

Notice of Meeting

Heritage Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 April 2023
Time	11.30am

Shannon Burt
Director Sustainable Environment and Economy

*I2023/566
Distributed 14/04/23*



BYRON
SHIRE
COUNCIL

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)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 3.1 Adoption of Minutes Heritage Advisory Committee meeting held on 15
September 2022 6

4. STAFF REPORTS

Sustainable Environment and Economy

- 4.1 Heritage Advisory Committee Member Updates..... 13
4.2 Heritage Program Update..... 15
4.3 Community Member Presentation - Proposal for a Federal Heritage
Conservation Area and New listed items 18

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes Heritage Advisory Committee meeting held on 15 September 2022

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Directorate: Sustainable Environment and Economy

Report Author: Noreen Scott, EA Sustainable Environment and Economy

File No: I2023/394

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RECOMMENDATION:

That the minutes of the Heritage Advisory Committee Meeting held on 15 September 2022 be confirmed.

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Attachments:

1 Minutes 15/9/22 Heritage Advisory Committee, I2022/1248 , page 8 

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BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Report

The attachment to this report provides the minutes of the Heritage Advisory Committee Meeting of 15 September 2022 .

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Report to Council

The minutes were reported to and adopted by Council on 27 October 2022.

Comments

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Council endorsed all Committee's recommendations at Resolutions

Minutes of Meeting
Heritage Advisory Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 15 September 2022
Time	11.30am



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES 15 SEPTEMBER 2022

Minutes of the Heritage Advisory Committee Meeting held on Thursday, 15 September 2022

File No: I2022/1248

PRESENT: Cr M Swivel, Cr S Balson

Staff: Chris Larkin (Manager Sustainable Development)
Noreen Scott (Minute Taker)

Members: Chris Cooney (Mullumbimby/Brunswick Valley Historical Society)
Vivienne Gorec (Bangalow Historical Society)
Jan Hackett
Gae Laverty
Brooke Crowle

Cr Swivel (Chair) opened the meeting at 11.37AM and acknowledged that the meeting was being held on Bundjalung Country.

ATTENDANCE VIA AUDIO-VISUAL LINK:

NIL

APOLOGIES:

Deborah Wray, Shannon Burt (Director Sustainable Environment and Economy)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

Note: The minutes of the meeting held on 21 April 2022 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 23 June 2022.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

HER Heritage Advisory Committee Meeting page 3

BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES 15 SEPTEMBER 2022

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 3.1 Heritage Program Update
File No: I2022/1084

Committee Recommendation:

That the Heritage Advisory Committee:

- 1. Notes the heritage program update report.**
- 2. Supports a report being prepared to Council to progress a Planning Proposal for the following six properties to be included into the Byron LEP 2014:**

7 Leslie Street, Bangalow
Carabene Ewingsdale Road Ewingsdale
40 Cowper Street, Byron Bay
Robinson Subdivision and group of cottages Lismore Road, Bangalow
Longfield, 175 Wilsons Creek Road, Mullumbimby
221 Coolamon Scenic Drive, Coorabell

(Balson/Hackett)

The recommendation was put to the vote and declared carried.

Report No. 3.2 Heritage Advisory Committee Member Updates
File No: I2022/1085

Committee Recommendation:

That the Heritage Advisory Committee notes the member updates.

(Balson/Cooney)

The recommendation was put to the vote and declared carried.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES 15 SEPTEMBER 2022

Report No. 3.3 **Heritage colours**
File No: I2022/1088

Committee Recommendation:

That the Heritage Advisory Committee:

- 1. Notes the staff report on heritage colours and provides feedback on Byron Development Control Plan 2014 Chapter C1.4.5 Colours.**
- 2. Requests Council to clarify the existing preferred heritage colour range and conduct community consultation in reference to Council resolution 22-455 point 3.**

(Balson/Gorec)

*The recommendation was put to the vote and declared carried.
Jan Hackett voted against*

There being no further business the meeting concluded at 2.15PM.

HER Heritage Advisory Committee Meeting page 5

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Heritage Advisory Committee Member Updates**
Directorate: Sustainable Environment and Economy
5 **Report Author:** Shannon Burt, Director Sustainable Environment and Economy
File No: I2023/296

10 **Summary:**

The nominated Heritage Advisory Committee members are invited to provide a brief update on matters and activities undertaken by their respective group / organisation relevant to the Committee and its constitution.

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RECOMMENDATION:

That the Heritage Advisory Committee notes the member updates.

REPORT

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Member representatives from Brunswick Valley, Byron Bay, Bangalow, Mullumbimby Historical Societies, Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and the Tweed Byron Local Aboriginal Council. 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).

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The purpose of the Committee under the constitution is as follows:

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

Actions of the Heritage Advisory Committee 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.

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Strategic Considerations

5 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.5: Share and celebrate diverse stories including the built, natural, and cultural heritage of the Shire	2.1.5.1	Co-ordinate the Heritage Advisory Committee

Legal/Statutory/Policy Considerations

10 None relevant.

Financial Considerations

None relevant.

15 Consultation and Engagement

None relevant.

Report No. 4.2 Heritage Program Update

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: I2023/295

5 **Summary:**

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

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RECOMMENDATION:

That the Heritage Advisory Committee notes the heritage program update report.

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Report

Heritage Advisory service

- 5 Council has ongoing grant funding 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)

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Byron Shire Local Places Heritage Grants

Council considered Report 13.11 Byron Shire Local Heritage Grants Program 2022-23
[Agenda of Ordinary Meeting - Thursday, 24 November 2022 \(infocouncil.biz\)](https://www.infocouncil.biz) and **22-642**

15 **Resolved:**

1. That Council endorses the recommended funding allocations of the Byron Shire Local Places Heritage Grants Program 2022-23 for landowners to complete building repairs, enhancements, and maintenance to prominent local heritage items in main towns as follows:
 - a) The applications in Attachments 2 and 3 to receive \$4,500 each;
 - b) The Application in Attachment 1 to receive \$3,000;
2. That the grant applicants be notified of Council's decision.

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Council has also received ongoing grant funding for the continuation of the Local Places Grants program for the next 2 years. Applications under this grant program for FY23/24 will open in the coming months.

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Proposed Local Environmental Plan amendments to list new heritage items

Council considered Report No. 13.6 26.2022.9.1 Heritage Amendments to Byron Local Environmental Plan 2014 [Agenda of Ordinary \(Planning\) Meeting - Thursday, 8 December 2022 \(infocouncil.biz\)](https://www.infocouncil.biz) and **22-686 Resolved** that Council defers consideration of the Heritage Amendments to Byron Local Environmental Plan 2014 and refers the matter to a Councillor Workshop in 2023.

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Heritage Colours review

35 Community feedback was recently sought on

- Current heritage colour schemes.
- Proposed changes to the Development Control Plan to loosen restrictions on the range of colours used.

- Any other feedback about heritage colours.

Feedback is currently being collated for a report back to Council.

[Heritage colours - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/heritage-colours-byron-shire-council)

5 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.5: Share and celebrate diverse stories including the built, natural, and cultural heritage of the Shire	2.1.5.1	Co-ordinate the Heritage Advisory Committee

Legal/Statutory/Policy Considerations

Specific to project.

Financial Considerations

- 10 As per grants and operational plan funding.

Consultation and Engagement

Specific to project.

Report No. 4.3 Community Member Presentation - Proposal for a Federal Heritage Conservation Area and New listed items

Directorate: Sustainable Environment and Economy

5 **Report Author:** Roseanna Meech, Planner
Shannon Burt, Director Sustainable Environment and Economy

File No: I2023/297





Summary:

10 Jenna Reed Burns will present on work she has completed for a proposal for a Federal Heritage Conservation Area and new listed items.

15 **RECOMMENDATION:**

That the Heritage Advisory Committee notes the presentation.

Attachments:

- 20 1 Federal Village Heritage Presentation, E2023/35303 , page 20  
2 Preliminary Federal Village Heritage Assessment, E2023/35306 , page 54  

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35 **Report**

Information and attachments as provided.

Next steps

5 If the Committee is supportive of the HCA and listings as presented or amended, a recommendation for the minutes would be required. Once the minutes are adopted by Council, a formal report of Council on the proposal would follow to meet statutory requirements under the Act for a planning proposal.

Some landowners are aware of the proposal. However more formal engagement with those landowners directly affected by the listings proposal will need to occur prior to any Planning Proposal being presented to council.

Strategic Considerations

10 **Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth We manage growth and change responsibly	4.1: Manage responsible development through effective place and space planning	4.1.4: LEP & DCP - Review and update the Local Environmental Plan and Development Control Plans	4.1.4.3	Stand-alone LEP 2014 amendment to introduce new heritage-listed properties

Legal/Statutory/Policy Considerations

Not applicable at this time.

Financial Considerations

15 Not applicable at this time.

Consultation and Engagement

To be determined if proposal proceeds.

