

Community Reports

Committee Consideration – 11 May 2021
Council Resolution – 25 May 2021

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CSD05.21	Health Workers' Tribute Project
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Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.
Executive Manager	Pat Panayotou – Executive Manager Community
Attachments	Nil.
Confidential Attachments	Nil.

Executive Summary

This item is being presented to Council as certain aspects of the Health Worker's Tribute Public Art Project need Council approval before the project can progress. The two aspects that require Council approval are the expenditure and the site. The proposed expenditure is for a total of \$70,000, being \$50,000 on the commission itself and an additional \$20,000 on a consultant to oversee the commissioning of the work. The recommended site is the Dot Bennett Reserve, which is close to major medical facilities and will provide the artwork with a graceful setting and high public visibility.

Recommendation to Committee

Council:

1. **approves the transfer of an additional \$20,000 from Council's Art Reserve Account for expenditure on a consultant to undertake the work involved in commissioning an artwork, rather than purchasing an existing work;**
2. **approves the expenditure of up to \$50,000 on the commissioning of the artwork itself (including advertising, artist fees, fabrication, traffic management, foundations, plaque and installation) from the approved 2020/21 Council budget; and**
3. **approves Dot Bennett Park as the site for the Health Workers' Tribute public art project.**

Voting Requirement

Absolute majority.

Background

Throughout the current financial year, the Public Art Committee has been working towards the Health Workers' Tribute Project, aimed at acknowledging the role of health workers during the pandemic. The original approach to the project was to explore purchasing a suitable existing artwork, as this approach would have been quicker and more cost-effective than commissioning a work. However, on 24 November 2020 Council requested the Public Art Committee to pursue the option of a commissioned public art piece from a WA artist.

On 15 March 2021 the Public Art Committee considered Council's decision about commissioning a work rather than purchase it "off the shelf"; and made a recommendation to Council on the way forward with this project. This report presents the Public Art Committee recommendation and the reasons behind it, for Council consideration and approval.

Discussion/Overview

On 15 March 2021, the Public Art Committee made the following recommendation to Council:

The Public Art Committee recommends that Council:

1. approves the transfer of an additional \$20,000 from Council's Art Reserve Account for expenditure on a consultant to undertake the work involved in commissioning an artwork, rather than purchasing an existing work;
2. approves the expenditure of up to \$50,000 on the commission of the artwork itself (including advertising, artist fees, fabrication, traffic management, foundations, plaque and installation) from the 2020/21 approved Council budget; and
3. approves Dot Bennett Park as the site for the Health Workers' Tribute public art project.

An explanation of the reasons for the Public Art Committee's recommendation is provided below.

Staffing Capacity

Commissioning an artwork is a significantly longer and more complex process than purchasing an existing artwork "off the shelf". Unfortunately, at current staffing levels, the City does not have the staffing capacity to undertake the commissioning of an artwork. The Tresillian Coordinator is the City staff member with the relevant public art knowledge and expertise to advise on and implement public art projects. However, this position has limited time-capacity available for public art projects as it already includes full-time duties running Tresillian Art Centre, a community centre that provides 60 classes per week to > 600 community members.

Additionally, the Tresillian Art Centre Coordinator is also working on the following key public art projects:

- Valuation of Public Art Collection – to determine the value of each major public artwork, to ensure that the City receives an adequate insurance payout if an artwork is destroyed or damaged beyond repair.
- Public Artwork Maintenance – while the Parks department undertakes the public art maintenance, or contracts providers to do so, the Art Centre Co-ordinator provides advice to Parks to ensure maintenance of the works is correctly prioritized and that suitable contractors are engaged. Work is underway on reviewing the Public Art Maintenance Manual in readiness for the next financial year.

Valuing, insuring and maintaining the City's existing public art collection is required, just as with any other class of asset. Undertaking this ongoing work, as well as providing the full-time program at Tresillian, means there is limited staffing capacity to undertake the additional work of commissioning an artwork for the Health Workers' Tribute Project.

Towards a Solution

However, there is a great deal of willingness to undertake this inspiring community project which is aimed at acknowledging the generosity and courage of health workers. Therefore, it is recommended that \$20,000 is allocated to pay a consultant to undertake the work of commissioning this project. The expenditure of \$20,000 on the consultant would be in addition to the \$50,000 expenditure on the artwork itself, including advertising, shortlisting, fabrication and installation of the selected work. Therefore, total expenditure on this artwork – if achieved by appointing a consultant – would be \$70,000.

The City's standard process of calling publicly for EOI's from interested artists; shortlisting to 3 proposals; having presentations from shortlisted artists; then selecting one proposal as the artwork to be commissioned – this standard process would still take place. The only difference is that the process would be undertaken by a consultant, rather than by a staff member. The consultant would be supervised by a staff member in order to ensure that all City standards were met.

With a consultant undertaking this commissioning process, the Public Art Committee will still make the key decisions of selecting the 3 shortlisted proposals; then selecting the winning proposal from those that have been shortlisted; then commissioning the successful artist. Therefore, the Public Art Committee has recommended to Council expenditure of \$20,000 on a consultant to undertake this inspirational project.

Site

The Public Art Committee has selected the Dot Bennett Park as the most appropriate site for this project. This site is in close proximity to major medical facilities within the City of Nedlands; is bordered by 2 major roads and therefore has high visibility and public prominence; and would provide a suitable aesthetic setting for the new artwork

and its launch event. Therefore, it is recommended that Council approves the use of the Dot Bennett Reserve for the location of this artwork.

Key Relevant Previous Council Decisions:

- 30 June 2020 – Item 6 – Council decision approving the 2020/21 budget, including \$50,000 for public art.
- 24 November 2020 – CM10.20 – Council requested Public Art Committee to pursue option of commissioning artwork, rather than purchasing.

Policy / Legislation

The Public Art Committee's Terms of Reference state that it will "initiate, consider and decide on proposals for public artworks", so this recommendation to Council is consistent with its role as outlined in its Terms of Reference.

The Public Art Committee's Terms of Reference also state that it only has delegated authority for expenditure of up to \$10,000; and that expenditure over \$10,000 must be approved by Council. Therefore, this expenditure of \$70,000 in total, must be approved by Council before the project can be undertaken by the Public Art Committee.

Consultation

The Public Art Committee is the City's consultation mechanism for making recommendations to Council on public artworks. The Public Art Committee includes 2 community members as full voting members of the Committee, to ensure community input into the works chosen.

Strategic Implications

How well does it fit with our strategic direction?

In its vision statement, the City's Strategic Community Plan states that "We will live in a beautiful place". The work of the Public Art Committee contributes to this vision and is therefore consistent with the City's strategic direction as stated in the Plan.

Who benefits?

All members of the community benefit from high quality public art that enhances the aesthetic amenity of the City. This specific project will contribute to community spirit by recognizing and acknowledging the contribution health workers have made to community safety during the pandemic. The launch event will bring people together in celebration; and the artwork itself will continue to strengthen community spirit as a lasting expression of the community's appreciation of health workers.

Does it involve a tolerable risk?

Yes, undertaking this project involves tolerable risk. The risk of commissioning an inappropriate or unsuitable work will be mitigated by the City's standard process for commissioning public art. It involves:

- having the Public Art Committee call for Expressions of Interest from suitably qualified and experienced public artists;
- shortlisting to 3 proposals, which are then developed more fully by the artists, who present on their proposals to the Public Art Committee;
- having the Public Art Committee select the final work that is to be commissioned, then commissioning that work.

The risk of excessive expenditure on public artwork is mitigated by ensuring that there is Council approval of any expenditure on public art that is > \$10,000, as is required by the Public Art Committee's Terms of Reference.

Do we have the information we need?

Yes, the City has the information required, for Council to approve the total of \$70,000 expenditure on this work; as well as the site on which the artwork is to be located.

Budget/Financial Implications

Table 1: Budget Breakdown Health Workers' Tribute Project

Amount	Purpose of Expenditure	Source
\$50,000	Expenditure on Artwork itself including: <ul style="list-style-type: none"> - artists' fees - fabrication of artwork - transport of artwork - traffic management - site preparation & installation - plinth & plaque 	<ul style="list-style-type: none"> • in 2020/21 approved Council budget for expenditure on public art. • Although already in approved 2020/21 budget, requires Council decision as PA Committee only has Delegated Authority for expenditure up to \$10,000.
\$20,000	Consultant to undertake work of commissioning the artwork	<ul style="list-style-type: none"> • to be transferred from the City's Art Reserve Account to the City's Operational Budget • requires Council decision to transfer funds from Reserve Account
\$70,000	Total Projected Expenditure on Health Workers' Tribute Artwork	

Can we afford it?

Yes, the City can afford this expenditure. There is \$97,799 available in the City's Art Reserve Fund. It is recommended that \$20,000 is transferred from the City's Art

Reserve Fund to the current financial year's approved operational budget, to appoint a consultant to undertake the commission of this project.

It is recommended that the cost of the artwork itself, including artist fees, fabrication and installation, would be met from the \$50,000 already approved by Council in the current financial year's budget, for expenditure on public art.

How does the option impact upon rates?

This project will have no direct impact on the rates proposed for 2021/22. This is because the \$50,000 that will fund the artwork itself is already in the approved Council budget for this financial year; and the additional \$20,000, to fund a consultant, would come from the Art Reserve Account.

Conclusion

The Health Workers' Tribute Public Art Project is an inspired one that has been considered by the Public Art Committee and by Council at various stages throughout this financial year. Council approved \$50,000 in the current financial year's budget for expenditure on public art, and the Public Art Committee's preferred project is one that will recognise health workers. The Public Art Committee has received and considered Council's preference for the work to be commissioned, rather than purchased "off the shelf". In response to that preference, the Public Art Committee is now requesting Council approval of expenditure of \$20,000 to pay a consultant to oversee this commission. The Public Art Committee is also requesting Council's formal approval of expenditure of \$50,000 on the artwork itself. And finally, the Public Art Committee is also requesting Council's approval to use the Dot Bennett Park as the site for this artwork.

If Council approval is granted for the additional expenditure of \$20,000 on a consultant; the expenditure of \$50,000 on the artwork and associated costs; and the use of Dot Bennett Park as the location for the work, then the Public Art Committee can proceed with calling for Expressions of Interest from artists, followed by a shortlisting process, then the commissioning of this work. This project has the potential to contribute to the Council's reputation, in terms of high-quality public art; and also in terms of providing a gracious and lasting recognition of the role of health workers during COVID-19 pandemic.

CSD06.21	Access Working Group Reviewed Terms of Reference
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Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the <i>Local Government Act 1995</i>	Nil.
Director	Pat Panayotou – Executive Manager Community
Attachments	1. Current Terms of Reference Access Working Group 2. Proposed Terms of Reference Access Advisory Group
Confidential Attachments	Nil.

Executive Summary

The Access Administrative Liaison Working group recently reviewed its Terms of Reference. Separately to this, Council adopted a new policy on Advisory and Working Groups, impacting this group's Terms of Reference.

Therefore, two lots of changes have now been incorporated into the Proposed Terms of Reference for this group, being:

- the changes recommended by the group itself; and,
- the changes required by the new Council policy on Advisory and Working Groups.

The amended Terms of Reference are now presented to Council for approval.

Recommendation to Committee

Council:

1. **establishes the Access Advisory Group;**
2. **approves the Terms of Reference for the Access Advisory Group, as at Attachment 2 Access Advisory Group Proposed Terms of Reference;**
3. **appoints 2 Council Members, being Councillor (insert name) and Councillor (insert name) to be members of the Access Advisory Group;**
4. **appoints Councillor (insert name) to be the Chairperson of the Access Advisory Group; and,**

- 5. appoints community members Robyn Tsapazi, Eric Moxham and Kerry Revell to be members of the Access Advisory Group.**

Voting Requirement

Simple majority.

Background

The Access Administrative Liaison Working Group was established in 2001. It is generally known by the shorter name of Access Working Group, therefore that shorter name is used throughout. The group's purpose has been to provide advice to the CEO on disability-related issues in order to improve the accessibility and inclusiveness of the local community. The Access Working Group is not a Committee of Council. Its current Terms of Reference result from a now-defunct Council policy, and therefore are inconsistent with the recently-adopted Council policy on working groups.

The Access Working Group consists of three community members and two Council Members. The three community members (Robyn Tsapazi, Eric Moxham and Kerry Revell) have expertise in, and lived experience of disability. The two Council Members are Councillor Horley and Councillor Hodsdon, who were formally appointed by Council to the group in December 2013. However, they have not been re-appointed to the group by Council since then.

The Disability Services Act 1993 (WA) was revised in 2004, requiring public authorities to develop and implement a Disability Access and Inclusion Plan (DAIP). The development of the City's DAIP has meant that many of the matters that the Access Working Group previously advised the City on, have become part of the City's standard operations over time. While it is a good thing that the City has incorporated disability access requirements into its standard processes, this has taken away some of the role that the group had in its early days; and left it with a reduced sense of its purpose.

Discussion/Overview

In 2019 the Access Working Group expressed a desire to revitalize and renew its focus. This group has operated at the City, with some of the same key community members on it, for 20 years. During that time, the strengthening of disability legislation and the implementation of the City's DAIP has replaced some of what was the group's original purpose. Therefore, it is understandable that the group has experienced a feeling of a reduced sense of purpose.

To revitalize its purpose, the group undertook a review of its Terms of Reference. Once the review was completed, the group recommended some changes to the City's CEO, as required by its current Terms of Reference (see Attachment 1 – Current Terms of Reference, Access Working Group). However, Council had recently adopted a new

“Advisory and Working Groups Policy”, which also impacts the Terms of Reference for working groups, including this group.

Therefore, two lots of changes to the Access Working Group’s Terms of Reference are now being recommended. These are:

1. Changes recommended by the Access Working Group itself; and,
2. Changes required by the new Advisory and Working Groups Council Policy.

Both types of changes have been incorporated into the Proposed Terms of Reference for the Access Advisory Group (see Attachment 2 Proposed Terms of Reference Access Advisory Group).

Changes recommended by the Access Working Group Members

The following changes to the group’s Terms of Reference were recommended by the members:

- Name: the group has requested that its name is changed to Access Advisory Group. The group wishes to remain an advisory group and not be a Committee of Council.
- Scope: this section of the current Terms of Reference has been deleted, as the Council Policy it refers to no longer exists.
- Membership: the group recommended 2 changes:
 1. City staff to no longer be voting members of the group, or chair the group. (City staff suggested and agree with this recommendation).
 2. Two Council Members be appointed to the group. (Two Council Members already attend the group, but the requirement is not listed on the Terms of Reference).
- Group’s Tasks: To the areas on which the group provides advice, the group has added the City’s website and its communications. The group felt it could provide sound advice on the accessibility of the City’s website and communications.

Changes required by Council’s new policy

The following changes to the group’s Terms of Reference are required for them to be consistent with Council’s Advisory and Working Groups Policy.

- Scope: this new section has been included to outline the limitations of the group, as is required by the new policy.
- Purpose: section has been changed to state that the group will be required to provide advice to Council, not to the CEO as was previously the case.

- Membership:
 1. The title of this heading has been changed to ‘Membership and Chair’, to be consistent with the new policy.
 2. The requirements of achieving a quorum have been changed, to be consistent with the new policy.
 3. The chairperson will now be appointed by Council, not by the group as was the case previously.
 4. The members of the group will be appointed by Council, as is required by the new policy.
- Statement of adherence to the Code of Conduct: has been added, as required by the new policy.
- Group’s Tasks:
 1. The heading ‘The Working Group Will’ has been changed to ‘Tasks’.
 2. The wording has been changed to reflect that the group will be required to provide advice to Council, not the CEO as they did previously.
- Key Performance indicators: have been added, as required by the new policy.
- Meetings: this section has been changed to reflect that the group will be required to provide advice to Council, not the CEO as they did previously.
- Termination date: a termination date has been added, as required by the new policy.
- Agenda: The chairperson will determine the agenda for each meeting. Members may submit agenda items for consideration.

Note: The new Advisory and Working Groups Policy states that all meetings ‘shall be confined to items listed on the Agenda unless the Chairperson wishes to bring up an urgent item’. This is contradictory to the requirement in the policy that the group will ‘only consider matters referred to it by Council’. Therefore, the requirement that Council determines all agenda items has not been included.

Both types of changes – i.e., those requested by the group itself, and those required by the new Council policy - have been incorporated into the proposed Terms of Reference for the group (see Attachment 2 Proposed Terms of Reference Access Advisory Group).

Legislation

Disability Services Act 1993 (WA). This legislation requires the City to maintain a Disability Access & Inclusion Plan or DAIP, which the City does.

Council Policy

Council's recently adopted Advisory and Working Groups Policy requires many of the changes to this group's Terms of Reference, that are now being recommended to Council.

Key Relevant Previous Council Decisions:

- 10 December 2013 – Item 13.8 - Council appoint Councillor Horley and Councillor Hodsdon to the Access Administrative Liaison Working Group
- 9 February 2021 – Item 9.1 - Council approved the Advisory and Working Groups Council Policy

Consultation

The Access Working Group was consulted on the initial review of its Terms of Reference. The group conducted an extensive review, over several meetings, and was clear about its preference to remain an advisory group and not become a Committee of Council.

However, the Group has not yet been consulted on the changes required by Council's new Policy. Once Council has decided on the new Terms of Reference for this group, a meeting of the group will be held to consider this new Terms of Reference as approved by Council.

Strategic Implications

How well does it fit with our strategic direction?

The Strategic Community Plan outlines that one of the strategic issues facing the community is that '1 in 5 people across Australia have a disability' and that part of the City's overall vision is that we will be 'an active, safe, inclusive community'.

Who benefits?

All members of the Community benefit from having accessible buildings, infrastructure, services and community events. Accessible services and infrastructure not only benefit people with disability, but also carers, seniors, children and parents. Having an advisory group that is knowledgeable about access and inclusion issues affecting the City may provide information that is specific to the City of Nedlands.

Does it involve a tolerable risk?

There is little to no risk.

Do we have the information we need?

Yes. We have all the information required to write the new Terms of Reference.

Budget/Financial Implications

Can we afford it?

Yes. There are no budget implications of reviewing the Access Administrative Liaison Working Group's Terms of Reference.

How does the option impact upon rates?

There is no impact upon rates.

Conclusion

It is recommended that Council establishes the Access Advisory Group; accept its amended Terms of Reference as at Attachment 2 Proposed Terms of Reference Access Advisory Group; and appoints two Council Members to the group, one of whom will be the group's chairperson. It is also recommended that Council formally appoints the three community members who have served on this group for many years, providing advice to the City on disability-related issues, and providing City personnel with valuable input and advice.

Council's new policy requires that working groups are established by a Council resolution. Because this group has never been the subject of a Council resolution, it is now effectively "in limbo" until there is a Council resolution appointing its membership and approving its Terms of Reference. Formalizing the establishment of the group and adopting its Terms of Reference will allow it to go on contributing to the community and the organisation. The newly named Access Advisory Group will allow the City to continue to benefit from the advice, insight and lived experience that the group has provided to the City for the past 20 years.

Current Terms of Reference – Access Administrative Liaison Working Group

Name:

Access Administrative Liaison Working Group.

Purpose:

To provide advice to the Chief Executive Officer on access and disability related issues in order to improve the accessibility and inclusiveness of the local community.

Scope:

The Working Group will be established according to Policy 1.12 Establishment of Committees and Administrative Liaison Working Groups.

The Working Group will:

1. Liaise with City of Nedlands staff and through this mechanism make recommendations to the Chief Executive Officer.
2. Provide comment and advice, at least annually, on the City's program for improving access to its buildings.
3. Provide comment and advice, at least annually, on the City's program of improving access in relation to its infrastructure and assets.
4. Assist with the promotion of the City's Community Grants Fund and provide advice on its promotion to the community.
5. The Working Group will not have any delegated authority.
6. The Working Group will not have access to a budget or any budgetary authority. However, it may recommend specific expenditure to be considered by the Chief Executive Officer.
7. The Working Group is not permitted to make any press statements.

Membership:

- Manager Community Development.
- Community Development Officer (Events and Access).
- Up to 8 members of the local community with expertise in access and disability related issues.
- Up to 4 representatives from organisations that provide disability and access related services.
- The Manager of Property Services and Manager Assets Services are not members of the Working Group but will be called on to attend as needed in relation to access improvements to the City's buildings and other infrastructure.
- A quorum shall be half of the current membership which may vary from time to time.

Meetings:

- The Working Group will meet at least quarterly.
- Minutes of the meetings will be provided to the Chief Executive Officer.

Proposed Terms of Reference – Access Advisory Group

Name:

Access Advisory Group

Purpose:

To provide advice to the Council on access and disability related issues in order to improve the accessibility and inclusiveness of the local community.

Membership and Chair:

- Up to 8 people engaged in the local community with experience in access and disability related issues to be approved by Council.
- City of Nedlands staff are not members of the Committee but will be called on to attend as needed in relation to access improvements to the City's communication, infrastructure and other services.
- Two councillors appointed by Council, for the 2 year duration of a Council term
- Chairperson to be appointed by the Council
- A quorum shall be by simple majority plus one.

Statement of Adherence to the Code of Conduct:

The Access Advisory group will adhere to the City of Nedlands Code of Conduct. A copy of the City of Nedlands Code of Conduct will be provided to each member upon their appointment.

Tasks:

1. Liaise with and advise City of Nedlands staff and through this mechanism make recommendations to Council.
2. Liaise, comment and advise, at least annually, on the City's program for improving access to its buildings.
3. Liaise, comment and advise, at least annually, on the City's program of improving access in relation to its infrastructure and assets.
4. Liaise, comment and advise, at least annually, on the city's program of improving access to its services.
5. Liaise, comment and advise, at least annually, on all aspects on the City's communication including website and public consultation.
6. Assist with the promotion of the City's Community Grants Fund and provide advice on its promotion to the community.

Scope

- The working group will:
 - Only consider matters referred to it by Council
 - not have any delegated authority
 - not have access to a budget or any budgetary authority. However, it may recommend specific expenditure to be considered by the Council
 - not be permitted to make any press statements (Mayor excepted).

Key Performance Indicators:

1. The group will provide comment and advice on the City's program for improving access:
 - to its buildings
 - in relation to its infrastructure and assets
 - to its services
 - and its communication including website and public consultation.
2. The group will assist with the promotion of the City's Community Grants Fund and provide advice on its promotion to the community.

Meetings:

- The Working Group will meet at least quarterly. Meeting dates will be set for the remainder of the year at the first meeting
- Minutes of the meetings will be provided to Council

Termination Date:

- The date the Access Advisory Group ceases will be the earlier of:
 - 2 years from the establishment date;
 - The date resolved by Council; or
 - Close of business on the day before ordinary elections

Agenda:

- The Chairperson will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.
- The Access Advisory Group will only consider matters referred to it by the Council