

# NOTICE OF MEETING



## PUBLIC ART PANEL MEETING

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

Venue	<b>Council Chambers, Station Street, Mullumbimby</b>
Date	<b>Thursday, 11 June 2020</b>
Time	<b>11.30am</b>

Vanessa Adams  
Director Corporate & Community Services

I2020/874  
Distributed 04/06/20

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## 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)

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## 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.

# BYRON SHIRE COUNCIL

## 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 April 2020

#### **4. STAFF REPORTS**

##### **Corporate and Community Services**

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##### **Sustainable Environment and Economy**

4.3	Advice 4 Marvell Street Public Art Plan .....	58
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## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 4.1**      **Memento Aestates - Project Update**  
**Directorate:**      Corporate and Community Services  
**Report Author:**      Joanne McMurtry, Community Project Officer  
**File No:**      I2020/717

**Summary:**

Council has commissioned a work (*Memento Aestates*) by artist Giovanni Veronesi for installation in the Byron Bay town centre.

This report:

- Provides an update on the Byron Rail Corridor project and its suitability as a site for *Memento Aestates*
- Provides a recommended alternative location for the artwork
- Provides a recommended manufacturing timeframe for the artwork
- Provides design documentation for the final form of the artwork

**RECOMMENDATION:**

That the Public Art Panel:

1. **Supports / does not support the location of the Sandhills Estate Precinct for the artwork.**
2. **Recommends Council advises UAP to proceed with manufacture of the artwork and delivery to the depot for secure storage upon its completion.**
3. **Reviews the final design documentation for the artwork and advises of any concerns or issues to be resolved prior to final design endorsement.**

**Attachments:**

- 1 Memento Aestates - Artist Handover Presentation Final design, E2020/34376 , page 8 [↓](#)
- 2 Memento Aestates - Folding Addendum - final design, E2020/34378 , page 20 [↓](#)
- 3 Memento Aestates - Panel Method REF - final design, E2020/34380 , page 21 [↓](#)



**REPORT**

***Background***

5 *Memento Aestates* by Giovanni Veronesi working under Urban Art Projects (UAP) Brisbane is the artwork commissioned by Council in November 2018 as part of the upgrade to Railway Park in the Byron Bay town centre.

10 There were delays in determining material and form of the sculpture. As a result of both delays and the finalisation of other design elements within Railway Park, Council resolved to remove *Memento Aestates* from the Railway Park scope of work and consider it for other locations within the Byron town centre.

15 Specialist consultant, Dan Plummer of Plummer & Smith, subsequently identified potential sites within the Byron Rail Corridor that may be suitable for *Memento Aestates*. The Public Art Panel then provided advice to Council on which site within the corridor would be most appropriate, which was adopted by Council at 12 December 2019 Council meeting (res 19-627).

***Location of artwork***

20 In December 2019, Council endorsed concept plans for restoration of the Byron rail corridor. Concept plans included *Memento Aestates* within the rail corridor as a feature / focal point.

25 In early 2020, Council engaged specialist consultants to advise on the project through the detailed design phase. Specifically, these were:

- Detailed design – Plummer & Smith
- REF – Geolink
- Heritage advice – Catalyst Heritage Architects
- Arts Coordinator – Plummer & Smith

30 Plummer & Smith have progressed with detailed design for the project and provided 50% detailed design to Catalyst Heritage Architects for formal advice.

35 In April 2020, Council received advice from Catalyst Heritage Architects in relation to the rail corridor project, which included the following:

40 *Proposed Public Art 'Banyan Tree' (sic) appears to have little obvious interpretive connection or meaning relevant to the highly significant historical rail activities of the former Byron Bay rail corridor. Accordingly, the current location nominated for this Public Art piece (in the middle of the former rail corridor) is assessed as intrusive and will result in an adverse impact on heritage values. Accordingly, it is recommended that an alternative location be found to house this Public Art piece, noting it does not seem to be visibly connected to any of the former rail activities. If it must proceed, a location associated with the existing vegetation / wetlands*

45 *may represent a more suitable location.*

Staff and Plummer & Smith have discussed the advice with Catalyst and interrogated the rationale, with no change in the outcome.

50 Staff and Plummer & Smith have investigated opportunities for placing the artwork within the corridor but outside the heritage curtilage area. Plummer & Smith have advised that the site is not considered to be appropriate – the location is a low profile part of the site with low levels of visual access. This small area is dominated by existing trees, the adjacent car park, and an existing padmount transformer.

55

Staff assessed alternative sites within the Byron Bay town centre and wider surrounds, however the latter were discounted due to the artwork's Byron Bay site specificity.

Council staff identified public art opportunities within the Sandhills Estate precinct. The site opportunities were considered in light of both location and project timelines. Discussions are underway with stakeholders in preparation for the design phase of the Sandhills project. The Public Art Panel has previously supported this as a possible location for *Memento Aestates* and it is recommended the Panel restates its preference for Sandhills Estate precinct as the future site for this artwork.

### ***Manufacture of the artwork***

On 24 April 2020, a project meeting was held between:

- Council staff
- Plummer & Smith (in the Arts Coordinator capacity)
- UAP (Contracted artist)
- Giovanni Veronesi (artist/designer)

The purpose of this meeting was to provide UAP and the artist with an update on the status of the rail corridor project, and to discuss options for the project moving forward.

Feedback from UAP was as follows:

- They would like Council to pursue alternative site options so the artwork can continue to completion
- There is material available at the moment to begin manufacturing in June, but there are likely to be supply issues in terms of materials later this year which are likely to continue for an unknown period of time
- Supply issues will have a direct impact on project cost and will need to be reassessed once project timeframe in the new location is known.

Council staff have determined that the manufacture of the artwork can proceed and be delivered to the Council Byron Bay Depot for secure storage upon its completion.

The Public Art Panel's advice and expertise is sought regarding a decision around manufacture timeframe to provide to Councillors to aid decision-making on the artwork.

### ***Final Design***

Following the selection of material and feedback about the artwork form at the November 2019 Public Art Panel meeting, the artist has refined the artwork. UAP and the artist have provided final design documentation, (the attachments to this report).

The Public Art Panel is asked to provide any feedback, including concerns which may need to be resolved prior to the final endorsement of the design.

### ***Next Steps***

If the Public Art Panel agrees on a recommendation for the location within the Sandhills Estate precinct, the following steps will be undertaken:

1. Council resolution sought to adopt the Public Art Panel recommendation (likely 27 August Ordinary Meeting)
2. The artist and UAP notified of the decision and a request for an updated costing and timeline/ construction program based on the final design documentation provided by the artist.

3. UAP asked to proceed with manufacture of the artwork for delivery to the Council Byron Bay Depot for storage.

## STRATEGIC CONSIDERATIONS

5

### *Community Strategic Plan and Operational Plan*

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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 – adopted December 2019.

15 Reviewed by Legal Counsel: ☐

### *Financial Considerations*

20

A total budget of \$80,000 has been allocated for the commissioning of this artwork, funded from paid parking and Section 94 Developer Contributions.

A \$40,000 deposit has been paid to UAP. The remaining \$40,000 has been retained for contracted project completion.

25

Any additional costs in fabricating the sculpture are likely to result in the final artwork being adjusted, most likely the scale being reduced, to deliver within the total \$80,000 budget available for the project.

30

Reviewed by Manager Finance: ☐

### *Consultation and Engagement*

35

Pending the recommendation from the Public Art Panel, the following groups and individuals will be engaged:

Byron Bay Town Centre Masterplan Guidance Group  
UAP (the contractor) and Giovanni Veronesi (the artist)





GV

## INTRODUCTION

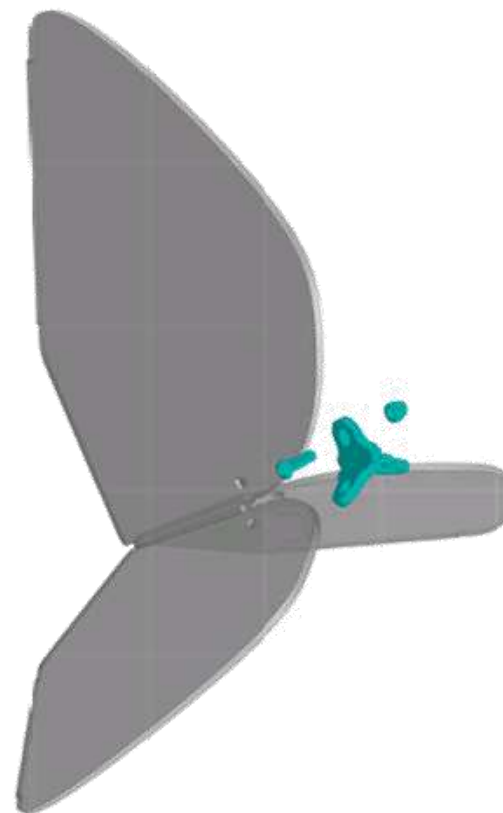
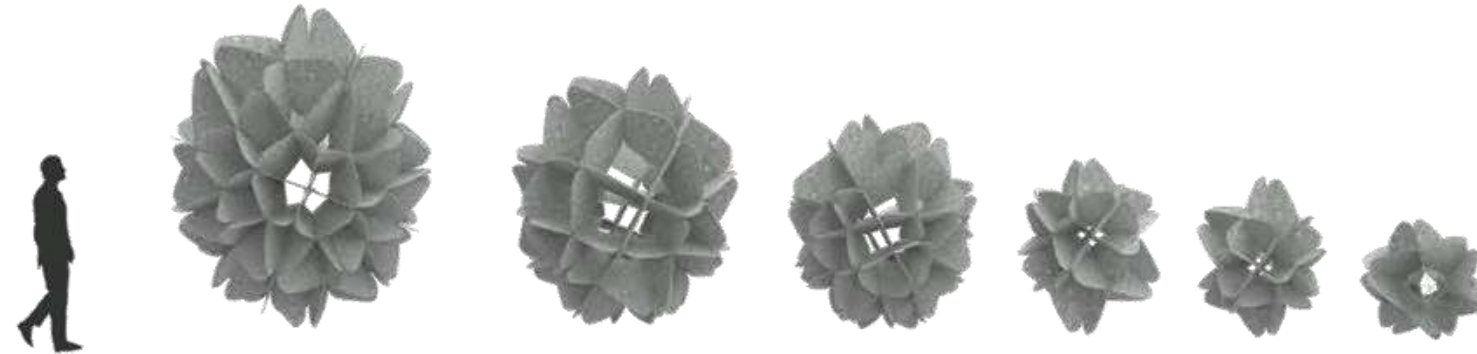
Memento Aetates is a proposal that has undergone many iterations since its conception in 2018.

To date two different sites have been explored and several material systems have been developed for an outcome that would fully satisfy the aspirations of this project, within its commercial reality.

The following document sets out to showcase a definitive design to the artist's preference, who feels the artwork has matured significantly both technically and conceptually.

Regrettably the latest proposed location has been rejected on the basis of the heritage value of the site. Council will take into consideration alternative sites for a temporary location, to allow the fabrication of the artwork to proceed unaffected by this hurdle.

The images that immediately follow are not to be intended literally and are just aspirational to assist Council in visualizing alternative locations for the artwork, be it permanent or temporary.





GV



May 2020 / Memento Aestates - Artist Handover Document / 3 of 12



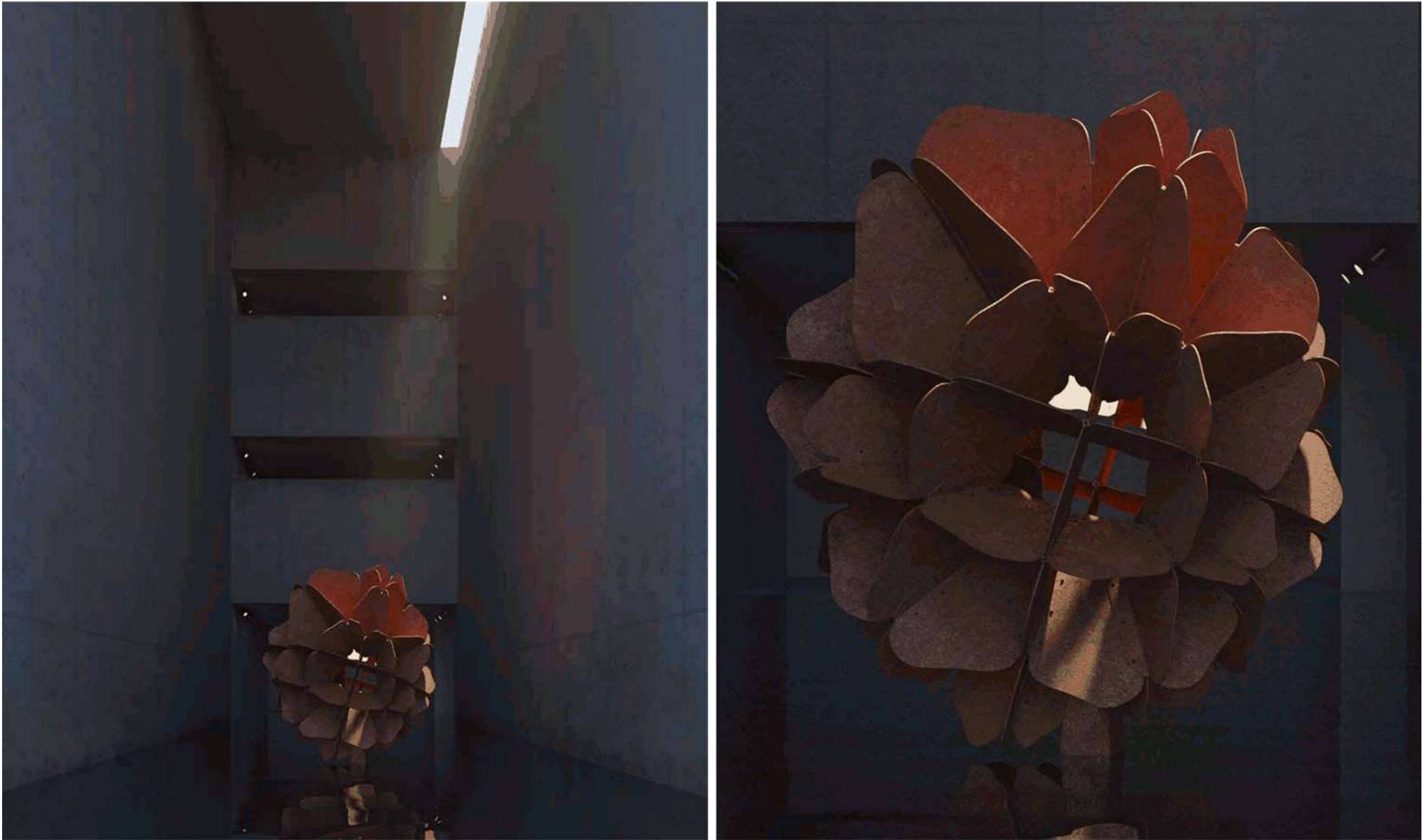
GV



May 2020 /Memento Aestates - Artist Handover Document / 4 of 12



GV



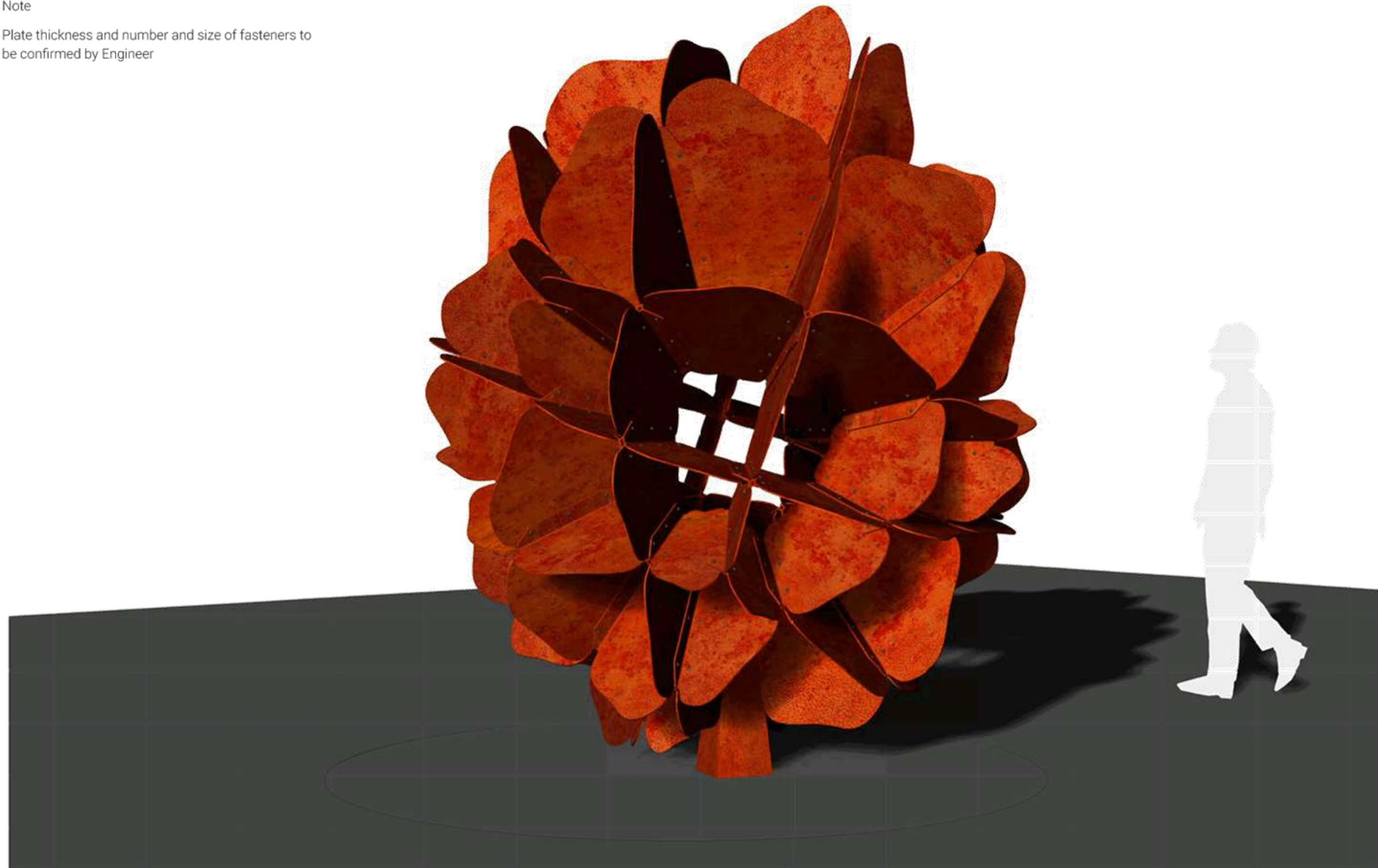


GV

## PROPOSAL - GENERAL VIEW

Note

Plate thickness and number and size of fasteners to  
be confirmed by Engineer



May 2020 / Memento Aestates - Artist Handover Document / 6 of 12

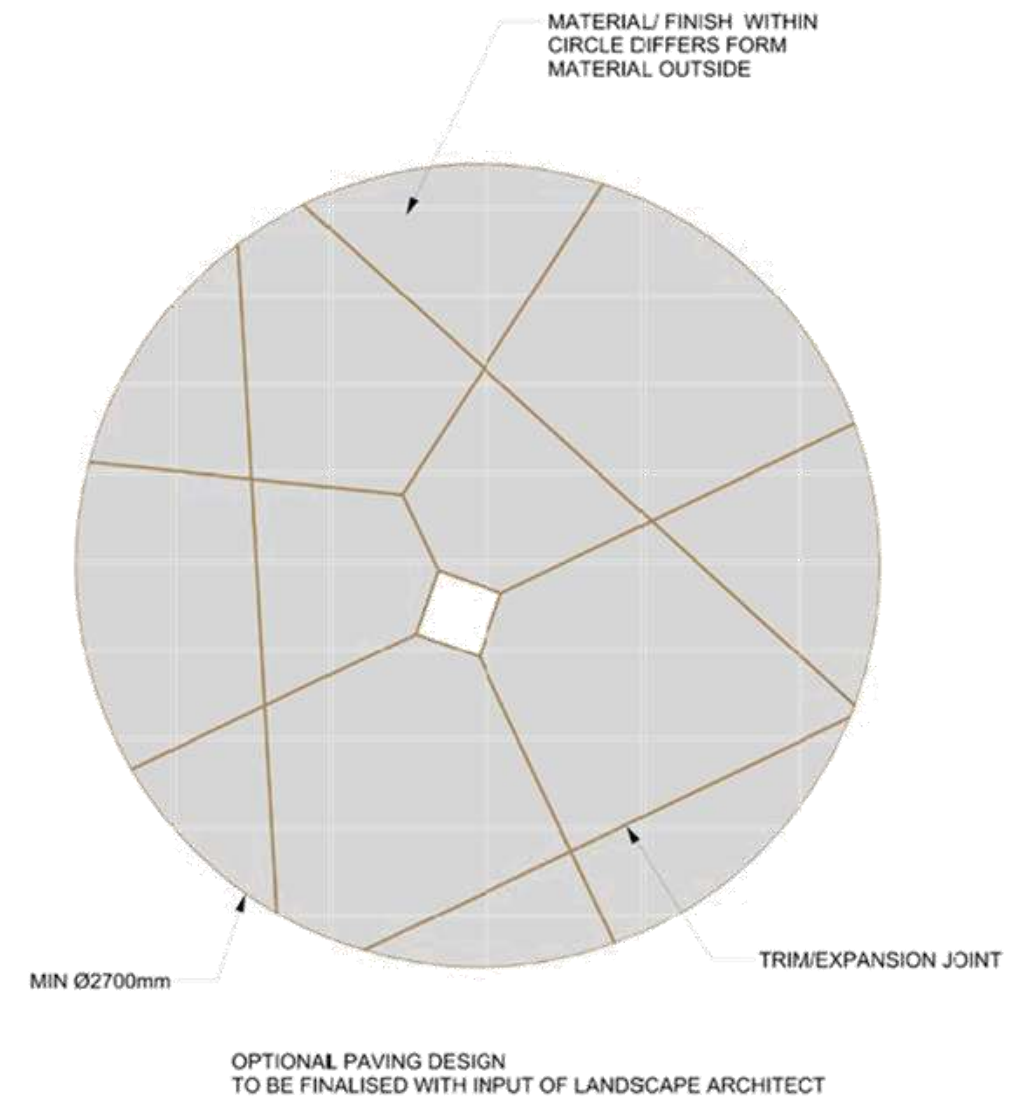
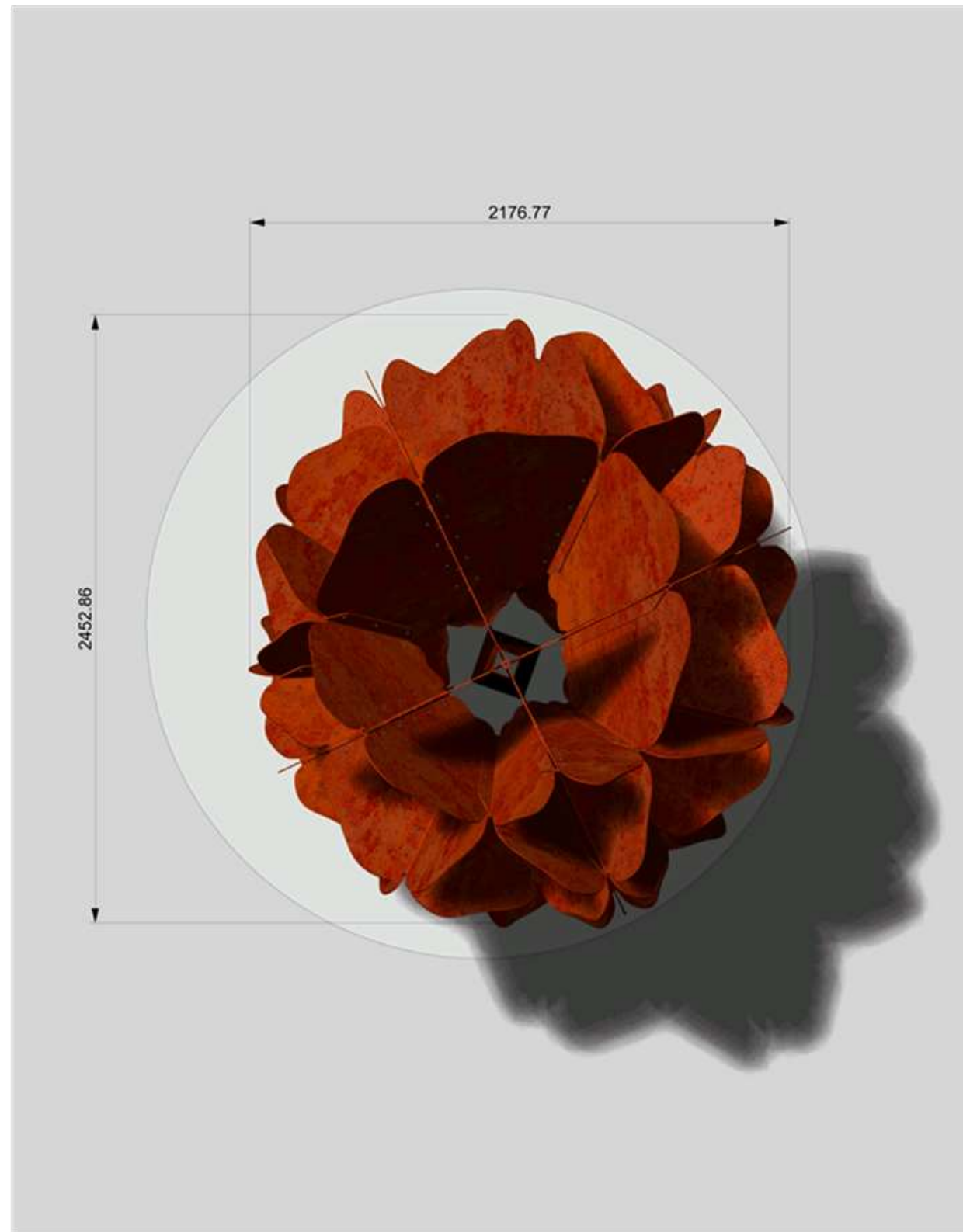
GV

PROPOSAL - ELEVATIONS



GV

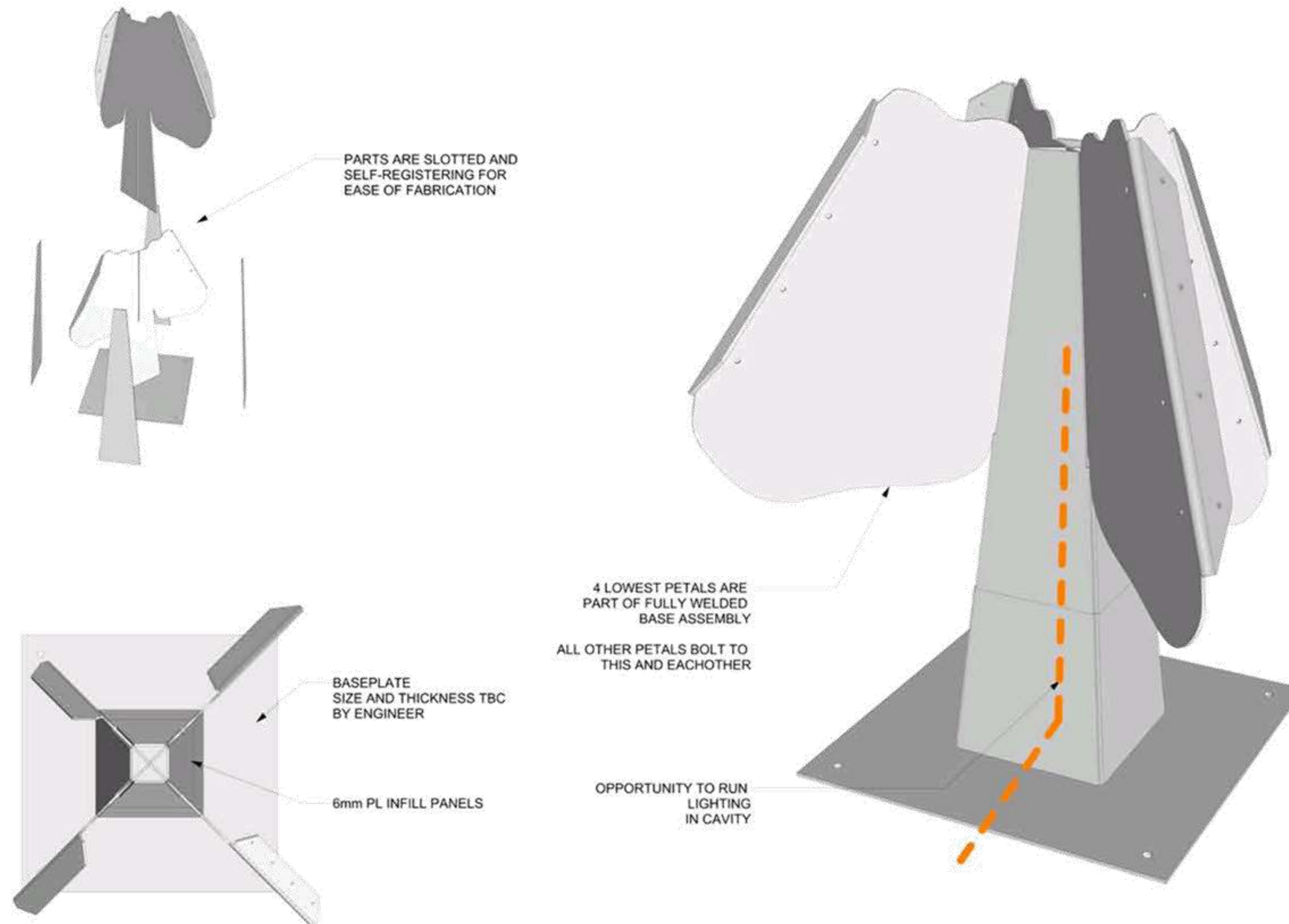
## PROPOSAL - PLAN





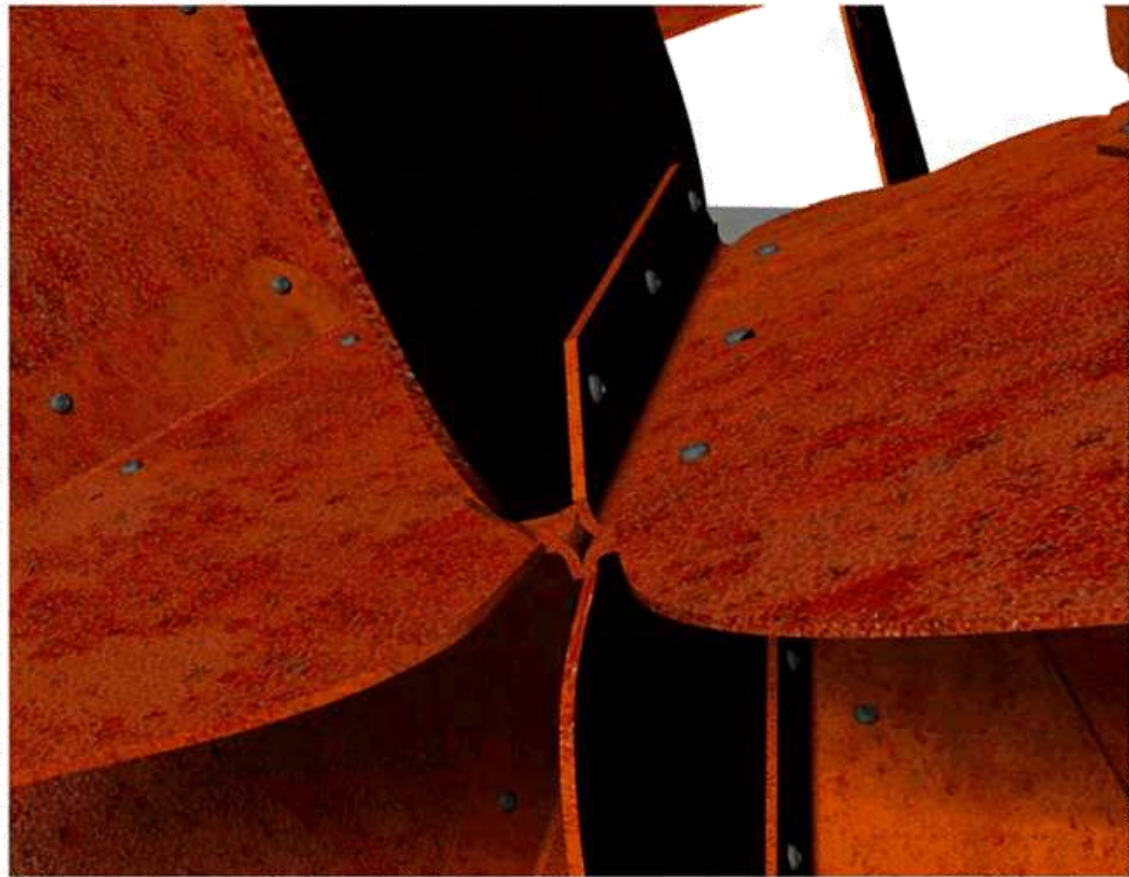
GV

## PROPOSAL - BASE ASSEMBLY WELDMENTS



GV

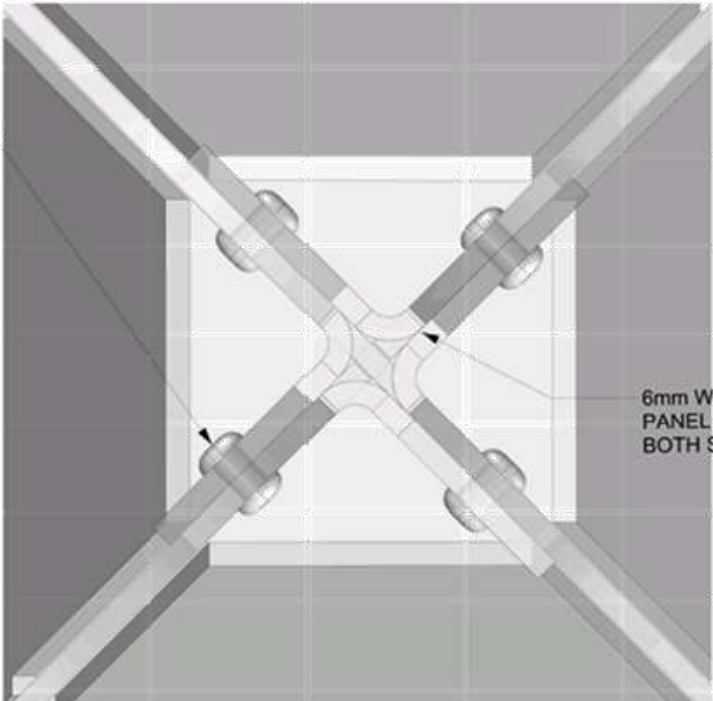
PROPOSAL - MECHANICAL CONNECTIONS



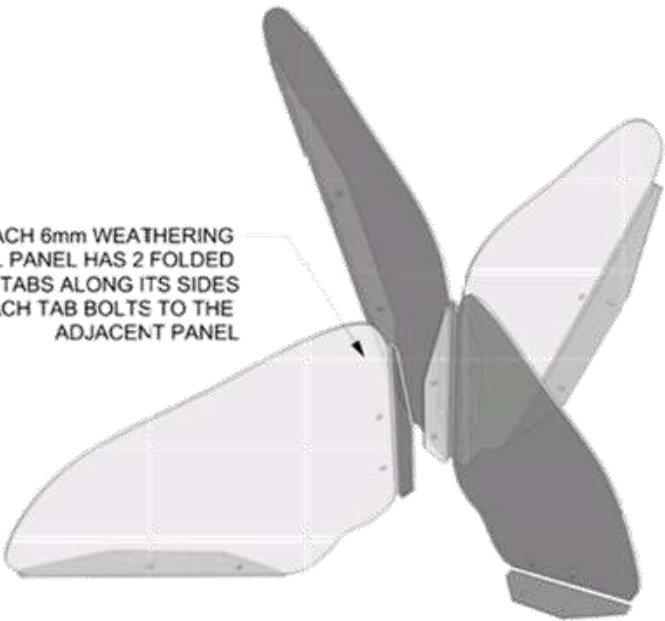
EDGE OF PANELS TO BE GRINDED  
BACK TO "SO-TEN" CNC CUTTING  
LINES  
72m EXTERNAL EDGE, 97m  
INCLUDING INTERNAL

DOUBLE-FACED FASTENER  
BARREL NUT CR SIMILAR  
  
FASTENER TYPE AND  
MATERIAL TBC PENDING  
COSTING REVIEW AND  
ENGINEERING ADVICE

STAINLESS STEEL  
FASTENER WITH A BLACK  
PATINA



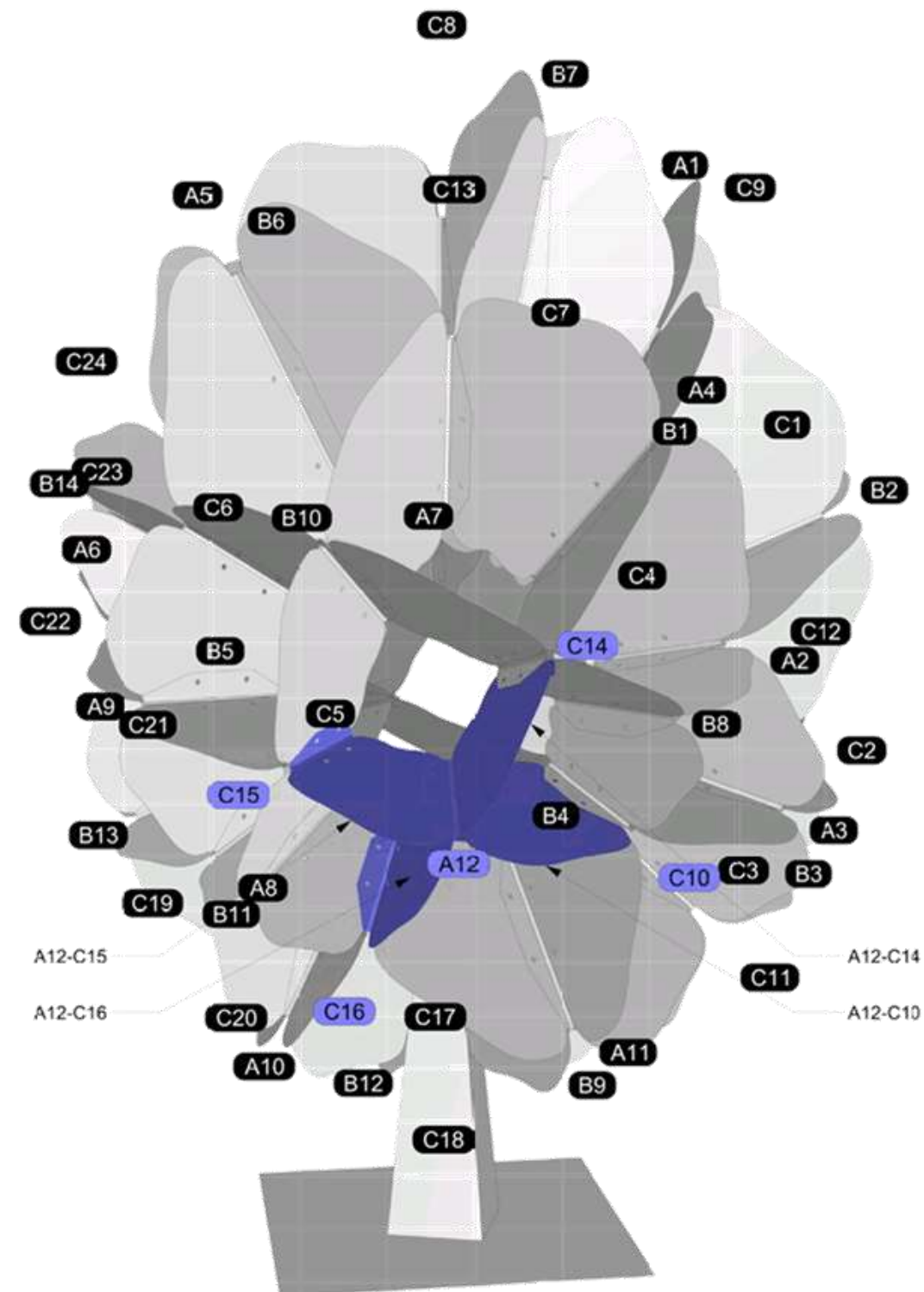
6mm WEATHERING STEEL  
PANEL WITH FOLDS ON  
BOTH SIDES



EACH 6mm WEATHERING  
STEEL PANEL HAS 2 FOLDED  
TABS ALONG ITS SIDES  
EACH TAB BOLTS TO THE  
ADJACENT PANEL

GV

## PROPOSAL - ASSEMBLY LOGIC



THE INTERSECTION NODES BETWEEN PANELS HAVE A UNIQUE ID  
THE PANELS TAKE THEIR NAME FROM THE NODES THEY SPAN



## CONTACTS

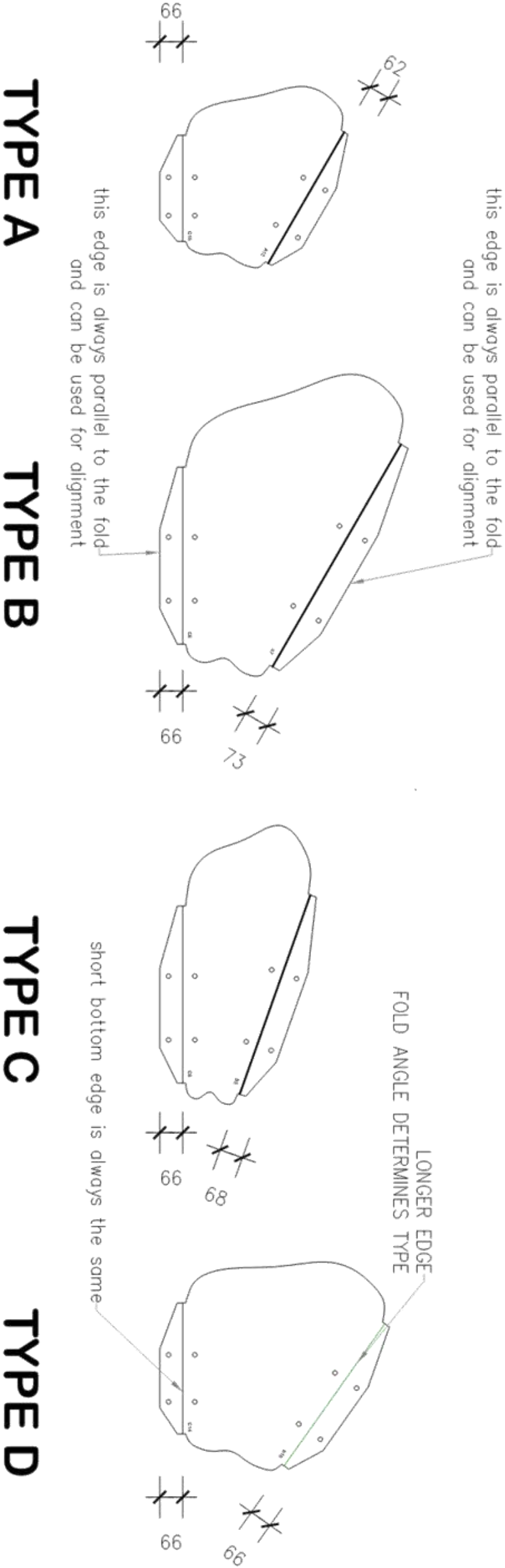
GV

### ARTIST CONTACT

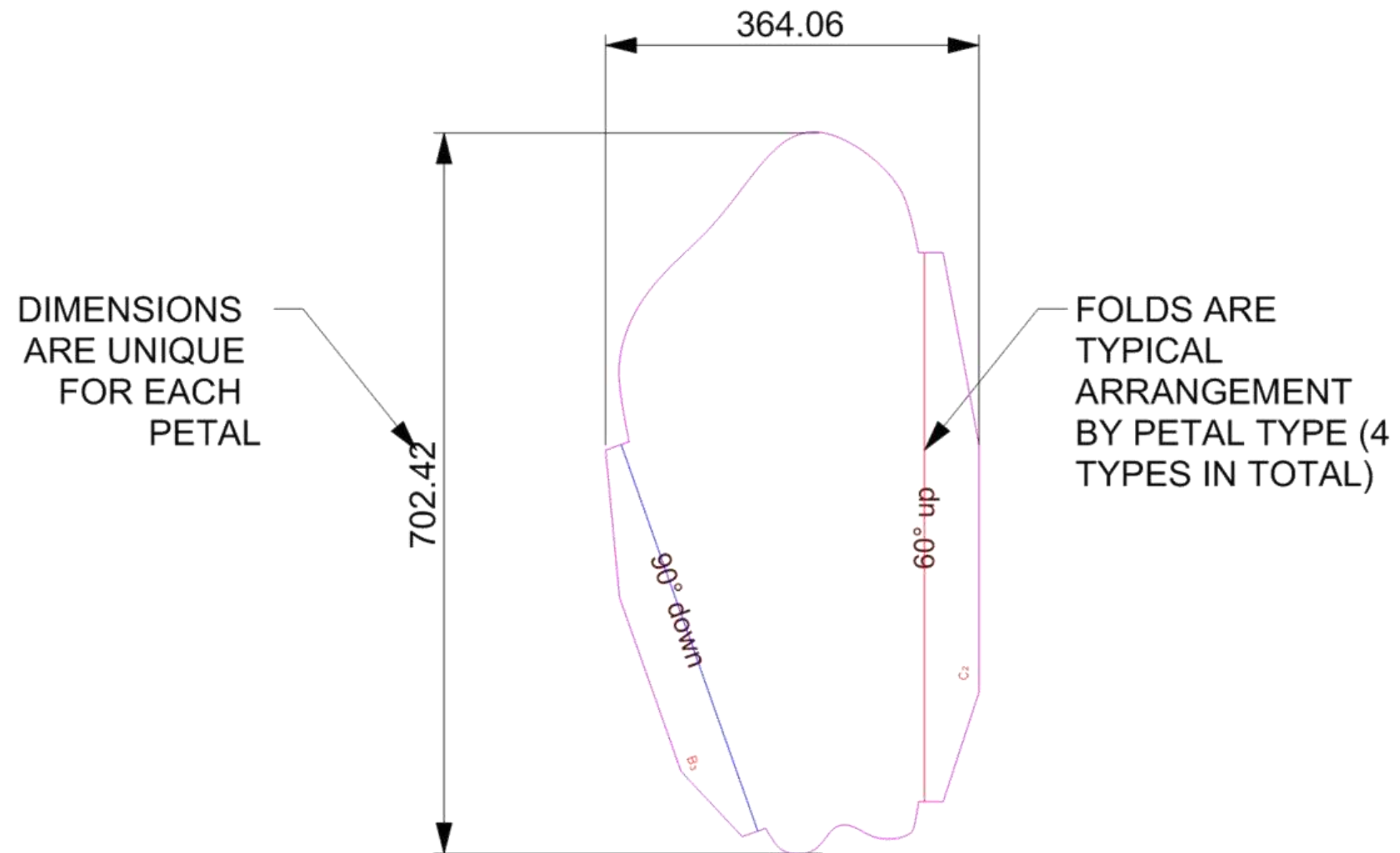
**GIOVANNI VERONESI**  
**DIRECT** +61 450 407 715  
**EMAIL** gioveronesi@hotmail.it



**please note**  
**TOP LONGER fold**  
**always "up"**  
**BOTTOM SHORTER fold**  
**always "down"**







TYPE 01  
PETAL B3-C2  
6mm WEATHERING STEEL

**Report No. 4.2**                      **Public Art Proposal - Byron Bay Rotary Clock Mural**  
**Directorate:**                      Corporate and Community Services  
**Report Author:**                  Joanne McMurtry, Community Project Officer  
**File No:**                              I2020/745

5

**Summary:**

- 10 Council has received a proposal for a mural on the Rotary Town Clock in Byron Bay. This report provides the proposal to the Public Art Panel in order for it to make a recommendation to Council.

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**RECOMMENDATION:**

**That the Public Art Panel considers the proposal for a mural on the Town Clock, Byron Bay and makes a recommendation to Council.**

15 **Attachments:**

- 1 Public Art Asset Application for Mural on Town Clock Byron Bay, E2020/36286 , page 26[↓](#)  
2 Public Art Maintenance Manual for Mural on Town Clock Byron Bay, E2020/36288 , page 28[↓](#)  
3 Public Art Risk Assessment for Mural on Town Clock Byron Bay, E2020/36289 , page 30[↓](#)  
20 4 Clock Tower Byron Bay - Scale Drawing, E2020/36292 , page 34[↓](#)  
5 Rotary WELCOME clock mural Proposal Byron Bay, E2020/36295 , page 35[↓](#)  
6 WELCOME CLOCK TOWER Byron Bay by NIKKI POULOS - ARTIST STATEMENT, E2020/36299 ,  
page 36[↓](#)  
7 nikki poulos - artist - byron bay - press kit - 2020 - Clock Byron Bay, E2020/36302 , page 37[↓](#)  
25 8 Letters of support for Nikki Poulos floral mural on Town Clock Byron Bay, E2020/36297 , page 51[↓](#)

### REPORT

Council has been approached by Rotary of Byron Bay to undertake a mural on the Town Clock in Marvell Street, Byron Bay. The clock needs repairs and Rotary seeks to paint a mural on the clock as part of the repair process, in partnership with Council.

Council is planning to undertake the below works which can be funded and completed as early as June. The works include:

1. Bricks on upper area need re-pointing. Missing Brick to be replaced.
2. Face brickwork to the base and surrounding the clock faces and upper area cleaned and possibly sealed.
3. There was a brick detail on three sides (see last photo), now removed and mortared over. Cut out the mortar and refit bricks (depending on final decision about a mural).
4. All painted areas repainted in matching colours (if mural proposal is not accepted)
5. Clock Perspex to be fully cleaned inside and out.

If the mural did not fit with the removed bricks, they would not be replaced; rather the holes would be rendered and then painted over.

The proposal, attached to this report, indicates that the proposed mural artist will use the Council installed scaffolding and traffic management while they are in place for the clock tower renovations.

The mural would wrap around all four faces of the rendered part of the clock tower and take approximately one week to install. The cost of the traffic management and scaffolding for the mural installation will be absorbed by Council. The mural and anti-graffiti coating are being donated by Rotary of Byron Bay.



*Picture of Town Clock Byron Bay taken 13 May 2020*



*Proposed mural*



Earlier photo of Town Clock showing brick decoration

### Considerations

5

As part of its considerations, the Panel should take into account:

- The need for, and value in, community engagement about the proposal (noting there are some letters of support provided with the proposal)
- Whether there should be an EOI process for the design

10

### Consultation

15 External: Rotary of Byron Bay and the local artist have undertaken some consultation and provided letters of support along with the artwork proposal.

Internal: Team Leader Open Spaces; Open Space Technical Officer

20

## STRATEGIC CONSIDERATIONS

### Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	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***

Public Art Policy – adopted August 2018.  
 Public Art Strategy – adopted August 2018.  
 Public Art Guidelines – adopted December 2019.

Reviewed by Legal Counsel: ☐

***Financial Considerations***

Council would continue to be responsible for structural maintenance of the Town Clock, however the artist has indicated that they would be available to maintain the artwork as required while it remains in place.

Reviewed by Manager Finance: ☐



**Public Art Asset Application pro forma**



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

Title of Artwork:	Byron Rotary Welcome Clock Tower  Refurbishment of the Town Clock constructed in 1992 by Council in conjunction with Byron Bay Rotary
Name of Artist:	Nikki Poulos
Type of Artwork Proposed:	Art work will cover all 4 sides top and bottom rendered sections – (please refer to supplied scale plan)  The mural design will be continues and 'wrap around' the clock.
Artwork Materials and Construction Details:	Pre-existing structure, artwork materials including premium paints on existing facades  Specialized paint over the top of the finished mural to inhibit graffiti and ease of removal if occurs.
Date of creation (date of artwork)	Straight after Art Committee's and Council's approval
Dimensions	As is. No changes to the current dimensions of the structure. Refer to scaled plan attached.
Proposed Location of Artwork:	Existing structure located corner of Jonson and Byron Streets
Proposed Signage for Artwork:	As is on 4 Clock Faces, Rotary Club Byron Bay and  Artist's details/signature
Do you have public liability insurance?	Yes – Rotary District 9640 - please refer to Certificate of Currency attached which covers Rotarians involved.
Procurement Method (check box as applicable):	<input type="checkbox"/> Direct purchase  <input checked="" type="checkbox"/> Donation  <input type="checkbox"/> Loan – proposed period of loan
Date of Procurement:	See Date of Creation and conclusion of Council's agreement

E2013/15774

Estimated Life of Artwork:	Premium paint manufacturer's warranty (Taubmans lifetime guarantee against peeling / flaking / blistering).
Value of Artwork (estimate if unknown):	Mural art is donated by Nikki Poulos in conjunction with Byron Bay Rotary, in the interest of Byron Bay community and spirit.  Value of art work is approximately \$30k

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

**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**

**Name of Artwork:** Byron Rotary Welcome Clock Tower

**Location of Artwork:** Corner of Jonson and Byron Streets Byron Bay, NSW, 2481

**Completion Date:** Approximately 1 week for the mural painting required.

**Artist Details**

Artist Name – Nikki Poulos

Artist Address – 12 Jacaranda Drive Byron Bay, NSW, 2481

ABN: Artist ABN- N/A

Ph: Artist Phone No – 0479 125 717

Email: [nikki@nikkipoulos.com](mailto:nikki@nikkipoulos.com)

**Artwork Details**

**Description**

Floral mural - Please find attached artists mural proposal mock up.

**Artist Statement**

Please find attached artist statement

**Materials**

- Substrate primer - Taubmans (All Weather - water based)
- Mural - Premium paints - Taubmans (All Weather - water based)
- Anti-Graffiti sealer coat – Dulux Precision anti-graffiti coating.
- Material data sheets can be provided for all paint as requested.

E2013/15779



**Fabricators and suppliers**

Dependent on Council involvement

- Scaffolding company
- Council water filled barriers.
- Byron Rotary members including artist.
- Byron Bay Mitre 10

**Maintenance Schedule**

- With the use of premium paints and Anti-Graffiti sealer coat we would expect only minor maintenance works required, such as a general pressure clean 6 – 12 monthly.
- Byron Bay Rotary is prepared to undertake this work in conjunction with Council.

**Routine maintenance**

- General pressure cleaning or cleaning with sugar soap solution as required – Byron Bay Rotary is prepared to undertake this work in conjunction with Council.

**Graffiti removal and repair to accidental or deliberate damage**

- Anti-Graffiti sealer coat – Dulux Precision anti-graffiti coating to be installed after the completion of the mural by Rotary members.
- Bio-degradable – Bio Gel Graffiti remover – works responsibility to be discussed with Council (structure is a council asset).
- Council responsibility for physical repairs to the masonry structure (structure is a council asset).
- Artist is locally based prepared to touch up damaged sections of mural as required in conjunction with Council.
- The clock tower is located in a prominent well-lit open position covered by street security cameras.

**Longevity of Artwork**

- We expect this art work to be a feature and much-loved component of Byron Bay's visual landscape, and hope the murals symbolism will become a beacon of the bays positivity, uniqueness and inconclusiveness. We would expect this art work to be relevant as long as it continues to generate goodwill and happiness in the community. 20 – 30 years.
- Paint manufacturer lifetime guarantee against peeling / flaking / blistering.

E2013/15779

**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**

<b>Risk Category &amp; Hazard</b>	<b>Risk Rating</b>	<b>Possible Cause</b>	<b>Control Measure</b>	<b>Residual Risk Rating</b>
<b>OH&amp;S</b>				
Slippery or loose surfaces/sharp edges on artwork.	Rare  Clock already exits	Not applicable	Safe Work method Statements and Safety Plan developed in conjunction with Council	Rare
Potential for injury or illness to public.	Rare – see above	Not applicable	See above	Rare
Manual handling required during installation.	Unlikely.  Scaffolding erected by a professional scaffolding company	Miss handling of scaffolding	See above	Rare
Traffic Hazards.	Unlikely.	Vehicle/pedestrian	See above. Water filled barriers	Rare
Engineer report required?	Not applicable	N/A	N/A	N/A
Concrete pads or barriers required?	Traffic Management Barriers	N/A	See above	Nil
<b>Public Liability</b>				
Stable foundation.	Rare.  Existing structure with stable foundation	N/A	N/A	N/A

E2013/15776

**BYRON SHIRE COUNCIL****STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES****4.2 - ATTACHMENT 3**

<b>Need for lighting/illumination.</b>	Nil –  Work completed during daylight hours	N/A	N/A	N/A
<b>Need for enclosure.</b>	Yes, whilst completing Artwork.  Use of fixed shade cloth as a barrier.	Dropping of something	Shade cloth to the external perimeter of the scaffolding and potentially safety/security fencing	N/A
<b>Is infrastructure sound?</b>	Yes, existing structure	N/A	N/A	N/A
<b>Ongoing safety checks required to ensure stability?</b>	Existing stable structure, inspection of scaffolding prior to daily work.	After hours tampering to scaffold	See above	N/A

E2013/15776

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

## 4.2 - ATTACHMENT 3

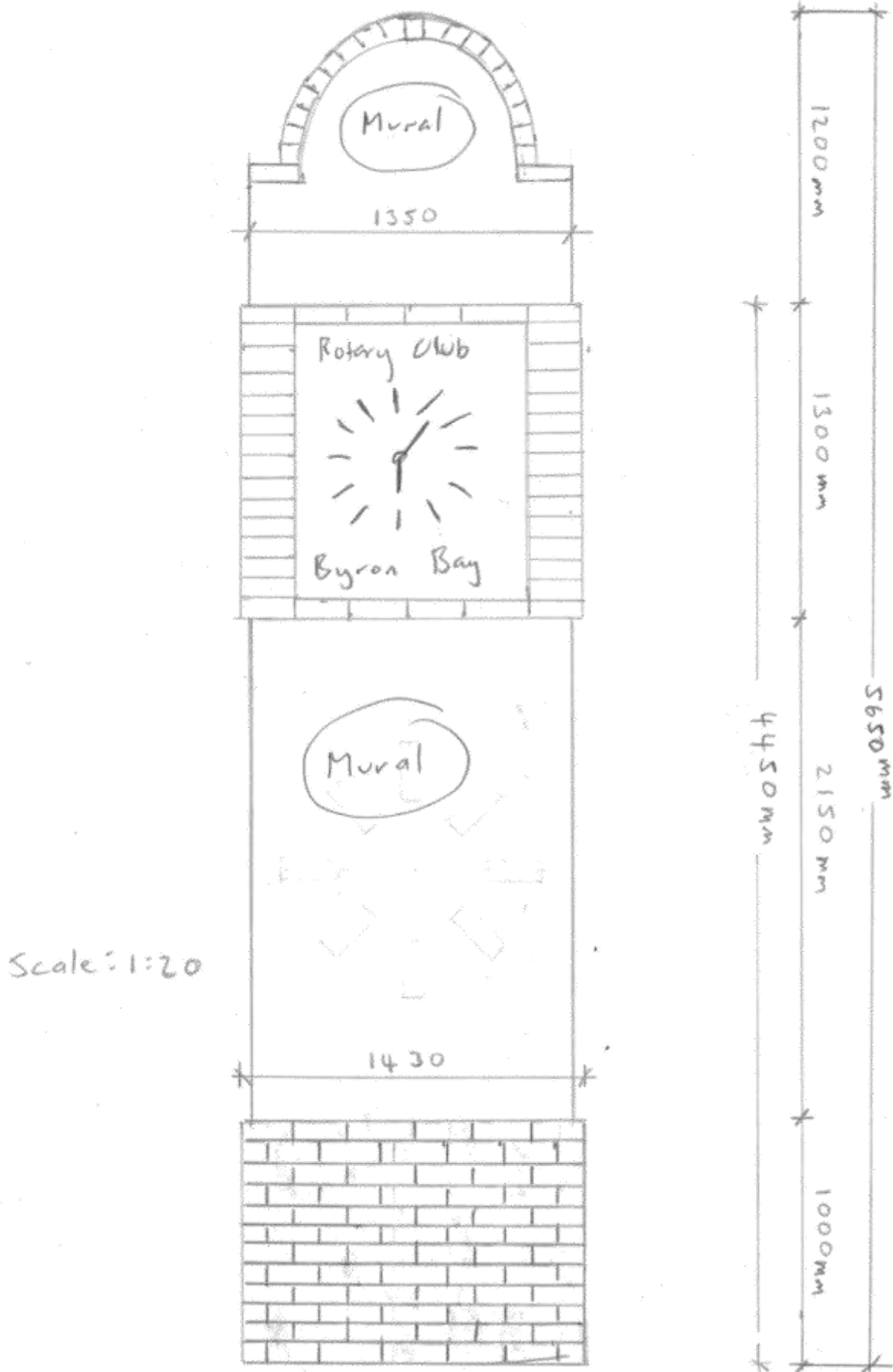
Environmental hazard check including earthquake, winds and flood required?	Not applicable	N/A	N/A	NA
<b>Environment</b>				
Impact on environment/earth collapse or erosion.	Not applicable	N/A	N/A	N/A
Potential impact on flora and fauna, air, soil, waterways or drains, noise.	Not applicable	N/A	N/A	N/A
<b>Financial</b>				
Financial impacts – immediate and ongoing.	Artwork gifted by Nikki Poulos in conjunction with Byron Bay Rotary Club			
<b>Governance, Contractual &amp; Legal</b>				
	Insignificant			
<b>Political, Reputation &amp; Image</b>				
	Insignificant			
Other	Insignificant			

E2013/15776

**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
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 *

E2013/15776









**Rotary WELCOME Clock Tower  
Byron Bay**

by

**Nikki Poulos****ARTIST STATEMENT**

The aim of the "Welcome Clock", with flower-inspired mural is to bring goodwill, happiness, and peace to visitors and locals; welcoming all equally to Byron Bay.

**Symbolism**

The Flowers represent the free-spirited nature that is synonymous with Byron Bay and its' open, accepting, welcoming nature that greets all travelers from far and wide.

The Butterfly represents joy, playfulness, and hope. With the start of each day and the passing of time as demonstrated on a clock, we awaken refreshed like a butterfly awakening from a cocoon. Butterflies are symbolic of transformation, renewal, and rebirth; new beginnings as they metamorphose from chrysalis to butterfly. Many people from all over the world come to Byron Bay for a lifestyle change and experience great spiritual and social transformation, leaving behind the stresses of a previous life to start life unencumbered and anew in the beautiful environment of Byron Bay.

The word WELCOME has been designed like a vine and is intertwined amongst the flowers to symbolize the ongoing connections we all make within the Byron Bay community; today, tomorrow and in the future.

**Colours**

The colors used are derived from our native flora and landscape:

Pink(s) for the Callistemon (bottlebrush)

Chartreuse is inspired by the Banksia Integrifolia flowers

Orange for the Castanospermum (black bean)

Yellow for the Acacia (wattle)

Green for the leaves of trees such as Hoop Pine, Banksia and Eucalypts, that sway with the wind,

and last but not least...

Blue(s) for the ocean that surrounds us and envelops us as we swim and surf in its' salty goodness

Nikki Poulos

nikki@nikkipoulos.com

0479125717

www.nikkipoulos.com



nikki poulos

bold  
smart  
adventurous  
free - spirited



## country girl with big dreams ...

Nikki grew up in the Australian Outback on a 54,000 acre cattle ranch. With no electricity and no television, Nikki created her world from the sights and sounds of the Outback. The beauty of nature became her canvas and continues to influence her art to this day...





## pioneer ...

Always entrepreneurial, Nikki started her first business **ecobaby** soon after leaving school. **ecobaby** was the first eco-conscious kids wear line in Australia and rose to meteoric success selling across major department stores David Jones and Myer, plus Daimaru (Japan), and in over 50 retail stores across Australia.



**jetset gypsy...**

Seeking a career change and inspired by her love of wild places, nature and the ocean, Nikki sold her **ecobaby** business and traveled for a year around the globe. Nikki's travels over the years have taken her by train from Athens to Paris, she has eaten weird and wonderful things at markets in Ho Chi Minh, Bangkok and Oaxaca, seen the twinkling lights of the Eiffel Tower, danced on tables in Berlin, camped with Bedouins in the Sinai Desert, hiked the Half Dome in Yosemite National Park, and has been to Burning Man. However it was in Thailand that she discovered Scuba diving and the beauty and wonder of the underwater world. This was a pivotal moment as it inspired her to return to University and pursue a degree in Tropical Marine Biology.





**marine biologist ...**

Nikki attended James Cook University (Australia) where she received a Bachelor of Science in Tropical Marine Biology and was invited to join The Golden Key Honour Society. Nikki then received a scholarship for Graduate studies in the USA where her research focused on fisheries and coral reef conservation. Nikki lectured Undergraduate classes in Biology at Florida International University, was a Guest Lecturer for Lynn University's Entrepreneurship Class, co-ordinated a series of Deepwater Coral Teacher Education Workshops for the National Atmospheric and Oceanic Administration (NOAA), volunteered with the Marine Mammal Rescue Society (MARS), and was Program Co-ordinator for the Southeast Florida Coral Reef Initiative (SEFCRI).



## return to fashion ...

Nikki enjoyed her work in marine research and coral reef conservation, but the lure of being the master of her own destiny and creativity, drew her back to the fashion world. Her eponymous clothing line **nikki poulos** reflects her love of vintage-inspired styles, graphic prints and bold colors. Nikki became well-known for her custom-designed prints that made her brand a household name in the USA [www.nikkipoulos.com](http://www.nikkipoulos.com)





## water baby . . .

Nikki's swimsuits and resort wear have been sold in high end boutiques and resorts all over the world across the USA, Canada, Mexico, Cayman Islands, Jamaica, Puerto Rico, and the Bahamas, including major US retailers Anthropologie, H&M, Macys and Saks 5th Ave. Nikki collaborated with both US national clothing chain Express Inc., and the Royal Hotel St James in Miami, to design and produce their inaugural SWIM collections.





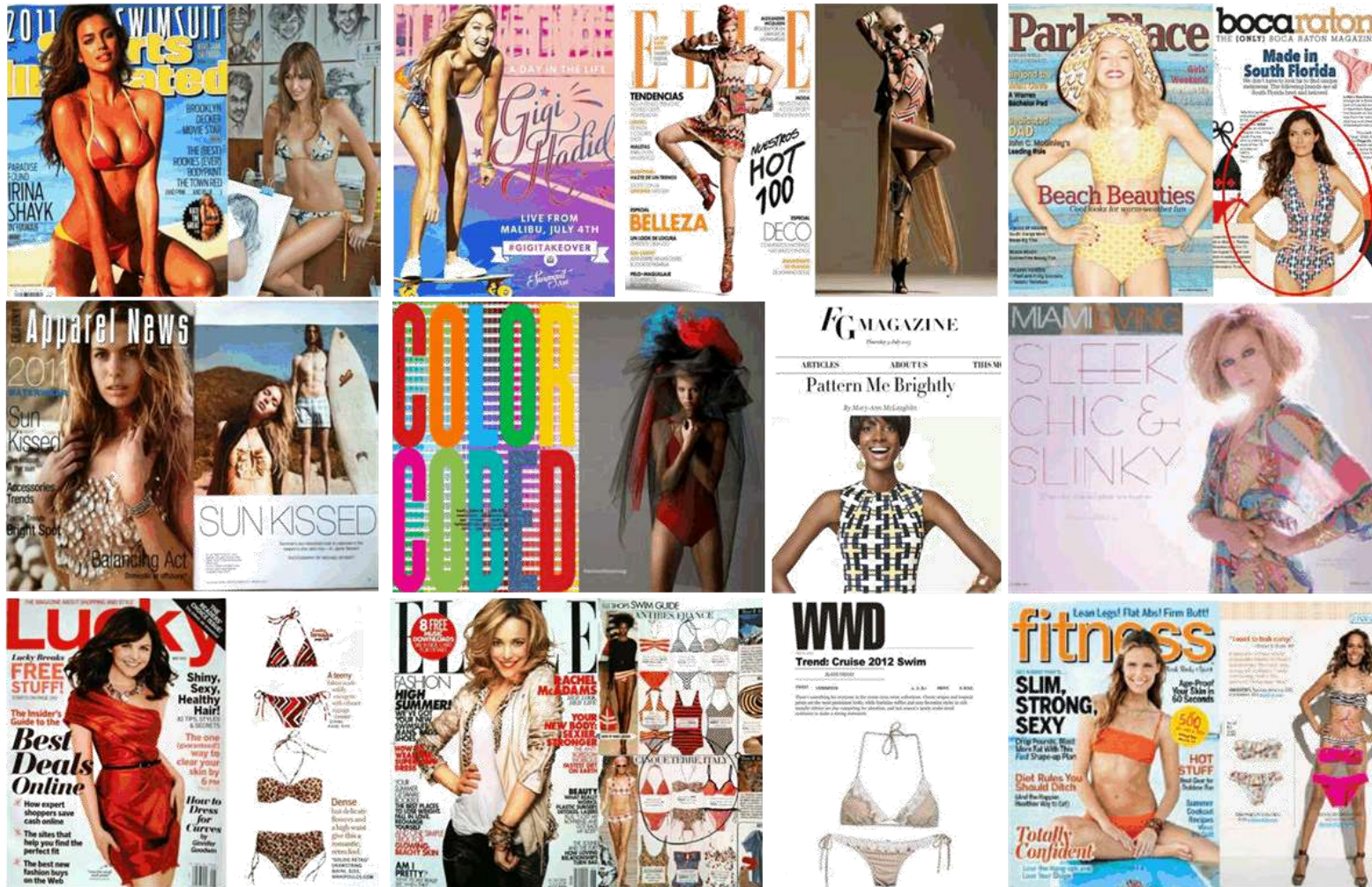
# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

## 4.2 - ATTACHMENT 7

### press ...

Nikki's designs have been featured in Sports Illustrated Swimsuit Issue, Elle, Women's Wear Daily, Lucky, Forbes, Fitness and Rolling Stone Magazine, to name a few. She has shown her collections at New York Fashion Week as well as Fashion Weeks in Charleston, South Carolina and Austen, Texas. Nikki was a featured guest designer on the international TV show 'Next Top Model' (Benelux/Europe).





## read all about it ...

“Nikki Poulos does retro right. The fashion designer’s eponymous ready-to-wear collection has vintage appeal with modern sensibilities. Poulos’ designs are all about bold graphic prints, feisty colors, and flirty cuts. They’re figure-flattering and sexy but never uncouth.”

[Greek American Fashion Week presents Nikki Poulos](#)

“Macys sold out of an eyelet maxi dress featuring simple lines, on trend silhouette and irresistible details by Nikki Poulos in less than 12 hours”

[www.Forbes.com](http://www.Forbes.com)

“You have a phenomenal gift for prints, you are amazing!”

Caprice Willard  
VP/Divisional Merchandise Manager - MACYS

“Poulos shows three mini mod dresses. They are adorable. The pattern alone makes them modern and spirited”

[www.rollingstone.com](http://www.rollingstone.com)

“Poulos shows a fabulous, contemporary, multi-colored maxi dress with flowy sleeves and an open slit at the top. H&M buys it for \$60,000”

[www.rollingstone.com](http://www.rollingstone.com)

“Poulos shows three vintage-inspired maxi dresses with various prints. All three are outstanding. She is going for sophistication but the dresses could be worn easily as casual or formal, depending on the material. They are gorgeous.”

[www.rollingstone.com](http://www.rollingstone.com)

“I would walk by the window, see that dress, walk into the store and buy that dress”

Nicole Christie  
Communications & Press Manager - H&M

“I wish I could raid Poulos’ closet. I love, love, love her designs”

. . . obsessed fan

## reality television show...

Nikki appeared as a design contestant on the American prime time TV show Fashion Star which aired in 70 countries worldwide placing her in front of a global audience. Nikki didn't win the competition but her designs spoke loud and clear, and were an instant hit selling out within minutes. Nikki had arrived. This was the moment she was waiting for as it launched her 'nikki by nikki poulos' brand on teleshopping networks worldwide.





## tele - shopping ...

Nikki launched her **nikki by nikki poulos** teleshopping brand on the Home Shopping network (HSN USA). Once again, her sales figures broke records. She had the most successful launch of a new brand in 2013 and was the most successful brand launch for the lead timeslot in HSN history. Over the next few years her star rose as she expanded the 'nikki' brand on television networks across the USA (HSN), France (M6Boutique), Germany (QVC) and Australia/New Zealand (TVSN).



## groovy supernova...

Nikki created her capsule brand 'groovy supernova' [www.groovysupernova.com](http://www.groovysupernova.com) born of a desire to design unique pieces for herself comprising fashion-forward swim, surf and street wear. Nikki defines 'groovy supernova' as hip stuff for groovy people and hopes that you will shine as the brightest star in the street or on the waves in one of her creations.





## m u r a l s . . .

Nikki continues to explore her creativity and entrepreneurialism. She decided to expand on her prints (literally) by painting them as murals. She started by painting her own house in Byron Bay, then a beachfront bungalow in her favorite Mexican surf spot and a mid-century modern house in Miami Florida. Most recently, Nikki initiated and completed a community based mural project in Papua New Guinea at a wildly remote surf camp. With upcoming commissions to paint murals in New York and Brazil, stay tuned for more beautiful walls in your world!

Nikki's aim is to paint a flower mural everywhere she travels; to promote global goodwill and peace, and to create art that she hopes will become synonymous with happiness and the name 'nikki poulos'

If you have a wall you would like Nikki to paint please reach out to [nikki@nikkipoulos.com](mailto:nikki@nikkipoulos.com)



**good vibes ...**

Nikki started surfing a few years ago and has been pursuing this passion in addition to designing. She continues to seek inspiration on her global surfing adventures; traveling to exotic places, meeting interesting people, tasting new foods, scouring vintage markets for one of a kind treasures, and feeling the warmth of the sun and the salty goodness of the ocean on her skin. She hopes when you wear one of her beautiful pieces or see her flower murals, you will feel the same passion and excitement that she feels when following her dreams...





ROSEMARY GRAVES  
49 MASSINGER ST.  
BYRON BAY  
N.S.W 2481

To Whom it May Concern,

As a local Byron resident I would like to write to you in support of the proposed mural for the Rotary block in Byron St. Byron Bay by Nikki Poulos.

After seeing the artwork I think it would be such a colourful & welcome lift to one of our landmarks.

It would be very timely particularly coming out of this strange COVID19 time when Byron came to a stand still. This lovely design will have a feeling of Spring and the renewal it brings.

Yours Sincerely  
Rosemary Graves



12/5/20

To: Whom it May Concern

**BYRON BAY TOWN CLOCK**

The above clock situated in the median strip of Bay St commands a prominent place in the Towns development growth and changing identity.

The clock was originally donated to the Byron Bay community by the Rotary Club of Byron Bay as a community asset and has held pride of place in the centre of Town.

Since its original construction the Vibe of the Byron CBD has transformed and we feel the Town Clock has proudly stood and played part in the history and growth of the CBD. Given that it was originally designed and constructed in the late 80s it is now time for a general update and change of image more in line with the changes of the Byron community whilst still reflecting on the past.

The proposed changes are in line with the renovations of the Lanes off Jonson St and will fit within the vibrant nature that is the Byron Style whilst honouring its past.

I strongly support the Rotary Clubs initiative in the modernisation of the Rotary Town Clock and look forward to its part in the ever changing landscape of Byron Bay.

  
David Dwyer



4/22 Alcorn Street  
Suffolk Park  
NSW  
2481

11/05 /20

Nikki Poulos,

Nikki @nikki@nikkipoulos.com

Our Ref : WELCOME Clock Tower (originally Rotary Clock Tower, corner Byron and Jonson Streets, BYRON BAY),

TO WHOM IT MAY CONCERN

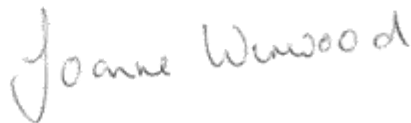
I am a member of Byron Bay Rotary Club but also a resident of Byron Bay and an employee of Feros Care, a long standing aged care provider in Byron Bay.

I have been consulted in the refurbishment of the Rotary town clock which currently is badly in need of cheering up.

Nikki Poulos presented an option which I believe is really in keeping with Byron Bay- it is colourful, welcoming and happy and reflects the positive vibe of the town, to locals and to visitors. She has given a great deal of consideration to its inclusivity and the vibe it portrays and in my opinion, the artwork will make the clock a wonderful asset in the town.

As a result, as a Byron resident, business person and a Rotarian, I am writing to Council to show my support for the artwork of Nikki Poulos on the clock.

Kind Regards  
Jo Winwood



[gormanjoanne@gmail.com](mailto:gormanjoanne@gmail.com)  
0498 364948

**Kraka Productions Pty Ltd  
15/64-70 Broken Head Road  
Byron Bay  
Ph: 0411809819  
Email: [info@kudarroch.com.au](mailto:info@kudarroch.com.au)**

To whom it May Concern

I have reviewed Nikki Poulos' proposed floral Welcome mural on the Rotary Clock in Byron Bay CBD.

I fully support her painting this mural and beautifying this clock.

Thank you

Yours sincerely

Ku Darroch  
Real Estate of Distinction  
Byron Bay

To whom it may concern,

I am writing in support of Nikki Poulos' proposed floral welcome mural on the rotary clock in Byron Bay.

I have lived in Byron Bay for 15 years and what I love very most is the melting pot of people the community attracts and the unique expressions people create while in Byron.

This mural is symbolic of what Byron Bay represents to so many. It is also so pretty, colourful and cheerful.... another unique piece of creativity that adds to the artistic and eclectic place Byron bay is.

Kind Regards

Zoe Shearer 0439879612

50 Shirley Lane  
Byron Bay 2481  
NSW




Dear Niki,

I'm writing to confirm I have reviewed your proposed floral Welcome mural on the Rotary Clock in Byron Bay and I am in full support of the painting and brightening up this drab space.

We need more of these subtle joyful artworks in Byron. Our town has lost its sense of joy and peacefulness. More of these artworks could help bringing back the feeling of a happy unified township.

Thank you Niki, your proposal is perfect.

Bronwyn Sevenoaks  
2 Tasha Close  
EWINGSDALE 2481  
0429401271.



To whom it May Concern,

I have reviewed Nikki Poulos' proposed floral Welcome mural on the Rotary Clock in Byron Bay and I am in full support of her painting this mural and beautifying this drab space.

Thank you

Deke and Eve Miskin  
21 Marine Parade  
Byron Bay NSW 2481

To whom it may concern,  
I have previewed intended art project by Nikki Poulos ie the beautification of the  
Rotary Clock in Byron Bay  
I feel her proposed Welcome mural will add colour to the area and add cultural value

With Thanks  
David George  
6 Hayters Drive Suffolk Park.

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To who it may concern,  
I have had the pleasure of seeing Nikki Poulos proposed floral mural for the Rotary Clock.  
As a home owner and long time resident, I think it would make the clock fabulous and welcoming to our town.  
It is a wonderful mural to celerbrate all the colourful and beatiful characters past and present

thankyou  
estelle ward  
68 sunrise blvd  
byron bay

---

To whom it may concern,  
Nikki Poulos's proposed floral mural for the rotary clock would be a welcoming transformation.  
The bright colours and flowers embody the joy and vibrance that is byron bay

I am a long time homeowner of byron bay.

thankyou  
Jane Solomonson  
48 julian rocks drive  
byron bay



To whom it may concern,

As a long standing resident of Byron shire I have often looked at the sad Clock tower and wondered when it will be brought back to life.

I love Nikki's proposal. I look forward to this part of town having a splash of floral colour.

Kindest,

Yonna derofe

3 Ti tree place  
Byron bay

---

To whom it May Concern,

I have reviewed Nikki Poulos' proposed floral Welcome mural on the Rotary Clock in Byron Bay and I am in full support of her painting this mural and beautifying this drab space.

I have admired Nikki's work for a number of years and believe her artwork would be a wonderful addition to our town.

Regards,

Dr Lindon Garske  
12 Marvell St  
Byron Bay NSW 2481

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Byron Shire Council  
To whom it may concern

I have reviewed Nikki Poulos's proposed floral Welcome mural on the Rotary Clock in Byron St, Byron Bay, and I am in full support of her painting this mural and beautifying this drab place.

Cheers

Tracey Harrison  
49 Julian Rocks Drive, Byron Bay  
9<sup>th</sup> May 2020

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.3                      Advice 4 Marvell Street Public Art Plan**

**Directorate:**                      Sustainable Environment and Economy

**Report Author:**                Patricia Docherty, Planner

**File No:**                            I2020/705

**Summary:**

This report provides the Panel members with a presentation regarding the public art plan for a new hotel at 4 Marvell Street, Byron Bay. The development application (DA No. 10.2017.588.1) for a mixed use development (primarily a tourist hotel) was approved by the NSW Land and Environment Court on 27 June 2019. The consent was granted prior to amendments to the Development Control Plan (DCP) 2019 that came into force on 11 September 2019.

As this development approval falls under the old DCP Public Art Chapter, the Public Art Panel is being consulted to provide feedback to enable the Planning Services Team to make an assessment about the public art proposed for the development. This is to ensure that the Public Art Plan is in accordance with conditions of consent, to be satisfied prior to issue of a construction certificate.

---

**RECOMMENDATION:**

**That the Public Art Panel provides feedback to the assessment officer with regards to the attached public art proposal for the hotel development at 4 Marvell Street, Byron bay. Note the presentation (#E2020/38948).**

**Attachments:**

1        260520\_Public Art Plan - Marvell Hotel, E2020/38948 , page 61 [↓](#)

## Report

This report provides the Panel members with a presentation regarding the public art plan for a new hotel at 4 Marvell Street, Byron Bay. The development application (DA No. 10.2017.588.1) for a hotel was approved by the NSW Land and Environment Court on 27 June 2019. The consent was granted prior to amendments to the Development Control Plan (DCP) 2019 that came into force on 11 September 2019.

The lack of provision of a Public Art Plan was a stated contention in the Court proceedings as it had not been provided with the development application for consideration by Council. Council proposed that this be addressed by condition of consent for approval by the Court to ensure that provision of Public Art did not fall away and was still required to be considered prior to construction.

As this development approval falls under the old DCP Public Art Chapter, the Public Art Panel is being consulted to provide feedback to enable the Planning Services Team to make an assessment about the public art proposed for the development. This is to ensure that the Public Art Plan is in accordance with the following condition of consent, to be satisfied prior to issue of a construction certificate.

### **Public Art Plan**

*Prior to application for a Construction Certificate, a Public Art Plan is to be submitted to Council for approval. The Public Art Plan is to make provision of public art to the value of at least 2% of the total development cost (calculated in accordance with the Environmental Planning & Assessment Regulation) up to a maximum of \$25,000, as an integral part of the development.*

*Details of the nature, form, location and size of the proposed public art must be submitted for approval to Council before it is submitted as part of the construction certificate documentation and must include details indicating that the proposed public art:*

- (a) Is permanent and durable;*
- (b) Is in location on the development site that is freely accessible to members of the public or clearly visible from the public domain; and*
- (c) Demonstrates that it meets the following Design Selection Criteria:*
  - (i) relevance and appropriateness of the work in relation to its site;*
  - (ii) relevance and appropriateness of the work to Byron Shire, including the Shire's Aboriginal heritage, its particular natural environment and its diverse culture;*
  - (iii) consistency with the Byron Shire Cultural Plan and Public Art Policy;*
  - (iv) consideration of public safety, including public use of and access to the public art and associated space;*
  - (v) consideration of maintenance and durability, including potential for vandalism;*
  - (vi) evidence of funding sources and satisfactory budget, including provision for ongoing maintenance; and*
  - (vii) evidence of Public Liability Insurance to cover construction and installation of the work*

*The plans and specifications to accompany the construction certificate application are to include the Council approved Public Art Plan.*

The assessing officer seeks feedback from the Public Art Panel to enable the Planning Services Team to approve the public art plan for the purposes of satisfying the above condition for a Construction Certificate to be issued.



The public art proposal for the hotel development at 4 Marvell Street, Byron Bay is attached for consideration by the Public Art Panel (#E2020/38948).

**Financial Implications**

5 N/A

**Statutory and Policy Compliance Implications**

10 Development consent 10.2017.588.1 and conditions granted by the NSW Land and Environment Court on 27 June 2019 are pursuant to the Environmental Planning and Assessment Act 1979; Environmental Planning and Assessment Regulation 2000; and the applicable provisions under the former DCP 2019 Chapter 8 Public Art (#E2018/27657).

## HARLEY GRAHAM ARCHITECTS

144 Jonson Street, Byron Bay | PO BOX 1265 NSW 2481

T: 02 6680 9690 | E: [office@harleygraham.com](mailto:office@harleygraham.com)

Public Art Plan	
Date of Issue	26.05.20
Attention	Byron Shire Council – Patricia Doherty
Issued	Via email
Project	Marvell Hotel
Address	4 Marvell St, Byron Bay. Lot B DP325834.
DA	DA 10.2017/588.1 – Consent condition 29

## 1. Introduction

The property at 4 Marvell St, Byron Bay obtained planning approval in 2019 via DA 10.2017/588.1 for a multi-storey mixed-use development. DA Condition 29 requires a Public Art Plan to be approved by Council prior to the issuance of the Construction Certificate. The Plan is to demonstrate that what is being proposed satisfies:

- Byron DCP Chapter D8 Public Art – specifically, Section D8.1.1 and D8.2.1 (noting that the relevant Public Art policy applicable is that which was relevant at the time of the DA consent)
- the Design Selection Criteria as noted in DA Condition 29(c)

In many respects these two documents repeat the aims and selection criteria, and so to avoid repeating the response, this Plan references back to earlier sections within the Plan where appropriate.

## 2. Byron DCP Chapter D8.1.1 – Aims of the Chapter (Section 5)

### 5. To facilitate the provision of public art through the development process that:

#### a) Respects and enhances the identity and sense of place.

The proposed development comprises a boutique accommodation hotel over three levels with the ground floor comprising hotel lobby, manager's residence, retail and restaurant. An important element to the design is the public realm that will connect Marvell St (to the north) with Marvell Lane (to the south). This "laneway" will become a distinct feature of the development, with the hotel lobby, restaurant and retail all with frontage to this public space. There will be two distinct features to this space – (a) the extensive use of gardens that will soften the built form; and (b) the proposed public artwork. It is proposed that the artwork will be located at the beginning (and busiest) of the public corridor on the Marvell St side. The artwork location is therefore integral to our public space and enhances the identity and sense of place for the public.

#### b) Reflects the cultural diversity of the community.

Byron has a strong focus on cultural diversity and the artwork proposed will enhance an aspect of this. As a Hotel, it is important that the artwork is not only welcoming to the diverse backgrounds of its visitors but also imparts a strong sense of place. A key drawcard to the region is the beautiful and unique landscapes and this will be the central theme of the artwork.

#### c) Respects the history of the place and community.

Respect for history of place and community will be embedded into the artwork through references of the natural subtropical landscape. This landscape of the region has always supported, nurtured and inspired the Bundjalung and Arakwal people. It is now an inspiration and an attraction to a new community who learn to live with, respect and care for the environment of the Byron Bay Region. The artwork will reference local botanic species reflecting through an abstract interpretation of the textural bushland of the region.

## HARLEY GRAHAM ARCHITECTS

144 Jonson Street, Byron Bay | PO BOX 1265 NSW 2461

T: 02 6680 9690 | E: [office@harleygraham.com](mailto:office@harleygraham.com)

### 3. Byron DCP Chapter D8.2.1 – Prescriptive Measures

**1. Development to which this Section applies must include the provision of public art to the value of at least 2% of the total development cost (calculated in accordance with the Environmental Planning & Assessment Regulation) up to a maximum of \$25,000, as an integral part of the development.**

DA Condition 29 repeats the same condition as noted above. The estimated cost of the artwork proposed will equate to the maximum noted in this condition.

**2. In lieu of providing public art, the applicant could enter into a Voluntary Planning Agreement with Council to provide an equivalent financial contribution for the installation of public art in a suitable location**

The Applicant has elected to have the public art located at the subject property.

**3. The public art must be permanent and durable and must be provided in a location on the development site that is freely accessible to members of the public or clearly visible from the public domain.**

Refer also to Section 3(5e). The proposed artwork will be permanent and durable, a concrete work of art - custom crafted tiled wall. To ensure durability, the tiles will have a sealer applied at the time of manufacture. As part of the maintenance for the artwork, ongoing cleaning of the wall will be incorporated into the hotel's maintenance plan. The external areas around the hotel will be sufficiently lit and will have a high frequency of people moving through the space providing good visibility, in turn deterring the potential for vandalism of the work. The location of the art will be at the entry of the public laneway and will be highly visible to pedestrians. Refer to the attached Location Plan.

**4. Details of the proposed public art must be submitted as part of the Development Application documentation. The documentation must include details of the nature and form of the proposed public art; and must define and illustrate its intended location and approximate size.**

The artwork will be presented as a concrete tile work of art that is custom crafted and applied to the fire pump room wall on the Marvell St boundary. The artwork will be located at the entrance of the public walkway that connects begins on Marvell St. Refer to the attached Location Plan & 3D renders.

The size of the proposed painting on the fire pump house will be approximately w5800 x h2600mm.

The artist – Belinda Smith – has provided the following commentary on the detail and form of the proposed art:

*Belinda Smith makes public artworks lead by curiosity and research. Narratives of environment, anthropology and history are interwoven to create outcomes unique to each project. The artwork for Marvell Hotel explores the region's botanical diversity and links to its location.*

*The artwork will draw reference from local plants, local culture and the antiquated customs of place naming. A custom crafted concrete tile panel will be created that will be molded and cast. An abstract repeat pattern - these textural and tactile tiles will be installed on the wall that welcomes people into the public corridor of the hotel.*

**5. The documentation must also demonstrate how the proposed public art meets the following Design Selection Criteria:**

**a) relevance and appropriateness of the work in relation to its site;**

Refer to Section 2(5a) above.

**b) Relevance and appropriateness of the work to Byron Shire, including the Shire's Aboriginal heritage, its particular natural environment and its diverse culture;**

Refer to Section 2(5b and c) and Section 3(4). In addition to these comments, the artist has provided the following commentary that explains how these art pieces will compliment the natural environment and cultural heritage:

The artwork will draw upon the local botanic species in an abstract repeat pattern and will celebrate the land in which we coexist.



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**c) Consistency with the Byron Shire Cultural Plan and Public Art Policy;**

The design proposal will address the Public Art Strategy, Cultural Plan & Public Art Policy objectives by providing the highest possible standard of work, enhancing the cultural richness of the Byron shire while addressing an appropriate budget, function, social impact and longevity of the artwork.

**d) Consideration of public safety, including public use of and access to the public art and associated space;**

As the works are proposed to be alongside the eastern wall of the pump room building (that is separate from the main building), the need for extensive scaffold or separation is less of an issue. The associated space where the artwork will be undertaken, will have safe access around the artwork via the public space corridor. During the installation and curing process of these tiles, there will be signage and pedestrian barricades as required and barriers in front of the wall.

**e) Consideration of maintenance and durability, including potential for vandalism;**

Refer also to Section 3(3). The artworks will be installed with a tilers glue. The pump room wall can be accessed from the ground level with higher areas accessible by ladder. The installation will take approximately 1 week in total to complete.

As part of the maintenance for the artwork, ongoing cleaning of the wall will be incorporated into the hotel's maintenance plan. The artist will provide a maintenance manual for ongoing care of the artwork. The art pieces are located at street level and in the public domain. As such, the risk of vandalism is limited by the public space, public lighting, and given the ground level comprises a hotel lobby, restaurant and shops, all of which will be busy enough to discourage graffiti. Moreover, the hotel has a manager's residence at ground level, which will add to the security. As both entries from either end of the public lane are the principal points of access to the hotel, it is naturally in the interest of the hotel management to have this art work in excellent condition.

**f) Evidence of funding sources and satisfactory budget, including provision for ongoing maintenance;**

The artwork will be incorporated into the project tendering phase and will be included in the chosen builder's quote. The funding of the artwork will be in line with the funding of the entire development – being a mix of owner's equity and bank construction funding. There is no partnerships or collaborations with this particular art project.

Timing for the art work will naturally be towards the final weeks of the building cycle and during the end of the fit out stage, in order to protect the art work and the immediate workplace surrounding the art work.

Ongoing maintenance will occur within the bounds of the Hotel annual budget and maintenance program.

**g) Evidence of Public Liability Insurance to cover construction and installation of the work. A certificate of currency should be attached to the public art plan submission.**

- The artwork will be incorporated into the project tendering phase and will be included in the chosen builder's quote.
- Insurance for the work will be covered by the builder's public liability insurance over the site.
- Evidence of public liability insurance is not possible at this time as the project has not been awarded to a contractor.
- Attached is a copy of the Public and Products Liability Insurances from the proposed artist.

## 4. DA Condition 29(c) - Design Selection Criteria

**i. Relevance and appropriateness of the work in relation to its site.**

Refer to Section 2(5a) above.

**ii. Relevance and appropriateness of the work to Byron Shire including the Shire's Aboriginal heritage, its particular natural environment and its diverse culture**

Refer to the following above Sections – Section 2 (5b) and (5c); and also Section 3(4) and Section 3(5b).

**iii. Consistency with the Byron Shire Cultural Plan and Public Art Policy**

Refer to Section 3(5c).

**iv. Consideration of public safety, including public use of and access to the public art and associated space**

The associated space where the artwork is to be installed, will have safe access around the artwork via the public space corridor. As this is a sculptural piece of concrete tiles, there will be barriers installed during the installation and curing period. Also refer to the above Sections – 2(5a); 3(3); 3(5d)

**v. Consideration of maintenance and durability, including potential for vandalism**

3

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- The proposed artwork will be permanent and durable, being fixed concrete tiles to a proposed pumphouse wall. Refer to Section 3(3) and 3(5e).
- As part of the maintenance for the artwork. Ongoing cleaning of the wall will be incorporated into the hotel's maintenance plan. The external areas around the hotel will be sufficiently lit and will have a high frequency of people moving through the space providing good visibility, in turn deterring the potential for vandalism of the work. Also refer to Section 3(5e and 5f).

*vi. Evidence of funding sources and satisfactory budget, including provision for ongoing maintenance*

- Funding source / budget – refer to Section 3(1) and 3(5f)
- Ongoing maintenance – refer to Section 3(5f)

*vii. Evidence of Public Liability Insurance to cover construction and installation of the work*

- Refer to Section 3(5g)

Prepared by:

Harley Graham Architects / Magnate Developments

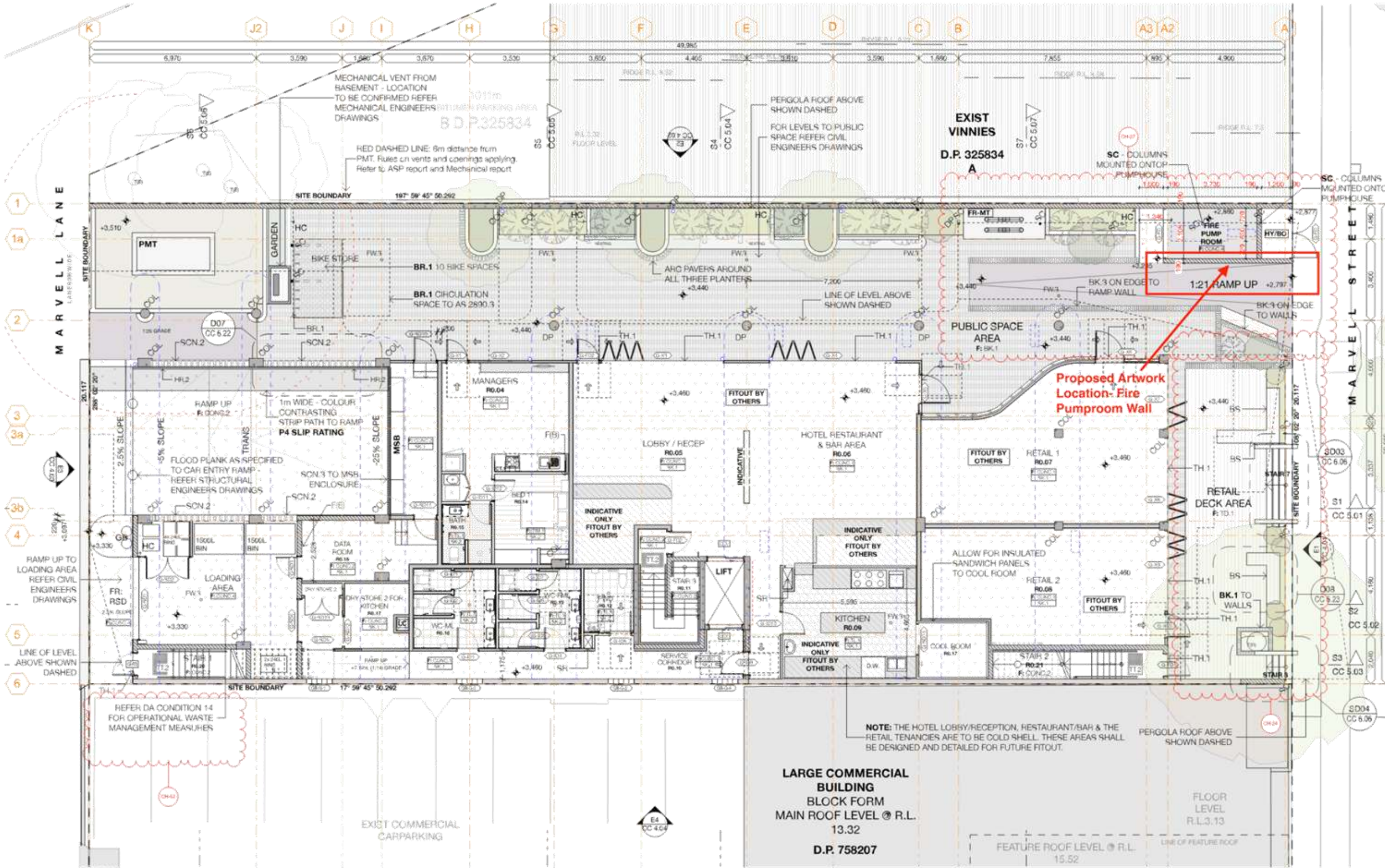
**ATTACHMENTS:**

**1. Ground Level Plan Highlighting Artwork Location**

**2. Artwork Proposal - Belinda Smith - Marvell St**

**3. Insurance Certificate**





**01 FLOOR PLAN - GROUND**  
Scale 1:100

**HARLEY GRAHAM ARCHITECTS**  
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P: 02 69809820 | T: 02 69809900 | E: office@harleygraham.com  
ABN: 95158249009 NSW 7802

All building works to be carried out in accordance with the Building Code of Australia (BCA) and to the satisfaction of the principle certifying authority. Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication. Figured dimensions take precedence - do not scale.

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Marvell Street Hotel	
JOB NAME	
HGA180	TG
JOB NO.	DRAWN

HG	1:100
APPROVED	SCALE
PAPER	A2

SHRIT TITLE	GROUND FLOOR PLAN_T5
DWG NO.	CC 2.02
STATUS	FOR TENDER
REV	T5









## Introduction

Belinda Smith makes public artworks lead by curiosity and research. Narratives of environment, anthropology and history are interwoven to create outcomes unique to each project.

Informed by the research - initial ideas are explored in a lo-fi craft based way using familiar materials such as textiles, paper, clay or timber maquettes. Material, art production and fabrication techniques are selected specifically to reinforce the artworks meaning and purpose. Across a range of large and small commissions various materials have been used such as ceramic, metal, stone, wood, and and textiles.

Public art commission highlights include *Navigating Culture* 2019 Marrickville, *This Noble Tree* 2017 Toowoomba Library, *History Gates* 2014 King Abdulaziz Center for World Culture Ithra Saudi Arabia and *One Lux* 2017 Chengdu, China.

Based in Northern New South Wales she co-founded Plummer & Smith in 2012 with Landscape architect, Dan Plummer. Together they have established a cross discipline and collaborative partnership deliberately crafting outcomes specific to each site and project.



*Faraway, here* 2010



*Onwards Upwards* 2009



*Mt Warning Residence* 2014

Belinda Smith | PLUMMER & SMITH



## Marvell Hotel - Artwork location



*Indicative artwork for Marvell Hotel*

*The artwork for Marvell Hotel explores the region's botanical diversity and links to its location.*

*The artwork will draw reference from local plants, local culture and the antiquated customs of place naming. A custom crafted concrete tile panel will be created that will be molded and cast. An abstract repeat pattern - these textural and tactile tiles will be installed on the wall that welcomes people into the public corridor of the hotel.*



## Marvell Hotel - Artwork palette



*Textural and colour inspiration will be taken from the Byron Bay environment and in particular the wetland landscapes and plant species.*

**PLUMMER & SMITH PTY LTD**

Upstairs, 85 Main Street, Murwillumbah  
New South Wales, 2484  
PO Box 204, Murwillumbah, NSW 2484

Belinda Smith  
belinda@plummerandsmith.com.au  
0438 668 016

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

## 4.3 - ATTACHMENT 1



1 April 2020

To Whom It May Concern

A division of  
**Jardine Lloyd Thompson Pty Ltd**  
ABN 69 009 098 864

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**Certificate of Currency**

**Our Ref 051-NAVA-029602**

<b>INSURANCE CLASS</b>	Public & Products Liability	
<b>INSURED NAME</b>	National Association For The Visual Arts Ltd on behalf of listed <b>Premium Plus members</b> <b>This certificate is to be read in conjunction with the</b> <b>confirmation of Membership issued by NAVA</b>	
<b>POLICY EXPIRY DATE</b>	30 April 2021	
<b>SITUATION</b>	Worldwide excluding USA & Canada	
<b>INTEREST</b>	Legal liability to third parties for Injury and/or Damage to Property caused by an occurrence in connection with the Insured's business	
<b>LIMIT OF LIABILITY</b>	Public Liability	\$20,000,000 any one occurrence
	Products Liability	\$20,000,000 any one occurrence and in the aggregate any one Period of Insurance
	In the event that any one Period of Insurance exceeds twelve months then the aggregate limit of liability shall be deemed to apply separately to each twelve months period or part thereof.	
<b>SUB-LIMITS OF LIABILITY</b>	Property in Your Physical or Legal Control	\$250,000
	Professional Indemnity	\$5,000,000
	Tenants Liability	\$10,000,000
<b>DEDUCTIBLE/EXCESSES</b>	The insured shall bear the first \$250 of each and every Property Damage claim or series of claims arising out of any one Occurrence.	
	All indemnifiable liability attributable to one source or original cause shall be deemed one Occurrence for the purpose of the application of the above deductible.	



Page: 2

**POLICY WORDING  
AND CONDITIONS**

Underwriters' Broadform Liability Wording – policy wording  
QBE Insurance (Australia) Limited Broadform Liability policy  
(QM2441-1109).

**Endorsement Professional Indemnity:**

Attaching to policy wording QM2441-1109: -

**AMENDMENT TO PROFESSIONAL LIABILITY EXCLUSION**

**1. EXCLUSIONS at 3.14 Professional Liability**

Page 13

Exclusion 3.14. Professional Liability amended to read as follows:

Liability to pay Compensation for the rendering of or failure to render professional advice or service by You or any related error or omission connected therewith, but this Exclusion does not apply to:

(a) Personal Injury or Property Damage arising from such rendering or failure to render professional advice or service, providing such professional advice or service is not given for a fee;

(b) Personal Injury and/or Property Damage arising from the rendering or failure to render professional medical advice by Medical Persons employed by You to provide first aid and other medical services on Your premises;

(c) personal injury or property damage arising from the provision, production or tendering of art works'.

Additional endorsements

**BREACH OF CONDITIONS - SEVERABILITY**

A breach of, or failure to observe and fulfil the terms and conditions of this policy by any party comprising the Insured shall not prejudice the rights of the remaining parties comprising the Insured.

BELOW ENDORSEMENT APPLIES TO ANY EXHIBITIONS TO BE  
DONE IN THE USA BY MEMBERS UP TO 1 MONTH IN DURATION

**UNITED STATES OF AMERICA AND/OR CANADA EXPORTS  
ENDORSEMENT**

**2. Definitions at 2.7 Geographical Limits**

**H40 NORTH AMERICA EXPORTS ENDORSEMENT**

The following amendments are made to the Policy:

1. Geographical Limits Definition 2.7 is deleted and replaced with:

Anywhere in the world subject to additional Exclusion -  
Territorial Limits

Page: 3

2. The following additional Exclusion - Territorial Limits is added to the Policy:

(a) claims made or actions instituted within any Country, State or Territory (outside Australia) where the laws of that Country, State or Territory require insurance to be effected or secured with an insurer or organisation licensed in that Country, State or Territory to grant such insurance;

(b) claims made and actions instituted within North America or any other Territory coming within the jurisdiction of North America;

(c) claims and actions to which the laws of North America apply.

Provided that Exclusion (b) and (c) do not apply to:

(d) claims and actions arising from the presence outside Australia or any of Your Employees and/or directors or partners who are normally resident in Australia and who are not undertaking manual work or supervision work of any kind while in North America;

(e) claims for Personal Injury, Property Damage or Advertising Liability caused by or arising out of Your Products exported by You or on Your behalf to North America.

The Excess applying to Cover granted by this Endorsement is \$10,000 any one Occurrence (inclusive of 1.3. Supplementary Payments)

INSURER	PROPORTION	POLICY NUMBER
QBE Insurance (Australia) Ltd	100.000%	ATA172000PLB-APR

This certificate of currency provides a summary of the policy cover and is current on the date of issue. It is not intended to amend, extend, replace or override the policy terms and conditions contained in the actual policy document. This certificate of currency is issued as a matter of information only and confers no rights upon the certificate holder. We accept no responsibility whatsoever for any inadvertent or negligent act, error or omission on our part in preparing these statements or in transmitting this certificate by email or for any loss, damage or expense thereby occasioned to any recipient of this letter.

Yours sincerely,



Stavroula Richards  
Account Executive