



## VISION OF COUNCIL

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

# AGENDA

**BUSINESS OF AN URGENT NATURE**

**FOR THE**

**ORDINARY MEETING OF COUNCIL**

**22 NOVEMBER 2018**

## **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.

*Should you require this document in an alternative format please contact us.*

**SHIRE OF BROOME**  
**ORDINARY MEETING OF COUNCIL**  
**THURSDAY 22 NOVEMBER 2018**  
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## 12. BUSINESS OF AN URGENT NATURE

### 12.1 CHINATOWN PUBLIC ART - ENTRY STATEMENT CONCEPT DESIGN

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RFT18/06
<b>AUTHOR:</b>	Community Development Officer - Youth and Community
<b>CONTRIBUTOR/S:</b>	Manager Community and Economic Development
<b>RESPONSIBLE OFFICER:</b>	Director Development & Community
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	30 October 2018

**SUMMARY:** This report presents 3 concept designs received from No33 Safehaven Studios for the Chinatown Entry Statement Public Art for Council's consideration.

## BACKGROUND

### Previous Considerations

OMC 30 August 2018

Item 12.2

### Background

The Chinatown Revitalisation Project, funded in partnership by the Shire of Broome, the Western Australian State Government and Tourism WA, aims to deliver much needed upgrades and enhancements within the Broome central business and retail district. This will see the delivery of key activities aimed at boosting economic activity along with preserving and enhancing Chinatown's role as the social, cultural and economic hub of Broome. Tourism is a key industry for Broome with public art enhancing the visitor experience.

Public Art is recognised as a key element of this project and is guided by the Chinatown Public Art and Interpretation Strategy. The Strategy identified a series of key initiatives to be delivered as part of streetscape improvements, including the Chinatown Entry Statement.

A Request for Tender (**RFT**) was advertised between 25 July and 9 August 2018 for the Chinatown Entry Statement. Sixteen tenders were received by the deadline.

An Artwork Selection Panel was established for this project and comprised of the following representatives tasked with the review and assessment of the submissions and then Phase 1 concept designs:

- Vanessa Margetts – Public Art Coordinator, MudMap Studios
- Jenny Kerr – Public Art Coordinator
- Kirsten Wood - Shire of Broome Manager Planning and Building Services
- Talei Howell-Price - Chinatown Investment & Development Coordinator
- Mark Davis – Shire of Broome Manger Community and Economic Development

- Leah Rakabundel – Shire of Broome Youth and Community Development Officer
- Naomie Hatherley - Kimberley Arts Network

The Artwork Selection Panel assessed the submissions and recommended No33 Safehaven Studio be awarded the contract. The recommendation was then circulated via email to the Chinatown Revitalisation Project's Project Control Group (**PCG**) and Steering Committee (**SC**). The recommendation was unanimously supported. The Chinatown Entry Statement RFT 18/06 was then considered by Council at its Ordinary Meeting in August 2018, where Council awarded the contract to No33 Safehaven Studio.

Phase 1 of the project was undertaken by No33 Safehaven Studio between 11 September – 12 November 2018 requiring the provision of 3 concept design options for the Artwork Selection Panel's assessment. Endorsement of the preferred concept design is required to proceed to Phase 2 of the contract (construction and installation.)

## **COMMENT**

### Scope

The scope of works requested tenderers to create an iconic public art work that visually articulates the location and uniqueness of Chinatown. It is to be placed in the main access and approach area to Chinatown near the junction of Napier Terrace and Carnarvon Street. The project is to be completed by 31 May 2019.

### Phase 1 Concept Development and Design

No33 Safehaven Studio were awarded the Phase 1 contract for Concept Development and Design up to a maximum of \$15,000 (exc. GST) inclusive of all fees, research, consultation, materials, travel, and engagement with stakeholders, design professionals and community. The outcome of Phase 1 is to develop, cost and present 3 design concept options.

Phase 1 commenced with a teleconference meeting followed by an on-site consultation visit with the artist and a team of project representatives to facilitate the artist's development of the artwork proposal. The teleconference planning meeting set timeframes, implementation and community engagement approaches and reporting mechanisms for the project. The concept design was assessed against the following criteria:

- relevance of the concept;
- quality of design and use of materials;
- methodology and timeframe;
- value for money.

Three concept designs were submitted (see **Attachments 2 and 3**). The Artwork Selection Panel met on 14 November 2018 to assess the 3 concept designs. The outcome of the assessment is outlined in the Assessment Report in **Attachment 1**.

### Recommended Concept 2 - 'Shimmer'

The Panel recommends Concept 2 with working title 'Shimmer' be further developed for construction and installation. This design concept is for a 6 metre high sculpture, proposed to be located in the round-a-bout at the junction of Napier Terrace and Carnarvon Street.

The design represents the beauty of interwoven cultures, brought together by the pearl and its shell.

The concept addresses the brief most successfully and can be delivered and installed with least risk to the Shire.

In accordance with the governance structure for this individual project as part of the broader Chinatown Revitalisation Project, this SC are required to endorse the recommended concept before it can progress to construction and installation. The Panel's recommendation has been circulated to the SC for approval and Council's consideration of the recommendation is subject to endorsement of the concept by the SC.

## CONSULTATION

No33 Safehaven Studios undertook a community consultation trip to Broome between 17 September and 3 October 2018.

No33 Safehaven Studios attended the following meetings, workshops and gatherings during their consultation trip to Broome:

- Broome Chinese Community Meeting
- Kimberley Arts Network Meeting
- Yawuru Cultural Immersion Training
- Meeting with Nyamba Buru Yawuru Ltd staff
- Meeting with Maxine Charlie and Martha Lee – Nagula Jarndu Designs
- Meeting with Chris Maher and Ben and Jody Loaring
- Chinatown tour with Doug Fong
- Morning tea with David Galway, Peter Taylor, Bobbie Telford, Penny Arrow, Des Haynes, Doug Fong and Elisabeth Lucke
- Evening presentation at the Roey with Pearl Hamaguchi, Cori Fong, James Down, Peter Coppin, Naomie Hatherley, Robyn Maher and Chris Maher

## STATUTORY ENVIRONMENT

Nil

## POLICY IMPLICATIONS

Policy 5.12 Provision of Public Art

## FINANCIAL IMPLICATIONS

Funding Source:

Funding Type	Capital or Start Up Expense	Account Number
Shire of Broome Public Art Reserve	\$162,768	100010320
Chinatown Revitalisation Project	\$52,232	113672110
TOTAL	\$215,000	

Contract	Amount
Phase 1: Concept Design	\$15,000
Phase 2: Construction and Installation	\$200,000
TOTAL	\$215,000

On approval of the Phase 1 Artwork Design Concept by Council, the artist will receive a further written Commission Agreement to undertake the project. The refinements and documentation of the agreed artwork design will take place under the Commission Agreement and is to be presented for final approval to the Artwork Selection Panel before implementation. This stage will include Detailed Design Documentation and final costing, fabrication and Installation.

RFT 18/06 specifies the following conditions if a preferred concept is not approved:

- Where the Principal declines the concepts developed in Phase 1, the Principal reserves the right to terminate any contract associated with Phase 1 and not proceed to Phase 2.
- The Principal reserves the right to engage the next preferred tenderer identified in the shortlist to develop concepts for Phase 1, until such time that the Principal approves concepts to progress into Phase 2.
- Where the Principal declines one or more tenderers' concepts in Phase 1, the maximum contract value of \$200,000 (exc. GST) for Phase 2 shall reduce, and therefore tenderers shall be required develop concepts commensurate to the available budget.

**RISK**

Risk	Type	Rank	Mitigation
Project delivery	Reputational Financial	Low	The Chinatown Revitalisation Project has engaged the services of an appropriately experienced public art consultant to support the successful public artist in the development of the Entry Statement Project. The consultant will manage the delivery of this project, therefore ensuring value for money, a high quality of work and satisfaction of required approvals.
Project not being delivered in required timeframe	Reputational Financial	Low	The risk of the project not being delivered by 31 May 2019 is low. This risk may increase if a preferred concept is not chosen as Phase 2 for construction and installation will be delayed while new concepts are negotiated.
Concept Design not being chosen	Reputational	Medium	The risk of no concept design being endorsed or disagreement on the preferred concept between Council, the SC and the PCG is low. The tenderer has carried out

			extensive community consultation and has a significant history of similar projects in metropolitan and regional Australia.
Negative public perception of chosen design	Reputational	Low	The risk of negative public perception on the chosen concept is low due to extensive community consultation and an open, transparent procurement process. The project is included as an item in the Chinatown Public Art and Interpretation Strategy. Additionally, the Strategy was developed in consultation with a broad range of community stakeholders.
Public safety and structural risks	Public Safety Statutory Reputational	Low	The public art consultant will support the public artist in the development of the Entry Statement Project ensuring all required approvals and sought through relevant departments and safety standards are met.
Heritage Approvals	Statutory	Low	The public art consultant will support the public artist with input from relevant Shire departments to seek heritage approvals for the chosen design concept. Advice has been sought from the Heritage Council in the design process.

**STRATEGIC IMPLICATIONS**

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

Accessible and safe community spaces

A healthy and safe environment

**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, historical and cultural heritage of Broome

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

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

Effective community engagement

**VOTING REQUIREMENTS**

*Simple Majority*



**REPORT RECOMMENDATION:**

That Council:

1. Adopts the recommendation to approve the Chinatown Entry Statement Concept 2 'Shimmer' as per the concept design report contained in Attachment 1, subject to endorsement of Concept 2 by the Chinatown Steering Committee.
2. Authorises the Chief Executive Officer to award the Commission Agreement to a maximum of \$200,000 (exc. GST) for Phase 2 of RFT 18-06 contract for No33 Safehaven Studios to proceed to construction and installation for the Chinatown Entry Statement approved concept.

**Attachments**

1. Chinatown Entry Statement Concept Design Recommendation Report (*Confidential to Councillors and Directors Only*)  
***This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government".***
2. Concept 2: Shimmer (*Confidential to Councillors and Directors Only*)  
***This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government".***
3. Alternative concepts (*Confidential to Councillors and Directors Only*)  
***This attachment is confidential in accordance with Section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains "a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government".***

**12.2 CHINATOWN PUBLIC ART - SHOP KEEPERS CONCEPT DESIGN**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RFQ18-67
<b>AUTHOR:</b>	Community Development Officer - Youth and Community
<b>CONTRIBUTOR/S:</b>	Manager Community and Economic Development
<b>RESPONSIBLE OFFICER:</b>	Director Development & Community
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE OF REPORT:</b>	31 October 2018

**SUMMARY:** This report presents 3 concept designs received from Nic Compton for the Chinatown Shop Keepers Public Art for Council's consideration.

**BACKGROUND**Previous Considerations

Nil

The Chinatown Revitalisation Project, funded in partnership by the Shire of Broome, the Western Australian State Government and Tourism WA, aims to deliver much needed upgrades and enhancements within the Broome central business and retail district. This will see the delivery of key activities aimed at boosting economic activity along with preserving and enhancing Chinatown's role as the social, cultural and economic hub of Broome. Tourism is a key industry for Broome with public art enhancing the visitor experience.

Public art is recognised as a key element of this project and is guided by the Chinatown Public Art and Interpretation Strategy. The Strategy identified a series of key initiatives to be delivered as part of streetscape improvements, including the Chinatown Shop Keepers public artwork.

An Expression of Interest was advertised on 20 June 2018 followed by a Request for Quote (**RFQ**) between 20 July and 30 July 2018 for the Chinatown Shop Keepers Public Art. Eight submissions were received by the RFQ deadline.

An Artwork Selection Panel was established for this project and comprised of the following representatives tasked with the review and assessment of the submissions and then Phase 1 concept designs:

- Vanessa Margetts – Public Art Coordinator, MudMap Studios
- Jenny Kerr – Public Art Coordinator
- Kirsten Wood - Shire of Broome Manager Planning and Building Services
- Talei Howell-Price - Chinatown Investment & Development Coordinator
- Mark Davis – Shire of Broome Manger Community and Economic Development
- Leah Rakabundel – Shire of Broome Youth and Community Development Officer
- Naomie Hatherley - Kimberley Arts Network

The Artwork Selection Panel assessed the submissions and recommended Nic Compton be awarded the contract. The recommendation was circulated via email to the Chinatown Revitalisation Project's Project Control Group (**PCG**). The recommendation report was then tabled at the Chinatown Steering Committee (**SC**) meeting held 10 August 2018 and the recommendation was unanimously supported to award Nic Compton the contract.

Phase 1 of the project was undertaken by Nic Compton between 17 August – 12 November 2018 requiring the provision of 3 concept design options for assessment by the Artwork Selection Panel. Endorsement of the preferred concept design is required to proceed to Phase 2 of the contract (construction and installation.)

## **COMMENT**

### Scope

The scope of works requested a suitably qualified and competent artist to create an iconic public art work that pays tribute to the shop keepers of old Chinatown. The artwork is to represent the unique selection of shops and the people who ran them. It is to be placed in Carnarvon Street, Broome. The project is to be completed by 31 May 2019.

### Phase 1 Concept Development and Design

Nic Compton was awarded the Phase 1 contract for Concept Development and Design up to a maximum of \$8,000 (exc. GST) inclusive of all fees, research, consultation, materials, travel, and engagement with stakeholders, design professionals and community. The outcome of Phase 1 is to develop, cost and present 3 design concept options.

Phase 1 commenced with a teleconference meeting followed by an on-site consultation visit with the artist and a team of project representatives to facilitate the artist's development of the artwork proposal. The teleconference planning meeting set timeframes, implementation and community engagement approaches and reporting mechanisms for the project. The concept designs were assessed against the following criteria:

- relevance of the concept;
- quality of design and use of materials;
- methodology and timeframe; and
- value for money.

Three concept designs were submitted (see **Attachments 1 and 2**). The Artwork Selection Panel met on 14 November 2018 to assess the 3 concept designs. The outcome of the assessment is outlined in the Assessment Report in **Attachment 1**.

### Recommended Concept 2 – Abacus with reference to shops

The Panel recommends Concept 2 be further developed for construction and installation. This artwork design utilises the abacus as a universal symbol of commercial exchange as a basis for an interactive sculpture. Carvings on the beads will depict the diverse range of shop keepers in Chinatown of old.

In accordance with the governance structure for this individual project as part of the broader Chinatown Revitalisation Project, this SC are required to endorse the recommended concept before it can progress to construction and installation. The Panel's recommendation has been circulated to the SC for approval and Council's consideration of the recommendation is subject to endorsement of the concept by the SC.

**CONSULTATION**

Nic Compton undertook a community consultation trip to Broome in September 2018.

Nic attended the following meetings, workshops and gatherings during his trip to Broome:

- A Taste of Broome Show (Goollarri Media Enterprises)
- Meeting with Hong Yu
- Chinatown tour with Doug Fong
- Traders and old Broome people morning tea
- Cultural tour with Bart Pigram
- Museum visit
- Morning tea with Bobbie Telford, Gwen Knox, Doug Fong and Bill Reed

**STATUTORY ENVIRONMENT**

Nil

**POLICY IMPLICATIONS**

Policy 5.12 Provision of Public Art

**FINANCIAL IMPLICATIONS**

Funding Source:

Funding Type	Capital or Start Up Expense	Account Number
Chinatown Revitalisation Project	\$50,000	113672110
TOTAL	\$50,000	
Contract	Amount	
Phase 1: Concept Design	\$8,000	
Phase 2: Construction and Installation	\$42,000	
TOTAL	\$50,000	

On approval of the Phase 1 Artwork Design Concept by Council, the artist will receive a further written Commission Agreement to undertake the project. The refinements and documentation of the agreed artwork design will take place under the Commission Agreement and is to be presented for final approval to the Artwork Selection Panel before implementation. This stage will include Detailed Design Documentation and final costing, fabrication and Installation.

**RISK**

<b>Risk</b>	<b>Type</b>	<b>Rank</b>	<b>Mitigation</b>
Project delivery	Reputational Financial	Low	The Chinatown Revitalisation Project has engaged the services of an appropriately experienced public art consultant to support the successful public artist in the development of the Shop Keepers Project. The consultant will manage the delivery of this project, therefore ensuring value for money, a high quality of work and satisfaction of required approvals.
Project not being delivered in required timeframe	Reputational Financial	Low	The risk of the project not being delivered by 31 May 2019 is low with appointment of the public art consultant managing the project. This risk may increase if a preferred concept is not chosen as Phase 2 for construction and installation will be delayed while new concepts are negotiated.
Concept Design not being chosen	Reputational	Medium	The risk of no concept design being endorsed or disagreement on the preferred concept between Council, the SC and the PCG is low. The artist has carried out extensive community consultation and has a significant history of similar projects in metropolitan and regional Australia.
Negative public perception of chosen design	Reputational	Low	The risk of negative public perception on the chosen concept is low due to extensive community consultation and an open, transparent procurement process. The project is included as an item in the Chinatown Public Art and Interpretation Strategy. Additionally, the Strategy was developed in consultation with a broad range of community stakeholders.
Public safety and structural risks	Public Safety Statutory Reputational	Low	The public art consultant will support the public artist in the development of the Entry Statement Project ensuring all required approvals and sought through relevant departments and safety standards are met.
Heritage Approvals	Statutory	Low	The public art consultant will support the public artist with input from relevant Shire departments to seek heritage approvals for the chosen design concept. Advice has been

			sought from the Heritage Council in the design process.
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**STRATEGIC IMPLICATIONS**

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

Accessible and safe community spaces

A healthy and safe environment

**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, historical and cultural heritage of Broome

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

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

Effective community engagement

**VOTING REQUIREMENTS**

*Simple Majority*

<p><u>REPORT RECOMMENDATION:</u></p> <p><i>That Council:</i></p> <ol style="list-style-type: none"> <li><i>Adopts the recommendation to approve the Chinatown Shop Keepers Concept 2 as per the concept design report contained in Attachment 1, subject to endorsement of Concept 2 by the Chinatown Steering Committee.</i></li> <li><i>Authorises the Chief Executive Officer to award the Commission Agreement to a maximum of \$42,000 (exc. GST) for Phase 2 of RFQ 18-67 contract for Nic Compton to proceed to construction and installation for the Chinatown Shop Keepers approved concept.</i></li> </ol>
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**Attachments**

- Chinatown Shop Keepers Concept Design Recommendation Report (*Confidential to Councillors and Directors Only*)

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- Alternative concepts (*Confidential to Councillors and Directors Only*)

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