please detail whether they are a resident of the Tree Streets area, elsewhere in Bunbury, or outside the City of Bunbury. If multiple concerns have been raised by the same individual, then please indicate them as appropriate. Thank you.

Response:

The City does not keep statistics on the number of complaints for each demolition in the City. Records would only be kept if it was related to a development application that required public advertising. A good recent example (although after this process had started) of how the community perceives demolition and character was through the submissions regarding demolition of #88 Beach Road and the proposed construction of a childcare centre. Many submissions referred to the retention of heritage, character and amenity of area. The list of submissions for this application can be found on the City's website.

From this reply it is clear that there is no evidence or information to support the City's assertion that there were "community concerns over demolition and incremental erosion of the character of the area" to justify the investment.

Also, many of the submissions made regarding the matter of #88 Beach Road were more about the traffic issues, safety of children in the area, and that the situation of such a facility was not appropriate rather than about heritage. As [REDACTED] noted, this matter occurred after the process for the development of the Tree Streets Heritage area proposal had started.

The property demolition was approved by the City in January 2023 (see other note on this topic, 88 Beach Road). The reason the proposed childcare development could occur has only been made possible because the City, many years ago, changed the R-zoning of a number of properties along the north side of Beach Road to mixed-use to allow for further development and growth of the rate base. This included rezoning 88 Beach Road as R20/40 (Mixed Use Residential) which allowed for it to be developed as a daycare centre. This is currently before SAT.



Public Information Session

This public meeting was only offered to residents after significant pressure and representation was made for this as described above.

I would note that in the previous attempt to make the Tree Streets a heritage area the City held a public meeting to which the residents of the Tree Streets area were invited on Wednesday, 30 July 2003. This also included several representatives of the Heritage Council (see Appendix 2). The Community Engagement Plan should have incorporated this from the start of the proposal process, to allow the City and residents to engage proactively and at the formative stages.

This recent public information session was attended by **about 175 residents** and represented the largest turnout for a matter before the council in many, many years.

The meeting was attended by the city executive, the heritage officer, some other planning officers (I believe, they were not introduced), and 9 of the 11 members of the council.


In this meeting, there was a short presentation by [REDACTED] (Director of Sustainable Communities) on the Tree Streets Heritage Area proposal. This was followed by questions from the residents. This was mainly addressed to [REDACTED] with only he and the mayor interacting with the residents. No other members of the City staff, including the heritage officer and some planning officers (? – not known who as they were not introduced) spoke up or contributed.

As this was positioned as a meeting to talk with both the City and Councillors, many residents assumed that there would be an opportunity to engage with both the City and Councillors regarding the proposal, particularly given the fact that the Councillors will be voting on this proposal on the residents' behalf. Although Councillors were present, they did not engage with the discussion.

Many residents spoke up at this meeting and raised their concerns and issues. All those speaking were against the proposal, and there was no-one who spoke up in supporting it. People asked many questions including why this proposal had started, what was the underlying problem it was supposed to be addressing, why now, and why had people not been consulted or informed about it until the city was legally obliged to do so with the start of the public consultation period. In my opinion no clear reasons were given.

The CEO only spoke at the end, when asked to contribute by a resident. Many residents after the meeting felt he had failed to properly listen to or address people's real concerns and issues, especially regarding the broader impact and implications on the community of the Tree Streets area.

There was no suitably facilitated discussion, and this made it hard to have an open, robust, and constructive discussion and debate with the community which many residents sought. Many were questioning why no minutes were taken, no recordings were made by the City for people to review, and no documentation of agreements to address concerns raised in the meeting. This meeting was not just for the residents of the Tree Streets, but for the whole of Bunbury, and those unable to attend have missed out on the substance and implications of the matters raised.



The City consistently held to the line that everyone had to go through the submission process and that individual's questions and concerns should be in their submission and these could be reviewed afterwards. This frustrated the residents whose questions went unanswered, ignored, or received a reply that did not address the real question or issues being raised. This is especially the case as people sought information to include in their submission. To ask them to include their questions in the submission undermines their opportunity to have access to the information they need until after the submission process has closed. This lacks procedural fairness and does not allow for proper consultation.

For further information on the public information session see the separate point on this topic (Public Information Session).

Adequate time to respond.

The third requirement for proper consultation is to have adequate time to respond. There needs to be adequate time given to allow the consultees to give intelligent consideration and an intelligent response.

The fact that the residents were only given six weeks to get across a lot of technical information, get into the details, and to understand the implications and impact for them is not sufficient. As established, the consultation process failed at the formative stages and the attempt to "consult" with the residents of the Tree Streets when the decision has been made means the public consultation period has failed at the start.

Furthermore, there was a lack of time for the community to come together and source professional advice on heritage, planning, engineering, legal, consultation, policy and other issues by which to provide input to the process.

In order to gain a full picture and make a decision that considers these key factors, this expert knowledge is needed at the heritage planning level. This requires experts in these areas, such as economists, housing academics and environmental and climate experts to be given the ability to provide input on the heritage area and individual homes within the area.

Regardless of how long this process might be given, or extended for, this has **not** been a public consultation process or exercise. The city excluded public meetings in the community engagement plan, and only after community pressure allowed a public information session to be held. This meeting was not a genuine, open, constructive discussion and many felt that their issues had not been addressed or answered. People went away disappointed that the city and council failed to understand, relate to, or address the broad range of issues, and the sentiment expressed in the meeting.

The consultation process is flawed. It has not involved the community at the formative stages at the very beginning, no clear reasoning for this has been given as to why this is being done and the problems it is trying to solve, and the time given to make a submission is wholly inadequate. Finally, other residents have shared how some councillors have said that they will be supporting the proposal, and this is before the public consultation period has finished and before the submission process and review has begun. This strongly suggests that the product of any consultation will not be properly considered, and that the consultation has been about a single decision choice that the city and council have created, and that no other options are available.



Conscientious taking into account of the product of consultation.

The product of consultation must be conscientiously taken into account when the ultimate decision is made. It would render futile the process of consultation if the Council can ignore, or pay mere lip service to, the product of consultation.

There is also a clear issue with councillors' personal interests superseding their interest and desire to openly listen to the needs and concerns of the community that gainsay their position. I have had at least two councillors say to me, when meeting with them on a one-to-one basis, that they had already made up their mind to support this proposal. This is before I had the opportunity to explain my concerns and the facts underpinning my case, before the submission process has been completed, and before the submissions have been considered.

There has also been a lack of understanding from councillors of the proposed policies and what they mean. [REDACTED] and in discussing this proposal, highlighted many issues regarding the content of the LPPs which they were unaware of, but which would be apparent if the LPPs had been read properly. This causes me concern that elected members will be making decisions not being fully informed and relying, without question, on information from the City.

Conscientious consideration of the product of the submission process by the council is also undermined in that three councillors sit on the Heritage Advisory Committee, including one councillor who is the chair. Its role is to review the report on the submissions from the city, and to make recommendations for council. This is a clear conflict of interest, with their having a vested interest in the proposal as they originally recommended it to council for the decision to proceed with it. They make the recommendation and they also have the delegated authority!

Summary

The consultation process has failed at each of the four stages. Firstly, there has been no consultation in the formative stages of the proposal. Secondly, sufficient reasons have not been given as to why this proposal has proceeded as far as it has without any prior consultation. Thirdly, given the complexity and lack of clarity in the documents provided, and the wider range of issues that have to be considered – including procedural, social, and economic – there has been insufficient time for working residents to comprehend, assimilate and respond to the proposal. Finally, there is no transparency regarding the process for how submissions will be assessed, evaluated and the presented to the Heritage Advisory Committee, and how they then make their recommendations to the Council is opaque and there exists a conflict of interest. This raises concern as to how the submissions will be accounted for and incorporated in transparent and objective way.

Tree Streets Heritage Area Assessment Incomplete & Inconsistent

The assessment survey, a key document that underpins the proposal, was carried out in 2022 with a survey being done in February 2022, and the report completed in September 2022. This report is incomplete and inconsistent for a number of reasons:

Failure to Follow Heritage Council of WA Guidelines

The Tree Streets Heritage Area Assessment Survey carried out in 2022 failed to consult with property owners and other stakeholders as it failed to follow the proper process or the best practices as specified by the **Heritage Council WA, "Guidelines for the Assessment of Local Heritage Places"** (this includes proposed heritage areas) it refers to **"2.1 Initiating an Assessment"**. This refers to when an assessment survey is initially undertaken. In this, it says:

*"...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A **draft of the assessment** should be made available to the property owner and any group or individual that has a direct interest in the place".*

Property owners did not receive a draft of the assessment for their property at any time, nor were they engaged, consulted, or involved. The assessment survey was finalized and published in September 2022. Only at the commencement of the public consultation period, 11 July 2023, were property owners informed of materials that were available to them, including the *finalized* report (some 10 months *after* the report had been published). No residents received a copy of their draft assessment during the assessment process when it was being carried out.

Exclusion of Consultation with Occupants of Community Groups by City

Furthermore, in the finalized report, "Tree Streets Heritage Area Assessment" report (September 2022) it states in the section, 'Limitations', on page 8:

"The review brief did not include internal inspections or consultation with occupants or community groups"

In short, the brief from the City specifically excluded Stephen Carrick Architects from consulting with homeowners. This conflicts with and fails to follow the Heritage Council of WA's best practices for this.

It also says, in **Heritage Council WA, "Guidelines for the Assessment of Local Heritage Places, "2.1 Initiating an Assessment"**:

"Community engagement at the early stage in the process can also play an important role in identifying places of local heritage significance and may assist".

[REDACTED] there had been no consultation with the Tree Street residents when this assessment survey was carried out, the councillor said that they were not allowed to make it public at that time. However, it was on the public record as an agenda item in the council meeting of January 2023 when the Council gave its approval for the assessment survey to proceed. I am concerned about this lack of transparency, and would like to understand what prompted this, why, and who made the decision.

Assessment Survey Not Properly Scoped or Funded

When this was pointed out in meetings with councillors, one responded, *“Do you know how difficult it is to get heritage budgets through?”* The implication being that there may have been budget constraints which meant the assessment could not be done properly or fully. This raises the question why were the city and council prepared to underfund a survey, and to have an incomplete scope in doing so which, as a result, would be inconsistent with best practices and incomplete in terms of information and detail?

The City has said that survey cost \$17,000 plus GST. This is not enough to fund a *full assessment* survey of all the properties and to engage with the residents in doing so. This demonstrates why the assessment was done so poorly, (described as being at a “high level” by Gary Barbour in the Public Information Session) and is not of a suitable or sufficient standard for the purpose for which it was carried out. In short, it was done cheaply and not to the standards and detail required.

Property Assessment Insufficient and Incomplete

The review of each property includes a picture and a tick box assessment with one or two brief notes. The assessment for many homes has been called into question by residents as many homes have been suitably added to or modified over the years, with little if any of the original homes still in place.


In the Limitations section in the Tree Streets Heritage Area assessment survey, it says:

“The historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review”.

This lack of individual historical information, with aerial imagery only going back to 1959, contributes to the problem of many assessments being questioned. I would also ask how an aerial picture of an area containing a number of different homes can capture and provide the necessary details of each individual home in terms of its build, bulk, construction, and streetscape to determine the basis for contributory review? At the public information session held on 8th August, [REDACTED] (Director of Sustainable Communities at the City of Bunbury) described it as a “high-level survey”.

If this is the case, then how can this be used to provide a proper and appropriate assessment for the Tree Streets area? A total of 302 homes have been assessed, but there is no clarity on how the homes have been assessed or why they were given the contributory level in the report. The only answer from the City has been to look at the methodology in the report. This is not detailed, and is only fourteen lines long, leaving people not able to understand why and how their home has been assessed at the level it has, or how to challenge it in their submission. There does not seem to be an established process if I want to, or any other resident, have their assessment contribution revisited.

A half-page assessment, based on a photograph, taken from the street and being unable to consult with residents has stopped them from finding out the reality of the situation and being able to make a realistic assessment.



There are some members of the community who, when reviewing their property assessment, have pointed out that the pictures used were at least 3 or 4 years old and pre-dated the 2022 assessment survey and report. This calls into question the quality and accuracy of the work.

Doing this has created a flawed document (the assessment survey, as discussed earlier) which that has been used to inform city and council decisions regarding this proposal. This, in turn, suggests that the assessment survey cannot be relied on, and these decisions should be reviewed as the rationale for them is uncertain and unfounded.

Assessment Area

The initial assessment area was significantly reduced when it came to establishing the map for the proposed designated heritage area. For example, only the northern side of Beach Road was included as far as Wattle Street. Also, only one side of Picton Crescent (eastern side) was included, and this only extended up to the home immediately after Sampson Road. There are many properties along the western side of Picton Crescent, and on both sides of the street all the way to where it meets Turner Street, which are not included even though they contribute to the character of the area.

I note that the home immediately on Picton Crescent immediately after Sampson Road was recently put up for sale around the 17th of August. This is one of an increasing number of homes in the proposed heritage area that have been put up for sale since the public consultation period started.

Again, no consultation with residents during the assessment survey process is a lack of a fair and democratic process.

Heritage vs Character Areas

For many years the Tree Streets has been informally regarded as a character area, and never as a heritage area. There are about 15 properties in the area that are heritage listed and are on the local and/or State heritage list. These properties are suitably protected and gain no further protection from a designated heritage area.

Guidelines for Heritage Areas, Heritage Council of WA (March 2023)

"1.1 Heritage areas vs character areas

SPP 3.5 details the importance of distinguishing between heritage areas and urban character areas. It explains that heritage is retained through conservation and preservation of identified heritage places, with provision made in the planning framework to refuse demolition or guide development to respond appropriately to heritage significance.

Identifying a precinct as an 'urban' or 'residential character' area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric".

Furthermore, it states in the “Guidelines for Heritage Areas” from the Heritage Council of WA (March 2023):

1.3 Where a heritage area is not appropriate.

*A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. **A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list**”.*

(The highlight is mine).

This seems to be the case in that firstly, the demolition of sixteen dwellings in the Tree Streets from 1998-2023 (28 years – of which there has been no demolitions in seventeen of these years (see section on Demolition for more details) - have been largely replaced by new homes that are sympathetic to the character of the area (see Appendix 1). The City has recognised this with Gary Barbour (Director of Sustainable Communities) replying in a question to council:

“It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area”. (OCM Minutes, July 2023)

Secondly, there are a number of properties that are on the local heritage inventory (approximately ten) that fall within the proposed designated heritage area. As such, these properties are already well protected.

Although there are older homes in the Tree Streets area, they are no older than many other homes across Bunbury which are not heritage-listed or in a designated heritage area. Having an older home does not make it heritage worthy. The only reason these homes are still in existence is because they have been looked after by the owners. Our home was maintained and extended by my father-in-law, a carpenter and builder.

So, section 1.3 as described above is a valid reason by which to refute the proposal.

“A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list”.

Properties in the Tree Streets area that are worthy of being heritage-listed already are included on the local heritage inventory list. The other properties in the Tree Streets area are not, otherwise they would have already been included. As such, this proposal is simply an attempt to protect places that fall below the threshold for the heritage list.

As such, the proposal for the Tree Streets Heritage area should be withdrawn as it is not appropriate and not needed.

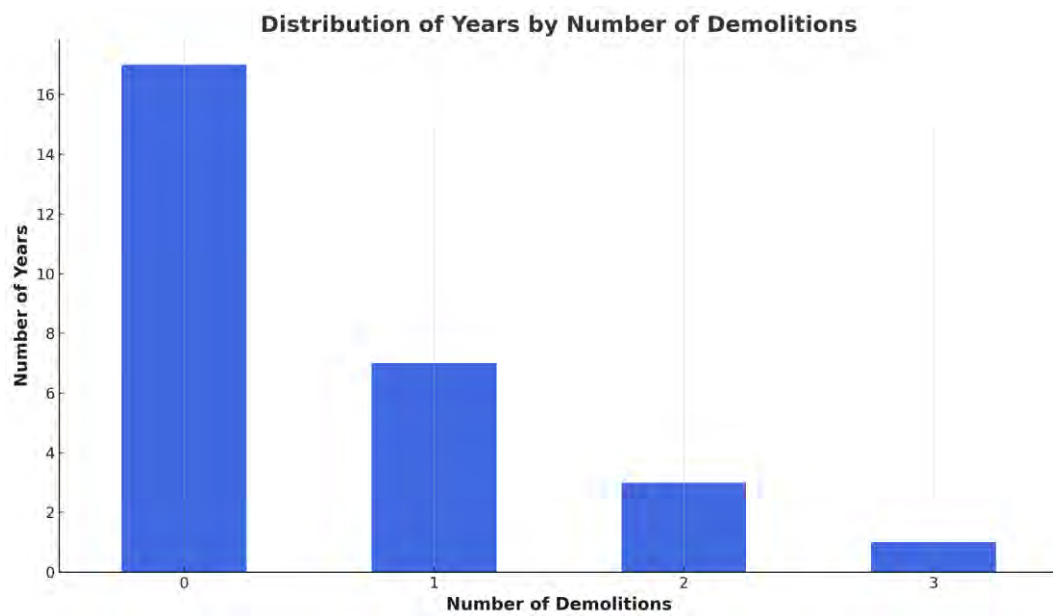
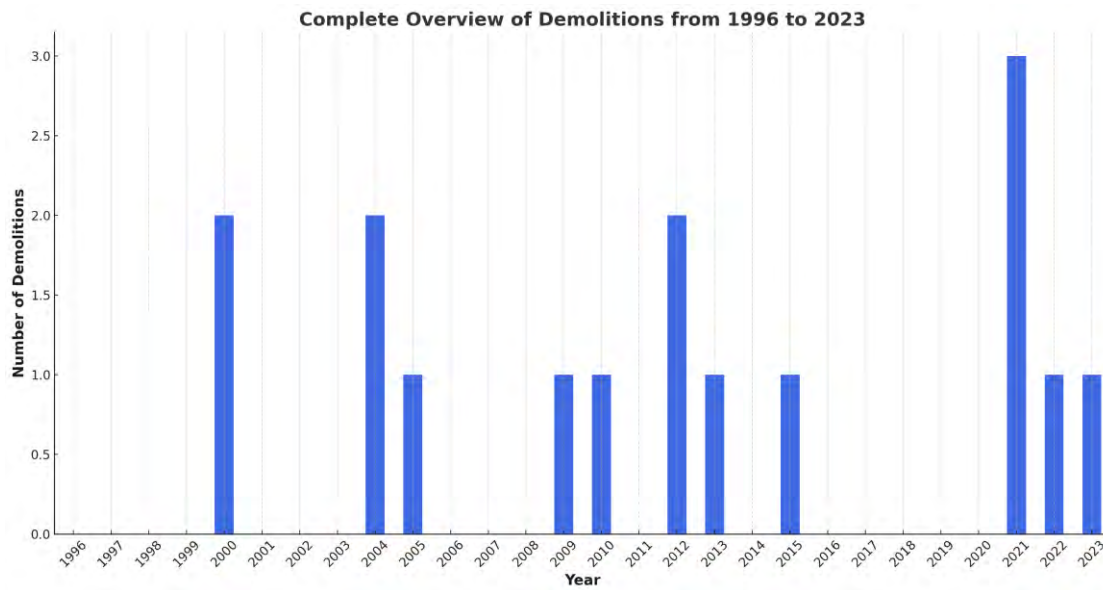
Demolitions

Dwelling Demolitions, Tree Streets Area, 1998-2023

From 1996-2023, City records show that only 16 dwellings were demolished within the proposed heritage area of 302 homes. This can be seen in the chart below. In December 2021, the Heritage Advisory Committee’s recommendation to proceed with the Tree Street



area survey was approved by the council. As can be seen below, only three dwellings were demolished that year, and were the first ones since 2015.



# of Demolitions	# of Years
0	17
1	7
2	3
3	1

From this it can be seen over the 28 years covered:

- **Most years (seventeen out of the twenty-eight years) had no demolitions.**
- 7 years had just one demolition
- 3 years had two demolitions.
- 1 year had three demolitions.

This represents a very low level of demolition. If the demolition were to continue at the average rate here, it would take over 528 years to demolish the whole area of 302 properties. And then you'd have the oldest houses as being over 500 years old!

The Tree Streets area has a demonstrable history of being excellent at self-managing itself in terms of its development. Some of the homes that were demolished were in a state of old age and had reached the end of their natural life and have been replaced with new properties that are sympathetic to the area, whilst also providing a suitable contrast and create a suitable snapshot of architecture in the area over time. This can be seen in Appendix 1 which shows recent pictures of the properties that were demolished from 1996 to 2023.

In fact, the City has agreed with this with [REDACTED] (Director of Sustainable Communities) replying in a question to council:

"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area". (OCM Minutes, July 2023)

88 Beach Road – Tree Streets Area

The demolition of 88 Beach Road (early 2023) for a proposed daycare centre has been mentioned by councillors and city officers as the 'trigger' for this proposal which has been in the making since at least mid-2021. The demolition permit for 88 Beach Road was approved on 20 January 2023, and the Council decision to proceed with the heritage assessment survey was made on January 31, 2023.

I would also point out that the proposed child daycare centre for 88 Beach Road has only been made possible because the City, many years ago, changed the R-zoning of a number of properties along the north side of Beach Road to mixed-use to allow for further development and growth of the rate base.

This included rezoning 88 Beach Road R20/40 (Mixed Use Residential) which allowed for it to be developed as a daycare centre. This is currently before SAT.

R20 Zoning

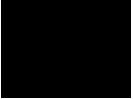
The City has a strategy (2a-2.1) to: *Apply a base R-Code of R20 over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Codes will apply. (City of Bunbury Local Planning Strategy, January 2018)*

The City is looking in September 2023 (I believe), to change the R-Code for residential areas in Bunbury. This would change the current R-Code for the Tree Streets area which is predominantly R-15 (which does not allow for blocks, predominantly quarter-acre lots, to be subdivided), to R-20 which would allow the blocks to be potentially sub-dividable.

The city has a clear strategy in place to allow infill which the R20 zoning will allow more of. However, the City does not want this to happen in the Tree Streets area, and they appear to be using heritage to stop this happening.

In doing this, the City is going directly against its stated strategy and goal to establish R20 zoning, and to enable greater opportunities for infill.

According to [REDACTED] in response to a question submitted by a Tree Street resident (p.14, 2023-07-25 – Unconfirmed Minutes, Ordinary Council Meeting):



“The City’s Local Housing Strategy 2021 includes the aim to have a base R-Code of ‘R20’ over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Code will apply and heritage areas to protect these areas from demolition and to maintain significance and character. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy”.

Again, this points out that the city is looking to use a designated heritage area inappropriately. As previously highlighted:

“A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list”.

Most homes in the Tree Streets area have been built and developed in such a way that they take up most of the block and occupy a central position on it. So, even if a homeowner was thinking about subdividing their property, they would not be able to simply “battle-axe” it. For most properties, if they wanted to do this (and most people do not), they would need to demolish the home to be able to subdivide and build, increasing the costs and difficulties significantly for any homeowner considering this, and acting as a major disincentive.


The heritage proposal, in conflicting with the R-20 zoning strategy, will reduce the City’s opportunity to grow the number of homes within the City to support the anticipated level of growth and, to increase the number of rateable properties to support revenue growth for the City. It will prevent any kind of good medium density that our city needs to deal with its growing housing crisis. This will lead to the absurd outcome where groups of units will continue to be developed on the edge of the proposed heritage area as seen on the south side of Beach Road, with multiple units and modern buildings being allowed, while the protected homes on the north side of Beach Road will have the “amenity” of the area diminished.

There is no need to make the Tree Streets a designated heritage area and, as shown, the residents of the Tree Streets area have a demonstrable history of being excellent at self-managing itself in terms of its demolitions and development (see Demolitions and Appendix 1). There is no need or requirement for additional and onerous development controls which provide no benefit to the city or the community and actively run contrary to other stated city goals. The City has said, *“Note: Future intent of the area if a heritage area is not adopted, will be subject to the normal controls for residential development”*. This, it would seem, would provide a satisfactory solution and remove the need to have a designated heritage area.

Lack of Engagement & Communication

The engagement process has been more about the residents engaging with the City, rather than the City engaging with the residents. This can be seen in:

- No engagement from the City with the residents in the proposal or its development process until legally obliged to. This was in the form of a short letter to inform residents was starting as of 11 July 2023. This is after the process had started in mid-2021.
- Passive engagement – the City’s Community Engagement Plan only allowed for one-to-one meetings with the City. This has been left to be driven by the individual resident.

- 
- No public meetings have been allowed for in the Community Engagement Plan which frustrates and disenfranchises the community from raising issues and concerns as a group.
 - No proactive engagement or communication from any elected members about this proposal or its development with the residents who were clearly identifiable as being impacted by this.

Council Question Time

About 100 residents attended the Ordinary Council Meeting on 27 July 2023, and 34 questions were asked and appear in the minutes.

This process was of limited use as follow-up conversations regarding people's questions was not allowed. This frustrated people as many of the responses from the City did not actually address the question. For example:



Question 1

My question relates to the proposed Tree Streets Heritage Area. Can you please advise how not having a public meeting promotes consultation and engagement with the community, notwithstanding face-to-face meetings are available?

Response

An engagement plan was adopted by the Council. Advice was that one-on-one meetings would be more suitable in addressing site specific questions. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media".

The response clearly did not answer the question. This can be seen in many of the other questions raised in the minutes.

Community Engagement Plan

This only allowed for 1-to-1 meetings with the city for residents to raise their concerns and issues. Despite many residents asking, verbally and in writing, for a public meeting we were continually rebuffed. One city officer, when asked, said that the city didn't want to have a public meeting as it was concerned it would be "railroaded" by vocal or aggressive attendees. The city also felt that it wasn't needed as different people had different situations and questions. I explained that this was not the case with the residents whom I knew and had met with, and who wanted to address commonly shared issues and concerns in a courteous and respectful dialogue. Many people feel that this prevented community concerns and issues from being raised and addressed.

It was only after about 100 residents turned up to the council meeting on 27 July 2023, and asked about 34 questions (see Appendix 3), that the mayor agreed to a public information session to be held on the 8th of August.

The City in the Community Engagement Plan failed to follow precedent from the 2003-04 Tree Street Heritage Area proposal which included an invitation to all residents to attend a briefing. See Appendix 2 for details.

Public Information Session

A number of concerns and issues were raised by residents in this meeting.

Many residents spoke openly regarding their personal issues and concerns, and felt highly emotional and vulnerable. They left the meeting frustrated by the City's failure to listen, understand, and engage with what they were sharing, and to consider alternatives to the proposal.

Residents spoke openly and engaged, looking to create dialogue and to develop a constructive approach for addressing concerns. However, the City and Mayor continually defended the only way forward was the submission process. Having spoken to over fifty people after the meeting, it has been noted that many felt disillusioned and disappointed by what they heard from what was said by councillors in the audience, the mayor, and the CEO, and the distinct lack of respect or courtesy that was shown to people who had made comments or raised concerns.

One resident asked if this proposal would be revisited again in 5 years' time, if it was defeated, if there was another Local Heritage Survey required. The mayor responded along the lines of, *"It won't be my problem, I won't be here in 5 years' time"*. This caused an outcry and he immediately rescinded the statement, however, the damage was done. It reflected how the City and elected members carried themselves in the meeting.

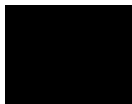
This lack of sensitivity or ability to relate to the concerns of the residents seems to be symptomatic of an underlying cultural issue in the city and council where there is no real interest in serving the community, collaborating with the community, and their belief that they know best.

One gentleman spoke and shared, *"I wonder if you thought about the emotional side and what it's doing to relationships?"* He shared that he and his wife love where they live, but with the threat of this proposal, *"the longer we stay here, my wife doesn't"*. This proposal is causing relationship breakdowns and damage. The city only responded to this by talking about the process.

One gentleman shared, nearly in tears as he spoke, how he and his young family had only moved into the Tree Streets area just over a year ago. He has 3 children, and a wife who is currently a full-time student, and he is working hard to pay escalating bills, and mortgage payments, and to put food on the table. He shared that his old house has many jarrah sash windows. If he has to replace them, as would happen with the proposed policies of "like-for-like", then each jarrah sash window would cost at least \$10,000 to \$15,000 EACH. And that is just one of the aspects of this policy He said, *"If this goes through, this is devastating"*.

They have worked hard and borrowed to buy their home and, with a reduced buyer pool for homes with heritage restrictions, it's almost too late for them to get out with the amount they've borrowed to get there. They bought into the area for its location close to the beach and shops, and being in the catchment areas for Bunbury Primary School (Australian School of the Year 2022) and Bunbury High School. They didn't buy because they wanted an old house. They don't want to go, but they may have to. This is causing them serious family stress, emotional burdens, worry about their children's schooling, and threaten significant financial stress. The City's only response was to go through the submission process.

Other comments from residents included:



“...and I said to a couple of councillors. Yes, you've made a Council decision to put this out for comment. Councillors, you need to put forward a motion and stop it in its tracks. I don't want to leave here frustrated, but everyone usually in the room is showing their frustration. People are putting their time and effort to come already. There's a huge community sentiment here, can you listen to that?”

Another resident shared, *“We want to be divorced from the process. [REDACTED] understand that. Know how can we how do we divorce ourselves from what's going on? Because we don't agree with it. You know, why do we have to go and see Roger Cook and jump up and down in Parliament?”*

The CEO, [REDACTED] spoke near the end. One resident asked him and the other city officers and councillors to read the emotion and the feelings in the room, saying people wanted options. The CEO spoke over the top of the resident who was voicing what everyone was feeling and spoke to her and the room in a belittling, unprofessional manner. The mayor did nothing to stop this or intervene.

I am concerned that if this is the behaviour that is allowed, demonstrated (and in public), and tolerated at the top, then there is a serious cultural issue that needs to be investigated and corrected within the city and council.

When did the process become more important than the people?

For something so important, and which affects families and homes to such a level there should have been clear, open communication and engagement with residents from the start. I have been saddened and shocked by the people apparently representing and working for the community in this process.

This proposal is adding to cumulative stress and raising the risk of mental health issues and financial stress for residents – the young, the old, and the families.


Councillor Conflict of Interest

Three councillors are members of the Heritage Advisory Committee (HAC), and one is the chairperson of the HAC, which will review the City's report on the proposal and submissions and make a recommendation to council.

There is a clear ethical issue in that the three councillors are on the HAC which makes the recommendations on the proposal to the council. These three councillors then also have the ability to decide on what they have recommended, and this is after they were also involved in the HAC in recommending to council that this proposal proceed to public consultation in the first place. I realise that under local government law they have the right to vote on this proposal however, this appears to me to be a conflict of interest and they should withdraw from the debate and decision-making process.

Older Houses are Not Heritage Houses

Old homes do not equate to being heritage homes. And having heritage-listed homes in the area does not make the Tree Streets worthy of being a heritage area. Homes in the Tree Streets are not worthy of being included on the heritage list, and using a heritage area to capture properties in the



area which fail to qualify as heritage-listed is inappropriate as determined by the Heritage Council of WA.

The assessment survey, as discussed earlier, is flawed and should not be relied on as it lacks a suitable level of detail, consultation with homeowners and the community, and sufficient historical information and research on each property.

For example, in just one street, multiple discrepancies in the information recorded have been identified for the 11 homes in Lovegrove Avenue. These include:

- Photograph of 13 Lovegrove Ave is part of a Google image of 11 Lovegrove Ave taken in 2015.
- Page 124 Table summary of individual place assessments states 2 properties have carports when in fact 3 properties have carports and have done for over 25 years.
- Page 123 “The remainder of the street is relatively intact except for No. 1 (demolished and rebuilt in 2004) and No. 13 (substantial rear extension in 2004).” In fact, No’s. 11, 17 and 21 all had substantial rear extensions prior to the survey in 2022.
- Page 123 “No. 9 Lovegrove Avenue has undergone a number of changes and alterations over the years including a form change in the late 1990’s and what appears to be either a substantial alteration or complete rebuild in 2015”. Looking at this home from the street it is clear that this is a complete rebuild. A quick Google street view image search of the address shows an image of the property mid build of a Dale Alcock home in 2015.


Similar discrepancies exist for Banksia Street, and others have been identified by other residents for their streets.

Furthermore, many homes have had additions, extensions, adaptations, and removal to the fabric of their home. These have not been identified or included in the Tree Streets Heritage assessment survey report as consultation with homeowners was excluded from the brief (see section on Tree Streets Heritage Assessment Incomplete and Inconsistent). For many properties, little of the original structure or layout exists. This has not been discovered or included in the assessment survey report which lacks sufficient information and detail to provide an accurate and informed report.

Residents Being Forced Out or Unable to Move

Several other properties in the proposed designated heritage area have come onto the market since the public consultation period started, and people began to understand how this proposal might impact their ability to develop the home, and the reduced buyer pool will lower the potential price they could realize. When this is your biggest asset and investment it is of real concern and a source of stress. People are scared and are looking to get out before it’s too late.

There are also others who are looking to leave the area but are finding that the proposal will frustrate this. I know of retired pensioners who are looking to downsize to somewhere smaller and more manageable. The proposal means they cannot subdivide their property or be able to realize the property’s market value. The wife is very ill and so they need to move to a smaller home. This proposal



will reduce the price they could realise for it (when compared to what could be realised if it were not subject to heritage restrictions) – see the section on Property Value - means they will lack the money to move elsewhere, especially as the onerous restrictions imposed by the proposal do not make it a realistic option to a young family who could revitalize it. This is leaving an elderly couple unable to move, and being forced to stay on a large block of land which they can no longer properly maintain and have very limited funds as pensioners to expend on it.

This proposal is already starting to destroy the Tree Streets community. The Tree Streets is not a collection of buildings and “built fabric” that the city and council want to keep as is. **The Tree Streets is a living place, which is about the people who live here and enjoy living in the area and with each other. This is a community that has proven its ability to look after its own homes and to develop new homes which are sympathetic to the character of the area.**

Provision for Adaptable Homes is Restricted.

In the City’s Local Planning Strategy 2021 document it states:

“4.4.5 Need for Adaptable Housing

In the City of Bunbury there is an older and ageing population (27% are over 55. ABS 2016) and around 18% of people have a disability. The number of private and public dwellings that have been built to incorporate universal access design elements or adaptable housing (refer Australian Standards: AS4299 Adaptable Housing; 1995) is very low, therefore for many of these people their home may not have a level of accessibility to suit their needs, either now or in the future.

Inaccessible housing leads to social disadvantage and has negative effects for social integration and participation. Modifications to dwellings to improve accessibility, such as installation of ramps, are often expensive and unsatisfactory. These costs place increased financial pressure on such households, and moving house to find a better house design suited to their specific needs is not a viable option”.

There is a clear need for homeowners, as they age, to adapt their home to enable them to continue to enjoy living in it. The City, in a response to a question at council regarding this, said, “No formal assessment was completed by the City”. This proposal can seriously impact people’s ability to access and use their home, and to be able to stay in it, as well as making modification harder to make and more expensive. Again, this increases the financial pressure, especially on older people, at a time when in the lives where they have limited financial resources.

The proposal does not appear to support or align with the City’s goal for need for people to be able to have and to enjoy homes that can be adapted to their needs as they age.

No Compensation

The restrictions and impositions as set out in the proposal seek to place regulatory controls over a registered proprietors use and enjoyment of their property. The legal and economic cost of the restrictions and impositions, which will erode my property rights, will not be borne by the council in any way, but entirely by myself. This cost burden to me, and my wife is economically unreasonable and unfeasible. All the costs are mine, and there are no benefits.

At the Ordinary Council Meeting held 27 June 2023, the question on notice from Mary Collins which, together with the response, is reflected below.

What are the compensation proposals for this change?

Response

There is no compensation for the designation of a heritage area. The intent of a heritage area designation is not to stop development but to ensure that works retain the significance of the area. The City is committed to assisting owners to conserve heritage places through a range of heritage incentives including: rate concessions; complimentary heritage advisory service and waiving of planning (development) application fees. A draft local planning policy has been developed to provide design guidance for any proposed works within the area and also clearly state the heritage area boundary; statement of significance; and level of contribution of each property within the heritage area.

The “incentives” offered by the City are insignificant and do nothing to help the homeowner address the onerous costs of compliance with the ambiguous and often conflicting local planning policies and design guidelines.

Additional costs that are borne by the homeowner include:

- i. Engaging the expertise of structural engineers, heritage consultants and arborists when required by the City.
- ii. The cost of having to replace/renovate on a “like-for-like” basis which includes expensive materials either no longer available or in scarce supply, and traditional skills which are no longer available or in very limited availability.
- iii. Having to continually “ping-pong” between the homeowner’s builder/architect/designer etcetera and the City to try to comply with the onerous LPPs and guidelines. The vague, ambiguous and conflicting wording of the proposed policies and guidelines makes them hard to interpret, highly subjective and varied in terms of decisions and approvals made or denied. This requires more work from the homeowner and their architect/designer/arborist/heritage consultant etcetera in trying to achieve to a clear and definitive result that is mutually agreeable. This increase in the “ping-ponging of work, requests and reviews between the homeowner and the City has significant costs including:
 - a. For the homeowners, this wastes significant time, meaning that the whole process takes longer and is more expensive.
 - b. For the City, it means that their staff are overwhelmed, under-resourced, and continually puttin out bush fires, making their work more stressful, lowering their productivity and effectiveness, reducing staff retention, and wasting ratepayers’ money.

A question asked at Council:

“Has the Council carefully considered and completed an impact report on the financial burden on homeowners impacted by the Tree Street Heritage Area proposal? Costs associated with increased insurance, decreased property values, maintenance costs and the increased cost of additions, renovations, restorations and maintenance as a result of having to adhere to the proposal. If so, has the Council considered compensation, such as those in place in Subiaco?”

Response

No formal impact assessment was completed by the City. Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application fees, offer rate concessions and provide a free heritage advisory service. Maintenance and repairs are the owners responsibility”.

The City has failed here in carrying out any impact report or risk assessment of the proposal. Again, this represents a failure to consider or consult with the community. The “incentives” offered by the City are minimal, and do not even begin to address the cost burden arising from this both now and in the future.

Ability to Demolish Unreasonably Constrained

The policies and guidelines place an unnecessary burden on homeowners in terms of items and reports that the City may impose on them. In fact, the onus is against demolition, and it is proscriptive in doing so.

In Draft LPP-4.3, 9.1 Demolition and Relocation it states:

“Demolition of a Contributory structure is rarely appropriate and there is a presumption against demolition within Contributory Places (including buildings)”.

And in Element Objective E.1 & E.2 for this states:

E.1 “The demolition of a contributory place is not supported. These places contribute to the significance of the Tree Streets Heritage Area as identified in the statement of significance”.

E.2 “In circumstances where demolition approval is sought the onus is on the applicant to provide a justification”.

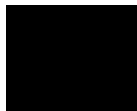
This is akin to being guilty until you are proven “innocent” if you are deemed to be of moderate or high contribution, as established by what has been described as a “high-level survey” by the City (said by [REDACTED] Director of Sustainability in the public information session held on 8 August).

Furthermore, the bar on being able to demolish your home is raised to an unnecessarily high degree as you must also have approved redevelopment plans in place before you can demolish.

This survey is significantly flawed in terms of both the process followed and the report created (see separate point). Over the years, many homes have had extensive modification changes, and rebuilds over the years for which the city either lack the records, or the architects who carried out the surveys did not have the knowledge. This has meant that many homes have been incorrectly assessed.

The cost and burden for such compliance is borne totally by the homeowner, and there is no guarantee that such work will satisfy the City’s requirements or interpretations. The city has no “skin in the game”. All the costs are with the homeowner, and none of the benefits.

The policies and guidelines (LPP-6.1, Clause 4.1 Demolition) place the whole cost burden of providing information, that the City has required, on the homeowner. This is onerous and unreasonable. This may include, but is not limited to, items such as:



- the cost of preparing a Heritage Impact Statement,
- arborist reports,
- structural engineer reports
- heritage reports
- the preparation of an Archival Record
- the preparation and implementation of an Interpretation Plan
- an “acceptable redevelopment proposal” – this is open to interpretation and provides an additional and unreasonable hurdle that needs to be met in order to demolish a building in full or part.

Lack of Information and Communication from the City

- **Relevant material, (LPP-6.2 – Heritage Assessments, Listing Concessions)**
Despite this being included in as an attachment to item 10.1.2 – Proposed Tree Streets Heritage Area Public Consultation, for the Council Meeting on 27 June 2023, this was missing at the start of the public consultation. Only a member pointed out that this material was missing from the City of Bunbury portal was it included about 2 weeks into the consultation.

However, no-one was informed of this change or that this additional material that was now available. This has impacted people’s ability to make an informed submission.

Duty of Care Owed by the City

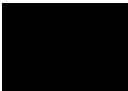
Mental, Physical, Emotional Health Issues & Community Wellbeing

This issue is causing significant stress for local residents. The proposal has come out from the old. People have plans for their families, and what they are looking to do with their home. This has put everything in abeyance and caused great uncertainty. This is stressful for everyone.

[REDACTED]

The City owes its residents a duty of care and not to cause them harm through its action or inaction. Clearly, this proposal and the whole way it has been handled is creating harm. One issue to consider is whether if this is a breach of the duty of care of the city, especially when this issue has directly been raised with the city and council by residents as a group and on an individual basis.

The City was asked in question whether they had carried out a risk assessment of this proposal. They have not. This causes concern to me and seems to reflect that the submissions from residents regarding this proposal are evaluated on the planning criteria with no real weight or importance being attached to procedural or social issues.



In the Tree Streets area, several homes have gone on the market since the public consultation period started, others are regretting their recent move here, and others are considering whether they will be able to afford to stay. People are suffering.

The OSH Act

The OSH Act requires that an employer (in this case the City of Bunbury) must ensure, so far as is reasonably practicable, that workers and other people are not exposed to risks to their psychological safety and health. An employer must eliminate psychosocial risks in the workplace, or if that is not reasonably practicable, minimise these risks so far as is reasonably practicable. The workplace also includes private homes and other community settings where clients (residents) are based.

There are psychosocial hazards that exist within the City that affect the residents and community of the Tree Streets area. These include:

1. Poor leadership practices and workplace culture

- There is a clear mismatch of leadership style to the nature of the work.
- There is no management accountability in managing psychosocial hazards and risks. No risk assessment was carried out prior to the commencement of this proposal which would have identified many of the concerns raised in this and other submissions.
- There is a total lack of trust between many residents and the City and the Council. As discussed in other sections in greater detail, there has been a complete lack of authentic consultation.

2. Policies and procedures were developed with no or limited consultation.

- The policies and procedures involved in the proposal lack clarity and are difficult to understand. This includes the Local Planning Policies as well as how to find and source information, engage the City and the Council, and the administrative and decision-making processes involved throughout the process.
- Policies and procedures are missing. For example, when the City was asked about what the process was if people wanted to challenge the assessment of their property, the City had no answer and told people to put the question in the submission. This emphasises the incomplete and poorly considered approach taken by the City from the start. Also, not having the knowledge on what this process might be before submissions close deprives people from making an informed submission, disadvantages them, and creates more stress and uncertainty for them.
- No mechanisms for impartially addressing inappropriate and unreasonable behaviour by senior management and leaders.
- Procedures that systemically discriminate against the residents – as described elsewhere there has been a failure to follow a proper consultation process. The City's Community Engagement Plan only allowed for 1-to-1 meetings with individuals and did not allow for public meeting with residents to have a constructive dialogue and engagement (see Community Engagement Plan). When there was a meeting for the public, it was held as a Public Information Session. It was not a facilitated discussion but the City responding to all questions by repeating the party line – "put it in your submission".

3. Poor organizational change management

- There has been inadequate communication and consultation with residents about the changes proposed.

4. Inappropriate and unreasonable behaviour

- The behaviour and attitude demonstrated to the residents from the City and Council in the Public Information session was unprofessional and a distinct lack of respect, with residents' concerns and issues not being addressed, properly answered, or even ignored.

No risk assessment

There has been no risk management assessment of the proposal.

If a risk assessment has been carried out properly it would have"

- Identified the psychosocial hazards and risk factors.
- Assessed the risk.
- Controlled the risk to minimise the risk of harm, and
- Monitored and reviewed the effectiveness of the controls and adapt or improve them where necessary.

This has not been done and puts residents at risk.

Effective leadership and a positive workplace culture set the tone for workplace relationships, including residents, and drive the allocation of resources to support effective implementation of preventative actions and controls. This requires a commitment from leaders and managers.

Lack of Procedural Fairness

In the notification letter of public consultation sent to residents of the Tree Streets area, it said:

"Please be aware that by not commenting on the proposal the City will assume you have no objection".

This implies that by not commenting you are actually supporting the proposal. This is wrong and misleading. This upset and angered many people. It also established an incorrect context in that no matter how many submissions you have opposing it, anyone who does not make a submission will be deemed to support it. When I formally complained, and asked for it to be withdrawn in writing, the only response I got was that this would be considered in improving processes for future projects. My concern here is that it took about a month, after further emails, to have this reluctantly changed.

Submission Process, Preparation of Submission Summary, and Submission Recommendation Process

I am concerned that when the City prepares the executive summary of the submissions for the council that it will lack objectivity. How can the City objectively review the submissions when it is the proponent of the proposal and has a vested interest in it?

According to a conversation I have had with a city officer, the City will only be evaluating the submissions on a technical basis *i.e.*, vis-à-vis the local planning policies. If this is the case then the other factors that need to be considered - serious procedural, legal, social, health, and economic issues – will not be given the weighting or visibility that they deserve.

As such, in the summary of the submissions that will be presented to the council, this information will either be lacking or underrepresented. This means that the councillors will not be making an informed decision.

Also, there is no clarity on how the Heritage Advisory Committee will assess the report and submissions to make a recommendation. There seems to be no opportunity for the affected residents to be involved in the assessment and making of the recommendations. I note that no members of the Heritage Advisory Committee live within the Tree Streets and many councillors are unfamiliar with the documents and do not fully comprehend the implications of this proposal.

The process for all this is opaque, creating uncertainty, and the exclusion of the residents to be actively involved in the process lacks procedural fairness or natural justice.

Conflict with the City of Bunbury's Climate Change Policy

The policies conflict with the City of Bunbury's Climate Change Policy.

Highlights for extracts from this policy are mine.

"POLICY STATEMENT

The City of Bunbury (the City) acknowledges local, regional and global climate change impacts. This Council Policy on Climate Change (Policy) ensures that the City is committed to greenhouse emissions reductions and building community and corporate resilience through appropriate climate change mitigation and adaptation strategies.

POLICY SCOPE

This Policy applies to: Elected Members, Committee Members and employees (including volunteers, contractors, and consultants).

This Policy outlines:

- *Acknowledgement of key projected climate change impacts to the South Western Flatlands of Western Australia, including Bunbury;*
- *The City's commitment to climate change management;*
- *Support of the Western Australian Local Government Association's Policy Statement on Climate Change 20181 (WALGA Policy Statement); and*

- Acknowledgement and commitment to international obligations.

POLICY DETAILS

1. Acknowledging Climate Change Impacts

The City recognises the urgency of the scientific consensus-based Intergovernmental Panel on Climate Change (IPCC) Assessment Reports² and will remain up to date with new IPCC reports as they are released.

The City recognises the projected changes in climate and sea levels likely to occur within the South Western Flatlands region of WA, including the Bunbury Local Government Area (LGA) over the coming decades, including:

- Higher temperatures.
- Hotter and more frequent extreme weather, with less frost.
- Less rainfall, with increased intensity of heavy rainfall events.
- Increased evaporation, reduced soil moisture and runoff.
- Harsher bushfire weather.
- Higher sea levels, with more frequent sea level extremes, coastal erosion, and inundation.
- Warmer and more acidic oceans in the future.

These changes have the potential to impact our environment, assets and infrastructure in our Local Government area, and the health, safety and wellbeing of our community.

2. Climate Change Commitments

The City is committed to addressing climate change through:

Mitigation and Adaptation:

- 2.1 Setting of an appropriate emissions reduction target and working towards its achievement.
- 2.2 Encouraging and empowering the local community and local businesses to reduce their greenhouse gas emissions and to adapt to the impacts of climate change.
- 2.3 Contributing towards greenhouse gas emissions reduction targets as set out in key National and International agreements.
- 2.4 Undertaking corporate and community adaptation planning and mitigation planning.
- 2.5 Ensure that, at appropriate review intervals, the corporate and community adaptation planning and corporate and community mitigation planning are reviewed and amended to incorporate the latest climate change management priorities and progress achieved to date.
- 2.6 Assessing the locally specific risks associated with climate change and implications for our services and identify areas where appropriate mitigation and/or adaptation strategies should be developed and implemented to build climate resilience”.

The Tree Streets Heritage Area proposal works directly against this established policy, which all elected members, employees, and committee members are bound by.

The proposed Local Planning Policies provided seriously restrict, limit, or prevent the ability of homeowners to have and develop homes that are able to meet the changing climate and environmental conditions.

“In Australia, the average life of a brick home is 88 years and a timber home is 58 years (Snow and Prasad 2011). Many homes last much longer than this. Decisions that are made about homes today will continue to have consequences for many decades”.

Source: Australian Government, *Your Home, Australia’s Guide to Environmentally Sustainable Homes – Adapting to Climate Change*. <https://www.yourhome.gov.au/live-adapt/adapting-climate-change>

Many homes in the Tree Streets area, based on the above, have reached, or are close to the end of their natural life and need to be replaced. This is especially true with new building methods and materials needing to be used to build suitable homes to meet and adapt to the changing climate and environmental challenges. This is a key part of the City of Bunbury’s Climate Change Policy which states: *“This Policy applies to: Elected Members, Committee Members and employees (including volunteers, contractors, and consultants)”*. This needs to be followed, however the Tree Streets Heritage Area proposal impedes the policy commitment 2.2:

2.2 Encouraging and empowering the local community and local businesses to reduce their greenhouse gas emissions and to adapt to the impacts of climate change.

In LPP-6.2 5.1 Works Requiring Development Approval it states

5.1 Works Requiring Development Approval

Subject to the Scheme, all development affecting a heritage place requires the development approval of the local government, including minor works such as the –

- a) replacement of roofing, gutters and downpipes;*
- b) installation of solar panels / collectors, aerials / antennae, satellite dishes, pipes and other external*
- c) construction of fencing, swimming pools, outbuildings and other ancillary structures or incidental developments.*

Also, in **Draft LPP-4.3 9.1 Demolition and Relocation, Design Guidance D.1 & D.2** it states:

“D.1 The primary Contributory built for is located under the main roof form and include feature components as below.

D.2 Traditional landscaping front fences, street facades at both ground and upper levels, roof form and original chimney, verandas and awnings, window and door openings and associated frames, sills and fittings, wall vents, and external finishes and decorative elements where they have not been substantially altered through later additions are to be retained for contributory built form”.

These seriously impede homeowners from developing in a sustainable home that is environmentally friendly. Again, it contravenes the City policy, as demonstrated in 2.2.

Homeowners should be able to make the changes they need. Currently, there are significant limitations in what can be used, and how it can be used effectively. These include, but are not limited to:

- Double-glazing.
- Solar panels.
- Water tanks.
- Being able to use suitable building materials.
- Incorporating insulation.
- Being able to use materials that have high thermal mass which can be used to reduce heating and cooling costs.
- Being able to incorporate passive design into your home.
- Removing or replacing old materials and features which lead to additional heating or cooling costs, and which create greenhouse gas emissions.

Future Climate Change

The impact of climate change in Australia is significant both now and in the long-term, and homes need to be allowed to develop and adapt to these changes. The “State of the Climate 2022” report from CSIRO and the Bureau of Meteorology states:

“In coming decades, Australia is projected to experience:

- *Continued warming, with more extremely hot days and fewer extremely cool days.*
- *A further decrease in cool season rainfall across many regions of the south and east.*
- *Continued drying in the south-west of Western Australia, especially during winter and spring.*
- *Longer periods of drought on average in the south and east.*
- *A longer fire season for the south and east, and an increase in the number of dangerous fire weather days.*
- *More intense short-duration heavy rainfall events, even in regions where the average rainfall decreases or stays the same. This will lead to a complex mix of effects on streamflow, and associated flood and erosion risks, including increased risk of small-scale flash flooding”.*

Homes need to be able to adapt and change to meet this long-term issue. Yes, this may even require the demolition of older homes when they have exceeded their natural life and it is warranted. As evidenced elsewhere in this submission, there have been very few demolitions in the Tree Streets (16 dwellings over 28 years), the replacement homes have been very much in keeping with the character of the area, and the City has publicly stated this on the record with Gary Barbour (Director of Sustainable Communities) replying in a question to council:

“It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area”. (OCM Minutes, July 2023)

One further point.

We know that an excess of heritage-listed areas can affect sustainability, liveability and affordability. For example, restricting inner city land to low density houses pushes development further away from the city and increases emissions from driving. The core problem is that improving each of these factors requires a significant amount of change, and so we must be cautious about how we restrict this change. The perceived heritage value of the area itself cannot be the only consideration, there must be some balance with other factors.

Asbestos – Health & Safety

Asbestos exposure can be a health risk. It is estimated that 4,000 Australians die each year from asbestos-related diseases. That's more than twice as many deaths as the national road toll.

Many of the older homes in the Tree Streets contain asbestos. When asbestos gets old it decays and starts to become friable, fibres are exposed, and the health risk escalates. Limiting when and how asbestos can be removed, as well as the difficulty of doing this and the expense has not been considered. Removal of asbestos can often involve digging down to a depth of one metre to ensure materials are safely removed. Strict government policies exist on this and need to be complied with.

Limiting how homes can be changed and developed can make it harder to remove asbestos. This can put homeowners and their families at increased risk of asbestos-related diseases. Any assessment survey should have included asbestos as part of health and safety management, and a comprehensive risk assessment.

Financial Impact on Residents Not Considered

The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit.

A question asked to Council at the 27 July 2023 Ordinary Council Meeting:

“Has the Council carefully considered and completed an impact report on the financial burden on homeowners impacted by the Tree Street Heritage Area proposal? Costs associated with increased insurance, decreased property values, maintenance costs and the increased cost of additions, renovations, restorations and maintenance as a result of having to adhere to the proposal. If so, has the Council considered compensation, such as those in place in Subiaco.

Response

No formal impact assessment was completed by the City. Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application, offer rate concessions and provide a free heritage advisory service. Maintenance and repairs are the owners responsibility”.

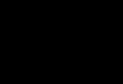
No formal impact assessment was completed by the City.

This reflects the City's failure to consider not only the financial impact for homeowners, but a total disinterest in the implications of the proposal beyond the scope of the local planning policies. This would have been picked up if a risk assessment process had been carried out in conjunction with the homeowners.

Ongoing costs can be significant, especially for those with limited funds.

Reduces Property Rights of the Homeowners

People have bought their properties in good faith, expecting to be able to develop and enjoy them. This proposal reduces the rights of the individual to manage and develop their home, creates an onerous burden both in the short-term and the long-term.



I know of at least two residents and their families who have bought in the Tree Streets area in the last two years. If they had known that this proposal was being considered, they have said that they would have not bought. The fact that the process has been opaque has deprived these people of having important information that should have been made available to them in making their purchase decision and has disadvantaged them. This may create a risk and liability for the City.

The proposal not only reduces the property owner's rights, but the restrictions and limitations it imposes are onerous, unreasonable, and unwarranted. As discussed elsewhere, there is currently no compensation for this. If the City wants to do this, then I suggest they buy the properties and then they can bear the costs and burden of maintaining them for themselves. If this is not practical for the City, then it is definitely not practical for the homeowner whose access to funding is much less than that of the City.

Insurance Costs

It is a well-established fact that heritage constraints on a property significantly increase the cost of insurance. Many insurers will not insure properties that have heritage restrictions or will only consider it in special circumstances. This has several effects:

- Fewer insurers have an appetite for homes that are heritage designated.
- This increases insurance premiums as there is less competition to provide insurance for heritage-designated homes marketplace.
- Risk of underinsurance – some insurers will insure the home but will only do so for repairs using modern or non “like-for-like” materials. This can result in the homeowner having to pay a higher insurance premium and then having to pay anything over that which the insurer will not cover.

The premium increases can be substantial and represent a significant additional on-going expense to the homeowner, and for which there are no additional benefits. In fact, there are many negative impacts from this including increased financial stress, uncertainty as suitable cover may not be easily available or affordable, and the real risk that if an insurable event was to happen then the homeowner would not be able to afford to remedy the damage. Potentially, homeowners could be forced to sell up and lose significant money on their biggest asset, their home. The implications for this carry on with their being able to afford or buy (especially in such tight markets as currently exist) being seriously compromised.

These costs are significant and need to be taken into account as part of the submission process. There has been no risk assessment regarding this, or any other implications or effects of the proposal, which can be reasonably foreseen or allowed for.

Risk of Heritage Listing

This proposal, according to the documents provided, can result in homes that are classified as moderate or high contribution being nominated for the local heritage list which then increases the heritage compliance burden and costs on the homeowner. This includes internal elements of the property which are not visible or apparent to the community. This represents an even greater impost. And for people who have bought a home that is not listed, it reduces their property rights and their ability to develop, change, and enjoy their home as they see fit. I would note that homeowners

have no right of veto on this making it an unwarranted impost on them. Furthermore, the cost of insurance can become even more excessive when heritage listed.

Property Value

There are at least four homes that have gone to market since the public consultation started. There are a number of other residents sharing that they may have to leave if the proposal were to succeed.

Property Prices Are Lowered with Heritage Restrictions

█ at the Public Information session said that the issue of pricing and property values was outside the City's skill set, and that they were not qualified to give advice on this. So, why have they been providing opinion of this type as fact when they have no expertise or authority to do so?

The questions here are, if the City is to give unqualified and unsubstantiated advice on property values and pricing:

Firstly, what can the City provide in terms of qualified research for Bunbury how much has heritage, as an independent factor, and separated from other factors such as market conditions and location contributed to creating a price premium or price discount? I would also be interested in specific, verifiable information that can be provided from an independent 3rd-party regarding how property values have changed due to heritage protection in the East Bunbury Heritage Area since its inception to today.

Secondly, what research has been carried out by the City to demonstrate the difference in prices that could have been achieved by properties that have sold in the East Bunbury Heritage Area if they had not been designated as being in a heritage area or heritage listed?


The City has stated that it is not qualified to provide advice in this matter, yet it has. So, any information they have provided to residents or any others as regards property values and prices should be regarded as misleading and inaccurate. Also, it is clear that the impacts and effects of the proposal have not been fully or properly considered.

If the community had been engaged at the start of the formative process of the proposal, rather than being asked to comment on what has been decided, this issue would have been immediately raised and taken into account as what else needed to be considered, options provided, and compensation packages that would need to be created and allowed for.

Reduced Pool of Buyers

What is not up for argument is the percentage of potential buyers that will walk away. Regardless of that percentage, and it doesn't matter how many heritage-industry sponsored or local government sponsored consultants studies that may be quoted, there is a financial penalty to the home owner for a property to become either heritage listed, or, become ensnared by the restrictive requirements of a newly enacted Heritage Precinct planning policy.

Independent research by experts in property and prices, realestate.com.au, has shown that having a designated heritage area will reduce the pool of buyers. Many people perceive heritage property negatively as evidenced in the research below:



“Though many perceive period features as an asset for a property on the market, recent research suggests Australian buyers aren’t as wowed by ornate features as we may have thought, especially if there’s a heritage factor that complicates changing the property. Only 12% said a heritage property would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage”.

Source: <https://www.realestate.com.au/>, “Are heritage homes harder to sell, 22 October 2014.

It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:

- Heritage listed by itself.
- In a Heritage Precinct
- Subject to potential future heritage listing if its condition is enhanced/upgraded
- Subject to future inclusion in a Heritage Precinct.

This represents a significant reduction in the pool of potential buyers for residents who may want to sell in the future. Fewer people will want to buy a property where there is a significantly reduced opportunity for them to develop and add value to the property. Lower demand will make it harder to sell or to realise the real value of the property. This is also exacerbated in that although the properties in the Tree Streets area will have R20 zoning as currently planned for by the City (September 2023), homeowners will be prevented from subdividing the property, if the proposal were to succeed, if they should so wish. This further diminishes the potential value of the property and infringes on the rights of homeowners to develop and enjoy their own home.

The increase in costs in repair, maintenance, and development of the home – as well as many other costs that the homeowner has to bear to comply with the onerous burden of regulation as described elsewhere (e.g., increase insurance costs, replacing for “like-for-like” with scarce and expensive materials and skills, the need for heritage consultants, structural engineers, increase in costs when working with architects/designers/etc in navigating the to-and-fro with the city etc) – will mean that either:

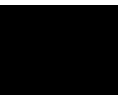
- firstly, prospective buyers will offer a lower price significantly below the market value to offset this risk; and
- secondly, prospective buyers will look elsewhere where they can get more for their money with homes that are not heritage-protected and provide them with greater ease and opportunities to develop and adapt, without incurring excessive costs or red-tape.

This makes it harder to sell your home and get the real value, and that it will take longer. This is a major issue and source of stress when dealing with people’s biggest asset and their home.

Local Planning Policy (LPP) Documents

The documents supplied to the City for which residents have been asked to base their submission on are fundamentally flawed. This includes:

- i. Draft LPP 4.3: Tree Streets Heritage Area
- ii. LPP-6.1 – Heritage Creation and Development
- iii. LPP-6.2 – Heritage Listing, Assessment and Concessions



Interpretation of LPPs

Each LPP in itself, and collectively, are vague, ambiguous, conflicting, and so general in their nature and application as to be open to a broad range of interpretations. Different people can provide different interpretations from their understanding of these documents.

This has not only caused difficulties for me and other residents in getting clarity, but it has also led to the city, when being asked to clarify what it means for homeowners, often giving an opinion which directly conflicts with what is in black and white. This has caused confusion and concern for residents. As a result, many people have asked the city to put this in writing.

The concern here is that, even if there is something in writing, there is no certainty or guarantee that what is said now will be followed in the future. People may leave, and the history and the context of these conversations and documents are lost. Or, even if they are still in place, the City may still turn around and say that it doesn't hold any more, "things" have changed, or that the person having these conversations or writing the documents is not a qualified town planner and so their input and advice has no validity.

Key LPPs

Draft LPP 4.3: Tree Streets Heritage Area

This draft LPP is poorly written, with many clauses difficult to interpret or to know how they will be interpreted, and refer to other actions or processes that might be taken without giving any detail on what these might be, how they work, who is involved, what the steps are, or any relevant details. To comment on something that is so broad and open to a range of interpretations is not reasonable or practical when making a submission.

LPP-6.1 – Heritage Creation and Development

This LPP is for the East Bunbury Heritage Area. Throughout the document there are frequent references to the East Bunbury Heritage Area, the type of properties, setbacks and many other aspects. The appendix for the map of the area is for the East Bunbury Heritage Area. There is no reference to the Tree Streets area, or the LPP being adapted to reflect the aspects and area of the Tree Streets.

LPP-6.2 – Heritage Listing, Assessment and Concessions

This document, although included as an appendix in the council meeting when discussing the proposal to proceed to public consultation, was omitted in the materials made available and referred to on the City website when public consultation started. This document also states that homes in a designated heritage area includes both internal and external works. This conflicts with how the City is interpreting it.

Rejection Of All LPPs

With the documents being so poorly drafted and open to such broad interpretation on the whole proposal and the LPPs should be rejected in its entirety.

Any attempt to use the submission process to change the LPPs, and without any consultation with the residents or the use of suitably objective, skilled, and experienced people is insufficient.

The LPPs are inadequate because of the failure of the City to engage with the residents from the start. The City failed to follow Council Direction (377/03), or to use it as suitable precedent from when the previous attempt to make the Tree Streets a heritage area failed

“...Council Decision (377/03) was not to endorse the draft “Tree Street” Heritage Precinct Local Planning Policy **but required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area, with the geographical area being determined at a later date”.**

Source: 25 July 2023, Agenda – Council Meeting, page 15 of 231

Local Planning Policy Issues

There are many issues here, not all of which are included, but include items such as garages and carports, verandas, setbacks, landscaping etcetera. Some of them include:

Building Materials & Colours

In LPP-6.1 5.3.1.b it says:

*“Full authentic restoration of original colour schemes is **not** required in the heritage area. New colour schemes that are sympathetic to the heritage significance of the individual dwelling and the heritage area as a whole are encouraged”.*

Yet, this conflicts with Draft LPP 4.3 9.3. D7 a. Painting which states:

“D.7. Painting

a) Paint colours to external timber elements are selected:

1.) to match original colours based on investigation; or,

ii) in keeping with traditional colour schemes for buildings of a similar style and era of development within the relevant Character Statement”.

These LPPs conflict with each other and create uncertainty, ambiguity, and can be broadly interpreted. This reflects the ongoing lack of clarity and consistency in the LPPs and design guidelines. To ask people to make a submission on flawed documents does not allow for informed submissions to be made.

Minor & Major Development Approval Required

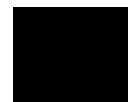
All minor and major works require developmental approval including many things which are not normally required. For example, changing the windows, roofing, gutters, solar panels, antennae, satellite dishes etcetera as these might change the streetscape.

This seems to be at odds with modern life. For example, there are no heritage restrictions on connections to the internet in heritage homes, nor on the use of modern paving techniques on the road, or even on what vehicles are allowed to be parked on properties in heritage areas. Surely if solar panels detract from the heritage value of a home, then a car manufactured after the completion of the heritage home, visible on the property, is equally as detrimental to the heritage value.

However, we rightly don't reinforce such restrictions because the City of Bunbury recognises the changing needs and technologies available to its citizens. It would be an absurd outcome to restrict access to modern infrastructure like the internet for certain residents because of the possibility it may detract from the heritage value of a nearby home, and yet we allow the equally absurd outcome of preventing a non-heritage home from installing solar panels for the same reason.



The requirements for these approvals are onerous and not needed. The Tree Streets area is recognised as self-managing itself. This requirement creates an unnecessary level of bureaucracy, complexity, and cost for the homeowner for no benefit.



Like-for-Like

In Draft LPP-4.3 9.3 Conservation of Contributory Places it says:

“...Conservation and repairs are undertaken ‘like-for-like’ in terms of materials, colours, finishes, and functionality”.

With a home made of jarrah this puts us in an impossible position. Jarrah is no longer harvested or available due to government policy banning the logging of hardwood. *If* any suitable jarrah can be found, including the right quality, size, thickness, etcetera then it will be difficult to find, and extremely expensive to buy. This puts an onerous and unreasonable cost on the homeowner. Also, as discussed in the Insurance section it may lead to the homeowner in the case of repairs not being fully covered by the insurer for these costs which exceed the cost of normal materials that would usually be used.

The city has said other hardwoods could be considered. If so, where do they come from and at what cost? The most likely source of this is from Indonesia. This results in the Indonesians cutting down mature trees, this adds to the burden of greenhouse gas emission and contributes to climate change. This goes against the City's policies for climate and change and being sustainable.

An important point here is that different hardwoods vary in terms of their durability, resilience, structure, grain, and weight to mention just a few important characteristics. This means that if replacing the jarrah with something else it may not be possible as the characteristic of the replacing hardwood may mean that it lacks the strength, or its form has to be significantly longer/wider/broader in order to fulfill its function and purpose suitably. This may require that the home has to be changed in other ways to accommodate this, or it may change the external perspective of the home.

There has been no consideration of what to do or how to manage this, and there is no clear process by which this can be done easily. Again, the burden of having to do this, and all the costs, are with the homeowner and none of the benefits.

If the City is saying that other hardwoods can be used if jarrah is not available, then how can the “like for like” clause be interpreted? Another example of the City saying something that conflicts with what is written.

Engineering Issues

The Council has overlooked the structural integrity of the Tree Street area's existing buildings. Notably, none of the Council members proposing this live in the affected area. Many of these so-called "heritage" buildings fail to meet modern engineering standards. The current proposal would burden homeowners with excessive costs to maintain and restore outdated buildings ill-suited for contemporary lifestyles. For these homes to truly last, owners must be allowed to renovate them to modern, compliant standards that align with today's living standards and the use of modern materials.

Internal Aspects

Although the City has said that the internals of properties in the proposed designated heritage area do not come under regulation of the LPPs this is at odds with what is in the documents. In the LPPs provided, there is considerable ambiguity, conflict, and vagueness which can allow for broad interpretation

LPP-6.2 Heritage Listing, Assessment and Concessions Policy

This policy (1.3.a) applies to:

Subject to the Scheme, the provisions of this local planning policy apply **to all places located within a designated heritage area** and/or entered on the Heritage List and/or included on the State Register of Heritage Places

5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area

- a) Subject to clause 60 'Requirement for Subject to clause 60 'Requirement for development approval' under 'Part 7- Requirement for development approval' of 'Schedule 2- Deemed provisions for local planning schemes' of the Planning and Development (Local Planning Schemes) Regulations 015, **the development and use of places on the Heritage List and within designated heritage areas requires the development approval of the local government, including but not limited to, the following-**
- i. partial or complete demolition of premises.
 - ii. development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.).
 - iii. development of an outbuilding or swimming pool; and
 - iv. **internal and external works to a building.**
- b) **Development approval is not required for internal works of a building located within a designated heritage area**, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.

As can be seen a) iv) and b) contradict each other. This means this LPP can be interpreted and applied either way. This flawed policy has been in existence for 5 years, and the only time this was found was when I brought it to the Council and City's attention. This reflects poorly on the City and its ability to produce clear, consistent and quality documents for the residents to base their submissions on and makes it harder for them to understand what is meant, how it will be interpreted, and what it means for them.

In Draft LPP-4.3: Tree Services Heritage Area in 9.4 Alterations and Additions to Existing Buildings E.1 a) it says:

"E.1 Alterations, additions or new structures are designed to ensure that, as far as practicable:

a) the work involves the minimum possible alteration to, or loss of, significant form and fabric (both internally and externally, and inclusive of both built and landscape elements)"

The LPP applies to the whole Tree Streets Heritage Area, and there are no details here to say it only applies to heritage listed properties. As such, all homes will be affected both internally and externally – again, what is written conflicts with advice from the City.

Flawed Documents

Flawed, unclear documents have created confusion, uncertainty, ambiguity, and conflict. The residents have not been given clarity or consistency in the city's explanation of how the documents will be interpreted or how because the city is using documents which are inadequate or substandard.

For example, LPP-6.1 is all about the East Bunbury Heritage Area and makes no reference to the Tree Streets area. LPP-6.2 which has a clause that contradicts itself (see 5.4.a. vs 5.4.b.) and this has been

in place since it was adopted 5 years ago. The fact that I have picked this up for the first time, and that this issue was not picked up when initially reviewed in 2017 or since demonstrates this is quite an oversight.

The wording is often so vague, and it can be so widely interpreted, that it becomes an all-encompassing 'catch all'. For example, LPP-6.1 3.c. Objectives

“Objectives

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

What does 'adversely impact' mean, who decides, how, and using what processes, criteria, and metrics? This is highly subjective, with different people likely to give an interpretation of the same situation which they have come to in different ways. No clarity, no consistency, no objectivity, and no security for the homeowner in this. The whole proposal places the onus of proof on the homeowner, with their being held guilty and then having to prove their innocence. A total lack of procedural fairness. This type of wording is replicated throughout all the documents.

This problem is compounded in that the homeowner has to prove their "innocence" against what the city has interpreted and "accused" them of i.e., the city established the reasons or area of fault for the homeowner's development proposal which the homeowner has to review, understand, and then counter. The city will then re-interpret the amended proposal, and the process repeats until either the homeowner gives up because they are exhausted mentally, emotionally, and financially, or a suitable agreement can be reached. However, given the extremely restrictive nature of the LPPs and design guidelines, there is little opportunity or likelihood of that occurring.

City Interpretation of LPPs

The LPPs are so general, vague, ambiguous, and conflicting both within each LPP and between them as to not only make them hard to understand and interpret by the residents, but also by the City.

Residents, including myself, have spoken with the City regarding the proposal and have received advice that conflicts with what is written in the documentation. This advice is unqualified and unclear. Even when people have asked for the advice in writing it cannot be relied upon. There is nothing to stop the City at a future time saying that the advice was incorrect, not given by a planning expert, or is not relevant or true. And in this situation, there is no ability to come back.

Security & Privacy Issues

LPP-6.1 5.7 - Landscaping and Boundary Fences, 5.7.1 Design Guidelines and Draft 4.3 LPP: Tree Streets Heritage Area, 9.13 Landscaping and Boundary Fences D.8

In these, it states, "*Fences must allow views of the house and garden*" and fences must be between 0.6 metres to 1.2 metres maximum depending on the type of fence.

5.7.1. k) & D.8 New front fences, and side fences forward of the building line, should be designed to:

- i. Complement the design of the heritage place;*
- ii. Retain open public views to the heritage place;*
- iii. Allow passive surveillance of the street; and*



iv. *Maintain adequate sight lines around an intersection for pedestrians and vehicles.*

5.7.1 k) ii and iii and D.8 b) & c) allow for people including passers-by, cyclists, and drivers to see directly into the front of the homeowner’s property. Not only is there “passive surveillance” of the street, but it creates the ability for “active surveillance” of our home from the street. Giving an open view of the home creates a lack of privacy which people are entitled to enjoy and allows potential or opportunistic criminals to easily scope out the property and the homeowners and their families. This part of the policy puts people and property at a higher level of risk by removing their right to build higher fences to maintain their privacy and security.

Having to Replace Existing Materials with Materials Used Previously

The City has stated that for existing homes:

“If the proposed local planning policy (the policy) was adopted, any new works that require development approval would be subject to assessment from the adoption date onward. Lawful works prior to the adoption date are not subject to the policy unless they are subject to new works proposals by the owner. Council is not requiring existing landowners to retrospectively upgrade existing approved works in the absence of an application for development approval”.

So, what the homeowner has in place now cannot be retrospectively changed.

BUT....

In Draft LPP 4.3 9.4. Alterations and Additions to Existing Buildings D.3 it says:

D.3 Where practicable, the works should include reinstatement of significant detailing where this has been previously removed or severely damaged”.

This is reiterated elsewhere in the LPPs (e.g., LPP-4.3 9.3 D.8 b)). This means that the homeowner, although having a legally complying building, can be made to reinstate previous detailing even though it was not there prior to the proposal coming into force. It may not have even been there when they bought the property. This is unreasonable and unjust. It also conflicts with what the city has said.

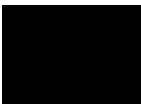
This approach can mean that the city can compel homeowners to replace such detailing, or other elements, and on a like-for-like basis using original materials that would have been used. This causes problems in sourcing such materials and items, the necessary skills, increases in costs, and is an onerous, unfair, and unreasonable burden on the homeowner. It totally undermines the “grandfather clause” as described above by the City.

Also, given the fact that the City has no historical information for each place (see Property Assessment Insufficient and Incomplete), then how can this be assessed or decided? The best source of detailed historical information is the homeowner who has been deliberately excluded from the process.

Conservation Impacts Other Building Code Requirements

In LLP-4.3 9.3 Conservation of Contributory Places Design Guidelines

D.1 c) Where conservation works need to be balanced with other building code requirements, design solutions will focus first and foremost on respecting the historic streetscape character of the Contributory Place. Subject places which are heritage listed in



their own right will also need to consider any impact on their individual values and significance.

If this is the case, then this can make other requirements – such as having suitable materials for a sustainable home, work to improve the engineering and structural integrity of the building, and even potentially the retention of asbestos if it is deemed by the city to be “safe” or not needing removal.

The interpretation and application of this guidelines is so broad that it acts as a catch-all by which the homeowner is frustrated in developing their home. Again, all the cost is borne by the homeowner, and they get none of the benefit.

Impact On/From Other Nearby Properties

Even if your development plans for your home meet the heavy compliance burden and requirements of the LPPs, it can still be prevented if it is deemed to negatively impact other properties or the streetscape. Similarly, this can affect the development plans of neighbours. This adds another layer of excessive restrictions and can create difficulties between neighbours not of their making. This weakens the social fabric of the community which is a key constituent of the character of the area.

Corner Lots Have Double the Burden

Draft LLP-4.3 9.1 Demolition & Relocation Design Guidelines D.1 – D.3

D.1 Retain the primary Contributory built form located under the main roof form and include feature components as below.

D.2 *Traditional landscaping, front fences, street facades at both ground and upper levels, roof form and original chimneys, verandas and awnings, window and door openings and associated frames, sills and fittings, wall vents, and external finishes and decorative elements where they have not been substantially altered through later additions are to be retained for contributory built form.*

D.3 *In corner lot situations or instances where Contributory Places are visible to the public realm from multiple street frontages, the requirements of retention within D.1 are also applied to each of the street facing elevations.*

For homeowners on a corner lot, like us, they now have double the burden and are subject to greater constraints in their ability to how they want to develop their home and property. Also, with the low-fencing design guidelines, this makes the home even more vulnerable in terms of privacy and security, putting the homeowners and their families at increased risk of damage, theft, and harm.

No risk assessment has been carried out by the City regarding this proposal. If one had been done, as would be reasonably expected, then this matter would have been identified and suitable alternatives and options developed. This reinforces the fact that the proposal is the only option being considered. Again, this demonstrates that the only consultations relating to the Tree Streets Heritage Area proposal are taking place at a time when the proposals are in truth no longer at a formative state.

Public Realm

In LPP-4.3 9.16 Public Realms it says:

*“**INTENT** The public realm includes publicly owned land, public open spaces, verges, footpaths, streets, laneways, car parks and all publicly accessible areas including the fixtures and furniture that belong within them including bins, lighting, signage and street furniture. The traditional layouts, proportions and hierarchy of these spaces contribute to the historic and aesthetic character of Tree Streets Heritage Area. Elements within the public realm are well designed and contribute to the overall character of the place rather than detracting from or obscuring an understanding of its significance”.*

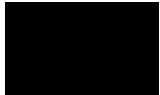
I have asked councillors about how they are looking to maintain and improve the public realm which falls under the City’s remit as it plays an important part in the streetscape. There were no clear answers to this. One councillor replied, I was told that there is no budget for this in the proposal. This makes the proposal doubly onerous – firstly, the cost burden of the proposal is wholly borne by the homeowners in the Tree Streets; and secondly, the city has no plans or budget in place for this proposal to ensure that the public realm will be kept to the standard of a designated heritage area.

Currently, there is no investment in the maintaining the public realm in a number of areas as shared below. If the Tree Streets were to be made a designated heritage area, then it is reasonable to expect that the City would be responsible for and act on a number of things in the public realm. These include, but are not limited to:

- *Powerlines* - put all powerlines underground at the City’s expense. The power lines were not an original part of the area and would detract from the streetscape. These should be removed. Can the city confirm this will be done, by when, and that there will be no cost to the homeowners directly or indirectly including rates?
- *Trees* – these should be regularly pruned, maintained, and managed. Currently, trees are being pruned when required and are being cut in such a way that the rainwater flows into the middle of the trunk at the top, causing it to rot. In recent months there have been instances of large rotten branches falling on to the path on Stockley Road. These footpaths are regularly used by children and parents going to and from Bunbury Primary School and, if allowed to continue, could cause serious injury to children.

Similarly, will the City replace trees appropriately and ensure they are properly looked after and maintained by the city. This includes regular watering of trees, fertilising etcetera – this is not done with grass and tree being planted on occasion and then left unwatered, causing them to die. This is especially needed for new trees which need extra attention to grow, especially in the summer months. This would remove the need and expense for homeowners to water them on the city’s behalf.

- *Footpaths* – both footpaths along each road should be kept and maintained using the original paving slabs. Where they have been removed in the past, they should be back using like-for-like original materials. In Banksia Street, these traditional paths were ripped up by the city about 18 months ago and replaced with concrete paths. These stand out as being very new and detract from the look and feel of the street. Will the council replace these paths, and others like them around the Tree Streets, using



original paving? We would not want to see a repeat of what happened in the East Bunbury Heritage Area where the City used pressed paving to create a faux replica of the original paving with concrete.

Also, will the City ensure that pavements where tree roots have uplifted the paving stones, are cracked, or uneven will be proactively repaired and maintained by the city and not ignored, or waiting until they are reported or have caused an accident e.g., a trip hazard? This is a matter of public safety and this type of issue can expose the City to the risk of significant liabilities.

- *Verges* – these play an important role in framing the streetscape. For many years the city has failed to maintain the public verges which it owns, and for which it is responsible. The only way any verges are maintained is through the unpaid work of homeowners who look after the verges adjacent to their home. Will the city now take full responsibility and pay for the ongoing maintenance and care of the verges, ensuring that all plants are suitably cared for and replaced, so they are in the keeping with a heritage area?
- *Street Signage* – will the City ensure that the street signage pavements will be maintained and, if necessary, repaired or replaced on a “like-for-like” basis?
- *Roads* – what will the City do, and when, to ensure that the level of traffic and “rat runs” that have developed can be properly controlled and managed so that the area reflects a quieter, less busy environment?
- *Laneways* – what will the City do to actively manage and improve the existing laneways?
- *Lighting* – what will the City do to actively manage and improve the existing lighting and to ensure the light posts are sympathetic to the character of the area and blend in appropriately?

There is no budget allowance for any of these items or anything else in the public realm. This should have been developed and put in place as the City has created Draft LPP-4.3 which refers to it (9.16 Public Realm) it must ensure that “*Elements within the public realm are well designed and contribute to the overall character of the place rather than detracting from or obscuring an understanding of its significance*”.

I note that in the Analysis of Financial and Budget Implications for this proposal (page 260 of the Council Meeting Agenda for 27 June 2023), that no discussion of costs regarding the public realm have been made or included. This is either an oversight by the City, or a reflection of the City’s lack of intention to maintain the public realm in accordance with its own draft LPP. Either way, it demonstrates the policy has not been properly considered or thought about (and the lack of consultation), and potentially a lack of commitment from the City to meet its self-imposed obligations.

Conclusion

Here is a brief summary of some of the key points.

Lack of Proper Consultation

- There has been a failure to properly consult and engage with the residents of the Tree Streets from the start of the process in 2021.
- The City failed to follow the precedent of Council Decision (377/04) which stopped the previous attempt to make the Tree Streets a heritage area, and “*required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area*”. This has deprived the residents of the opportunity to engage and be consulted with in the formative stages of the proposal.
- No clear, substantiated reasons have been provided as to why this proposal has come about or what the ‘problem’ it is trying to fix.
- Not all materials provided by the City, from which to base your submission, have been made available in a timely or effective manner.
- Inadequate time for homeowners to read, understand, and analyse complex documents in making their submissions; and the lack of time to obtain professional advice and expertise on this and other associated areas.

Assessment Survey

The assessment survey which created the Tree Streets Heritage Area report, and which underpins the development of the proposal and associated documents is fundamentally flawed in that:

- No residents were informed that this was being done. Precedent from the 2003/04 Tree Streets Heritage Area proposal show that letters had been sent to residents at that time, informing them this was occurring.
- There was a failure to provide draft assessments of properties to homeowners as per Heritage Council of WA best practices
- The review brief excluded consultation with occupants or community groups. The architects from Perth thus lacked local knowledge, or insights as to how homes had been developed, changed, or modified and did not know how much of the original home was still in situ
- The assessment was only carried out using a single photograph of each home from the start. Photographs of homes have been found not to be from the time of when the survey was carried out.
- The historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dated back as far as 1959 and this was used as the basis for the contributory review. Aerial views of the area do not allow for a streetscape perspective of individual homes at that time. This makes it impossible to assess homes properly.
- A half-page assessment, based on a photograph taken from the street, is insufficient detail or investigation to make a proper assessment of each home for the purpose of this proposal.

- Many residents have questioned the assessments of their homes, and there has been no clear explanation of the methodology and process by which the assessment survey was carried out.
- There is no clear process in place for as to what the process is for what to do, and how, when a property should be re-assessed.
- and being unable to consult with residents has stopped them from finding out the reality of the situation and being able to make a realistic assessment.

Heritage Area Not Appropriate

- A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list (Heritage Council of WA). This is the case for the Tree Streets area.
- Claims by the City over concerns regarding demolitions in the Tree Streets area and “incremental erosion of the character of the area” have not been substantiated.
- Only 16 dwellings have been demolished in the last 28 years. For 17 years there have been no demolitions, 7 years have had 1 demolition, 2 years have had 2 demolitions, and 1 year has had 3 demolitions. With 302 homes in the area, it would take over 500 years to demolish them all at this rate.
- Homes that were demolished were old and had reach the end of their natural life.
- Homes that were demolished had the approval of the City.
- Homes that have been built to replace those demolished have been sympathetically developed with the character of the area.
- The City recognizes that, *“It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area”.* (OCM Minutes, July 2023)
- In this, the City has recognised that the area is about character and not heritage. As such:
“Identifying a precinct as an ‘urban’ or ‘residential character’ area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric”. – Heritage Council of WA

Strong Opposition to the Proposal from Residents

- Over 100 people attend the OCM on 27 July to put questions to Council on this matter.
- Over 175 people attended the public information session on 8 August 2023. This ran for over two hours. Everyone who spoke was against the proposal. No-one spoke up for it.
- Many residents have raised and shared their concerns with the City as well as elected members via phone, email, and face-to-face meetings.



Engagement & Communication with the City


- The City only allowed for one-to-one meetings with residents. This is a tactic of “divide and conquer” which did not allow residents to raise, share, and address commonly shared issues, concerns or problems.
- The City and Council excluded community meetings from their engagement plan. When a public information session was held, due to pressure from residents, it was not facilitated or allow for a robust, constructive two-way dialogue allowing residents to raise issues and concerns, and to have a conversation on them.
- The City has not proactively engaged with residents. They have had a policy of “come to me” to engage. The only proactive approach has been the initial notice letter of the public consultation which the City was legally required to send on July 11, 2023. It was also the first time that residents had been directly informed of the existence of this proposal which had started in 2021 and had been discussed in Council and Committee meetings.
- The letter did not provide sufficient information on what the proposal was about, why it had arisen, or what were the implications as for it, and underplayed its importance and potential impact. It also implied that if people did not comment then they were supporting the proposal – this is lack of procedural fairness and bias to the City.
- Requests from residents for a public meeting to discuss the proposal were continually rebuffed by the City. A public information session was held only after public pressure from the residents was brought to bear.
- No opportunity was offered or created by the City to engage and consult with the community until nearly 2 years after the process had started.
- Questions asked at council meetings did not properly address the question, and the format did not allow for follow up or clarification. This frustrated the ability to get meaningful answers, or to create a dialogue between community, city and council.

Inadequate Documentation

- Documents provided are vague, ambiguous, conflicting and open to such a broad interpretation that they are not meaningful.
- The way documents have been written makes them a “catchall” including items which are not referred to or covered in the documents.
- Advice and interpretation of these documents from the City has conflicted with what has been written. This advice and interpretation cannot be relied upon now or in the future.
- Poor documentation and conflicting advice have made it hard and confusing for residents who have to make submissions based on this.

Community Well-Being and Social Fabric

- The proposal has caused significant stress for residents – financially, emotionally, socially, physically and mentally.
- At least 4-5 properties in the Tree Streets have come on to the market since public consultation started.

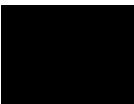
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- Families are concerned they may not be able to afford to stay causing disruption for children and their social relationships, or that they may not be able to afford to go and subject to higher costs.
 - Concern that their children's inheritance will be diminished or become a 'white elephant'.
 - Retirees and pensioners with limited funds not being able to afford the additional financial burden of maintaining their property and complying with heritage requirements.

Cost Burden to the Homeowner




- Increase costs in maintaining or developing homes, and meeting the compliance burden, fully borne by homeowners, and they get none of the benefits.
- Reduced ability to develop home and property diminishes the potential market value.
- Heritage restrictions reduce the pool of buyers making it harder to sell, and reducing the price that can be realised.
- No compensation or funding made available to offset the financial burden borne by the homeowners.
- Increase in financial costs are long-term and ongoing.
- Infringement and erosion of the property owners' rights is undemocratic and goes against everything Australian.

For all these reasons, as well as other details included elsewhere, **I STRONGLY OBJECT TO THE PROPOSAL.**

The proposal and all documents should be withdrawn, and it should be removed from the council draft agenda, from any discussion forums, and from any decision-making meetings, and it should not be revisited.






Appendix 1 – Current Photographs of New Homes Replacing Demolished Dwellings, 1996-2023

ADDRESS	PHOTO	ASSESSMENT	NOTES
8 BANKSIA ST		LITTLE/NO	Empty block
10 BANKSIA ST		LITTLE/NO	Sympathetic development to the look and feel of the Tree Streets Area.
82 BEACH ROAD		MODERATE	





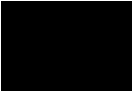
<p>88 BEACH ROAD</p>		<p>HIGH</p>	<p>Empty block. Demolished Jan/Feb 2023 R20/40 Mixed Use Zoning Awaiting SAT decision on whether it can be developed as daycare centre.</p>
<p>8 GARVEY</p>		<p>LITTLE/NO</p>	
<p>12 JARRAH ST.</p>		<p>LITTLE/NO</p>	<p>Sympathetic development to the look and feel of the Tree Streets Area.</p>



<p>8 KARRI ST.</p>		<p>LITTLE/NO</p>	<p>Sympathetic development to the look and feel of the Tree Streets Area.</p>
<p>1 LOVEGROVE</p>		<p>LITTLE/NO</p>	<p>Sympathetic development to the look and feel of the Tree Streets Area.</p>
<p>9 LOVEGROVE</p>		<p>LITTLE/NO</p>	<p>Sympathetic development to the look and feel of the Tree Streets Area.</p>



<p>13 LOVEGRO VE</p>		<p>MODERATE</p>	<p>Sympathe c developme nt to the look and feel of the Tree Streets Area.</p>
<p>6 PALM STREET</p>		<p>LITTLE/NO</p>	<p>Under construc o n.</p>
<p>25 PICTON CRESCENT</p>		<p>LITTLE/NO</p>	<p>Suitable contrast to existing buildings yet sympathe c.</p>



<p>2 SAMPSON ROAD</p>		<p>LITTLE/NO</p>	<p>Provides suitable contrast and o set to other homes. Sustainable design for climate change.</p>
<p>0 SAMPSON ROAD</p>		<p>LITTLE/NO</p>	
<p>48 TUART STREET</p>		<p>LITTLE/NO</p>	



1 WATTLE STREET



LITTLE/NO
Previously
Little/No

Sympathetic
development
to the
look and
feel of the
Tree Streets
Area.

APPENDIX 2 – 2003 TREE STREET HERITAGE AREA PROPOSAL
– PUBLIC BRIEFING, TREE STREET AREA



TO: HIS WORSHIP THE MAYOR; ALL COUNCILLORS
CC: RECORDS
FROM: GREG TREVASKIS, CHIEF EXECUTIVE OFFICER
DATE: 15TH JULY 2003
SUBJECT: HERITAGE COUNCIL OF WA BRIEFING SESSION
FILE:

For your information:

There will be a briefing provided by the Heritage Council of WA (HCWA) on their visit to the City of Bunbury at 5pm 30th July 2003. The main point of this briefing is the Tree Street Heritage area but other topics also envisaged to be raised include the Municipal Inventory, the Heritage List and the State and National Registers.

What: Heritage briefing session
Where: Chambers
When: 5pm Wednesday 30th July 2003

Immediately following the briefing session will be a public meeting to which residents of the Tree Street Heritage area will also be invited. This will be held from 6pm, also in Chambers.

What: Tree Street Heritage area public meeting
Where: Chambers
When: 6pm Wednesday 30th July 2003

The Heritage Council representatives will include:

- Mr Gerry Gauntlet – HCWA Councillor
- Mr Stephen Carrick – Manager Conservation & Assessment
- Ms Stephanie Wood Corporate Public Relations Manager

Please RSVP by Tuesday 22nd July to Sally-Anne on sally-anne@bunbury.wa.gov.au or on 9780 8244

Regards

Greg Trevaskis
CHIEF EXECUTIVE OFFICER



APPENDIX 3 – QUESTIONS TO COUNCIL & RESPONSES, 25 JULY
2023



6. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter over which the municipality of Bunbury has jurisdiction or involvement.

In accordance with Standing Order 6.7(3)(a) a person wishing to ask a question, must complete a question form which is provided in the trays at the back of the public gallery and on the City's website. The completed form must include your name and address and contain no more than three (3) questions. If your question requires research or cannot be answered at the meeting, it will be taken on notice and you will receive a written response and a summary of your question (and any responses provided) will be printed in the minutes of the meeting.

6.1 Public Question Time

The Mayor noted that he had received a significant number of questions all relating to the Proposed Tree Street Heritage Area. The Mayor reiterated that a community forum to discuss the Proposed Tree Street Heritage area will be held on Tuesday, 8 August following the scheduled Agenda Briefing.

The Mayor advised that he would take all questions that had been received as read, and that answers to those questions would be provided in the minutes of the meeting, however anyone who wished to read their question/s may still do so.

All questions that were received are presented below together with their responses:

Adam Gunn - 37 Tuart Street, Bunbury

Question 1

The planning policy does not have a grandfather clause. What is the Council doing to protect the interest of the homeowners?

Response

If the proposed local planning policy (the policy) was adopted, any new works that require development approval would be subject to assessment from the adoption date onward. Lawful works prior to the adoption date are not subject to the policy unless they are subject to new works proposals by the owner. Council is not requiring existing landowners to retrospectively upgrade existing approved works in the absence of an application for development approval.

Question 2

Could the Council explain what they believe the impact of this change will be to each homeowner?

Response

For owners proposing external works that are defined as 'maintenance and repair', or internal works on a property that is not individually heritage listed, there will be no impact on the homeowner. Under Schedule 2, Part 1, cl 1 of the Planning and Development (Local Planning Schemes) Regulations 2015, 'Maintenance and Repair' with like-for-like materials and finishes is defined as:

maintenance and repair works means works that —

- (a) are carried out to maintain or repair any building, structure or land or otherwise to prevent any building, structure or land from deteriorating or falling into a state of disrepair; and
- (b) do not result in any material alteration to the building, structure or land, including any material alteration to the materials used in or on, or the design or specifications of, the building, structure or land;

An owner that proposes external works that are not ‘maintenance or repair’ will be required to seek development approval. The proposed works are to be consistent with the Policy, or a variation can be sought (with justification) and will be assessed on merit.

The City is proposing incentives such as rate concessions; waiving of development fees (if application is triggered by LPP4.3 only) and a free Heritage Advisory Service with a heritage architect.

Question 3

What does the Council expect this proposal to achieve?

Response

This investigation started due to community concerns over demolition and incremental erosion of the character of the area and actions to review localities across the City for infill development. The City’s Local Planning Strategy required to a comprehensive review of the Local Heritage Survey and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and one of the priority locations raised to be assessed was that known as the “Tree Streets.” The aim of this proposal is to conserve and enhance the heritage significance of the area by guiding change and ensuring heritage places that contribute to the significance of the area are retained.

The City’s Local Housing Strategy 2021 includes the aim to have a base R-Code of ‘R20’ over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Code will apply and heritage areas to protect these areas from demolition and to maintain significance and character. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy.

Belinda Powell - 41 Tuart Street, Bunbury

Question 1

Is there a specific reason why the Tree Street Area is being listed as a Heritage Area instead of a Character Area?

Response

As consistent with the “Guidelines for Heritage Areas” (HCWA and WAPC, March 2023):

1.1 Heritage areas vs character areas

SPP 3.5 details the importance of distinguishing between heritage areas and urban character areas. It explains that heritage is retained through conservation and preservation of identified heritage places, with provision made in the planning framework to refuse demolition or guide development to respond appropriately to heritage significance.

Identifying a precinct as an ‘urban’ or ‘residential character’ area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to

the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric.

Where the intention is to manage development through application of heritage provisions it is important that an area is formally designated as a heritage area.

Due to the number of original houses, a heritage area was recommended that would still allow demolition of little/no contribution places and guide new builds to be in character.

Question 2

The financial cost of a Heritage Area listing will fall to the owner, something that is quite distressing to think about in the current economic climate, therefore, will you the City be contributing any financial assistance if the proposal is successful?

Response

Maintenance and repair costs are the owner's responsibility, as they are in other locations within the City. The City currently offers a rate concession, waiving of development application fees (if application is triggered by LPP4.3 only) and a free Heritage Advisory Service to all owners that have an individually listed heritage property or a property that is within a heritage area.

Question 3

If the answer above is no, can we require Council to solve the problems/issues that we need to 'demolish and rebuild' our house?

Response

Places considered 'Little/No Contribution' can be demolished and a new house built in place. Places of 'high' or 'moderate' contribution are generally to be retained but can be extended with modern materials.

Crandon and Andrea Keddie - 11 Lovegrove Avenue

Question 1

What specific research was done on each property to determine the rating of high/medium/low heritage value? E.g. A fibro workers cottage and a weatherboard home both were rated high. Why? What specific reasons/features determine the rating of each property?

Response

The methodology is contained in the consultant's assessment report which identifies each level of contribution and gives examples. The methodology was also a combination of physical and historical research and the approach is consistent with Heritage Council of Western Australia guidelines. A small worker's cottage can be an intact and representative type of architectural style as can a more substantial weatherboard clad house.

Claire Fisher - 13 Palm Street

Question 1

The City believes good governance requires transparency, equitability and inclusiveness (as per the City's website). Does the Council believe the Tree Streets Heritage Area LPP4.3 meets these governance requirements? Especially given any offers to speak directly to the public, in a public setting has been rejected and little to no community input has been considered.

Response

The Council adopted an engagement plan for this project that addressed a number of engagement tools that exceeded the legislative requirement for consultation. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media. One-on-one sessions with officers aimed to address site specific enquiries and this option has been actively utilised by



community members to date. In addition, the City will be conducting a public information session and has extended the public submission period by a further two weeks. In total, the public submission period will be 56 days which exceeds the statutory requirement of 21 days.

Question 2

Why should residents, whom have upkept their property and maintained desired aesthetic characteristics be subject to 'special planning control' by the City which prevents individualisation (re: Tree Streets Heritage Area Local Planning Policy 4.3)?

Response

It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area. The intent of the policy is to retain the values of the area by allowing places of little/no contribution to be demolished and guide redevelopment and change in a manner that does not detract from the streetscape or area values. Without special planning controls, demolitions and new builds can occur that may have negative impacts on these values.

Note: Future intent of the area if a heritage area is not adopted, will be subject to the normal controls for residential development.

Question 3

What compensation will be offered to the Tree Streets residents if the Tree Streets Heritage Area LPP4.3 advances, given the loss of property value, increased insurance costs, cost of ongoing planning applications, increased cost of repairs needing to be of a different standard than the status quo (amongst other costs etc)?

Response

There are a range of incentives such as waiving of planning application fees (if application is triggered by LPP4.3 only), rate concessions and a Heritage Advisory Service.

Craig MacKinnon - 57 Stockley Road

Question 1

Why have the Bunbury Council not called a public meeting over the Tree Street Heritage proposal? Is it because the Council members did not know or were not informed of what the bureaucrats in the back room were planning?

Response 1

The Council adopted an engagement plan for this project that addressed a number of engagement tools that exceeded the legislative requirement for consultation. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media. One-on-one sessions with officers aimed to address site specific enquiries and this option has been actively utilised by community members to date. In addition, the City will be conducting a public information session and has extended the public submission period by a further two weeks. In total, the public submission period will be 56 days which exceeds the statutory requirement of 21 days. There are a number of other City strategies that refer to investigation of the Tree Streets as a heritage area. These strategies have been notified to the public.

John and Jan McDermott - 11 Banksia Street

Question 1

Are we allowed to do maintenance on our own house?

Response

Yes. Maintenance and repairs with like-for-like materials do not require approval.

Question 2

Will we be paying more for insurance being heritage listed?

Response



This is dependent on your insurer.

Question 3

Are we allowed to alter gardens?

Response

Yes, unless you have a tree that is individually listed. There is currently no individually listed trees in the area.

Salome Woodland - 17 Lovegrove Avenue

Question 1

What plans does the Council have for supporting homeowners affected by the Tree Streets Heritage Listing proposal (insurance, maintenance, additional costs incurred as a result of adhering to the proposal)? Other Councils, such as Subiaco have such policies.

Response

Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application fees (if application is triggered by LPP4.3 only), offer rate concessions and provide a free Heritage Advisory Service. Maintenance and repairs are the owners responsibility.

Question 2

Is Council able to provide the explicit methodology used in compiling the Tree Street Heritage Area proposal? Brief/instructions provided to the architect (the scope of research) and the process used to compile the report, including referencing other heritage area policies implemented in WA and Australia to ensure comparison and consistency. In addition, it would be appreciated if Council could release the cost of the report.

Response

This information can be requested to be accessed. The methodology is contained within the assessment report and the assessment was consistent with the HCWA Heritage Area Guidelines (2023). The consultant referred to DPLH Heritage Services in regard to methodology and terminology since the guidelines were only in draft form at the time of the survey. The East Bunbury Heritage Area has been a long standing heritage area in Bunbury and this was also referred to for consistency and transparency. It is standard practice to consider other heritage areas in drafting a policy.

Question 3

Has Council completed an impact assessment of the implementation of the proposed Tree Street Heritage Area Proposal? Impacts such as being unable to change the homes to meet the Councils other priorities such as disability access, home liveability, (adjustments for the elderly), sustainability (water tanks, solar panels), other adjustments to improve liveability and sustainability whilst also reducing financial burdens (solar rebates etc).

Response

No formal impact assessment was completed by the City. However, all of the matters mentioned can be addressed. Most heritage buildings can accommodate universal access and sustainability requirements. The intent of the policy is to guide this in a manner to minimise impact on the streetscape whilst achieving heritage outcomes. Heritage is established as an important value to the community and Council through a range of strategic documents and the aim is to deliver the best balanced outcome for the community.

Mark Woodland - 17 Lovegrove Avenue

Question 1

Is Council able to provide the process used and references to other Heritage Area policies used when compiling the Tree Street Heritage Area proposal? The cost of the report, the brief provided to Stephen Carrick Architects and a detailed description of the process used in researching the



homes in the area and completing the report. Are Councillors aware of the extensive inaccuracy of the document and do they plan on taking action to fix these significant errors?

Response

As per Q1 above. The intent of the public consultation period is to address any anomalies and to value add. To date, only minor anomalies have been discussed with officers and some of those include differing views on the contribution levels. Any concerns regarding the accuracy of the data, should be raised in submissions to Council so it can be considered.

Question 2

Has Council considered the wider impacts of the Tree Street Heritage Area proposal and how the proposal does not align with the City of Bunbury visions and policies and other contemporary building codes such as liveability and sustainability requirements? The impact on installing solar power (to reduce financial burden and improve sustainability), water tanks, grey water etc and liveability impacts such as adjustments to improve disability access and supports for the elderly?

Response

All of the matters mentioned can be addressed. Most heritage buildings can accommodate universal access and sustainability requirements. The intent of the policy is to guide this in a manner to minimise impact on the streetscape whilst achieving heritage outcomes. Heritage is established as an important value to the community and Council through a range of strategic documents and the aim is to deliver the best balanced outcome for the community.

Question 3

Has the Council carefully considered and completed an impact report on the financial burden on homeowners impacted by the Tree Street Heritage Area proposal? Costs associated with increased insurance, decreased property values, maintenance costs and the increased cost of additions, renovations, restorations and maintenance as a result of having to adhere to the proposal. If so, has the Council considered compensation, such as those in place in Subiaco.

Response

No formal impact assessment was completed by the City. Subiaco offers a grant to match conservation works (with a cap). The City is proposing to waive application fees, offer rate concessions and provide a free heritage advisory service. Maintenance and repairs are the owners responsibility.

Vicky and Fleur Campbell - 4 Palm Street

Question 1

Why has this act come so suddenly more or less out of the blue?

Response

This investigation started due to community concerns over demolition and incremental erosion of the character of the area. The City's Local Planning Strategy required to a comprehensive review of the Local Heritage Survey and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and one of the priority locations raised to be assessed was that known as the "Tree Streets." The aim of this proposal is to conserve and enhance the heritage significance of the area by guiding change and ensuring significant heritage properties are retained.

The City's Local Housing Strategy 2021 includes the aim to have a base R-Codes of 'R20' over all residential areas, except those areas in the vicinity of activity centres to which an appropriate higher R-Codes will apply and heritage areas to protect these areas from demolition. The majority of the Tree Streets area is currently zoned R15, if the proposal for a heritage area does not go ahead this area may be considered for higher density in the future in alignment with the Local Housing Strategy.

Question 2

I'm concerned about costs involved per household. Would this impact younger families? Will this impact the price of our homes at this high market?

Response

The policy intent is to retain properties that contribute to the significance of the area and guide new builds to not detract from the streetscape. There has not been an investigation into the impacts on the market other than that referred to in Victoria and HCWA that heritage in residential areas usually has a positive market impact.

Paul Foley - 6 Banksia Street

Question 1

My question relates to the proposed Tree Streets Heritage Area. Can you please advise how not having a public meeting promotes consultation and engagement with the community, notwithstanding face to face meetings are available?

Response

An engagement plan was adopted by the Council. Advice was that one-on-one meetings would be more suitable in addressing site specific questions. The public consultation period is double (42 days) than the minimum required (21 days). The public can also engage and be informed through 'Community Connect', officers, public notices and social media.

Andrew Cooke - 2 Banksia Street

Question 1

Why did the Council not consult or communicate with the Tree Street residents that the 2022 assessment survey was being carried out or provide the property owners with a draft of the assessment as per the Heritage Council of WA's guidelines, "Guidelines for Assessment of Local Heritage Places"

Response

The City put a number of public notices in the paper advising that there were going to be surveys across the City in 2021. At that point, no boundaries had been determined or assessment completed to determine if the Tree Streets had merit as a heritage area. The owners/occupiers are being consulted through the formal public consultation process for an extended period of 42 days (21 days are the minimum). The assessment is consistent with the Heritage Council of WA, "Heritage Area Guidelines". Base material is required to be available so that the community can make an informed submission/comment on the proposal.

Question 2

Why was LPP6.2 Heritage Listings, Assessments and Concessions missing from information initially supplied by the City for public consultation, and when it was included after a resident pointed out it was missing, were residents not told of this so they could stay fully informed?

Response

This is an existing policy that is accessible on the City's website. It is not subject to any consultation or change. Providing additional policies to residents may have caused confusion as to which policy was subject to consultation. LPP6.2 is referred to in proposed LPP4.3 and the resident's comments were taken on board to make the policy easily accessible on the Community Connect Page for reference if required.

Question 3

What are the plans and budgets and details of the City to expand existing and new heritage areas and to add more properties to the City of Bunbury's Heritage List?

Response

The Heritage Act 2018 requires the preparation and review of a Local Heritage Survey (LHS) (previously referred to as the Municipal Inventory or Local Government Inventory). The City's 2001 LHS was reviewed in 2012 but no new places were assessed. The Local Planning Strategy commits to

a comprehensive review of the LHS and this was budgeted for accordingly. A targeted approach was workshopped with the Heritage Advisory Committee and the two priority locations identified were the CBD and the area known as the “Tree Street/s”. There will be future reviews as it is a legislative responsibility of local government to manage heritage for future generations. At this point, a future budget for reviewing heritage areas and individual listings has not been set due to the recent work that has been completed. The next priority is to compile and update the existing LHS publication.

Anthony Liddiard - Parkfield Street

Question 1

Please can the committee provide the report quantifying the acknowledged “budget implications” that will undoubtedly become the owners’ liabilities and explain why property stakeholders appear deceived and what will be done to address these issues?

Response

Budget implications in the agenda item is in the context of Council budget implications. Should owners feel there will be additional costs being in a heritage area, they are encouraged to detail this in their submission.

Question 3

Please provide an explanation and indicate if any study has been completed as to how the current proposals will meet future planning requirements, such as double glazing or solar panels being erected in the optimal orientation or confirm that the energy efficiency/passivity of the buildings come a secondary to roadside aesthetics?

Response

Solar panels are permissible and encouraged. The policy provides solutions for appropriate siting. Double glazing on new builds and extensions is acceptable. Original windows should be maintained on the façade and side of the dwelling. Variations to this are considered on merit but may be referred to Council for a decision.

Question 3

With the current planned bans on native forests being cut and only a fraction of the finite reclaimed materials from demolition from other areas being of use through to general decay and damage, please can the council provide a study of where the future replacement materials for restoration work will come from?

Response

At the moment, there is no indication that it is problematic to source hardwood timber. The intent of the policy is to encourage material type rather than detail species e.g. hardwood is acceptable, does not have to be jarrah. Should this change in the future, the policy may be reviewed.

Claire Clark - 3 Wattle Street

Question 1

If a property has an asbestos/tile roof shed visible from the street, the policy appears to limit the replacement to match the style of the existing building. When there is no alternative for the shed to be positioned away from street view, would a colorbond shed not be an acceptable replacement?

Response

The policy intent is for any ancillary structures to be located behind the heritage place and to not dominate the streetscape. Colorbond is an acceptable material for a shed and Development Control Principle 9.3 of draft LPP4.3 addresses situations where it may not be appropriate to replace with like-for-like materials. Heights and setbacks would be a consideration as per all outbuildings across the City. Generally, it is street frontages that are considered when assessing impact of proposed development.



Question 2

If a tree to the rear of the property is causing structural concerns to a property or future outbuildings/renovations, will the removal of the tree be possible? The Draft Planning Policy appears to only permit the removal if it is confirmed to be dead, dying, decaying or endangering public safety.

Response

Removal of vegetation/trees is acceptable if not individually listed or referenced in a place record for a property included on the City of Bunbury Heritage List.

Question 3

Solar panels are most effective with a north facing orientation. The Tree Street Heritage proposal limits the panel positioning for buildings where they would be visible from the street frontage, reducing their effectiveness. Will the Council provide compensation for properties not permitted to install panels on their north facing roof space?

Response

The policy intent is to encourage location of solar panels in a manner that does not detract from the streetscape i.e. not on the primary street frontage facing the street (refer to Development Control Principle 9.14). Alternate locations can often be sourced on extensions to the house that face north or on the side of gables. If no alternate location can be sourced, this would require a variation and a decision by Council.

Melanie Hurst - 72 & 70 Beach Road

Question 1

If Tree Streets was made a heritage area would a structure be allowed to be built at the front of a property e.g. a front raised deck?

Response

If a proposal is different to the acceptable solutions, the applicant would request a variation and this would be assessed on merit and referred to the Heritage Advisor, Heritage Advisory Committee and Council for a decision. The onus is on the applicant to demonstrate how the performance criteria of the policy is met and how the proposal does not have a negative impact on the heritage place and streetscape.

Question 2

Will the heritage area policy over-ride the new medium density R-Codes that come into force in September 2023?

Response

The proposed policy was drafted taking the new Medium Density R-Code provisions into consideration. All R-Code provisions reference the need to address heritage places (areas and individually listed).

Question 3

If development takes place on a property with a R40 density with an existing house with high heritage level, what planning and design will need to be taken into account e.g. will the design need to be built in a heritage style?

Response

The policy intent is to facilitate development that responds to and retains the heritage values and does not detract from the streetscape. The preference for the new build development is for a modern design with contemporary materials, not replica heritage. Setbacks, height, roof pitch and windows are key considerations so that the development is responsive to the values and character of the area.



6.2 Responses to Public Questions Taken ‘On Notice’

At the Ordinary Council Meeting held 27 June 2023, the CEO took two questions on notice from Mary Collins which, together with their responses, are reflected below. The below questions relate to the Proposed Tree Streets Heritage Area as referenced in the 27 June 2023 Ordinary Council Meeting Agenda at item 10.1.2 *Proposed Tree Streets Heritage Area – Public Consultation*.

Question 1

What are the compensation proposals for this change?

Response

There is no compensation for the designation of a heritage area. The intent of a heritage area designation is not to stop development but to ensure that works retain the significance of the area. The City is committed to assisting owners to conserve heritage places through a range of heritage incentives including: rate concessions; complimentary heritage advisory service and waiving of planning (development) application fees. A draft local planning policy has been developed to provide design guidance for any proposed works within the area and also clearly state the heritage area boundary; statement of significance; and level of contribution of each property within the heritage area.

Question 2

On what grounds was a similar proposal rejected previously?

Response

It is noted that the proposal for a heritage area/precinct was 20 years ago, however Council Decision (377/03) was not to endorse the draft “Tree Street” Heritage Precinct Local Planning Policy but required that a community driven committee be established to determine the feasibility of establishing a heritage precinct in the Tree Street area, with the geographical area being determined at a later date. There appears to be adhoc meetings of a community reference group through to 2006 (it was not established as a formal Committee of Council) that were in support of the drafting of design guidelines but there is also evidence of mixed opinion within the group. The project was not finalised and there is no indication of any further progress.

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3
Reference COB/5870



Public submissions must be received by the City of Bunbury by the close of business on: **Monday 21 August 2023**

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer Mail: City of Bunbury, PO Box 21, BUNBURY, WA 6231
Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

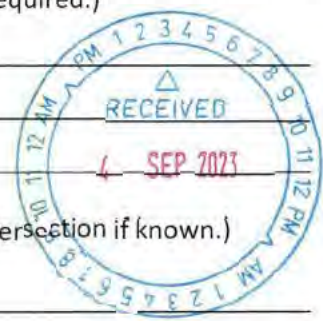
Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: [Redacted] Email: [Redacted]
(All future notifications on this proposal will be sent to this provided email)
Address: [Redacted] Phone: [Redacted]

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

Homeowner and resident of Tree St Area.



Address of Property Affected by Proposal (Include lot number and nearest street intersection if known.)

[Redacted]

Submission (Give in full your comments and any arguments supporting your comments. Attach additional pages if required.)

- Support / no objection No comment Objection

Additional pages attached - stating why I object to the Tree Streets Heritage Area and Local Planning Policy 4.3 (COB/5870)

Signature: [Redacted] Date: *4/9/2023*

I **STRONGLY OBJECT** to the Tree Streets Heritage Area proposal currently under public consultation.

My objections include, but are not limited to:

1. Lack of Public Consultation and Proper Governance

- The City did not engage or consult with residents during the formative stages of the proposal in 2021. Residents were only informed as of 11 July 2023 when the City was legally obliged to introduce the public consultation period.
- The Tree Streets community were not officially informed of the Community Connect Page (a page on City's website which covers some of the information regarding the proposal) before 11 July 2023.
- It was only after pressure from many residents that a public meeting was arranged by the City/Council on the 8th August. Prior to this, we had been told there was no intention of engaging the stakeholders in any public meetings and we were to approach the City's Heritage officer on a one to one basis. As much as I understand that everybody's situation is different and therefore people will need to make inquiries regarding their individual homes, there is also a community of people that are affected by this proposal. Anyone who lives in the area will tell you that the Tree Street Area is a vibrant, inclusive and supportive community and so therefore we consider policies like these to be also in the interest of the social cohesion and wellbeing of all our residents. The community themselves have had their own public meetings over a number of weeks (with often 30-50 residents attending) to try and support one another through the process of understanding the documents, their implications for individual home owners and for the Tree Street community. It is only through sharing, engaging and talking the matters through collectively that many of us have felt informed enough to make a submission.
- There was no engagement with residents during the heritage assessment survey conducted in 2022. The survey, which was used to assess the level of contribution, was conducted by a Perth company (with no intimate knowledge of the areas and houses) using mostly desktop research and photographs, some of which were years old and were not an accurate representation of the current house. The lack of consultation during this time is contrary to best practices as determined by the heritage Council of W.A.
- This makes the assessment survey document flawed and incomplete as it lacks the depth and detail of information required and as this document underpins the proposal, it has many residents questioning its validity.
- A failure of the City to consult with homeowners and the Tree Street community in the formative stages of this process has resulted in the City of Bunbury (COB) missing valuable insights and information regarding the evolution and history of many of the houses. If the COB had consulted the homeowners they would have realised that many of the houses that have been

given high contribution levels by the Stephen Carrick Architectural firm have very little of the original house left and indeed some are new homes.

- There are many long-time residents in this area who have a personal knowledge of the area and the evolution of many of its houses. I would suggest that having consulted them in the formative stages of this process could have saved the City, and the architects involved, a lot of time, resources and money.
- A similar proposal to make the Tree Streets a heritage area was rejected in 2004 by the Tree St Area residents and community (many of whom are still living in the houses today). For this very reason it would appear logical for the City and Council to have consulted the homeowners/residents initially before continuing into the planning and policies stages.
- Other local government bodies in W.A who have developed similar Heritage policies have initially sent surveys, questionnaires and have consulted stakeholders individually to determine whether the idea of having a heritage area/precinct is encouraged or warranted. They have also set up community groups who represent various interests and advocacy groups in the area to ensure that the diverse needs and circumstances of the residents are considered during the initial consultation process (i.e., will elderly residents be able to put in ramps etc when faced with mobility issues).

Previously on the 16/12/03, the Council had made a decision to stop the Tree St Heritage area proposal of the time (0377/03) and to set up a community reference group to investigate the feasibility of a heritage area in the Tree Streets. Given the fact that both the proposal of 2003 and the reference group were unsuccessful, I find it difficult to understand why there wasn't more public consultation in the initial stages of the planning and development of the current proposal.

One of the City's key theme and goals according to their Mission Statement is: Civic leadership, partnership and sound governance in delivering with and for the community: many residents are questioning whether this has been the case throughout this process.

2 Local Planning Policies & Design Guidelines Unclear & Ambiguous

These documents are general, vague, ambiguous and conflicting which makes them hard for resident to interpret and understand. The documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This has made it hard for residents to provide an informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply. This has only added to the anxiety and confusion many residents have regarding the proposal. Many have come away from meetings with councillors and City representatives disillusioned, disheartened and confused.

An example of the inconsistencies:

LPP-6.1 specifically relates to the East Bunbury Heritage area only. Why has this been given as a document to refer to in relation to the Tree Street Heritage Area proposal? Are the city proposing to use this as a template for the Tree Street Area Heritage Area? The topography, location and demographics of the Tree Streets is also very different to East Bunbury and it does not seem rational to apply the same policy (as is) to this area.

LPP-6.2 was not originally made available to residents until it was pointed out by a concerned resident that it was missing from the consultation materials (this was after the public consultation period had started).

In clause **5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area** it states; *that within designated heritage areas it requires the development approval of the local government, including but not limited to, the following:*

- (i) partial or complete demolition of premises;*
- (ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);*
- (iii) development of an outbuilding or swimming pool; and*
- (iv) **internal and external works to a building.***

Yet, in part b) it says:

*Development approval is **not required for internal works of a building located within a designated heritage area**, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places.*

These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing.

- The LPPs wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted, uncertain and ambiguous.
- I am concerned that if these policies are adopted, they will have long reaching and long-lasting implications and will be open to misinterpretation with future councillors and City staff.

3. Financial Burden

- The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous and greatly impactful. Sourcing scarce materials (i.e., jarrah, sash windows- 'like for like') and engaging qualified tradesmen (used to working with older homes) and professionals (heritage architects and structural engineers) can be a financial cost that many cannot afford. Some residents have had the good fortune of having replaced older materials in their homes with more efficient and sustainable products, however many due to financial reasons and time constraints have not, which means they will be unfairly penalised when complying with some of the policies requirements in the future.
- There are pensioners and retirees who do not have the funds to accommodate the extra costs.
- Many young families, who are already struggling to pay increasing bills and mortgages will have another added financial burden if they have must source specialised trades and materials to maintain and make improvements required.
- Making the Tree St Area a heritage precinct could drive people away from the area, or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to maintain to the required standards. This could actually work against the City's proposal as this may affect the streetscape and the overall character of the area.
- The City has not carried out any formal impact or risk assessment on what the financial and psychosocial burden for homeowners will be. I find this surprising, and alarming, given the fact that the City will not be offering any compensation or financial assistance to the homeowners if the policy was to come into force.
- Engaging the stakeholders in the area (the very residents affected by this and being expected to bare all the financial costs and implications of the proposed policy) would have also shown signs of good governance and adherence to many of the COB's own core goals and values stated on their website.
- Not all homeowners in the Tree Street Area have moved here for the older homes. Many have moved into the area for the location (close to beach, schools, shops and amenities) and have had other plans for the land they have purchased. To have the threat of the council deciding on what you can and can't do with your own investment is an erosion of property rights.
- **Increased insurance costs**
Many residents have rung their insurance companies to enquire about insuring a home in a heritage area only to be told that their premiums could substantially increase or that they would no longer be covered by the company (as they do not deal with homes in heritage areas/heritage listings due to the costs involved in replacing materials within the home).

4. Demolitions

The City has expressed concern over the level of demolitions and “incremental erosion” of the character of the area. When the City was asked to provide evidence of the concerns raised regarding the “incremental erosion” by residents they were unable to do so. As such these concerns have no validity when being used to justify this proposal.

From 1996-2023 (28 years) there have only been 16 dwellings demolished in the proposed designated heritage area. There have been no demolitions for seventeen years, one demolition in 7 years, two demolitions for two years, and three demolitions in one year. These homes have replaced old homes that were at the end of their natural life. The average life of a timber homes is 58 years, and 88 years for a brick home. Most of the houses have had to be heavily renovated and improved to allow them to continue standing (technically they are ‘new’ character homes). Many look more in keeping with the era than the originally dwelling.

There are many fine examples of new houses that have been built in keeping with the area, even the City has recognized this saying: “It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area”. (OCM Minutes, July 2023)

The low level of demolitions, and the subsequent development of sympathetic homes in their place, demonstrates that there is no reason to be concerned about the level of demolitions, and that any fears over the “incremental erosion” of the area are unfounded. As such, there is no need for a designated heritage area. The Tree St Area has been self-managed and self-regulated by the residents for a very long time and I have no doubt that it will continue to do so. The area has retained its charm and character and at the same time continued to evolve and change as required.

5. The Tree Streets is a Character Area, Not Heritage

For many years the Tree Streets has been informally regarded as a character area, and never as a heritage area. There are about 15 properties in the area that are heritage listed and are on the local and/or State heritage list. These properties are suitably protected and gain no further protection from a designated heritage area.

As a character area, the residents can **retain and enhance** through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric which happens in a heritage area. The City has acknowledged that “...many landowners are already developing in a manner that is sympathetic to the character of the area”.

There is no need to impose an unneeded blanket set of restrictions over 302 homes which are onerous and unreasonable, and which provide no benefit to the homeowner and all the costs.

Each street has a different look and feel to it, and no street is the same. There is a blend of older and newer properties which complement each other and provide suitable contrasts in capturing how the Tree Streets area has evolved and continues to do so. Nearly a third of all properties are “Low” in terms of contribution, and many of those that are moderate or high have been assessed on a basis which lacks the necessary information, archive material, history and detail.

Many residents are challenging the assessment of their property and asking how their level of contribution was arrived at, particularly as they personally know how and to what degree their home has been changed.

In the **Heritage Council of WA’s “Guidelines for Heritage Areas” from the Heritage Council of WA (March 2023)** it says:

“1.3 Where a heritage area is not appropriate.

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list.”

It should also not be used to prevent zoning changes.

The proposal runs counter to the City’s strategy of having at least R-20 zoning for all residential areas. Currently many of the blocks in Tree St Area are zoned R15- the Tree Streets Heritage Proposal will not allow for future subdivision and the implementation of the COB’s infill strategy. In doing this it reduces the City’s ability to create infill opportunities to develop more homes to support the anticipated growth of the City, and to increase the number of rateable properties and revenue growth for the City.

6. Minor & Major Works Require Development Approval

Draft LPP 4.3 Tree Streets Heritage Area applies to "the assessment of proposals for works on places within the Tree Streets Heritage Area" (2.0 – Introduction)

8.2 Works Requiring Planning Approval

External

All external works affecting a place within the heritage area require development approval, and this includes minor works such as, but not limited to, replacement of roofing, gutters and downpipes. This is to ensure that these works do not have a negative impact on the heritage significance of the place.

Works impacting on the setting of the place, including fencing, swimming pools, and other ancillary structures, also require planning approval".

This places a heavy burden on homeowners as even minor works, which previously required no planning approval now need it. Also, when replacing items, the homeowner can be required to restore what was there originally, even if it had been legitimately changed previously. This means that the "grandfather clause" that exists for all work in place prior to a new LPP coming into play can be made null and void (9.3).

7. Sustainability and Future Proofing Homes

- This proposal fails to consider the environmental, economic and liveability benefits of allowing residents to adapt and change their homes appropriately both now and for future generations. Having restrictions on use of solar panels, water tanks, double glazing and other future proofing measures appears to be counter to all recommendations of the Australian Government and the UNFCCC.

It also appears to contradict many of the strategies and goals within the COB's present Sustainability and Environmental Strategy being developed...."Focus areas include energy and emissions, sustainable water, circular economy and waste, sustainable transport and urban infrastructure, greening and biodiversity, climate resilience, community, culture and wellbeing and governance.


In summary, it is for all the above reasons and many others that I reject this proposal in its entirety. The current Tree Streets Heritage proposal would have too many long reaching and long-lasting implications for both the residents and the community.

**Recommendations for alternative solutions to the Tree Streets Heritage Area proposal:

City buys a number of significant homes in the area when they come up for sale (maintaining them and keeping them as a 'living history' for Bunbury) and uses them for:


Community heritage hubs

- Community arm of the Bunbury Museum

- 
- A place to keep/display oral history recounts, research and photographic evidence of the area.
 - A place for school and community excursions .
 - A community centre for education and outreach to community- re sustainability and ways to future proof the homes and Tree St area.
 - A community garden- the space in R15 zonings allows for something like this.

OR - Have a walking History Trail – have QR code signs on various corners for people to follow the history of the area and see photographic evidence and facts of times, families, houses and the evolution and 'story' of the area.

* We have many long time residents in the area who are a wealth of knowledge and have personally witness the growth and change within the area-we should be capturing this history before its gone.



It is unbelievable that Bunbury Council, which is supposed to represent the people of Bunbury, would launch a heritage precinct proposal without discussing this significant matter with the people residing in the Tree Street area.

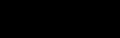
For compensation, the council has offered a few thousand dollars, this isn't very respectful. Everyone is aware of the country's financial difficulties, including Bunbury, and renters and homeowners are also right in the firing line. Yet, the increasing financial liability ensuing if this proposal should pass would be detrimental to both parties.

If successful, the proposal would prevent the area from rezoning R20, despite the federal government requesting the states to implement changes allowing for higher density living within city boundaries to assist with the extreme housing shortage for buyers and renters. With their current strategic plan to implement zoning changes, the Bunbury City Council would sabotage this change by declaring the area a heritage precinct.

I have a large rear garden, which would be ideal for a second home. Our homes have been well maintained in general. We have allowed our homes and gardens to be used for the Tree Street Art Safari with colossal success, an excellent platform for exposure for artists in the area. The council is putting this event at risk. Our homes are old but not of significant historical and architectural value. They were surveyed remotely without residents being included or allowed to participate. Where am I going to access and pay for like-for-like materials?

At a recent town meeting, I was asked about my commitment to the city's future. I have been a GP in Bunbury for forty years and have answered calls to the hospitals and people's homes many times out of hours over the years. For my commitment to Bunbury and its welfare to be questioned is both insulting and offensive.

There are several of my neighbours who will present detailed submissions that contain all the rules and regulations that have been violated in this process. I applaud them and will help them prosecute their case. I have tried to access Gary Barber about his statement at the recent town meeting about the Bunbury strategic plan and the rezoning of Tree Streets, to no avail. Also, a neighbour has told me that he has left four messages for one councillor to discuss various matters about this proposal, which has yet to be replied to.

I spoke to  a well-known events manager involved in promoting Bunbury on and for various occasions. She told me that South Bunbury, an adjacent suburb, was rezoned, and they had built a place at the rear of her existing house.

Everyone is entitled to be treated equally and have the same opportunities. Any household owner who wishes their house to be heritage listed can put forward their case individually.

In 2004, the council rejected the Tree Street heritage proposal, and it was stated that the area's residents should drive any such change. There is no evidence that this recommendation has been followed.



- Tree Streets Heritage Area Assessment Incomplete & Inconsistent.....
 - Failure to Follow Heritage Council of WA Guidelines.....
 - Deliberate Exclusion of Consultation with Occupants of Community Groups by City ..
 - Assessment Survey Not Properly Funded
 - Property Assessment Insufficient and Incomplete.....
- Heritage vs Character Areas
- Demolitions
- 88 Beach Road – Tree Streets Area
- R20 Zoning.....
- Lack of Engagement & Communication
- Community Engagement Plan
- Public Information Session
- Councillor Bias.....
- Older Houses are Not Heritage Houses.....
- Residents Being Forced Out or Unable to Move
- No Compensation.....
- Ability to Demolish Unreasonably Constrained
- Lack of Information and Communication from the City.....
- Mental/Physical/Emotional Health Issues
- Lack of Procedural Failure ~~Failure~~ ^{FAIRNESS}.....
- Submission Process & Summary
- Bias from the City & Council.....
- Conflict with the City of Bunbury’s Climate Change Policy
- Future Climate Change.....
- Asbestos – Health & Safety
- Insurance Costs
- Property Value.....
- Legal Requirements of Consultation
- Four Requirements for Proper Consultation
- Consultations to be undertaken at formative stage.....
- Previous Council Decisions Not Informing or Followed



Failure to Follow Heritage Council of WA Guidelines.....

Deliberate Exclusion of Consultation with Occupants or Community Groups by City
.....

Preclusion of Public Discussion

Public Information Session

Provision of Sufficient Reasons & Material

 Sufficient Reasons Not Given

Adequate time to respond

Conscientious taking into account of the product of consultation

Local Planning Policy Issues.....

 Internal Aspects.....

 Security & Privacy Issues

 Repairs vs. Renovation

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3
Reference COB/5870



Public submissions must be received by the City of Bunbury by the close of business on:
Monday 4 September 2023.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer

Mail: City of Bunbury, PO Box 21, BUNBURY, WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: [Redacted] Email: [Redacted]

Address: [Redacted] (All future notifications on this proposal will be sent to this provided email)
Phone: [Redacted]

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

BUNBURY RESIDENT CONCERNED ABOUT THE
TREE STREET HERITAGE AREA PROPOSALS

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known.)

TREE STREET AREA

Submission (Give in full your comments and any arguments supporting your comments. Attach additional pages if required.)

Support / no objection

No comment

Objection

SEE ATTACHED



Signature: [Redacted]

Date: 03/09/2023

Submission Against the Designation of the Tree Streets as a Heritage Area in Bunbury, Western Australia

I am writing to express my strong objections to the proposal to designate the Tree Streets as a heritage area. My concerns are based on the following points:

1. Absence of Proper Consultation

The development of this proposal can be traced back to at least mid-2021. During the formulative stages of this proposal residents were not consulted with or engaged with by the City. This has prevented the residents from providing insights, and the development of alternative options. In 2003, during a previous attempt to make the Tree Streets a heritage area which failed, the residents were engaged with early on. And when the attempt failed, a Council Decision (377/03) was made which set up a community reference group to "determine the feasibility of creating a heritage area in the Tree Street area". **This precedent was not followed by the City.**

An assessment survey of the Tree Steets area was carried out in 2022. This was not made known to the residents, nor were they consulted or engaged with.

The Heritage Council of WA's "Guidelines for the Assessment of Local Heritage Places" clearly states, when carrying out an assessment:

"...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place".

The City's failure to engage with residents during the heritage assessment survey and the absence of draft assessments for property owners are clear violations of these guidelines. This oversight has resulted in an assessment that lacks depth and detail. Many residents have questioned the report's accuracy. Failing to consult with residents meant that the visiting Perth architects lacked critical insights or knowledge as to how homes have been modified and changed, often resulting in very little of the original building in place.

Also, the historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review. How can poor quality aerial pictures of an area provide detailed insight as to the structure, format, materials, and look of the home from a streetscape perspective? It can't.

So, there is no evidence available prior to then to determine what the homes looked like, their original form, and how they have changed since being built. This also makes it hard for the City to determine and justify how residents may have to repair, maintain or develop homes at any point in the future.

This makes the assessment survey document flawed and incomplete as it lacks the depth of information required. As this document underpins the proposal, then decisions that rely on this document should be revisited.

The residents were only informed, for the first time, on 11 July 2023 when the City was legally obliged to inform residents about the commencement of the public consultation period. This is 2 years after the process started and is only asking people to make submissions on a decision that has been made, not to consult as to whether this is needed, or why it might be needed, and alternative

approaches that could be developed. This proposal is flawed, a proper consultation process has not been followed, and it should be stopped from progressing further and not be revisited in the future.

2. Character Area vs. Heritage Area

The Tree Streets has long been recognized as a character area, with only a handful of properties listed as heritage sites. The Heritage Council of WA's "Guidelines for Heritage Areas" from March 2023 states:

"1.3 Where a heritage area is not appropriate.

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list".

Properties in the Tree Streets area that are worthy of being heritage-listed already are included on the local heritage inventory list. The other properties in the Tree Streets area are not, otherwise they would have already been included. As such, this proposal is simply an attempt to protect places that fall below the threshold for the heritage list.

As such, the proposal for the Tree Streets Heritage area should be withdrawn as it is not appropriate and not needed.

3. Demolitions and Development

The City has expressed concern over the level of demolitions and "incremental erosion" of the character of the area. When asked to substantiate this with facts and evidence the City were unable to do so.

Question:

Can you please detail what concerns have been formally raised or documented regarding this ("demolition and incremental erosion the character of the area"), when they were raised, regarding what property/s, and what was raised in terms of any concerns, or 'incremental erosion' associated with them? If a matter of public record, then can you please detail whether they are a resident of the Tree Streets area, elsewhere in Bunbury, or outside the City of Bunbury. If multiple concerns have been raised by the same individual, then please indicate them as appropriate. Thank you.

Response:

The City does not keep statistics on the number of complaints for each demolition in the City. Records would only be kept if it was related to a development application that required public advertising. A good recent example (although after this process had started) of how the community perceives demolition and character was through the submissions regarding demolition of #88 Beach Road and the proposed construction of a childcare centre. Many submissions referred to the retention of heritage, character and amenity of area. The list of submissions for this application can be found on the City's website.

From this reply it is clear that there is *no* evidence or information to support the City's assertion that there were "community concerns over demolition and incremental erosion of the character of the area" to justify the investigation.

From 1996-2023 (28 years) there have only been 16 dwellings demolished in the proposed designated heritage area (City data). There have been no demolitions for seventeen years, one demolition in 7 years, two demolitions for two years, and three demolitions in one year. These homes have replaced old homes that were at the end of their natural life. The average life of a timber home is 58 years, and 88 years for a brick home.

The new homes have been built and developed in a way that is sympathetic to the character of the Tree Street area. Even the City has recognized this saying: *"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area"*. (OCM Minutes, July 2023)

The low level of demolitions, and the subsequent development of sympathetic homes in their place, demonstrates that there is no reason to be concerned about the level of demolitions, and that any fears over the "incremental erosion" of the area are unfounded. As such there is no need for a designated heritage area.

4. Unclear Local Planning Policies & Design Guidelines

These documents are general, vague, ambiguous and conflicting making them hard for to resident to understand. These documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This makes it hard for myself and others to provide an informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply.

For example, LPP-6.1 specifically relates to the East Bunbury Heritage area only. This has no relevance the Tree Streets which are not mentioned in any way, shape, or form.

LPP-6.2 was not originally made available to residents and, in clause 5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area it states:

"... within designated heritage areas requires the development approval of the local government, including but not limited to, the following:

(i) partial or complete demolition of premises;

(ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);

(iii) development of an outbuilding or swimming pool; and

(iv) internal and external works to a building".

Yet, in part b) it says:

"Development approval is not required for internal works of a building located within a designated heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places".

These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing. Also of concern is that this LPP has been in force since August

2018 but this type of mistake and poor wording has not been identified till now or addressed in the LPP's formulation or subsequently.

In all the LPPs the wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted uncertain and ambiguous. This makes it difficult for us as residents to make an informed submission with vague and ambiguous documents, and conflicting advice from the city, as to how the policies will be implemented and interpreted on an ongoing basis. The way they are written means that they are open to interpretation in different ways by different people, and there is no consistency or transparency as to how this will be done.

5. Development Approval for Minor Works

The draft LPP 4.3 requires homeowners to seek approval for even minor external works.

In LPP-6.2 5.1 Works Requiring Development Approval it states

5.1 Works Requiring Development Approval

Subject to the Scheme, all development affecting a heritage place requires the development approval of the local government, including minor works such as the –

- a) *replacement of roofing, gutters and downpipes;*
- b) *installation of solar panels / collectors, aerials / antennae, satellite dishes, pipes and other external*
- c) *construction of fencing, swimming pools, outbuildings and other ancillary structures or incidental developments".*

Also, in Draft LPP-4.3 9.1 Demolition and Relocation, Design Guidance D.1 & D.2 it states:

"D.1 The primary Contributory built for is located under the main roof form and include feature components as below.

D.2 Traditional landscaping front fences, street facades at both ground and upper levels, roof form and original chimney, verandas and awnings, window and door openings and associated frames, sills and fittings, wall vents, and external finishes and decorative elements where they have not been substantially altered through later additions are to be retained for contributory built form".

These seriously impede homeowners from developing in a sustainable home that is environmentally friendly.

These requirements add an unnecessary layer of bureaucracy and can deter homeowners from undertaking essential maintenance and upgrades, and to the cost burden, and provide no benefits.

6. Financial Burden on Homeowners

The financial implications of designating the Tree Streets as a heritage area are significant. Homeowners will face increased costs in various areas, including upkeep, like-for-like materials being required, specialist skills, increase costs in liaising with the City to get approvals through, insurance and maintenance etcetera

The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit.

Also, the City has not carried out any formal impact assessment on what the financial burden for homeowners will be. The additional costs that the homeowner will have to meet on an ongoing basis, now and in the future, include higher insurance costs, higher costs sourcing scarce materials and skills (especially with 'like-for-like' requiring materials need to be replaced with the same material – and which often do not meet current standards in engineering, climate change. Also, no compensation is on offer from the City to address such issues, these creates a double whammy for the homeowner.

This burden falls heavily on pensioners and retirees who do not have the funds to accommodate the extra costs, and also on families who are struggling to pay increasing bills and mortgages at a time of declining real income. This can drive people away from the area or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to afford to maintain. This will erode the character of the home, and of the area.

7. Impact on Property Prices

The City has stated that the issue of pricing and property values was outside the City's skill set, and that they were not qualified to give advice on this. So, why have they been providing opinion of this type as fact when they have no expertise or authority to do so?

Heritage restrictions can negatively impact property values.

What is not up for argument is the percentage of potential buyers that will walk away. Regardless of that percentage, and it doesn't matter how many heritage-industry sponsored or local government sponsored consultants studies that may be quoted, there is a financial penalty to the home owner for a property to become either heritage listed, or, become ensnared by the restrictive requirements of a newly enacted Heritage Precinct planning policy.

Independent research by experts in property and prices, realestate.com.au, has shown that having a designated heritage area will reduce the pool of buyers. Many people perceive heritage property negatively as evidenced in the research below:


"Though many perceive period features as an asset for a property on the market, recent research suggests Australian buyers aren't as wowed by ornate features as we may have thought, especially if there's a heritage factor that complicates changing the property. Only 12% said a heritage property would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage".

Source: <https://www.realestate.com.au/>, "Are heritage homes harder to sell, 22 October 2014.

It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:

- Heritage listed by itself.
- In a Heritage Precinct
- Subject to potential future heritage listing if its condition is enhanced/upgraded
- Subject to future inclusion in a Heritage Precinct.

This represents a significant reduction in the pool of potential buyers for residents who may want to sell in the future. Fewer people will want to buy a property where there is a significantly reduced opportunity for them to develop and add value to the property. Lower demand will make it harder to sell or to realise the real value of the property.



The potential decrease in property values, combined with the increased costs associated with heritage restrictions, can deter potential buyers and negatively impact current homeowners. Also, it is an infringement of our property rights, and those of other Tree Street residents, and imposes a whole set of new rules and regulations on us and others who are just trying to get by and enjoy our assets.

Summary

In light of the above points, I strongly object to this proposal and that it should be removed from all draft Council agenda, all decision-making forums, and not be revisited in the future.

I AM OBJECTING to the Tree Streets Heritage Area proposal currently under public consultation.

My objections include, but are not limited to:

Lack of Proper Consultation

From the outset of the proposal in 2021, there has been a glaring oversight in the *proper* consultation and engagement with the residents of the Tree Streets. This oversight is further magnified by the City's failure to adhere to the precedent set by Council Decision (377/04). This decision not only halted a previous attempt to designate the Tree Streets as a heritage area but also mandated the establishment of a community-driven committee. Such a committee was intended to assess the feasibility of creating a heritage precinct in the Tree Street area. By neglecting this directive, the residents were denied a crucial opportunity to be actively involved and consulted during the proposal's foundational stages.

Furthermore, the City's approach has been marked by a lack of transparency. There have been no clear and substantiated reasons presented to explain the rationale behind this proposal or to identify the specific issues it aims to address. This ambiguity is compounded by the City's inefficiency in disseminating vital materials. Not only were these materials not provided promptly, but their distribution was also ineffective, leaving residents in the dark.

Lastly, the timeframe allocated for homeowners to review and comprehend the intricate documents related to the proposal was woefully inadequate. This tight schedule hindered residents from thoroughly analyzing the documents, and more critically, from seeking professional advice and expertise on this matter and other related concerns. Such constraints have further strained the trust between the City and its residents, emphasizing the need for a more inclusive and transparent approach in future endeavors.

Assessment Survey

The recent actions surrounding the property assessments in accordance with the Heritage Council of WA's best practices have raised several concerns among homeowners and residents. Firstly, there was a glaring omission in providing draft assessments of properties to homeowners. This lack of communication was further exacerbated by the fact that no residents were informed of these assessments taking place. This stands in stark contrast to the precedent set during the 2003/04 Tree Streets Heritage Area proposal, where residents received letters notifying them of such activities.

The review brief's guidelines were notably restrictive, explicitly excluding consultations with occupants or community groups. This limitation meant that the architects from Perth, who were responsible for the assessments, were devoid of any local knowledge. They lacked insights into the historical and architectural evolution of the homes, including any modifications or changes made over the years. Their understanding was solely based on a single photograph of each home, which, in several instances, did not even correspond to the time of the survey. Such an approach is fundamentally flawed, as it fails to capture the essence and history of each property.

Moreover, the historical review was disappointingly superficial. It did not provide individual historical data for each place within the study area. The reliance on aerial imagery, which only dates back to 1959, as the primary source for the contributory review, severely undermines the accuracy and depth of the assessments. A mere half-page assessment, based on a single street-view photograph, is hardly sufficient to gauge the true heritage value of these homes.

Many residents, understandably, have raised doubts about the assessments of their properties. The lack of clarity regarding the methodology and process of the assessment survey only adds to their

apprehensions. Furthermore, there is a conspicuous absence of a defined process detailing the steps and procedures for re-assessing a property. This entire approach not only questions the credibility of the assessments but also underscores the need for a more transparent, inclusive, and comprehensive methodology in the future.

Heritage Area Not Appropriate

The designation of a heritage area is not merely a tool to protect places that don't meet the criteria for the heritage list, as outlined by the Heritage Council of WA. This is particularly true for the Tree Streets area. The City's assertions about concerns over demolitions in the Tree Streets area and the supposed "incremental erosion of the area's character" lack concrete evidence to support them. When asked, the City was unable to substantiate this with documented proof. A closer look at the data reveals that over the past 28 years, only 16 dwellings have been demolished. Breaking this down further, there were no demolitions for 17 years, seven years witnessed a single demolition, two years saw two demolitions, and only one year experienced three demolitions. Given that the area comprises 302 homes, at the current rate, it would take over half a millennium to demolish them all.

It's essential to note that the homes which were demolished had reached the end of their lifespan. Furthermore, these demolitions were carried out with the City's approval. The new homes constructed in place of the demolished ones have been thoughtfully designed, keeping in line with the area's character. This commitment to preserving the area's essence is further acknowledged by the City itself. As stated in the OCM Minutes from July 2023, "It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area."

This recognition by the City underscores a crucial distinction: the Tree Streets area is more about its unique character than its heritage. The Heritage Council of WA aptly captures this sentiment, suggesting that labeling a precinct as an 'urban' or 'residential character' area, rather than a heritage area, implies that its character can be maintained and enhanced through designs that resonate with the area's distinct features. Such a designation focuses on guiding new developments rather than mandating the preservation of the existing fabric.

Inadequate Documentation

The documents provided by the City have raised significant concerns among residents due to their lack of clarity and precision. These documents are riddled with vagueness and ambiguity, often presenting conflicting information. Such broad interpretations render them virtually meaningless, making it challenging for residents to discern their true intent and implications. Furthermore, the structure and content of these documents appear to be crafted as a "catchall." They frequently allude to various items, actions, or steps without providing any substantive details or references within the documents themselves.

Compounding the issue is the inconsistent advice and interpretations offered by the City regarding these documents. Such discrepancies between the written content and the City's explanations undermine the reliability of the information provided. Residents cannot place their trust in such guidance, both in the present context and for future reference.

This combination of poorly drafted documentation and conflicting advice has created a convoluted and perplexing situation for residents. Those attempting to make submissions based on these documents are left navigating a maze of uncertainty, further straining the relationship between the community and the City.

Strong Opposition from Residents

On 27 July, the OCM witnessed a significant turnout with over 100 individuals attending to pose questions to the Council regarding the pressing matter at hand. This heightened interest was further evident on 8 August 2023, when a public information session drew a crowd of over 175 attendees. Spanning more than two hours, the session became a platform for unanimous dissent. Every individual who voiced their opinion during this gathering expressed opposition to the proposal, with not a single voice in its favor. Beyond these formal gatherings, the City and its elected members have been inundated with feedback from concerned residents. Numerous residents have reached out, leveraging various communication channels such as phone calls, emails, and direct face-to-face meetings, to share their apprehensions and standpoints on the issue.

Engagement & Communication with the City

The City's approach to community engagement regarding the proposal has been marked by significant lapses and shortcomings. It wasn't until nearly two years after the initiation of the process that the City made its first attempt to engage with the community. This engagement, which took place on 11 July 2023, was not a proactive measure but a legal obligation, requiring the City to inform the affected residents in the Tree Streets area about the commencement of the public consultation period.


Instead of fostering an open dialogue, the City's strategy was limited to one-on-one meetings with residents. Such an approach, often perceived as a "divide and conquer" tactic, hindered residents from collectively discussing and addressing shared concerns. Notably absent from the City's engagement plan were community meetings. The sole public information session that did occur was a result of persistent demands from the residents. However, this session fell short of expectations, lacking a structured format that would encourage constructive two-way communication.

The City's engagement can best be described as passive, adopting a "come to me" stance rather than actively reaching out to residents. The sole exception was the legally mandated notice letter sent out on 11 July 2023. Alarming, this letter was the first direct communication to residents about a proposal that had been in the works since 2021 and had been a topic of discussion in various Council and Committee meetings. The content of the letter was equally concerning, offering scant details about the proposal's intent, origins, and implications. It also insinuated that a lack of response equated to support for the proposal, a presumption that undermines procedural fairness and displays a bias in favor of the City.

Despite residents' repeated calls for a public meeting to delve deeper into the proposal, the City consistently turned a deaf ear. When a public information session was finally organized due to mounting pressure, it was far from satisfactory. With no proper facilitation, recording, or minute-taking, the session saw about 175 attendees, none of whom voiced support for the proposal. Furthermore, questions posed during council meetings were inadequately addressed, with no provision for follow-ups or clarifications. This approach stifled meaningful dialogue and left residents feeling unheard and frustrated.

Community Well-Being and Social Fabric

The recent proposal has had a profound impact on the residents, manifesting in various forms of distress, including financial, emotional, social, physical, and mental strain. Since the initiation of public consultation, there has been a noticeable shift in the Tree Streets community, with 4-5 properties being listed for sale. This trend underscores the deep-seated anxieties families are grappling with. Many are apprehensive about their financial future, fearing that they might be



unable to bear the costs associated with staying in their homes. This concern is especially poignant for families with children, as they worry about potential disruptions to their children's social relationships. Additionally, the looming prospect of increased expenses due to heritage rules means that some families might be trapped in aging homes, burdened by escalating costs.

The implications of the proposal extend beyond the immediate residents. There's a growing unease that the value of these properties, often viewed as a legacy to be passed on to the next generation, might be compromised. Parents are troubled by the thought that their children might inherit properties that are more of a liability, often referred to as a 'white elephant', rather than a valuable asset. This sentiment is particularly resonant among retirees and pensioners, who, with limited financial resources, are daunted by the potential additional costs of adhering to heritage requirements while maintaining their homes. The cumulative effect of these concerns paints a picture of a community in turmoil, grappling with the uncertainties and challenges posed by the proposal.

Cost Burden to the Homeowner

The introduction of the new regulations has brought about a slew of financial implications for homeowners. One of the most pressing concerns is the escalation in costs associated with maintaining or developing homes to meet the new compliance standards. These increased expenditures fall squarely on the shoulders of homeowners, who, ironically, do not reap any of the benefits that might arise from these regulations. Compounding this issue is the absence of any compensation or funding mechanisms to alleviate the financial strain homeowners now face.

Furthermore, these regulations have inadvertently affected the market dynamics for properties in the area. The diminished flexibility to develop or modify homes directly impacts their potential market value, making them less attractive to potential buyers. The heritage restrictions further narrow down the pool of interested buyers, making the selling process more challenging. This limited buyer interest, combined with the constraints on property development, inevitably leads to a reduction in the achievable selling price.

In essence, homeowners are confronted with a dual financial blow. Not only do they face immediate and increased costs, but they also grapple with potential long-term financial repercussions. These monetary burdens, both immediate and ongoing, underscore the profound challenges homeowners are set to face in the wake of these new regulations.

For all these reasons, **I STRONGLY OBJECT TO THE PROPOSAL.**

The proposal and all documents should be withdrawn, and it should be removed from the council draft agenda, from any discussion forums, and from any decision-making meetings, and it should not be revisited.

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3

Reference COB/5870



Public submissions must be received by the City of Bunbury by the close of business on **Monday 4 September 2023**.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer

Mail: City of Bunbury, PO Box 21, BUNBURY WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: Kristy Richardson on behalf of Tecon Aust

Email: adminwa@teconaust.com.au

(All future notifications for this proposal will be sent to this provided email)

Address: PO Box 1861 BUNBURY WA 6231

Phone: 6109 0468

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

Tecon Australia
on behalf of SNS Custodian Nominees Pty Ltd (owner of property)

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known)

Lot 1 (No.88) Beach Road, Bunbury

Submission (Please provide in full, your comments and arguments to support your submission. Attach additional pages if required.)

Support / no objection

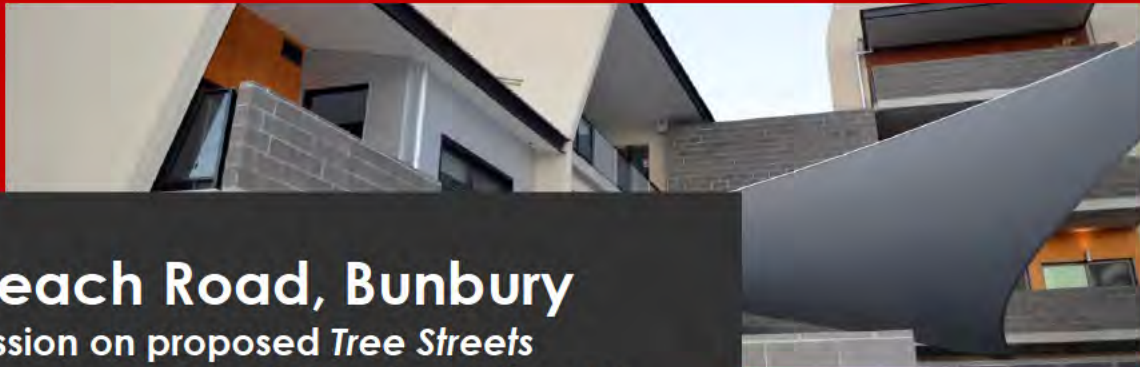
No comment

Objection

Refer attached report.

Signature:

Date: 1/09/2023



88 Beach Road, Bunbury
Submission on proposed *Tree Streets*
Heritage Area & Local Planning Policy 4.3
4th September 2023

Tecon Australia

E: adminwa@teconaust.com.au
www.teconaust.com.au

Tel: (08) 6109 0468
4/29 Carey Street, Bunbury WA

tecon
AUSTRALIA

Introduction

The following submission to the proposed "Tree Streets Heritage Area & Local Planning Policy 4.3" is made on behalf of the owners of 88 Beach Road, Bunbury.

Property Details

The following details are provided regarding the subject site and land ownership.

Address	Lot No	CT (Volume/Folio)	Area	Owner
88 Beach Road, Bunbury	1	1121/6	905m2	SNS Custodian Nominees Pty Ltd



Figure 1 Subject Site

Background

In relation to development of 88 Beach Road currently, subject to SAT determination, our client notes that a formal presentation was made to the Council Meeting of the 27th June 2023, where it was determined to publicly advertise the LPP. The presentation noted that our clients lawyers had advised that a determination by Council to progress with advertising would be prejudicial to any formal consideration of the matter of development on the subject lot by SAT. The response that was received was that the Council had received legal advice that advertising of the matter would not prejudice consideration of the matter before SAT and as such Council determined to progress to advertising of the draft policy.

Our client points out again, that it remains our lawyers opinion that the advertising of the Policy and consideration of adopting the policy will prejudice the any formal determination by SAT.

Heritage Assessment

Hocking Heritage and Architecture were engaged by the owners of Lot 88 Beach Road to undertake a heritage assessment and prepare a heritage statement for the property as part of a Development Application lodged for the site in 2022.

The Heritage Statement concluded that the existing dwelling is a simple but altered weatherboard cottage which was in variable condition and was not heritage listed nor was it located within a designated heritage area.

The report noted that the existing building was not considered an exemplar of its style nor a landmark in the streetscape. It was not considered to be a technical or creative achievement of the period and did not have known associations with people of importance in the area. The interior of the property demonstrated little heritage value due to the high level of change and loss of original fabric. There are a number of weatherboard houses in the streetscape context which present a higher level of authenticity and design quality than the subject property.

The report noted that overall, the property was considered a 'Category 3 place' and as such places would not be included on any Heritage List that is adopted under a Local Planning Scheme and should not warrant any statutory protection.

It is noted that while this position was accepted at officer level with a recommendation to approve the development application Council subsequently determined to refuse the application.

An application for demolition was lodged with the City in January and subsequently approved and demolition of the structure was completed in March 2023.

The existing built form that was demolished and the fact that the site is now currently vacant means that there is even less value or need for this property to be included in consideration of any Heritage Precinct and while it is noted that the intent of the LPP implies that surrounding properties need to be considered, as is noted in the WAPC "*Guidelines for Heritage Areas*" heritage areas should not be created simply because a collective of diverse individual places are located close together. It is also noted that as contained within the guidelines it is not appropriate to constrain development in an area zoned mixed use.

Process for Forming of the Proposed Tree Streets Heritage Area

The State Heritage Council along with the Western Australian Planning Commission have prepared Two-Part Guidelines relating to the preparation of Heritage Areas and Local Planning Policy for Local Heritage. Both documents are dated March 2023 and have been prepared to assist local governments in drafting a local planning policy to guide decision-making for development proposals for local heritage places and areas.

In relation to Part One - Guidelines for Heritage Areas (March 2023) the following is observed:

Section 1.3 of the above stated Guidelines details where a heritage area is not appropriate and states *that while the presence of intrusive or non-contributory development does not prevent the declaration of a heritage area, the heritage elements should predominate.*

There is no fixed proportion or target ratio that signals a heritage area, but it must be considered reasonable and appropriate for development controls supporting heritage outcomes to be applied across the area, and not for heritage to be given priority over other planning outcomes.

The guidelines are aimed to help identify what constitutes a heritage area and how it fits within a local planning framework Part 2.3 of the Guidelines refers to where a heritage area is not appropriate, and the following is stated:

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list.

In this regard it is noted that the street contribution for Beach Road only has a 55% high contribution. This demonstrates that the heritage elements do not overwhelmingly dominate along Beach Road. This is further weighted by the fact that only one side of Beach Road has been considered for inclusion. There has also not been any consideration separating the “residential” zoned component of Beach Road from the “Mixed Use” zoned component of Beach Road.

STREET CONTRIBUTION

PLACE NO.	STREET NAME	CONTRIBUTION (%)		
		HIGH	MODERATE	LITTLE/ NO
BUNBURY				
001	BANKSIA STREET	50	10	40
002	BEACH ROAD	55	15	30

Section 1.3 further states *that it would be inappropriate to declare a heritage area where it is inconsistent with the planning provisions or established intent for the local area and may be unrealistic in an area zoned for mixed use.*

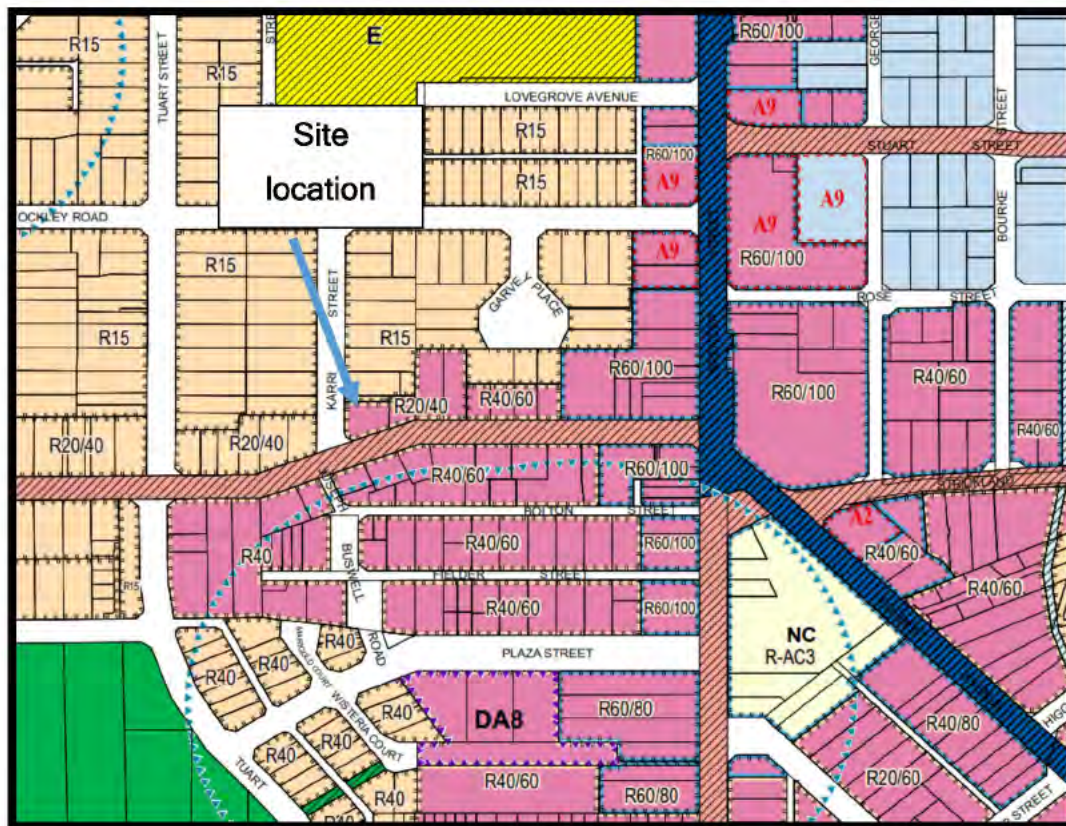
As detailed below in this submission, there are clear inconsistencies that exist between the proposed Heritage Area Policy and the existing provisions which relate to the “mixed use- residential” zoning.

It is considered that as 88 Beach Road is zoned “mixed use – residential”, much like the southern side of Beach Road, it should be excluded from the Heritage Area as the proposed policy does not adequately address how non-residential development can be appropriately assessed against the policy.

Town Planning Background

City of Bunbury Local Planning Scheme No.8

The subject site is zoned 'Mixed Use Residential' under the City of Bunbury Local Planning Scheme No.8.



LOCAL SCHEME ZONES

RC Regional Centre	Mixed Use Commercial
DC District Centre	Private Community Purposes
NC Neighbourhood Centre	Residential
LC Local Centre	Rural
General Industry	Service Commercial
Industrial Development	Tourism
Light Industry	Urban Development
Mixed Use Residential	

Figure 2: Excerpt from City of Bunbury Local Planning Scheme No.8

The 'Mixed Use Residential' and 'Mixed Use Commercial' zone extends along Beach Road between Karri Street and Spencer Street and incorporates some 12 lots of varying size and use, including but not limited to residential, office and shop uses. The uses have been established in the context of the relevant planning framework.

Currently, any use proposed for 88 Beach Road would need to be in accordance with the requirements of the Local Planning Scheme and any relevant Local Planning Policy.

Additional Zone Development requirements for the 'Mixed Use – Residential' zone are detailed in schedule 5, Table 8 of the scheme as follows:

Mixed Use Residential Zone	Residential Development (including residential component within mixed use development): All setbacks are to be in accordance with R-Codes.		Floor Space Restrictions: Maximum net lettable area (nla) per lot (including a strata or survey strata lot): <ul style="list-style-type: none"> • Office - 200m²; and • Shop - 300m².
	Non-Residential Development:		Drive through facilities are not permitted.
	(a) Minimum 2m. (b) Upper floor balconies must be located entirely behind the 2m front setback line.	(a) Minimum nil (0m) adjoining a Mixed Use - Residential Zone. (b) Buildings may be built from side boundary to side boundary for ground floor and first floor, except where required to provide access and parking. (c) In accordance with relevant local planning policy when adjoining residential development.	

City of Bunbury Local Planning Policy No.3 – Zone Development Requirements Vs draft LPP 4.3

The proposed LPP 4.3 (Tree St Heritage Area) has been assessed against the relevant elements of the existing Local Planning Policy No.3 as per the following table to compare how development could be restricted/constrained.

LPP No.3	Proposed LPP No.4.3
<p>Setbacks</p> <p>Non-residential Development Non-residential development is to be set back a minimum of 2m from the property boundary, including primary and secondary streets. Upper floor balconies must be located entirely behind the 2m front setback line of the building.</p>	<p>9.6 Building Setback and Orientation</p> <p><i>E3 New Buildings are orientated to address the street and ensure the retention of the traditional street pattern.</i></p> <p><i>E4 New buildings are constructed with setbacks from side boundaries generally consistent with the traditional street pattern.</i></p> <p><i>A2 Where an existing building on a lot is not to be retained, new buildings with a frontage to a primary street shall have a setback generally consistent with the surrounding development in the immediate locality.</i></p>

	<p><i>(Note: Surrounding development in the immediate locality defined by 5 premises on either side of the proposed development on both sides of the street that the building is orientated towards.</i></p> <p>In the case of Karri Street this could result in a 6-7m setback which is highly restrictive in terms of achieving commercially viable non-residential land use options.</p>
<p><i>Adjoining Residential Zone and Other Sensitive Land Uses Where a non-residential development site adjoins a Residential Zone or other sensitive land use, development is to be in accordance the relevant local planning policy.</i></p>	<p><i>Non residential development not specifically mentioned in the LPP other than 8.3 which talks about Adaptation (change of use).</i></p>
<p><i>Building Design and Appearance</i></p> <p>(a) Mixed use and non-residential development and/or land uses must be designed to address the street and complement or enhance the intended (as per zone objectives) local streetscape character and amenity.</p> <p>(b) Building façades and walls that front a street (primary and/or secondary) are to be detailed and articulated with design indentations/reliefs, variation in materials, architectural features, colour schemes and active frontages, that include door and window openings, to reduce the visual impact of large blank wall spaces and provide for visual interest.</p>	<p><i>9.7 Building Form, Scale and Bulk</i></p> <p><i>E.1 New buildings and alterations/additions are of a compatible form, bulk and scale to traditional development in the street.</i></p> <p><i>A1. Buildings in the mixed use zone shall be in scale and bulk with the contributory precedence in the locality.</i></p> <p><i>D1. There are some differences across the Heritage Area with residential and mixed use zoning – hence the scale, form and bulk of new development should take</i></p>

<p>(c) Building orientation and frontages to a street and/or public open space must be designed for public safety and must incorporate major openings that permit passive surveillance over public and semi-public spaces, including car parking areas.</p> <p>(d) Buildings should be designed to minimise overshadowing of adjoining premises and/or public open space in order to ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties. Protection of solar access for neighbouring properties should avoid significant overshadow of:</p> <ul style="list-style-type: none"> (i) outdoor living areas; (ii) north facing major openings to habitable rooms; (iii) north and west facing roof areas; 	<p><i>account of the dominant pattern of the street in which it is located.</i></p> <p><i>D2. New buildings in the Tree Streets Heritage Area should be constructed in a manner that takes account of the heritage values and character of the Heritage Area as a whole. New dwellings shall respect and follow predominant street pattern in terms of height, roof pitch, orientation and articulation. This means when viewed from the primary street, dwellings should look similar to existing dwellings in terms of their general size and shape.</i></p> <p>In the case of “new builds” such as would be the case for 88 Beach Rd, this is highly controlling and not allowing for the highest and best use of the land.</p>
<p><i>Vehicle Access and Parking</i></p> <p>(a) In accordance with the Scheme and the relevant local planning policy.</p> <p>(b) Vehicle parking, servicing, loading and unloading areas and accessways are to be located where they will not dominate the streetscape and not detract from convenient and safe pedestrian and vehicular movement.</p> <p>(c) Vehicle parking bays/areas are to be located to the side and/or rear of the premises (behind the primary building setback line) or underground (basement), except for instances involving only the change of use of an</p>	<p><i>9.11 Access, Parking and Right of Way Design Guidance D2</i></p> <p><i>One crossover per property primary street frontage and retain existing width or limit to a max of 3m for single houses and 6m dual carriageway.</i></p> <p>Access and parking on a corner lot is note properly detailed.</p>

<p>existing building where opportunities for car parking to the side and/or rear are impractical. Subject to the local government exercising its discretion by granting development approval, car parking is not permitted within the front setback area(s) of new development.</p> <p>(d) Vehicle parking bays/areas adjoining residential premises are to be visually and acoustically screened from any adjoining dwelling.</p> <p>(e) For a mixed-use development, the number of car parking bays required for the overall development may be reduced by a maximum of up to 30% provided that:</p> <p style="padding-left: 40px;">(i) peak hours of operation of the different uses on the land are different or do not substantially overlap; and</p> <p style="padding-left: 40px;">(ii) the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.</p> <p>(f) Service vehicle loading/unloading bays/areas provided on-site are to be separated from pedestrian access areas and readily accessible from all non-residential uses on the lot/development site.</p> <p>(g) Entrance points to parking and unloading/loading areas are to have clear and unobstructed visibility of pedestrian pathways, with pedestrian crossing points clearly identified which give priority to pedestrians.</p>	<p>Current crossover location is Karri Street however recent development proposals has suggested that Beach Road would better serve as the primary frontage and access point.</p>
<p><i>Building Height</i></p> <p>Development is not to exceed the maximum building height above natural ground level in accordance with the table included at 4.4-1 which indicates a maximum building height of 9m at R40 density.</p>	<p><i>Section 5.3 varies the R Codes (Vol 1 and 2).</i></p> <p><i>9.5 (A.2 and A.3)</i></p> <p><i>A.2 Building Height is consistent with contributory height precedence of single storey, otherwise R Code.</i></p> <p><i>A.3 New Buildings that are single storey have a plate height of not less than 2.7m.</i></p>

<p><i>Building Frontage Height</i></p> <p>Minimum building frontage height of 7.5m (2 storeys) for a minimum depth of 10m from the front street setback for mixed use and non-residential development.</p>	<p><i>9.5 New Buildings</i></p> <p><i>E.2 In the mixed-use area, new buildings take influence from the contributory places nearby with regard to setbacks, orientation, built form and building materials.</i></p> <p><i>A.2 Building Height is consistent with contributory height precedence of single storey, otherwise R Code.</i></p> <p><i>A.3 New Buildings that are single storey have a plate height of not less than 2.7m.</i></p> <p>Significantly different and restrictive on new buildings. Makes the commercial viability of some project untenable.</p>
<p><i>Finished Floor to Floor Heights</i></p> <p>Minimum finished floor to floor height of all development is to be:</p> <p>(a) 4m for residential and non-residential ground floor; and</p> <p>(b) 3.5m for non-residential upper floors;</p>	<p><i>As above</i></p>

It is clear from the above there are direct inconsistencies with the established planning framework in this local area and that adequate consideration of mixed-use development (or non-residential development) has not been given in developing the policy.

The "Mixed Use- Residential" zone was adopted under TPS 8 which was published in the Government Gazette 9 March 2018. The zoning was established after extensive consultation within the community. Our client purchased the property based on their due diligence investigations including consultation with the Local Authority. Not at any time did the issue of a proposed heritage precinct enter any discussions.

Our client also notes the eclectic nature of the existing development that faces beach road that has little individual or combined heritage value and maintains that the extent of the proposed heritage area should be reviewed to delete reference to the Mixed Use properties facing Beach road.

General Comments pertaining to elements of the proposed LPP

Loss of Subdivision Potential

Another significant reason for the non-support of this policy as it relates to 88 Beach Road is relating to the loss of subdivision potential of the site.

Under the current zoning, the 905m² corner site has the potential to be considered for subdivision up to the higher density coding of R40.

When considered against Section 9.2 of the proposed LPP, it is clear that subdivision at an R40 density would not be able to be achieved.

Notwithstanding that the LPP does not address either the subdivision of dual coded lots or the subdivision of corner properties, it is concluded that by virtue of restricting the crossovers to the number that is existing for the original lot that the full potential of green title subdivision of this corner property cannot be realized.

Works requiring Planning Approval

The policy refers in Part 8.2 to both external and internal works requiring Planning Approval.

Reference is made to minor works such as but not limited to replacement of roofing, gutters and down Pipes, fencing swimming pools and other ancillary structures also require planning approval, the following is stated:

Note: Development for which development approval not required is referenced in Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 7, clause 61. All places considered a heritage-protected place require approval, unless it is for maintenance and repairs with like-for-like materials and finishes.

With the above definitions and provisions it will be difficult to enforce and costly for land owners to interpret what is considered like for like. A landowner who interprets that they are repairing their building could if it is interpreted by the Local Government as not being like for like be prosecuted with significant penalties under the Town Planning and Development Act.

Adaption

Part 8.3 refers to adaption of heritage Buildings. The policy recognizes that building will need to be adapted for changing needs the policy states as follows:

- a) *any required modifications do not substantially detract from the heritage significance of the place;*

- b) the proposed works are consistent with the provisions of this Local Planning Policy;*
- c) the proposed use(s) will not impact negatively on the amenity of the surrounding area; and*
- d) the use is consistent with the Scheme and other relevant local planning policies*

These provisions are subjective and are not clearly able to be interpreted by an owner without making formal application to the Council. If it is proposed to adapt a building it is likely that the owner would be required to demonstrate or justify the adaption. This would likely involve a Heritage Architect having to be engaged at a considerable cost to the owner. If the Local Government staff are not satisfied with the justification of an adaption it would be refused.

The policy implies flexibility for landowners to adapt and repair their buildings but this is subject to interpretation and possible considerable costs to a land owner.

Subdivision of Land (General)

While the policy does not prohibit subdivision it does introduce significant considerations / restrictions to subdivision of land.

It is also noted that the investment opportunity and potential value of landholdings that would have the potential for subdivision under the existing planning framework, that many individual landowners will have purchased their property on will be potentially removed in many cases.

Conservation of Contributory Places Burra Charta

The policy references the ICOMOS Burra Charter as establishing the principles and procedures to be followed.

While it is acknowledged that there have been statements as to what constitutes like for like works in the context of this policy, the interpretation is open to change and the fact is that the policy clearly articulates that consideration of the Burra Charter principals which establish principles and procedures for undertaking works such as repairs and maintenance are to be followed. This reinforces the uncertainty and potential additional costs faced by landowners in repairing and maintaining their buildings. It also reinforces the significant hurdles and cost implications to undertaking renovations to existing buildings as well.

For the purpose of clearly defining new work under the Burra Charter reference is made to Burra Charter Article 22 new Work which states:

New work means additions or changes to a place and is commonly undertaken as part of adaptation (Articles 1.9, 21 of the Burra Charter) where a place is modified to suit an existing use or a proposed new

use. New work may include additional buildings or structures at a place, as well as alterations to an existing building, to introduce new services, or to comply with legal or code requirements.

Terminology:

Repair - Repair involves restoration or reconstruction. (Article 1.5)

Reconstruction - Reconstruction means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material. (Article 1.8)

Adaptation - Adaptation means changing a place to suit the existing use or a proposed use. (Article 1.9)

It is clear from the above that repairs clearly fall into a defined term that would require consideration under the policy.

Heritage Impact Statement

Part 11.1 specifies that works that are likely to have a moderate or major impact on the cultural heritage significance of a local heritage place or area, that the application for development must be accompanied by a heritage impact statement consistent with the Heritage Council of Western Australia.

Part 11.1 clearly articulates alterations or additions as falling into this requirement, considering this statement and the principals of the Burra Charter noting that new work means repairs, reconstruction and adaption. It seems clear that a land owner are likely to have to engage a suitably qualified Heritage Architect to undertake a HIS for very minor changes including repairs and maintenance and even if a HIS may ultimately not be required it would at the very least be a requirement that the landowner would have to justify their position before undertaking any works.

It is also noted that it is not clear as to the reference in part 11.1 as to when a HIS is required in relation to works done on a property and the impacts to the area. The concern in this statement is to the extent of any assessment ie an assessment of the building may be required if new works including repairs and maintenance are proposed but also assessment of the area the policy states:

If in the opinion of the local government, a proposal is for works that are likely to have a moderate or major impact on the cultural heritage significance of a local heritage place or area...

Conclusion

For the varying reasons outlined above, our client does not support the proposed Local Planning Policy 4.3 or elements of the Tree Street Area Assessment that informed the proposed Policy.

In specific relation to 88 Beach Road, removal of the Mixed Business -Residential zoned land along Beach Road from the Policy Area is requested if the LPP were to progress to formal adoption.

I am compelled to articulate my profound reservations regarding the motion to classify the Tree Streets as a heritage precinct. My apprehensions are rooted in the following comprehensive considerations:

1. Lack of Proper Consultation

- **Historical Precedence:** The genesis of this proposal can be traced back to mid-2021. Alarmingly, the City did not actively involve the residents during its foundational phase. This glaring omission deprived the community of the opportunity to offer invaluable insights and suggest alternative strategies. In 2003, a similar proposal saw the City actively engaging residents. When that proposal was not approved, a Council Decision (377/03) was established, which set up a community reference group to “*determine the feasibility of creating a heritage area in the Tree Street area*”. This precedent was not followed in the current proposal.
- **Heritage Council of WA's Guidelines:** An assessment survey of the Tree Streets was conducted in 2022 without the knowledge or consultation of the residents. The Heritage Council of WA's "Guidelines for the Assessment of Local Heritage Places" explicitly states, when carrying out an assessment:

“...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place”.

No draft assessment was given to property owners was made at that time, and consultation with the residents was excluded in the brief. This has meant that the architects from Perth missed essential insights regarding modifications to homes, often leaving little of the original structure.

Also, the historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review. How can poor quality aerial pictures of an area provide detailed insight as to the structure, format, materials, and look of the home from a streetscape perspective? It can't.

So, there is no evidence available prior to then to determine what the homes looked like, their original form, and how they have changed since being built. This also makes it hard for the City to determine and justify how residents may have to repair, maintain or develop homes at any point in the future.

As such the assessments of homes has been seriously flawed, lacking the insights and the necessary detail required for this purpose. This calls into question the report's validity, and the validity of the proposal and policy documents which have relied on the report.

2. Ambiguous Local Planning Policies & Design Guidelines

These documents are general, vague, ambiguous and conflicting making them hard for to resident to understand. These documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This makes it hard for myself and others to provide an

informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply.

For example, LPP-6.1 specifically relates to the East Bunbury Heritage area only. This has no relevance to the Tree Streets which are not mentioned in any way, shape, or form.

LPP-6.2 was not originally made available to residents and, in clause 5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area it states:

"... within designated heritage areas requires the development approval of the local government, including but not limited to, the following:

(i) partial or complete demolition of premises;

(ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);

(iii) development of an outbuilding or swimming pool; and

(iv) internal and external works to a building".

Yet, in part b) it says:

"Development approval is not required for internal works of a building located within a designated heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places".

These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing. Also of concern is that this LPP has been in force since August 2018 but this type of mistake and poor wording has not been identified till now (by a resident) or addressed in the LPP's formulation or subsequently.

In all the LPPs the wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted uncertain and ambiguous. This makes it difficult for us as residents to make an informed submission with vague and ambiguous documents, and conflicting advice from the city, as to how the policies will be implemented and interpreted on an ongoing basis. The way they are written means that they are open to interpretation in different ways by different people, and there is no consistency or transparency as to how this will be done.

3. Financial Strain on Homeowners

The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit. Also, the City has not carried out any formal impact assessment on what the financial burden for homeowners will be. The additional costs that the homeowner will have to meet on an ongoing basis, now and in the future, include higher insurance costs, increase in approval-related costs, higher costs sourcing scarce materials and skills (especially with 'like-for-like' requiring materials need to be replaced with the same material – and which often do not

meet current standards in engineering, climate change. Also, no compensation is on offer from the City to address such issues, these creates a double whammy for the homeowner.

This burden falls heavily on pensioners and retirees who do not have the funds to accommodate the extra costs, and also on families who are struggling to pay increasing bills and mortgages at a time of declining real income. This can drive people away from the area or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to afford to maintain. This will erode the character of the home, and of the area.

Also, the absence of compensation from the City exacerbates the financial strain, particularly for pensioners, retirees, and families grappling with economic challenges. This could potentially drive residents away or trap them in homes they can't afford to maintain, thereby diminishing the area's character.

4. Demolitions and Development Concerns

The City's apprehensions about demolitions and the gradual dilution of the area's character lack empirical evidence. The City, when asked to provide such documentation were unable to do saying, *"The City does not keep statistics on the number of complaints for each demolition in the City."/*

Over a span of 28 years, only 16 dwellings have been demolished in the proposed heritage area. The new constructions have harmoniously blended with the Tree Street's character, a fact even acknowledged by the City in the OCM Minutes of July 2023, *"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area"*.

As such, the City's assertion that there were *"community concerns over demolition and incremental erosion of the character of the area"* lacks justification. The minimal demolitions and the construction of homes that resonate with the area's essence negate any concerns about the area's character erosion.

5. Character Area vs. Heritage Area Distinction

The Tree Streets has long been recognized as a character area, with only a handful of properties listed as heritage sites. The Heritage Council of WA's "Guidelines for Heritage Areas" from March 2023 states:

"1.3 Where a heritage area is not appropriate.

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list".

Properties in the Tree Streets area that are worthy of being heritage-listed already are included on the local heritage inventory list. The other properties in the Tree Streets area are not, otherwise they would have already been included. As such, this proposal is simply an attempt to protect places that fall below the threshold for the heritage list.

As such, the proposal for the Tree Streets Heritage area should be withdrawn as it is not appropriate and not needed.

6. Development Approval for Minor Works

The draft LPP 4.3 requires homeowners to seek approval for even minor external works.

In LPP-6.2 5.1 Works Requiring Development Approval it states

5.1 Works Requiring Development Approval

Subject to the Scheme, all development affecting a heritage place requires the development approval of the local government, including minor works such as the –

- a) *replacement of roofing, gutters and downpipes;*
- b) *installation of solar panels / collectors, aerials / antennae, satellite dishes, pipes and other external*
- c) *construction of fencing, swimming pools, outbuildings and other ancillary structures or incidental developments”.*

Also, in Draft LPP-4.3 9.1 Demolition and Relocation, Design Guidance D.1 & D.2 it states:

“D.1 The primary Contributory built for is located under the main roof form and include feature components as below.

D.2 Traditional landscaping front fences, street facades at both ground and upper levels, roof form and original chimney, verandas and awnings, window and door openings and associated frames, sills and fittings, wall vents, and external finishes and decorative elements where they have not been substantially altered through later additions are to be retained for contributory built form”.

These seriously impede homeowners from developing in a sustainable home that is environmentally friendly.

These requirements add an unnecessary layer of bureaucracy and can deter homeowners from undertaking essential maintenance and upgrades, and to the cost burden, and provide no benefits.

7. Impact on Property Prices

The City has stated that the issue of pricing and property values was outside the City's skill set, and that they were not qualified to give advice on this. So, why have they been providing opinion of this type as fact when they have no expertise or authority to do so?

Heritage restrictions can negatively impact property values.

What is not up for argument is the percentage of potential buyers that will walk away. Regardless of that percentage, and it doesn't matter how many heritage-industry sponsored or local government sponsored consultants studies that may be quoted, there is a financial penalty to the home owner for a property to become either heritage listed, or, become ensnared by the restrictive requirements of a newly enacted Heritage Precinct planning policy.

Independent research by experts in property and prices, realestate.com.au, has shown that having a designated heritage area will reduce the pool of buyers. Many people perceive heritage property negatively as evidenced in the research below:

“Though many perceive period features as an asset for a property on the market, recent research suggests Australian buyers aren't as wowed by ornate features as we may have thought, especially if there's a heritage factor that complicates changing the property. Only 12% said a heritage property

would be a plus if they were looking to buy, while a whopping 60% said a listing would be a disadvantage”.

Source: <https://www.realestate.com.au/>, “Are heritage homes harder to sell, 22 October 2014.

It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:

- Heritage listed by itself.
- In a Heritage Precinct
- Subject to potential future heritage listing if its condition is enhanced/upgraded
- Subject to future inclusion in a Heritage Precinct.

This represents a significant reduction in the pool of potential buyers for residents who may want to sell in the future. Fewer people will want to buy a property where there is a significantly reduced opportunity for them to develop and add value to the property. Lower demand will make it harder to sell or to realise the real value of the property.

The potential decrease in property values, combined with the increased costs associated with heritage restrictions, can deter potential buyers and negatively impact current homeowners. Also, it is an infringement of our property rights, and those of other Tree Street residents, and imposes a whole set of new rules and regulations on us and others who are just trying to get by and enjoy our assets.

In Conclusion Given the aforementioned reasons, I vehemently oppose the current proposal. It is imperative that this proposal be withdrawn from all draft Council agendas and decision-making platforms, ensuring it doesn't resurface in the future.

Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3
Reference COB/5870

CITY OF
BUNBURY



Public submissions must be received by the City of Bunbury by the close of business on:
Monday 4 September 2023.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer

Mail: City of Bunbury, PO Box 21, BUNBURY, WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: [Redacted]

Email: [Redacted]

(All future notifications on this proposal will be sent to this provided email)

Address: [Redacted]

Phone: [Redacted]

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

As a property owner and resident of the Tree Street area

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known.)

[Redacted]

Submission (Give in full your comments and any arguments supporting your comments. Attach additional pages if required.)

Support / no objection

No comment

Objection

Please attached submission

Signature: [Redacted]

Date: 31/9/2023

Submission Against the Designation of the Tree Streets as a Heritage Area in Bunbury, Western Australia

I am writing to express my strong objections to the proposal to designate the Tree Streets as a heritage area. My concerns are based on the following points:

1. Absence of Proper Consultation

The development of this proposal can be traced back to at least mid-2021. During the formulative stages of this proposal residents were not consulted with or engaged with by the City. This has prevented the residents from providing insights, and the development of alternative options. In 2003, during a previous attempt to make the Tree Streets a heritage area which failed, the residents were engaged with early on. And when the attempt failed, a Council Decision (377/03) was made which set up a community reference group to "determine the feasibility of creating a heritage area in the Tree Street area". **This precedent was not followed by the City.**

An assessment survey of the Tree Streets area was carried out in 2022. This was not made known to the residents, nor were they consulted or engaged with.

The Heritage Council of WA's "Guidelines for the Assessment of Local Heritage Places" clearly states, when carrying out an assessment:

"...As part of the assessment process, consultation should be undertaken with relevant stakeholders. A draft of the assessment should be made available to the property owner and any group or individual that has a direct interest in the place".

The City's failure to engage with residents during the heritage assessment survey and the absence of draft assessments for property owners are clear violations of these guidelines. This oversight has resulted in an assessment that lacks depth and detail. Many residents have questioned the report's accuracy. Failing to consult with residents meant that the visiting Perth architects lacked critical insights or knowledge as to how homes have been modified and changed, often resulting in very little of the original building in place.

Also, the historical review did not include individual historical information for each place within the study area. Available aerial imagery of the study area only dates back as far as 1959 and provides the basis for the contributory review. How can poor quality aerial pictures of an area provide detailed insight as to the structure, format, materials, and look of the home from a streetscape perspective? It can't.

So, there is no evidence available prior to then to determine what the homes looked like, their original form, and how they have changed since being built. This also makes it hard for the City to determine and justify how residents may have to repair, maintain or develop homes at any point in the future.

This makes the assessment survey document flawed and incomplete as it lacks the depth of information required. As this document underpins the proposal, then decisions that rely on this document should be revisited.

The residents were only informed, for the first time, on 11 July 2023 when the City was legally obliged to inform residents about the commencement of the public consultation period. This is 2 years after the process started and is only asking people to make submissions on a decision that has been made, not to consult as to whether this is needed, or why it might be needed, and alternative

approaches that could be developed. This proposal is flawed, a proper consultation process has not been followed, and it should be stopped from progressing further and not be revisited in the future.

1. Unclear Local Planning Policies & Design Guidelines

These documents are general, vague, ambiguous and conflicting making them hard for to resident to understand. These documents can be broadly interpreted, creating a lack of clarity and consistency in how they can be applied. Advice from the City regarding these documents often directly conflicts with what is written in black and white. This makes it hard for myself and others to provide an informed submission when there is no consistency in what people are being told, or how the proposed regulations will apply.

For example. LPP-6.1 specifically relates to the East Bunbury Heritage area only. This has no relevance the Tree Streets which are not mentioned in any way, shape, or form.

LPP-6.2 was not originally made available to residents and, in clause 5.4 Development Assessment of Places on the Heritage List and/or in a Heritage Area it states:

"... within designated heritage areas requires the development approval of the local government, including but not limited to, the following:

(i) partial or complete demolition of premises;

(ii) development of a single house, grouped dwelling, multiple dwelling or ancillary dwelling (including any associated extensions, additions, alterations, etc.);

(iii) development of an outbuilding or swimming pool; and

(iv) internal and external works to a building".

Yet, in part b) it says:

"Development approval is not required for internal works of a building located within a designated heritage area, unless the property is registered on the Heritage List or is a place entered on the State Register of Heritage Places".

These two clauses conflict with each other. This means the city can include internal aspects of homes within the proposed designated heritage area if it wishes, yet it has advised in the public information session and in one-to-one meetings that this is not the case. This is a case of advice from the City conflicting with what is in writing. Also of concern is that this LPP has been in force since August 2018 but this type of mistake and poor wording has not been identified till now (by a resident) or addressed in the LPP's formulation or subsequently.

In all the LPPs the wording is very general with the word "should" and "may" used extensively. This makes the intention of the clauses and how they will be interpreted uncertain and ambiguous. This makes it difficult for us as residents to make an informed submission with vague and ambiguous documents, and conflicting advice from the city, as to how the policies will be implemented and interpreted on an ongoing basis. The way they are written means that they are open to interpretation in different ways by different people, and there is no consistency or transparency as to how this will be done.

2. Financial Burden on Homeowners

The financial implications of designating the Tree Streets as a heritage area are significant. Homeowners will face increased costs in various areas, including upkeep, like-for-like materials being required, specialist skills, increase costs in liaising with the City to get approvals through, insurance and maintenance etcetera

The immediate and ongoing cost burden and implications for the homeowner, if this proposal were to be adopted, is onerous, heavy, and has the homeowner bearing all the risk for none of the benefit. Also, the City has not carried out any formal impact assessment on what the financial burden for homeowners will be. The additional costs that the homeowner will have to meet on an ongoing basis, now and in the future, include higher insurance costs, increase in approval-related costs, higher costs sourcing scarce materials and skills (especially with 'like-for-like' requiring materials need to be replaced with the same material – and which often do not meet current standards in engineering, climate change. Also, no compensation is on offer from the City to address such issues, these creates a double whammy for the homeowner.

This burden falls heavily on pensioners and retirees who do not have the funds to accommodate the extra costs, and also on families who are struggling to pay increasing bills and mortgages at a time of declining real income. This can drive people away from the area or, if they are unable to realise the real value of their home, they may find themselves unable to move and stuck with a home that they are unable to afford to maintain. This will erode the character of the home, and of the area.

3. Demolitions and Development

The City has expressed concern over the level of demolitions and "incremental erosion" of the character of the area. When asked to substantiate this with facts and evidence the City were unable to do so.

Question:

Can you please detail what concerns have been formally raised or documented regarding this ("demolition and incremental erosion the character of the area"), when they were raised, regarding what property/s, and what was raised in terms of any concerns, or 'incremental erosion' associated with them? If a matter of public record, then can you please detail whether they are a resident of the Tree Streets area, elsewhere in Bunbury, or outside the City of Bunbury. If multiple concerns have been raised by the same individual, then please indicate them as appropriate. Thank you.

Response:

The City does not keep statistics on the number of complaints for each demolition in the City. Records would only be kept if it was related to a development application that required public advertising. A good recent example (although after this process had started) of how the community perceives demolition and character was through the submissions regarding demolition of #88 Beach Road and the proposed construction of a childcare centre. Many submissions referred to the retention of heritage, character and amenity of area. The list of submissions for this application can be found on the City's website.

From this reply it is clear that there is no evidence or information to support the City's assertion that there were "community concerns over demolition and incremental erosion of the character of the area" to justify the investigation.

From 1996-2023 (28 years) there have only been 16 dwellings demolished in the proposed designated heritage area (City data). There have been no demolitions for seventeen years, one demolition in 7 years, two demolitions for two years, and three demolitions in one year. These homes have replaced old homes that were at the end of their natural life. The average life of a timber homes is 58 years, and 88 years for a brick home.

The new homes have been built and developed in a way that is sympathetic to the character of the Tree Steet area. Even the City has recognized this saying: *"It is acknowledged that many landowners are already developing in a manner that is sympathetic to the character of the area"*. (OCM Minutes, July 2023)

The low level of demolitions, and the subsequent development of sympathetic homes in their place, demonstrates that there is no reason to be concerned about the level of demolitions, and that any fears over the "incremental erosion" of the area are unfounded. As such there is no need for a designated heritage area.

4. Character Area vs. Heritage Area

The Tree Streets has long been recognized as a character area, with only a handful of properties listed as heritage sites. The Heritage Council of WA's "Guidelines for Heritage Areas" from March 2023 states:

"1.3 Where a heritage area is not appropriate.

A heritage area should not be created simply because a collection of diverse individual heritage places are located close together. Where they meet the threshold for inclusion in the heritage list, these places will be subject to the planning controls for heritage places within the local planning scheme. A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list".

Properties in the Tree Streets area that are worthy of being heritage-listed already are included on the local heritage inventory list. The other properties in the Tree Streets area are not, otherwise they would have already been included. As such, this proposal is simply an attempt to protect places that fall below the threshold for the heritage list.

As such, the proposal for the Tree Streets Heritage area should be withdrawn as it is not appropriate and not needed.

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Source: <https://www.realestate.com.au/>, "Are heritage homes harder to sell, 22 October 2014.

It is indisputable that, given the choice, a number of people will not knowingly purchase a property that is:

- Heritage listed by itself.
- In a Heritage Precinct
- Subject to potential future heritage listing if its condition is enhanced/upgraded
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This represents a significant reduction in the pool of potential buyers for residents who may want to sell in the future. Fewer people will want to buy a property where there is a significantly reduced opportunity for them to develop and add value to the property. Lower demand will make it harder to sell or to realise the real value of the property.



The potential decrease in property values, combined with the increased costs associated with heritage restrictions, can deter potential buyers and negatively impact current homeowners. Also, it is an infringement of our property rights, and those of other Tree Street residents, and imposes a whole set of new rules and regulations on us and others who are just trying to get by and enjoy our assets.

Summary


In light of the above points, I strongly object to this proposal and that it should be removed from all draft Council agenda, all decision-making forums, and not be revisited in the future.



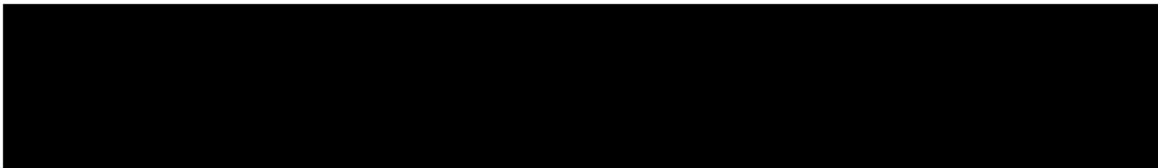


**Submission to City of Bunbury objecting to the
Proposed Tree Streets Heritage Area and Local Planning Policy 4.3**

4 September 2023

Your ref: COB/5870







Background

This submission relates to the Proposed Tree Street Heritage Area and draft Local Planning Policy 4.3 (**Proposal**). This submission is supplemental to my letter dated [REDACTED] annexed to this submission as Annexure A (**Letter**).

Many residents have raised with me their concerns relating to the Proposal. I summarised these concerns in the Letter and will not repeat them but ask that they be included as forming part of this submission.

Due to time constraints, I will also not seek to provide a detailed account of the history of the Tree Street area. Suffice to say, the Proposal relates to a much larger area to the earlier rejected proposal in 2004, and there does not appear to be any explanation as to why.

I am advised that this proposal was commenced with no consultation or engagement with the residents at the formative stage. I am also advised that the first communication with the residents was on 11 July 2023 when they received a notification letter regarding the commencement of a public consultation period, as legally required to do.

I also note that this submission in no way seeks to criticise the work of the architects whom the City of Bunbury (**City**) appointed to carry out the Tree Street Heritage Area Assessment dated September 2022 (**Assessment**). This is on the assumption that the limitations of the Assessment are attributable to the scope of work the City provided to them.

Discussion

My first reaction to the Proposal was that it is very unusual for such a large area, particularly a residential area, to be included in a heritage area. Instances of this are rare (although noting parts of the East Bunbury Heritage Area). Such a classification would have significant impacts on families and landowners. Therefore, any area should meet a very high threshold to be considered as a heritage area.

I know Bunbury well and can testify to the character, look, and feel of the proposed heritage area. I can say in earnest that many properties in this area are unworthy of heritage protection at all let alone to this degree. Those that are worthy are already heritage-listed and enjoy suitable protection.

Many properties are run-down or have been heavily modified over the years, both externally and internally. Further, replacing like-for-like for many properties is cost-prohibitive. It is more likely properties would be abandoned than repaired. The area is very different to the East Bunbury Heritage Area.

This is not to say that cost is the only factor. However, what it shows is that heritage assessment should be on a case-by-case basis (as has previously been done) taking account of individual factors. It should not be a broad-brush approach based on out-of-date information.

We also know of cases in the East Bunbury Heritage Area where a resident is apparently restricted from installing solar panels on the front side of the house. Residents are concerned about this happening to them and restrictions on other sustainability features.



Concerns about the Assessment

There are significant limitations in the Assessment that, in my view, make it extremely difficult to justify the draft Local Planning Policy 4.3.

Firstly, the decision to expand the assessment area from that outlined in the previous proposal appears arbitrary. If the “standard” for heritage protection is that which exists within this area now, then conceivably, the area could be much larger in most directions, including to encompass the property of at least one City councillor.

I also add that, based on the maps, the Assessment area does not appear to have included the north east section of Bunbury Primary School and the four most north-eastern properties adjacent to the school. Yet, this section and those properties are now proposed to be included in the heritage area. Although, this could just be an error and I would appreciate clarification on this.

The area is also different to the circumstances surrounding the subdivision of the East Bunbury Heritage Area, once owned by Captain James Stirling.

Secondly, I cannot accept the justifications under “Statement of Significance”. Once again, they do not take account of the state and condition of the various properties and the modifications over the years. They are merely vague statements.

I understand that there is some historical doubt as to whether the proclamation of the Bunbury townsite by Captain James Stirling occurred on the site of the Bunbury Primary School. In any event, what relevance this has to the preservation of buildings in the surrounding area is unclear.

Thirdly, I understand that building setbacks are already in place in most streets. This is sufficient to protect the streetscapes (including street verges and mature street trees). Residents already accept this. In fact, this is more than likely what attracted many people to this area. It is the built-form restrictions and liabilities that understandably concern residents.

Fourthly, the existence of significant places is irrelevant to imposing built form restrictions and limitations in the surrounding areas. New developments occur around significant places all the time.

I find it odd that the draft Local Planning Policy 4.3 should require planning approval to internal works (see clause 8.2) when the Assessment states clearly that no internal inspections were carried out (see page 8).

There have been many sympathetic developments around the Tree Street area. Classification as a heritage area is not required to ensure that future developments are sympathetic to the character of the area. I am advised that the City acknowledges this.

The classifications in the Assessment as “High Contribution”, “Moderate Contribution” and “Little/No Contribution” are surprising given that they are based on aerial photographs from 1959 and photographs from the street. There have been no up-close inspections or internal inspections.

I am advised that many modifications and past renovations (external and internal) have destroyed most of the original built form to a point where perhaps only several rooms are original (and despite whatever aesthetics may exist from the street).

Therefore, no true and accurate assessment of the heritage value of any of the properties can be made without an up-close and internal inspection. I acknowledge this may be costly to the City, however, to proceed otherwise merely transfers much more significant costs onto residents, most of whose properties are likely unsuitable for heritage protection.

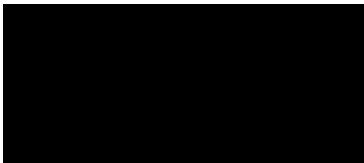
It appears to me that the methodology used in the Assessment is not fit for purpose and needs to be reconsidered.

I am also aware that the area is proposed to be rezoned R20 (from R15) in the near future. Given the timing of the Proposal, I cannot help but wonder whether the Proposal is in anticipation of the proposed rezoning. This begs the question, why proceed with the rezoning? Many of the buildings in the heritage area are situated in the middle of the lots. Therefore, they would need to be demolished upon any redevelopment with an increased density. The City's policies appear to be in conflict.

Submission

I respectfully submit that:

- 1 a proper consultation process should be followed. It does not appear to have occurred at the formative stages. In effect, residents are being asked to make a submission on something that has been effectively decided. There has also been insufficient time for residents to engage expert advice, and there is a lack of proper consideration of issues and concern raised with the submission process not allowing for a two-way constructive dialogue.
- 2 any assessment of the heritage value of the Tree Street area should have included a detailed examination of each property, both external and internal. In my view, there is an insufficient basis to justify the Proposal; and
- 3 heritage protection in this instance should be on a case-by-case basis (as has previously been done), allowing for those wishing for heritage protection to self-nominate.





Annexure A

Letter dated [REDACTED]

[REDACTED]

1 September 2023

[REDACTED]
City of Bunbury
4 Stephen Street
Bunbury WA 6230

By email: mayor@council.bunbury.wa.gov.au

Dear [REDACTED]

Re: Tree Streets Heritage Area Proposal

My name is [REDACTED] and [REDACTED]


I am writing to make you aware of some concerns that many constituents have raised with me relating to the City of Bunbury's Tree Streets Heritage Proposal (**Proposal**).

The concerns are many; however, can be usefully summarised as:

1. the heritage study relied upon by the City is a desktop study only and is based on incomplete, inaccurate, and out-of-date information. It also excluded any consultation with homeowners.
 2. many properties have been modified over the years, with little of the original home remaining *in situ* and therefore, have no heritage value. I note that the Guidelines for Heritage Areas published by the Department of Planning, Lands and Heritage states clearly that: "*A heritage area is not simply a mechanism for protecting places that fall below the threshold for the heritage list.*"
 3. the proposed obligations on the landholders are severe and costly, including prohibitions on redevelopment, using "like for like" materials to repair or replace (e.g., jarrah), and burdening landholders with unnecessary compliance costs.
 4. the lack of consultation. The proposal started in 2021, with no consultation or engagement in the formative stages or during the assessment survey in 2022. The first communication with residents was when they received the notification letter for the start of a public consultation period on 11 July 2023.
- [REDACTED]

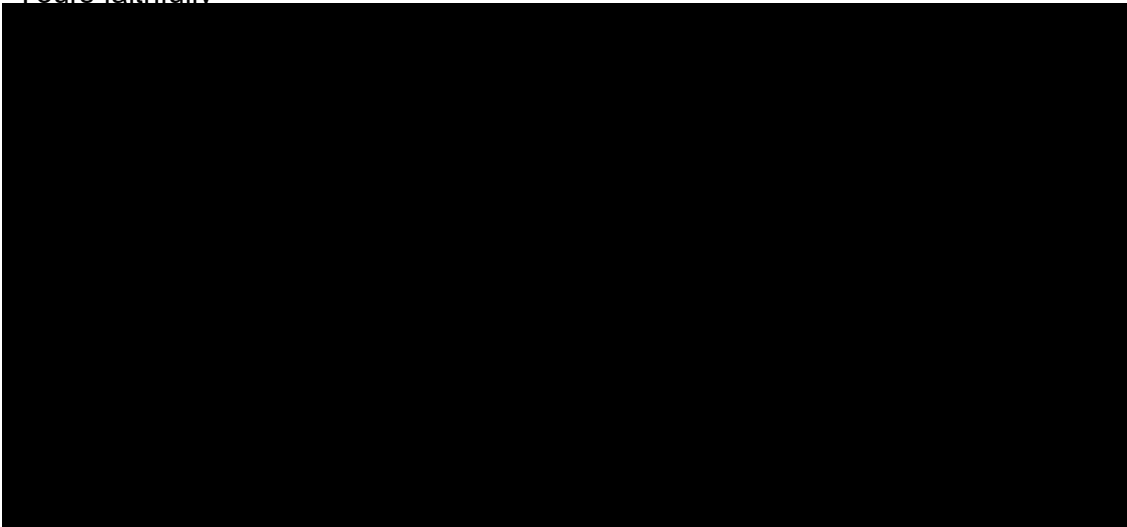


5. the lack of dialogue. Only one-to-one meetings were permitted, allowing the City to “divide and conquer”, and frustrating homeowners wanting to raise, share and discuss common issues and concerns. After pressure from the community, the City held what was supposed to be a public consultation on 8 August 2023 and approximately 175 residents attended. However, the public consultation session was turned into a public information session and the community’s concerns were largely ignored.

In view of the concerns raised above and the high level of community dissatisfaction with the process, would you be amenable to 

I look forward to your most earnest and urgent reply.

Yours faithfully



Submission Form

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3

Reference COB/5870



Public submissions must be received by the City of Bunbury by the close of business on **Monday 4 September 2023**.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the City via:

To: Chief Executive Officer

Mail: City of Bunbury, PO Box 21, BUNBURY WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council. This will include your name and suburb only, unless the City is specifically requested to have this information redacted. Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name:

Email:

(All future notifications for this proposal will be sent to this provided email)

Address:

Phone:

Subject of Submission

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

Address of Property Affected by Proposal (Include lot number and nearest street intersection if known)

Submission (Please provide in full, your comments and arguments to support your submission. Attach additional pages if required.)

Support / no objection

No comment

Objection

Signature:

Date:

Submission for 4 September 2023

I've got to reflect on what the purpose of this Local Planning Policy is setting out to 'fix'. I have always believed that the area is highly regarded and reflects more than one period of architecture, creating a diverse mix of old and new places that the landowners value and did its own 'protection' through its zoning as R15. Those who wanted to live in the area did so in a neighbourhood close to the schools, beach, city and services.

Looking at the East Bunbury Heritage Area can give the Council some opportunities to reflect on how, since its inception in the late 1990s (known as Stirling Street Heritage Area), it has reduced the size of the area. The Council has only done one visible project in the area and done it poorly by replacing the existing footpath along Stirling Street with a faux brick path! Hard to argue 'like for like', not mimicking, etc. when for nearly 30 years it hasn't had improvements befitting a heritage area! Yet the important issues such as putting the power under so the large Plane Tree at *The Residency* must get pruned heavily, and the owners of *The Red Mill Store* had to seek funding to get the power relocated so that it could re-instate the balcony.

The question must be: Is this the 'stick' and 'carrot' approach witnessed in the East Bunbury Heritage Area? Why doesn't the Council take the landowners on the journey by genuinely consulting with them from early on when they were looking at carrying out another Assessment for the Tree Street Area? The Council could have saved much stress and strain both in the community and the Council itself.

I'll now turn to providing feedback on the *Draft Local Planning Policy 4.3 Tree Streets Heritage Area* where several items are inaccurate or require clarification:

2.0 Introduction

Can you expand on who sought guidance on assessing proposals for works on places within the area? Is it for Council Staff, residents, Councillors, etc?

3.0 Objectives

There are several of these points that are flawed:

"a) to conserve areas of heritage significance;"

The State Heritage Office document Guidelines for Heritage Areas under '2.3 Special Planning Controls' sets out:

The minimum requirements set out in the deemed provisions require that an LPP for a heritage area includes: (a) a map showing the boundaries of the heritage area; (b) a statement about the heritage significance of the area; (c) a record of places of heritage significance in the area.

Based on this, item (c) is missing and needs to be addressed. The current half-page tick box in the Assessment (*7319Bunbury-Tree-Street-Heritage-Area-AssessmentSCAFINAL_1674529499.pdf*) documents exercise needs more to help the community understand what makes some places High, Moderate & Little/No Contribution; refer to the paragraph below about this.

No places have been added to the register of the Local Heritage Survey, and therefore, the Heritage List since the Municipal Heritage Inventory was first created and even further back to the Ian Molyneux *1978 Survey of the National Estate for Bunbury*. Therefore, applying a Heritage Area status to many properties will effectively placing them on the Heritage List by default without the rigour of providing evidence to justify the elevated protection.

I refer you to a [REDACTED] where a Council in Perth had a property within the Heritage Area but no other reports or assessments to provide the protection. The Council later sought to prevent the place from being demolished without interpretation. In that instance, the proponents of the property in question had three Heritage Impact Statement reports by three preeminent heritage architects in Perth who could easily justify why the property was not of any significance even though it was listed in the Heritage Area.

“b) to ensure that development does not adversely affect the significance of the heritage area;”

Has there been a need to bring this LPP 4.3 in place because there are major developments or demolitions proposed?

“c) ensure that heritage significance is given due weight in local planning decision making;”

There are no issues with this, but it is more a subjective matter of who is interpreting the heritage significance for the decision-making. These policies tend to get interpreted differently by planning officers, confusing landowners and others in the community.

“d) provide improved certainty to landowners and community about the planning processes for heritage identification and protections;”

Based on the current approach to the LPP 4.3 there is increased confusion amongst landowners and the community about which benefits this process brings to the community. The landowners have not been brought along through the processes. The Council would have learned from the issues raised in the 2004 attempt to bring in a heritage area for Tree Street area. In that instance, there was more involvement directly with a committee formed from representatives of landowners to investigate in a two-stage process:

Stage 1 – Investigation of Key Issues; if it was decided that the area is potentially eligible for heritage listing, then the project was to progress to Stage 2,

Stage 2 – Preparation of the Assessment Documentation; this included three sections (A) Assessment Documentation, (B) Statement of Significance for Area – including diagram showing boundaries & (C) Issues Arising from the Statement of Significance

The outcome after Stage 1 it was decided by the Council not to proceed as the area was not eligible for heritage listing.

In referring to State Heritage Office Publication –*Guidelines for the assessment of Local Heritage Places* under 3.6 Heritage Areas – an extra factor clause for Guidelines for Inclusion it states, “...The individual components of a heritage area will collectively form a streetscape, townscape, or cultural environment with significant heritage characteristics,..” and under Guidelines for Exclusion states “..Heritage Areas are select areas with special qualities and will generally be quite uncommon.” Based on both of those points, where is the discussion in either Assessment 2022 or LPP 4.3 about the streetscape, townscape and cultural environment in the public domain? Also for the area what makes it generally quite uncommon? Seems like a lot of workers cottages are being preserved only because they are *old* and not because they are unique to Bunbury.

“e) allow development without the need for approval where it can be achieved without impacts on heritage significance;”

I refer you back to points raised in c) above; what does this point mean? What development do you refer to? Is it for new housing developments or only minor aspects such as internal painting?

“f) clarify the format and content of accompanying material in accordance with clauses 63(1)(d) and 63(3), Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 ;”

That isn't very clear; when I look at the clauses, here's what they are in the referred document:

Clause 63(1)(d) any other plan or information that the local government reasonably requires.

Clause 63(3) Where an application relates to a place entered on a heritage list prepared in accordance with this Scheme or within an area designated under this Scheme as a heritage area, the local government may require the application to be accompanied by one or more of the following –

- (a) street elevations drawn as one continuous elevation to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application;
- (b) a detailed schedule of all finishes, including materials and colours of the proposed development;
- (c) a description of the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

Why not state it entirely in the LPP 4.3? It may clarify what those ‘scary’ terms all mean.

4.0 Applications subject of this Policy

I realise it is based generally on the *Bunbury Tree Street Heritage Area Assessment 2022* (Assessment 2022).

Why was this area expanded from the 2004 Assessment? I can’t find a clear response in the Assessment SCA, only the following on page 3:

...During the 2004 analysis of the Tree Street Heritage Area, the study area included Karri Street, Jarrah Street, Banksia Street, Stockley Road, Beach Road and included a section of Tuart Street from Sampson Road to Beach Road.

The 2022 Study Area has been expanded to include Wattle Street, Palm Street, Garvey Place, Lovegrove Avenue, Irwin Street, Cross Street, Oakley Street, Parkfield Street and the western side of Picton Crescent including Roberts Crescent (see Figure 1).

RECOMMENDATIONS

Following our analysis of the documentary and physical evidence of the Study Area, we recommend:

1. The proposed Tree Street Heritage Area is further considered for adoption by the City of Bunbury as a Heritage Area; and,
2. The proposed Heritage Area boundary is further considered in line with recommendations within this report.

Of particular concern is that the proposed boundaries don’t respect the fact that part of good planning practice, especially for streetscapes, is to have properties on both sides of a street in an area or precinct. There is further inaccuracy in that the *Assessment 2002* Figure 1 does not accurately reflect the suggested boundaries for the 2004 Assessment. Properties along Picton Crescent aren’t shown; the 2004 boundary also went further north across Sampson Road, and on a minor note, the boundary is shown down the middle of Beach Road. Refer to the comparison below:

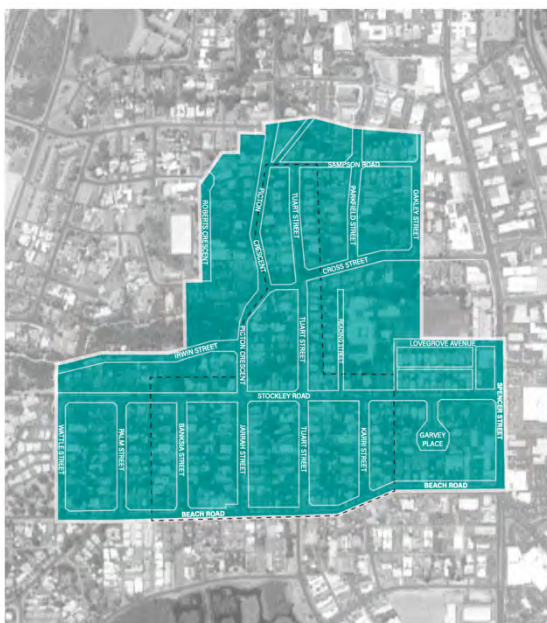
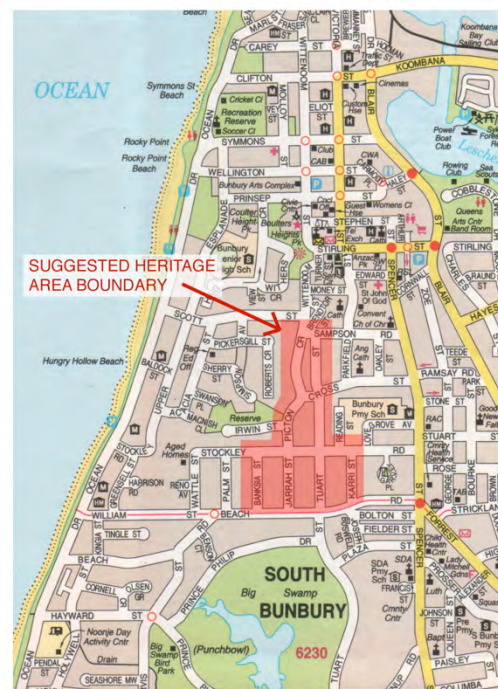


Figure 1: Tree Street Heritage Area Study Boundary

■ 2022 Study Boundary
 - - - 2004 Study Boundary



The resulting Proposed Heritage Area Boundary refines the areas but accentuates the division down Picton Crescent.

This also brings me to discussions around the State Heritage Office Publication –*Guidelines for the assessment of Local Heritage Places* under 2.1 Initiating an assessment clause clearly says it “...can have input from various groups or individuals with relevant knowledge.” And further states, “As part of the assessment process, consultation should be undertaken with relevant stakeholders.” So, the starting point for this public consultation should have started prior to the Assessment 2022 being undertaken and then made freely available afterwards and ideally with a public consultation session.

6.0 Cultural Heritage Significance of the Tree Streets Heritage Area is incorrect (I know it is based on the Assessment by SCA):

“b) for its association with the proclamation of the townsite of Bunbury by Captain James Stirling in 1841 on the site of the current Bunbury Primary School;”

The proclamation of the townsite did not occur at Bunbury Primary School in 1841. On 21 December 1836 – Pavilion Bunbury Primary School marked the meeting site between Governor Stirling and Lieutenant Henry St. Pierre Bunbury; Stirling informed Lieutenant Bunbury that the town at Port Leschenault was to be named Bunbury in his honour.

The State Heritage Office document *Guidelines for Heritage Areas* under ‘2.3 Special Planning Controls’ sets out:

The minimum requirements set out in the deemed provisions require that an LPP for a heritage area includes: (a) a map showing the boundaries of the heritage area; (b) a statement about the heritage significance of the area; (c) a record of places of heritage significance in the area.

Based on this, item (c) is missing and needs to be addressed, as I asked. The current half-page tick box exercise needs more than help the community to understand what makes some places High, Moderate & Little/No Contribution; refer to the paragraph below about this.

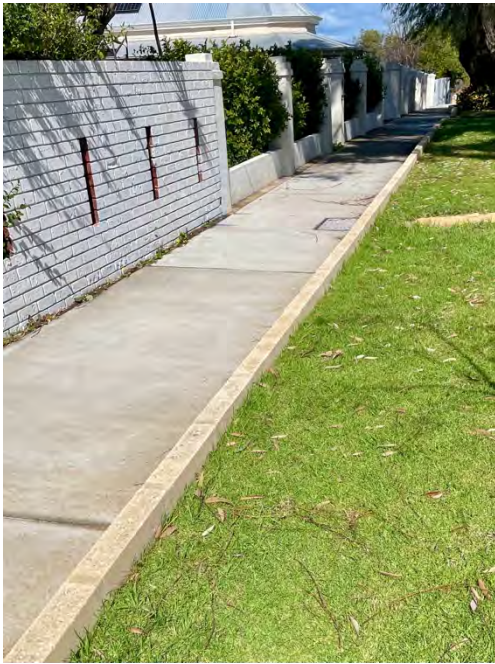
7.0 Contribution of individual places

The LPP 4.3 Table 2. Contribution of individual places is inconsistent with the State Heritage Office document *Guidelines for Heritage Areas* under ‘Table 2 Contributory/Non-Contributory/Intrusive’ it notes that if they have the highest level of significance, they are recommended on the *Heritage List*. Therefore, if all the places are assigned as *High* in the Proposed Tree Street Heritage Area, then the reverse is true. Based on the attached map, there are only three places on the *State Register of Heritage Places*, six on the *Heritage List* (also on the *Local Heritage Survey*) and six on the *Local Heritage Survey*.

9.0 Development Control

9.16 Public Realm must highlight the street trees under Intent & Element Objective. Is this different from what contributes the highest public amenity to the area? As mentioned, the Council needs to consider underground power to get some buy-in rather than making it a “one-side-of-the-fence” policy document. There needs to be a concerted effort here underground power and traffic calming measures come to mind, and in a changing climate, other considerations on weaving better stormwater drainage measures with endemic plant species.

I refer you to the limestone retaining walls on footpaths that run along Tuart Street, so out of character to the area and a real occupational health and safety issue as a trip hazard. Please don’t repeat these mistakes:



A concern with the LPP 4.3 is that if the Tree Street Heritage Area is so unique, why are the diagrams under 9.4, 9.5, 9.6, 9.8, 9.9, and 9.11 copied from the East Bunbury Heritage Area document? Examples from the specific Tree Street Heritage Area would better suit an LPP.

Conclusions

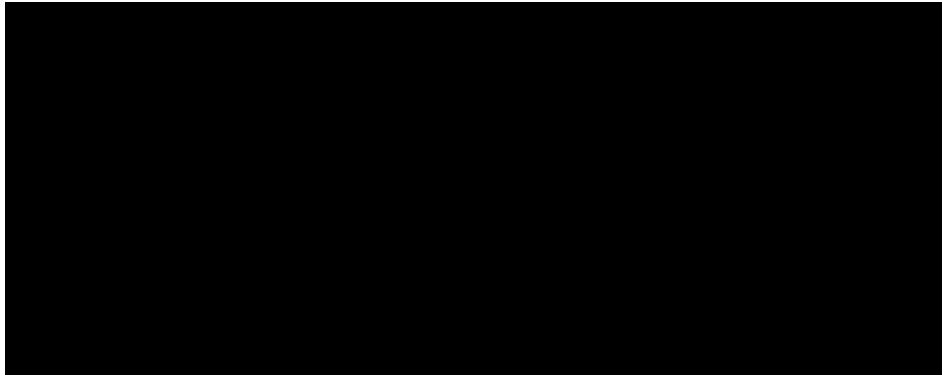
What would a better solution be:

1. Character Area – grassroots lead with Councils support.
2. Public Consultation – start with the Assessment 2022 and ask for landowners and stakeholders to review the document's suitability to guide further action?

Yours sincerely,

████████████████████

From:
Sent:
To:
Cc:



Subject:

Attachments: [20230830_091855~2.jpg](#)
[20230822_091216.jpg](#)
[20230821_175622~3.jpg](#)
[20230817_164148~2.jpg](#)
[20230817_094132~2.jpg](#)
[20230904_142514.jpg](#)

PREAMBLE also from [redacted]

In this submission closing 4pm today 4th September 2024 please acknowledge the photos above & explanations below.

The goal being in raising awareness where City priorities 🙏 can focus - rather than what tree street area ratepayers are being subjected to!

Top jpg compliance monitoring [air?]

Two of these security fenced enclosures are such a blight in suburban settings. One on the jetty causeway & the other on the foreshore west of the Parade Hotel & buildings. Arguably creating artwork installations to do the monitoring job from their logo must be an open survey?

2nd top jpg 1936 Municipal Building has arch reinstated by my encouragement in speaking to then Mayor, [redacted]

3rd jpg 'public spaces' of Stockley Street footpath indicative of anomalies in the "Heritage Precinct"

Unlike me as our whole of [redacted]. Bunbury Municipal Affairs focuses on such remedial work in our public areas - we tree street ratepayers can ask - what are in fact the City Exec, Councillors, Advisory Committees & Municipal Officers priorities?

My priority is to utilise my [redacted] to explore my best options here on my retirement property purchased - to the best of my abilities & rigours of design.

4th jpg drawings are inspired by my existing house hybridised with the federal
turreted flgpoled York Hotel in Kalgoorlie!

5th jpg model shows the hypothetical hybrid to engage in encouraging dialogues with
City's Development Services. Plus Development Coordination Unit origins from Bunbury
City Planning Manager. - working with the illustrious [REDACTED]

Thanks for the opportunity to submit for better governance in municipal affairs

[REDACTED]

6th jpg signature for where & when it is needed in this submission form.

----- Submission Form -----

TREE STREETS HERITAGE AREA AND LOCAL PLANNING POLICY 4.3
Reference COB/5870

CITY OF BUNBURY

Public [??] crying - what about understanding that homeowners/occupiers/residents, having
annual rates levied by the City - we ratepayers surely are due much, much more
respect/discussion/consideration rather than just being subservient to our apparent misguided
municipal HERITAGE ADVISORY COMMITTEE & moreover our City Admin public service officers
working detrimentally on our psyche, as individuals & on our homes behalf - to the extent that
somewhat erroneously it appears on this part of the form that we homeowners in uncertain post
pandemic times, are somehow classed public &] submissions must be received by the City of
Bunbury by the 'now, extended' close of business on:

Monday 4 September 2023.

Please return completed form to the City of Bunbury, 4 Stephen Street, Bunbury or write to the
City via:

To:

Chief Executive Officer

[REDACTED]

Mail: City of Bunbury, PO Box 21, BUNBURY, WA 6231

Email: info@bunbury.wa.gov.au

PRIVACY STATEMENT

Please note that your submission will be available to the public as an attachment if the matter is referred to Council

This will include your name and suburb only, unless the City is specifically requested to have this information redacted.

Minimum information required for a submission to be considered a complete submission is your name, address, date and signature.

Name: [REDACTED]

Email: [REDACTED]

(All future notifications on this proposal will be sent to this provided email)

[REDACTED]

[REDACTED]

(State how your interests are affected in relation to relevant planning criteria, whether as a private citizen, or on behalf of a company, or as an owner or occupier of property. Attach additional pages if required.)

SUBJECT OF SUBMISSION

I, [REDACTED] own the property at the above address - shown as "high contribution" and along with [REDACTED] my wife, as owner/occupier, strongly object to the proposed precinct.

Originally I worked for a pioneering [REDACTED] & by encouragement as an Associate was blessed to influence character areas of Bunbury & help create others. As Architects & Landscape Architects are prone to do.

As an [REDACTED] school was privileged to work with [REDACTED] to clear bush & make a football oval to be able to prepare to have teams from surrounding towns

visit for sporting occasions.

Later as an inaugural high school Councillor [REDACTED] we were representative voices one level below prefecture. The following year then how lucky as prefects to be interacting with community groups & attended [REDACTED]

Now some [REDACTED] later with municipal employment & contract work here & overseas, see a need to call out upsetting, disquietening & unnecessary municipal issues such as the current disqualifiable Precinct Proposal - onerously in my retirement.

Why the hard road taken is taken? ... I believe we tree street folk do not need foisted by well meaning committees that are make decisions of great import & impact on our amenity & well being. There are other ways of administering, fit for purpose governance & lastly risk management.

Along with advocacy and activity - a much more desirable means than an end - possibly more akin to the Town Team Movement & their charter.

Such a change to our character area has the following negative impacts :-

financially,

loss of management of our "Heritage Precinct" home

and

the on-going significant anxiety that has already divided our community

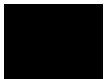
Address of Property Affected by Proposal Include lot number and nearest street intersection if known) (community

[REDACTED]

Submission (Give in full your comments and any arguments supporting your comments. Attach additional pages if required)

Support/no objection - Impossible

No comment - us tree streets home owners must have human rights under the Geneva Convention to get the "Precinct Posers" off our backs - too late in hindsight, though for the future, please leave us to self manage our local area under better protocols!




□Objecon - t his objecon bo x gets a.huge c k. Especially after such anguish filled 'seniors
rer ement focuses' {SRF} for me , a resounding 'NO' to precinct proposal. Of course as a corollary,
I respect those individual homeowners who may choose to have their homes included on lists
heritage

Here follows some common insights.for homeowners

1.0 Tree Streets Heritage Area Assessment is incomplete, inaccurate and has happened without
consultaon w ith us home owners.

The process which idenfie d "Cultural Heritage Significance" of our home has not involved our
local Heritage architects or sought local knowledge..

The lack of transparency and inconsistencies in classifying our homes is both confusing and
divisive in the community

Signature: - 

[To be signed in front of City of Bunbury Heritage Officer(s) at the individual consultaon
opportunie s]

Date: Sunday 3rd September 2023

2.0 Furthermore documentaon is c omplex and ambiguous.

LPP-6-1 (28 pages?)

LPP-6-2 (12.pages?)

Draft Local Planning (38 pages?) Policy 4.3

The sheer volume of policy documents is difficult to navigate and onerous,

These documents, even as a mere guide - to maintaining and assisng with building maintenance
and new builds need more relevant input - via architect/ builder/designer/vernacular owner
builder/homeowner consideraons.

However currently "paperwork" lacks coherence. - plus clauses are open to interpretation by incumbent public officers winging it as more information/research is required to

And.

Becoming a "must do" policy will be crippling design creativity!!

How debilitating, even the process of 'appealing a designated municipal officer's assessment of a property's contribution', is not documented. Therefore legally burdensome to the nth degree!

The Tree Streets Precinct Homeowner, in having to contest any assessment without guidelines, will be subject to onerous and expensive protocols!


3.0 Hardship, stress and division of community...oh & sw

The lack of openness, clarity and involvement in this whole process has caused excessive anxiety within homes and the Tree Street Community,

Many individual's have expressed :-

- the trauma this has & will cause
- the expenses involved.
- changes to buildings facadism cosmetic only - how unnecessary & unsuitable for
x future generations of owners,
x for families today;
x home can potentially be heritage Listed against the house owner's wishes,
x deterioration of homes are due to normal aging
x changes in the past 100 years as old homes are being shaken apart as vehicle movements are increasing
- This proposal may well prove to be unsuitable for homeowners with the means & volumes of money?
- Please accept, it is not acceptable for the majority of subjected Tree Streets homeowners.
- Councillors elect & City Municipal Administration Officers are representing all of our affected local community and we are fighting to retain ownership of and continue to self-manage our homes in the beautiful tree street community & area.

To resolve & abandon this precinct imposition, we need the Council's incumbent officers, as writers of our "Heritage" documentation along with both Councillors & City Administration Executives to support & listen to homeowners!



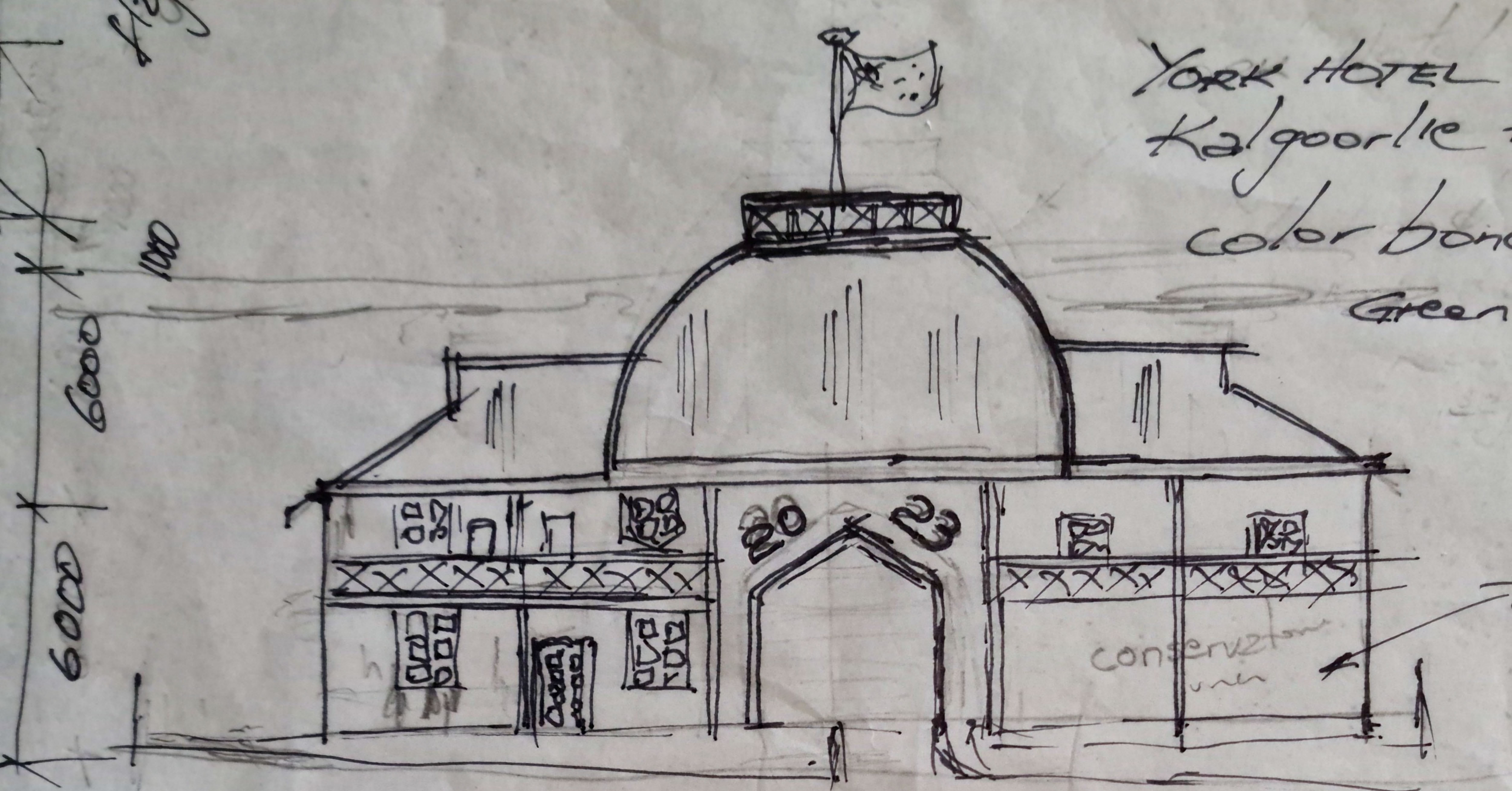
That City tri-umvirate of Admin Officer(s), Exec & Council Elect, really needed to begin a proper consultaon process earlier & would have wisely learned, with appropriate governance protocols - "hands off our homes 🏠 🏠 ". Reflect & respect our voice & understand no Precicnt is necessary!

In fact with the advent of 200 years of selemen t in 2034, I am happy to help guide, create & research in whatever realty/heritage collaboraon is needed.

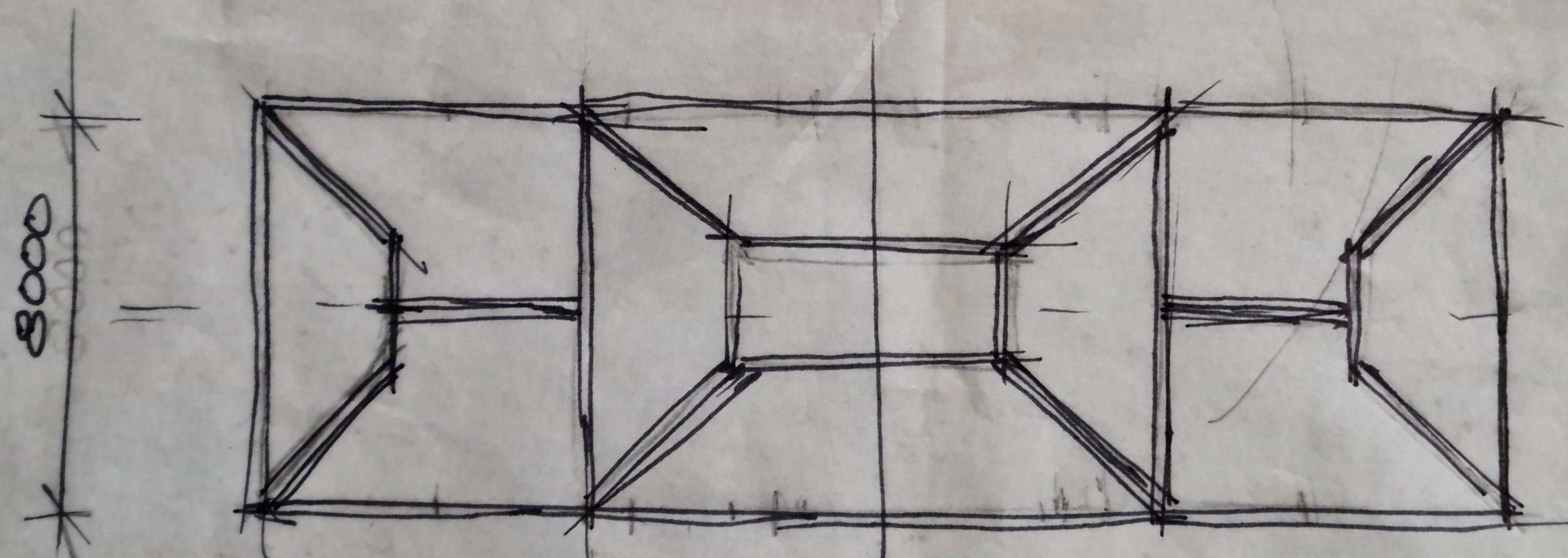
Recalling the book Reflecons produced for the WA 150th Celebraons. Perhaps funding sources for 200 womens stories of the latter 50 years from 1984 to 2034.can be a great project four Heritage Advisory Commi ee. (Working on a similar thesis of the book Reflecons with its 150 pioneering w omen & the records!?)

Another great opon - is t o have that sensaonal Back Beach Aqua c Park concept plan up & running.

YORK HOTEL
Kalgoorlie
color bond
Green



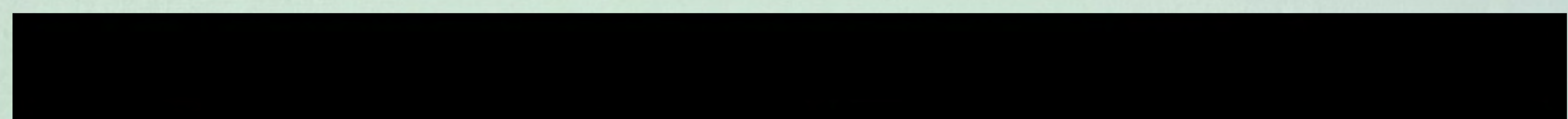
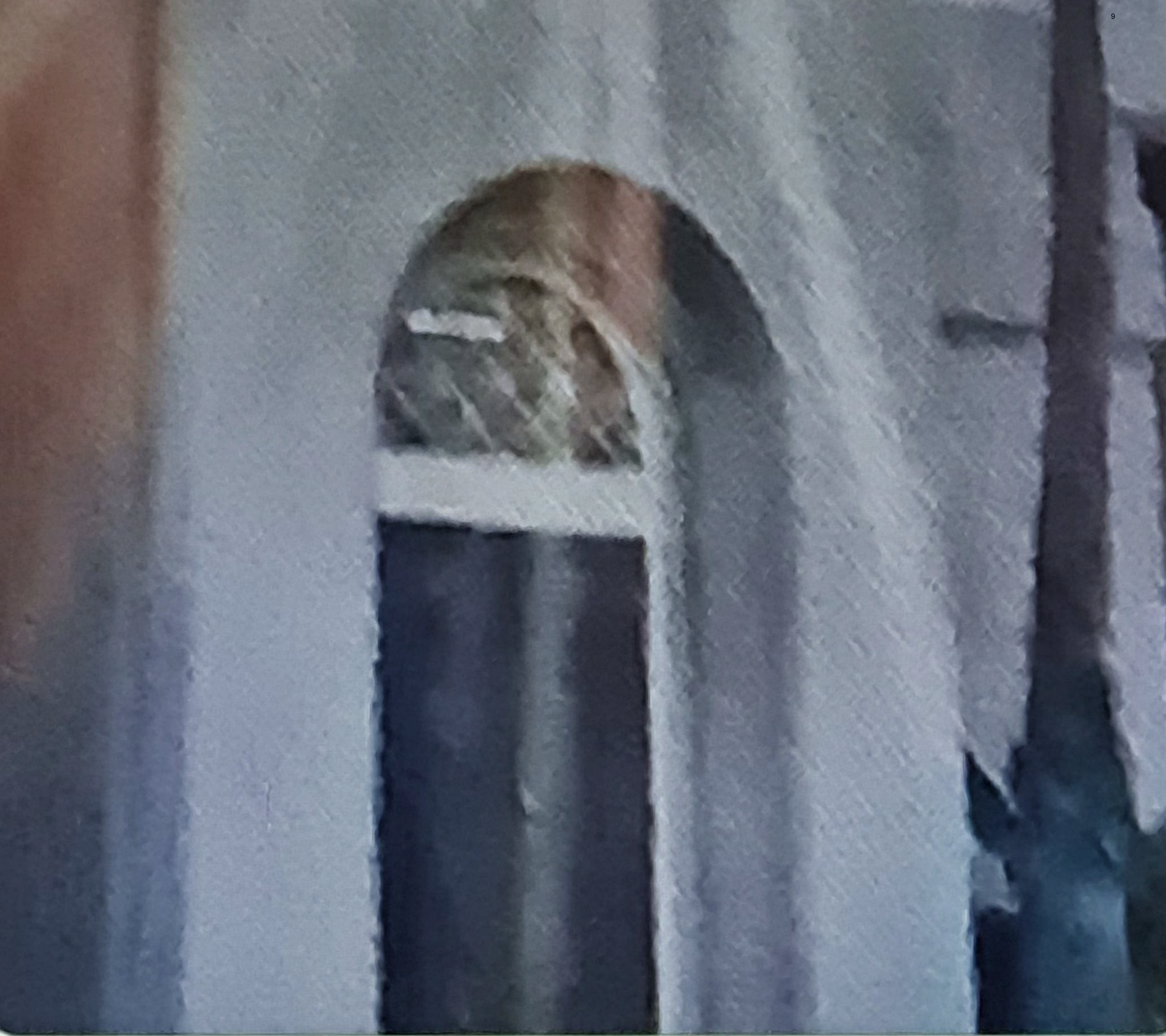
#



#

1200

26000



reinstatement!

9:11 am ✓✓





- SIGNATURE -







Com

Mon

4 September 2023

City of Bunbury

Via email: records@bunbury.wa.gov.au

To whom it may concern,

Submission against Proposed Tree Streets Local Planning Policy (LPP)

My husband and I reside at and own [REDACTED] Although we support the principle of heritage preservation, we make this submission against the proposed LPP for the reasons set out.

We do not consent to our personal contact and address details being published. We do agree however to the content of our submission being made available publicly when the matter is reported to Council.

Primarily we oppose the LPP because the process to prepare it and its basis is flawed.

The City of Bunbury obliges proponents that ask for change to the planning framework, especially change that impacts on cost and development potential of land, and neighbourhood character, to meet minimum standards of evidence and planning rationale. This same standard is not evident in this city driven LPP process.

In its proposed form, we consider this LPP will have unhelpful and unintended, negative consequences. Consequence which will damage, not preserve, or enhance, the much-loved and recognised existing built form and community fabric of the Tree Street Area.

We request this whole project be reconsidered. If this current form is to be retained, we request our property be excluded from the LPP.

The following is a summary of the reasons for our opposition; however, this is not exhaustive:

Character

The Tree Street Area has a well-known, respected character and charm but this not an intact, homogenous, heritage only locality. This character is so much more than the narrow period of heritage this LPP has been designed around.

The Tree Street Area Heritage Assessment does not acknowledge this or evaluate this broader character identity, yet the LPP seeks to implement a preferred and narrow new neighbourhood character outcome. This is a major disconnect. Not understanding this difference, and what it is that makes this area what it already is, is a major failure of this exercise.

The proposed LPP also has a disconnect to the Heritage Assessment that has been prepared to justify it. The LPP seems largely a copy of the Stirling Street LPP, a more discrete area which has a different history and character to the Tree Street Area.



Heritage Assessment

██████████ who had a hand in the early stages of the Tree Street Assessment was a renowned WA historian and her work documenting history in WA, including her “Thematic history of Western Australia” for the Heritage Council is invaluable. The historical overview ██████████ assisted with in the Tree Street Heritage Assessment begins soundly about general, early Bunbury history, but then it peters out when it comes to the specifics of the Tree Street Area and the homes here today.

The individual assessment of homes is way too simplistic and has no substance. It is so brief to be meaningless, failing to identify what is easily recognisable traits about individual period and contributory elements to the streetscape. This falls well short of quantifying the LPP.

What the Heritage Assessment does achieve however is a clear history that the Tree Street Area broadly developed distinctly over different time periods, with workers houses in different streets built in different eras and styles. Despite this, the LPP is focussed on creating a new, different character, if not a fake new heritage character and this is well out step and opposed.

Despite ██████████ untimely and sad death, more effort is required by someone else of her calibre to duly complete this historical record. This should be in hand with someone qualified, who understands and can document neighbourhood character. Experts who can engage with (not tell or ignore) the community, able to capture the essence of this area and why landowners pay a premium to live here.

Without this understanding of the Tree Street Area story up to the present day, the rationale for this LPP is insufficient.


History

The early history of the Tree Street Area is modest houses for the working class. Part of this history in more recent times is that gentrification of this area has occurred, and continues to occur, at least over the last 40 years, since the 1980’s.

This is quite the history of modernisation and change, which is reflected in the mix of housing and condition of older housing stock, across many time periods, that exist within the Tree Street Area. Also evident is the ongoing, gradual upgrading to modernise or replace homes here to a contemporary standard.

Further, the Heritage Assessment sets out that most original development in the Tree Street area spans at least 70 years, from the early to the late 1900’s, not just the early 1900’s the LPP is based on. This misrepresents the character as well as the heritage of the Tree Street Area, as does the LPP requiring all new development to stringently replicate only this one historical period. This approach does nothing to preserve the real heritage or the character of this area.

We believe this current LPP approach will detract from, if not undermine the very character that makes this area what it is, modernisation and gentrification are inherent, and critically, this contributes to the value in this area.



As an example, for Wat le Street, the Assessment that has been done demonstrates development of most homes in this street predominantly occurred post 1950. The assessment then ignores many of the obvious characteristics of this street and of individual homes.

Why, now in 2023, some 60 years later, does it make any sense to redirect all new development here into a different, older, early 19th century style, a style which is different to the style of homes that exist in Wat le Street?

Cost / benefit analysis

On top of a flawed basis, we are very concerned that the costs and benefits of the LPP have not been examined. This is a critical step when understanding how a planning rule change will work, and if the change will achieve the desired outcome.

In its current form, this LPP is a triple cost impost on Tree Street landowners who already pay more to live here in old, sometimes falling down homes:

1. **Extra approvals process cost.** The LPP requires each landowner to do a heritage assessment themselves in each application, an assessment the city has not done as necessary in our view to impose the LPP in the first place. As well as an extra heritage approval process, qualified Heritage Assessment is now also required to justify all development works. A basic heritage assessment costs \$1000's of dollars.
2. **Extra construction cost.** The LPP requires landowners to build to a fixed style, including replacing like for like. This is expensive. Like for like is a top end heritage control for individual listings, this should not be a generic requirement for large, diverse heritage areas where the benefit of such may not outweigh the cost.
3. **Extra cost on ratepayers.** The LPP has already and will continue to generate administrative burden and cost on the city which is then reflected in rates. At over 300 'old' properties included, this generates considerable workload to assess the volume of inevitable applications. The LPP compels heritage and architectural expertise the city does not have. The heritage rate concession is low. This does not equate to the costs involved.

Process

Given all this, this current LPP should be shelved, and a robust new, engaged process undertaken with a different outlook and methodology to work out the best solution/s.

Not engaging with landowners before the LPP was drafted has been a fundamental error. The Public Information session held on 8 August seemed heralded as generous by officers, but it was an afterthought and poorly executed, leaving people more confused and upset.

At nearly 200 people, this was a rare, large, engaged landowner audience and city officers were not prepared or just did not care. This was a lost opportunity. It is not up to landowners to make submissions to tweak or fix this LPP. This LPP needs a complete overhaul, not the details clarified.



Low contribution properties

Where it is warranted, heritage listing has its place. Individual heritage value should not be replaced however by generic precinct areas. This LPP leveraging broad precinct character outcomes from individual, standalone heritage listed homes is inappropriate.

Some streets in the Tree Street Area share more obvious traits than others. In defined, confined areas, this is where a well-developed heritage area LPP can be appropriate. LPP's like this should guide and ensure minority new development is sensitive to the overwhelming majority, strong traits that are evident. This approach is not however appropriate in the reverse, used to dictate a new, different heritage character based on limited or standalone homes amongst a majority that are all different.

The currency of some individual properties listed in the Municipal Heritage Inventory requires review. For some of these properties, their listing is out of date. Others do not have a visual impact on the streetscape and should not be used to dictate in the LPP what new development or renovation should look like for other houses nearby.

Deemed to comply approach

These provisions are narrow and too generic. This fixed approach does not work in such a large and diverse area. The deemed to comply matters selected are also not necessarily the unifying character attributes of the Tree Street Area.

Boundary development should not be prevented, in some instances this is essential. Parking forward of the building line is in some streets unavoidable. High boundary fencing, especially to a side boundary along noisy roads is also essential, and likewise, there is a mix of roof pitches and styles evident, it is not generic.

If the LPP is about streetscape and pattern of development, how someone renovates inside or at the rear of their property should not be subject to scrutiny.

Rather than trying to homogenise the built form outcome, which is not how it is now, perhaps the focus should tilt to be about what to avoid rather than defining what is required?

Discretion

The LPP sets out very limited situations that avoid a costly, added, and often unnecessary layer to assessment, if not open-ended argument about merit with the city. Not only is the city unqualified and not resourced to provide this expertise, but the broad discretion created in this LPP is uncertain and open ended. Clear guidance on objectives and how this broad discretion will be applied is essential.

Subdivision

The city has poorly expressed suggestion to the community that without this LPP, the Tree Street Area has no basis for retaining what is largely an R15 R-Code. This is nonsense and has no place in justifying the LPP. This overly simplistic thought process comes across as blackmail.



The R15 R-Code is also part of the heritage of this area. The City of Bunbury lacks diversity of housing choices, including higher density apartment style living. The Tree Street Area however has value because it is different from much of the rest of Bunbury. This diversity, character, and heritage here is important to protect, not threaten to take away. There are other areas in Bunbury that are far superior for achieving meaningful densification, where the important traits evident in the Tree Street Area do not exist.

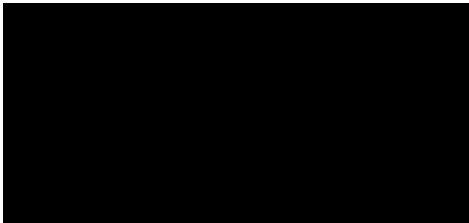
In reassessing the basis and form of this LPP, we request the city to stand firm on retaining the current R15 R-Code.

Conclusion

The Tree Street Area is different to other parts of Bunbury. This distinction and history should be handled with more care. More robust investigation is required however to determine what actions, even a suite of actions, might be best suited. This blunt, one size fits all, heavy handed LPP is not the solution.

In pursuing this LPP, the city has poorly executed key steps that could have led to a meaningful, realistic outcome. Instead, this LPP has cast doubt and disenfranchised. Please reconsider this LPP.

Kind regards,





28 August 2023

YOUR REF	N/A
OUR REF	PLH00025-50742
ENQUIRIES	Kathryn Exell (08) 6551 9683

Chief Executive Officer
City of Bunbury

Attention:
Lacey Brown
Strategic Planning Officer (Heritage)
lbrown@bunbury.wa.gov.au

Dear Lacey,

PROPOSED HERITAGE AREA AND LOCAL PLANNING POLICY 4.3: TREE STREETS HERITAGE AREA

Thank you for your email of 12 July 2023 regarding the proposed Tree Streets heritage area draft Local Planning Policy 4.3.

The proposed Local Planning Policy has been considered for its potential impact on State registered heritage places within the heritage area and the following advice is given:

1. The inclusion of the State Registered places P332 *Myrniong* and P18566 *St Boniface Anglican Cathedral & Bishops court* within the proposed Tree Streets Heritage Area is likely to be of positive benefit to the cultural heritage significance of these places.
2. The proposed 'Local Planning Policy 4.3 – Tree Streets Heritage Area' generally encourages sound conservation practices and supports sympathetic change.
3. Under the Local Planning Policy provisions for Roof Form and Pitch (Policy 9.8), there is a risk, particularly to P332 *Myrniong*, that restricting new additions to pitched roof forms may distort the original built form. The City is requested to further consider the unintended impact of the pitched roof requirement for alterations and additions, as this may unduly limit sympathetic development.
4. That subject to the above concern being addressed to the satisfaction of the Director, Historic Heritage Conservation, there is no objection on historic heritage grounds to the proposed Local Planning Policy.

dph.wa.gov.au
info@dph.wa.gov.au



We hope that these comments are of value in the development of the proposed Local Planning Policy.

Should you have any queries regarding this advice please contact Kathryn Exell at kathryn.exell@dplh.wa.gov.au or on 6551 9683.

Yours faithfully

A handwritten signature in black ink, appearing to read "N. Moredoundt". The signature is written in a cursive style with a large initial "N" and a stylized "M" and "A".

Nerida Moredoundt

CHAIR



Your ref: N/A
Our ref: PLH00025 -50742
Enquiries: Kathryn Exell (08) 6551 9683

Chief Executive Officer
City of Bunbury

Attention: Lacey Brown, Strategic Planning Officer (Heritage)
lbrown@bunbury.wa.gov.au

Dear Lacey,

**PROPOSED LOCAL PLANNING POLICY 4.3: TREE STREETS HERITAGE
AREA – COMMENT ON CULTURAL HERITAGE**

Thank you for your email of 12 July 2023 regarding the draft Local Planning Policy 4.3: Tree Streets Heritage Area.

The Heritage Council considered at its meeting of the 25 August 2023 the potential impact of the proposed Local Planning Policy on State registered heritage places. An advice letter has been provided under separate cover by the Heritage Council Chair, dated 25 August 2023.

The Department has considered other aspects of the policy that may impact cultural heritage, and provide the following advice to assist the City of Bunbury in development of the policy:

1. The City is to be commended on a thorough, well considered draft policy for the Tree Streets Heritage Area.
2. The City should consider expanding the preamble to provide clarification on exempted maintenance activities.
3. The term 'existing buildings' is used throughout the document and does not differentiate between contributory and non-contributory places. The City should consider how the document can be structured to create a clearer distinction between the two.
4. The requirement for pitched roof forms for alterations and additions may unduly limit sympathetic development and result in unintended distortion to original roof forms. Consideration should be given to expanding the requirement for roof pitch, particularly for alterations and additions to contributory places.
5. The City should consider a requirement for visual and physical separation between the original dwelling (for contributory places) and any additions, particularly for corner lots, to maintain the original roof form.



6. The City should consider clarifying clause 9.13 Landscaping and Boundary fencing, as the clause allows for new buildings to install 'traditional' fences that imitate the detailing of original fabric. Boundary fencing should be identifiably new, unless based on documentary evidence where restoration of original fencing is proposed.
7. Further guidance could be provided in the document as to what is sympathetic development, as per the Burra Charter principles, including new work being 'readily identifiable'. The following design approaches could be noted;
 - a. Subtle architectural style using simple forms and limited material palette
 - b. Sympathetic architectural approach that enhances the existing character of the place
 - c. design principles that derive from the architectural language of the existing heritage fabric without imitation

We hope that these comments are of value in the development of the proposed Local Planning Policy.

Should you have any queries regarding this advice please contact Kathryn Exell at kathryn.exell@dplh.wa.gov.au or on 6551 9683.

Yours faithfully

A handwritten signature in blue ink that reads "Adelyn Siew". The signature is fluid and cursive, with a large loop at the end.

Adelyn Siew
Director
Historic Heritage Conservation

29 August 2023

An open letter to the City of Bunbury Mayor and Honourable Members of the City Council,

We write this open letter as concerned citizens and owners of the City of Bunbury to express our deep reservations and opposition to the new proposal that pertains to the Tree Street Heritage Area and the associated Local Planning Policy 4.3

We, the owners in the proposed Tree Street Heritage Area, appeal to the Mayor and Councillors of the City of Bunbury, to abandon the proposed Tree Street Heritage Area and Local Planning Policy 4.3 in totality.

The proposal under consideration places an unnecessary and onerous burden on us as owners and, more importantly, on future generations of owners. While we undoubtedly recognize and respect the unique character of this area, it is important to acknowledge that the current proposal, seeking to declare our homes a heritage area, has triggered significant anxiety and stress within the community.

The Council's offering of a potential 'rates relief' of \$1000 annually for up to five years, while appreciated, does little to alleviate the financial costs that will undoubtedly be incurred by us in adhering to the Heritage regulations while performing essential maintenance on our homes. These regulations, though well-intentioned, have the potential to impose substantial financial strains on owners, as they require adherence to specific guidelines that often necessitate specialized materials and labour, driving up overall costs.

Furthermore, the anxiety surrounding the prospect of these regulatory requirements not only disrupts the tranquillity of our community but also undermines the very essence of why we have chosen to make this historic district our home.

The Tree Street Area has flourished because of the dedication and love poured into it by its owners, who have maintained its charm and character with unwavering devotion. It is disheartening to consider the potential adverse impact on this cherished district, as well as the stress that could be passed on to future generations of owners.

In light of these concerns, we humbly urge the City Council to reconsider the proposal and engage in a more extensive dialogue with the affected owners, which we do not believe had happened to date. A collaborative and transparent approach is essential, allowing owners to voice their anxieties and present alternative solutions that could preserve the integrity of the Tree Street Area without imposing undue financial burdens.

We firmly believe that by working collectively and attentively, we can find a balanced resolution that respects the character of this area while supporting the owners who have nurtured it over the years. We wholeheartedly hope that our concerns will be taken to heart, and we look forward to the opportunity for constructive discussions that will contribute to the well-being of both the community and our beloved city.

Thank you for your time and understanding. We await your response with optimism and trust in your commitment to our city's past, present, and future.

Signed by the 302 owners in the area affected by the proposed policy.