

# 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, 12 March 2020</b>                      |
| Time  | <b>9.00am</b>                                       |

Shannon Burt  
Director Sustainable Environment & Economy

*I2020/370  
Distributed 05/03/20*

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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

## 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 14 November 2019

#### **4. STAFF REPORTS**

##### **Sustainable Environment and Economy**

|     |   |    |
|-----|---|----|
| 4.1 | Heritage Panel Walk - Brunswick Heads .....         | 4  |
| 4.2 | Draft Byron Shire Heritage Strategy 2020-2024 ..... | 17 |
| 4.3 | Heritage Panel Member Updates .....                 | 69 |

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1**                      **Heritage Panel Walk - Brunswick Heads**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                  Chris Larkin, Manager Sustainable Development  
     Jordan Vickers, Planner  
**File No:**                              I2020/168

**Summary:**

A field trip was undertaken by planning staff and the members of the Heritage Panel with a work sheet provided to enable potential new listings to be identified for further consideration as contributory to the heritage character of the area. The area reviewed was bounded by Fawcett St. and Mona Lane (north), Booyun St. (south), The Terrace (east) and the old Pacific Highway (Tweed St west).

Of the 151 properties observed, 24 have been identified for further consideration. It is evident though, that an eclectic mix of building types exists in Brunswick Heads from weatherboard dwellings, fibro cottages, art deco flats and more recent brick and masonry structures erected over the past 40-50 years. It is also evident that this area of Brunswick Heads is characterised by two storey dwellings with minimal front and side setbacks which do not fit the normal planning controls applicable elsewhere in the shire. With rear lane access many properties also have generous back yards.

It is recommended that the details from the walk be used to inform further studies of Brunswick Heads including any Placed Based or Heritage Studies which may lead to the creation of a formal Heritage conservation area or additional items being recognised.

Other interim work could also be considered by Council in terms of reviewing Chapter E4 Brunswick Heads of DCP 2014 to strengthen the planning controls under the DCP and to reflect the character of the existing built form in this coastal town.

In this regard Council is preparing a Draft Residential Strategy for the Shire which is to include residential character narratives. It is likely that Strategy will recommend the development control plans for areas of the Shire including Brunswick Heads are amended to reflect developed character narratives.

**RECOMMENDATION:****That the Heritage Panel:**

1. **Note that the results from the heritage walk will be retained as a basis for any future heritage studies for Brunswick Heads.**
2. **Note that the results from the heritage walk will be used to inform character narratives for Brunswick Heads in relation to any future LEP or DCP amendments that result from actions associated with the adoption of the Residential Strategy.**



**Attachments:**

1      Heritage Maps work sheet, E2020/13667 , page 10 [!\[\]\(666e09182d4cd268646ea700ea60dcdf\_img.jpg\)](#) 

5

## REPORT

- Concerns have been raised of the increasing infill development at Brunswick Heads, consequently altering the historic appeal of the area and degrading the character of the township. In this regard
- 5 Brunswick Heads has only thirteen heritage listed properties despite it being one of the first places in the Shire to be settled by Europeans as a trading port in the nineteenth century following the discovery of cedar in the area and subsequently developed during the twentieth century as a holiday/fishing village.



Figure 1 Existing heritage listed properties in Brunswick Heads under Byron LEP 2014

- On 15 November 2019, Council Officers Chris Larkin (Manager Sustainable Development) and
- 15 Jordan Vickers (Planner) attended a convening of the Heritage Panel at Brunswick Heads with the intent to investigate the potential for Brunswick Heads to be considered contributory to the heritage character of the Shire. Councillors Cameron and Martin, and Panel members Joe Vescio, Chris Cooney and Robyn Wright attended the heritage walk with John Dunn from the Brunswick Heads Progress Association. The area reviewed was bounded by Fawcett St. and Mona Lane (north),
- 20 Booyun St. (south), The Terrace (east) and the old Pacific Highway / Tweed Street (west). Along side properties already mapped and identified as heritage items, properties were to be ranked as either:



**C – Contributory:** The place was constructed Pre 1950's. The original form of the building is substantially intact or where additions have been made to the building that are visible in the main streetscape, they are sympathetic with the original style and form of the building.

5 **N – Neutral:** The place was built Pre 1950's but has been substantially altered so that the original style and character of the building has been lost and the changes are unlikely to be reinstated.

**I – Infill:** The place was built in a later period (post 1950's) and has no heritage value or character. Infill Infill properties have been identified by a black dot. (Eg. • ),

10 **F – Fibro Indicative.** A number also listed fibro cottages which have in all likelihood been constructed post 1950, but add to the character and built form of Brunswick Heads.



**Figure 2 Combined Results from Heritage Walk**

15 The maps from the walk have been collated and summarised with the above results providing a general picture of the heritage character of this area of Brunswick Heads. (See Attachment A for individual maps). A total of 157 properties were located in the search area including parks. Of  
20 these, 23 have been identified for further consideration as being of a contributory nature. A further 14 were listed as Fibro Indicative, 11 being neutral and 93 comprising infill.

Of the contributory items these are dominated by residential cottages most of a weatherboard construction. The parkland adjacent to Simpson creek has also been identified as contributory and in this regard, Banner Park which contains the Housie/ Bingo Hall and the adjacent Memorial Park is worthy of further investigation along with the other properties identified including the Brunswick Heads Picture Theatre. It is noted, the old fibro cottages represent a time when the material was cheap, readily available, and suited to the elements in terms of weatherproofing. Further, over the past 20 years there has been a reappearance in the use of this material in beach side towns and villages along the east coast of Australia.

It is evident that an eclectic mix of building types exists in Brunswick Heads from weatherboard dwellings, fibro cottages, art deco flats and more recent brick and masonry structures erected over the past 40-50 years. It is also apparent that this area of Brunswick Heads is generally characterised by two storey dwellings with minimal front and side setbacks which do not fit the normal planning controls applicable elsewhere in the Shire. With rear lane access many properties if not infilled with granny flats or other dwellings also have generous back yards.

### **Conclusion**

It is recommended that the details from the walk be used to inform further studies of Brunswick Heads including any heritage assessments which may lead to a proposal for the creation of a formal Heritage Conservation Area or additional items being recognised.

Other interim work could also be considered by Council in terms of reviewing Chapter E4 Brunswick Heads of DCP 2014 to strengthen the planning controls under the DCP and to reflect the character of the existing built form in this coastal town. In this regard Council is preparing a Draft Residential Strategy for the Shire which is to include residential character narratives. It is likely the strategy will recommend the development control plans for areas of the Shire including Brunswick Heads are to be amended to reflect these character narratives. Such amendments to the DCP can be carried out far more expeditiously than an LEP amendment to introduce a new Heritage Conservation Area.

### **STRATEGIC CONSIDERATIONS**

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

| <b>CSP Objective</b>  | <b>L2</b> | <b>CSP Strategy</b>   | <b>L3</b> | <b>DP Action</b>                                  | <b>L4</b> | <b>OP Activity</b>  |
|---|-----------|---|-----------|---|-----------|---|
| <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                    |
|   | 2.5       | Encourage community appreciation of cultural vitality and diversity | 2.5.2     | Recognise and support the heritage of Byron Shire | 2.5.2.3   | Provide a free Heritage Advisory Service to the community |

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

Nil.

***Financial Considerations***

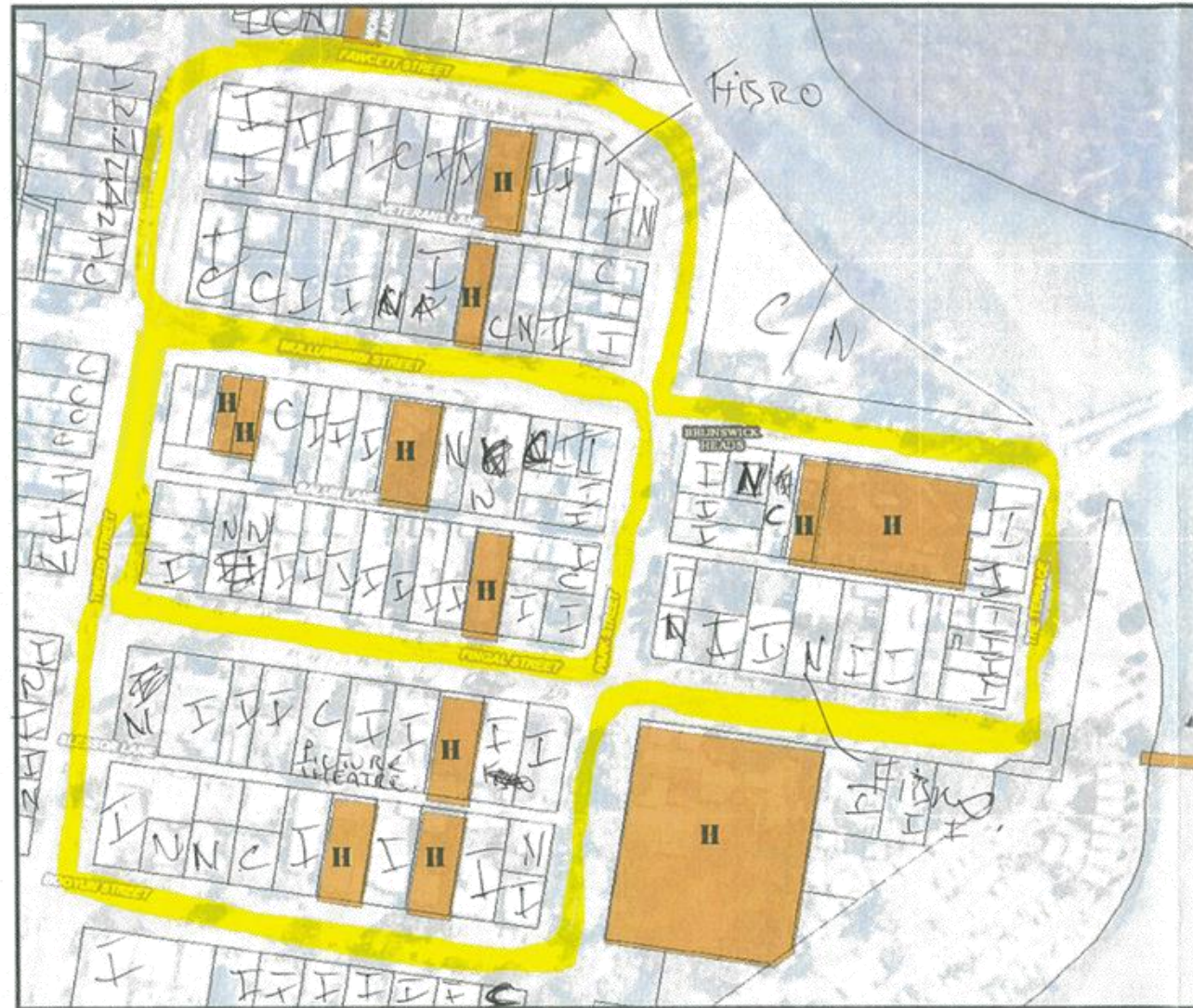
Nil.

**5    *Consultation and Engagement***

Not Applicable.



Notes:



**I – Infill:** The place was built in a later period (post 1950's) and has no heritage value or character

FIRST PLACE IN THE SWISS

Friday 15 November 2019



## Brunswick Heads Heritage significance walk



The idea of this process is to identify and understand the status of potential Heritage items within central Brunswick Heads. As you walk the town, please simply mark each property with one of the following letters to indicate your perception:

**H – Heritage Item (example):** Already Listed in LEP and noted for historical significance.

**C – Contributory:** The place was constructed Pre 1950's. The original form of the building is substantially intact or where additions have been made to the building that are visible in the main streetscape, they are sympathetic with the original style and form of the building.

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*C2 – post-1950's – brick/tile/fibro*

Notes:

*Heritage needs to take into account more than buildings. Identifying individual buildings for preservation ~~it~~ will not preserve the character of the town. Streetscapes need to be considered. Trees and grassed verges contribute to the character. Refer to Narrative Statement (community input). Natalie.*

Friday 15 November 2019



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## Notes:

7 MONA CAVE avel b. abate PHILLIP - Fisherman / Tractor  
with Tow - to check conditions.

Verger's define the streets - careful / large trees /

H HOUSE 1060 MULLUMBIMBY ST

H BRUNSWICK PICTURE HOUSE

2  
BOOMIN ST H = 5 . # 9 + 13

BOOMINS MELALUCA - COASTAL CYPRESS

MELALUCA - MULLUMBIMBY ST

NORFOLK ISLAND PINES ON SHOREFRONT.

ADDITIONAL FISHING TACKLES ON Beach Rd & MULLUMBIMBY ST.  
10/11/19

Friday 15 November 2019



## Brunswick Heads Heritage significance walk



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### Notes:

Banner Park, Movie Shed - Activities  
Trees; use of parks, carnival

Park St - Weatherboard

Even where style is not necessarily outstanding, use, social importance to be considered. Eg Memorial Hall, Picture Theatre.

Lot of 1950's character without being outstanding - contributory.

Holiday Flats - brick - not need pretty, but speak of character, history, feel.

Friday 15 November 2019



cc

C<sub>2</sub> - >'50'

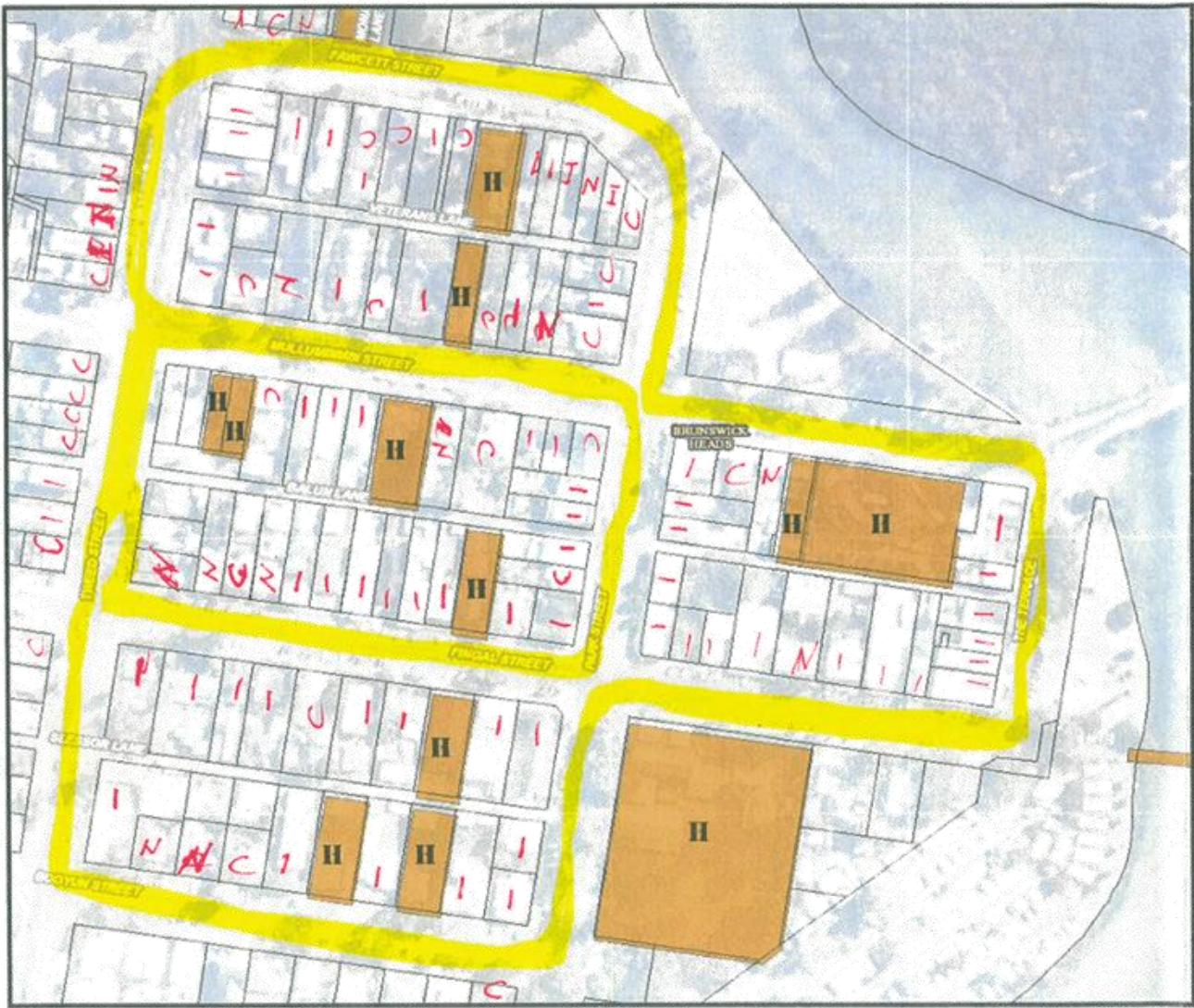
C260' Brick tile

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page 14



Brunswick Heads Heritage significance walk



Notes:

Q - MEMORIAL HALL

The idea of this process is to identify and understand the status of potential Heritage items within central Brunswick Heads. As you walk the town, please simply mark each property with one of the following letters to indicate your perception:

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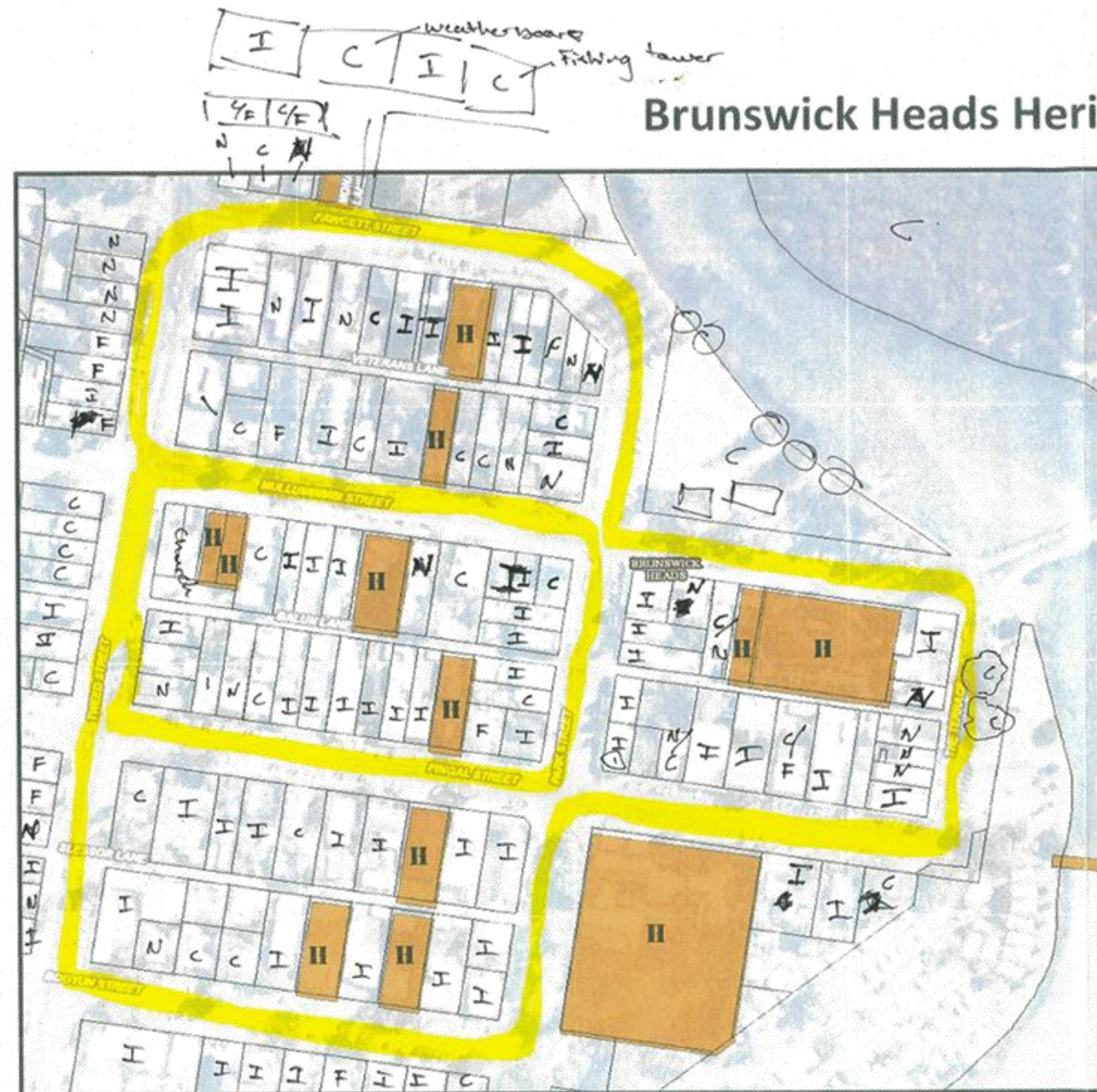
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Friday 15 November 2019





## Brunswick Heads Heritage significance walk

### Notes:

- \* Flat town in shire
- \* Indigenous significance items, areas & places
- \* Fishing/Boating market & community
- \* Possibility for 'Whole of Village' H. Character area
- \* Public info celebrate Heritage significance

① Age of Bakery?

The idea of this process is to identify and understand the status of potential Heritage items within central Brunswick Heads. As you walk the town, please simply mark each property with one of the following letters to indicate your perception:

**H – Heritage Item (example):** Already Listed in LEP and noted for historical significance.

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**F – Fibro**

Friday 15 November 2019

**Report No. 4.2**                      **Draft Byron Shire Heritage Strategy 2020-2024**  
**Directorate:**                      Sustainable Environment and Economy  
**Report Author:**                  Chris Larkin, Manager Sustainable Development  
   Nancy Tarlao, Planner  
5    **File No:**                              I2020/214

**Summary:**

10    Byron Shire Heritage Strategy 2016-2019 was adopted by Council in August 2016.

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

15    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.

A new Heritage Strategy is due.

20







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**RECOMMENDATION:**

**That the Heritage Panel:**

- 1. Endorse the Byron Heritage Strategy 2020-2024 subject to any changes recommended by the Heritage Panel for adoption at the next available Council meeting.**
- 2. Nominate up to four priorities and four actions from the Byron Heritage Strategy 2020-2024 for its 2020/21 work program.**

25    **Attachments:**

- 1       Draft Byron Shire Heritage Strategy 2020-2024, E2020/13375 , page 20  
- 2       Heritage Advisory Summary 2016-2019, E2020/14342 , page 33  
- 3       Draft Fact Sheets, E2020/15378 , page 43  

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## Report

Byron Shire Heritage Strategy 2016-2019 was adopted by Council in August 2016.

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

10 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.

A new Heritage Strategy is due.

15 A draft Byron Heritage Strategy 2020-2024 has been prepared (Attachment 1) and is in need of review and endorsement by the Panel.

Further agreement on a work program for the Panel for the year ahead is also sought.

20 The previous top high 4 priorities identified from the Heritage Strategy 2016-2019 were:

- No 7 "Present Educational and Promotion Programs Education".
- No 3 "Appoint a Heritage Advisor to assist Council, the community and owners of listed heritage Items, properties in Heritage Conservation Areas or potential items".
- No 4 "Manage heritage in the Byron Shire area in a positive manner".
- 25 No 2 "Identify Heritage Items in the Byron Shire and list them in the Local Environmental Plan".

That previous top 'high' actions identified from the Heritage Strategy 2016-2019 were:

- 30
- Website heritage information and maps.
  - Information pamphlet.
  - Consider review of notification requirements of development applications.
  - A forum aimed at planners, developers, real estate industry supported by media release.
  - Consider street signage/plaque, to identify heritage conservation areas.
  - 35 • SHI link to be placed on Council's website.

## STRATEGIC CONSIDERATIONS

### 40 *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 | 2.5.2.2 | Administer Council's Heritage Advisor and Heritage Projects Funds |

### *Legal/Statutory/Policy Considerations*

45 Local heritage management and policies apply under the Environmental Planning and Assessment Act 1979 and Heritage Act 1977.

***Financial Considerations***

Projects are managed within current budget allocations and grant allocations. Any new work may require additional funds from the forward budget now under consideration by Council.

5



# DRAFT

## Byron Shire Heritage Strategy

2020-2024

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Bangalow Agriculture & Industry Hall

10

Council Logo

Adopted--- **insert date 2020**

15



## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

#### Introduction

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 is based on the 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.

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. Byron Shire Council also acknowledges the Widjabal People in the west and the Minjingbal people in the north of Byron Shire.

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.

Local heritage management and policies have expanded considerably in the last 28 years, when the Byron 1988 LEP Heritage Schedule contained a heritage precinct and 3 individual heritage items in Bangalow, 10 items at Byron Bay, 9 Items at Mullumbimby and a site on Ewingsdale Road.

In 2008 an extensive Community Based Heritage Study (Non-Indigenous) was carried out by a steering Panel 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 uses the state wide standard 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 the conservation of natural and built heritage. 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"*

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

This strategy was originally prepared in 2016 and was reviewed and updated in 2019 to reflect achievements and current practices. The strategy should be reviewed again in 2022 to assess the success of the strategy policies and implementation, and guide future directions for heritage management in the Byron Shire Council.

5

#### **Background**

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 **35,000** 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.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

#### HERITAGE STRATEGY 2020-2024

**Proposed in-text amendments in bold (not existing headings).**

- 5     1.     **Operate a Heritage Panel to provide community input to heritage matters in the Byron Shire Council area.**

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

10

**Actions:**

- 15     1. Support and promote the **ongoing** operation of the Byron Shire Heritage **Panel** in highlighting community concerns and providing advice and input to Council staff and elected officials. Provide Panel members with regular e mail notification of notified or advertised Development Applications relating to Heritage Items and in Heritage Conservation Areas
- 20     2. Encourage the Panel to provide input to events, studies, and other community heritage initiatives and act as a conduit to relay and take information back to community groups or organisations which they represent.
- 25     3. 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.
- 30     4. Enable the Panel to work in liaison with Council on identification and review of heritage listings for inclusion in **Local Environmental Plan updates and amendments** and to consider potential places for nomination of State Heritage Register listing status.
- 35     5. Encourage Heritage Panel 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.
- 35     6. Encourage Heritage Panel members to further explore places of significance **which demonstrates** early pioneer heritage, natural heritage, and encourage the conservation of these places.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

- 5     *Aim To identify places of heritage significance both Indigenous and Non Indigenous, buildings, sites, natural items, cultural landscapes, archaeological and moveable items) in Byron Shire and implement measures to protect their integrity and significance.*

#### **Actions**

10

1. 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. .

15

2. Maintain, review and update the Byron LEP 2014 Heritage Schedule and accompanying State Heritage Inventory database.

20

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

25

4. Consider potential places for consideration of State Heritage Register listing and provide submissions to the Heritage Branch of **NSW Department of Planning, Industry and Environment** on any nominations. Provide letters of support for potential nominations where appropriate.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

- 5     *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.*

**Actions:**

- 10     1. Actively promote free heritage advice to owners and prospective owners in relation to heritage items and places within Conservation Areas , including advice on grant opportunities, conservation, restoration and maintenance, appropriate materials and colour schemes, adaptive re-use, alterations, additions and new work.
- 15
2. 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.
- 20     3. Make the community aware of the Heritage Advisory service through social media, council newsletters, web pages, e news, local newspapers, or other outlets.
4. Obtain input from the Heritage Advisor in the assessment of Development Applications, or works likely to impact on heritage items or places of significance.
- 25     5. Obtain input from the Heritage Advisor to assist Council with the preparation of other related planning and development documents and initiatives.

30

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

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

#### 5 Actions

1. 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.

10

2. Continue to carefully consider Byron Shire LEP 2014 and DCP 2014 heritage provisions in the assessment of development proposals.

15

3. 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.

20

4. 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. Potential projects may include the Bangalow Conservation Area and Main Street Precinct, Social Heritage, identification of significant trees and landscapes, orchards, arboretums and 'Green Frog'.

25

5. Foster links between Council and the community to improve access to information to residents on advertised and notified developments in the Conservation areas and in relation to Heritage Items (**this includes an e-mail alert from Council to Panel members**).

30

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

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

#### **Actions**

- 10      1. Establish a Local Heritage Fund to provide assistance to owners of heritage assets.
- 15      2. Allocate Council funds to run the programme and optimise grant funding opportunities.
- 15      3. Consider how the grant programme might be augmented through corporate sponsorship and partnership building, to meet potential demand. (e.g. sponsorship for signage for projects on site, paint and supplies sponsorship )
- 20      4. Consider annual priorities for grant funding allocations, possibly on an area basis or type of heritage, e.g. rural heritage, **main streets**, domestic or general and shire wide.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

#### 6. Run Main Street Programmes

*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

1. Ensure that the historic significance of any main street precinct is fully considered as part of any urban enhancement projects.
2. 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, e.g. rate rebates, rebates on DA fees if required for conservation works, reinstatement of original details, removal of unsympathetic alterations **and the use of Clause 5.10(10) of the Byron LEP 2014 to enable development which has conservation outcomes**
3. 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.
4. Review signage in the main street and develop strategies to deal with any non compliance and signage which is unsympathetic with the precinct.
5. Work closely with tourism providers, business representatives, Chambers of Commerce and other agencies to ensure that the Main Street heritage values are actively promoted.
6. Ensure that any future development is well designed, sympathetic and enhances the heritage values and significance of the main street precincts. Promote the use of historically appropriate colour schemes and free advice on such schemes to owners.



## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

#### 7. Present Educational and Promotional Programs

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

#### 5 Actions

1. 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.  
10
2. Increase awareness in the community of Development Consent requirements. Consider developing a brochure or information kits /frequently asked questions for owners of heritage items and in Conservation Areas to be available on line and at the Council offices.  
15
3. Develop information on Colour Schemes for heritage buildings and consider a case study for Bangalow or Mullumbimby with good examples.
- 20 ~~4. Contact OEH to make the~~ Encourage the public to utilise the Byron Community Based Heritage Study State Heritage Inventory data sheets available on the SHI website.
- 25 5. Ensure all council planning staff have access to the SHI and utilise the information in the assessment of development proposals.
6. Integrate heritage conservation with tourism promotion.
- 30 7. Forge strong links with the museum groups in the shire, and provide links to the museum websites on Councils heritage pages. Give support to heritage promotions.
- 35 8. 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.
- 40 9. Consider developing a 'Walk of Fame' for notable people of historic social significance within each Community **and a Heritage Interpretive Signage Trail for the main places of Bangalow, Mullumbimby and Byron.**
10. Promote heritage facilities operating in the shire and assist in pursuing funding opportunities Promote activities for cultural tourism which links to heritage conservation.
- 45 11. Send relevant Council staff to heritage conservation courses.

## **BYRON SHIRE COUNCIL**

### **STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1**

12. Consider running a heritage maintenance course for owners of heritage properties by skilled local builders/experts, subject to grant funding.

5

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

*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

1. Identify and maintain a list of all items/places/trees of heritage significance which are in Council's ownership or management.
2. Assess long term maintenance and conservation planning requirements and provide for these costs to be identified in Council budget planning.
3. Develop a protocol for Council staff that 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.
4. 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.
5. Prioritise the preparation of Conservation Management Plans for significant Council owned or managed heritage buildings subject to grant funding.
6. Prepare a simple plan of management for historic cemeteries covering broad aspects of care and conservation.
7. Identify record and catalogue and safely store 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.
8. Prepare interpretative material where appropriate.

## BYRON SHIRE COUNCIL

### STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY4.2 - ATTACHMENT 1

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

*Aim to promote sustainable development as a tool for heritage conservation*

#### 5 Actions:

1. 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.
2. 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, for non profit organisations.
3. 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.

| <b>Heritage Advisor Summary 2016-17</b><br><b>Byron Shire Council</b> |  |        |    |       |
|---|--|--------|----|-------|
| SITE VISITS   | LOCATION                                     | PRE DA | DA | OTHER |
| 1   | 143 Alcorn Street,<br>Suffolk Park           |        | X  |       |
| 2   | 116 Stuart Street,<br>Mullumbimby            |        | X  |       |
| 3   | 7-9 Station Street,<br>Bangalow              | X      |    |       |
| 4   | 43 Ruskin Street,<br>Byron Bay               |        | X  |       |
| 5   | 61 Carlyle Street<br>Byron Bay               |        | X  |       |
| 6   | 3-4 Roundhouse<br>Place, Ocean Shores        |        | X  |       |
| 7   | 5A Lawson Street,<br>Byron                   |        | X  |       |
| 8   | 4 Tincogan Street<br>Mullumbimby             |        | X  |       |
| 9   | 36 Carlyle Street<br>Byron                   |        | X  |       |
| 10  | 40 Mullumbimbi<br>Street, Brunswick<br>Heads |        | X  |       |
| 11  | 6 Mona Lane<br>Brunswick Heads               |        | X  |       |
| 12  | 15 McGettigans Lane<br>Ewingsdale            |        | X  |       |
| 13  | 14 Charlotte Street,<br>Bangalow             |        | X  |       |
| 14  | 81 Massinger Street,<br>Byron Bay            |        | X  |       |

Byron Shire Council Heritage Advisor Summary 2016-17

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

|    |   |   |   |   |
|----|---|---|---|---|
| 15 | 54 Stuart Street,<br>Mullumbimby                            |   | X |   |
| 16 | 52 Ruskin Street,<br>Byron Bay                              |   | X |   |
| 17 | 325 Eureka Rd   |   | X |   |
| 18 | 70 Kingsley Street,<br>Byron Bay                            |   | X |   |
| 19 | Brunswick Hotel   |   | X |   |
| 20 | 70 Kingsley Street  |   | X |   |
| 21 | 35-37 Burringbar<br>Street Mullumbimby                      |   | X |   |
| 22 | 62 Byron Street,<br>Bangalow                                | X |   |   |
| 23 | 28-30 Shirley Street,<br>Byron                              | X |   |   |
| 24 | 722 Main Arm Road   | X |   | X |
| 25 | St Martins Church<br>group<br>Stuart Street,<br>Mullumbimby | X |   | X |
| 26 | Weetalah House<br>Johnstone Lane                            | X |   | X |
| 27 | NAB Mullumbimby   |   | X |   |
| 28 | 14 Station Street,<br>Bangalow                              |   | X |   |
| 29 | 9 Station Street,<br>Bangalow                               |   | X |   |
| 30 | 82 Massinger Street,<br>Byron                               |   | X |   |
| 31 | 1660 Coolamon Scenic<br>Drive                               | X |   |   |
| 32 | 166 McGettigans Lane<br>Ewingsdale                          | X |   |   |
| 33 | 9 Byron Street,<br>Mullumbimby                              |   | X |   |

Byron Shire Council Heritage Advisor Summary 2016-17

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

|       |  |    |    |   |
|-------|--|----|----|---|
| 34    | 939 Myocum Rd<br>Myocum                  | X  |    |   |
| 35    | Anglican Church<br>complex               | X  |    | X |
| 36    | 31 Johnson Lane<br>Byron                 |    | X  |   |
| 37    | 50 Byron Street,<br>Bangalow             |    | X  |   |
| 38    | 5 Thomas Street,<br>Bangalow             |    | X  |   |
| 39    | 7 Mullumbimbi Street,<br>Brunswick Heads |    | X  |   |
| 40    | 32-34 Byron Street,<br>Bangalow          |    | X  |   |
| 41    | Byron Bay<br>Railway Station             | X  |    |   |
| 42    | 143 Alcorn Street,<br>Suffolk Park       |    | X  |   |
| 43    | Station Street,<br>Mullumbimby           | X  |    |   |
| TOTAL | 43                                       | 12 | 31 | 4 |

| REPORTS AND ADVICE                                    |
|---|
| Site visits for DA referrals                          |
| Advice and Reports on DAs and pre DA plans            |
| E Mail advices various                                |
| Presentation to Staff and Heritage Advisory Committee |
| Workshop and finalisation of Heritage Strategy        |
| Attendance at Heritage Meetings                       |

Byron Shire Council Heritage Advisor Summary 2016-17



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Byron Shire Council Heritage Advisor Summary 2016-17



# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

| Heritage Advisor Summary 2017-18<br>Byron Shire Council |                                   |        |    |             |                            |
|---|-----------------------------------|--------|----|-------------|----------------------------|
| SITE VISITS   | LOCATION                          | PRE DA | DA | MINOR WORKS | CONSERVATION ADVICE/GRANTS |
| 1   | 9 Station Street, Bangalow        |        | X  |             |                            |
| 2   | 14 Station Street, Bangalow       |        | X  |             |                            |
| 3   | Cypress Pines Brunswick Heads     |        |    |             |                            |
| 4   | 22 Kingsley Street, Byron Bay     |        | X  |             |                            |
| 5   | Wilfred Street, Billinudgel       | X      |    |             |                            |
| 6   | CWA Building Bangalow             |        |    |             | X                          |
| 7   | 43 Kingsley Street Byron          | X      |    |             |                            |
| 8   | 36 Kingsley Street Byron          | X      |    |             |                            |
| 9   | 166 McGettigans Lane Ewingsdale   |        | X  |             |                            |
| 10  | 5 Lismore Rd, Bangalow            |        | X  |             |                            |
| 11  | 7 Lismore Rd, Bangalow            |        | X  |             |                            |
| 12  | Brunswick Hotel                   |        | X  |             |                            |
| 13  | 32-34 Byron Street Bangalow       |        | X  |             |                            |
| 14  | 28 Burringbar Street, Mullumbimby |        | X  |             |                            |
| 15  | 60 Carlyle Street Byron           |        | X  |             |                            |
| 16  | A and I Hall, Bangalow            |        |    |             | X                          |
| 17  | Byron Bay Public School           |        | X  |             |                            |
| 18  | Byron Bay Services Club           |        | X  |             |                            |
| 19  | 47 Rajah Rd, Ocean Shores         |        | X  |             |                            |
| 20  | 28 Dalley Street Mullumbimby      |        | X  |             |                            |

Byron Shire Council Heritage Advisor Summary 2017-18

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

| SITE VISITS | LOCATION  | PRE DA | DA | MINOR WORKS | CONSERVATION ADVICE/GRANTS |
|-------------|---|--------|----|-------------|----------------------------|
| 21          | 70-90 Station Street, 'Railyard' proposal Mullumbimby | X      | X  |             |                            |
| 22          | Ewingsdale Hall                                       |        |    |             | X                          |
| 23          | 70 Kingsley Street, Byron                             |        |    | X           | X                          |
| 24          | Heritage House extensions                             |        | X  |             |                            |
| 25          | Station Masters House Byron, Tourist Infor Centre.    | X      |    |             | X                          |
| 26          | 63 Kingsley Street Byron                              |        | X  |             |                            |
| 27          | 2 Tincogan Street Mullumbimby                         |        | X  |             |                            |
| 28          | Flick Farmhouse, The Farm, Ewingsdale                 |        |    |             | X                          |
| 29          | 57 Carlyle Street, Byron                              |        | X  |             |                            |
| 30          | 56 Kingsley Street, Byron                             |        | X  |             |                            |
| 31          | 37 Carlyle Street Byron                               |        |    |             | X                          |
| 32          | 38-42 Stuart Street, Mullumbimby                      |        | X  |             |                            |
| 33          | 19 Stuart Street Mullumbimby                          |        | X  |             |                            |
| 34          | Leslie Street Bangalow NBN                            |        |    | X           |                            |
|             |   |        |    |             |                            |
| TOTAL       |   | 5      | 22 | 2           | 7                          |

**Heritage Advisor Summary 2018-19  
Byron Shire Council**

| SITE VISITS | LOCATION   | PRE DA | DA | MINOR WORKS | CONSERVATION ADVICE/GRANTS /OTHER |
|-------------|--|--------|----|-------------|-----------------------------------|
| 1           | Mullumbimby Power Station ( state item)          |        |    |             | X                                 |
| 2           | Hazeldene 355 Coopers Shoot Rd,                  |        |    |             | X                                 |
| 3           | Byron Conservation Areas overview                |        |    |             | X                                 |
| 4           | Anglican Church 38-40 Stuart Street, Mullumbimby |        | X  |             |                                   |
| 5           | Railway Station, Mullumbimby                     |        |    |             | X                                 |
| 6           | 5 Booyun Street, Brunswick Heads                 |        | X  |             |                                   |
| 7           | 35 Leslie Street Bangalow                        |        | X  |             |                                   |
| 8           | Cloverhill 10 Marblewood Bangalow                | X      |    |             | X                                 |
| 9           | 18 Granuaille Rd Bangalow                        |        | X  |             |                                   |
| 10          | 1 Stuart Street, Mullumbimby                     |        |    |             | X                                 |
| 11          | 8 Robinson Avenue Bangalow                       |        | X  |             |                                   |
| 12          | 18 Tincogan Street, Mullumbimby                  |        |    |             | X                                 |
| 13          | 28 Carlyle Street, Byron Bay                     |        | X  |             |                                   |
| 14          | 41 Kingsley Street, Byron Bay                    |        | X  |             |                                   |
| 15          | Byron Bay Services Club                          |        | X  |             |                                   |
| 16          | 1 Market Street, Bangalow                        |        | X  |             | X                                 |
| 17          | 16 Byron Street, Bangalow                        |        | X  |             |                                   |
| 18          | 392 Middle Pocket Rd,                            |        |    |             | X                                 |

Byron Shire Council Heritage Advisor Summary 2018-19

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

| SITE VISITS | LOCATION                              | PRE DA | DA | MINOR WORKS | CONSERVATION ADVICE/GRANTS |
|-------------|---------------------------------------|--------|----|-------------|----------------------------|
| 19          | Mullumbimby Conservation Area general |        | X  |             | X                          |
| 20          | Station masters house Mullumbimby     |        |    |             | X                          |
| 21          | 14 Granuaille Rd, Bangalow            | X      |    |             | X                          |
| 22          | NAB 72 Burringbar Street, Mullumbimby |        |    | X           | X                          |
| 23          | 61 Kingsley Street, Byron             |        | X  |             |                            |
| 24          | 4 Browning Street, Byron              |        | X  |             |                            |
| 25          | 7 Lismore Rd, Bangalow                |        | X  |             | X                          |
| 26          | Bangalow Public School -              |        | X  |             |                            |
| 27          | 16 Byron Street, Bangalow             |        | X  |             |                            |
| 28          | St Pauls Anglican Church Byron Bay    |        |    |             | X                          |
| 29          | 32-34 Byron Street, Bangalow          | X      |    |             |                            |
| 30          | 56 Kingsley Street, Byron             |        | X  |             |                            |
| 31          | Brunswick Heads Public School.        |        | X  |             |                            |
| 32          | Bangalow Post Office                  |        | X  |             |                            |
| 33          | 4 Browning Street, Byron Bay          |        | X  |             |                            |
| 34          | St Thomas Brunswick Heads             |        |    |             | X                          |
| 35          | 32 Shirley Street, Byron Bay          | X      |    |             |                            |
| 36          | 62 Shirley Street, Byron Bay          | X      |    |             |                            |
| 37          | 343 Middle Pocket Rd, Middle Pocket   |        |    |             | X                          |
| 38          | 8 Burns St, Byron Bay                 |        | X  |             |                            |
| 39          | 27 Ruskin Street Byron                |        | X  |             |                            |
| 40          | Bangalow Public School                | X      |    |             |                            |

Byron Shire Council Heritage Advisor Summary 2018-19

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.2 - ATTACHMENT 2

| SITE VISITS  | LOCATION   | PRE DA    | DA        | MINOR WORKS | CONSERVATION ADVICE/GRANTS |
|--|--|-----------|-----------|-------------|----------------------------|
| 41   | 7 Lismore Rd, Bangalow                                   | X         |           |             |                            |
| 42   | 10 Marblewood Place, Bangalow                            | X         |           |             | X                          |
| 43   | 1 Tyagarah Street, Mullumbimby                           | X         |           |             | X                          |
| 44   | former Drill Hall site, cultural arts centre Fern Street | X         |           |             |                            |
| 45   | 51 Station Street, Mullumbimby                           | X         |           |             |                            |
| 46   | Water tower Peterson St, Byron Bay                       | X         |           |             |                            |
| 47   | 40 Mullumbimbi Street, Brunswick Heads                   |           |           |             |                            |
| <b>TOTAL</b>   |  | <b>12</b> | <b>22</b> | <b>1</b>    | <b>19</b>                  |
| Reporting period May 2018-April 2019 due to acquittal dates. |  |           |           |             |                            |





## Consent Requirements for Heritage Items and Heritage Conservation Areas



This fact sheet provides general information about the consent process when planning changes, alterations or new works to a property which is listed as a heritage item or located within a Heritage Conservation Area.

### Why are heritage listings made?

Heritage items are protected to protect places for future generations. Heritage items tell a story of Aboriginal culture, natural areas, early settlement, the development of agriculture, timber and fishing, industry, towns and villages, technology, the role of government, education, leisure, tourism, sport and the arts in this area. The Heritage Conservation Areas are precincts with groups of buildings, streetscapes, road reserves, and street trees with particular heritage values. They apply to the older areas of Bangalow, Byron Bay and Mullumbimby.

Heritage listing is a way of ensuring that any proposed changes respect and retain its values. The heritage significance of a place tells us why it is important. Significance can be based on one or more of the following

- Historical origins
- Association with particular people
- Visual Qualities
- Construction or technical qualities
- Community Religious or symbolic role
- Archaeological research potential

## Can I make changes?

Yes, heritage listing still allows changes to be made provided changes are sympathetic to the heritage values of the place and will not impact on the significance of the place. For example, traditional weatherboard dwellings can generally be sympathetically extended at the rear to provide modern open plan living and dining areas without alteration to the principal layout and the original appearance of the item from the street. Buildings which have lost original uses such as churches often need to be adapted to a new use.

## Works that require consent

- Demolishing or moving a heritage item, building, work, relic or tree in a conservation area
- Altering or making changes to the exterior including the detail, fabric, finish and appearance.
- Structural alterations to the interior of a heritage item
- Erecting a new building
- Subdividing land
- Disturbing or excavating an archaeological site that is a place of aboriginal significance.

Clause 5.10 of The [Byron Shire LEP 2014](#) sets out these requirements in detail and the Byron DCP 2014 provides additional detailed policies. The [NSW Heritage Act 1977](#) also applies to items which are listed as state significant. Some development may be carried out as *Exempt Development* or as *Maintenance or Works of a Minor Nature* as outlined below. It is important that you check whether you need written consent before carrying out any work. Council offers a free Heritage Advisory Service and you are encouraged to discuss your proposals before submitting an application.

## Types of approvals

Works fall into three main categories:

- |                       |                                      |
|-----------------------|--------------------------------------|
| • Exempt Development  | No Consent Needed                    |
| • Minor Works         | Approval by letter required (no fee) |
| • Development Consent | Development Application Required     |

## Exempt Development

Various home improvements and minor developments can be carried out without approval. These are known as 'Exempt Development'. These include replacement of kitchen and bathrooms (in existing locations), sanding/polishing floors or installing floor coverings, internal painting, rainwater tanks, access ramps at the rear, and solar panels (not facing the primary road). For non-heritage listed property in a Conservation Area, exempt development also includes rear fences, (unless adjoining a heritage item), small car ports, and shade structures. Removal of trees which are dangerous or causing harm to property can be considered under these provisions.

For full details of exempt development, plus the setbacks, heights, size limitations and other criteria that apply, refer to the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). (Known as the Codes SEPP). [Insert Hyperlink](#).

## Minor Works and Maintenance

Many works which are not Exempt Development can still be approved without the need for a development application through a 'no fee' written application under Clause 5.10(3).

Fences, re-roofing, external painting, reconstruction of damaged elements, driveway paving, removal of enclosed verandahs and reinstating original details are all examples of minor development. Removal of trees which are dangerous or causing harm to property can be considered under these provisions.

You need to submit a minor works application, or e mail a request to council with sufficient information about your proposed work including colour selections for a new colour scheme, roof material, and external finishes. Council must be satisfied that the work will not have an adverse impact, then it will approve it in writing. This must be in place before you start work.

[Hyper link to Application Form](#)

## Development Applications

Works which are not exempt or minor works will require a Development Application. For example, swimming pools, extensions, decks, garages and sheds, demolition, tree/vegetation removal, changes of use and new buildings. This requirement would generally apply regardless of heritage listing. A statement of heritage impact may be required to accompany your application.

For further enquiries please contact a member of the Planning Section at Byron Shire Council  
E mail/Contact details.

## Roofing and Guttering



The following fact sheet provides guidance on roofing and guttering for a property which is listed as a heritage item or located within a Heritage Conservation Area.

### Water Damage

Keeping a building dry is essential and the priority in restoration and conservation works before commencing works such as painting. Ensure that your building is water tight and that the stormwater is being dispersed away from the building.

### Consent requirements

Re-roofing a property which is a Heritage Item or within a Heritage Conservation Area is a change to the 'fabric finish and appearance' and requires consent, but can generally be considered under the maintenance and minor works heritage exemptions under Clause 5.10(3) of the Byron LEP 2014.

You need to submit the minor works application, or e mail a request to Council with information about your proposed work including the materials of the roof or guttering. If Council is satisfied that the work is in keeping with the heritage values, it may approve it in writing. This must be in place before you start work.

#### [Hyper link to Application Form](#)

Small repair jobs which match the existing/historic material or gutter profiles, such as inserting a new sheet, or replacing a piece of gutter to match, which do not substantially change the fabric finish and appearance can be carried out without the need for prior consent.



## Traditional uncoloured metal roofing.

The predominant built character of this region is timber and iron, and unless the building has an original tile roof, retaining or reinstating uncoloured traditional metal roofs is recommended to maintain unity to the building stock and streetscapes. This avoids a mismatch of different coloured metal roofing and allows new infill buildings to blend with the historic dwellings. Uncoloured metal also is neutral and a useful base for a variety of colour schemes.

## Historical Background

### Shingles

Prior to the introduction of corrugated iron, many roofs of early buildings were covered with bark or timber shingles. Occasionally there are examples of these still in place under a corrugated roof. If you discover this, under a metal roof, it is important evidence of the history of the property and should be retained and carefully conserved.

Timber shingles on a mid 19<sup>th</sup> century verandah.



Close batten spacing is also another indicator of a former shingle roof.



### Galvanised Iron and Steel

- Corrugated iron was exported to Australia from England in 1829 under the patent of Henry Palmer. Galvanising was patented in the 1830s in France and England and new machines were invented for corrugating iron sheets and curving iron. The base metal sheet changed from wrought iron to mild steel in the mid 1800s. Early zinc coatings were hand dipped and tended to be thick and uneven. The first galvanising plant in Australia was set up in Sydney in 1860s.
- Modern processes now bond the zinc coating evenly over both sides of the steel sheets. It comes in three weights; the highest coating is 600gm/m<sup>2</sup> known as **Z600** with 300g each side of the sheet, the medium is Z450 and the light is Z275.
- If the original galvanised iron/steel roof still exists and is generally water tight, it is recommended that you retain it, repair as necessary and conserve it for as long as possible. The aim is to conserve as much of the historic material as possible, and replace only what is necessary. The surface rust can be treated and painted with a fish oil to give it additional protection if required.
- If re-roofing is required, Galvanised Steel Z600 is the closest and aesthetically matching replacement product available.
- Original roofs were generally made in short sheets due to limitations with machinery and made to a size that could be handled by one person and were able to be transported by horse and cart. If you have a short sheet roof, the roof should ideally be retained or replaced in this way to retain the historic character of the building, at least on roof elevations which are visible to the street. Traditional roofing screws rather than modern hexagonal screws are also recommended.



Short sheet galvanised roofing.

The horizontal line is a feature of the roof and retains its traditional visual character.



### Coloured Metal Roofing

Colour bonded steel was introduced to Australia in 1966 and is pre-painted with an oven baked paint system available in a wide variety of colours. It is not the preferred finish for a heritage item or historic property as it lacks the traditional appearance of the spangles in the metal and has a homogenous painted appearance. However, pale to mid greys may be used for new infill development and will harmonise with the overall pattern of uncoloured metal in the Conservation Areas.

Infill development in the Kingsley Street Conservation Area.



### Zincalume

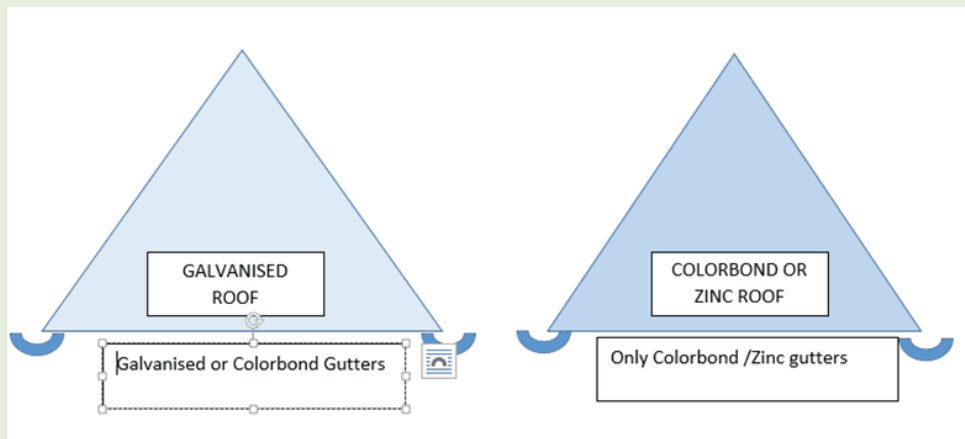
Introduced to Australia in 1976, Zincalume is a zinc/aluminium alloy with an uncoloured metal finish. The metal sheets are thinner but more resistant to corrosion, however it cannot be mixed with galvanised steel due to electrochemical corrosion. Although galvanised steel is the preferred material for a historic property, zincalume is an alternative roofing product which will harmonise with the general uncoloured traditional roofing. It tends to be more reflective initially and has a smaller spangle but over time will dull off and is suitable for the infill and non-listed building stock within the Conservation Area.



Unity of uncoloured roofs in Bangalow.





## Gutters


- The correct gutter must be used with the roof material to avoid galvanic corrosion
- The gutter profile should suit the historic era of the building.
- Gutters should be non-perforated to retain the traditional appearance.



|  |  |
|--|--|
| <p>Buildings up to the late 1800s/early 1900s generally had 'Half Round' or 'Ogee' gutter profiles. Getting the details right is important in retaining the character of the building.</p> |  |
| <p>Ogee profiled gutter with acroterions to corner.</p>  |  |
| <p>Half round galvanised gutters and round downpipes</p>   |  |

|   |  |
|---|--|
| <p>Low front quad guttering</p>   |  |
| <p>Stormwater should be piped or channelled away from the base of the building. Pooling of water at the base of the building can causes moisture in the foundations, rising damp in brickwork, attracts termites and can create more moisture in one part of the foundation than others leading to movement and cracking.</p> |  |

## Downpipes

|   |  |
|---|--|
| <p>Replacement downpipes should be round or square metal profile.</p> <p>Traditional rain water heads should be retained.</p> |  |
|---|--|

## Need further information?

Council offers a free heritage advisory service and offers annual heritage grants to assist owners with re-roofing, guttering downpipes and stormwater dispersal.

For further enquiries please contact ...



## Colour Schemes for Historic Buildings and Heritage Conservation Areas



The following fact sheet provides guidance on painting and colours schemes for a property which is listed as a heritage item or located within a Heritage Conservation Area.

### Consent requirements

Painting or re-painting the exterior of a property which is listed as a Heritage Item or within a Heritage Conservation Area is a change to the 'fabric finish and appearance' and requires consent, but can generally be considered under the maintenance and minor works heritage exemptions under Clause 5.10(3) of the Byron LEP 2014. Internal repainting consent applies only to State Listed Heritage Items.

You need to submit the minor works application, or e mail a request to Council with information about your proposed work including the colour scheme and materials. If Council is satisfied that the work is in keeping with the heritage values, it may approve it in writing. This must be in place before you start work. [Hyper link to Application Form](#)

### Understand the place before making changes.

The use of traditional colours and finishes is important to maintain the significance and character of historic buildings, and to ensure that new infill development is sympathetic to the heritage setting. Inappropriate paint schemes can substantially change the character of buildings and streetscapes by introducing colours and textures which could not have been produced over 100 years ago.

## Historical Background

Up until WW1, paints were made by hand and often on site, and continuing to the 1960s traditional paints were still used on most Australian buildings. Oil paints were generally applied on timber, metal and plaster, while water based washes and distempers were generally used on plasters and masonry surfaces.

The colour palette was made from pigments readily available at the time. This included stone and earth colours, dark reds, greens, creams and browns. Lime white was the traditional white, rather than brilliant white.

Gloss finishes were based on natural oils such as linseed and fish oil. These paints were used to repel water from wood surfaces as well as protecting structural and decorative cast and wrought iron from corrosion.

During the 1920s, ready-mixed, industrially-made paints emerged as petroleum products and synthetic resins became available. From the late 1940s acrylic paints became available which were water based and easier to use but many painters continued to mix their own paint until the late 1960s.

In more recent years there has been renewed interest in paints such as Limewash which is based on traditional mixes and include the heritage colour palette, and which is more suited to historic buildings in aesthetic finish.

## Wall Colours

- Face brick or stone should always remain unpainted;
- Stucco or cement renders were either untreated or finished with pigmented lime wash to emulate a stone colours, especially facades with a classical design;
- Timber weatherboards were painted in various shades of stone colours, creams, yellows and occasionally a red oxide or venetian red to emulate brick.

A traditional paint scheme for a timber dwelling based on original paint scrapes.



Bangalow A & I Hall. A late Victorian building with pressed metal clad walls.



## Joinery/Trim Colours

- Architectural details were highlighted in colours such as Indian Red, Venetian Red, Brunswick and Carriage Green, Tobacco, and Chocolate Brown. Off White and Creams were also used to contrast against brick and stone.
- Black is not a colour represented on the heritage palette although black pigments were added to create colours.
- Dark green or red was generally used for cast iron balustrade to make it look robust although some historic photographs show evidence of light colours with dark handrails and other trims.

This colour scheme uses traditional colours to highlight the architectural detail of the façade.



This façade would benefit from a heritage colour scheme and contrast trim colours to highlight the architectural details.



## Roof Colours

- Unpainted galvanised roofs characterise heritage precincts and should remain unpainted or replaced 'like for like' when necessary.
- In the late 1890s metal roofs were sometimes painted with red oxide to resemble terracotta tiled roofs which were becoming fashionable. The paint also had the effect of further preserving the metal. If already painted they may be repainted to match the original.
- Terracotta roofs should be retained where they are original or appropriate to the era of the building.
- 

Example of a board and batten timber cottage with red oxide painted roof.



Terracotta roof to All Souls Anglican Church, Bangalow.





## Fence Colours

- Light stone colours were historically found on early timber picket fences. Off white and creams are also commonly used. Bright and dark colours should be avoided for timber fencing.
- Side fences were often left to weather or were protected with oil.
- Cast iron balustrades were usually painted in dark colours.



## Signage

Signage can include a range of colours, including modest areas of corporate signage, providing that it does not dominate the building, and is within the original fascia depth and not above awning level. Traditional hand painted signage adds vitality to the streetscape. Illuminated signage needs consent but can enhance a building if well designed.



## Heritage Colour Schemes

A wide range of traditional colours are available! Council's Heritage Advisor has a portfolio of heritage colour palettes which are available for discussion and use at site meetings with examples of colour schemes for three main eras of historic development: Victorian (1837-1901), Federation (1901-1914) and Interwar- Post War (1914-1950). The use of schemes typical to the era is strongly encouraged.

### Victorian (1838-1901)

Buildings of the Victorian era tended to be more ornate and decorated than the Colonial period. In line with the prosperity of the period, they often boasted intricate decoration using a great variety of colours. Architectural trims were picked out in contrasts. Subtle shades and tones were used to highlight mouldings. Paint effects of marbling, stencilling and wood graining were popular for interiors.



### Federation (1901-1914)

Federation era fashion for red brick was popular but timber and iron buildings still dominated in this region. Examples include the Uniting Church Bangalow 1916. Decoration was less ornate than the previous period, but contained quality joinery work.





## Inter War and Post War

The period from 1914-1945, covered a range of architectural styles including a continuation of Federation styles to the Art Deco designs of the 1920s and 1930s and the Californian bungalow designs. Colours saw some shift from the Federation and Victorian Palettes to include more variety with the development of ready-made paint and more choices after the 1930s. The brick bungalows of the 1950s are particularly representative of the post war era and should remain unpainted. Hotel Brunswick built in 1949 displays traditional paint colours to the joinery.



## Need further information?

Council offers a free heritage advisory service and offers annual heritage grants to assist owners with re-painting.

For further enquiries please contact Council.....

[council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)

## Heritage Fences



A fence is important in the presentation of your house and should complement the style and era of your property. The following fact sheet provides guidance on suitable fences for a property which is listed as a heritage item or located within a Heritage Conservation Area.

### Consent requirements

There are different requirements for fencing of Heritage listed property, and non-listed properties within Heritage Conservation Areas. You can check with Council if your property is listed as heritage item or in a Conservation Area.

Fences forward of the building line, for **all** properties in a Heritage Conservation Area require prior consent, regardless of date of construction.

All boundary fences around a heritage item require consent. This affects the boundary of any non-listed property adjoining a heritage item.

### Types of approvals

Works fall into three main categories:

- |                       |                                      |
|-----------------------|--------------------------------------|
| • Exempt Development  | No Consent Needed                    |
| • Minor Works         | Approval by letter required (no fee) |
| • Development Consent | Development Application Required     |

## Exempt Development

Fences rear of the building line for **non-listed** properties within a Heritage Conservation Area which do not adjoin a heritage item, are Exempt Development providing that they meet the maximum 1.8m height, and other criteria that apply. Refer to the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). (Known as the Codes SEPP). Insert Hyperlink.

## Minor Works and Maintenance Application

Fences forward of the building line, for all properties in a Heritage Conservation Area require prior consent. All the boundary fences for a heritage item require consent (front and rear).

These proposals can generally be handled under the through a 'no fee' written application.

You need to submit the minor works application, or e mail a request to council with sufficient information about your proposed work including the style, height and materials and finished colour of the fence. If Council is satisfied that the work is in keeping with the heritage values, it may approve it in writing. This must be in place before you start work.

[Hyper link to Application Form](#)

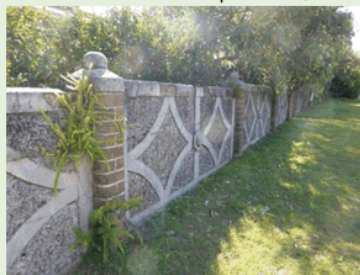
## Development Applications

New fences which involve masonry over specified heights require formal approval. Any proposal to demolish or alter a significant original fence, is also likely to require a Development Application. A statement of heritage impact is required to accompany your application in this situation.

## Choosing the right fence for your property.

If an original fence still exists, it is recommended that you retain and conserve it. The aim is to conserve as much of the original fence material as possible, and replace only what is

necessary.



*1915 brick pier with concrete moulding and rough cast render fence.*

*Brick piers with woven wire infill panels.*



Where the original fence no longer exists, consider carrying out some research before choosing a fence style. Historic photos are an excellent source for finding the original details. Enquire at your local historical society. Previous owners or their relatives may have early photos. Similar buildings in the locality may also retain early fences which give some clues.

### A Guide to Historic Fence Styles.

#### Victorian 1860-1900

The timber picket fence was the main style of fence and complements the traditional timber and iron buildings which characterise the north coast region.

Picket fences with 'acorn' tops and scalloped lines are typical of this period. Posts were often painted in a contrast colour.

Timber fences were typically used for dwellings and public buildings such as post offices, churches, schools and court houses.

Detailing for the grander buildings was often more elaborate with larger chamfered posts with decorative moulding and routed details.





Cast iron palisade fencing, as seen on Victorian terraces in the city, is not common to this region. Such fences should only be used if there is historic evidence.





Federation 1901 -1914/20

The picket fence continued through the Federation era particularly in a rural region with an abundance of timber. Victorian fashions often overlapped into the early part of the 20<sup>th</sup> century in areas outside the cities. Simpler styles of square and rounded tops gradually replaced the acorn profile.



Alternating height pickets featured on some fences and double rails were sometimes used to match the balustrade detail on the house.



Picket fences continued to be used for court houses, police stations, churches and schools.



The Federation era also saw the use of fences of brick piers with woven wire or timber picket inserts. Brick making was not commonplace to many areas and transportation was still limited in the early part of the 20<sup>th</sup> century.



| Interwar 1920-1940   |  |
|--|--|
| <p>Ornamental woven wire and wrought-iron gates and fencing was a distinctive element of the 1920s and 1930s.</p>  |    |
| <p>The Cyclone Woven Wire Fence Company was established in Melbourne in 1898. By the 1920s, the company had manufacturing works in Melbourne, Adelaide, Sydney and Perth. Many examples of woven wire fences are found on the north coast region during this period.</p> |   |
| <p>The popular Californian Bungalow often had a fence of brick base and piers with a metal rail or mesh.</p>   |  |
| <p>Timber post and rail fences with metal mesh were popular for domestic dwellings</p>   |  |
| <p>Picket fences were also still used in this period.</p>  |  |



Mid-century/ Post war era 1940 -1970

The low brick fence was a distinctive style of the post war era.

Brick piers with a metal railing or metal infill panels were often used. Matching low decorative gates marked the pedestrian and driveway entries.

Original fences should be retained and maintained or repaired.

If more privacy is require, a hedge could be planted inside the fence.



### Side and Rear Fences

Unless there is other historic evidence, a timber paling fence is typical for side and rear boundaries of historic dwellings and buildings.

The timber can be oiled or left to weather to silver grey. Landscaping and hedging can be used to soften fence lines.

Sheet metal panel fences are not appropriate in the setting of a heritage item and are not likely to be supported.



### Rural Fences

Timber fences are appropriate for rural areas. Early farmhouses sometimes had the picket fence directly attached to the verandah to keep out stock.

Post and rail fences are appropriate to broader rural settings and historic homesteads. Maintain early fences wherever possible.



### Further Reading

Evans, Ian, 1940- & New South Wales. Department of Planning 1989, *Getting the details right : restoring Australian houses 1890s-1920s*, Flannel Flower Press, Yeronga, Qld

Cuffley, Peter 2007, *Australian houses of the twenties & thirties*, Rev. ed, Five Mile Press, Rowville, Vic

Cuffley, Peter 2007, *Australian houses of the forties & fifties*, Rev. ed, Five Mile Press, Rowville, Vic

For further enquiries or to seek advice from the heritage advisory service, please contact a member of the Planning Section at Byron Shire Council.



E mail/Contact details.

**Report No. 4.3**  
**Directorate:** Sustainable Environment and Economy  
**Report Author:** Chris Larkin, Manager Sustainable Development  
**File No:** I2020/235

### Summary:

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.

### REPORT

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***

5 N/A