

WYONG SHIRE COUNCIL DCP NO. 112 WYONG PUBLIC ART- COMPLIANCE TABLE

REQUIREMENT		TPG COMMENT	COMPLIES
PART 1 INTRODUCTION			
1.2 Land and development covered by this plan	<p><i>This plan is called “Development Control Plan 2005, Chapter 112 – Public Art” which may be abbreviated to “DCP Chapter 112”.</i></p> <p><i>This plan applies to major development as defined in this DCP Chapter. Public art referred to in this plan will generally be located within the curtilage of the site of the major development. Consideration may be given to locating public art within publicly owned land providing the requirements of this plan are satisfied and public liability and ongoing maintenance matters are addressed to the satisfaction of the PAAG and Council Officers.</i></p>	<p>Under this part Major Development is defined as the following:</p> <p><i>Commercial, public administration, and retail (shops) development valued at \$5 Million or greater in terms of total development cost.</i></p> <p>As such this Part is applicable to the proposed development.</p>	√
1.3 Relationship to Section 94 Contribution Fees and other Levies	<p><i>Proponent funds toward the Public Art Budget will not be collected as a section 94 contribution under the Environmental Planning and Assessment Act, 1979 or other levy.</i></p> <p><i>Proponent funds toward the Public Art Budget are to be dedicated, as part of the overall development budget, to the engagement by the proponent of the artist and public art coordinator or verified project manager to undertake planning, design, development and installation of a public artwork.</i></p>	<p>The proponent is aware of the relationship to Section 94 Contribution Fees and other Levies.</p>	√
1.4 Aims and Objectives	<p><i>This plan aims to:</i></p> <p>a) <i>Provide guidelines to enable major development to contribute to public art within the Shire.</i></p> <p>b) <i>Prescribe requirements for the provision of public art within major developments valued at \$5M or more and to ensure that these developments provide financial allocation towards public art.</i></p> <p>c) <i>Include public art within major developments so as to better</i></p>	<p>The proposed development is considered to be consistent with the aims and objectives of this DCP.</p>	√

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	<p><i>integrate development into the environmental and cultural aspects of a locality and ensure major development contributes positively to the streetscape.</i></p> <p>d) <i>Involve public art as an integral part of the development process for major development, and encourage communication between proponents, artists and design professionals in order to achieve a multi disciplinary team based approach to the provision of public art.</i></p> <p>e) <i>Support economic development and the creation of opportunities for creative industries within the Shire through an improvement of the built environment and public domain.</i></p> <p>f) <i>Ensure public art follows design and concept criteria appropriate to the Shire through the provision of conceptual considerations detailed in section 3.1 of this DCP.</i></p> <p>g) <i>Provide more possibilities for residents and visitors to the Shire to participate in and view the arts as a part of their lives.</i></p> <p>h) <i>Promote the integration of economic, social and ecological sustainability principles into development in order to encourage vibrant and liveable communities, facilitate economic development and prosperity, and provide for the future health of the local environment.</i></p>		
2.0 PUBLIC ART DEVELOPMENT REQUIREMENTS			
2.1 Development Requirements			
2.1.1 Major Development	<p>a) <i>Major developments valued at \$5M or greater must implement public art as part of the development with a minimum of 1% of the total cost of the development to be designated to the public art budget. Funds toward the Public Art Budget remain part of the Proponents overall development</i></p>	As the proposed development is valued greater than \$5M public art can be implemented as part of the proposed development.	√

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	<i>budget for the engagement by the proponent of the artist and public art coordinator or verified project manager to undertake planning, design, development and management of a public artwork. Developments valued at \$5M or more will therefore require a minimum of \$50,000 to be utilised for public artwork.</i>		
	<i>b) The public artwork is to be generally located within the curtilage of the development site proposed for the major development except where the proponent has entered into a mutual agreement with Council to provide the public artwork on public land, and where the provision of public art on public land is consistent with the requirements of DCP Chapter 112.</i>	The location of the public artwork has not been finalised at this stage however the proponent is aware of this control.	√
	<i>c) Applicants must engage a Public Art Coordinator or verified project manager responsible for the planning, management and reporting of the public art.</i>	The proponent will engage with the appropriate consultant to ensure that the planning, management and reporting of the public art is adequate.	√
	<i>d) Consultation and pre-lodgement discussions with Council staff are recommended to ensure that any issues are resolved at the earliest date possible. These pre-lodgement discussions can also assist by verifying the qualifications of the project manager who may not be preapproved on the Council register for public art coordinators.</i>		N/A
2.1.2 Provisions for Mixed-Use Development	<i>Where any commercial, public administration, and/or retail portion of a mixed-use development exceeds \$5M the requirements of this DCP Chapter shall apply.</i>	As the proposed development is not a mixed use development this control is not applicable.	N/A
2.1.3 Preliminary Application Requirements	<i>The applicant is encouraged to submit a preliminary application for the public art component of the major development prior to lodgement of a development application. Preliminary applications for major developments should include the following:</i> <ul style="list-style-type: none"> <i>• Identification of the public art coordinator or verified project</i> 	A preliminary application for the public art component of the proposed development was not submitted as the details of the public art are yet to be finalised.	√

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	<p><i>manager.</i></p> <ul style="list-style-type: none"> <i>• Preliminary schematics for the public artwork which can include sketches, montages, digital renditions or other suitable concept schematics</i> <i>• The anticipated public art budget and necessary quotations.</i> <i>• A preliminary description of the proposed public artwork including potential materials to be used and a brief explanation as to the intention of the artwork and sensitivity to existing urban design qualities.</i> 		
2.1.4 Development Application Requirements	<p>a) <i>Development applications for major developments are required to include the following:</i></p> <ul style="list-style-type: none"> <i>• Identification of the public art coordinator or verified project manager.</i> <i>• A description of the proposed public artwork including materials to be used.</i> <i>• The location of the artwork within the subject site and dimension details (height, width etc).</i> <i>• Justification as to how the proposed artwork satisfies section 3.1 of this DCP.</i> <i>• A description as to how the proposed artwork integrates into the site and surrounds, the development intention of the artwork and sensitivity to existing urban design qualities.</i> <i>• Where development is located in an area of natural, cultural, or economic significance, the applicant must demonstrate how the public artwork is responsive to these attributes.</i> <i>• Where development is located within an identified gateway site under Council's DCP 2005 the public artwork should be consistent with the objectives and design themes of the</i> 	As the public artwork for the proposed development or its location has not been finalised this control cannot be met.	

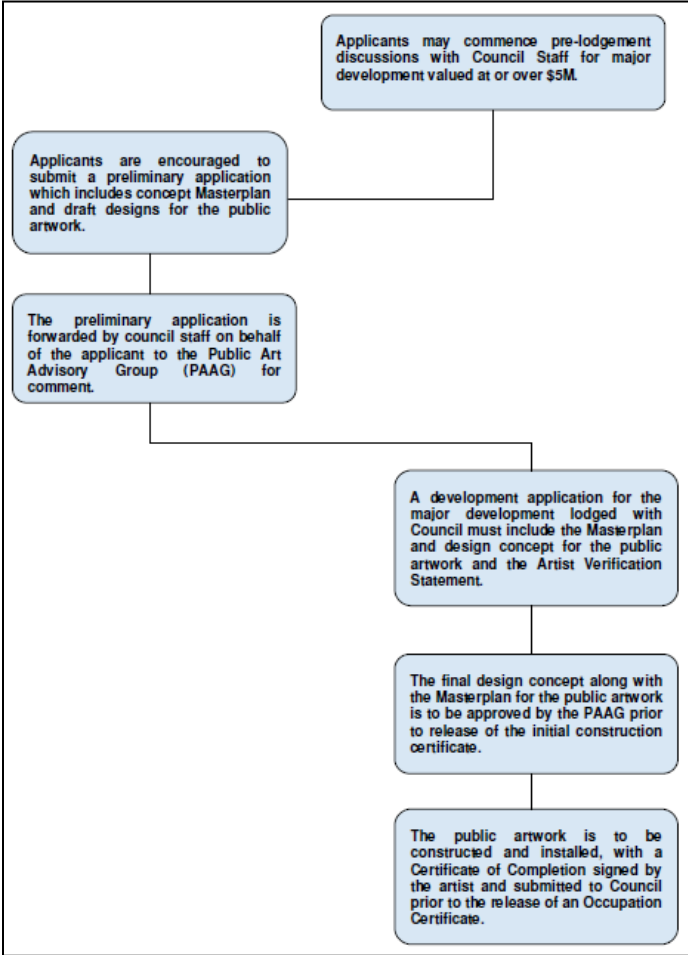
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	<p><i>relevant DCP Chapter. The applicant is to demonstrate how this is achieved.</i></p> <ul style="list-style-type: none"> <i>Research and consultation documentation undertaken throughout the concept development process for the artwork.</i> <i>The anticipated public art budget and necessary quotations.</i> <i>An Artist Verification Statement which provides evidence that the artist has viewed all documentation to be submitted as part of the development application and is satisfied that the submitted documentation is consistent with the final design concept of the artwork.</i> 		
	b) <i>The design concept along with the Masterplan for the public artwork is to be submitted as part of the development application and referred through the Public Art Advisory Group (PAAG) process – refer to Wyong Shire Council PAAG Operational Framework available on Council's website for a detailed outline of the PAAG process.</i>	Once the public artwork and its location have been finalised within the proposed development the proponent is aware that the development application is to be referred through the Public Art Advisory Group Process.	√
	c) <i>The final design concept must be approved by the PAAG prior to issue of the initial Construction Certificate for the major development.</i>	The proponent is aware that the final design concept for the public artwork is to be approved by the PAAG prior to the initial Construction Certificate for the proposed development.	√
	d) <i>The public artwork is to be constructed and installed prior to release of an Occupation Certificate for the major development.</i>	The public artwork for the proposed development is to be constructed and installed before the release of an Occupation Certificate for the development.	√
	e) <i>A Certificate of Completion is to be signed by the artist and submitted to Council prior to the release of an Occupation Certificate for the major development.</i>	A certificate of completion will be signed by the artist and submitted to Council prior to the release of the Occupation Certificate for the proposed development.	√
2.1.5 Public Art	a) <i>The Public Art Budget includes the total financial allocation</i>	The proponent is aware that the budget for the public art	√

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Budget	<i>towards a public artwork. This can include all pre-lodgement investigations, design advice, community engagement, coordination costs, artist fees, cost of material, and construction costs but excludes the cost of land where upon the public artwork is located.</i>	component of the proposed development includes the various items listed.	
	b) <i>Public Art can be incorporated into the design features of a building. The finances allocated toward the construction of a building can be included into the public art budget if this component is demonstrated to be public art. The artwork may serve a dual role of providing effective public domain services such as lighting or shading, provided the work is consistent with the objectives and definitions of this DCP Chapter and its appendices. Council will exercise discretion as the determining authority in regards to whether the design concepts proposed as 'public artwork' satisfy the requirements contained within this DCP Chapter.</i>	The proponent is aware of the financial procedures for the public art within the proposed development, that the public art can be incorporated into the design features of the building in addition to being used for dual purposed.	√

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<p>2.1.6 Procedure for including Public Artwork within Major Development</p>	 <pre> graph TD A[Applicants may commence pre-lodgement discussions with Council Staff for major development valued at or over \$5M.] --> B[Applicants are encouraged to submit a preliminary application which includes concept Masterplan and draft designs for the public artwork.] B --> C[The preliminary application is forwarded by council staff on behalf of the applicant to the Public Art Advisory Group (PAAG) for comment.] C --> D[A development application for the major development lodged with Council must include the Masterplan and design concept for the public artwork and the Artist Verification Statement.] D --> E[The final design concept along with the Masterplan for the public artwork is to be approved by the PAAG prior to release of the initial construction certificate.] E --> F[The public artwork is to be constructed and installed, with a Certificate of Completion signed by the artist and submitted to Council prior to the release of an Occupation Certificate.] </pre>	<p>The proponent is aware of the procedure for including public artwork within the proposed development.</p>	<p>√</p>

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	<i>Figure 1: Procedure for installing Public Artwork</i>		
3.0 PUBLIC ART CONCEPTUAL CONSIDERATIONS			
3.1 Conceptual Relevance to the Wyong Shire	<p><i>a) To ensure public art is effectively integrated into its context the concept and design of proposed artworks must consider, where relevant, the following:</i></p> <ul style="list-style-type: none"> • History - the many layers of history and contemporary culture which make any location or place within the Shire rich with content. • Culture - modern society and its wide-ranging impacts on how different social and cultural groups within the Shire understand their place in the world. • Environment - the qualities of coastal and hinterland landscape, natural light, topography and local flora and fauna within the locality. • Urban Form - existing urban character and desired future character of the area as well as site specific characteristics. • Sustainability - the increasing role of government and community in the movement toward a sustainable future. 	The public art for the proposed development will have a conceptual relevance to the Wyong Shire Council.	√