

City of Kalamunda

Public Art Policy

1. PURPOSE

This policy applies to all applications for development approval for multiple dwellings, industrial, mixed use or non-residential developments (including additions, extensions or redevelopments of these developments)

It also applies to the acquisition of artworks for the City of Kalamunda Art Collection.

2. APPLICATION OF POLICY

This policy aims to include Public Art within the City of Kalamunda and is supported by the City's Arts Strategy (2019). This Policy aims to guide the installation of artworks in public places across the City to:

- Develop and promote community identity;
- Improve the quality of the City's built environment;
- Increase the social, cultural and economic value of the City;
- Establish new design partnerships between artists, architects and other professionals;
- Engage with the community in a way that contributes to their understanding of spaces and places near where they live;
- Increase public awareness of the value of art and design;
- Support and celebrate contemporary art and art practice;
- Expand the City's art collection for the enjoyment of residents and visitors; and
- Enhance the reputation of the City as a modern, vibrant and culturally enriched environment with global ambitions for residents and visitors.

2. GLOSSARY AND DEFINITIONS

Public Art - refers to the integration of an artistic concept into the public domain.

Professional Artist - an artist with extensive Public Art experience. A professional artist can be defined as a person who fits into at least two of the following categories:

- A person who has a tertiary qualification in the visual arts, or relevant qualifications, when the brief calls for it, for other artforms such as multimedia;
- A person who has a track record of exhibiting and selling artwork at reputable art galleries or exhibitions;
- A person who represented in major public collections;
- A person who earns more than 50% of their income from arts related activities such as undertaking public art commissions.

Note:

- An artist under consideration for an art commission who has a familial relationship to the developer or has a financial interest in the development must declare the relationship. The City reserves the right to disapprove according to the circumstances.
- The Public Art Scheme is not an emerging artist initiative, however in some instances emerging artists may be considered for particular projects.

3. POLICY STATEMENT

The City of Kalamunda requires all new public and private development proposals to include public artworks as set out below.

This Policy and related Management Procedure, therefore, provides guiding principles and procedural requirements for the planning, development, approval and management of future Public Art projects across the City.

All permanent artworks will become part of the City of Kalamunda Art Collection.

4. METHOD OF DETERMINING PUBLIC ART CONTRIBUTIONS

The contribution to Public Art shall be no less than one percent of the total capital project cost¹ of all private developments including industrial, commercial, and commercial/residential developments as well as extensions and upgrades over the total project cost of \$250,000 and to a maximum of 2% of the total capital project cost of each Council capital works project. These funds are to be held in the City of Kalamunda Public Art Reserve Fund which will need to be established by the City. Funds in this account will be used for the acquisition or commissioning of public artworks in accordance with the procedures detailed in the City of Kalamunda Public Art Masterplan.

Alternatively, where a multifaceted program of works is scheduled within a demarcated area (such as the staged City of Kalamunda Public Art Masterplan), the Art Advisory Committee may select to combine multiple smaller public art budgets and compound the value into one of the prioritised projects.

5. PUBLIC ART CRITERIA

The criteria for a Public Art Project are as follows:

- be an original artwork;
- be of high aesthetic quality;
- be fit for purpose, durable, sustainable and easy to maintain;
- be located where it is accessible and can be clearly seen by the public;
- be responsive to the site context and reflect the local area's natural, physical, cultural, historical or social values;
- Consider the existing public art in vicinity to avoid repetition and to ensure the artwork is unique;
- Public artworks to be located within the lot boundaries of the development site, unless otherwise agreed by the City;
 - Should not detract from the amenity or safety of the surrounding area. Where appropriate, be lit at night and use energy efficient lighting that is sympathetic to the surrounding area;
 - Commissioned by professional artists to produce the public artwork.

6. PUBLIC ART PROJECTS

Public art projects may include community arts content resulting in tangible art work, i.e. community murals. Art project(s) may be an interpretation of cultural heritage, and the City may also consider alternative art projects including community arts programs, which involve the public working with professional artists. (Note: these projects can be delivered as other parts of the City's budget).

¹ Definition: Total Capital Project Cost is the final capital cost of the development at time of completion and includes project variations and additions as an aggregated total of the development's total cost.

Public art projects may include the following, subject to approval at the discretion of the City:

- A stand-alone unique sculptural works;
- 3D works which can be freestanding or wall-supported;
- Artworks that include elements of design that reflect unique aspects of the area (history, natural environment, Indigenous cultural practise) identify or interpret a significant site, person, community, history or event, such as, an interpretive marker, heritage trail, or monument;
- Murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials;
- Neon or glass art works, photographs, prints and any combination of media including sound, video projection, lighting, ephemeral or temporary works;
- Landscape artworks which integrate with the property (in addition to any required landscape design), if it is created by or led by a professional artist;
- Public art, where provided on a development site in fulfilment of a condition of the Development Application, shall not require a further development approval.

However, Public Art projects cannot consist of:

- business logos, wording or names related to the development or Owner/Applicant;
- Directional elements such as super graphics, signage, way-finding or colour coding;
- Art objects which are mass produced such as fountains, statuary or playground equipment;
- Off-the-shelf art, and/or, reproductions, unless approved by the City (Note: While Public Art must not be a mass produced or an “*off-the-shelf*” piece, the City is open to a unique, pre-existing art work being purchased and installed as the Public Artwork);
- Landscaping, or architectural elements, which would normally be associated with the development, and,
- Functional items which are not deemed unique such as street furniture, signage, lighting, bike racks, gates.

7. PUBLIC ART CATEGORIES

The acquisition of public artworks is divided into five categories as outlined below, which will allow for a diversity of value and types of artworks which can be acquired or commissioned.

The relevant category will be determined based these thresholds:

7.1 - Council Capital Works Projects

- Minor public art project budget – up to \$50,000
- Moderate public art project budget – between \$50,000 to \$150,000
- Major public art project budget – over \$150,000

The procurement for these artworks will include expression of interest and request for quote or tender whichever appropriate.

The procurement of these artworks will be considered via the Public Art Advisory Group as outlined in the terms of reference and City Policy XXXX: Purchasing policy.

Recommendations of the Public Art Advisory Group are subsequently provided to Councillors by way of a report for consideration.

7.2 - Donated Public Art

Public art offered to the City of Kalamunda as a donation (the donated work will

become the responsibility of the City to maintain) is to be referred to the Public Art Advisory Group for consideration.

Decisions will reflect the above categories (based on the value of the artwork) and take into consideration any ongoing financial commitments, including maintenance.

Once considered by the Public Art Advisory Group, a recommendation to Councillors will be prepared.

7.3 – Bequests and donations for public art

Where citizens of the City of Kalamunda bequest or donate money for public art the funds will be added to the City of Kalamunda Public Art Reserve Fund.

Public Artworks would then be acquired using these funds in accordance to the City's Public Art Masterplan under the guidance of the Public Art Advisory Group.

8. OWNERSHIP, COPYRIGHT AND MORAL RIGHTS

Ownership of Public Art commissioned will depend upon the location of the Public Art. The following general principles will apply to ownership of public art unless otherwise agreed by the City:

- Where the Artwork is situated on private property², the public art is owned and maintained by the Owner.
- Where the artwork is situated on public property³, the public art is owned and maintained by the City, regardless of how the commission was coordinated.
- Ownership of the public artwork is subject to agreement between the artist and the Owner/Applicant or, where the Owner/Applicant chooses the cash-in-lieu option, the artist and the City.
- The City will have the right to reproduce extracts from the design documentation of the public art and photographic images of the public art for non-commercial purposes, such as annual reports, information brochures, and information on the City's website.
- Australian Copyright Law requires all original public art to be attributed to the artist. A didactic plaque must be installed, by the developer, next to the artwork/s to acknowledge the artist. Artists are also to be acknowledged when images of their work are published. Therefore, plaques will be near a public art work, with the following information:
 - The title of the artwork (most prominent text);
 - The artist's name and, where appropriate, the artist's statement to assist in interpretation of the artwork;
 - The year the artwork was commissioned;
 - The City of Kalamunda logo and acknowledgment of the percent for art scheme;
 - The details of any partner organisations or funding bodies, and;
- The City will consult with the artist if the public Art work is to be changed in any way (including by removing or re-locating the Public Art).

9. ROLES AND RESPONSIBILITIES

² Definition: land privately held by commercial, non profit, religious or public benefit entities.

³ Definition: land owned by the City of Kalamunda including reserves, road verges, easements, parks, or public facilities that are developed or undeveloped.

Public Art Advisory Group: The role of the Public Art Advisory Group is to guide and inform public art processes, as well as maintain the provisions of this Public Arts Policy. It is the responsibility of all City staff to ensure that they adhere to the policy, direction and legislation.

All Officers are accountable for implementing the policy and ensuring that every person or organisation contracted to or acting on behalf of the City adheres to this policy. The City is responsible for the application and review of the policy.