



Guidelines for Developers
Provision of Public Art - LPP 8.20

CONTENTS

1. Definitions	3
2. Purpose	4
3. Overview	4
6. Approval Processes	5
6.1 <i>Artwork to be installed on private land</i>	5
6.2 <i>Artwork to be installed on public/Shire owned or controlled land</i>	6
8. Criteria for Public Art	7
8.1 <i>Underpinning Strategies</i>	7
8.2 <i>Criteria for Approval</i>	8
9. Allowable Budget Items	9
10. Contacts	10
11. References and Resources	10
10.1 <i>Shire of Broome - Associated Documents</i>	10
10.2 <i>References</i>	10
10.3 <i>Resources - Advice</i>	11
10.4 <i>Resources - Funding</i>	11

APPENDIX – CHECKLIST FOR PUBLIC ART

1. Definitions

'Professional Artist' means a person who meets two or more of the following criteria:

- has a minimum tertiary qualification equivalent to three years full time study in visual arts, or when the brief calls for it, other art forms such as multi-media;
- has an established exhibition history through reputable art galleries that exhibit and sell the work of professional artists;
- has had work purchased by major public and private collections, including the Art Gallery of Western Australia, any university collections, major institutions or Artbank;
- earns more than 50 percent of their income from arts related activities, such as teaching art or design, selling art work or undertaking public art commissions; and
- can produce a referenced folio of works that is of high quality and relevant to the commission.

'Public Art' means an artistic work that:

- is permanent in nature and constructed of materials which may be maintained and repaired if necessary, including metal, wood, plastic, paint or any other durable material;
- is either freestanding or integrated into the exterior of a building or other structure;
- reflects the local history, culture and /or community in which it is to be located;
- is created and located for public accessibility, either within the public realm or which in view of the public realm, such as a street, park, urban plaza (area) or public building; and
- may take the form of unique functional objects designed by an artist (such as seats, gates or entry statements), but may not include architectural design, advertising or directional signage or any form of commercial branding.

'Art Consultant' means a person who can demonstrate the following previous experience;

- Managing art projects and curatorial work with a working knowledge across a range of art forms, media and materials;
- Communicating effectively with key project stakeholders;
- Developing and working collaboratively with project teams;
- Involving the community in collaborative processes and building the capacity of local artists;
- Interpreting three dimensional spaces from technical drawings and to generate ideas for the integration of artwork within these spaces.

'Commission value' means a lump sum amount that, unless otherwise negotiated, will include all costs associated with the design, fabrication and installation of the artwork. The commission value is the public art contribution minus the total allowable expenses.

'Allowable expenses' are expenses which can be included as part of the overall public art contribution value and are defined by these guidelines.

2. Purpose

The purpose of this document is to provide guidelines for the delivery of public art projects within the Shire of Broome where the provisions of Local Planning Policy 8.20 apply.

3. Overview

Art can play an important role in connecting people to place and providing a reflection and interpretation of the uniqueness of their culture and history. It can be a positive visual reminder of the sense of shared community. It may also enhance the attractiveness and cultural significance of a place and encourage further investment in the local economy.

Through a coordinated approach to public art projects, the Shire aims to;

- Contribute to the amenity of the town
- Build capacity and economic opportunity for the Broome community
- Celebrate and reflect the culture, heritage and diversity of the town and its environment
- Integrate the use of public art into planning, development and built infrastructure as well as festivals, events and celebrations.

In order to ensure that new development or redevelopment celebrates and enhances local history and culture and promotes a sense of identity, it is considered appropriate for significant development proposals to make a contribution to public art within Broome. The terms of this contribution are outlined in the Shire's Local Planning Policy 8.20: Provision of Public Art (LPP 8.20), which was adopted in 2013. The provisions of LPP 8.20 are applicable to the Shire's own capital works and commercial developments.

4. Options for Contribution

Under LPP 8.20, developments with a cost of construction exceeding \$2 million are expected to contribute to public art, with the contribution to be 1% of the estimated construction cost. Options for contribution are;

- a) a monetary amount, or alternatively;
- b) the installation of public art on the development site or nearby crown reserve.

5. Determination of Contribution Type

- 5.1 When a development application is lodged which triggers the requirement for a public art contribution, Shire of Broome Planning officers will notify the developer of LPP 8.20 and explain the options of a monetary contribution or on-site installation.
- 5.2 Planning Approval issued for the development will contain a condition stipulating that a public art contribution to the appropriate value is required prior to occupation of the development.
- 5.3 Where the public art condition is applied to a Planning Approval, the condition will also outline that the contribution can take the form of a monetary payment or on-site installation of a public art work.
- 5.4 Monetary contributions will be deposited into a special fund (Public Art Reserve) to provide public art in the Shire of Broome in accordance with the *Public Art Master Plan*. Artwork will be commissioned and installed generally within the townsite according to the Shire's *Guidelines for Public Art*.
- 5.5 Once Planning Approval has been issued, the developer should indicate that they wish to undertake on-site installation or installation of public art within proximity to the development site.

6. Approval Processes

6.1 Artwork to be installed on private land

Should the developer indicate a preference for undertaking installation of a public artwork on the development site where the land is privately owned or controlled by the developer and is not intended to be handed over to the Shire, the following process will apply.

- a) Shire of Broome Planning officers will provide the developer with these guidelines and the Public Art Master Plan.
- b) The developer will submit a Public Art Report in accordance with the requirements set out in Section 7.0, below to the Planning business unit.
- c) Officers will assess the proposed artwork generally against the criteria set out below in Section 8.0 of these guidelines. The assessment will be conducted through the Development Control Unit with input from the Planning, Building and Community Development business units.

- d) Once approved, a Building Permit will be required for the construction of the public art in accordance with the endorsed Public Art Report.
- e) The public art work must be installed prior to the issue of a Certificate of Occupancy for the development which triggered the need for a public art contribution.

The developer/commissioner will be responsible for maintenance during the life of the artwork and for decommissioning the artwork upon its expiry.

6.2 Artwork to be installed on public/Shire owned or controlled land

Where the developer proposes to install an artwork wholly or partially on public/Shire owned or controlled land, the following process will apply.

- a) Shire of Broome Planning officers will provide the developer with these guidelines and the Public Art Master Plan as part of the planning approval issued. Planning officers will notify the Community Development business unit of a request from a developer to provide off-site public art.
- b) The developer will submit a Public Art Report in accordance with the requirements set out in Section 7.0, below to the Community Development business unit for submission to the Arts, Culture and Heritage Advisory Committee.
- c) The Public Art Report will be assessed by the Arts, Culture and Heritage Advisory Committee and will either be endorsed or not endorsed and a recommendation will be made to Council [regarding the:](#)
 - (a) commissioning model to be used;
 - (b) selection of artist(s)
 - (c) approval of concepts and design

¶ Council, as the land owner/controller, will be responsible for approving the location of the artwork.

~~In accordance with Sections 5.16 – 5.18 of the Local Government Act 1995, the ACHAC has delegated authority to make decisions relating to public art on behalf of the Shire regarding the:~~

The Arts, Culture and Heritage Committee (ACHAC) is a formal Committee of Council constituted under *Part 5, Division 2* of the *Local Government Act 1995*.

- d) Once approved, a Building Permit will be required for the construction of the public art in accordance with the endorsed Public Art Report.
- e) The installation of the public art work must occur prior to occupation and will be required as a condition of planning approval.

7. Public Art Report

The Public Art Report must include but may not be limited to the following.

- 7.1 Artist CV, listing details of the artist's qualifications and experience which demonstrate that they meet the definition of 'professional artist' as set out in the Definitions contained in these guidelines.
- 7.2 Detailed concepts or to scale plans, showing dimensions, materials used, colours and installation details.
- 7.3 Budget details, including only items listed as 'allowable items' in Section 9.
- 7.4 If the artwork is to be sited on public land:
 - a) the artwork must be designed to be robust and low maintenance and meet all safety and Australian Standards;
 - b) location details and written consent of the land owner and/or the authority with management control of the land (if applicable);
 - c) details of requirements for on-going care or maintenance of the artwork, including as a minimum the annual maintenance costs and the expected timeframes and cost for decommissioning of the art work;
 - d) technical engineering assessment confirming that the proposed position of the artwork is acceptable and the artwork is structurally adequate; and
 - e) details of any community engagement undertaken to inform the design of the public art, particularly with local artists.
- 7.5 Proposed handover date to the Shire if applicable.

The developer/commissioner will be required maintain responsibility for annual maintenance of the artwork for a reasonable period of time. Where the artwork is partially installed on public/Shire owned or controlled land, the developer/commissioner will be responsible for maintenance for the life of the artwork and for decommissioning the artwork upon its expiry.

8. Criteria for Public Art

8.1 Underpinning Strategies

The Public Art Master Plan contains the following strategies that underpin the provision of public art within the Shire.

- a) Quality public art and tourism – high quality public art that contributes to tourism experiences, interpretation, major destination artworks as a tourist attraction strategy;

- b) Community engagement and capacity building – involvement of the local community in the concept design and/or delivery of public art works, opportunities to build the capacity of the local community to deliver public art works;
- c) Diversity in public art – use of temporary and ephemeral art to add value to events and festivals, seasonal/short term art works;
- d) Economic drivers – engagement with the business sector as property owners, developers, employers, patrons or funders, and public art as a means enhancing visitor experience.

8.2 Criteria for Approval

Approval for public art projects will have consideration for the following criteria:

Artistic Outcomes

- a) demonstrated high standard of artistic excellence
- b) original artwork
- c) contributes to public amenity and experience

Community Outcomes

- a) opportunities for community engagement and capacity building
- b) location and access to the public
- c) relevance to the site and to the Shire's *Public Art Master Plan*

Compliance

- a) consideration of public safety, environmental and climatic conditions
- b) asset management implications for the Shire
- c) demonstrated sound project management
- d) realistic and achievable budget in accordance with allowable items outlined in Section 9
- e) compliance with Local Laws, Shire policies, frameworks and procedures and any other regulatory requirements

9. Allowable Budget Items

- 9.1 The commission value is usually a lump sum amount that includes all costs associated with the design, fabrication and installation of the artwork. The commission value will be equal to the total contribution minus allowable expenses outlined below.
- 9.2 The following allowable items can be included in the budget for undertaking public art and will be deducted from the overall public art contribution:
- a) Public Art Consultant. The Shire recommends that the developer engages a public art consultant to project manage the installation of public art. Generally a maximum of 15% of the commission value will be allocated to this budget item.
 - b) Concept Design Fee. This fee is generally between \$1,000 - \$2,000 or 1% of the commission value, whichever the greater, and is paid to the artist for preparation of the design concept.
 - c) Local engagement in public art projects. An amount not to exceed 10% of the commission value may be allocated to allow for an artist to creatively engage with the community in order to explore and articulate issues of significance or interaction with a public space. This amount can also be used for skills development or paid mentoring as set out in Section 7.2.4.
 - d) Attribution plaque. This helps meet the moral rights amendment to the *Copyright Act (1968)*. The commissioner is responsible for acknowledging the artist and their work with a plaque. The plaque will be installed in a reasonably prominent position near the artwork and be at least A5 in size. The plaque will state, at a minimum, artist/s name, title (if any) and the year of creation. Other statements may include language group for Indigenous artists, a brief statement about the artwork and other items by agreement between the commissioner and the artist.
 - e) Promotion of the work. An amount not to exceed 1% of the total public art contribution may be allocated to a celebratory or promotional event after the installation of the artwork or to provide professional photographic documentation of the artwork.
- 9.3 Where the budget amounts exceed the above limits, the excess is to be borne by the developer and is not to be deducted from the overall total public art contribution.

10. Contacts

Public art matters are considered by a range of Shire business units as required. Officers are responsible for submitting reports to the Arts, Culture and Heritage Advisory Committee for approvals, feedback and/or recommendation to Council.

Developer contributions for the purpose of public art are overseen by the Planning Services business unit in accordance with Local Planning Policy 8.20.

The Shire's Public Art collection is overseen by the Community Development business unit which is responsible for developing guidelines in accordance with the Public Art Policy 5.1.6.

Shire of Broome
Phone: 08 9191 3456
Email: shire@broome.wa.gov.au
URL: www.broome.wa.gov.au

11. References and Resources

10.1 Shire of Broome - Associated Documents

- a) Local Planning Policy 8.20 – Provision of Public Art
- b) Policy 5.1.6 – Public Art
- c) Public Art Master Plan for Broome Town Site
- d) Shire of Broome Public Art Guidelines
- e) Terms of Reference – Art, Culture and Heritage Advisory Committee

10.2 References

The documents below were referenced during the preparation of these guidelines.

- *Percent for Public Art Guidelines for Developers*
Artsource (2014)
- *Public Art Guidelines – for Landcom Projects*
Landcom (2009)
- *Public Art Developers Handbook*
City of Subiaco (2011)

10.3 Resources - Advice

National Association for the Visual Arts

PO Box 60 Potts Point NSW 1335
Ph: 02 9368 1900
E: nava@visualarts.net.au
W: www.visualarts.net.au

FORM

357 Murray Street Perth WA 6000
Ph: 08 9226 2799
W: www.form.net.au

Arts Law Centre of Australia

The Gunnery, 43-51 Cowper Wharf Rd
Woolloomooloo NSW 2011
Ph: 1800 221 457
E: artslaw@artslaw.com.au
W: www.artslaw.com.au

Artsource

PO Box 999 Fremantle WA 6959
Ph: 08 9335 8366
E: info@artsource.net.au
W: www.artsource.net.au

10.4 Resources - Funding

Department of Culture and the Arts

PO Box 8349 Perth Business Centre WA 6849
Ph: 1800 199 090 (country callers)
Ph: 08 6552 7300
E: info@dca.wa.gov.au
W: www.dca.wa.gov.au

Australia Council for the Arts

PO Box 788 Strawberry Hills NSW 2010
Ph: 1800 226 912 (toll free)
W: www.australiacouncil.gov.au

Community Arts Network

PO Box 7514 Cloisters Square WA 6850
Ph: 1800 681 021 (country callers)
Ph: 08 9226 2230
W: www.canwa.com.au

Country Arts WA

PO Box 7102 Cloisters Square WA 6850
Ph: 1800 811 883 (WA regional freecall)
Ph: 08 9200 6200
E: info@countryartswa.asn.au
W: www.countryartswa.asn.au

Other

www.australiangovernmentgrants.org
www.grantlink.com.au
www.arts.gov.au

APPENDIX – CHECKLIST FOR PUBLIC ART

Artistic Outcomes		
a) Demonstrated high standard of artistic excellence	Professional artist	
	Artist's previous experience with similar size, scale, cost projects	
	Professional references	
b) Original artwork	Does not include mass produced products	
	Concept and theme – relevance, innovation	
c) Contributes to public amenity and experience	Is not offensive	
	Attribution plaque is appropriate	
	Colours, materials are complementary to location, context, theme	
Community Outcomes		
a) Opportunities for community engagement and capacity building	Local artist(s) involved?	
	Local suppliers, fabricators, installers?	
	Skills development for local artists?	
	Level of community involvement in project	
b) Location and access to the public	Easily visible to the public	
	Accessible to the public	
	General location on the site in relation to other infrastructure	
	Permission from land owner/controller	
c) Relevance to the site and to the Shire's Public Art Master Plan	Thematic response: contemporary culture, natural environment, heritage?	
	Interpretation	
Compliance		
a) Consideration of public safety, environmental and climatic conditions	Australian standards? – building, cyclone, materials	
	Engineering, technical specifications	
	Design is and will remain safe for public access	
	Potential deterioration due to climatic conditions?	
b) Asset management implications for the Shire	Who is responsible for maintenance?	
	For how long?	
	Annual maintenance cost?	
	Life expectancy, decommissioning costs	
c) Demonstrated sound project management	Art consultant involved?	
	Project timeline	
	Commissioning process	
d) Realistic and achievable budget in accordance with allowable items outlined in Section 9		
e) Compliance with Local Laws, Shire policies, frameworks and procedures and any other regulatory requirements		