

NOTICE OF MEETING



HERITAGE PANEL MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 9 May 2019
Time	9.00am

A handwritten signature in black ink, appearing to be 'SB', is positioned above the name and title of the signatory.

Shannon Burt
Director Sustainable Environment and Economy

12019/675
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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 PANEL MEETING

BUSINESS OF MEETING

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Heritage Panel Meeting held on 30 August 2018

4. STAFF REPORTS

Sustainable Environment and Economy

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

5 **Report No. 4.1** **2019 Meeting dates**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/662

10 **Summary:**

This report advises the Panel of the adopted 2019 Heritage Advisory Panel meeting dates.

15 Point 12 of the Constitution of the Panel advises, in regard to convening meetings:

Convening Meetings

20 Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

25 A meeting of the Panel may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

RECOMMENDATION:

That the Heritage Panel notes the 2019 meeting dates.

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REPORT

Background

- 5 At 13 December Council meeting 2018, the following dates were adopted by Council to hold the Heritage Panel 2019 meetings on:
- Thursday 9 May, 9.00am
 - Thursday 29 August, 9.00am
 - Thursday 14 November, 9.00am

Options

The Panel may recommend that additional meeting dates be arranged. Another meeting day, in lieu of a Thursday, should be considered as an option if this were to occur, as there are few vacant Thursday dates available.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.1	Administer the Heritage Advisory Panel
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Legal/Statutory/Policy Considerations

Nil

Financial Considerations

Nil

Consultation and Engagement

N/A

Report No. 4.2 **Heritage Program Update 2018-19**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/663

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Summary:

10 This report provides a summary of the activities and projects auspiced under the Byron Shire Heritage Program for the 2018-19 period.

RECOMMENDATION:

That the Heritage Panel notes the 2018-19 Heritage Program update.

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REPORT

20 **Heritage Advisory service**

It was another productive year for the heritage advisory service in Byron Shire with work in the following key areas:

- 25 • 7 visits to Council
- 47 site visits up to April 2019, and provided advice on the range of heritage matters outlined above
- 12 pre-Development Application assessments
- 22 Development Applications and 1 Minor Works application as part of statutory management of development in relation to heritage items and Conservation Areas in the Shire
- 30 • 19 conservation/general advice meetings to assist in heritage management
- Assistance and support to owners with grant applications under the Local Heritage Places grants
- Attendance at Heritage Panel meetings and a field day
- 35 • Delivery of heritage training workshop for real estate agents and planning consultants/staff in August 2018
- Input with Council's asset management on works within the Conservation Areas
- Preparation of two additional heritage fact sheets for Council on roofing and colour schemes
- Use of conservation incentives clause to promote heritage conservation.

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166 McGettigans Lane, Ewingsdale.

The heritage conservation incentives clause enabled a new tourist use tied to future conservation works and a maintenance plan.

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Heritage Panel visit to Mullumbimby Power Station

10 **Byron Shire Local Places Heritage Grants 2018-19**

The Local Heritage Assistance Fund supported 5 successful projects in 2018-19. Projects included guttering, removal of graffiti, restumping, repainting, verandah restoration, and window joinery repairs. All projects helped to raise awareness of appropriate materials, colour schemes, and approaches to conservation and cumulatively enhance the conservation within the Shire.

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Examples of completed projects 2018-19



Whilst some projects were small scale, every positive conservation action has a cumulative impact in the enhancement of heritage conservation in Byron Shire and is raising awareness about conservation best practice. The earliest attention to repairs is critical, especially water damage to prevent accelerating deterioration which can result. Local awareness of positive support for heritage owners also contributes to better public awareness and the building of a positive image for Council in nurturing a supportive governance of heritage conservation.

Heritage Conservation Areas

As per resolution of Council, an application has been lodged under the OEH planning studies grants to carry out a review of the Conservation Areas to produce a fine grained analysis of the building stock and contributory elements and the outcome is awaited. This would assist with future planning and development assessment particularly with regard to the non – listed contributory properties in these precincts. A response from OEH is not expected until mid year.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.2	Administer Council's Heritage Advisor and Heritage Projects Funds
	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.3	Provide a free Heritage Advisory Service to the community

Legal/Statutory/Policy Considerations
Nil

Financial Considerations
Heritage Program managed within existing budget and grant requirements.

Consultation and Engagement
N/A

Report No. 4.3 **Heritage Panel member updates**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/664

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Summary:

10 The nominated Heritage Panel members are invited to provide a brief update on matters and activities undertaken by their respective group / organisation relevant to the Panel and its terms of reference.

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RECOMMENDATION:

That the Heritage Panel notes the member updates.

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REPORT

5 Member representatives from the Byron, Mullumbimby/Brunswick Head and Bangalow historical societies, community, Arakwal and Tweed Byron and Jali Aboriginal Land Councils to provide a brief update to the Panel on matters and activities undertaken by their group / organisation relevant to the Panel and its terms of reference.

The Panel Terms of Reference are as follows:

10 *The purpose of the Heritage Panel is to provide support and advice to Council to assist its operations on heritage matters.*

Actions of the Heritage Panel that can assist to achieve this include:

- 15 a) *Assisting Council in the development of policies and strategies including the preparation of a Heritage Strategy and the management of natural and cultural heritage generally in Byron Shire local government area.*
- b) *Advising Council staff, the Heritage Adviser and the Council on matters relating to the ongoing implementation of the Heritage Strategy (once completed).*
- 20 c) *Assisting Council to procure and allocate funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy (once completed).*
- d) *Providing access to the general community to distribute information and for public input into heritage management, eg, to nominate additional properties for assessment of heritage significance.*
- e) *Advising Council on a range of heritage-related matters which are of interest to the community, in particular, by providing expertise, local knowledge and guidance on heritage matters and in relation to heritage assessments.*

25 **STRATEGIC CONSIDERATIONS**

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.1	Administer the Heritage Advisory Panel

30 ***Legal/Statutory/Policy Considerations***

Nil

Financial Considerations

Nil

35 ***Consultation and Engagement***

N/A

Report No. 4.4 **Minutes of previous meeting held 30 August 2018**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/674

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Summary:

10 The Minutes of the previous Heritage Panel meeting held on 30 August 2018 referred to item 3 of this meeting agenda are provided by a web link below.

RECOMMENDATION:

That the Heritage Panel note the minutes of the 30 August 2018 meeting for the purposes of item 3 of the meeting agenda which were reported to Council 18 October 2018.

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REPORT

The minutes of the previous Heritage Panel meeting held on 30 August 2018 are available for viewing from the link below:

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https://byron.infocouncil.biz/Open/2018/08/HER_30082018_MIN_820_WEB.htm

STRATEGIC CONSIDERATIONS

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Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.1	Administer the Heritage Advisory Panel

Legal/Statutory/Policy Considerations

Nil

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Financial Considerations

Nil

Consultation and Engagement

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N/A