

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, 31 August 2023
Time	11.30am

Shannon Burt
Director Sustainable Environment and Economy

*I2023/1272
Distributed 28/08/23*



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 Adopted Minutes Heritage Advisory Committee meeting held on 20 April
2023..... 6

4. STAFF REPORTS

Sustainable Environment and Economy

- 4.1 Heritage Advisory Committee Member Updates..... 13
4.2 Heritage Program Update..... 15

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**Report No. 3.1 Adopted Minutes Heritage Advisory
Committee meeting held on 20 April 2023**

5 **Directorate:** Sustainable Environment and Economy
Report Author: Noreen Scott, EA Sustainable Environment and Economy
File No: I2023/1117

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RECOMMENDATION:

That the minutes of the Heritage Advisory Committee Meeting held on 20 April 2023 be confirmed.

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Attachments:

1 Minutes of Heritage Advisory Committee 20 April 2023, I2023/567 , page 8  

20

Report

The attachment to this report provides the minutes of the Heritage Advisory Committee Meeting of 20 April 2023 for determination by Council .

5 Report to Council

The minutes were reported to and adopted by Council on 25 May 2023. Comments

In accordance with the Committee's Recommendations, Council resolved the following.

23-187 Resolved that Council notes the minutes of the Heritage Advisory Committee Meeting held on 20 April 2023. (Lyon/Hunter)

10 **23-188 Resolved** that Council adopts the following Committee recommendations:

That the Heritage Advisory Committee:

1. Thank Jenna Reed Burn for her presentation, and work on the Preliminary Federal Village Heritage Assessment, and notes its recommendations for listings in Schedule 5 of the Byron Local Environmental Plan 2014.
- 15 2. Supports further consultation occurring with residents and owners of the properties proposed to be listed as individual items, contributory items, and in the Heritage Conservation Area generally, prior to reporting any planning proposal with any new listings recommended to Council. (Lyon/Hunter)

23-189 Resolved that Council adopts the following Committee recommendation:

20 That Council appoints Councillor Lyon to the Committee and that Councillor Balson be released from the Committee. (Lyon/Hunter)

Minutes of Meeting
Heritage Advisory Committee Meeting

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

20 APRIL 2023

Minutes of the Heritage Advisory Committee Meeting held on Thursday, 20 April 2023

File No: I2023/567

PRESENT: Cr M Swivel (Chair), Cr S Balson, Cr M Lyon

Staff: Shannon Burt (Director Sustainable Environment and Economy)

Kimberley van Soest (Minute Taker)

Members: Chris Cooney (Mullumbimby/Brunswick Valley Historical Society)

Vivienne Gorec (Bangalow Historical Society)

Jan Hackett

Gae Laverty

Brooke Crowle

Deborah Wray

Jenna Reed Burn

Cr Swivel (Chair) opened the meeting at 11:35am and acknowledged that the meeting was being held on Bundjalung Country.

ATTENDANCE VIA AUDIO-VISUAL LINK:

There was no attendance via audio-visual link.

APOLOGIES:

There were no apologies.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES

20 APRIL 2023

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Adoption of Minutes Heritage Advisory Committee meeting held on 15 September 2022**
File No: I2023/394

Committee Recommendation:

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

(Lavery/Balson)

The recommendation was put to the vote and declared carried.

Note: The minutes of the meeting held on 15 September were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 27 October 2022.

BUSINESS ARISING FROM PREVIOUS MINUTES

Report No. 4.3 **Community Member Presentation - Proposal for a Federal Heritage Conservation Area and New listed items**
File No: I2023/297

Committee Recommendation:

That the Heritage Advisory Committee:

- 1. Thank Jenna Reed Burns for her presentation, and work on the Preliminary Federal Village Heritage Assessment, and notes its recommendations for listings in Schedule 5 of the Byron Local Environmental Plan 2014.**
- 2. Supports further consultation occurring with residents and owners of the properties proposed to be listed as individual items, contributory items, and in the Heritage Conservation Area generally, prior to reporting any planning proposal with any new listings recommended to Council.**

(Hackett/Crowle)

The recommendation was put to the vote and declared carried.

Jenna Reed Burn left meeting at 12:44pm.

BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES

20 APRIL 2023

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 Heritage Advisory Committee Member Updates
File No: I2023/296

Committee Recommendation:

That the Heritage Advisory Committee notes the member updates.

(Crowle/Hackett)

The recommendation was put to the vote and declared carried.

Report No. 4.2 Heritage Program Update
File No: I2023/295

Committee Recommendation:

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

(Crowle/Cooney)

The recommendation was put to the vote and declared carried

No. 4.4 OTHER BUSINESS

Committee Recommendation:

That Council appoints Councillor Lyon to the Committee and that Councillor Balson be released from the Committee.

(Hackett/Gorec)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 1:45pm

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: I2023/1116

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).

25

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

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

5

Legal/Statutory/Policy Considerations

None relevant.

Financial Considerations

10 None relevant.

Consultation and Engagement

None relevant.

Report No. 4.2 Hertiage Program Update

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: I2023/1224

5 **Summary:**

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

10

RECOMMENDATION:

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

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Report

Heritage Advisory service

5 Council continues to receive grant funding for FY 2023/24 and 2024/25 for the Heritage Advisory Service. Activities in the Heritage Strategy will continue to be the focus of work for the Heritage Advisory service this year.

10 The Heritage Strategy includes a number of actions also which the community including members of the Committee can champion if they choose. Council staff and the Heritage Advisor can offer support in this regard.

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

15 A review of the Heritage Strategy 2020/24 will need to occur in 2024 to meet the requirements of the NSW Heritage Office for Heritage Program grant funding. Council's Heritage Advisor will facilitate a workshop session on the Heritage Strategy review process at a future Committee meeting.

Byron Shire Local Places Heritage Grants

20 Council was successful in receiving grant funding for FY 22/23 for the continuation of the Local Places Grants program. Only one of the approved projects by council are in the process of receiving a delayed grant acquittal. There are ongoing challenges with access to trades and materials which is causing a knock for the applicants to complete works to meet grant conditions.

25 Finalised project

21 Granuaille Road, Bangalow (Within Bangalow HCA) Reroof existing roof with galvanised roof in keeping with heritage era, replace bronze aluminium windows with new timber style windows, reinstate original wrap around verandah to front of house.

30 Council has received forward grant funding for the periods 2023/24 and 2024/25 for the Local Places Heritage grants to continue.

Applications have been open for the FY 2023/24 grants with some interest registered.

The focus for the 2023/24 Local Heritage Places Grants is conservation works that enhance individual places, buildings, and the historic streetscapes of Bangalow.

35 This includes buildings within the Bangalow Heritage Conservation Areas that will in turn promote and foster the community's and visitor's appreciation of the village.

While the focus is to encourage positive work on heritage within Bangalow, owners of heritage properties in other parts of the Shire are encouraged to apply as these will also be considered.

40 Successful applicants will need to contribute one dollar for every dollar provided by the grant, and the restoration work must be completed by 30 March 2024.

Proposed Local Environmental Plan amendments to list new heritage items and Brunswick Heads proposed Heritage Conservation Area and property listings and Heritage Colours

5 A further report is to be presented to Council before the end of the year on these projects. This follows the Councillor Workshop in August.

13.6 26.2022.9.1 Heritage Amendments to Byron Local Environmental Plan 2014 [Agenda of Ordinary \(Planning\) Meeting - Thursday, 8 December 2022 \(infocouncil.biz\)](#)

[Feedback on heritage colours in the Byron Shire - Byron Shire Council \(nsw.gov.au\)](#)

Strategic Considerations

10 **Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive Community	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
2: Inclusive Community	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	2.1.5.2	Provide a heritage advisory service
2: Inclusive Community	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	2.1.5.3	Manage the Heritage Grants Program

Recent Resolutions

- **Resolved 22-686** that Council defers consideration of the Heritage Amendments to Byron Local Environmental Plan 2014 and refers the matter to a Councillor Workshop in 2023.

5 Legal/Statutory/Policy Considerations

N/A

Financial Considerations

Heritage Program funded by NSW Heritage Office grant and annual operational budget allocation.

10 Consultation and Engagement

N/A