

Local Planning Policy Developer Contributions for Public Art and Public Art Spaces (LPP)

# Public Art Toolkit

A GUIDE FOR DEVELOPERS



Image: *Leaf and Branch*, 2023, Mark Datodi. Location: Retirees WA

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## Introduction

The City of South Perth is committed to its investment in the arts and as such has developed a distinct and diverse collection of temporary and permanent artworks in public places that celebrate and contribute to the City's unique culture. The City of South Perth has acknowledged that public art helps create a sense of place within the community which nurtures cultural awareness and the identity of a location.

The City invests in public art through a percent-for-art provision in [Policy P101: Public Art and Art Collections](#), whereby the City contributes 2% of the total cost of City projects with a value greater than \$2 million towards public art. This is seen as an investment into the community as public art increases public amenity; enhances people's quality of life; stimulates the local economy and may increase property value.

Further, [Local Planning Policy Developer Contribution for Public Art and Public Art Spaces \(LPP\)](#) applies across most of the City of South Perth, except where the [Canning Bridge Activity Centre Plan \(CBACP\)](#) and the [South Perth Activity Centre Plan \(SPACP\)](#) applies. Where LPP applies, developers of projects with a value of \$2 million or greater are required to contribute at least 1% of the construction value towards public art. The contribution can be delivered as public art within the development itself, by agreement on land owned by the City, or as a cash-in-lieu contribution to the City's Public Art Fund. This toolkit supports LPP and the City's overarching Public Art Masterplan 2022-25 by providing information for developers who are required to contribute towards public art.

The City of South Perth and City of Melville oversee a joint planning initiative within a defined area near its shared municipal boundary called the CBACP area. All development projects within the CBACP area with a value of \$1 million or greater are to contribute at least 1% of the construction value towards public art. The contribution can be delivered as a cash-in-lieu contribution to the CBACP Public Art Fund, or as public art within the development itself. Within the SPACP Plan - where the estimated cost of the development is \$4 million or greater, contribute at least 1% of the construction value towards public art with contributions capped at \$1 million.

Where the CBACP/SPACP do not apply, the City's standard requirements and processes as set out in LPP, Public Art Masterplan and this Toolkit apply.

### What is the purpose of this guide?

This toolkit supports LPP, the CBACP/SPACP plans, and the City's overarching Public Art Masterplan by providing information for developers who are required to contribute towards public art. This guide provides practical information on how developers can meet the public art contribution. The guide is intended to assist with an expeditious approval process and positive public art outcomes.

### What are the developer benefits?

For developers or investors, public art provides value, cultural investment and a connection with local communities. In many cases it provides a point of difference for a development or it can become an identifiable landmark to an area. It also offers a way to engage with the people who will live, use, interact or benefit from the development.

## Definitions

**Acquisition:** The act of acquiring or gaining the public artwork.

**Art.** Artistic works in diverse forms and media created by practising professional artists.

**Commission:** Mutually agreed transaction, can involve an agent.

**Commissioner:** Developer, builder or person responsible for acquiring the artwork.

**Construction value:** The estimated cost of the equipment, financing, services and utilities that are required to carry out a development but not including the cost of land acquisition. The City will generally accept this to be the same as the estimated cost of development stated by the applicant on the building permit application.

**Practising Professional Artist.** Artists who meet the City's eligibility criteria as detailed in this Toolkit, Management Practices, and specifications applicable for relevant art projects.

**Procurement:** The act and process involved in acquiring or purchasing the public artwork.

**Public Art Consultant:** Agent or arts industry specialist contracted to manage the procurement project.

## Understanding Public Art

### What is Public Art?

Art that is intended to be located in and/or clearly seen from the public realm. Contemporary works of public art may take diverse forms, including long last sculptures and monuments, and works that a temporary or ephemeral presence in the public realm.

The broad terms are described below.

### Types of Public Art

<b>ENDURING</b>	Most works of contemporary public art have a limited lifespan due to a range of factors including the diversity of innovative and experimental materials artists use, harsh environmental conditions, and also the continual development of urban spaces transforming sites where public art is located. For this reason most new enduring works of public art are commissioned on the understanding that they will have a useful life of 15 to 25 years.
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<b>INTEGRATED</b>	Works of integrated public art are integral to the function and fabric of a building or urban environment, incorporated in such a way that the artwork is not a stand-alone element. Examples include artworks that also perform practical functions such as seating, screening, shelter and artworks that are physically incorporated into structural elements of a project such as brickwork and concrete formwork.
<b>TEMPORARY</b>	Works of temporary public art are intended to occupy a place and/or have a presence in the public realm for a finite period of time, usually between one week and three months.
<b>EPHEMERAL</b>	Works of ephemeral public art are distinctive due to their fleeting and immaterial presence on site, perhaps only for a single day or a matter of hours - for example, a light projection or a performance. Other ephemeral works may have a more substantial material presence on site but may incorporate their own changing state as part of the artwork - for example, a sand drawing on the beach or an ice sculpture.
<b>MURALS</b>	<p>Though they can last a number of years on site, most murals are considered to be temporary artworks by the City because they are often commissioned by agreement on privately owned walls and are not City assets.</p> <p>A mural is a work of art that is applied, usually painted, directly onto a wall. Street art or urban art, is a type of artwork, often a painted mural that has been applied directly onto a surface such as walls, vehicles, signs and other property in the public realm and is in some way connected with street/urban subculture.</p> <p>Graffiti is a term usually reserved for illegal and criminal acts of vandalism as distinct from those works that are recognised as legitimate street art.</p>
<b>MEMORIALS AND COMMEMORATIVE WORKS</b>	<p>Memorials and monuments are some of the very oldest forms of public art, and are distinctive in that their purpose is specifically to create a place in the landscape for the purpose of remembering a person, place or event.</p> <p>In contemporary communities, commemorative works are increasingly being created to remember different kinds of subjects - such as the loss of ordinary and innocent lives through tragic circumstances (AIDS, terrorist attacks, plane crashes). This reflects a profound change in values and the re-evaluation of historical events from different viewpoints that can make more traditional subjects (like military heroes and victories) less universally positive objects of contemplation and veneration than in previous times.</p>

	While commemorative works can be works of art, sometimes they are architectural works, or simple markers at a site such as a large stone or a plaque, or combinations of all of these. What commemorative works have in common with works of public art is their cultural significance, including their meaning and their symbolic importance for community.
<b>PUBLIC ART SPACES</b>	<p>Public Art Spaces may include but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Publically accessible art boxes or light box displays;</li> <li>▪ Artwork billboards;</li> <li>▪ Gallery windows;</li> <li>▪ Publically accessible artist-in-residency space or other form of public space where the production of art is visible, accessible and available to the public; and/or</li> <li>▪ Performance art programme that is free and available to all members of the public.</li> </ul> <p>Note that special criteria apply where developers propose to contribute public art spaces, see Page XX</p>

## Artist Value

### Definition of an artist

Professional practicing visual artists only will be eligible to carry out public art commissions. The term 'artist' is self-referencing; therefore for the purposes of this toolkit, a 'professional practicing visual artist' can be defined as a person who fits into at least two of the following categories:

- A person who has a university degree or minimum three-year full time TAFE diploma in visual arts or, if the brief calls for it, other art forms such as multimedia.
- A person who has experience or a history of exhibiting their artwork at reputable art galleries that sell the work of professional artists.
- A person who has chosen to commit a significant amount of their time to their artwork practice and earns the majority of their income from arts related activities such as teaching art, selling artwork or undertaking public art commissions.

At times it may be appropriate to seek people that sit outside of the above conditions to carry out artwork commissions. This may apply in instances when young, local, emerging, Indigenous artists or students may be considered appropriate for a particular project.

Although collaboration between artists and architects is desirable, particularly in the early stages of a commission, under this definition architects are not artists.

## Why engage a professional artist?

Artists play a critical role in placing an emphasis on process. They are commentators and provocateurs who can explore and articulate social concerns and issues of significance. They creatively engage with communities and work to monitor, record, express and respond to the world around us. Artists as members of design teams, working collaboratively and contributing to the use and form of urban planning and development through research, reflection and propositions can enrich a community as a whole. An artist with a notable reputation can also bring further value to the building or precinct in which the public art is located.

## Options for meeting a Public Art planning condition.

During the City's review of any Development Application (DA), it will be determined whether the developer is eligible to make a contribution for public art, as per the relevant planning policy – whether LPP Developer Contributions for Public Art and Public Art Spaces, South Perth Activity Centre Plan or the Canning Bridge Activity Centre Plan.

Developers should consider which of the available options they wish to take in meeting the public art planning condition, and where possible state their intentions in their DA. Developers are encouraged to discuss these options with the City's Arts Officer in a pre-DA lodgement meeting as they will need to have an approved Public Art Concept prior to the City issuing a Building Permit

The public art process will involve varying degrees of involvement from the City depending on which option the developer chooses. The City will monitor developer contributions to public art and proposals at key stages aligned with the applications for development approval and building license/s.

### Cash-in-lieu - Option C (LPP), Option A (Canning Bridge Activity Centre Plan)

Where the developer selects to provide cash-in-lieu to meet the public art requirement, the developer should provide a formal letter of undertaking to make a cash-in-lieu payment, addressed to the City's CEO. Cash-in-lieu payments must be made in full prior to the City issuing an Occupancy Permit for the completed development. By selecting to make a cash-in-lieu contribution developers can receive a 15% discount in some areas (where LPP applies), and can also expedite the construction phase by removing the need for approval of a public art concept prior to the submission of a building permit application. Cash-in-lieu can also be the best option where the budget is small or there is little space or opportunity for public art within a development

Cash-in-lieu contributions will be pooled in the City's Public Art Fund, or the CBACP Art Fund, and will be used by the City to deliver public art outcomes in alignment with applicable strategies and masterplans. Pooled cash-in-lieu contributions can enable the City's delivery of more ambitious outcomes than would be delivered with individual developer contributions. The City will assess the best possible application of the funds at the time of spend, taking into consideration the needs of the community and the best outcomes for the City. Where a public art project is financed from the Public Art Fund, the funds shall be expended within a project scope and process as determined by the City.



## Providing Public Art on the Development Site

Where the developer chooses to provide public art within the development itself, the developer will be responsible for selecting a preferred public art concept and then lodging a Public Art Concept Application as per the process outlined below:

## Public Art Concept Approvals Process

### A. Preparation of a Development Application

Submission of a Development Application (DA) for a project whose estimated construction cost equals or exceeds the eligibility threshold as determined by the planning policies applicable at the site, will trigger the inclusion of a planning condition.

Relevant eligibility thresholds for public art are as follows:

- South Perth Activity Centre Plan - \$4 million construction cost
- Canning Bridge Activity Centre Area Plan = \$1 million construction cost
- All other areas of the City = \$2 million construction cost

### B. Design Review Process

Development Applications that are referred to a Design Review Panel during the DA approvals process may include some information relating to how the Developer intends to meet the public art planning condition. The level of detail provided by developers about public art at this stage of the process varies a great deal, and the consideration of public art proposals is not a primary focus of the Design Review Panel.

Developers should note that public art concepts are not approved by the City on the basis of recommendations made by the Design Review Panel on preliminary information submitted with a DA. The approval of a DA does not constitute any kind of approval of the public art concept – regardless of the level of resolution of public information provided within the DA submission.

Early, pre-DA consideration of the public art as an integral part of the overall design for the development is strongly encouraged and can significantly improve public art outcomes. Developers are encouraged to obtain more detailed feedback and advice relevant to the future approval of their public art concept prior to DA submission and should do so by contacting the City's Arts Officer for further advice and information.

### C. Development Approval

The public art approvals process begins in a proper sense with the approval of a Development Application and with it the formal application of planning conditions requiring that a contribution is made towards public art in association with the development, in alignment with the planning policy applicable at the site.

Developers who haven't already contacted the City's Arts Officer regarding the Public Art requirements prior to DA submission should do so as soon as possible after receiving their determination letter advising of the applicable planning conditions.

#### D. Public Art Concept Approval

**Prior to the City issuing a Building Permit for the development**, developers must engage an artist and develop and secure approval of the proposed Public Art Concept for their development or notify the City of their intention to provide cash-in-lieu to meet their obligations.

An outline of Public Art Procurement process is provided in Appendix A of this Toolkit, and developers are encouraged to engage the services of experienced Public Art Consultants to assist with this. Public Art Concepts Applications must align with the City of South Perth Public Art Masterplan and meet the requirements set out in this Toolkit.

Public Art Concept Applications must be submitted (as per the process detailed in this Toolkit) for initial review by the City's Arts Advisory Group (AAG) at one of its scheduled meetings. Following review by the AAG, applications are then referred to the City's administration for final approval. Developer Public Art Concept Applications can be approved by nominated City staff as per *Delegation from Council (DC690) – Town Planning Scheme 6*, as public art contributions relate to planning conditions. . Formal notice of Approval (with or without conditions) or a request for revision and resubmission is typically provided by the City within two weeks of the meeting of the Public Art Advisory Group at which the proposal was submitted.

If the Public Art Concept is approved, the public art planning condition will not be the cause of any delays in the issuing of a Building Permit.

#### E. Design Development Review

Following the City's approval of the Public Art Concept, the Developer may then work further with the artist to progress the resolution of detailed design development relating to the public art. The City acknowledges that some aspects of a Public Art Concept as initially presented may change during design development as practical details are resolved.

Prior to commencing fabrication of the artwork, Developers are required to provide the City with:

- a notarised copy of the artist's contract, and
- detailed design documentation confirming the final form of the artwork as it is to be constructed and installed.

Where changes to the concept are deemed by the City to be a significant departure from the concept approved by the City, the City may refer the Design Documentation back to the Arts Advisory Group for further review before authorising fabrication.

## F. Project Delivery and Close Out

The developer must deliver the public artwork in full, as approved, and provide the City with relevant documentation to close out the project, before the City will issue an Occupancy Permit for the development. In addition to completing and installing the artwork, the following is required to close out the project and fulfil the planning condition:

- Installation of a publicly accessible attribution plaque conforming to the City's template
- Professional photographs of the completed artwork suitable for the artist, developer and City to promote the artwork
- A package of documentation including:
  - As-constructed drawings and technical details of the artwork
  - A project record, documenting the fabrication and installation of the artwork
  - A maintenance manual
  - Warranties

Relevant interpretive information that can be included with images for promoting the artwork

### Variations

Where the Developer elects to provide a Public Art Space (as per the provisions in LPP Option A) or to deliver an artwork on City land (as per the provisions in LPP Option B), alternative/additional processes and requirements apply, as detailed below.

#### Option A, Public Art Space Within the Development

The same approval process applies. Developers interested in submitting a Public Art Space Concept Application must liaise with the City's Arts Officer, and other City Officers as applicable, prior to submitting a Development Application, in order to:

- Determine the suitability and viability of the proposed Public Art Space and its potential to deliver benefits to the community in alignment with the principles and objectives of public art provision under the City's Masterplan and policies.
- Determine a reasonable and mutually acceptable means of calculating the value of a public art space contribution. Possible approaches may include, but are not limited to:
  - Calculations based upon the agreed market value of an allocated space within the development

- Lump sum contributions held in trust, or similar, for the purposes of managing a public art space, delivering a program of public art events or activities, or for disbursement (eg for artist residencies) in a manner approved by the City
- Entering into a contractual arrangement with an arts management organisation with the capacity to manage funds and program a public art space

At *Stage E. Design Documentation*, the City will need to see evidence of agreements and systems that will need to be in place to ensure that the public art space will be delivered in full and managed effectively over any agreed period as outlined in the proposal.

At *Stage F. Project Close Out*, the City will need copies of executed agreements and contracts, and a commitment to a schedule for the Public Art Space to become operational and accessible to the public. If necessary a bond may be required and held by the City until the public art space becomes operational.

### Option B – Public Art on City Land

Unless otherwise negotiated and agreed in writing, works of Public Art approved for delivery on City land will become the property of the City of South Perth upon completion and following any defects liability period. The City must therefore approve such proposals not only as suitable public art concepts for the public realm, but also as suitable acquisitions for the City's Public Art Collection.

Where a developer wishes to deliver a work of public art on City land the developer must first discuss the proposal with the Arts Officer before preparing and submitting a Public Art Concept Application for review. The developer must then submit a letter to the Chief Executive Officer of the City of South Perth containing details about the value, location and nature of the artwork for the City's consideration and seeking in principle approval from the City. The preliminary proposal and any recommendations from the City's Arts Officer will be considered for approval by a member of the City's Management or Executive in accordance with the purchasing authority limits applicable for the value of the asset/s to be acquired by the City.

If in principle approval is granted, the developer will be required to work with the City as a Key Stakeholder and involve the City's Arts Officer (and other technical officers as required) throughout the commissioning, development and delivery of the artwork, and approvals sought as per the process outlined above (Stages A-E).

At *Stage F. Project Close Out*, the developer must also provide (and cover costs associated with) documentation and materials that will:

- realise the legal transfer of ownership of the artwork to the City of South Perth and facilitate the City's future management of the artwork (eg special access or other arrangements);
- meet the City's asset management requirements for new City assets, and
- facilitate the population of the City's asset register and collection management systems

## Public Art Concept Approvals – Evaluation and Criteria

Public Art Concept Applications submitted to the City of South Perth are reviewed by the City of South Perth's Arts Advisory Group. This group is described in the Public Art Masterplan (page 86).

The Arts Advisory Group includes Arts Industry experts in its membership and provides independent and expert advice regarding the City's overarching approach to public art, on City commissions and acquisitions, and to review and make recommendations to the City on developer public art proposals.

The members of the Arts Advisory Group will consider Public Art Concept Submissions in alignment with the following Eligibility and Qualitative Criteria, in alignment with the City's Public Art Masterplan.

### Eligibility Criteria

#### E1. Eligible Public Art Outcomes

The City of South Perth acknowledges that contemporary art practices are diverse, and that a wide range of materials and experiential outcomes may be presented to audiences in the public realm. Eligible projects that may be submitted for consideration include:

- the work of an artist working individually, with the community or in collaboration.
- art that encourages awareness or challenges ideas.
- art that enhances a sense of play and celebration.
- art that engages with aspects of contemporary art and design in line with an artist's studio practice.
- art that provides an artistic interpretation of historical or archaeological research.
- art that encourages interaction with a social space.
- art that encourages collaboration with First Nations community members connected to the area.

For the purposes of meeting the requirements of the City's LPP and the Canning Bridge Activity Centre Plan, the following kinds of outcomes are ineligible:

- commercial promotions and offshore fabrications in any form.
- artworks that include a business logo.
- directional elements such as super graphics, signage or colour coding.
- art objects' that are mass-produced, such as fountains or playground equipment.
- most art reproductions including decorative perforated screens.

- landscaping or generic hard-scaping elements that would normally be associated with the project.
- services or utilities necessary to operate or maintain art works.

## E2. Eligible Artists

Only professional practising visual artists will be eligible to carry out public art commissions. The term ‘artist’ is self-referencing; therefore, for the purposes of this toolkit, a professional practicing visual artist can be defined as a person who fits into at least two of the following categories:

- A person who has a university degree or minimum three-year TAFE diploma in visual arts or, if the brief calls for it, other art forms such as multimedia.
- A person who has experience or a history of exhibiting their artwork at reputable art galleries that sell the work of professional artists.
- A person who has chosen to commit a significant amount of their time to their artwork practice and earns the majority of their income from arts related activities such as teaching art, selling artwork or undertaking public art commissions.

At times it may be appropriate to seek people who do not meet the above criteria to carry out artwork commissions. This may apply in instances when young, local, emerging, First Nations artists or students may be considered appropriate for a particular project.

Although collaboration between artists and architects is desirable, particularly in the early stages of a commission, under this definition architects are not artists.

## E3. Eligible Expenditure Against the Required Contribution

When commissioning a new work of public art there are a wide range of expenses that contribute towards the realisation of the project. The following expenses are considered by the City to be eligible project expenses appropriately contributing to the total expenditure required to meet the developer’s obligations in relation to Public Art planning conditions.

Artist Fees	Artists should be paid an artist fee for their time, expertise, creativity– independent of the cost of materials, fabrication and installation of the artwork. Refer to NAVA’s <a href="#">Draft artist fees for public art</a> for guidance on Artist fees as a percentage of the overall commission.
Costs for Realising the Artwork	All costs associated with the design, fabrication and installation of the artwork. Including:



	<ul style="list-style-type: none"> <li>• Materials</li> <li>• Fabrication</li> <li>• Subcontractors (collaborators, engineers)</li> <li>• Transportation, handling and installation costs</li> <li>• Insurance</li> </ul> <p>In some instances these costs are paid to the artist as part of their overall contracted lump sum and they manage these aspects of the project scope. In other cases, the artist may be contracted on a Design only basis, and the realisation of the artwork is managed by others – for example the project builder for integrated public art outcomes. Where the fabrication, installation etc is not part of the artist's scope and contracted sum, the developer may be required to provide receipts or other proof of expenditure to show that the required contribution has been made in full.</p>
Eligible Costs for Realising Integrated Artworks	<p>Integrated public art outcomes are those where an artwork is commissioned to perform a practical function on the site which is enhanced by its aesthetic form – e.g. screening, street furniture etc. In these cases, the eligible expenses associated with these items are only those costs that exceed the base cost that would apply if a standard item was purchased or manufactured to perform the same function at the site.</p>
Art Consultancy Fees	<p>Many projects may benefit from the engagement of an experienced art consultant who can assist developers with identifying suitable public art opportunities for their site, engaging suitable artists, securing approvals, and managing the public art project.</p> <p>The Art Consultant's fee is an eligible expense for public art projects. In most cases, a reasonable consultant's fee is considered to be between 7% and 15% of the total public art budget. In generally, the percentage may be larger on low budget commissions than on larger budget commissions, as often the consultant needs to do a similar amount of work irrespective of the size of the budget. However, the City expects that consultant fees should not prevent a suitable portion of the budget going the artist/s and to realising the artwork itself.</p>

Concept Design Fees	One or more shortlisted artists who are asked to develop a preliminary concept as part of a selection process or in advance of formal engagement for a project should be paid a Concept Design fee. Refer to NAVA's <a href="#">Draft artist fees for public art</a> and <a href="#">Draft best practice for commissioning art in public spaces</a> (p20) for guidance on initial concept fees.
Consultation and Engagement Expenses	Where a project involves consultation with or other forms of engagement and participation from community, or where specialist consultation (with Traditional Owners for example) is needed, associated costs are eligible public art expenses.
Photography and Project Documentation	<p>Professional photographs of the completed artwork should be taken for the artist, developer and the City to use to document and promote the completed artwork.</p> <p>The Artist must also prepare and provide a package of documentation to close out the project including:</p> <ul style="list-style-type: none"> <li>• As-constructed drawings and technical details of the artwork</li> <li>• A project record, documenting the fabrication and installation of the artwork</li> <li>• A maintenance manual</li> <li>• Warranties</li> <li>• Relevant interpretive information that can be included with images for promoting the artwork.</li> </ul>
Attribution Plaque	The developer is responsible for ensuring that an attribution plaque, conforming to the City's template, should be produced and installed in a suitably accessible place to acknowledge the artist and facilitate the public's interpretation and access to the work.

The following are not eligible expenses forming part of the contribution to public art:

- the maintenance and conservation of the artwork;
- any further administration relating to the artwork once it has been installed;

- decommissioning, relocation or removal of the work; or
- any ongoing remuneration to the artist.

## Qualitative Criteria

The Qualitative Criteria that the City applies to the evaluation of Public Art Concept Applications are based on the proposal's alignment to the curatorial objectives detailed in Part 2 of the Public Art Masterplan.

**Essential** Qualitative Criteria are as follows:

### Q1. Alignment with Precinct Curatorial Objectives

Part 2 of the City of South Perth Public Art Masterplan designates one Primary curatorial objective and two secondary curatorial objectives for each of the eight precincts in the City.

All new public art projects must be developed to align with one of the three curatorial objectives set for the precinct in which they are to be located.

Each of the curatorial objectives is described in more detail on page 40 of the Masterplan, where the descriptions provide an indication of:

- the appropriate scale and ambition of the work
- thematic and experiential aspirations
- the professional standing of artists engaged for the project

### Q2. Accessibility of Public Art Outcomes

On page 41 of the Public Art Masterplan, the City provides guidance on the appropriate accessibility of public art outcomes within the City.

All projects should be developed in alignment with these three principles:

1. The general public should not be prevented from approaching any ground-level artwork by security features and other obstructions on site (locked gates, secure foyers, landscaping etc).
2. An artwork that is not accessible at ground level should be positioned to facilitate unobstructed viewing from multiple vantage points and created at a scale to ensure it can be effectively experienced from a distance.

3. Artworks on private property are not considered genuine works of public art in any instance where the residents and tenants have a privileged level of access to and experience of the work that is not also available to the general public.

Where a site or building project offers few opportunities within the boundaries of the development to deliver outcomes that align with these accessibility principles, a cash-in-lieu contribution is the best way for the developer to meet the planning condition. This will enable the City to deliver a genuinely accessible public art outcome on public land in the vicinity.

**Desirable** Qualitative Criteria are as follows:

### **Q3. Alignment with Precinct Public Art Opportunities & Initiatives**

Where strong synergies and points of connection exist between the developer commission and the specific public art opportunities and initiatives identified for the precinct, developers are encouraged to consider the ways in which their project will help to realise the aspirational outcomes detailed in the Masterplan.

### **Q4. Diversity of Public Art outcomes in the City of South Perth**

While artworks in the public realm should not clash or compete with their sites or with other features and artworks in the vicinity, diversity is desirable in a quality public art collection and in an engaging public realm and should always be a key consideration when selecting themes, artists and concepts. Those commissioning and creating public art are encouraged to pursue opportunity to work with a range of different artists, and to consider themes and subjects relevant to the site for public art that have not already been featured in other artworks in the vicinity.

The City acknowledges that a key part of the value and contribution that artists and their works can make in society is related to their capacity to propose unique and creative outcomes that may be in certain respects unprecedented. As such the Arts Advisory Group will also fall back on their professional expertise to weigh up the pros and cons of innovative proposals.

Relevant considerations for unconventional proposals may include:

- Weighing up the relative impact and effectiveness of a temporary outcome against a long-lasting outcome from the same budget.
- Considering the implications for creative practice and the City's role in supporting and encouraging similar outcomes in future, or avoiding setting a problematic precedent.
- Reputational and other benefits that may flow on from establishing the City as an arts and cultural destination where ground-breaking projects are delivered.
- Establishment and furthering of relationships with key community and cultural stakeholders whose engagement and participation may help enhance arts and cultural outcomes in the City.

## Other Considerations

The City of South Perth reserves the right to undertake further checks and to seek further technical advice on the recommendation of the Arts Advisory Group, or independently, as part of its due diligence, ensuring:

- That all artworks will not detract from the amenity or safety of the public realm
- That all artworks meet relevant building codes and regulations and are realised in alignment with all applicable permits, licences and approvals.
- That, where applicable, required cultural approvals are obtained from Traditional Owners in relation to Public Art Concept Applications prepared by Australian First Nations artists, and/or proposals featuring stories, imagery and other cultural content belonging to the First Nations Community

## Cultural Approvals

Where public art projects are developed to tell stories, or feature content and imagery belonging to the First Nations community, it is expected that the Artists and developers involved in such projects will have the cultural authority or have obtained the necessary cultural approvals to do so. The City will consult with Traditional Owners and seek appropriate cultural approvals for First Nations public art projects in Whadjuk Nyoongar Country in alignment with existing guidelines and protocols, including the Australia Council's [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#), and the [Indigenous Art Code](#).

## Maintenance and moral rights

To ensure that the issues of maintenance and longevity of the artwork are addressed, consideration should be given to:

- The intended life of the work
- The materials to be used and their durability
- The environment where the work will be located (dampness, extreme wear and tear etc.)
- Who is responsible for repairing the work if it is damaged
- Who decides when the work is damaged beyond repair
- What the process will be should the site/building be redeveloped
- Urgent maintenance issues such as vandalism and the removal of graffiti

Moral rights for artists have been incorporated into the Copyright Act of 1968<sup>1</sup> and further information can be found in sections 195AC to 195AM. They provide artists with the right of public acknowledgment as creator of a work and the right of integrity, which means that the work will not be materially altered or distorted, or treated in a way that is prejudicial to its reputation. This creates an obligation on the commissioner to ensure that the artist is consulted prior to any amendment or relocation of the artwork.

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<sup>1</sup> [http://www.austlii.edu.au/au/legis/cth/consol\\_act/ca1968133/](http://www.austlii.edu.au/au/legis/cth/consol_act/ca1968133/)

It also creates an obligation to the commissioner to ensure that the artwork acknowledges the artist by way of plaque or other signage. A template for a plaque is available from the City of South Perth.

At the conclusion of a public art project, the developer is to provide the City's Arts Officer with a digital copy of the artwork maintenance schedule that includes engineer's drawings, insurances, specifications and agreed maintenance expectations. It is to include photo documentation of the artwork fabrication and installation.



# Appendices

## Appendix A: Procurement and Commission Process

<b>Commission a Public Art Consultant</b>	<p>For those commissioners unfamiliar with a public art procurement process, the City recommends the use of a qualified agent or consultant with evidence of past experience in managing public art projects. (See list of Public Art Consultants)</p> <p>Appointing art consultants with heritage, curatorial and technical expertise will assist in the procurement process for a variety of reasons including:</p> <ul style="list-style-type: none"> <li>▪ Assistance with the development of a community engagement strategy and targeted public consultation</li> <li>▪ Access to a wide network of professional art sector organisations and artists</li> <li>▪ Skilled matching of your project goals with artwork/artists of the highest calibre</li> <li>▪ Ensures best practise in the artist selection process</li> <li>▪ Provides additional support to communicate the artist's design proposal</li> <li>▪ Comprehensive documentation for the client and stakeholders</li> </ul>
<b>Decide on acquisition approach</b>	<p>Acquisition of public art can be achieved via three main methods:</p> <ol style="list-style-type: none"> <li>1. direct procurement or engagement of a particular work or artist;</li> <li>2. a limited competition approach, where the commissioner selects and invites specific artists to submit proposals in response to an art brief; or</li> <li>3. open competition, which requires a public call for expressions of interest to provide a schematic response to an artist brief. Shortlisted artists or artist teams may be invited to develop and present concept designs for a fee, and a preferred artist is selected.</li> </ol> <p>Advertising public art opportunities through professional art sector organisations is also considered a way to improve the artist selection process.</p>
<b>Artwork brief</b>	<p>The Public Art Consultant will prepare an artwork brief after consultation with appropriate stakeholders. The brief should leave sufficient flexibility for artistic interpretation and a creative response to the brief.</p> <p>The brief should contain the following, as a minimum:</p> <ul style="list-style-type: none"> <li>▪ Information about the commissioning agent, project and lines of responsibility</li> <li>▪ Background information on the community, the precinct, the site or any heritage of the area, if known</li> <li>▪ A clear framework of expectation, project background, vision or themes for the artwork, location, budget, timing (deadlines and required completion date) and any objectives or constraints with regard to the form/type, stylistic preferences, scale, materials or site of the artwork</li> <li>▪ Technical requirements that must be met, including site analysis and constraints, engineering information, plans, elevations and other drawings</li> <li>▪ Sub-contracting options and responsibilities</li> <li>▪ Artists' submission requirements (response to the brief)</li> <li>▪ Collaboration opportunities/expectations</li> <li>▪ Details about the project briefing sessions (if applicable)</li> <li>▪ Identify what the commissioner will provide as set in the budget</li> <li>▪ Desired outcomes of the project (material, social, artistic)</li> </ul>

	<ul style="list-style-type: none"> <li>Criteria for selection and who will make the selection (committee or otherwise)</li> <li>The selection criteria should be in line with the Public Art criteria in this toolkit, to ensure consistency with the City's requirements</li> <li>Confidentiality assurances including clarification of what will happen to the maquette/plans/drafts etc. of the original proposals (including the successful proposal) and acknowledgement of moral rights</li> <li>Outline the proposed contract arrangements</li> </ul>
<b>Expression of interest (EOI)</b>	<p>Once the brief is determined, a call for expressions of interest (EOI) will be advertised. The artist/s will be required to provide a response to the brief and indicate relevant experience. The call for EOI may run for between three and eight weeks, dependent on the size and complexity of the commission.</p> <p>The Public Art Coordinator/Consultant should identify the scale and expectation required for the EOI submission to ensure a decision is made on an equitable basis. At a minimum, a current resume, relevant examples of the artist's original work and a schematic and written response to the brief should be requested. An offer of an appropriate design fee should also be communicated.</p>
<b>Short list</b>	A review and assessment of the EOIs against the predetermined selection criteria outlined in the brief will result in the selection of a small group to prepare a design concept, with the offer of an appropriate design fee. The shortlisted artists will be invited to submit a design concept.
<b>Design concept</b>	The artwork brief is reviewed and updated to provide any available additional information, and to provide criteria and submission requirements for the final selection. Each shortlisted artist will be required to prepare a design concept in response to the brief to be approved by the commissioner.
<b>Design selection</b>	In the case of a private commission, the developer, public art consultant and/or a selection panel will meet with the artists to view the design concepts, select the preferred concept and prepare a formal engagement document.
<b>Contract</b>	<p>Once approved, the artist will enter into a formal written contract with the commissioner. The contract will be agreed to by both parties and will:</p> <ul style="list-style-type: none"> <li>set out terms and obligations of both parties;</li> <li>include a work program with milestone dates for sign off and a payment schedule for staged payments against each achieved milestones; and</li> <li>responsibility for various types of insurance such as public liability, professional indemnity and insurance for the artwork itself.</li> </ul> <p>A standard 'service delivery' contract does not address arts industry expectations. A public art consultant can provide a contract designed for these types of projects; however, Arts Law offers a range of contracts for sale, including a standard commission contract. See <a href="http://www.artslaw.com.au">www.artslaw.com.au</a>.</p>
<b>Design development</b>	The artist must prepare final detailed plans and documents required for the commissioner and any government approvals.
<b>Preparation of artwork</b>	The artist creates or supervises the creation of the artwork. The commissioner will, in most cases, require sign off at specified milestones outlined in the artist's contract and will pay staged payments as agreed. Where appropriate, progress updates and images are to be provided and may include studio or site visits.

Installation and handover	<p>The artist and commissioner should agree on the terms with regard to completion prior to installation. Responsibility and terms for the safe and legal installation of the artwork should also be determined between the parties.</p> <p>The commissioner will arrange for a plaque or sufficient signage that acknowledges the artist and displays the title of the work and year it was made.</p> <p>The artist is required to provide the 'as constructed' details of the artwork and a public art maintenance report to the commissioner. It is the commissioner's responsibility to provide a copy of this to the City. There is an expectation that this information will be passed from owner to owner should the artwork change hands.</p>
Celebration	<p>A launch, dedication or opening of the artwork assists in creating a sense of importance and provides a good public relations opportunity for the City, the developer and the artist. Attribution plaque is installed, crediting the artist. The City's plaque template is available on the City's website and must be approved by the Arts Officer and site inspection pre-occupancy certification.</p>

## Appendix B: Important Contacts

### Public Art Consultants

The table below provides the contact details for some Public Art Consultants based in Western Australia. This is not an exhaustive list and other public art consultants wishing to be included on this list can provide their details to the City's Arts Officer for inclusion in the next update of this document. Employing a public art consultant is considered a legitimate expense (specified between 7%-15%) from the percent for art funds. The City encourages more than one quote to be sought for comparative purposes.

Contact Name	Business	Phone	Email
Alison Barrett		0419 192 657	<a href="mailto:ambpublicart@gmail.com">ambpublicart@gmail.com</a>
Andra Kins	Urban Thresholds	0418 929 297	<a href="mailto:andra@iinet.net.au">andra@iinet.net.au</a>
Carolyn Karnovksy	Artify Consulting	0422 234 458	<a href="mailto:hello@artifyconsulting.com">hello@artifyconsulting.com</a>
Corine Van Hall		0419 194 058	<a href="mailto:corine@iinet.net.au">corine@iinet.net.au</a>
Helen Curtis	Apparatus	0413 56 0413	<a href="mailto:hello@apparatus.net.au">hello@apparatus.net.au</a>
Jenny Beahan		0408 921 671	<a href="mailto:jennyaab@bigpond.com">jennyaab@bigpond.com</a>
Jenny Kerr		0451 534 030	<a href="mailto:jennykerr77@gmail.com">jennykerr77@gmail.com</a>
Jude van de Merwe		0408 954 363 9295 4364	<a href="mailto:judevandermerwe@iinet.net.au">judevandermerwe@iinet.net.au</a>
Kate Parker	Element Advisory	9289 8300	<a href="mailto:hello@elementwa.com">hello@elementwa.com</a>
Maggie Baxter		6460 1111 0401 031 939	<a href="mailto:magb@iinet.net.au">magb@iinet.net.au</a>
Paola Anselmi	Paola Anselmi Contemporary Art	0411 982 537	<a href="mailto:paola@paolaanselmiart.com.au">paola@paolaanselmiart.com.au</a>
Malcolm McGregor		0409 191 696	<a href="mailto:m.mc@bigpond.net.au">m.mc@bigpond.net.au</a>
Mariyon Slany		0401 694 252	<a href="mailto:mariyonslany@iinet.net.au">mariyonslany@iinet.net.au</a>
Paul Caporn	Art Services Perth	0403 165 738	<a href="mailto:paul@artservicesperth.com.au">paul@artservicesperth.com.au</a>

## City Contacts

### City of South Perth

Contact Number: (+61 8) 9474 0777

Email: [enquiries@southperth.wa.gov.au](mailto:enquiries@southperth.wa.gov.au)

Post/Visit: City of South Perth Civic Centre, Cnr Sandgate St & South Tce, South Perth, Western Australia 6151

### Planning

Contact Development Services to discuss any items relating to your development application.

### Cultural Development

Contact the Arts Officer for further information about public art, including the City's Public Art Masterplan.

### Local History

Contact the Local History Librarian for further information about the City's local history.

*Note: The City of South Perth's Public Art Masterplan 2022-2025, Part 2: 'Plan for Public Art by Precinct' includes a brief overview of each precinct, and some references to a range of available resources about relevant local history.*

### Local Heritage

There are links to local heritage here: <https://southperth.wa.gov.au/development/planning/local-heritage>

## Appendix C: Public Art Concept Application Form

This form is to be completed and submitted to the Arts Officer with a completed Public Art Concept Application at least 10 business days prior to any scheduled meeting of the Arts Advisory Group.

### Applicant Details

Address of the development.....

Development Approval Number.....

Name of property owner.....

Owner's Address.....

Telephone number.....

Email.....

Name of Applicant.....

Applicant's address.....

Telephone.....

Email.....

Name of Architect/Designer.....

Architect Designer's address.....

Telephone.....

Email.....

Name of artist.....

Artist's address.....

Telephone.....

Email.....



Name of Art Consultant (if applicable).....

Address.....

Telephone.....

Email.....

### Summary of Public Art Concept Information

Is this Public Art Concept Application being presented to the City for the first time?

Y / N

If this Public Art Concept Application is a revised proposal that has previously been presented to the City, please indicate which meeting/s of the Arts Advisory Group it has previously been submitted for?

.....

Estimated Construction Cost of Development (ex GST) as listed on Development Application

.....

Required Public Art contribution for this site

.....

The artist being engaged for this public art project meets the City's eligibility criteria as a professional practising artist, as detailed on page XX in this Toolkit.

Y / N

Refer to the City of South Perth Public Art Masterplan to answer the following items relating to the Qualitative evaluation criteria:

**Q1A** [Required] This development is located in the following City Precinct, as detailed in the Masterplan (Part Two):

<input type="checkbox"/> P1 - South Perth Activity Centre Precinct ( <i>Masterplan, page 48</i> )	<input type="checkbox"/> P5 – Como Precinct ( <i>Masterplan, page 68</i> )
<input type="checkbox"/> P2 - South Perth Precinct ( <i>Masterplan, page 53</i> )	<input type="checkbox"/> P6 – Kensington Precinct ( <i>Masterplan, page 73</i> )
<input type="checkbox"/> P3 – Canning Bridge Activity Centre Precinct ( <i>Masterplan, page 58</i> )	<input type="checkbox"/> P7 – Manning Precinct ( <i>Masterplan, page 77</i> )
<input type="checkbox"/> P4 – Karawara Activity Zone Precinct ( <i>Masterplan, page 63</i> )	<input type="checkbox"/> P8 – Salter Point-Waterford Precinct ( <i>Masterplan, page 81</i> )

**Q1B** [Required] The public art for this development is being prepared in alignment with the following primary or secondary Curatorial Objective identified within the Masterplan, for this precinct. (*Refer to the Precinct Specific information in the Masterplan at the page numbers listed above, and to information about the Curatorial objectives on page 46*)

.....

**Q2** [Required] The public art at this development will be installed on site in a manner that will comply with the City's public art accessibility criteria detailed in the Public Art Masterplan (*page 47*)

Y / N

**Q3** [Optional] The public art for this development most closely aligns with the following public art opportunity/initiative identified within the Masterplan, for this precinct. (*Refer to the Precinct Specific information in the Masterplan at the page numbers listed above*)

.....

**Q4** [Required] Has the artist being engaged for this public art project already been engaged for and/or completed other public art projects in:

This Precinct	Y / N	Number of projects.....
The City of South Perth	Y / N	Number of projects.....

Artists can provide you with this information about their own works, or you can refer to the information contained in Part 4: Appendix 2 of the Masterplan or the City's Public Art Google Map.

**Please attach all the following information on the proposed artwork:**

**1. Description of proposed artwork**

Please describe the proposed artwork, including:

- information about the artist including qualifications, experience and suitability for the project
- artist's concept and historical references (if any)
- relationship to the building design and the surrounding area, location, size, materials, life span/decommission date, and accessibility to the public

**2. Artwork documentation**

Please attach one document (max 5 MB) that includes drawings of the proposed artwork showing colours, materials, dimensions, specifications and an indication of maintenance required. Large files can be sent as wetransfer or dropbox. Multiple files are unacceptable. Please save as one document.

**3. Location of proposed artwork**

Please attach pdf plans that show the proposed artwork location in relation to the building and site.

**4. Indicative artwork budget inc. GST**

Please attach a detailed artwork budget in the format provided at Appendix D. If the artwork is integrated, the City may request to see the QS sums against existing budgeted components of the build.

A letter of approval will be issued by the City prior to a formal contract being offered and the artwork moving to design development and then fabrication.

**5. Contract between the developer and artist**

Attach one copy of the fully notarised contract between the developer and artist covering the concept, fabrication & installation (prior to the development being commercially marketed depicting any artwork).

**6. Completion and installation of artwork**

It is a condition of approval that the artwork is to be installed prior to the issuing of an occupancy permit. Should an extension of time for installation of the approved artwork be required, please contact the City's Arts Officer in writing before the deadline. A written response will be provided in due course.

Once the artwork has been installed, the owner/applicant must notify the city in writing and ensure they have provided all of the relevant documents. This will allow for a site inspection to be conducted ensuring compliance with the artwork approval

If you require any assistance with completing this application, please contact the City on 9474 0777.

## Appendix D: Format for Budget Analysis

<b>Project Name:</b>			
<b>Total Commission Budget: \$</b>			
<b>Commission Costs</b>	Local National International	<b>Commission Expenditure</b> <i>\$ amounts are preferred, OR if \$ figures are not readily available, please enter a % of the commission (choose one column only)</i>	
<b>Artist's Materials</b>		\$	%
(sum of paper, drawing equipment etc.)			
<b>Other Material Expenditure</b> (please itemise)		\$	%
(sum of concrete; paint; glass; metal etc.)			
<b>Fabrication costs</b> (please itemise)		\$	%
(sum of moulds; foundry; laser cutting; casting; or equipment hire etc.)			
<b>Engineering Services</b> (please itemise)		\$	%
(sum of documentation; certification costs; etc.)			
<b>Digital Design/3D Modelling</b> (please itemise)		\$	%
(sum of computer support; CAD drafting etc.)			
<b>Installation Costs</b> (please itemise)		\$	%
(sum of hire of equipment; labour; etc.)			
<b>Studio/Workshop/Storage Hire/Rent</b>		\$	%
<b>Safety Equipment</b>		\$	%
<b>Employment of Assistants</b>		\$	%
<b>Travel and Freight</b> (please itemise)		\$	%
(sum of vehicle running costs; fuel; taxi; freight)			
<b>Administration Costs</b>		\$	%
(sum of photocopying; printing; paper; models; postage; phone; etc.)			
<b>Imports from Overseas</b> (please itemise)		\$	%

Insurance for the Project			
Other Expenditure		\$	%
Please itemise			
Professional photography			
Artist's remuneration after costs			
If you allowed for a contingency what was the budget percentage?			
		\$	%