

Provision of Public Art in Development Proposals

This document outlines the requirement for public art provision for certain developments, what is public art and installation requirements.

The City acknowledges the many benefits of including public art within the public realm on both public and private land. Public art contributes to the identity of a place in various ways: by interpreting and highlighting local culture and customs, contributing positively to the overall design and visual appearance of a place, and adding to the vibrancy, familiarity, and legibility of a place through the creation of memorable experiences and landmarks. Public art also creates work opportunities for artists, businesses, and manufacturers.

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Citation

This is a Local Planning Policy prepared under Schedule 2 of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and the City of Melville Local Planning Scheme No. 6 (LPS No.6). This Local Planning Policy may be cited as Local Planning Policy No. 1.4 – Provision of Public Art in Development Proposals (LPP 1.4).

Policy Objectives

The objectives of this policy are as follows:

- To contribute to a sense of place through the provision of public art which provides an interpretation and expression of the local area's natural, physical, cultural, and social values.
- To increase the amenity of a place for existing or future occupants where there is a new substantive development through the provision of public artwork on the development site or within nearby public realm.
- To add to the appearance, vibrancy, character and amenity of developments and their surrounding environment.
- To create local landmarks to aid in the legibility of places.
- To create new professional and economic opportunities for established and emerging Western Australian artists.
- To provide consistency in the provision of public art in new developments through clear definitions, application and process and implement the City's Public Art Strategy and Cultural Plan.
- To establish best practice in the provision and delivery of public art in the development process.

Policy Scope

This policy applies to all applications for development approval for multiple dwellings, mixed use or non-residential developments (or additions or extensions to these developments) where the development cost nominated on the Application for Development Approval form exceeds \$2 million. The policy provides assessment criteria to guide the assessment of development applications that include public art.

Definitions

Public Art

Public art is the artistic expression of an artist integrated into the public realm such as a street, park, urban plaza or public building (it does not include internal spaces of buildings which are accessible to the public).

Public artwork can be integrated into the building or be freestanding on the development site. This can occur as a stand-alone art work, or integration into the fabric of buildings, road infrastructure elements or landscaped outdoor spaces. Public art can be permanent, temporary, or ephemeral, however temporary and ephemeral art can only be provided in public spaces.

Public art can include (but is not limited to):

- (a) The artistic treatment of functional equipment/building element such as screening, balustrades, bike racks, benches, fountains, playground equipment, light posts or shade structures which are unique and produced by a professional artist.
- (b) Landscape art enhancements such as walkways, bridges or art features which are unique and produced by a professional artist.
- (c) Murals and mosaics covering walls, floors and walkways.
- (d) Sculptures, free-standing, wall supported or incorporated as an integral element of a buildings' design.

Public art does not include:

- (a) Business logos. Artworks that include a business logo
- (b) Advertising signage. Commercial promotions in any form
- (c) Directional elements such as super graphics, signage or colour coding
- (d) Art objects which are mass produced or off-the-shelf reproductions.
- (e) Landscaping or hardscaping which would normally be associated with the development.
- (f) Services or utilities necessary to operate or maintain art works.

Artist

A professional visual artist can be defined as a person who fits the following criteria:

- a person who has specialised training in the artistic field (not necessarily in academic institutions)
- is recognised as a professional by his or her peers (artists working in the same artistic tradition)
- dedicates time to make and developing a body of work.
- has a history of showing their work in exhibitions, performances or publications.

In some cases this definition may be relaxed where it may be specified for a particular project. For example, a project involving emerging artists, Indigenous artists, students or street/urban artists.

Artists may work individually or in collaborative teams to develop and implement public art projects. Collaborative teams may include, but are not limited to, writers, choreographers, stage designers, and performers as well as visual and new media artists and craftspeople.

No artist under consideration for a public art in developments project may have a familial relationship to the Developer or have financial interest in the development.

Public Art Co-ordinator/Art Consultant:

A person who has relevant qualification and experience in public art procurement and project delivery who is contracted to manage the procurement of the public art project on behalf of the developer/landowner.

Construction Cost:

Has the same meaning as the cost of development provided as part of the development application.

Or

All costs associated with the preparation, construction and full completion of a development, including all materials, labour, servicing and ancillary costs. To ensure accurate calculation of public art contribution values, the will City require calculation based on the building permit construction cost (which is required to be prepared based on quantity surveyor input or use of a reputable cost guide estimate).

Ephemeral art

Art that is transitory in nature, usually designed as an experience or event and lasting for only a short period, such as land art, light projections, performance art, music, dance, or exhibitions. It is generally created with impermanent materials.

City of Melville Capital Arts Trust

A special fund held in the City's accounts for the purposes of accumulating cash-in-lieu contributions made under this policy. The funds are to be used by the City, or persons engaged by the City, for the provision of public art within or within proximity of the contributing site. A public art strategy and/or Cultural Plan will guide the use of the funds accumulated.

Public Art Plan

A plan prepared and submitted for the City's approval to ensure public art is included in the development and provided to the City's requirements. (See Information Requirements of this policy for further details)

Temporary Art

In the context of this policy, temporary art is artwork that has a predetermined lifespan, is designed to be installed for a short time frame (e.g. 1 week to 1 year) and includes site specific installations and sculpture.

POLICY STATEMENT

Application

- 1 Each application for the construction of a multiple dwelling, mixed use or non-residential development (or alterations, additions or extensions to these developments) are to provide public art in accordance with the below table:

Table 1

Construction Cost	Required Contribution
Up to \$2 million	Contributions are optional and negotiable.
\$2 million to \$15 million	Minimum 1% contribution either provided as public art on the development site or paid into the public art fund to be expended within proximity of the development site.
\$15 million to \$50 million	\$150,000 plus 1% for every construction cost dollar over \$15 million, either provided as public art on the development site or paid into the public art fund to be expended within proximity of the development site.
Over \$50 million	\$500,000, either provided as public art on the development site or paid into the public art fund to be expended within proximity of the development site; <u>and</u> An additional contribution of 0.5% for every construction cost dollar over \$50 million paid into the public art fund to be expended within proximity of the development site.

- 2 Details of the proposed public art will be required to be provided in a Public Art Plan for approval by a City panel prior to the approval of any development application, or at a later date as specified by a condition of development approval. Alternatively, where the developer elects, and the City agrees, the public art contribution may be satisfied by cash-in-lieu based on the % rate described Table 1 above. Cash-in-lieu payments will be received into and held by the City of Melville Capital Arts Trust.
- 3 Public art provision on site is required to be provided prior to initial occupation of the development. If cash in lieu contribution is proposed instead, this is to be paid prior to construction commencing. The development approval will be conditioned.
- 4 Where the developer elects to provide public art on site, a public art plan is to be provided as part of the application for development approval or in lieu of this – minimum detail provided to advise of the indicative public art opportunity locations and themes of public art provided. In the absence of this information, the City will be of the understanding the applicant is electing to proceed with cash in lieu and the development approval will be conditioned accordingly.
- 5 For developments with a value of less than \$15 million, if the developer elects to provide a cash in lieu payment over provision on site, the contribution will attract a discount of 15%.
- 6 Temporary and ephemeral public art can only be provided in public spaces and therefore needs to be procured and managed by the City. This means that provision can only be funded through cash in lieu and must still meet the definition of 'public art' and be delivered by an 'artist' as outlined within this policy.

Installation

- 7 Public art is to be located within the lot boundaries of the development site unless otherwise agreed by the City.

- 8 No additional development approval will be required for the installation of the public art located within the lot boundaries, unless it will result in any variations to the applicable development requirements for the Precinct.
- 9 Prior to the installation of the approved public art the installer shall ensure compliance with all relevant standards and legislation. Some public art may require a building permit.
- 10 Only artists or persons supervised by a professional artist will be eligible to carry out public art commissions.
- 11 Once approved, the public art should be installed prior to the initial occupation of the development (or a later time as agreed by the City in writing) and thereafter maintained in perpetuity by the property owner/s. This will be conditioned on the development approval accordingly and does not form part of the public provision budget.
- 12 Where cash-in-lieu is provided, such funds will be expended by the City in accordance with the Cultural Plan on public art located within the applicable neighbourhood. All funds to be spent within 5 years of their receipt.
- 13 A plaque or similar identifier is to be installed on, or in close proximity to the public art which details the artist's name, name of the installation and date of the installation.

Information Requirements

- 14 The following details of the proposed public art are to be provided to the City in a Public Art Plan for approval prior to its installation:
 - (a) Design documentation including:
 - i. contract,
 - ii. artist details and qualifications,
 - iii. design brief (artist brief) research,
 - iv. concept development, and
 - v. a detailed statement addressing compliance with the Performance Standards outlined below section.
 - (b) Detailed plans of the artwork which are to scale and include dimensions, details of the materials, location, colours, lighting plan (if applicable) and installation methods.
 - (c) Cost calculations of the proposed public art which are itemised per art work. These can take into account the artist's fees, consultants fees, labour, materials, installation, operating costs and costs of any required permits or approvals. Where the public art is to replace a functional and/or required part of the development, such as a balcony balustrade, the cost calculation shall reflect the difference in cost between the provision of the standard component and the cost of the artist prepared component. The public art consultant and/or public art project management fees shall make up no more than 15 percent of total budget. The total artist fee should be in proportion to the art budget.
 - (d) For artwork proposed to be located over public land, a copy of the relevant engineering certification and public liability insurance is to be submitted prior to approval being issued. Please note that relevant landowner authority may prevent provision within certain locations.
 - (e) A maintenance report prepared by the artist, including consent from the artist for any ongoing care or maintenance of the artwork by the building owner or public authority.
 - (f) A letter written by the commissioner of the artwork acknowledging the implications of the *Copyright Amendment (Moral Rights) Act 2000* including how the artist will be

acknowledged (naming plaque), accepting maintenance obligations, and consent for the City to publish images of the artwork.

- 15 Once installation is complete the following information is required to be provided to the City;
- (a) contact details for the suppliers/manufacturers/ installers;
 - (b) certified drawings where applicable; and
 - (c) photographs to a professional standard in both high and low resolution. Details of the photographer should also be provided to allow them to be credited in the instance the City use the photos for promotional purposes.

Performance Standards

- 16 Public art should satisfy all of the following criteria:
- (a) Be located where it can be clearly seen from the public realm.
 - (b) Be an original artwork, specifically designed for the building on site on which it is to be located.
 - (c) Be of high aesthetic quality.
 - (d) Be durable, sustainable and easy to maintain.
 - (e) Be created with consideration for the City's Public Art Strategy and Masterplan.
 - (f) Contribute to an attractive and stimulating environment.
 - (g) Not detract from the amenity or safety of the surrounding area.
 - (h) Where considered appropriate be lit at night by the use of energy efficient lighting but such that there is no adverse amenity impact on the surrounding locality through unacceptable light spill.
 - (i) Be responsive to the site context and reflect the local area's natural, physical, cultural or social values history.
 - (j) Take into account the existing public art in vicinity so to avoid repetition and to ensure the artwork is unique.
 - (k) That the public art be functional where appropriate.
 - (l) Be resistant as possible to vandalism.

Exemption from requiring Development Approval

- 17 If Public Art is proposed outside of a new development or substantive addition, it may not require development approval under the exemptions within Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 18 All artworks which are delivered to satisfy a condition of development approval on private property are covered under the substantive development approval. Modification to the artworks once installed however may attract a new development application.
- 19 Public artworks delivered by the City are public works and generally exempt from requiring development approval.

References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No. 6
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Public Art Strategy and Masterplan Melville City Centre Public Art Strategy City of Melville Cultural Plan Relevant area specific Structure Plans
Delegated Authority No:	DA-020: Planning and Related Matters

ORIGIN/AUTHORITY

Ordinary Meeting of Council

16/04/13

Item No.

P13/3378

Reviews

Ordinary Meeting of Council

19/08/14

P14/3527

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19/03/2019

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