



## **POLICY NO. LPP 4.11 PUBLIC ART**

### **PURPOSE**

To establish a requirement for the provision of public art by developers, in cases where the value of proposed development exceeds two million dollars.

## **POLICY STATEMENT**

### **1. APPLICATION OF POLICY**

This Policy applies to all applications for Development Approval for residential, commercial or mixed use developments.

### **2. OBJECTIVES**

The objectives of this Policy are to:

- 2.1 Improve the quality of the built environment by adding to the appearance, vibrancy, character and amenity of developments and surrounding environment; and
- 2.2 Create local landmarks that contribute to a sense a place and develop community identity.

### **3. DEFINITIONS**

The following terms are used throughout this Policy:

*Professional Artist* is a person who meets one or more of the following categories:

- regular exhibitor of public art work;
- offering work for sale, or selling work;
- 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 a professional artist.

*Public Art* is a work that is created by an artist or designer that is sited in a highly visible position when viewed from the public realm.

Public art can include, but is not limited to, the following:

- The artistic treatment of functional equipment such as bike racks, benches or fountains;
- Playground equipment, light posts or shade structures which are unique;
- Landscape art enhancements such as walkways, bridges or art features within a garden;



- Murals, titles and mosaics covering walls, floors and walkways;
- Architectural building cladding; and
- Sculptures, free-standing or incorporated as an integral element of a building design.

Public art does not include the following:

- Business logos;
- Advertising signage;
- Art that is mass produced or off-the-shelf reproductions; or
- Landscaping or hardscaping which would normally be associated with the development.

## **4. OPERATION**

### **4.1 General**

- 4.1.1 Applications for Development Approval that provide for the construction of dwellings, commercial or mixed use development (or alterations or extensions to these developments), where the estimated cost of the development exceed \$2 million, are to make a contribution to public art to the value of 1% of the estimated cost of the development, but not exceeding \$250,000, by way of:
- (i) Providing public art undertaken by a professional artist on the development site, unless otherwise approved by the City; or
  - (ii) Making a cash contribution towards public art, in-lieu of (i) above.
- 4.1.2 Details of the proposed public art shall be provided to the City for approval in accordance with the Information Requirements of this Policy, and thereafter installed prior to the commencement of use and/or occupancy of the development site and maintained by the landowners for the life of the development.
- 4.1.3 Where a development is staged and the public art is not proposed within the first stage, the proponent may enter into a legal agreement with the City to secure the provision of the public art contribution through means acceptable to the City (such as a bond, bank guarantee or absolute caveat on land).
- 4.1.4 Notwithstanding the definition of a Professional Artist (contained in the definitions of this policy), in certain circumstances it may be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions.
- 4.1.5 Where a cash-in-lieu contribution is made as an alternative to providing public art on a development site, it shall be paid prior to the lodgement of a building permit application, with the funds to be expended on public art projects that are ideally located in, and contribute to the locality within which the development is located, at the discretion of the City.
- 4.1.6 Public art projects may be delivered in the form of standalone projects, or as key elements of broader public infrastructure projects.



## **4.2 Design Requirements**

4.2.1 The public art shall accord with the following design criteria:

- (i) Be located where it can be clearly seen from the public realm;
- (ii) Be durable, sustainable and easy to maintain;
- (iii) Contribute to an attractive and stimulating environment;
- (iv) Not detract from the amenity or safety of the surrounding area, pedestrians or vehicles;
- (v) Where considered appropriate, be lit at night by the use of energy efficient lighting;
- (vi) Be responsive to the site context and reflect the local area's natural, physical, cultural or social values and/or history;
- (vii) Take into account the existing public art in the vicinity to avoid repetition and to ensure the public art is unique;
- (viii) Be functional, where appropriate; and
- (ix) Be resistant to vandalism.

## **4.3 Information Requirements**

4.3.1 A preliminary proposal for public art shall accompany any Application for Development Approval that is required to make a public art contribution in accordance with this Policy, which addresses:

- (i) The method for which the developer(s) elect to satisfy their public art contribution in accordance with clause 4.1.1(i) and/or (ii) of this Policy;
- (ii) The form of public art proposed;
- (iii) The approximate size of the public art proposed; and
- (iv) The indicative location of the public art proposed on the development site.

4.3.2 In approving an application for Development Approval that requires public art, a condition will be imposed requiring the following details of the public art to be provided to the City for approval, prior to the commencement of development:

- (i) Design documentation of the proposed public art;
- (ii) Detailed plans of the public art which are to scale and include dimensions, details of the materials, location, colours and installation method; and



- (iii) Cost calculations of the proposed public art. These can take into account the professional artist's fees, labour, materials, installation, operating costs and the costs of any required permits or approvals. Where the public art is to replace a functional and/or required part of the development, the cost calculation shall reflect the difference in cost between the provision of the standard component and the cost of the artist prepared component.

#### **4.4 Use of cash-in-lieu for public art**

The expenditure of funds collected by way of a cash-in-lieu contribution to public art are to be considered by the City's Public Art Committee.

#### **4.5 Installation**

- 4.5.1 No additional development approval will be required for the installation of the approved public art located on a development site.
- 4.5.2 Only professional artists or designers or persons supervised by a professional artist or designer will be eligible to carry out public art commissions, unless otherwise agreed by the City.
- 4.5.3 Public Art is to be located within the lot boundaries of the development site, unless otherwise agreed by the City.
- 4.5.4 The installation of the public art shall include a plaque or plate near each art, acknowledging the name of the artist and the name of the person, agency or company who funded the public art.

#### **4.6 Maintenance and Removal**

- 4.6.1 It is the responsibility of the landowner to maintain the public art in good order to the satisfaction of the City at all times.
- 4.6.2 Removal of the public art is generally not supported. However, should adequate justification be provided to the City's satisfaction, approval from the City may be provided on the basis of replacement public art being provided elsewhere on the site or cash-in-lieu being provided.



## GOVERNANCE REFERENCES

<b>Statutory Compliance</b>	Planning & Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015
<b>Industry Compliance</b>	Nil.
<b>Organisational Compliance</b>	Nil.
<b>Process Links</b>	Nil.

## LOCAL PLANNING POLICY ADMINISTRATION

<b>Directorate</b>		<b>Officer Title</b>		<b>Contact:</b>	
Planning and Development		Manager Development Services		9397 3000	
<b>Risk Rating</b> Low		<b>Review Cycle</b> Triennial		<b>Next Due:</b> 2027	
<b>Version</b>	<b>Decision To Advertise</b>	<b>Decision to Adopt</b>		<b>Synopsis</b>	
1.	OCM 219/24/07/2018			Draft policy to be advertised for public comment for a period of not less than 21 days.	
2.		OCM 291/11/09/2018		To ensure the provision of public art for prominent large-scale development proposals.	
3.		OCM 189/24/08/2021		Amended.	
4.		OCM 06/13/02/2024		Amended to simplify its operation and clarify circumstances where funds held in the Public Art Reserves may be utilised.	