

# Notice of Meeting

## Arts and Creative Industries Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 October 2022
Time	2.00pm

Esmeralda Davis  
Director Corporate and Community Services

I2022/1453  
Distributed 11/10/22



**BYRON**  
SHIRE  
COUNCIL

---

---

## 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.

---

---

## OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

# 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 of Arts and Creative Industries Advisory Committee Meetings held 30 June and 15 September 2022 ..... 6

### 4. STAFF REPORTS

#### **Corporate and Community Services**

- 4.1 Lone Goat Gallery Update ..... 8  
4.2 Proposal for Public Art at South Golden Beach ..... 11  
4.3 Arts and Creative Industries Forum Update..... 16

#### **Sustainable Environment and Economy**

- 4.4 Pocket Park ..... 19

**ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**Report No. 3.1 Adoption of minutes of Arts and Creative Industries Advisory Committee Meetings held 30 June and 15 September 2022**

5

**Directorate:** Corporate and Community Services

**Report Author:** Amber Evans Crane, Governance Support Officer

**File No:** I2022/1457

10

---

**RECOMMENDATION:**

**That the minutes of the Arts and Creative Industries Advisory Committee Meetings held on the following dates be confirmed:**

15

- **30 June 2022**
- **15 September 2022**

20

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### **Report**

The minutes of the Arts and Creative Industries Advisory Committee Meeting are available to view online - [Agendas and Minutes - Byron Shire Council \(nsw.gov.au\)](https://www.nsw.gov.au/agendas-and-minutes/byron-shire-council)

#### 5 **Report to Council**

The 30 June 2022 minutes were reported to Council on 25 August 2022.

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

**Report No. 4.1 Lone Goat Gallery Update**

**Directorate:** Corporate and Community Services

5 **Report Author:** Sarah Harvey, Gallerist  
Melitta Firth, Arts & Culture Officer

**File No:** I2022/1205

**Summary:**

10 To update the Committee on the operations and achievements of the Lone Goat Gallery.

**RECOMMENDATION:**

15 **That the Committee notes the information provided.**

**Report**

**Background**

Lone Goat Gallery is a Council owned and run contemporary art gallery located at 28 Lawson Street, Byron Bay.

20 Currently, the mandate of the Gallery is to provide a platform for contemporary artists from the Northern Rivers Region (NSW) and beyond, provide a unique program of exhibitions, and support the development of artists and culture in the region.

25 Prior to 2020, the Lone Goat Gallery operated through Council's Section 355 Volunteer Board of Management with a contracted Gallerist reporting to the Board. In 2020, the Board agreed to dissolve the Section 355 Board of Management, at which time the operations of the Gallery were transferred back to Council.

A new 1.0 FTE role was created in the Social and Cultural Planning team with combined responsibilities for Council's arts and cultural portfolio and Lone Goat Gallery operations. A staff member was recruited to this role in November 2020.

30 At this time, the Gallery remained closed due to the COVID-19 Public Health Orders and only opened briefly for two exhibitions: Breaking Boundaries and Charmaine Davis held in mid-2021.



# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1

With the return to public exhibitions, it became clear that a 1.0 FTE staff delivering across both the arts and cultural portfolio and the Gallery operations was unrealistic. It was recognised that the continuation of Gallery operations at the expected service level required dedicated staffing.

- 5 In June 2021, the Executive Team endorsed a 12-month trial of a Gallerist position (0.8 FTE), and an appointment was made to this role in November 2021.

The Lone Goat Gallery has now been open since mid-January 2022, and the Gallerist has worked on developing a range of quality and professional exhibition programs.

The Gallerist role has recently (October 2022) been made permanent at 0.8 FTE.

### 10 **Recent achievements**

The recent achievements of the Gallerist and Lone Goat Gallery include:

#### Visitation

- 4,500 people have visited the Gallery since January 2022
- Developed new children's activity sheets engaging 259 children in the Gallery
- 15 - Delivered 11 educational tours and have engaged regular return tours with local home school kids, the Living School, Cape Byron Steiner, Coogera and Sandhills Preschools

#### Programming

- 20 - Developed an annual program of exhibitions, with current schedule established to December 2023
- Commenced an innovative sustainability arts program in collaboration with Council's Environmental Sustainability team
- 25 - In collaboration with the Byron Library, delivered visitation programs for children and school students

#### Artist engagement

- Supported eight artists exhibitions
- Managed six exhibition opening events
- 30 - Supported a dedicated and subsidised exhibition for an Arakwal artist, with ongoing plans to support an Indigenous artist to coincide with NAIDOC week

#### Sales and revenue

- 35 - Processed \$79,510 of artist sales
- Secured corporate sponsorships, with additional revenue generated through drink sales during openings

### **Current status**

- 40 The Gallery is staffed by the Gallerist and a team of volunteers. Since the pandemic, rates of volunteerism have decreased and it has been challenging to find new professional, committed and enthusiastic volunteers.

# BYRON SHIRE COUNCIL

## STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1

A casual Gallery Assistant has been engaged in order to open the Gallery on Saturday and to assist with exhibition opening events (Friday night). Ongoing resourcing for this role is being sought.

5 The co-location of the Gallery inside the library building is a challenge (and opportunity) which impacts visibility and visitation. Since reopening, the Gallerist has been trialling ideas to enhance integration with library visitation and programming.

A variety of means are used to promote the Gallery, including social media and the website.

10 In the next 6 months, accessibility of the Gallery will be reviewed for people experiencing disabilities.

**Report No. 4.2      Proposal for Public Art at South Golden Beach**

**Directorate:** Corporate and Community Services

**Report Author:** Melitta Firth, Arts & Culture Officer

5 **File No:** I2022/1320

**Summary:**

Council has received a request from the South Golden Beach Community Association to support new public art at South Golden Beach.

10



---

**RECOMMENDATION:**

**That the Committee notes the request for public art at South Golden Beach and recommends that Council considers the project in future plans and upgrades to the area as part of an integrated approach.**

15

**Attachments:**

1      South Golden Beach Association - proposal for art, E2022/93568 , page 15  

20

## Report

5 Council has been approached by the South Golden Beach Community Association Inc. (the Association) with a request for support of new public art sculpture at the entrance to South Golden Beach (the Project).

The proposed site of the Project is located at the intersection of Redgate Road and Beach Street near the skatepark, on a Council road reserve. The road reserve is adjacent to Crown-owned and managed land (Figure 1).

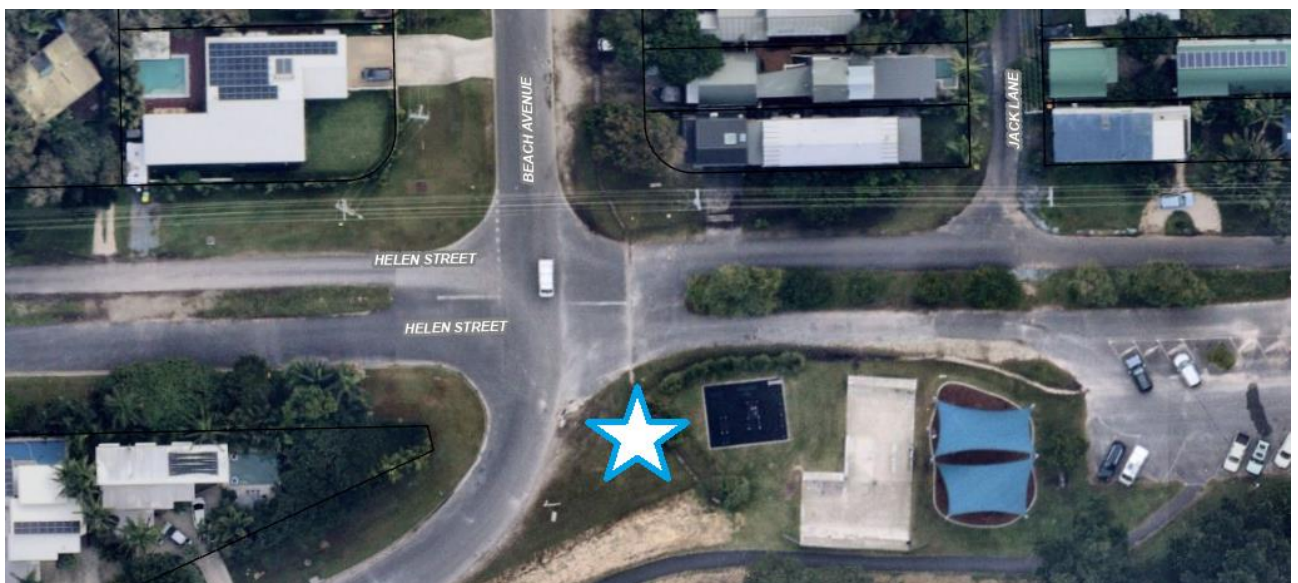
10 The Association is proposing to lead a call for expressions of interest from artists based in Ocean Shores and South Golden Beach. They propose to offer an artists' fee of \$13,500 for delivery of the Project, with \$3,500 derived from the Association's funds and the remaining \$10,000 requested from Council. They have proposed that the Project will be managed by volunteers.

15 They propose that the Project would reflect the creative community and act as an entry statement to the area.

The Public Art Strategy identified a lack of public art in the north of the Shire and has suggested this area could be a focus for future projects.

20 Council (Open Spaces) has advised that any sculpture would need to be placed a minimum of six meters from the road, as well as allowing two metres behind the sculpture to ensure access for a mower.

Figure 1: Proposed location of public art, South Golden Beach



**Key issues**

**Site:**

Council-commissioned or Council-supported permanent public artworks are ideally integrated with capital works and place plans. This proposal is a stand-alone piece.

**5 Budget – commissioning and whole of life expense:**

All new public art must be accompanied by a whole-of-life cost estimation to include maintenance and decommissioning. These costs need to be considered through an asset management plan.

10 There is limited Council budget to appropriately maintain existing public art and therefore the commission of a new piece would require an additional budget allocation for ongoing maintenance.

The proposed budget of \$13,500 is small for a public artwork that requires footings and is likely to be insufficient for overall costs including installation, ongoing maintenance, and whole-of-life expenses.

15 The \$10,000 requested represents most of the remaining annual budget for public art (\$11,900).

**Project management:**

Professional management of public art projects is required as per Council’s Public Art Guidelines and best practice principles.

20 Public art projects require quality control and community consultation and could pose potential risks if a commission is not professionally managed by a cross disciplinary team involving arts, engineering, and urban planning expertise.

25 The Association could consider partnering with a professional arts organisation to manage the Project in collaboration with Council or work with Council to explore funding and management options and undertake community consultation.

**Engaging artists and promoting expression:**

Promotion of any public art opportunity should be widely advertised and open to all artists, unlike the proposal to limit artists to only Ocean Shores and South Golden Beach.

30 Council should also ideally play a lead role in promoting and managing all public art opportunities funded by Council.

**Traffic control:**

Traffic control requirements for installation and ongoing maintenance could be expensive if road closures are required.

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.1: Public Art - Increase creativity in public spaces and build public art opportunities	2.1.1.1	Coordinate Council's role in public art across policy and projects (Council and Community), the Creative Place Grant program and the Development Control Plan.

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

Public Liability and Insurance Considerations

Public Art Guidelines

Public Art Strategy

#### **Financial Considerations**

- 10 The Association is requesting a \$10,000 contribution from Council. This would be a significant amount of the remaining annual public art budget. Of the \$16,900 total annual budget, \$5,000 is already committed to the Creative Public Spaces Grant. There is \$11,900 remaining in the public art budget this year.

Council's annual Creative Public Spaces Grant will be open in 2023.

#### **15 Consultation and Engagement**

Should the commissioning of public art proceed, further community consultation would be required.

**To:** Byron Shire Arts and Creative Industries Advisory Committee

**From:** South Golden Beach Community Association, Inc.

**Date:** 25 September 2022

**RE:** Proposal for a Permanent Public Art Installation in South Golden Beach

### **Background**

South Golden Beach has no public art to beautify and enhance the area for residents and the many visitors who come to the village. Our community association has hoped for several years to change this, and we are now ready to take action.

### **The Vision**

We envision a durable, permanent work of art positioned on the east side of the road reserve at the main entrance to South Golden Beach where Redgate Road meets Beach Avenue. We want the work to serve as a welcome to the village, a reflection of village identity, and a representation of what we most value: our beautiful natural environment and our easy-going lifestyle. We intend to commission a local artist to design the work and oversee its installation and to that end will issue a brief that invites response from interested professional artists who live in our membership area of South Golden Beach and North Ocean Shores.

### **Benefits to the Community**

We have worked for many years to bring practical improvements to South Golden Beach, such as the community hall and subsequent upgrades; the skate park, playground, and Kenguru exercise area; and the Helen Street Footbridge and Park. We are now focused on aesthetics, which is as important as practicalities. We believe a permanent work of art will contribute to residents' sense of belonging to a community with its own unique identity.

### **Funding Request**

We are requesting funding in the amount of \$10,000. We currently have \$3,500 in the community association's bank account that we can contribute to this work of art. Volunteers will help to create and distribute the brief, select the artist that will best be able to translate the vision into reality, and work with that artist on the details, as needed. The volunteer help will allow the full amount of \$13,500 to be used for design and construction.

### **Conclusion**

We respectfully request the Committee's attention to this proposal at the next available opportunity and will be happy to answer any questions you may have as you consider our proposal. We very much hope that you will make it possible for us to accomplish our vision.

Contact:

Denise Nessel

Vice President, South Golden Beach Community Association, Inc.

**Report No. 4.3      Arts and Creative Industries Forum Update**

**Directorate:** Corporate and Community Services

**Report Author:** Melitta Firth, Arts & Culture Officer

**File No:** I2022/1401

5 **Summary:**

The purpose of this report is to provide an update on planning for the Arts and Creative Industries Forum 2022.

10

---

**RECOMMENDATION:**

**That the Committee provides feedback on the Arts and Creative Industries Forum draft agenda.**

15



## Report

Planning for the Arts and Creative Industries Forum (the Forum) is underway. The event will take place on Friday 25 November 2022 at the Brunswick Picture House.

- 5 At the September 2022 meeting, the Committee provided feedback on the overall purpose and key objectives of the event. The Forum aims to undertake consultation on the Council's Arts and Culture Strategy, increase the industry's understanding of Council's role in the arts and creative industries, and facilitate networking amongst participants. A draft agenda will be shared with the Committee for review and feedback.
  
- 10 The Forum will be promoted through multiple channels including Lone Goat Gallery (e-news: 1,260 industry subscribers), Council's social media platforms, Arts Northern Rivers, and through direct invitation of key stakeholders.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>2: Inclusive Community We have an inclusive and active community where diversity is embraced, and everyone is valued</b>	<b>2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity</b>	<b>2.1.4: Artistic and creative industries - Build, support, and advocate for the artistic and creative industries of the Shire to inspire a thriving and sustainable arts community</b>	<b>2.1.4.2</b>	<b>Develop Arts and Culture Strategy</b>

### 15 Recent Resolutions

- 22-010 Arts and Creative Industries Summit
- 22-288 Festivals and Events Strategy

### Financial Considerations

\$10,000 budget

### 20 Consultation and Engagement

## BYRON SHIRE COUNCIL

### STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.3

The draft agenda has been developed with input from relevant Council teams. The Forum provides an opportunity for feedback on the Arts and Culture Strategy.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.4      Pocket Park**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Kristie Hughes, Planning Projects Officer  
Melitta Firth, Arts & Culture Officer

**File No:** I2022/1291

**Summary:**

10 The purpose of this report is to update the Committee on the Pocket Park at Bayshore Drive, associated creative activations and the proposal received for a new mural installation.

---

15 **RECOMMENDATION:**

**That the Committee notes the report and provides any feedback.**

**Attachments:**

20 1 Bayshore Drive Mural Proposal Pocket Park, E2022/93810 , page 24  

## **Report**

The upgrade of a Pocket Park on the corner of Bayshore Drive and Banskia Street in the Byron Arts and Industry Estate was completed this year (2022).

- 5 Council received a \$56,000 grant from the NSW Government's Stronger Country Communities fund to develop the park which sits next to the council depot. The pocket park has provided public space in what is a largely privatised area, where people can sit with friends, share lunch, relax and soak up a bit of the area's natural beauty. \$11,000 of the total funding was awarded for activities that activate the space.
- 10 Council engaged Valley Lipcer of Round About Theatre, who put together a program of events for September under the theme of Springtime Play at the Pocket Park.

The activities were diverse in nature, led by local artists and successfully engaged a range of Industry Estate users and visitors.

The events included:

- 15
- Circus playground
  - Walk and draw the line – tightwire and visual arts
  - Danger zone dance party with the Cassettes
  - Pooch dress up and portraits
  - Music & sing alongs with Bella Frankie

### **20 MURAL PROPOSAL RECEIVED**

- 25 Council has also received a proposal (attached) from Kelly Reiffer, arts producer, to project manage a new mural by Danny Gretscher at the Pocket Park site on the utilities building. Kelly produced a number of murals for Council's sewer pump stations in 2016 including the work by Danny Gretscher on the Wategos Toilet block and is proposing that Council Commission another piece by this artist on the Pocket Park Site, at a reduced fee of \$5,000. This does not include a non-sacrificial anti-graffiti coating which would be at least an additional \$1,000.

- 30 Council is informing the Committee of the proposal received for investment in a new mural on this site, however further information is required before the Committee makes any recommendation.

## **Key issues**

Council will require further investigation and information from the Asset Owner of the Utilities Block prior to any recommendation being made by the Committee. Council

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.4

generally does an open call for artists when Public Art opportunities arise for transparency. Given that Council has recently invested in the park it would complement the existing work to initiate a new mural here.

5 The proponent could consider applying to the Byron Shire Council Creative Public Spaces grant in 2023 however, the total pool for these funds is small (\$5,000).

The proposed artist has strong connections with the area however, does not reside locally.



Figure 1: New Pocket Park



Figure 2: Pocket Park Creative Activations



Figure 3: Side wall featuring fairly recent Graff Art.



5

Figure 4: Front facing wall – needs attention – Proposed site of mural

## **Strategic Considerations**

### **Community Strategic Plan and Operational Plan**

<b>CSP Objective</b>	<b>CSP Strategy</b>	<b>DP Action</b>	<b>Code</b>	<b>OP Activity</b>
2: Inclusive Community We have an inclusive and active community where diversity is embraced and everyone is valued	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.1: Public Art - Increase creativity in public spaces and build public art opportunities	2.1.1.1	Coordinate Council's role in public art across policy and projects (Council and Community), the Creative Place Grant program and the Development Control Plan.

## **5 Financial Considerations**

\$5,000 Artists Fee

\$1,000 Anti-Graff Coating

Ongoing Maintenance Budget Requirements would need to be sourced.

### **Consultation and Engagement**

10 Arts and Creative Industries Committee.

Further consultation required with Council Utilities Asset Owner and Open Spaces Team.







