

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.19

CONTRIBUTIONS FOR PUBLIC ART AND/OR HERITAGE WORKS

ADOPTION DATE: 11/12/2012
AUTHORITY: LOCAL PLANNING SCHEME NO.4

STATUTORY BACKGROUND

This Local Planning Policy is prepared under the provisions of Part 2 of Local Planning Scheme No. 4 ("the Scheme").

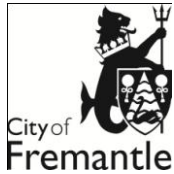
Clause 10.2 of the Scheme empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

PURPOSE

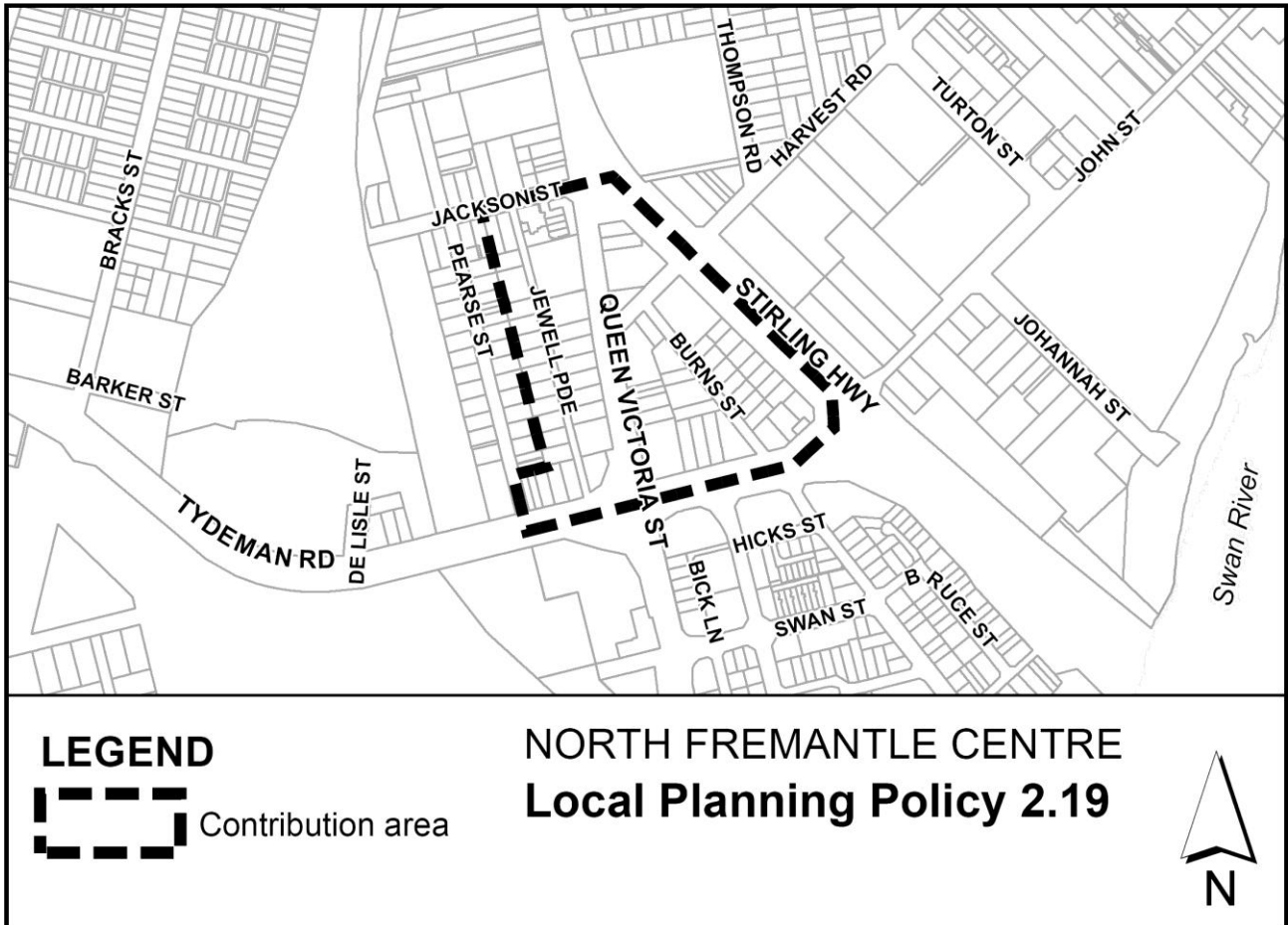
The purpose of this Local Planning Policy is to provide criteria upon which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute a percentage of the development's total cost to the development of public art works and/or heritage works.

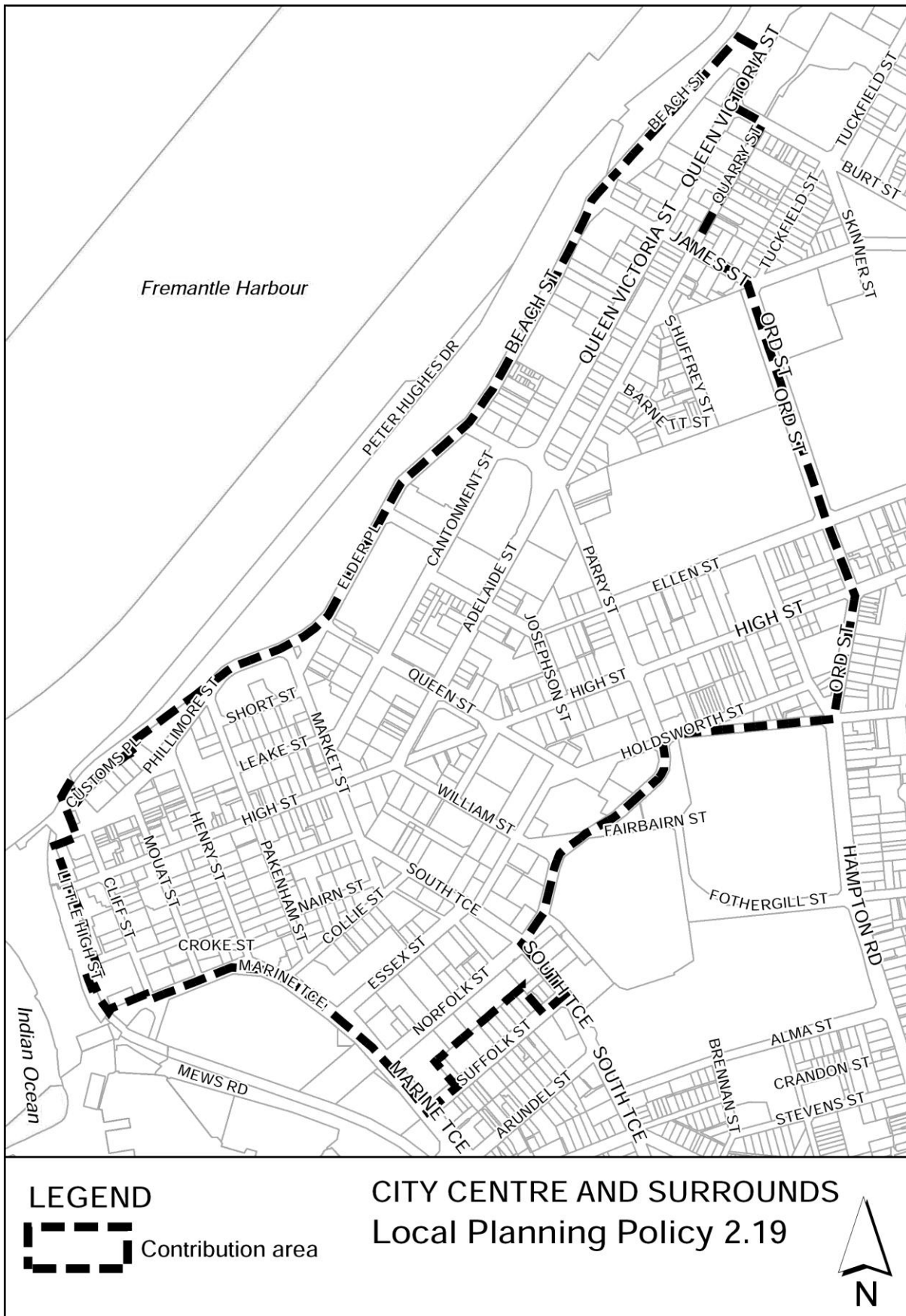
POLICY

1. This policy applies to all development on land as depicted in Appendix 1 - Contribution Areas with the exception of:
 - (a) Single houses and grouped dwellings;
 - (b) Buildings used for any industrial use class in Table 2 of the Scheme;
 - (c) Any development with a gross lettable area of less than 1000 sq m;
 - (d) Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;
 - (e) Any other type of development with an estimated total cost of less than \$1,000,000.
2. Development on land as specified in clause 1 is required to contribute a monetary amount equal in value to one per cent of the estimated total development cost, as indicated on the Form of Application for Planning Approval, for the development of public art works and/or heritage works to enhance the public realm.
3. The contribution requirement shall be imposed on applicable development as a condition on the Planning Approval. The condition shall specify that the contribution must be made prior to commencement.
4. A contribution made under clause 2 shall be paid into a special fund to be used by the City for the purpose of providing public art within the 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 costs reasonably associated with the production, installation and documentation/identification of a public art work.



5. Council, in consultation with the applicant, may decide to use part or all of a contribution required under clause 2 to meet the cost of works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance ('heritage works') instead of or in addition to the provision of public art in cases where it is satisfied that all of the following criteria are met:
 - (a) the heritage works involves a public building or place owned by or vested in the City of Fremantle; and
 - (b) the building or place is included on the Heritage List under clause 7.1 of the Scheme; and
 - (c) the building or place is located in close proximity to the site of the proposed development that generates the contribution; and
 - (d) the heritage works funded by the contribution create a direct improvement in the appearance and condition of the building or place in terms of its presentation to the public realm.
6. The Council may waive the requirement for the public art/heritage work(s) contribution in cases where a development incorporates public art work(s) to the same value as specified in clause 2 and the public art work(s) is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site, subject to being satisfied in relation to all of the following:
 - (a) The details of the proposed public art work shall be set out as part of the application for Planning Approval. Prior to determining the application, Council shall seek relevant professional advice with regard to the appropriateness and artistic merit of the proposed public art work.
 - (b) Where the public art/heritage work is to be located on private land, the public art work and/or heritage works shall be maintained by the owner(s) of the land to the satisfaction of the Council.
 - (c) Where the public art/heritage work is to be located within a crown reserve, the owner(s) of the subject development is required to enter into a legal agreement with the City undertaking to maintain the public art/heritage work to a standard specified by the City and, if required, to temporarily remove the public art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works.





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APPENDIX 1 - CONTRIBUTION AREAS

