

6.12 PUBLIC ART ON PRIVATE LAND

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Stirling 'Local Planning Scheme No.3'.

1.0 INTRODUCTION

This Policy guides the provision of public art as a means of complementing the impacts of urban intensification by improving the appearance and amenity of places.

Public Art also has cultural, environmental, social and economic values, and provides a significant community benefit by:

- Contributing to the overall appearance and amenity of an area subject to development;
- Making an area liveable with a local distinctiveness and a sense of place;
- Promoting an understanding and appreciation of our cultural and natural heritage;
- Helping define notions and perceptions of a place that create and enhance cultural and community identity;
- Enhancing the built environment by creating meaningful public spaces;
- Improving the public experiences of buildings and spaces; and
- Contributing to cultural tourism by enhancing visitor experiences of a place.

The development of Public Art within the City is supported by this Policy (including appendix 1), Public Art Masterplan 2021-2025, and the Developer's Guide to Public Art.

2.0 OBJECTIVES

- To complement the impacts of urban intensification through providing functional private and public realm infrastructure that contributes to the overall amenity of an area;
- To develop a positive sense of place through the provision of public art where urban intensification is occurring;
- To improve the appearance, vibrancy, character, and amenity of the City's built environment; and
- To improve the attractiveness and functionality of the private and public domain for those living, using or passing by development sites through the use of public art.

3.0 APPLICATIONS SUBJECT OF THIS POLICY

This Policy applies to all development with a cost of \$2 million (excluding GST) and above, except for:

- Single houses and grouped dwellings.
- Multiple dwellings in Residential R40 zones and below.
- Multiple dwelling developments of:
 - 10 dwellings or less in all other Residential zones.
 - 10 dwellings or less in a Special Use zone.
- All development in an Industry zone.
- Public Use Reserves.
- Metropolitan Region Scheme Reserves.

Where this Policy is inconsistent with another planning instrument applying to a particular site or area, the provisions of that planning instrument shall prevail to the extent of the inconsistency.

4.0 PUBLIC ART REQUIREMENT

- Developments with a cost of development of less than \$2 million (excluding GST) are not required to provide public art.
- Developments with a cost of development of \$2 million and above (excluding GST) are required to provide contributions as per the table below:

Cost of Development	Required Contribution
\$2 million to \$50 million inclusive (excluding GST)	Minimum 1% contribution cost of development provided as public art.
Over \$50 million (excluding GST)	\$500,000 plus 0.5% for every construction cost dollar over \$50 million, provided as public art.

- The proposed location of the public art is to be provided at the time of submission of the application for development approval, along with a brief report showing how the public art requirements have been integrated into the development.

5.0 PROVISIONS OF PUBLIC ART

Public art must be provided on development site:

Process for Assessment

Where an applicant proposes to provide public art on site, the following process will apply:

- A public art proposal is submitted for consideration by the City's Public Art on Private Land Assessment Panel which will consist of members of City's Customer and Communications & Development Services Business Unit along with peer assessors and consideration be given to local ward councillors.
- If satisfied with the proposal, the City's Customer and Communications Business Unit provides approval in principle for the public art project.
- The developer enters into an agreement with their chosen artist, submits an Application for Artwork Design to the City, and obtains written approval from the City.
- The artist undertakes the public art project.
- The public art is to be located where it can be clearly seen from the public realm, in accordance with the application for development approval.
- The public art should not detract from the amenity or safety of the surrounding area.
- The public art is completely installed prior to the occupation of the development.
- The developer must provide to the City a statement detailing how the requirements of this policy have been met at the completion of the project.

Further Information provided in the Public Art Developers Handbook

6.0 VARIATIONS TO POLICY REQUIREMENTS

Any variations to this Policy will be assessed by the City against the objectives of this Policy.

7.0 DEFINITIONS

Art Public art professional who can assist in developing and co-ordinating public

Consultant: art projects, engaging artists or providing advice on public art proposals.

Cost of The total approximate cost of proposed development (excluding land value),

Development: as indicated on the application for development approval.

Percent for Art A percentage of the total project cost – for any above ground urban design, public open space and building development and redevelopment project coordinated by the City – allocated to the development of public artworks.

Professional For the purpose of this Policy a professional artist is defined as a

Artist: person who meets at least two of the following criteria:

- University or minimum 3-year full time tertiary qualification in visual arts, or (depending on the Artists Brief), other art forms such as multimedia or design related disciplines;
- Has had artwork acquired for major public collections, such as the Art Gallery of Western Australia, or any other significant collections;
- Earns more than 50% of income from arts related activities, such as teaching, selling artwork, or undertaking public art commissions; or
- Young, emerging, Indigenous or Culturally and Linguistically Diverse (CALD) artists or students (for Public Art commissions where specified as essential criteria).

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: The term public art refers to the integration of an artistic concept into the public realm. Public art can take many forms, incorporate many different materials and be produced in many ways. It can be standalone, applied to surfaces, or integrated into the fabric of buildings, or outdoor spaces. Public art can be permanent, temporary or ephemeral. The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication.

APPENDIX 1

Public Art Details

Public artworks may include:

Sculptural – Small and large-scale, three-dimensional works which are distinctive and placed with prominent positioning, allowing them to become synonymous with a particular place or community.

Functional – These artworks serve a functional purpose as well as being a work of art. This can include public seating, shade structures, balustrades, bike racks and screening.

Play Friendly – These artworks are designed to have a high level of interaction with children.

Integrated – These artworks are integrated with the built form or landscape through techniques such as inlays, etching and painted finishes. Integrated artworks may be installed as part of public footpaths, ground planes, walls, pillars, ceilings, balustrading soffits and fencing.

Mural – Murals are painted artworks, usually of a large scale. Murals can be installed on walls, building facades, roads and footpaths.

For the purpose of this policy, only permanent artworks will be considered suitable as the artwork needs to have lasting benefit for the community.

Public artworks cannot consist of:

- Business (corporate) logos, advertising signs or commercial branding.
- Architectural design elements which ordinarily form part of a building design.
- Directional elements, such as super-graphics, signage or colour coding.
- Artworks which are mass produced or off-the-shelf reproductions (the City may consider a unique, pre-existing artwork being purchased and installed as the Public Art).
- Landscaping or architectural elements which would normally be required as part of the development.

Public artworks must satisfy all of the following qualitative criteria:

- Be located where it can be clearly seen from the public realm.
- Be an original artwork;
- Be of high aesthetic quality;
- Be durable and easy to maintain;
- Be created with consideration for the City's Public Art Masterplan.
- Be responsive to the site context and reflect the local area's natural, physical, cultural, or social values history.
- Where considered appropriate be illuminated by the use of energy efficient lighting but such that there is no adverse amenity impact on the surrounding locality;
- Take into account the existing public art in vicinity to ensure the artwork is unique; and
- Be designed or located to be resistant to vandalism.

Public Art Costs

Costs associated with the production of Public artworks may include the following:

- Professional artist's budget, including artist fees, material, assistants' labour costs, insurance, permits, and art consultant's fees as determined by the City;
- Fabrication and installation of artwork;
- Site preparation;
- Documentation of the artwork; and
- Attribution plaque identifying the artist, artwork/s and development.

Art Consultant fees for the project cannot exceed 15% of the total Public Art project costs.

Installation

Once approved, the public art must be completed and installed prior to receiving an Occupancy Permit for the development. Once installed and the permit/s issued, the public art will be maintained in perpetuity by the property owner/s.

Ownership and Moral Rights

Ownership of Public Art commissioned under this Policy on private property rests with the property owner.

Australian Copyright Law requires all original public art to be attributed to the artist, also known as Moral Rights. Any proposal for public art required or funded by this Policy must include a plaque or plate near a public artwork, acknowledging the name of the artist, and where appropriate, the name of the person or company who funded the public art.

The City has the right to reproduce extracts from the design documentation and photographic images of the public art for non-commercial purposes, such as annual reports, information brochures, and information on the City's website.

OFFICE USE ONLY:

Local Planning Scheme No.3 – Local Planning Policy History:

Action	Resolution Number	Effective Date
Adopted	1222/023	16 Jan 2023

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