

6.12 PUBLIC ART ON PRIVATE LAND

Introduction

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

Objectives

- To contribute to a strong sense of place through the provision of public art which develops and promotes community identity within the City.
- To improve the appearance, vibrancy, character and amenity of the City's built environment.
- To facilitate public art proposals that do not detract from the amenity or safety of the surrounding area.

Applications Subject of this Policy

This Policy applies to all development with a cost above \$2 million, except for:

- Single houses and grouped dwelling development.
- Multiple dwelling development with less than 10 dwellings in Residential zones.
- Residential development with less than 10 multiple dwellings in a Special Use zone.
- All development in an Industry zone.

Definitions

Art Consultant: Public art professional who can assist in developing and co-ordinating public art projects, engaging artists or providing advice on public art proposals.

Construction Cost: 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 City may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost.

Cost of Development: The total cost of the proposed development (excluding land value), as indicated on the application for development approval.

Minimum Contribution Value: This is 1% of the cost of the proposed development.

Professional Artist: For the purpose of this policy a professional artist is defined as a person who meets a minimum of two or more of the following criteria:

- A person who has a university qualification or other qualification in visual or fine art, or other art form where relevant.
- A person who has a track record of exhibiting their own original artworks at reputable art galleries.
- 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.

- A person who earns more than 50% of their income from arts related activities such as teaching, selling artwork or undertaken art commissions.

Note: variations to these requirements may be considered where it is demonstrated that young, emerging and indigenous artists or students are involved in the project.

Public Art: Artistic work that is created and located for public accessibility. It includes all art forms and may be permanent, temporary or ephemeral art as referenced further in this policy. Public Art must be responsive to the site context and reflect the local area’s natural, physical, cultural or social values history;

Public Art Fund: A special fund held in the City account for the purposes of accumulating cash-in-lieu contributions made under this policy. The funds are to be used by the City, or persons nominated by the City, for the provision of public art within or immediately adjacent to the same project area as the contributing site.

Public Artworks Requirement

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

Construction Cost	Required Contribution
Between \$2 million and \$50 million	Minimum 1% contribution either provided as public art or cash-in-lieu contribution.
Over \$50 million	\$500,000 plus 0.5% for every construction cost dollar over \$50 million, either provided as public art or cash-in-lieu contribution.

- The proposed location of the Public Art is to be provided at the time of submission of the development application, along with a brief report showing how the public art requirements have been integrated into the development.
- If full details of the Public Art are not provided with the development application, these details will be required as a condition of development approval).
- Public art proposals for developments located in the Heritage Protection Areas are to be provided at the time of submission of the development application.
- The provision of, or the requirement to make a cash-in-lieu payment for Public Art, will be imposed as a condition of Development Approval, equivalent to the Minimum Contribution Value.

Public Art Contribution

Public Art may be provided through the following means:

- Providing Public Art on site
- Contributing to the City’s Public Art Fund

Providing Public Art on site

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 Customer and Communications Business Unit.

- 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.
- 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.

Contributing to the City's Public Art Fund

Where an applicant proposes to make a cash-in-lieu of Public Art contribution, the following will apply:

- Where the developer chooses to provide a cash-in-lieu payment in lieu of providing the public art on site, all reasonable efforts will be made by the City to expend these funds on a Public Art project located on public land in the vicinity of the development, or in a location considered appropriate by the City.
- A cash-in-lieu payment will be refunded to the person who made the payment if the development does not proceed.
- The City will expend the funds after the development has been completed.
- Cash-in-lieu funds may be accrued for future Public Art projects as considered appropriate by the City.
- Any Public Art funded by cash-in-lieu under this Policy will be owned and maintained by the City.

Variations to Policy Requirements

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

APPENDIX 1

Public Artworks Details

Public Artworks may include:

- Freestanding elements or Artwork integrated into buildings exteriors
- Unique functional objects (such as gates, balustrades or seats)
- A decorative detail or a work of art integrated into the fabric of a building.
- A sculptural installation located in an open space.
- Text or poetry inscribed in a footpath or park bench.
- Fibre-works, neon, glass artworks, multimedia artworks, including an image on a billboard or a neon sign (permanent).
- A mural, a footpath design or a wall relief.
- Land art or landscape enhancements including walkways or bridges.
- A fountain or a specifically designed water course.

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;
- Artwork 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 criteria:

- Be an original artwork;
- Be of high aesthetic quality;
- Be durable and easy to maintain;
- 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;
- That the public art be functional where appropriate; and
- Be designed or located to be resistant to vandalism.

Where possible, artists selected for a project are to reside and/or work within the City of Stirling.

Public Artworks 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;
- Structures enabling the artist to display the artwork;
- 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.

A plaque or similar identifier is to be installed on, or in close proximity to the public art which details the artist's name, the artwork title, the year of installation, the materials used and any didactic reasoning or artist statement where applicable. This plaque may not be used as a marketing tool and any logos included are to be at a minimum and may not exceed the height of the text.

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. Any proposal for public art required or funded by this Policy must include a plaque or plate near a Public Art, 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 of the Public Art and photographic images of the Public Art for non-commercial purposes, such as annual reports, information brochures, and information on the City's website.