

# 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	Thursday, 21 April 2022
Time	11.30am

Shannon Burt  
[Director Sustainable Environment and Economy](#)

I2022/395  
Distributed 14/04/22



**BYRON**  
SHIRE  
COUNCIL

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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 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. STAFF REPORTS**

**Corporate and Community Services**

3.1 Delivery Program - Workshop Session ..... 5

**Sustainable Environment and Economy**

3.2 Review Constitution of Heritage Advisory Committee..... 10

3.3 Heritage Advisor Annual Report 2021-2022 ..... 20

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 3.1      Delivery Program - Workshop Session**

**Directorate:** Corporate and Community Services

5 **Report Author:** Heather Sills, Corporate Planning and Improvement  
Coordinator

**File No:** I2022/368

**Summary:**

10 The *Byron Shire Community Strategic Plan 2032* is currently on public exhibition, as Council develops the associated Delivery Program and first year Operational Plan.

Council is seeking feedback from community and stakeholders into the development of the Delivery Program.

15 Advisory committees are asked to contribute to this process, specifically addressing the Community Objectives and Strategies related to their areas of interest and expertise.

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**RECOMMENDATION:**

20 **That the Heritage Advisory Committee provide input into the development of the draft Delivery Program 2022-26.**

## Report

5 The draft Community Strategic Plan (CSP) has been developed to guide long term future planning to meet the needs and aspirations of the community. This review was an opportunity for Council to consider the objectives and strategies which sit at the highest level of Council's planning hierarchy to set the framework for the Delivery Program.

## Outcomes

The review of the Community Strategic Plan is an evolution of the 2028 Community Strategic Plan. The review has led to a revised 'vision' and redefined the five community objectives.

10 **Vision - Our Byron Shire is a 'meeting place': Where all people can come together to connect, share, grow, inspire, and create positive change.**

The *community objectives*, while retaining the five original themes, have been refreshed to ensure continuing relevance, based on feedback from the community.

15 The inclusion of values-based terminology at the heading level seeks to better reflect community values and aspirations: Effective, Inclusive, Nurtured, Ethical, and Connected.

The associated *strategies* have also been redefined and realigned with the community objectives to more clearly articulate the intended priorities and aspirations of the community. A summary is below:

20 **Community Objective 1: Effective Leadership** – We have effective decision making and community leadership that is open and informed.

### *Strategies:*

- 1.1 Enhance trust and accountability through open and transparent leadership
- 1.2 Engage and involve community in decision making
- 1.3 Ethical and efficient management of resources

25 1.4 Enhance organisation capability through innovative practices and regional partnerships

- 1.5 Empower community leadership through collaboration, capacity building, and cultivating community driven initiatives

30 **Community Objective 2: Inclusive Community** – We have an inclusive and active community where diversity is embraced, and everyone is valued.

### *Strategies:*

- 2.1 Foster opportunities to express, celebrate and participate in arts and cultural activity
- 2.2 Enhance safety and contribute to the physical, mental, and spiritual health and wellbeing of our people

35 2.3 Respect Aboriginal culture, value cultural knowledge, and acknowledge history

- 2.4 Enrich lifelong learning and education and support services to help young people thrive
- 2.5 Create social impact and initiatives that address disadvantage

**Community Objective 3: Nurtured Environment** – We nurture and enhance our natural environment.

*Strategies:*

- 3.1 Partner to nurture and enhance our biodiversity, ecosystems, and ecology
- 5 3.2 Deliver initiatives and education programs to encourage protection of our environment
- 3.3 Protect the health of our coastlines, estuaries, waterways, and catchments
- 3.4 Support and empower our community to adapt to, and mitigate our impact on climate change
- 10 3.5 Minimise waste and encourage recycling and resource recovery practices

**Community Objective 4: Ethical Growth** – We manage growth and change responsibly

*Strategies:*

- 15 4.1 Manage responsible development through effective place and space planning
- 4.2 Enable housing diversity and support people experiencing housing insecurity
- 4.3 Promote and support our local economy
- 4.4 Foster sustainable visitation and the impacts of tourism on the Shire
- 20 4.5 Support a resilient community that can adapt and respond to change

**Community Objective 5: Connected Infrastructure** – We have connected infrastructure, transport, and facilities that are safe, accessible, and reliable.

*Strategies:*

- 25 5.1 Provide a safe, reliable, and accessible transport network
- 5.2 Connect the Shire through integrated transport services
- 5.3 Invest in renewable energy and emerging technologies
- 5.4 Provide accessible community facilities and open spaces
- 5.5 Provide continuous and sustainable water and sewerage management

30 **Delivery Program and Operational Plan**

Cascading out of the ten year strategies of the CSP come the four year actions in the Delivery Program. The Delivery Program outlines Council's commitment to the community on how it will work towards the CSP strategies during its term. The annual activities in the Operational Plan detail how Council works towards the Delivery Program year by year.

- 35 The Water and Sewer Advisory Committee is asked to consider and inform the development of the Delivery Program actions that contribute to the following strategies:

**Community Objective 2: Inclusive Community** – We have an inclusive and active community where diversity is embraced, and everyone is valued.

40

Strategies:

2.1 Foster opportunities to express, celebrate and participate in arts and cultural activity

Identity and Heritage

Share and celebrate our diverse stories, identities, and histories

5

A brief workshop session will be held as part of the meeting to provide opportunities for input and discussion.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>Community Objective 5: We have community led decision making which is open and inclusive</b>	5.2: Create a culture of trust with the community by being open, genuine and transparent	5.2.1: Provide timely, accessible and accurate information to the community	<b>5.2.1.2</b>	Undertake a community engagement program to review and develop Council's Integrated Planning and Reporting framework documents

## 10 Legal/Statutory/Policy Considerations

The requirements for the Community Strategic Plan are governed by [Section 402](#) of the Local Government Act 1993.

Further requirements are outlined in sections 403-406 and in the Integrated Planning and Reporting [Guidelines](#) and [Handbook](#).

## 15 Financial Considerations

Not applicable.

## Consultation and Engagement



# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

3.1

This discussion forms part of the community engagement program, as outlined in the [Community Engagement Strategy](#) for the Community Strategic Plan.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

#### **Report No.                      Review Constitution of Heritage Advisory Committee**

- 5    **Directorate:**                      Sustainable Environment and Economy
- Report Author:**                Chris Larkin, Manager Sustainable Development  
   Shannon Burt, Director Sustainable Environment and Economy
- File No:**                            I2022/359



#### **Summary:**

- 10    Attached is the Constitution for the Heritage Advisory Committee, for the Committee's review.

#### **RECOMMENDATION:**

- 15    **That the Strategic Heritage Advisory Committee recommend to Council to adopt the constitution at Attachment 1 E2021/148702**

#### **Attachments:**

- 20    1    Draft Heritage Constitution 2022, E2021/148702 , page 13  

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

### Report

The constitution is attached for your review. Specifically, we would like your feedback on the membership and format of future meetings.

- 5 **Future meetings have been scheduled for 16 June 2022 at 4:30 and 15 September 2022 at 11:30am.**

### 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
<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

### 10 Recent Resolutions

- 22-026

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

#### **Legal/Statutory/Policy Considerations**

Not applicable.

#### **Financial Considerations**

Not applicable.

#### **5 Consultation and Engagement**

Not applicable.



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**BYRON SHIRE COUNCIL**  
**HERITAGE ADVISORY COMMITTEE**  
**CONSTITUTION**  
**DRAFT**

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**INFORMATION ABOUT THIS DOCUMENT**

(INTERNAL USE ONLY)

<b>Date Adopted by Council</b>	TBC	<b>Resolution No.</b>	TBC
<b>Responsibility</b>	Sustainable Environment and Economy		
<b>Review Timeframe</b>	Each Term of Council		
<b>Last Review Date:</b>	December 2021	<b>Next Scheduled Review Date</b>	December 2024

***Document History***

<b>Doc No.</b>	<b>Date Amended</b>	<b>Details Comments eg Resolution No.</b>
E2016/82037	29 September 2016	Resolution 16-482

***Further Document Information and Relationships***

<b>Related Legislation</b>	Section 355, Local Government Act (1993)
<b>Related Policies</b>	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
<b>Related Procedures/ Protocols, Statements, documents</b>	

Constitution: Heritage Advisory Committee

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Constitution: Heritage Advisory Committee

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## **1. Preamble**

The Heritage Advisory Committee is a Committee of the Council and does not have executive power or authority to implement actions.

The role of the Committee is to provide appropriate specialist advice and recommendations to Council on matters relevant to this Constitution.

## **2. Purpose**

The purpose of the Heritage Advisory Committee is to provide support and advice to Council to assist its operations on heritage matters.

Actions of the Heritage Advisory Committee 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.

## **3. Timeframe for Committee**

The lifespan of the Heritage Advisory Committee is for the term of Council 2022-2024.

## **4. Responsible Directorate**

This Committee is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

## **5. Membership**

Council must appoint all Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the Committee at any time by a resolution of council. Council may also appoint any new members to a Committee at any time by a resolution of council.

Membership is to include:

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#E2021/148702

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Constitution: Heritage Advisory Committee

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- 2 Councillors
- 4 representatives with relevant qualifications or experience, one from each of the Shire's **known** historical societies being:
  - Brunswick Valley
  - Byron Bay
  - Bangalow
  - Mullumbimby
- 1 representative each from the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and the Tweed Byron Local Aboriginal Council.
- 3 Community representatives with relevant qualifications or experience
- Byron Shire General Manager (or staff member delegate)

*Note: Staff members participating on the Committee do not have any voting entitlements.*

## **6. Induction**

All members will be required to participate in an induction process at the establishment of a new Committee, and at any time a replacement voting member joins a Committee. The induction will be scheduled prior to the first meeting of the Committee and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced Committee members at, or prior to, their first meeting.

## **7. Quorum**

A quorum is to constitute at least half the number of members, two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Committee meeting and is not counted in the quorum for the meeting.

## **8. Confidentiality**

Members of the Committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

## **9. Election of Chairperson**

The position of Chairperson is to be elected from Councillors comprising the Committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

## **10. Voting**

- a) Each member of the Committee (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.

Constitution: Heritage Advisory Committee

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- b) Members of the Committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

### **11. Majority Decision**

A majority decision of the Committee requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

### **12. Convening Meetings**

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

A meeting of the Committee 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.

### **13. Agenda Preparation**

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Committee members may request items for inclusion in future agendas, through the Chair.

### **14. Conduct of Business**

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

### **15. Records of meetings**

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.
- b) Any recommendation of a Committee that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Committee, and the staff report will include as an attachment, a copy of the minutes of the Committee meeting at which the recommendation was made.

## 16. Absence from Committee Meetings

All Committee members are required to advise the chair when they are unable to attend Committee meetings. The absence of Committee members from the meeting is to be recorded in the minutes. A Committee member (other than the Mayor) ceases to be a member of a Committee if the member:

- a) Has been absent from three consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absence, or
- b) Has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.

## 17. Section 377 Delegation

The Committee does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

## 18. Meeting Practice

Meetings are to be conducted in accordance with this Constitution and, where required, reference to Council's Code of Meeting Practice.

## 19. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, 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. Such other person includes the spouse or de-facto partner or relative of the group member.

Section 446 of the Local Government Act states that "a member of a council Committee, other than a Committee that is wholly advisory, must disclose pecuniary interests..."

Even though the Local Government Act provides an exemption to disclose pecuniary interests Council's preference is for all members to declare pecuniary interests where applicable.

- d) **Work Health Safety:** All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.

**Report No. 0.0      Heritage Advisor Annual Report 2021-2022**

**Directorate:**                      Sustainable Environment and Economy

**Report Author:**                Noreen Scott, EA Sustainable Environment and Economy

**File No:**                            I2022/360

5      **Summary:**

This report provides the Heritage Advisory Panel members with a presentation from Council's Heritage Advisor regarding the FY21/22 Heritage Advisor Annual Report.

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**RECOMMENDATION:**

**That the Heritage Advisory Panel notes the presentation from Council's Heritage Advisor regarding the FY21/22 Heritage Advisor Annual Report (# E2022/36033).**

15      <Section5>

**Attachments:**

1      Heritage Advisor Annual Report 2021-22, E2022/36033 , page 22  

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## **Report**

Byron Shire Council has engaged the services of Deborah Wray as a Heritage Adviser.

The role of the Heritage Adviser is to:

- 5
- provide input into development applications involving heritage items
  - provide free advice to property owners on the appropriate ways to manage their heritage to protect its significance and values
  - guide Council on the distribution of heritage grants to eligible applicants
- 10
- assist Council in developing and implementing a Heritage Strategy for the area.

The Heritage Advisory Service is provided free to all residents and property owners in the Byron Shire.

- 15
- The Heritage Advisory Service is part funded by a grant from the NSW Heritage Office and the terms of the grant require an annual report from the Heritage Advisor on its activities and achievements to be submitted for grant acquittal each year.

- 20
- A verbal presentation of the FY21/22 annual report (Attachment 1) will be provided to the Panel by Council's Heritage Advisor at the meeting.

## **Financial Implications**

Council was successful in receiving grant funding for the FY 21/22 and FY 22/23 for the continuation of the Heritage Advisory Service. Activities in the adopted Heritage Strategy will continue to be the focus of work for the Heritage Advisory service this year.

- 25
- [Heritage Strategy - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/heritage-strategy)

## **Statutory and Policy Compliance Implications**

N/A























