

Local Planning Policy No. 11

Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015

1. Policy Basis

The City of Belmont recognises that public art enhances the utility, amenity and identity of the municipality.

This Policy establishes a basis for developers to provide and/or contribute towards public art through the development approval process. The Policy outlines the objectives and standards which the City will use to evaluate public art proposals and the approval process.

2. Policy Application

This Policy requires landowners to make a 1% public art contribution where:

- (i) The estimated construction value of their development exceeds \$4.5 million; and
- (ii) The development proposal is located within a Public Art Precinct identified in Figure 1 of this Policy.

3. Policy Area

The Policy Area consists of the following Public Art Precincts which are illustrated in Figure 1:

1. Civic, Town Centre and Mixed Business Precinct
2. Kewdale Industrial Precinct
3. The Springs Special Development Precinct and surrounding areas along Great Eastern Highway
4. Golden Gateway, Ascot Waters and Ascot Racecourse Precinct
5. Great Eastern Highway and Ascot Inn Precinct
6. Garvey Park, Redcliffe Station (DA6) and Redcliffe Industrial Precinct
7. Local and Neighbourhood Centres*



Figure 1: Public Art Precincts

The Public Art Precincts encompass key areas and future landmark locations within the City which accommodate or are proposed to accommodate increased levels of residents, employees or visitors. Contributions will increase the amenity, quality and appearance of these precincts and the surrounding environment.

4. Policy Objectives

- 4.1 To enhance a sense of place by encouraging public art forms which provide an interpretation and expression of the local area's culture, environment and built heritage.
- 4.2 To encourage innovation and creativity, and the community to interact with their environment and local cultural identity.
- 4.3 To improve legibility by introducing public art which assists in making streets, open spaces and buildings more identifiable.
- 4.4 To improve visual amenity through the use of public art to screen unattractive views and improve the appearance of the public realm.
- 4.5 To create local landmarks acting as focal points for the City, enhancing public enjoyment, and understanding of places through the public's exposure to and understanding of public art.

- 4.6 To ensure that there is equitable access to public art by placing it in locations that are accessible to all members of the community.
- 4.7 To enhance the functionality and utility of public spaces by incorporating public art into the urban landscape.
- 4.8 To require or impose a levy for contributions for the placement of public artwork in accordance with the Public Art Management Plan.

5. Policy Definitions

The meaning of specific words and expressions used in this Policy are given below.

Public Art

The artistic expression and integration of a professional artist's concepts into areas which are capable of being viewed and appreciated by the public.

Public art is generally site specific and can include:

- Sculptures.
- Artwork features or enhancements.
- Murals or mosaic-covered floors, walls or walkways.

Public art does not include:

- Business or advertising logos and signage
- Supergraphics or colour coding;
- Mass produced objects such as fountains, statues or playground equipment.
- Art reproductions or mass-produced art.
- Landscaping or generic hardscaping elements which would normally be associated with the development.
- Services or utilities necessary to operate or maintain artworks.
- Architectural features located on a building.

Public Realm

The public realm refers to outdoor spaces accessible to the wider public, including parks, road reserves, and other publicly accessible outdoor areas.

Professional Artist

A practicing visual artist who:

- Has completed a university degree or minimum 3-year full time TAFE diploma in fine art, visual art or multimedia forms of art;
- Has a track record of exhibition artwork at reputable art galleries selling the work of professional artists;
- Has had work purchased by major public collections, university collections or Artbank; or
- Earns more than 50% of their income from teaching art, selling art or undertaking public art commissions.

*This definition can be varied at the discretion of the City in instances where it may be appropriate for an Indigenous or emerging artist to be engaged on a project.

Cash Contributions

Refers to cash-in-lieu funds contributed from developers to provide public art as part of development requirements. These funds are accepted by the City to then deliver public art projects within the Public Art Precincts.

Construction Value

The total estimated cost of carrying out a development. This is generally the estimated cost of development as stated on a building permit application.

6. Policy Statement

6.1 Contribution Requirements

6.1.1 The City of Belmont requires all development proposals within the precincts identified in Figure 1 of a value greater than \$4.5 million to contribute no less than one percent of the total construction value towards public art. This contribution can be fulfilled by:

- (i) Providing public art on the development site commissioned by a professional artist. Other locations will only be contemplated when approved by the City's planning department on advice from the relevant advisory panel; or
- (ii) Making a cash contribution towards public art in lieu of (i) above and in accordance with the City's Public Art Management Plan; or
- (iii) A combination of both (i) and (ii).

6.1.2 For developments of significant value (greater than \$100 million), the City may apply a flexible approach to the standard artwork contribution requirement, subject to a proposal being supported by a Public Art Strategy and demonstrating that public art outcomes on the site meet the Policy objectives.

6.1.3 Where the Building Permit value is higher than the Development Application value, the higher of the two shall apply when calculating the public art contribution.

6.2 Public Art on development site

6.2.1 Prior to submission of a Building Permit, details of the public art proposal shall be provided to the City for approval in accordance with this Policy and thereafter installed prior to the occupation or use of the development.

6.2.2 Where public art is located on a private development site, this shall be maintained by the owners of the land for the life of the development.

6.2.3 Where art is proposed to be delivered on a site where the development is proposed to be completed in stages, a public art strategy shall be submitted to demonstrate how art can be delivered equitably across the relevant stages.

6.3 Cash Contributions

6.3.1 Cash contributions from private developers will be accepted into the City's Public Art Reserve in accordance with the procedures detailed in the City of Belmont Public Art Management Plan.

- 6.3.2 Funds will be used to deliver art projects or to maintain art installations within the relevant precincts from which the contributions were collected.
- 6.3.3 Developers providing an entire cash contribution to the City's Public Art Reserve are eligible for a 10% reduction on the Policy requirement.
- 6.3.4 Contributions amounting to \$50,000 or less are encouraged to be paid as a cash contribution to the Public Art Reserve.
- 6.3.5 Cash in lieu payments eligible for the 10% discount will be accepted for developments with a cost up to a maximum of \$10 million; the maximum discount for eligible cash in lieu contributions is limited to \$10,000.
- 6.3.6 Cash in lieu payments will be expended within the activity centre or the public art precinct from which they were received, subject to suitable locations for public art being available.

6.4 Circumstances for Refunds of Cash-in-lieu Contributions

- 6.4.1 Cash-in-lieu contributions will only be refunded where it has been paid prior to the commencement of the development in the following circumstances:
 - (i) The development is no longer proceeding; and
 - (ii) The landowner/developer provides the City with a statutory declaration stating that the development will not be proceeding.
 - (iii) An amendment to a development application results in the value of the development becoming less than the required contribution value. The City may require verification of this via an independent quantity surveyor report, or building contracts; and
 - (iv) The landowner/developer provides the City with a statutory declaration confirming the amended cost of the development.

7. Separate Approval Generally Not Required for Public Art

- 7.1 Public Art, where provided on a development site in fulfilment of a condition of development approval, shall not require a further development approval.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No. 15
Industry Compliance	
Organisational Compliance	
Process Links	

LOCAL PLANNING POLICY ADMINISTRATION

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