



City of Nedlands

# ***Agenda***

## ***Arts Committee Meeting***

***9 March 2020***

### **ATTENTION**

This Agenda has yet to be dealt with by the Committee.

The Administration Recommendations, shown at the beginning of each item, have yet to be considered by the Committee and are not to be interpreted as being the position of either the Committee or Council.

The Minutes of the meeting held to discuss this Agenda should be read to ascertain the decision of the Committee.

Before acting on any recommendation of the Committee a check must also be made in the Ordinary Council Minutes following the Committee Meeting to ensure that Council did not make a decision at variance to the Committee Recommendation.

Mark Goodlet  
Chief Executive Officer  
27 February 2020

## Table of Contents

|   |   |
|---|---|
| Declaration of Opening .....  | 3 |
| Present and Apologies and Leave of Absence (Previously Approved) .....                | 3 |
| 1. Public Question Time .....   | 3 |
| 2. Addresses by Members of the Public (only for items listed on the agenda) .....     | 4 |
| 3. Disclosures of Financial Interest .....  | 4 |
| 4. Disclosures of Interests Affecting Impartiality .....                              | 4 |
| 5. Declarations by Members That They Have Not Given Due Consideration to Papers ..... | 5 |
| 6. Confirmation of Minutes .....  | 5 |
| 6.1 Arts Committee Meeting 18 November 2020 .....                                     | 5 |
| 7. Items for Discussion .....   | 5 |
| 7.1 Percent for Art Scheme .....  | 5 |
| 8. Date of Next Meeting .....   | 9 |
| Declaration of Closure .....  | 9 |

## City of Nedlands

**Notice of a meeting of the Arts Committee to be held at the Administration Centre, City of Nedlands, 71 Stirling Highway, Nedlands on Monday 9 March 2020 at 5.30pm.**

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### Arts Committee Agenda

#### Declaration of Opening

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

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

#### Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence (Previously Approved)** Nil.

**Apologies** None at the distribution of this agenda.

#### Disclaimer

Members of the public who attend Council 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.

#### 1. Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question. Questions tabled at the meeting may be unable to be answered due to the requirement for technical research and will therefore be answered direct afterwards.

Questions must relate to a matter contained within the agenda of this meeting.

**2. Addresses by Members of the Public (only for items listed on the agenda)**

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

**3. Disclosures of Financial Interest**

The Presiding Member to remind Councillors 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.

**4. Disclosures of Interests Affecting Impartiality**

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

Councillors 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). 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.

## 5. **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.

## 6. **Confirmation of Minutes**

### 6.1 **Arts Committee Meeting 18 November 2020**

The Minutes of the Arts Committee 18 November 2020 are to be accepted as a true and correct record of that meeting.

## 7. **Items for Discussion**

### 7.1 **Percent for Art Scheme**

|   |   |
|---|---|
| <b>Arts Committee</b>   | 9 March 2020                                      |
| <b>Applicant</b>  | City of Nedlands                                  |
| <b>Employee Disclosure under section 5.70 Local Government Act 1995</b> | Nil.  |
| <b>Director</b>   | Lorraine Driscoll – Director Corporate & Strategy |
| <b>Attachments</b>  | Nil.  |

## **Executive Summary**

The purpose of this item is to generate an initial discussion by Arts Committee members of the broad concepts relating to a developer-funded Percent for Art Scheme for the City of Nedlands. At this stage, there is no such scheme in the City of Nedlands. Therefore, the information in this report is provided for information only and does not require a decision from the Arts Committee at this time, other than the decision to receive the information provided for further consideration.

The City is at the earliest stages of exploring the possibility of having a Percent for Art Scheme and, should Council decide to introduce such a scheme, what its key features would be. As an introduction to the key concepts underlying a Percent for Art Scheme, this agenda item marks the start of Councillors considering this matter. There will be further opportunity to consider the matter and a formal Council decision on the matter, before any such scheme can be adopted.

## **Recommendation to Committee**

**That the Arts Committee receives the information provided in this report on the broad concepts underlying a developer-funded Percent for an Art Scheme for the City of Nedlands.**

## **Discussion/Overview**

Public art adds meaning to our environment and invigorates public spaces. The City has a strategic aspiration to be an attractive City with residential amenity and a strong sense of community and place. Public art can support this aspiration in ways that are interesting, engaging and unique to this community.

To date, the City has acquired its public artworks in two main ways:

- as works donated to Council by the Nedlands Cultural and Community Society; and
- as works purchased or commissioned by Council.

The Nedlands Cultural and Community Society is no longer in existence, having fulfilled its purpose of using its funds to commission high-quality public artworks and donate them to the City of Nedlands. It is unlikely that the City will continue to receive such generous donations in future.

In recent years, Council has commissioned or purchased several major public artworks. Public artworks are necessarily relatively expensive to acquire, because of their size, the need for structural integrity, longevity and artistic quality. The works that were commissioned or purchased by Council have been funded from rates revenue, a source of funds that is always under pressure from competing needs.

A third option for funding public artworks is now available to Council. The recent adoption of the City's Local Planning Scheme 3 provides the opportunity to introduce a developer-funded Percent for Art Scheme, should Council wish to do so. Therefore, the following discussion focuses on the key features of a Percent for Art Scheme.

The key features of a developer-funded Percent for Art Scheme include:

- How it would be funded
- Which developments it would apply to
- Which developments it would not apply to
- The amount to be contributed
- Options available to the developer
- Maximum amount of contribution by developer

Further information on these key features is provided below.

### **How would it be funded?**

A Percent for Art Scheme would be funded by a contribution levied on the developer of any new development in the City of Nedlands that fit within certain criteria set by Council.

### **Which developments would it apply to?**

Specifically, which developments this levy would apply to is yet to be considered and decided by Council. However, a starting point for discussion might be that the levy applies only to developments, alterations or additions:

- Costing \$2 million or more; and being any of the following:
  - A non-residential development
  - A mixed-use development
  - A multiple dwelling.

The principal is that the type of developments to which this levy would apply must be clearly defined and decided by Council.

### **Which developments would *not* have to pay the levy?**

Just as Council has not yet decided which types of development a Percent for Art levy would apply to, equally there has not yet been a Council decision on what type of development would be excluded from the levy. However, most other local governments with a Percent for Art Scheme in place have excluded private single dwellings from the scheme. This would mean that private houses would be exempt from the scheme and therefore not required to pay a contribution.

### **Amount to be contributed**

While the amount to be contributed by the develop under the Percent for Art Scheme is yet to be decided by Council, a standard amount that has been set by various local governments is 1% of the cost of the development. In setting the amount, Council will wish to consider two factors:

- Ensuring that the amount is high enough to fund quality artworks; and
- Ensuring that the amount is not so high as to inhibit development.

Various Councils throughout WA have found 1% of the cost of the development to be a figure that fits with both factors listed above.

### **Options available to the developer**

Most Percent for Art Schemes allow the developer two different options in relation to how their contribution is spent. These options are:

- Option 1 – Developer provides public artwork on-site; or
- Option 2 - Developer provides cash-in-lieu contribution to City.

If the developer elects to provide the public artwork onsite they are then responsible for commissioning the artwork within the boundaries of their development. The artwork commissioned by them must comply with criteria that are set by the City. These criteria would have been approved by Council, as part of the Public Art Strategy.

If the developer elects to pay a cash-in-lieu contribution to the City, then the City must deposit those funds into a specific Public Art Reserve Account; and must spend the funds according to the approach outlined in Council's Public Art Strategy.

### **Maximum amount of levy**

Most Councils set a maximum amount that the developer would be required to set aside for public art. This amount varies between Council areas, but a starting point might be for the Arts Committee to consider capping the contribution at \$500,000.

### **Key Relevant Previous Council Decisions**

N/A

### **Consultation**

N/A

### **Budget/Financial Implications**

There are no remaining funds in the current financial year's approved budget available for expenditure on public art. While \$50,000 was approved for expenditure on public art in the current financial year, all of this amount has been spent on finalizing the most recent commission by Council, being the public artwork located in Annie Dorrington Park, Mt Claremont.

Given the competing pressures on Council budgets, Council and its Arts Committee may wish to consider introducing a developer-funded Percent for Art Scheme that will enable high quality public artworks to be funded in a financially sustainable way into the future.

## **Legal Implications**

Adoption of a developer-contribution Percent for Art Scheme would need to involve a formal Council decision or decisions, which included the adoption of:

- A Percent for Art Local Planning Policy; and
- A Public Art Strategy.

Neither of these has yet been considered or adopted by Council.

Together, the Percent for Art Local Planning Policy and Public Art Strategy would specify the specific features of such a scheme and also outline how any cash-in-lieu contributions would be spent. Therefore, any future Council decision on a draft Percent for Art Local Planning Policy and a draft Public Art Strategy would provide Council with the opportunity to decide the specific features of such a scheme.

## **Conclusion**

This report provides information on the key features of a developer-funded Percent for Art Scheme, which Council and its Arts Committee may wish to consider introducing. The Arts Committee is not, at this stage, being asked to decide whether such a scheme should be introduced, or on the key features of such a scheme. Instead, the information in this report is provided for the Arts Committee's information only. Further opportunities for Council to consider this information will be provided at a Councillor Briefing in the near future.

### **8. Date of Next Meeting**

The next meeting of the Arts Committee will be held on Monday 18 May 2020.

### **Declaration of Closure**

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