

5.5 C-5PAPAP05 – Public Art and Percent for Art Policy

PART A - Policy

Objective

The objective of this Policy is to:

- Promote public awareness of the cultural, social, and economic value of art and culture by providing high-quality, innovative, inspiring, and diverse public art within the Shire of Dandaragan.
- Be aspirational in our vision to enhance the utility and amenity of public places and spaces by incorporating public art into the built and natural environment to enhance sense of place and community identity.
- Engage the community, activate imaginations, and generate appreciation of cultural and natural and built heritage.
- Encourage cultural tourism by increasing the appeal of the region to visitors through a variety of art forms and cultural practices.

Policy Statement

The Shire of Dandaragan and Council value creative and cultural arts and supports their continued growth in the public domain such as town centres, main streets, town squares and parks within the Shire's boundaries by the installation of public art.

The Shire of Dandaragan Vibrant Communities Arts and Culture Plan (2020) identified a key action to develop and adopt a Public Art Policy to support co-creation and commissioning of public art in public spaces. This policy applies to all public art developed and managed by the Shire of Dandaragan, and the provision of public art commissioned by third parties in public spaces. The policy defines the process for the provision of:

- Permanent and temporary public art located on Shire land and public open space;
- Public art commissioned by private enterprise, property developers, community groups, associations, business or other third parties;
- Public art commissioned and produced by third parties transferred or donated to the Shire;
- Percent for Art cash contribution payments by private developers.

To achieve these objectives, the Shire of Dandaragan will:

1. Encourage private developers to undertake a commitment to allocate funds to public art in accordance with 1.6;
2. Allocate 1% of the gross yield of budgeted rates income to the Shire of Dandaragan Public Arts Fund (Percent for Public Art) at the beginning of each financial year to be expended in accordance with this policy.

In addition, the Shire will:

- Support the development of high quality, innovative, inspiring, and diverse public art on public open space and private land in the Shire of Dandaragan;
- Follow best practice principles in commissioning, managing, maintaining and de-accessioning public art;
- Collaborate with third parties to facilitate the provision of public art on private land and public open space according to these principles. Submissions can be submitted throughout the year and will be reviewed and selected in preparation for annual budget deliberations;

- Work with third parties to pursue a range of funding options to encourage the commissioning, production, and installation of high-quality, inspirational public artworks in the public realm;
- Adopt a target of supporting, funding or developing new artwork each year;
- Maintain a register of all public art under the Shire's management.

PART B - Management Procedures

1.1 Objective

The objective of these Procedures and the Policy is to provide guidelines for a consistent approach for all public art support and provision, and percent for art practice for the Shire of Dandaragan.

1.2 Scope

Public art in the Shire of Dandaragan will include but not be limited to references to:

- Yued Country, culture, people, and history;
- Maritime heritage and settler history;
- The biodiverse natural environment;
- The marine environment;
- Local cultural and social life and contemporary community interests;
- Celebration or commemoration of events;
- Innovative or current topics.

Public art will:

- Consider the context and profile of the location;
- Contribute to sense of place and cultural tourism;
- Promote artistic excellence, quality, and skill, and encourage innovation;
- Reflect diverse forms of artistic practice, materials and approaches including:
 - Free-standing
 - Integrated
 - Applied
 - Installation
 - Temporary
- Involve consultation with Traditional Custodians, where appropriate;
- Involve community consultation and/or collaboration, where appropriate;
- Consider public access and safety;
- Address maintenance, conservation, and disposal issues.

Wherever appropriate, a professional artist, or artist team lead by a professional artist, will be commissioned to produce public art that aspires to high standards of creativity, integrity, and innovation.

The Shire of Dandaragan will adopt a target of budgeting for one new art project at each annual budget to enable the development of the Shire as a creative, innovative, and proactive local government body. The value and type of public art will differ from year to year and be determined by Council after consideration of project ideas. The community and artists are encouraged to approach Shire staff with ideas and possible art projects. Alternatively, staff will take a proactive role to developing innovative, creative, and diverse art projects to be developed and reviewed at annual budget deliberations. The value of each project is only limited by the funds available at that time in the Shire of Dandaragan Public Arts Fund (Percent for Public Art), however it is intended that the Fund will build over time to fund larger projects planned and developed over several years.

1.3 Definitions

For the purposes of the Policy and these procedures:

Public art	Refers to artworks in any medium created with deliberate artistic intent to be clearly visible and experienced in publicly accessible space. It can be located on public land or private property that contributes to public space. Public art may be permanent, temporary, or ephemeral.
Permanent Public Art	Means enduring artworks designed to be situated in a location for an expected lifespan of 5 to 25 years.
Temporary Public Art	Means installations and artist-led actions that occur in a location for between 1 day and 5 years.
Integrated Artwork	Means works that are incorporated into interior or exterior fabric of a building such as walls, ceilings, floor surfaces, glazing, screens, rather than attached or installed in proximity.
Applied Artwork	Means work that is applied or attached to an interior or exterior surface, and includes commissioned paintings and murals produced in any medium.
Public Art Exclusions	Refers to mass produced objects, fixings, functional elements or equipment made to a standard design by an architect, landscape architect or design consultant and not designed by the artist or team of artists selected through a commissioning process.
Ephemeral Art	Refers to work that is not permanent, including temporary installations, performance art, pop-up exhibitions, or work that is designed to deteriorate without leaving any trace.
Professional Artist	Refers to someone with an established track record of creating and exhibiting artworks. Professional artists may be categorised as established, mid-career or emerging.
Emerging Artist	Refers to someone who has a tertiary qualification in the visual arts and who is at an early stage of their professional career.

1.4 Exclusions to Public Art

Art projects ineligible for consideration within this Policy or funded through the Public Arts Fund (Percent for Public Art) include:

- commercial promotions in any form;
- directional elements such as supergraphics, signage or colour coding;
- 'art objects' which are mass produced such as fountains, statuary or playground equipment;
- most art reproductions;
- landscaping or generic hardscaping elements which would normally be associated with the project, however murals on external infrastructure walls are eligible;
- services or utilities necessary to operate or maintain artworks; and
- projects considered predominantly performance art, events or activities.

Arts and Culture

1.5 Commissioning Models

1. Open Invitation refers to a process where individual artists and/or artist teams respond to a brief following a call for Expressions of Interest (EOI). Two stages will include:
 - Shortlisting a select number of artists from the EOI submissions who develop their proposal further for an agreed fee.
 - Shortlisted artists present their concept to a selection panel who select and approve one artist or an artist team. Selection panels are structured in the following way:
 - a) Shire of Dandaragan officer coordinating the project, plus a staff member of the Infrastructure, Development, and Community Services departments and the Chief Executive Officer will meet to review and select successful recipient for projects where the total value of the artwork is up to and including \$10,000.
 - b) The Shire of Dandaragan Public Arts Committee will meet to review and make recommendations to Council for endorsement of projects where the total value of the artwork is greater than \$10,000.
 - c) When the Open Invitation commissioning model is undertaken for a Percent for Art project on Shire-owned or managed land, the Shire CEO (or representative) will be required to be invited to join the developer's selection panel.
2. Limited Invitation refers to a select number of artists being invited to respond to a brief or present the scope of their practice or concept to a panel, as per 1.5.1(a)/(b)/(c). This model can be used for commissions up to \$20,000.
3. Community Participatory projects involve input from community members at any stage from design to installation, under the guidance of a principal artist or experienced community arts worker. Projects of this nature will be required to invite the Shire of Dandaragan CEO (or representative to join the selection panel).

1.6 Percent for Art

The Shire of Dandaragan encourages developers of green field subdivisions, industrial development projects and other mixed use, commercial, civic, institutional, educational projects or public works, and all new and revitalisation landscaping projects, to allocate a minimum of one percent of the capital cost of projects with a capital cost of \$500,000 or more, to the installation of public art.

When creating a Percent for Art public art project, developers should use the Open Invitation model to ensure the artwork demonstrates value for money and encourages quality submissions.

The creation of a Percent for Art public artwork should take site and context into consideration as part of the process.

No artist under consideration for a Percent for Art commission should have a familial relationship to the Developer or a financial interest in the development. If the Percent for Art commission involves First Australians' histories or themes, Yued, Aboriginal or Torres Strait Islander artists are exempt from this expectation and would be eligible for consideration.

Local artists should be considered using the same selection criteria as non-local artists for any Percent for Art commission.

It is expected that Percent for Art projects are led by a professional artist who fulfills at least two of the following categories, in addition to holding an ABN:

- a tertiary qualification in the visual arts, or other art forms when the brief calls for it, such as multimedia, writing, performance, writing;
- a track record of exhibiting artwork at reputable art galleries, for example a State regional public gallery, or recognised commercial gallery;
- their work is represented in major public, corporate or private collections;
- earns more than 50% of their income from arts-related activities, such as public art commission, teaching, sales of their original artworks.

If the project has First Australians' histories or themes, it is encouraged that the commissioned artist/s has/have a link to the Country on which the artwork is being developed. If the commissioned artist/s has/have no link to Country on which the artwork is based, permission must be given to work on Country by Yued Elders.

Emerging artists should not be the lead artist in a Percent for Art initiative, however emerging artists could be considered to work as part of a project team.

Public Art provided pursuant to these provisions should be provided on site, or on Shire-managed land immediately adjacent to the site, in a location approved by the Shire. If this is not appropriate, the artwork may be developed within the town closest to the development. If the development is at equal distances from two towns in the Shire, the developer may elect which town the artwork is to be developed, with approval from the Shire.

Upon completion of the artwork, artwork developers will be required to submit information contained in a report for the artwork to be included on the Shire of Dandaragan Asset Management Register and information contained therein will be used for the purposes of managing and maintaining the artwork as a Shire asset. The report must include details of the artwork including name; artist; artist contact details; materials used; engineering/design drawings; and maintenance manual, within 4 weeks of completion of the artwork on site.

Alternatively, the proponent may choose to satisfy the contribution through a cash contribution payment towards public artwork. The cash contribution option refers to a financial payment made by a developer or landowner to the same value of the Percent for Art opportunity for the purpose of providing an alternative artistic solution.

Such cash contribution payments are to be paid to the Shire of Dandaragan Public Arts Fund (Percent for Public Art) and expended in accordance with this policy. Funds contributed to the PAF may be combined with existing or future PAF (or other) funds to enable a pooling for substantial, integrated, and themed artwork rather than ad hoc artworks.

Commissioning for art projects funded through the Shire of Dandaragan Public Arts Fund (Percent for Public Art) from cash contributions are to be determined by the Shire of Dandaragan using the relevant Commissioning Models (1.5). Projects managed by the Shire of Dandaragan utilising funds from the Public Arts Fund (Percent for Public Art) will be developed in the vicinity or townsite of the development from which the original cash contribution was received. Consideration of the site, location and value of the artwork is at the discretion of the Chief Executive Officer and the relevant Commissioning Model (1.5).

Ephemeral artworks, particularly performances, events or activities are not considered appropriate for Percent for Art (or cash contribution) projects.

1.7 Eligible Costs

Costs associated with the production of an art project may include:

- professional artist's budget, including artist fees, Request for Proposal, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, operating costs, and art consultant's fees if these are necessary and reasonable;
- fabrication and installation of artwork;
- site preparation;
- structures enabling the artist to display the artwork;
- documentation of the artwork; and
- acknowledgment plaque identifying the artist, artwork and development(s) from which funding was obtained.

1.8 Authority for Selection of Artwork

1. Minor public art project with a value of up to \$10,000
 - Shire Project Lead, in consultation with CEO and staff representatives from development, infrastructure and community services.*
2. public art project with a value greater than \$10,000
 - The Shire of Dandaragan Public Arts Committee will coordinate the selection in accordance with the Terms of Reference for the Committee.
 - Council endorsement of the recommended project design and final selection is required.
3. Public art projects coordinated by community groups must invite the Shire of Dandaragan CEO (or representative) to be part of the selection panel.

**Excluding the Cervantes Art Festival Shire of Dandaragan Art Prize.*

1.9 Working with Aboriginal and Torres Strait Islander artists and communities

The Shire of Dandaragan commits to best practice in encouraging consultation with the Yued Aboriginal community who are custodians of any intended sites of public art in the Shire. We acknowledge all places in the Shire have a connection to Indigenous traditional owners, who will hold valuable insights and expertise on the history and cultural practices associated with project sites. The Shire will recognise and respect these cultural connections to sites and places and consult with Yued Elders with regards to both the proposed sites and commissioned artworks.

Where Selection Panels are established as per 1.5.1(b), traditional owners will be invited to attend a committee meeting in a paid role in recognition of their expert cultural advice. The payment will not exceed \$150 per panel meeting.

If the project contains First Australians themes and histories, Yued, Aboriginal or Torres Strait Islander artists will be specifically invited to submit via an Expression of Interest as per the Open or Limited Invitation commissioning model. Criteria will be ranked to reflect the preference for Aboriginal and Torres Strait Islander artists in addition to the detailed specification of the requirement and pre-determined evaluation criteria.

1.10 Artist Brief

The Shire of Dandaragan or Percent for Art representative will prepare an Artist Brief outlining:

- Project background, context, scope, and objectives (social and aesthetic);
- Location and characteristics of the site;
- Reference to relevant master plans and heritage information, where appropriate;
- Technical requirements, constraints, and parameters for the art form and/or materials;
- Project budget;
- Level of community consultation to be undertaken;
- Submission selection criteria;
- Whether additional weighting will be added for local artists;
- Timeframe for the commencement and completion of the artwork and any other key milestones;
- Sub-contracting options and responsibilities, where appropriate;
- Contract arrangements;
- Closing date for submission;
- Project contact person and information.

1.11 Expression of Interest (EOI)

Artist Brief will be released through an EOI process inviting artists to express their interest in the project by submitting:

- A CV outlining their art practice, qualifications, and relevant arts experience;
- Written responses to the artist brief demonstrating experience relevant to the selection criteria and intended approach;
- Relevant images of past artworks;
- Indication of availability within proposed timeframe.

The EOI process will involve:

- Distribution of project information via professional visual arts organisations and networks such as Artsource, NAVA, Arts Hub and Regional Arts WA, through regional community organisations and local newspapers;
- Percent for Art projects will be advertised on Vendor Panel;
- EOIs will remain open for 3-4 weeks. Large commissions may be open for longer;
- Submissions received from individual artists and / or artist teams will be assessed against the selection criteria by the relevant selection authority outlined in 1.8;
- Following assessment, between 2 and 5 artists / artist teams will be shortlisted and invited to proceed to the design concept stage;
- All artists will be notified in writing of the outcome of the EOI process;
- All deliberations of the selection process will remain confidential, however unsuccessful artists may seek feedback on their submission.

1.12 Shortlisting

Selection criteria may include:

- Quality of application and strength and/or relevance of intended approach;
- Calibre and track record of the artist / artist team;
- Evidence of experience, appropriate skills and specialist expertise is required;
- Support material;

- Suitability of the artist's practice to the context and profile of the project;
- Material selection and maintenance considerations.

Criteria specific to each project will be assessed taking into account the Shire of Dandaragan's Regional Price Preference Policy (1.3 C-1RPP03).

1.13 Design Concept

Shortlisted artists will be asked to submit a detailed design concept. An agreed fee will be paid to all shortlisted artists to assist with the development and production of a design concept. The fee (per concept design) will not exceed 5% of the project budget. The fee will not include rights to concepts, drawings, maquettes, or models submitted as part of the process, which remain the property of the artist.

Artists will be given 4 weeks to submit their design concept. Variations to this schedule may occur depending on the scope and complexity of the commission.

The design concept will include:

- A written description of the artwork and response to the project theme;
- Drawings, sketches and/or digital images indicating the location, scale, and materials of the proposed artwork;
- 3D model, where appropriate;
- Material samples, where appropriate;
- Methodology for community consultation and/or participation in the project, if appropriate;
- Details of major fabricators, industry collaborators and other professionals required to produce the artwork;
- Preliminary budget or cost estimates;
- Work program and payment schedule;
- Proof of relevant insurances, including Public Liability, Professional Indemnity and Workers Compensation;
- Safe Work Method Statement;
- Preliminary details of installation requirements.

1.14 Final Selection

The design concepts will be selected according to process outlined in 1.8 using a set of criteria similar to the EOI process:

- Response to the brief;
- Artists understanding of the project objectives;
- Quality and creativity of the proposal;
- Previous experience and appropriate level of skill to match the project requirements;
- Demonstrated ability to work collaboratively with the project team/community;
- Realistic, or within set, budget;
- Work program and payment schedule.

1.15 Contract

The successful artist or artist team will be invited to enter into a contract with the Shire. The contract will include:

- Contact details for the artist / artist team;
- Concept design approval with image attached;
- Attribution details and copyright agreement;
- Work program with commencement date, progress milestones and completion / handover date;
- Artist fee, payment schedule and other budget items;
- Variations, changes (number, reasons, process to approve), penalties, dispute resolution procedures;
- Insurance requirements;
- Indication of preferred sub-contractors, if relevant;
- Indigenous cultural and intellectual property rights (copyright) and protocols, if appropriate;
- Maintenance and repair procedures, and defects liability (up to 12 months);
- Expected lifespan of artwork;
- Terms around change of property management or ownership;
- Obligations of all parties and specific requirements of the project, such as who:
 - Pays for preparatory site work such as services and fixtures
 - Pays for transport, delivery, and installation of the artwork
 - Organises and pays for remedial work around the artwork after installation
 - Hire equipment or professional advice required for items such as footings or installation
 - Insures the work in progress and when does the responsibility transfer
 - Is responsible for maintenance and care of the completed artwork

1.16 Moral Rights

Since 2000, moral rights legislation has protected artists. In brief, an artist's moral rights are infringed if:

- their work is not attributed or credited;
- their work is falsely attributed to someone else; or
- their work is treated in a derogatory way by distorting, modifying or removing it without their knowledge or consent.

In practical terms this means that all artworks should have the artist's name on or attached to it, that the Shire cannot change an artwork in any way without seeking the artist's permission; likewise, cannot remove or re-locate the artwork without seeking the artist's permission. In the case that an artist has moved, and the Shire cannot find them, evidence that a reasonable attempt to find the artist must be provided on request.

1.17 Acknowledgement of Artwork

In line with moral rights legislation, the Shire (or developer where the artwork is situated on private land) should install a plaque or plate near each artwork, acknowledging the name of the artist, and the name of the person, agency or company who funded the artwork.

1.18 Artist Fees

Fees paid to artists invited to submit a Concept Design, or selected as the successful artist for a project, will be credited to the value of the Public Art project. The amount paid will be at the discretion of the proponent and in proportion to the overall artwork budget. The Concept Design fees will be paid after the proposal has been submitted and deemed to comply with the requirements. The artist commission fee will be paid

as per the agreed Payment Schedule in the Public Art Commission Agreement between the artist and the Shire of Dandaragan and will not exceed 20% of the project budget.

2.1 Shire of Dandaragan Art Prize

The Shire of Dandaragan will contribute \$3,000 to the Cervantes Cultural Committees, for their biannual Cervantes Art Festival to purchase art, as the Shire of Dandaragan Art Prize (acquired).

The chosen piece will be determined by the Shire President or delegate, who will seek guidance from the judges. The artwork will be acquired by the Shire as part of its art collection.

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