

# NOTICE OF MEETING



## HERITAGE PANEL MEETING

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

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 18 March 2021</b>
Time	<b>2.00pm</b>

Shannon Burt  
Director Sustainable Environment & Economy

*I2021/432  
Distributed 11/03/21*

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## CONFLICT OF INTERESTS

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**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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

**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.

**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 of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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## 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 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**  
**BUSINESS OF MEETING**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1	Minutes from previous meeting held 11 June 2020 adopted by Council 27 August .....	5
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**4. STAFF REPORTS**

**Sustainable Environment and Economy**

4.1	Notes from the previous Heritage Panel meeting 10 September 2020 .....	6
4.2	Heritage Panel Member Updates.....	10
4.3	Discussion Piece - "Stuck in the past: why Australian heritage practice falls short of what the public expects" .....	12
4.4	Heritage Program Update.....	15

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1**                      **Minutes from previous meeting held 11 June 2020 adopted by Council 27 August**

5    **Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                      Noreen Scott, EA Sustainable Environment and Economy  
**File No:**                                      I2020/1349

10    **RECOMMENDATION:**

**That the Heritage Panel note the minutes of the 11 June 2020 meeting as adopted by Council 27 August.**

15    **REPORT**

20    The minutes of the previous Heritage Panel meeting held on 11 June 2020 are attached and available at:

[https://byron.infocouncil.biz/Open/2020/06/HER\\_11062020\\_MIN\\_1204\\_WEB.htm](https://byron.infocouncil.biz/Open/2020/06/HER_11062020_MIN_1204_WEB.htm)

25    The minutes were reported and adopted by Council at the 27 August 2020 Ordinary Meeting.

**STRATEGIC CONSIDERATIONS**

***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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	Coordinate the Heritage Advisory Panel

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

***Financial Considerations***  
 Nil

35    ***Consultation and Engagement***  
 Not applicable

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1      Notes from the previous Heritage Panel meeting 10 September 2020**

5    **Directorate:**                      Sustainable Environment and Economy  
**Report Author:**              Noreen Scott, EA Sustainable Environment and Economy  
**File No:**                              I2021/379

10    Attached are the notes from the previous Heritage Panel meeting held on 10 September 2020.

This meeting was without quorum.

These notes are included for confirmation by the Heritage Panel as part of this meeting.

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**RECOMMENDATION:**

**That the Heritage Panel confirms the notes from the 10 September 2020 meeting.**

**Attachments:**

20    1      notes from Heritage Panel 10 September 2020, E2021/42339 , page 8 [↓](#)

**Report**

Attached are the notes from the previous Heritage Panel meeting held on 10 September 2020.

25    This meeting was without quorum.

These notes are included for confirmation by the Heritage Panel as part of this meeting.

30

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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	Coordinate the Heritage Advisory Service

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### Legal/Statutory/Policy Considerations

Nil

### Financial Considerations

10 Nil

### Consultation and Engagement

Not applicable

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.1**      **Heritage Panel Member Updates**  
**File No:**            I2020/1348

**RECOMMENDATION:**

That the Heritage Panel notes the member updates.  
(Chris Cooney/ Cr Cameron)

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**Report No. 4.2**      **Applications received for Local Heritage Places Funding 2020/21**  
**File No:**            I2020/1358

**RECOMMENDATION:**

That the Heritage Panel notes the update on the applications received to the Local Heritage Places Funding 2020/21; and that a further round of advertising will occur to encourage additional applications before the end of the year. (Cr Cameron /Gae Laverty)

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**Report No. 4.3**      **State Heritage Inventory Database - Robinson Estate Bangalow**  
**File No:**            I2020/1359

**RECOMMENDATION:**

That the Heritage Panel notes that the State Heritage Inventory Database for the Robinson Estate Bangalow has been updated. (Vivienne Gorec /Chris Cooney)

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**Report No. 4.4**      **Promote and manage heritage in the Byron Shire in a positive manner**  
**File No:**            I2020/1360

**RECOMMENDATION:**

That the Heritage Panel:

1. Requests staff to investigate the promotion and education material options for the management of heritage and historical sites in Byron Shire through:
  - i) Development of a brochure for the commercial heritage buildings located in the Mullumbimby town centre in connection with Brunswick Valley Historical Society;
  - ii) Continuing discussions with the various Council teams working on the story trails to help enhance and promote heritage in a positive manner;
  - iii) Investigating options for obtaining funds via grants or other sources to enable heritage promotion;
  - iv) Updating heritage resources available online to improve education and management for heritage items and conservation areas.



2. Notes that the delivery of 1 is dependant on budget allocation and staff resourcing.
3. Recommends to Council that the story trail project be allocated funding at the Quarterly budget review.
4. Recommends that the Brunswick Valley Historical Society be encouraged and assisted to apply for a grant to assist with the production of the brochure for the story trail walk. (Cr Cameron/Chris Cooney)

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*There being no further business the meeting concluded at 10.55am.*

**Report No. 4.2**                    **Heritage Panel Member Updates**  
**Directorate:**                    Sustainable Environment and Economy  
**Report Author:**                Chris Larkin, Manager Sustainable Development  
    Nancy Tarlao, Planner  
5    **File No:**                        I2021/381

**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:**

15    **That the Heritage Panel notes the member updates.**

**REPORT**

20    Member representatives from nominated Historical Societies, Arakwal, Aboriginal Land Councils and community are invited 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. (These updates should be 10 minutes maximum).

25    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**

30    **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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***

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Nil

***Consultation and Engagement***

N/A

**Report No. 4.3      Discussion Piece - "Stuck in the past: why Australian heritage practice falls short of what the public expects"**

**Directorate:**                      Sustainable Environment and Economy

5    **Report Author:**            Chris Larkin, Manager Sustainable Development  
   Nancy Tarlao, Planner

**File No:**                            I2021/382

**Summary:**

10    An article in The Conversation publication 2 March 2020 entitled '*Stuck in the past: why Australian heritage practice falls short of what the public expects*' is an opinion piece around contemporary heritage management including a statement that 'people-centred conservation is a way to place the community at the heart of heritage'.

<https://theconversation.com/stuck-in-the-past-why-australian-heritage-practice-falls-short-of-what-the-public-expects-152896>

15    This article makes reference to a recent review of local heritage undertaken by the Heritage Council of Victoria into local cultural heritage recognition, protection and management arrangements across the state.

20    The article and publication (State of Heritage 2020), both interesting and relevant to Byron Shire, are presented to the Heritage Panel for discussion purposes.

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**RECOMMENDATION:**

25    **That the Heritage Panel notes the discussion piece "Stuck in the past: why Australian heritage practice falls short of what the public expects" and the Victorian Heritage Council: State of Heritage Report 2020.**

## Report

5 An article in The Conversation publication 2 March 2020 entitled '*Stuck in the past: why Australian heritage practice falls short of what the public expects*' is an opinion piece around contemporary heritage management including a statement that 'people-centred conservation is a way to place the community at the heart of heritage'.

This article references the recent review of local heritage undertaken by the Heritage Council of Victoria into local cultural heritage recognition, protection and management arrangements across the state. The review is entitled: State of Heritage 2020.

10 <https://heritagecouncil.vic.gov.au/research-projects/the-state-of-heritage-review-local-heritage/>

The review's main aims were:

- to establish a clear picture of local cultural heritage protection and management arrangements across the state to identify what support is required to improve local cultural heritage management
- 15 • to identify examples of best-practice local cultural heritage management and how this may be shared and celebrated
- to provide tangible and practical opportunities for enhancing the way State and local governments work together to recognise, protect and manage local heritage.

It was conducted in two phases:

- 20 • the first phase involved a survey of the current local heritage arrangements of all 79 local government areas across Victoria
- the second phase involved a targeted exploration of best-practice examples through a series of case study interviews and the investigation of potential solutions to the most common local cultural heritage issues through a series of workshops across
- 25 the state.

There are recommendations made and also lessons learnt shared in the publication that are worth a read and discussion for relevance and application to Byron Shire if the Panel members choose so.

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## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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	Coordinate the Heritage Advisory Panel

5 **Legal/Statutory/Policy Considerations**

N/A

**Financial Considerations**

N/A

**Consultation and Engagement**

10 N/A

**Report No. 4.4      Heritage Program Update**

**Directorate:**                      Sustainable Environment and Economy

**Report Author:**              Chris Larkin, Manager Sustainable Development  
Nancy Tarlao, Planner

5    **File No:**                              I2021/383

**Summary:**

This report provides an update on the status of (certain) heritage program actions progressed this financial year.

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**RECOMMENDATION:**

**That the Heritage Panel notes the heritage program update report as presented by staff.**

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## Report

### Heritage Advisory service

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

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.

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

15 The heritage advisor service has been well utilised this year by many new and prospective purchasers.

An application has been submitted with the OEH to continue the grant funding arrangement for this program for 2021-2023 period. Status of application is pending.

### 20 Byron Shire Local Places Heritage Grants 2020-21

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 The focus for 2020-21 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.

30 While there were multiple grant applications received for the 2020-21 round, as a result of COVID challenges this year past only two grants remain active: one for the Byron Community Centre, the other for the Old Masonic Hall at Bangalow. These are to be completed by end March for grant acquittal purposes.

An application has been submitted with the OEH to continue the grant funding arrangement for this program for the 2021-23 period. Status of application is pending.

### 35 Aboriginal Heritage Cultural Mapping and Management Plan

Council has submitted an application under the 2021-23 Community Heritage - Local Government Heritage Studies stream for a Shire wide Aboriginal cultural heritage mapping and management plan. Status of application is pending.

### Local Environmental Plan amendments to list new heritage items



# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.4

Various resolutions are being actioned separately. Most are in consultation stage with the landowner and OEH. Further report/s to Council for formal consideration will follow.

### **Brunswick Heritage Conservation Area**

5 In response to [NOM 9.1 Brunswick Heads Heritage Conservation](#) at the Planning Meeting 11 February 2020, Council's Heritage Advisor has been engaged to undertake:

- Research of historical and other background information and early photographs for contextual history
- Liaison and meetings with Brunswick Valley Historical Society, Brunswick Heads Progress Association, Chamber of Commerce and local community members as available.
- Preparation of a detailed report consistent with the Guidelines 'Assessing Heritage Significance' by NSW Heritage Office 2001 for inclusion in a formal Planning Proposal to be prepared by BSC.

15 This work will progress over the coming month/s. Further report/s to Council for formal consideration will follow.

Strategic Considerations

### **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.1	Ensure Aboriginal and other cultural heritage management reflects legislative requirements as well as community expectations and values	2.5.1.1	Scope Aboriginal Cultural Heritage Management Project
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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	Coordinate the Heritage Advisory Panel

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.4

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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	Conduct the Local Heritage Places Grant Program

### Legal/Statutory/Policy Considerations

N/A

### Financial Considerations

5 N/A

### Consultation and Engagement

N/A