

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, 19 August 2021
Time	4.30pm

Vanessa Adams
Director Corporate and Community Services

I2021/1245
Distributed 12/08/21

CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

Disclosure and participation in meetings

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

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

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

RECORDING OF VOTING ON PLANNING MATTERS

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

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

BYRON SHIRE COUNCIL
BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 3.1 Adoption of Minutes from 29 April 2021 Public Art Panel Meeting..... 5

4. STAFF REPORTS

Corporate and Community Services

- 4.1 PAP Referral 156 Jonson Street, Public Art Plan DA10.2021.348.1..... 12
- 4.2 Tennyson Street Utility Shed, BYS Mural proposal..... 16
- 4.3 Creative Public Spaces Grant Round 22
- 4.4 PAP Referral 144 Jonson Street DA 10.2021.441.1 31
- 4.5 PAP Referral 116 118 Jonson Street Voluntary Planning Agreement
10.2021.291.1 75

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

**Report No. 3.1 Adoption of Minutes from 29 April 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: I2021/970

10

RECOMMENDATION:

That the minutes of the Public Art Panel Meeting held on 29 April 2021 be confirmed.

15 <Section5>

Attachments:

1 Minutes of the Public Art Panel meeting held 29 April 2021, I2021/666 , page 7 [↓](#)

20

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 29 April 2021 .

5

Report to Council

The minutes were reported to Council on

Comments

10

In accordance with the Committee Recommendations, Council resolved the following:

Report of the Public Art Panel meeting held on 29 April 2021

21-195 Resolved:

1. That Council notes the minutes of the Public Art Panel meeting held on 29 April 2021
2. That Council adopts the following Panel recommendation:

Report No. 4.2 Byron Bypass Sound Wall - Graffiti and Rotating Mural Proposal
File No: I2021/467

Committee Recommendation:

That Council invests in an Anti-Graffiti Coating on all existing road facing panels of the bypass.

(Lyon/Cameron)

MINUTES OF MEETING



PUBLIC ART PANEL MEETING

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 29 April 2021
Time	4.30pm

*I2021/666
Distributed 22/04/21*

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

PUBLIC ART PANEL MEETING MINUTES

29 APRIL 2021

Minutes of the Public Art Panel Meeting held on Thursday, 29 April 2021

File No: I2021/666

PRESENT: Cr J Hackett, Cr S Ndiaye

Staff: Melitta Firth (Arts & Culture Officer), Deb Stafford (Manager Social & Cultural Planning), Rob van Iersel (Place Activation Coordinator), Claire McGarry (Place Manager), Dan Strzina (Project Officer)

Invited Members: Peter Wood (Arts Northern Rivers)

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

Cr Ndiaye (Chair) opened the meeting at 4:36pm.

Theresa from Arakwal Corporation acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Julie Lipsett, John Hertzberg

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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

File No: I2021/578

Committee Recommendation:

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

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

PUBLIC ART PANEL MEETING MINUTES

29 APRIL 2021

(Napier/Wood)

The recommendation was put to the vote and declared carried.

Note: The minutes of the meeting held on 18 February 2021 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 25th March 2021.

BUSINESS ARISING FROM PREVIOUS MINUTES

1. Mullumbimby Talking Streets update

An update was provided by staff in relation to works completed to date

2. Memento update

An update was provided by staff in relation to the status of site progress

STAFF REPORTS - GENERAL MANAGER

Report No. 4.1 Sandhills Skate Park and Recreation Hub - cultural interpretation through design
File No: I2021/612

Committee Recommendation:

That the Public Art Panel note the report and express their wholehearted support for the project.

(Wood/Hackett)

The recommendation was put to the vote and declared carried.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.2 Byron Bypass Sound Wall - Graffiti and Rotating Mural Proposal
File No: I2021/467

Committee Recommendation:

That Council invest in an Anti-Graffiti Coating on all existing road facing panels of the bypass.

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

PUBLIC ART PANEL MEETING MINUTES

29 APRIL 2021

(Molloy/Napier)

The recommendation was put to the vote and declared carried.

Member Molloy left the Chambers at 06:04 PM.

Cr Hackett left the Chambers at 06:06 PM.

There being no further business the meeting concluded at 6:11pm.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 PAP Referral 156 Jonson Street, Public Art Plan DA10.2021.348.1

5 **Directorate:** Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

File No: I2021/1214

Summary:

10 A Public Art Plan has been submitted for 156 Jonson Street, Byron Bay. In accordance with the requirements in the Development Control Plan, this plan is referred to the Public Art Panel for feedback.

15 **RECOMMENDATION:**

That the Public Art Panel provides feedback to the Assessment Officer with regards to the attached public art proposal for the development at 156 Jonson Street, Byron Bay.

20 **Attachments:**

1 Confidential - Public Art Plan 156 Jonson Street Byron Bay, E2021/99264

Report

- Public art proposals for developments are presented to the Public Art Panel for feedback and comment, to enable the planners assessing the Development Applications to manage the public art component of the Development Control Plan. This is to ensure that the Public Art Plan is in accordance with conditions of consent, to be satisfied prior to issue of a construction certificate.

The applicant did not initially prepare a Public Art Plan despite receiving advice that the DCP would require it. The DA was allowed to be lodged without the Public Art Plan which has now been provided and referred to the Public Art Panel for comment.

- A public art proposal for inclusion in the development at 156 Jonson Street has been provided and is attached.

Representatives from Creative Road will attend the meeting to present the public art elements proposed.

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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.
- Public Art Chapter, Development Control Plan

Excerpt from the Development Control Plan

A Public Art Plan is to be prepared that provides details of the proposed public art and must be submitted as part of the Development Application documentation. Council is to be consulted prior to lodgement of a development application.

- 5 The Public Art Plan must include the following details to the satisfaction of Council and the Public Art Panel:
- a) A statement that explains the rationale behind the artwork and demonstrates how it will relate to the proposed development and site.
- b) Details of the nature, materials and form of the proposed public art.
- 10 c) Define and illustrate the intended location and approximate size of the artwork
- d) Provide a program for documentation, fabrication and installation, and integration with the construction program for the development.
- e) Deaccessioning agreements in accordance with Council's Public Art Guidelines & Criteria.
- 15 f) Evidence of partnerships and/or collaboration and funding sources for the public art project where applicable.
- g) Evidence of Public Liability Insurance to cover construction and installation of the work.
- h) Expenditure for the public art and a budget for ongoing maintenance.
- 20 3. The Public Art Plan must also demonstrate how the proposed public art meets the following Design Selection Criteria:
- a) The artwork demonstrates artistic excellence and demonstrates local and cultural appropriateness.
- b) The public art must be permanent and durable, with consideration given to
- 25 maintenance requirements and potential for vandalism.
- c) The design is consistent with the themes outlined in the Public Art Policy and Public Art Strategy.
- d) Public art must be provided in a location that allows users of the public domain an unobstructed view of the artwork and the ability to freely access and interact with the
- 30 artwork. Public art will not be considered inside buildings, except for public buildings.
- e) Meets relevant building and safety standards.

D8.2.2 Requirements for a development application for the provision of public art

1. Development applications for the provision of public art are to include the following two documents:

a) Public Art Plan to be submitted by the applicant at the development application stage.

- 5 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.

10 **Financial Considerations**

N/A. Nil to the public art budget.

Consultation and Engagement

- 15 Planning Assessment Officer

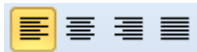
Report No. 4.2 Tennyson Street Utility Shed, BYS Mural proposal

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

5 **File No:** I2021/1215

Summary:



10 Byron Youth Service is seeking to paint the Tennyson Street Utility Shed at their southern entrance, bordering the Recreation Grounds, as part of their Inscribe 8-week program, teaching young artists how to develop and present street art. This report is to provide information and invite any feedback from PAP, noting the tight timeframe.

15 **RECOMMENDATION:**

That PAP notes the proposal by BYS and provides any feedback.

Attachments:

20 1 Confidential - BYS Tennyson Street Utility Shed Mural Proposal 2021, E2021/97784

Report

Byron Youth Service received grant funding to run the Inscribe youth program in September 2021 in Byron Bay. Inscribe is a program for emerging artists who are mentored through the processes of developing quality street art. The 8-week program covers skills development, collaboration, responding to a brief and consultation through to design development and installation. It provides an exciting platform for local young people to gain creative industries experience.

As part of the program the group will paint three practice walls before developing a brief, artwork concept and final artwork for the Tennyson Street Utility shed (proposed location). This shed is located at the Southern entrance to BYS and is a Council-owned asset. The proposed project seeks to improve the area, which is currently an uninviting, informal entrance to the youth service/ recreation grounds.

The project will be coordinated by experienced street artist Karma Barnes who will oversee all aspects of the program including the concept design and execution. BYS will undertake community engagement about the project.

The artwork will be covered with a Dulux anti-graffiti paint. A restricted natural colour palette has been discussed with the artist.

Attached is the proposal and information from the artist.

In approving the artwork, Council would require that Byron Shire Youth Service inform the community. BYS would be asked to:

- consult with directly affected local residents prior to the commencement of the project to ensure any concerns are carefully considered
- provide information about the project at local touchpoints such as other facilities at the recreation grounds
- provide a contact in order that residents, users or sporting groups are able to make contact should they have questions or input
- BYS will provide information to the media about the project during the first two weeks of the project to inform the community about the project, and Byron Shire Council will share this information and the project results through local media (at the conclusion of the project)

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

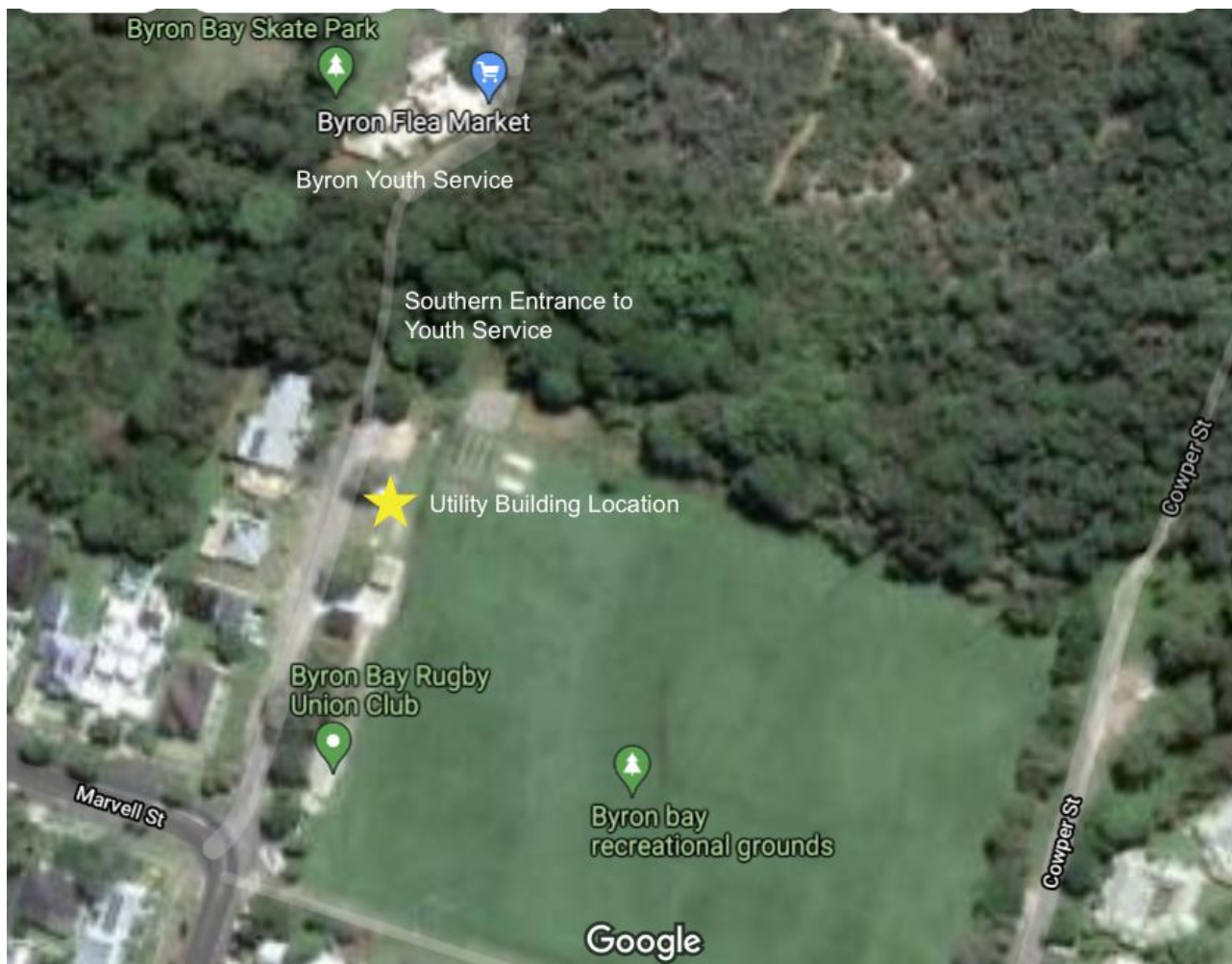
4.2



BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2





5 Example artwork above by Artist Karma Barnes 'Super Rough Seas' a collaborative community project responding to the unprecedented times of COVID.

Key issues

Consultation with nearby residences and sporting groups would be undertaken, however as the project happens over an 8-week period, the concept design is not finalised until the last weeks of the program.

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

10 Legal/Statutory/Policy Considerations

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

Financial Considerations

- 15 This project has been funded through grant funding and will be managed by Byron Youth Service. Anti-graffiti coating should ensure minimal maintenance costs to Council.

Consultation and Engagement

Manager Utilities has provided consent for the proposed site.

- 20 BYS has agreed to consult with local residents and sporting groups and keep them informed about the project progress.

Report No. 4.3 Creative Public Spaces Grant Round

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

File No: I2021/1226

5 **Summary:**

The purpose of this report is to provide the PAP with information regarding the inaugural Creative Public Spaces Small Grants program which was advertised in May and June 2021. A change to the guidelines is recommended for future funding rounds.

10

RECOMMENDATION:

That the PAP notes the proposed amendments for future funding rounds.

Attachments:

15

- 1 Creative Public Spaces Small Grant Guidelines, E2021/66056 , page 26[↓](#)

Report

The Creative Public Spaces Small Grants program was initiated by the Public Art Panel to seed fund the creation and presentation of art in public spaces across the Byron Shire.

- 5 In the 2021 round, eligible activities included temporary or permanent art projects and creative activations and interventions in public spaces across the Byron Shire. Grants of up to \$5,000 were available, from a total pool of \$5,000 to:

- Individual artists.
- Creative producers.

- 10 • Artist teams.

The first round of the grant was advertised in May, with applications closing on 11 July 2021. One application for a permanent public artwork was received and assessed by a staff panel as not viable, raising issues with offering this grant for permanent public art projects.

- 15 Given the total pool of funding available is small (\$5,000 maximum) the available amount is more suited to temporary creative activations, rather than permanent public artwork installations which are expensive to manage, fabricate and install and create risk for Council if not developed with community consultation, appropriate resourcing and multi-disciplinary expertise.

- 20 Permanent public art projects need to follow the process set out in the Public Art Guidelines and Public Art Strategy.

The unawarded \$5,000 from 2021 will be carried over to the 2022 Creative Public Spaces Small Grant funding round, creating a total pool of \$10,000.

- 25 The Creative Public Spaces Small Grants Guidelines will be amended to include the following additional requirements for permanent public art projects.

Applications for Permanent Public artworks must:

- Be discussed with Council prior to submitting the application
- Demonstrate viability through other funding sources that are confirmed and must clearly outline realistic budget amounts for concept development, consultation, fabrication, installation, insurances and ongoing maintenance.
- Be pre-approved for consideration through the Public Art Panel

35

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

5 Recent Resolutions

- 20-295: Report of the Public Art Panel meeting held on 9 April 2020. Resolved: 1. That Council adopts the Public Art Annual Small Grants Program, incorporating feedback provided from Public Art Panel members, and prepares to advertise the first round.

10

Legal/Statutory/Policy Considerations

Public Art Policy – adopted August 2018.

Public Art Strategy – adopted August 2018.

Public Art Guidelines – adopted December 2019.

15

Financial Considerations

The allocated amount for the Creative Public Spaces Small Grant annually is \$5,000 from the Public Art Budget. It is proposed that the unspent \$5,000 be carried over to create a fund of \$10,000 for the next funding round.

20 Consultation and Engagement

Staff

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

Public Art Panel



Creative Public Spaces Small Grants Guidelines

Overview

The Creative Public Spaces Small Grants program is designed to seed fund the creation and presentation of temporary or permanent art projects, creative activations and interventions in public spaces across the Byron Shire.

Grants of up to \$5,000 are available from a total pool of \$5,000 to:

- Individual artists
- Creative producers
- Artist teams

Key dates

- 10 May 2021 – Creative Public Spaces grant round opens
- 11 June 2021– Applications close
- 29 July 2021– Notification to applicants

Objectives

The Creative Public Spaces Small Grants support projects that:

- enable and encourage increased creative activity in public spaces through temporary interventions, projects, experiences, artistic platforms or artworks
- build audiences and offer innovative opportunities for community engagement and participation
- are community-driven and catalyse creative and community partnerships, collaborations and use resources sustainably
- support employment and professional development opportunities for artists
- support diverse creative expression for example ephemeral, digital, temporary or permanent artworks, performances, mini festivals, installations, happenings, workshops or creative activations that reimagine, activate or transform public spaces
- support accessible, diverse and culturally appropriate creative activity
- demonstrate artistic merit, impact and viability

This small grant program aligns with the goals and objectives identified in our Operational Plan and the public art priorities in the Public Art Strategy and Public Art Policy and Guidelines.

Project Design Considerations & Assessment Criteria

In reviewing your application, ensure that your project addresses the following assessment criteria.

1. Audiences, Engagement & Collaboration (25%)

Ability to engage audiences in its development and/or presentation, for example:

- a clear methodology for engaging with relevant stakeholders, or community engagement plan
- if including Aboriginal cultural content demonstrates appropriate permission from local Aboriginal Elders
- track record including demonstrated interest from audiences
- supports diverse cultural expression and participation

2. Context (25%)

The proposal is appropriate to the context:

- site specificity
- connection with local themes, community values, and stakeholders
- is lead by a local artist, producer or creative organisation (Northern Rivers based) and are locally determined arts and cultural activities
- sustainability

3. Viability (25%)

Ensures professional project execution through consideration of:

- timeframe and budget
- maintenance, provision for quality materials, durability / removal requirements
- safety and risk management and other approvals such as WWC, traffic control, PPE

4. Artistic Merit and Impact (25%)

Quality of the project vision, ideas and artistic rationale, contribution to cultural vibrancy and contemporary arts practice including:

- quality of past work, technical skills of the artist/s and demonstrated ability to upscale creative ideas
- artistic impact
- artistic, social, environmental outcomes achieved through the work
- innovation, originality and experimentation
- overall value for money relative to impact.

During the selection process consideration will be given to geographic spread of projects across the Shire.

Value for money, in-kind support or a third party partnership contribution financial / in-kind / delivery support will be highly regarded.

Artist Teams or Artist/Producer collaborations must nominate one point of contact for all administration and communication with Council.

Eligibility

These grants are open to Northern Rivers' artists and arts producers with a demonstrated ability to upscale creative ideas to deliver projects in Byron Shire.

To be eligible to submit an applicants must:

- be an Australian citizen or resident or hold a valid work permit; and
- live in the Northern Rivers

Requirements

- All items in the checklist and declaration (in the Application Form) must be supported with appropriate attachments. Note: incomplete applications will not be considered.
- The project will occur within the Byron Shire.
- The artist/artist team is Northern Rivers based and demonstrates relevant experience and capacity.
- Installation methodology is appropriately considered and outlined.
- Maintenance of any permanent artwork fits within identified budget.
- The artwork/ project location is appropriate and relevant approvals can be obtained within the timeframe.
- The artwork/ project does not pose a safety risk and meets relevant building and safety standards. The installation and construction documentation of the project is appropriate.
- The timeline for the project is achievable.
- Applicants will need to:
 - Provide an Australian Business Number (ABN)
 - Hold Public Liability insurance to the value of \$10 million
 - Have a current Working with Children Check, if applicable
 - Have all other necessary clearances, insurances, approvals or certificates

Applicants are encouraged to consider the environmental impact of their work and the responsibilities of art in the public domain, to ensure a healthy natural and built environment for future generations.

Projects could consider minimising environmental impact through production and presentation, in relation to:

- materials
- function
- content
- waste
- implementation
- installation
- maintenance;
- overall contribution to green space.

Temporary activations or artworks can deliver high impact built and natural environment transformations, with low environmental impacts (such as a platform for changing digital projections).

Copyright

The successful artist/creative team will maintain copyright in their submissions. Council retains permission to use images and ideas in promotion of the grant round and the successful projects of grant recipients in Council promotions. Council will attribute artists in any promotion related to the program.

What cannot be funded?

- Money for personal use, operational expenses, capital or equipment purchases.
- Projects outside the Byron Shire.
- Cash prizes or commercial gifts.
- Projects that have already been commenced (funds will not be supplied retrospectively).
- Production costs of films, videos, books or other publications.
- Competitions, Prizes and adjudication fees.
- Fundraising events.

Outdoor spaces

If your application includes plans for activities in outdoor spaces such as streets, laneways, parks or open spaces, you must discuss your project with the Arts and Culture Officer before submitting an application. Such spaces are used for a variety of purposes and restrictions may apply that could affect your project.

Permits are not required as part of the application process, however applicants must demonstrate awareness of any requirements that may have approval, timeframe or cost implications for the project budget. Successful applicants must obtain relevant approvals and permits before the grant is paid.

Applicants are strongly encouraged to review the [Byron Shire Council Events Guide](#) to ensure project approvals and requirements in public spaces are fully considered.

All artists who propose to loan temporary public artwork to Council should have their own insurance and public liability insurance. Proposals for permanent public art installations will require additional review through the Public Art Guidelines and the Public Art Assessment process.

Assessment Process

A selection committee will assess applications against the criteria and make a recommendation to Council about the grant project proposal. If Council endorses the recommendation, the applicant/s will be notified in writing that their project has been approved for grant funding.

- Once the project has been approved, work can commence
- 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 must include at least one photo
- Evaluation will be based on the Cultural development networks standardised outcome measures.

The funding pool is allocated at the discretion of Council and subject to budgetary constraints annually. Council reserves the right to include a strategic priority area in consideration of grants.

Projects must be submitted on the Application Form provided, with supporting information attached, if relevant. 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. Applicants must have no outstanding grant acquittals or debts owing to Council.

Guiding principles

Projects should also align with the following guiding principles as set out in the Byron Shire Public Art Policy:

1. Distinctive Spaces - Create and commission innovative, public art that reflects the values of the Shire's communities.
2. Diverse Art Forms - Encourage new, innovative art forms and styles.
3. Local Skilling and Employment - Provide opportunities for local artists and community members to develop their professional skills.
4. Partnerships - Develop and maintain collaborative partnerships with those involved in public art projects.
5. Local Culture- Public Art will reflect the local cultural diversity, identities, issues, values and sites of significant cultural and natural heritage.
6. Sponsorship - Encourage private and commercial sector contributions to public art and effective mechanisms for partnerships.

Council recognises that high quality public art has the ability to enhance public places and spaces. It can also add immeasurably to a community's sense of place, contribute to civic identity, address community needs, and activate public spaces.

As outlined in the Public Art Policy, Public art acquisitions [projects] will be:

- a) Integral to social and cultural development as outlined in the Byron Shire Community Strategic Plan.
- b) Developed and managed by appropriate procedures and processes
- c) Created considering standards of excellence, in a professional manner
- d) Adequately planned with relevant stakeholders throughout the project duration
- e) Meaningful, aesthetically stimulating and site specific
- f) Aimed to provide a cultural outcome
- g) Supportive of local creative industries.

**Report No. 4.4 PAP Referral 144 Jonson Street DA
10.2021.441.1**

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Office

5 **File No:** I2021/1232

Summary:

10 A retrospective DA has been submitted for a mural and illuminated signage on a heritage Building at 144 Jonson Street, Byron Bay. In accordance with the requirements in the Development Control Plan, this development application is referred to the Public Art Panel for feedback on the mural component.

RECOMMENDATION:

15 **That the Public Art Panel provides feedback to the Assessment Officer with regards to the attached Development Application for 144 Jonson Street, Byron Bay.**

DA 10.2021.441.1

Attachments:

- 20 1 10.2021.441.1 - SEE 144 Jonson St, Byron Bay_PAN-121505, E2021/98920 , page 35[↓](#)
 2 10.2021.441.1 - Plans and designs_PAN-121505, E2021/98922 , page 49[↓](#)
 3 10.2021.441.1 - DA form_PAN-121505, E2021/98923 , page 56[↓](#)
 4 10.2021.441.1 - Report on Heritage Impact_PAN-121505, E2021/98924 , page 60[↓](#)

25

Report

The Heritage impact Assessment Report prepared by heritage consultant Kate Gahan for this DA has concluded that:

- 5 1. Each of the works undertaken (listed above) are considered appropriate treatments to the heritage item (see details in table on page 9-12);
2. Each of the works undertaken has not resulted in an adverse heritage impact, rather overall the heritage impact has been positive (see details in table on page 9-12);
3. The current owners acted in good faith by undertaking these works to address a recurring illegal graffiti problem on the rear wall of the building.
- 10 The report notes that the overlay of the current Space Yoga mural on the building's rendered brick surface does not create any additional impact on the fabric of the building from a heritage point of view – given it was already painted and over an existing rendered brick finish. Therefore, the Heritage impact on the fabric of the building is considered neutral as this surface, at any point, could be returned to a blank painted finish.
- 15 The owner of the building has reported that since the mural was installed issues with graffiti have reduced.

Regarding the subject matter of the mural the heritage assessment states:

- 20 Despite the building's historic use as a Bacon and Small Goods Factory, and its part in illustrating the evolution of Norco in the town and region, the mural appropriately interprets Byron Bay's contemporary cultural life through the image / face of a woman. The composition of the mural depicts the face in direct relationship to Byron Bay township and environs, as is symbolised by the lighthouse and ocean & rainbow imagery. The style of the mural suggests the contemporary/alternative culture of the town and region – which is steeped in the recent past/half century, triggered by the Aquarius festival of the early
- 25 1970s. Aquarius also coincided with the closing of the factory in 1972 – the layering of this style of mural and subject matter on the former Norco building suggests the layered history of the town/region – including changes it has seen socially, culturally, and economically.

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
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 Chapter, Development Control Plan

Public Art Policy – adopted August 2018.

Public Art Strategy – adopted August 2018.

- 5 Public Art Guidelines – adopted December 2019.

Development Control Plan - Excerpt

D8.3 Provision of Murals

10 This Subchapter applies to the provision of murals requiring development consent under Byron LEP 2014, Part 5.10 – Heritage Conservation. This may include murals that impact Byron Shire Development Control Plan 2014 – Chapter D8 – Public Art Adopted 15 August 2019 Effective 11 September 2019 on a heritage item or are located within a heritage conservation area or may include murals that impact on an Aboriginal object or Aboriginal place of heritage significance.

Objectives

- 15 1. To conserve the environmental heritage of Byron Shire.
2. To facilitate the provision of murals that are appropriate for the location and the community.

Performance Criteria

- 20 1. The following considerations are to be addressed in a development application for a mural requiring development consent under Byron LEP 2014, Part 5.10 – Heritage Conservation:
- a) Is the artwork suited to a diverse audience?
- b) Does the mural add to the character and integrity of the location?
- 25 c) Is the artwork a mural as defined in this DCP or does it meet the definition of signage?
2. Consideration is to be given to the use of mediums that will not affect the original fabric of the heritage item (e.g. mural may be painted on removable ply boards).
3. Development applications must include a heritage impact statement in accordance with Byron LEP 2014, Part 5.10(4).
- 30 4. Where the mural is considered to be of minor impact, applicants are to consult with Council prior to lodgement of a development application to determine if Byron LEP 2014, Part 5.10(10) is applicable.

Financial Considerations

Nil to the public art budget.

Consultation and Engagement

Planning Assessment Officer



E: mattwalkertownplanning@gmail.com
PO Box 1150 Byron Bay NSW 2481
T: 0488 422 500

Statement of Environmental Effects

Use of Mural and Advertising Signage on a
Heritage Building.

144 Jonson St, Byron Bay

July 2021

Statement of Environmental Effects - 144 Jonson St, Byron Bay

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Statement of Environmental Effects - 144 Jonson St, Byron Bay

1. Introduction

This Statement of Environmental Effects is intended to accompany the Development Application prepared by Matt Walker for and on behalf of the owner of the subject land. The purpose of this report is to describe the site, its existing and proposed uses and to address any issues relevant to the application's assessment and approval.

Structure of Report and Scope

This report is broken down in to the following sections:

Section 2 – Describes the physical characteristics of the subject land.

Section 3 – Describes the proposed development for which this application is seeking planning consent.

Section 4 – Provides a statutory assessment of the proposal against the provisions of relevant planning policies and legislation and environmental impacts.

Section 5 – Conclusion.

All supporting plans, documents and any reports required to accompany this statement have been included in the Appendices to assist in the assessment of the proposal.

Statement of Environmental Effects - 144 Jonson St, Byron Bay

2. Description of the land

The Locality

Figure 1: Locality of the subject land (Six Maps).



Figure 2: Aerial view of the subject site and surrounds (Six Maps).



Site Analysis

The subject site is located at number 144 Jonson Street, Byron Bay which is situated at the southern end of Jonson Street on the western side which contains a former Norco building listed as a Heritage Item. The land is legally described as Lot 6 DP 258071 and is a rectangular shaped lot which is occupied by a number of tenancies on the ground and first floor. This application specifically relates to the tenancy on the upper floor occupied by Space Yoga.

The former Norco building is listed on the Byron Shire Council LEP as an item of local environmental heritage as the 'Norco Butter Factory'. In 2005 the building was assessed as having historic, social and scientific (or archaeological) heritage values. This building was constructed in 1929 to accommodate Norco's Bacon and Small Goods department – which it operated in conjunction with its butter making enterprise; it was never used

Statement of Environmental Effects - 144 Jonson St, Byron Bay

for butter production. The site is free of any significant environmental constraints.

Land Zoning

The subject site is zoned B2 – Local Centre under the Byron Local Environmental Plan 2014. All adjoining land is within the same Zone aside from the land to the west which is zoned SP2 - Infrastructure.

Figure 3: Land Zoning (Planning Portal).



Existing use

The subject site contains a 2 storey building with a number of tenancies on the ground and upper floor, ground floor being Byron Music and the upper floor Space Yoga. The upper floor has been used as a yoga studio for many years with the current tenants Space Yoga taking over recently and subsequently painting over the graffiti at the rear of the building (see below) and installing some signage. These works were undertaken without approval hence the need for this retrospective application.

Figure 4: Graffiti on wall prior to mural



Statement of Environmental Effects - 144 Jonson St, Byron Bay

Flooding

The subject land is only partially mapped as being flood liable on the north western corner (see below).



Bushfire

The subject land is mapped as being within the buffer to bushfire prone land as evidenced below (Figure 4). The mapped threat is classed as Vegetation Buffer. The proposed works do not trigger the need for a Bushfire Assessment given the application is for use of a mural and lighting on the rear façade.

Figure 5: Bushfire Mapping (Planning Portal).



Acid sulfate soils

The subject site is mapped as containing Class 3 and Class 5 Potential Acid Sulfate Soils.

Visual character

The subject site is not identified as being within the Heritage Precinct but the site and the adjoining buildings to the north are listed as a Heritage Item being the former Norco Building as highlighted below:

Statement of Environmental Effects - 144 Jonson St, Byron Bay

Figure 6: Heritage Item mapping



A Heritage Impact Statement has been included in the Appendices to this report highlighting how the mural meets the objectives and provisions of the Heritage Item guidelines.

3. General description of proposed development

Proposed works

This application seeks approval for the use of a mural painted on the rear façade of the building as well as an advertising sign 'Space Yoga' fixed to the wall with associated lighting. The mural was designed by an artist at the request of the tenant with the intention of covering up the graffiti which had tainted the wall for many years.

The mural was designed to represent the essence of contemporary Byron Bay lifestyle, the divine feminine, the colours of Byron, the lighthouse, diversity and flora and fauna. The mural is obviously a subjective piece but it is considered to be a well thought out design which does not detract from the Heritage significance of the building and is a marked improvement from the random graffiti which has defaced the building for years.

The advertising signage is approx. 5m long, 600mm high with a total area of approx. 3m² which is deemed minor considering the façade is approx. 70m² in total area. The signage sits in the lower right hand portion of the wall and is illuminated with some additional down lights under the eaves to illuminate the mural at night. No other works are proposed as part of this application.

Proposed Services

The property has existing wired service connections, water and sewer and stormwater is already directed to the street. No additional services are required.

4. Statutory Assessment

Section 4 documents the range of planning controls applicable in the subject case pursuant to Section 4.15 of the Act and facilitates the effect of these instruments in the circumstances of the development.

Statement of Environmental Effects - 144 Jonson St, Byron Bay

State Environmental Planning Policies (SEPP)

State Environmental Planning Policy No 64—Advertising and Signage

Clause 22 Wall advertisements

SEPP requirement	Comment
(1) Only one wall advertisement may be displayed per building elevation.	Complies
(2) The consent authority may grant consent to a wall advertisement only if— a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and	The advertisement is integrated with the mural and the façade, it does not overbear the building occupying a small percentage of the wall space.
(b) for a building having— (i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and (ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and (iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and	The wall is less than 100m2 and the advertisement occupies approx. 5% of the above ground elevation well below the 20% limit.
(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and	The signage only protrudes approx. 120mm from the wall.
(d) the advertisement does not protrude above the parapet or eaves, and	The signage is well below the eaves
(e) the advertisement does not extend over a window or other opening, and	Complies
(f) the advertisement does not obscure significant architectural elements of the building, and	Complies – the signage is on a flat rendered part of the wall.
(g) a building identification sign or business identification sign is not displayed on the building elevation.	Complies
(2A) In the case of the display of a wall advertisement on transport corridor land, subclause (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.	n/a

Statement of Environmental Effects - 144 Jonson St, Byron Bay

Assessment criteria

1 Character of the area • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, the signage fronts onto a parcel of land dedicated to Infrastructure and then onto bushland.
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is a simple design in keeping with the locality which is lit at night.
2 Special areas • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	As detailed in the attached Heritage Impact Statement the proposed signage is a small part of the overall mural painted on the wall and does not detract from the Heritage building.
3 Views and vistas • Does the proposal obscure or compromise important views?	No
• Does the proposal dominate the skyline and reduce the quality of vistas?	No
• Does the proposal respect the viewing rights of other advertisers?	Yes
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes, the scale and proportion of the signage is approx. 5% of the elevation and blends with the mural.
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes – the mural and signage visually contributes to the aesthetic of the locality.
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	It replaces graffiti which had a cluttered and messy look on the façade with a uniform mural and simple signage.
• Does the proposal screen unsightliness?	It replaces the unsightly graffiti.
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
• Does the proposal require ongoing vegetation management?	No

Statement of Environmental Effects - 144 Jonson St, Byron Bay

5 Site and building • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes, the signage is less than 5% of the façade and is an appropriate scale and proportion.
• Does the proposal respect important features of the site or building, or both?	Yes, the signage has been placed on a blank part of the wall and does not detract from any important features of the building.
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	It is deemed that the signage and mural are both innovative and show imagination from the designer to incorporate many different themes that are iconic to Byron Bay.
6 Associated devices and logos with advertisements and advertising structures • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	n/a
7 Illumination • Would illumination result in unacceptable glare?	No, the signage although partly illuminated does not cause glare to neighbours.
• Would illumination affect safety for pedestrians, vehicles or aircraft? No	No, the illumination does not cause issues for pedestrians or motorists.
• Would illumination detract from the amenity of any residence or other form of accommodation?	No, the illumination faces out on to bushland.
• Can the intensity of the illumination be adjusted, if necessary?	It could be reduced if necessary.
• Is the illumination subject to a curfew?	No.
8 Safety • Would the proposal reduce the safety for any public road? No	No.
• Would the proposal reduce the safety for pedestrians or bicyclists?	No.
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? No	No.

SEPP - Coastal Management 2018

There is no impact onto existing or future access to the coastal foreshore as the land is privately owned and well separated from beach areas. The proposed development does not overshadow the beach, cause loss of views

Statement of Environmental Effects - 144 Jonson St, Byron Bay

or have an adverse impact on the scenic qualities of beach areas. The land has no known archaeological value or contains coastal wetlands or littoral rainforest. The proposed use is consistent with use of adjoining lands. The proposal complies with the requirements of the SEPP and an EIS is not required.

Byron Local Environmental Plan 2014

The land is zoned B2 – Local Centre under the Byron Local Environmental Plan 2014 (BLEP 2014). The following clauses in BLEP 2014 apply to the development proposed by this application:

B2 Local Centre Zone

The objectives of this zone include:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.'*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To encourage vibrant centres by allowing residential and tourist and visitor accommodation above commercial premises.*

The proposed signage meets all of the objectives of the zone.

Clause 4.3 – Height of Buildings

The height of the building has not been increased by this proposal

Clauses 4.4 & 4.5 – Floor space ratio

The Floor Space Ratio (FSR) is not increased by the proposal.

Clause 5.9 – Preservation of trees

No vegetation is required to be removed as part of this application.

Clause 5.10 – Heritage conservation

The subject site is not located within the Heritage Precinct however the building is listed as a Heritage Item being the former Norco Building. Potential impacts on the Heritage Item have been dealt with in the Heritage Impact Assessment which has been included in the Appendices to this report.

Clause 6.1 – Acid sulphate soils

The subject site is mapped as containing Class 3 and Class 5 Potential Acid Sulfate Soils. No PASS have been disturbed as part of this development.

Clause 6.2 – Earthworks

No earthworks are required for this application.

Clause 6.3 - Flood planning

The proposal does not impact on the flood liability of the lot.

Statement of Environmental Effects - 144 Jonson St, Byron Bay

Clause 6.5 - Drinking water catchments

The proposed development is not located within the Drinking water catchment.

Clause 6.6 – Essential services

All essential services are already available to the site and no other works are proposed.

The provisions of any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments currently applicable to the site.

Byron Development Control Plan 2014

Part B Controls Applying Generally to Development Applications

Chapter B2 – Preservation of trees and other vegetation

As detailed in clause 5.9 above, no vegetation is required to be removed as part of this application.

Chapter B3 – Services

All services required for the development are already connected to the property.

Clause B3.2.4 Stormwater management

Stormwater is already connected to the street.

Chapter B4 – Traffic planning, vehicle parking circulation and access

No changes to the parking demand for the units.

Chapter B10 – Signage

The signage has been designed to comply with all the requirements of this chapter especially with respect to Heritage Items as detailed in the Heritage Impact Assessment. The use of materials, lighting and positioning of the signage has been done to minimise impacts on the streetscape as well as form a part of the mural rather than dominate the façade.

The signage reflects the function of the premises and is located on the building it relates to, is simple, clear and concise in design, durable and waterproof. There is only one wall advertisement on the rear elevation and the size and scale of the signage complies with all the provisions relating to Wall Advertisements as detailed under SEPP 64 previously in this report.

Chapter B14 – Excavation and fill

No earthworks are proposed.

Part C Further Controls, Specific Constraints & Environmental Characteristics

Chapter C1 – Non-Indigenous Heritage

The proposed development is not within a heritage conservation area however as stated previously the building is identified as a Heritage Item under the LEP 2014. A Heritage Impact Assessment has been included in the

Statement of Environmental Effects - 144 Jonson St, Byron Bay

Appendices to address the requirements of this chapter and ultimately find that the mural and associated signage does not detract from the Heritage significance of the building.

Chapter D4 Commercial and Retail Development

The proposal complies with all of the relevant clauses within this chapter.

The likely impacts of the proposed development

Social and Economic Impacts

The proposal for use of the mural painted on a building and an advertising sign (Space Yoga) is within an existing commercial zone and is socially compatible with the surrounding land uses. The proposal is deemed to be minor in nature and does not cause any social or economic impacts as highlighted in this report.

Impacts on the Built Environment

The proposal seeks approval to use a mural painted on a building and an advertising sign (Space Yoga). Any potential impacts on the built environment are deemed to be negligible.

Impacts on the Natural Environment

The development is existing and does not require any removal of vegetation nor does it impact on the natural environment. Subsequently it is deemed that any impacts on the natural environment will be negligible.

Suitability of the site for the Proposed Development

The proposal is within the B2 Local Centre Zone where signage is permissible with consent and complies with the objectives and requirements for this zone and the related SEPP. The development does not increase floor space ratios or have any amenity impacts on adjoining properties nor on the fabric of the Heritage Item. The works have not had any detrimental impacts on the streetscape or to motorists and comply with the requirements for signage. It is deemed that the subject site is suitable for the use of the mural and signage on the building.

5. Conclusion

This Statement of Environmental Effects, when read in conjunction with the accompanying design plans and Heritage Impact Statement successfully addresses the issues relevant to Council's assessment of this application for the use of a mural painted on a Heritage building and an advertising sign (Space Yoga). In consideration of the issues and information provided,

Statement of Environmental Effects - 144 Jonson St, Byron Bay

approval of the Development Application is requested in the manner prepared, subject to the imposition of reasonable and relevant conditions of consent.

The proposal is deemed to be a respectful and contemporary design approach to the site characteristics and adjoining development in the locality whilst complying with the relevant State and Local planning policies and guidelines. It is believed the development has been carried out on the subject site with minimal impact on the commercial, natural and built environments whilst making a positive improvement to the rear façade which was previously tarnished with graffiti. The art and signage is deemed to respect the heritage features of the building whilst providing an aesthetically pleasing mural for people to observe and at the same time informing them of the business operation.

Should you have any issues or require any additional information for this application please contact me at 0488 422 500 or email mattwalkertownplanning@gmail.com,

Kind regards,



MATT WALKER
T O W N P L A N N I N G

Mood Board
Space Yoga Byron Bay



Space Yoga Byron Bay
Signage

40387.158	Project
WD1.1	Drawing
Signage Package	Title
Drawing for Approval Page 1 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR APPROVAL	Revision A
Description Issued for Approval	# A Date 14.11.2020

I have examined this drawing revision with response as per below.

☐ **APPROVED** – Proceed as per drawing.

☐ **RESUBMIT** – as per noted amendments.

Signature: _____

Date: _____

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Mood Board
Space Yoga Byron Bay



The Byron Divine Feminine

What is the Divine Feminine? The Divine Feminine is a form of energy that all beings possess. It is known by many names such as shakti, yin, and lunar energy, and is often connected symbolically with the moon, Gaia (Mother Earth), and water. Just like the Divine Masculine, it is 'one half' of the Spirit of Life.

According to Kingsbury, the Divine Feminine is the aspect of the self associated with "creation, intuition, community, sensuality (felt sense rather than thinking sense), and collaboration."



The Colours of Byron Bay

Byron bay is known for its beautiful blue waterways and surf, complimented by vibrant yellow beaches. Beyond the coastline the Byron Shire breaks out into lush green rain forest and national parks. All three of these features are represented by the colours blue, yellow and green as represented in the Byron Shire Council logo.



Cape Byron Lighthouse

Cape Byron Lighthouse sits on Australia's most easterly point, a shining light over Byron Bay. The light that shines by night over Cape Byron Marine Park emanates from a tower as famous as the town of Byron Bay itself. Operated by resident keepers until 1989, its now automated light is clearly visible from Byron Bay township and is a key part of the locations heritage and culture.



Diversity & Acceptance

Byron is known as the 'rainbow region' – and it's very inclusive and gay-friendly. With its colourful history as a hippie haven, a surf hangout and a center for arts, music and culture, Byron is known for being very inclusive and relaxed. Combined with its sub-tropical climate and incredible natural beauty, Byron has become a beacon of culture and acceptance.



Flora & Fauna

Byron bay is home to many native animals including flying foxes, koalas, butterflies, frogs and many more. In particular the Blue Tiger Butterfly. Spiritually the butterfly is a significant symbol of rebirth or spiritual transformation from the first part of its life as a caterpillar into its final form as a butterfly. When we undergo a spiritual transformation, we must retreat from the outer world and into our inner being just like the butterfly.

Space Yoga Byron Bay

Signage

40387.158	Project
WD1.2	Drawing
Signage Package	Title
Drawing for Approval Page 2 of 7	
14.11.2020	Date
@ A3	Scale
JF	Drawn

ISSUED FOR APPROVAL	Revision
	A
Description Issued for Approval	# A
	Date 14.11.2020

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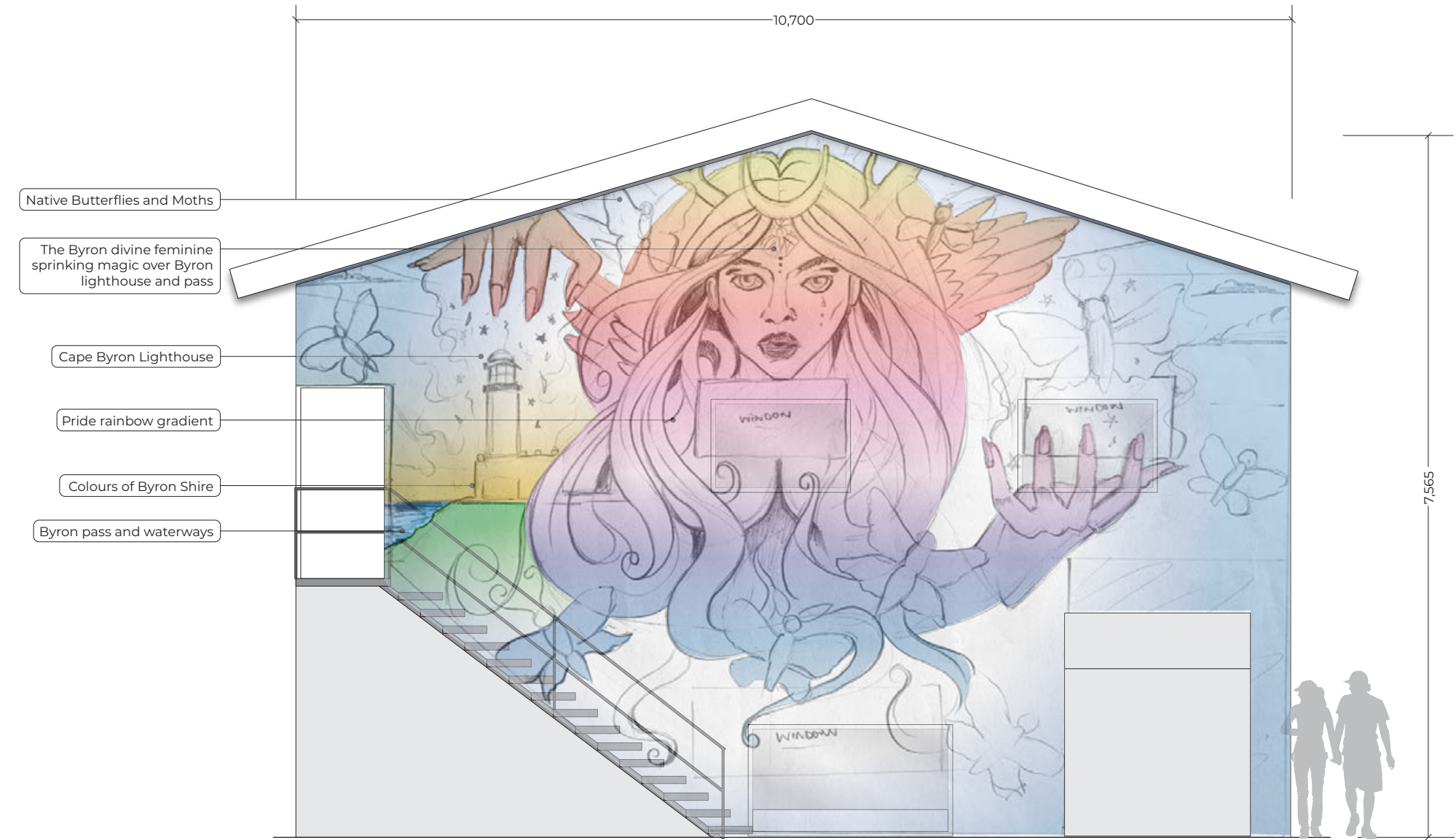
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Mural 01
Exterior Back Wall

Usher Group to supply and install.



01 | Mural 01: Exterior Back Wall
Scale 1:50

Space Yoga Byron Bay
Signage

40387.158	Project
WD1.3	Drawing
Signage Package	Title
Drawing for Approval Page 3 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR
APPROVAL

Revision
A

Description	#	Date
Issued for Approval	A	14.11.2020

'SPACE'		FACE ILLUMINATED
'SPACE YOGA'		HALO ILLUMINATED
'BYRON BAY'		NON ILLUMINATED

I have examined this drawing revision with response as per below.
☐ **APPROVED** – Proceed as per drawing.
☐ **RESUBMIT** – as per noted amendments.

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Date: _____

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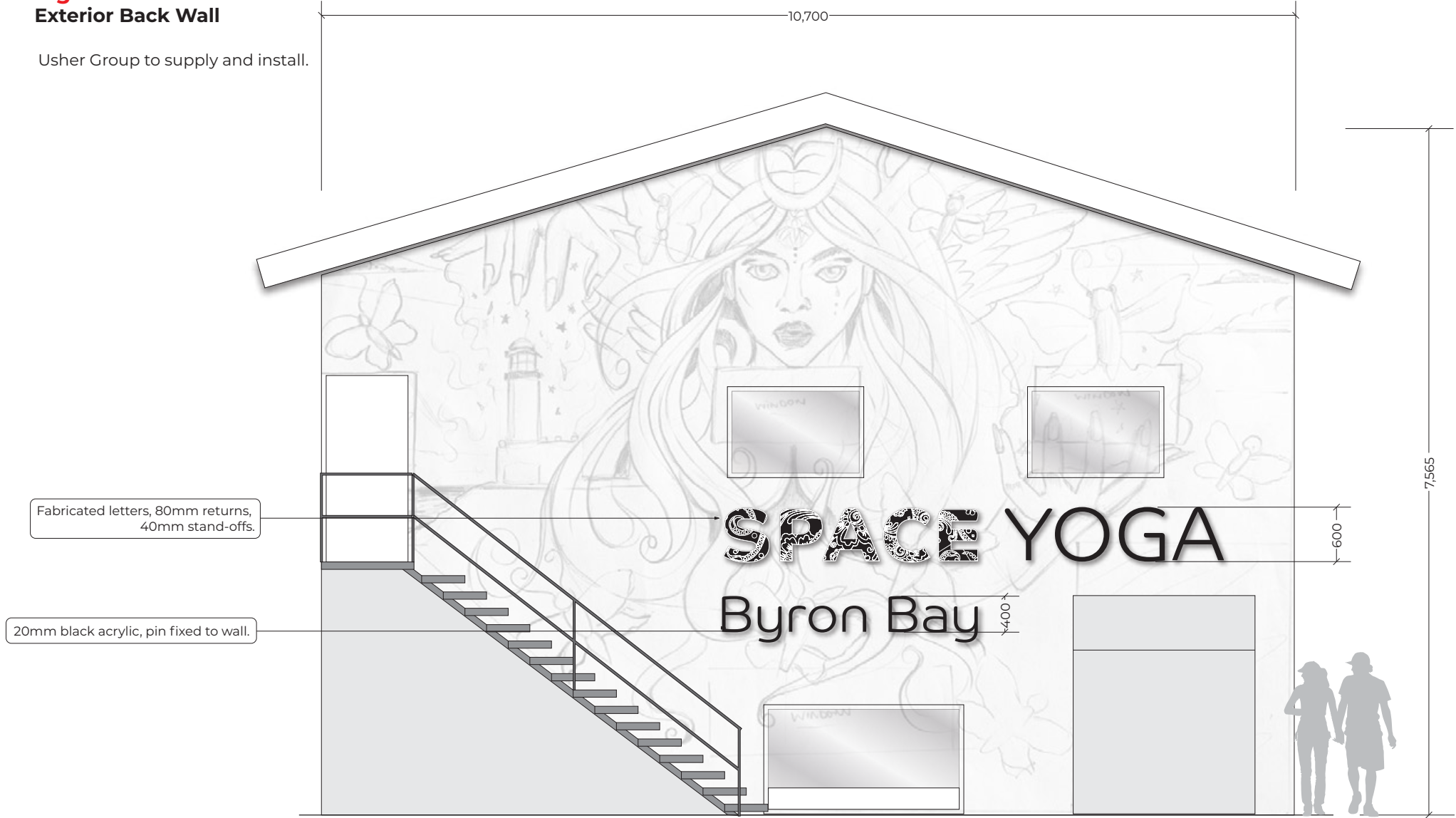
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Sign 01
Exterior Back Wall

Usher Group to supply and install.



Fabricated letters, 80mm returns,
40mm stand-offs.

20mm black acrylic, pin fixed to wall.

01 | Sign 01: Exterior Back Wall
Scale 1:50



ACRYLIC
10MM OPAL

ACRYLIC
3MM BLACK

10mm opal acrylic face,
3mm black acrylic 'block-out' pattern.
Areas depicted white will illuminate.

Space Yoga Byron Bay
Signage

40387.158	Project
WD1.4	Drawing
Signage Package	Title
Drawing for Approval Page 4 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR
APPROVAL

Revision
A

Description	#	Date
Issued for Approval	A	14.11.2020

'SPACE'  FACE
ILLUMINATED

'SPACE YOGA'  HALO
ILLUMINATED

'BYRON BAY'  NON
ILLUMINATED

I have examined this drawing revision with
response as per below.
☐ APPROVED – Proceed as per drawing.
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Sign 03 Store Room Glazing Specifications

Space Foundation landmark weeded out of frosted self adhesive vinyl.
Usher Group to supply and install.



01 | Sign 03: Store Room Glazing Elevation | Qty x3 panels | Scale 1:20

Space Yoga Byron Bay Signage

40387.158	Project
WD1.5	Drawing
Signage Package	Title
Drawing for Approval Page 5 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR APPROVAL	Revision A
Description Issued for Approval	# A Date 14.11.2020

I have examined this drawing revision with response as per below.
☐ APPROVED – Proceed as per drawing.
☐ RESUBMIT – as per noted amendments.

Signature: _____

Date: _____

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ABN. 48 627 194 343

Sign 04 Reception Desk
Specifications

Desk:
1400mmW x 650mmD x 73mmH, finished in white

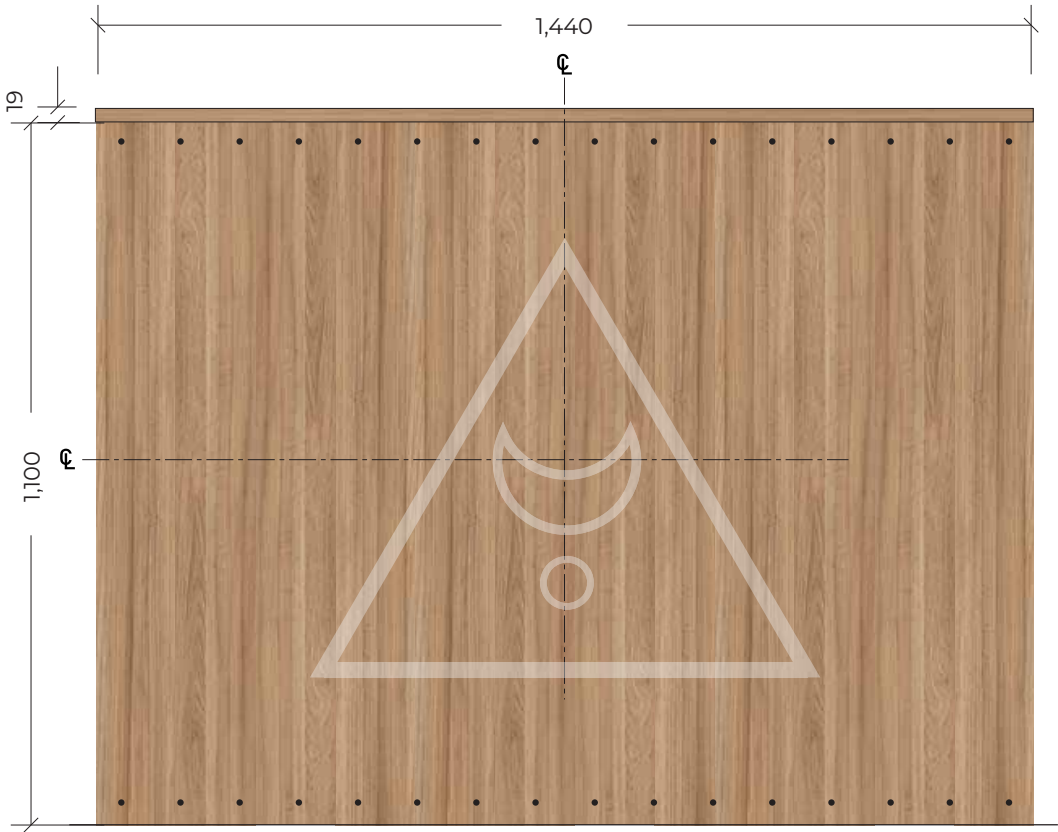
Framework: timber to match cladding

Cladding: Timber type TBC, create wire grain effect as sample. Space Foundation landmark routed on face. Countersunk black mechanical fixings.

Article Number :
503.617.54

MALM
Desk, white
\$199

Width: 140 cm
Depth: 65 cm
Height: 73 cm
Max. load: 50 kg



01 Sign 04 Reception Desk - Front Elevation
Scale 1:10 Qty x 1



02 Sign 04 Reception Desk - Profile
Scale 1:10

Space Yoga Byron Bay

Signage

40387.158	Project
WD1.6	Drawing
Signage Package	Title
Drawing for Approval Page 6 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR
APPROVAL

Revision
A

Description	#	Date
Issued for Approval	A	14.11.2020

I have examined this drawing revision with response as per below.

☐ **APPROVED** – Proceed as per drawing.

☐ **RESUBMIT** – as per noted amendments.

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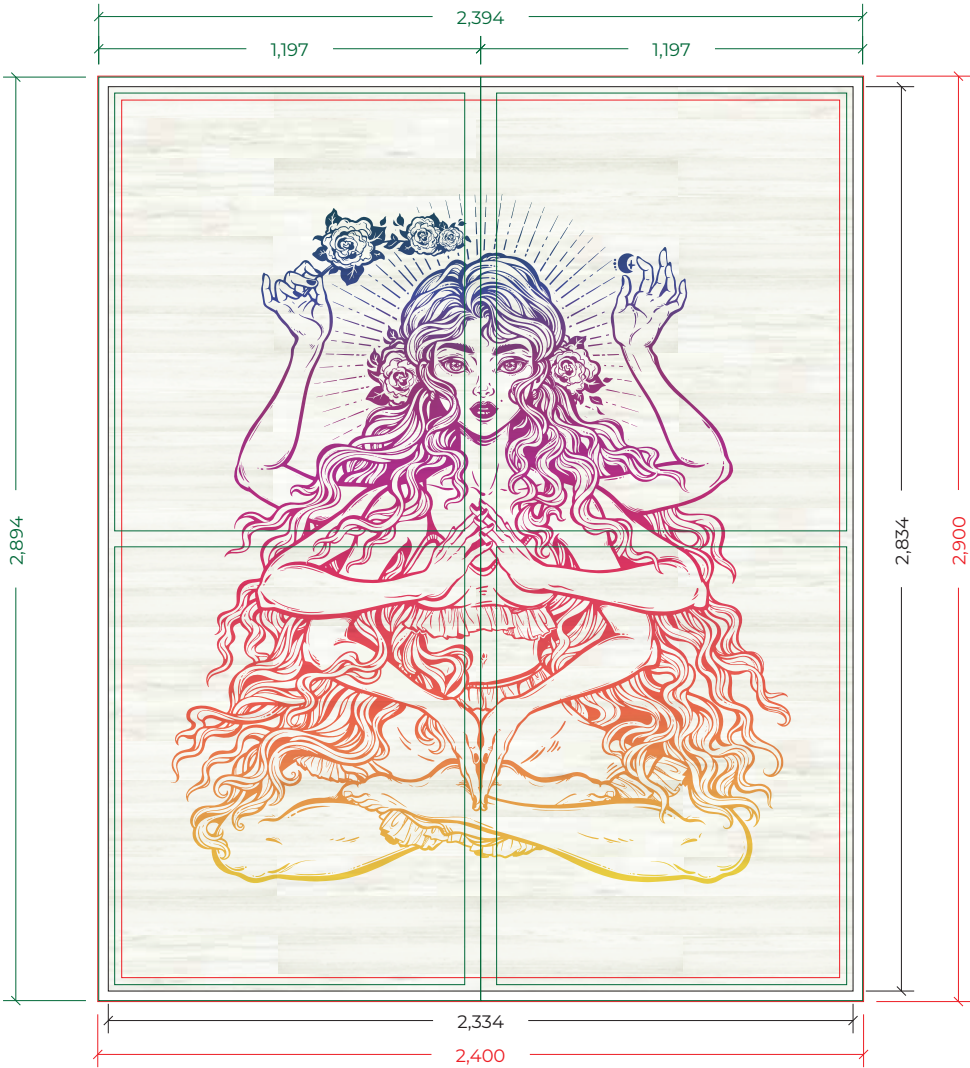
t. (07) 5573 2300 f. (07) 5573 2400

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Sign 05 Studio Divine Feminine Specifications

Printed flex face mounted to 50x3mm SHS frame via sail track
50mm trim to ali subframe for fixing off timber picture frame (white).
Structure mounted off wall via aluminium angle spacers.
Usher Group to supply and install.

- Red line denotes timber framing (2,400mmW x 2,900mmH)
- Green line denotes Ali framing (2x 1,197mmW x 2,894mmH)
- Black line outlines print size (visual size - inside frame - 2,250mm x 2,750mm)



01 Framing Detail Elevation
Scale 1:20



02 Divine Feminine 1
Scale 1:20 Qty x1



03 Divine Feminine 2
Scale 1:20 Qty x1

Space Yoga Byron Bay Signage

40387.158	Project
WD1.7	Drawing
Signage Package	Title
Drawing for Approval Page 7 of 7 14.11.2020 @ A3 JF	Date Scale Drawn

ISSUED FOR APPROVAL	Revision A
Description Issued for Approval	# A Date 14.11.2020

I have examined this drawing revision with response as per below.
☐ APPROVED – Proceed as per drawing.
☐ RESUBMIT – as per noted amendments.

Signature: _____

Date: _____

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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4 - ATTACHMENT 3



Development Application Form

Portal Application number: PAN-121505

Council Application number: 10.2021.441.1

Applicant contact details

Title	Mr
First given name	Matthew
Other given name/s	
Family name	Walker
Contact number	0488422500
Email	mattwalkertownplanning@gmail.com
Address	PO Box 1150 Byron Bay NSW 2481
Application on behalf of a company, business or body corporate	No

Owner/s of the development site

Owner/s of the development site	A company, business, government entity or other similar body owns the development site
Owner #	1
Company, business or body corporate name	Roger Super Fund
ABN / ACN	

I declare that I have shown this document, including all attached drawings, to the owner(s) of the land, and that I have obtained their consent to submit this application. - Yes

Note: It is an offence under Section 10.6 of the Environmental Planning and Assessment Act 1979 to provide false or misleading information in relation to this application.

Developer details

ABN	
ACN	
Name	
Trading name	
Address	
Email Address	

Development details

Application type	Development Application
Site address #	1
Street address	144 JONSON STREET BYRON BAY 2481
Local government area	BYRON
Lot / Section Number / Plan	6 / - / DP258071
Primary address?	Yes
	<div>Land Application LEP</div> <div>Byron Local Environmental Plan 2014</div> <div>Land Zoning</div> <div>B2: Local Centre</div>

This application form was submitted via the Online DA service, accessed via the NSW Planning Portal to the relevant council. For further information please contact council. 1

Planning controls affecting property	Height of Building	11.5 m
	Floor Space Ratio (n:1)	1.3:1
	Minimum Lot Size	200 m²
	Heritage	Former Norco Butter Factory Significance: Local
	Land Reservation Acquisition	NA
	Foreshore Building Line	NA
	Acid Sulfate Soils	Class 5
	Bushfire Prone Land	Vegetation Buffer
	1.5 m Buffer around Classified Roads	Classified Road Adjacent
	Land near Electrical Infrastructure	This property may be located near electrical infrastructure and could be subject to requirements listed under ISEPP Clause 45. Please contact Essential Energy for more information 13 23 91.

Proposed development

Proposed type of development	Signage
Description of development	Use of mural and signage on Heritage Building
Dwelling count details	
Number of dwellings / units proposed	0
Number of storeys proposed	0
Number of pre-existing dwellings on site	
Number of dwellings to be demolished	
Number of existing floor area	
Number of existing site area	
Cost of development	
Estimated cost of work / development (including GST)	\$27,291.00
Do you have one or more BASIX certificates?	No
Subdivision	
Number of existing lots	
Is subdivision proposed?	No
Proposed operating details	
Number of staff/employees on the site	
Number of parking spaces	
Number of loading bays	
Is a new road proposed?	No
Concept development	
Is the development to be staged?	No, this application is not for concept or staged development.
Crown development	
Is this a proposed Crown development?	No

This application form was submitted via the Online DA service, accessed via the NSW Planning Portal to the relevant council. For further information please contact council.

2

Related planning information

Is the application for integrated development?	No
Is your proposal categorised as designated development?	No
Is your proposal likely to significantly impact on threatened species, populations, ecological communities or their habitats, or is it located on land identified as critical habitat?	No
Does the application propose a variation to a development standard in an environmental planning instrument (eg LEP or SEPP)?	No
Is the application accompanied by a voluntary planning agreement (VPA) ?	No
Section 68 of the Local Government Act	
Is approval under s68 of the Local Government Act 1993 required?	No
10.7 Certificate	
Have you already obtained a 10.7 certificate?	No
Tree works	
Is tree removal and/or pruning work proposed?	No
Local heritage	
Does the development site include an item of environmental heritage or sit within a heritage conservation area.	Yes
Are works proposed to any heritage listed buildings?	Yes
Is heritage tree removal proposed?	No
Affiliations and Pecuniary interests	
Is the applicant or owner a staff member or councillor of the council assessing the application?	No
Does the applicant or owner have a relationship with any staff or councillor of the council assessing the application?	No
Political Donations	
Are you aware of any person who has financial interest in the application who has made a political donation or gift in the last two years?	No
Please provide details of each donation/gift which has been made within the last 2 years	

Payer details

Provide the details of the person / entity that will make the fee payment for the assessment.

The Environmental Planning and Assessment Regulation 2000 and Council's adopted fees and charges establish how to calculate the fee payable for your development application. For development that involves building or other works, the fee for your application is based on the estimated cost of the development.

If your application is for integrated development or requires concurrence from a state agency, additional fees will be required. Other charges may be payable based on the Council's adopted fees and charges. If your development needs to be advertised, the Council may charge additional advertising fees.

Once this application form is completed, it and the supporting documents will be submitted to the Council for lodgement, at which time the fees will be calculated. The Council will contact you to obtain payment. Note: When submitting documents via the NSW Planning Portal, credit card information should not be displayed on documents attached to your development application. The relevant consent authority will contact you to seek payment.

The application may be cancelled if the fees are not paid:

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4 - ATTACHMENT 3

First name	Rebecca
Other given name(s)	
Family name	Kennedy
Contact number	0406233061
Email address	rebecca.k@ushergroup.com
Billing address	U1 47 Newheath Dr, Arundel, Queensland 4214

Application documents

The following documents support the application.

Document type	Document file name
Cost estimate report	Cost of works
Elevations and sections	Plans and designs
Generated Pre-DA form	Pre-DA form_1626445078.pdf
Heritage impact statement	Report on Heritage Impact
Owner's consent	Owners consent
Statement of environmental effects	SEE 144 Jonson St, Byron Bay

Applicant declarations

I declare that all the information in my application and accompanying documents is , to the best of my knowledge, true and correct.	Yes
I understand that the development application and the accompanying information will be provided to the appropriate consent authority for the purposes of the assessment and determination of this development application.	Yes
I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.	Yes
If the consent authority is a Council, that Council may use the information and materials provided for notification and advertising purposes, and materials provided may be made available to the public for inspection at the Council's Customer Service areas and on the Council's website.	Yes
I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information which you provide to it.	Yes
I have read and agree to the collection and use of my personal information as outlined in the Privacy Notice	Yes
I agree to appropriately delegated assessment officers attending the site for the purpose of inspection.	Yes
I confirm that the change(s) entered is/are made with appropriate authority from the applicant(s).	

Lodgement details

Outcome of the pre-lodgement review	Application was lodged
Applicant paid the fees?	Yes
Total fee paid	
Council unique identification number	10.2021.441.1
Date on which the application was lodged into Council's system	29/07/2021

This application form was submitted via the Online DA service, accessed via the NSW Planning Portal to the relevant council. For further information please contact council.

4

Report on Heritage Impact



public art and advertising signage
former Norco building,
Jonson Street, Byron Bay

Prepared by Dr Kate Gahan, June 2021



Dr Kate Gahan

history - heritage - interpretation

PO BOX 213 Wardell NSW

kateshistory@rocketmail.com

ABN: 12 295 522 876

Front cover image: Image 1, View of the mural and advertising sign for Space Yoga on the former Norco Building, Jonson Street, Byron Bay. Image Courtesy Theo Vairaktaris, 2021.

NOTE: Research undertaken for this report remains the Intellectual Property of Dr Kate Gahan. Reuse of historic information documented herein must acknowledge my authorship.

Contents

1. About this report	4
2. Conclusions drawn in this report	4-5
3. Heritage significance and heritage listing of the former Norco building	5-8
4. Heritage impact of works undertaken	9-12
5. Recommendations	13
BIBLIOGRAPHY	14-15

1. About this report

This report retrospectively assesses the heritage impact of the installation a public art / mural work and advertising signage on a former Norco building, located on the corner of Jonson Street and Butler Streets, Byron Bay (aka 144 Jonson Street) – and on Lot 1, DP 804082; SP 83280; Lot 6, DP 258071.

The mural and signage works were undertaken by the owners of Space Yoga in February 2021. The mural was installed to address and prevent illegal graffiti activity on the wall, as shown at image 2 below. The signage identifying the location of 'Space Yoga' inside the former Norco Factory was installed at the same time as the mural and deliberately integrated as part of it. Notwithstanding that these works are already in place; this report outlines the heritage impact of:

1. The mural work on the physical fabric of the former Norco building;
2. The mural work on the heritage values of the former Norco building;
3. The signage on the fabric and heritage values of the former Norco building.



Above left: Image 2 shows the rear façade of the former Norco building on which the mural has been installed. **Above right:** Image 3 shows the front façade of the former Norco building, which this report has documented was built in 1929 to accommodate Norco's Bacon and Small Goods 'department' and packaging operations.

2. Conclusions drawn in this report

This report has concluded that:

1. Each of the works undertaken (listed above) are considered appropriate treatments to the heritage item (see details in table on page 9-12);
2. Each of the works undertaken has not resulted in an adverse heritage impact, rather overall the heritage impact has been positive (see details in table on page 9-12);
3. The current owners acted in good faith by undertaking these works to address a recurring illegal graffiti problem on the rear wall of the building;

4. This report has uncovered important new information about the history of this building and the heritage value of the former Norco complex at Byron Bay (see recommendation on page 13).

3. Heritage significance and listing of the former Norco building

The former Norco building located at 144 Jonson Street, Byron Bay, is listed on the Byron Shire Council LEP as an item of local environmental heritage; it is listed as the 'Norco Butter Factory'.¹ In 2005 the building was assessed as having historic, social and scientific (or archaeological) heritage values (see attached NSW State Heritage Inventory).² Research undertaken for this assessment has revealed this building was constructed in 1929 to accommodate Norco's Bacon and Small Goods department – which it operated in conjunction with its butter making enterprise; it was never used for butter production.³

This Norco building, though, once formed part of a greater complex of buildings established by the Richmond River Fresh Food and Cold Storage Company (then from 1904 the North Coast Co-operative Company) from 1895 onwards. In December 1925, the North Coast Co-operative Company became the Norco Co-operative, which continued to operate on the site of the current building until 1972.

Today the remaining buildings once operated by Norco are spread across three titles – including the building now occupied by Space Yoga. This building was constructed in 1929. A comparison of historic photographs (examples pictured below), and an aerial view of the Norco complex dating from 1966, clearly locates and illustrates this building in relation to other Norco buildings, and once centrally located within the Norco complex.

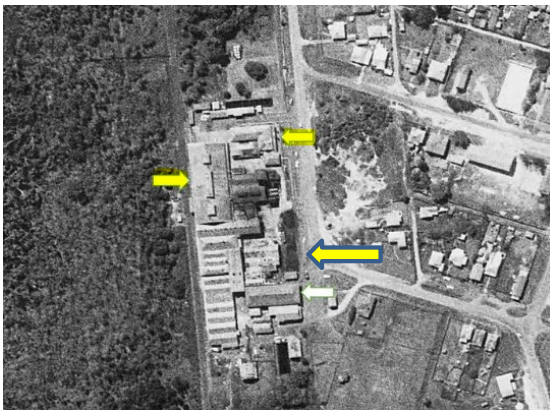


Image 3, aerial view of Norco Factory complex: the **top right** arrow shows the administrative building pictured in image five below. **The middle left** arrow shows the high vented building also shown in image five. **The third arrow**, right & outlined in blue, locates the former Norco building, constructed in 1929 to accommodate the bacon and small goods department, and which is occupied by Space Yoga. (The bottom arrow shows the building that is, today, occupied by Mitre 10 hardware.
<https://slideplayer.com/slide/12654943/>

¹ <https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0297#sch.5>

² https://www.hms.heritage.nsw.gov.au/App/Item/SearchHeritageItems?_ga=2.60558893.1401888697.1624145643-524836347.1607820089

³ NORCO EXPANSION (1929, October 19). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 14. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article94096739>



Image 4 above: historic image of the Norco complex at Byron Bay c. 1930s. The building in the foreground is the Norco headquarters administrative building and the one indicated by the top right arrow in Image 3, shown on the previous page. The HQ admin-building fronted Jonson Street. Located at the rear of the Norco HQ building, and fronting the railway line, is the second-built butter factory. Constructed in 1926, this building is now owned by the Byron Bay Services Club.

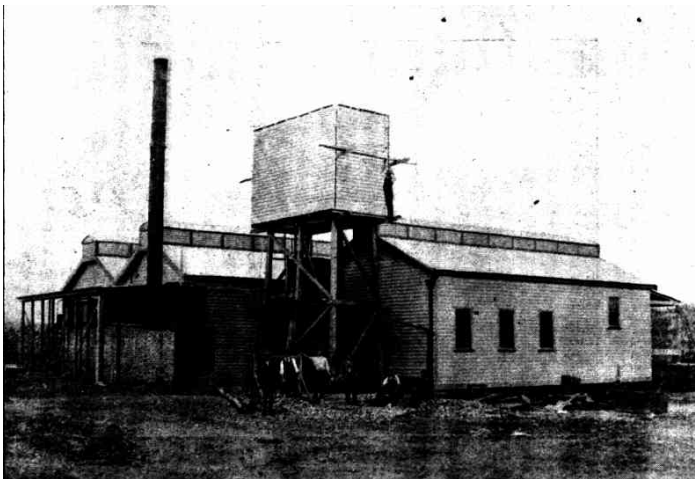


Image 5 left: The first butter factory buildings established on the Byron Bay Norco site in 1895 are shown here. These buildings were constructed from timber but demolished in 1925 to make way for the new butter factory. Later buildings were erected from masonry – which was more durable and had far greater resistance to fire.
<https://trove.nla.gov.au/newspaper/article/162734159?searchTerm=butter%20factory%20byron%20bay#>

Summary of heritage significance of the Norco building/s at Byron Bay:

According to the NSW Heritage database former Byron Bay Norco Factory building is considered to demonstrate its historic, associative, research and rarity heritage values in the following ways:

Criterion (a) – historic – meaning the item is important in the course, or pattern, of the cultural or natural history of the Byron Shire region / the state of NSW.

This building was vital to the Northern Rivers economy for at least 50 years, until UK primary production began to be integrated into European markets after WWII. The success of this factory gave impetus to the growth of the town of Byron Bay.

Criteria (b) – associative – meaning the item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the Byron Shire area).

[The Former Byron Bay Norco building/s] is/are associated with many of the pioneer families of the district, who were directors or members of the board of the company (Armstrong, Alcorn, Brandon, Johnston, Clifford, Reading)

Criteria (d) – social / cultural – meaning the item has strong or special association with a particular community or cultural group in the Byron Shire / the state of NSW for social, cultural or spiritual reasons.

The factory has special significance for the dairying community of the Northern Rivers in that it guaranteed the livelihoods of almost four generations of dairying families.

Criteria e – research potential – meaning the item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history, or the cultural or natural history of the Byron Shire area.

The factory is evidence of commercial activity, locally developed technology (technical development and automation of box making, canning, butter making) and town development.

Criterion (f) – rarity – meaning the item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history or the cultural or natural history of the Byron Shire area).

It is evidence of a significant and now defunct secondary industry in the history of Byron Bay.

Criterion (g) – representativeness – meaning the item is important in demonstrating the

principal characteristics of a class of NSW's or the Byron Shire's cultural or natural places, or cultural or natural environments.

[The Former Byron Bay Norco building] is typical of buildings associated with dairy factories of the Far North Coast region, buildings which date back 70-80 years.

Top right: interior of the Bacon and Small goods factory at Byron Bay, c. 1950s

<https://slideplayer.com/slide/12654943/>



Middle: a display of cured meat and other small goods from the factory at Byron Bay, date unknown, image Courtesy of Norco.



Bottom right: contemporary aerial view showing the former Norco buildings that exist today (though all are not that visible). In addition to the former Bacon and Small Goods Factory or 'department' this includes the former HQ admin building (top right arrow), the 1925 butter factory (middle arrow) and the current day Mitre 10 building (bottom right arrow).

<https://slideplayer.com/slide/12654943/>



4. Heritage impact of works undertaken to the western / rear façade of the Norco Butter Factory building

Works undertaken + potential impact & Notes on reasons for works and actual heritage impact		positive / negative or neutral impact
1	The mural work on the physical fabric of the former Norco building	
<p>The Space Yoga mural has been created using Ironlak gloss acrylic spray paint, with a UV resistant protective clear over the top. It was completed by Theodore Vairaktaris and the Usher Group Art Team at a cost of \$16, 320 plus the cost of safety scaffolding. The mural covered an already painted surface, which prior to the installation of the mural had been partly painted by graffiti artists, illegally. (See image 1 above).</p> <p>The original fabric of the former Bacon and Small Goods building's western façade is rendered brick. It contrasts with the face brick finish of the front of the building, which fronted Jonson Street. The rear of the factory handled its transport operations and so faced the rail line, which Norco used to transport its goods – including pig carcasses to the Bacon and Small Goods department for processing. Further down the line was a sawmill that supplied Norco with the butter boxes it used to pack and transport butter, made at the adjoining butter factory (now owned by the Byron Services Club).</p> <p>The overlay of the current Space Yoga mural on the building's rendered brick surface will not create any additional impact on the fabric of the building – given it was already painted and over an existing rendered brick finish.</p> <p>Heritage impact on the fabric of building is therefore considered neutral. And this surface, at any point, could be returned to a blank painted finish. The installation of the mural is a good example of adapting heritage buildings to contemporary needs / desires, yet the building's history can still be 'read'.</p>		neutral

Works undertaken + potential impact & Notes on reasons for works and actual heritage impact		positive / negative or neutral impact
2	The mural work on the heritage values of the former Norco building	
<p>As outlined in the report above, the former factory building now occupied by Space Yoga was once part of a complex of Norco buildings. Several of these buildings survive – including the building occupied by Space Yoga (and other tenants) – (other extant Norco buildings include those owned / occupied by the Byron Bay Services Club, Mitre 10 & Repco).</p> <p>Research undertaken to prepare this report has revealed that the building occupied by Space Yoga was built in 1929 to accommodate Norco's 'bacon and small goods department'. The heritage assessment made of the building determined its heritage values as part of the Norco complex of buildings. As outlined above, it was assessed to have historic, associative, social / cultural, research potential, rarity and representative values. The bacon and small goods building reflect these values.</p> <p>The impact on the heritage values of the building occupied by Space Yoga is NOT in any way impacted by the mural, as these values are embodied by the building, or in others words the building is symbolic of these values and their associated history.</p> <p>Given the building's heritage vales are largely intangible, the mural does not inhibit the interpretation or understanding of these values, as demonstrated by the research undertaken for this report. By 'reading' the fabric of the building, in association with other primary source material, this report has established new understandings of the building. That being it has distinguished how this building was used independent of the other Norco buildings – including the (actual) former butter factory building, now owned by the Byron Bay Services Club. This facet of the building, and the Norco complex on Jonson Street, is <i>not</i> documented in existing heritage listing information.</p> <p>A mural does not take away the potential to read the building's fabric, as well as understand its known heritage values; OR indeed to read the building's fabric and reveal new understandings – in part the very reasons as to why it is heritage listed (e.g. research potential). As argued above, in this instance the mural has led to the new understanding of the building, which this report highlights.</p> <p>Byron shire's Public Art Policy includes in its objectives that local public art is fostered to:</p>		Neutral to positive

Works undertaken + potential impact & Notes on reasons for works and actual heritage impact	positive / negative or neutral impact
<p>+ strengthen the Byron Shire cultural economy through the employment, training and provision of professional development opportunities for local artists, designers and project managers; + enable opportunities, through public art projects, for the celebration and interpretation of the Byron Shire's heritage and contemporary culture for both residents and visitors.⁴</p> <p>Further the policy outlines the distinction between 'types' of public art permissible in the shire and the nature of these. The former Norco Bacon and Small Goods Factory mural falls into policy's Community Art definition, which states it to be / include:</p> <p>A collection of work that arises from a community need and contributes to a narrative about the community for residents and visitors. These works of art are not to the scale and type as public art and are generally not subject to the commissioning process that is required of large public art works. <i>They may be commissioned by community groups</i> [my emphasis] in public spaces or provided by artists donating their skills/ art to the community. They are of a more temporary nature and <i>typically include such art as murals</i> [my emphasis] and small-scale mosaic projects involving community workshops or similar (p 3).</p> <p>The Policy also provides 10 guiding principles including in relation to the subject matter art works may encourage, this includes:</p> <p><i>Local Culture- Public Art will reflect the local cultural diversity, identities, issues, values and sites of significant cultural and natural heritage.</i></p> <p>Despite the building's historic use as a Bacon and Small Goods Factory, and its part in illustrating the evolution of Norco in the town and region, the mural appropriately interprets Byron Bay's contemporary cultural life through the image / face of a woman. The composition of the mural depicts the face in direct relationship to Byron Bay township and environs, as is symbolised by the light house and ocean & rainbow imagery. The style of the mural suggests the contemporary / alternative culture of the town and region – which is steeped in the recent past / half century, triggered by the Aquarius festival of the early 1970s. Aquarius also co-incided with the closing of the factory in 1972 – the layering of this style of mural and subject matter on the former Norco building suggests the layered history of the town and the region – including the changes it has seen socially, cultural and economically. The mural's image also symbolically highlights women as historic and contemporary 'characters' (aka residents) who have played (and continue to play) an important role in shaping the town / community.</p>	

⁴ <https://www.byron.nsw.gov.au/Council/Your-right-to-Council-information/Policies/Public-Art-Policy> p 2.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4 - ATTACHMENT 4

Works undertaken + potential impact & Notes on reasons for works and actual heritage impact		positive / negative or neutral impact
Moreover, it is evident that the installation of the mural on the western façade of the former Bacon and Small Goods Factory has addressed the matter of illegal graffiti on this surface. The owner has reported that this activity has ceased since the mural was installed. Prior to the installation of the mural the owner routinely painted over illegal, and often crude, graffiti on this wall – that is approximately every three months. This change helps to positively promote and maintain the heritage building and anecdotal reports and evidence indicates that the mural receives positive attention from passing locals and visitors – many selfies taken, and Instagram posts illustrate this.		
3	The signage on the fabric of the former Norco building (bacon and small goods department)	
The image of the mural at the front of this report shows that it integrates advertising signage for the applicant's business – a yoga studio. From a heritage perspective it is considered that the installation of this signage, and associated lighting, has a minimal impact on the heritage fabric of the building. The building itself has seen significant changes and modifications overtime. The small impact the installation / fixing of the sign to the surface of the façade is insignificant compared with the fact that adapting the building to a new, and viable, use will see it used, valued, and retained, overtime.		positive

Recommendations:

From a heritage management perspective, this report makes the following recommendations with respect to the former Bacon and Small Goods factory building at 144 Jonson Street, Byron Bay.

1. Byron Shire Council upgrade its listing documentation concerning the former Norco building at 144 Jonson Street Byron Bay to reflect the date of building's construction and its specialist use, along with the local / regional history of how pig husbandry and bacon and small goods production was an important adjunct to the creamery and butter factory at Byron Bay;
2. Byron Shire Council works with the owner of the former Bacon and Small Goods factory building at 144 Jonson Street, Byron Bay, to complete a Conservation Management Plan for the whole building – but which is mindful of current tenancies and contemporary needs, as well as positive heritage management practice and principles;
3. Byron Shire Council works with owners and tenants of heritage buildings to advise them on the understanding and practice of good heritage management principles concerning historic buildings and fabric, including such aspects as integrating public into a building's fabric or precinct.

Bibliography

Apperly, Richard *et. al.*, *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*, Angus and Robertson, 1994 edition.

Byron Shire Council, *Community Based Heritage Study*, 2007, Byron Shire Council, Volumes 1, 2 and 3.
<http://www.byron.nsw.gov.au/publications/community-based-heritage-study>

Byron Shire Local Environmental Plan 2014, <http://www.legislation.nsw.gov.au/#/view/EPI/2014/297>

Byron Shire Council Development Control Plan 2014,
<http://www.byron.nsw.gov.au/publications/development-control-plan-dcp-2014>

NSW Heritage Office, Assessing Heritage Significance, 2001, NSW Land and Property Information – historic Parish Maps for Byron Bay (1912, 1922,) <https://hlrv.nswlrs.com.au/>
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/listings/assessing-heritagesignificance.pdf>

MODEL BUTTER FACTORY (1926, July 27). *The Labor Daily (Sydney, NSW : 1924 - 1938)*, p. 8. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article239801160>

North Coast Co-operative Butter Coy. (1904, September 28). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 4. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article71845446>

The North Coast Fresh Food and Cold Storage Co-operative Co., Ltd. (1895, May 18). *The Sydney Mail and New South Wales Advertiser (NSW : 1871 - 1912)*, p. 1012. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article162734159>

Byron Bay. (1899, January 10). *Dungog Chronicle : Durham and Gloucester Advertiser (NSW : 1894 - 1954)*, p. 2. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article137521538>

New Byron Bay Factory. (1925, May 8). *Illawarra Mercury (Wollongong, NSW : 1856 - 1950)*, p. 1. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article138367783>

NEW BUTTER FACTORY. (1925, June 18). *Daily Examiner (Grafton, NSW : 1915 - 1954)*, p. 4. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article195408624>

Re-Build Factory (1937, April 10). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 8. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article94629135>

NORCO'S NEW HOME (1926, July 19). *Tweed Daily (Murwillumbah, NSW : 1914 - 1949)*, p. 2. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article192115701>

NORCO, LIMITED. (1926, August 16). *The Richmond River Express and Casino Kyogle Advertiser (NSW : 1904 - 1929)*, p. 2. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article123066438>

NORCO EXPANSION (1929, October 19). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 14. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article94096739>

Pork and Bacon from Byron Bay. (1906, December 22). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 7. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article71856501>

BACON PRODUCTION (1935, July 6). *Northern Star (Lismore, NSW : 1876 - 1954)*, p. 5. Retrieved June 15, 2021, from <http://nla.gov.au/nla.news-article225390755>

**Report No. 4.5 PAP Referral 116 118 Jonson Street
Voluntary Planning Agreement
10.2021.291.1**

Directorate: Corporate and Community Services

5 **Report Author:** Melitta Firth, Arts & Culture Office

File No: I2021/1233

Summary:

10 A Development Application (DA) has been submitted for 116 and 118 Jonson Street, Byron Bay. The applicant has drafted a Voluntary Planning Agreement (VPA) for the provision of Public Art and proposes a contribution of \$80,000 to Council for Public Art in lieu of integrating public art into the development.

In accordance with the requirements in the Development Control Plan, the Public Art Panel is being notified of the proposed VPA.

15

RECOMMENDATION:

That the Public Art Panel reviews the Voluntary Planning Agreement and provides any feedback to the Assessor.

20

Attachments:

1 Confidential - 10.2021.291.1 Draft Planning Agreement_Public Art, E2021/95881

25

Report

5 In lieu of providing public art as a component of a Development Application (DA), an applicant can enter into a Voluntary Planning Agreement with Council to provide an equivalent financial contribution for the installation of public art in a suitable location.

The relevant DA is for:

10 Demolition of Existing Buildings and Construct Mixed Use Development comprising Basement Parking, Ground Floor Retail Premises and Serviced Apartments, Two Levels of Serviced Apartments Above and Provision of Guest Facilities on the Roof including a Private Swimming Pool.

Legal/Statutory/Policy Considerations

Development Control Plan (Excerpt)

15 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.

Financial Considerations

20 As per Voluntary Planning agreement

Consultation and Engagement

Planning Assessor