



## Local Planning Policy 26 – Public Art Contribution (LPP26)

Management Procedure

Relevant Delegation

### Purpose

Public art is an important element of the planning system and is an effective planning mechanism to achieve better planning outcomes.

The City of Kalamunda (City) supports establishing public art to improve the amenity of the City of Kalamunda locality as a result of benefits to:

- a) Notions and perceptions of a place that create and enhance cultural and community identity;
- b) The social, environmental and collaborative fabric of society;
- c) The public experience of buildings and spaces; and
- d) Enhancing visitor experiences of a place.

### Statutory

This Policy has been prepared under and approved, in accordance with Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

This Policy supports the objective of Local Planning Scheme No.3 to secure the amenity of the Scheme area.

### Application

Subject to the exclusions below, the Policy applies to all applications for development approval proposing a development that is of a scale where the estimated cost of development is more than \$500,000 ex GST.

Development applications are excluded from the application of this Policy if:

- a) The development the subject of the application is solely comprised of:
  - i. A single dwelling/s;



- ii. A grouped or multiple dwelling development with less than 10 dwellings; or
- iii. A rural development in the rural zones, excluding tourism related development.

OR

- b) It is demonstrated to the satisfaction of the City that the provision of public art is not reasonably necessary having regard to the purpose and objectives of this Policy referred to in Part 1 above and Part 4c) below.

## Objectives

- a) The objective of this Policy is to require contributions to public art as part of public and private developments in order to have public art established throughout the Scheme Area concurrently and proportionately with the future development of the City.
- b) This Policy provides for delivering the benefits of public art, including those noted in clause 1 above, by facilitating the installation of public art as part of development that is –
  - i. Of a scale that is both meaningful and proportionate to the scale of the development; and
  - ii. Able to be appreciated by employees of or visitors to the development, passers-by or members of the public.
- c) All development to which this Policy applies (Contributing Development) is considered to give rise to a need for the provision of public art in accordance with this Policy, on the basis that one or more of the following criteria is satisfied –
  - i. The development is visible to the public beyond the development site; and/or
  - ii. The provision of public art will improve the amenity of the locality having regard to the matters identified in Part 1 above; and/or
  - iii. The provision of public art will be complementary to the built form environment created by the development.
- d) An approval of a development application to for a Contributing Development is to be conditional on providing a contribution to public art in accordance with this Policy (Art Contribution).
- e) This Policy recognises the delivery of public art and the associated benefits can be achieved through various arrangements as part of a development, and the Policy provides relevant options for developers.

## Policy Provisions

### 1. Public Art Contribution

- a) Art Contributions are to be completed in conjunction with construction of the Contributing Development and prior to the occupation of the Contributing Development unless otherwise agreed in writing by the City.



- b) Art Contributions are to be of a value equating to at least one percent (1%) of the total estimated cost of development (including the budgeted costs for contingencies) and up to a maximum contribution of \$250,000 ex GST. The value of an Art Contribution is to be clearly measurable by reference to the costs, at a fair market rate, associated with completing the Art Contribution, including but not limited to artist fees, materials, logistics and installation.
- c) An Art Contribution is to comprise either:
- i. A public art installation on-site as part of the Development involving the engagement of a professional artist to carry out the art work (**On-Site Contribution**);
  - ii. A cash-in-lieu contribution to the City's Public Art Fund for the funding of a public art installation consistently with this Policy and the City's Public Art Master Plan (**Cash Contribution**); or
  - iii. The inclusion of "Design Excellence" through the building design of the Development (**Design Contribution**), subject to:
    - The City's approval; or
    - Following consideration of the City's Design Review Panel's assessment and recommendation under the United Kingdom's Centre for Architecture and the Built Environments principles of good design.

## 2. On-Site Contributions

- a) An On-Site Contribution is to be subject to the engagement of, and carried out by, a professional artist as part of the Contributing Development, and is to:
- i. Be on-site as a component of the development;
  - ii. Be in a publicly accessible area; and
  - iii. Consistent with the requirements of this Policy, City's Public Art Master Plan and approved by the City.
- b) As part of the City's determination of the Development Application, there is to be a determination of a proposed On-site Contribution for consistency with this Policy.
- c) Failing an On-Site Contribution's consistency with this Policy, the Contributing Development is required to provide an Art Contribution comprising a different contribution arrangement in compliance with this Policy.

## 3. Cash Contributions

- a) A Cash Contribution by a payment of cash to the Public Art Fund (in lieu of an On-Site Contribution or other Art Contribution), is to be held to fund a public art installation in the locality of the Contributing Development, as commissioned by the City in accordance with this Policy and the City of Kalamunda Public Art Master Plan.
- b) The City is to commission public art from the funds paid in relation to one or more developments expediently following the commencement of the use of the Contributing Development. Following both:



- i. The payment of the Cash Contribution; and
- ii. The commencement of the use of the Contributing Development.

The City may await the development and payment of the Cash Contribution for proposed, or likely imminently proposed, Contributing Development/s in order to commission a more comprehensive or detailed public art installation in the locality and in accordance with the Public Art Master Plan.

- c) Art Contributions which equate to \$30,000 or less are recommended to be paid as cash-in-lieu to the Public Art Fund to achieve more comprehensive or detailed Public Art projects in the locality because a consolidated public art outcome may have a greater impact than smaller individual contributions.

#### 4. Design Contributions

- a) On receipt of a Development Application and accompanying Public Art Report proposing a Design Contribution, the City may refer it to its Design Review Panel for assessment and recommendation under the United Kingdom's Centre for Architecture and the Built Environments principles of good design.

[The principles of inclusive design: they include you \(designcouncil.org.uk\)](http://designcouncil.org.uk)

- b) As part of the City's determination of the Development Application, there is to be a determination of whether to approve the Design Contribution following consideration of the Design Review Panel's assessment and recommendation.
- c) Failing the City's approval of a Design Contribution, the Contributing Development is required to provide an Art Contribution comprising a different contribution arrangement in compliance with this Policy.

#### 5. Public Art Requirements

- a) Public art for the purpose of this Policy is to be consistent with the following:
  - i. Be produced by a professional artist or artists;
  - ii. Be in a location where it will be visible from the public realm for the life of the artwork; including from the adjacent public street/s, public pathway/s and/or public open space;
  - iii. Be low maintenance, robust, durable and resistant to vandalism in nature; and
  - iv. Provide a plaque or similar item installed on or nearby the public art which details the name of the installation, the artist and date the art was installed.
- b) The following is a non-exhaustive list of examples that may be appropriate for the purpose of public art under this Policy:
  - i. Stand-alone sculptural works of art;
  - ii. Artistic objects displayed or showcased in a public space such as a sculpture, or moving image projection;



- iii. Murals, tiles, mosaics or bas-relief covering walls, floors and walkways;
  - iv. Multi-dimensional works which are freestanding or wall-supported;
  - v. Community art projects coordinated by a professional artist;
  - vi. Artworks that identify or interpret a significant site, person, community, history or event such as an interpretive marker, heritage trail or monument; and
  - vii. An artist's conceptual contribution to the planning and design of the public domain such as a playground design or street furniture.
- c) The following is a non-exhaustive list of examples that are not public art under this Policy:
- i. Business logos, wording or names related to the development;
  - ii. Directional elements such as super-graphics, signage or colour coding;
  - iii. "art objects" which are mass produced such as fountains, statuary or playground equipment;
  - iv. "off the shelf" art reproductions;
  - v. Stand-alone laser cut panels;
  - vi. Landscaping or generic hardscaping elements which would normally be associated with the development;
  - vii. Internal public art treatments to internal staff areas not viewed from the public realm
  - viii. Services or utilities necessary to operate or maintain artworks; and
  - ix. Temporary and ephemeral art installations such as performance art, music, dance or exhibitions which result in short-term impact Art that requires significant ongoing curation and maintenance costs borne by the City.

## 6. Development Applications and Public Art Report

Development Applications that propose a development that this Policy is applicable to, must:

- a) Specify the proposed arrangement for the Art Contribution, in accordance with this Policy; and
- b) Include a report with:
  - i. The appropriate detail on the Art Contribution (Public Art Report).
  - ii. Justification of the proposed Art Contribution's merits and advancement of this Policy's objectives.

With respect to an On-Site Contribution, a Public Art Report must include:

- a) The artist's qualifications, experience and suitability;
- b) A detailed plans of the artwork;
- c) A description of the artwork, including the motivation behind it and its meaning;
- d) Cost calculations for the artwork;
- e) An explanation of any ongoing maintenance for the art; and
- f) Details of proposed ongoing curation and maintenance costs.



The City may refer a Public Art Report to the Kalamunda Art Advisory Committee to review and provide advice on a proposed Art Contribution consistency with this Policy and the City's Public Art Master Plan.

#### Appendix 1 – Public Art Application Form and Checklist

<b>Legislation</b>	<i>City of Kalamunda Local Planning Scheme No.3</i>
<b>Adopted</b>	26 November 2019 OCM 259/2019, OCM 168/2020, OCM 68/202, OCM /2021
<b>Reviewed</b>	14 December 2021
<b>Next Review Date</b>	14 December 2023