

# NOTICE OF MEETING



## PUBLIC ART PANEL MEETING

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

Venue	<b>Conference Room, Station Street, Mullumbimby</b>
Date	<b>Thursday, 29 April 2021</b>
Time	<b>4.30pm</b>

Vanessa Adams  
Director Corporate and Community Services

*\_I2021/665  
Distributed 22/04/21*

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## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** - A conflict of interests can be of two types:

**Pecuniary** - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Code of Conduct for Councillors (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

**Remoteness** – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in the Code of Conduct for Councillors.

**Who has a Pecuniary Interest?** - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

**Relatives, Partners** - a person is taken to have a pecuniary interest in a matter if:

- The person’s spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person’s spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

**No Interest in the Matter** - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or

- (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-pecuniary Interests** - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

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## RECORDING OF VOTING ON PLANNING MATTERS

### Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

**BYRON SHIRE COUNCIL**  
**BUSINESS OF MEETING**

**1. APOLOGIES**

**2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

**3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

- 3.1 Adoption of Minutes from 18 February 2021 Public Art Panel Meeting..... 5

**4. STAFF REPORTS**

**General Manager**

- 4.1 Sandhills Skate Park and Recreation Hub - cultural interpretation through design ..... 11

**Corporate and Community Services**

- 4.2 Byron Bypass Sound Wall - Graffiti and Rotating Mural Proposal ..... 15

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1 Adoption of Minutes from 18 February 2021  
Public Art Panel Meeting**

5 **Directorate:** Corporate and Community Services

**Report Author:** Pamela Durkin, Social and Cultural Support Officer, CACS -  
Social & Cultural Planning

**File No:** I2021/578

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**RECOMMENDATION:**

**That the minutes of the Public Art Panel Meeting held on 18 February 2021 be confirmed.**

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**Attachments:**

1 Minutes 18/02/2021 Public Art Panel, I2021/244 , page 7 [↓](#)

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# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### **Report**

The attachment to this report provides the minutes of the Public Art Panel Meeting of 18 February 2021 .

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### **Report to Council**

The minutes were reported to Council on

**MINUTES OF MEETING**



**PUBLIC ART PANEL MEETING**

**Venue** Conference Room, Station Street, Mullumbimby  
**Date** Thursday, 18 February 2021  
**Time** 4.30pm

*I2021/244*

# BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

## BYRON SHIRE COUNCIL

PUBLIC ART PANEL MEETING MINUTES

18 FEBRUARY 2021

**Minutes of the Public Art Panel Meeting held on Thursday, 18 February 2021**

**File No:** I2021/244

**PRESENT:** Cr J Hackett, Cr S Ndiaye

Staff: Deb Stafford (Manager Social and Cultural Planning), Melitta Firth (Arts and Culture Officer), Pamela Durkin (Social and Cultural Support Officer)

Invited Members: Peter Wood (Arts Northern Rivers)

Community Representatives: Rick Molloy, Denise Napier, Lisa Hochhauser, Jack Dods

*Cr Ndiaye (Chair) opened the meeting at 4.40pm and acknowledged that the meeting was being held on Bundjalung Country.*

**APOLOGIES:**

There was an apology received from Julie Lipsett.

**DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY**

There were no declarations of interest.

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### ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**Report No. 3.1      Public Art Panel Adoption of Minutes 29 October 2020**

**File No:**            I2021/168

**Committee Recommendation:**

**That the minutes of the Public Art Panel Meeting held on 29 October 2020 be confirmed.** (Molloy/Napier)

*The recommendation was put to the vote and declared carried.*

*Note: The minutes of the meeting on Thursday, 29 October 2020 were noted and report recommendations adopted by Council at the Ordinary Meeting held on Thursday 17 December 2020.*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

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PAP Public Art Panel Meeting

page 3



**BYRON SHIRE COUNCIL**

PUBLIC ART PANEL MEETING MINUTES

18 FEBRUARY 2021

The Public Art Panel discussed issues regarding Developer Contributions.

Claire McGarry will provide an update on Sandhills development at all scheduled upcoming meetings for 2021.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 4.1      Mullumbimby Talking Street Trial Update**  
**File No:              I2021/139**

**Committee Recommendation:**

**That the Public Art Panel:**

- 1. Notes Council Resolution 20-698.**
- 2. Acknowledges the decision that the Mullumbimby Talking Street Trial project does not have a budget for the inclusion of art and requests a further update from staff.** (Wood/Molloy)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.2      Brunswick Nature Sculpture Walk - Partnership Request**  
**File No:              I2021/140**

**Committee Recommendation:**

**That the Public Art Panel notes the proposition from Brunswick Nature Sculpture Walk and recommends that Council accepts the partnership proposal in principle.**

(Napier/Molloy)

*The recommendation was put to the vote and declared carried.*

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**Report No. 4.3      Creative Public Spaces Small Grant Scheme**  
**File No:              I2021/146**

**Committee Recommendation:**

**That the PAP accepts the proposed changes to the Creative Public Spaces Grant Program with several minor amendments as noted.** (Wood/Molloy)

*The recommendation was put to the vote and declared carried.*

**BYRON SHIRE COUNCIL**

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

**BYRON SHIRE COUNCIL**

PUBLIC ART PANEL MEETING MINUTES

18 FEBRUARY 2021

*Jack Dods left the meeting at 5.50pm.*

*Cr Jan Hackett left the meeting at 6.00pm.*

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*There being no further business the meeting concluded at 6.15pm.*

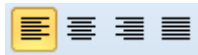
**Report No. 4.1 Sandhills Skate Park and Recreation Hub - cultural interpretation through design**

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**Directorate:** General Manager  
**Report Author:** Claire McGarry, Place Manager - Byron Bay  
**File No:** I2021/612

**Summary:**

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In late 2021, Council is constructing a skate park and recreation hub at the Sandhills Estate, Byron Bay.

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This report provides information on the project's approach to cultural interpretation through design and will be accompanied by short presentation by Nickolla Clarke, Arakwal artist, on the themes and concepts put forward to the skate park designers.

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**RECOMMENDATION:**

**That the Public Art Panel note the report and presentation.**

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## Report

### Background

5 Since 2018, Council has been developing plans for a skate park and recreation hub at Sandhills – the open space between the Byron Bay Library, the Courthouse and the Youth Activities Centre.

10 Extensive consultation has been underway over the past 3 years to seek public and user group feedback and identify critical success factors for the project. In March 2020, Council endorsed concept plans so that the project can proceed to detailed design and construction.

In September 2020, specialist skate park designers Convic were engaged to use the endorsed concept plans and consultation feedback to finalise detailed designs, with emphasis placed on the importance of:

- Activation of the area through architectural design
- 15 • Amenity for users of all ages and abilities
- Improvement of community safety and security
- Site constraints
- Engaging directly during the design process with key stakeholder groups identified by Council
- 20 • Noise attenuation / mitigation
- Existing and future CCTV coverage
- Ecology of the surrounding area
- Drainage and Water Sensitive Urban Design principles
- Supporting infrastructure
- 25 • Facility lighting
- Constructability
- Identification of opportunities for cultural interpretation through design

### Project

# BYRON SHIRE COUNCIL

## STAFF REPORTS - GENERAL MANAGER

4.1

5 The Arakwal Corporation has been engaged to collaborate with Convic on multiple opportunities for cultural expression. These include the development of artistic concepts, colour palette, cultural education signage, path artwork, dual naming and bush tucker gardens. The intention is that the project takes a holistic approach to cultural interpretation through language, visual representation, plantings, stories and themes.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

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<b>Community Objective 1: We have infrastructure, transport and services which meet our expectations</b>	1.2	Provide essential services and reliable infrastructure which meet an acceptable community standard	1.2.4	Provide active and passive recreational Community space that is accessible and inclusive for all (SP)	1.2.4.4	Finalise detailed design for the Byron Skate Park and Recreation Hub
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CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
<b>Community Objective 2: We cultivate and celebrate our diverse cultures, lifestyle and sense of community</b>	2.1	Support and encourage our vibrant culture and creativity	2.1.3	Enhance opportunities for interaction with art in public spaces	2.1.3.1	Implement Public Art Strategy

### **Legal/Statutory/Policy Considerations**

Public Art Policy – adopted August 2018.

Public Art Strategy – adopted August 2018.

- 5 Public Art Guidelines – adopted December 2019.

### **Financial Considerations**

This project is funded under the NSW Tourism Impacts Infrastructure Election Commitment and Byron Bay Town Centre Masterplan Reserves.

### **10 Consultation and Engagement**

Ongoing and extensive consultation with key stakeholders and broader community 2018 – 2021. Further details available at <https://www.byron.nsw.gov.au/Projects-and-initiatives/Byron-Bay-Skate-Park-Recreation-Precinct>

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

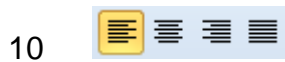
**Report No. 4.2      Byron Bypass Sound Wall - Graffiti and Rotating Mural Proposal**

5    **Directorate:**                      Corporate and Community Services

**Report Author:**                Melitta Firth, Arts & Culture Office  
   Amy Phillips, Digital Communications Officer

**File No:**                            I2021/467

**Summary:**



To consider Public Art for the Byron Bay Bypass Sound wall.

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15    **RECOMMENDATION:**

**That Council considers:**

- a)    **Commissioning a semi-permanent artwork or design treatment on the Byron Bypass Sound Wall (road facing side of wall); OR**
- 20    b)    **Establishing a program of temporary artworks on the Byron Bypass Sound Wall (road facing side of wall); OR**
- c)    **Investing in Anti-Graffiti Coating on all existing road facing panels.**

25

## Background

The installation of a noise wall adjacent to Glen Villa Caravan Park was required as part of the consent conditions for the Byron Bay Bypass project. Engineered composite panels were installed, which are high-impact, vandal and noise resistant.

- 5 The raw panels are a neutral grey colour and a coating was required to protect the wall from weathering. Rather than keeping the panels a neutral colour, Council resolved to paint them in a wetland inspired coloured palette selected by a landscape architect as an interim measure.
- 10 The noise wall has been constructed as per the requirements detailed in the acoustic engineering advice. Council was advised to construct the panels at 2.4m high for 140m (near residential buildings) and 1.8 m for 60 m (where no residential dwellings exist).

The full report from the March 2020 meeting can be read *at the following link*:

- 15 [https://byron.infocouncil.biz/Open/2020/03/OC\\_26032020\\_AGN\\_1155.htm#PDF2\\_Report Name 7491](https://byron.infocouncil.biz/Open/2020/03/OC_26032020_AGN_1155.htm#PDF2_Report_Name_7491)





## Key Issues

Ongoing maintenance is currently required to remove tagging and poor-quality graffiti from the panels facing the road. An evidence-based intervention is required to mitigate graffiti.

- 5 While vegetation is an option to deter graffiti near a structure, it was not viable for the road facing side of the sound wall as there is insufficient room for planting. The concrete canvas matting will prevent water to the vegetation and water would degrade the batter needed for the bio swale.

## Options

- 10 Some options for the road facing side of the wall are outlined below.

### 1. Semi-permanent artwork

Council could resource and commission a semi-permanent design treatment or artwork. This could be in the form of a longer-term mural or other design feature or treatment, possibly with anti-graffiti coating applied.

- 15 It is important to note that anti-graffiti coating cannot be removed/painted over at a later date. This means that if the coating is used there will be no option to change artwork at a later date without significant expense. The only way to remove anti-graffiti coating is to grind it off.

- 20 Without the anti-graffiti coating, a semi-permanent artwork or design may still attract poor quality graffiti and tagging.

### 2. Temporary artwork

Council could establish a program of changing murals or a temporary banner installation featuring art. This could be refreshed every 18-36 months.

- 25 The Bondi Seawall has a rolling sequence of street art/murals and is detailed later in this report for illustrative purposes, however this presents significant challenges as a proposed model.

- 30 Using vinyl hoarding banners could be the most realistic option for a changing artwork. Banners limit production and installation costs (including unreasonable costs to the artist that may arise with unfunded murals) and traffic management concerns. Banners have a life of three years and artists would be paid a licensing fee for the use of their images. If fixing points along the wall were installed initially, banners could be installed/deinstalled in a matter of hours and enable changing the display as required – either as a whole, or in sections.

- 35 The vinyl hoarding allows photo quality reproduction. Mesh banner options have some light bleed through – which is not ideal on the coloured wall.

Management of a changing mural or banner wall will require a staffing allocation and a project budget that includes both installation and maintenance. Resourcing will be required for:

- Establishment of guidelines and responding to artists enquiries
- 5 • Convening selection process
- Public art processes including Artist's Contract management, licenses and requirements
- Production and Design
- Installation requirements
- 10 • Traffic Management and Safety

### 3. Anti-graffiti coating on all road facing panels

15 A permanent anti-graffiti coating could be applied to the panels. As noted above, anti-graffiti coating cannot be removed/painted over at a later date without significant work and expense.

Overall, considerations include:

- Large area to cover – 200m wall length, 442 square metres per side
- Effectiveness of street art, design or treatment in preventing graffiti
- Budget allocation and staffing available
- 20 • Frequency of artwork change
- Lack of funding for Artist's Fees/Materials within the temporary mural approach
- Traffic interruptions and traffic management costs (noting that any maintenance or painting/installation works along this section of road require traffic control and full lane closure for the relevant period of time)
- 25 • Safety considerations

## Example: temporary artwork - changing mural program

### *Bondi Seawall*

30 Staff consulted Waverley Council which has an Arts and Culture team who deliver a range of art projects across the LGA. The Bondi Seawall began as an informal graffiti wall in the 70s. As a result of ongoing graffiti issues, Council chose to partner and collaborate with

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2

artists to program quality artwork. The Bondi Seawall is now an iconic part of Bondi, receiving applications from artists all over the world. Waverley Council considers the seawall a valuable community project.

5 Waverly Council does not have a budget to pay artist's fees and has a small budget of \$10,000 for maintenance of the wall itself (it is a structural seawall). Clear terms and conditions ensure no advertising is included on the wall however artists are allowed to seek sponsorship to cover materials.

10 The project is managed between two visual arts officers. Staff time is most heavily required during the application and review process. The Bondi Seawall selection panel includes street artists and other members of the arts community. Teazer, a Byron based artist, who is respected in the street art community, is on their panel and has been recommended as someone who could be invited to be part of selection panel for this approach, should it progress.

15 It must be noted that the Bondi Seawall is not on a roadway. In the case of the Byron Bypass Sound Wall, the roadway presents significant logistical, safety and budgetary challenges in terms of traffic management and safety.

20 Additionally, while artists who participate in the Bondi Seawall Project can sometimes source paint sponsorships, this may be more difficult for artists here. The suggestion that professional artists would volunteer their time, materials and copyright without a fee may not be feasible, particularly in a location that is not easily accessed.

The Byron site is not a location where people can casually interact with artworks as you can at the Bondi Seawall, the viewing area is at least 18m away (from the footpath on the other side of the road), or transitory as a car drives past.

## Strategic Considerations

### 25 Community Strategic Plan and Operational Plan

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

## Recent Resolutions

REPORT I2020/239

### **Legal/Statutory/Policy Considerations**

Public Art Policy – adopted August 2018.

5 Public Art Strategy – adopted August 2018.

Public Art Guidelines – adopted December 2019.

### **Financial Considerations**

To date approximately 8 hours have been required to remove tagging from the panels.

#### 10 **Option 1: Semi-permanent artwork**

Estimated cost for commissioned mural along entire wall would be at least \$100,000, however this is approximate as it would require a call for artists to fully determine cost. Additionally, the cost of anti-graffiti coating would be required (\$12,000).

Traffic management costs would also be additional cost, based on the extent of work.

15

#### **Option 2: Temporary artwork**

a) Banners

Banners (vinyl): \$10,000

Anti-graffiti coating on the banners: \$9,000

20 Fixings and Install: \$6,000

TOTAL: \$25,000

b) Mural program

25 Staff time in order to manage a new changing artwork project would be approximately as below for one mural.

- Develop and finalise guidelines – 21hrs
- Convene and manage selection process - 21hrs

- Artist contracting, licenses, public liability - 21hrs
  - Promotion and marketing - 5hrs
  - Traffic management - 30 hrs+ (depending on how many days to paint such a large area)
- 5 Cost of artist materials and artist labour are not accounted for. It is expected that the cost of paint for such a large area could be at least \$10,000. Murals usually range between \$30 - \$100 per square metre depending on artist, detail, materials (paint and coatings etc.), wall preparation and other requirements. Artists would therefore need to source a significant paint sponsor in order to fund the project.
- 10 Traffic management costs would be additional, based on extent of work.

**Option 3: Anti-graffiti coating**

The cost of anti-graffiti coating on one side of the sound wall only would be approximately \$12,000 (\$6,000 in materials and \$6,000 in labour).

15

**Consultation and Engagement**

Byron Bypass Community Consultation

Further community consultation would be recommended to inform either semi-permanent or temporary mural requirements, should either of those approaches be preferred.