

<b>TITLE:</b>	<b>PROVISION OF PUBLIC ART</b>
<b>ADOPTED:</b>	OMC 19 September 2013 – Page 51 - 55
<b>REVIEWED:</b>	OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 19 January 2016 – Pages 12 – 16 OMC 28 July 2016 – Pages 108 – 116 OMC 14 December 2017 – 1031 – 1043 OMC 12 December 2019 – Pages 213 - 221 OMC 30 May 2024 – Pages 10 –16
<b>ASSOCIATED LEGISLATION:</b>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015  Shire of Broome Local Planning Scheme No 7 (LPS7)
<b>ASSOCIATED DOCUMENTS:</b>	Chinatown Development Strategy Public Art Master Plan for Broome Town Site  Guidelines for Developers Provision of Public Art  Chinatown Public Art and Interpretation Strategy  Public Art Guidelines
<b>REVIEW RESPONSIBILITY:</b>	Director Development Services
<b>DELEGATION:</b>	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the <i>Local Government Act 1995</i> as amended or other statutes as applicable to specified officers.
<b>APPLICATION</b>	This policy applies to the LPS7 area

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### **Background**

Art can provide an important role in connecting people to place and providing a reflection and interpretation of the uniqueness of their culture and history. It can be a positive visual reminder of the sense of shared community. It may also enhance the attractiveness and cultural significant of a place and encourage further investment

on the local economy. The installation of public art helps achieve the following aim of Local Planning Scheme No. 7:

9(b) Place

(i)

*Facilitate responsible growth and development with respect for Broome's natural and built heritage;*

In order to ensure that new development or redevelopment celebrates and enhances local history and culture and promotes a sense of identity it is considered appropriate for significant development proposals to make a contribution to public art within Broome.

### Policy Objectives

- To set out the criteria for when development is to contribute a percentage of the development cost to the provision of public art whether in a cash contribution or public art work.
- Ensure that new development within the Broome town site makes a fair and reasonable contribution toward public artworks that promote and recognise Broome's rich culture, heritage and history.
- Enhance the sense of place and promotion of identity by providing an interpretation and expression of the area's natural physical characteristics, culture and history.
- Improve legibility and visual amenity of streets, open spaces and buildings, and
- Improve the functionality of the public domain through the use of public art to provide appropriate street furniture functions.

### Definitions:

**'Construction Cost'** means the construction cost of development as stated by the Applicant on the Application for Development Approval form as the 'approximate cost of proposed development'

**'Development'** has the same meaning given to the term in and for the purposes of the *Planning and Development Act 2005* and applies to any such development, that in accordance with the Shire of Broome Local Planning Scheme No 7, requires the prior approval of the Shire.

**'Public Art'** means an artistic work that:

1. Is permanent in nature and constructed of materials which may be maintained and repaired if necessary, including metal, wood, plastic, paint or any other durable material.
2. Is either freestanding or integrated into the exterior of a building or other structure.
3. Reflects the local history, culture and /or community of the Place Area in which it is to be located.

4. Is created and located for public accessibility, either within the public realm or which in view of the public realm, such as a street, park, urban plaza (area) or public building, and
5. May take the form of unique functional objects designed by an artist (such as seats or gates), but may not include architectural design, advertising or directional signage or any form of commercial branding.

### **Exemptions**

- 1.0 This policy applies to all development within LPS7 with the exception of:
  - a) Any development within the 'Rural,' 'Rural Residential,' 'Rural Smallholdings,' 'Settlement' and 'Cultural and Natural Resources' zones.
  - b) A development of a single house or less than 10 grouped or multiple dwellings.
  - c) Any development with a gross lettable area of less than five hundred (500) square metres.
  - d) Any other type of development with an estimated total construction cost of less than four million dollars (\$4,000,000).

### **Policy Statement:**

- 1.1 Development is required to contribute an amount equal in value to half of a percent (0.5%) of the estimated total construction cost as indicated on the form of Application for Development Approval, for the development of public art works to enhance the public realm. The contribution can be a monetary amount or the installation of a public art work on the site of the development or within a crown reserve adjoining or near to the development site.
- 1.2 The contribution requirement shall be imposed on applicable development as a condition on the Development Approval. The condition shall specify that the contribution must be made prior to occupation of the development.
- 1.3 A monetary contribution made under clause 1.2 shall be paid into a special fund to be used by the Shire of Broome for the purpose of providing public art within the general locality or area of the subject site. Individual funds contributed may be accrued for more comprehensive or detailed public art projects in the locality or area as outlined in a plan adopted by the Council. Funds contributed may be used to meet any cost reasonably associated with the scoping, commissioning, fabrication, installation and identification of a public art work and the engagement of the community in the preparation of an art work.
- 1.4 Where a development incorporates public art work(s) to the same value as specified in clause 1.1 on the site of the development or within a crown reserve adjoining or near the development site, the public art work(s) must be:
  - a) Located in a position clearly visible to the general public;
  - b) Developed in accordance with a Public Art Report endorsed by the Shire incorporating all relevant information set out in the Shire's 'Guidelines for Developers Provision of Public Art;' and

- c) Installed prior to the occupation of the development.
- 1.5 If the public art is to be located on the site of the development, in addition to the above, the public art work must remain on the site as a permanent fixture. The landowner's responsibility for the continuance of the public art work is to be formalised through a notification on the Certificate of Title under section 70A of the *Transfer of Land Act* in a form acceptable to the Shire.
- 1.6 Public art installed in accordance with clause 1.4 is considered 'minor development' and is therefore exempt from requiring a further Development Approval from the Shire.

#### **SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.