



# Heritage Arts & Culture Priorities Advisory Group

## Business Paper

**date of meeting:** Thursday 27 August 2015

**location:** Committee Room  
Port Macquarie-Hastings Council  
17 Burrawan Street  
Port Macquarie

**time:** 10.00am

**Note:** Council is distributing this agenda on the strict understanding that the publication and/or announcement of any material from the Paper before the meeting not be such as to presume the outcome of consideration of the matters thereon.



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# Heritage, Arts and Culture Priorities Advisory Group

## CHARTER

Adopted: Ordinary Council 19/02/14

### 1.0 INTRODUCTION

The Heritage Arts & Culture Priorities Advisory Group (HACPAG) will provide a forum in which all aspects of Heritage Arts and Culture matters may be discussed, supported and/or facilitated.

The HACPAG will progress actions consistent with ensuring the long-term sustainability of the Heritage, Arts and Culture sector of the LGA which will provide positive benefit to the liveability of the LGA.

The HACPAG may make recommendations to Council.  
It should be noted that the HACPAG has no delegation to allocate funding on behalf of Council.

The HACPAG may make recommendations to Council to advocate, support or facilitate projects, programs or other action in relation to the objectives contained with this Charter. Funds determined by formal resolution of Council are to be applied and expended according to the resolution.

### 2.0 OBJECTIVES

***The short-term (within 3 months) objectives of the HACPAG are to:***

- 2.1 To represent community interest and organisations in the formulation of Councils policies relating to arts, culture and heritage.
- 2.2 To facilitate formal and informal communication and consultation processes with local arts, cultural and heritage organisations, practitioners, advisors and the wider community.
- 2.3 To advise on strategies for fostering greater community engagement and active participation in arts, cultural and heritage programs/projects/policy.

***The ongoing objectives of the HACPAG are to:***

- 2.4 To work with Council to establish the Port Macquarie-Hastings LGA as an heritage, arts and cultural destination.
- 2.5 To promote and support local creative industries and initiatives and facilitate partnerships or links between Council and the community and associate service providers.
- 2.6 Examine the need for skills development workshops to increase the sustainability of the heritage, arts and cultural sector.



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### **3.0 MEMBERSHIP**

A formal Expression of Interest (EOI) process across the local government area will be undertaken as a way of calling for the independent members on the ACHC. Independent members (to a maximum of seven (7) members) will be required to demonstrate a background, thorough understanding and/or qualifications in two or more of the following areas:

- Finance
- Governance
- Arts
- Heritage
- Culture
- Entertainment
- Change Management
- Strategic Business Planning

Other Voting members will be:

- Two (2) Councillors (Chairperson and Alternate - only one of whom can vote at each meeting)

Other non-voting members including other Councillors, senior council staff, State and Federal Government representatives and specific constituent groups or individuals within various sectors may be invited to attend meetings on certain issues to progress agreed actions as approved by the HACPAG.

The number of members appointed to the HACPAG will be made up as outlined above (ie two (2) Councillor (Chair and Alternate) and up to seven (7) Independent Community Members.

Members of the HACPAG will at all times be required to represent the interests of the broader community and be focussed on ensuring the future and ongoing sustainability of the heritage, arts and cultural sector, in line with the Council adopted strategic direction of the Advisory Group.

### **4.0 QUORUM**

The quorum for the HACPAG will be half of the members plus one for any one meeting and must include one (1) Councillor.

### **5.0 TERM**

The initial term of the HACPAG will be for a period of twenty four (24) months, from the date of the first meeting, with a review to take place at the twelve (12) month period to ensure relevance to the ongoing aims of the HACPAG.

### **6.0 APPOINTMENT OF CHAIRPERSON and MEMBERS**

The HACPAG Chairperson, Councillor representatives and independent members shall only be appointed via a Council resolution.

## **7.0 ADMINISTRATIVE ARRANGEMENTS**

Meetings will be held monthly (or more regularly if required) commencing in March 2014. Administrative support will be provided to the HACPAG by PMHC. All HACPAG agendas and minutes will be made available to the public via Council's website.

## **8.0 OBLIGATIONS OF MEMBERS**

In performing their HACPAG duties, members of the HACPAG shall:

- 8.1 Commit to representing the wider community interest in the formulation of council policies relating to heritage, arts and culture.
- 8.2 Provide input into current heritage and cultural strategic planning and resourcing options.
- 8.3 Advise Council on the development of comprehensive cultural strategies.
- 8.4 Represent community interest and organisations in the formulation of Council Policies relating to heritage, arts and culture.
- 8.5 Advise on strategies for fostering community engagement with an active participation in heritage, arts and cultural programs/ projects/ policy.
- 8.6 As individual members of the Advisory Group, facilitate information flow between Port Macquarie-Hastings Council, heritage and cultural organisations and the wider community.
- 8.7 As community members, facilitate partnerships and/or links to establish Port Macquarie-Hastings as a major heritage and cultural destination.
- 8.8 Promote and support local creative industries and initiatives
- 8.9 Adhere to the obligations as set out in Council's Code of Conduct.



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## Heritage, Arts and Culture Priorities Advisory Group

### ATTENDANCE REGISTER

Member	20/05/14	26/06/14	17/07/14	21/08/14	25/09/14
Councillor Trevor Sargeant (Chair)	✓	✓	✓	✓	✓
Councillor Lisa Intemann (Alternate)	✓	✓	✓	✓	✓
Gay Luarance-Daniel	✓	✓	✓	✓	✓
Jenny Hutchison	✓	✓	✓	✓	✓
Margret Meagher	✓	✓	A	✓	✓
Pam Vernon	✓	✓	✓	✓	✓
Lesley Atkinson	✓	✓	A	✓	A
Beau Spry	✓	A	✓	A	✓
<b>Observers</b>					
Robbie Lloyd					A
Debbie Sommers					✓

Member	26/02/15	30/04/15	25/06/15		
Councillor Trevor Sargeant (Chair)	✓	✓	✓		
Councillor Lisa Intemann (Alternate)	✓	✓	A		
Gay Luarance-Daniel	✓	✓	X		
Jenny Hutchison	✓	✓	X		
Margret Meagher	✓	✓	A		
Pam Vernon	✓	✓	✓		
Patricia Philp	✓	X	✓		
Mitch McKay	✓	A	✓		
Robbie Lloyd	✓	✓	✓		
Lucilla Marshall	✓	✓	✓		
Beau Spry	✓	✓	✓		
Skye Frost	X	X	✓		

**Key:** ✓ = Present  
**A** = Absent With Apology  
**X** = Absent Without Apology



**PORT MACQUARIE  
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**Heritage Arts & Culture Priorities Advisory Group Meeting**  
Thursday 27 August 2015

**Items of Business**

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**Item: 01**

**Subject: ACKNOWLEDGEMENT OF COUNTRY**

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"I acknowledge that we are gathered on Birpai Land. I pay respect to the Birpai Elders both past and present. I also extend that respect to all other Aboriginal and Torres Strait Islander people present."

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**Item: 02**

**Subject: APOLOGIES**

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**RECOMMENDATION**

That the apologies received be accepted.

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**Item: 03**

**Subject: CONFIRMATION OF PREVIOUS MINUTES**

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**RECOMMENDATION**

That the Minutes of the Heritage Arts & Culture Priorities Advisory Group Meeting held on 25 June 2015 be confirmed.

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**PRESENT**

**Members:**

Councillor Trevor Sargeant (Chair)  
Pam Vernon  
Patricia Philp  
Mitch McKay  
Robbie Lloyd

**Other Attendees:**

Beau Spry (Place Facilitator)  
Skye Frost (Place Facilitator)  
Lucilla Marshall (Group Manager - Community Place)

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The meeting opened at 10.05am.

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**01 ACKNOWLEDGEMENT OF COUNTRY**

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The Acknowledgement of Country was delivered.

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**02 APOLOGIES**

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**CONSENSUS:**

That the apologies received from Councillor Lisa Intemann and Margaret Meagher be accepted.

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**03 CONFIRMATION OF MINUTES**

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**CONSENSUS:**

That the Minutes of the Heritage Arts & Culture Priorities Advisory Group Meeting held on 30 April 2015 be confirmed with the following amendments:

- That Patricia Philp's attendance be added to the 30 April 2015 Minutes.
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**04 DISCLOSURES OF INTEREST**

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There were no disclosures of interest presented.

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**05 BUSINESS ARISING FROM PREVIOUS MINUTES**

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Nil.

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**06 HERITAGE, ARTS & CULTURAL PRIORITIES MEETING PROCEDURE**

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Councillor Sargeant reiterated the desire for meetings to be positive and constructive. Councillor Sargeant also extended an invitation to HACPAG members to come to future meetings 15minutes early for social tea and biscuits.

**CONSENSUS:**

That HACPAG members be notified of the offer to attend the next meeting 15minutes early for social tea and biscuits.

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**07 CULTURAL PLAN UPDATE**

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Council staff provided an update on the Cultural Plan process to date. Councillor Sargeant indicated that he had received very positive feedback from participants and the community and he encouraged HACPAG members to remain actively involved in the Cultural Plan process. Councillor Sargeant highlighted that the Cultural Plan will be a dynamic and evolving document and it was important that HACPAG was the driver of the document and its outcomes.

There was a discussion around opportunities currently being considered by community groups, such as the School of Hard Knocks, Wauchope Arts activities and the Arts and Crafts Council.

There was a discussion around how community groups can advertise their activities, such as through a 'What's On', and Councillor Sargeant highlighted that Council was now looking at a simpler way for not-for-profits and community groups to promote their activities via roadside signage.

Councillor Sargeant also provided an update of the recent Arts Mid North Coast Annual General Meetings and board elections and noted that the Arts Mid North Coast board meets every two months.

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**CONSENSUS:**

1. That the Cultural Plan briefing provided by Council staff be noted.
2. That an Arts Mid North Coast briefing be added to the Agenda following Arts Mid North Coast meetings.

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**08 MITCH MCKAY PRESENTATION - HERITAGE ISSUES, INTERPRETIVE SIGNAGE AND PUBLIC ART POLICY**

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Mitch McKay presented on elements of the PMHC draft Public Art Policy & Guidelines and some heritage issues in the LGA. Mitch offered his thoughts that Policy & Guidelines was broadly a good document, but highlighted that there was an opportunity to include interpretive signage into the Policy.

There was also some discussion around heritage issues at Tacking Point Lighthouse and the Port Macquarie Second Burying Ground. It was indicated that works at the Tacking Point Lighthouse were a community project that Council was supporting, and maintenance work at the Port Macquarie Second Burying Ground had been earmarked for the 2015-2016 financial year with a limited amount of funding.

**CONSENSUS:**

1. That Council staff include interpretive signage into the draft PMHC Public Art Policy & Guidelines.
2. That Council staff undertake an interpretive signage audit throughout the LGA.
3. That Council staff discuss protection and damage mitigation options for Lighthouse Keepers Cottage, including the possibility of erecting warning signage.

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**09 GENERAL BUSINESS**

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09.01 Removal of Trees - Corner Clarence and Murray Streets, Port Macquarie:

Patricia Philp asked for information regarding the removal of tree's for the Clarence Street roadwork's at corner of Clarence and Murray and if those tree's contributed to heritage values.

09.02 Update - Aboriginal Cultural Heritage:

Robbie Lloyd asked for an update on the state of affairs of Aboriginal cultural heritage in our LGA.

**CONSENSUS:**

1. That Council staff provide an update on the impacts to the tree vista's of the Port Macquarie main street works.
2. That Council's Aboriginal Liaison Officer be invited to the next HACPAG to provide an update on Council's Aboriginal cultural heritage activities.

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The meeting closed at 11.43am.

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Item: 04  
Subject: DISCLOSURES OF INTEREST

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**RECOMMENDATION**

That Disclosures of Interest be presented

**DISCLOSURE OF INTEREST DECLARATION**

Name of Meeting: .....

Meeting Date: .....

Item Number: .....

Subject: .....  
.....

I, ..... declare the following interest:

**Pecuniary:**

Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Significant Interest:**

Take no part in the consideration and voting and be out of sight of the meeting.

**Non-Pecuniary - Less than Significant Interest:**

May participate in consideration and voting.

For the reason that: .....  
.....

Signed: ..... Date: .....

*(Further explanation is provided on the next page)*



### **Further Explanation**

(Local Government Act and Code of Conduct)

A conflict of interest exists where a reasonable and informed person would perceive that a Council official could be influenced by a private interest when carrying out their public duty. Interests can be of two types: pecuniary or non-pecuniary.

All interests, whether pecuniary or non-pecuniary are required to be fully disclosed and in writing.

### **Pecuniary Interest**

A pecuniary interest is an interest that a Council official has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the Council official. (section 442)

A Council official will also be taken to have a pecuniary interest in a matter if that Council official's spouse or de facto partner or a relative of the Council official or a partner or employer of the Council official, or a company or other body of which the Council official, or a nominee, partner or employer of the Council official is a member, has a pecuniary interest in the matter. (section 443)

The Council official must not take part in the consideration or voting on the matter and leave and be out of sight of the meeting. (section 451)

### **Non-Pecuniary**

A non-pecuniary interest is an interest that is private or personal that the Council official has that does not amount to a pecuniary interest as defined in the Act.

Non-pecuniary interests commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

The political views of a Councillor do not constitute a private interest.

The management of a non-pecuniary interest will depend on whether or not it is significant.

#### *Non Pecuniary – Significant Interest*

As a general rule, a non-pecuniary conflict of interest will be significant where a matter does not raise a pecuniary interest, but it involves:

- (a) A relationship between a Council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the Council official or of the Council official's spouse, current or former spouse or partner, de facto or other person living in the same household.
- (b) Other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
- (c) An affiliation between a Council official an organisation, sporting body, club, corporation or association that is particularly strong.

If a Council official declares a non-pecuniary significant interest it must be managed in one of two ways:

1. Remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another Council official.
2. Have no involvement in the matter, by taking no part in the consideration or voting on the matter and leave and be out of sight of the meeting, as if the provisions in section 451(2) apply.

#### *Non Pecuniary – Less than Significant Interest*

If a Council official has declared a non-pecuniary less than significant interest and it does not require further action, they must provide an explanation of why they consider that the conflict does not require further action in the circumstances.



SPECIAL DISCLOSURE OF PECUNIARY INTEREST DECLARATION

<b>By</b> <i>[insert full name of councillor]</i>	
<b>In the matter of</b> <i>[insert name of environmental planning instrument]</i>	
<b>Which is to be considered at a meeting of the</b> <i>[insert name of meeting]</i>	
<b>Held on</b> <i>[insert date of meeting]</i>	
<b>PECUNIARY INTEREST</b>	
Address of land in which councillor or an associated person, company or body has a proprietary interest ( <i>the identified land</i> ) <sup>i</sup>	
Relationship of identified land to councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease trust, option or contract, or otherwise).  <input type="checkbox"/> Associated person of councillor has interest in the land.  <input type="checkbox"/> Associated company or body of councillor has interest in the land.
<b>MATTER GIVING RISE TO PECUNIARY INTEREST</b>	
Nature of land that is subject to a change in zone/planning control by proposed LEP ( <i>the subject land</i> ) <sup>iii</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land.  <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor <i>[Tick or cross one box]</i>	<input type="checkbox"/> Appreciable financial gain.  <input type="checkbox"/> Appreciable financial loss.

Councillor's Signature: ..... Date: .....



### Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

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- i. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative<sup>iv</sup> or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.
  - ii. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is 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. 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 the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).
  - iii. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.
  - iv. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

**Item: 05**  
**Subject: BUSINESS ARISING FROM PREVIOUS MINUTES**

<b>Item:</b>	08	<b>Date:</b>	26/02/2015
<b>Subject:</b>	Heritage Issues, Interpretive Signage And Public Art Policy		
<b>Action Required:</b>	Council staff to discuss protection and damage mitigation options for Lighthouse Keepers Cottage, including the possibility of erecting warning signage.		
<b>Current Status:</b>	Two temporary signs were erected by Council at the Lighthouse Keepers Cottage at Tacking Point on June 25 to dissuade drivers from parking on these important archaeological remains. Discussions have been undertaken with Councils Recreation & Buildings team and the community project lead, Sunrise Rotary Port Macquarie, around a more enduring solution to this issue.		

<b>Item:</b>	09	<b>Date:</b>	26/02/2015
<b>Subject:</b>	General Business		
<b>Action Required:</b>	Council staff to provide an update on the impacts to the tree vista's of the Port Macquarie main street works.		
<b>Current Status:</b>	<p>A number of trees have been removed as part of Councils streetscape improvement works on Clarence Street between Hay Street and Murray Street. These works occur within the identified road reserve and generally include upgrades to the existing road and footpath surfaces in a manner consistent with the Town Centre Master Plan works completed elsewhere in the town centre.</p> <p>The proposed works have required the removal of five (5) trees; one (1) Cook Island Pine, one (1) Brushbox and three (3) Norfolk Island Pines. Each of the trees to be removed are located within defined garden beds and have been assessed as not forming part of a vegetated link or defined ecological community. Five (5) new trees are proposed to be planted within the works area. These trees include four (4) Norfolk Island Pines and one (1) Brushbox.</p>		

<b>Item:</b>	09	<b>Date:</b>	26/02/2015
<b>Subject:</b>	General Business		
<b>Action Required:</b>	Council's Aboriginal Liaison Officer be invited to the next HACPAG to provide an update on Council's Aboriginal cultural heritage activities.		
<b>Current Status:</b>	Council's Aboriginal Liaison Officer will provide a briefing on recent Aboriginal cultural heritage activities in our LGA.		





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**Item: 06**

**Subject: CULTURAL PLAN BRIEFING**

**Presented by: Community & Economic Growth, Tricia Bulic**

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**RECOMMENDATION**

**That the information contained in the Cultural Plan presentation be noted.**

**Discussion**

Council staff will provide a presentation on current progress of the Cultural Plan.

**Attachments**

Nil

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**Item: 07**

**Subject: REPORT ON THE RECENT EXPRESSION OF INTEREST (EOI) PROCESS**

**Presented by: Community & Economic Growth, Tricia Bulic**

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## **RECOMMENDATION**

**That the report on the recent Expression of Interest (EOI) process be noted.**

### **Discussion**

Recent resignations of HACPAG members for personal reasons has created two vacant membership spots. Council recently undertook an expressions of interest (EOI) process to fill one of the vacant positions. This process followed Council's standard EOI tender process and included advertisements in the main local papers (Port News, Camden Haven Courier, Wauchope Gazette) as well as our local Council offices and libraries across the LGA over a four week period.

At the close of the EOI process, no submissions were received. Council staff have been approached independently by community members expressing interest in our local arts, heritage and culture and staff proposes to undertake a further EOI process and actively encourage the community to get involved.

### **Attachments**

Nil