



BOP 3.2.0 Public Art Appendix A - Public Art Guidelines

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1.0 Purpose of Document

The purpose of this document is to provide guidelines for the implementation of the Shire's Public Art Policy 5.16, Local Planning Policy 8.20 and the Public Art Master Plan which was endorsed by Council in February 2014 as a guide for the development, approval and installation of public art within the Shire of Broome.

2.0 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.

3.0 Policy Context

The following Shire policies will be considered in relation to all public art proposals.

3.1 Policy 5.1.6 Public Art

This policy articulates the definitions of public art and professional artist for the Shire's purposes and outlines how public art projects may be funded and approved within the Shire.

3.2 Local Planning Policy 8.20 Provision of Public Art

This policy requires development projects with a value of \$2 million or more to include a provision for public art, either through a direct cash contribution or by undertaking a public art project within the development.

3.3 Other Relevant Policies

1.2.9 Local Regional Price Policy

2.3.7 Purchasing Policy

2.4.1 Asset Management Policy

4.0 Responsibilities

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*.

The ACHAC [makes recommendations to Council regarding](#) public art including strategic direction, advice and [the selection of artists](#) for public art projects. Shire officers are responsible for the operational aspects for delivery of public art projects.

[From time to time, Officers will seek the advice and recommendation of the ACHAC regarding the Shire's involvement in public art project which could include but may not be limited to the proposed:](#)

- (a) [location and scale of the artwork;](#)
- (b) [budget parameters and sources of funding including use of the Public Art Reserve;](#)
- (c) [commissioning process to be used;](#)
- (d) [selection of artist\(s\);](#)
- (e) [concepts and design](#)

In some cases, it may be necessary to call a special meeting of the ACHAC in order to meet timeline requirements. This is to be at the discretion of the Chief Executive Officer.

[The ACHAC has no delegated authority under the Local Government Act.](#)

5.0 Criteria for Public Art

5.1 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.

5.2 Criteria for Approval

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

5.2.1 Artistic Outcomes

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

5.2.2 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*

5.2.3 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

6.0 Types of Public Art and Approvals Process

Several different approaches are likely to be required to be considered by the Shire. These are outlined in the table below:

Trigger	Detail	Officer Responsibility	Arts, Culture & Heritage Committee	Council approval
LPP 8.20	Developer makes a monetary contribution	✓		
	Developer chooses to do own artwork on private land	✓		
	Developer chooses to do own artwork on Shire/public land		✓ (recommendation)	✓ (approval)
	Shire development		✓ (recommendation)	✓
External Party	Proposes to install an artwork on private land	✓		
	Proposes to install an artwork on public land		✓ (recommendation)	✓
	Proposes to gift the Shire an artwork		✓ (recommendation)	✓
Shire	Shire wishes to acquire an artwork		✓ (recommendation)	✓
	Shire undertakes a public art project using Public Art Reserve, budget, grants or other external funds		✓ (recommendation)	✓

Where artworks are proposed to be installed on private land, Shire officers will assess the proposal as part of a Planning Application with consideration for the approval criteria determined by the Shire and included in the Appendix to these guidelines. The assessment will be conducted through the Development Control Unit with input from the Planning, Building and Community Development business units. A Building Permit may be required for the construction of the artwork.

Where an artwork is proposed to be installed on public land that is owned or controlled by the Shire, a Public Art Report must be submitted as part of the proposal. Officers will write a report for consideration by the Arts, Culture and Heritage Advisory Committee at its next meeting, making a recommendation based on an assessment against the criteria for public art outlined above [for recommendation to Council](#). This process will also apply to cases where the Shire is undertaking a significant development and is required under Local Planning Policy 8.20 to incorporate public art. In this case, the Shire's internal project manager will either:

- a) incorporate the requirement in the design tender scope and the proposed design will be considered in accordance with the above or;
- b) write a report [to](#) the Arts, Culture and Heritage Committee which will be considered in accordance with the above [for recommendation to Council](#).

In cases where provision of public artwork by developers is required under Local Planning Policy 8.20 the Guidelines for Developers Provision of Public Art – LPP 8.20 will apply.

From time to time, the Shire may wish to commission or acquire an artwork or consider a proposed gifted artwork. In these instances, officers will write a report for consideration by the Arts, Culture and Heritage Advisory Committee at its next meeting and recommendation to Council. Consideration will have regard for the Shire's Public Art Policies and Master Plan, the Shire's Long Term Financial Plan, Corporate Business Plan and the Annual Budget.

In the case of a gifted or acquired art work, consideration will also be given to:

- a) the age and condition of the artwork
- b) cost of site preparation and installation
- c) political implications of accepting or rejecting the gift.

Where the proposal will impact the annual budget or requires the use of funds held in the Public Art Reserve, the ACHAC will make a recommendation to Council, seeking approval.

7.0 Funding

Funding for public art in the Shire of Broome may be sourced via some or all of the following;

7.1 Internal

7.1.1 *Percent for art*

The Shire's Local Planning Policy 8.20 Provision of Public Art will apply to Shire projects that meet the requirements under this policy and an allocation for public art will be factored into all project budgets (eg Kimberley Regional Offices Redevelopment).

7.1.2 *Budget allocations*

As part of the annual budget process, Council may choose to allocate municipal funds for the purposes of public art. This will generally be subject to attracting other external sources of funding.

7.2 External

7.2.1 *Percent for art*

The Shire's Local Planning Policy 8.20 Provision of Public Art requires developers to contribute a monetary amount of 1% of the construction cost where the total cost is estimated at \$2 million or more (with some exceptions).

The Shire may waive this requirement where development plans incorporate public art work(s) to the value of 1% of the total construction cost that are located within clear sight for the general public.

7.2.2 *Grants*

Grants for public art projects from a wide range of sources will be considered and applied for as appropriate. The inclusion of public art may also add value to grants applications in areas such as tourism and economic development, precinct planning and redevelopment, heritage interpretation, events, transport and education services.

7.2.3 *Sponsorship/Partnerships*

Local business and industry will be encouraged to partner in public art projects from time to time. This may take the form of a cash or in-kind (materials etc) contribution or alignment of specific expertise.

7.3 Public Art Reserve

In accordance with Section 6.11 of the *Local Government Act 1995*, the Shire has established a Public Art Reserve for the purpose of collecting cash contributions from developers. Funds are to be used for the provision of public art within the Shire. Funds may

be used to meet any cost reasonably associated with the production, installation documentation and/or identification, repair of damage and/or decommissioning of a public art work.

Such activities may include:

- Commissioning and selection of artists
- Professional fees for artists' designs, project management, coordination and/or consultants
- Materials, fabrication and installation of art work(s)
- Site preparation
- Documentation, promotion and attribution
- Collection maintenance and repair
- Security and/or insurance
- Decommissioning of art work(s)
- Contribution to a partnership, sponsorship and/or funding agreement for public art work(s)
- Capacity building for local artists

Generally, staff salaries, operational costs and the cost of incidental and/or planned maintenance will not be covered by the Public Art Reserve.

8.0 Commissioning Models

There are a number of commissioning models for the procurement of public art. All have certain advantages and drawbacks and should be considered on that basis. Any commissioning process should be fair, with expectations clearly defined and contractual obligations identified and documented. In all instances, it is recommended that working with an art consultant will allow commissioners to take advantage of the very specific expertise art consultants have in working with design professionals, artists and artworks through all stages of a commissioning process.

8.1 *Direct acquisition or engagement*

A single artist may be approached and asked to create an artwork or series of works. This should be a cautious approach, as although the client will be familiar with what will be created, responses may lack the diversity created through more open commissioning processes. There are however many opportunities for establishing key relationships between the commissioner and the artist. In some situations it may be the most appropriate response, for example, working with Yawuru artists for a particular site. The Shire's Procurement Policy Local Price Preference Policy may be relevant and should be considered in this instance.

8.2 Open competition

A publicly advertised, open competition implemented through a tender or expression of interest process is a preferred way to commission art works. This is very successful when dealing with high value, iconic works as the competitive process favours experienced practitioners, or groups of practitioners, who are able to suggest a diverse range of responses to site and deliver high quality outcomes.

8.3 Limited competition

A small number of artists are selected by an art consultant and asked to submit material for review and selection. This method may be used because:

- the project requires a quick turnaround time so the more lengthy expression of interest process can be shortened;
- the selected artists have an affinity to and experience with a certain type of work targeted in the strategy; or
- because they represent a group that may be selected to achieve outcomes other than public art, such as community development.

9.0 Project Management

10% of each public art project budget should be allocated to project development and management. This will include the engagement of an appropriately skilled and experienced Art Consultant to lead and manage the project.

A project plan will be required for each public art project. For Shire initiated projects, the project plan will include but not be limited to the following;

- a) Development of a [Project Working](#) Group consisting of [at least](#);
 - Manager Community Development and/or representative
 - Art Consultant
- b) Scope, budget and funding
- c) [Internal communications and feedback mechanisms \(eg SICG, EMG, Council workshops\)](#)
- d) Local community involvement and capacity building
- e) Artist selection and commissioning model
- f) Project brief and reporting mechanisms
- g) Fabrication and Installation
- h) Asset management
- i) Communications strategy

10.0 Phases of a Public Art Project

10.1 Project Initiation

<i>Determine</i>	public art opportunities, project motivation, desired outcomes, key stakeholders
<i>Consider</i>	policy and legislative environment, any issues that may impact the artist's brief and the project
<i>Resolve</i>	theme and parameters, budget, site, timeline, project management issues, planning & approval issues, community engagement plan, any other issues impacting on the project
<i>Stakeholder Liaison</i>	Shire officers, EMG, elected members, developers, businesses, community, funding agencies
<i>Artist's Brief</i>	write the artist's brief

10.2 Artist's Brief

<i>Background</i>	commissioning organisation/agent, context (environment, history, population, values), development of the project and stakeholders, other relevant information
<i>Site</i>	description and characteristics (location, history, cultural/heritage considerations, environment), limitations, alternative site (if applicable)
<i>Artwork</i>	concept, target audience, ambience, materials, installation and maintenance, risk management, life of the artwork
<i>Stakeholder Consultation & Collaboration</i>	community engagement plan, role of community members, facilitation and management
<i>Budget</i>	total allowable cost, GST implications, Shire contribution, funding, in-kind support
<i>Management & Approvals</i>	roles and responsibilities, approval process, contacts, advisory committee, Shire officers

10.3 Commissioning

<i>Process and Overview</i>	artist identification, eligibility criteria, number of artists to be short-listed, selection criteria
<i>Design Proposal</i>	number of proposals commissioned, requirements, fee, timeline, assessment criteria, risk assessment, final approval
<i>Commission of artwork</i>	commission date, budget, completion/launch date, schedule of payments
<i>Evaluation</i>	responsibility, form, reporting

10.4 Artist Selection

<i>Selection Criteria</i>	relevant experience (previous work, budgets, collaboration, particular interest), relevant skills (artistic merit, response to issues and themes, technical, timeliness, professionalism), commitment to the objectives (collaboration and consultation, timeframes)
<i>Shortlisting</i>	assessment against the selection criteria, ranking, agreement, evaluation report, request for design proposals
<i>Assessment of Design Proposals</i>	artistic criteria, practical considerations, response to brief, concept, maintenance schedule
<i>Contract</i>	parties, interpretations, obligations, fee, attribution, delivery, risk, warranty and indemnity, insurance, copyright & moral rights, dispute resolution, confidentiality, schedules

10.5 Maintenance Schedule

<i>Materials</i>	specifications, manufacturers' details, technological components, lighting, servicing, replacement, climatic and environmental impacts
<i>Maintenance</i>	conservation, planned maintenance schedule, budget impacts, cleaning and servicing, documentation
<i>Repairs</i>	responsibilities/obligations, contacts and responsible officers
<i>Relevant information</i>	artist to supply comprehensive maintenance manual, inclusion of artwork in Shire collection database

10.6 Project Delivery

<i>Monitoring</i>	responsibility, progress payment approvals, technical sign-off
<i>Installation</i>	who needs to be notified, schedule of works, access to the site, insurances, OHS
<i>Completion</i>	formal acceptance by the Shire, contractor sign-off, site remediation, testing, attribution plaque, dates, who will be involved in the handover, inspection, warranty, asset registration

10.7 Launch and Publicity

<i>What</i>	audience, budget, event format and approvals
<i>Who</i>	invites – artist, staff and elected members, community, business etc., who will launch, protocols, funding & project champions, event management
<i>Where</i>	location, facilities, technical requirements, traffic management
<i>When</i>	relevance, availability of key stakeholders

10.8 Evaluation

Evaluation	Roles and responsibilities – artist, Shire officers etc., budget, community engagement, timeline, method
Reporting	Council objectives, artist objectives, community objectives

11.0 Collection Management

11.1 Moral rights

The *Copyright Amendment (Moral Rights) Act 2000* protects artists' moral rights in terms of copyright, attribution and protection of the work. The Act requires that the work of an artist;

- is attributed or credited
- is not falsely attributed to someone else
- is not treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent
- is acknowledged when images of the work are published or transmitted

11.2 Copyright

Once completed and accepted by the Shire, the Shire and the artist will jointly own copyright of images of the design and work. The Shire may reproduce extracts from the design documentation and images of work for non-commercial purposes such as reports, brochures and other promotional material relating to the Shire. The artist will have the right to use extracts or images in books or other publications associated with the artists and the artwork.

11.3 Ownership

Ownership of the finished artwork will be dependent upon the commissioning process, the location and the terms of the artist's contract. Generally, once completed and paid for, the artwork becomes the property of the commissioning body. Artwork that is located on private land is owned and maintained by the landowner(s). Where artwork is located on public property, the artwork is the responsibility of the managing authority which could be the Shire or another authority such as Yawuru or Landcorp. Where ownership is to be transferred to the Shire, agreement should be reached between the parties regarding date of handover, maintenance and upkeep until such handover as well as insurance and indemnity considerations.

11.4 Conservation

Each artwork will be recorded in the Shire's Asset Register and added to the Asset Management Plan. A Planned Maintenance Schedule will be developed for the Shire's collection and considered as part of the annual budget process.

Officers will conduct regular inspections of the Shire's collection to assess the condition of each artwork and determine any reactive maintenance or specialist conservation requirements. Wherever possible, conservation/restoration works should be undertaken by professional conservators and in all cases, the artist should be consulted prior to any works being carried out.

11.5 Database

A register of all of the artworks in the Shire's collection will be overseen by the Community Development business unit in collaboration with officers of the [Infrastructure](#) business unit responsible for asset management. The following information will be included on the register:

- Name, contact details and CV of the artist
- Title of the artwork, date of commission and artist statement
- Background information (ie reason for the commission, date of completion and installation, commission value, type of artwork, details of any interpretation)
- Location
- Specifications (dimensions, materials and surface treatments, technical specifications, lifespan)
- Maintenance report as supplied by the artist
- Media coverage and photographic record of the work.

11.6 Decommissioning

In some cases, a work of art may need to be removed from public display. This could be due to a number of factors such as;

- The artwork has reached the end of its intended lifespan
- The condition of the artwork has deteriorated to an extent that it is beyond restoration or the cost of maintenance becomes prohibitive
- The artwork is no longer considered a significant example of the artist's work or the Shire's collection
- The artwork has become unsafe or is affected by health and safety or climatic issues
- The site where the artwork is located is to be redeveloped or physically altered

The Arts, Culture and Heritage Committee will be responsible for reviewing the Shire's public art collection on a regular basis and for making recommendations to Council regarding the decommissioning of artworks outlining the reasons for the recommendation and the steps proposed to be taken to consult with the artist prior to decommissioning.

12.0 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.

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.

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

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

13.0 References and Resources

13.1 Shire of Broome - Associated Documents

Policy 5.1.6 – Public Art

Local Planning Policy 8.20 – Provision of Public Art

Public Art Master Plan fro Broome Town Site

Guidelines for Developers – Provision of Public Art – LPP 8.20

Terms of Reference – Art, Culture and Heritage Advisory Committee

Policy 1.2.9 – Local Regional Price Preference

Policy 2.3.7 – Purchasing Policy

13.2 References

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

- *Public Art – Making It Happen – commissioning guidelines for local councils*
Government of South Australia – Arts SA
- *Percent for Public Art Guidelines for Developers*
Artsource (2014)
- *Public Art Guidelines – for Landcom Projects*
Landcom (2009)
- *Public Art Policy and Guidelines*
City of Subiaco (2011)

- *Recommended: Public Art Policy and Guidelines for the Shire of Broome*
Prepared by Andra Kins, Urban Thresholds (1998)

13.3 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

13.4 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

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

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

Artsource

PO Box 999 Fremantle WA 6959

Ph: 08 9335 8366

E: info@artsource.net.au

W: www.artsource.net.au

FORM

357 Murray Street Perth WA 6000

Ph: 08 9226 2799

W: www.form.net.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	
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		