

Notice of Meeting

Extraordinary Arts and Creative Industries Advisory Committee Meeting

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

| | |
|-------|----------------------------------------------|
| Venue | Conference Room, Station Street, Mullumbimby |
| Date | Thursday, 22 August 2024 |
| Time | 9:00 AM |

Esmeralda Davis
Director Corporate and Community Services

I2024/1151
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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](#).

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 the Arts and Creative Industries Advisory Committee Meeting held 20 June 2024 6

4. STAFF REPORTS

Corporate and Community Services

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ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Adoption of Minutes of the Arts and Creative Industries Advisory Committee Meeting held 20 June 2024

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Directorate: Corporate and Community Services


File No: I2024/1001

10

RECOMMENDATION:

That the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 20 June 2024 be confirmed.

15 **Attachments:**

1 Minutes 20/06/2024 Arts and Creative Industries Advisory Committee, I2024/936 

Report

The attachment to this report provides the minutes of the Arts and Creative Industries Advisory Committee Meeting of 20 June 2024.

Report to Council

- 5 The minutes were reported to Council on 15 August 2024.

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

Resolved that Council adopts the following Committee Recommendations:

**Report No. 3.1 Adoption of Minutes of the Arts and Creative Industries
Advisory Committee Meeting held 29 February 2024**

File No: I2024/338

Committee Recommendation 3.1.1

That the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 29 February 2024 be confirmed. (Lyon/Westheimer)

Resolved that Council adopts the following Committee Recommendations:

**Report No. 4.1 DCP Public Art Plan Referral, 139 Jonson Lane DA
10.2019.616.5**

File No: I2024/914

Committee Recommendation 4.1.1

That the Committee approves and provides the following feedback to Council's Assessment Officer on the public art proposal for the development at 139 Jonson Street, Byron Bay DA 10.2019.616.5 being:

- a. There were a variety of opinions expressed by the Committee.
- b. There was a high level of support for the materials, location and scale.
- c. There was a general desire for a more contemporary or courageous piece.
- d. There was some feedback around the potential objectification and controversy around the subject. (Lyon/Westheimer)

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

Resolved that Council adopts the following Committee Recommendations:

Report No. 4.2 DCP Public Art Design Guidelines and Criteria

File No: I2024/450

Committee Recommendation 4.2.1

1. That the Arts and Creative Industries Advisory Committee reviews the design selection criteria included in Chapter B15 Public Art of the Byron Shire Council Development Control Plan 2014 and provides any feedback to Council.
2. That Council encourages the Developer to connect with the Council Arts & Culture Officer for guidance on curatorial support prior to the artwork choice being made.
3. The Arts & Culture Officer be invited to the Development Advisory Panel meeting when public art is triggered. (Lyon/Westheimer)

Resolved that Council adopts the following Committee Recommendations:

Report No. 6.2 Arts and Creative Industries Advisory Committee Term Summary

File No: I2024/434

Committee Recommendation 6.2.1

That the Arts and Creative Industries Advisory Committee hold an extraordinary meeting on 22 August 2024 to discuss future arts strategies.

(Lyon/Westheimer)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Strategic Arts Discussion

Directorate: Corporate and Community Services

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

File No: I2024/999

Summary:

The Arts and Creative Industries Advisory Committee has requested an additional meeting to facilitate a broader discussion on arts and cultural priorities.

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RECOMMENDATION:

That Council notes feedback from the Committee discussion.

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Report

Committee members have requested an extraordinary meeting to discuss:

- **Strategic arts considerations**
 - Future vision and emerging ideas
 - 5 - Strategic opportunities for arts and creative industries and Council
- **Our local context**
 - Unique arts and cultural needs of community
 - Impact of arts and creative industries on community life
- **Funding**
 - 10 - Changes to funding landscape
 - Funding opportunities for arts industry, creatives and Council
- **Public art and events**
 - Role in shaping culture and dialogue in community
 - 15 - Current and future public art proposals triggered through development contribution funds
 - Streamlining temporary and permanent licenses
 - Opportunities for improving outcomes
- **Committee member insights and experiences**
 - 20 - Empowering and maximising benefits to and from arts industry committee members
 - Creating time for industry updates at Committee meetings outside of Council business
 - Enabling incoming representatives to best contribute to arts and culture outcomes.
- 25 Alignment with existing strategic documentation, specifically, the [Arts and Culture Action Plan](#) and Events Strategy, will also be considered.

Strategic Considerations

Community Strategic Plan and Operational Plan

| CSP Objective | CSP Strategy | DP Action | Code | OP Activity |
|------------------------|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------|
| 2: Inclusive Community | 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 | Support art and creative industries in the shire through advice, facilitation or coordination of policy, plans and projects |
| 2: Inclusive Community | 2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity | 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 | 2.1.4.4 | Coordinate implementation, monitoring and reporting on the Arts and Culture Action Plan |

Legal/Statutory/Policy Considerations

None

5 Financial Considerations

None

Consultation and Engagement

N/A

**Report No. 4.2 Creative Public Spaces Grant Recipients
2024-2025**

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Officer

5 **File No:** I2024/1081

Summary:

The Creative Public Spaces Grant seed funds temporary or permanent art projects, creative activations, and interventions in public spaces across the Byron Shire.

10 Each year individual artists, creative producers and artist teams are eligible to apply for grants of up to \$5,000.

The purpose of this report is to inform the Committee of the successful applicants for the Creative Public Spaces Grant round for the 2024-2025 financial year. Successful applicants have been notified.

15

RECOMMENDATION:

That the Committee notes successful applicants for the 2024/2025 Creative Public Spaces Grant.

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Attachments:

1 Confidential - Creative Public Spaces 2024 to 2025 - Assessment Panel Summary and Recommendations for ~ for Committee, E2024/86817

25

Report

Eleven applications were received for Council's 2024-2025 Creative Public Spaces Grant round. The total pool of funds available for this financial year is \$15,000, rather than the historical \$5,000 annual allocation.

- 5 The Selection Panel was composed of two relevant Council representatives and one independent arts industry professional.

Three high quality projects have been selected for funding by the Panel:

1. Remedial Transmissions (research and development), Public Palace - \$5,000

Remedial Transmissions is a site responsive, temporary public artwork.

- 10 Funding will support the research and development stage which will include establishing a suitable location and engaging a community group to develop and record a series of audio announcements.

These recordings will activate a selected public space using a hidden, sensor-activated audio system in a high pedestrian traffic area in the Byron Shire.

- 15 The project will be developed by Public Palace (Grace Dewar and Laurie Oxenford), an interdisciplinary artist collective, as a participatory encounter.

- 20 Remedial Transmissions is a series of playful and subtle disruptions that draw attention to how our civic spaces are navigated and governed. The announcements invite audiences to consider the structures and ideas in which we subconsciously participate. Using elements of surprise, comedic shock and a *central management-style*, the public announcements are intended to provoke new, unfamiliar and playful interactions with public space.

2. Bulaan Dalang Galii Naa Gan Ngaa Leen Duu – Mural and Artists Residency, The Returning - \$5,000

- 25 This residency program is for First Nations creatives living and working on Bundjalung Country. Developed by The Returning Indigenous Corporation and in collaboration with Arts Northern Rivers, Bulaan Dalang Galii Naa Gan Ngaa Leen Duu is focused on supporting emerging Indigenous creative practitioners, providing opportunities to connect, explore different art forms and mediums, and up-skilling creatives in arts business.

- 30 The project translates to Bulaan meaning 'together', Dalang Galii Naa meaning 'artists' and Gan Ngaa Leen Duu meaning 'learning and sharing.'

Artists will be professionally mentored for the 12-month residency via workshops by established artists and cultural leaders, professional learning sessions, time for self-directed artistic exploration and cultural workshops.

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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2

This grant application seeks funding for a group mural component of the artist residency. Under mentorship of established Indigenous artist, Otis Carey, resident artists will collaboratively design and complete a public contemporary Indigenous art mural at the proposed site of the Bayleaf cafe art mural wall in Cavanbah / Byron Bay.

5 **3. We are all Riverkeepers, Bruns Riverkeepers Alliance auspiced by Mullum Seed - \$5,000**

This project is a creative showcase about connecting to, caring for and celebrating the Brunswick River auspiced by Mullum Seed.

10 The project will utilise multimedia arts formats including poetry, photography and video, personal biography as well as imagery to document stories of diverse 'riverkeepers' of the Bruns River - from Indigenous custodians to artists and creatives, fishers, farmers, boaters, ecologists, bush regenerators, and diverse landowners along the river.

15 The intention is to inspire and link our communities to ways in which they can connect with, care for and celebrate our river. The outcomes will be showcased both online and through in-person events across the Brunswick catchment and at the Mullum to Bruns Paddle event.

Strategic Considerations

Community Strategic Plan and Operational Plan

| CSP Objective | CSP Strategy | DP Action | Code | OP Activity |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 | Support Council's role in public art across policy and projects (Council and Community), the Creative Place Grant program and the Development Control Plan. |

Legal/Statutory/Policy Considerations

20 Public Art Policy – adopted August 2018

Public Art Strategy – adopted August 2018

Public Art Guidelines – adopted December 2019

Creative Public Spaces Grant Guidelines 2023

Local Government Act 1993 [356 Can a council financially assist others?](#)

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2

- (1) *A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- 5 (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) *However, public notice is not required if—*
- (a) *the financial assistance is part of a specific program, and*
- 10 (b) *the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) *the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) *the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.*
- 15 (4) *Public notice is also not required if the financial assistance is part of a program of graffiti removal work.*

Financial Considerations

A total value of \$15,000 is recommended in this report and is provided in the 2024-2025 Public Art budget adopted by Council Res 24-001.

20 Consultation and Engagement

Council's 2024-25 Creative Public Spaces Grant Selection Panel