

NOTICE OF MEETING



EXTRAORDINARY PUBLIC ART PANEL MEETING

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

Venue	Council Chambers, Station Street, Mullumbimby
Date	Thursday, 20 August 2020
Time	12:30pm

Vanessa Adams
Director Corporate and Community Services

I2020/1190
Distributed 13/08/20

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
EXTRAORDINARY PUBLIC ART PANEL MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Public Art Panel Meeting held on 11 June 2020

4. STAFF REPORTS

Corporate and Community Services

4.1 Memento Aestates Location4

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 **Memento Aestates Location**
Directorate: Corporate and Community Services
5 **Report Author:** Joanne McMurtry, Community Project Officer
File No: I2020/1165



10 **Summary:**

Council has commissioned a work (*Memento Aestates*) by artist Giovanni Veronesi. Following discussion of site options for the work at the Public Art Panel meeting on 11 June, this report provides detailed information about a range of sites and recommends the artwork be installed in
15 Railway Park.

RECOMMENDATION:

That the Public Art Panel supports the installation of Memento Aestates at the station building forecourt site within Railway Park, Byron Bay, pending final Heritage approval

Attachments:

- 20
- 1 Assessment Matrix - Memento Aestates site options, E2020/44623 , page 7 [↓](#) 
 - 2 P1552 Byron Bay Memento Aestates Documentation Package, E2020/58920 , page 12 [↓](#) 

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 Following delays in determining material and form of the sculpture and the finalisation of works in Railway Park, Council resolved to remove *Memento Aestates* from the Railway Park scope of work and consider it for other locations within the Byron Bay town centre.

15 Site options have been explored, including the Byron Rail Corridor, however heritage advice precluded the sculpture from being included in the upgrade to the Rail Corridor.

The Action from the 11 June Public Art Panel meeting was:

That staff:

- 20 1. Investigate a range of alternative sites for the artwork considering approvals from other agencies and stakeholders and project budget constraints.
2. Note that the Panel agrees for UAP to proceed with manufacture of the artwork and delivery to the depot for secure storage upon its completion.
- 25 3. Note that the Panel has reviewed the final design documentation for the artwork and has no concerns or issues.

Location of artwork

30 Alternative locations were discussed at the 11 June Public Art Panel meeting, and the detail of those locations is provided in this report. Several sites were noted for further consideration, including:

- Railway Park – station building forecourt (garden bed)
- Railway Park – grassed area
- Byron Bay foreshore between Apex Park and Clarks Beach
- 35 • Brunswick Heads – several sites as shown on map

The attachment provides detail on land information, approvals required, constraints, consultation status, timeframes and location suitability for each site.

40 Following this review of site options, and taking into account the constraints, approvals and consultation required for the alternatives, it is recommended that the garden bed in front of the Countrylink Building in Railway Park be the location for *Memento Aestates*.

45 The Heritage Advisor has confirmed in writing that there are “*no heritage concerns in principle for locating proposed Public Art to Station Building forecourt as per attached image. Such an installation is not likely to result in any adverse impact to heritage values for the Station Building or wider rail precinct.*”

50 Should Railway Park not be the preferred site for the work, significant stakeholder consultation and further approval processes would need to be undertaken to adequately inform decision-making regarding any of the above high profile sites. In addition, a negative variation to the contract will be required in order to allow sufficient budget to be retained by Council for future installation of the artwork.

55

Final Design Documentation

The Public Art Panel is asked to note the final design documentation attached to this report.

5 Next Steps

If the Public Art Panel agrees on the recommendation for the location to be within Railway Park, UAP will be asked to undertake the installation of the artwork as per the Commissioning Contract, instead of delivery to the Byron Shire Council Depot in Byron Bay.

If the Public Art Panel does not recommend installation of the work within Railway Park, UAP will be asked to deliver the work to the Depot in Byron Bay while further consultation is undertaken and approvals obtained.

STRATEGIC CONSIDERATIONS**Community Strategic Plan and Operational Plan**

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

Legal/Statutory/Policy Considerations

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

Financial Considerations

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.

Any additional costs in fabricating the sculpture will 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.

Consultation and Engagement

Consultation about this artwork and its location has occurred with:

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

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Locations under consideration by the Public Art Panel for the artwork *Memento Aestates*

CRITERIA	Railway Park – station building forecourt (garden bed in front of ticket office)	Railway Park – grassed area	Main Beach	Brunswick Heads A, B & D	Brunswick Heads C & E	Brunswick Heads F
Location suitability	Railway Park designer and project arts coordinator Dan Plummer has advised that if the artwork is to be located in Railway Park, the garden bed in front of the ticket office is the only suitable location.	This location is not supported by designer Dan Plummer. One key objective of the park upgrade was to open up sight lines and maximise grassed areas for passive recreation and formalised gatherings. The location of this artwork in a grassed area would limit the park's functionality.	Location has previously housed public art works. Specific site within the Reserve would need to be conscious of environmental constraints. The artwork would be placed in one of the turf areas along the pedestrian pathway.	Location considered due to the 'see-through' form of the artwork which is considered to be beneficial to displaying the artwork.	Location considered due to the 'see-through' form of the artwork which is considered to be beneficial to displaying the artwork.	Location considered due to the 'see-through' form of the artwork which is considered to be beneficial to displaying the artwork.
Land type	Council land	Council land	Council-managed Crown Land	Crown Reserve – owned and managed by the Department of Planning, Industry & Environment	Council-managed Crown Land	Crown Land – managed by Reflections
Permissibility and approval process	Permissible. Included in the Heritage Impact Assessment for	Permissible.	Permissible under clause 65(3) of SEPP Infrastructure 2007.	A licence from Crown is required for installation of sculptures. Crown	Sculpture on Crown land managed by Council would be considered a fixture	Sculpture on Crown land managed by Council would be considered a fixture

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

	the rail corridor project.			land is responsible for Native Title consideration and any compensation payable if the installation is deemed to extinguish Native Title.	and fall into a public work under the Native Title Act. Notification to NTS Corp is mandatory, compensation could be payable for any extinguishment of Native Title.	and fall into a public work under the Native Title Act. Notification to NTS Corp is mandatory, compensation could be payable for any extinguishment of Native Title.
Constraints	None	None	Specific site within the Reserve would need to be conscious of environmental constraints. The artwork would be best placed in one of the turf areas along the pedestrian pathway. Specific siting would also need to be determined in the context of utilities, offsets from paths etc. to ensure all standards are met.	Site A would be extremely difficult due to access.	Council is required to adopt a plan of management for the land. The land is to be managed as community land, therefore under the LGA Council must not change the nature or use of the land until a POM is adopted. Investigation would need to occur around the gazettal of the lands purpose.	Council is required to adopt a plan of management for the land. The land is to be managed as community land, therefore under the LGA Council must not change the nature or use of the land until a POM is adopted. Investigation would need to occur around the gazettal of the lands purpose.
Consultation undertaken	Extensive – park users, Byron Masterplan Guidance Group, heritage advisor,	Extensive – park users, Byron Masterplan Guidance Group, landscape architect,	None – consultation would need to take place.	No formal consultation undertaken – consultation would need to take place. Sites in Brunswick Heads are supported by Brunswick Nature Sculpture Walk – submission E2020/53628 and Brunswick Heads Progress		

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

	landscape architect, artist	artist		Association letter of support E2020/53629		
Consultation required	None	None	Arakwal, Byron Masterplan Guidance Group, existing site users (e.g. Markets), Dunecare, broader community	Crown Lands Broader community	Native Title holders Broader community	Native Title holders Broader community
Estimated timeframe	Installation could occur as soon as manufacturing of the artwork is complete	Installation could occur as soon as manufacturing of the artwork is complete	Assuming consultation is undertaken while artwork is being manufactured, installation could occur as soon as manufacturing of the artwork is complete.	Unknown.	Unknown	Unknown

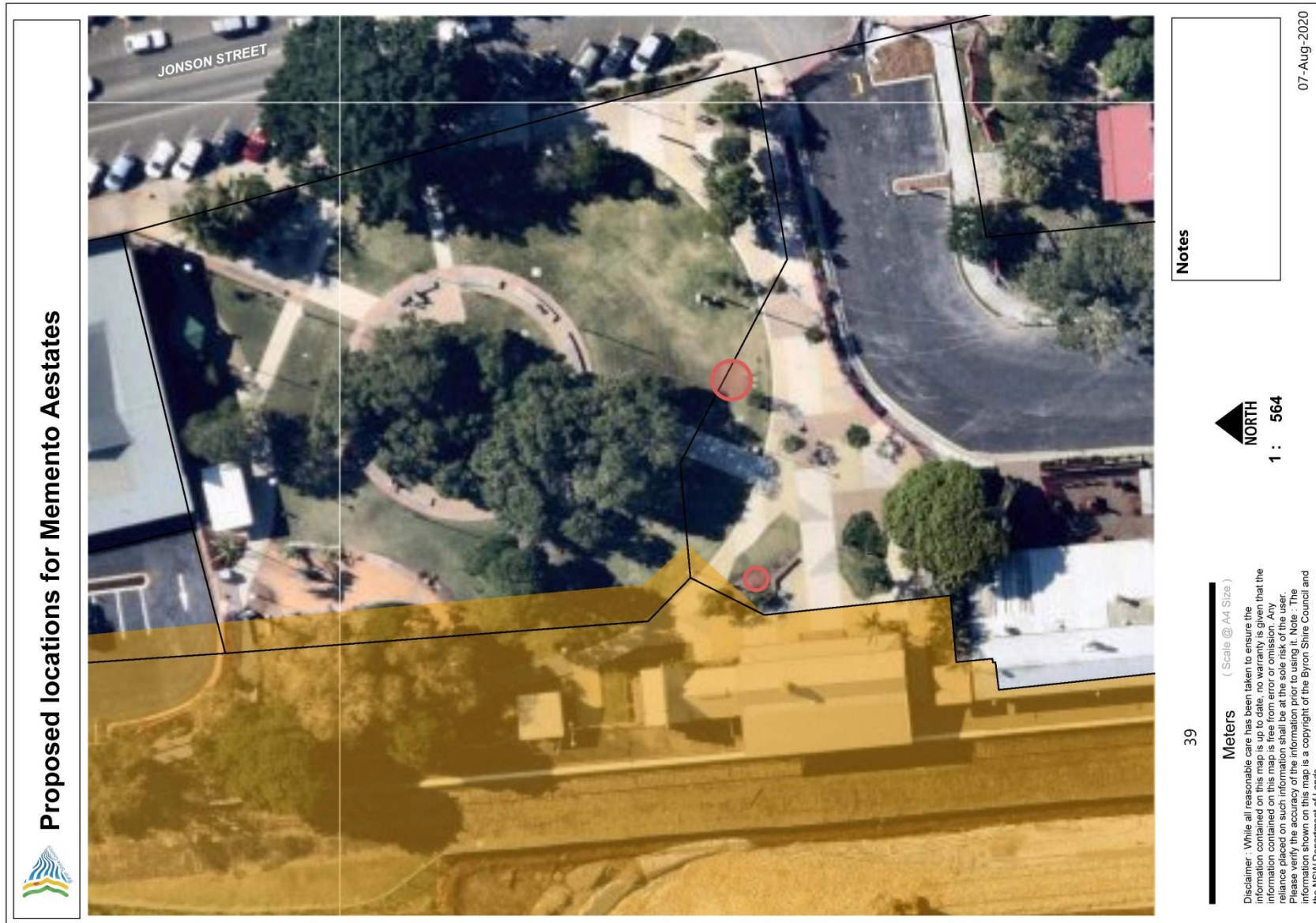
BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1



Map of proposed locations in Brunswick Heads provided by Rick Molloy E2020/53630





GV

INTRODUCTION

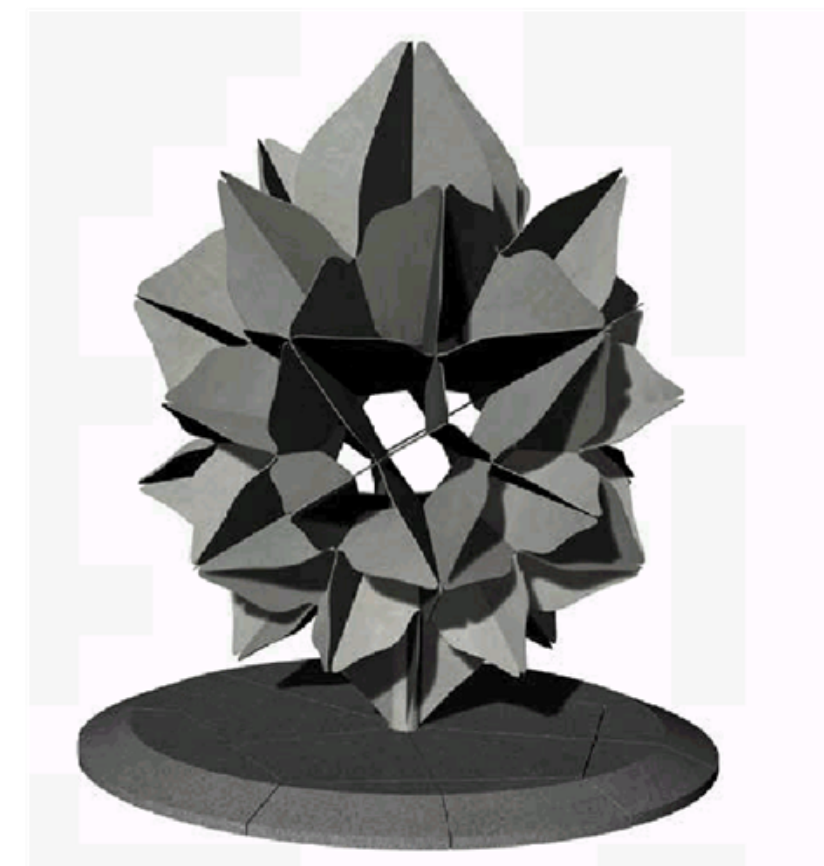
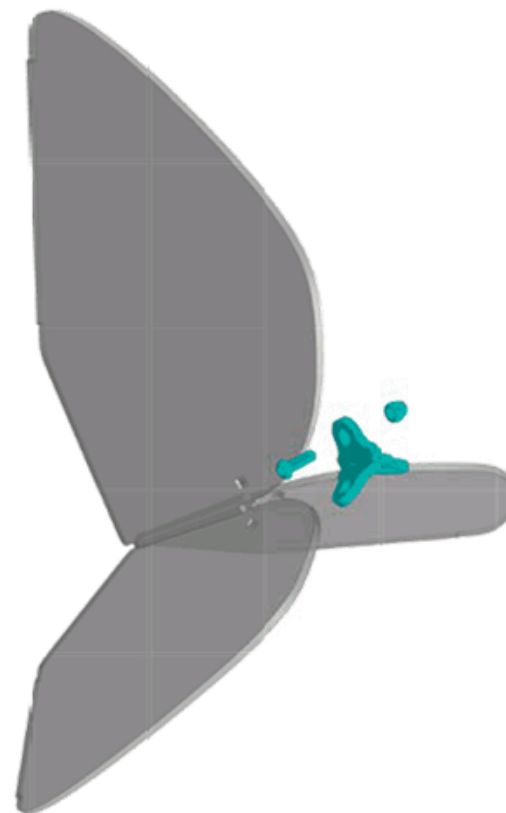
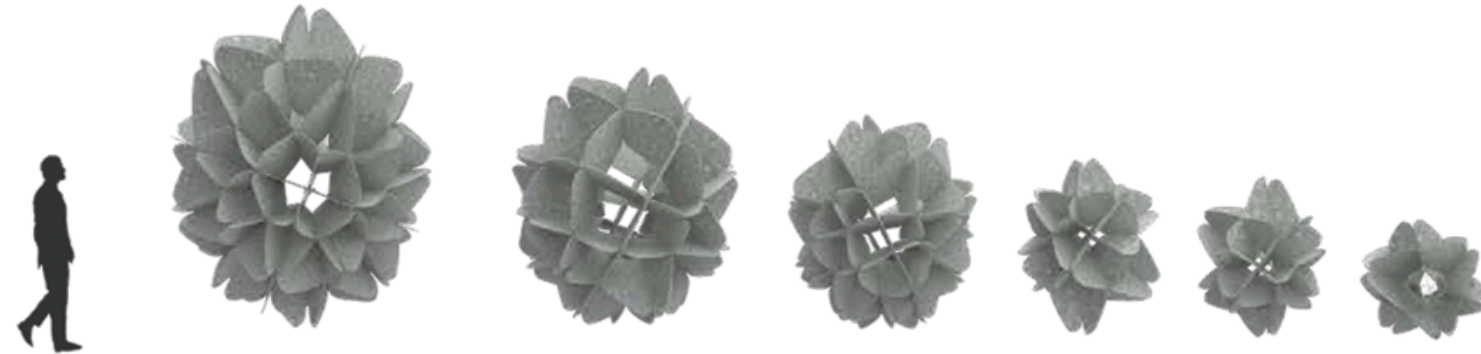
Memento Aetates is a proposal that has undergone many iterations since its conception in 2018.

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



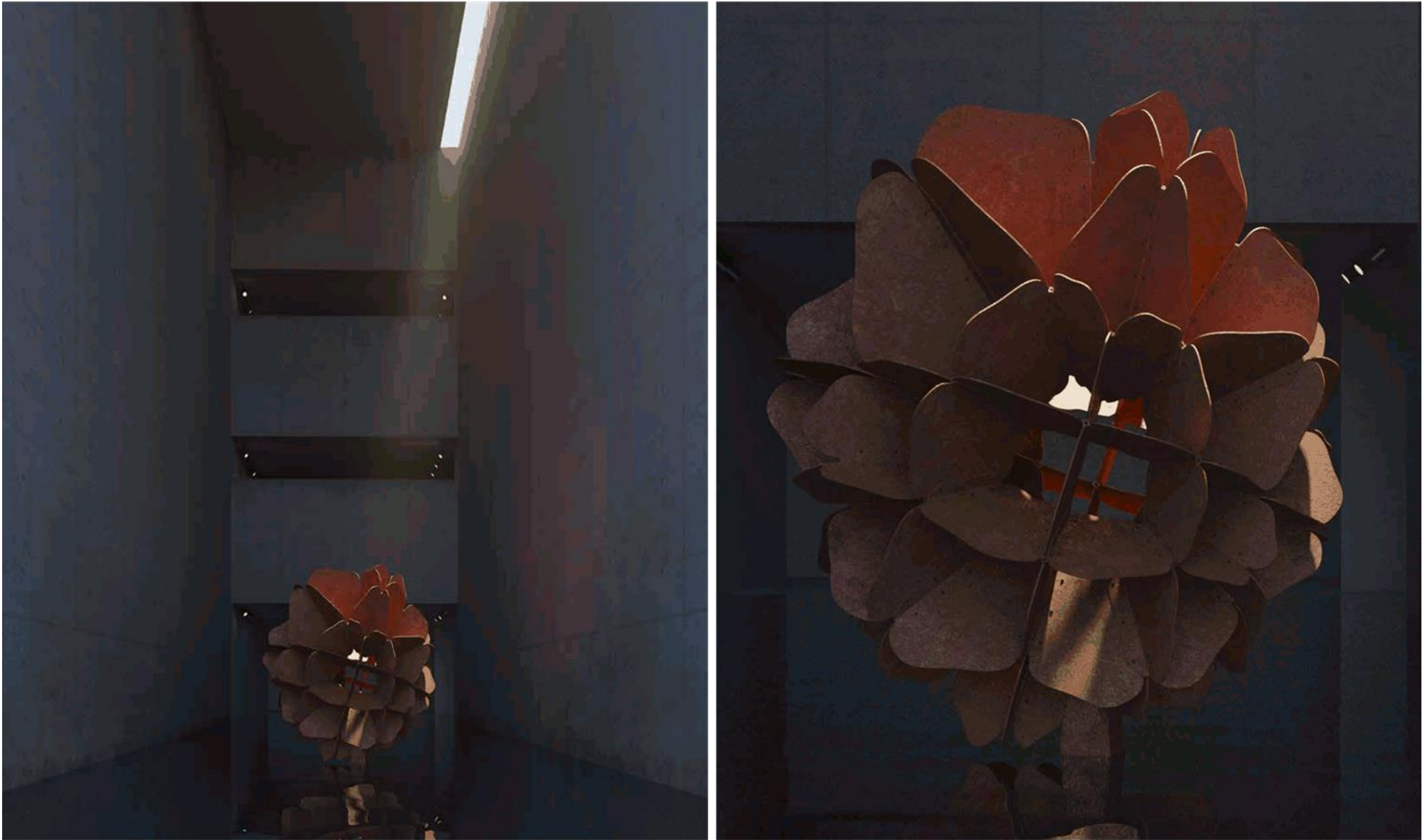
May 2020 / Memento Aestates - Artist Handover Document / 3 of 12

GV



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

GV



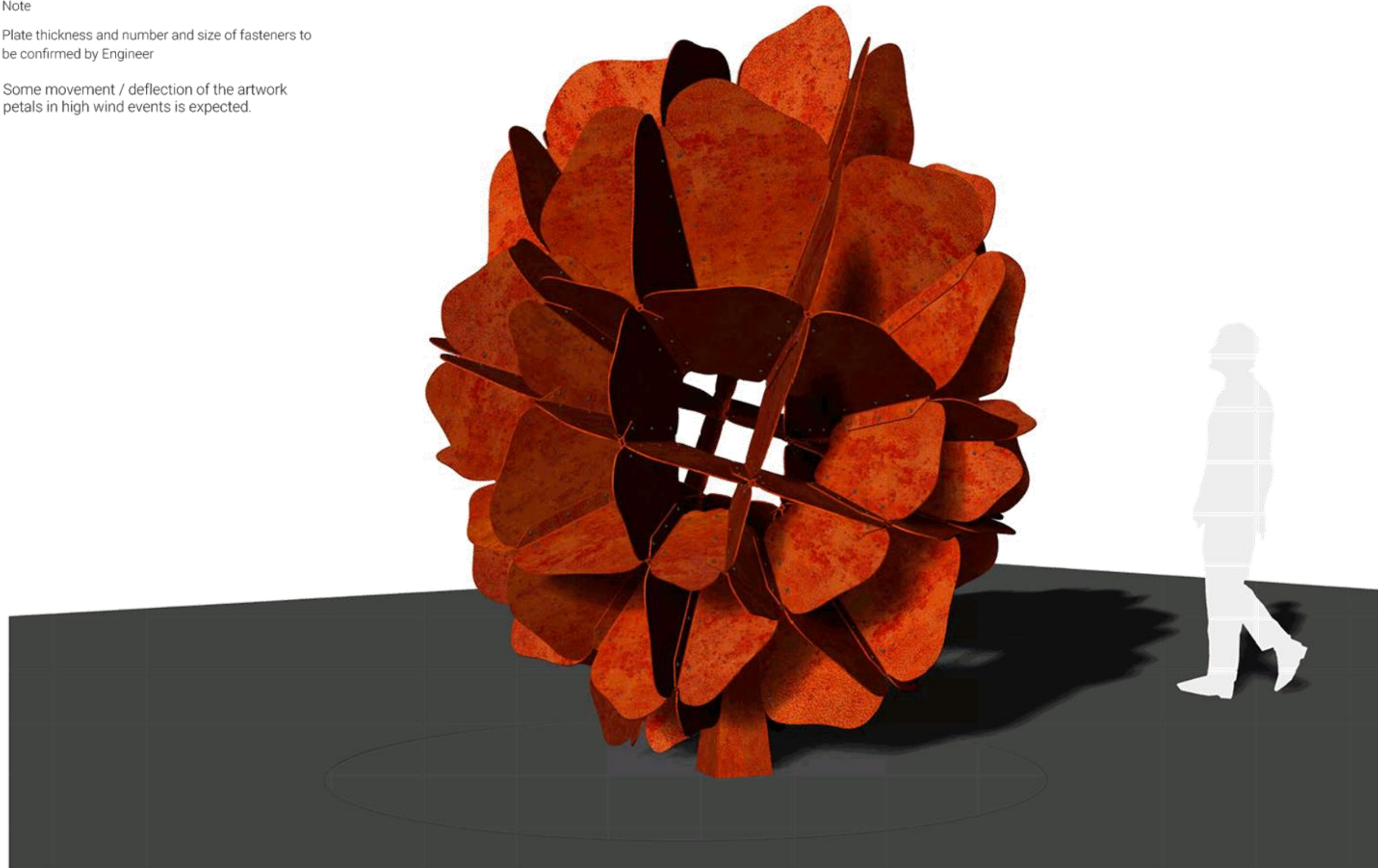
GV

PROPOSAL - GENERAL VIEW

Note

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

Some movement / deflection of the artwork petals in high wind events is expected.



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

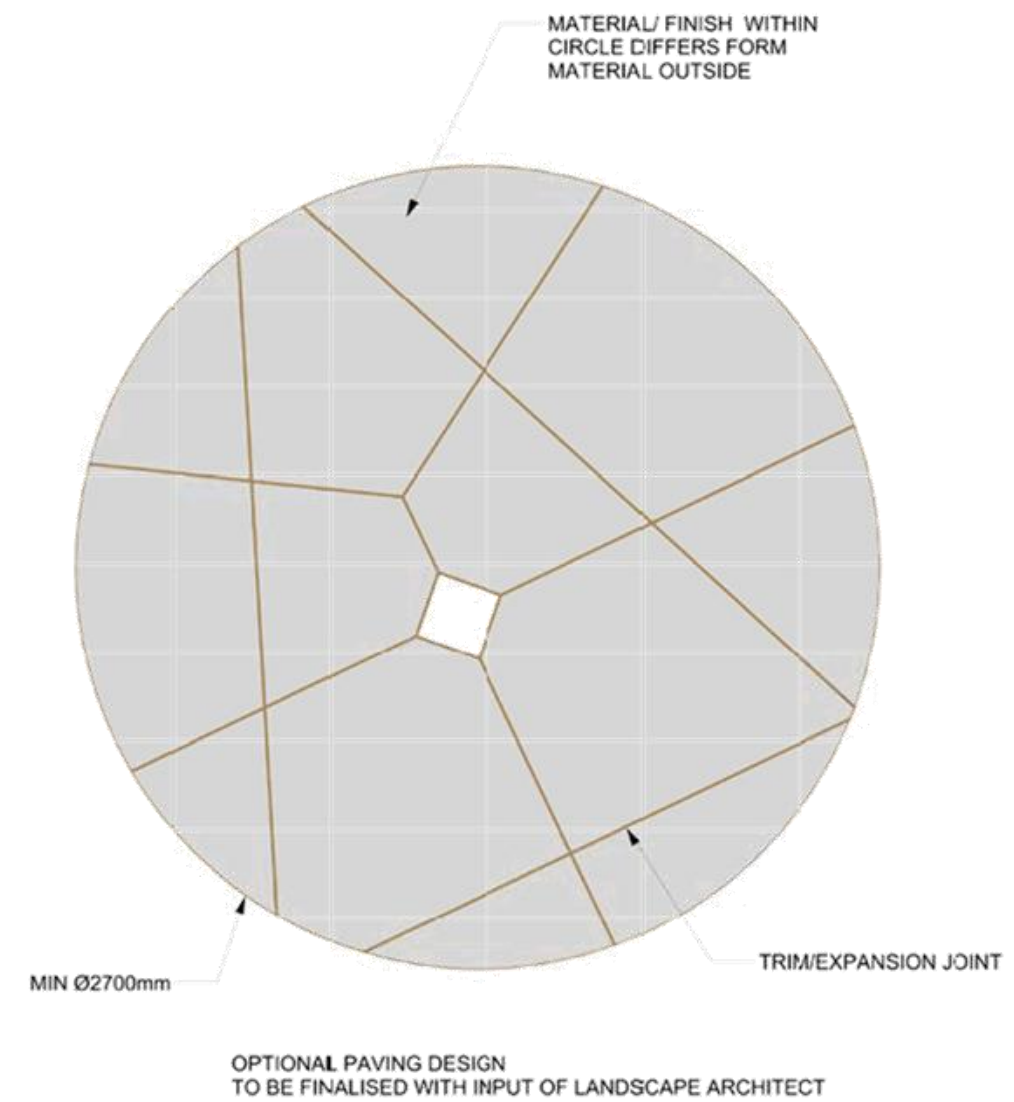
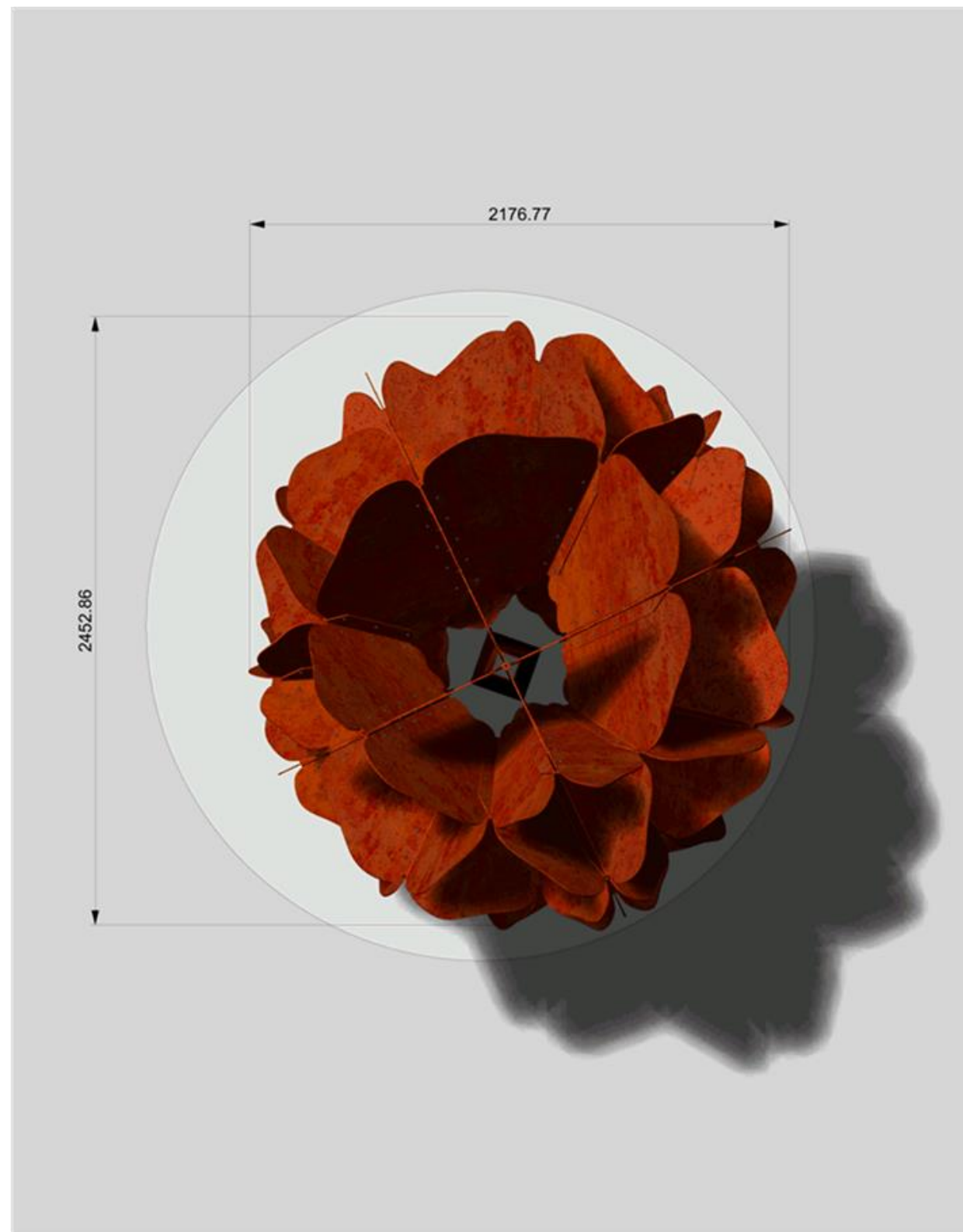
GV

PROPOSAL - ELEVATIONS



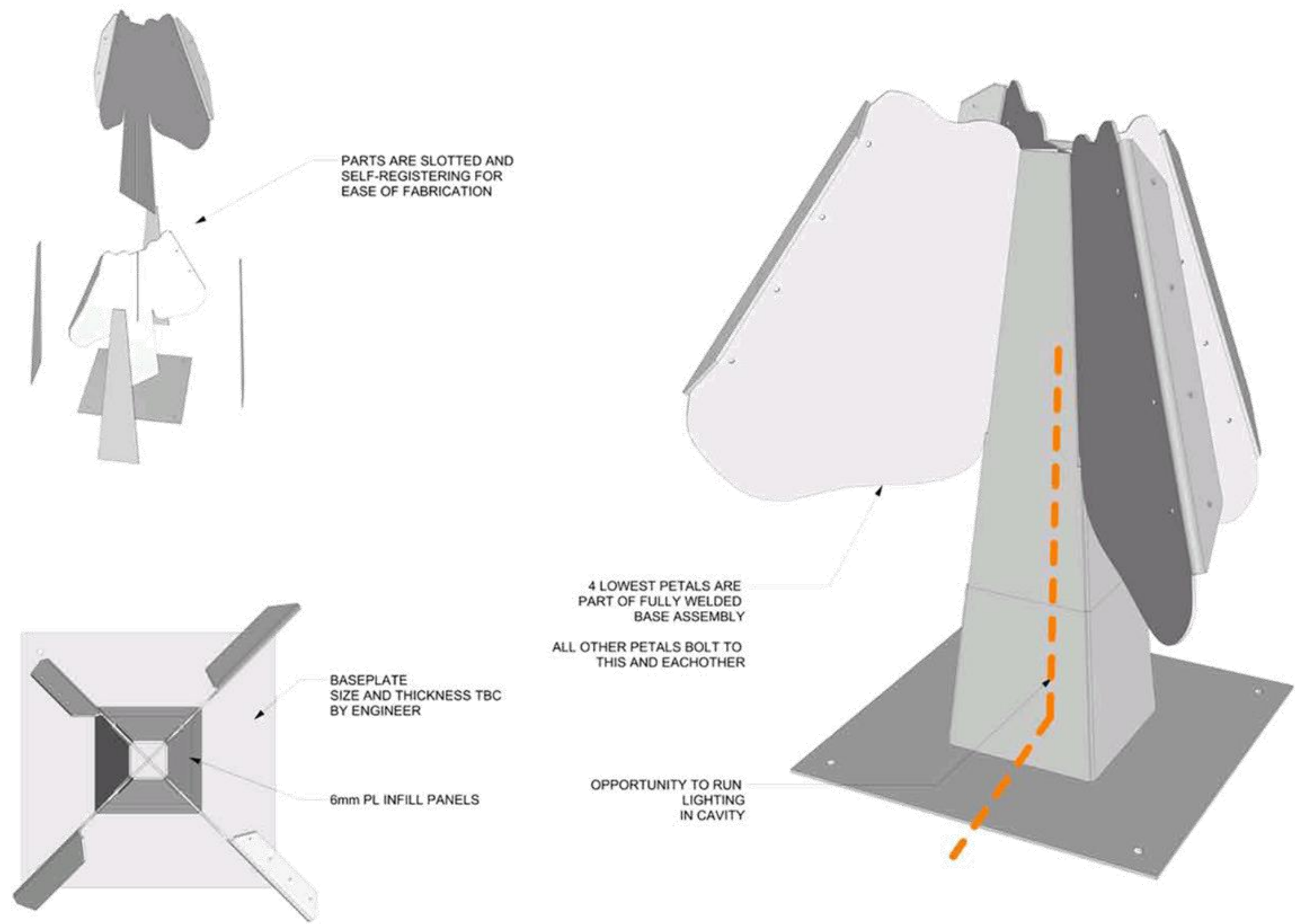
GV

PROPOSAL - PLAN



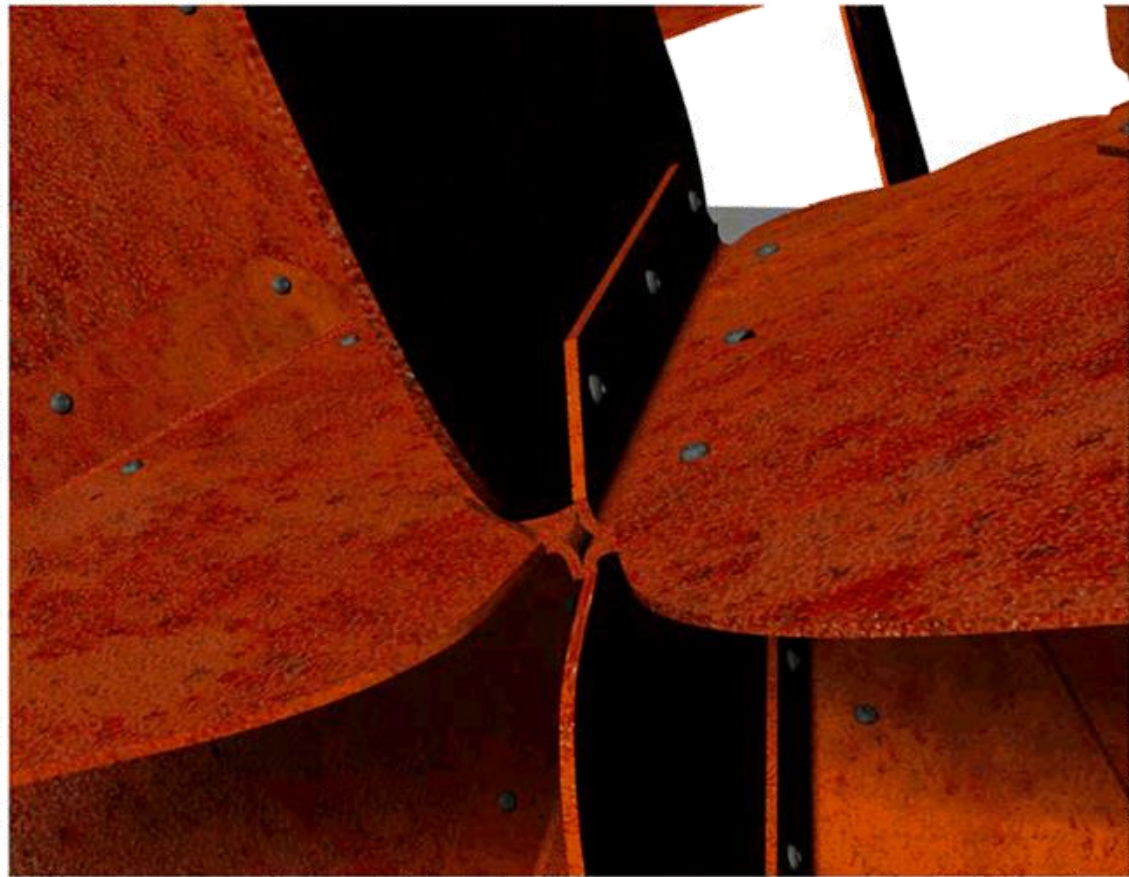
GV

PROPOSAL - BASE ASSEMBLY WELDMENTS



GV

PROPOSAL - MECHANICAL CONNECTIONS

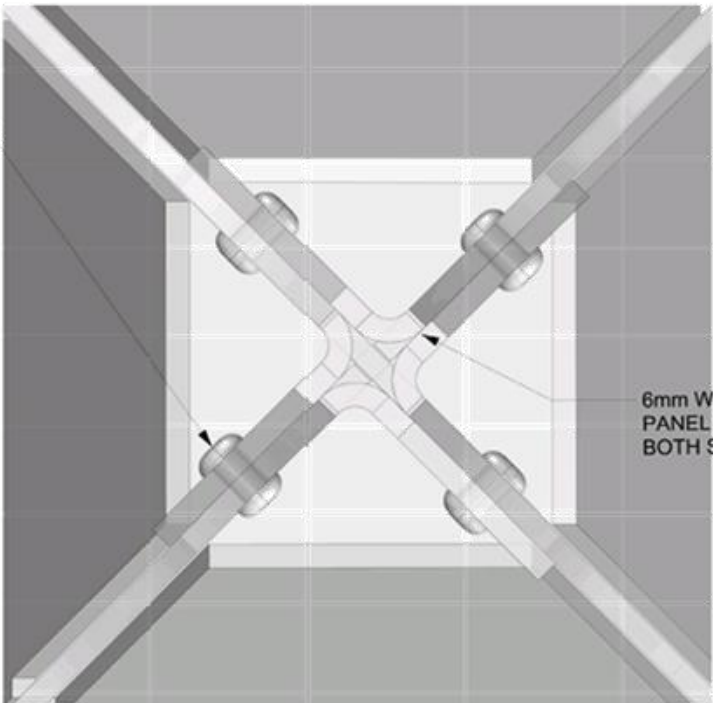


EDGE OF PANELS TO BE GRINDED
BACK TO "SO-TEN" CNC CUTTING
LINES
72m EXTERNAL EDGE, 97m
INCLUDING INTERNAL

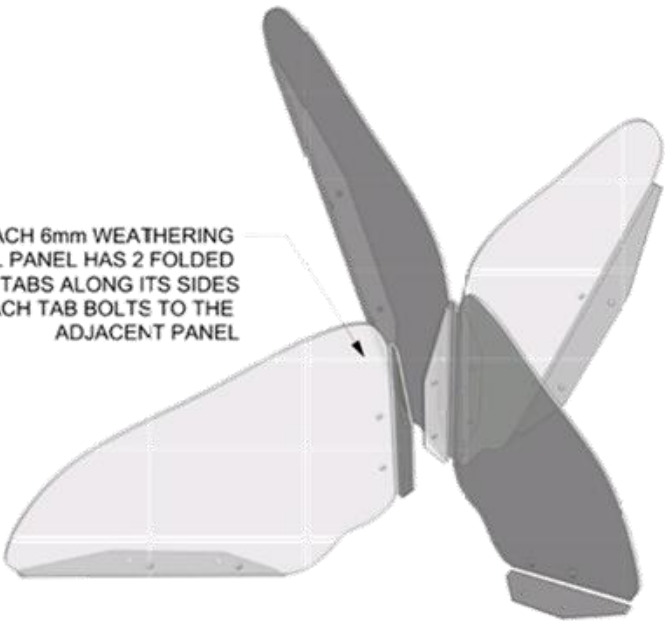
DOUBLE-FACED FASTENER
BARREL NUT CR SIMILAR

FASTENER TYPE AND
MATERIAL TBC PENDING
COSTING REVIEW AND
ENGINEERING ADVICE

STAINLESS STEEL
FASTENER WITH A BLACK
PATINA



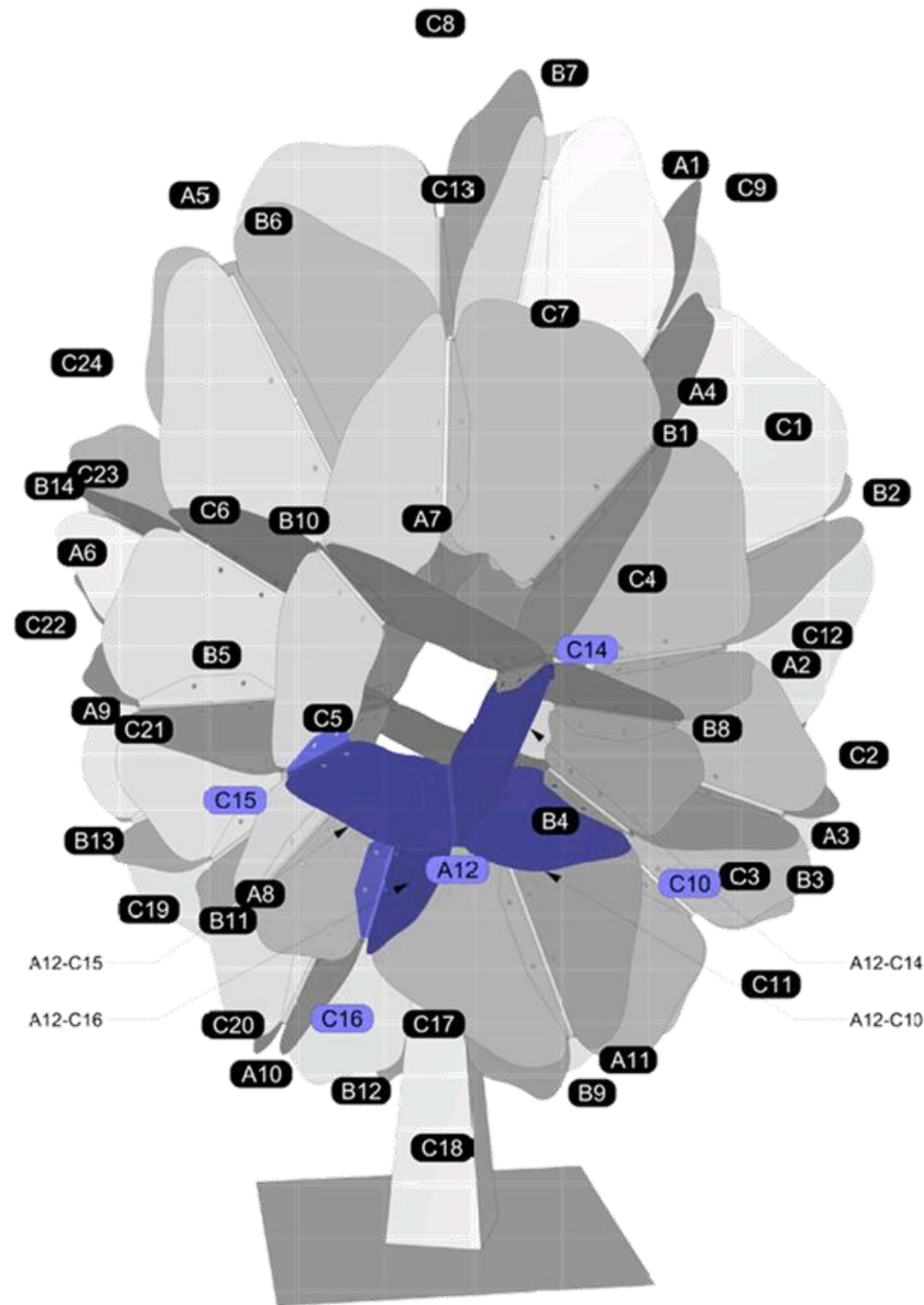
6mm WEATHERING STEEL
PANEL WITH FOLDS ON
BOTH SIDES



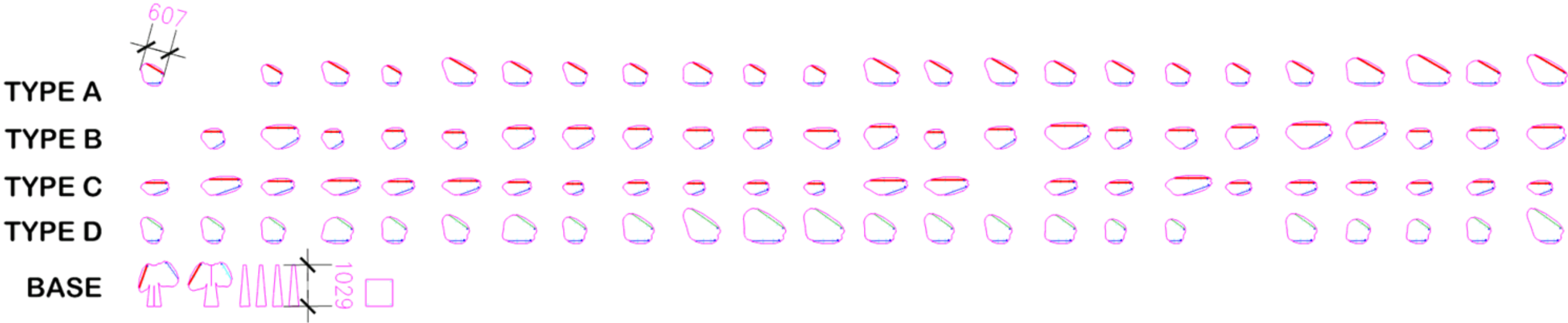
EACH 6mm WEATHERING
STEEL PANEL HAS 2 FOLDED
TABS ALONG ITS SIDES
EACH TAB BOLTS TO THE
ADJACENT PANEL

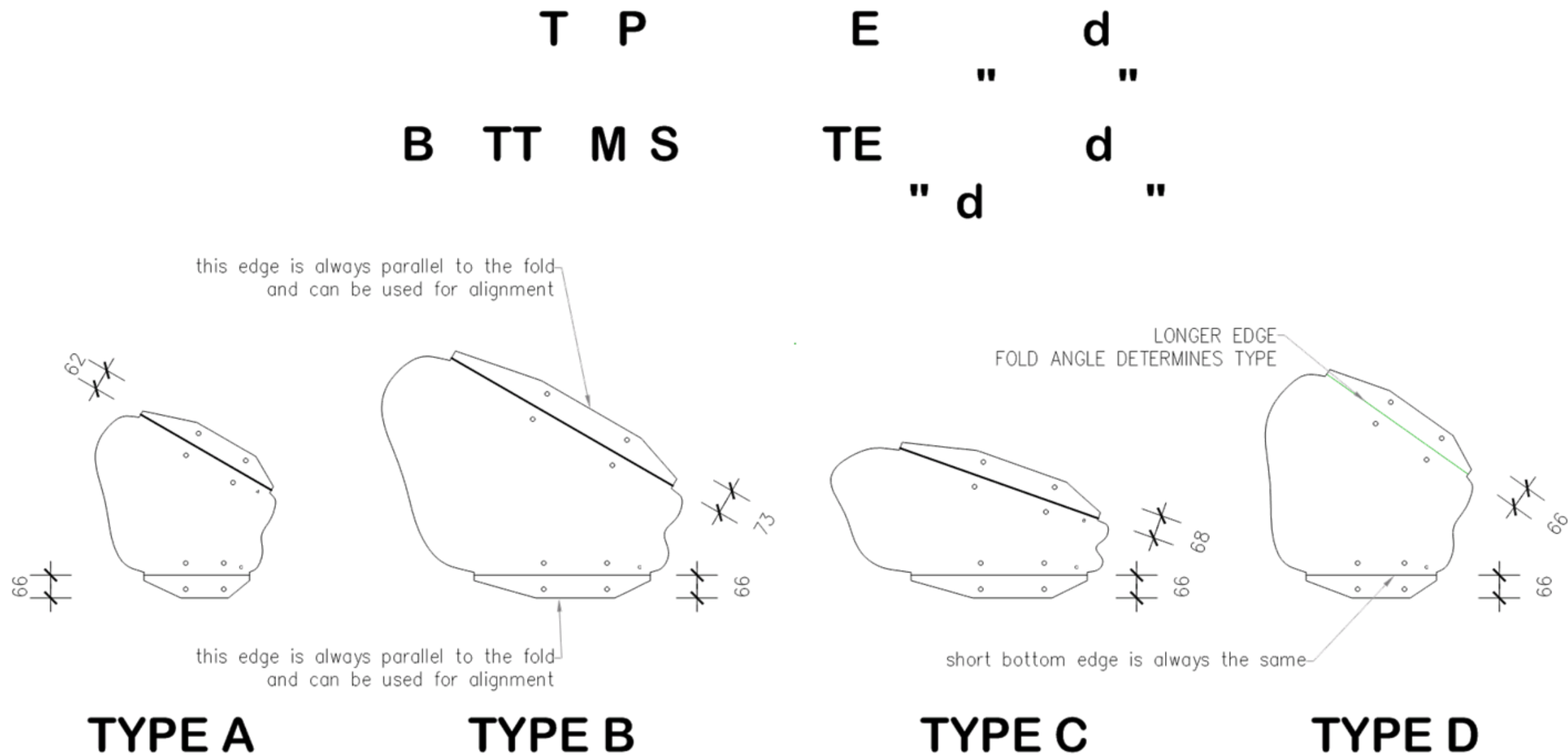
PROPOSAL - ASSEMBLY LOGIC

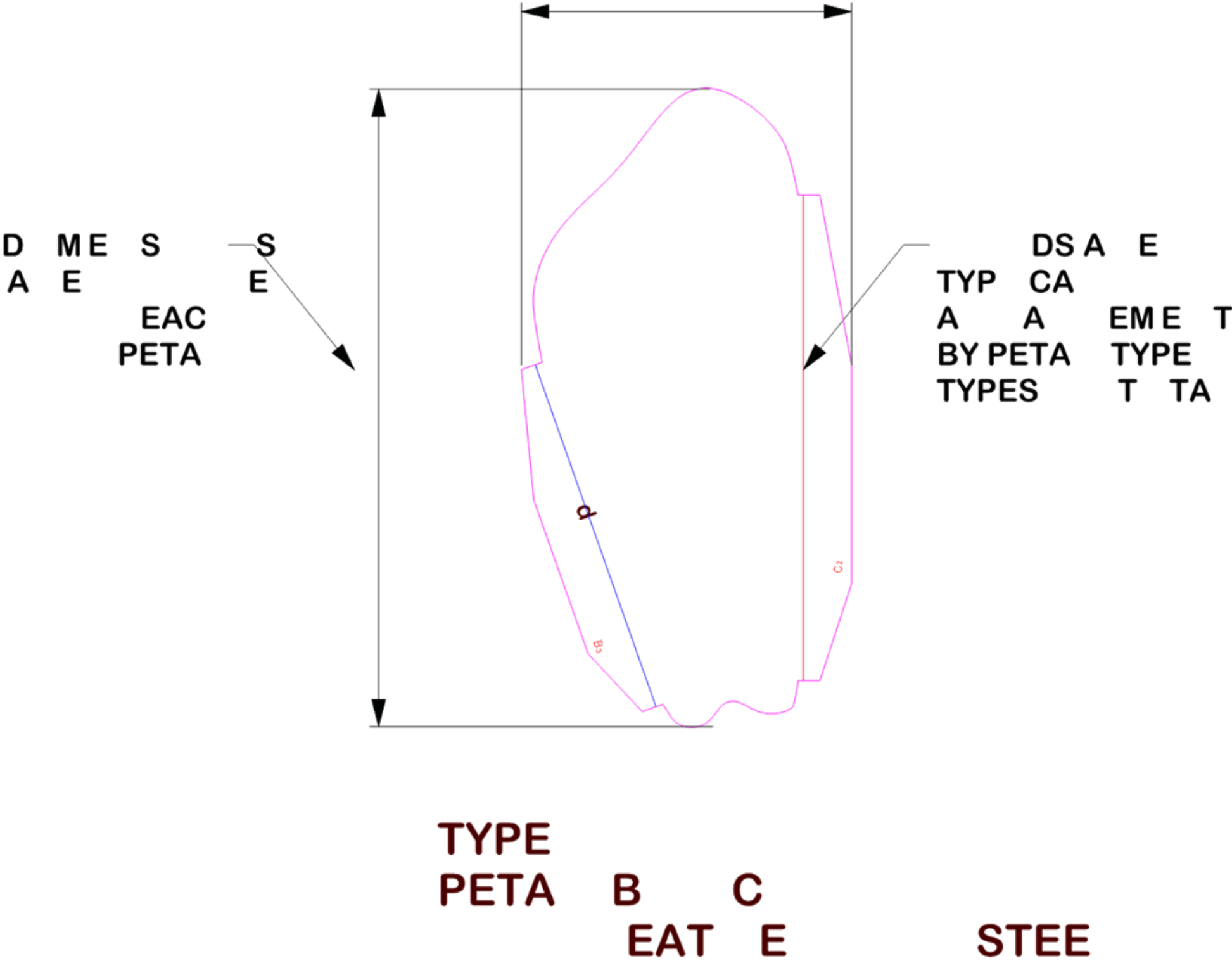
GV



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

