



MISSION AND VALUES OF COUNCIL

"A Sustainable Community that is inclusive, attractive, healthy and pleasant to live in, that uses our land so as to preserve our history and environment, respects the rights and equality of our citizens and manages our future growth wisely."

UNCONFIRMED MINUTES

OF THE

**ARTS, CULTURE AND HERITAGE ADVISORY
COMMITTEE MEETING**

16 JULY 2015

OUR VISION

"A thriving and friendly community that recognises our history and embraces cultural diversity and economic opportunity, whilst nurturing our unique natural and built environment."

OUR MISSION

"To deliver affordable and quality Local Government services."

CORE VALUES OF THE SHIRE

The core values that underpin the achievement of the mission will be based on a strong customer service focus and a positive attitude:

Communication

Integrity

Respect

Innovation

Transparency

Courtesy

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

SHIRE OF BROOME
ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE MEETING
THURSDAY 16 JULY 2015
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NOTICE OF MEETING

Dear Council Member,

The next Arts, Culture and Heritage Advisory Committee Meeting of the Shire of Broome will be held on Thursday, 16 July 2015 in the Committee Room, Corner Weld and Haas Streets, Broome, commencing at 3.00pm.

Regards

A handwritten signature in black ink, appearing to read 'K R Donohoe', with a horizontal line underneath the name.

K R DONOHOE
Chief Executive Officer

10/07/2015

**MINUTES OF THE ARTS, CULTURE AND HERITAGE ADVISORY COMMITTEE MEETING
OF THE SHIRE OF BROOME,
HELD IN THE COMMITTEE ROOM, CORNER WELD AND HAAS STREETS, BROOME, ON
THURSDAY 16 JULY 2015, COMMENCING AT 3.00PM.**

1. OFFICIAL OPENING

The Chairman welcomed Committee Members and Officers and declared the meeting open at 3:03 pm.

2. ATTENDANCE AND APOLOGIES

Attendance: Ms E Yu Chairperson
Cr A Poelina
Ms G Knox
Ms R Middleton
Ms S Keenan
Ms S Darrington
Ms V Margetts
Ms S Yu (from 3:20 pm)

Leave of Absence: Cr M Manado

Apologies: Cr G Campbell

Officers: Suzie Haslehurst Manager Community Development
Sarah Dobson Venue Coordinator - Broome Civic Centre

3. DECLARATIONS OF FINANCIAL INTEREST / IMPARTIALITY

FINANCIAL INTEREST			
Committee Member	Item No	Item	Nature of Interest
NIL	NIL	NIL	NIL

IMPARTIALITY			
Committee Member	Item No	Item	Nature of Interest
NIL	NIL	NIL	NIL

4. CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION:

Moved: Ms G Knox

Seconded: Ms E Yu

That the Minutes of the Arts, Culture and Heritage Advisory Committee held on 16 April 2015 be confirmed as a true and accurate record of that meeting.

CARRIED UNANIMOUSLY 7/0

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Under section 5.23 (2)(d) of the Local Government Act 1995 Council may resolve to move the meeting behind closed doors.

6. REPORT OF OFFICERS

6.1 CIVIC CENTRE PROGRAMMING

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CSP002
AUTHOR:	Events & Venue Officer
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Manager Community Development
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 March 2015

SUMMARY: This report provides feedback to the Arts, Culture and Heritage Advisory Committee regarding the shows presented at the Broome Civic Centre since February 2014 and seeks consideration and recommendation to Council of the Broome Civic Centre proposed programming for 2015-2016 subject to budget allocations.

BACKGROUND

Previous Considerations

ACHAC 27 May 2014	Item 5.4
SMC 27 June 2014	Item 9.4.6
OMC 28 August 2014	Item 10.4

The adoption of the 2014-15 budget at the SCM on the 27 June 2014 allocated funds for the Shire to present a number of shows at the Civic Centre for the community to attend and enjoy as part of efforts to activate the centre and provide the community with a range of entertainment options.

A summary of scheduled live shows along with the proposed Civic Centre Programming Policy (attached) were presented to the Arts, Culture and Heritage Advisory Committee (ACHAC) and endorsed by Council on 28 August 2014.

In accordance with the above policy, this report provides details of the shows presented along with proposed programming for the next financial year for the consideration of the ACHAC and subsequent recommendation to Council.

COMMENT

Since February 2014, the Civic Centre has presented a number of shows including physical theatre, drama, comedy, live music and play reading. The attachment to this report provides an overview of each of the shows including performance fees, audience numbers, income and expenditure for the Committee's consideration.

In summary, from February 2014 until June 2015 the following shows have been presented by the Shire;

<i>Get Hypnotised! The Mathew Hale Comedy Hypnosis Show</i>	Comedy
<i>Simply Sinatra Starring Tom Burlinson</i>	Music - nostalgic

<i>Controlled Falling Project</i>	Acrobatics, Physical theatre
<i>Melbourne International Comedy Festival Roadshow</i>	Comedy
<i>Midsummer – A Play with Songs</i>	High end theatre
<i>Black Swan Theatre</i>	Play Reading
<i>Managing Carmen</i>	Songs, commentary, humour
<i>Dust of Uruzgan</i>	Puppetry
<i>Swamp Juice</i>	Puppetry, Circus
<i>Squaring the Wheel</i>	Live Music
<i>B2M (Bathhurst to Melville)</i>	Comedy
<i>Kevin Kropinyeri</i>	Drama
<i>Gym and Tonic</i>	Comedy
<i>Melbourne International Comedy Festival</i>	

This resulted in 2,927 ticket sales with income from ticket and bar sales totalling \$126,316. While some shows were more popular than others, the overall result remains positive.

In accordance with the proposed budget and the Shire's programming policy, Officers now propose a number of shows to be presented by the Shire within the 2015-16 financial year. The proposed shows are intended to meet the objectives of the Shire's Programming Policy and provide a diverse annual program of live performances and/or events at the Broome Civic Centre. The proposed schedule for 2015-16 is attached for the ACHAC's consideration and recommendation to Council.

CONSULTATION

Country Arts WA
CircuitWest
Black Swan Theatre Company

STATUTORY ENVIRONMENT

NIL

POLICY IMPLICATIONS

- 1.3.1 Media Policy
- 2.3.7 Purchasing Policy
- 5.1.7 Events Held on Local Government Property and Public Places
- 5.1.12 Broome Civic Centre Programming Policy

FINANCIAL IMPLICATIONS

2014-15 shows

Performance Production Expenses – Broome Civic Op Exp (GL 116495)

2015-16 shows

Total budget (GL 116495) \$43,500 – as per attached Production Schedule, subject to the outcomes of the 2015-16 budget process.

STRATEGIC IMPLICATIONS**Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:**

Affordable services and initiatives to satisfy community need

Participation in recreational activity

High level social capital that increases community capacity

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

Retention and expansion of Broome's iconic tourism assets and reputation

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Key economic development strategies for the Shire which are aligned to regional outcomes working through recognised planning and development groups/committees

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

Responsible resource allocation

Effective community engagement

VOTING REQUIREMENTS

Simple Majority

COMMITTEE RESOLUTION:

Moved: Ms R Middleton

Seconded: Ms G Knox

That Standing Orders be suspended at 3:09 pm.

CARRIED UNANIMOUSLY 7/0

Sarah Yu entered the meeting at 3:14 pm.

COMMITTEE RESOLUTION:

Moved: Ms E Yu

Seconded: Cr A Poelina

That Standing Orders be reinstated at 3:17 pm.

CARRIED UNANIMOUSLY 8/0

REPORT RECOMMENDATION:

That the Committee recommends that Council:

- 1. Notes the 2014 overview of live shows presented by the Shire as attached to this report.*
- 2. Endorses the proposed Broome Civic Centre programming for 2015-2016 subject to the outcomes of the 2015-16 Budget process.*

COMMITTEE RESOLUTION:

Moved: Ms R Middleton

Seconded: Ms G Knox

That the Committee recommends that Council:

- 1. Acknowledges the success of the 2014 program of live shows presented by the Shire as attached to this report.***
- 2. Endorses the proposed Broome Civic Centre programming for 2015-2016 subject to the outcomes of the 2015-16 Budget process.***

CARRIED UNANIMOUSLY 8/0

Reason: Recognition of the Shire's successful live shows program.

Attachments

1. PROPOSED 2015 - 2016 PRODUCTION SCHEDULE
2. 2014 - 2015 PRODUCTION SCHEDULE

6.2 PUBLIC ART - AMENDED POLICIES AND GUIDELINES, DELEGATION OF AUTHORITY

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	CDE13
AUTHOR:	Manager Community Development
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 July 2015

SUMMARY: This report presents the amended policies relating to Public Art and accompanying guidelines for the Committee's consideration and recommendation to Council. The report also proposes that a recommendation be made to Council to delegate authority for decision making regarding public art projects to the Arts, Culture and Heritage Advisory Committee.

BACKGROUNDPrevious Considerations

OMC 28 August 2014	Item 10.4
OMC 26 February 2015	Item 9.1.5

At the Ordinary Meeting of Council held on 26 February 2015, it was resolved:
That Council;

1. *Adopts the Public Art Masterplan as attached as a guide for public art initiatives in Broome; and*
2. *Notes that to facilitate the implementation of the Public Art Masterplan the Chief Executive Officer will review the policies relating to Public Art and present these to the Committee for recommendation to Council.*
3. *Requests the Chief Executive Officer to consider the installation of a public artwork as part of any development initiatives in Chinatown in the first instance.*

In accordance with the above, this report presents proposed amendments to Local Planning Policy 8.20 Provision of Public Art and Policy 5.1.6 Public Art for consideration by the Arts, Culture and Heritage Advisory Committee (ACHAC) and subsequent recommendation to Council. It also presents the guidelines proposed to be attached as appendices to these policies which are intended to complement the internal business operating procedure developed to assist officers to provide advice to external parties and to implement public art projects on behalf of the Shire.

COMMENT

Following Council's endorsement of the Public Art Master Plan as a guide for public art projects, officers have developed a number of documents to provide a framework for the implementation of Local Planning Policy 8.20 which requires significant developments to include a contribution to public art, and Policy 5.1.6 Public Art which outlines Council's

commitment to increasing the amenity of the town through public art. These documents include:

1. Business Operating Procedure 3.2.0 – Public Art
 2. Appendix A - Public Art Guidelines
 3. Appendix B – Guidelines for Developers – Provision of Public Art – LPP 8.20
 4. Instrument of Delegation – Delegation of powers and duties of Council to the Arts, Culture and Heritage Advisory Committee – Approval acquisition and disposal of Public Art;
 5. Amended Terms of Reference for the Arts, Culture and Heritage Advisory Committee;
- and have been developed with consideration for feedback provided during the public consultation for the Public Art Master Plan and from members of the ACHAC and officers.

These documents are attached for the Committee's consideration and their contents are summarised below.

Business Operating Procedure 3.20 – Public Art

An internal document, this Business Operating Procedure (BOP) provides a framework for officers for the enactment of Council's policies and the approval of public artworks. The BOP includes guidelines as Appendices for the implementation of public art projects.

Appendix A – Public Art Guidelines

This document aims to provide guidelines for officers and potentially external parties undertaking public art projects on public/Shire controlled or owned land. The guidelines articulate the approval process, funding options, commissioning models and the various phases of a public art project, along with collection management principles.

Appendix B - Guidelines for Developers – Provision of Public Art LPP 8.20

This document is intended to be given to developers and other external parties as a guide for the implementation of public art projects where the provisions of LPP 8.20 apply. The guidelines outline the options for contribution and define the elements and approval processes for public art projects where the developer has determined to undertake the installation of public art on the development site or nearby public land.

Where the artwork is to be installed on private land, it is proposed that the developer will be required to submit a report as part of the Planning Application process that outlines the proposed artist, concept design, location, materials and other relevant information. This will be assessed by Shire Officers generally against the criteria contained in the Public Art Master Plan endorsed by Council. Officers may provide feedback to the developer but, unless the work is deemed offensive, is unsafe or significantly impacts the amenity of surrounding areas, the artwork will be considered as part of the development and the Shire will have no jurisdiction in this area.

Where an artwork is to be installed partially or wholly on public/Shire owned or controlled land or is intended to be handed over to the Shire at some point, it is proposed that the ACHAC be delegated responsibility to assess and subsequently approve or reject the proposal.

Instrument of Delegation – Delegation of powers and duties of Council to the Arts, Culture and Heritage Advisory Committee

It is proposed that Council delegates authority to the ACHAC to make decisions relating to public art on behalf of the Shire regarding the;

- a) commissioning model to be used
- b) selection of artist(s)
- c) approval of concepts and design

This process is intended to take advantage of the specialist skills and expertise of the members of the ACHAC and to ensure that any artworks that are installed in the public realm are considered in terms of contemporary artistic integrity.

It should be noted that Council cannot delegate authority for any decision that requires an absolute majority under the *Local Government Act 1995* (Section 5.17(1)(a)). Therefore, this delegation is intended to provide for decisions relating to the artist(s) to be commissioned as well as the type, materials and design of the artwork. The ACHAC will be required to make a recommendation to Council seeking approval for;

- a) the location of an artwork where it is located on public land and,
- b) budget allocations and the use of funds held in the Public Art Reserve.

Proposed Approval Process

The table below outlines the proposed approval processes for the various approaches that will be required to be considered.

Trigger	Detail	Officer Responsibility	Arts, Culture & Heritage Committee	Council
LPP 8.20	Developer makes a monetary contribution	✓		
	Developer chooses to do own artwork on private land	✓		
	Developer chooses to do own artwork on Shire/public land		✓ (artist, design)	✓ (location)
	Shire development		✓ (artist, design)	✓ (location)
External Party	Proposes to install an artwork on private land	✓		
	Proposes to install an artwork on public land		✓ (artist, design)	✓ (location)
	Proposes to gift the Shire an artwork		✓ (advice)	✓
Shire	Shire wishes to acquire an artwork		✓ (advice)	✓
	Shire undertakes a public art project using Public Art Reserve, budget, grants or other external funds		✓ (artist, design)	✓ (location, budget)

It is proposed that all decisions made under delegated authority require an absolute majority (ie. more than 50% of the number of offices (whether vacant or not) of the Committee). Where an absolute majority decision cannot be reached, it is proposed that the decision be referred to Council.

Officer Recommendation

Officers recommend that the ACHAC seeks Council's approval to;

1. Amend Local Planning Policy 8.20 and Policy 5.16 as attached;
2. Endorse Appendices A and B to the Business Operating Procedure as attached to this report as guidelines for the implementation of public art projects;
3. Delegate authority to the ACHAC for decision making relating to public art projects; and
4. Amend the Terms of Reference for the ACHAC to reflect the above.

CONSULTATION

City of Perth

Officers have also referenced a number of other documents in the preparation of the policies and guidelines including;

- City of Subiaco's Public Art Policy and Guidelines
- Percent for Art Guidelines for Developers – Artsource
- Public Art – Making It Happen – ArtsSA
- Public Arts Guidelines for Landcom Projects - Landcom

These references have been acknowledged in the relevant documents.

STATUTORY ENVIRONMENT

Local Government Act 1995

5.17 Limits on delegation of powers and duties to certain committees

- (1) *A local government can delegate —*
 - (b) *to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and*
 - (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —*
 - (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*

5.42. Delegation of some powers and duties to CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —*
 - (a) *this Act other than those referred to in section 5.43; or*

(b) the Planning and Development Act 2005 section 214(2), (3) or (5).

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

(a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;

POLICY IMPLICATIONS

Policy 1.2.9	Local Regional Price Preference
Policy 2.3.7	Purchasing
Policy 2.4.1	Asset Management
Policy 5.1.6	Public Art
Local Planning Policy 8.20	Provision of Public Art

FINANCIAL IMPLICATIONS

Each artwork that is installed on public/Shire owned or controlled land will be required to be registered in the Shire's Asset Management Register and an asset management plan recorded which includes the level, frequency and estimated annual cost of conservation for the life of the artwork. Consideration will need to be given to a maintenance budget allocation during the annual budget process.

RISK

The risks associated with the recommendations contained in this report are identified as follows:

Identified Risk	Likelihood	Impact	Remedial Outcome	Mitigation strategies
External parties may not agree with the guidelines provided.	Possible	Low	Medium operational	Ensure guidelines and policies are endorsed by Council, are included in BOP and are available on the Shire website to provide the public with appropriate information.
Community dissatisfied with public artwork(s) installed.	Possible	Medium	High reputational	Criteria for approval of artworks are endorsed - decisions are based on assessment against these criteria and the Public Art Master Plan as a guide. Delegation of authority to Arts, Culture and Heritage Advisory Committee to make decisions regarding artworks. Arts, Culture and Heritage Advisory Committee membership includes community members with specific skills and experience relating to public art.
Council is dissatisfied with the public artwork(s) installed.	Possible	Medium	High Operational	Criteria for approval of artworks are endorsed - decisions are based on assessment against these criteria and the Public Art Master Plan as a guide. Arts, Culture and Heritage Advisory Committee

				membership includes community members with specific skills and experience relating to public art.
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STRATEGIC IMPLICATIONS

Our People Goal – Foster a community environment that is accessible, affordable, inclusive, healthy and safe:

Effective communication

High level social capital that increases community capacity

Our Place Goal – Help to protect the nature and built environment and cultural heritage of Broome whilst recognising the unique sense of the place:

A preserved, unique and significant historical and cultural heritage of Broome

Retention and expansion of Broome's iconic tourism assets and reputation

Best practice asset management to optimise Shires' infrastructure whilst minimising life cycle costs.

Our Prosperity Goal – Create the means to enable local jobs creation and lifestyle affordability for the current and future population:

Affordable and equitable services and infrastructure

Our Organisation Goal – Continually enhance the Shire's organisational capacity to service the needs of a growing community:

An organisational culture that strives for service excellence

Responsible resource allocation

Effective community engagement

Improved systems, processes and compliance

VOTING REQUIREMENTS

Absolute Majority

COMMITTEE RESOLUTION:

Moved: Ms G Knox

Seconded: Ms R Middleton

That Standing Orders be suspended at 3:20 pm.

CARRIED UNANIMOUSLY 8/0

COMMITTEE RESOLUTION:

Moved: Ms S Yu

Seconded: Ms S Keenan

That Standing Orders be reinstated at 3:54 pm.

CARRIED UNANIMOUSLY 8/0

OFFICER RECOMMENDATION:

That the Arts Culture and Heritage Advisory Committee recommends that Council:

- 1. Amends Local Planning Policy 8.20 and Policy 5.1.6 as attached to this report;*
- 2. Endorses Appendices A and B as attached to this report to the Business Operating Procedure for Public Art as guidelines for the implementation of public art projects;*
- 3. Delegates authority to the Arts, Culture and Heritage Advisory Committee to make decisions relating to public art on behalf of the Shire regarding:
(a) commissioning process to be used;
(b) selection of artist(s);
(c) approval of concepts and design;*
- 4. Notes that the Delegation of Authority includes a condition that decisions made under delegation require an absolute majority vote and where this cannot be achieved, the decision will be referred to Council;*
- 5. Adopts the amended the Terms of Reference for the Arts, Culture and Heritage Advisory Committee as attached to this report.*

(ABSOLUTE MAJORITY REQUIRED)

COMMITTEE RESOLUTION:

Moved: Ms S Yu

Seconded: Cr A Poelina

That the Arts Culture and Heritage Advisory Committee recommends that Council:

- 1. Amends Local Planning Policy 8.20 and Policy 5.1.6 as attached to this report;***
- 2. Endorses Appendices A and B as attached to this report to the Business Operating Procedure for Public Art as guidelines for the implementation of public art projects;***
- 3. Delegates authority to the Arts, Culture and Heritage Advisory Committee to make decisions relating to public art on behalf of the Shire regarding:
(a) commissioning process to be used;
(b) selection of artist(s);
(c) approval of concepts and design;***
- 4. Notes that the Delegation of Authority includes a condition that decisions made under delegation require an absolute majority vote and where this cannot be achieved, the decision will be referred to Council;***
- 5. Adopts the amended Terms of Reference for the Arts, Culture and Heritage Advisory Committee as attached to this report.***
- 6. Requests the Chief Executive Officer to hold a workshop with Council and the Committee to determine short-term priorities for the location and type of public artworks in Broome.***

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY 8/0

Reason: The committee determined that some particular locations and types of artworks should be prioritised and requested a workshop to set these priorities.

Attachments

1. 1. BOP 3.2.0
2. 2. APPENDIX A - PUBLIC ART GUIDELINES
3. 3. APPENDIX B - GUIDELINES FOR DEVELOPERS - PROVISION OF PUBLIC ART (LPP 8.20)
4. 4. DRAFT DELEGATION OF AUTHORITY
5. 5. AMENDED TERMS OF REFERENCE
6. 6. AMENDED LPP 8.20
7. 7. AMENDED POLICY 5.1.6

7. MOTIONS WITHOUT NOTICE

Nil

8. MATTERS BEHIND CLOSED DOORS

Nil

9. MEETING CLOSURE

There being no further business the Chairman declared the meeting closed at 3:56 pm.