



Local Planning Policy 26 – Public Art Contributions (LPP26)

Management Procedure

Relevant Delegation

Introduction

Public art is an important part of the City of Kalamunda (the City) built and natural environment. Public art supports local identity and pride of a public place or space. It can also attract people to live, work or recreate in a place, thereby encouraging associated cultural and economic activity.

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.

This policy relates to the provision of public art for third party development proposals that require planning approval as well as significant public works undertaken by the City itself, provides guidance on the format of public art contributions, and specifies the type and location of public art.

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) Develop and promote community identity.
- c) Improve the quality of the City's built environment.
- d) Inform the procurement, siting, commissioning and installation of art into public places.

- e) Include elements of design that reflect unique aspects of the area (history, natural environment).
- f) Enhance the amenity and activity options available to local residents and visitors.
- g) Enhance the provision of public art for the enjoyment of residents and visitors.
- h) Provide opportunities for local artists.

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.

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) A contribution for Public Art should be provided for any development requiring planning approval 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) A contribution for Public Art should be provided for any significant works undertaken by the City that are Community Facility projects and Streetscape enhancement projects that have an approved project budget over \$500,000 (ex GST and City overheads). This contribution is one percent (1%) of the approved project budget (ex GST and City overheads) with a maximum cap of \$250,000.
- c) An applicant/owner may choose to make a public art contribution by either:
 - Coordinating the public art project with a professional artist having regard for any Public Art Master Plan and the approval of the City or;
 - Paying a cash-in-lieu contribution to the City for public art having regard for any Public Art Master Plan.
- d) The public art contribution is to be stipulated as a condition of development approval, or approval of project budgets for City projects, covered by this Policy.

2. Contribution Methods

- a) The applicant can meet their public art contribution needs by addressing one of the following:
- By integrating public art on-site as a development component;
 - 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;
 - 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 to be paid as cash-in-lieu to the Public Art Fund.

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

Cash-in-lieu payments will only be refunded to the owner if the development does not proceed or 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 developers 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

The required public art must:

- a) Be produced by a professional artist(s);
- b) Be in a location where it is visible from the public realm for the life of the artwork;
- 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 and recognise who funded or made a contribution towards the artwork through the City of Kalamunda Public Art Policy;
- d) Be installed and completed prior to the first occupation of the new development and maintained afterwards by the owner (s);
- e) Be low maintenance, robust, durable and resistant to vandalism in nature,

- f) Where possible be integrated as an intrinsic component of the development and;
- g) Be submitted with a brief Public Art Report.

6. Types of Public Art

- a) Public art, subject to approval at the discretion of the City, may include the following types:
 - 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) 3D Works Which Can Be Freestanding Or Wall-Supported;
 - e) Community Art Projects Coordinated By A Professional Artist, Resulting In Tangible Art Works
 - f) Artworks That Identify Or Interpret A Significant Site, Person, Community, History Or Event (Such As An Interpretive Marker, Heritage Trail, Or Monument);
 - g) An Artist's Conceptual Contribution To The Planning And Design Of The Public Domain (Such As A Playground Design Or Street Furniture);
 - h) The Involvement Of Artists Working On Integrated Elements Within Urban Infrastructure;
 - i) Artworks That May Be Integrated Within Landscaping Projects Or May Be The Landscaping Or Earthworks Themselves; And
 - j) A Component of an infrastructure or capital works project (such as functional street furniture).

7. The following types of public art should not be provided:

- 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 and/or art reproductions.
- e) Landscaping or generic hardscaping elements which would normally be associated with the project.
- f) Services or utilities necessary to operate or maintain artworks.
- g) 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 applications in the City must be accompanied with a brief report including:

- a) Details of 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) Any opportunities for participation in the artworks program by local community and school groups;
- e) Details of cost calculations for public art;
- f) Details of requirements and written consent from the artist for any ongoing care or maintenance provisions by the landowner(s),
- g) Details of proposed ongoing curation and maintenance costs and;
- h) Written acknowledgement of the implications of the *Copyright Amendment (Moral Rights) Act 2000*, how the artist will be acknowledged, consent for any required maintenance or relocation and consent for the City of Kalamunda to publish images of the artwork.

9. Copyright and Maintenance of Artwork

- a) Copyright for completed artworks on public land are held mutually by the City of Kalamunda and the artist. Where located on privately owned land copyright is held mutually by the land owner, artist and City of Kalamunda. In practical terms, this means that the City or land owner has the right to reproduce extracts from the design documentation and photographic images of the artwork for marketing purposes such as annual reports, information
- b) The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.
- c) Where located on public land the ongoing maintenance of the artwork is the responsibility of the City of Kalamunda. Where located on privately owned land the land owner is responsible for maintenance.

10. Kalamunda Art Advisory Committee (KAAC)

The role of the Art Advisory Committee is to guide and inform Public Art processes, as well as assisting with applying the provisions of the Public Art Local Planning Policy and any Public Art Master Plan.

The KAAC is a sub-committee of Council nominated in accordance with the City's Local Planning Scheme No. 3, Clause 10.3, to provide professional advice in relation to public art installations.

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.

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 centres 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.

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