

Local Planning Policy No. 3 - Developer Contributions for Public Art	
Responsible Business Unit:	Development and Regulatory Services
Date of Adoption: 27 June 2023	Date Revised:

Introduction

The Town seeks to facilitate the provision of public art as part of the development application approval process, by requiring developers of prescribed developments to contribute towards public art.

Public art has the ability to enhance the social, physical and cultural environment of the Town and add to a community's sense of place.

Objectives

- (a) To improve the quality of the built environment.
- (b) To enhance public enjoyment and understanding of places through the integration of art into developments.
- (c) To provide a clear and consistent approach for the provision of public art as part of the development application approval process.

Scope

This policy applies to prescribed development within the Town with a development cost of \$2 million or greater.

Definitions

Artist: An individual (or team of people) who meets at least two of the following criteria:

- Has a tertiary qualification in visual arts or a similar field.
- Has experience or a history of exhibiting and/or selling their own art.
- Has chosen to commit a significant amount of their time to their artwork practice and earns the majority of their income from arts related activities such as teaching art, selling their own art or undertaking public art commissions.

Development cost: The estimated cost of the proposed development nominated on the Application for Development Approval form.

Prescribed development: Development with a development cost of \$2 million or more, but does not include:

- a single house;
- wholly residential developments containing less than 10 dwellings;
- development comprising solely of demolition, site works and/or servicing infrastructure; or
- development within an area the subject of an approved Structure Plan, Local Development Plan or other planning instrument adopted by Council that contains alternative requirements for the provision of public art within that area.

Public art: Work created by an artist that:

- is permanent in nature and constructed of materials which are durable, resistant as possible to vandalism, low maintenance and can be repaired if necessary;
- is freestanding or integrated into the exterior of a building or other structure;
- should, where possible, have regard to the local history, culture and/or community of the place in which it is to be situated;
- is highly visible from the public domain;
- is not considered by the Town to be offensive in any manner; and
- does not have the potential to cause injury or hazard to persons or animals;

but does not include:

- advertising or directional signage;
- commercial branding and logos;
- mass produced art objects or off-the-shelf productions; and
- building features and enhancements or elements which would normally be associated with the development.

Public domain: An outdoor public space such as a street, park, town square or foreshore, from which the public has the ability to view and appreciate art.

Policy requirements

1. Public art contribution

- 1.1 Approval of a development application for a prescribed development shall include a condition requiring a public art contribution to a minimum value of 1% of the development cost.
- 1.2 The public art contribution may include the following costs:
 - artist's fees, insurance during fabrication, transport to site and installation, permits, business and legal expenses (no more than 30% of the public art contribution);

- materials and labour;
- site preparation;
- fabrication and installation;
- documentation, including a maintenance plan; and
- a plaque or similar identifier.

2. Options to satisfy public art contribution

- 2.1 On submission of a development application for a prescribed development, the developer must nominate how they propose to satisfy their public art contribution.
- 2.2 The developer can satisfy their public art contribution in one or both of the following ways:
- (a) Option 1: public art within the development site – as detailed in section 3 below;
 - (b) Option 2: payment (cash-in-lieu) of the required contribution amount to the Town of Cottesloe’s Community Art Fund for the future provision of public art by the Town – as detailed in section 4 below.

3. Option 1: Public art within the development site

- 3.1 Developers/land owners are strongly encouraged to provide conceptual details of the public art at the development application stage to ensure that its design, installation and maintenance has been considered as part of the overall design.
- 3.2 The following information on the proposal is to be submitted to the Town for approval prior to the lodgement of a building permit application:
- (a) Artist’s qualifications, experience and suitability for the project.
 - (b) Concept development and how the proposal meets the requirements of this policy.
 - (c) Plans, to scale and dimensioned, showing:
 - the location of the public art in relation to the building(s) and site;
 - 3D perspective of the public art where considered necessary by the Town; and
 - details of the public art and associated plaque or similar identifier, including materials, colours and installation.
 - (d) Budget and indicative costings.
 - (e) Care and maintenance plan for the land owner.

- 3.3 Where the property is subject to the Heritage Protection requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the heritage assessment submitted for the development application is to include consideration of the public art.
- 3.4 Following the Town's approval of the public art, the land owner/developer enters into a contract with the artist to design, fabricate, install and/or complete delivery of the public art.
- 3.5 A copy of the contract as per 3.4 above is to be provided to the Town prior to the commencement of the development, or other timeframe as agreed to in writing by the Town.
- 3.6 The public art, and accompanying plaque or similar identifier, is to be installed prior to the occupation of the development (or later as agreed by the Town) and thereafter maintained for the life of the development by the land owner and subsequent land owners.
- 3.7 The Town is to be notified in writing of the completed installation of the public art, so an inspection can be undertaken to confirm the satisfactory installation of the public art. In addition, evidence of expenditure of the required public art contribution is to be provided.

4. Option 2: Cash-in-lieu payment

- 4.1 The Town invoices the developer/land owner for 1% of the development cost, or any deficit below the 1% in the amount expended by the developer/land owner in fulfilling Option 1 above, to be paid as a cash-in-lieu contribution into the Town's Community Art Fund.
- 4.2 The cash-in-lieu contribution is to be paid to the Town prior to the occupation of the development.
- 4.3 The cash-in-lieu contribution is to be expended by the Town on public art in accordance with this policy, in the vicinity of the development, or may be accrued for larger or more comprehensive public art projects.
- 4.4 The cash-in-lieu contribution may be used to meet any costs reasonably associated with the production, installation and documentation/identification of the public art.
- 4.5 The selection of public art that is paid for by a cash-in-lieu contribution shall be in accordance with the requirements of this policy, having regard to the Town's Public Art Strategy and Acquisition of Public Artworks Policy.

- 4.6 The cash-in-lieu contribution shall be spent within ten (10) years of receipt, or as otherwise determined by the Town.

Related documents

Town of Cottesloe Public Art Strategy

Town of Cottesloe Acquisition of Public Artworks Policy (POL/51)

Town of Cottesloe Management of Public Artworks Policy (POL/108)

Town of Cottesloe Strategic Community Plan 2013 - 2023

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