

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, 29 August 2019
Time	9.00am

A handwritten signature in black ink, appearing to read 'S Burt', is positioned above the printed name.

Shannon Burt
Director Sustainable Environment and Economy

I2019/1278
Distributed 22/08/19

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 9 May 2019

4. STAFF REPORTS

Sustainable Environment and Economy

4.1	Heritage Program Update	4
4.2	Heritage Panel Member Updates	8
4.3	Heritage Panel meeting held 9 May 2019.....	10

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Heritage Program Update**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/1235

10 **Summary:**

This report provides an update of the activities and projects auspiced under the Byron Shire Heritage Program for the 2019-20 period.

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RECOMMENDATION:

That the Heritage Panel:

1. **Note the update provided in the report on the Heritage Advisory Service, Local Places Grants and the review of the Heritage Strategy.**
2. **Request the community and historical society members to commit to contributing to community forums to promote discussion and awareness of heritage conservation; and developing a ‘Walk of Fame’ for notable people of historic social significance within the community for a nominated town and / or village.**

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REPORT

Heritage Advisory service

5 The service is delivered by our Heritage Advisor, an independent specialist who provides free advice to owners of heritage listed items. This can include advice on colour schemes, extensions, awnings and fences as well as more comprehensive advice on the integration of new development in older areas. This service is jointly funded by a grant from the Heritage Division of the NSW Office of Environment & Heritage and Council.

10 The free advice provided is of a general nature and should be considered as the starting point for more extensive work that may require an architect, builder or designer.

15 We encourage owners to use the service at the earliest design stage.

The Heritage Advisor also assesses applications for the Local Heritage Places Grants and provides independent assessment of heritage issues associated with development applications.

Byron Shire Local Places Heritage Grants 2018-19

20 Each year we invite owners of heritage buildings and items listed in the Byron Shire to apply for Local Heritage Places Grants. The grants aim to encourage conservation of heritage items identified in the Byron Local Environmental Plans and can assist property owners to carry out restoration works.

25 There is a total of up to \$15,000 available. This is made up of a \$6,500 grant from the Heritage Division of the NSW Office of Environment & Heritage and \$8,500 from Council.

30 The focus for 2019-20 Local Heritage Places Grants is conservation works that enhance individual places, buildings and historic streetscapes that will in turn promote and foster the community's and visitors' appreciation of Byron Shire's town and villages.

35 Following on from the great conservation results of last year's grant program, Council's intention is to continue the focus on buildings that have good public visibility and works that will enhance historic streetscapes.

40 We anticipate the funds will be taken up by owners of business premises, dwellings and other structures in main streets and elsewhere, and will lead to ongoing improvement in the Shire's streetscapes.

The 2019/2020 Grant program is now open.

Heritage Conservation Areas

45 As per resolution of Council, an application was 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 was received that the grant application made was
50 unsuccessful. An alternate funding source will need to be identified if this review is to progress in 2019/2020. Otherwise an application will be made again for the next round of funding at the end of this year.

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Byron Shire Heritage Strategy Review

The Byron Shire Heritage Strategy is designed to provide direction for heritage management and to link heritage to wider strategic and organisation planning.

5 The Heritage Strategy is based on the NSW Government 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 The Strategy contains 9 key themes, with objectives and actions under each which are reported on annually. The Strategy 2016-2019 is due for review this year. The Heritage Panel members will be actively involved in the review process.

15 [file:///fapmho2/users\\$/sburt/Downloads/Byron-Shire-Heritage-Strategy-2016-2019-ADOPTED-res-16-364.pdf](file:///fapmho2/users$/sburt/Downloads/Byron-Shire-Heritage-Strategy-2016-2019-ADOPTED-res-16-364.pdf)

Community/Industry forums and activities

20 Listed below are a few of the actions from the current adopted Heritage Strategy. It would be ideal for 2 or 3 of these to be selected by the Panel for the community and historical society members to assist council action this year.

- 25 • Encourage the Panel 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.
- Consider developing a ‘Walk of Fame’ for notable people of historic social significance within each Community.
- 30 • Promote heritage facilities operating in the shire and assist in pursuing funding opportunities.
- Consider running a heritage maintenance course for owners of heritage properties by skilled local builders/experts.
- 35 • Organise community forums to promote discussion and awareness of heritage conservation.

STRATEGIC CONSIDERATIONS

40 ***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
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

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	2.5.2.3	Provide a free Heritage Advisory Service to the community
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Legal/Statutory/Policy Considerations

5 N/A

Financial Considerations

10 Heritage Program managed within existing budget and grant requirements.

Consultation and Engagement

15 N/A

Report No. 4.2 **Heritage Panel Member Updates**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/1249

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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.

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:

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:

- 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).*
- 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.*

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

Legal/Statutory/Policy Considerations

Nil

Financial Considerations

Nil

Consultation and Engagement

N/A

Report No. 4.3 **Heritage Panel meeting held 9 May 2019**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2019/795

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Summary:

10 The Heritage Panel meeting 9 May 2019 was not held due to lack of quorum. Discussion on the following items took place with the members in attendance.
https://byron.infocouncil.biz/Open/2019/05/HER_09052019_AGN_1035_AT.PDF

Report No. 4.1 2019 Meeting dates

15 File No: I2019/662

Report No. 4.2 Heritage Program Update 2018-19

File No: I2019/663

Report No. 4.3 Heritage Panel member updates

File No: I2019/664

20 **Report No. 4.4 Minutes of previous meeting held 30 August 2018**

File No: I2019/674

A number of recommendations were made that have not been formally adopted by the Heritage Panel. It is recommended that this occur at this meeting.

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RECOMMENDATIONS:

Report No. 4.1 **2019 Meeting dates**
File No: I2019/662

RECOMMENDATION:

That the Heritage Panel:

1. Noted the 2019 meeting dates.
2. Requests an extra date for the 2020 meeting schedule. The date to be confirmed by staff.

Report No. 4.2 **Heritage Program Update 2018-19**
File No: I2019/663

RECOMMENDATION:

That the Heritage Panel notes the 2018-19 Heritage Program update with the following requests:

1. That additional fact sheets be developed for uploading to Council's website.
2. That a real estate agents / design consultants network event be convened locally this year.
3. That the Brunswick Heads area be considered as part of the Heritage Conservation Areas Project, subject to funding.

4. That a letter be sent to the Real Estate Agent / and owners of the deceased estate 175 Wilson Creek Road, Wilson Creek, inviting the owners to meet with staff about the historical aspects of the property.
5. That a new webpage to be created called “heritage conversations” for people to upload photos. A link to be provided to Council’s webpages (similar example one based on the Ulmarra heritage page link below)

<https://www.clarenceconversations.com.au/ulmarra-nymboida-heritage-study?tool=map>

Report No. 4.3 **Heritage Panel member updates**
File No: I2019/664

RECOMMENDATION:

That the Heritage Panel note the member updates with the following requests:

1. That staff to draft a letter to Essential Energy about the Power House site and its machinery.
2. That a letter be sent to the owners of the Old Flick House, explaining clause 10.10 of the Local Environmental Plan, and that the Heritage Advisor arrange a site visit and assessment of the historical aspects of the property.
3. That a site inspection for the Heritage Panel be convened this year to visit Brunswick Heads, and the Byron Lighthouse.

Report No. 4.4 **Minutes of previous meeting held 30 August 2018**
File No: I2019/674

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.

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

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Legal/Statutory/Policy Considerations

Nil

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Financial Considerations

Nil

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Consultation and Engagement

N/A