

# Local Planning Policy

## **POL-LP-1.10 Provision of Public Art**

### **1. Purpose**

The City of Swan (the City) recognises there is significant community benefit in the provision of Public Art. Public Art has the potential to improve and enhance the wellbeing of people in the environments where they live, work and play by:

- Helping define notions and perceptions of a place that create and enhance cultural and community identity;
- Promoting the wider role and contexts in which art can contribute to the social, environmental and collaborative fabric of society;
- Improving the public experience of buildings and spaces; and
- Contributing to cultural tourism by enhancing visitor experiences of a place.

The City supports the development of Public Art in the City in accordance with this Local Planning Policy, Council Policy POL-C-142 Public Art and the Developers' Handbook for Public Art.

Public Art should improve amenity and enhance a sense of identity through the reflection of local culture and customs, referencing of local history, addition of local character or provision of a unique landmark, or creation of a contemporary artwork that reflects the values and aspirations of a modern City.

### **2. Scope**

Developers of prescribed development projects within the City will generally be required to provide public art to a value equivalent to one per cent of the cost of the development, where the prescribed development meets one or more of the criteria set out in sections 5 and 6.

### **3. Objectives**

By requiring commissioned Public Art as part of public and private development projects within the City, the City aims to:

- Improve public amenity;
- Through the provision of public art, improve the quality and attractiveness of the City's built environment by adding to the appearance, vibrancy, character and amenity of developments and their surrounding environment;
- Engage with the community in a way that contributes to their understanding and appreciation of the spaces and places they inhabit through the provision of artwork accessible to the public so as to contribute to community wellbeing;
- To enhance public enjoyment and understanding of places through the integration of art into developments and provide increased public exposure to, and understanding of, public art;
- Contribute to a sense of place through the provision of public art which provides an interpretation and expression of the local area's natural, physical, cultural and social values, or otherwise reflects the values and aspirations of a vibrant City, for people who live, work or play in the area;
- To create local landmarks that act as focal points and icons for the City;
- Increase the social, cultural and economic value of the City;
- Improve legibility by introducing artworks that assist in making streets and buildings more identifiable; and

- Develop and promote community identity within the City by providing new opportunities for artist commissioned artworks, and where possible supporting and promoting high calibre local artists to celebrate a place, generate vibrancy, contribute to cultural identity and engage with the community above and beyond the art involved in building design and landscaping and hardscaping elements that would normally be associated with development.

## 4. Legislative Framework

This Policy has been adopted as a Local Planning Policy under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Policy supports the aims of the *City of Swan Local Planning Scheme No 17*, particularly the aim to 'Protect and enhance the quality of the urban and rural living environments of the District, and to provide for such development as is consistent with the maintenance of efficient services and amenities within the District'.

## 5. Definitions

### 5.1 Contribution threshold

The amount determined by the Council at the commencement of each financial year (or whenever this policy is otherwise updated) setting the minimum amount for which developments are required to contribute to Percent for Art. The amount is determined annually and set out in the City's prescribed 'Fees and Charges'.

### 5.2 Development cost

The City will generally accept the Development Cost to be the same as the "approximate cost of proposed development" stated by the Applicant in the Application for Development Approval Form (excluding GST).

### 5.3 Professional artist

A Professional Artist is defined as a person who meets at least two of the following criteria:

- Has a Bachelor Degree or Diploma in visual arts or any similar field.
- Has a track record of exhibiting their own original artwork at reputable art galleries that sell the work of professional artists.
- Has had their own original artwork purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, a university collection or Artbank.
- Is a person who earns more than 50 per cent of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

### 5.4 Public art

Public Art is art in any media that meets all of the following criteria:

- Has been planned and executed by a professional artist; or
- That is visible in the physical public domain.

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

- Sculptures, free-standing or incorporated as an integral element of a buildings' design,
- Murals, tiles and/or mosaics.

- Functional equipment such as bike racks, bus shelters, benches, fountains, playground equipment, light posts or shade structures.
- Landscape art enhancements such as walkways, bridges or art features within a garden.

Public art does not include:

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

### 5.5 Prescribed development

Means any development for which the Development Cost exceeds the Contribution Threshold but does not include:

- An application to develop a single house, or grouped dwellings, or less than 10 multiple dwellings;
- Site works required for a development (including clearing or filling of land);
- Infrastructure works (e.g. telecommunications towers, pumping stations);
- Additions or alterations to existing approved development that will not increase the number of residents, employees or visitors frequenting the site above 20 people and/or the surrounding area (e.g. renovations, demolition, minor additions); and
- City works carried out in accordance with POL-C-142 Public Art.

## 6. Policy Statement

### 6.1 Application of policy - criteria

A public art contribution will be required where a prescribed development meets one or more of the following criteria:

- a) The prescribed development will cause at least 20 people to become part of, or to interact with, the locality in which the prescribed development will be located, and who will therefore benefit from the public art. In the case of:
  - i) Residential development the number of people will be assessed by the number of people the development is designed to accommodate, together with estimated weekly visitors;
  - ii) Non-residential development the number of people will be assessed by the number of people that the building is designed to accommodate (as per the National Construction Code) or by the number of daily visitors the prescribed development is estimated to generate (including employees, contractors, customers and other third parties), whichever is the greater;

or

- b) The prescribed development will, in the opinion of the City, be highly visible from the public realm. As a guide this may include (but is not limited to) cases where the prescribed development is in a location where there is significant levels of vehicular or pedestrian traffic that can view the development.

## 6.2 Provision of public art

A prescribed development which in the opinion of the City meets one or more of the above criteria will be required to provide Public Art on the development site to the value of at least one per cent of the Development Cost, in a location agreed or specified by the City. This requirement will be imposed by a condition of development approval. Where Public Art:

- a) Is proposed in the application for development approval, the City may require that the Public Art is constructed as proposed or that it be modified, or may not approve the Public Art proposed;
- b) Is not proposed in the application for development approval, the City may require that Public Art which meets the Policy objectives is provided; or
- c) Is sought on land with, or may potentially impact, a heritage-listed place or area, Public Art should generally be proposed in the application for development approval so that heritage is considered early in the planning stages. The City may require that the Public Art is constructed as proposed, or modified, or may not approve the Public Art proposal, or may require Public Art which meets this policy objectives as well as meet the legislative, scheme and policy provisions relevant to the impacted heritage-listing.

## 6.3 Artwork proposals

Works of art that meet the Policy objectives include works that are:

- Designed and created by a professional artist;
- Permanent in nature, and constructed of robust materials which may be maintained and repaired if necessary;
- Either freestanding or integrated into the exterior of a building or other structure; and
- Unique functional objects (such as seats or gates), but may not include architectural design, advertising or directional signage, mass produced 'art objects' or any form of commercial branding.

## 6.4 Installation

- No additional development approval will be required for the installation of the approved Public Art located within the lot boundaries, unless it will result in any variations to the applicable development requirements for the area or unless required by other standards or legislation.
- Only professional artists or persons supervised by a professional artist will be eligible to carry out public art commissions.
- The Public Art is to be commissioned and installed prior to the initial occupation of the development (or a later time as agreed by the City in writing) and thereafter maintained for the life of the development by the property owner/s. A condition is to be placed on the development approval to reinforce the ongoing obligation to maintain the artwork.
- A plaque or similar identifier is to be installed on, or in close proximity to, the Public Art which details the artist's name, name of the installation and date of the installation.

## 6.5 Cash-in-lieu

The owner/applicant may request the City to accept the payment of cash in lieu of providing the Public Art on site. If cash in lieu is accepted by the City, the public art contribution will be expended by the City in the locality within which the proposed development is located.

A discount of 15 per cent to the specified Public Art Contribution amount will apply where an applicant elects to pay cash in lieu.

## Document control

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| <b>Organisational:</b>           | Clause 2.4 of Local Planning Scheme No. 17.<br>POL-C-142 Public Art<br>Developers Handbook for Public Art |                          |                    |
| <b>Strategic Community Plan:</b> | B1 Planned and facilitated growth   |                          |                    |