

Agenda

Public Art Committee Meeting 7 February 2022

Notice of Meeting

To Mayor & Councillors

A Meeting of the Public Art Committee of the City of Nedlands is to be held on Monday 7 February 2022 in the Council chambers at 71 Stirling Highway Nedlands commencing at 5.30 pm.



Bill Parker
Chief Executive Officer
1 February 2022

Information

Public Art Committee Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing the Committee or attending meetings please contact the Executive Officer on (08) 9273 3500 or council@nedlands.wa.gov.au

Public Question Time

Public question time at a Public Art Committee Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member, Committee Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

Addresses by Members of the Public

Members of the public wishing to address the Public Art Committee in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

Disclaimer

Members of the public who attend Committee meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1. Declaration of Opening

The Presiding Member will declare the meeting open at 5.30 pm and will draw attention to the disclaimer below.

2. Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence
(Previously Approved)** None.

Apologies None as at distribution of this agenda.

3. Public Question Time

Public questions submitted to be read at this point.

4. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Registration Forms to be made at this point.

5. Disclosures of Financial Interest

The Presiding Member to remind Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

6. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x I disclose that I have an association with the applicant (or person seeking a decision). This association is (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

7. Declarations by Members That They Have Not Given Due Consideration to Papers

Members who have not read the business papers to make declarations at this point.

8. Confirmation of Minutes

8.1 Public Art Committee Meeting Minutes – 6 December 2021

The Minutes of the Public Art Committee Meeting Monday 6 December 2021 are to be accepted as a true and correct record of that meeting.

9. Items for Discussion

9.1 PAC01.02.22 - Health Workers' Tribute Project Selection of Preferred Work

Meeting & Date	Public Art Committee – 7 February 2022
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Marion Granich - Manager Community Development
Director/CEO	Bill Parker - Chief Executive Officer
Attachments	1. Confidential Attachment – Health Workers Project – Proposal 1 2. Confidential Attachment – Health Workers Project – Proposal 2 3. Confidential Attachment – Health Workers Project – Proposal 3

Purpose

This report is being presented to the Public Art Committee so it can select 1 artwork from the 3 proposals received; then recommend that artwork to Council to be commissioned as the Health Workers' Tribute public artwork.

Recommendation

That the Public Art Committee recommends to Council the commissioning of (insert Proposal 1, 2 or 3) for the Health Workers Tribute public artwork.

Voting Requirement

Simple Majority.

Background

The Public Art Committee has been working towards the Health Workers Tribute since May 2020. Council has approved the general idea of an artwork that pays tribute to health workers during the pandemic; the project's expenditure; and the use of Dot Bennett Reserve as the location for the work. However, Council still needs to approve the specific work that is selected and recommended to Council by the Public Art Committee.

On 6 December 2021 the Public Art Committee considered 5 submissions received from artists expressing interest in the publicly advertised Health Workers Tribute Project. At that meeting, the Committee shortlisted to 3 submissions, asking those 3 artists to further develop their concept into more detailed proposals. The 3 proposals have now been received, to be considered by the Public Art Committee at this meeting.

Discussion

Proposals received

Since the Public Art Committee Meeting in December 2021, the 3 shortlisted artists have been developing their submissions into more detailed proposals, to be considered by the Committee. The 3 artists have now submitted their proposals (Confidential Attachment – Health Workers Project – Proposal 1; Confidential Attachment – Health Workers Project – Proposal 2; and Confidential Attachment – Health Workers Project – Proposal 3).

Confidentiality

The proposals are confidential to protect the artists' intellectual property rights. If the proposals were to be made public at this stage, there would be a danger of the material being exploited by another party before the artist has been commissioned and the work fabricated and installed. The time between concept and installation is longer for projects commissioned by government than for privately commissioned pieces, so care needs to be taken not to publish the artists' concepts at this stage.

In-person presentations by artists

As well as having submitted their detailed written proposals, each of the 3 shortlisted artists will present their concept in person to the Public Art Committee at this meeting. It is important that these presentations are also treated confidentially, for the reasons outlined above. Therefore, it is recommended that the meeting is closed to the public for these presentations. The Committee will need to vote on closing the meeting to the public before the presentations, then later re-opening the meeting to the public.

Suspending standing orders

It is also recommended that the Committee votes to suspend Standing Order 9.5 before the in-person presentations by the artists, as this will allow for the kind of informal discussion needed to facilitate Committee members' exploration and understanding of the proposals. The meeting will need to be re-opened to the public and standing order 9.5 re-instated before the Committee's formal decision on recommending to Council the work to be commissioned.

Consultation

No consultation has been undertaken on the proposals submitted by the artists as they are confidential at this stage, to protect the intellectual property rights of the artists.

Strategic Implications

This item relates to the following elements from the City's Strategic Community Plan.

Vision Our City will be an environmentally-sensitive, beautiful and inclusive place.

Values

Great Communities

We are strong for culture, arts, sport and recreation.

Reflects Identities

We value our precinct character and charm. Our neighbourhoods are family-friendly with a strong sense of place.

Budget/Financial Implications

Expenditure on this project has been approved by Council and included in the 2021/22 approved Council budget. The project budget is summarised in Table 1 below.

Table 1: Health Workers Tribute Project Budget

Public Art Consultant	\$20,000
Development of detailed proposals by shortlisted artists (payment of 3 x \$1,500 to each artist)	\$ 4,500
Commissioned artwork (including artists fee, fabrication & installation of work)	\$50,000
Contingency (traffic management etc.)	\$10,000
Total Cost of Artwork	\$85,000

Legislative and Policy Implications

Legislation

The *Local Government Act 1995 (WA)* Section 5.8 *Establishment of Committees* allows Council to delegate certain functions to Committees of Council. Council has delegated some functions to the Public Art Committee stated in the Committee's Terms of Reference.

Terms of Reference

Under the Delegated Authority section, the Public Art Committee's Terms of Reference state that "Artworks over \$10,000 shall be recommended to Council for approval". As the cost of this artwork is over \$10,000 the work recommended by the Committee for commissioning must be approved by Council.

Decision Implications

There is no recommendation to the Committee on which proposal should be selected. All 3 artists are highly awarded and experienced public artists and all have submitted detailed, thorough proposals. Therefore, the Committee can select its preferred option from amongst the 3 submissions, to recommend to Council for commissioning.

If the Committee does not accept the recommendation to close the meeting to the public during discussion of the proposals, the artists' confidentiality will be breached, posing a risk to their intellectual property. If the Committee does accept the recommendation for closing the meeting to the public, confidentiality of the proposals will be maintained, conveying respect for these 3 artists as well as to artists the City may deal with in future.

Conclusion

The proposals from the 3 shortlisted artists were received before the deadline of 4 pm on 27 January 2022. The proposals are all thorough, detailed and suitable for the purpose of paying tribute to the role of health workers during the COVID-19 pandemic. Therefore the Committee may select any one of the proposals presented, to recommend to Council for commissioning. The proposals have been distributed to Committee members as confidential attachments, to protect the artists' confidentiality and intellectual property rights. It is recommended that the Committee continues to maintain the confidentiality of the artists and their proposals, at this stage. Therefore, it is recommended that the Committee selects its preferred work and recommends it to Council for commissioning as the Health Workers Tribute public artwork.

10. Date of Next Meeting

The date of the next meeting of the Public Art Committee Meeting will be on Monday 13 June 2022 at 5.30 pm.

11. Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.