



Heritage Arts & Culture Priorities Advisory Group

Business Paper

date of meeting: Thursday 21 April 2016

location: Function Room
Port Macquarie-Hastings Council
17 Burrawan Street
Port Macquarie

time: 10.00am

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**PORT MACQUARIE
HASTINGS**

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 within 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.



**PORT MACQUARIE
HASTINGS**

Heritage, Arts and Culture Priorities Advisory Group

ATTENDANCE REGISTER

Member	26/02/15	30/04/15	25/06/15	27/08/15	29/10/15
Councillor Trevor Sargeant (Chair)	✓	✓	✓	A	✓
Councillor Lisa Intemann (Alternate)	✓	✓	A	✓	A
Gay Luarance-Daniel	✓	✓	resigned	resigned	resigned
Jenny Hutchison	✓	✓	A	resigned	resigned
Margret Meagher	✓	✓	A	A	✓
Pam Vernon	✓	✓	✓	✓	✓
Patricia Philp	✓	X	✓	✓	A
Mitch McKay	✓	A	✓	✓	✓
Robbie Lloyd	✓	✓	✓	A	✓
Lucilla Marshall	✓	✓	✓	✓	✓
Beau Spry	✓	✓	✓	✓	✓
Skye Frost	X	X	✓	A	✓

Member	14/12/15 (ex-ord)	17/12/15	25/02/16		
Councillor Trevor Sargeant (Chair)	✓	A	✓		
Councillor Lisa Intemann (Alternate)	✓	✓	✓		
Pam Vernon	✓	✓	✓		
Patricia Philp	✓	✓	✓		
Mitch McKay	✓	✓	✓		
Robbie Lloyd	✓	A	✓		
Lucilla Marshall	✓	✓	✓		
Beau Spry	✓	✓	A		
Skye Frost	✓	A	✓		
Tricia Bulic	-	-	✓		

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



**PORT MACQUARIE
HASTINGS**

Heritage Arts & Culture Priorities Advisory Group Meeting

Thursday 21 April 2016

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**PORT MACQUARIE
HASTINGS**

Item: 01

Subject: ACKNOWLEDGEMENT OF COUNTRY

"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."

Item: 02

Subject: APOLOGIES

RECOMMENDATION

That the apologies received be accepted.

Item: 03

Subject: CONFIRMATION OF PREVIOUS MINUTES

RECOMMENDATION

That the Minutes of the Heritage Arts & Culture Priorities Advisory Group Meeting held on 25 February 2016 be confirmed.

PRESENT

Members:

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

Other Attendees:

Tricia Bulic (PMHC Director Community and Economic Growth)
Lucilla Marshall (PMHC Group Manager Place Making)
Skye Frost (PMHC Place Facilitator - Creative)

The meeting opened at 10.05am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apology received from Beau Spry be accepted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

1. That the Minutes of the Extra-Ordinary Heritage Arts & Culture Priorities Advisory Group Meeting held on 14 December 2015 be confirmed and adopted, subject to discussions at the meeting of 25 February 2016, regarding members of the Cultural Plan Working Party.
 2. That the Minutes of the Heritage Arts & Culture Priorities Advisory Group Meeting held on 17 December 2015 be confirmed and adopted, subject to discussions at the meeting of 25 February 2016, regarding members of the Cultural Plan Working Party.
-

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 5.02 17/12/2015 DEFINITION OF PLACE MAKING**CONSENSUS:**

1. That the plain English definition of Place Making be noted.
2. That an update on the definition of Place Making be reported back to the Group after the Council Service Level Reviews in April 2016.

ITEM 5.01 17/12/2015 REPORT ON RECENT EOI PROCESS**CONSENSUS:**

That the Heritage Arts & Culture Priorities Advisory Group EOI process be commenced for 2 to 3 new members. The group is asked to share this information and encourage applications.

ITEM 8.01 17/12/2015 GENERAL BUSINESS - ARTS HUB

That staff provide further information on the Environment & Creativity Centre (ECC) for the April 2016 meeting.

ITEM 8.02 17/12/2015 GENERAL BUSINESS - CULTURAL PLAN**CONSENSUS:**

1. That Robbie Lloyd and Mitch McKay be included in the Cultural Plan Working Group.
2. That staff provide information to the Group on the community's use of the Glasshouse including utilisation trends and overall costs, relative to commercial rates.
3. That the Group consider ways to allow for better community access to the Glasshouse through the Cultural Plan.

06 CULTURAL PLAN**CONSENSUS:**

1. That the briefing on the progress of the Cultural Plan be noted.
2. That the Heritage Arts & Culture Priorities Advisory Group provide feedback on the draft Cultural Plan to the Director Community & Economic Growth by Wednesday 10 March 2016.
3. That the Cultural Plan Working Group consider feedback on the draft Cultural Plan and report back to the next Heritage Arts & Culture Priorities Advisory Group meeting in April 2016.
4. That Robbie Lloyd and Mitch McKay be included in the Cultural Plan Working Group

07 PMHC DRAFT PUBLIC ART POLICY**CONSENSUS**

That the PMHC Draft Public Art Policy be further discussed at the next Heritage Arts & Culture Priorities Advisory Group meeting in April 2016.

08 HERITAGE**CONSENSUS:**

That the discussion around heritage within the Port Macquarie-Hastings LGA be further discussed at the next Heritage Arts & Culture Priorities Advisory Group meeting in April 2016.

09 ARTWALK

Skye Frost, Creative Place Facilitator Arts & Culture, Community & Economic Growth

provided an update to the group regarding Artwalk - an event which will highlight arts and cultural business in the region.

CONSENSUS:

1. That the briefing around the 'Artwalk' project be noted.
2. That Heritage Arts & Culture Priorities Advisory Group members be encouraged to share information regarding 'Artwalk' with their networks.

10 PORTRAITS OF MEMORY PROJECT

Skye Frost, Creative Place Facilitator Arts & Culture, Community & Economic Growth provided an update to the group regarding the Portraits of Memory project.

The Heritage Arts & Culture Priorities Advisory Group thanked Skye for her contribution.

CONSENSUS:

1. That the briefing around the 'Portraits of Memory' project be noted.
2. That Heritage Arts & Culture Priorities Advisory Group members be encouraged to share information regarding 'Portraits of Memory' with their networks.

11 RESIGNATION - MARGRET MEAGHER

CONSENSUS:

1. That the resignation email dated 13 December 2015 from Margret Meagher be noted.
2. That the email dated 25 February 2016, from Margret Meagher to the Chair, requesting her resignation from the Group be withdrawn be received and noted.
3. That Margret Meagher's request to be reinstated to the Heritage Arts & Culture Priorities Group be accepted.

12 GENERAL BUSINESS

12.01 Pedestrian Crossing:

Pam Vernon raised the need for a pedestrian crossing near St Thomas Church near William and Hay Streets.

CONSENSUS:

That this matter be raised at the next Access Committee meeting.

12.02 Member Phone Numbers:

Councillor Lisa Intemann advised that she has a process underway for the circulation of HACPAG members' phone contact details.

12.03 Agenda Items for Upcoming Meetings:

Heritage Arts & Culture Priorities Advisory Group members were encouraged to provide agenda items for inclusion as early as possible for development prior to the meeting.

12.04 'Next Meeting' and 'General Business' to be on all future Agendas:

CONSENSUS:

That 'Next Meeting' and 'General Business' be made a standing item on all Heritage Arts & Culture Priorities Group agendas.

The meeting closed at 11.57am.

Item: 04
Subject: DISCLOSURES OF INTEREST

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

By <i>[insert full name of councillor]</i>	
In the matter of <i>[insert name of environmental planning instrument]</i>	
Which is to be considered at a meeting of the <i>[insert name of meeting]</i>	
Held on <i>[insert date of meeting]</i>	
PECUNIARY INTEREST	
Address of land in which councillor or an associated person, company or body has a proprietary interest (<i>the identified land</i>)	
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.
MATTER GIVING RISE TO PECUNIARY INTEREST	
Nature of land that is subject to a change in zone/planning control by proposed LEP (<i>the subject land</i>) ⁱⁱⁱ <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.

-
- 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^{iv} 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

Item:	05.01	Date:	25/02/2016
Subject:	REPORT ON RECENT EXPRESSIONS ON INTEREST (EOI) PROCESS		
Action Required:	1. That the Heritage Arts & Culture Priorities Advisory Group EOI process be commenced for 2 to 3 new members. The group is asked to share this information and encourage applications.		
Current Status:	Staff are liaising with Councils procurement team around options and timetables to progress the EOI process.		

Item:	08.01	Date:	25/02/2016
Subject:	GENERAL BUSINESS - ARTS HUB		
Action Required:	1. That staff provide further information on the Environment & Creativity Centre (ECC) for the April 2016 meeting.		
Current Status:	Staff will provide an update on the Environment & Creativity Centre (ECC).		

Item: 06

Subject: CULTURAL PLAN

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the briefing on the Cultural Plan be noted.

Discussion

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

Attachments

Nil

Item: 07

Subject: PUBLIC ART

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That options around progressing the PMHC Public Art Policy be discussed.

Discussion

At the 17 December HACPAG meeting it was requested that 'Public Art Policy' be made a standing agenda item for future HACPAG agendas.

Council's existing 'Art in Public Places' policy was adopted by Council in 2002, as part of the City of the Arts project. There is an acknowledgement that the policy is in need of a review to better reflecting community and industry vision and current opportunities.

While the principles, vision and values of the existing policy remain current, the policy does not:

- clearly outline roles and responsibilities for staff and artists
- is not clear on how Public Art is to be financed
- is silent on regular maintenance schedules
- does not comment on opportunities to refresh and reinvigorate existing public art.

From stakeholder discussions around the draft Policy in 2014 and 2015, there was an understanding of the need to update the existing policy, broad support for the proposed draft policy and a desire to include interpretive signage in the Policy; however the key elements of contention were around the proposed funding mechanisms to support existing and new public art.

Attachments

Nil

Item: 08

Subject: HERITAGE

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the discussion around heritage within the Port Macquarie-Hastings LGA be noted.

Discussion

At the 17 December HACPAG meeting it was requested that 'Heritage' be made a standing agenda item for future HACPAG agendas.

Attachments

Nil

Item: 09

Subject: NEXT MEETING

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the date and time of the next meeting of the Heritage, Arts and Culture Priorities Advisory Group be discussed.

Discussion

HACPAG members are to discuss and decide on a date and time for the next committee meeting.

Attachments

Nil