



POLICY

TITLE:	DEVELOPER FUNDED PUBLIC ART	CODE:	LP.03
PURPOSE or OBJECTIVE:	<p>The objectives of the Policy is to:</p> <ol style="list-style-type: none"> 1. Improve the attractiveness and functionality of the City’s built environment. 2. Develop and promote community identity within the City. 3. Increase the social, cultural and economic value of the City. 4. Increase public awareness of the value of art and design. 5. To create local landmarks. 		
REFERENCE DOCUMENTS:	City of Canning Town Planning Scheme No. 40; Planning and Development (Local Planning Schemes) Regulations 2015 and State Planning Policy No. 3.1 – Residential Design Codes of WA.		

POLICY STATEMENT

The community appreciates public art as a significant cultural asset and to promote this art the Policy sets out the requirements for art works to be provided as part of private development projects within the City.

1. Scope

This policy applies to all applications for development approval for multiple dwellings, mixed use or non-residential developments (inclusive of additions or extensions to these developments), where the projected cost of development exceeds \$4 million, but does not apply to industrial development proposals.

2. Definitions

Unless otherwise defined, words and expressions in this policy are as defined in Appendix 1 of the City of Canning Town Planning Scheme No. 40 (the City’s Scheme), the *Planning and Development Act WA 2015* or the Residential Design Codes of WA (R-Codes), or as defined below:

<i>Public Art</i>	<p>Is a work that is created by an artist and is sited in a highly visible position when viewed from a public location.</p> <p>Public art can include (but is not limited to):</p> <ol style="list-style-type: none"> (a) The artistic treatment of functional equipment such as bike racks, benches, fountains. (b) Playground equipment, light posts or shade structures which are unique. (c) Landscape art enhancements such as walkways, bridges or art features within a garden. (d) Murals, tiles and mosaics covering walls, floors and walkways. (e) Sculptures, free-standing or incorporated as an integral element of a buildings’ design. <p>Public art does not include:</p> <ol style="list-style-type: none"> (a) Business logos. (b) Advertising signage. (c) Art objects which are mass produced or off-the-shelf reproductions. (d) Landscaping or hardscaping which would normally be associated with the development.
<i>Professional Artist</i>	A regular exhibitor of public art work; offering work for sale, or selling work; having been awarded or eligible for a government grant; selected for public exhibition, awards or prizes; having secured work or consultancies on the basis of professional expertise; having had work acquired for public or private collections; being a member of a professional association on the basis of his/her status as an artist.

3. Legal Status

This policy is a planning policy prepared, advertised pursuant to Clause 2.7.12 of the City’s Scheme and adopted pursuant to Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning

Schemes) Regulations 2015. The policy augments and is to be read in conjunction with the provisions of the City's Scheme and the Planning and Development (Local Planning Schemes) Regulations 2015. If there is conflict between this local planning policy and the Scheme, then the Scheme will prevail.

4. Where the Public Art Contribution Applies

- (1) Each application for development approval involving multiple dwellings, mixed use or non-residential developments (including alterations, additions or extensions to these developments), where the cost of development exceeds \$4 million, is required to provide public art to the value of 1% of the cost of the development.
- (2) Notwithstanding Clause 4(1) above, the maximum contribution shall not exceed \$250,000.
- (3) Details of the proposed public art will be provided for approval by the City 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 rates described in Clause 4(1) and 4(2) above. In such circumstances the cash-in-lieu payment shall be made prior to the commencement of works associated with the development.

5. Approval of Artworks

- (1) The proposed Public Art is to be approved by Council on the advice of an appropriately established Advisory Group or Committee appointed by Council.

6. Installation

- (1) Public art is to be located within the lot boundaries of the development site.
- (2) No additional development approval will be required for the installation of the approved 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.
- (3) Only professional artists or persons supervised by a professional artist will be eligible to carry out public art commissions, unless the City in certain circumstances deems it appropriate to be more flexible and allow people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging and indigenous artists or students may be considered appropriate.
- (4) The public art is to be commissioned and installed prior to the initial occupation of the development (or a later time as agreed by the City in writing) and thereafter maintained for the life of the development by the property owner/s. A condition is to be placed on the development approval to reinforce the ongoing obligation to maintain the artwork.
- (5) Where cash-in-lieu is accepted as an alternative the funds will be expended by the City on approved public art located within the applicable neighbourhood. In that event the funds will be held in a Public Art Trust and the City will endeavour to ensure the funds are spent within 5 years of their receipt.
- (6) 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.

7. Information Requirements

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

- (1) Design documentation including research, concept development and a detailed statement addressing compliance with the Performance Standards outlined in Clause 8 below.
- (2) Detailed plans of the art work which are to scale and include dimensions, details of the materials, location, colours and installation methods. Where available a preliminary scale model (maquette) of the art should be included with the plans or as an alternative to the plans.
- (3) Cost calculations of the proposed public art. These can take into account the artist's 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.

8. Performance Standards

Public art should satisfy all of the following criteria:

- (1) Be located where it can be clearly seen from the public realm.
- (2) Be an original artwork.

- (3) Be of high aesthetic quality.
- (4) Be durable, sustainable and easy to maintain.
- (5) Contribute to an attractive and stimulating environment.
- (6) Not detract from the amenity or safety of the surrounding area.
- (7) 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.
- (8) Be responsive to the site context and reflect the local area's natural, physical, cultural or social values history.
- (9) Take into account the existing public art in the vicinity to avoid repetition and to ensure the artwork is unique.
- (10) Where appropriate, be functional.
- (11) Be resistant to possible vandalism.

9. Policy Review

The Policy should be reviewed within 2 years of the date of adoption to consider its performance in delivering good public art outcomes for the City. The minimum development value threshold should be reviewed with consideration being given to increasing this value at this time depending on CPI increases or other appropriate indices to ensure the more significant development projects are being captured.

GOVERNANCE REFERENCES

Statutory Compliance	Planning and Development Act 2005; and City of Canning Town Planning Scheme No. 40
Process Links	Nil

POLICY ADMINISTRATION

Directorate		Officer Title	Authority to Approve
Planning and Regulation		Director Planning and Regulation	Council
Version	Decision Reference	Synopsis	Delegation No
2	October 2015 (OCM)	Draft Local Planning Policy (for advertising)	N/A
3	19 April 2016 (PR-016-16)	Policy Adoption (D16/26460)	N/A