

Local Planning Policy 3.19: Percent for Public Art

INTRODUCTION

The provision of public art contributes towards a sense of place and to community identity and can enliven and enhance the visual amenity of the public domain. The heritage of a place and its interpretation can also be reinforced through public art.

The Town seeks to promote the provision of public art as part of private development through the application of a percent for public art policy.

APPLICATION

This policy applies to all applications for commercial, non-residential and mixed use developments with a construction cost of \$1 million or more throughout the Town. Classes of development excluded from the policy are applications for demolition and/or infrastructure projects only.

OBJECTIVES

- To enhance a sense of place by encouraging public art forms.
- To improve the legibility of streets, open spaces and buildings through the provision of public art.
- To enrich the visual amenity of public places.
- To allow for the interpretation of cultural, environmental and/or built heritage.
- To improve the functionality of the public domain through the use of public art including appropriate street furniture.
- To establish a clear and equitable approach for the provision of public art as part of the development process.

DEFINITIONS

For the purpose of this policy, the following definitions apply. For other definitions, the Town of Cambridge Local Planning Scheme No. 1 definitions apply.

Public art means an artistic work that:

- (i) is permanent in nature, and constructed of materials which can be maintained and repaired if necessary, including metal, wood, plastic, paint or any other durable material;
- (ii) is either freestanding or integrated into the exterior of a building or other structure;
- (iii) is created and located for public accessibility, either within the public realm or within view of the public realm, such as the street, park, urban plaza or public building; and
- (iv) has been designed by an artist or has been designed through a process overseen by an artist.

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 Town will generally accept this to be the same as the estimated cost of development stated by the applicant on the building permit application.

Artist for the purposes of this policy means a person who meets at least two of the following criteria:

- (i) a person who has obtained a Bachelor Degree or Diploma in visual arts or any similar field or who is undertaking studies towards these qualifications;
- (ii) a person who has a track record of exhibiting and/or selling their own original artwork;
- (iii) a person who has had their own original artwork purchased by major public collections;
- (iv) a person who earns more than 50% of their income from arts related activities such as teaching art and selling their own artwork;
- (v) a person who has secured work or consultancies in the arts field on the basis of professional expertise; or
- (vi) a person who has expertise in creating the form of public art proposed by an applicant or the Council under this policy.

POLICY

1. Amount of public art contribution

- 1.1. The cost of any public art provided for under this policy shall be no less than one percent of the construction value of the development.
- 1.2. Notwithstanding Clause 1.1, a single development shall not be required to provide or contribute any more than \$500,000 in public art costs.
- 1.3. The costs associated with the production of public art may include:
 - (i) artist's budget, including artist fees, material, assistant's labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
 - (ii) fabrication and installation of artwork;
 - (iii) site preparation specifically relating to the public artworks;
 - (iv) structures enabling the artist to display the artwork, excluding those structures required for the development;
 - (v) documentation of the artwork; and
 - (vi) acknowledgement plaque identifying the artist, artwork and development.

2. Form of public art contribution

- 2.1. On submission of a development application the proponent must nominate the way in which the public art contribution will be met for consideration by Council.

- 2.2. At the discretion of Council the proponent will meet their public art contribution in one or more of the following ways:
 - (i) by providing public art in the vicinity of the site in the public realm (Option 1); or
 - (ii) by providing cash-in-lieu to the amount specified within the development condition (Option 2).
- 2.3. Public art is to be provided in accordance with any Guidelines and Expenditure Plan adopted by Council.

3. Forms of public art

- 3.1. Public artworks may take the following forms:
 - (i) landscape art enhancements such as walkways, bridges, green-walls or art features within landscaping;
 - (ii) murals, tiles or mosaics covering walls, floors and walkways;
 - (iii) sculpture in durable materials;
 - (iv) fibre works, neon or glass works, photographs and prints; or
 - (v) community arts projects resulting in tangible artwork.
- 3.2. The art project may be an interpretation of cultural heritage and the Town may also consider alternative art projects including community arts programs, which involve the public and the incorporation of a cultural space that comprises a visual or performing arts space.
- 3.3. Public art should be made accessible to all members of the community, irrespective of age and abilities. Public art can be tactile, as well as being visual. Public art need not be monumental but can be at heights suitable for people to touch, move through and explore. Public art may be interactive play objects for family groups and children, where appropriate. Interpretive signage in an easy to read format (including Braille) will allow public art to be inclusive of all members of the community.

4. Exclusions to public art

- 4.1. The public art must not include any promotional or advertising material either for the proposed development or any other business, product or development, mass produced art objects or art reproductions.
- 4.2. The public art must not include elements which would normally be associated with the development, or be any form of services or utilities.
- 4.3. The public art must not take the form of building features and enhancements such as bicycle racks, gates, and lighting.
- 4.4. The public art must not take the form of components of public spaces such as benches, fountains, playground structures, shade shelters, lighting, screening, artistic paving and special planting.

5. Approval process for public art contributions

- 5.1. The Council will appoint a Town of Cambridge Public Art Committee comprising of five Elected Members and two community members.

- 5.2. The Percent for Public Art Guidelines as adopted by Council will outline the process for approval of a public art (Option 1) and the process for collection and expenditure for cash-in-lieu for public art (Option 2).
- 5.3. The Percent for Public Art Guidelines will also contain guidance for applicants regarding:
 - (i) General standards for public artwork;
 - (ii) Copyright and ownership of public art;
 - (iii) Moral rights and acknowledgement of artwork;
 - (iv) Decommissioning of public artwork; and
 - (v) Public Art Report guidelines.
- 5.4. Where applicable, cash-in-lieu shall be paid into the Council's Public Arts Fund.
- 5.5. Where applicable, the Town is to have received the cash-in-lieu contribution prior to the issue of a Building Permit or Occupancy Permit, whichever comes first.

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Amended: 26 March 2019 (DV19.29)
Amended: 23 March 2021 (CR21.25)
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