

NOTICE OF MEETING



EXTRAORDINARY PUBLIC ART PANEL MEETING

An Extraordinary Public Art Panel Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Monday, 24 June 2019
Time	4:00pm

Vanessa Adams
Director Corporate and Community Services

I2019/931
Distributed 17/06/19

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 Local Government Act (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 Section 448 of the Local Government Act.

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.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

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 if the provisions in S451 of the Local Government Act apply (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 Division 2A of Part 6 of 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
EXTRAORDINARY PUBLIC ART PANEL MEETING

BUSINESS OF MEETING

- 1. APOLOGIES**
- 2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**
- 3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

3.1 Public Art Panel Meeting held on 9 May 2019

4. STAFF REPORTS

Corporate and Community Services

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Brunswick Nature Sculpture Walk - outstanding matters

Directorate: Corporate and Community Services

Report Author: Joanne McMurtry, Community Project Officer

File No: I2019/913

Summary:

The Brunswick Nature Sculpture Walk event has been held twice, in 2015 and in 2018. A decision around retaining 'The Beast Within' as a permanent sculpture was deferred from 9 May Public Art Panel meeting.

RECOMMENDATION:

That the Public Art Panel recommends to Council that the sculpture 'The Beast Within' by Allen Horstmanhof, that was temporarily approved to remain in situ following the 2015 Brunswick Nature Sculpture Walk event, be approved to remain as a permanent sculpture.

Or

That the Public Art Panel recommends to Council that the sculpture 'The Beast Within' by Allen Horstmanhof, that was temporarily approved to remain in situ following the 2015 Brunswick Nature Sculpture Walk event, be decommissioned.

Attachments:

- 1 Public Art Asset Application for permanent placement of Allen Horstmanhof The Beast Within, E2019/27381 , page 6 [↓](#)

REPORT

A decision around 'The Beast Within' was deferred from the 9 May Public Art Panel meeting and requires Public Art Panel consideration and a recommendation to Council.

On 5 November 2015, the Public Art Assessment Panel recommended to Council that 'The Beast Within' by Alan Horstmanhoff remain in place temporarily (12 months to October 2016) (Resolution 15-604). The sculpture is still in situ. The Coordinator of the Brunswick Nature Sculpture Walk has requested that Council leave the sculpture in place permanently. The artist has confirmed that he is willing to donate the work to Council and hopes it will remain in the public domain.

Another of Allen Horstmanhoff's artworks was approved by Council to remain in place permanently following the 2018 event, entitled 'The Artefact of Things'.

Attachment 1 provides the information about this sculpture.

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	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

Legal/Statutory/Policy Considerations

Public Art Policy – adopted August 2018.
 Public Art Strategy – adopted August 2018.
 Public Art Guidelines and Criteria – last reviewed in October 2014.

Reviewed by Legal Counsel: ☐

Financial Considerations

If the sculptures are approved to be added to Council's Public Art Register this will impact the public art maintenance budget which is to be created.

Reviewed by Manager Finance: ☐

Consultation and Engagement

Brunswick Nature Sculpture Walk organisers

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT

Public Art Asset Application pro forma



Please refer to Sections 6 and 7 of the Public Art Guidelines and Criteria.

Title of Artwork:	The Beast Within
Name of Artist:	Allen Horstmanhof
Type of Artwork Proposed:	SCULPTURE
Artwork Materials and Construction Details:	Sandstone on timber plynth
Date of creation (date of artwork)	2005
Dimensions	76 cm high by 62 cm wide by 62 cm deep
Proposed Location of Artwork:	Venture Park , Brunswick Heads
Proposed Signage for Artwork:	'The Beast Within' by Allen Horstmanhof
Do you have public liability insurance?	YES
Procurement Method (check box as applicable):	<input type="checkbox"/> Commission <input type="checkbox"/> Direct purchase <input checked="" type="checkbox"/> Donation <input type="checkbox"/> Loan – proposed period of _____
Date of Procurement:	6 TH October 2015
Estimated Life of Artwork:	50 YEARS
Value of Artwork (estimate if unknown):	\$7000

- 5 Attach copies of the following (check box as applicable):
- X ☐ Artist's CV (including examples of previous relevant work)
 - X ☐ Artistic statement
 - X ☐ Photos/design drawings/ specifications providing visual samples of proposed work (photo's should be attached as jpegs no less than 300dpi)
- 10 X ☐ Risk Assessment (template available)
- X ☐ Maintenance manual (template available)

This form, with attachments, should be sent to the Public Art Asset Officer.

Your application will be considered at the next available PAAP meeting.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Artists Name - Allan Horstmanhoff

Title of work- The Beast Within

Materials- sandstone

5 Dimensions – it is 76 cm high by 62 cm wide by 62 cm deep without the timber base which i would construct on site

Artist Statement –

A central theme in Joseph Conrad's book "The Heart of darkness", which was the basis for Francis Ford Coppola's film "Apocalypse Now", relates to the very thin veneer of civilisation that covers the beast within all of us.

10 *This sculpture deals with this concept of that "Beast within". The form chosen is abstracted from the human and was designed to reflect the notion of suppressed energy. This beast, is not either good, or bad, but certainly only human in the broadest sense. It is waiting for events to occur that would set it off. . The almost electric lines of the rust-red ironstone striations reflects an explosive potential energy just waiting to be released. The "Beast" is not beaten*
15 *into submission by our attempts at civilised behaviour. It is resting, perhaps only for a moment...perhaps longer. The veneer of civilisation on all of us is very thin indeed and the beast is always there...waiting.*

Price - \$7000

20 Photo of work



BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Public Art Risk Assessment

- 5 Please refer to Section 11 of the Public Art Guidelines and Criteria to ensure all aspects of risk assessment are considered.

Risk Assessment and Hazard Control Summary of Public Art

Risk Category & Hazard	Risk Rating	Possible Cause	Control Measure	Residual Risk Rating
OH&S				
Slippery or loose surfaces/sharp edges on artwork.	Insignificant			
Potential for injury or illness to public.	Insignificant			
Manual handling required during installation.	Minor	Lifting to install	Using machinery to take weight of sculpture on installation	Insignificant
Traffic Hazards.	Insignificant			
Engineer report required?	No			
Concrete pads or barriers required?	No			
Public Liability				
Stable foundation.	Yes			
Need for lighting/illumination.	No			
Need for enclosure.	No			
Is infrastructure sound?	Yes			
Ongoing safety checks required to ensure stability?	No			

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Environmental hazard check including earthquake, winds and flood required?	No			
Environment				
Impact on environment/earth collapse or erosion.	Insignificant			
Potential impact on flora and fauna, air, soil, waterways or drains, noise.	Insignificant			
Financial				
Financial impacts – immediate and ongoing.	Insignificant			
Governance, Contractual & Legal				
Political, Reputation & Image				
Other				

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Risk Rating Matrix

			Insignificant	Minor	Moderate	Major	Catastrophic
		Governance, Contractual and Legal	Isolated non-compliance or breach; minimal failure of internal controls managed by normal operations; negligible financial impact.	Contained non-compliance or breach with short term significance, some impact on normal operations and minor financial impact.	Serious breach involving statutory authority or investigation; significant failure of internal controls; prosecution possible with significant financial impact.	Major breach with fines and litigation; critical failure of internal controls; long term significance and major financial impact.	Extensive fines and litigation with possible class action; threat to viability of organisation, program or service.
		Public Liability or OH&S	Injuries or ailments not requiring medical treatment; minimal loss to organisation.	Minor injury or First Aid Treatment Case; medium loss to organisation.	Serious injury causing hospitalisation or multiple medical treatment cases; high loss to organisation.	Life threatening injury or multiple serious injuries causing hospitalisation; very high loss to organisation.	Death or multiple life threatening injuries; worst case loss to organisation.
		OH&S	Injuries or ailments not requiring medical treatment	Minor injury or First Aid Treatment Case	Serious injury causing hospitalisation or multiple medical treatment cases	Life threatening injury or multiple serious injuries causing hospitalisation	Death or multiple life threatening injuries
		Environment	Minimal environmental impact; isolated release only	Minor environmental impact; on-site release immediately controlled.	Significant environmental impact; on-site release contained with assistance.	Major environmental impact; release spreading off-site; contained with external assistance.	Fatalities occur; extensive release off-site; requires long term remediation.
		Financial	1% of Budget or <\$5K	2.5% of Budget or <\$50K	> 5% of Budget or <\$500K	> 10% of Budget or <\$5M	>25% of Budget or >\$5M
		Political, Reputation & Image	Isolated, internal or minimal adverse attention or complaint. No impact on funding or political support.	Heightened local community concern or criticism. Possible minor impact on funding and political support at local level.	Significant public criticism with or without media attention. Significant impact on funding and/or political support at local level.	Serious public or media outcry, broad media attention. Major impact on funding and/or political support at local and state level.	Extensive public outcry; potential national media attention. Complete removal of funding source and/or political support.
		Matrix	1	2	3	4	5
Almost Certain	Is expected to occur in most circumstances	5	Medium	High	High	Extreme	Extreme
Likely	Will probably occur	4	Medium	Medium	High	High	Extreme
Possible	Might occur at some time in the future	3	Low	Medium	Medium	High	Extreme
Unlikely	Could occur but doubtful	2	Low	Medium	Medium	High	High *
Rare	May occur in exceptional circumstances	1	Low	Low	Medium	Medium	High *

Report No. 4.2 **Mullumbimby Sculpture Walk - public art proposals**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/914

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Summary:

- 10 At previous Public Art Panel meetings, the donation of further sculptures was suggested for the Mullumbimby Sculpture Walk, being those left in situ following the first Mullumbimby Sculpture Festival held in November 2018. At the Public Art Panel meeting held on 9 May, one sculpture was recommended to Council for acquisition, with a decision about the sculpture in this report deferred.
- 15 This report provides the details of the 'Germination' sculpture and the Public Art Panel is requested to assess the proposal and make recommendations to Council.

RECOMMENDATION:

That the Public Art Panel recommends further investigation in relation to installation and maintenance costs for the life of the work be undertaken

Or

The Public Art Panel recommends that the sculpture "Germination" be decommissioned

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Attachments:

- 1 Public Art Panel Application Germination - for Mullumbimby Sculpture Walk, E2019/27101 , page 13 [↓](#)
- 2 Germination sculpture details for Mullumbimby Sculpture Walk, E2019/27102 , page 19 [↓](#)

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REPORT

During the presentation to the Public Art Panel at the 29 November 2018 meeting regarding a new sculpture acquisition for Mullumbimby Sculpture Walk, a suggestion was made that sculptures left in situ following the first Mullumbimby Sculpture Festival be donated to the Sculpture Walk.

At the Public Art Panel meeting held on 9 May, one sculpture was recommended to Council for acquisition, with a decision about the sculpture "Germination" deferred.

This report provides the details of the 'Germination' sculpture and the Public Art Panel is requested to assess the proposal and make a recommendation to Council.

Germination

Germination is the public art piece awarded the acquisition prize during the Ingenuity Sculpture Festival 2018. Attachments 1 and 2 provide the details of the public art proposal.

Creative Mullumbimby has stated it will take full responsibility for the installation in consultation with the residents of Brunswick Terrace and will work with Council Open Spaces staff throughout the process.

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	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

Legal/Statutory/Policy Considerations

Public Art Policy
Public Art Strategy
Public Art Guidelines and Criteria
MOU between Council and Creative Mullumbimby

Financial Considerations

"Germination" has a twice yearly maintenance program advised including:

- Oiling every six months
- Light sanding followed by oiling every 12 months

Currently the costs of this maintenance work are unknown and will need to be assessed in relation to internal and external resourcing requirements.

The current balance in the Public Art budget for 2018/19 is \$37,760.

Consultation and Engagement

Creative Mullumbimby

Public Art Asset Application pro forma



Please refer to Sections 6 and 7 of the Public Art Guidelines and Criteria.

Title of Artwork:	Germination
Name of Artist:	Jason Morning
Type of Artwork Proposed:	sculpture
Artwork Materials and Construction Details:	Carved hardwood
Date of creation (date of artwork)	2018
Dimensions	4 elements , 1.2 - 2-4 m long X .075 X .2
Proposed Location of Artwork:	Brunswick Terrace Mullumbimbby
Proposed Signage for Artwork:	tba
Do you have public liability insurance?	yes
Procurement Method (check box as applicable):	<input type="checkbox"/> Commission <input type="checkbox"/> Direct purchase <input checked="" type="checkbox"/> Donation <input type="checkbox"/> Loan – proposed period of loan: _____
Date of Procurement:	2018
Estimated Life of Artwork:	5 years +
Value of Artwork (estimate if unknown):	\$4000

Attach copies of the following (check box as applicable):

- ☐ Artist's CV (including examples of previous relevant work)
- ☐ Artistic statement
- ☐ Photos/design drawings/ specifications providing visual samples of proposed work (photo's should be attached as jpegs no less than 300dpi)
- ☐ Risk Assessment (template available)
- ☐ Maintenance manual (template available)

This form, with attachments, should be sent to the Public Art Asset Officer.

Your application will be considered at the next available PAAP meeting.

E2013/15774

Jason Morning

Artist

1503 Main arm rd, Upper Main arm, NSW. 2482.
PH:0409844087
Email: jpmorning@gmail.com

2014 - 2015 Work with Carver Tonu Shane Eagleton on the Uplift Totem pole.
1995 - 1997 Diploma of Fine Art, National Art School, Darlinghurst, East Sydney.
Major in Painting.
Minor in Sculpture.
1992 - 1993 Work in the studio of Robert J. Bosler. Painter & sculptor.
1990 - 1991 Diploma of Graphic design, School of Visual Art, East Sydney.

Exhibitions.

1992 - Exhibit in group show at Robert J. Bosler studio/Gallery. Glebe, Sydney
1993 Solo show at Robert J. Bosler studio. Glebe. Sydney.
1994 Group exhibition with emerging artists collective. St Peters, Sydney.
1997 Graduate show, Cell Block Gallery. National Art School. East Sydney.
2000 group exhibition, Wayward Gallery, Byron Bay.
2002 Group exhibition, The Channon Gallery, The Channon.
2004 Group exhibition, The doors of perception. Art piece Gallery, Mullumbimby.
2015 - 2018 Exhibit at Earth Frequency Festival, Ivories Rock, Queensland.

Artist Bio

Jason Morning is an Australian painter & sculptor predominantly self taught through a profound love & connection to art that continues to gather momentum. I make art using a diverse range of mediums, feeling that each medium has its own voice & specific visual vocabulary. Painting in oils, tempera & watercolours, carving in both timber & stone, printmaking, clay board & drawing in all mediums.

My work stems from a deep love & respect of the natural world, both around me & within me & also from the power & connection I feel with animals in their myriad of forms. I see & sense the spirit in all that is alive. Inspiration is also born of my interest in consciousness, evolution, physics & the vibratory reality behind all matter.

Shamanic practices, meditation, chanting & ecstatic states of consciousness are all employed in an attempt to taste & translate the ineffable, which for me is the very fabric of which we are woven.

E2013/15774

Public Art Maintenance Manual example

Please refer to Section 14 of the Public Art Guidelines and Criteria to ensure all aspects of maintenance are considered.

Maintenance Manual
Germination
Palm Park, Mullumbimby

November 2018

Artist Details

Jason Morning
1503 Main arm rd, Upper main arm. NSW. 2482.
ABN: 21120720753

Ph: 0409844087
Email: jpmorning@gmail.com

Artwork Details**Description**

Four carved Australian hardwood sleepers

Artist Statement

I carve both timber & stone. My work speaks of & is inspired by the natural environment, the forms found in nature, both flora & fauna. It is organic using Nature's materials & leans toward an abstract or semi-abstract ideal as it is the "feeling" I am after & not a literal representation.

Materials

Tallow wood, Iron bark & red gum.

Fabricators and suppliers

-

Maintenance Schedule**Routine maintenance**

To be carried out by Creative Mullum In`c and the artist: Oiling every 6 months.
A light sanding & oiling each year to preserve the condition & aesthetics of the timber.

Linseed oil & turpentine.

Note: referring to original manufacturer for instructions is NOT acceptable

Graffiti removal and repair to accidental or deliberate damage

repairs & maintenance can be carried out by myself. Jason Morning.

Longevity of Artwork

5 - 10+ years.

E2013/15774

Public Art Risk Assessment

Please refer to Section 11 of the Public Art Guidelines and Criteria to ensure all aspects of risk assessment are considered.

Risk Assessment and Hazard Control Summary of Public Art

Risk Category & Hazard	Risk Rating	Possible Cause	Control Measure	Residual Risk Rating
OH&S				
Slippery or loose surfaces/sharp edges on artwork.	medium	Public falling	Location off path	low
Potential for injury or illness to public.	low	Public falling	Location off path	low
Manual handling required during installation.	low	Fumbled handling	Adequate personnel	low
Traffic Hazards.	Low- bicycles only	collsion	Location off path	low
Engineer report required?	no			
Concrete pads or barriers required?	Concrete footings			
Public Liability				
Stable foundation.	See drawings			
Need for lighting/illumination.	no			
Need for enclosure.	no			
Is infrastructure sound?	Yes wood,.metal, concrete			
Ongoing safety checks required to ensure stability?	Annual by Creative Mullum			

E2013/15774

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1

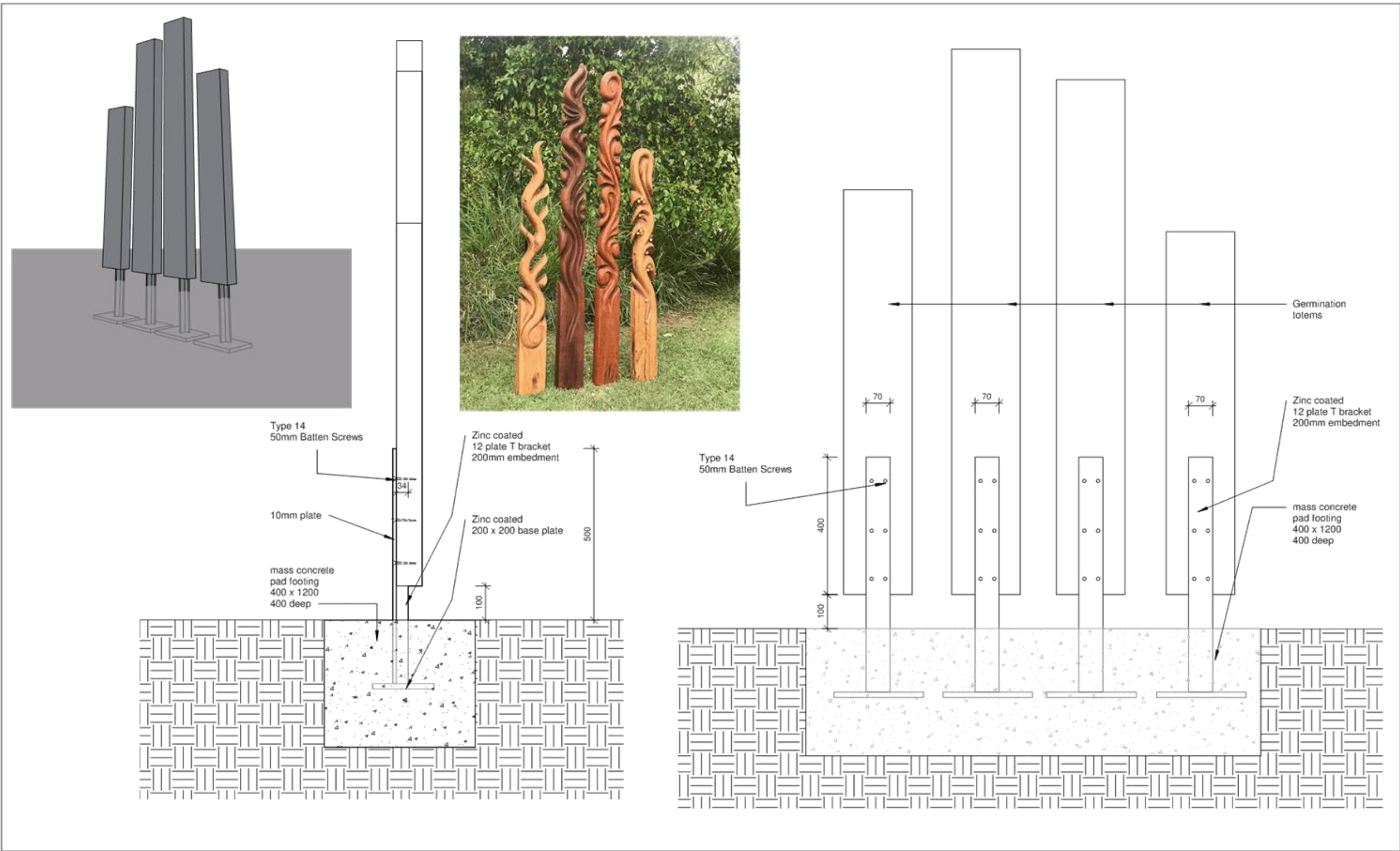
Environmental hazard check including earthquake, winds and flood required?	No			
Environment				
Impact on environment/earth collapse or erosion.	Nil			
Potential impact on flora and fauna, air, soil, waterways or drains, noise.	Nil			
Financial				
Financial impacts – immediate and ongoing.	Nil			
Governance, Contractual & Legal				
	Nil			
Political, Reputation & Image				
	Positive. It has an environmental and nature-related theme in keeping with BSC image			
Other				

E2013/15774

Risk Rating Matrix

			Insignificant	Minor	Moderate	Major	Catastrophic
		Governance, Contractual and Legal	Isolated non-compliance or breach; minimal failure of internal controls managed by normal operations; negligible financial impact.	Contained non-compliance or breach with short term significance, some impact on normal operations and minor financial impact.	Serious breach involving statutory authority or investigation; significant failure of internal controls; prosecution possible with significant financial impact.	Major breach with fines and litigation; critical failure of internal controls; long term significance and major financial impact.	Extensive fines and litigation with possible class action; threat to viability of organisation, program or service.
		Public Liability or OH&S	Injuries or ailments not requiring medical treatment; minimal loss to organisation.	Minor injury or First Aid Treatment Case; medium loss to organisation.	Serious injury causing hospitalisation or multiple medical treatment cases; high loss to organisation.	Life threatening injury or multiple serious injuries causing hospitalisation; very high loss to organisation.	Death or multiple life threatening injuries; worst case loss to organisation.
		OH&S	Injuries or ailments not requiring medical treatment	Minor injury or First Aid Treatment Case	Serious injury causing hospitalisation or multiple medical treatment cases	Life threatening injury or multiple serious injuries causing hospitalisation	Death or multiple life threatening injuries
		Environment	Minimal environmental impact; isolated release only	Minor environmental impact; on-site release immediately controlled.	Significant environmental impact; on-site release contained with assistance.	Major environmental impact; release spreading off-site; contained with external assistance.	Fatalities occur; extensive release off-site; requires long term remediation.
		Financial	1% of Budget or <\$5K	2.5% of Budget or <\$50K	> 5% of Budget or <\$500K	> 10% of Budget or <\$5M	>25% of Budget or >\$5M
		Political, Reputation & Image	Isolated, internal or minimal adverse attention or complaint. No impact on funding or political support.	Heightened local community concern or criticism. Possible minor impact on funding and political support at local level.	Significant public criticism with or without media attention. Significant impact on funding and/or political support at local level.	Serious public or media outcry, broad media attention. Major impact on funding and/or political support at local and state level.	Extensive public outcry; potential national media attention. Complete removal of funding source and/or political support.
		Matrix	1	2	3	4	5
Almost Certain	Is expected to occur in most circumstances	5	Medium	High	High	Extreme	Extreme
Likely	Will probably occur	4	Medium	Medium	High	High	Extreme
Possible	Might occur at some time in the future	3	Low	Medium	Medium	High	Extreme
Unlikely	Could occur but doubtful	2	Low	Medium	Medium	High	High *
Rare	May occur in exceptional circumstances	1	Low	Low	Medium	Medium	High *

E2013/15774



STEVE DRAKE ARCHITECTS
ARCHITECTURE
PROJECT MANAGEMENT
CONSTRUCTION
m 0418 192 565 steve@drakearchitects.com.au

No.	Description	Date

"germination"		Installation details	
Mullum Sculpture walk	Project number	1900	100
	Date	8-04-19	
	Drawn by	Author	
	Checked by	Checker	Scale 1 : 10

8/04/2019 8:46:43 AM

Report No. 4.3 **The Lighthouse Project - Bayshore Drive Roundabout**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/911

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Summary:

- 10 This report provides key information for the Public Art Panel to consider when making its recommendation to Council about whether to proceed with additional proposed works on *The Lighthouse*.
- 15 The Public Art Panel also requested additional actions and information, including images and estimates, that will be considered in addition to the report in order to develop a recommendation.

RECOMMENDATION:

That Public Art Panel recommends to Council:

1. **Option 1 - To proceed with the proposed works on The Lighthouse based on the information provided by the artist for the following reasons:**

- a)
- b)

OR

2. **Option 2 - To not proceed with any further works on The Lighthouse sculpture.**

OR

3. **Option 3 – Placeholder for an alternative recommendation should the Panel wish to recommend another option.**

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REPORT

A report providing the learnings from the Bayshore Drive Roundabout Public Art Project and possible future options for *The Lighthouse* was provided to the Council meeting on 28 February 2019.

Council resolved (19-061) in part to:

1. *Implement the learnings and improvements to the Public Art process identified in this report via a review of the Public Art Guidelines and Criteria.*
2. *Proceed with Option 1 as set out in the staff report, of allowing the artist to complete the works, if the conditions as detailed in the report are met; but subject to the matter being reconsidered by Council before the option is implemented.*
3. *Resolves to fund costs up to \$2000 from the Public Art Panel budget accordingly.*

Option 1 (which is referred to in point 2 above) includes:

- that the artist be invited to submit information including images (Photoshop photos and/or drawings) for the Public Art Panel to consider, showing what the work will look like when complete,
- That final go ahead for any further work on *The Lighthouse* sculpture is subject to:
 1. the Panel being satisfied that the proposed work will deliver an improved outcome and if they are, they will submit a report to Council
 2. Council will then need to resolve to support the recommendation to have the work undertaken
- If further work is approved, it will be a variation to, or continuation of the existing contract.
- Council allocated funds to pay for (the artist's) flight and accommodation to attend a Public Art Panel meeting to discuss the proposed finishing touches to the artwork (up to \$2000).

The artist has provided some images showing what the work will look like when complete, which were circulated to the Public Art Panel members prior to the 9 May meeting.

At the 9 May Public Art Panel meeting, the following actions were noted:

Actions:*Artist Actions*

The artist to provide the following in time to be considered at the next Extra-ordinary Public Art Panel meeting (to be confirmed as 24 June):

- Fabricate a mock up of one of the panels, described as a 'loose weave blanket' style panel.
- Make a film of the panel in an outdoor setting, showing the three dimensional views of the panel and provide the film to Council for viewing before 24 June.
- Calculate the numbers of rivets and average time involved in completing a panel, the number of panels that would be added to *The Lighthouse*, and a "reasonable and honest estimate" of the total amount of time required to complete the work.
- Include 1 day in the time estimate to assess all pieces of the sculpture and ensure all fastenings and connections are sound.
- When the outcomes of the meeting Council is organising (see below) are known, provide relevant details of team members, including any training and certificates.

Council Actions

Council to investigate additional actions required for further work on *The Lighthouse*:

- An on site meeting with WorkSafe Australia regarding the tools, equipment, hours of work and traffic management safety requirements.
- Communicate these details to the artist and Public Art Panel, including:
 - What equipment will be approved for further work
 - What traffic management will be required
 - What hours of work will be approved
 - What training and certificates will be required of all team members who will work on the sculpture.

Note: Council staff met with a representative from Worksafe and the artist (via teleconference) on 7 June. A range of ideas for working at elevation were raised by the parties. It was agreed that in the interests of the health and safety of the artist and also the work hours available, night work would be undertaken to complete the job. If works are to be undertaken during the day, the window is 9am-4pm (7 hours). Night work is allowable from 6pm-6am (12 hours), with recognition that fatigue will need to be managed.

Specifically, the following information has been mutually agreed:

- Equipment approved for further work
 - An elevated work platform “cherry picker” would be used on site
- Traffic management requirements
 - Traffic management including maximum speed signage and traffic control will be required
 - Traffic will operate under one lane
 - All traffic management in accordance with RMS Code of Practice and relevant legislation
- Approved hours of work
 - Night works approved 6pm-6am
 - Day works 9am-4pm
 - Artist has elected to carry out night works (with additional lighting)
- Training and certification requirements for all team members working on the sculpture.
 - White card for members accessing the site
 - High risk work licence for EWP operator of “cherry picker”

Public Art Panel Actions

The Public Art Panel is asked to:

- Consider all information provided
- Develop a recommendation about whether or not to proceed with further work on The Lighthouse at the next Extraordinary meeting

The Public Art Panel is requested to consider and provide advice to Council on whether to accept the proposed works to The Lighthouse and progress towards implementation (Option 1) or not to accept the proposal and leave the sculpture in its current state (Option 2), or to present a third option if it considers there is a further viable alternative.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1 Support and encourage our vibrant culture and creativity	2.1.3 Enhance opportunities for interaction with art in public spaces	2.1.3.1 Implement Public Art Strategy
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Legal/Statutory/Policy Considerations

- 5 Public Art Policy – adopted August 2018.
Public Art Strategy – adopted August 2018.
Public Art Guidelines and Criteria – last reviewed in October 2014.

Financial Considerations

- 10 Costs associated with Option 1 - Further Work:
- 15 Although the artist is prepared to cover his own expenses, an estimated \$32,000-\$45,000 will be required to complete the work. The estimate assumes completion takes 5 days and includes the agreed traffic control, site safety and supervision, elevated work platform and contingencies. The upper estimate range includes the cost of an experienced arts consultant in a project management capacity.
- 20 Note this estimate could increase should the work the artist is now carrying out to create a sample panel, demonstrate that more time would be required on site to complete the installation.
- This funding cannot come from S7.12 as that is now fully committed. However it has been identified that funding would be able to be drawn existing reserves by resolution of Council.

- 25 Costs associated with Option 2 – leave as is:

Nil

Consultation and Engagement

- 30 Artist – Corey Thomas
WorkSafe NSW

Report No. 4.4 **Public Art Guidelines and Criteria - review and update**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2019/912

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Summary:

10 Following the adoption of the Public Art Strategy in August 2018, the next step in establishing a more strategic approach to public art management is to review the Public Art Guidelines and Criteria, other documentation and the public art process.

15 Key learnings from the Bayshore Drive Roundabout Public Art Project and other sources of improvements will be applied throughout this review process.

This report outlines key considerations and proposes a way forward.

RECOMMENDATION:

1. That the Public Art Panel notes the contents of the report.
2. That the following steps are taken in preparation for a report to the Public Art Panel at the next ordinary meeting on 12th September:
 - a) A review of current Public Art Guidelines and Criteria, including consideration of existing best practice, and a new draft prepared
 - b) Specialist advice sought, if applicable.
 - c) Amendments proposed for other documentation and process review for consideration by Public Art Panel

20

REPORT

Background information

5 Acknowledging that a more strategic approach to managing public art in Byron Shire was needed, the Public Art Panel developed a Public Art Strategy which was adopted by Council in August 2018.

The process for establishing a more strategic approach for public art in Byron Shire is:

- 10 ✓ Review how other local government areas manage public art and obtain advice from the new Public Art Panel;
- ✓ Review the Public Art Policy;
- ✓ Develop a Public Art Strategy to identify the strategic direction for public art in the Shire;
- WE ARE HERE
- 15 1. Review the Public Art Guidelines and Criteria;
- 2. Review the process and materials for artists in applying for public art projects.

20 The Bayshore Drive Roundabout Public Art Project and the Railway Park Public Art Project were both undertaken under the new Public Art Strategy. The learnings from the Bayshore Drive Roundabout Public Art Project will inform a review of the Public Art Guidelines and Criteria and the process and materials for artists in applying for public art commissions.

In addition, other key sources of information will assist in the development of comprehensive public art documentation and processes:

- 25 • Suggested changes as recommended by Public Artworks Pty Ltd during the development of the Public Art Strategy;
- Staff and PAP experience in the commissioning process; and
- Relevant Council resolutions.

30 ***Key considerations***

Bayshore Drive

35 The Bayshore Drive Roundabout public art commission was the first large scale public art commission undertaken by Council and supported by the Public Art Panel (PAP). It was an ambitious, high profile commission.

Having considered the end-to-end project process, learnings and improvements can be broken into three distinct stages of the commissioning process:

- 40 • Calls for Expressions of Interest
- Design and Construction
- Installation

Improving documentation, including contracts, relevant to each stage was a specific focal point.

45 Key learnings from this project were outlined in a draft report presented to the Public Art Panel in January 2019 and later to Council at its 28 February 2019 meeting.

Public Art Strategy

50 Whilst developing the Public Art Strategy, Public Artworks Pty Ltd provided comments on suggested changes to the Public Art Guidelines and Criteria considering the new Strategy. Broadly this includes:

- Split the Guidelines into 1) The Guidelines & 2) the Pro Forma documents which form the Appendices.
- 55 • Improve the description of the roles and responsibilities for 'The Curator' at 4.4.

- Added on 6.2 Artist Selection, the option for Council to begin an EOI process from a selection of artists.
- Remove the community consultation from the concept development phase in 6.3.
- Remove the section 7.5 re public consultation.
- Provided considerable suggestions for changes to the criteria for decommissioning artwork.
- Take the lengthy description of the installation process out of the Guidelines which now appears as a Pro forma document, as these specifics will be referred to or included in any art brief.

Staff will also integrate learning from practical experience into the development of the Guidelines and Criteria

Council resolutions

Recent Council resolutions also requiring consideration include:

Resolution (19-054) in part:

Review the Public Art Commissioning Agreement/Contract so that it provides an effective control mechanism - e.g. separation of concept, design development and design documentation, with clearly defined Council approval/rejection mechanisms at each of these stages. To this end, consider employing the assistance (pro bono or otherwise) of an arts lawyer with expertise in Public Art Commissions to ensure any contract documentation in future is fit for purpose.

Resolution 19-061 in part:

5. *Council, in conjunction with local arts organisation, run a workshop or series of workshops to assist local artists in up skilling in the Expression of Interest application process and their ability to meet the selection criteria.*
6. *That staff investigate potential ways to increase the weighting of local artists in the selection criteria in future Expression of Interest processes and bring a report to both the Public Art Panel and Council in relation to this.*

Next steps

Preliminary research has provided the following information that may be helpful in framing consideration of budgeting and guidelines for commissioning public art.

How much does good public art cost? Some examples from A.C.T.

<https://www.abc.net.au/news/specials/curious-canberra/2016-04-25/public-art-in-canberra-costs/7328574>

Government of Western Australia, Department of Culture and the Arts Public Art Commissioning Guidelines

https://www.dca.wa.gov.au/Documents/Developing%20Arts%20and%20Culture/Spaces%20and%20Places/Public_Art/Documents/Public%20Art_Guidelines_FINAL.pdf

It is proposed that the following steps are taken in preparation for a report to the Public Art Panel at the next meeting on 12th September:

- a) A review of current Public Art Guidelines and Criteria, including consideration of existing best practice, and a new draft prepared
- b) Specialist advice sought if appropriate
- c) Amendments proposed for other documentation and process review for consideration by Public Art Panel

STRATEGIC CONSIDERATIONS

5 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	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

Legal/Statutory/Policy Considerations

- 10 Public Art Policy – adopted August 2018.
Public Art Strategy – adopted August 2018.
Public Art Guidelines and Criteria – last reviewed in October 2014.

Financial Considerations

- 15 Nil

Consultation and Engagement

As outlined in the report.