

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, 9 September 2021
Time	11.30am

Shannon Burt
Director Sustainable Environment & Economy

I2021/1442
Distributed 02/09/21

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)

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. STAFF REPORTS

Sustainable Environment and Economy

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3.3	Draft Brunswick Heads Heritage Assessment for Proposed Heritage Conservation Area	11

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 3.1 Heritage Program Update

Directorate: Sustainable Environment and Economy

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

File No: I2021/1330

Summary:

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

RECOMMENDATION:

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

20 **Report**

Heritage Advisory service

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

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

Byron Shire Local Places Heritage Grants 2020-21

30 Council was successful in receiving grant funding for FY 21/22 for the continuation of the Local Places Grants program. This program has experienced challenges since 2020 given COVID. The Grants Program FY 21/22 is now live.

[Local Heritage Places Funding - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/local-places-grants)

Local Environmental Plan amendments to list new heritage items

Further report/s to Council for formal consideration will follow as required by the process.

Property	Status	Next steps
7 Leslie Street, Bangalow	Supported by owner	Inclusion in a future Housekeeping LEP amendment
Carabine Ewingsdale Road, Ewingsdale	Initial review completed by staff/OEH	Discussion with new landowner to confirm position on listing
40 Cowper Street, Byron	Supported by landowner	Inclusion in a future Housekeeping LEP amendment
Robinson Subdivision and group of cottages Lismore Road, Bangalow	SHI sheet for the Conservation Area has been updated.	Individual property listing for inclusion in a future Housekeeping LEP amendment
Longfield, 175 Wilsons Creek Road, Mullumbimby	Initial review completed by staff	Discussion with new landowner to confirm position on listing
Mullumbimby 2 derelict houses nominated by BVHS	Under review by staff	Review to be completed and landowner/s contacted to confirm position on listing if with merit

Brunswick Heritage Conservation Area

5

See separate report on this agenda.

State Heritage Inventory

- 10 The State Heritage Inventory is an online database containing more than 30,000 heritage items and places on statutory lists in NSW. Panel members had previously requested information and a web link to this. Link below:

[State Heritage Inventory | Heritage NSW](#)

15

General matters raised by the Heritage Panel

- 20
- Relocation of heritage and historical items from other areas into Byron Shire local heritage conservation areas - ensuring that future generations have knowledge of what is original and what is not.

25 Staff are looking at the merits of the suggested plaque program for original dwellings in conservation areas. (If with merit it would require a separate budget bid and or be owner funded and or with support of a grant).

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	2.5.1	Ensure Aboriginal and other cultural heritage management reflects legislative requirements as well as community expectations and values	2.5.1.1	Scope Aboriginal Cultural Heritage Management Project

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

3.1

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	Coordinate the Heritage Advisory Panel
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	2.5.2.2	Conduct the Local Heritage Places Grant Program

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

N/A

5 Consultation and Engagement

N/A

Report No. 3.2

Heritage Panel Member Updates

Directorate:

Sustainable Environment and Economy

Report Author:

Chris Larkin, Manager Sustainable Development
Nancy Tarlao, Planner

5 File No: I2021/1331

Summary:

10 The nominated Heritage Panel members are invited to provide a brief update on matters and activities undertaken by their respective group / organisation relevant to the Panel and its terms of reference.

RECOMMENDATION:

15 That the Heritage Panel notes the member updates.

REPORT

20 Member representatives from nominated Historical Societies, Arakwal, Aboriginal Land Councils and community are invited to provide a brief update to the Panel on matters and activities undertaken by their group / organisation relevant to the Panel and its terms of reference. (These updates should be 10 minutes maximum).

25 The Panel Terms of Reference are as follows:

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

Actions of the Heritage Panel that can assist to achieve this include:

- a) *Assisting Council in the development of policies and strategies including the preparation of a Heritage Strategy and the management of natural and cultural heritage generally in Byron Shire local government area.*
- b) *Advising Council staff, the Heritage Adviser and the Council on matters relating to the ongoing implementation of the Heritage Strategy (once completed).*
- c) *Assisting Council to procure and allocate funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy (once completed).*
- d) *Providing access to the general community to distribute information and for public input into heritage management, eg, to nominate additional properties for assessment of heritage significance.*
- e) *Advising Council on a range of heritage-related matters which are of interest to the community, in particular, by providing expertise, local knowledge and guidance on heritage matters and in relation to heritage assessments.*

STRATEGIC CONSIDERATIONS

30 **Community Strategic Plan and Operational Plan**

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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

5

Nil

Consultation and Engagement

N/A

Report No. 3.3 Draft Brunswick Heads Heritage Assessment for Proposed Heritage Conservation Area

Directorate: Sustainable Environment and Economy

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

File No: I2021/1333

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

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

20 This work has progressed, and a draft Brunswick Heads Heritage report is provided to the Heritage Panel Meeting for review and comment. Following on from this Heritage Panel meeting, it will be reported to Council for consideration and endorsement, with a statutory process to follow for endorsed listings.

25 **RECOMMENDATION:**

- 1. That the Heritage Panel endorse the Brunswick Heads Heritage report and its recommendations for listings in Schedule 5 of the Byron Local Environmental Plan 2014 for reporting to Council.**

30 **Attachments:**

- 1 Draft Brunswick Heritage Assessment for proposed Heritage Conservation Area, E2021/103727 , page 15 [↓](#)

35

Report

Attached is a copy of the draft Brunswick Heads Heritage report for Heritage Panel review and comment.

5 The recommendations made in the report follow.

- 10 1. Brunswick Heads Village meets historical, associative, aesthetic and social significance and is considered eligible for inclusion on Schedule 5 of the Byron Shire LEP 2014 as a Heritage Conservation Area as shown on the proposed map boundary at Appendix 1. This report is to be considered by Byron Shire Council as the basis for a Planning Proposal to legally amend the Byron Local Environmental Plan 2014 to include the Brunswick Heads village precinct as a statutory Heritage Conservation Area.
- 15 2. The SHI Inventory and a Future DCP Map should note contributory listed and non-listed buildings and elements which are considered to be part of the assessed significance of the village.
- 20 3. Council is recommended to consider the inclusion of the following additional individual heritage items:
 - War Memorial. Mona Lane reserve
 - Foreshore Reserves and Norfolk Pine Cultural Plantings
 - Housie Shed Banner Park and Ambulance Shed
 - South Arm Bridge
 - Boulevard Plantings and Pilgrim Memorial Park.
- 25 4. Council should consult individual property owners on places which were previously nominated as having potential significance and several additional individual items identified in this report including:
 - Brunswick Picture House
 - Commercial Buildings; 26 Mullumbimbi Street and 28 Mullumbimbi Street
 - 30 • Group of Dwellings-The Terrace collective group.
 - Several individual dwellings as included in the tables above.

5. Consultation with residents and owners on the draft proposal should take place to fully explain that the proposed Heritage Conservation Area is not about 'no development' but about the 'type of development' that should occur, to ensure that the village maintains its desired future character as set out in the character narratives of the DCP.

Next steps

The draft Brunswick Heads Heritage report to Council for consideration and endorsement.

A statutory process to follow for endorsed listings to be included in the LEP.

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	Coordinate the Heritage Advisory Panel
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	2.5.2.3	Coordinate the Heritage Advisory Service

Recent Resolutions

21-005 Resolved that Council:

1. *Notes resolution 20-265 adoption of Heritage Panel Recommendation to consider parts of Brunswick Heads as a Heritage Conservation Area in the Shire.*
2. *Prepare a report on the merits of developing a plan for parts of Brunswick Heads to be included in the Shire as a Heritage Conservation Area.*

3. *Works with community organisations, property owners, businesses and architects to inform the report.*

5 4. *Sets a timeframe for the consultation to occur before August 2021.*

5. *Considers a budget allocation at the next quarterly budget review.*

Legal/Statutory/Policy Considerations

10 Listings of heritage items and heritage conservation areas in a local environmental plan must meet the requirements of the Environmental Planning and Assessment Act and Heritage Act.

Financial Considerations

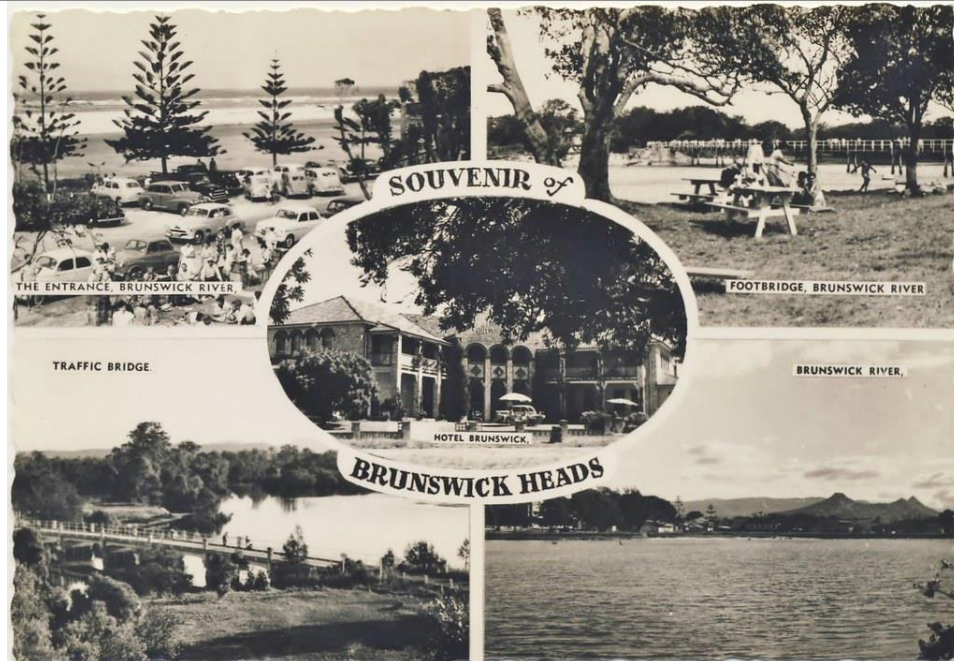
Heritage Advisory service is funded through the annual heritage advisory service budget allocation which is grant supported.

15 **Consultation and Engagement**

Stakeholder engagement as per Resolution 21-005 has occurred. Further engagement with individual landowners to occur (by letter) prior to reporting the final recommendations of the Heritage Panel to Council for endorsement.

20

Historic Heritage Assessment Brunswick Heads Proposed Heritage Conservation Area



CLARENCE HERITAGE
August 2021

DISCLAIMER

This report has been prepared by Clarence Heritage, for Byron Shire Council to provide a Historical Heritage Assessment of a proposed Heritage Conservation Area at Brunswick Heads and may only be used by Byron Shire Council for that purpose. Clarence Heritage disclaims responsibility to any person other than Byron Shire Council arising in connection with the report. Any representation, statement, opinion, assumptions or advice expressed in this report is made in good faith on the basis of information available at the time of the report preparation. Clarence Heritage has no responsibility or obligation to update this report for any changes which may occur after the date of this report.

Draft V1 prepared by Clarence Heritage for consultation	5/7/21
Draft V2 including feedback from consultations	12/7/21
Draft V3 including feedback from consultations	13/8/21

Front Cover Old Postcard of Brunswick Heads Courtesy BVHS.

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APPENDICES

Appendix 1	Proposed Draft Heritage Conservation Map
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DEFINITIONS

The following definitions are used within this report:

<i>Heritage NSW</i>	means Heritage NSW State Department
<i>ICOMOS</i>	means International Council on Monuments and Sites.
<i>NSW</i>	means New South Wales.
<i>Heritage Act</i>	means the Heritage Act 1977 (NSW).
<i>LEP</i>	means Local Environmental Plan.
<i>DCP</i>	means Byron Development Control Plan.
<i>Council</i>	means Byron Shire Council
<i>BVHS</i>	means Brunswick Valley Historical Society

1. INTRODUCTION

1.1 BACKGROUND

Brunswick Heads is a small village with a population of 1,737 (2016 Census) located on traditional lands of the people of the Bundjalung nation, nestled in a stunning environment surrounded by public recreation and nature reserves. It is located at the mouth of the Brunswick River, including a harbour and small marina and retains two traditional timber bridges which provide access to the beaches. The original township holds historical significance for its role in the establishment of early settlement of the Brunswick Valley.

A 1922 publication '*A Pearl of the Pacific*' by John Sands promoted the charm and unique qualities of Brunswick Heads; *"It has been said that Brunswick Heads is natural, it might be added that it boasts none of the tawdry cheap so called improvements of what are termed popular watering places, so it retains its greatest charm..."*

The proposal to establish a formal Heritage Conservation Area at Brunswick Heads is a community initiative of the Brunswick Heads Progress Association, Brunswick Heads Chamber of Commerce, Brunswick Valley Historical Society.

Concerns were raised that the 2004 Byron Shire Community Based Heritage Study, which led to designation of other Heritage Conservation Areas at Byron Bay, Bangalow and Mullumbimby, did not result in a Conservation Area for Brunswick Heads, despite its historical significance and the number of contributory or significant properties nominated during the study. Of the 45 which were nominated, 13 individual heritage listed properties were included on the heritage schedule.

However, as stated in the 1996 publication *Guidelines for Managing Change in Heritage Conservation Areas*;

"A heritage conservation area is more than a collection of individual heritage items. It is an area in which the historical origins and relationships between the various elements create a sense of place that is worth keeping."

Ref (5)

The intent of a Heritage Conservation Area is to protect those elements which are considered to be significant or important to the precinct in the context of its overall setting, and provide a basis to manage change in a way that retains those values. It is not about 'no development', but about what type and scale of development is appropriate to maintain those values into the future.

An eclectic mix of building types exists in Brunswick Heads, including many original weatherboard dwellings, fibro cottages, art deco flats and more recent brick and masonry structures erected over the past 40-50 years. There are several two storey dwellings with minimal front and side setbacks exist which do not fit the normal planning controls applicable elsewhere in the shire. Many properties have generous back yards with rear lane access.

On 15 November 2019, the Heritage Panel, Planning Staff representatives, Councillors Cameron and Martin, and John Dunn from the Brunswick Heads Progress Association met at Brunswick Heads for to carry out a site analysis survey of part of the original village. The area reviewed was bounded by Fawcett St. and Mona Lane (north), Booyun St. (south), The Terrace (east) and the old Pacific Highway /Tweed Street (west). Various properties and elements were assessed as contributory to the precinct.

It was recommended that the details from this exercise were 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.

In 2020 Council worked with the community to develop a series of **Character Narratives** for different localities in the shire. The Brunswick Heads Character Narrative was adopted and established with accompanying policies in the Byron Development Control Plan Amendment adopted on 17 September 2020 outlined below;

1.2 BRUNSWICK HEADS CHARACTER NARRATIVE

'Brunswick Heads is small coastal village located on traditional lands of the people of the Bundjalung nation. The Bundjalung of Byron Bay (Arakwal) people have occupied these lands for generations. They continue to live on, and care for Country today. The population is expected to increase by some 820 people over the next 20 years to reach approximately 2450 people. The functional, practical and utilitarian beginnings as a logging and fishing village set amongst valued nature reserves, wetlands, the Brunswick River and its estuary, foreshore parklands and the beach combine to give an aesthetic appeal that is humble and human is scale.

Comment BVHS- sent to BSC for comment

'The Durungbil Clan, a sub group of the Minjungbal People, had occupied the Brunswick district for generations. But in the 2000s they were deemed to be an extinct group by the Bundjalung Council of Elders who endorsed the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) as responsible custodians, a decree given the imprimatur of the Federal Court on 30 Apr 2019 with its Consent Decision granting the Arakwal native title rights over the area up to and including the Brunswick River'.

This appeal has helped make Brunswick Heads a popular family-friendly seaside holiday destination over the decades. Within the village are two distinct residential areas; the original village and the

newer Bayside estate. This is evidenced by a contrasting street, lot layout and architectural styles reflecting the trend at the time of the original subdivisions. The community now generally supports a greater housing choice, diversity and equity. However, it does not want to see the character of the older original village area eroded by unsympathetic new development’.

Extract from Byron DCP Chapter E4, adopted 17 September 2020. Effective 28 September 2020.

Figure 1 below, links with the description, to help define the residential character of Brunswick Heads that contributes to its quintessential vibe as a small family-friendly coastal village both reminiscent and nostalgic of a holiday experience pre the 1960’s.



Figure 1

‘Pocket A wraps around the village centre. Initially developed between 1890 and 1930 on a traditional grid layout with rear laneways, the older detached houses and 1920’s holiday cottages evidenced throughout the village contribute to an eclectic mix of housing stock recognised by the community as of historical significance as typified in Booyun, Fawcett, Mullumbimbi and Nana Streets.

Most buildings are set back from the street and have established, landscaped gardens enclosed by variable height low set front fences. The leafy wide streets have grassy nature strips with mature trees offering valued shade and habitat for wildlife. Some have edible street gardens and roadside parking arranged in pockets with a surface of gravel or grass.

Residential ‘character’ is strongly influenced by landscape qualities (waterways, wildlife and green spaces), continuity of landscapes and predominantly flat topography. Commemorative and nostalgic Norfolk pines synonymous with seaside towns throughout Australia, punctuate the skyline. All lend to a relaxed, walkable and spacious feel. Fisherman’s cottages and residential watch towers provide a legacy from the past. The various styles and blend of external materials including fibro, rendered brick and weatherboard.

Existing homes and new development in this area will need to maintain a consistency with the domestic scale, rhythm and defining features of existing houses. Large buildings typical of the 1970’s flat development and cubist forms are inappropriate where they do not exhibit details appropriate to the existing mix of predominantly small scale traditional dwellings. These are typically single

storey, with low pitched roofs, setbacks that minimise their impact and front doors and verandahs facing the street typical of a traditional seaside village atmosphere.

The rear lanes, once relegated to a service function, are evolving with the old sheds and garages repurposed or replaced with small adaptable, multi-functional dwellings that offer more affordable accommodation to both new and old residents and support the village's vitality and creativity. The transformation of these narrow but highly valued laneways maintains a connection with the service architecture of the past, and retain pedestrian and cycle friendly space for residents to stop and chat. Tweed Street has seen a change in function from highway to gateway to Brunswick Heads. The native Cyprus pines, streetscape and building form of this street hints entrance to a smaller coastal village set amongst estuaries and wetlands.

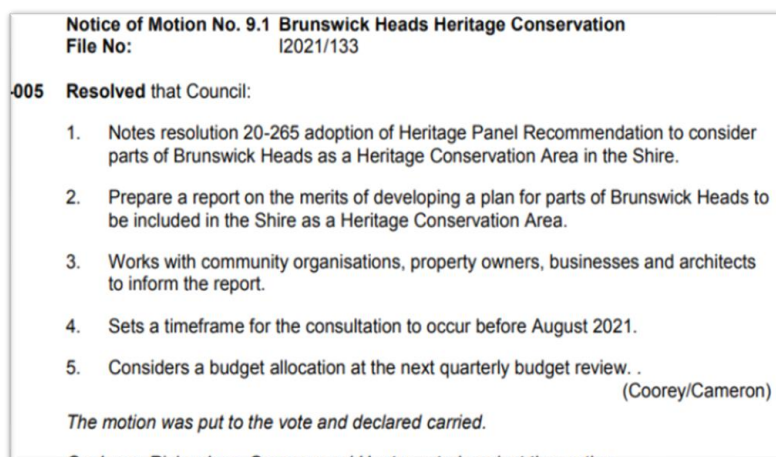
Developments should connect with the street and look beyond just the basic provision of housing and transport aspects of Tweed Street to focus on the ways to creating an inviting, interesting and memorable vista:

- through the retention of low set pitched roof housing
- use of verandahs, porches and vertical windows and doors addressing the street
- pockets of parking interspersed with paths, open space, seating and vegetation to encourage walkability and a slowing of vehicles
- well blended planting of local indigenous trees and vegetation to create a visual connection to the estuaries and wetlands as well shade, shelter and ecological benefits.

Extract from Byron DCP Chapter E4, Adopted 17 September 2020. Effective 28 September 2020.

1.3 PROPOSAL FOR A HERITAGE CONSERVATION AREA FOR BRUNSWICK HEADS

In January 2021, the Progress Association and other parties made further representations to Council to establish a formal Heritage Conservation Area. The Council resolved at its meeting on 11 February 2021 to advance the proposal. This report has been prepared by Clarence Heritage for Byron Shire Council to provide a report on the heritage values and merits of developing a plan for parts of Brunswick Heads to be included in the Shire as a Heritage Conservation Area.



1.4 SITE LOCATION

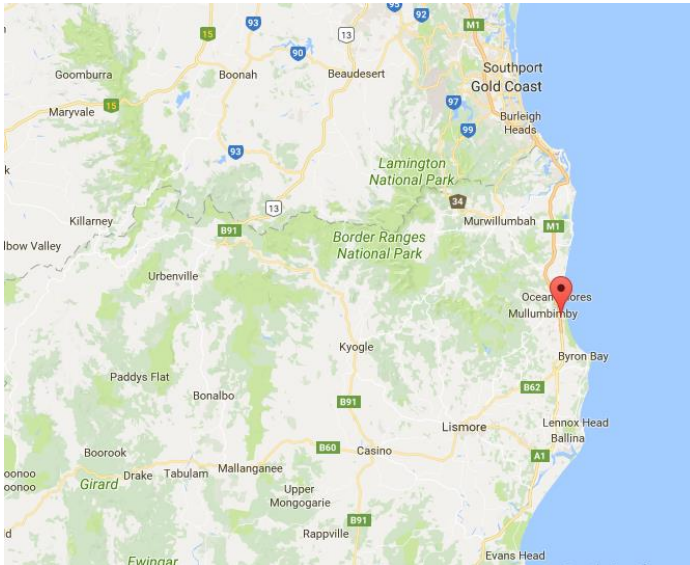


Figure 1. Location map of Brunswick Heads, NSW *Source: Google Maps*

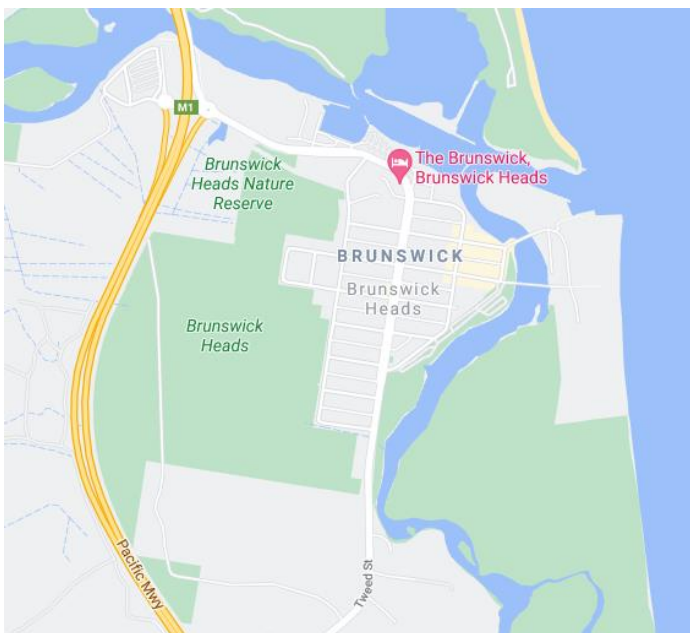


Figure 2 Village Map of Brunswick Heads and surrounding reserves. *Source Google Maps*

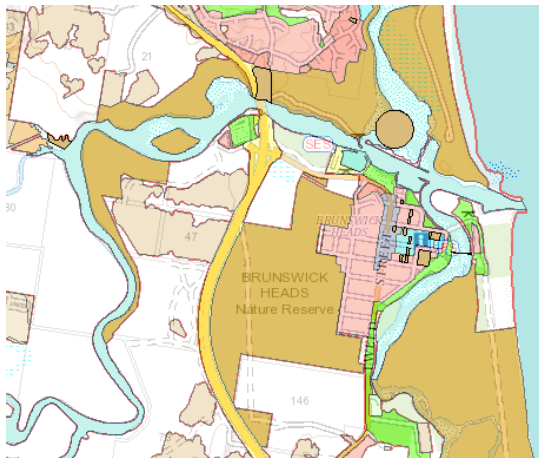


Figure 3 Heritage Listings of natural areas surrounding Brunswick Heads. Source *Eplanning spatial viewer*.

1.5 METHODOLOGY AND AIMS OF REPORT

The methodology used in this report is based upon the Australia ICOMOS Burra Charter 2013, and the Heritage NSW publication, *Assessing Heritage Significance* dated 2001.

The aims of this report are:

- To gain an understanding of the history of the development of Brunswick Heads
- To review background studies relating to the village, and character assessments.
- To consider the physical aspects of the landscape setting and built form which contributes to the character of the precinct.
- To consider comparative examples to establish the rarity and representativeness of the Conservation Area.
- To assess the significance and an appropriate boundary of a proposed Heritage Conservation Area.
- To provide recommendations in relation to the future conservation of the precinct.

1.6 LIMITATIONS

The scope of this report is limited to a historic heritage assessment of the urban precinct and riverside public foreshore as shown on the map at Figure 2, and does not extend to archaeological or Aboriginal cultural heritage assessment.

1.7 AUTHORSHIP

This report has been prepared by Deborah Wray B.A Hons, M.P.I.A. M.ICOMOS of Clarence Heritage with over thirty years of experience in planning and heritage conservation work, and an in-house and consultant Heritage Advisor to several Councils in the North Coast region of NSW since 2002.

2. LEGISLATIVE AND PLANNING CONTEXT

Historic heritage is managed under several levels of legislation. This section outlines the various Acts and statutory policies which should be considered.

2.1 COMMONWEALTH LEGISLATION

The Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the Australian Commonwealth Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places which are defined in the EPBC Act as matters of national environmental significance.

Protected items under this Act are listed on a National Heritage List; for items of heritage significance to the Nation, or a Commonwealth List; for those items which belong to the Commonwealth and its agencies. These two lists have replaced the former Register of the National Estate (RNE).

The subject precinct is NOT listed on the National Heritage List or Commonwealth List.

2.2 NSW STATE LEGISLATION

2.2.1 *Environmental Planning and Assessment Act 1979* (NSW)

The *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act) provides the legal framework for assessment of development and activities by private landowners and government authorities.

The EP&A Act also provides a statutory framework for the preparation of Local Environmental Plans (LEPs) by local governments which control land zonings, development provisions, a heritage schedule and provisions for the regulation of development relating to heritage.

Any alterations to the *Byron Shire LEP 2014*, Schedule 5, Environmental Heritage, for the inclusion, removal or amendment of heritage items, requires approval by means of a formal amendment to the LEP under the provisions of the EP&A Act.

The proposed Heritage Conservation Area would be the subject of a future planning proposal to amend Byron LEP 2014 if adopted by Council.

2.2.2 *The Heritage Act 1977* (NSW)

The *Heritage Act 1977* (NSW) provides for the protection of environmental heritage of the State. This Act provides a legal framework for the identification of places of state and local significance and a process of placing them upon State Heritage Register (SHR) or local heritage registers. Proposed works or alterations to heritage items which are listed on the SHR require approval by the Heritage Council or its delegates through a Section 60 Application or through Section 57 heritage exemptions as applicable.

The OEH Heritage Division also maintains a State Heritage Inventory (SHI) which is an amalgamated register of all heritage items listed on LEPs, AHIMS and the Section 170 Register held by Government departments and agencies, and other Registers. It can include items of State or Local significance.

The Heritage Act 1977 (NSW) also includes provisions for protection of 'relics'. A 'relic' is defined under Section 4(1) of the Heritage Act as:

- a) any deposit, artefact, object or material evidence that:
 - i. relates to the settlement of the area that comprises New South Wales, not being Aboriginal Settlement, and:
 - ii. is of State or local heritage significance.

Works in areas which identified as having archaeological potential also require prior consent for excavation and ground disturbance through an Excavation Permit under Section 139 of *The Heritage Act 1977* (NSW).

The subject precinct is NOT listed on the State Heritage Register or included in the State Heritage Inventory however several individual items of environment heritage are included on the SHI.

2.3 LOCAL LEVEL LEGISLATION

The Byron Shire Local Environmental Plan 2014 applies to the subject site through zoning and land use policies. Where relevant, the provisions of Clause 5.10 of the LEP apply to items of environmental heritage or land located within a Heritage Conservation Area described in Schedule 5 of the LEP.

A Heritage Conservation Area at Brunswick Heads is NOT listed in the Byron Shire Local Environmental Plan 2014.

Thirteen individual properties ARE listed as items of environmental heritage of local significance in Schedule 5 of Byron Shire Local Environmental Plan 2014.

EXISTING HERITAGE ITEMS IN BRUNSWICK HEADS LISTED IN BYRON LEP 2014.

	Item	Address	Lot DP	Item
1	House	5 Booyun Street	Lot 8, Section 7, DP 758171	I047
2	House	9 Booyun Street	Lot 6, Section 7, DP 758171	I048
3	'Broadview' Flats	12 Fawcett Street	SP 84622	I051
4	House	19 Fawcett Street	Lot 1, DP 931884	I052
5	Brunswick Heads Public School	Fingal Street	Lot 399, DP 724683	I053
6	St Thomas Anglican Church	21 Fingal Street	Lot 3, DP 4694	I054
7	Memorial Public Hall	24 Fingal Street	Lot 10, Section 7, DP 758171	I055
8	Footbridge	From The Terrace to South Beach Lane	Over Simpson's Creek	I056
9	Hotel Brunswick	2- 4 Mullumbimbi Street	Lot 3, Section 5, DP 758171; Lot 2, DP 328459; Lots 1 and 2, DP 779883	I057
10	House	7 Mullumbimbi Street	Lot 1, DP 9369	I058
11	Commercial	24 Mullumbimbi Street	Lot 1, DP 301444	I059
12	'Barnes' house	40 Mullumbimbi Street	Lot 1, DP 331137	I060
13	'Our Lady of Lourdes' Catholic Church	50A Mullumbimbi Street	Lots 1 and 2, DP 945986	I061

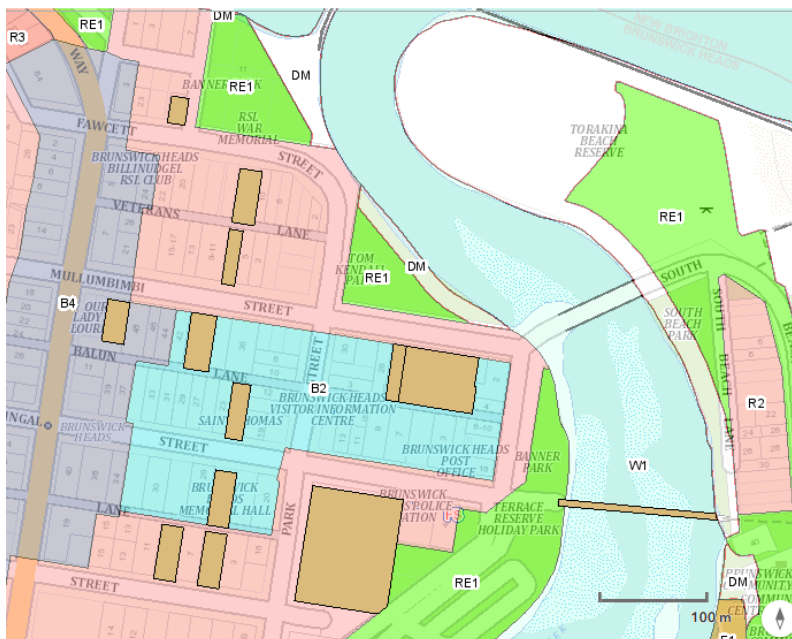


Figure 5 Location of Heritage Items in Brunswick Heads shown shaded brown on map. Source eplanning spatial viewer.

2.4 NON-STATUTORY HERITAGE REGISTERS

There are several non-statutory heritage registers including the National Trust Register, Royal Australian Institute of Architects, Institute of Engineers Australia, Register of War Memorials and others. These are compiled by professional bodies, government bodies, community groups and individuals.

These non-statutory lists cannot be used to control changes to the identified items, however listing on these registers reflects community recognition of the heritage values of these places.

The precinct as a whole is NOT included in the Register of the National Trust NSW.

Brunswick Heads Memorial Park at Mona Lane and the Coastal Cypress Pine (*Callitris columellaris*) in the Reserve, on the Terrace ARE included on the Register of War Memorials in NSW.

The Cypress Pines in the Reserve trees ARE included in the Australian Garden History Society list of memorial plantings dated 2 July 2017.

3. HISTORICAL CONTEXT

3.1 HISTORICAL CONTEXT OF BRUNSWICK HEADS

It is important to establish the relationship between an item or precinct and its historical context. A historical chronology is outlined below which charts early events and key milestones in the development of the township.

60,000 years ago	The Traditional Owners of the Bundjalung of Byron Bay (Arakwal) people occupied and cared for these lands for generations. <i>Review comment</i> 10,000 YEARS AGO: The Minjungbal People of the Bundjalung Nation likely occupied the Brunswick district sometime after the end of the last Ice Age when the associated upheavals in sea level changes settled down. (One of the oldest dated midden sites in the area is at Banora Point, Carbon-14 dating showing an age of ~4700yrs.)
1770	James Cook named Cape Byron.
1828	William Johns, Master of HMS Rainbow (Capt. Henry Rous) charted 'Cape Byron Bay' including "a small river" later named the Brunswick River after Queen Caroline of Brunswick, the wife of King George IV, of England.
1840	Robert Dixon and James Warner surveyed the coast around Byron Bay and the Brunswick River.
1849	First shipload of Brunswick River cedar reached Sydney. Cedar Camp at the mouth of the Brunswick River was the first documented European settlement in Byron Shire.
1865	Inspector of Police, John Brown, visited Cape Byron and the Brunswick River.
1870s	A Pilot Station was established on Harry's Hill named after Harry Houghton, who operated a ferry across to north beach.
1880s	The old village of Hainsville, a little inland, was named after Maria Hains, who built a small inn to cater for travellers waiting to cross the river at low tide. In the 1880's Hainsville had 3 hotels, several businesses and a school for 109 children. The village prospered from 1891 to 1894 while the railway line was being built. In 1892 a mail service was established between Lismore and Brunswick River.
1885	Village of Brunswick proclaimed.
1871	Brunswick Heads described as 'the chief seat of the cedar trade'.
1884	Opening of first licensed hotel, the Ocean View and a telegraph office.

1888	Government school opens at Brunswick Heads.
1894	Lismore to Tweed Railway opened.
1896	Closure of government school.
1897	Closure of Ocean View Hotel.
1898	Court House relocated to Mullumbimby.
1902	Licensing and re-opening of Ocean View Hotel Brunswick Heads. First oyster lease granted to William Williams. Advent of tourism and seaside village.
1903	Government School re-opens.
1906	Telephone service arrives at Brunswick Heads.
1909	Formation of a branch of Royal Australian Life Saving Society to patrol North Beach, Brunswick Heads.
1914	Outbreak of WWI.
1918	End of WWI.
1920s	Advent of motor transport.
1923	James Davidson (1860-1928) prominent citizen of the Brunswick was contracted by Byron Shire Council to build a retaining wall to save Brunswick Heads from being eroded away. The wall is still in place although modified by recent repair works. He also constructed a log groyne on the opposite bank of the South Arm.
1924-25	Construction of Hydro power station at Lavertys Gap. Physical work got underway with the start of construction of the tunnel Oct 1924, completed in Oct 1925. Unofficial switching on took place Dec 1925 and formal switching-on ceremony took place on 6 March 1926.
1917	Department of Lands survey 17 allotments at South Beach (prior to the footbridge being established)
1918	Construction of Catholic Church, Brunswick Heads.
1922-3	Construction of Anglican Church, Brunswick Heads.
1933	Power line built from Mullumbimby to Brunswick Heads.
1934	Bridge replaced the punt across Brunswick River at Brunswick Heads.

1937	The footbridge was built over Simpson's Creek. This was built by Public Works for the purpose of transporting rock to construct the south wall of the breakwater.
1939	Club House built for Brunswick Surf Lifesaving Club
1941	New Hotel Brunswick brick hotel completed.
1941-42	Norfolk Pines planted on reserve.
1940s-50s	Construction of several brick commercial buildings including 26 28 Mullumbimbi Street, and Wakely's Bakery. Construction era of Housie Shed
1954	Fishing industry re-established at Brunswick Heads following depletion of the fleet after a severe storm at Byron Bay.
1954	Construction of Housie Shed and Ambulance casualty building on Banner Park.
1959-61	Construction of the rock walls commenced to build a safe boat harbour. Prior to that a sandy foreshore extended from the kiosk (now the Housie Shed) to the river which was once the main bathing area at Brunswick.
1960	Traffic bridge built to give access to the beach and the homes on the ocean side of the river.
1964	Fisherman's Co-Op depot built at Brunswick Heads.
1971	Town of Brunswick Heads gazetted as a geographical name.

Table 1 Historical Chronology Brunswick Heads.
Sources: Various as detailed in reference section

3.2 HISTORICAL PARISH MAPS

The Village of Brunswick Parish Map 1905, shows the original layout of the village.

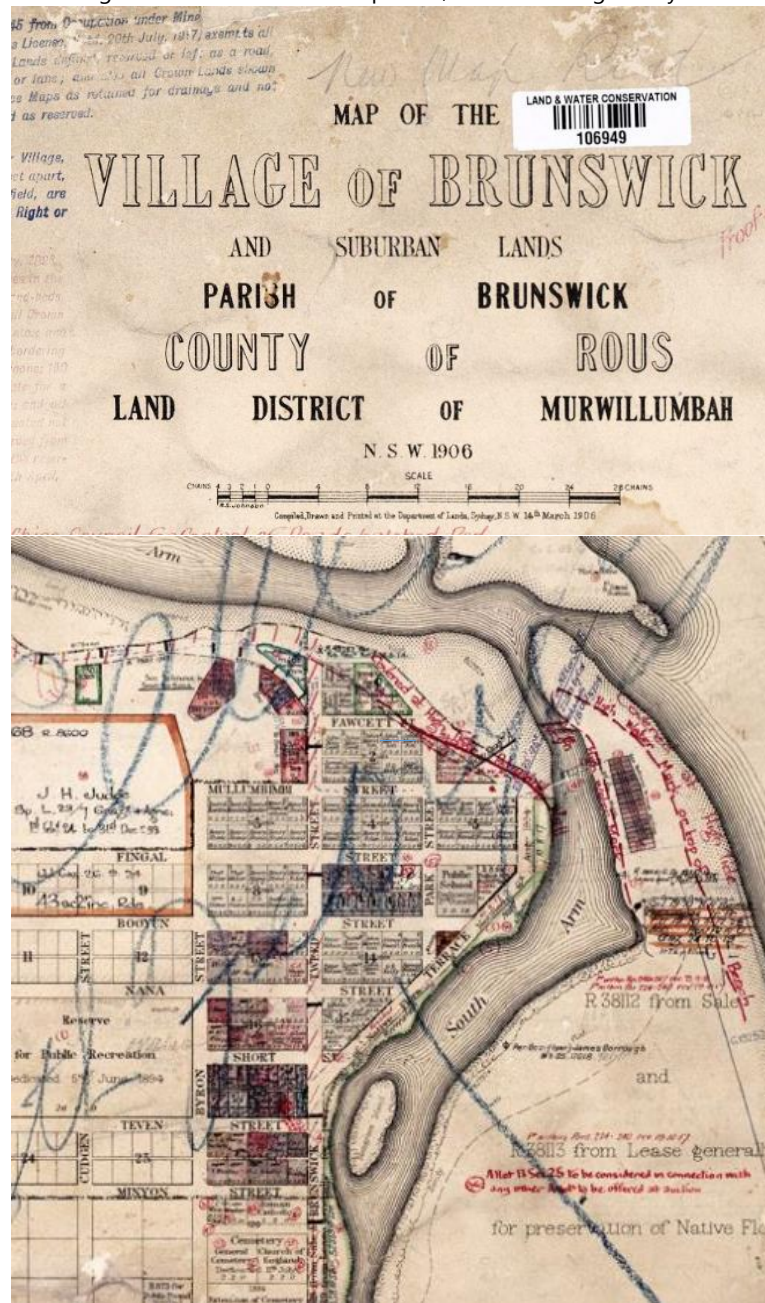


Figure 4. Historical Parish Map 1906 extract. Source LPI Spatial Exchange

3.3 THEMATIC HISTORY OF BRUNSWICK HEADS

A variety of sources were consulted to understand the historical context of the site as follows.

3.3.1 THE REGIONAL HISTORIES OF NEW SOUTH WALES

Regional histories were prepared by the Office of Heritage as a component of the 1996 Heritage Manual. *A Regional History of the North Coast* by the Department of Planning 1989 also formed part of the regional research.

The North Coast Region includes a series of river basins from Port Macquarie to the Tweed which drain to the east from the Great Divide and encompass the hinterland and coastal environment which influenced the use and settlement of the land. A brief thematic history of the North Coast region is documented in Chapter 5 and tells of the sequence of occupation beginning with Aboriginal occupation, commodity based economies and their associated life and landscapes. Brunswick Heads is not referenced in this broad regional history however mention is made of the lack of good ports in the region, with Byron Bay being included as a minor port. The role of rivers as major transport routes was highly influential in the location of settlements prior to the development of overland transport.

3.3.2 BYRON SHIRE COMMUNITY BASED HERITAGE STUDY 2007

The Bundjalung people were the original inhabitants of the Brunswick Heads area prior to European settlement. Brunswick Heads is an acknowledged place of significance for the Aboriginal people and was a meeting place with good fish and shellfish food sources, for ceremonial and trade purposes

Brunswick Heads is the oldest European settlement, and one of the earliest ports in the area of Byron Shire.

In 1840, Robert Dixon, Surveyor, and his party carried out a survey from Southport, Qld, to the north head of the Richmond River. Their arrival and camp at the Brunswick River was documented on 23 June 1840.

Cedar cutting was a major economic activity in force during the 1840s and the first cedar camp in the Byron Shire area was established on the Brunswick River in 1849. The 'surfing technique' for directly loading cedar onto ships anchored offshore was introduced about the mid-1860s. Logs were floated out through the mouth of the river, either singly or in rafts, and either towed to awaiting ships or winched from the ship. Commodities of timber, tallow and whale oil were shipped to Sydney and beyond.

The early settlers of Brunswick included Robert Marshall, the Reddacliff family and William Law. The settlement gradually developed, and on 20 March 1885, the village of Brunswick was officially proclaimed. Dairying was an important early economic activity to settlers in the area. It was reported in 1885 that there was one hotel, two stores, the ferryman's residence, and the post and telegraph

office. A court house and police station were under construction and a government school followed in 1888.

Anticipation of connection to the railway line encouraged further growth until the route changed and line was built through Mullumbimby in 1894. This caused the demise of the township. The school closed in 1896, the Ocean View Hotel in 1897, and the Court House was relocated to Mullumbimby in 1898.

It was not long however, until the town recovered, and in 1903 the school re-opened. The town evolved as a seaside resort, and the historic theme of leisure and tourism is evident to this day. The Ocean View Hotel reopened in 1902 and was expanded in 1908. The reserve was officially designated for public recreation in 1917 during WW1 reflecting the importance of the reserves to the town. This is reinforced in several newspaper articles of the time which outline local community opposition to the sale of land and lobbying of state government to retaining it for public use.

An article on Greek migrant history in Brunswick Heads states that;

Into the war (WW1) the Progress Association was instrumental in preserving crown foreshore land for public recreation and in pushing tourism ahead of commercial fishing when they had all netting banned in the river, providing stocks for the holidaying line fishermen.

The introduction of the motor car in the 1920s brought a boost to tourism and according to an article in the Mullumbimby Star 6 January 1927;

'It was estimated that between 30-35,000 people visited the place between Christmas 1926 and New Year 1927.'

The major industries during the 1920s were fishing, tourism and the dairy industry which was serviced by river transport.

Further settlement of Brunswick Heads occurred at a modest rate influenced by the fact that the town was isolated by flooding, and constrained by wetlands. The Pacific Highway was routed through the town for more than 50 years, then bypassed the town, and in recent decades, the highway upgrades have made the town even more accessible to a growing population in SE Queensland and the wider region.

3.3.3 LOCAL PUBLICATIONS BRUNSWICK VALLEY HISTORICAL SOCIETY.

'The Brunswick, Another River and Its People' by Jim Brokenshire BVHS (1988) provides detailed research and history of the development of the Brunswick Valley and Brunswick Heads.

100 Years of Pictures and Recollections produced by Robyn Gray (2005) (BVHS) provides a pictorial and interesting account of the local history for Brunswick Heads.

Brunswick Heads In Focus 1885-2015 ((2015, reprinted 2020) provides a pictorial history of the evolution of the township and reserves comparing current views with historical photos.

3.2.4. HISTORICAL PHOTOGRAPHS

The Brunswick Valley Historical Society (BVHS) holds many historic photographs of Brunswick Heads including those in the publications listed above. A selection of images is included here with kind permission of the Brunswick Valley Historical Society Inc to illustrate the settlement and holiday making in the early part of the twentieth century.

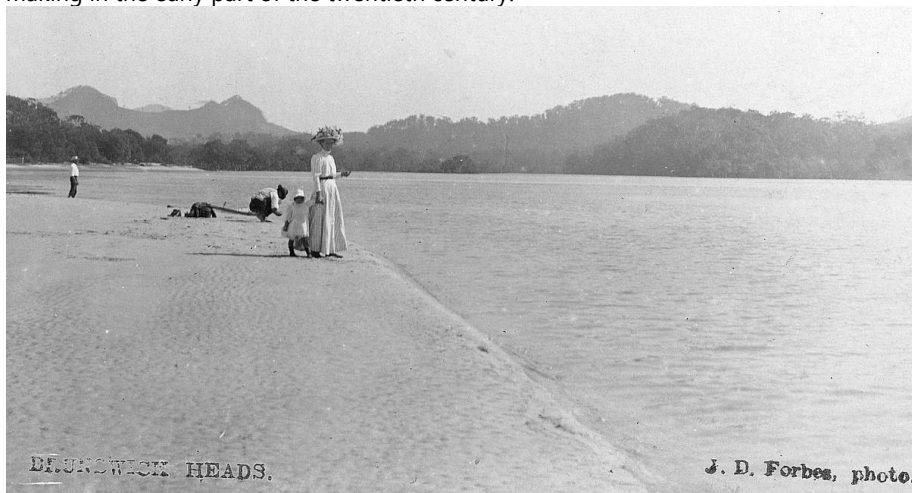


Figure 5 On the South Spit circa 1905. Courtesy BVHS



Figure 6 Anniversary Sports Brunswick Heads 26 January 1907.

The two-storey building on the corner of Fingal and The Terrace is likely to be the *Seaside Coffee Palace*, a boarding house with a shop and café at street level under the management of Miss Teresa Bradley, in the building recently completed by 'C. Robinson', likely to be Charles or Centennial Edward Robinson. Miss Bradley was still 'Proprietress' in the late 1920s when the place disappeared from the landscape. The photo was taken by V. Hartmann.



Figure 7 The Avenue', (possibly circa 1910; horse drawn transport)

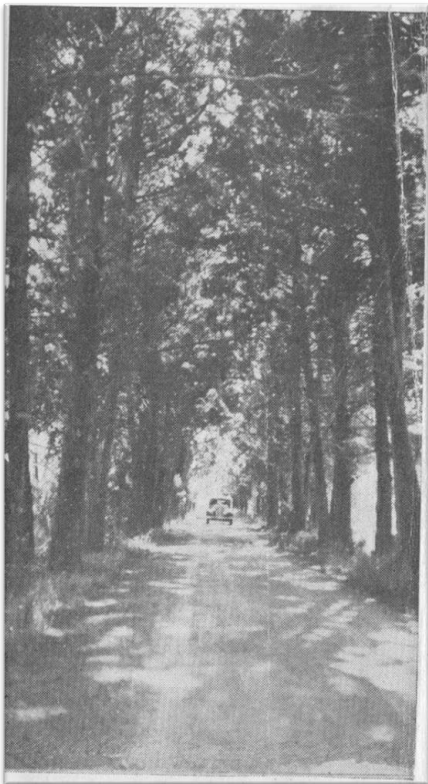


Figure 8 The Avenue. 1922

Courtesy BVHS.

In the 1920s with the growing popularity of the motor vehicle, the two narrow lanes of the double Oak avenue was widened to form a single two lane carriageway



Figure 9 Boxing Day, Brunswick Heads circa 1920s. Courtesy BVHS



Figure 10 Walter Massey Greene's weekender on the corner of Tweed and Mona Lane 1917. Since redeveloped in the 1950s. Adjoining timber cottage and tower at 3 Mona Lane. Courtesy BVHS.



Figure 11 Boating on Simpsons Creek. View to former Ocean View Hotel and Mullumbimbi Street. 1921



Figure 12 Boxing Day at Brunswick Heads 1928 (showing James Davidson's rock wall construction built in 1923).

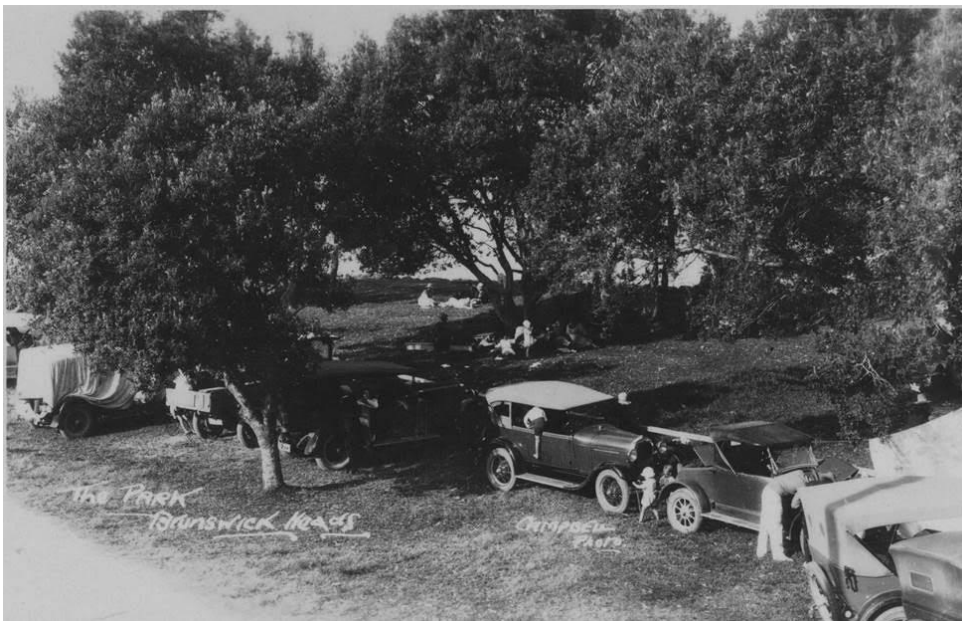


Figure 13 The Park, Brunswick Heads.1930 Courtesy BVSH



Figure 14. View south across the Simpsons Creek to the Ocean View Hotel and reserve in the background. 1935 Courtesy BVSH



Figure 15 On the beach at what was to become Memorial Park 1937. Courtesy BVSH



Figure 16 Hotel Brunswick completed 1941. Courtesy BVHS



Figure 17 Newly rooted Norfolk Pine trees on reserve 1942 opposite Hotel Brunswick.



Figure 18 Township 1945 prior to establishment of South Arm Bridge in 1960.



Figure 19 Wakely's Bakery built 1950 on the corner of Fingal and Park Streets



Figure 20 Twohill and Gibson's Buildings Photo 1950



Figure 21 Seabreeze Flats adjacent to Hotel Brunswick, Photo taken 1955



Figure 22 Broadview Flats and adjoining highset houses 1955.



Figure 23 Catholic Church Lady of Lourdes 1936 and adjoining Nuns House 1950 (since demolished)

4. PHYSICAL EVIDENCE.

4.1 SITE AND SETTING

The township has an outstanding setting on the banks of the Brunswick River and its estuary to the Pacific Ocean offering both river based and beach front recreation. Site inspections and an assessment exercise of the village streetscapes in village core area were carried out in November 2019 by the Community Members and the Heritage Panel. This area was reviewed in May 2021 by Deborah Wray and Nancy Tarlao Council's Heritage Planner. Further site inspections were carried out by Deborah Wray in June 2021 of the other residential streetscapes in the original village subdivision area.





The village is described in the adopted character narrative as

'having a quintessential vibe as a small family-friendly coastal village both reminiscent and nostalgic of a holiday experience pre the 1960's'.

The precinct gains this informal seaside and fishing holiday village identity from a collective of buildings from the early 20th century, to post war periods, of modest scale, lightweight materials and informal character in a pristine landscaped setting, public foreshores and parklands and street trees and individual garden plantings.

Three waterfront holiday park areas for caravan/camping and cabins are located on Crown Land in close proximity to the town centre, and maintain a soft edge near the foreshores with open spaces and low scale small cabins. There are no large scale resorts or high rise development. Development is limited to a maximum height of 9 metres.

From the character narratives of Byron Shire

Pocket A wraps around the village centre. Initially developed between 1890 and 1930 on a traditional grid layout with rear laneways, the older detached houses and 1920's holiday cottages evidenced throughout the village contribute to an eclectic mix of housing stock recognised by the community as of historical significance as typified in Booyun, Fawcett, Mullumbimbi and Nana Streets. Most buildings are set back from the street and have established, landscaped gardens enclosed by variable height low set front fences. The leafy wide streets have grassy nature strips with mature trees offering valued shade and habitat for wildlife.

Fisherman's cottages and residential watch towers provide a legacy from the past. The various styles and blend of external materials including fibro, rendered brick and weatherboard. Existing homes and new development in this area will need to maintain a consistency with the domestic scale, rhythm and defining features of existing houses. Large buildings typical of the 1970's flat development and cubist forms are inappropriate where they do not exhibit details appropriate to the existing mix of predominantly small scale traditional dwellings. These are typically single storey, with low pitched roofs, setbacks that minimise their impact and front doors and verandahs facing the street typical of a traditional seaside village atmosphere.

4.2 BUILDINGS AND ELEMENTS



The following categories of buildings and elements are reviewed below:

- Existing Heritage Listed Items
- Nominations identified during the 2004 Heritage Study.
- Community and Heritage Panel Members Survey and Findings
- Additional identified Potential Heritage Items
- Additional identified Contributory Items




4.3 EXISTING HERITAGE ITEMS LISTED IN SCHEDULE 5 OF BYRON LEP 2014




A recent photo survey is provided below of the existing heritage items. Inventory forms with listing details are available on the State Heritage Inventory for these items.

Table 2 Existing Heritage Items listed in Schedule 5 of Byron LEP 2014

<p>1 House 5 Booyun Street</p>	
<p>2 House 9 Booyun Street</p>	

<p>3 "Broadview" flats 12 Fawcett Street</p>		
<p>4 House 19 Fawcett Street</p>		
<p>5 Brunswick Heads Public School Fingal Street</p>		

<p>6 St Thomas Anglican Church 21 Fingal Street</p>	
<p>7 Memorial Public Hall 24 Fingal Street</p>	
<p>8 Footbridge From The Terrace to South Beach Lane</p>	


<p>9 Hotel Brunswick 2- 4 Mullumbimbi Street</p>	 
<p>10 House 7 Mullumbimbi Street</p>	

<p>11 Commercial Building 24 Mullumbimbi Street</p>		
<p>12 Barnes' House 40 Mullumbimbi Street</p>		
<p>13 Our Lady of Lourdes Catholic Church 50A Mullumbimbi Street</p>		

4.4 REVIEW OF PREVIOUSLY NOMINATED PLACES

45 items were identified by the community and nominated as draft heritage items in the Byron Shire Community Based Heritage Study 2007. Thirteen of these were formally listed as above in section 5.3. This section reviews the remainder of those places.

Table 3 Previously Nominated Places

Ref in Byron Shire CBHS	Item /Address	Comments Recommendation
3.9	<p>Brunswick Former Picture Theatre, 30 Fingal Street,</p>  	<p>Formerly the Victory Theatre, this building is a representative 1950s building and continues to play an important role in the social life of the community as a performing arts venue. L F Bailey originally started the Picture Theatre as an open air venue until the building was approved and erected in 1950/1. A 1950s era two storey residence is situated to the rear. This building demonstrates historical, aesthetic and social significance. Consent is in place for upgrades and additions at the rear for improved amenities, green room, and change facilities and equitable access. The core of the building is to be carefully conserved. Contributory. Recommend to be included as a Draft Heritage Item.</p>

<p>3.26</p>	<p>The Terrace Residential Group (11 dwellings) Nos. 42-20</p>   <p>20 The Terrace</p>  <p>22 The Terrace</p>	<p>This comprises a group of dwellings opposite the recreation reserve, ranging in styles from early 1900s small hipped roof cottages to 1960s and one new infill building at 36.</p> <p>This group comprises modest dwellings of single and two storeys, predominantly hipped and gabled roof forms and aesthetic character which contributes to the Brunswick Village.</p> <p>Contributory. Consider listing as a group item. Potential individual listing for 20, 22, 24, 40, and 42. Discussion with owners</p>
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24 The Terrace



26 The Terrace



28 The Terrace



30 The Terrace- 3 flats



32 The Terrace



34 The Terrace




36 The Terrace (new build)

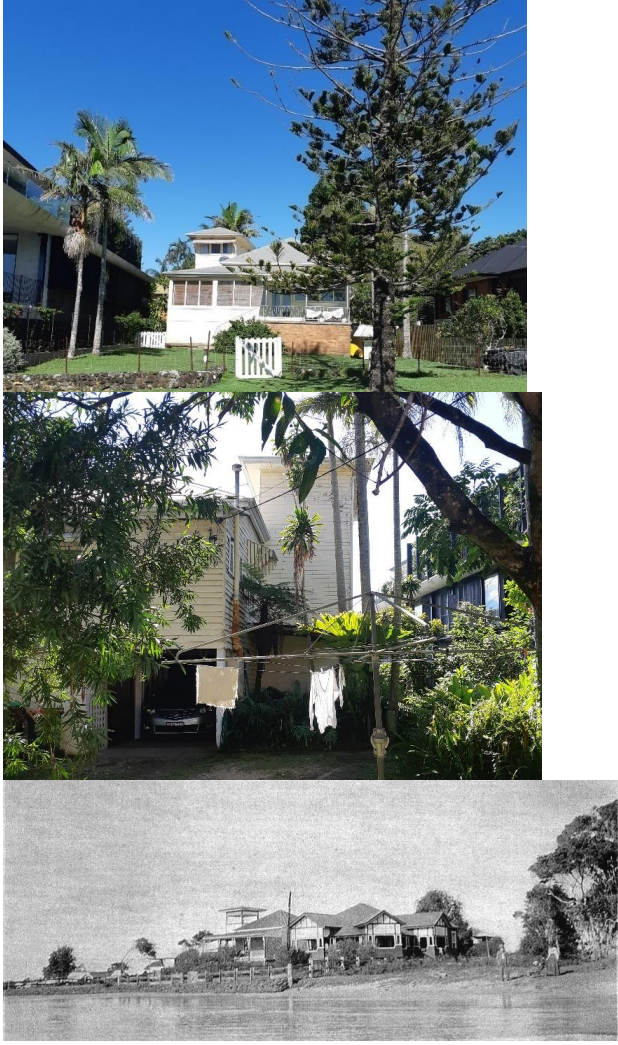





38 The Terrace






40 The Terrace – Camouflaged by vegetation this is an early 20th century cottage with high pitched roof and projecting gable element which has been over clad in fibre cement.




	 <p>42 The Terrace. A traditional weatherboard dwelling with projecting gable which may have been raised.</p>	
3.33	Private Residence 7 Mullumbimbi Street	<i>This item is now a heritage item.</i>
3.34	Commercial, 14-16 Mullumbimbi Street (now 24) Lot 1 DP 301444	<i>This item is now a heritage item.</i>
3.35	Residence 19 Fawcett Street, Lot 1 DP 931 884	<i>This item is now a heritage item</i>



3.1	<p data-bbox="395 331 699 358">Private Residence 3 Mona Lane</p> 	<p data-bbox="1034 331 1243 645">One of a group of 4 waterfront dwellings, this is a traditional small scale weatherboard hipped roof cottage with a 'fisherman's tower', setback from the frontage with reserve. Evident in photo of 1917.</p> <p data-bbox="1034 730 1243 931">This is considered to meet historical and aesthetic significance. Further research on associative significance required.</p> <p data-bbox="1034 1328 1243 1413">Contributory. Recommend as a Draft Heritage Item.</p>
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3.2	<p>Paradise View Flats 5 Mona Lane- REDEVELOPED</p> 	<p>This property has been redeveloped since the heritage study.</p> <p>The bulk and scale and setbacks of this building contrasts strongly with the scale of neighbouring buildings.</p> <p>No longer appropriate to be included as a heritage item.</p>
3.3	<p>Private Residence 7 Mona Lane</p>  	<p>This comprises a modest scale, brick and tile single storey dwelling circa 1950s-60s with an elevated tower element. Materials of wire cut textured brick, and matching decorative fence, timber framed windows, (Referred to as 'Pratten Residence'. Robyn Gray 2005) – Prominent corner position on reserve, set well back and in a landscaped garden. Includes a tower element with porthole windows.</p> <p>Side elevation to reserve.</p> <p>Contributory. Consider individual listing. Discussion with owners</p>

-	<p>1 Mona Lane</p> 	<p>Although this was not in the list of previous nominations, a red brick dwelling of similar 1950s era, 'bookends' the western end of this small group of 4 dwellings and is included here for assessment.</p> <p>Whilst modified with an enclosed screened verandah and contemporary black paint, this mid-century building form and fabric is retained with similar razor cut brick, timber windows, a prominent chimney on the laneway and leadlight window. This sits on the site of the former Massey Green dwelling.</p> <p>Contributory.</p>
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<p>3.4</p>	<div data-bbox="392 336 1013 813"> <p>Private Residence 8 South Beach Road.</p>  </div> <div data-bbox="392 813 1013 1236">  <p>2010 image (google)</p> </div> <div data-bbox="392 1236 1013 1702">  <p>2021</p> </div>	<p>Notes</p> <p>Built in 1966 BA 66/2054 Dwelling BA 74/2030 Alterations to ground floor of existing dwelling BA 86/2162 Sunroom DA 10.2014.453.1 – alts & additions to existing dwelling. Parcel: 122610</p> <p>The building has been altered but retains a similar form and the watchtower.</p> <p>Contributory.</p>
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3.5	<p>Library (Former Methodist Church), 11 Fingal Street</p> 	<p>Adapted and modified for use, it maintains its historical significance, and a recognisable church form. It also remains in a community use and would hold associations with the community who had family connections to the church. The building could be sympathetically conserved and restored and painted in an authentic colour scheme. Include as Contributory. Consider as potential Draft Heritage Item.</p>
3.12	<p>Private Residence 37 Booyun Street</p>   <p>2010 Google Image</p>	<p>A 1950s intact brick residence. Original cream with contrasting terracotta brickwork, timber framed windows, terracotta tiled roof, and brick chimney. Traditional ribbon strip driveway. Its scale, form, materials and are contributory and representative of the mid-century era of development. Timber windows have been painted black otherwise unaltered.</p>



	 <p>2021 image</p>	<p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
<p>3.16</p>	<p>Private Residence 36 Mullumbimbi Street</p> 	<p>'Bruns B and B' A traditional 1910-20s style dwelling sits to the rear of the site which may have been elevated. It has been extended towards the street with enclosed verandahs and large runs of casement windows which are representative of the interwar era.</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>

<p>3.18</p>	<p>Private Residence 48 Mullumbimbi Street</p>  <p>Notes Parcel:54830 BA 71/2135 – Renovations to existing dwelling – approved BA 91/2463 – Garage – approved 29/08/91 10.2015.410.1 – Verandah – approved 06/08/15 10.2016.555.1 & 2 - Demolition of Existing Garage, New Garage, Workshop and Studio</p>	<p>A 1930s era Queenslander style elevated timber house with weatherboard base and fibre cement clad upper walls. Prominent timber casement windows. This is representative of the interwar era of Brunswick Heads and contributes to the streetscape located adjacent to the Catholic Church.</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
<p>3.20</p>	<p>Private Residence 58 Mullumbimbi Street- REMOVED</p>  <p>Original Dwelling demolished. (2015 photo-real estate.com)</p>  <p>2021 Photo New dwelling in a traditional style.</p>	<p>Notes Demolition of the existing dwelling was approved on 23/01/15 via DA 10.2015.11.1 A new build has replaced this dwelling.</p>


3.21	<p>Private Residence 60 Mullumbimbi Street</p> 	<p>A largely intact 1930s-40s era elevated dwelling constructed with rendered fibre cement walls, timber casement windows, and bay window feature, low hipped roof. Original low brick fence with later timber insert. Parcel No:54740</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
3.22	<p>Private Residence 68 Mullumbimbi Street</p>  <p>Notes Parcel No: 54700 There are no recorded applications for the construction of the existing dwelling-house. Previous applications for the site include: DA 10.2001.458.1: Tree removal, approved 3/9/01. DA 10.2001.677.1: Re-roof part of existing dwelling, approved 15/1/02. CDC 16.2001.5019.1: Alterations to dwelling, approved 5/8/01. 10.2014.48.1 – Tree removal – 1 tree approved 14/2/14</p>	<p>A notable 1940s-50s era dwelling with a 'fisherman's tower'.</p> <p>'P and O Liner' curved façade and glazed casement windows to streetscape and iconic watchtower element.</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>

<p>3.23</p>	<p>CWA Hall Park Street Booyun street reserve area.</p>  <p>2010</p>  <p>2021</p>	<p>Socially significant as CWA. 1950-60s style lowset brick building, timber windows and glazed doors. Former asbestos roof replaced with new metal roof. Timber joinery painted bright blue. Otherwise appears similar to earlier building and unchanged in form. 10.2001.662.1 – additions to Community Hall</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
<p>3.24</p>	<p>Private Residence 70 Tweed Street-Corner of Short/Tweed Streets "Exeter"</p>  	<p>Obscured by vegetation, this Queenslander timber house fronts the former Highway and includes a cottage to the rear.</p> <p>Parcel No: 66340 BA 6.1992.2618.1 Alts & Additions to dwelling approved 27/11/92</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>

<p>3.25</p>	<p>Private Residence 18 Short Street</p>  <p>Notes Parcel No: 122400 BA 6.1991.2394.1 - Awning Entertainment Area - approved</p>	<p>An intact, modest 1950s bungalow with rendered fibre cement cladding, curved feature walls and small hipped roof projection to front. Terracotta tiled roof, chimney, and timber framed windows. Representative of the 50s era. Appears unaltered to streetscape. Set on generous lot, matching terracotta roofed shed to rear.</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
<p>3.27</p>	<p>Housie Shed Banner Park</p>  <p>2020. Prior to removal of walls.</p>	<p>This vernacular timber structure constructed in 1954 has been a shelter and shade pavilion and has hosted community events for over 50 years. The housie tradition is still hosted in a large marquee each summer in Banner Park. Although modified by recent removal of walls, the building retains its overall form and location and continues to be well used by the community for its shade and shelter and a picnic shelter. This structure demonstrates historical, aesthetic</p>

	<p>8 Oct 1954: <i>Volunteer workers of the Brunswick Heads Progress Association and Returned Soldiers' League have made good progress with the erection of their new shelter shed and entertainment hall on the carnival ground.... Mr A. Lofts, who is in charge of operations, said yesterday (7 Oct 54) that the building would be ready for the Christmas Holiday season.... fibro roof. 72ft long x 30ft wide.... The building will be completed entirely by voluntary labour and is expected to cost less than 500 quid.</i> Mullumbimby Star.</p>  <p>After removal of walls March/April 2021</p>	<p>and social significance. Modifications. The side walls were recently removed by Reflections Holiday Parks (2021) to address anti-social problems and use of the building</p> <p>Parcel No 131540</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners. (Council/Crown)</p>
<p>3.28</p>	<p>Private Residence 13 Mullumbimbi Street</p>  <p>Parcel No: 54460 BA 72/2138 Additions Approved 10/11/1972 Notes 10.2015.748.1 Secondary dwelling, alterations and additions to existing dwelling house and tree removal (4 trees) Approved 13/03/2016 10.2016.586.1- Alterations and Additions to Existing Dwelling House including Deck and Bedroom approved 13/10/16</p>	<p>An interwar era elevated timber weatherboard cottage with projecting gable, and nicely detailed casement windows with decorative margin design glazing pattern. Painted in a bright colour scheme.</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>

<p>3.29</p>	<p>Private Residence 22 Tweed Street,</p>  <p>Significant as former Police Station and as part of a group of contributory mid-century timber dwellings.</p>	<p>Post war elevated timber dwelling with central entry porch with splayed boards, and double stairs. Margin glazed timber casement windows. Low picket fence.</p> <p>Parcel No:66110</p> <p>Notes</p> <p>Mr.Tom Mott, built the House and residence in 1949 for the purpose of a Police Station. There was a holding cell at the rear which has since been removed. It was used with some gap in until the new Police Station now in Fingal Street which was opened in September,1981. Forms part of a group of 4 Queenslander style residences on small frontages facing Tweed Street.</p> <p>Contributory to the HCA and consider as potential Draft Heritage Item as a Group, for discussion with owners.</p>
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<p>3.30</p>	<p>Private Residence 24 Nana Street,</p> 	<p>1960s style 'modern' bungalow with central chimney and splayed timber brackets to verandah.</p> <p>Timber joinery and French doors with glazing bars to side windows. Situated on a prominent corner allotment.</p> <p>Parcel No: 57270</p> <p>Contributory. Consider as potential Draft Heritage Item for discussion with owners.</p>
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4.5 GROUP STUDY FINDINGS.




A site inspection of streetscapes within part of the village was undertaken by Heritage Panel members in November 2019. Participating members assessed the non-listed buildings and places as contributory, fibre cement or infill. This study exercise was limited to the subject area which forms part of the original village subdivision. A combined map which reflected the overall results was presented back to the Planning meeting on 11 February 2021.





TABLE 4 LIST OF CONTRIBUTORY ITEMS IDENTIFIED FROM THE FIELD EXERCISE

War Memorial Memorial Park Mona Lane Reserve	Erected in 1974, this memorial is socially significant to the community and is listed on the NSW Register of War Memorials commemorating those who served in all conflicts. Aesthetically it has a setting with a background of mature Norfolk Island Pines on the foreshore of Simpson Creek. Associated with this item is Brunswick Heads Memorial Hall (existing Heritage Item) built in 1948 in recognition of those who had served in WW1 And WW2.	
3 Mona Lane	Previously nominated in CBHS.	
7 Mona Lane	Previously nominated in CBHS.	
18 Fawcett Street	A timber weatherboard traditional dwelling steep pitched roof and gable to street.	
23 Fawcett Street	Early 20 th century hipped roof weatherboard elevated dwelling.	
Housie Shed and Banner Park	Previously nominated in CBHS.	

<p>2 Veterans Lane (Pebbles)</p>	<p>Hipped roof verandahed building with frontage to Banner Park. Modified but retains overall form, hipped roof, verandahs lightweight cladding.</p> 
<p>1 Mullumbimbi Street</p>	<p>2 storey flats Modified</p> 
<p>3 Mullumbimbi Street</p>	<p>A frame /curved roof house set back from street.</p> 



13 Mullumbimbi Street	Previously nominated in CBHS.
19 Mullumbimbi Street	Modified early timber cottage. 
48 Mullumbimbi Street	Previously nominated in CBHS
32 Mullumbimbi Street/Corner Park Street	Osteopath /Shops with flats above. 
36 Mullumbimbi Street	Previously nominated in CBHS
12-14 Park Street	Queenslander style House 

Eastern end of Fingal Street	Timber cottage within Terrace Holiday Park Needs photo- This does not seem to be in place anymore. A new cabin is in this location.
Brunswick Picture House, 30 Fingal Street,	Previously nominated in CBHS
40 Fingal Street, /corner Tweed	Single storey traditional weatherboard cottage (Accountant). 
13 Booyun Street	Queenslander traditional timber dwelling See Booyun group of dwellings below.
2B Booyun Street	Single storey early traditional timber hipped roof cottage. 
18, 20, 22, 24 Tweed Street	Group of timber Queenslander dwellings fronting original highway, on narrow allotments with consistency of scale, form and materials. No 22 previously nominated in section above as former Police Station but the whole group has collective value.


4.6 ADDITIONAL POTENTIAL HERITAGE ITEMS –

The following additional buildings and elements have also been identified as having heritage significance to Brunswick Heads and are considered to meet the heritage significance criteria as potential individual items of environmental heritage for inclusion in Schedule 5.

Table 5 Additional Potential Heritage Items –

<p>Foreshore Reserves and Norfolk Pine Cultural Plantings</p>	
<p>The foreshore spaces which wrap around the original village are highly valued and historically aesthetically and socially significant. The tree plantings are landmark elements on the reserve and are historically aesthetically significant to the precinct. They were planted in the early 1940s as per the fashion of the time, and hold historic significance in the development of the township as a coastal holiday destination. Although they are not native, they define the edge of the original Davidson rock walled foreshore creating shade and amenity to the reserve foreshores.</p>	
<p>Former Ambulance Casualty Building, Banner Park</p>	
<p>This building housed the Ambulance Station and was established in around the same period as Housie Building of the 1940s-50s. The Lismore Ambulance service used to provide a service over the 6-week summer holiday period. Although currently affected by graffiti, this traditional shed has formed part of the reserve since the 1940s-50s and has potential to be carefully conserved and adaptively re-used. This shed demonstrates potential historical, associative and social significance.</p>	

<p>South Arm Bridge</p>	
<p>This bridge constructed in 1960 has landmark qualities over the south arm and retains its traditional timber construction and aesthetic qualities. The timber construction style of the bridge contributes strongly to the character of the village precinct. This structure is of historical, aesthetic and social significance. Modifications Recently refurbished with works completed in March 2021, this project utilised seasoned hardwood timbers recycled from bridge replacements in Bangalow.</p>	
<p>Commercial Buildings 26 Mullumbimbi Street 28 Mullumbimbi Street</p>	<div data-bbox="563 981 1147 1413">  </div> <div data-bbox="563 1413 612 1442"> <p>2021</p> </div> <div data-bbox="563 1442 1147 1738">  </div> <div data-bbox="563 1738 686 1760"> <p>1950s photo</p> </div>

	 <p>2004 Photo of group of facades.14, 26, & 28 Mullumbimbi Street, prior to construction of the verandah on No. 28.</p>
<p>26 and 28 Mullumbimbi Street comprise two circa 1940s era buildings. No. 26 features contrasting banded brick work detailing on the parapet and 28 has three recessed shopfronts. Both originally had suspended awnings. These demonstrate the growth of the township in the mid-20th century and contribute to the historical and aesthetic values of the precinct. This group has a prominent streetscape location directly opposite the Housie shed and reserve and adjacent to the heritage listed commercial premises at 14 Mullumbimbi Street, and Hotel Brunswick.</p> <p>The commercial premises are associated with Twohill and Gibson</p> <p>Modification. Additional of verandah to 28 Mullumbimbi Street.</p>	

Boulevard Plantings and Pilgrim Memorial Park.





Mature Cypress Pine and other natural species frame the entry to the township and hold aesthetic values as remnants or regrowth of the original double Oak avenue. The Pioneer Memorial contains significant early headstones and a dedication plaque.
This item demonstrates historical, associative, aesthetic and social significance

4.7 ADDITIONAL CONTRIBUTORY BUILDINGS AND ELEMENTS

The following additional items are considered to be contributory and contribute to the historical development and aesthetic character of the low-key, family-friendly coastal village and are recommended to be notated as contributory elements on the proposed inventory form for the proposed Conservation Area.

Table 6 Additional Contributory Buildings and Elements

<p>Booyun Street Group 2b, 5, 7, 9, 13, 15, 17</p>	 <p>2B Booyun St</p>  <p>5 Booyun St</p>
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9 Booyun Street (Heritage Item)



13 Booyun Street




15 Booyun Street

	 <p>17 Booyun Street</p> <p>This group of dwellings comprises largely original weatherboard and fibre cement dwellings. 5 and 9 are existing heritage items, 2B is an early traditional timber hipped roof cottage, 13, 15, and 17 are characteristic of the built form which contributes to the Brunswick Heads assessed character. They contrast with the more modern infill developments on the opposite side of the road. This provides a streetscape group which has collective value and assists in retaining an appropriate setting for the existing heritage items.</p>
<p>18 Tweed Street Prominent corner building elevated Queenslander style with distinctive casement windows.</p>	

<p>Group of original timber and fibre cement dwellings in Fawcett Street</p>	
<p>32 Tweed Street and 'Old Maids' Shop 28-30 Tweed Street</p>	
<p>34 Tweed Street Spanish /Mediterranean style Bungalow</p>	

<p>57 Fingal Street, elevated early hipped roof dwelling, modified.</p>	
<p>52 Fingal Street 1950s dwelling, low fence, ribbon strip driveway and landscaping combine to present a contributory dwelling to the precinct.</p>	
<p>Streetscapes and Plantings Street tree plantings and informal grassed verges contribute strongly to the character of the traditional grid layout</p>	

Street Trees	
Street trees	
Original Fences	

5. PROPOSED HERITAGE CONSERVATION AREA BOUNDARY

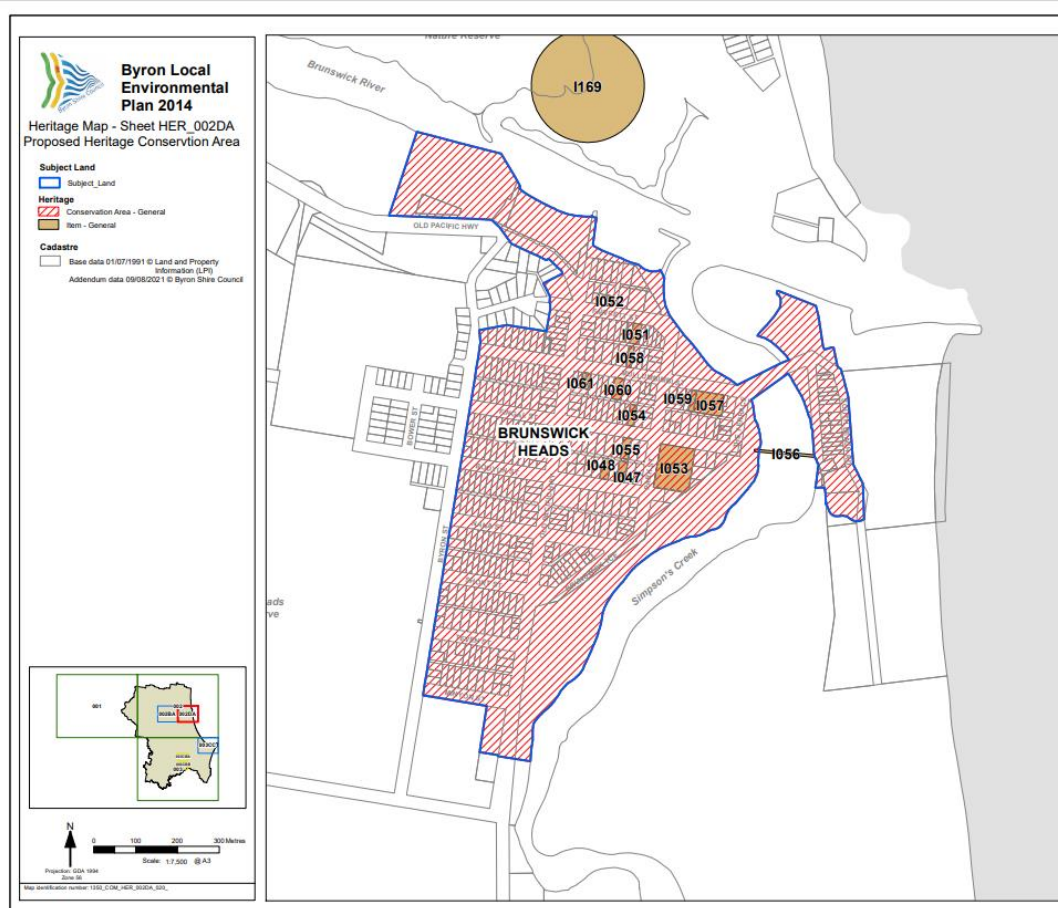


Figure 24 Proposed Heritage Conservation Area Draft LEP Map.

The full map is at Appendix 1. The boundary was selected to include part of the town entry corridor, the central CBD, Memorial and Banner Parks and the Terrace and the original residential subdivision area on both sides of Tweed St to encompass the original subdivision layout which include the traditional streetscapes and homes, landscaping and plantings. South Beach Rd whilst a later subdivision has high public visibility to the reserves and waterways in Brunswick Heads and is considered a critical element of the coastal village. The boundary excludes sporting fields and larger natural areas which are not zoned for urban purposes, and are considered to be adequately protected by environmental controls.

6. SIGNIFICANCE ASSESSMENT

6.1 ASSESSMENT CRITERIA.

A significance assessment is carried out to explain why a particular item or place is important, and to enable appropriate site management and a curtilage to be determined. The Australia ICOMOS Charter for Places of Cultural Significance 2013 (the Burra Charter) defines cultural significance as "aesthetic, historic, scientific, social or spiritual value for past, present or future generations" (Article 1.2). As outlined in the NSW Heritage Management System, Assessing Heritage Significance (NSW Heritage Office 2001) there are seven criteria under which a place can be assessed in the context of State or Local heritage themes.

It will be considered to be of State or Local significance if it meets one or more of the following criteria.

Criterion a) Historical significance: *an item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area.)*

Brunswick Heads is a significant Aboriginal place and part of lands of the Bundjalung people and the place of the earliest European settlement in Byron Shire. The precinct is historically significant for its evolution as a settlement in response to historical, social, economic and transportation factors, having connection to early cedar getting, the fishing industry and a historical use for recreation and holiday destination. The original village precinct is considered to meet this criterion.

Criterion b) Historical (Social /Associative) significance: *an item has strong or special association with the life or works of a person or a group of persons of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).*

Brunswick Heads holds associations with the first cedar cutters John and Edward Boyd and Steve and Dick King who arrived in 1849, early settlers, business, professional and tradespersons and civic officials who agitated for the physical and social development and protection of the amenity of the village.

Criteria c) Aesthetic significance: *an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).*

Brunswick Heads village precinct demonstrates outstanding aesthetic significance as an example of a small coastal village nestled in the natural environment of the Brunswick River and estuary, wetlands and foreshore parklands, beach and nature reserves. Its built form reflects aesthetic values demonstrating development of a modest and simple vernacular of early 20th century cottages, interwar and post war era buildings which define the place as an iconic coastal holiday village. The Brunswick Heads village precinct demonstrates aesthetic significance for its collection of modest buildings of one and two storey scale, lightweight materials with landscaped settings of garden

setbacks, wide grassed verges, informal driveways and street tree plantings which retain a sense of place and informal holiday character in a setting of unspoilt riverside reserves

Criteria d) Social significance: *an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.*

Brunswick Heads is held in high esteem by the local residents and holiday makers who have been holidaying in this location over several generations. Its public spaces and several buildings hold particular social significance including the Hotel Brunswick, Housie Shed, War Memorial, Memorial Hall, the Picture House, Public School and Churches.

Criteria e) Research potential: *an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area). Significance under this criterion must have the potential to yield new or further substantial information.*

Brunswick Heads as a precinct is not likely to meet this criterion.

Criteria f) Rarity: *an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (for the cultural or natural history of the local area).*

Brunswick Heads demonstrates rarity in the far north coast as a coastal village which has retained a distinct identity and character.

Criteria g) Representativeness: *an item is important in demonstrating the principal characteristics or a class of NSW's (or local area's) Cultural or natural places or Cultural or natural environments.*

The Brunswick Heads village precinct is representative of a beach township has developed largely through the interwar and post war decades and retains many significant elements of this style and character.

6.2 STATEMENT OF SIGNIFICANCE

The Brunswick Heads Village precinct demonstrates historical, associative, aesthetic and social significance. The precinct combines a natural and evolved cultural landscape of the foreshore reserves, set in pristine environmental setting, combined with a predominant character of domestic scale, interwar to post war decade developments which create a sense of place and maintains an informal holiday character. Domestic scale modest lightweight buildings with active frontages to streetscapes, low fences, and landscaped setbacks and grassed verges form an intrinsic part of this built character and setting.

6.3 RECOMMENDED MANAGEMENT

The precinct as a whole should be carefully conserved to retain its significance and setting. Buildings and key elements which are significant and contribute to the assessed character and identity to the Village should be carefully conserved. Sympathetically upgrades are acceptable. The replacement of non-significant fabric and buildings is acceptable providing that a similar scale, form, bulk, and visual aesthetic character is employed which is sympathetic to the context of the precinct. Overall a precautionary approach should be taken to any demolition in accordance with The Burra Charter ensuring that there is a sound understanding of the place.

6.4 COMPARATIVE EXAMPLES

Some comparative examples are included below of statutory coastal Heritage Conservation Areas.

1. Byron Bay

There are three Heritage Conservation Areas in the coastal town of Byron Bay which reflect the earlier subdivision areas of the town and associated buildings of residential domestic scale and landscaped settings.

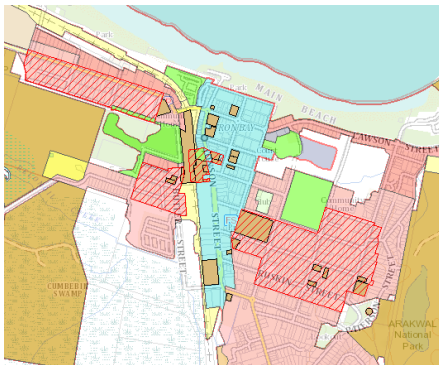


Figure 25 Byron Bay Heritage Conservation Areas.

2. Sawtell, NSW 2452.



Figure 26 Sawtell Heritage Conservation Area Map

Sawtell Heritage Conservation Area Statement of Significance

‘Of high local significance as Sawtell’s largely intact main street. Sawtell is one of the earliest settlements in the Coffs Harbour area and First Avenue was created to provide the focus of the small town created by the subdivision and sale by Osie Sawtell of England’s cattle farm in 1923. As well as continuing to provide the main social and commercial focus of the village, First Avenue includes buildings of all phases of its history: 1920s (first phase), immediate post-WWII period (second phase) and the more recent phase of sympathetic infill buildings following its gazettal as a conservation area.

The HCA is able to demonstrate the history and development of Sawtell and the wider Coffs Harbour area during several of its defining periods of development (1950s and 1960s). First Avenue HCA is an essential component of the history and historic built fabric of Sawtell.

The HCA is of high local significance for its mix of inter-war and post-WWII commercial and residential buildings, the central plot including the four fig trees and other mature trees, and relaxed seaside ambience. The street has developed a vibrant café and restaurant culture and its mix of shops, cafes, overhead tree canopy and seaside atmosphere is a tourist drawcard and a locally much loved aspect of the street. The street largely retains its original subdivision pattern, dating from 1923, and the result is a large number of individual narrow shopfronts which helps generate the eclectic mix of small businesses. This is a significant feature of the streetscape and the village atmosphere.

The overhead tree canopy and shade formed by the central plot and mature trees are an essential and irreplaceable aspect of the street’s ambience and significance. The rear service lanes form an important component of the HCA and contribute to its relaxed village ambience by surviving without gutters and used as informal pedestrian routes. There are several side passages that link First Avenue with the lanes and form pedestrian passages.

The essential character of the HCA is that of a relaxed, small-scale, low-density, unpretentious seaside village’.

3. Sandon, NSW 2463



Figure 27 Sandon Village Heritage Conservation Area

Sandon Village Heritage Conservation Area Statement of Significance.

Sandon South or Sandon village comprises a collection of private residences located in a small and unique natural environment at the southern tip of the Sandon River. Sandon village is surrounded by Yuraygir National Park, the river and the coastline and as such it remains a relatively remote and small cluster of houses. The houses are located within four blocks bordering Sandon Back Trail, Jetty Road and Pebbly Crescent and generally face towards the river or towards the beach. The village is historically important as a collection of early to late 20th century houses which were originally associated with the fishing industry. Although Sandon has a c.1901 European settlement date, there are no extant houses from this early period. The village is associated with historical families and is representative of 20th century coastal communities, especially within the Clarence Valley.

4. Diggers Camp, NSW 2462.



Figure 28 Diggers Camp Heritage Conservation Area.

Diggers Camp Heritage Conservation Area Statement of Significance.

Diggers Camp is important socially and historically for the Clarence community. It started as a gold mining location and has for over 100 years been a popular beachside holiday location for Clarence Valley locals. Diggers Camp is also physical evidence of changes to town planning, illustrated by the changes in size and location of the generally small scale dwellings. Although only accessed via a single road, there is now a small permanent community here as well as the school holiday camp grounds and holiday houses. Diggers Camp is surrounded by Yuraygir National Park. It is a sustainable village with no grid power, town water or sewerage and a gravel access road. The natural beauty includes bushland and surfing beaches below a grassy headland.

7. SUMMARY

A variety of primary and secondary sources were referred to during research for this report, including Parish Maps, early photographs, newspaper reports and the thematic history of the area to gain a good understanding of the historical context of the village development.

A meeting was held with representatives of the Chamber of Commerce and Progress Association and Susan Tsicalas of BVHS. An update was provided to the Heritage Panel meeting on 18th June 2021 of the interim report. The draft report was provided to the Brunswick Heads Progress Association and Brunswick Valley Historical Society and Heritage Panel Members for preliminary comment in July 2021 prior to finalisation and presentation to Council. Comments have been incorporated into the report and update some information about the earlier buildings.

Brunswick Heads is a known significant Aboriginal place and the place of the earliest European settlement in Byron Shire. The precinct holds historical significance for its designation as a village proclaimed in 1885 which demonstrates the evolution of a settlement in response to historical, social, economic and transportation factors.

Tourism has evolved as an important economic driver for the area and has become a year round activity rather than one which was historically during Easter or summer holidays. Increasing population, improved transport links in northern NSW and SE Queensland, and overspill pressure from the international tourism destination of Byron Bay are also collectively adding to demands on the township.

Increasing land values are placing the township under great pressure for change. The proposed Heritage Conservation Area will assist to ensure that future development is respectful of the context and maintains its desired character.

Brunswick Heads village is considered to meet historic, associative, aesthetic and social significance, and the proposed establishment of a Heritage Conservation Area as defined by the boundary on the plan in Figure 24 is supported.

It is recommended that the boundary includes part of the town entry corridor, the central CBD, Memorial and Banner Parks and the Terrace and the original residential subdivision area on both sides of Tweed St to encompass the original subdivision layout which include the traditional streetscapes and homes, landscaping and plantings. South Beach Rd whilst a later subdivision has high public visibility to the reserves and waterways in Brunswick Heads and is considered a critical element of the coastal village. The boundary excludes sporting fields and larger natural areas which are not zoned for urban purposes, and are considered to be adequately protected by environmental controls.

Within the Heritage Conservation Area, contributory buildings and elements are identified within the following categories

1. Existing Heritage Items. These are mapped and included on Schedule 5 of Byron LEP 2014.
2. Potential Additional Heritage Items- principally public or public use items- for consideration by Council and exhibition with some privately owned buildings to be discussed with owners.
3. Contributory Items These properties should be notated on the SHI Heritage Inventory Form for the SHI.

Management of heritage Items and heritage conservation areas occurs through Clause 5.10 of the Byron LEP 2014 and associated DCP Controls.

Chapter C of Byron DCP will require some additional site specific controls to apply to the particular identity and architectural eras of Brunswick Heads. This can be linked to the character statements in Chapter E of the DCP. For example, colour schemes and building styles in this precinct which reflect the coastal fishing holiday village aesthetics differ to the Conservation Area precincts which contain more buildings of earlier historic periods and traditional colour palettes.

Threats to existing significance and setting.

Currently 13 individual heritage items are protected through Byron Local Environmental Plan 2014. Although the settings and views of these heritage items must be considered in nearby development, there is no legal or formal protection of the precinct as a whole or on adjoining land parcels.

Complying Development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* could potentially result in the gradual and cumulative erosion of the elements and character which are valued by the community.

Implications of a Heritage Conservation Area on existing properties

The streetscapes in the original village area are mixed, including weatherboard, fibre cement lightweight buildings and some later brick buildings which are consistent with the assessed significance of the place, as well as several non-contributory buildings.

It is acknowledged that some existing buildings were constructed for short term holiday use, rather than for permanent occupation and were deliberately simple and austere, meeting the expectations of the time. As these buildings reach the end of their lifespan it is expected that there will be demand for redevelopment, particularly where buildings contain asbestos fibre cement.

The conservation of contributory buildings and original fabric is strongly encouraged. Careful consideration of proposals against the assessed statement of significance and values of the area will assist in development assessment process, to ensure that the bulk, scale, form and aesthetic character of future new development and changes is appropriate and sympathetic to the setting and maintain the community's desired future character of the township and that significant items are maintained.

A Heritage Conservation Area is positive as it can provide a level of certainty to owners and potential purchasers about the desired future character of the precinct to be achieved through the LEP and DCP policies.

The following elements are important in the consideration of future proposals. This is already addressed through Council's DCP Chapter E4. This would address elements such as:

- Form
- Scale
- Materials
- Glazing
- Low Fences
- Relationship to the streetscape
- Setbacks
- Vegetation
- Minimising cumulative impact on loss of grassed verges with additional driveway crossings and engineering requirements for sealing,
- Maintaining low fences and keeping an active frontage to the streetscape
- Maintaining a domestic scale
- Size of glazing
- Impact of garages
- Ensuring that new infill is in keeping with the streetscape and avoids trends for inward looking houses with garages and minimal facades to the street and external screening of facades.

The proposal for a Heritage Conservation Area is aimed at protecting the significance and setting of the place. The purpose of the HCA is not about 'no development' but about appropriate development and managing change in a positive manner which retains the values which are important to the area.

A statutory Heritage Conservation Area is recommended as this would give more weight in the assessment of future development proposals in relation to the character statement in Council's DCP Chapter E4.

8 RECOMMENDATIONS

The following recommendations are made based on the findings of this report;

1. Brunswick Heads Village meets historical, associative, aesthetic and social significance and is considered eligible for inclusion on Schedule 5 of the Byron Shire LEP 2014 as a Heritage Conservation Area as shown on the proposed map boundary at Appendix 1. This report is to be considered by Byron Shire Council as the basis for a Planning Proposal to legally amend the Byron Local Environmental Plan 2014 to include the Brunswick Heads village precinct as a statutory Heritage Conservation Area.
2. The SHI Inventory and a Future DCP Map should note contributory listed and non-listed buildings and elements which are considered to be part of the assessed significance of the village.
3. Council is recommended to consider the inclusion of the following additional individual heritage items
 - War Memorial. Mona Lane reserve
 - Foreshore Reserves and Norfolk Pine Cultural Plantings
 - Housie Shed Banner Park and Ambulance Shed
 - South Arm Bridge
 - Boulevard Plantings and Pilgrim Memorial Park.
4. Council should consult individual property owners on places which were previously nominated as having potential significance and several additional individual items identified in this report including
 - Brunswick Picture House
 - Commercial Buildings; 26 Mullumbimbi Street and 28 Mullumbimbi Street
 - Group of Dwellings-The Terrace collective group.
 - Several individual dwellings as included in the tables above.
5. Consultation with residents and owners on the draft proposal should take place to fully explain that the proposed Heritage Conservation Area is not about 'no development' but about the 'type of development' that should occur, to ensure that the village maintains its desired future character as set out in the character narratives of the DCP.

9. REFERENCES

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