



## MINUTES

### KALAMUNDA ARTS ADVISORY COMMITTEE

5.30pm Monday 8 March 2021

City of Kalamunda Function Room

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#### 1.0 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

1.1 Presiding Member acknowledged the traditional owners of the land.

#### 2.0 OPENING OF MEETING

2.1 Meeting opened at 5.30pm with Presiding member also acknowledging International Women's Day.

Brittany Cover (BC) advised KAAC that the meeting would be recorded on an app called Otter and asked if anyone had any objections or questions. No objections were noted.

#### 3.0 DISCLOSURE OF INTERESTS

##### 3.1 Disclosure of Financial and Proximity Interests.

a) Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the Local Government Act 1995)

b) Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.7 of the Local Government Act 1995).

Nil.

##### 3.2 Disclosure of Interest Affecting Impartiality

a) Members and staff must disclose their interests in matters to be discussed at the meeting in respect of which the member or employee has given or will give advice.

Nil.

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**4.0 ATTENDANCE AND APOLOGIES**

**4.1 Attendance Committee**

Cr Kathy Ritchie (KR)	Councillor Delegate
Andy Farrant (AF)	Presiding Committee Member
Claire Eden (CE)	Committee Member (Deputy Chair)
Annette Eassie (AE)	Committee Member
Leon Allen (LA)	Committee Member
Briony Bray (BB)	Committee Member
Stephen Castledine (SC)	Committee Member
Sian McMillan (SM)	Committee Member
Gordon Mitchell (GM)	Committee Member
Ruth Bale (RB)	Committee Member

**City of Kalamunda Staff**

Brittany Cover (BC)	Coordinator Culture, Arts & Libraries
Mandy Skeates (MS)	A/Manager Commercial and Cultural Services
Andrew Fowler-Tutt (AFT)	Manager Approval Services

**Apologies**

Michelle White	Committee Member
Jessica Wellman	Committee Member

**5.0 LOCAL PLANNING POLICY – PUBLIC ART CONTRIBUTIONS (26) REVIEW**

Andrew Fowler-Tutt (AFT) advised that the LPP26 was currently under review as a result of a council resolution to review the policy after being endorsed for 12 months. AFT advised that policies are usually reviewed every 2 years, but questions were raised about the thresholds featured in the policy and therefore would be reviewed after 12 months (\$500,000).

A copy of the policy can be located here:  
[https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/planningdocs/policies/public-art-contributions-lpp26.pdf?sfvrsn=8d9db75c\\_22](https://kalblob.blob.core.windows.net/kallibrary/docs/default-source/planningdocs/policies/public-art-contributions-lpp26.pdf?sfvrsn=8d9db75c_22)

Andy Farrant (AF) asked about the number of current development applications the City has received. AF also asked about amount of funds received and what the total value of the applications received was.

AFT advised that the current value of development applications is unknown, but the City has 9 active development applications that have had the Public Art

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condition applied. 1 payment into the Public Art fund has been received and 2 applications are currently going through State Administrative Tribunal (SAT).

General discussion held in relation to total value of applications received to date, AFT unable to provide this figure but advised that applications are between \$5 – \$14 million dollars.

AFT confirmed that the policy review focus was around ensuring the LPP26 has a robust, **valid planning purpose** and would assist in defending matters that may be dealt via SAT proceedings in relation to public art conditions being upheld. Minor tweaking was undertaken in late 2020 of the policy in response to a SAT appeal lodged by an aged care provider. Case law requires a local planning policy to have a valid planning purpose and not contain arbitrary provisions which have no planning basis.

AFT advised that changes to the City of Kalamunda Public Art Masterplan may be required as an outcome the policy review.

LPP26 would go through a formal, advertising period where comments would be welcomed and received from advisory committees.

Gordon Mitchell arrived at 5.55pm.

General discussion was held around entry points to the City and locations featuring thematic approaches. These relate to the draft Public Art Masterplan.

AFT advised that when a condition is applied, it must meet a validity test in relation to public art.

General discussion was held around case law and successful cases. Applications between \$2 – \$12 million the applicant can opt in or out of the Joint Development Assessment Panel (JDAP) process. Applications over \$10 million, straight to JDAP (north east metropolitan)

Briony queried how it is determined that public art is necessary and beneficial and what is the relevant precedence. AFT confirmed the importance of a robust policy this instance. AFT also advised that appeals must be received within 28 days of the condition being issues.

BC advised that the BGC precedence has had a negative impact on public art conditions being challenged through SAT (information available online to review).

SC confirmed that the 'mission' of the City's planning team is to tighten up the current policy and make challenging the condition for inclusion of public art difficult through robust policy.

AFT confirmed that changes made in 2020 have assisted in policy being robust but further tweaks required – whole purpose of the review.

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AF circulated a map of the City of Kalamunda showing 75% of the City's land is forest and public open space, undeveloped and remaining 25% is largely developed. AF observed that based on map, he would be hesitant to change the threshold amount in the policy (\$500,000).

SC clarified that 1% of \$500,000 is \$5,000 and AFT confirmed that public art contributions are capped at \$250,000.00.

BC confirmed that the KCC and the Central Mall project are separate to the 9 active development applications.

AE suggested the policy has gaps and is confused as to why more information hasn't been made available to the committee. AFT advised that no applications have reached an 'assessment' point.

General discussion had in relation to process and the role that KAAC plays in assessment of public art. BC advised that no development applications have progressed to an assessment stage yet and the KAAC will be involved when appropriate.

AE observed that it is unclear in the policy, BC advised that this will be articulated through a public art management procedure which will be developed in line with the policy and Public Art Masterplan endorsement process.

AFT clarified that the policy is a planning policy, not a public art document.

AFT confirmed that the process for recommendation of changes to the policy will include a statutory process requiring Council endorsement for the purposes of public advertising, followed by Public Agenda Briefing and finally, Ordinary Council Meeting for endorsement.

BC confirmed that AE response to the City's request sent to the Committee has been included in review documentation. AFT confirmed that the committee will have an opportunity to comment on the review during the public advertising submission period. AFT advised that the LPP26 review will go to May OCM, so additional time is available.

CE confirmed that the review process is not putting the public art condition under threat, rather making sure the policy is robust. BC confirmed that the planning team have done a lot of work on the policy.

CE has requested that a visual overview is preferred so clear expectations are received.

General discussion was held about the policy review process and whether it could be a clearer process.

GM queried the catalyst for review, clarification was given.

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Cr KR observed that the three questions forwarded to the Committee as focus for input to the Policy Review could not be commented upon at this time. None of the current development applications received by the City had completed assessment, just one developer contribution had been collected by the City, so it was difficult for the Committee to provide any assessment on the effectiveness of the LPP to date.

AF suggested meeting held on 19 April to review recommendations and changes, BC advised this date will be too late to meet May OCM and a meeting is not required – electronic correspondence will be sufficient.

GM would like to see a more creative approach applied to public art management.

AF asked the committee if there were any questions, none received.

AF thanked AFT for this time – AFT left the meeting.

## 6.0 CREATIVE COMMUNITIES: ARTS STRATEGY REVIEW

BC provided the committee with an overview (PowerPoint presentation) of the proposed methodology in relation to the review of the Creative Communities: An Arts Strategy. In summary:

- **Stage 1** – Internal Deep Dive, internal departments invited to review and provide commentary. Departments will include Arts and Culture, Tourism, Community Development, Community Engagement, Events, Planning, Economic Development and Assets. Expected to be complete by the end of March 2021.
- **Stage 2** - Implementation of findings from internal review and preparation of modifications.
- **Stage 3** - Draft findings to be presented to Council – To be complete by the end of May 2021.
- **Community Consultation** – Three workshops proposed to be delivered by an external consultant in Kalamunda catchment, foothills communities and a workshop with Youth Action Kalamunda. To be completed by July 2021. BC noted that consultation had not been widespread, and the foothills communities were not adequately represented in the strategy as well as a broad cross section of ages.
- **Stage 4** – Prepare Draft Strategy and present to Council for specific referral to Advisory committees.
- **Stage 5** – Prepare final draft strategy for Council adoption, September OCM.

BC confirmed that the current strategy continues to be active and Officers continue to work through priorities and actions.

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BC asked if there were any questions, general comments made, no questions asked.

**7.0 REGISTER OF VOLUNTEER HOURS**

Ruth Bale	2 Hours
Andy Farrant	17 Hours
Steve Castledine	5 Hours
Claire Eden	1 Hour
Briony Bray	3 Hours
Leon Allen	2 Hours

**8.0 ANY OTHER BUSINESS**

BC encouraged the KAAC to attend *Iceland by Yirra Yaakin* Aboriginal Theatre Company at KPAC on 26 and 27 March 2021 as well as *Mama Stitch by Whiskey and Boots*, an immersive residency which will take place in April and May with stories captured via headphone verbatim about Mums.

**9.0 DATE OF NEXT MEETING**

Monday 19 April 2021 @ Kalamunda Community Centre.

**CLOSURE**

The Presiding Member Closed the Meeting at 6.56pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this meeting.

Signed: ..... Presiding Member

Dated this ..... Day of.....2021