

NOTICE OF MEETING



HERITAGE PANEL MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 August 2018
Time	2.00pm

Shannon Burt
Director of Sustainable Environment and Economy

*I2018/1574
Distributed 23/08/18*

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL

HERITAGE PANEL MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Heritage Panel Meeting held on 3 July 2018

4. STAFF REPORTS

Sustainable Environment and Economy

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1

Directorate:

Report Author:

File No:

Theme:

Report on heritage study funding options (Res 18-295)

Sustainable Environment and Economy

Shannon Burt, Director Sustainable Environment and Economy

I2018/1152

Sustainable Environment and Economy

Environment and Compliance Services

Summary:

The purpose of this report is to advise the Heritage Panel on the grant funding opportunities offered through the Office of Environment and Heritage for heritage study reviews as per Resolution 18-295.

RECOMMENDATION:

That the Heritage Panel notes the report on heritage study funding options.

Report

At various times throughout the year the Office of Environment and Heritage offer grants to local government and community for various projects, works and studies.

Full details of these grants can be accessed from the link below:

<https://www.environment.nsw.gov.au/Heritage/funding/index.htm>

Council already has two grant programs – Heritage Advisory Service and the Local Heritage Places. These grants are managed annually through the Office and Environment and Heritage.

A grant is also available for Local Government Heritage Planning Studies, details below.

Local Government Heritage Planning Studies



NSW Heritage Grants
Closed Local Government Heritage Planning
Studies 2018-19 Guidelines



Closed. Opening late 2018 subject to program evaluation.

These guidelines apply to 2018-19 funding round only.

Summary from 2017-19 funding round

Purpose: To improve the quality and increase coverage of heritage studies within a Local Government Area (LGA) or group of LGAs.

Funding available: Up to \$40,000 (per project ex GST)

Matching funding required: For some reports – Please refer to guidelines for further details.

Local Government Heritage Planning Studies – Guidelines (no longer current) (PDF 597KB)

The purpose of the grant program is to improve the quality and increase the coverage of heritage studies within a Local Government Area (LGA) or group of LGAs.

The previous funding available for this grant program is summarised below:

1. Funding up to \$40,000 (ex GST) per project is available (with no matching funding required) for LGA-wide:
 - community based heritage planning studies
 - Aboriginal heritage studies and
 - landscape heritage studies.
2. Funding up to \$25,000 (ex GST) per project is available (with matching funding required e.g. \$1 for \$1) for LGA-wide:
 - archaeological management plans and
 - landscape management plans

3. Funding up to \$10,000 (ex GST) per project is available (with matching funding required e.g. \$1 for \$1) for:

- heritage study reviews
- heritage development control plan studies
- heritage signage strategy and
- heritage main street studies.

Funding is allocated competitively at funding rounds when open. The next funding round is anticipated to be at the end of 2018. Staff will review any revised guidelines and make an application for a heritage study review and a heritage development control plan review then.

Financial Implications

Funding allocations must meet the grant requirements.

Statutory and Policy Compliance Implications

Environmental Planning and Assessment Act and Heritage Act and related regulations

Report No. 4.2 **Local Heritage Places Grants 2018/19**
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2018/1551
5 **Theme:** Sustainable Environment and Economy
 Development and Certification

Summary:

10 The Byron Local Heritage Places Grants have been established by Council to assist property owners to carry out restoration works to listed heritage properties throughout the Shire.

15 There is a total of \$12,000.00 in the fund made up of a grant from the Heritage Division of the NSW Office of Environment of \$6,000.00 and \$6,000.00 from the Council.

20 The focus for the 2018-2019 Local Heritage Places Grants is conservation works that enhance individual places, buildings and historic streetscapes including buildings in conservation areas that will promote and foster community appreciation of the history of the Shire.

25 Eleven applications were received this year. This is a significant increase from the five received (with three funded) last year.

30 An initial funding recommendation has been made by the Heritage Advisor and staff. This recommendation will be verbally presented to the Heritage Panel at the meeting. A final recommendation on the funding allocation will then follow to the next Council meeting for endorsement.

RECOMMENDATION:

That the Heritage Panel notes the verbal report on Local Heritage Places Grants 2018-19 and endorses the funding recommendations made by the Heritage Advisor and staff as presented to the meeting.

Attachments:

35 1 Confidential - List of properties Local Heritage Places Grants 2018/19, E2018/68386

Report

The Byron Local Heritage Places Grants have been established with the aid of a grant from the Heritage Division of the NSW Office of Environment and Heritage with Council providing \$6,000 to qualify for \$6,000 from the Heritage Division.

The purpose of the Byron Local Heritage Places Grants is to help property owners carry out restoration works on listed heritage properties. As well as encouraging restorative work, the program raises awareness of the benefits of heritage conservation and in doing so, promotes and preserves the rich local history of the Byron Shire.

Up to \$3,000 is available for each project from a total funding pool of \$12,000. The main conditions are that property owners need to provide one dollar for every dollar contributed jointly by Council and the Heritage Division and that the work must be completed before or by March, 2019.

Eleven applications were received this year (A summary list is a confidential attachment to the report). Each application will be verbally presented to the Heritage Panel members at the meeting.

Each proposal has been assessed by Council's Heritage Advisor against Heritage Division criteria and ranked accordingly.

[file:///fapmho2/users\\$/sburt/Downloads/E201851035-Local-Heritage-Fund-Guidelines-2018-19.pdf](file:///fapmho2/users$/sburt/Downloads/E201851035-Local-Heritage-Fund-Guidelines-2018-19.pdf)

Funding available for**Heritage items that are either**

- Listed as a heritage item in the Local Environmental Plan, or
- Included in a conservation area in the Local Environmental Plan, or
- Supported by Council's heritage officer / planner as being of heritage significance.

Priorities

Projects that are:

- For heritage item/s in a well maintained heritage streetscape or landscape setting. For a heritage item/s with public access and visibility
- For urgent maintenance works to avert management risks (e.g. severe deterioration, demolition, or demolition by neglect)
- Part of a heritage group or precinct
- Fire, service and access upgrade for Building Code Australia compliance for ongoing or adaptive reuse of your heritage items/s
- Have not received previous council funding support in the last 5 years.

Projects that will NOT be funded

- New buildings
- Routine maintenance (e.g. lawn mowing, gutter cleaning or carpet cleaning)
- Projects where adequate funding is available from the applicant or other sources.
- New commemorative monuments or works Purchase of heritage buildings
- Relocation of buildings or work to relocate buildings
- Private headstones. unless there is no possibility of descendent support for the project
- Flood lighting of heritage buildings Purchase of equipment
- Movable railway heritage items

Common selection criteria for all projects

Funding is targeted to projects with

- Sustainable long term heritage benefit
- Public benefit and enjoyment
- Innovation and leadership
- Funding equity and cost effectiveness

Financial Implications

5 Council delivers the Local Heritage Places Grants with the aid of a grant from the Heritage Division of the NSW Office of Environment and Heritage with Council providing \$6,000 to qualify for \$6,000 from the Heritage Division.

10 Statutory and Policy Compliance Implications

The operation of the Local Heritage Places Grants program is a task of the Byron Shire Heritage Strategy 2016-2019.

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Report No. 4.3
Directorate: Sustainable Environment and Economy
Report Author: Shannon Burt, Director Sustainable Environment and Economy
File No: I2018/1555
Theme: Sustainable Environment and Economy
Development and Certification

Summary:

The purpose of this report is to update the Heritage Panel on current heritage promotion activities as per Resolution 18-295.

RECOMMENDATION:

That the Heritage Panel notes the update report on Heritage Promotion in the Shire.

Report

At the meeting on 29 March 2018, the Heritage Panel adopted the following recommendation as part of Resolution 18-295:

Heritage Promotion

e) *That staff consider the following actions as a way to promote heritage during heritage week 2018 as follows:*

- *A media release promoting heritage*
- *Stories in local newspapers engagement with historical societies.*
- *Heritage displays in Council's foyer*

By way of update, Council's Heritage Advisor convened a real estate and planning consultant training session on the on line heritage inventory, as well as free heritage advice sessions on 10 August. These sessions were promoted in the local media and on Facebook and twitter.

Further, a new window heritage display is now on the foyer windows of the Council offices at Mullumbimby.



It is hoped that this display will stimulate discussion among those walking past or coming into Council. The Heritage Panel Chair (Councillor Cameron) has also issued a media release to raise awareness about heritage in Byron. <https://www.byron.nsw.gov.au/Council/Media-centre/Media-Releases/Celebrating-heritage-in-the-Byron-Shire>

Further support is now sought from Panel members to assist with ongoing promotion and education about heritage in the Shire through their respective heritage networks.

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Financial Implications

Activities funded within the Heritage Budget.

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Statutory and Policy Compliance Implications

None.