

## REPORTS THROUGH THE GENERAL MANAGER

### REPORTS FROM THE DIRECTOR COMMUNITY AND NATURAL RESOURCES

a23 [CNR-CM] Goorimahbah - '3 Brothers'

SUBMITTED BY: Community and Cultural Services



**Supporting Community Life**

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#### SUMMARY OF REPORT:

On 15 August 2006, Council adopted the Tweed Heads Masterplan Stage 1 – Jack Evans Boat Harbour Concept Design, which included the implementation of the Indigenous Public Place-making Project on the site and the concept design for the '3 Brothers' commissioned by Garth Lena. The '3 Brothers' sculpture is a creation story about connection to land and waterways and the sea in this area as shown to the artist by his parents. Funding to proceed with the fabrication and installation of the '3 Brothers' is fully secured from a combination of grant funding and general funds. The next step is to offer contract documents to the artist Garth Lena. However a resolution of Council is required to offer contract documents to the artist Garth Lena without seeking three quotations as is required in the Procurement Protocol.

#### RECOMMENDATION:

**That Council:**

- 1. Offers a contract to Mr Garth Lena for the commissioning of the '3 Brothers' public art installation within Goorimahbah at Jack Evans Boat Harbour for the amount of \$86,000 plus GST.**
- 2. Makes this offer under Section 55 (3)(i) of the Local Government Act 1993 and Section 7.2 of Council's Procurement Protocol with the extenuating circumstances being that:**
  - (a) Council went through a process of artistic development with the aboriginal community in 2005/06.**
  - (b) The concept design adopted by Council for Goorimahbah in 2006 includes the '3 Brothers'.**

- (c) **'3 Brothers' is the intellectual property of Mr Garth Lena and he is the only legal supplier of this product.**

## REPORT:

### Project History

In February 2003, the NSW Ministry for the Arts announced that Tweed Shire was to become the State's fifth City of the Arts. Shaping A Distinctive Environment (SADE) is one of the ten cultural/arts projects that have been animated as part of the two-year City of the Arts program.

As part of the SADE project, the City of the Arts 'Indigenous Public Place-making Project' (IPPP) was initiated in 2002 in conjunction with the Tweed Shire Council Aboriginal Advisory Committee and was intended to create a high profile community cultural site. The idea formed an integral component of the Tweed Heads Town Centre Master plan, as a feature of the Jack Evans Boat Harbour Project.

The Indigenous Public Place-making Project was officially launched in September 2005 with an Aboriginal and Torres Strait Islander community barbeque. It was followed by a mapping workshop at Minjungbal Cultural Museum. The local community came together to map and define the initial thematic concepts to be included in the artistic brief. From this meeting a steering committee was convened and expressions of interest were invited from local artists to work as part of the design team.

In December 2005, three local artists were commissioned to work in a team with Council's Project Officer to produce concept designs, which were integrated into the landscape for the Jack Evans Boat Harbour parklands. The artists were Garth Lena, Rhonda Billett and Mark Daemon Noter Browning.

Garth Lena developed a concept design for the '3 Brothers'. The '3 Brothers' is a creation story. The sculpture is about connection to land and waterways and the sea in this area as shown to the artist by his parents. It is a contemporary expression of an old story. Three elongated figures will stand tall with spears and shields on the waterfront at the Jack Evans Boat Harbour – one facing the land, one facing north and one facing south.

On 15 August 2006, Council adopted the Tweed Heads Masterplan Stage 1 – Jack Evans Boat Harbour Concept Design, which included the implementation of the Indigenous Public Place-making Project on the site and the concept design for the '3 Brothers' commissioned by Garth Lena.

### Current Situation

Council made application to various funding bodies seeking external grant funding to proceed with the '3 Brothers' installation. One grant application to the Department of the Prime Minister and Cabinet - Office for the Arts was successful and Council received \$62,000. The funding was accepted by Council on 16 August 2011. Since then, savings from Community and Cultural Services budget items have been progressively added to the project budget and full funding for the project has now been secured.

The next step in the project is to offer contract documents to the artist, Garth Lena, to formally commission the work. Council's Procurement Protocol states that for services between the value of \$50,000 and \$149,000 at least three (3) written quotations will be sought. The value of the contract to be offered to the artist is \$86,000 plus GST. The artist

has already received payments totalling \$4,500 for the project for participation in the design workshops (2005) and development of a preliminary concept design including scale model (2011). It is not intended to seek quotations from other suppliers in this instance as an implied arrangement for the artist to fabricate the work has been in place since 2006 when the vision for Goorimahbah was adopted by the then Council.

The purpose of this report is for Council to resolve that pursuant to Section 55(3)(i) of the Local Government Act quotations will not be sought for this project. Section 55(3)(i) applies when:

*a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders*

#### Consultation

The Indigenous Public Place-making Project Committee (IPPP) was formed back in 2005 as a sub-committee of the Aboriginal Advisory Committee (AAC). The IPPP met on 4 February 2011 and 3 April 2012 to discuss the progress of Goorimahbah and the '3 Brothers' project more specifically. The IPPP includes representatives of the AAC and members are supportive of the '3 Brothers' public art commission being offered to Garth Lena.

## Jack Evans Boat Harbour Revitalisation

## Fact Sheet No. 5



### 'Goorimahbah - Place of Stories'

*ABOVE LEFT : Existing entry from Coral Street with Significant Coastal Tuckaroo to be retained and enhanced with additional trees.*

*ABOVE RIGHT : Proposed new Parkland entry with the first Story Wall wrapping around the existing Tuckaroo and new trees.*

### Project Background

"Goorimahbah – Place of Stories" is an Aboriginal and Torres Strait Islander Botanic and Artwork Garden and contemporary meeting place on the northern section of the former Border Caravan Park. The landscape framework for the implementation of "Goorimahbah" will be constructed as part of the Stage 1 works and includes the initial demolition of the former caravan park landscape, extensive grading and land forming, re-grassing, tree planting and the development of the BBQ and picnic Area. The Aboriginal and Torres Strait Islander community and Council see this part of the harbour as a place of significant cultural heritage which provides a space of recreation for all people to enjoy.

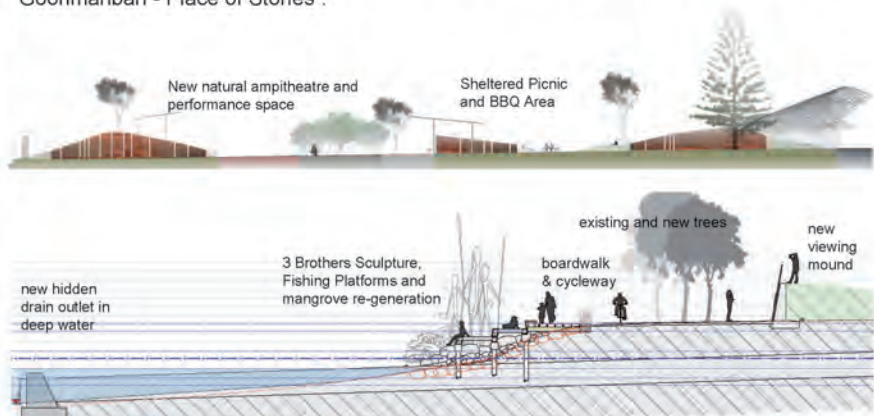
The City of the Arts 'Indigenous Public Place-making Project' (IPPP) through which 'Goorimahbah - Place of Stories' was designed and named, was initiated in 2002 by the Tweed Shire Council Aboriginal Advisory Committee and was intended to create a high profile community cultural site. The idea was incorporated into the City of the Arts and formed an integral component of the Tweed Heads Town Centre Masterplan, as a feature of the Jack Evans Boat Harbour Precinct.

The Indigenous Public Place-making Project was officially launched in September 2005 with an Aboriginal and Torres Strait Islander community barbecue. It was followed by a mapping workshop at Minjungbal Cultural Museum. The workshop was a real milestone in the project's evolution. The local community came together to map and define the initial thematic concepts to be included in the artistic brief. From this meeting a steering committee was convened and expressions of interest were invited from local artists to work as part the design team.

In December 2005 three local artists were commissioned to work in a team with Council's Project Officer to produce concept designs, which were integrated into the landscape for the Jack Evans Boat Harbour parklands. The area of former Border Caravan Park site in which the designs have been developed has since been officially renamed as "Goorimahbah - Place of Stories".

*RIGHT ABOVE : 2006 Concept Design Section illustrates a series of proposed story walls which cut through large open areas of grass along the connecting path between Hill and Boundary Streets. These walls can't be seen from the waters edge and provide shelter to the botanic collection to their north.*

*RIGHT BELOW : 2009 Detailed Design for the first Story Wall at Goorimahbah & the new drainage outlet, hidden in deep water.*



Tweed Shire Council PO Box 816 Murwillumbah NSW 2484  
(02) 6670 2400 1300 292 872  
[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

Jack Evans Boat Harbour Revitalisation

Fact Sheet No. 5



Existing harbour edge with unsightly drains and revetment



Proposed Story Wall with open parklands behind and boardwalk and fishing platforms on harbour edge

'Goorimahbah - Place of Stories' - Themes & Concepts

**The Fishing Net Gateway Structure**

The idea of the fishing net gateway originated from the local fishing community who wanted to see the expression of the maritime within the site. The artists considered the form of woven fishing nets and baskets as a distinctive way to explore fishing culture in the region. The placement of the artwork as a welcoming gesture or gateway to the meeting and story sharing place reinforces the indigenous desire to reconcile aboriginal and non-aboriginal communities within the design form of the park.

**Regional Story Sharing**

The central meeting place of the park refers to the shaping of the region's landscape in the form of the Goanna, with the texture of its scales and its imprint translated into the ground-plane. The insertion of local dialect into the pavement and its translation will increase the experiential and educational value of this component.

**Middens and Dolphin Story**

This story narrates the shifting sands and the significant middens nearby. The 'Meebing' Story belongs to the culture of the adjacent beach and the sands and tides that move along it. This location within the park marks the edge of the land that used to be broken by the ocean at Coolangatta through to the Tweed River in high seas. Like the Fishing Net this story reconciles mutual experiences of communities.

**Eagle Picnic Shelter**

The translation of eagle feathers as skeletal elements in the proposed shelter emphasises the 'Meebing' story incorporated in the 'story wall' adjacent to the BBQ area.

**Saltwater Culture, 3 Brothers Sculpture and Mangroves**

This theme reflects the significance of the coastline for the community. These places of culture and sustenance before European colonisation are tangible remnants in this site. The proposed '3 brothers' sculptures, by local artist Garth Lena, in the mangroves are intended to explore the story of the shaping of the coastline and focus vertical markers south towards the Fingal Lighthouse. The adjacent story wall, the structure of which will be constructed in stage 1, incorporates artwork and text describing the culture of the 'saltwater people', their ties to the land and more recent history.



The 'Goorimahbah - Place of Stories' Concept Plan from the 2006 Public Consultation Display.



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**OPTIONS:**

1. Adopt recommendation in the report and offer commission of '3 Brothers' public art installation to Garth Lena.
2. Not adopt the recommendation.

**CONCLUSION:**

It is recommended that quotations are not invited for the fabrication of the '3 Brothers' art work as the concept as adopted by Council in 2006 is the intellectual property of artist Garth Lena.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Placemaking and Public Art Policy Version 1.2.

**b. Budget/Long Term Financial Plan:**

<b>'Goorimahbah – Place of Stories' Project Funding Summary</b>		
<b>INCOME</b>		
<b>Grants (Council as applicant)</b>	<b>Income</b>	<b>Expenditure</b>
Indigenous Culture Support Fund	62,000	
<b>Subtotal</b>	<b>62,000</b>	
<b>Council Contributions</b>		
Payment to artist for participation in design workshop	1,500	
Payment to artist for preliminary design and development of scale model	3,000	
Consultancy Fees (to date)	13,400	
Remaining Budget	70,200	
<b>Subtotal</b>	<b>93,700</b>	
<b>TOTAL INCOME</b>	<b>\$155,700</b>	
<b>EXPENDITURE</b>		
Artist Fees PAID (design workshop & preliminary design)		4,500
Lois Randall Creative Consulting PAID - Funding applications, development of Public Art Brief and Commissioning Documentation		13,400
Lois Randall Creative Consulting – - liaison between artist and project engineer during fabrication, installation and finishing stages - assist artist develop maintenance manual		6,800
Artist Fees (design and fabrication)		76,000
Materials		10,000
Council Project Engineer (Design & Fabrication Stages)		15,000
Council Finishing		20,000
Council Installation		10,000
<b>TOTAL EXPENDITURE</b>		<b>\$155,700</b>

Grant funding is contingent on Council meeting various time based milestones and the commissioning of the work will assist in progressing the project to meet these milestones.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep the Indigenous Public Place-making Project (IPPP) and the Aboriginal Advisory Committee (AAC) informed of the project through regular meetings.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.2 Preserve Indigenous and Non-Indigenous cultural places and values
- 2.1.2.4 Preserve Indigenous cultural places and values
- 2.1.2.4.1 Install '3 Brothers' at 'Goorimahbah – Place of Stories' (Jack Evans Boat Harbour) subject to external funding

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

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