9.3 Outcome of Advertising: Local Planning Policy - Percent for Art

**Attachments:** **1. Local Planning Policy - Percent for Art**

**2. Summary of Submissions**

|  |
| --- |
| Recommendation:  That Council PROCEEDS with Local Planning Policy No. 7.5.13 – Percent for Art, pursuant to Clause 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* included as Attachment 1. |

Purpose of Report:

To present the outcome of community consultation and seek approval of Local Planning Policy No. 7.5.13 – Percent for Art, at **Attachment 1**.

Background:

The City’s [Percent for Art Policy](https://www.vincent.wa.gov.au/documents/745/7513-percent-for-public-art) (the Policy) was published on 24 August 1998 and was WA’s first local government percent for art policy. Several reviews and amendments have been undertaken since then, with the latest being adopted on 5 December 2015.

The purpose of the Policy is to require larger developments to contribute one percent of their development value as Public Art or make a cash-in-lieu contribution to the City so that public art can be commissioned on their behalf.

In 2021, a review of the Policy was undertaken in accordance with the City’s adopted [Policy Development and Review Policy](https://www.vincent.wa.gov.au/documents/1898/policy-development-and-review-policy).

On 1 October 2021 a Policy Paper was distributed to Elected Members, with further information provided via email on 16 February 2022 outlining the Policy review approach including a Communications Plan.

On 21 September 2022 a Policy Paper was distributed to Elected Members including the draft Policy and Stakeholder Engagement Summary.

At its 15 November Ordinary Meeting (item 9.2), Council resolved to approve the draft Percent for Art Policy for the purpose of advertising.

Details:

The draft Percent for Art Policy was advertised in accordance with the City’s [Community and Stakeholder Engagement Policy](https://www.vincent.wa.gov.au/documents/576/community-and-stakeholder-engagement-policy), from 23 November and 18 December 2022 via the following methods:

 notice published on the City’s website;

 notice posted to the City’s social media;

 notice published in a local newspaper;

 notice posted in the City’s e-newsletter and business e-newsletters;

 Dedicated project page on Imagine Vincent, providing opportunity to comment generally or fill out a survey;

 notices at the City’s Administration Centre and Library; and

 distribution of flyers at City sponsored events.

The results of the public consultation period are as follows:

 Unique page views – 20;

 Document downloads – 12; and

 Survey participants – 10.

The submissions received were from a variety of professionals. Six have experience with percent for art projects. Of these, four represented artists, arts fabricators, arts consultants or arts workers and two represented architects or developers.

Submitters’ views were mixed, although largely supportive of the draft Policy and its intent.

A summary of the comments received are outlined below, according to the themes raised within the survey. A full summary of the submissions and administration comments is at **Attachment 2**. No further revisions are recommended to the Policy based on the submissions received.

Temporary and Ephemeral Public Artworks

Submissions generally supported the inclusion of ephemeral and temporary public artworks. It was generally well received and supported for their role in the diversification of public artworks, the delivery of more conceptually responsive artworks, their adaptability to unique locations, and their ability to activate public spaces.

One submission raised concerns regarding the standard and type of public artworks which would be delivered. With another submission seeing temporary and ephemeral artworks as being a loophole for lessening the impact of art and the Policy.

It is recognised that ephemeral or temporary artworks allow for a greater variety of art forms within the City. As per the Policy, they are required to adequately demonstrate that they will provide activation opportunities for the area. As an alternative option to the standard public art projects, applications will be dealt with individually and these types of projects will be guided by Administration and the Arts Advisory Group to ensure project's success.

Mentorship and Upskilling for Emerging Artists

All submissions were supportive of the inclusion of mentorship and upskilling for emerging artists in the delivery of percent for art projects.

Public Art Infrastructure

While largely supportive of the importance of public art infrastructure for both artists and community, submissions were divided on the acceptability of the inclusion of this infrastructure in the Policy. Submitters questioned the delivery of physically suitable spaces for artists, and the management and funding required to ensure the success of these spaces long-term.

Any proposal of public art required by the Policy is subject to development conditions and agreements with the City to ensure compliance with the Policy and suitable management of any art proposed. As an alternative option to the standard public art projects, applications will be dealt with individually and these types of projects will be guided by Administration and the Arts Advisory Group to ensure project's success.

Professional Artist Definition

Submissions generally supported the professional artist definition. Submissions suggested that reference be made to young emerging artists, criteria be weighted towards local arts providers and fabricators, and that the requirement for the previous delivery of public art be removed as a requirement.

Emerging artists are to be supported through General Provision 1.5.3 of the Policy. Local arts providers and fabricators are supported through the City’s Procurement Policy.

One submission suggested that the inclusion of Aboriginal and Torres Strait Islander Artists in the criteria gave preferential treatment.

Feedback from targeted stakeholder engagement in the review of the draft Policy indicated that the current definition of a Professional Artist in the Policy is not met by a substantial number of otherwise suitably skilled and experienced Aboriginal and Torres Strait Islander Artists. The inclusion of the fifth category *is an Aboriginal and/or Torres Strait Islander Artist* allows for this to be facilitated and aligns with the Innovate Reconciliation Action Plan 2022 – 2024, providing more opportunities for Aboriginal and Torres Strait Islander creatives and to celebrate Noongar artwork and culture in public spaces.

The definition has been expanded from the previous definition allowing more artists to be employed by the implementation of the Policy.

Consultation/Advertising:

Administration has notified all submitters of this item being presented to Council for approval.

Administration will notify all submitters of the outcomes of the Ordinary Meeting of Council and will publish a notice of the resolution in accordance with Schedule 2, Part 2, Clause 5 of the Regulations.

Legal/Policy:

 *Planning and Development Act 2005*; and

 *Planning and Development (Local Planning Schemes) Regulations 2015*.

Risk Management Implications

Low: Approving the Policy is low risk.

Strategic Implications:

This is in keeping with the City’s *Strategic Community Plan 2018-2028*:

Connected Community

*An arts culture flourishes and is celebrated in the City of Vincent.*

*We have enhanced opportunities for our community to build relationships and connections with each other and the City.*

Thriving Places

*Our physical assets are efficiently and effectively managed and maintained.*

Sensitive Design

*Our built form is attractive and diverse, in line with our growing and changing community.*

*Our built form character and heritage is protected and enhanced.*

*Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.*

Innovative and Accountable

*Our resources and assets are planned and managed in an efficient and sustainable manner.*

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City’s Sustainable Environment Strategy 2019-2024,* howeversustainability is a consideration in the assessment of percent for art proposals in terms of design, materiality and ongoing maintenance requirements.

**Public Health IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City’s *Public Health Plan 2020-2025*:

*Increased mental health and wellbeing*

Financial/Budget Implications:

The cost of Council approving the Policy will be met through the City’s existing operational budget.

The employment of artists through the requirement of a public art contribution delivers a local economic benefit and greater delivery of art throughout Vincent than could be achieved through the City’s budget.

Comments:

Artworks in the public realm not only increase vibrancy and improve the experience of the area but can also increase the mental health and wellbeing of users particularly when the artwork expresses the context, heritage and culture of the area as well as the people who live, work and play there. When people can identify with public artworks and spaces it creates a sense of belonging and connectivity.

It is recommended that Council adopt Local Planning Policy No. 7.5.13 – Percent for Art at **Attachment 1**.































