

## Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces

### 1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces.

### 2. Purpose

To facilitate the development of public art in the City of South Perth (the City) in accordance with the City of South Perth Public Art Masterplan.

### 3. Application

This policy applies to applications for development approval:

- (a) Within the South Perth Activity Centre Plan - where the estimated cost of the development is \$4 million or greater, contribute at least 1% of the construction value towards public art with contributions capped at \$1 million.
- (b) Within the Canning Bridge Activity Centre Plan – where the estimated cost of the development is \$1 million or greater, contribute at least 1% of the construction value towards public art with contributions capped at \$500,000.
- (c) All other locations within the City - where the estimated cost of the development is \$2 million or greater, contribute at least 1% of the construction value towards public art with contributions capped at \$500,000.

### 4. Objectives

- 4.1 Provide the basis of the imposition of conditions on development approvals requiring contributions towards the provision of public art.
- 4.2 To promote the delivery of public art as a means of celebrating the City's identity, character and history.
- 4.3 To enhance the visual amenity of the environment and contribute to a sense of place.

- 4.4 To support local artists and community by providing a framework for developer investment to improve the vibrancy of the City's public spaces.

## **5. Options to Satisfy Public Art Contribution Requirement**

Where a condition is imposed on a development approval requiring provision of public art, the condition can be fulfilled in the following manner:

- 5.1 Option A – Provide Public Art on the Development Site
  - 5.1.1 Provide one or more artworks on the development site itself to a maximum value of \$500,000 of the required contribution, with any remaining contribution monies to be delivered as artwork on City land (Option B) or provided as a cash-in-lieu contribution to the City (Option C).
  - 5.1.2 Where provided onsite, the artwork is to be installed prior to the commencement of use/ or occupation of the development site and the artwork is to be maintained by the landowner(s) for the life of the development to the satisfaction of the City.
- 5.2 Option B – Provide Public Art on Land Owned by the City
  - 5.2.1 Provide one or more artworks within the City to a maximum value of \$500,000, of the required contribution, with any remaining contribution monies to be provided as a cash-in-lieu contribution to the City (Option C).
- 5.3 Option C – Provide a Cash-In-Lieu Contribution of Public Art
  - 5.3.1 Provide the entire contribution requirement as a cash-in-lieu contribution toward the City's Public Art Fund.
  - 5.3.2 Cash-in-lieu contributions may be eligible for a 15% discount to the contribution obligation amount, based on the 1% equivalent total construction value, subject to City requirements.
  - 5.3.3 Where cash-in-lieu contributions are made for Options A, B or C, contributions shall be paid prior to the commencement of use and/or occupancy of the site.

## **6. Approval, Installation and Maintenance**

- 6.1 No additional development approval will be required for the installation of the approved public art located on a development site, unless otherwise prescribed in the relevant development approval.
- 6.2 Only artists or persons supervised by an artist, are permitted to carry out public art commissions, unless otherwise approved by the City.

## 7. Eligible Expenditure Against Required Contribution

7.1 The following expenses are eligible project expenses for the contribution to public art:

- (a) Artists Fees;
- (b) Costs for Realising the Artwork;
- (c) Eligible Costs for Realising Integrated Artworks;
- (d) Art Consultancy Fees;
- (e) Concept Design Fees;
- (f) Consultation and Engagement Expenses;
- (g) Photography and Project Documentation; and
- (h) Attribution Plaque.

7.2 The following are not eligible expenses forming part of the contribution to public art:

- (a) The maintenance and conservation of the artwork;
- (b) Any further administration relating to the artwork once it has been installed;
- (c) Decommissioning, relocation or removal of the work; or
- (d) Any ongoing remuneration to the artist.

## 8. Definitions

Construction value: *means the estimated cost of the equipment, financing, services and utilities that are required to carry out a development but does not include the cost of land acquisition. The City will generally accept this to be the same as the estimated cost of development stated by the applicant on the building permit application.*

Public Art: *means a work that is created by an artist that must be clearly seen from and/or located in the public realm and can include (but is not limited to) the following:*

- (a) The artistic treatment of functional equipment and street furniture such as bike racks, benches or fountains;*
- (b) Playground equipment, light posts or shade structures which are unique;*
- (c) Landscape art enhancements such as walkways, bridges or art features within a garden;*
- (d) Murals, tiles and mosaics covering walls, floors and walkways;*
- (e) Sculptures, free-standing or incorporated as an integral element of a building design;*
- (f) 2D and 3D projection, multi-sensory artworks, temporary and ephemeral works; and*
- (g) interactive works, urban art, street art.*

*Public art does not include the following:*

- (a) Business logos, advertising and/or signage;*

- (b) *Art that is mass produced or off-the-shelf reproductions;*
- (c) *Architectural building cladding, unless of a high quality uniquely artistic nature that significantly enhances the public realm and fulfils the objectives and requirements outlined in this policy, to the satisfaction of the City; or*
- (d) *Landscaping or hardscaping which would normally be associated with the development.*

Public Realm: *comprises the streets, squares, parks, green spaces and other outdoor places that are freely accessible for everyone to use.*

## 9. Relevant Legislation, Policies, Documents

*Planning and Development Act 2005*  
*Planning and Development (Local Planning Schemes) Regulations 2015*  
 City of South Perth Local Planning Scheme  
 City of South Perth Public Art Masterplan 2022-2025  
 City of South Perth Policy P101: Public Art and Art Collections  
 Public Art Toolkit - A Guide for Developers

## 10. Document Control

Adoption date	22 July 2014
Date Modified	26 April 2017, 31 October 2023
Strategic Community Plan Reference	Economy Environment (Built and Natural)