

PUBLIC ART POLICY

Previous policy number: 5.1.3

Policy Statement

The Town of Mosman Park values the role that public art plays to enhance the urban form in the community and seeks to implement a high standard of planning for public art initiatives.

Policy Details

Objectives

- Ensure a strategic approach to the commissioning of quality public art that will enhance the amenity and enjoyment of the Town's public spaces.
- Preserve and manage a distinct public art collection that is progressive, characteristic of the area, and embraces a variety of mediums and scales.
- Integrate public art into the Town's natural and built environment by embedding provision for public art in the design and scoping process at the inception of significant projects.
- Provide direction for the accessioning and de-accessioning of public artworks within the Town.
- Encourage new arts partnerships with the community, developers, government agencies and organisations that support community art and creative practices in the public realm.
- Provide consistent public art related terminology and definitions.
- Pursue equity, quality and transparency in the treatment and management of public art, with considerations for public art safety and maintenance identified at an early stage.

Policy Principles

- Public art is supported and encouraged through opportunities and resources to deliver cultural, social and economic outcomes.
- Deliver excellence in public art practices to ensure alignment with the Public Art Strategy and Strategic Community Plan.
- A consistent approach applied to the management of the public art in the Town.

Policy Guidance

The Town of Mosman Park is the owner and custodian of a public art collection, which includes sculptures, murals and mosaics. The Town also supports the delivery of new public art projects and proposals from organisations, community groups and artists.

The Public Art Policy provides the parameters for the Town to abide by for the acquisition and management of public art in Mosman Park. The Policy applies to artistic works or activities created for, located in, or which form part of a public space or facility within the Town of Mosman Park and that would be considered as public

art according to the definition in this policy.

This Policy forms the foundation of the Town of Mosman Park Public Art Strategy which provides further guidance around the procurement and placement of public art. The Public Art Strategy develops the context for and rationale to apply when implementing public art initiatives specifically within the Town, and lists a number of elements to be considered in the process. These are:

- Narratives in Mosman Park
- Water;
- Character; and
- Ecology.
- Location Types (Sites)
- Main streets (Glyde Street);
- River;
- Beach;
- Bushland;
- Public open space (parks, playgrounds, recreation areas); and
- Civic.
- Artwork Types
- Landmark (large scale);
- Nodal;
- Discovery;
- Functional; and
- Temporary and event-based.
- The Public Art Strategy should always be read in conjunction with this policy.

Scope

This policy applies to:

- Public art owned or maintained by the Town;
- New public art projects or proposals considered by the Town;
- Organisations, artists and community groups considering creating public artworks in or for a public space in Mosman Park; and
- Public art that is integrated into the design of new buildings or open space precincts.

Policy Positions

Assessment Process:

- The Town's Public Art Policy and Strategy will be applied in all considerations of public art to achieve sustainable outcomes in the Town, including whole of life costs.
- Quality public art in all its forms is valued and contributions and proposals for new artworks are encouraged.
- Ensure appropriate stakeholders are involved in decisions relating to culturally sensitive material.

- All external proposals for the placement of public art in the Town of Mosman Park must be made in writing to the attention of the Chief Executive Officer.
- All public art proposals, including gifts, will be assessed for risk and suitability of sites.
- Ownership of public art is defined in the commissioning process and contract, and often depends on the land on which the artwork is located. Artwork located on private property is owned and maintained by the landowner/s or as otherwise defined in a contract or agreement.
- The Chief Executive Officer will present external proposals for the procurement and placement of public art on land vested to and/or controlled by the Town, to Council.

Accessioning:

- Appropriate resources will be considered for the acquisition of public art for the Town's art collection through the annual budget process.
- New artworks accessioned into the collection will be listed on the Council's Asset Register.
- The process for accessioning artworks shall be in line with WA State Government Public Art Commissioning Guidelines (see related documents), The Town's Asset Management protocols, and the Town's Procurement and Disposal of Goods and Services Policy (including any amendments to these documents).

Management and Maintenance:

- The public art collection will be valued every 3 years using an approved valuer for the purposes of maintaining an accurate Asset Register and relevant insurance.
- Artworks owned by the Town will be registered in accordance with the Town's Asset Management protocols as required under the Local Government Act 1995 (including any amendments to these documents).
- Appropriate resources will be considered for the management, maintenance and development of the public art collection through the annual budget process.
- Adequate funds shall be held in reserve for the preservation and maintenance of the public art collection in accordance with the Local Government Act 1995 and Local Government Regulations 1996 (including any amendments to these documents).
- The Town will comply with industry best practice in relation to artist's Moral Rights and Copyright as identified by the WA State Government Public Art Commissioning Guidelines and the Australian Copyright Council (including any amendments to these documents).

Repairing and De-accessioning:

- If an artwork is damaged, the Town will consider as a minimum, the following factors:
 - any conditions within the artist agreement;
 - nature and severity of damage;
 - the type of and availability of materials;
 - likelihood of further deterioration or repeated damage;
 - access to the artist;
 - the monetary and community value of the artwork;
 - cost of repair and access to insurance; and
 - community expectations.
- The Town will undertake maintenance and repairs of its public artworks in accordance with any agreement in place with the artist. Where no agreement exists, the Town will make every effort to contact and liaise with the artist in relation to the proposed maintenance or repairs.
- The future of the artwork is dependent on the factors considered in 5.2.16 and 5.2.17 above; with the possible outcomes including repairing, deaccessioning, relocation, removal or disposal.
- The process for maintaining, repairing, de-accessioning or disposal of artworks are in line with State Government Public Art Commissioning Guidelines (see related documents), the Town's Procurement and Disposal of Goods and Services Policy, the Town's Asset Management protocols, and any agreements or contacts in place relating to the artwork (including any amendments to these documents).
- De-accessioning a public artwork may be for one of the following reasons:
 - It is irreparable or not viable to undergo restoration;
 - There is an unacceptable risk to public safety;
 - The location is being redeveloped;
 - The environment is no longer suitable for the artwork;
 - The artwork is no longer relevant or valued by the community; or
 - The ownership of the artwork cannot be ascertained and the Council cannot sustain management of the artwork on an ongoing basis.
 - Funding for Public Art:
- Public art can be funded in a variety of ways including public money, private money or donations. In Percent for Art projects, a percentage of a development's overall budget is used to commission public artworks.

Review and Evaluation:

- The Town's Public Art Policy and Strategy shall be reviewed as required by Council.

Definitions

Definitions are included for the purposes of providing consistent terminology and an understanding of public art and related expressions. A list of resources is also located at the end of this document.

Accession: Is the process of acquiring artwork for collection purposes by means of purchase, commission or donation. Also referred to as **acquisition**.

Approved Valuer: A person approved to value items for the Australian Government's Cultural Gifts Program, in accordance with the Income Tax Assessment Act (1997).

Art Collection: The purpose of the Town of Mosman Park Art Collection is to form an ongoing record of the Town's developing history. The Town achieves this by preserving, documenting, and exhibiting artworks that reflect Mosman Park's history, identity and character. The collection consists of public art, photographs, and original works of art identified on the art collection database.

Artist or Arts Practitioner: Artists can be emerging or professional, and both are actively sought for in commissioning public art projects depending on the nature of the project. A professional artist tends to be considered as being actively engaged in

and conducts a professional arts practice, and has industry recognition for their work.

Commissioning: Securing the services of an artist to fulfil a brief for an art project.

Contemporary Art: Artists who have applied an innovative or modern approach to the concept, design or materials used in the creation of the artwork.

De-accession: Is the process of formally removing artwork from a collection and will include possible options for its disposal. Under Australian Copyright Law artists have moral rights to their work in the de-accessioning process (unless otherwise agreed).

Disposal: Is the physical removal and in some cases the destruction of an artwork that has been recorded as de-accessioned from a collection. Disposal can include sale, exchange or gift, as well as transfer of the artwork to a more appropriate collection

Percent for Art: The State Government's Percent for Art Scheme (est. 1989) encourages art in the built environment by using a percentage of a development's overall budget to commission public artworks. The Scheme is administered jointly by the Department of Culture and the Arts (DCA) and the Department of Finance's Building Management and Works (BMW). The success of the Percent for Art Scheme has led to its adoption and use by other State Government agencies, local governments and private developers as a model of best practice. The Percent for Art Guidelines provide detailed information on best practice principles, advice on compliance, and a step-by-step guide to assist local government authorities through the commissioning process.

Public Art: Is the term given to the practice of involving artists in the conception, development or transformation of a public space. The artworks can be created using any media, and planned, executed or specifically commissioned with the intention to be sited or viewed in a public space, predominantly outside and accessible to all. Public art can include, but is not limited to:

- The artistic treatment of functional equipment such as street furniture or play equipment;
- Landscape enhancements such as garden features or walkways;
- Murals, tiles and mosaics covering walls, floors and walkways; and
- Sculptures that are free standing or incorporated into a design of a building.
- Public art does not include:
- Business logos;

- Advertising signage;
- Mass-produced art objects;
- Landscaping that would normally be associated with a development; and
- The collection of artwork inside the Town's buildings.

Public Space / Land / Realm / Domain: A physical location that is able to be accessed by any member of the public, irrespective of ownership.

Moral Rights: The rights individual creators and artists have in relation to copyright of the artwork they have created. Creators have the right to be attributed to or credited for their work, not to have their work falsely attributed and not to have their work treated in a derogatory way. The Australian Copyright Council is the governing body for moral rights in Australia.

Narratives: Referred to in the Public Art Strategy, the narratives are a way to ensure

that public art reflects the values of the community and meets the purpose of the Town of Mosman Park Strategic Community Plan. The narratives underpin the approach to considering the types of public art recommended.

Strategy, Public Art: The Public Art Strategy was first endorsed by Council in 2013 and forms part of the overall planning for Public Art in the Town of Mosman Park. The document provides guidance to the procurement and placement of public art within the Town's boundary.

Themes: The story or idea behind an artwork which can be categorised when considering new public art proposals. The themes aid in determining an appropriate narrative within the context of the Public Art Strategy.

Types of Public Art (common):

- **Permanent:** Artwork that is designed to last long term, usually a minimum of twenty years but generally for much longer. This includes artwork referred to in the Public Art Strategy as Landmark, Nodal, Discovery and Functional, as well as memorials and commemorative artworks.
- **Temporary:** Artwork that is located in or created within a public space for a short time. It can be made from less durable materials or be a performance or installation of a variety of materials. Common temporary artworks include light installations and live art.
- **Ephemeral:** Artwork that has a short lifespan and is often made in-situ and designed to break down in the environment, for example, sand sculptures and chalk murals.
- **Integrated:** Artwork that is incorporated or embedded into the fabric or structure of a building or place, such as ceilings or walls, and includes landscaped parks. This will often involve collaboration between the artist and architect in the design stage of a project.
- **Functional:** Artwork that has been created for an alternative complementary and functional purpose. Often developed for main streets, parks, playgrounds and interpretive signage, common examples include bollards, seating and shelters.
- **Stand alone:** Artwork that is 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.

- **Installation:** Artwork that is created in response to a specific space whereby the art itself 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.
- **Urban art:** Artwork that is applied to the surface of walls and infrastructure, such as murals. It may be permanent, temporary or ephemeral. Urban Art may also be known as ‘Street Art’, and it differs from graffiti vandalism, as it is created with permission from the owner.

Governance References

Statutory Compliance	<p><i>Local Government Act 1995</i> <i>Local Government Regulations 1996</i> <i>Copyright Act 1968</i></p>
Organisational Compliance	<p>Town of Mosman Park Policies: The Town of Mosman Park Public Art Strategy (2013); 1.2.8 Procurement and Disposal of Goods and Services Policy; 1.2.5 Financial Reserve Funds Policy; 2.2.14 Asset Management Policy; 2.2.6 Streetscapes Policy; and Local Planning Policies.</p>

Other:

The West Australian Government Public Art Commissioning Guidelines:

http://www.dca.wa.gov.au/Documents/Developing%20Arts%20and%20Culture/Spaces%20and%20Places/Public_Art/Documents/Public%20Art_Guidelines_FINAL.pdf

- The West Australian State Government Percent for Art Scheme Guidelines: https://www.finance.wa.gov.au/cms/uploadedFiles/Building_Management_and_Works/New_Buildings/percent_guidelines.doc
- Arts Law Centre of Australia: The national community legal centre for the arts, available at www.artslaw.com.au
- The Australian Copyright Council, An Introduction to Copyright in Australia: https://www.copyright.org.au/acc_prod/ACC/Information_Sheets/An_Introduction_to_Copyright_in_Australia.aspx
- Australia Council for the Arts Guidelines for Indigenous Cultural and Intellectual Property: www.australiacouncil.gov.au/workspace/uploads/files/indigenouscultural-and-intellectual-property.pdf
- Principles of Community Arts and Cultural Development by Creating Australia: http://creatingaustralia.org.au/wp-content/uploads/2015/03/CREATINGAUSTRALIA-PRINCIPLES-OF-CACD_.pdf
- Open Arts 2010: Study on accessibility and the arts by the Department of Culture and the Arts and the Disability Services Commission: http://www.dca.wa.gov.au/Documents/Developing%20Arts%20and%20Culture/Access%20and%20Inclusion/Dev%20WA%20Arts%20and%20Cult_Access%20and%20Inc_Open%20Arts_2010.pdf

Policy Administration

Directorate:		Officer title:
Community Development		Manager Community Development
Next Review		Review Cycle
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Version	Date	Ref
1	26 March 2013	OCM-037-2013
2	24 April 2018	OCM-067-2018
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