

## **1. Introduction**

The City seeks to facilitate the provision of public art as part of the development application approval process by applying a percent for public art contribution.

Percent for public art as part of the development application approval process forms part of a broader focus which promotes the City as a place of artistic excellence and community pride and contributes toward the delivery of enhanced built form and streetscape outcomes.

## **2. Policy Objectives**

The objective of this Policy is to facilitate private sector funded participation in the provision of public art in a publicly visible location within the boundaries of an approved development site or, within the vicinity of an approved development to:

- Apply a clear and consistent approach for the provision of public art as part of the development application approval process;
- Enhance a sense of place by encouraging public art forms which provide an interpretation and expression of the natural physical characteristics and social values of the local area;
- Improve interpretation of cultural, environmental and built heritage; and
- Improve way finding and legibility of streets, open spaces and buildings.

## **3. Policy Scope**

This Policy shall apply where a proponent nominates to either:

- (i) Provide public artwork in a publicly visible location within the boundaries of an approved development site; or
- (ii) Provide a cash-in-lieu payment to enable the City to procure artwork for installation on public land within the vicinity of the approved development site.

With the exception of those types of development listed below, any development application requiring approval with an estimated construction cost to the value of \$5M or greater, shall be subject to a requirement to provide public art to the value of not less than 1% of the building works.

As part of the approval of all applications for development approval with an estimated development cost of over \$5 million, a condition of development approval will be applied requiring the developer to make a contribution equal to 1% of the total construction value for the provision of public art in accordance with either 3 (i) or 3 (ii) above.

Where a developer elects to provide a cash-in-lieu payment, the prescribed amount is required to be paid to the City prior to the issue of a Building Permit. These funds will be expended by the City within five (5) years of the issue of a Building Permit on public artwork within the vicinity of the approved development site.

Exempted Development Proposals

- (i) Development within an area the subject of an approved Structure Plan, Local Development Plan or other planning instrument adopted by the Council that contains alternative requirements for the provision of public art within that area;
- (ii) Development on land zoned:
  - (a) Light Industry
  - (b) General Industry
  - (c) Special Industry
  - (d) Special Commercial
  - (e) Service Commercial
  - (f) Port Kennedy Business Enterprise
  - (g) Community Purposes
  - (h) Special Use
  - (i) Rural
  - (j) Special Rural
  - (k) Special Residential
- (iii) Wholly residential developments containing less than 10 dwellings;
- (iv) External façade upgrade works and/or signage to non-residential buildings;
- (v) Building refurbishments to existing premises of less than 1,000m<sup>2</sup> floor area; or
- (vi) Development comprised solely of demolition, site works or other servicing infrastructure.

**4. Public Art**

For the purposes of this Policy, public art shall include a diverse range of art and may include but not be limited to the following:

- ÿ Stand-alone sculptural art
- ÿ Statue
- ÿ Community/cultural place-making projects
- ÿ Murals, tiles or mosaics covering blank walls, floors or walkways
- ÿ Building facades
- ÿ Landscaping/land-form sculpture

For the purposes of this Policy, public art does not include:

- ÿ Promotional branding associated with the subject development
- ÿ General advertising signage of any nature

- Y Art reproductions
- Y Mass produced play equipment
- Y Landscaping or hardstand elements approved as part of the development
- Y Services or utilities associated with the development

## **5. Approval of Artwork**

### Public Art Procedures Manual

The City's Public Art Procedures Manual guides the administration and procurement of artworks and includes reference to 'Private Sector Funded' artwork. In this regard, public artwork provided as a cash-in-lieu payment will be administered and approved by the Coordinator, Cultural Development and the Arts against the criteria defined in the subject Manual.

### Development Approval

A separate development application is not required to install private sector funded public artwork located within the boundaries of the development site or within the vicinity of the approved development site.

## **6. Statutory Background**

This Planning Policy has been adopted by the Council under clause 4 of the Deemed Provisions of Town Planning Scheme No.2 and whilst it is not part of the Scheme and does not bind the City in respect of any application for Development Approval, the City is to have due regard to the provisions of the Policy and the objective which the Policy is designed to achieve before making its determination.

### Planning and Development (Local Planning Scheme) Regulations 2015 (the 'Act')

This Policy is prepared in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015; Schedule 2 - Deemed Provisions for Local Planning Schemes; Part 2 - Local Planning Framework; Division 2 - Local Planning Policies.

### Town Planning Scheme No.2 (the 'Scheme')

The Scheme comprises:

- (i) The Deemed Provisions (as set out in the Act);
- (ii) The Scheme Text; and
- (iii) The Scheme Maps.

## **7. Definitions**

Developer means the nominated person or parties responsible for carrying out the development and may include the applicant for the development application, the owner of the property being developed or their authorised representative. The property owner is ultimately responsible for fulfilling the obligations of this Policy and any conditions of development approval related to the provision of public art on-site or a cash-in-lieu percent for public art payment.



Development Cost means the approximate cost of the proposed development nominated on the Application for Development Approval form required to be submitted with the development application.

Public Art refers to criteria defined within the City's Public Art Procedures Manual.

## 8. Adoption

This Planning Policy was adopted by the Council at its Ordinary meeting held on 27 April 2021.