

NOTICE OF MEETING



HERITAGE ADVISORY COMMITTEE MEETING

A Heritage Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 21 June 2016
Time	2.00pm

A handwritten signature in black ink, appearing to read 'S Burt'.

Shannon Burt
Director Sustainable Environment and Economy

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

(a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;

(b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
HERITAGE ADVISORY COMMITTEE MEETING

BUSINESS OF MEETING

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**
 - 3.1 Heritage Advisory Committee Meeting held on 8 April 2016
- 4. BUSINESS ARISING FROM PREVIOUS MINUTES**
- 5. STAFF REPORTS**

Sustainable Environment and Economy

- 5.1 Heritage Discussion Topics.....4

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 5.1 Heritage Discussion Topics

Directorate: Sustainable Environment and Economy

5 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy
Noreen Scott, EA Sustainable Environment and Economy

File No: I2016/589

10 **Theme:** Ecology
Development and Approvals

Summary:

15 This report outlines the various discussion topics for the Heritage Advisory Committee meeting to be held on Tuesday 21 June 2016.

RECOMMENDATION:

That the Heritage Advisory Committee note the report and discussion topics.

Attachments:

20 1 Draft Revised Byron Shire Council Heritage Strategy 2016-2019, E2016/29658 , page 7

Report

The following items relating to 'Heritage' are listed for discussion at this meeting:

Item	Time allocation	Discussion led by
1. Finalisation of the draft Byron Heritage Strategy	Up to 30 minutes	Shannon Burt & Deborah Wray
2. Committee members top 5 priorities from the Heritage Strategy	Up to 30 minutes	Shannon Burt & Deborah Wray
3. Heritage Near Me Incentives Program	Up to 30 minutes	Shannon Burt & Deborah Wray

5 1. Heritage Strategy

The purpose of this discussion is to finalise the draft Byron Heritage Strategy which has previously been workshopped with the Committee. Attached to this report is the current draft Heritage Strategy document.

10

 2. Heritage Strategy Priorities

The purpose of this discussion is to identify the 5 top priorities for implementation of the Heritage Strategy for FY 2016/2017. Committee members have been asked to consider the Strategy recommendations and come with their top 5 priorities to the meeting for discussion.

15

 3. Heritage Near Me Incentives Program

The Heritage Near Me Incentives program has been developed to address gaps in existing funding and resourcing for local heritage in NSW and provides grants directly to owners and managers of local heritage items. The program provides the opportunity for reconnection with the 47% of NSW councils who have decided to opt out of the Local Government Heritage Advisor service.

20

The Incentives Program aims to provide funding opportunities for local heritage items that are not supported under existing heritage programs in NSW. The Local Government Heritage Advisors, Local Government Heritage Places Grants and Local Government Heritage Planning Studies grants which are funded by the Heritage Council of NSW will not be affected by the new incentives.

25

A link to the Heritage Grants page for more information is provided here:

30

<http://www.environment.nsw.gov.au/Heritage/heritage-near-me-incentives.htm>

The purpose of this discussion is to determine if Byron Shire has any potential project eligibility for the program under the three new grant streams:

35

1. Heritage Activation Grants:

Funding will be available for projects designed to increase public enjoyment of local heritage, such as physical works for public access, public programming, strategy development and business planning. The Heritage activation stream is due to open in **27 June 2016**.

40

The criteria for these grants is to activate public enjoyment of heritage. The grants are focused on publicly accessible places which are listed on the LEP heritage schedule as locally significant.

45

One suggestion is for Committee members to go through the LEP 2014 heritage schedule and list publicly accessible places e.g. country halls, churches, school of arts community buildings, showgrounds as a starting point to discuss any potential projects at the meeting. It can also include

business development and marketing etc. A link to the Byron LEP 2014 document is provided below:

<http://www.legislation.nsw.gov.au/#/view/EPI/2014/297>

5

2. Local Heritage Grants:

10 The Roadshow team will help communities determine priorities for their local heritage and the Local Heritage Grants will provide resources to act on those priorities. Funding and technical expertise will be available to support collaborative solutions through community-based projects and activities. The Local Heritage grants stream is due to open in **July 2016**.

15

3. Heritage Green Energy Grants:

20 Owners of heritage buildings are eligible to complete an energy efficiency audit, or energy efficiency training, through our Energy Efficient Business program. Identifying energy efficiencies helps sustain heritage buildings and their values. The Heritage Green Energy Grants will open in **July 2016**. Before these grants open, owners of heritage buildings are able to begin an energy efficiency audit through our Energy Efficient Business program.

Financial Implications

25 Will be dependant on recommendations made by the Committee to Council.

Statutory and Policy Compliance Implications

Nil.

DRAFT

Byron Shire Heritage Strategy

5

2016-2019



Historic Date Palm Plantings Mullumbimby

10

Insert Council Logo

15

April 2016

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY5.1 - ATTACHMENT 1

Introduction

5 The purpose of this document is to set out a heritage strategy to be used by Council to provide direction for heritage management, and to link it to wider strategic and organisation planning. This Heritage Strategy is based on the Heritage Branch's 'Recommendations for Local Council Heritage Management' and is linked to the annual reporting template which is a requirement of the Heritage Branch for local government heritage funding arrangements.

10 Byron Shire Council recognises that *Bundjalung of Byron Bay-Arakwal People* are the traditional custodians of the land in Byron Shire, and form part of the wider Aboriginal nation known as the Bundjalung.

15 **It was highlighted at the meeting that this needed to be changed. Please advise of correct wording.**

Note- It was derived from the Byron Council Annual Report 2014-15

20 *"In the preparation of this document Council acknowledges that the Bundjalung of Byron Bay – Arakwal People are the Traditional Custodians of the land in Byron Shire, and form part of the wider Aboriginal nation known as the Bundjalung. Council also acknowledges the Aboriginal and Torres Strait Islander people who now reside within this area."*)

25 Places of Aboriginal cultural significance are protected by Federal and State legislation, however a detailed study of Aboriginal Cultural Heritage in Byron Shire is recommended as part of this strategy.

30 Local heritage management and policies have expanded considerably in the last 28 years, when the Byron 1988 LEP Heritage Schedule contained a heritage precinct and 3 individual heritage items in Bangalow, 10 items at Byron Bay, 9 Items at Mullumbimby and a site on Ewingsdale Road.

35 In 2008 an extensive Community Based Heritage Study (Non-Indigenous) was carried out by a steering committee under the leadership of Dr Donald Ellsmore. This study drew information from the local community about the places and items that it considered important to be protected for future generations. As a result of the study many places of heritage significance were identified and formal listings were put in place to protect these places. Byron Shire LEP now has a list of 187 items and 7
40 Heritage Conservation Areas.

Byron Shire LEP 2014 use the state wide standard provisions for assessment of future development in relation to Heritage Items and Conservation Areas In addition, the Byron Shire DCP 2014 contains a suite of more detailed policies which complement
45 the LEP to address heritage conservation and new development.

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5 This strategy also looks beyond decisions about individual developments relating to heritage items, to embrace a wider view and vision of the heritage value of the Shire. It sets out Councils directions for conserving the heritage of the shire and highlights pro active strategies to protect, enhance and promote the conservation of natural and built heritage. This is linked to the vision of Councils Community Strategic Plan 2022, which is:

10 *"culturally rich and thriving communities living in harmony, responding positively to the challenges of our world, and leading by example"*

This strategy should be reviewed again in 2019 to assess the success of the strategy policies and implementation, and guide future directions for heritage management in the Byron Shire Council.

15 **Background**

20 Byron Shire Council covers an area of 567 Sq km in north eastern NSW and includes most of the catchment of the Brunswick River and part of the Richmond River. The shire has a population of approx 30,000 residents living in the main settlements of Mullumbimby, Byron Bay, Bangalow, and Brunswick Heads and an attractive rural hinterland.

25 The Shire contains a wide variety of heritage assets including Indigenous sites, natural heritage sites, landscape elements, iconic landmarks such as the Cape Byron lighthouse, industrial heritage such as the Mullumbimby Power Station, plus many examples of civic, commercial and domestic heritage which provide a collective richness of local identity, characterised largely by a built north coast vernacular of timber and iron buildings and many excellent examples of commercial buildings of 1930s.

30 Byron Bay is a world famous tourist destination, and tourism and related industries are the major economic drivers in the shire. Tourism has gradually replaced much of the early rural industries of dairy farming, sugar cane and banana growing however new rural industries have emerged. Tourism and heritage conservation are synonymous worldwide and this needs to be clearly recognised across organisational planning...

35 As a highly desirable destination for tourists and new residents, many areas are subject to pressure for increased development and densities. This presents an ongoing challenge to the Council to retain the desired character and significance of heritage and streetscapes with a balance of sympathetic development.

40 The strategy aims to protect and properly manage identified heritage assets, and in particular promote a wider and more informed understanding of the cultural, economic and social value of heritage by the community to enable it to be conserved for future generations.

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HERITAGE STRATEGY 2016-19

1. Operate a Heritage Committee to provide community input to heritage matters in the Byron Shire Council area.

5

Aim: To promote the conservation and maintenance of Byron Shire's natural and built heritage.

Actions:

10 1. Support and promote the operation of the Byron Shire Heritage Committee in highlighting community concerns and providing advice and input to Council staff and elected officials. Provide Committee members with regular e mail notification of notified or advertised Development Applications relating to Heritage Items and in Heritage Conservation Areas

15

2. Enable the Committee to provide input into local heritage assistance grants and recommendations. (*Encourage Council to set up a local heritage grant fund- this is in point 5*)

20

3. Encourage the Committee to provide input to events, studies, and other community heritage initiatives and act as a conduit to relay and take information back to community groups or organisations which they represent.

25

4. Encourage the Committee to take a leading role in promotion of heritage in the local area for example in Heritage Week events, talks, and walks, open gardens etc.

30

5. Enable the Committee to work in liaison with Council on identification and review of heritage listings and to consider potential places for nomination of State Heritage Register listing status.

35

6. Encourage Heritage Advisory Committee members and local historical societies and interested members of the public to provide additional historical information on places of heritage significance within the shire (listed or potential) and where appropriate, include this information on the SHI data base. (*a web based application is now available to Council*)

40

7. Encourage Heritage Advisory Committee members to further explore places of significance to early Pioneer Heritage, Natural heritage, and encourage the conservation of these places.

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2. Identify Heritage Items in the Byron Shire and list them in the Local Environmental Plan

- 5 *Aim To identify places of heritage significance both Indigenous and Non Indigenous, buildings, sites, natural items, cultural landscapes, archaeological and moveable items) in Byron Shire and implement measures to protect their integrity and significance.*

Actions

- 10 1. Apply for grant funding to undertake an Aboriginal Cultural Heritage Study in close association with the Tweed Byron and Jali Heads Local Aboriginal Land Councils.
- 15 2. Maintain, review and update the Byron LEP 2014 Heritage Schedule and accompanying State Heritage Inventory database.
- 20 3. Identify heritage items places of which are considered vulnerable and may require Council to take a pro-active role to encourage conservation works.
- 25 4. Consider potential places for consideration of State Heritage Register listing and provide submissions to the NSW Department of Environment and Heritage on any nominations.

3. Appoint a Heritage Advisor to assist Council, the community and owners of listed Heritage Items, properties in Heritage Conservation Areas or potential items.

30

Aim To achieve enhanced awareness and understanding of the importance of heritage conservation in Byron Shire and the need for new development to be sympathetic to these values.

Actions:

- 35 1. Actively promote free heritage advice to owners and prospective owners in relation to heritage items and places within Conservation Areas , including advice on grant opportunities, conservation, restoration and maintenance, appropriate materials and colour schemes, adaptive re-use, alterations,
- 40 additions and new work.
- 45 2. Actively encourage owners and applicants to have early discussions of proposals with Council's Planning and Building Department and liaison with Councils Heritage Advisor particularly at the pre DA and pre works stage.

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3. Make the community aware of the Heritage Advisory service through local newspapers, council newsletters, web pages, e news or other media.
- 5 4. Obtain input from the Heritage Advisor in the assessment of Development Applications, or works likely to impact on heritage items or places of significance.
- 10 5. Obtain input from the Heritage Advisor to assist Council with the preparation of other related planning and development documents and initiatives.

15 4. Manage heritage in the Byron Shire area in a positive manner

Aim To take a pro-active approach to the management of heritage in the Shire

Actions

- 20 1. Link wider Council strategic land use planning and corporate council policies to achieving heritage conservation goals, e.g. community vision plans, asset management plans, budgetary planning and consideration of land use zoning provisions, urban and village plans.
- 25 2. Continue to carefully consider Byron Shire LEP 2014 and DCP 2014 heritage provisions in the assessment of development proposals.
- 30 3. Enable a flexible and performance based approach to dealing with issues in development proposals such as car parking and building requirements, to maximise heritage conservation outcomes.
- 35 4. Work towards long term conservation planning of significant community heritage items or precincts, through detailed Significance Assessments, Conservation Management Plans and Maintenance Plans and Interpretation Plans as appropriate and seek funding where possible to achieve priority projects. Potential projects may include the Bangalow Conservation Area and Main Street Precinct, Social Heritage, identification of significant trees and landscapes, orchards, arboretums and 'Green Frog'.
- 40 5. Foster links between Council and the community to improve access to information to residents on advertised and notified developments in the Conservation areas and in relation to Heritage Items.

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5. Operate a Local Heritage Fund to provide a small grants program to encourage local heritage projects.

5 *Aim To increase community participation and pro-active conservation works to heritage assets in the local area.*

Actions

- 10 1. Establish a Local Heritage Fund to provide assistance to owners of heritage assets.
- 15 2. Allocate Council funds to run the programme and optimise grant funding opportunities.
- 20 3. Consider how the grant programme might be augmented through corporate sponsorship and partnership building, to meet potential demand. (e.g. sponsorship for signage for projects on site, paint and supplies sponsorship)
- 25 4. Consider annual priorities for grant funding allocations, possibly on an area basis or type of heritage, e.g. rural heritage, Main Street, domestic or general and shire wide.

6. Run Main Street Programmes

25

Aim To develop measures for the protection, enhancement and promotion of Main Streets within Byron Shire and provide opportunities for Council to work with business owners and the community to achieve this.

30 Actions

- Ensure that the historic significance of any main street precinct is fully considered as part of any urban enhancement projects.
- 35 1. Explore ideas for Council incentives for the carrying out conservation works which enhance the heritage significance and integrity of historic properties in the main street, e.g. rate rebates, rebates on DA fees if required for conservation works, reinstatement of original details, removal of unsympathetic alterations etc.
 - 40 2. Require a very high standard of design for any new or infill developments that respect the context and historic significance of main street precincts.
 - 45 3. Identify buildings which are considered vulnerable or a high priority for restoration or maintenance works and liaise with property owners to ensure that they are aware of grant incentives and free heritage advisory services. Contact non resident landlords to make them aware of the initiatives.

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4. Review signage in the main street and develop strategies to deal with any non compliance and signage which is unsympathetic with the precinct.
- 5 5. Work closely with tourism providers, business representatives, Chambers of Commerce and other agencies to ensure that the Main Street heritage values are actively promoted.
- 10 6. Ensure that any future development is well designed, sympathetic and enhances the heritage values and significance of the main street precincts. Promote the use of historically appropriate colour schemes and free advice on such schemes to owners.

15 7. Present Educational and Promotional Programs

Aim To actively assist and promote cultural heritage projects and awareness in the shire.

Actions

- 20 1. Develop Council's web pages to include local history and the cultural heritage of the Byron Shire area, the Community Based Heritage Study, heritage listings, and information on heritage conservation and the need for ongoing maintenance.
- 25 2. Increase awareness in the community of Development Consent requirements. Consider developing a brochure or information kits /frequently asked questions for owners of heritage items and in Conservation Areas to be available on line and at the Council offices.
- 30 3. Develop information on Colour Schemes for heritage buildings and consider a case study for Bangalow or Mullumbimby with good examples.
4. Contact OEH to make the Byron Community Based Heritage Study State Heritage Inventory data sheets readily available on its website.
- 35 5. Ensure all council staff have access to the SHI and utilise the information in the assessment of development proposals.
6. Integrate heritage conservation with tourism promotion.
- 40 7. Forge strong links with the museum groups in the shire, and provide links to the museum websites on Councils heritage pages. Give support to heritage promotions.

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8. Upgrade interpretative material in the shire, with particular emphasis on street signage and the website and new digital QR codes for mobile phones and devices.
- 5 9. Consider developing a 'Walk of Fame' for notable people of historic social significance within each Community
- 10 10. Promote heritage facilities operating in the shire and assist in pursuing funding opportunities Promote activities for cultural tourism which links to heritage conservation.
- 11 11. Send relevant Council staff to heritage conservation courses.
- 15 12. Consider running a heritage maintenance course for owners of heritage properties by skilled local builders/experts.
- 13 13. Organise community forums to promote discussion and awareness of heritage conservation.
- 20 14. Run a competition in heritage week /April-May for school students: "Where Does My Family Come From?" to promote interest in historical research, and heritage.

25

8. Set a good example to the community by properly managing places owned or operated by Byron Shire Council

- 30 *Aim To maintain a register of Council Heritage Assets and to ensure adequate funds to be allocated to enable proper maintenance and long term protection.*

Actions

- 35 1. Identify and maintain a list of all items/places/trees of heritage significance which are in Council's ownership or management.
2. Assess long term maintenance and conservation planning requirements and provide for these costs to be identified in Council budget planning.
- 40 3. Develop a protocol for Council staff that are responsible for these assets in order that they are aware of Aboriginal cultural heritage due diligence, heritage conservation legal requirements and best practice issues for maintenance and management.
- 45 4. Ensure that any works requiring consent are dealt with in the correct manner to set an example to the community. Use the correct materials and methods for repairs, carry out Statements of Heritage Impact or Review of

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Environmental Factors, where required as part of the infrastructure planning process where heritage assets are likely to be impacted upon.

- 5
5. Prioritise the preparation of Conservation Management Plans for significant Council owned or managed heritage buildings.
 6. Prepare a simple plan of management for historic cemeteries covering broad aspects of care and conservation.
 - 10 7. Identify record and catalogue and safely store any significant historic equipment, relics, documents, photographs, and paintings etc that are owned by or are under the care of Council. Prepare a plan of management for the particularly significant items.
 - 15 8. Prepare interpretative material where appropriate.

20

9. Promote sustainable development as a tool for heritage conservation

Aim to promote sustainable development as a tool for heritage conservation

25

Actions:

- 30 1. Promote and encourage adaptive re-use, infill or sympathetic additions to historic buildings in favour of demolition and rebuilding. Use the pre DA process to actively support this policy.
- 35 2. Consider providing a 'heritage rebate' on DA charges and fees for positive projects that support those principles in Byron Shire, e.g. changes of use of heritage items.
- 40 3. Encourage owners to adopt sustainable building principles including the provision of water tanks, solar panels and solar hot water and other emerging technologies and work with the heritage advisor to find sensitive solutions to any installations on heritage buildings or sites where consent is required.

40