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

Pate Friday, 8 April 2016

Time **2.00pm**

Shannon Burt

<u>Director Sustainable Environment and Economy</u>

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 (\$ 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.

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 16 February 2016	
4.	BUSI	NESS ARISING FROM PREVIOUS MINUTES	
5.	STAFF REPORTS Sustainable Environment and Economy		
	5.1	Draft Heritage Strategy	.4

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 5.1 Draft Heritage Strategy

Directorate: Sustainable Environment and Economy

5 Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: 12016/228 Theme: Ecology

Development and Approvals

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Summary:

Council was successful in receiving a Local Government Heritage Advisors Grant for the 2015-2016 period. A further grant application submitted end 2015 for the 2016-2017 funding round for the continuation of the Heritage Advisor service is currently being assessed by the Office of Environment and Heritage (OEH). As a condition of heritage advisor funding, Council must prepare a 3 year heritage strategy to guide heritage management in their area. This strategy must be based on the OEH publication, 'Recommendations for local council heritage management'.

- The Heritage Advisory Committee at its meeting 16 February 2016, considered a report on the preparation of a Heritage Strategy for the Byron Shire and workshopped items for inclusion. The Committee resolved:
- That the Committee note the comments/notes discussed at the meeting held 16 February 2016, and the discussions on the development of the Heritage Strategy for Byron Shire inclusive of the 4 points as follows:

Identify

- Missing Potential Items Further Assessment
- Aboriginal Study
- Natural Heritage
- Pioneers Heritage Risk of Loss
- Bangalow Conservation
- Social Heritage
- Vulnerable non-listed in each area
 - Trees and Stumps
 - Orchards Arboretums
 - Additional Listings
 - Green Frog (Steam Locomotive)
- 40 Protect
 - National and State Laws
 - Local Level
 - Byron LEP 2014
 - DCP Provisions
- Notification
 - Transparency
 - Heritage Item v Conservation Area
 - Concern about Irreversible Loss
 - Demolition by Neglect
 - Community vigilance
 - State Level Heritage Listings

Enhance

- Grants Local Fund
- Correct Use of Materials Colours
- Adaptive Re-Use
 - Heritage Rebate Valuations
 - Sympathetic Extension Investment and Retention of Item

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

- Restoration/Reconstruction
- Secondary Dwellings, Good neighbour development- Complementary Designs DCP Controls
- Dual Occupancy Infill
- Curtilage
- Promote

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- Awareness of Consent Regulations
- Information Kits
- Frequently asked Questions
- Press Release
- Bangalow Colour Schedules
- Researched with Options
- Education
- Masterplans
- Interpretation
- 15 *Murals*
 - Location relevance
 - Ongoing maintenance
 - Content
 - Apps Trails Information
 - Walk of Fame The people Social Significance Each Community

That all Committee members are welcome to send in suggestions or comments for the draft Heritage Strategy content to Council and these comments will be combined and forwarded to the Heritage Advisor.

That the Heritage Advisor bring back a draft Heritage Strategy to the next Committee meeting scheduled for the 12 April, 2016 for further discussion.

A Draft Byron Shire Heritage Strategy has now been prepared by Council's Heritage Advisor with input from Committee members, and is attached to this report for the consideration and endorsement of the Committee.

RECOMMENDATION:

That the Heritage Advisory Committee endorses the Byron Shire Heritage Strategy 2016-2019.

35 Attachments:

Draft Byron Shire Heritage Strategy 2016-2019 prepared by Deborah Wray dated March 2016, E2016/18800, page 7

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report

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A Draft Heritage Strategy has been prepared in accordance with the standard guidelines developed by the Office of Environment and Heritage. The Strategy is based on the NSW Heritage Council template, as per the publication Recommendations for Local Council Heritage Management.

The Strategy is built around the nine recommendations of the NSW Heritage Council as follows:

10 Recommendation 1: Establish a heritage committee to deal with heritage matters in your area

Recommendation 2: Identify the heritage items in your area and list them in your local

environmental plan

15 Recommendation 3: Appoint a heritage and urban design advisor to assist the council, the

community and owners of listed items

Recommendation 4: Manage local heritage in a positive manner

20 Recommendation 5: Introduce a local heritage incentives fund to provide small grants to

encourage local heritage projects

Recommendation 6: Run a heritage main street program

25 Recommendation 7: Present educational and promotional programs

Recommendation 8: Set a good example to the community by properly managing places owned or

operated by the council

30 Recommendation 9: Promote sustainable development as a tool for heritage conservation

The Draft Heritage Strategy is for the period from June 2016 to July 2019. It will be utilised to satisfy the annual reporting requirements of the NSW Heritage Council's Heritage Strategy Annual Report methodology, through an annual assessment of its implementation, and reviewed at the conclusion of the three-year cycle to assist and guide future directions for heritage management in the Byron LGA.

Financial Implications

40 Council is required to comply with the grant funding requirements under the Local Government Heritage Advisor program. Claims for payment of the grant will only be made where the grant obligations are met.

Statutory and Policy Compliance Implications

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Nil.

DRAFT

Byron Shire Heritage Strategy

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2016-2019



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Insert Council Logo

March 2016

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

Introduction

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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 follows the guidelines set out by NSW Department of Environment and Heritage (DOEH) and is based on the Heritage Branch's 'Recommendations for Local Council Heritage Management'. The 9 point structure is linked to the annual reporting template which is another requirement of the Heritage Branch as part of its ongoing monitoring of local government heritage funding arrangements.

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. 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.

Byron Shire Council first introduced local heritage management and policies in xxxx. 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 Heritage Conservation Areas.

Byron Shire LEP 2014 sets out statutory 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 the LEP to address heritage conservation and new development.

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 heritage conservation. This is linked to the vision of Councils Community Strategic Plan 2022, which is:

"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.

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

Background

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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.

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.

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.

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.

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.

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

Actions:

- 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.
 - Enable the Committee to provide input into local heritage assistance grants and recommendations. (Encourage Council to set up a local heritage grant fundthis is in point 5)
 - Encourage the Committee to provide input to events, studies, and other community heritage initiatives.
- 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.
 - 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.
 - 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)
 - Encourage Heritage Advisory Committee members to further explore places
 of significance to early Pioneer Heritage and encourage the conservation of
 early sites/ buildings Any known sites to identify??? URBAN? RURAL??

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

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Aim To identify places of heritage significance (Indigenous and Non Indigenous, buildings, sites, cultural landscape, archaeological and moveable items) in Byron Shire and implement measures to protect their integrity and significance.

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Actions

 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.

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 Maintain the Byron LEP 2014 Heritage Schedule and accompanying State Heritage Inventory database.

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• Identify heritage items places of which are considered vulnerable and may require Council to take a pro-active role to encourage conservation works.

(note that the local listings are not subject to minimum standards of repair and maintenance like State Level listings.)

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 Consider potential places for consideration of State Heritage Register listing and provide submissions to the NSW Department of Environment and Heritage on any nominations.

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 Support community heritage groups including National Trust of Australia (NSW) and the local Historical Societies to articulate concerns about development which could impact on heritage items and their context.

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

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.

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Actions:

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 Actively promote free heritage advice to owners and prospective owners in relation to heritage items and places within Conservation Areas in relation to grant opportunities, proposals for conservation works and maintenance issues, and appropriate colour schemes, restoration, adaptive re-use, additions and extensions, and new work.

. .

 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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• Make the community aware of the Heritage Advisory service through local newspaper, council newsletters or council web pages or other media.

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- Obtain input from the Heritage Advisor in the assessment of Development Applications, or works likely to impact on heritage items or places of significance. (Number of applications subject to budget)
- Obtain input from the Heritage Advisor to assist Council with the preparation of other related planning and development documents and initiatives.

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

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

Actions

- 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.
- Continue to carefully consider LEP and DCP heritage provisions to the assessment of development proposals.
 - 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.

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 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. Eg;

Bangalow Conservation Area and Main Street precinct.

Social Heritage

Trees and landscape, orchards, arboretums

Green Frog

WHAT PROJECTS ARE IMPORTANT AND PRIORITIES???

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

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

Actions

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 Establish a Local Heritage Fund to provide assistance to owners of heritage assets.

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- Allocate Council funds to run the programme and optimise grant funding opportunities. (A minimum of \$30,000 is suggested plus likely grant funding of \$10,000)
- Consider how the grant programme might be supplemented through corporate sponsorship, once established, to meet potential demand. (eg signage for projects on site)
- Decide priorities for grant funding allocations, possibly on an area basis or type of heritage, eg rural heritage, main street, domestic, or leave it open for all applications.

6. Run Main Street Programmes

15 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.

Actions

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- Ensure that the historic significance of any main streets is fully considered as part of any urban enhancement projects.
 - 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, eg rate rebates, rebates on DA fees if required for
 conservation works reinstatement of original details, removal of
 unsympathetic alterations etc.
- Require a very high standard of design for any new or infill developments
 that respect the context and significance of main street precincts.
 - 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.
 - Review signage in the main street and develop strategies to deal with any non compliance and signage which is unsympathetic with the precinct.
- Work closely with tourism providers and other agencies to ensure that the Main Street heritage values are actively promoted and include business owners in this initiative.
- Ensure appropriate colour schemes are used which enhance the heritage values and significance of places within the main street precincts. Promote the use of historically appropriate colour schemes and free advice on such schemes to owners. •

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7. Present Educational and Promotional Programs

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

5 Actions

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- 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.
- Develop more information to the community to increase awareness of Development Consent requirements and the maintenance and works of a minor nature no fee process under Clause 5.10(3). Consider developing a brochure, or Information Kits /Frequently asked questions for owners of heritage items and in Conservation Areas.
- Develop information on Colour Schemes for heritage buildings and consider case study for Bangalow or Mullumbimby with good examples.
- Contact DOEH to make the Byron Community Based Heritage Study State Heritage Inventory data sheets available on the internet.
 - Ensure all council staff have access to the SHI and utilise the information in the assessment of development proposals.
 - Integrate heritage conservation with tourism promotion.
 - Forge strong links with the museum groups in the shire on joint promotions and activities to promote cultural tourism.
 - 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.
- Consider a Walk of Fame the people- Social Significance for each Community
 - Promote heritage facilities operating in the shire and assist in pursuing funding opportunities.
 - Send relevant Council staff to heritage conservation courses when possible.
 - Consider running a heritage maintenance course for owners of heritage properties by skilled local builders/experts.

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

5 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

- Identify and maintain a list of all items/places/trees of heritage significance which are in Council's ownership or management.
- Assess long term maintenance and conservation planning requirements and provide for these costs to be identified in Council budget planning.

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Develop a protocol for Council staff who 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.

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

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Prioritise the preparation of Conservation Management Plans for significant Council owned or managed heritage buildings.

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Prepare a simple plan of management for historic cemeteries covering broad aspects of care and conservation.

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- Identify, record and catalogue 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.
- Prepare interpretative material where appropriate.

40 9. Promote sustainable development as a tool for heritage conservation

Aim to promote sustainable development as a tool for heritage conservation

Actions:

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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.

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 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.

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• 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. (it should be noted here that solar installations etc are exempt when not on primary frontages up to certain sizes under SEPP Infrastructure 2007)

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