



Heritage Arts & Culture Priorities Advisory Group

Business Paper

date of meeting: Thursday 23 June 2016

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.



**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	21/04/16	
Councillor Trevor Sargeant (Chair)	✓	A	✓	✓	
Councillor Lisa Intemann (Alternate)	✓	✓	✓	✓	
Pam Vernon	✓	✓	✓	✓	
Patricia Philp	✓	✓	✓	✓	
Mitch McKay	✓	✓	✓	A	
Robbie Lloyd	✓	A	✓	✓	
Margret Meagher				✓	
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 23 June 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 21 April 2016 be confirmed.

PRESENT**Members:**

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

Other Attendees:

Lucilla Marshall (PMHC Group Manager Community Place)
Beau Spry (PMHC Community Development Officer - Heritage & Culture)

The meeting opened at 10.05am.

01 ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was delivered.

02 APOLOGIES

CONSENSUS:

That the apologies received from Margret Meagher and Mitch McKay be received and noted.

03 CONFIRMATION OF MINUTES

CONSENSUS:

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

04 DISCLOSURES OF INTEREST

There were no disclosures of interest presented.

05 BUSINESS ARISING FROM PREVIOUS MINUTES

ITEM 05.01 25/02/2016 REPORT ON RECENT EXPRESSIONS OF INTEREST (EO1)

Staff advised that the tendering process is underway.

CONSENSUS:

1. That the Group request staff to move ahead with the EOI, given the next meeting of the Group is in two month's time.
2. That the EOI be released once the draft Cultural Plan is on exhibition.

ITEM 08.01 25/02/2016 GENERAL BUSINESS - ARTS HUB

The Group Manager Community Place informed the Group that a masterplan was developed for the Environment & Creative Centre in 2010. The project stalled in 2012 when difficulties with the site selected were raised.

There are funding opportunities through the Federal Government.

CONSENSUS:

1. That the Group request Council staff arrange a meeting of the different creative and community groups that are looking for a space to utilise.
2. That Group members Patricia Philip and Robbie Lloyd be included in the meeting with the creative and community groups and that Pam Vernon be an alternate Group member if needed.
3. That a report be presented back to the Heritage Arts & Culture Priorities group once the meeting has been held.
4. That discussion be initiated through the EXEC Group to get the matter back on Council's agenda.

Councillor Intemann raised the matter that ITEM 8.02 from the meeting held on 25 February 2016 should have appeared on the Business Arising for this agenda.

ITEM 8.02 17/12/2015 GENERAL BUSINESS - CULTURAL PLAN (ACCESS TO THE GLASSHOUSE)

Patricia Philip advised the Group that she had attended the John English show at the Glasshouse and he was extremely pleased with the venue.

Council staff advised that discussions have commenced with Glasshouse staff regarding community access to the venue and work on the criteria for community use has commenced, it is also a proposed action in the draft cultural plan. Staff are waiting on feedback from the Glasshouse on the use of the venue by community groups including utilisation trends and overall costs relative to commercial rates.

CONSENSUS:

1. That the positive comments raised by Patricia Philip on the Glasshouse venue be noted.
2. That a meeting be arranged between Council staff and Cllrs Intemann and Sargeant to discuss the matter of community access to the Glasshouse.
3. That it be noted that the late John English announced at his concert at the Glasshouse "that it was the best regional facility of its kind in Australia".

That the Group request a media release be issued by Council staff on behalf of the Heritage Arts & Cultural Advisory Group once the matter of community access has been resolved and that it include the above comments made by the late John English.

06 CULTURAL PLAN

The Group Manager Community Place advised the Group that comments on the draft Cultural Plan were sought from members. Comments were received from Cllrs Intemann and Sargeant, and Mitch McKay.

Cllr Sargeant read an email from Margret Meagher which contained her thoughts on the best way forward to attaining a draft Cultural Plan for public exhibition and comment. One suggestion was that a Working Group of specialist people be developed to identify missing links and to finalise the draft. The suggested members for the Group included various external specialists, some Council staff and a small representation from HACPAG.

There was much discussion around the table on the comments and members outlined their thoughts, concerns and suggestions on a way forward. Pam Vernon indicated that there had been a considerable amount of time afforded to HACPAG and community members to comment on the various draft Plan documents as well as working groups. She requested that it be noted in the minutes that she did not support the idea of another Working Group and that it should be HACPAG who continues to do the work.

Some of the Group thought that there would be some benefit in holding a one day workshop for HACPAG members but others thought this was of little benefit. Seeking input from specialist people at some stage was considered, possibly after the document was close to completion. There was also a suggestion that Kevin Williams as the Arts Mid North Coast (AMNC) Executive Officer (RADO) be paid for his time to go through the document once close to finalisation to find gaps and strategies and that he facilitate the process. Others thought this is part of Kevin's role and that given Council contributes funding to AMNC to support this position it should not be funded separately.

There were concerns about the different language types in the document and Cllr Sargeant advised that Council has staff who are able to wordsmith the document once the content has been finalised. Similarly, Council has access to graphic designers who are able to pull the final document together.

CONSENSUS:

1. That it be noted that Pam Vernon requested that she did not consider that another Working Group should be developed to oversee the finalisation of the Plan and that the role and responsibility sits with the Heritage, Arts & Culture Priorities Group.
 2. That the Group request Council staff progress the existing document including formatting and wordsmithing and present it back to the committee for final comment by 12 May with a final draft.
 3. That the Group Manager Community Place arrange for a one day workshop with HACPAG and invited specialists be held on first week of June.
 4. That the Group Manager Community Place arrange the invitations to the experts group and get invites out to attend the Workshop and book a room offsite from Council headquarters.
-

07 PUBLIC ART

CONSENSUS

That the revised Public Art Policy be presented to the EXEC Group in May and that if endorsed by EXEC that the final draft be presented to the next available Heritage, Arts & Cultural Priorities Group meeting after that.

08 HERITAGE

08.01 Heritage Advisor's Report

Clr Intemann advised the Group that the Heritage Advisor visits the LGA each month and a confidential report is provided to Council staff on the outcomes of the inspections. The latest report included 9 items of inspections around the LGA. He also provides advice if there has been a development application lodged on any heritage listed properties that involve changes to the heritage elements of the buildings.

Clr Intemann advised that she is confident that the Heritage Advisor has appropriate expertise to make these decisions on behalf of Council

CONSENSUS

That the Heritage Advisor's Report update by Clr Intemann be received and noted.

08.02 Heritage Week/Festival

Council officer Beau Spry updated the Group on the successful Heritage Festival which finishes on 29 April. He advised that the Festival has grown over the last few years to become one of the biggest in regional areas. This year's Festival included the involvement of around 30 community groups and gained wide media attention. The Festival continues to go from strength to strength.

CONSENSUS:

That the update provided on the 2016 Heritage Festival be received and noted.

08.03 Lions Club Project - Gaol Point

Patricia Philip advised the Group that when the Lions Club were dismantling the existing lion plinths and installing the new plinths at Gaol Point, the 2 old plinths were given to a gentleman who happened to be onsite at the time and asked if they were not to be used, could he have them. The Lions Club made the decision on the spur of the moment to give the old plinths to the gentleman who then painted them and installed them at his house.

The lady who donated the original plinths in memory of her husband was distraught when she heard what had happened and there has since been an attempt to retrieve them from the gentleman.

This raises the issue of when do things become considered to be a heritage item? It also

illustrates how easily heritage items can be lost.

Patricia suggested that a Friends of the Heritage Group be formed.

CONSENSUS:

That the information provided be received and noted and that an action plan be included in the Cultural Plan regarding the formation of a Friends of the Heritage Group.

09 NEXT MEETING

CONSENSUS:

That the next meeting of the Group be held on 23 June 2016.

That Council once the implementation of the Cultural Plan has been completed that the frequency of meetings be considered.

10 GENERAL BUSINESS

10.01 GENERAL BUSINESS AND NEXT MEETING REPORTS

CONSENSUS:

That General Business and Next Meeting reports be added to all future agendas.

10.02 INDIGENOUS ITEM ON FUTURE AGENDAS

CONSENSUS:

That the Group Manager Community Place discuss with the Place Facilitator (ATSI) the benefit of adding a standing Indigenous item for each future agenda and report back to the next Group meeting.

10.03 SCHOOL OF HARD KNOCKS CHOIR

Robbie Lloyd advised that the School of Hard Knocks meets at the conservatorium each week and has a significant number of members and volunteers. This provides a wonderful opportunity for disadvantaged people in the region to come together and participate in the choir.

CONSENSUS:

That the item be received and noted.

The meeting closed at 11.30am.

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>) ⁱ	
Relationship of identified land to councillor [Tick or cross one box.]	<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 [Tick or cross one box]	<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 [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor [Tick or cross one box]	<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

Nil.

Item: 06

Subject: PORT MACQUARIE HISTORIC CEMETERY

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the PowerPoint presentation by Mitch McKay on the Port Macquarie Historic Cemetery be noted.

Discussion

Mitch McKay will present a PowerPoint presentation to the Group on the Port Macquarie Historic Cemetery.

Attachments

Nil

Item: 07

Subject: CULTURAL PLAN

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the report on the Cultural Plan be noted.

Discussion

Council staff will provide an update on development of the draft Cultural Plan.

Attachments

Nil

Item: 08

Subject: PUBLIC ART POLICY

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the report on the draft Public Art Policy be noted.

Discussion

Council staff will provide an update on the development of the draft Public Art Policy.

Attachments

Nil

Item: 09

Subject: HERITAGE

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That the report on Heritage projects be noted.

Discussion

Council staff will provide an update on recent heritage projects.

Attachments

Nil

Item: 10

Subject: NEXT MEETING

Presented by: Community and Economic Growth, Tricia Bulic

RECOMMENDATION

That a date and time for the next Heritage Arts & Cultural Priorities Advisory Group be decided.

Discussion

The group is to reach consensus on the next date and time for the committee to meet.

Attachments

Nil