

## Art in the Public Domain Policy & Guidelines

### Objective:

To confirm the conditions and guidelines associated with the provision of public art in the City of Albany.

### Policy Statement:

The City of Albany recognises the value of public art in developing and promoting community identity, enhancing the quality of the built environment, and creating a sense of place. Public art is defined as artwork in any medium, planned and executed outside of a gallery or museum context, specifically created to be experienced in the public realm. The City of Albany will review its public art guidelines annually to ensure alignment with the Western Australian State Government's public art policy position and guidelines.

### Scope:

This policy applies to the provision of art in the public domain and is complemented by the City's Planning Policy Public Art in the Public Domain.

### Legislative and Strategic Context:

This policy aligns with the City of Albany Community Strategic Plan, Albany 2023, under the Pillar "Place" and the "Outcome" Interesting, vibrant, and welcoming places.

### Review Position and Date:

This policy and procedure will be reviewed by the document owner every three years.

### Guideline

The following guideline provides detailed information on commissioning guidelines, roles and responsibilities, types of commissioning models, appointment of an art coordinator, management of public art (including copyright and ownership), maintenance, deaccessioning artwork, legislative and strategic context, definitions, and associated documents.

## City Guideline – Art in the Public Domain

### Introduction:

1. The City of Albany recognises the value of Public Art in enhancing the quality of the built environment and a sense of place.
2. Art in the Public Domain is realized through:
  - a. Council Developments: Designated City of Albany sponsored Capital Works Projects for the purposes of Civic Enhancement or Renewal but not implemented as part of ongoing maintenance programs or essential service upgrades.
  - b. State Government Developments: where a percentage of the budget is allocated to Public Art projects in accordance with the State Government's Percent for Art Scheme.
  - c. Private Developments: where a percentage of the budget is allocated to Public Art projects according to the City of Albany's Art in the Public Domain Policy and Local Planning Scheme.
  - d. Community Cultural Developments: where Public Art projects are developed and managed by Community Organizations or led by the City of Albany as a Cultural or Community Development Project.
3. These guidelines are informed by the State Government's Department of Culture and the Arts' best practice policies and guidelines for Public Art.

### Objective:

4. The purposes of Art in the Public Domain are to:
  - a. Reflect the City of Albany's unique cultural and community identity.
  - b. Increase public awareness and appreciation of public spaces and the City's built environment.
  - c. Contribute to cultural tourism and enhance visitor experience.
  - d. Create a variety of opportunities for artists as well as to assist in the formation of collaborative partnerships between artists, architects, and other professionals.
  - e. Increase access to and participation in arts and cultural programs.
  - f. Complement the objectives of the City of Albany's strategic plan and vision.

### Commissioning Guidelines:

5. Public art commissions will be undertaken in line with the State Government of WA's commissioning guidelines and best practice models, and a commissioning model selected appropriate to the scale and scope of the project.

### Roles and Responsibilities:

6. There are three roles in any public art commission – the Commissioning Agent, the Creator, and the Manager.
  - a. The client is the Commissioning Agent. This may be a State Government Agency, the City of Albany, a private developer, an architect, or a community group.
  - b. The artist is the Creator and is responsible for developing and producing the artwork.
  - c. The art coordinator is the Manager and facilitates the commissioning process of the public art commission.

### Types of Commissioning Models:

7. The four commissioning models are:
  - a. Open Invitation: Most common form of commissioning for the Percent for Art Scheme, where artists are invited to respond to a brief and an Expression of Interest process is undertaken.
  - b. Curated: Where an art coordinator is engaged to select an artist or artwork for a specific piece of public art.
  - c. Limited Invitation: Where a selection of artists are invited to respond to a brief or present the scope of their art practice to a panel – most often this is used for smaller commissions.

- d. Direct Purchase: The commissioner can purchase an artwork directly from the artist where the artist has a particular body of work appropriate for a specific project. Often used in Percent for Art schemes where there is a limited budget.
- e. Direct Commission: The commissioner can directly commission an artist to develop a work for a specific project.

### **Commissioning Agents:**

- 8. Where the City of Albany is the Commissioning Agent:
  - f. The Executive Director Community Services (or delegate) must be advised of the project prior to the Commissioning process commencing.
  - g. An appropriately qualified City of Albany Officer as determined by the Executive Director may be appointed to act as the Art Coordinator or as a liaison with the directorate undertaking the commission.
  - h. New commissions will be undertaken in accordance with the City's procurement policy.
- 9. Where State Government, Private Business, or Community Organizations are the Commissioning Agents:
  - a. The City of Albany must be advised of the project prior to the Commissioning process commencing.
  - b. The Executive Director Community Services determines an appropriately qualified Officer to liaise with the Commissioning Agent. The Officer must be consulted and involved in the Commissioning Process and, in instances where a selection panel is formed, must be appointed to the panel.
  - c. An Art Coordinator must be appointed to manage the project. If the designated City of Albany Officer does not feel the selected Art Coordinator is suitably qualified to undertake this role, it is recommended that an appropriate arts consultancy is engaged to act as Art Coordinator.

### **Appointment of an Art Coordinator:**

- 10. The Art Coordinator or Arts Consultant (Manager) is responsible for managing all aspects of the public artwork commission, including:
  - a. Liaising with the client, architect, artist, and the building contractor.
  - b. Writing the brief for the artists for the EOI.
  - c. Recommending an appropriate panel membership.
  - d. Managing the EOI where required and the artist shortlisting process.
  - e. Managing the commissioning model selected for the project, where the commissioning model is outside of a standard Open Invitation or Limited Invitation model.
  - f. Organizing an architect's briefing and where appropriate site visits.
  - g. Ensuring the artist's contract is signed.
  - h. Managing studio visits where appropriate.
  - i. Ensuring timely progress payments and that the work is completed and installed on time.
  - j. Collecting data on the project.

### **Management of Public Art:**

#### **Copyright, Legal Title, and Ownership:**

- 11. An artist's rights are protected under the Copyright Amendment (Moral Rights) Act 2000 (the Act). Under the Act, all original artworks must be attributed to the artist.
- 12. The ownership of the public artwork and copyright will be determined within the commissioning process, the contract, and the land on which it is located. Unless otherwise agreed, copyright of both the preliminary visual material and the work itself should be retained by the artist.
- 13. The City of Albany 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, cultural tourism brochures, and information on the City's website.

### Maintenance:

14. The ongoing maintenance of the Public Art is usually the responsibility of the owner of the land or building. A maintenance report should be prepared by the artist at the end of the project, outlining details such as artwork description, maintenance schedule, responsible parties, expected lifespan, construction details, and cleaning instructions.

### Deaccessioning Artwork:

15. If an artwork has reached its intended lifespan, has been damaged or destroyed, or is no longer safe, there may be a need to remove or relocate the artwork. This may also happen if the site on which the artwork is located has been sold or is to be redeveloped.

16. Public artwork should not be removed, relocated, sold, or destroyed without first notifying the artist. The City of Albany may, in cases of emergency, remove an artwork where there are safety issues for the general public.

17. Prior to any artwork being de-accessioned, a formal process should be implemented which may consider:

- a. The intended lifespan of the artwork.
- b. Any conditions relating to the deaccessioning of the artwork, as outlined in the original contract.
- c. The opinions and advice of relevant stakeholders, including the artist, maintenance contractors, the owners of the building or land on which the artwork is located, or any other experts such as engineers.
- d. Community or cultural issues associated with the artwork, building, land, and/or original commissioning process.

### Review Position and Date:

18. This guideline is to be reviewed by the document owner annually.

### Associated Documents:

- Local Planning Policy 1.10 Percent for Art (2023)
- Percent for Art – Developer’s Guidelines (2023)

### Definitions:

19. The key terms and acronyms used in the guideline, and their definitions follow:

- **Art in the Public Domain (Public Art)** is a term that refers to artwork in any medium, planned and executed outside of a gallery or museum context, specifically created to be experienced in the public realm.
- **Forms of Public Art.** Public art takes many forms, including (but not limited to) sculpture, painting, installation, multimedia, sound, performance, or may be integrated into architectural surfaces and landscape. The five major categories of public art are stand alone, integrated, applied, installation and ephemeral, though the boundaries between these terms often overlap.
  - **Stand-alone** describes artworks that are three dimensional and freestanding rather than embedded into the structure of a building or built space. The work may be a singular piece, a series of related works or an installation. Works of this nature have traditionally been associated with permanent materials (such as marble or bronze); however contemporary artists have expanded their practice to include materials such as found objects and multimedia.
  - **Integrated artwork** refers to art that is integrated into a building, or built space, such as ceilings, walls, glazing, screens, and floors. The work has the potential to span both the interior and exterior spaces of a built structure. Integrated artwork may also assist in defining or separating space but is not intended to replace functional or other decorative aspects essential to the overall development design (i.e., seating.)
  - **Applied artwork** refers to work that is applied to an interior or exterior surface. This may include commissioned paintings, tapestries, and murals.

- **Installation art** is where the artwork and the site are integral to each other. The artwork could be comprised of a number of elements but the ensemble may be viewed as a whole. The space may be created with a particular work in mind, or the artist may respond to a given space (e.g. Antony Gormley's 'Inside Australia', Lake Ballard).
- **Ephemeral artwork** describes non-permanent work that can include temporary installations, performance art, dance, or exhibitions.
- **The Percent for Art** Scheme is part of a broad government strategy to stimulate greater use of art in the built environment. The Percent for Art Scheme refers to public art commissioned under the partnership between the WA Department of Culture and the Arts (DCA) and WA Department of Building Management and Works (BMW). However a number of Government agencies that work outside the Percent for Art Scheme refer to the scheme as the 'best practice' model when commissioning public art.
- **Public Space** is any physical area open or enclosed to which the public has access or can view regardless of the legal ownership of the property.
- **Professional Artist** is defined as:
  - A regular exhibitor of (public) art work – both in solo exhibitions and group exhibitions.
  - Offering work for sale, or selling work.
  - Having been awarded or eligible for a government grant.
  - Selected for public exhibition, awards or prizes.
  - Having secured work or consultancies on the basis of professional expertise.
  - Having had work acquired for public or private collections.
  - Being a member of a professional association on the basis of his/her status as a professional artist.

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1.0	Planning and Development Services	Council adopted policy position, detailed in the Local Planning Policy Manual adopted by Council on 19/04/2011, Resolution 1, titled: City of Albany Policy: Public Art reviewed. Synergy Ref: NP1542251.	27/02/2015
2.0	Vancouver Arts Centre Coordinator	Adopted by Council. Reference: OCM 27/09/2016 Resolution CS030. NP1657247. Note: That, the proposed Council Policy and City Guideline are consistent with Local Planning Policy Manual policy position titled Public Art adopted by Council on 19 April 2011 (LPP No. 4 Commercial and Industrial Development).	03/10/2016
3.0	Vancouver Arts Centre Coordinator	Reviewed by Council OCM 23/05/2017 Resolution CCCS028. NP1766671.	12/06/2017
3.1	Manager Governance & Risk	Reviewed by Council with annual review of delegations, 2018, 2019, 2020, 2021, 2022, 2023. OCM 28/03/2023 Resolution AR131.	28/03/2023
3.2	Manager Governance & Risk Manager Arts & Culture Vancouver Arts Centre Coordinator	Amended under delegation. Combined with revised policy position with minor administrative amendments with City Guideline and approved under delegation. _Updated reference to the City of Albany Strategic Community Plan 2032. _Removed meta data search terms. _Updated Document Owner and Development Officer titles. _Removed dated planning policy position statements, noting those statements are adopted by Council separately for endorsement/adoption in August 2023.	18/07/2023