

## LOCAL PLANNING POLICY 207

### PUBLIC ART

KEY FOCUS AREA LIVEABILITY

#### Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 207 – Public Art.

#### Policy Statement

The Town recognises that public art contributes to a sense of place and community and can enrich the visual amenity of the public domain.

#### Policy Objectives

- (a) Provide for the ability to impose conditions on development approvals requiring contributions towards the provision of public art.
- (b) Improve interpretation of cultural, environmental and built heritage.
- (c) Create and enhance a sense of place by encouraging public art forms.
- (d) Improve legibility by introducing public art which assists in making streets, open spaces and buildings more identifiable.

#### Application

This Policy applies to all applications for development approval for residential, commercial or mixed-use development, where the estimated cost of the development exceeds \$1 million.

This Policy does not apply to single houses, up to and including five grouped dwellings, industrial development or educational establishments.

#### Definitions

Artist: *means:*

- a person who has a university degree or minimum 3 year full time TAFE Diploma in visual arts, or when the brief calls for it, other art forms such as multimedia;
- a person who has a track record of exhibiting their artwork at reputable art galleries that sell the work of professional artists;
- A person who has had work purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank; or
- a person who earns more than 35% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

Construction Cost: *means the estimated cost of the equipment, financing, services and utilities required to carry out a development but does not include the cost of the acquisition of land, architectural, design or consultants fees. The Town will generally accept the construction cost of the development to be the*

same as the “approximate cost of proposed development” stated by the applicant in the development application form.

Public Art: means a work that is created by an artist that is sited in a highly visible position when viewed from the public realm and can include (but is not limited to) the following:

- The artistic treatment of functional equipment such as bike racks, benches or fountains;
- Playground equipment, light posts or shade structures which are unique;
- Landscape art enhancements such as walkways, bridges or art features within a garden;
- Murals, tiles and mosaics covering walls, floors and walkways; and
- Sculptures, free-standing or incorporated as an integral element of a building design.

Public art does not include the following:

- Business logos, advertising and/or signage;
- Art that is mass produced or off-the-shelf reproductions;
- Architectural building cladding, unless of a high quality uniquely artistic nature that significantly enhances the public realm and fulfils the objectives and requirements outlined in this policy, to the satisfaction of the Town; or
- Landscaping or hardscaping which would normally be associated with the development.

## Policy Requirements

### 6.1 General Requirements

(a) Applications for Development Approval that provide for the construction of residential and/or commercial development (or alterations or extensions to these developments) are to make a contribution to public art, equivalent of 1% of the estimated cost of development (but not exceeding \$500,000), by way of:

(i) Providing public art. For the purposes of this option, the cost of the art may include artist’s fees, labour, materials, installation, operating costs and the costs of any required permits or approvals. Where the public art is to replace a functional and/or required part of the development, the cost calculation shall reflect the difference in cost between the provision of the standard component and the cost of the artist prepared component; or

(ii) Making a cash contribution.

(b) Where public art is provided in accordance with Clause 6.1(a)(i) above, it is to be installed prior to the commencement of use and/or occupancy of the development site and maintained by the landowners for the life of the development.

(c) Where a cash-in-lieu contribution is made in accordance with Clause 6.1.(a)(ii), it shall be paid prior to the commencement of use and/or occupancy of the site, with the funds to be used by the Town on public art projects that are located in, and contribute to the locality within which the development is located. The Town may also use the funds for the establishment of a gallery or similar to display public art.

### 6.2 Design Requirements

(a) Public art shall accord with the following design criteria:

- (i) Be located within the lot boundaries of the development site, unless otherwise approved by the Town;
  - (ii) Be located where it can be clearly seen from the public realm and contribute to an attractive and stimulating environment;
  - (iii) Be durable, sustainable and easy to maintain, including being resistant to vandalism;
  - (iv) Not detract from the amenity or safety of the surrounding area, pedestrians or vehicles;
  - (v) Where considered appropriate, be lit at night by the use of energy efficient lighting;
  - (vi) Be responsive to the site context and reflect the local area's natural, physical, cultural or social values and/or history;
  - (vii) Take into account the existing public art in the vicinity to avoid repetition and to ensure the public art is unique; and
  - (viii) Be functional, where appropriate.
- (b) Artists are encouraged to ensure public art is accessible to all members of the community, irrespective of their age and abilities, and include sensory experiences for people with disabilities.
  - (c) Artists are encouraged to collaborate with other project consultants, including landscape architects, urban planners and engineers to ensure the artwork is complimentary to and compatible with other elements of the development.

### **6.3 Application Requirements**

- (a) Applications that are subject to this Policy are to advise of the intended method of satisfying the requirements of Clause 6.1(a) of the Policy.
- (b) Where an applicant elects to provide public art in accordance with Clause 6.1(a)(i) of the Policy, the application for Development Approval shall include a preliminary proposal for public art which addresses:
  - (i) The form of public art proposed;
  - (ii) The approximate size of the public art proposed;
  - (iii) Detailed documentation of the artwork, including photographs, design, fabrication and installation and maintenance processes; and
  - (iv) The indicative location of the public art proposed on the development site.
- (c) In approving an application for Development Approval that proposes public art, a condition will be imposed requiring the following details of the public art to be provided to the Town for approval, prior to the lodgement of a Building Permit application:
  - (i) Design documentation of the proposed public art;
  - (ii) Detailed plans of the public art which are to scale and include dimensions, details of the materials, location, colours and installation method;
  - (iii) Cost calculations of the proposed public art; and
  - (iv) The proposed maintenance regime.

#### 6.4 Approval, Installation and Maintenance

- (a) No additional development approval will be required for the installation of the approved public art located on a development site, unless otherwise prescribed in the relevant Development Approval.
- (b) Only artists or persons supervised by an artist, are permitted to carry out public art commissions, unless otherwise approved by the Town.
- (c) The landowner is responsible for the ongoing maintenance and long-term asset renewal (if applicable) of the artwork, to the satisfaction of the Town, in accordance with the information provided in accordance with Clause 6.3(c)(iv).

Document Control Box			
<b>Legislation:</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>		
<b>Organisational:</b>	Town of Claremont Public Art Collection Work Procedure Town of Claremont Public Art Plan - 'Public Art in Our Town'		
<b>Version #</b>	<b>Decision:</b>	<b>OCM Date:</b>	<b>Resolution Number:</b>
1.	Adopted	27 September 2022	123/22