

FOR ACTION

**Report No 13.3 - PLANNING - Brunswick Heads Heritage Conservation Area
and Heritage Material and Colours Guide 26.2022.9.1**

TO: Meech, Roseanna - Planner

COPY TO:

DATE: 17 October 2023

MEETING: Council (Planning) Meeting of 12 October 2023

RESOLUTION NUMBER: 23-459

Action is required for this item as per the Council Resolution outlined below.

Resolved that Council:

1. Notes community feedback on the heritage colours and supports the further development of a heritage colour palette for heritage conservation areas and items;
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.
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;
5. Considers a submissions report post exhibition that includes any recommended changes to the Planning Proposal for final adoption. (Lyon/Westheimer)

The motion was put to the vote and carried unanimously.

Crs Hunter, Lyon, Ndiaye, Westheimer and Pugh voted in favour of the motion.

Cr Dey voted against the motion

Cr Swivel was not present for the vote.

SPECIFIC ACTIONS REQUIRED:

Report No. 13.3 PLANNING - Brunswick Heads Heritage Conservation Area and Heritage Material and Colours Guide 26.2022.9.1

Directorate: Sustainable Environment and Economy

5 **Report Author:** Roseanna Meech, Planner

File No: I2023/1231

Summary:

10 The purpose of this report is to present the options to move forward with the planning proposal (Attachment 1) for heritage amendments in line with the Byron Shire Heritage Strategy (2020–2024).

Additionally, the report discusses the outcomes of the ‘Colour Schemes for Historic Buildings and Conservation Areas Report’ outlining the best outcomes for moving forward with a guiding document to best protect and maintain built heritage within the Shire

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RECOMMENDATION:

That Council:

- 20 1. **Notes community feedback on the heritage colours and supports the further development of a heritage colour palette for heritage conservation areas and items;**
2. **Proceeds with a Planning Proposal that seeks to amend Byron LEP 2014 to the Department of Planning & Environment for gateway determination by selecting either:**
- 25 **Option 1: the Planning Proposal in (Attachment 1 – E2022/106357) that seeks to amend Byron LEP 2014 to introduce new heritage items (6 in total) and include a new Heritage Conservation Area within Brunswick Heads.**
- OR
- 30 **Option 2: an amended Planning Proposal seeking only to amend Byron LEP 2014 to introduce 6 new heritage items only.**
3. **Forwards the preferred Planning Proposal to the NSW Department of Planning and Environment for a gateway determination;**

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4. Pending a positive gateway determination, undertakes public exhibition of the Planning Proposal in accordance with the determination requirements;
5. Considers a submissions report post exhibition that includes any recommended changes to the Planning Proposal for final adoption.

Attachments:

- 1 26.2022.9.1 Heritage Planning Proposal - Version for Council report, E2022/106357

Report

Proposed Local Environmental Plan amendments to list new heritage items and

5 Brunswick Heads Heritage Conservation Area

The Brunswick Heads Progress Association, Chamber of Commerce and Historical Society put forward a request for a Heritage Conservation Area (HCA) to be established to protect the character of Brunswick Heads. Council Resolved [21-005](#) to adopt the recommendation of the Heritage Panel to consider parts of Brunswick Heads as a Heritage Conservation Area. As per the Resolution a [Historic Heritage Assessment](#) was prepared to identify the heritage significance and values of the village by Councils Heritage Advisor, Clarence Heritage.

Informal community consultation was undertaken prior to the matter being considered at Council for the formal listing process and Planning Proposal. Of the submissions received, there were eight (8) submissions in support of the HCA and items listings and nine (9) submissions against.

Following consultation, a report was prepared recommending that Council endorse a Planning Proposal (Attachment 1) to amend Byron LEP 2014 to list several items and introduce a HCA within Brunswick Heads.

At the 8 December 2023 Council (Planning) Meeting, it was Resolved ([22-686](#)) that Council defers consideration of the Heritage Amendments to Byron LEP 2014 and refers the matter to a Councillor Workshop in 2023.

The Planning Proposal and Brunswick Heads HCA was discussed at a Councillor Workshop on 1 June 2023. The discussion around the implications of a HCA within Brunswick Heads was raised in relation to potential impacts on housing delivery. In order to proceed with the recommendation and to continue to introduce new heritage-listed properties within the Shire, two options on how to best proceed have been discussed.

Options

The options available are to:

Forward the Planning Proposal in Attachment 1 to the Department of Planning & Environment for gateway determination. The Planning Proposal includes the individual listing of six (6) items and the proposed Brunswick Heads HCA.

OR

Forward an amended Planning Proposal seeking to amend Byron LEP 2014 to introduce new heritage items ONLY to the Department of Planning & Environment for gateway determination. This Planning Proposal would include only the six (6) items for listing.

Feedback on heritage colours in the Byron Shire

5 In response to issues relating to use of non-heritage colours on works within heritage conservation areas, it was Resolved [\(22-455\)](#) that 'Council reviews the colour restrictions applying to houses in the general heritage conservation area with a view to liberalising the range of colours from which a homeowner may choose'.

10 A [Colour Schemes for Historic Buildings and Conservation Areas Report](#) was prepared by Council's Heritage Advisor, Clarence Heritage. The report was referred to the Heritage Advisory Committee, and then to Council who further resolved [\(22-600\)](#) 'Requests Council to clarify the existing preferred heritage colour range and conduct community consultation in reference to Council resolution **22-455**'.

15 This report provides an overview of the background and use of heritage colours along with examples to assist property owners and developers to choose the most appropriate materials and colours for heritage works. It also includes recommendations for wording changes to Chapter C1 'Non-indigenous Heritage' of the Development Control Plan 2014.

20 The report and supporting documentation were placed on public exhibition during March 2023 asking for feedback on current colour schemes, possible changes to the Development Control Plan to loosen restrictions on the range of colours used and any other feedback about heritage colours.

There were twenty-four (24) Submissions received. The feedback from the submissions was discussed at a Councillor Workshop on 1 June 2023.

Camden Material and Colour Guide

25 Following feedback and through the identification of similar documents including the [Camden Material and Colour Guide](#), there is the opportunity to further revise the document.

A new Material and Colours Guide will take onboard the submissions received and incorporate a broader range of colours and materials that will continue to contribute and complement heritage items and development.

30 Similar to the guide prepared by Camden Council, the document will look to provide clarity of built heritage of the Shire and to assist in working with specific materials and colours for heritage buildings. This may include the detailing of different housing styles and precinct character profiles.

Next steps

35 The Planning Proposal (Attachment 1) will be amended to accord with any resolution of Council and sent to Department of Planning for a gateway determination, followed by public exhibition.

A Material and Colours Guide will be prepared and reported back to Council for adoption.

Strategic Considerations

Community Strategic Plan and Operational Plan

| CSP Objective | CSP Strategy | DP Action | Code | OP Activity |
|----------------------|--|---|-------------|---|
| 4: Ethical Growth | 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 | Develop stand-alone Local Environmental Plan 2014 amendment to introduce new heritage-listed properties |

5 Recent Resolutions

- [21-005](#) - 11 February Council (Planning) Meeting
- [22-600](#) - Report of the Heritage Advisory Committee Meeting held on 15 September 2022
- [22-686](#) - 8 December Council (Planning) Meeting

10 Legal/Statutory/Policy Considerations

The Byron Shire Heritage Strategy (2020–2024) includes the following action in relation to the local area's heritage:

Identify Heritage Items in the Byron Shire and list them in the Local Environmental Plan - Maintain, review, and update the Byron LEP 2014 Heritage Schedule and accompanying State Heritage Inventory database.

15

Financial Considerations

This is a Council initiated planning proposal and will be funded from within existing budgets.

Consultation and Engagement

- 20 The planning proposal will be exhibited in accordance with the gateway determination and Council's Community Participation Plan. Notification of the planning proposal exhibition will be sent to directly landowners of affected properties.