

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 June 2024
Time	11.30am

Shannon Burt
Director Sustainable Environment and Economy

I2024/933
Distributed 13/06/24



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

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Sustainable Environment and Economy

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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 31 August 2023 for determination by Council .

Report to Council

- 5 The minutes were reported to and adopted by Council on 26 October 2023. **Comments**

In accordance with the Committee Recommendations, Council resolved the following:

23-471 Resolved that Council notes the minutes of the Heritage Advisory Committee Meeting held on 31 August 2023.

10

Minutes of Meeting

Heritage Advisory Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 31 August 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

31 AUGUST 2023

Minutes of the Heritage Advisory Committee Meeting held on Thursday, 31 August 2023

File No: I2023/1319

PRESENT: Cr M Swivel

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

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

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

ATTENDANCE VIA AUDIO-VISUAL LINK:

Nil

APOLOGIES:

Cr M Lyon ,Shannon Burt (Director Sustainable Environment and Economy),Gae Laverty, Deborah Wray (Heritage Advisor) .

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

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BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES

31 AUGUST 2023

Report No. 4.2 **Heritage Program Update**
File No: I2023/1224

Committee Recommendation:

That the Heritage Advisory Committee:

- 1. Notes the Heritage Program update report.**
- 2. Requests a response from staff at the next available Committee meeting on matters raised by members in their discussions of Report 4.1 (& Attachment 1) in the Future items report.**
- 3. Requests staff prepare a report on the options for introducing dual language place names and street sign and interpretative signage where possible to acknowledge and celebrate Bundjalung culture. This report will need to be prepared in collaboration with other Directorates of Council.**

(Swivel/Gorec)

The recommendation was put to the vote and declared carried.

There being no further business the meeting concluded at 1:15pm.

Report 4.1 (Attachment 1) - Heritage Advisory Committee Member Updates

Below is a summary of the presentations and requests made by Heritage Advisory Committee members.

Viv Gorec (Bangalow Historical Society)

- Raised the damage by the leopard trees in Byron St, Bangalow - impact on footpath and potential impact on heritage buildings.
- Requested an update be provided to the Heritage Advisory Committee, and Bangalow Historical Society on the future of Heritage House.
- Requested the Heritage Advisor investigate grant funding for heritage plaques for heritage items

Chris Cooney (Mullumbimby/Brunswick Valley Historical Society)

- Noted that Banner Park Ambulance Shed in Brunswick Heads needs care and maintenance.

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BYRON SHIRE COUNCIL

HERITAGE ADVISORY COMMITTEE MEETING MINUTES

31 AUGUST 2023

- Raised that the Leopard Tree in front of Lou Lous café in Dalley St Mullumbimby is also causing damage to the footpath.

Brooke Crowle (Community member)

- Noted that the Mitre 10 Building in Byron Bay was constructed in 1895 as part of Norco and could be considered for Heritage Listing. Requested the Heritage Advisor to provide an update on this.
- Noted that 22 Marvel Lane 2 storey dwelling house is not listed in the LEP as a Heritage Item, and could be considered for Heritage Listing. Heritage Advisor to provide an update on this.
- Requested that a potential site for a Byron Bay Museum or library space for Heritage artifacts be considered by Council.
- Raised the need for better communication between the various Committees of Council including the Heritage Advisory , Arts and Creative Industries Advisory Committee, and Byron Masterplan Group and for the sharing of items that are up for discussion.

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:

I2024/27

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.

15

RECOMMENDATION:

That the Heritage Advisory Committee notes the member updates.

REPORT

20

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.

30

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 Not relevant.

Financial Considerations

Not relevant.

15 Consultation and Engagement

Not relevant.

Report No. 4.2 Heritage Program Update

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: I2024/30

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.

15

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 review

- 15 A review of the Heritage Strategy 2020/24 will need to occur in 2024/25 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.

20 [Byron Shire Heritage Strategy 2020 to 2024 - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/heritage-strategy)

Byron Shire Local Places Heritage Grants

Council continues to receive grant funding for FY 2023/24 and 2024/25 for the Local Places Grants program.

- 25 Four projects were approved for grant funding this year.

See Report No. 13.8 Byron Shire Local Heritage Grants Program 2023-24 [Agenda of Ordinary \(Planning\) Meeting - Thursday, 9 November 2023 \(infocouncil.biz\)](#) for more details.

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

Three of the four grant funded projects were completed this FY.

Local Environmental Plan 2014 new items

- 35 Report No. 13.3 PLANNING - Brunswick Heads Heritage Conservation Area and Heritage Material and Colours Guide 26.2022.9.1 was presented at [Agenda of Ordinary \(Planning\) Meeting - Thursday, 12 October 2023 \(infocouncil.biz\)](#).

Resolved 23-459 that Council:

- 40 1. *Notes community feedback on the heritage colours and supports the further development of a heritage colour palette for heritage conservation areas and items;*

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

2. *Proceeds with a Planning Proposal that seeks to amend Byron LEP 2014 to the Department of Planning & Environment for gateway determination by submitting an amended Planning Proposal seeking to amend Byron LEP 2014 to introduce 17 new heritage items.*
- 5 3. *Forwards the Planning Proposal to the NSW Department of Planning and Environment for a gateway determination;*
4. *Pending a positive gateway determination, undertakes public exhibition of the Planning Proposal in accordance with the determination requirements;*
- 10 5. *Considers a submissions report post exhibition that includes any recommended changes to the Planning Proposal for final adoption.*

[Heritage Amendments to Byron Local Environmental Plan 2014 | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](https://www.dpe.nsw.gov.au/planning-portal/heritage-amendments-to-byron-local-environmental-plan-2014)

The Planning Proposal will be considered by Council at its 27 June Ordinary Meeting.

- 15 • *The publicly exhibited Planning Proposal sought to include 17 items in Schedule 5 – Environmental Heritage of Byron LEP 2014 and amend the relevant Heritage Maps accordingly. The 17 items included 24 privately owned sites and 5 publicly owned sites/items.*
- 20 • *Twenty-three (23) public submissions were received during the 28-day exhibition period (14 March 2024 – 17 April 2024). Six (6) landowners objected to the heritage listing of their properties (Items: 1, 2, 3, 9, 14 & 15) and these are recommended for removal from the Planning Proposal.*
- 25 • *Crown Lands advised they required further targeted consultation with Reflections as the crown land manager within Banner Park – Brunswick Heads and with native title claimants or native title holders for other lands within Brunswick Heads.*
- 30 • *It is recommended that the 5 publicly owned sites (Items 4, 5, 6, 7 & 8) are removed from the Planning Proposal. There is no imminent risk associated with not progressing the heritage listing for these publicly owned sites at this stage. In the unlikely event that circumstances change and there were to be imminent risk of, say development pressure, Council can always apply for an ‘Interim Heritage Order’ for the subject properties.*

Federal Village Conservation Area and new items

35 Report No. 13.4 26.2024.1.1 - Planning Proposal to introduce Federal Heritage Conservation Area and additional heritage items was presented to [Agenda of Ordinary \(Planning\) Meeting - Thursday, 13 June 2024 \(infocouncil.biz\)](#)

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
2: Inclusive	2.1: Foster	2.1.5: Share	2.1.5.1	Co-ordinate the

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.2

Community	opportunities to express, celebrate and participate in arts and cultural activity	and celebrate diverse stories including the built, natural, and cultural heritage of the Shire		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

Legal/Statutory/Policy Considerations

As discussed in the report.

Financial Considerations

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

Consultation and Engagement

As discussed in the report.

Report No. 4.3 Future Items Report

Directorate: Sustainable Environment and Economy

Report Author: Shannon Burt, Director Sustainable Environment and Economy

File No: I2024/31

5 Summary:

This report summarises reports and information requested by the Heritage Advisory Committee.

10 These requests, resourcing and alignment with Council’s Operational Plan are tabled for discussion by the committee, to resolve whether these requests are taken to Council for consideration for inclusion in a future Council OP and budget.

15 RECOMMENDATION:

That the Heritage Advisory Committee notes the report.

Report

At the previous Heritage Advisory Committee meeting, the Committee sought a follow up response to the following items.

Information Requested	Resourcing	Operational Plan & Other Council Strategies
<p>Requested an update be provided to the Heritage Advisory Committee, and Bangalow Historical Society on the future of Heritage House.</p> <p>Viv Gorec (Bangalow Historical Society)</p>	<p>A report was presented to Council 13.8 Bangalow Heritage House Options Study Agenda of Ordinary Meeting - Thursday, 23 May 2024 (infocouncil.biz).</p> <p>24-220 Resolved that Council: 1. Enables the Lessee, Bangalow Historical Society, to continue to occupy the Premises after the expiry of the current lease on 30 June 2024, under the allowable monthly holding over tenancy provisions, and 2. Receives a further report on the financial viability of Option 2 Kitchen Relocation, to include rental valuation of the proposed commercial café, and on the cost of the works and maintenance expected over the next five years 3. Express its support for ensuring that Bangalow Heritage House and the surrounding area is activated for the community and remains financially and physically sustainable into the future. Any income raised from point 2 above would be used to achieve these goals. 4. That Council welcomes any other</p>	<p>OP activity 1.5.4.2 Support asset management to enable effective and appropriate utilisation of community buildings</p>

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.3

	<p>proposals from the Historical Society on how to achieve these goals.</p>	
<p>Requested the Heritage Advisor investigate grant funding for heritage plaques for heritage items.</p> <p>Viv Gorec (Bangalow Historical Society)</p>	<p>Various Heritage Grants are available to council and community groups through the NSW Heritage Office grants programs.</p> <p>Heritage grants NSW Environment and Heritage</p> <p>The next funding round is expected to open in late 2024 for projects delivered in 2025–27.</p>	<p>Heritage Strategy and Operational Plan Action 2.1.5.3 Manage the Heritage Grants Program</p>
<p>Noted that the Mitre 10 Building in Byron Bay was constructed in 1895 as part of Norco and could be considered for Heritage Listing. Requested the Heritage Advisor to provide an update on this.</p> <p>Noted that 22 Marvel Lane 2 storey dwelling house is not listed in the LEP as a Heritage Item and could be considered for Heritage Listing. Heritage Advisor to provide an update on this</p> <p>Brooke Crowle (Community member)</p>	<p>This request has been forwarded to the Heritage Advisor for consideration and response.</p>	<p>Heritage Strategy and Operational Plan Action 4.1.4.3 Develop stand-alone Local Environmental Plan 2014 amendment to introduce new heritage-listed properties</p>
<p>Requested that a potential site for a Byron Bay Museum or library space for Heritage artifacts be</p>	<p>This request has been noted and will be considered if and when a space is identified as available and suitable.</p>	<p>There is no activity in Council's OP that directly resources this action.</p>

considered by Council.		
Brooke Crowle (Community member)		

Strategic Considerations

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

Legal/Statutory/Policy Considerations

As discussed in the table.

5 Financial Considerations

As discussed in the table.

Consultation and Engagement

Not relevant.