

NOTICE OF MEETING



PUBLIC ART PANEL MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 9 April 2020
Time	2.00pm

Vanessa Adams
Director Corporate and Community Services

I2020/518
Distributed 02/04/20

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

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 14 November 2019

4. STAFF REPORTS

Corporate and Community Services

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4.2	Update from Creative Mullumbimby - Mullumbimby Sculpture Walk.....	16
4.3	Public Art in development - 139 Jonson St Byron Bay	34

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Draft Public Art Annual Small Grants Program**Directorate:** Corporate and Community Services**Report Author:** Joanne McMurtry, Community Project Officer**File No:** I2020/177**Summary:**

Following Public Art Panel consideration of the strategic priorities in encouraging and enabling public art across the Shire at the 14 November 2019 meeting, a Draft Public Art Annual Small Grants Program has been developed and provided for consideration of the Panel.

The suggestion is made to allocate \$5000 per annum to this Program, awarding the funding to either one or two projects based on applications as assessed against the criteria.

The public art objectives and priorities are based on the Public Art Policy and the Public Art Strategy. The draft Program is based on Council's successful Community Initiatives Program with regard to eligibility and terms and conditions.

The Program would be advertised annually, with the Public Art Panel assessing the applications that progress through the initial compliance assessment.

RECOMMENDATION:

1. That the Public Art Panel provides any feedback to staff about the draft Public Art Annual Small Grants Program.
2. That the Public Art Panel recommends to Council to adopt the Public Art Annual Small Grants Program (incorporating feedback as per point 1) and prepare to advertise the first round.

Attachments:

- 1 DRAFT Public Art Annual Small Grants Program, E2019/91065 , page 7  

REPORT

Background

- 5 The Public Art Panel considered a report regarding a proactive approach to encouraging and enabling public art across the Shire in line with the current public art strategy including strategic priorities, budget planning and decision making considerations. An annual competitive grant process was identified as a strategic priority.
- 10 Council is often approached by community groups and artists with requests for financial and other support for projects such as local art events and temporary artworks, e.g. murals. These requests are not necessarily aligned with the priorities outlined in the Public Art Strategy and nor do they represent the geographical spread of locations within the Shire. Given the limited budget for public art and desire to improve both equity and outcomes, an annual competitive grant process is
- 15 considered as one way to improve outcomes for both Council and the community.

Key Considerations

- 20 The attached document proposes the draft program description, objectives, initial priorities, eligibility criteria and assessment criteria.
- The suggestion is to allocate \$5000 per annum to this Program, awarding the funding to either one or two projects based on applications as assessed against the criteria.
- 25 The public art objectives and priorities are based on the Public Art Policy and the Public Art Strategy. The draft Program is based on Council's successful Community Initiatives Program with regard to eligibility and terms and conditions.
- 30 The Program would be advertised annually, with the Public Art Panel assessing the applications that progress through the initial compliance assessment.

Anticipated Outcomes of the Program

- 35 1. Provide an equitable framework and process to assess a range of projects, public art-based events and small public art proposals for Council support, where there is currently no provision;
- 40 2. Provide an opportunity for community members/groups to strengthen links and increase community involvement in public art activities;
3. Target priority groups, areas and issues in alignment with Council and community goals;
- 45 4. Strengthen Council relationship with the artistic community in the Shire through engagement and recognising and valuing their participation in Council business; and
5. Increase the number and type of partnerships delivering public art projects in Byron Shire.

Program Evaluation

- 50 The program evaluation could include:
- Quality and number of activities delivered successfully;
 - Value for money;
 - Community feedback;

- Partnerships and support networks that are developed and encouraged through this process;
- Artwork that is created in a professional manner;
- Relevance and appropriateness of the work to the site;
- Improved image and perception of public art in the Shire; and
- Improved knowledge amongst the community of Council's support for public art in the Shire.

10 STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

15 *Legal/Statutory/Policy Considerations*

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

20 *Financial Considerations*

The draft public art budget allocation for 2020/21 is \$16,900 so if \$5,000 is allocated to the program for 2020-2021, this would leave \$11,900 for other Public Art activities.

It is anticipated the staff time associated with this project would be up to 30 hours depending on the number of applicants to the Program.

30 *Consultation and Engagement*

Community and Cultural Development Team
 Consultation was undertaken with key stakeholders in the development of the Public Art Strategy.

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DRAFT Public Art Annual Small Grants Program

Description

5 The annual Public Art Small Grants of up to \$5000 are available for community-driven public art-based projects. The grant may be allocated between a maximum of two projects to deliver one or more of the public art priorities listed below.

10 The program will offer Council support and financial assistance, with applications open June each year, subject to the adoption of the budget for the following financial year.

Public Art Objectives

15 On the application form, you will need to consider how your project:

1. Fits with the Public Art priorities (as outlined below);
2. Is well planned and has engaged all stakeholders;
3. Is developed and managed in a professional way (refer Public Art Guidelines for further information);
- 20 4. Involves or engages audiences in its development/ presentation (or both);
5. Is meaningful, aesthetically stimulating and site specific;
6. Demonstrates artistic excellence;
7. Communicates a theme that showcases local values; and
8. Supports local artists and creative individuals and organisations.

25 Projects that can identify a third party partnership in either supporting the project or assistance with the delivery of the project will be highly regarded.

Public Art Priorities for 2020

30 Your project needs to meet one or more of the following priorities from Council's Operational Plan and Public Art Strategy:

- Strengthens partnerships and collaborations within the community.
- 35 • Improves the knowledge and perception of public art in the community – for example, provides community based workshops/ other innovative engagement opportunities.
- Advances advocacy and education of public art, such as forums, workshops, mentoring and assisting artists to upskill in the area of public art.
- 40 • Generates temporary artworks including digital and virtual artworks and temporary placemaking/ community projects.
- Integrates art into public domains, such as seats, lights, banner poles, tree guards, paving, beach amenities (refer Public Art Strategy p28). Note these need to meet Australian Standards for safety.
- 45 • Uses the Value Driven Approaches outlined in the Public Art Strategy (p23-24) or similar for any proposed permanent artworks.

The Appendix to the Public Art Strategy outlines several innovative ideas for art forms and projects.

50

Assessment Criteria

When evaluating submissions for this program, Council will be looking for applications that demonstrate some of the following assessment criteria:

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Essential Criteria

- All items in the checklist and declaration (in the Application Form) are supported with appropriate attachments (note: incomplete applications will not be considered).
- 60 • The project is within the Byron Shire.

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- The project meets the public art objectives **and** one or more of the priorities listed above.
- The artwork/ project is of a high standard of artistic merit, technical and structural design, and execution.
- 5 • The artwork/ project location is appropriate and the relevant approvals are in place.
- Installation methodology is appropriately considered and outlined.
- The artwork/ project does not pose a safety risk and meets relevant building and safety standards.
- The artist demonstrates relevant experience and capacity.
- 10 • The installation and construction documentation of the project is appropriate.
- The timeline for the project is achievable.
- Maintenance of any permanent artwork fits within identified budgets.

Preferred Criteria

- 15 • Will involve community members in the project delivery.
- Has broad appeal including inter-generational and multi-cultural.
- Incorporates innovative ideas into the project.
- Shows income (cash and/ or in-kind) from sources other than Byron Shire Council.
- 20

What will *not* be funded

- Money for personal use, operational expenses, capital or equipment purchases.
- Public Art projects outside the Byron Shire.
- 25 • Ongoing or recurrent projects.
- Cash prizes or commercial gifts.
- Projects that have already been commenced (funds will not be supplied retrospectively).
- Any organisation or individual that has received public art funding from Byron Shire Council within the last twelve months.
- 30

Terms, Conditions and approvals process

- 35 Successful applicants will need to hold an ABN and will be required to have Public Liability insurance to the value of \$20 million.

Funding is allocated at the discretion of Council and subject to budgetary constraints. No application is guaranteed funding support.

- 40 Projects must be submitted on the Application Form provided, with supporting information attached if relevant (refer to the checklist in the application form). The following templates are provided and should be completed and submitted together:

- 45 1. Application Form
- 2. Risk Assessment

Each project will be evaluated based on the assessment criteria. Late or incomplete applications will not be considered. Projects must be completed within a 12-month timeframe.

- 50 Applicants can apply for one grant per funding round and have no outstanding grant acquittals or debts owing to Council. Applicants with limited financial means to access other sources of funding for the proposed project will be prioritised.

The closing date for this round is 4pm XXXXXX

55

An information Session will be held XXXXX

The Public Art Panel will assess the application against the criteria and make a recommendation to Council about the grant project proposal. If Council endorses the

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recommendation, the applicant(s) will be notified in writing that their project has been approved for grant funding.

- 5 • Once the project has been approved, work can commence.
- The grant will be paid in two instalments – one instalment at the commencement of the project, and one instalment at the conclusion of the project to the satisfaction of Byron Shire Council.
- An acquittal report will be required to receive the final instalment of funds which can be used to summarise the project, the purpose of the project, who was involved, the outcomes, how the money was spent and including at least one photo. (Draft acquittal form E2015/39672.)
- 10 • Projects will preferably be no longer than a maximum of 9 months duration, and need to be completed within twelve months of commencement.
- 15 Please note that unsuccessful applications may not necessarily be due to a poor application, but may be due to the competitive nature of the funding round.

Enquiries should be directed to Joanne McMurtry, Community Project Officer on 6626 7316 or via email jmcmurtry@byron.nsw.gov.au.

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Byron Shire Council

Public Art Annual Small Grants Program Application Form

All applications must be submitted on this form. (E2019/XXXX)

If you have insufficient space, please attach additional pages.

Please return to jmcmurtry@byron.nsw.gov.au by XXXX.

For further information please phone 6626 7316.

Public Art Project Name			
Date			
Name of Business or Organisation (if applicable)			
Contact Name			
Address			
Email			
Telephone		Mobile	
Public Artwork/ Project Description (limit 50 words)			
Location and construction			
Please list exact location/s, artwork materials and construction details, dimensions, estimated life of the artwork. Ideally include engineering advice, construction drawings and the installation methodology details.			

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4.1 - ATTACHMENT 1

Project Date/s

Project Methodology

A plan of your project which includes timelines, key milestones and outlines 'how' the project will be implemented.

Please outline how your project fits with the Public Art Priorities and Council's Plans.

How does your project meet the identified public art objectives listed below?

Please tick all that apply

☐ Includes collaboration with stakeholders and strengthens community relationships through partnering and/or engagement opportunities.

☐ Was developed and will be managed in a professional way using appropriate procedures and processes.

☐ Involves or engages audiences in its development/ presentation (or both).

☐ Artwork is meaningful, aesthetically stimulating and site specific.

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☐ Demonstrates artistic excellence.

☐ Art communicates a theme which showcases local values, social and cultural diversity, including respectful historical themes and/or Aboriginal cultural heritage

☐ Supports local artists and creative individuals and organisations is incorporated, assisting in building capacity of local artists, for example, providing mentoring opportunities for youth

Artist details (limit 200 words)

Please list the name of the artist overseeing the project, or artists involved, and give a brief overview of relevant experience in similar projects. Please attach as supporting information relevant examples of previous work of the artist/s that demonstrate experience in a similar project (No more than two pages or maximum 5 images per artist). You may also attach industry references or letters of support (maximum 3).

Artist Impression/ concept designs

Please provide photos/ drawings providing visual samples or concept designs of proposed work.

Maintenance Schedule

Please provide details of maintenance the artwork is likely to need once installed. For example, regular cleaning (with what), part replacements, inspection details. Please list details of any treatments, protection or coatings required or applied and the frequency of reapplication and the details of the recommended products.

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4.1 - ATTACHMENT 1

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4.1 - ATTACHMENT 1

Budget

	Income	Byron Shire Council funded	Other funding sources	Donations
1	Council grant funds			
2	Sponsorship/ partnership			
3				
4				
Total				

	Expenses	Byron Shire Council funded	Other funding sources	Donations
1	Example: Materials			
2	Artist fees			
3	Equipment hire			
4	Site preparation			
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
Total				

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4.1 - ATTACHMENT 1

Attachments checklist and Declaration

- ☐ I have read the Public Art Annual Small Grants Program guidelines.
- ☐ I understand the project must be completed within a 12-month time frame.
- ☐ I have obtained/ am seeking the necessary permission from the landholder, as follows:
 - ☐ I have received permission from the land owner (if other than Council) to install the proposed public art and I attach a copy of the written consent.
 - ☐ Through this application, I seek permission from Council for the public art project detailed in this form.
 - ☐ No landholder permission is required.
- ☐ I have completed all sections of the Application Form, including the budget template.
- ☐ A completed Risk Assessment is attached. All artwork in the public domain must undergo a risk assessment. If you require assistance in completing a risk assessment, please contact Council on the details provided.
- ☐ The project is auspiced by an organisation or individual that holds appropriate insurance. Public liability insurance Certificate of Currency is attached.
- ☐ Any photos/ drawings/ concept designs of the proposed artwork are attached.
- ☐ Examples of previous work of the artist/s is attached.
- ☐ Letters of support/ industry references are attached if relevant.
- ☐ Declaration below is signed.

Declaration

- 5 I certify that, to the best of my knowledge, the information in this document is true and correct.
I understand that I may be required to provide additional information if requested by Byron Shire Council.
I understand that Byron Shire Council may use the information in and attached to this document, including images.

Print name	
Signature	
Date	

PLEASE NOTE: INCOMPLETE OR LATE APPLICATIONS WILL NOT BE CONSIDERED

Report No. 4.2 **Update from Creative Mullumbimby - Mullumbimby Sculpture Walk**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/367

5

Summary:





10 This report seeks endorsement for the relocation of the *Immaculate Concept of the Mind* sculpture and provides an update from Creative Mullumbimby regarding further Ingenuity Festival sculptures.

15 The report also provides an update from Creative Mullumbimby regarding an intention to work with Council on a new MOU in relation to priority projects from the Mullumbimby Masterplan.

RECOMMENDATION:

That Council approves the relocation of *Immaculate Concept of the Mind* sculpture from Palm Park to Stan Robinson Park adjacent to the Council Chambers for a five year period, noting the costs of staff support for the move will be incorporated within existing budgets.

Attachments:

- 20 1 INGENUITY 2019 Report from Creative Mullumbimby, E2020/16056 , page 19 [!\[\]\(0f13e74bece43321be4542883500ac30_img.jpg\)](#) 
- 2 Public Art Asset Registration Immaculate Mind, E2020/15839 , page 28 [!\[\]\(c03b623d46cc76dcf514be21d5657bcb_img.jpg\)](#) 
- 3 Immaculate Mind - artist info, E2020/15840 , page 30 [!\[\]\(9b582d2186c14f6dce24c5f5c96007ca_img.jpg\)](#) 
- 4 Public Art Risk Assessment - Immaculate Mind, E2020/15842 , page 31 [!\[\]\(ead3e8215385dedb2c4415cc9e9b6f5a_img.jpg\)](#) 

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REPORT

Council entered into a Memorandum of Understanding with Creative Mullumbimby in May 2018 (Res 18-291). This report provides an update regarding the Ingenuity Festival sculptures and an intention to work with Council on a new MOU.

Ingenuity Festival sculptures update

Creative Mullumbimby has provided a report outlining the outcomes from Ingenuity Festival 2019 which is provided in the attachments.

Creative Mullumbimby reports that the *Echoes of Chincogan* artwork (previously known as Elevate) is a work in progress.

Immaculate Concept of the Mind

Creative Mullumbimby is seeking support to display this sculpture under loan. The information about the sculpture is contained in the first three attachments. It is a carved sandstone sculpture. It is currently displayed in the park at Brunswick Terrace and is proposed to be relocated to Stan Robinson Park adjacent to the Mullumbimby Council Chambers building. This relocation is supported in principle by the patron who financed the acquisitive loan prize and Council Open Spaces staff.

The artist would move the sculpture and has requested Council staff assistance with providing a concrete slab for the base and supervision and advice during the relocation.



Immaculate Concept of the Mind



Proposed location in Stan Robinson Park

Memorandum of Understanding

The existing MOU between Council and Creative Mullumbimby frames how both parties can work together in a way that is clearly outlined and achievable.

With the adoption of the Mullumbimby Masterplan, Creative Mullumbimby is commencing planning to deliver key projects arising from that process. They will be seeking a new MOU with Council to collaborate where possible on those projects.

Council has established a new Place Planning Collective (committee) and will have a Place Liaison Officer commencing early April to work on implementing Place Plans/ Master Plans with communities. The new MOU will sit within this context and there may be future reports to the Public Art Panel for any public artworks proposed or included in these plans.

5

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy
Community Objective 4: We manage growth and change responsibly	4.1	Support the visions and aspirations of local communities through place-based planning and management	4.1.1	Develop, implement and update Place Plans that promote place-based forward planning strategies and actions	4.1.1.3	Early delivery of Our Mullumbimby Masterplan through seed funding activation project

10

Legal/Statutory/Policy Considerations

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

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Reviewed by Legal Counsel: ☐

Financial Considerations

20

An existing concrete slab has been identified as appropriate for the sculpture relocation. The slab was surplus to existing needs and has been made available at no cost. The Open Spaces team will transport the slab and install the sculpture. The estimated cost of \$250 will be incorporated into the existing Open Spaces budget.

25

Sculpture transport and related costs will need to be organised independently by Creative Mullumbimby.

Reviewed by Manager Finance: ☐

30

Consultation and Engagement

Open Spaces Team
Creative Mullumbimby have undertaken their own consultation.

35

Creative
MULLUM

INGENUITY 2019

REPORT ON THE CREATIVE MULLUMBIMBY INGENUITY FESTIVAL 2019



The Ingenuity Festival is an annual sculpture festival held along the Mullumbimby Sculpture Walk in Palm Park. With a focus on art, site specific to this place and this community of Mullumbimby, it fosters inventive and responsive creativity. The fest showcases professionals and non professionals alike, from across the Northern Rivers. It celebrates traditional and contemporary knowledge and art, promotes community input into publically presented sculpture, whilst advocating for a sustainable future.



INGENUITY 2019

Ingenuity 2019 was held between the 13th and the 24th of November. The festival included 34 pieces including permanent and temporary works along with an additional 20 pieces in a smalls gallery. For the first time the festival ran for an extended period of time outside the Mullum Music Festival. The Festival included an after hours program with lighting and an interactive work by Alex Moss. The festival has evolved three strands of inclusion.

- A curated program of selected sculptural and place making installations by professional artists and regional emerging artists.
- A Small Gallery allowing participating artists to also exhibit smaller works.
- Curated programs and installations that directly involve the local community in site specific art making. Including, Back to Balance, an Indigenous textile installation, by local Bunyarra Culture Collective and Bird Cage, a collection of pieces by PAN





Opening

This year the Official Opening was a community event, involving many sectors of the local community, from indigenous, to farming and heritage representatives mixing with the local established and emerging artists.

Catered for by the Chamber of Commerce, invited guests included local politicians, journalists and established local business people. The backdrop to the event was the Solar Ark (a CM initiative) providing the off grid power, storage and stage set.

Welcome to country and an indigenous dance performance by the local Bunyarra Cultural Collective who were also the creative team producing the flags that lined the northern part of the sculpture walk. The ceremony was headed off by Malcolm Price, President of Creative Mullum, who introduced the plans and intentions of the organisation for the coming months and years. Other members talked about the achievements to date including the newest additions to the permanent collection, now numbering six pieces, including the Echoes of Chincogan profile arches funded by Mullum Chamber and designed by local emerging artist Ellen Ferrier. The Ingenuity exhibition included approximately 30 works from artists across the region, providing a variety of work that only sculpture can do.



Prizes

We have been privileged to receive a 10 year commitment of a short term aquisitional prize of \$8 000 per festival awarded to a selected piece.

The piece will be on loan to the Byron Shire Council for display in Mullumbimby for a period of 5 years, after which the work is returned to the artist. The work will be installed and maintained for the duration.

In 2019 Byron Shire council awarded funds of \$5 000 for an additional non acquired 'best in show" piece.

The fest saw a return of the Christina Khumari Peoples Choice award of \$500



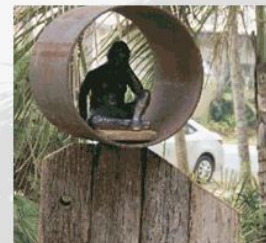
Interactive

As an indication of the future of the festival, an interactive piece entitled "connected" by Alex Moss provided the participant with an opportunity to control a light and soundscape projected into the ethereal realm over the Brunswick River. .It was a popular and well received work.



Attendance

A total attendance of over 2000 for the 12 days of the festival



Comments

Beauty and
Connection to the Environment
Christine –Brisbane

Fabulous Diversity
of Works
Joan – Brisbane

Such an amazing
feeling in the park
Paula – Mullumbimby

Really outstanding
and inspiring works and the very friendly volunteers
Tim – Perth

Loved the interactive art
installations and the
Messaging of some
of the works
Monique – Canberra



Love Palm Park.
Great location, nice variety
Michelle – Ocean
Shores





Fantastic

Brilliant work and location, nature, high level of creativity from the artists

Loved the format, loved the location of the art and the light on the art

Loving the “voting machine’ idea

I am impressed with the entire exhibition

Great to see the park being utilised for art









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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT

Public Art Asset Application pro forma

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

Title of Artwork:	The Immaculate Concept of the Mind
Name of Artist:	Antone Bruinsma
Type of Artwork Proposed:	Stone sculpture
Artwork Materials and Construction Details:	Carved sandstone
Date of creation (date of artwork)	2019
Dimensions	1100mm H X 600mm W X 1200mm D
Proposed Location of Artwork:	IN Park outside Council Chambers Mullumbimby
Proposed Signage for Artwork:	metal plaque
Do you have public liability insurance?	yes
Procurement Method (check box as applicable):	<input type="checkbox"/> Commission <input type="checkbox"/> Direct purchase <input type="checkbox"/> Donation <input checked="" type="checkbox"/> Loan – proposed period of loan: _____
Date of Procurement:	November 2019
Estimated Life of Artwork:	50 years
Value of Artwork (estimate if unknown):	12000

- 5 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)
- 10 ☐ Risk Assessment (template available)
- ☐ Maintenance manual (template available)

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

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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES 4.2 - ATTACHMENT 2

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

Artist Information

Artwork Title

The Immaculate Concept of the Mind

Lives in

5 Cedar Creek, QLD

Artist Creative Process

Started carving wood at age ten. Attended Queensland Art College (Griffith University) 1977-79 majoring in sculpture. Started carving stone 1978. First major commission (large abstract stone sculpture) for Brisbane Grammar School 1982. Elected President Society of Sculptors Queensland 1983-85. Initiated The First Australian Stone Sculpture Symposium, Brisbane 1984 (and 1985 and 1986). Commission for AMP 1986 (bronze and sandstone); The Southport School 1987 (sandstone); Besser 1988 (sandstone); World Expo 88 (reinforced plaster); Blackwater Miners' Memorial 1988 (bronze and granite); 15 Peace Garden sculptures for John Paul College 1992 (sandstone); initiated major public sculpture project for Main Beach, Surfers Paradise 1992 (sandstone); initiated art-in-residency Macquarie University Sculpture Park 1993 (sandstone); commission Evandale Sculpture Walk 1993 (sandstone); selected to participate Hualien Stone Sculpture Symposium and Festival, Taiwan 1997 (marble and sandstone); invited to Guilin, China, 20 sculpture symposium 1998 (granite); invited to Shenzhen, China, sculpture symposium 2001 (sand); invited to Shihmen Reservoir timber symposium, Taiwan, 2005; invited to Shanghai Sculpture Park Symposium 2011 (marble and granite); other sculpture symposiums include Warwick, Bribie Island, Beaudesert, Murray Bridge (S.A.), and Gold Coast. Exhibited widely since 1978 from Melbourne to Townsville. Works can be 25 found in private, corporate and government collections in Australia and overseas. Established a sculpture garden at Cedar Creek (by appointment only). Other commissions include artworks for Queensland Rail; Queensland Water; R.S.L.; Townsville (Jezzine Barracks); Gold Coast libraries; Logan City; Lockyer Valley, Alpha and Lake Macquarie. Part-time sculpture instructor at various institutions and for workshops.

30

Artwork Description

his sculpture explores the philosophy of the masculine (yang) and feminine (yin) principles as a creative force. It highlights the importance of a balanced mind and attitude (towards life). The yang energy is symbolised by strong angularity (created by a 35 computerised wire-saw) while the yin energy is represented by soft organic forms. The public will see a large meditating head (emerging from the earth) with a fertilised egg where the third eye is located. This intriguing and narrative artwork acknowledges and pays homage to earth and spirit energies and the power of the mind where they meet. People are naturally drawn to touch the smooth surface of the egg, thereby, on a 40 subconscious level, triggering their own creative potential. The public will also be curious by the strong contrast of the forms and recognise the respect for Nature which this piece embodies.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 4

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.

5

Risk Assessment and Hazard Control Summary of Public Art

Risk Category & Hazard	Risk Rating	Possible Cause	Control Measure	Residual Risk Rating
OH&S				
Slippery or loose surfaces/sharp edges on artwork.	medium	Public falling	Location off path	LOW
Potential for injury or illness to public.	Low	Public falling	As above	LOW
Manual handling required during installation.	medium	Crane or operator failing	Professional handler	LOW
Traffic Hazards.	Low	The vehicle will be off the road	Site managed	LOW
Engineer report required?	no	Work will find repose and immovability	Weight of sculpture	LOW
Concrete pads or barriers required?	medium	Vulnerability to maintenance	Concrete base to elevate	LOW
Public Liability				
Stable foundation.	LOW	immovability	Weight of sculpture	LOW
Need for lighting/illumination.	no		Located off path	LOW
Need for enclosure.	no		Solid stone	LOW
Is infrastructure sound?	yes			LOW
Ongoing safety checks required to ensure stability?	no			LOW

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 4

Environmental hazard check including earthquake, winds and flood required?	No			LOW
Environment				
Impact on environment/earth collapse or erosion.	none			LOW
Potential impact on flora and fauna, air, soil, waterways or drains, noise.	Minor, almost negligible, excavation required			LOW
Financial				
Financial impacts – immediate and ongoing.	Concrete slab base is property of Byron Shire council. Locating this is required contribution.			LOW
Governance, Contractual & Legal				
Loan for 5 years.				LOW
Political, Reputation & Image				
All public art attracts comment				medium
Other				

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4.2 - ATTACHMENT 4

Risk Rating Matrix

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

Report No. 4.3 **Public Art in development - 139 Jonson St Byron Bay**
Directorate: Corporate and Community Services
Report Author: Joanne McMurtry, Community Project Officer
File No: I2020/465
5 **Theme:** Society and Culture
 Community Development

Summary:

The report presents a preliminary public art plan for the development at 139 Jonson St, Byron Bay for Public Art Panel review.

RECOMMENDATION:

That the Public Art Panel reviews the Preliminary Public Art Plan for 139 Jonson St, Byron Bay and provides feedback and comments to enable the assessment planning officer to proceed with the DA assessment process.

Attachments:

1 139 Jonson St Byron Bay - PRELIMINARY Public Art Plan March 2020, E2020/22283 , page 37  

Report

The revised and updated Public Art Chapter D8 of the Byron Shire Development Control Plan 2014 came into effect on 11 September 2019.

The attached Preliminary Public Art Plan has been provided for 139 Jonson St Byron Bay to support DA 10.2019.616.1. That DA proposes a mixed-use three-storey development involving shops, offices and a café at ground level, with two levels of residential apartments above.

The design of the building includes a central courtyard/ landscaped space, effectively separating the development into two buildings either side of the courtyard and an open pedestrian walkway connecting from the corner of Jonson and Browning Streets to Ruskin Lane.

Under the new DCP:

Where the development application for *Public art* is associated with a staged development, the following three documents are required:

- a) *Preliminary Public Art Plan to be submitted with the Master Plan for Master Plan sites or with the Stage 1 development application.*

*The Preliminary Public Art Plan should include an analysis of the locational context, planning requirements and any studies pertinent to the *public art* objectives. It should identify public art opportunities, propose a methodology for the selection and commissioning of artists and provide an estimated budget and program for the inclusion of artists. Once submitted, the Preliminary Public Art Plan will be referred to the Public Art Panel for review.*

- b) *Public Art Plan to be submitted by the applicant at the DA Stage of a Master Plan site or with the Stage 2 development application*

The Public Art Plan must address the Prescriptive Measures outlined in D8.2.1 and demonstrate how the proposed work will accord with this DCP chapter.

Once submitted, the Public Art Plan will be referred by Council assessment officers to the Public Art Panel for review.

- c) *Public Art Report to be submitted at Occupation Certificate Stage*

*The Public Art Report is to satisfy the Council that the *public art* has been delivered and the public art commitments have been fulfilled. This will enable the Occupation Certificate to be released. The Public Art Report should provide information about the artworks and artist, the fabrication and installation of the work, the documentation and engineers' drawings, the maintenance requirements, any additional relevant information regarding ownership, and copyright of the work. The Public Art Report is a condition of Occupation Certificate.*

The Preliminary Public Art Plan is attached for the Public Art Panel's review. Feedback from the Panel will be collated and provided to the planning assessment officer for this development.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

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

Legal/Statutory/Policy Considerations

- 5 Public Art Policy
Public Art Strategy
Public Art Guidelines
Public Art Chapter D8 – Byron Shire Development Control Plan 2014

- 10 Reviewed by Legal Counsel: ☐

Financial Considerations

- 15 Nil costs to the public art budget.
Reviewed by Manager Finance: ☐

Consultation and Engagement

- 20 Assessment Planning Officer





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Introduction

Creative Road have been engaged by JGD Developments to deliver public artwork for 139 Jonson St Byron Bay.

The proposed mixed use development, on the corner of Jonson and Browning streets, presents an opportunity to create an integrated public art benchmark for commercial projects in Byron Bay.

The objective is to set a precedent for future development, encouraging urban activation and promoting cultural vibrancy in the south Jonson Street precinct.

Creative Road offer specialist skills as experienced public art curators and project managers, overseeing strategy, curatorial development, artwork design and fabrication processes through to installation.

Our role is to guide the delivery of a contemporary, high calibre artwork for 139 Jonson St - adding a unique cultural layer and exciting dimension to the public domain.

JGD Developments see this as an exciting opportunity to deliver an artwork which will contribute to the cultural experience of Byron's CBD.



Background

We understand Council requires three public art plans over the life of the project, namely:

1. Preliminary Public Art Plan (submitted with Stage 1 DA): general overview of public art approach and methodology – does not include artwork concept
2. Public Art Plan (submitted with Stage 2 DA): Includes proposed artwork concept and addresses items listed under Prescriptive Measures
3. Public Art Report (OC Stage): Includes details of installed artwork, engineering, drawings, maintenance etc.

Preliminary Public Art Plan

This being the Preliminary Public Art Plan for 139 Jonson St, we have addressed the following requirements as outlined in Council's Development Control Plan 2014 (Chapter D8 Public Art D8.2.2.2a):

Preliminary Public Art Plan to be submitted with the Master Plan for Master Plan sites or with the Stage 1 development application.

The Preliminary Public Art Plan should include an analysis of the locational context, planning requirements and any studies pertinent to the public art objectives. It should identify public art opportunities, propose a methodology for the selection and commissioning of artists and provide an estimated budget and program for the inclusion of artists. Once submitted, the Preliminary Public Art Plan will be referred to the Public Art Panel for review.



Site Analysis

Consideration of potential artwork sites for 139 Jonson St were undertaken by Creative Road in collaboration with JGD Developments and project architects Myers Ellyett.

Preferred Artwork Site // Laneway Entry Walls

The prominent corner location perfectly lends itself to a public art treatment. The preferred site is two large integrated building walls which face each other and flank the entry to the pedestrian laneway running through the centre of the development.

An artwork in this location will be highly visible to the public. Passing motorists will see the work from a distance on Jonson St and as they move through the future Butler Street bypass roundabout that will terminate at the Jonson Street/Browning Street junction.

Pedestrians will experience the artwork while traversing both sides and directions of Jonson St. The artwork will also be viewed up close from looking up at ground level and when travelling through the internal laneway.

The walls are elevated from ground level providing a safe distance from potential vandalism. Each wall measures approx 4.7m long x 6m high offering an impactful public art experience.

The artwork aims to create a vibrant sense of place for residents and visitors to 139 Jonson St, making a significant contribution to the south Jonson Street precinct.



Artwork Site // Plan



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020

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Artwork Site // Perspectives



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020

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Artwork Site // Perspectives



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020

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Design Considerations

Integration

The artwork will be developed in response to the building and landscape design. The intention is to commission an integrated site specific work which relates to the location and architectural spaces, creating a unique sense of place.

Colour + Materiality

Artists will be encouraged to use a colour palette which is complementary to the architectural and landscape concept. They can consider a range of materials which are robust in an outdoor coastal environment. Where possible, environmentally sustainable and eco-friendly materials will be used in artwork creation.

Flexible Form

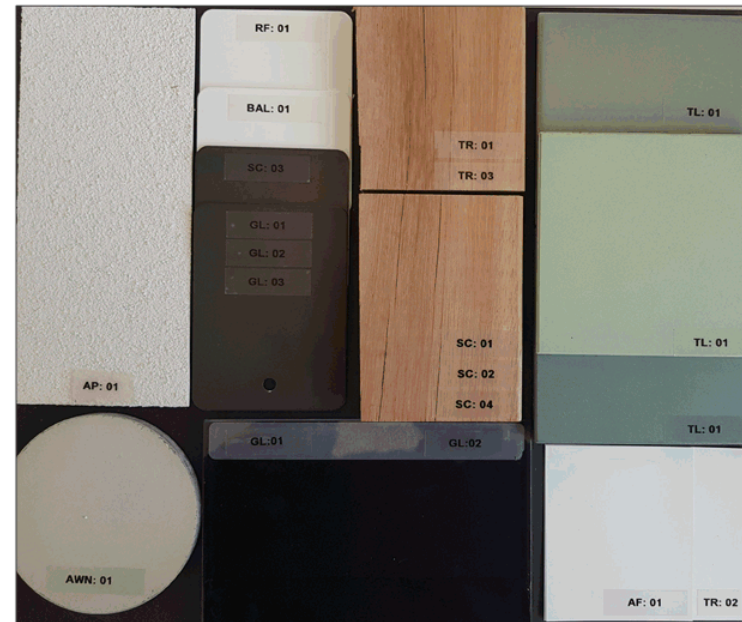
It is envisaged the artwork will be two dimensional to integrate with the architecture. It may be hand painted or a fabricated/printed treatment. Artists may also propose additional three dimensional elements such as relief forms, light boxes and neon.

Lighting

The artwork will incorporate lighting or be externally lit to give it an additional luminous effect after dark. Artwork lighting will be programmed to switch off with surrounding street lighting.

Maintenance and Conservation

The artwork will be created using high quality durable materials with low maintenance requirements.



Architectural material palette

Artwork Site // Views



Pedestrian close up view

Artwork Site // Views



View from the future Butler Street bypass roundabout

Artwork Site // Views



View from Jonson St south

Curatorial Framework

Successful and meaningful public art responds to its specific environment in both a physical and thematic sense. The curatorial framework sets the theme to which artists respond, to guide artwork ideas and ensure an integrated and site-specific response.

Urban Paradise

An impression of plentiful, abundant green space creates a sense of wellbeing and tranquillity.

Avoiding clichés, artists are encouraged to respond to stories that are important to the region and existing meaningful characteristics of Byron Bay as a place. Artists should explore locally relevant, interesting and lesser known narratives which could be told.

Looking up the laneway and outwards into the wider community, artists will create an impression of a natural place, a feeling of tranquillity and defining the space as distinctive from the environment outside the lane.

Artwork inspired by the personality of the site and its surrounds would reflect the sustainable building design and continue the story begun on the exterior of the building with its extensive planting scheme.

Artists should note the variety of local species being used in the planting palette for the development.



Landscape planting palette

Artist Selection

A direct commission process will be undertaken to engage a suitable public artist for the project.

Our artist selection methodology includes:

- Preparation of an artist brief with details of the commission
- Researching suitable artists whose work resonates with the curatorial framework and development objectives
- Presentation of an artist longlist (10) to client/design team
- Preferred artist paid a fee to prepare a concept design proposal
- Creative Road to provide support to selected artist during concept development period
- Artist to present concept design to client/design team
- Artist commissioned using National Association of Visual Arts Australia endorsed public art commission agreement

Artist selection will be based on the following criteria:

1. Artistic vision, quality and originality
2. Impact of the concept and its ability to capture an audience
3. Suitability to context, durability and response to the site



Budget

The estimated budget for this preliminary public art plan is based on the Prescriptive Measures outlined in Council's Development Control Plan 2014 (Chapter D8 Public Art D8.2.1) as follows:

Development to which this Section applies must include the provision of public art to the value of at least 2.5% of development costs (calculated in accordance with the Environmental Planning & Assessment Regulation) up to \$2 million, and 1% of further development costs exceeding \$2 million. Where development costs exceed \$5 million, the provision of public art may be negotiated at a value no less than \$80,000.

ITEM	DESCRIPTION	AMOUNT
Artist Concept Design Fee	1 x \$2000 artist fee	\$2,000
Artist Commission Fee	Includes travel and materials	\$15,000
Equipment Hire	Access/EWP Hire	\$1,500
Curatorial, Project + Artist Management	Creative Road fees until practical completion. Includes preparation of Council required PAP's.	\$12,500
	<i>Contingency</i>	<i>\$1,000</i>
	TOTAL ex GST:	\$32,000

Schedule

The following schedule is proposed but may be subject to change:

STAGE	TASK	COMPLETE
1. Concept Design	Brief issued to preferred artist	Feb 2021
	Artist concept design proposal due	March 2021
	Artist concept design presentation	March 2021
2. Design Development	Detailed design development	April 2021
	Final design presentation	May 2021
	Public Art Plan (Stage 2 DA) submitted to Council	May 2021
	Council Approval	Aug 2021
4. Installation	Artwork installation	Nov 2021
	Public Art Report (OC) submitted to Council	Dec 2021

EXEMPLAR ARTWORKS



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020



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EXEMPLAR ARTWORKS



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020



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EXEMPLAR ARTWORKS

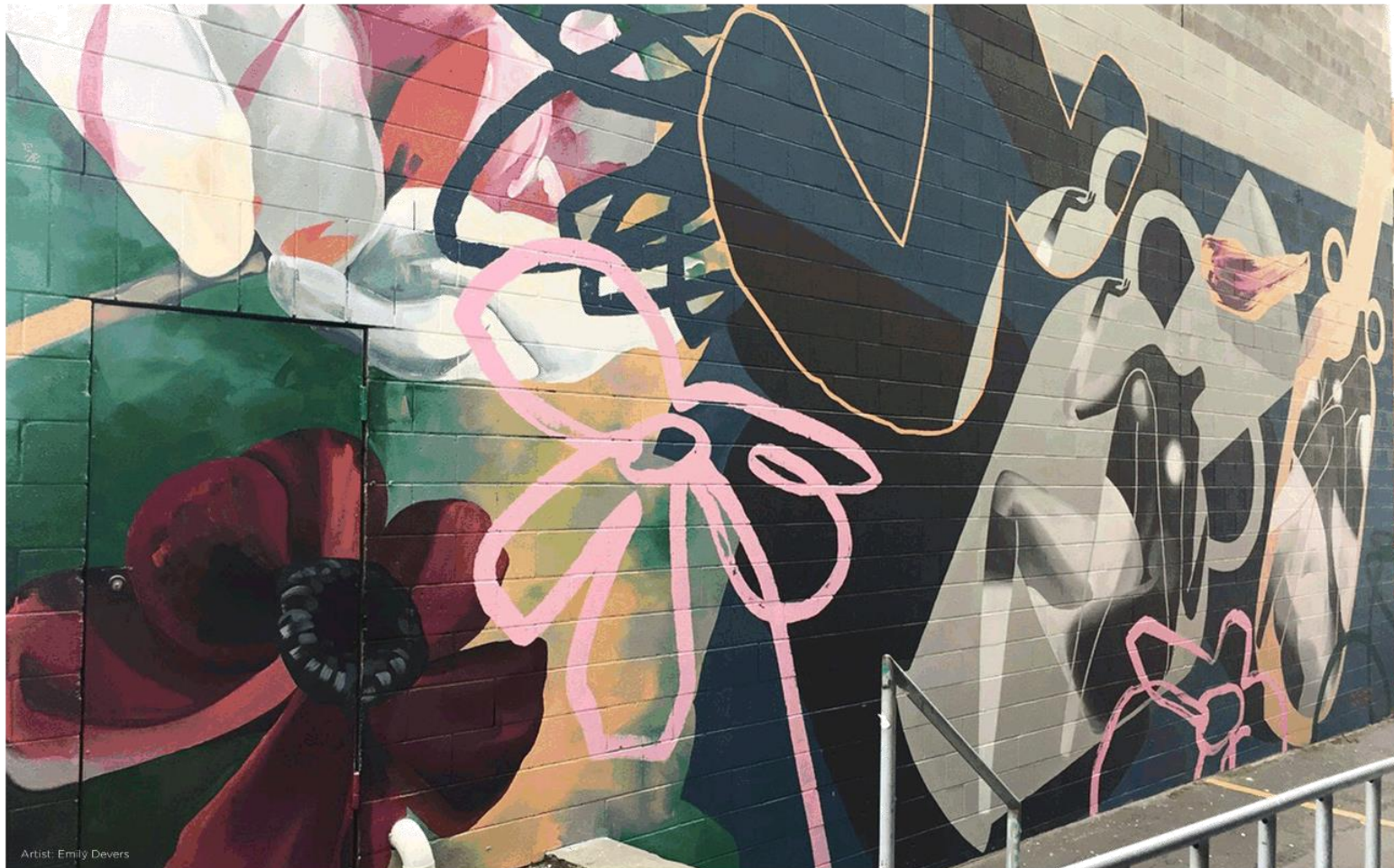


139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020



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EXEMPLAR ARTWORKS



139 Jonson St Byron Bay | Preliminary Public Art Plan - March 2020

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Disclaimer

JGD Developments wishes to disclose that Director Graham Dunn has engaged Jack Dodds as an architect on a separate development outside the Byron Shire and in a separate entity not related to JGD Developments.

**CRE
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