

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 June 2024
Time	9.00am

Esmeralda Davis
Director Corporate and Community Services

I2024/931
Distributed 13/06/24



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 29 February 2024 6

4. STAFF REPORTS

Corporate and Community Services

- 4.1 DCP Public Art Plan Referral, 139 Jonson Lane DA 10.2019.616.5..... 9
4.2 DCP Public Art Design Guidelines and Criteria 14

5. LATE REPORTS

6. FOR INFORMATION ONLY

- 6.1 103 Yagers Lane Development Public Art Plan - DA 10.2024.24.1 18
6.2 Arts and Creative Industries Advisory Committee Term Summary 21
6.3 Status Update on Development Applications Triggering Public Art Requirements in the Development Control Plan 31

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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

5

Directorate: Corporate and Community Services


File No: I2024/338

10

RECOMMENDATION:

That the minutes of the Arts and Creative Industries Advisory Committee Meeting held on 29 February 2024 be confirmed.

15 **Attachments:**

1 Minutes 29/02/2024 Arts and Creative Industries Advisory Committee, I2024/274 

Report

The attachment to this report provides the minutes of the Arts and Creative Industries Advisory Committee Meeting of 29 February 2024.

Report to Council

- 5 The minutes were reported to Council on 28 March 2024.

Council resolutions

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

24-001 Resolved that Council adopts the following Committee Recommendations:

**Report No. 4.1 DCP Public Art Plan Referral, 119 - 123 Jonson Street
DA 2023.235.1**

File No: I2024/58

Committee Recommendation 4.1.1

That the Arts and Creative Industries Advisory Committee:

1. Supports the proposed public art proposal for the development at 119-123 Jonson Street, Byron Bay DA 2023.235.1; and
2. Provides feedback to Council's Assessment Officer that:
 - 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 an appreciation for the landscaping and seating.
 - d. There was a general desire for a more contemporary or courageous piece.
 - e. There was some feedback around the potential objectification and controversy around the subject.
 - f. Recommend they explore the potential for increased curtilage.
(Westheimer/Ndiaye)

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1

24-002 **Resolved** that Council adopts the following Committee and Management Recommendation as follows:

Report No. 4.2 Updated Proposal: Brunswick Nature Sculpture Walk Triennial Event and Award 2024

File No: I2024/204

Management Recommendation

That Council supports a financial contribution for the Brunswick Nature Sculpture Walk Triennial Event and Award 2024, funded from the existing Public Art Budget, for:

1. \$10,000: Council-sponsored Award;
2. \$5,000: contribution to rental fees for 10-day installation of Hiromi Tango's artwork; and
3. \$5,000: for community workshops. (Westheimer/Ndiaye)

24-003 **Resolved** that Council adopts the following Committee Recommendation:

Report No. 4.3 Byron Clock Tower - Public Art Proposal

File No: I2024/132

Committee Recommendation 4.3.1

That the Committee does not support the proposal for public art on the Byron Bay clock tower and makes a recommendation to staff to review its maintenance plan. (Westheimer/Ndiaye)

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

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

5 **Directorate:** Corporate and Community Services
Report Author: Melitta Firth, Arts & Culture Officer
File No: I2024/914

Summary:

10 A Public Art Plan has been submitted for 139 Jonson Street (Jonson Lane), Byron Bay - DA 10.2019.616.5.

In accordance with the requirements in the Development Control Plan (DCP), this plan is referred to the Arts and Creative Industries Committee for comment and feedback.


15

RECOMMENDATION:

That the Committee provides 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.

20

Attachments:

1 DCP Public Art Plan June 2024 139 Jonson Lane Courtyard Leila Bell Yoga Pose proposal, E2024/66224 

25

Report

A Public Art Plan for the development at 139 Jonson Street (Jonson Lane) has been submitted to Council (Attachment 1).

- 5 A compliance investigation is currently underway as the public art requirements have not been met. The development has now been completed and it is necessary for the developer to satisfy compliance requirements.

10 Public Art Proposals for developments are reviewed by the Internal Development Control Plan (DCP) Reference Group and also shared with the Arts and Creative Industries Committee for feedback, either via email or presented at a meeting of the Committee for discussion.

15 Usually, the Public Art Proposal or Voluntary Planning Agreement must satisfy the conditions of consent prior to issuing a construction certificate. However in this instance the developers private certifier did not ensure the conditions of consent were complied with and the development proceeded to Occupation Certificate without completion of the public art component. Follow up compliance action has been taken by Council and the developer has now submitted a public art plan for consideration and feedback.

The proposed work is made from low-maintenance, quality materials and is by an accomplished local artist, also proposed for the Secret Garden development, Leila Bell.



20 **Image 1 and 2:** Yoga Pose, Bronze, Leila Bell

As the sculpture will be located on private land maintenance will be the responsibility of the landholder. Bronze sculpture usually requires annual painting in protective coating.



Image 3: Proposed location of artwork, Jonson Lane Courtyard

5 Condition 37 of the development consent requires the following:

37. Provision of public art

In accordance with Chapter D8 of Development Control Plan 2014, public art is to be provided within the development with a minimum value of \$80,000. Details are to be submitted for approval as part of the Construction Certificate for the Stage 2 works. Such details must achieve the following:

- a) Relevance and appropriateness of the work in relation to its site;
- b) Relevance and appropriateness of the work to Byron Shire, including the Shire's Aboriginal heritage, its particular natural environment and its diverse culture;
- c) Consistency with the Byron Shire Cultural Plan and Public Art Policy;
- d) Consideration of public safety, including public use of and access to the Public Art and associated space;
- e) Consideration of maintenance and durability, including potential for vandalism;
- f) Evidence of funding sources and satisfactory budget, including provision for ongoing maintenance; and
- g) Evidence of Public Liability Insurance to cover construction and installation of the work.

Despite the applicant's delay in presenting the public art proposal to Council for approval, the artwork is considered satisfactory in terms of the condition of consent.

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

Legal/Statutory/Policy Considerations

- 5 Arts and Culture Action Plan 2023 – 2026
 - Public Art Guidelines 2019
 - Public Art Strategy 2018
 - Public Art policy 2018
 - Development Control Plan 2014 – Chapter B15: Public Art
- 10 Excerpt of Chapter B15: Public Art
 - Prescriptive Measures
 - 15 1. 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.
 - 20 2. A Public Art Plan is to be prepared that provides sufficient 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. The Public Art Plan must include the following details to the satisfaction of Council:
 - 25 a. A statement that explains the rationale behind the artwork and demonstrates how it will relate to the proposed development and site. A concept design is strongly encouraged.
 - b. Details of the nature, materials and form of the proposed public art.
 - c. Define and illustrate the intended location and approximate size of the artwork.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1

- 5
- d. Provide a program with timelines for documentation, fabrication and installation, and integration with the construction program for the development.
- e. Deaccessioning considerations and agreements as required in accordance with Council's Public Art Guidelines & Criteria.
- 10
- f. Evidence of partnerships and/or collaboration and funding sources for the public art project where applicable. Written evidence of support and consultation with traditional owners is to be provided if the applicant proposes to engage an Aboriginal Artist or use artworks or designs including Aboriginal Cultural Content.
- g. Evidence of Public Liability Insurance to cover construction and installation of the work.
- h. Itemised expenditure for the public art including artist fees and fabrication costs and a budget for ongoing maintenance.
- 15
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 local and cultural appropriateness.
- 20
- b. The public art must be permanent and durable, with consideration given to maintenance requirements and potential for vandalism.
- c. The design is consistent with the themes outlined in the Public Art Policy and Strategy.
- 25
- 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 artwork. Public art will not be considered inside buildings, except for public buildings.
- e. Meets relevant building and safety standards.

Financial Considerations

N/A

30 Consultation and Engagement

Internal DCP Reference Group

Report No. 4.2 DCP Public Art Design Guidelines and Criteria

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Officer

5 **File No:** I2024/450



Summary:

10 The Committee has requested the opportunity to review and suggest changes to the design selection criteria outlined in Chapter B15 Public Art of the Development Control Plan 2014. The purpose of this report is to enable the Committee to make recommendations to Council regarding potential amendments to these criteria.

RECOMMENDATION:

15 **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 provide any feedback to Council.**

Attachments:

- 20 1 Byron-Shire-DCP-2014-Chapter-B15-Public-Art-Adopted-9-February-2023-Effective-28-February-2023-Amendments-2022 (15), E2024/55813 
- 2 NSW-Public-Art-Toolkit-SCREEN-2023 Create NSW, E2024/48521 

Report

The Byron Shire Council Development Control Plan (DCP) 2014, Chapter B15 Public Art, is included at Attachment 1 to this report for the Committee's review and discussion.

5 The Committee has requested the opportunity to review and propose future amendments specifically to the design selection criteria to assist developers deliver improved public art.

The following sections are most relevant for consideration and review:

- **B 15.1.1 Aims of the Chapter**

The aims of this Chapter are:

- 10 1. To implement relevant Strategic Actions and provisions of the Byron Public Art Strategy and Public Art Policy where they apply to the development process.
2. To recognise the importance of artistic expression to community well-being.
- 15 3. To cultivate a climate in which innovative and creative design, and well-integrated ecologically sustainable public art contribute to the cultural life, liveability, and amenity of Byron Shire.
4. To encourage public art that is:
 - 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.
 - 20 c) Created considering standards of excellence, in a professional manner.
 - d) Adequately planned with relevant stakeholders throughout the project duration, with partnerships and collaboration encouraged.
 - e) Meaningful, aesthetically stimulating and site specific.
 - 25 f) Consistent with current planning, heritage and environmental policies and Plans of Management.
 - g) Aimed to provide a cultural outcome.
 - h) Supportive of local creative industries.
5. To facilitate the provision of public art through the development process that:
 - 30 a) Encourages innovation and demonstrates artistic excellence.
 - b) Is reflective and responsive to local culture, including the local Aboriginal context, if relevant.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2

- c) Encourages the use of innovative materials including environmentally sustainable and eco-friendly material.
- d) Is durable, robust, and of quality, low-maintenance materials, and if applicable, be treated with anti-graffiti coating.
- 5 e) Comply with all relevant Australian Standards and Building Codes and Regulations with regard to public safety.
- f) Enhance existing public art assets of the Shire.
- 6. To specify considerations for the assessment of murals.
- 7. To enable equivalent financial contributions in lieu of providing public art.
- 10 8. To specify documents to be provided with a development application for the provision of public art.

- **B 15.2.1 General Provisions (particularly Part 3: Design Selection Criteria)**

- 15 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 local and cultural appropriateness.
 - 20 b) The public art must be permanent and durable, with consideration given to maintenance requirements and potential for vandalism.
 - c) The design is consistent with the themes outlined in the Public Art Policy and Strategy.
 - 25 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 artwork. Public art will not be considered inside buildings, except for public buildings.
 - e) Meets relevant building and safety standards.

30 The Byron Shire Council DCP is among the most detailed and specific regarding public art design requirements in New South Wales.

Any suggested changes will be considered in the next DCP update.

35 Additionally, the NSW Public Art Toolkit, prepared by Create NSW, provides comprehensive advice on developing and delivering high-quality public art. This document, included at Attachment 2, can inform best practice recommendations, and may be referenced or linked in the DCP as a valuable resource.

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

Recent Resolutions

- 5 • **23-001 Resolved** Adoption of Arts and Creative Industries Strategy

Legal/Statutory/Policy Considerations

Byron Shire Development Control Plan 2014

Financial Considerations

10 N/A

Consultation and Engagement

Arts and Creative Industries Advisory Committee

Internal staff

FOR INFORMATION ONLY

Report No. 6.1 103 Yagers Lane Development Public Art Plan - DA 10.2024.24.1

5 **Directorate:** Corporate and Community Services


Report Author: Melitta Firth, Arts & Culture Officer

File No: I2024/449

Summary:

10 This report provides a Public Art Plan to the Committee submitted as part of a Development Application for a restaurant and artisan food and drink area, at 103 Yagers Lane, Skinner Shoot, DA 10.2024.24.1.

Attachments:

15 1 DA 10.2024.24.1 103 Yagers Lane Public Art Plan and Associated Renders Combined - Restaurant and artisand food and drink area, E2024/38045 

Report

5 A Development Application (DA) has been submitted for 103 Yagers Lane, Byron Bay - DA 10.2024.24.1. The applicant has prepared a Public Art Plan integrating art into the development. The development includes a 45-seat restaurant, artisan food and drink area.

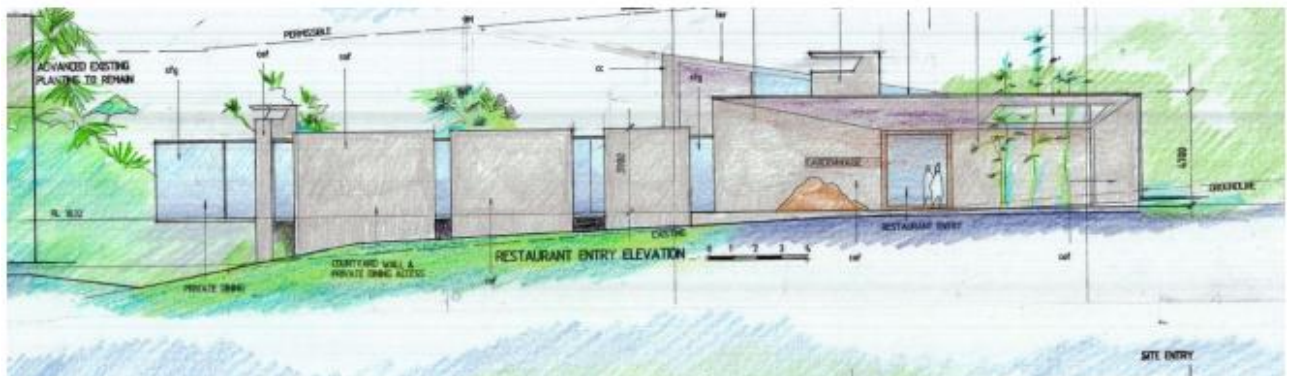
The Public Art Plan was circulated to the Committee for comment on 2 April 2024 for consideration as part of the broader development. Feedback received indicated that the Committee is anticipating further discussion at the June meeting.

GardenHouse

10 The “GardenHouse” is privately owned and proposes that members of the public gain access via appointment only. Once on site, the applicant states there will be many opportunities for residents and visitors to enjoy and benefit from the onsite art collection.

15 The Public Art Plan will be managed by co-curators, Maggie Schreiber and Michael Cusack and includes the works of seven artists, including Brandon Snape, Lexis Williams, Simon Gaiger, Anna Parsons, Brendan Van Hek, Ayako Saito and the Laundry Gallery.

The proposal states that artworks will be positioned in external areas. Noting that although the site will only be open to those who have made a booking at the restaurant or artisan area, interaction with the artworks will still be possible.



20 **Figure 1:** North elevation from carpark

The Public Art Plan notes that “inspiration for [the artists’] work will be gained directly from site visits and long periods of contemplation at the intended location of their pieces, some taking advantage of the in-house residency programme already established at the site by the proponent”.

25

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

Legal/Statutory/Policy Considerations

Development Control Plan Part D Section 8

5 Financial Considerations

None

Consultation and Engagement

Public exhibition and approval through DA process.

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

Directorate: Corporate and Community Services

Report Author: Melitta Firth, Arts & Culture Officer

5 **File No:** I2024/434

Summary:

This report highlights key arts and culture achievements completed during the Arts and Creative Industries Advisory Committee's term.

10 The achievements are presented across four action areas, as per the Arts and Culture Action Plan:

- Arts and Cultural Infrastructure
- Public Art and Creative Activation of the Public Domain
- Enabling Arts and Cultural Activity
- Supporting Festivals, Events & Screen Industry Activity

15 Management acknowledge and thank the members of the Arts and Creative Industries Advisory Committee and other arts and creative industries stakeholders for their contributions during this term of Council.

20

Report

1. Arts and Cultural Infrastructure

Lone Goat Gallery

- 5 Lone Goat Gallery offers the community and visitors an exciting and interactive program of contemporary art exhibitions, events, workshops, and a new biennial award.

Our Gallerist works alongside the newly created Gallery Assistant role and a small team of dedicated volunteers to coordinate operations.

- 10 Gallery visitation and engagement has steadily increased since reopening largely due to increased promotion and communications, regular children's activities delivered in partnership with the library and local schools, and diverse events at each exhibition.

Some highlights include the first exhibition by Arakwal artist Nickolla Clark, a major display of artworks from renown American artists, and strong community engagement through Climate Conversations.

- 15 After supporting more than 60 local and interstate artists to exhibit, the Gallery is now moving towards a regional gallery structure with the removal of exhibition fees. We are hopeful this change will attract higher quality exhibitions and innovative curatorial projects.



Figure 4: Lindy Lee with her pooches at the Rob Scott- Mitchell Exhibition Beach Dogs of Byron Bay



Figure 5: Climate Conversations Community Workshop, Lone Goat Gallery. Photo Jaka Adamic.

Climate Conversations

Climate Conversations, a new biennial initiative of Council which invites Northern Rivers artists to explore ways we can adapt, reorganise, and evolve in the face of climate change through the arts.

The theme for the inaugural Climate Conversations in 2023 was Adaptation.

The successful commissioned artists were Samantha Moss, Jess Poulsen, and Shona Wilson, for their project titled 'Mending and Tending: Art that works for nature'. The project engaged more than 1,200 community members and generated new and exciting partnerships.

The Climate Conversations project is a finalist in the Innovative Leadership category at the 2024 NSW Local Government Professional Excellence Awards held on Thursday 6 June in Sydney.

2. Public Art and Creative Activation of the Public Domain

Amendments to the Development Control Plan (DCP)

Improvements were made to the Byron Shire Development Control Plan (DCP) Public Art Chapter informed by a meeting of the previous Public Art Panel to improve the quality of public art and expediate public art processes.

Jarjumirr Park, Byron Bay

Byron Bay's Skate Park, Jarjumirr Park, incorporated Aboriginal stories and artwork.

Amenities and public space upgrades, Byron Bay

5 Public artworks by Aboriginal artist, Nickolla Clarke were integrated into amenities at Captain Cook carpark and Main Beach.

Brunswick Nature Sculpture Walk Triennial Festival

\$20,000 donation was provided to the festival supported and approved by the Committee.

Enabling Arts and Cultural Activity

Plans and Policies

10 During the term, the following arts related plans and policies were developed and/or adopted:

- Byron Shire Arts and Culture Action Plan 2023-2026
- Festivals and Events Findings Paper and Draft Event Strategy
- Draft Business, Industry and Visitor Economy Strategy

15



Figure 1: Safe Family Spaces, Soul Street New Years Eve 2023

BYRON SHIRE COUNCIL

FOR INFORMATION ONLY

6.2

Arts and Creative Industries Committee

The first meeting of the Arts and Creative Industries Advisory Committee was held on 30 June 2022. The final meeting of the Committee will be held on 20 June 2024.

The Committee convened over a two-and-a-half-year term, aligning with the Council term.

- 5 During this time, 10 meetings were held, and 32 reports were brought to the Committee for consideration and advice to Council.

This report provides a summary of the significant Council activities and milestones related to arts and creative industries that were achieved throughout the term.

Events

10 Soul Street New Year's Eve 2022 and 2023

- 15 Soul Street NYE is a family-friendly and accessible event utilising place activation, performance and participation strategies through art, food, play, and music activities commencing in the late afternoon on 31 December. The aim of the event is to increase community safety. Soul Street involves a series of place activations in popular locations across the Byron Bay CBD footprint, including roads and carparks in central Byron Bay, focused on Jonson Street and Denning Park. The event is delivered in partnership with Experience Rova and NSW Police.

- 20 In 2023, NYE fell on a Sunday night and the weather in the region was stormy, wet and windy. Numbers were reduced significantly due to the poor weather throughout the Christmas and New Year period. In spite of this, the event was a success and NSW Police reported a relatively low number of incidents.

Experience Rova provides data on attendance and community and business engagement each year in an acquittal report ([E2024/10204](#)). Highlights include:

2022/23	2023/24
<ul style="list-style-type: none">• 8,500 people attended Soul Street• 7,000 people attended lighting installation in Denning Park• 4,300 people attended Circus workshops in Denning Park• 35 artists engaged (88% local artists)• 20 businesses engaged• 8,134 Soul Street website visits• 94% of respondents lived outside of Byron Bay	<ul style="list-style-type: none">• 5,000 people attended Soul Street• 600 people attended the Silent Disco• 600 people attended Circus workshops in Denning Park• 38 artists engaged (98% local artists)• 15 local businesses engaged• 82% of respondents lived outside of Byron Bay, with 18% living locally- a threefold increase on previous years

Arts And Culture Forum November 2022

5 We held an Arts and Creative Industries Forum on 25 November 2022 at Brunswick Picture House. The aim of the forum was to brainstorm ideas for the creative future of Byron Shire with key collaborators and organisations. The event was an opportunity for artists, creatives, and industry to connect and provide feedback to Council on the development of the Arts and Culture Strategy.

Grants and funding



10 **Figure 3:** The Paddock Project engaged Studio Kite to recreate the flood impacted LOVE sign and install lighting. Supported by Byron Shire Council Creative Public Spaces Grant.

Creative Public Spaces Grants

Creative Public Spaces Small Grants seed fund temporary or permanent art projects, creative activations and interventions in public spaces across the Byron Shire

In 2022, Creative Public Spaces was redirected to support artists after the floods.

15 In 2023, seven applications were received to share in a total pool of \$5,000.

- The Paddock Project (\$3,700) to light the LOVE sign in Mullumbimby.
- Queer Family Inc (\$1,300) to upgrade signage.

Community Initiatives Program

20 The Community Initiatives Program provides funding to not-for-profit community organisations and community groups to deliver projects that create positive social, cultural, and environmental outcomes.

Twenty-two community projects were funded over the 2022/2023 and 2023/2024 financial years from a total pool of \$96,627.

This funding contributed to many community-arts projects including, Raise the Heart, a comedy theatre show, wellbeing forum and workshops, Spaghetti Circus and Pianos for the People at Kohinur Hall to encourage community activation, connection, and resilience after the floods.

5 Festivals and Events Sponsorship Fund

The Festival and Event Sponsorship grant aims to support local events and festivals that address one of the following themes:

- Embedding sustainability practices into local events.
- Supporting new and emerging events to assist them in establishing themselves.
- 10 • Supporting events to recover from the impacts of the COVID pandemic and floods.

A total pool of \$25,000 was available in 2023, which was awarded to 10 events:

- Global Beats Byron Bay Harmony Parade, Harmony Week 2024 - \$3,500
- North Coast Mud Trail - \$2,000
- Spring Plant Fair - \$2,000
- 15 • Matsuri - \$3,000
- Mullum Laneway Festival - \$3,000
- Music in the Valley - \$3,100
- Christmas Cheer in the Bay - \$3,100
- Northern Rivers Revolt 2024 - \$2,100
- 20 • Sample Food Festival - \$2,100
- Queer Family music and storytelling evening - \$1,100

Reconnecting Regional NSW Community Events Program

Byron Shire Council received \$360,000 from the NSW Government to administer and fund local community events promoting social and economic recovery following the extended COVID-19 restrictions across regional NSW. Six arts projects were successful in receiving a share in the funding:

- Sidestep Kids Festival (\$59,000), a new interactive multi-arts festival for kids and families.

- Queer Family’s Rainbow Creatives (\$41,000), a program of workshops and events, designed to provide support to a range of workers across the arts sector who were affected by the pandemic.
- 5 • Reconnecting Mullumbimby (\$35,500), a series of events featuring art and a community dinner.
- Bruns River Flicks (\$73,000), five consecutive Saturday nights of outdoor films, the program will feature ‘water’ themed movies.
- 10 • After Disaster – Stories, Reflections, Songs (\$40,000), two local schools, 200 school children and four local musicians/songwriters created and performed songs about the recent flood disaster. The program culminated in a community concert.
- Regeneration (approximately \$7,500), reconnecting communities with the joy of bush regeneration, including a series of community workshops, a community festival and tree planting.

Creative Recovery Projects

- 15 As part of community recovery, Council engaged Shire Choir to deliver the Community Feelgood Tour which travelled the Shire bringing community together through music at local halls in Newrybar, Eureka, Coorabell and Brunswick Picture House.

Shire Choir funded a short documentary film about the tour and the impact on community wellbeing post-disaster.



20 **Figure 2:** Shire Choir Community Feelgood Tour 2023 at Brunswick Picture House, supported by Byron Shire Council Flood Recovery Funding. Photo: Jaka Adamic

NAIDOC Week

Every year Council supports Arakwal Corporation in their NAIDOC week events, including a financial contribution of \$3,500.

3. Supporting Festivals, Events & Screen Industry Activity

5 Changes to the Local Environmental Plan 2014

From August 2023, changes to the Local Environmental Plan (LEP) 2014 now allow for low impact events at the Cavanbah Centre to proceed without the need to apply for development consent.

10 The changes will fast-track event approvals such as markets and live music and reduce the cost and time for event organisers.

While organisers will still need to apply for Council approval through the Events Team, the changes to the LEP mean they will no longer have to submit a development application.

Festivals and Events Networking and Capacity Building Initiatives

15 Council was successful in receiving funding through the NSW Government to facilitate:

- Event Management Bootcamp, a networking event in November 2023
- Festival and Event Accelerator Program: fifteen event organisers participated in a 10-week coaching and training course, focused on increasing event management skills.
- 20 • Connecting: a series of workshops delivered in June 2024 including Disability Confidence and Accessible Events facilitated by Accessible Arts, Anti-racism facilitated by All Together Now and Volunteer Management facilitated by the Centre for Volunteering.

Strategic Considerations

25 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

Recent Resolutions

2338 Resolved that Council:

1. Notes the submissions received during the public exhibition period for the draft Arts and Culture Action Plan 2023-2026 as outlined at Attachment 1 (E2023/91742).
- 5 2. Adopts the Arts and Culture Action Plan 2023-2026 with amendments at Attachment 2 (E2023/86759).

Consultation and Engagement

- Arts and Creative Industries Advisory Committee
- Arts and creative industries stakeholders
- 10 Internal staff

**Report No. 6.3 Status Update on Development Applications
Triggering Public Art Requirements in the
Development Control Plan**

Directorate: Corporate and Community Services

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

File No: I2024/748

Summary:

10 The purpose of this report is to update the Committee on development applications that trigger public art requirements through the Development Control Plan (DCP), and the outcomes of those developments and projects.

Attachments:

15 1 Development Applications Public Art Update June 2024, E2024/67488 

Report

5 Developments that trigger public art requirements often involve projects of significant scale, have an estimated cost greater than \$2,000,000, and are located on land within particular zones.

Applicants can provide public art or enter a voluntary planning agreement with Council in lieu of providing onsite public art.

10 The development process spans many years, resulting in a variety of outcomes. The spreadsheet at Attachment 1 details recent developments over the last three years that have triggered public art requirements and provides a status update or outcome for each.

As evident from the spreadsheet, various factors can affect the public art component, such as changes to the project or the development being withdrawn, resulting in the public art not proceeding as planned.

15 Table 1 provides a summary of the development proposals and current status, including information on the delivery of public art or conditioned voluntary planning agreement.

Number of applications	Status
2	public art delivered
1	approved provision of public art, no construction certificate (CC) yet
7	approved with draft planning agreement, no CC yet
3	refused or withdrawn
3	no public art required to be provided
1	DCP provision waived due to community status of service club by Council
3	DA not determined yet, approved, or refused
1	10.2021.616.5 - proposed art being reported to Committee on 20 June 2024
1	10.2021.472.1 VPA entered into but need further investigation as to whether it has been paid

Table 1: Summary of development proposals and public art

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

Recent Resolutions

- **23-001 Resolved** Adoption of Arts and Creative Industries Strategy

5 Legal/Statutory/Policy Considerations

Byron Shire Development Control Plan 2014

Financial Considerations

N/A

Consultation and Engagement

10 Arts and Creative Industries Advisory Committee

Internal staff