

Notice of Meeting

Arts and Creative Industries Advisory Committee Meeting

An Arts and Creative Industries Advisory Committee Meeting of
Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 June 2022
Time	2.00pm

Esmeralda Davis
Director, Corporate and Community Services

I2022/751
Distributed 23/06/22



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)

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
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. STAFF REPORTS

General Manager

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**Report No. 3.1 Sandhills skate park and recreation precinct
- art and cultural features**

5 **Directorate:** General Manager

Report Author: Claire McGarry, Place Manager - Byron Bay

File No: I2022/728

Summary:

10 This report relates to the arts and cultural features of the Byron skate park and recreation precinct, which begins construction in August 2022.

RECOMMENDATION:

15 **That the committee notes the arts and cultural features which have been commissioned for the Byron skate park and recreation precinct.**

BYRON SHIRE COUNCIL

STAFF REPORTS - GENERAL MANAGER

3.1

Byron Shire Council begins construction of a new Byron skate park and recreation precinct in August 2022.

5 The project is located at Sandhills Estate between the Library, the courthouse and the Youth Activity Centre (YAC). It will create a public space that combines ecological and cultural value with circulation and recreation activities.

The skate park and recreation precinct will promote cross generational interaction and encourage use of an underutilised and neglected space.

10 The construction will be managed by CONVIC, world-leading skate park designers and builders. Council staff and the CONVIC design team have been working with local Arakwal artist, Nickolla Clarke, to integrate artwork and cultural interpretation into the design, including:

- Painted pavement artwork that references the creek and wetlands that are culturally significant to the site
- 15 • Culturally significant planting and bush tucker signage depicting cultural language, illustrations and descriptions
- Laser cut corten panels on the amenities building

Construction is due to be completed in summer 2022/23.

If they are finalised, Council staff will bring the artwork designs to the meeting so the panel can view them.

20 **Consultation and Engagement**





This project is the next major project to be delivered from the Byron Masterplan. It has been guided by the Byron Masterplan Guidance Group and a local skate committee which were established prior to the location being chosen and participated in design workshops with CONVIC. Previously, artwork concepts were taken to the Public Art Panel.

Report No. 3.2 Review Constitution of Arts and Creative Industries Advisory Committee

5 **Directorate:** Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

File No: I2022/581

Summary:    

10 Attached is the draft Constitution for the Arts and Creative Industries Advisory Committee, for the Committee’s review and recommendation for adoption.

RECOMMENDATION:

15 **That the Arts and Creative Industries Advisory Committee recommends to Council to adopt the Constitution at Attachment 1 E2021/150507**

Attachments:

20 1 DRAFT Arts and Creative Industries Advisory Committee Constitution 2022, E2021/150507 , page 10 [↓](#)

Report

5 The draft Constitution is attached for the Committee’s review and endorsement, following Resolution 22-026 that resolved to establish an Arts and Creative Industries Advisory Committee to replace the Public Art Panel.

Resolution 22-098 appointed eight community members to the Committee.

For the Committee’s noting, future meetings are scheduled for 2pm on 15 September 2022 and 20 October 2022.

Strategic Considerations

10 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	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	2.1.3.3	Support the ongoing operations of the Lone Goat Gallery
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	2.1.3.4	Provide information and advice to internal and external stakeholders to support Arts and Cultural Development.
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	2.1.4: Support Aboriginal cultural vibrancy within the Shire	2.1.4.1	Support cultural expression and cultural restoration opportunities

Recent Resolutions

- 22-026: Advisory Committee Structure and Determination of Councillor Representatives
- 5 • 22-098: Appointment of Community Representatives to Advisory Committees
- 22-010: Arts and Creative Industries Summit

Legal/Statutory/Policy Considerations

Not applicable

Financial Considerations

10 Not applicable

Consultation and Engagement

Not Applicable



BYRON SHIRE COUNCIL

ARTS & CREATIVE INDUSTRIES
ADVISORY COMMITTEE

CONSTITUTION

INFORMATION ABOUT THIS DOCUMENT

(INTERNAL USE ONLY)

Date Adopted by Council	20 January 2022 (TBC)	Resolution No.	TBC
Responsibility	Manager Social and Cultural Planning		
Review Timeframe	Each Term of Council		
Last Review Date:	December 2021	Next Scheduled Review Date	December 2024

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
E2016/82177	29/9/2016	Previously Public Art Advisory Panel - Constitution as adopted by Council 29/9/16
E2017/14185	28/2/2017	Previously Public Art Advisory Panel - As per resolution 17-048 change in membership
E2021/150507	3/02/2022	Replace Public Art Advisory Panel with Arts and Creative Industries Committee - As per resolution 22-026

Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993)
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice Guide to Operations – Advisory Committee and Panels (E2016/85075)
Related Procedures/ Protocols, Statements, documents	Arts and Culture Policy Festivals and Events Policy Public Art Policy Public Art Guidelines and Criteria Public Art Strategy Community Strategic Plan – Our Byron, Our Future Development Control Plan Disability and Inclusion Action Plan

Constitution: Arts and Creative Industries Advisory Committee

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Constitution: Arts and Creative Industries Advisory Committee

1. Preamble

The Arts and Creative Industries Committee members represent the community in an advisory role to Council.

The Committee provides specialist advice, knowledge and diverse perspectives about creative practice, arts and cultural activities to Council on matters relevant to this Constitution.

2. Purpose

The purpose of the Arts and Creative Industries Committee is to:

- a) Provide expert advice and guidance to Council on matters relating to arts, cultural, and creative industries development.
- b) Contribute to Council's broad strategic directions and provide recommendations into policy development related to the artistic and creative industries in Byron Shire.
- e) Provide feedback on relevant planning documents and support Council to meet the expectations of the Byron Shire Community.
- d) Provide input and make recommendations as required on public art: policy, commissioning, projects, donations, Development Control Plan initiated public art and acquisitions.
- e) Provide input and make recommendations as required on arts, creative industries and cultural projects, programming and proposals.

3. Timeframe for Committee

The lifespan of the Arts and Creative Industries Committee is for the term of Council 2022-2024.

4. Responsible Directorate

This Committee is administered by the Corporate and Community Services Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

Council must appoint all Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Council may release individual members from the Committee at any time by a resolution of council. Council may also appoint any new members to a Committee at any time by a resolution of council.

Members will be selected because they have a broad base of experience and/or expertise in one or more of the following areas of

- The arts including performing arts, screen, visual arts, literature and multi-arts.

Constitution: Arts and Creative Industries Advisory Committee

- Creative industries professionals (including curators, designers, producers, public art professionals and other creators)
- Design related fields (Architecture, Urban Design, Landscape design, etc)
- Arts and Cultural sector development

Membership is to include:

- 3 Councillors (and one alternate)
- Community representatives with experience and/or expertise as outlined above
- A Bundjalung arts representative
- General Manager (or staff member delegate)

Council may invite specialist experts to join the meeting, as needed for specific matters.

Note: Staff members or guest experts participating on the Committee do not have any voting entitlements.

6. Induction

All members will be required to participate in an induction process at the establishment of a new Committee, and at any time a replacement voting member joins a Committee. The induction will be scheduled prior to the first meeting of the Committee and will cover topics such as this Constitution, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

Replacement voting members will be inducted by experienced Committee members at, or prior to, their first meeting.

7. Quorum

A quorum is to constitute at least half the number of members, two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Committee meeting and is not counted in the quorum for the meeting.

8. Confidentiality

Members of the Committee will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

9. Election of Chairperson

The position of Chairperson is to be elected from Councillors comprising the Committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

10. Voting

- a) Each member of the Committee (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.

Constitution: Arts and Creative Industries Advisory Committee

- b) Members of the Committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

11. Majority Decision

A majority decision of the Committee requires a majority of elected members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

12. Convening Meetings

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance and adopted by Council for the following 12 months.

A meeting of the Committee may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

13. Agenda Preparation

It is the responsibility of the Chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

For some matters, it will be necessary to attach other relevant information to the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

Committee members may request items for inclusion in future agendas, through the Chair.

14. Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

15. Records of meetings

- a) The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the Chair on the draft unconfirmed minutes.
- b) Any recommendation of a Committee that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Committee, and the staff report will include as an attachment, a copy of the minutes of the Committee meeting at which the recommendation was made.

Report No. 3.3 Arts and Culture Overview

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Officer

File No: I2022/582

5 **Summary:**

This report provides an introduction and update on key arts and cultural priorities across Council including the proposed development of an Arts and Culture Strategy/Action Plan.

10

RECOMMENDATION:

1. That the Arts and Creative Industries Advisory Committee notes the report.

15

Report

Information/Background:

5 Byron Shire Council recognises creativity as a defining characteristic of our community. Council is committed to fostering and advocating for our unique creative and cultural industries from grassroots events and practitioners to world renowned artists and creatives, events, and projects.

10 Byron Shire Council is developing an Arts and Culture Strategy to guide and prioritise future involvement and investment in arts and cultural activity.

During community consultation for the development of the Arts and Culture Policy 2020 the Community said they wanted to:

- 15
- become the artistic and creative capital of Australia,
 - become a beacon for environmentalism, home to an eco-literate arts community,
 - maintain village precincts with a strong community atmosphere,
 - increase recognition of Aboriginal culture,
 - increase support for arts and culture,
- 20
- increase and improve cultural spaces, opportunities for collaboration and to work towards dedicated multipurpose arts and culture facility.

25 Council aims to foster cultural activity that reflects our community by empowering and enabling local creatives and organisations. Council also aims to embed arts and cultural best practice across all Council projects. There are limits to Council's responsibilities and in some cases the role of supporting professional practice is played by specific regional, state or federal government arts agencies.

With limited budget allocations and competing demands, it is critical to prioritise expenditures for strategic investment in the arts.

30 **Examples of how Council currently supports the Arts and Creative Industries**

Grants

Grant funding for community driven artistic projects, events, interventions, activations, and temporary public art.

Infrastructure/Spaces

Subsidised spaces for creatives to develop and present their work. Council managed Lone Goat Gallery offers professional exhibition space and other rental subsidies are offered for Community Halls and cultural spaces.

Public art

Management of Council and community initiated public art; public art triggered through the DCP; and Council-led master planning and public space development.

Festivals and Events

Support for festivals through the Events team and various departments including approvals, technical advice planning support and waste services.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

3.3

Arts Northern Rivers Advice & Support

Council provides financial support of Regional Arts Board Advice and support for arts and cultural projects, artists and events, and creative businesses.

Placemaking, Planning, Regulatory, Advocacy

Place planning, creative activation and master-planning Approvals, advice, and licensing. Liaison with government and other agencies.

Arts and Culture Strategy Discussion Paper

5 In 2020 Byron Shire Council conducted significant community consultation to develop an Arts and Cultural Policy (E2020/69370). Detailed community feedback and comment was received. Included in the feedback was the desire for a more specific action-focused document or strategy, as well as the initiation of an Arts and Culture Officer role in Council to provide arts and cultural expertise.

10 Council resolved (Res 18-256) that a report be prepared outlining the process and associated costs to develop an Arts and Cultural Strategy. The report costed this project at \$60,000 – \$100,000 in 2018 (I2018/1066). Following this, Councillors voted to develop an Arts and Cultural Strategy (Res 21-542) however no associated funds were allocated.

15 A draft Arts and Cultural Discussion Paper has been prepared and will be used to inform the strategy. This draft document has been informed by existing community consultation, internal engagement with staff and can be used as a starting point to seek further feedback from Councillors, the Arts and Creative Industries Committee, and community. This Discussion Paper will be presented to Councillors at the August SPW and the next Arts and Creative Industries Committee Meeting.

Arts and Creative Industries Summit

20 Recently Councillors supported a NoM to hold an Arts and Creative Industries Summit prior to the development of the Arts and Culture Strategy. Whilst this could happen, staff recommend focusing on the development of the Strategy so that the Summit can be used as an opportunity to lobby State Government for buy-in and potential resourcing of actions.

25 Arts Northern Rivers, the Regional Arts Board, have recently received recovery funding to conduct an Arts and Creative Industries Recovery Summit on 28 and 29 July 2022. The outcomes of the Regional Summit can inform any future consultation and potential Summit.

Role of Arts and Creative Industries Advisory Committee

30 In previous Council terms, Councillors established a Public Art Panel to advise Council on Public Art related matters. This term the Panel has not been reinstated and the Arts and Creative Industries Advisory Committee has been established with a broader remit. The role of this new Committee will be discussed through the review of the draft Constitution.

Given the broader remit of the new Committee it is recommended that the Festivals and Events Team Leader is added to the Membership of the Committee and attends meetings without voting rights.

Assessment of Development Control Plan (DCP) initiated Public Art

In the previous term of Council, Development Control Plan (DCP) Public Art Plans associated with developments were assessed by the Public Art Panel against the requirements outlined in the DCP.

- 5 Due to unmanageable delays, Council will trial a new method of assessing Public Art Plans via an internal reference group which will include: the relevant Planner and Development Engineer, the Arts and Culture Officer, the Team Leader Open Spaces and a Place Planner, if required.

- 10 Public Art Plans will also be shared via email with the Arts and Creative Industries Committee who will have seven (7) days to provide direct feedback to planners in writing. Panel Members should familiarise themselves with the requirements outlined in the 2014 DCP Part D Chapter 8 – Public Art. [Development Control Plan 2014 - Byron Shire Council \(nsw.gov.au\)](http://www.nsw.gov.au)

Strategic Considerations

- 15 **Community Strategic Plan and Operational Plan**

CSP Objective	CSP Strategy	DP Action	Code	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	Coordinate Council’s role in public art across policy and projects (Council and Community), the Creative Place Grant program and the Development Control Plan.
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	2.1.3.2	Initiate Arts and Culture Strategy

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

3.3

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	2.1.3.3	Support the ongoing operations of the Lone Goat Gallery
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	2.1.3.4	Provide information and advice to internal and external stakeholders to support Arts and Cultural Development.
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	2.1.4: Support Aboriginal cultural vibrancy within the Shire	2.1.4.1	Support cultural expression and cultural restoration opportunities

Recent Resolutions

- Arts and Cultural Strategy (Res 21-542)
- Arts and Culture Summit (Res 22-010)

Legal/Statutory/Policy Considerations

5 Financial Considerations

There is currently \$33,000 allocated to the Arts and Culture budget.

There is \$27,200 allocated to the Public Art budget. This includes an ongoing commitment of \$5,000 to the Annual Creative Public Spaces Grants.

Consultation and Engagement

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

3.3

Significant consultation was conducted for the development of the Arts and Culture Policy in 2020, including stakeholder workshops and citizen's lottery surveys.

Detailed written submissions were also received and reviewed.

5 This engagement along with desk-based research and broad staff consultation across directorates has informed the strategic direction of the arts and culture portfolio.

This work has also been supported through a workshop with the Public Art Panel on the Development Control Plan (DCP) in consultation with Planning Services representatives.