

Notice of Meeting

Arts Advisory Committee Meeting

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 20 February 2025
Time	11:30 AM

Esmeralda Davis
Director Corporate and Community Services

I2025/157
Distributed 13/02/25

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. MINUTES FROM PREVIOUS MEETINGS

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6. FOR INFORMATION ONLY

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MINUTES FROM PREVIOUS MEETINGS

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

5

Directorate: Corporate and Community Services


File No: I2025/65

10

RECOMMENDATION:

That the minutes of the Arts 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 

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MINUTES FROM PREVIOUS MEETINGS

3.1

Report

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

Report to Council

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

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

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

**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)

24-002 Resolved that Council adopts the following Committee Recommendation:

**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)

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MINUTES FROM PREVIOUS MEETINGS

3.1

24-003 **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)

**No. 14.1.6.2 Arts and Creative Industries Advisory Committee
Term Summary**

File No: I2024/434

24-004 **Resolved** that Council adopts the following Committee Recommendation:

**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 Integrated Planning and Reporting

Directorate: Corporate and Community Services

5 **Report Author:** Amber Evans Crane, Corporate Planning and Improvement Coordinator

File No: I2025/121

Summary:

10 This report provides an overview of Council’s Integrated Planning and Reporting Framework and invites discussion on priority areas in the arts for inclusion in Council’s delivery program.

15 **RECOMMENDATION:**

That the Arts Advisory Committee:

1. **Notes Council’s Integrated Planning and Reporting Framework**
2. **Discusses priorities for the 2025 – 2029 Delivery Program**

20

Background to Integrative Planning and Reporting (IP&R)

5 The Integrated Planning and Reporting Framework in NSW requires all councils to adopt a suite of strategic plans. These long-term plans provide transparency and make it possible for Council to plan in a manner which ensures that community needs and priorities are responded to well into the future. Council also has a suite of strategies, plans and policies which help inform operations and decision making, and these policies are adhered to in alignment with the Integrated Planning and Reporting Framework.

10 For example, the Arts and Culture Action Plan 2023 -2026 detailed in the 'Committee Arts and Culture Overview' Report to this Agenda has been developed to integrate within this framework to ensure cohesive efforts towards community goals and aspirations.

The central IP&R documents are outlined in more detail:

10 Year Community Strategic Plan

15 Leading the Council's planning hierarchy, the Community Strategic Plan (CSP) captures the community's vision, aspirations, and expectations for the future. It identifies key social, economic, and environmental priorities and long term strategies to achieve these goals over the next 10 years.

20 The CSP outlines the vision, community objectives and supporting strategies which will guide Council's long-term decision making. Robust engagement with the community about their desires and expectations has guided the long-term future planning to meet the needs and aspirations of the community.

10 Year Resourcing Strategy

25 The resourcing strategy addresses the sustainable long term financial, asset management, and workforce planning requirements. This is the point where Council assists the community by sorting out who is responsible for what, in terms of the issues identified in the Community Strategic Plan.

4 Year Delivery Program

30 The delivery program translates the community strategic plan goals into actions. It is Council's commitment to the community, outlining what it intends to do toward achieving the goals of the community strategic plan during its term of office. The Delivery Program is the single point of reference for all principal activities undertaken by Council. All plans, projects, activities, and funding allocations must be directly linked to the four-year delivery program.

Annual Operational Plan

35 The Delivery Program is supported by an annual Operational Plan which details the individual projects and activities that will be undertaken each year to achieve the commitments of the Delivery Program. The Operational Plan is supported by a detailed budget and a statement of revenue policy, which also sets the fees and charges for that year.

Advisory Committee Input into IP&R

The key IP&R documents described in the Background section are in the process of review as is the requirement following a local government election.

- 5 The current Community Strategic Plan (CSP) 2032 has been reviewed and the next iteration, the CSP 2035, was placed on public exhibition at the 28 November 2024 Ordinary Council meeting with submissions open until 9 February 2025. The revised CSP will be presented back to Council for adoption in April 2025. The draft can be found on Council’s website at www.byron.nsw.gov.au/communityplan.
- 10 Adjacent to this, the Delivery Program 2025 – 2029 and Operational Plan 2025/26 are being developed. Both documents will be presented to Council in April 2025 and placed on public exhibition for public feedback.

15 The Committee will be presented with draft priorities for the next four years relevant to Arts for discussion whilst the documents are still in the development phase. As captured in Council’s adopted Arts and Culture Action Plan 2023 -2026, these priorities include:

- Public Art
- The Lone Goat Gallery
- Artistic and creative industries

Strategic Considerations

20 Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership	1.1: Enhance trust and accountability through open and transparent leadership	1.1.4: Performance Measurement and Reporting - Embed a robust performance management system through the development of an outcomes measurement framework	1.1.4.4	Prepare the 2025-2029 Delivery Program

Statutory Considerations

Integrated Planning and Reporting is governed by:

- 'Local Government Act 1993'.
 - 'Local Government (General) Regulation 2021'.
- 5
- Integrated Planning and Reporting Guidelines for Local Government in NSW': outlines the statutory planning and reporting requirements that councils, county councils and joint organisations must meet

Report No. 6.1 Committee Arts and Culture Overview

Directorate: Corporate and Community Services

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

File No: I2025/72

Summary:

10 The purpose of this report is to provide the incoming Committee Members with general information about Council’s involvement in Arts and Culture and relevant plans and policies.

Report

Information/Background:

5 Byron Shire Council recognises creativity as a defining characteristic of our community. Council is committed to fostering and advocating for our unique creative and cultural industries from grassroots events and practitioners to world renowned artists and creatives, events, and projects.

10 Byron Shire Council developed an Arts and Culture Action Plan 2023 -2026 to guide and prioritise future involvement and investment in arts and cultural activity.

15 Council aims to foster cultural activity that reflects our community by empowering and enabling local creatives and organisations. Council also aims to embed arts and cultural best practice across all Council projects. There are limits to Council's responsibilities and in some cases the role of supporting professional practice is played by specific regional, state or federal government arts agencies.

With limited budget allocations and competing demands, it is critical to prioritise expenditures for strategic investment in the arts.

Examples of how Council currently supports the Arts and Creative Industries

Grants

Grant funding for community driven artistic projects, events, interventions, activations, and temporary public art.

Grant programs include:

- Community Initiatives Grants
- Creative Public Spaces Grants
- Festivals and Event Sponsorship Fund

Infrastructure/Spaces

Subsidised spaces for creatives to develop and present their work. Council-managed Lone Goat Gallery offers professional exhibition space and curation and initiates projects such as Climate Conversations. Other rental subsidies are offered for Community Halls and cultural spaces.

Public art

Management of Council and community initiated public art; public art triggered through the DCP; and Council-led master planning and public space development.

Festivals, Events and Screen Industry

Support for festivals, events and filming through various departments including approvals, technical advice planning support and waste services. The Environment and Economy team manages a range of projects to support festivals, events, filming and small business.

Council also delivers Soul Street New Years Eve family friendly event, a community safety initiative, other event-specific community safety activities e.g. Schoolies.

Arts Northern Rivers

Council provides financial support of Regional Arts Board

Advice & Support

Advice and support for arts and cultural projects, artists and events, and creative businesses.

Placemaking, Planning, Regulatory, Advocacy, Heritage, Compliance

Place planning, creative activation and master-planning Approvals, advice, compliance and licensing. Liaison with government and other agencies.

Role of Arts Advisory Committee

As outlined in the terms of reference, the purpose of the Arts Advisory Committee is to:

- 5 • Contribute to Council's strategic directions and provide recommendations into arts and cultural policy and strategy in relation to the four delivery areas of 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 and Screen Industry Activity
- 10 • Provide advice and recommendations on public art including, policy, commissioning, projects, donations and Development Control Plan (DCP) initiated public art and acquisitions.
- Provide expert advice and guidance to Council on matters relating to arts, cultural, and creative industries development.
- 15 • Provide feedback on relevant planning documents and support Council to meet the expectations of the Byron Shire Community.

It is the role of the Committee to provide advice and input on written reports that are brought to the committee for feedback.

- 20 • Committee members may propose an item for the agenda of the next meeting and an associated report will be prepared. All matters discussed at the Committee Meeting must be accompanied by a written report, verbal reports are not acceptable.

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The Committee does not manage a budget however it can make recommendations to Council regarding projects and expenditure. If Committee members have projects they would like to pursue, they are welcome to form sub-committees with interested parties and report back to the main committee.

5 **Assessment of Development Control Plan (DCP) initiated Public Art**

Public Art Plans associated with developments are considered by the Arts Committee and an internal reference group against the requirements outlined in the Development Control Plan (DCP).

10 Public Art Plan reports are often included in Arts Committee meetings and the Arts Committee give feedback and make a recommendation to Council.

At times, Public Art Plans may also be shared via email with the Arts Committee who will have seven (7) days to provide direct feedback to planners in writing.

15 Committee Members should familiarise themselves with the requirements outlined in the 2014 DCP Part B Chapter 8 – Public Art. [Development Control Plan 2014 - Byron Shire Council \(nsw.gov.au\)](http://www.nsw.gov.au)

Public Art

20 The Committee also considers unsolicited proposals for Public Art and provides input on Council-initiated Public Art projects and place planning initiatives. All permanent Public Art acquisitions or deaccessioning of artworks are considered by the Committee for recommendation to Council. Temporary Public Art can be approved by Staff but may also be reviewed by the Committee.

Council Integrated Planning Process

25 Councillors held a workshop in December 2024 to consider Delivery Program priorities for the new term of Council. The Four-Year Delivery Program is currently in draft form and will be presented, alongside the 2025-2026 Operational Plan and Budget, for public exhibition from 24 April - 23 May.

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	2.1.1: Public Art - Increase creativity in public spaces and build public art	2.1.1.1	Coordinate Council's role in Public Art across policies and projects (Council and community-initiated Public Art), the

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	activity	opportunities		Creative Place Grant program, the Development Control Plan and Voluntary Planning Agreements
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	2.1.1.2	Incorporate public art into major projects, activation precincts and place planning initiatives where eligible
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	2.1.1.3	Resource and maintain existing public art collection including regular maintenance, audits and decommissioning
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.2: Lone Goat Gallery - Provide professional presentation space for artists and community at the Lone Goat Gallery	2.1.2.1	Manage Lone Goat Gallery including its annual exhibition program, visitor engagement, volunteer management, grants and accessibility
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.2: Lone Goat Gallery - Provide professional presentation space for artists and community at the Lone Goat Gallery	2.1.2.2	Enhance the profile of the Lone Goat Gallery as a nationally recognised creative facility
2: Inclusive Community	2.1: Foster opportunities to	2.1.3: Events and festivals -	2.1.3.3	Provide information and support to the

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	express, celebrate and participate in arts and cultural activity	Support and enable arts & cultural activity, festivals, projects, and events		event industry
2: Inclusive Community	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	2.1.3.5	Review Event Guide and include information on a range of visible and invisible disabilities during public events
2: Inclusive Community	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	2.1.3.6	Submissions open for event and festivals annual sponsorship program
2: Inclusive Community	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	2.1.3.8	Administer licences for weddings, events, activities and filming on council and crown land
2: Inclusive Community	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	2.1.3.9	Collaborate with government, agency and industry on policy and legislative reforms

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
		events		
2: Inclusive Community	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	Develop an Events Strategy
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	2.1.4.1	Coordinate Arts and Creative Industries Advisory Committee
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
2: Inclusive Community	2.1: Foster opportunities to	2.1.4: Artistic and creative	2.1.4.5	Continue to provide financial support to

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CSP Objective	CSP Strategy	DP Action	Code	OP Activity
	express, celebrate and participate in arts and cultural activity	industries - Build, support, and advocate for the artistic and creative industries of the Shire to inspire a thriving and sustainable arts community		the Regional Arts Board, Arts Northern Rivers, who provide professional support for artists and creatives across the Northern Rivers
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.5: Share and celebrate diverse stories including the built, natural, and cultural heritage of the Shire	2.1.5.2	Provide a heritage advisory service
2: Inclusive Community	2.1: Foster opportunities to express, celebrate and participate in arts and cultural activity	2.1.5: Share and celebrate diverse stories including the built, natural, and cultural heritage of the Shire	2.1.5.3	Manage the Heritage Grants Program

Recent Resolutions

23-38 Resolved that Council:

- 5 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).
2. Adopts the Arts and Culture Action Plan 2023-2026 with amendments at Attachment 2 (E2023/86759).

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Legal/Statutory/Policy Considerations

The requirements for Integrated Planning and Reporting are governed by [Sections 402-406](#) of the Local Government Act 1993.

- 5 Relevant policies include:
- Draft Byron Shire Events Strategy (2024)
 - Arts and Culture Action Plan (2023)
 - Public Art Guidelines (2019)
 - Public Art Policy (2018)
- 10
- Public Art Strategy (2018)

Financial Considerations

At February 2025, Council has the following program budgets related to Arts and Cultural activities. Some budget amounts include carry over from previous budget allocations and are allocated to specific deliverables and/or activities.

\$17,227	Public Art Budget.
\$70, 809	Arts and Culture Budget Line (approximately \$50,000) carried over for Arts and Culture Action Plan Implementation items in Q3 and Q4).
\$15,000	Creative Public Spaces Grant Program.
-\$12,441	Lone Goat Gallery Operations.
\$19,172	Community Initiatives Grant Program (approximate historical budget \$57,000). Current budget fully allocated.
-\$5,021	Soul Street New Years Eve Event (approximate historical budget \$169,000).
TBC	Festivals, Events and Screen Industry Support
TBC	Festival & Events Sponsorship

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\$72,727	Voluntary Planning Agreement Public Art (Brunswick Heads specific)
\$1,500	NAIDOC/ Reconciliation Week
\$861	Public Art Maintenance (Open Spaces Team historical annual allocation \$10,000)
\$0	Climate Conversations Project (Biennial allocation)

Consultation and Engagement

n/a