

CCSP15 Public Art Policy



April 2020

This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with “Welcoming, inclusive and healthy communities and Effective leadership and governance”.

Objectives

Through the application of this Public Art Policy, the Shire propose to:

- Identify suitable public art opportunities throughout the Shire
- Ensure growth results in a pleasant built environment through establishing requirements for Percent for Art Scheme of a way of development
- Support local art, artists and the cultural industries to develop high quality works
- Celebrate and tell the story of history and culture within the Shire through meaningful public art
- Continue to enhance cultural life through public art, community art and ephemeral art projects that enliven and engage with the community within public spaces.

Policy

Definitions

Art

Art is the product of practitioners who intend their work and activities to be seen, read and experienced as art. Art embraces material and immaterial products and concepts from the imaginative thinking of artists.

Artist

Only Artists will be eligible to carry out public art commissions. The term artist for the purpose of this policy is defined as a person who meets a minimum of two of the following criteria:

- a) A person who has a Bachelor’s Degree or Diploma in visual arts or any similar field;
- b) A person who has a track record of exhibiting their own original artwork at reputable art galleries that sell or exhibit the work of professional artists;
- c) A person who has had their own original artwork purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia.
- d) A person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.
- e) A person engaged in an activity related to creating art, practicing the arts, or demonstrating an art.

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Sometimes it will be appropriate to be more flexible and seek people other than professional artists to carry out artwork commissions. This may apply in instances when young, emerging (see definition) and Indigenous artists or students may be considered appropriate.

Contentious Public Art

People's interpretation of art will be influenced by their personal feelings, tastes, or opinions and art that achieves its objective of provoking thought is often controversial.

While the Shire aims for public art to provoke thought, it aims not to offend.

Proposals incorporating any of the following will not be supported:

- Negative racial stereotypes
- Political messages
- Sexually provocative nudity (general nudity is not considered provocative)
- Sexist
- Discriminatory

The responsibility of determining what is contentious rests with the Art Panel and the CEO.

Community Art

Community art is a collaboration between professional artists and non-professional artists, often around dealing with a social issue, community building initiative, or as a form of community consultation. Community arts, also sometimes known as "dialogical art" involves exchanges between people as they interact with information, objects, and each other.

Construction Cost

Construction Cost means the estimated cost of

- a) All goods (including manufactured goods for part of the work)
- b) Labour
- c) Services necessary
- d) Fees payable
- e) Overheads to be met
- f) Profit margin

or

Contract price where the work is to be carried out under a contract as the contract price includes the value for at least each of the relevant components (a to f above) – the estimated value of the work is the contract price (including GST).

Development

Development means the development or use of any land, including

- a) Any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- b) The carrying out on the land of any excavation or other works;

Developer Contributions

Developer Contributions are a commitment to provision of funds towards public art from any development above the value of \$1,000,000.

Ephemeral art

Ephemeral artwork describes non-permanent work that may include temporary installations, performance art, dance, exhibition, experiential and/or participatory art.

Emerging artist

An artist who is at an early stage in their career, who has specialised training in the art form or who has created a modest body of artistic work.

Public Art

The term public art refers to artwork in any medium specifically created to be experienced in the public realm. Public art is typically located in highly accessible public spaces and can include sculpture, painting, installation, multimedia, sound or performance; it may also be integrated into architectural surfaces and landscaping.

Commitment

The Shire of Augusta Margaret River will develop public art projects funded through a Per Cent for Art Scheme as part of Developer Contribution and/or by setting aside funds annually to contribute towards public art. The amount will be determined through the annual budgeting process.

Assessment for any public art component will take place on all major infrastructure projects around town centres and recreation areas or any other identified space.

The Shire of Augusta Margaret River will always attempt to consult early on in any public art project with traditional owners to ensure cultural values and heritage are considered within public art commissions.

Scope

This policy applies to all staff managing or coordinating development projects that require a public art component and those managing or coordinating current public art or spaces that include public art owned or invested in the Shire of Augusta Margaret River.

Implementation

Funding of public art will generally be by one of the following means:

1. Shire contributions via moneys set aside annually to contribute towards public art. The amount is to be determined through the annual budgeting process or via access to grant funding for public art projects.
2. Developer Contributions which facilitates the provision of public art works through the requirement for all developments (excluding private homes, subdivisions, rural and industrial development) above a value of \$1,000,000 (including GST) to allocate one per cent of the value of the development to public art.

This requirement may be satisfied by either:

- a) Include one per cent of the construction cost for public art in the designs of development, in locations accessible to the public. Developers must ensure that their proposals meet the definition of art and the artwork has been designed by an artist ; or
- b) Provide the cash equivalent to the Shire. This funding may be pooled and the public art placed in identified suitable locations with reasonable proximity to the development.

The Per Cent for Art requirement also applies to Shire funded developments above a construction cost of \$1,000,000 (including GST).

3. Donation or gift of public artworks funded through cash or other philanthropic measures but will be required to be the subject of public art assessment via the assessment process outlined.

Forms of public art

Public art may take many forms including but not limited to the following categories.

Stand Alone

Artworks of a three dimensional nature embedded into a building or public space and may be a single or multiple installation works. This style of work has been traditionally associated with

public artworks. A local example would be Forest Stand outside the Shire of Augusta Margaret River Council office.

Integrated

Artworks that are integrated into a building or building space either interior or exterior. They may be imbedded in ceilings, floors, railings, screens and/or assist to define or separate spaces. A local example would be the commissioned works inside the Shire of Augusta Margaret River Council offices.

Applied

Works that are applied to interior or exterior surfaces, including commissioned paintings, tapestries and murals. A local example would be the community art murals located on the exterior of the Zone Room at Margaret River Youth Precinct.

Installation

These works are where the work and the site are integral to each other. The work may be created to respond or compliment a space or draw attention or intervene in a particular environment. A local example would be Eurybia by Russell Sheridan at the south end of Surfers Point.

Ephemeral

These are works that are non-permanent works that may include temporary installations, performance, participatory or experiential works.

Copyright, legal title and ownership

An artist's rights are protected under the *Copyright Amendment (Moral Rights) Act 2000* (the Act). Under the Act, all original artwork must be attributed to the artist.

The ownership of the public artwork and copyright will be determined within the commissioning process, the contract and the land on which it is located.

Unless otherwise agreed, copyright of both the preliminary visual material and the work itself should be retained by the artist.

The Australian Copyright Council provides advice on copyright and ownership in relation to public art: <http://www.copyright.org.au/>

Application

Responsibility for the implementation of this policy rests with the Chief Executive Officer and Director Corporate and Community Services.

Document and version control table

Strategic outcome	Key Result Area 2 – Welcoming, inclusive and healthy communities – Outcome 1 - Evolving cultural values are respected and adopted. Key result area 5 – Effective leadership and governance – Outcome 2 – Effective and integrated strategy, planning, financial and asset management.
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Contact officer	Coordinator Community Development and Planning	
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Version	Date issued	Brief description
1.0	27 August 2014	Initial endorsement by Council
2.0	1 November 2019	Table top policy review
2.1	10 February 2020	ELT feedback incorporated into document
3.0	8 April 2020	Major review and template update including feedback from table top reviews conducted 1/11/2019, 10/2/2020

Resources

<http://www.dca.wa.gov.au/DevelopingArtsandCulture/publicart/>

<https://www.dlgsc.wa.gov.au/culture-and-the-arts/regional-arts>

<http://www.artsource.net.au/About/Advocacy/Artsource-NAVA>

<https://www.amrshire.wa.gov.au/region/public-art-trail>