

ATTACHMENT A

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SUMMARY OF SUBMISSIONS

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No.	Submitter	Submission	Response
1	Elizabeth Bay Resident	Objects to green spaces having public art or skateboard ramps, cafes or any other built environment features. Wants a policy that preserves the green and its ambience.	The proposed amendment relates to public art only. Independent of Council policy, sculptures and artwork may be exempt development under the <i>State Environmental Planning Policy (Exempt and Complying) 2008</i> . <i>Sustainable Sydney 2030</i> and the <i>City Art Public Art Strategy</i> support public art as a result of consultation and community request. This amendment allows consideration of public art in public spaces. Any application will still be assessed on a site by site basis and on the individual artwork.
		Concern about permissible uses of existing non-residential buildings in the general residential zone. Businesses rent garages in residential streets and use them as cheap commercial industrial workshops or 24 hour storage. Examples including storage for a cafe, concert lighting company, as well as doing up hot rods and noise from revving of car engines.	This proposed amendment clarifies Clause 7.22 of SLEP 2012 to allow reuse of existing non residential buildings in the R1 zone. This clause only applies if the building was design and constructed for a non-residential use and satisfies the criteria, for example, a pub which may have been operating prior to the residential zoning. Under Clause 7.22 the impact and compatibility of the development on the amenity of the surrounding locality must be satisfied prior to granting consent.
		Objects to streamlining the process for demolition consent to make it easier for heritage buildings to be demolished and harder for people to stop this.	The proposed amendment would not make it easier for heritage buildings to be demolished or harder for people to voice their concerns. The assessment consideration for demolition and the requirements for public consultation are unchanged. The proposal only allows streamlining of the process once consent has been issued.
2	Sydney Resident	The planning proposal does not state objectives or intended outcome - a clear statement of intended outcomes is required.	Statement of intended outcomes is amended to clarify the planning proposal intent as follows: "to allow public art as permissible use with consent in public spaces including parks, plazas and roadways"
		The planning proposal does not define public art or provide adequate criteria for it. The proposal would allow much development in parks that the community doesn't want, partly because it does not define public art, partly because of inadequate consultation with the relevant local communities and partly because of out-dated and largely ignored plans of management for the parks.	The Department of Planning LEP practice note on definitions in the standard instrument acknowledges terms used in LEPs may not be separately defined in the Dictionary. In these cases the ordinary meaning of the word is sufficient. Consistent with the City's Public Art Policy, Public art would include artistic work or activities accessible to the public. The new clause outlines criteria to be met including that it must comprise an artwork or element of design, designed by an artist.

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		<p>The criteria clause is inadequate: It is not clear whether "public space" includes crown land; it does not require the artwork to be relevant to, and appropriate to, the site; it implies that adverse impacts on heritage values are acceptable; much of the public infrastructure zone is not "public space" in the sense of being publicly accessible; wind overshadowing and noise impacts are not particularly relevant to the infrastructure zone; it makes no reference to plans of management.</p>	<p>The planning proposal would allow public art applications to be considered and consultation to take place as part of the assessment process. It is recommended to amend the criteria clause in the planning proposal to require consistency with relevant plans of management and consider heritage impacts.</p> <p>In relation to other comments on the criteria clause:</p> <ul style="list-style-type: none"> * public space may include crown land but not all public space is crown land; * artwork may be relevant to the site, although not required. It is noted that it should be appropriate to the site and assessed as part of any application for the artwork; * not all land in the SP2 Infrastructure zone may be publicly accessible however that should not preclude assessment of proposed artwork in spaces in the zone which are publicly accessible; * wind, overshadowing and noise impacts may be relevant and are included in the criteria. In addition, the criteria would apply to all zones where public art is permissible, not just the infrastructure zone.
		<p>The planning proposal does not comply with section 117 Directions by the Minister regarding conservation of heritage items. A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics moveable objects or precincts of environmental heritage significance to the area. The planning proposal ignores the impacts on heritage values as most of the public recreation zone is on a heritage register. Parts of the infrastructure zone are also on heritage registers, reinforcing the point that in many places heritage impacts are fundamental to assessing development applications for public art. In addition, many areas in the public recreation or infrastructure zones that are not on a heritage register contain heritage items, the value of which might suffer from new nearby public art. Council's public art proposals are a major threat to the heritage values of parks.</p>	<p>As above, the suggested criteria clause in the planning proposal will be amended requiring consideration of heritage impacts.</p>
		<p>The planning proposal does not recognise that most public art falls within the LEP definition of "community facility". According to SLEP "community facility" is permitted with consent in a public recreation zone. A Banksy mural would not comply with the definition as it is not a structure, however, in many parks a mural would not be permissible anyway under the Graffiti Control Act 2008 for want of the consent of the owner of the wall (the Crown).</p>	<p>The planning proposal would ensure there is clarity that public art is permissible in the nominated areas subject to a development application. Any public art development application will require owners consent.</p>

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		<p>While the public, including the submitter wants public art, the planning proposal does not justify or demonstrate the need for more public art in public recreation zones. It provides no evidence that public art is desired in the public recreation zone. The only justification is that the zone is public. If so, public housing, public education, public transport, defence uses, etc must also be suitable in the public recreation zone because of the "public nature of the land" Also much of the public recreation zone is crown land and crown land is not public land. Furthermore, much of the public domain is outside the public recreation and infrastructure zones, so the expansion of public art does not depend on it being permissible in the two zones, for example, the Liveable Green Network is mostly outside parks, so the use of public art to support the network does not depend on public art in parks.</p>	<p>The planning proposal allows applications for public art to be considered in public recreation zones consistent with <i>Objective 7.2 Support cultural activity, participation and interaction</i> and specifically <i>Action 7.2.3 Use Sydney's streets, laneways and public spaces to showcase different forms of art</i> in <i>Sustainable Sydney 2030</i> . The Objective and Action is a result of widespread community consultation. The acceptability of the public art and suitability of its location will be assessed in the development assessment stage. The planning proposal allows 2 additional zones where public art is suitable and would be permissible with consent, noting that it is currently permissible in most other zones. It is not unreasonable to allow public art to be a permissible use in the public recreation zone.</p>
		<p>The planning proposal is not the best means of supporting public art. Public art is already widely permissible. Alternatives are not mentioned including continuing to install public art in other zones; encourage public contributions and ownership; update management plans to identify opportunities and constraints for public art installation; publicise opportunities; relocate any public art that management plans identify as inappropriate to its location. Council's generosity in providing public art undermines all enthusiasm for non-government contributions; why donate when government will pay anyway? Council should support public art, but not in ways that "crowd out" public and charitable contributions. We want public art, not government art.</p>	<p>Alternatives to public art noted. If public art is prohibited, no other means of support will allow the artwork to take place in these areas. Council continues to support public art including seeking non-government contributions.</p>

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		<p>Council should proceed as follows:</p> <ol style="list-style-type: none"> 1) Amend the planning proposal to incorporate criteria for public art; 2) Include public art as not permissible on sites containing heritage items unless it is consistent with an approved plan of management (and conservation management plan in the case of state heritage items) that is less than 5 years old; 3) Apply to the Heritage Council for approval for any public art proposal in a park containing an item on the state heritage register, and prepare a conservation management plan for that park; 4) Stop "crowding out" private and public contributions to public art; 5) Prepare a new management plan for each park that is a heritage item or contains heritage items (and conservation management plans in the case of state heritage items), giving priority to those parks in which Council contemplates placing public art; 6) Consider the relocation or removal of existing public art, the possibilities for new installation and any matters that a brief for art installations should include (such as site-specificity); and 7) Amend the City Art Public Art Strategy and other policy documents relating to public art to remove or relocate existing public art to avoid clutter and loss of landscape areas. 	<ol style="list-style-type: none"> 1) Amended. 2) Amended to require a Plan of Management and heritage assessment. A Conservation Management Plan may be required depending on the proposal and its impact. A Plan of management will be updated as required. 3) Noted. No change is proposed to for this requirement. 4) Noted. Public art applications will be assessed on its merits. 5) New management plans for parks will be prepared as the need arises. 6) Noted. 7) The City will consider these comments as part of the next review if the city Art Public Art strategy and the associated policies. The City actively manages its Public Art collection in line with the Guidelines for Acquisitions and Deaccessions 2010, including criteria for the consideration of public art in the public domain.
3	Office of Environment and Heritage	<p>No objection is raised to the proposed amendments to Clause 6.11 and 6.11A of SLEP2012 relating to Heritage Floor Space.</p> <p>No objection raised to the removal of exempt provisions regarding use of footpath for food and drink premises. It is requested that Council considers creating some provisions to manage any resultant adverse visual impacts due to umbrellas, marquees or other structures where such use is being proposed in front of Heritage Buildings.</p>	<p>Noted.</p> <p>Noted. Council recently adopted the Outdoor Dining Guidelines that includes provisions to manage visual impacts for umbrellas, canopies and the like. Footway applications will need to refer to the Outdoor Dining Guidelines.</p>