

# NOTICE OF MEETING



## HERITAGE PANEL MEETING

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

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 9 September 2021</b>
Time	<b>11.30am</b>

Shannon Burt  
Director Sustainable Environment & Economy

*12021/1442  
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**

3.1	Heritage Program Update.....	5
3.2	Heritage Panel Member Updates.....	9
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-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/local-heritage-places-funding)

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

3.1

### **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
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.1	Coordinate the Heritage Advisory Panel
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.2	Conduct the Local Heritage Places Grant Program

### 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:**

**That the Heritage Panel notes the member updates.**

15

**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
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.5	Encourage community appreciation of cultural vitality and diversity	2.5.2	Recognise and support the heritage of Byron Shire	2.5.2.1	Administer the Heritage Advisory Panel

***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.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

3.3

- 5
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

#### 10 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:

- 15
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



























































































































































































