

## Provision of Public Art in Development Proposals

**Policy Type: Local Planning Policy**  
**Policy Owner: Director Urban Planning**

**Local Planning Policy No. CP-085LPP 1.4**  
**Last Review Date: 17 September 2018<sup>19</sup>**  
**August 2014**

### Policy Objectives

The objectives of this policy are:

- 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 enhance public enjoyment and understanding of places through the integration of art into developments.
- To add to the appearance, vibrancy, character and amenity of developments and their surrounding environment.
- To create local landmarks.
- To provide increased public exposure to, and understanding of, public art.

### 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).

### Definitions

#### Public Art

Is a work that is created by an artist and is sited in a visually accessible public location.

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

- (a) The artistic treatment of functional equipment such as 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 ~~within a garden~~ which are unique and produced by a professional artist.
- (c) Murals, tiles 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  
Directional elements such as super graphics, signage or colour coding.
- (c) Art objects which are mass produced or off-the-shelf reproductions.
- ~~(d)~~ Landscaping or hardscaping which would normally be associated with the development.
- ~~(d)(e)~~ Services or utilities necessary to operate or maintain art works

## Artist

Is a person who meets a minimum of two of the following criteria:

- ~~(a) Has a Bachelors Degree or Diploma in visual arts or any similar field;~~
- ~~(a) Has a history of exhibiting their own original artwork at reputable art galleries that sell the work of professional artists;~~
- ~~(b) A person who has had their own original artwork purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank;~~
- ~~(d) A person who earns more than 50% of their income from art related activities, such as teaching, selling artwork or undertaking public art commissions.~~

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multi media;
- a person who has a history of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person is represented in major public collections; and
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

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.

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 is contracted to manage the procurement of the public art project on behalf of the developer. The PAC/AC will have extensive prior experience in managing similar projects.

No Public Art Co-ordinator under consideration for a public art in developments project may have a familial relationship to the Developer or have financial interest in the development.

## 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) where the cost of development exceeds \$24 million, are to provide public art to the value of 1% of the cost of development.



- 2 Details of the proposed public art will be required to be provided 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 Council agrees, the public art contribution may be satisfied by cash-in-lieu based on the % rate described in (1) above. Cash-in-lieu payments will be received into and held by the City of Melville Capital Arts Budget.
- 3 Where the developer elects to provide public art on site details shall be provided as part of the application for development approval. In the absence of this information the City will be of the understanding the applicant is electing to proceed with cash in lieu.
- 4 For developments with a value of less than \$10 million, a cash in lieu payment will attract a discount of 15%.
- 5 Within the Melville City Centre (MCC) Activity Centre Plan area public art shall be provided in accordance with the MCC Public Art Strategy.
- 6 Within the Murdoch Mixed Use Precinct Activity Centre Plan area public art shall be provided in accordance with the relevant activity centre plan and associated design guidelines.

## Installation

- 27 Public art is to be located within the lot boundaries of the development site unless otherwise agreed by the City. Alternatively, a cash in lieu payment may be paid into the City's Capital Arts Budget.
- 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, or unless required by other standards or legislation.
- 39 Prior to the installation of the approved public art the installer shall ensure compliance with all relevant standards and legislation.
- 410 Only professional artists or persons supervised by a professional artist will be eligible to carry out public art commissions.
- 511 Once approved, the public art should be installed prior to the initial occupation of the development (or a later time as agreed by the Council in writing) and thereafter maintained in perpetuity by the property owner/s.
- 612 Where cash-in-lieu is provided, such funds will be expended by the City on approved 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

714 ~~9~~ The following details of the proposed public art are to be provided to the City for approval prior to its installation:

- (a) Design documentation including contract, artist qualifications, design brief (artist brief) research, concept development and a detailed statement addressing compliance with the Performance Standards outlined in Clause ~~16~~4 below.
- (b) Detailed plans of the art work which are to scale and include dimensions, details of the materials, location, colours and installation methods.
- (c) Cost calculations of the proposed public art. 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.
- (d) For artwork to be located over public land, a copy of the relevant public liability insurance is to be submitted prior to approval being issued.

715 Once installation is complete the following information is required to be provided to the City;

- (a) details of the artist
- (b) contact details for the suppliers/manufacturers/ installers;
- (c) care guide and maintenance schedule. Maintenance of public art on private property shall be undertaken by the landowner;
- (d) certified drawings where applicable
- (e) 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

816 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.
- (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.
- ~~(e)~~(f) Contribute to an attractive and stimulating environment.
- ~~(f)~~(g) Not detract from the amenity or safety of the surrounding area.
- ~~(g)~~(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
- ~~(h)~~(i) Be responsive to the site context and reflect the local area's natural, physical, cultural or social values history.
- ~~(i)~~(j) Take into account the existing public art in vicinity so to avoid repetition and to ensure the artwork is unique.
- ~~(j)~~(k) That the public art be functional where appropriate.
- ~~(k)~~(l) Be to the value of no less than 1% of the estimated cost of development.
- (m) Be resistant as possible to vandalism.



For proposals within the Melville City Centre or Murdoch Mixed use activity centres the applicants shall also demonstrate that the public art has been designed to take into consideration the relevant public art strategy and structure plan provisions.

#### References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	<a href="#">Public Art Strategy and Masterplan</a> <a href="#">Melville City Centre Public Art Strategy</a> <a href="#">Murdoch Specialised Activity Centre Plan</a> <a href="#">Murdoch Mixed Use Precinct Activity Centre Plan</a>
Delegated Authority No:	DA-020: Planning and Related Matters

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#### ORIGIN/AUTHORITY

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