



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

Management Procedure	Relevant Delegation
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### Introduction

Public art is an important element of the planning system. When applied to appropriate development, public art is an effective planning mechanism to ensure good planning outcomes.

This policy envisages the provision of public art in circumstances where proposed development generates a planning need for it. A planning need can be demonstrated when a proposed development would result in an increase of staff and visitors which would benefit from the provision of public art, as well as circumstances where the provision of public art would offset the negative amenity impacts of a proposed development, or when a development is not consistent with the character of the locality.

The City retains responsibility for determining public art proposals as public art is a planning matter and is appropriately considered through the planning framework.

### Policy Objectives

#### 1. Objectives

This policy aims to:

- a) Facilitate the provision of public art when a proposed development generates a planning need for it, through proportionate contributions.
- b) Enhance the amenity provided to occupants or visitors of new developments through the provision of public artwork on the development site or within the surrounding public realm or locality.



- c) To establish a clear and consistent approach for the provision of public art as part of the planning development process.

## 2. Application of Policy

This policy applies to all applications for development approval where the estimated cost of development exceeds \$500,000 ex GST, with the exception of a single house, grouped dwelling, ancillary dwelling, building upgrades, heritage development works or any ancillary structures. It also applies to City initiated Community Facility projects and Streetscape enhancement projects, with an approved budget over \$500,000 ex GST and overheads.

This Policy should be applied to industrial development as follows:

This table applies to the following Local Planning Scheme No.3 Zones;	A public art contribution may apply to the development if the subject site meets any of the following criteria:
Light Industry, General Industry, and Industrial Development.	a) The development is proposed on a lot that has street frontage including dual street frontage;
	b) The development is proposed on a lot that adjoins either a primary regional road (red) or other regional road (blue);
	c) The development is proposed on a lot located within 100m of a residential zone.

Table 1 – Locational Criteria for Industrial Development

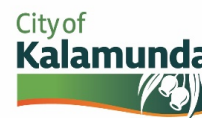
## 3. Statutory Authority/ Legal Status

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

## Policy Statement

### 1. Public Art Contribution

- a) If a development generates a planning need for public art, a contribution for Public Art should be provided if the development is valued over \$500,000 ex GST. The value of the contribution is one percent (1%) of the total estimated cost of development (including the budgeted costs for contingencies), with a maximum contribution cap of \$250,000 ex GST.
- b) If any significant works undertaken by the City that are Community Facility projects and Streetscape enhancement projects generate a planning need for public art, a contribution for Public Art should be provided if the development has an approved project budget over \$500,000 (ex GST). The value of the contribution is one percent (1%) of the approved project budget (ex GST) with a maximum cap of \$250,000.
- c) A landowner can make a public art contribution by either:



- i. Coordinating the public art project with a professional artist having regard for the City's Public Art Master Plan and the approval of the City,
  - ii. Paying a cash-in-lieu contribution to the City for public art having regard for the City's Public Art Master Plan, or
  - iii. An alternative method of contributing public art, provided that due regard is given to the City's Public Art Master Plan and the contribution addresses the planning need for public art to the satisfaction of the City.
- d) In circumstances where a development application or City project does not include information regarding how the planning need for public art will be addressed, the City will add a condition to any planning approval or approval of a project budget, requiring a contribution in accordance with this Policy.
- e) Artist fees form part of the public art contribution.

## 2. Contribution Methods

- a) The applicant can meet their public art contribution needs by addressing one of the following:
  - i. By integrating public art on-site as a development component;
  - ii. By providing public art onsite or in a publicly accessible area within the vicinity of the site subject to approval of the City, and/or;
  - iii. By payment of cash in lieu to the City's Public Art Fund for the provision of public art.

## 3. Cash-in-Lieu

Contributions which amount to \$30,000 or less are recommended to be paid as cash-in-lieu of public art to the Public Art Fund.

Cash-in-lieu of public art funds paid in relation to more than one development will be accrued for more comprehensive or detailed Public Art projects in accordance with the City of Kalamunda Public Art Master Plan.

Cash-in-lieu payments will be refunded to the landowner if:

- a) the development does not proceed; or
- b) does not reach the stage of substantial commencement.

If the development is substantially commenced the cash-in-lieu will not be refunded.

## 4. Public Art Strategy and Masterplan

The Strategy and Master plan will guide both the City and landowners in the achievement of public art in developments, the expending of cash-in-lieu from public art contributions, as well as City procurement of art installations.



The Public Art Master Plan is to provide a coordinated approach to the expenditure of monetary contributions and will guide the kind of public art that is expected in key locations throughout the City. The Masterplan will also identify landmark locations for public artwork, underpinned by the City's Reconciliation Action Plan and acknowledgement of significant sites where appropriate.

#### 5. The Artwork

Where a landowner chooses to provide an artwork as the contribution to public art, the public art must:

- a) Be produced by a professional artist or artists;
- b) Be in a location where it will be visible from the public realm for the life of the artwork; including:
  - i. Visible from the adjacent public street(s),
  - ii. From public pathway(s),
  - iii. From public open space; and
  - iv. From other publicly accessible spaces where they are deemed by the City to function as public spaces

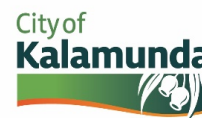
Where applicable.

- c) 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;
- d) Be installed and completed prior to occupation of the development and maintained afterwards by the owner (s);
- e) Be low maintenance, robust, durable and resistant to vandalism in nature;
- f) Be submitted with a brief Public Art Report; and
- g) Be commensurate with the value of the public art contribution.

#### 6. Types of Public Art

The following are examples of public art which may be considered by the City. This is not intended to be an exhaustive list, and alternative types of public art will be considered on a case by case basis.

- a) Stand-alone sculptural works of art;
- b) Artistic objects displayed or showcased in a public space such as a sculpture, or moving image projection;
- c) Murals, tiles, mosaics or bas-relief covering walls, floors and walkways;



- d) Multi-dimensional works which are freestanding or wall-supported;
- e) Community art projects coordinated by a professional artist;
- f) Artworks that identify or interpret a significant site, person, community, history or event such as an interpretive marker, heritage trail, or monument; and
- g) An artist's conceptual contribution to the planning and design of the public domain such as a playground design or street furniture.

**7. The following types of public art will not be able to address a planning need for public art.**

- a) Business logos, wording or names related to the development of Owner/Applicant;
- b) Directional elements such as super-graphics, signage or colour coding;
- c) 'Art objects' which are mass produced such as fountains, statuary or playground equipment;
- d) "Off the shelf" art reproductions;
- e) Stand-alone laser cut panels;
- f) Landscaping or generic hardscaping elements which would normally be associated with the development;
- g) Services or utilities necessary to operate or maintain artworks; and
- h) 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.

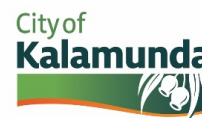
**8. Public Art Report**

Public art must be accompanied with a report including:

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

**9. Kalamunda Art Advisory Committee (KAAC)**

The role of the Kalamunda Art Advisory Committee is to review and provide advice on public art proposals.



Feedback from the KAAC must be received within 30 days of the public art proposal being submitted to the City.

## Definitions

### 1. Ancillary Structures

Includes structures which are additional to the primary development such as an outbuilding, ancillary dwelling, patio, water tank, verandah, fencing, hardstand areas, carparking or other additions to an existing land use.

### 2. Estimated Cost of Development

Estimated cost of development includes all costs associated with the preparation, construction and full completion of a development, including all materials, labour, servicing and ancillary costs and includes the budgeted project contingency costs.

### 3. Professional Artist

Means an artist with extensive Public Art experience. A Professional Artist can be defined as a person who fits into at least two of the following categories:

- a) A person who has a tertiary qualification in the visual arts, or when the brief calls for it, other art forms such as multimedia, or;
- b) A person who has a track record of exhibiting and selling artwork at reputable art galleries, or;
- c) A person who is represented in major public collections, or;
- d) A person who earns more than 50% of their income from arts related activities such as undertaking public art commissions; or
- e) A local indigenous artist.

The City may consider artists which do not fit into the above categories, provided that the artist is able to demonstrate an ability to complete the public art to the satisfaction of the City.

### 4. Public Art

"Public Art" refers to artwork in any medium, planned and executed in a publicly accessible area, specifically created to be experienced within the public realm. The creation of Public Art considers the site context and its accessibility to the public. It is widely understood to encompass many forms, materials, processes and intended goals.

### 5. Publicly Accessible Area

Refers to both indoor and outdoor spaces that are physically or visually accessible to the wider public and includes parks, open plazas, road reserves, civic center's and library foyers.



## 6. Public Art Fund

A fund held in an account by the City 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 the City of Kalamunda. This Policy and any Public Arts Master Plan will guide the selection, review and delivery process for use of the accumulated funds.

## Appendix 1 – Public Art Application Form & Checklist

Legislation	City of Kalamunda Local Planning Scheme No. 3
Adopted	26 November 2019 OCM 259/2019, OCM 168/2020,
Reviewed	25 May 2020
Next Review Date	