

# 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, 16 March 2023
Time	2:00pm

Esmeralda Davis  
Director Corporate and Community Services

I2023/348  
Distributed 09/03/23



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## CONFLICT OF INTERESTS

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

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

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

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

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

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

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

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

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

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

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

### Disclosure and participation in meetings

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

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

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

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

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

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

**Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).**

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## RECORDING OF VOTING ON PLANNING MATTERS

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

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

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## 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 Meeting held 20 October 2022..... 6

### 4. STAFF REPORTS

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

- 4.1 Events Strategy - Initial engagement ..... 14

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

#### **Report No. 3.1 Adoption of Minutes of Arts and Creative Industries Advisory Committee Meeting held 20 October 2022**

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**Directorate:** Corporate and Community Services

**Report Author:** Storm Townsend, Executive Assistant Corporate & Community Services

**File No:** I2023/16


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#### **RECOMMENDATION:**

15 **That the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 20 October 2022 be confirmed.**

#### **Attachments:**

20 1 **Minutes 20/10/2022 Arts and Creative Industries Advisory Committee, I2022/1458 , page 8**  [↓](#)

# BYRON SHIRE COUNCIL

## ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

### **Report**

The attachment to this report provides the Minutes of the Arts and Creative Industries Advisory Committee Meeting held on 20 October 2022.

### **Report to Council**

- 5 The minutes were reported to and adopted by Council on 24 November 2022. **Comments**  
Council endorsed all the Committee's recommendations at Resolutions **22-643** to **22-644**.

**Minutes of Meeting**  
**Arts and Creative Industries Advisory**  
**Committee Meeting**

<b>Venue</b>	<b>Conference Room, Station Street, Mullumbimby</b>
<b>Date</b>	<b>Thursday, 20 October 2022</b>
<b>Time</b>	<b>2.00pm</b>





**BYRON SHIRE COUNCIL**

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

**BYRON SHIRE COUNCIL**

ARTS AND CREATIVE INDUSTRIES ADVISORY COMMITTEE MEETING MINUTES 20  
OCTOBER 2022

**Minutes of the Arts and Creative Industries Advisory Committee Meeting held on  
Thursday, 20 October 2022**

**File No:** I2022/1458

PRESENT: Cr P Westheimer, Cr S Balson, Cr S Ndiaye

Staff: Emily Fajerman (Community and Cultural Development Coordinator)  
Sarah Harvey (Gallerist) [Virtual]  
Esmeralda Davis (Director Corporate & Cultural Services)  
Shannon Burt (Director Sustainable Environment & Economy)  
Kristie Hughes (Planning Projects Officer)

Invited Members: Jane Fuller (Arts Northern Rivers) [Virtual]

Community Representatives: Bronwyn Bancroft [Virtual], Lou Hodgson  
[Virtual], Samantha Moss [Virtual], Jack Dods  
(alternate: Denise Napier), Gwentyth Broug, Laurel  
Cohn

*Cr Ndiaye (Chair) opened the meeting at 2:06pm and acknowledged that the meeting  
was being held on Bundjalung Country.*

APOLOGIES:

Melitta Firth (Arts and Culture Officer)

Cr C Coorey (Leave of absence)

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

Cr Balson declared a non-pecuniary interest in Report 4.4. The nature of the interest being  
a personal relationship with the applicant.

**BYRON SHIRE COUNCIL**

ARTS AND CREATIVE INDUSTRIES ADVISORY COMMITTEE MEETING MINUTES 20  
OCTOBER 2022

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**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**  
**File No:**            I2022/1457

**Committee Recommendation:**

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

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

(Napier/Cohn)

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

*Note: The minutes of the meeting held on 30 June 2022 and 15 September 2022 were  
noted, and the Committee Recommendations will be reported to Council, at the  
Ordinary Meeting held on 27 October 2022.*

**BUSINESS ARISING FROM PREVIOUS MINUTES**

It was noted that Lisa Cowan has resigned from the Committee.

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**STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**

**Report No. 4.1**      **Lone Goat Gallery Update**  
**File No:**            I2022/1205

**Committee Recommendation:**

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

(Napier/Balson)

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

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# BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

## BYRON SHIRE COUNCIL

ARTS AND CREATIVE INDUSTRIES ADVISORY COMMITTEE MEETING MINUTES 20  
OCTOBER 2022

**Report No. 4.2**      **Proposal for Public Art at South Golden Beach**  
**File No:**            I2022/1320

**Committee Recommendation:**

**That the Committee notes the request for public art at South Golden Beach and recommends that the Association meet with Council's Arts and Culture Officer and other relevant staff for the purpose of developing a robust proposal suitable for consideration.**

(Ndiaye/Westheimer)

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

Member Collyer left the Chambers at 03:19 PM.

Member Hodgson left the Chambers at 03:25 PM.

**Report No. 4.3**      **Arts and Creative Industries Forum Update**  
**File No:**            I2022/1401

**RECOMMENDATION: N/A**

**Feedback was received from the Arts and Creative Industries Advisory Committee regarding the draft agenda.**

Cr Balson left the Chambers at 03:52 PM.

Member Dods left the Chambers at 03:52 PM.

**BYRON SHIRE COUNCIL**

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

**BYRON SHIRE COUNCIL**

ARTS AND CREATIVE INDUSTRIES ADVISORY COMMITTEE MEETING MINUTES 20  
OCTOBER 2022

**STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY**

**Report No. 4.4**      **Pocket Park**  
**File No:**            I2022/1291

**Committee Recommendation:**

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

(Cohn/Fuller)

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

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*There being no further business the meeting concluded at 3:53pm.*

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

**Report No. 4.1      Events Strategy - Initial engagement**

**Directorate:** Sustainable Environment and Economy

5 **Report Author:** Jess Gilmore, Events & Economy Team Leader

**File No:** I2023/70

**Summary:**

Following Council **Res 22-288**, the preparation of a Byron Shire Events Strategy (Strategy) has commenced with the engagement of the Tilma Group. The Strategy will:

- 10
- acknowledge the breadth of events provided in the Shire but will focus on small to medium sized events to encourage and enable best practice event planning;
  - consider existing venues and land available to host small to medium events and identify further site opportunities and key issues of each to streamline event planning and approvals;

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  - also assist with accelerating economic recovery through improving our event sector capacity and capability to respond to and strengthen their ability to withstand and recover from future disasters.

At the same time, the development of a Business, Industry and Visitor Economy (BIVE) Strategy is underway by LUCID Economics. The consultants who are doing the  
20 consultation and engagement for the Events Strategy will collaborate with the BIVE team to provide information and data to inform the BIVE Strategy more broadly.

Linda Tillman of Tilma Group will lead a discussion on the Events Strategy to gain insight from the Advisory Committee on:

- What are the biggest opportunities with events in Byron Shire?

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- Issues/Challenges for event development and growth - what is holding events back in Byron Shire?
- What would you like to see as an outcome of this Strategy?

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**RECOMMENDATION:**

1. **The Arts and Creative Industry Advisory Committee notes the report and supports the development of the Events Strategy.**

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2. **The Arts and Creative Industry Advisory Committee puts forward any additional stakeholders they would like to be considered for further consultation during the Events Strategy development.**

## Report

### 5 Background:

Byron Shire is home to a wide range of events and festivals. Council recognises the importance of working with event organisers for positive economic, social, cultural, and environmental outcomes.

10 After the unprecedented 2022 flood events and the COVID-19 pandemic, Council is reviewing its support for local events to ensure Council continues to support events and festivals to enhance the Shire's creative industries, provide jobs and opportunities for creative companies and workers, and contribute to community wellbeing.

To inform and assist the strategic direction, Council considered a Notice of Motion and resolved (**Res 22-288**):

- 15
1. *That Council creates an action plan to enable and encourage small to medium sized festivals to operate in the Byron Shire.*
  2. *That Council reviews small and medium sized festival proposals currently pending or recently determined to explore the feasibility for these festivals to be conducted in the period 2022-24.*

20

  3. *That Council reviews its policy and processes to ensure we support enabling festivals to enhance our creative industries, provide jobs and opportunities for creative companies and workers, and to contribute to community well-being.*
  4. *That as part of this process, council reviews their staffing and processes as part of an events strategy.*

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  5. *That council do further work to clarify the DA and tenure issues around local potential sites capable of hosting events of various sizes.*

30 Following this resolution, Council has commissioned the preparation of a Byron Shire Events Strategy (Strategy). The Strategy will acknowledge the breadth of events provided in the Shire but will focus on small to medium sized events to encourage and enable best practice event planning. It will also consider existing venues and land available to host small to medium events and identify further site opportunities and key issues of each to streamline event planning and approvals.

35 This Strategy will assist with delivering items 1, 3, 4 & 5 of the above Resolution. The Strategy will also assist with accelerating economic recovery through improving our event sector capacity and capability to respond to and strengthen their ability to withstand and recover from future disasters.

## Objectives / Outcomes

This project will culminate in the development of a Byron Shire Events Strategy which will be developed in conjunction with our community via a comprehensive engagement plan.

5 The strategy will set Council’s future event direction by aligning the destination’s position on events with the desires of the community.

Outcomes and benefits:

- Direct engagement with our community to hear their stories and ideas for the future
  - Meet community and Council expectations around the support of local events
  - 10 • Build knowledge and capacity in house about events and the processes involved in approving / supporting including mapping process and approval pathways
  - Reduce the complexity and streamline approval processes for events
  - Support the resilience and longevity of local industry and employment
  - Support the events and creative industries, and wider community, as they rebuild and recover after the 2022 flood and storm events (and COVID), and into the future.
- 15 Delivery of this Strategy will assist with accelerating economic recovery through improving our event industry’s capacity and capability to respond to and strengthen their ability to withstand and recover from future disasters.

The project methodology for the Events Strategy is proposed to take place across two stages:

A	BYRON SHIRE EVENTS STRATEGY		
Stage	Description	Elements	Proposed Timing
1	Desktop Review and Initial Engagement		
	<ul style="list-style-type: none"> <li>• Gather and Review</li> <li>• Engage</li> <li>• Analyse</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a profile of visitor markets</li> <li>• Audit current events, infrastructure, event sites and capacity</li> <li>• Engagement Plan</li> <li>• Initial engagement with stakeholders</li> <li>• Desktop review of trends, best practice case studies and research reports</li> </ul>	February – May 2023
	Project deliverable	Initial Findings Paper	June 2023
2	Strategy Development & Further Engagement		
	<ul style="list-style-type: none"> <li>• Engage</li> <li>• Develop</li> </ul>	<ul style="list-style-type: none"> <li>• Draft the Strategy</li> <li>• Consult with stakeholders</li> <li>• Public exhibition activities</li> <li>• Analyse feedback</li> <li>• Finalise the Strategy</li> </ul>	June – October 2023
	Project deliverable:	Draft and final versions of the Events Strategy	November 2023

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# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

As part of Stage 1 (initial engagement) Linda Tillman of Tilma Group will lead discussion on the Events Strategy.

The purpose of this session is to gain insight from the Advisory Committee on the following:

- 5
  - What are the biggest opportunities with events in Byron Shire?
  - Issues/Challenges for event development and growth - what is holding events back in Byron Shire?
  - What would you like to see as an outcome of this Strategy?

### Next steps

- 10 Consultants will conduct engagement process and analyse information, then provide an initial findings paper which will inform the next steps of strategy development and further engagement.

## Strategic Considerations

### Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
<b>2: Inclusive Community</b> 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	2.1.3: Events and festivals - Support and enable arts & cultural activity, festivals, projects, and events	2.1.3.10	Initiate development of an Events Strategy

### 15 Recent Resolutions

Council Notice of Motion – Resolution **22-288** resolved:

1. *That Council creates an action plan to enable and encourage small to medium sized festivals to operate in the Byron Shire.*
  2. *That Council reviews small and medium sized festival proposals currently pending or recently determined to explore the feasibility for these festivals to be conducted in the period 2022-24.*
- 20

# BYRON SHIRE COUNCIL

## STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1

3. *That Council reviews its policy and processes to ensure we support enabling festivals to enhance our creative industries, provide jobs and opportunities for creative companies and workers, and to contribute to community well-being.*
- 5 4. *That as part of this process, council reviews their staffing and processes as part of an events strategy.*
5. *That council do further work to clarify the DA and tenure issues around local potential sites capable of hosting events of various sizes.*

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

Not applicable to this report.

### 10 **Financial Considerations**

Budget allocation made.

### **Consultation and Engagement**

Ongoing and in accordance with the consultants/project brief.