



Department of Planning,  
Lands and Heritage



# Shenton Park Hospital Improvement Scheme

## Policy 1 - Provision of public art

October 2022

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## 1. Policy purpose

This policy details the requirements for public art contributions as part of development proposals. It also provides performance standards to guide the assessment of public art proposals, where a public art contribution is required by the policy.

## 2. Policy objectives

The objectives of this policy are:

- to foster a sense of place and enhance the public realm through the integration of high quality public art that responds to the context and/or history of the site
- to enhance the appearance, character and value of places through the inclusion of public art and to encourage animated and lively public spaces
- to ensure public art contributes to creating a unified built form across the Improvement Scheme area; and
- to establish best practice in the commissioning of public art in the development process, including a requirement for public art commissions to be undertaken by a professional artist.

## 3. Legislative framework

Improvement Scheme Policy No.1 is part of the statutory planning framework for the Shenton Park Hospital Redevelopment area (otherwise known as Montario Quarter). It is to be read in conjunction with the Shenton Park Hospital Redevelopment Improvement Scheme, Structure Plan and other relevant Design Guidelines and Improvement Scheme policies.

The Public Realm Design Guidelines (prepared by DevelopmentWA) for Montario Quarter designates preferred locations for public art and establishes themes to influence public art design.

The Public Art Strategy (also prepared by DevelopmentWA) further guides the provision of public art and interpretive works at Montario Quarter. This includes DevelopmentWA funded art, developer funded art and through the expenditure of the Montario Quarter Public Art Fund.

## 4. Policy scope

This policy applies to all development proposals of \$2 million and over (excluding GST) in construction cost in accordance with Table 1. Regardless of value, this policy does not apply to the following land uses:

- Residential – single dwelling.
- Residential – grouped dwelling.

## 5. Policy statement

A public art contribution is to be provided in accordance with the minimum required contribution specified in Table 1.

The contribution amount can take into account public art consultancy or artist fees, providing they make up no more than 15% of the total contribution amount. The conceptual location of the public art will be required to be included in the plans presented to the design review panel, and required by a condition of development approval.

A minimum of 25 per cent of the minimum public art required contribution shall be satisfied by a cash-in-lieu payment based on the rate described in Table 1. Cash-in-lieu payments will be received into and held by the WAPC in a public art fund and will be directed at both public art and ephemeral art proposals within the public realm.

On sites included within the 'mixed use' zone under the Improvement Scheme, up to 25 per cent of the minimum public art required contribution that is attributed towards the development or site (that is, excluding any cash-in-lieu contribution) can be used for the provision of ephemeral art. An ephemeral art strategy shall be submitted to the WAPC for approval prior to the initial event taking place.

Public art shall be constructed and installed (or cash-in-lieu contribution paid) prior to the issue of an occupancy certificate. If the approved development is staged, public art can be delivered commensurate to the value of each stage of development, with the exception of cash-in-lieu payments which are required upfront as part of the initial stage.

## 6. Installation and performance standards

The public art is to be located within the lot boundaries of the development site (unless otherwise approved and agreement is reached on ownership, maintenance and indemnity with the City of Nedlands). The artwork shall be clearly visible from the public realm (that is, not located internally within a building, except on State Heritage listed sites).

Only 'professional artists' will be eligible to carry out public art commissions within the Improvement Scheme area.

The artwork shall be of high aesthetic quality, durable and easy to maintain.

Where cash-in-lieu is provided, such funds will be expended by the WAPC on approved public art located in the site (in accordance with Public Realm Design Guidelines and Public Art Strategy).

A plaque or similar identifier is to be installed on, or in close proximity to the public art which details the artist's name, name of the installation and date of the installation. The plaque or identifier is to be of a pre-determined form to ensure the art is identifiable as being part of a 'public art trail' and will assist in navigation from one installation to the next.

**Table 1: Minimum required public art contribution**

Construction cost	Minimum required contribution
Less than \$2 million	Not applicable (unless negotiated as a design solution).
\$2 million to \$50 million	Minimum 1 per cent (of construction cost) contribution either provided as public art or paid into the public art fund for the Improvement Scheme area.
Over \$50 million	\$500,000 plus 0.5 per cent for every construction cost dollar over \$50 million, either provided as public art or paid into the public art fund for the Improvement Scheme area.

## 7. Heritage provisions

The following additional requirements apply to public art proposals on State Heritage listed sites only.

All public art proposals will be subject to Heritage Council of WA (HCWA) endorsement.

All public art proposals will be assessed against the relevant Heritage/Conservation Plan prepared for the State Heritage listed site.

Details of public art proposals on State Heritage listed sites are to be presented as part of the lodged development application for the broader site development to ensure holistic consideration of the proposal by the design review panel in the context of the broader development.

The requirement for a minimum cash-in-lieu payment does not apply to any development within State Heritage listed sites, therefore up to 100 per cent of public art contributions can be dedicated to the provision of public art on the development site or building.

Public art proposals on State Heritage listed sites may in-part be provided internally within the development, at the discretion of the WAPC. Any internal

proposal shall demonstrate that it will enhance the heritage integrity of the building or structure and shall be visible or accessible by multiple users or residents of the building or site (that is, not limited to any one group or resident). A significant component of the public art must be viewable from the street.

## 8. Submission requirements

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 design. At the discretion of the WAPC the report may be assessed as a condition of development approval, and submitted prior to the application for a building permit.

The public art report is to include:

- A site plan showing the development footprint, public spaces and proposed artwork location/s.
- A written design concept for the artwork, including explanations regarding extent of research, artwork themes, historical significance and a statement detailing its levels of compliance with this policy and any public art strategy.
- Artwork documentation – drawings, plans to scale with dimensions, materials, colours, installation details/ sections, perspective views and details.
- Cost calculations showing:
  - Total development construction cost.
  - Public art contribution cost.
  - Itemised costs of each artwork.
- 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. The maintenance report is to provide a cost schedule of periodic maintenance requirements and cannot be exclusive to the artist and must be executable by any competent third party.
- 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.

## 9. Definitions

### Construction cost

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 Western Australian Planning Commission (WAPC) may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction costs.

The WAPC will generally accept the construction cost of development to be the same as the 'approximate cost of proposed development' stated by the Applicant in Form 1.

### Ephemeral art

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.

### Improvement Scheme

Shall mean the Shenton Park Hospital Redevelopment Improvement Scheme.

### Public art

Is a work that is created by a 'professional artist' and is sited in a visually accessible public location including where it is located on private land.

Public art can include but is not limited to:

- (a) The unique artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures.
- (b) Landscape art enhancements such as walkways, bridges or art features within a garden.
- (c) Murals, tiles and mosaics covering walls, floors and walkways.
- (d) Sculptures, free-standing or incorporated as an integral element of a buildings' design.

Public art does not include:

- (a) Business logos.
- (b) Advertising signage.
- (c) Art objects which are mass produced or off-the-shelf reproductions.

- (d) Architectural features, landscaping or hardscaping which would normally be associated with the type of development.

### Professional artist

A professional artist is defined as a person who fits into at least two of the following categories:

- (a) Is a person who has a tertiary qualification in the visual arts;
- (b) A person who has a history of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- (c) A person that is represented in major public collections;
- (d) A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

In some cases this definition may be relaxed where it may be specified for a particular project. For example, emerging artists, Indigenous artists or students may be considered appropriate for a particular project. It is advised that every project specifies the artist's role and reflects this in the artist's brief and resulting contracts.

### Public art fund

A fund held in an account by the WAPC for the purposes of accumulating cash-in-lieu contributions made under this policy. The funds are to be used by the WAPC, or persons nominated by the WAPC, for the provision of public art within the Improvement Scheme area. The Public

Art Strategy guides the use of the funds accumulated.

### Public art report

A report prepared and submitted for WAPC approval (typically required as a condition of planning approval) that outlines the intent and theming to the public art and to ensure public art is integrated into public place and building design.