



# Local Planning Policy

Pinjarra Town Centre Public Art

Prepared by Planning and Sustainability Services  
May 2018

## **1. Introduction**

There are many benefits in using public art in the public realm, whether it be on public or private land. Public art contributes to the identity of a place in various ways: by highlighting and interpreting local culture and customs, contributing positively to the overall design and visual appearance of a place, and adding to the liveliness, familiarity and legibility of a place through the creation of memorable experiences and landmarks.

The Shire's vision for Pinjarra as a great place for people can be supported by considering the public realm as a living canvas to reflect and enrich the culture and creativity of the town through integration of public art.

This policy details the requirements for public art contributions as part of development proposals and provides provisions to guide the assessment of development applications that include public art.

## **2. Application of Policy**

This policy applies to all development applications for public art and to all development in the Core, Mixed Use, Health, and Heritage and Arts precincts of the Pinjarra town centre as set out in the plan attached to this policy and where the development has an estimated construction cost of more than \$100,000.

## **3. Planning Approval Requirements**

All proposals for public art require the Development Approval of the Shire prior to the commencement of construction, with the possible exception of temporary or ephemeral public art, such as performance art or temporary exhibitions, where this does not constitute development under the Shire's Local Planning Scheme.

Applicants will need to clearly demonstrate that their proposal meets the objectives and requirements of this policy. Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular property under the Scheme or any applicable Structure Plan, Local Planning Policy or Local Area Plan.

## **4. Planning Objectives**

The objectives of this policy are:

- 4.1 To foster a sense of place and enhance public enjoyment, engagement and understanding of Pinjarra through the integration of high quality public art that responds to the town's context.
- 4.2 To enhance the appearance, character and value of Pinjarra through the inclusion of high quality public art and to encourage animated and lively public spaces within the town.
- 4.3 To establish best practice in the commissioning of public art in the development process.

## **5. Policy Requirements**

- 5.1 A public art contribution is to be provided by each developer/landowner to the value of 1% of the estimated construction cost of a development.
- 5.2 The artwork is to be integrated with and specifically designed for the building or development site on which it is to be located. It must not be a mass produced or reproduction item.
- 5.3 The artwork is to be designed and located to be clearly seen from, or located within the public realm.

- 5.4 The artwork is to contribute to an attractive, stimulating environment and is not to detract from the amenity, safety or function of the public realm.
- 5.5 The artwork is to be of high aesthetic quality, permanent, durable and easy to maintain.
- 5.6 The artwork is to be consistent with any applicable public art strategy prepared by the Shire for Pinjarra.
- 5.7 The artwork is to be designed and created by a professional artist (as defined in the policy).
- 5.8 As an alternative to the developer/landowner providing the public art, a cash payment in lieu of provision of the public art contribution may be accepted, at the absolute discretion of the Shire. Where payment is to be made by a developer/landowner in lieu of the provision of public art, the value of the cash in lieu payment will be calculated by the Shire at the working drawings stage, at the rate of 1% of the estimated construction cost of the development. Payment of cash in lieu is to be made in full to the Shire prior to the commencement of construction and will form part of the Shire's Public art fund.

## 6. Submission Requirements

### 6.1 Public Art Report

- 6.1.1 A Public Art Report for all proposed artworks is to be prepared and submitted with the development application to ensure public art is integrated into public place and building designs.
- 6.1.2 At the discretion of the Shire the report may be provided as a condition of development approval, and submitted for approval as part of the working drawings process prior to the preparation of an application for a building permit.
- 6.1.3 For large scale development projects, such as those including a number of buildings and a public domain area, a public art strategy should also be prepared, outlining the themes, locations and installation staging of artwork across the development site.
- 6.1.4 The use of an experienced public art consultant is encouraged, to assist in the commissioning and coordination of the public art project. Public art consultancy fees may be included in the artwork budget for up to 15% of the total public art budget.
- 6.1.5 The public art report is to include:
  - A site plan of the development footprint, public spaces and the artwork location/s.
  - A written design concept for the artwork, including explanations about research, artwork themes and a statement detailing compliance with Shire public art policy and any relevant Shire public art strategy.
  - Artwork documentation – drawings, plans to scale with dimensions, materials, colours, installation details/sections, perspective views and lighting / night time views.
  - Artist's qualifications, experience and suitability for the project.
  - Cost calculations showing:

- total development construction cost;
- public art contribution cost; and
- itemised costs for each artwork.

Public art contribution costs are limited to: artists' fees and insurances, public art consultant's fees, artwork labour and manufacturing costs, materials, transport and installation costs, cost of naming plaque and artwork specific lighting costs.

- Proposals for artwork located on or over public land must include an engineer's certification, a copy of relevant public liability insurance, and written consent of the land owner and/or the authority with the management control of the land.
- A maintenance report prepared by the artist, including consent from the artist for any ongoing care or maintenance of the artwork by the building owner or public authority.
- A letter written by the commissioner of the artwork acknowledging the implications of the *Copyright Amendment (Moral Rights) Act 2000* including how the artist will be acknowledged (naming plaque), accepting maintenance obligations, and consent for the Shire to publish images of the artwork.

## 6.2 Public Art Strategy

6.2.1 A Public Art Strategy is to be provided in addition to the Public Art Report for larger developments and is to include:

- A location plan of the public spaces and the artwork location/s.
- A written design concept for the artwork collection, including explanations about research, artwork themes and a statement detailing compliance with the Shire's public art policy and any Shire strategy.
- An implementation plan and recommendations including proposed funding, community engagement, artist selection process, and asset management.

## 7. Definitions

Art consultant means a public art professional who can assist in developing and co-ordinating public art projects, engaging artists or providing advice on public art proposals.

Construction cost means all costs associated with the preparation, construction and full completion of a development, including all materials, labour, servicing and ancillary costs. To ensure accurate calculation of public art contribution values the Shire may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost.

Ephemeral art means art that is transitory in nature, usually designed as an experience or event and lasting for only a short period, such as performance art, music, dance or exhibitions.

Public art means artistic work that is created and located for public accessibility. Public art is either located in or clearly seen from the public realm, such as a street, park, urban plaza or public building. It includes all art forms and may be permanent, temporary or ephemeral art. Public art may be freestanding or integrated into buildings exteriors, it may take the form of unique functional objects (such as gates, balustrades or seats), but does not include architectural design, advertising signs or commercial branding.

Public art fund means a special fund held in the Shire Reserve account for the purposes of accumulating cash-in-lieu contributions made under this policy. The funds are to be used by the Shire, or persons nominated by the Shire, for the provision of public art within or within close proximity of the town precinct containing the contributing site. A public art strategy will be prepared by the Shire where necessary to guide the use of the funds accumulated.

Public art report means a report prepared and submitted for the Shire approval to ensure public art is included in the development (see Submission Requirements of this policy for further details).

Professional artist for the purpose of this policy a professional artist can be defined as a person who meets a minimum of two or more of the following criteria:

- A person who has a university qualification or high level technical college qualification in visual or fine art, or other art form where relevant.
- A person who has a track record of exhibiting their own original artworks at reputable art galleries.
- A person who has had their own original artwork purchased by major public collections including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank.
- A person who earns more than 50% of their income from arts related activities such as teaching, selling artwork or undertaken art commissions.

Note: variations from these requirements may be considered by the Shire for projects where young, emerging and indigenous artists or students may be considered appropriate.

Temporary art means artwork designed to be installed for a short time frame (e.g. 1 week to 1 year), such as artwork in a seasonal program or art made with materials that are intended to only last for a limited time.

## 8. Administration

Directorate	Officer Title		
Version	Officer Title		
1	Planning and Sustainability OCM17/305 21 Dec, 2017	Director Planning and Sustainability OCM18/005 22 Feb, 2018	Adopted

1915 Pinjarra Road,  
Pinjarra WA 6208  
PO Box 21 Pinjarra WA 6208

T: 08 9531 7777  
F: 08 9531 1981  
[mailbag@murray.wa.gov.au](mailto:mailbag@murray.wa.gov.au)  
[www.murray.wa.gov.au](http://www.murray.wa.gov.au)

 /ShireofMurray  
 @ShireofMurray