

## **(ITEM 131/22) POST EXHIBITION REPORT - PUBLIC ART IN PRIVATE DEVELOPMENTS AND ON HOARDINGS**

File No: 22/39336

REPORT BY MANAGER CITY PLANNING; SENIOR STRATEGIC PLANNER

### **Summary**

This report provides an overview of the exhibition of the amendments to Section 5.11 of the Burwood DCP with respect to the public art provisions in private developments. The amendments to the DCP were exhibited concurrently with the draft Burwood Public Art Guidelines for Developers. No submissions were received and it is proposed that both the DCP amendment and the Guidelines be adopted.

This report also responds to the resolution resulting from the Mayoral Minute in August 2022 with respect to public art on site hoardings. An investigation has been undertaken and it is proposed to amend Council's Hoarding Policy to update the provisions relating to public art on hoardings to ensure alignment with the DCP and the Guidelines.

### **Operational Plan Objective**

A.32 Undertake a comprehensive review of the Development Control Plan (DCP) 2013 and prepare a user friendly and interactive DCP

P.37 Plan for and implement public art programs that support local identity, culture and connection

2.1.3 Ensure transparency and accountability in decision making

### **Background**

Council, at its meeting on 27 September 2022 considered a report on amendments to Burwood DCP relating to requirements for the provision of public art in private developments. The amendment includes reference to the Burwood Public Art Guidelines for Developers.

The draft Guidelines have been prepared and outline the expectations and steps to assist developers, art consultants, artists, architects, and landscape architects in the provision of public art in major developments.

As a result of the report, Council resolved the following (117/22):

1. *That the draft amendments to Burwood DCP as included at Attachment 1 to this report be endorsed for the purposes of public exhibition and that they be exhibited in accordance with relevant Legislation and Council's Community Participation Plan.*
2. *That the draft Burwood Public Art Guidelines for Developers (the Guidelines), as included at Attachment 2 to this report be exhibited concurrently with the amendments to Burwood DCP.*
3. *That following the exhibition of the DCP and the Guidelines, a report be brought to Council advising of any submissions and making recommendations on the finalisation of the draft DCP provision and the Guideline.*
4. *That the post exhibition report includes a review of Council's Hoarding Policy in response to Council's resolution of 23 August 2022.*

## **Consultation**

The amendments to Section 5.11 of the Burwood DCP include clear objectives and provisions to ensure that applicants understand the threshold of when the provisions of public art are triggered and what is required to be submitted as part of any development application to ensure consistent assessment and ensure the delivery of public art in private developments. The DCP provisions are aligned with the requirements of Council's Public Art Policy.

The provisions in the DCP have been amended to include reference to the Burwood Public Art Guidelines for Developers. The draft Guidelines have been prepared and outline the expectations and steps to assist developers, art consultants, artists, architects, and landscape architects in the provision of public art in major developments.

The amendments to the DCP and the draft Burwood Public Art Guidelines for Developers were exhibited concurrently for 28 days between 20 October 2022 to 17 November 2022. No submissions were received during the exhibition period.

It is recommended that both the amendments to the DCP and the Burwood Public Art Guidelines for Developers be adopted. A copy of the proposed amendment to Section 5.11 of the Burwood DCP – Public Art in Private Development, as exhibited and the Burwood Public Art Guidelines for Developers is included at Attachment 1 and 2 to this report, respectively.

## **Burwood Council Hoarding Policy**

The Hoarding Policy was endorsed by Council on 19 May 2020 and regulates the placement of temporary structures on or above a public road or footpath by property owners, developers, builders and contractors when undertaking construction or maintenance activity.

A key feature of the Policy is the requirement for artwork or graphics to be displayed on hoardings in areas of high pedestrian activity or exposure in an effort to reduce the visual impact, provide new public art opportunities and contribute to the attractiveness of the Burwood Town Centre and other local centres.

A review of the Hoarding Policy was undertaken in March 2021, following a Mayoral Minute (MM7/21) seeking amendments to improve public art outcomes.

Council, at its meeting on 23 August 2022 considered a further Mayoral Minute (MM11/22) with respect to Council's Hoarding Policy, where it resolved (in part), the following (104/22):

- 1. The General Manager review the existing Burwood Council Hoarding Policy and associated procedures to ensure that all sites within the Burwood Town Centre are captured by the policy and that site fences or other similar construction site boundary structures are also required to have art work installed. The findings of the review should be reported to Council following the investigation*

A review of the framework to ensure the delivery of public art on hoardings and site fences has been undertaken. It is proposed to update Council's Hoarding Policy by including information under Purpose and General Requirements to ensure that the delivery of public art on hoardings/site fences is stated upfront and is clear.

Minor amendments have also been made to Section 6.14 of the Hoarding Policy to ensure that the information is clear and easy to understand. A copy of the proposed amendments to the Hoarding Policy is included at Attachment 3 (amendments identified in red). It is recommended that these amendments be exhibited for 28 days.

In addition to the Hoarding Policy, and as outlined above, Council has also developed the Burwood Public Art Guidelines for Developers, which also includes a section outlining requirements for public art on hoardings.

In relation to construction site fences, which are located within the property boundary and do not require a hoarding permit or any other approval from Council, the only way to mandate the installation of art work on such site fences is via a condition of consent. Such a condition has been applied to new development applications within the town centre. However, there remains older historical consents which would not have a site fence art work policy imposed. There is therefore the prospect that some construction sites will be experienced in the town centre, enclosed by a site fence within the property boundary that will not have art work installed.

### **Planning or Policy Implications**

The amendments to Burwood DCP were exhibited for a minimum 28 days in accordance with the *Environmental Planning and Assessment (EP&A) Regulation 2021* and Council's Community Participation Plan.

There are no legal requirements to publicly exhibit the draft Burwood Public Art Guidelines for Developers, however these were exhibited concurrently with the amended DCP provisions to ensure transparency and to allow feedback to be received with respect to the requirements proposed by the Guideline.

It is proposed to exhibit the amendments to the Hoarding Policy for a minimum period of 28 days. At the conclusion of the exhibition, the post exhibition report will be presented to Council for consideration of any submissions.

### **Financial Implications**

No financial implications.

### **Conclusion**

Section 5.11 Amendment – Public Art to the BDCP proposes to strengthen the local planning framework on public art in private developments and to introduce the Burwood Public Art Guidelines for Developers.

The amendments to section 5.11 have been exhibited concurrently with the Guidelines for Developers and no submissions were received. It is now recommended that these be adopted.

In addition, a review has been undertaken to Council's Hoarding Policy to strengthen the requirements for public art on hoardings and site fences. It is recommended that the proposed amendments to the Hoarding Policy be publicly exhibited for a minimum of 28 days and that a further report be brought back to Council following the conclusion of the exhibition period.

### **Recommendation(s)**

1. That Council, pursuant to Section 3.43 of the Environmental Planning & Assessment Act and in accordance with Clause 14 of the Environmental Planning & Assessment Regulation 2021, adopt the amendments to Section 5.11 Public Art in Private Developments in the Burwood Development Control Plan (BDCP) as outlined in Attachment 1 to this report.
2. That Council adopt the Burwood Public Art Guidelines for Developers as included at Attachment 2 and make this information available on Council's website.
3. That the General Manager be endorsed to make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in the finalisation of the amendment to Section 5.11 of the Burwood DCP.

4. That Council give public notice of the decision to approve the amendments to Burwood DCP, on its website within 28 days in accordance with Clause 14(2) of the Environmental Planning and Assessment Regulation 2021.
5. That the amendments to the Hoarding Policy, as outlined in Attachment 3 be placed on public exhibition for a minimum period of 28 days and that a further report be brought back to Council following the exhibition period.

**Attachments**

- 1 Burwood Public Art Guidelines - December 2022
- 2 Burwood DCP - Public Art in Private Developments
- 3 Hoarding Policy - December 2022 Amendments