

POLICY NO: 7.5.13

PERCENT FOR ART

OBJECTIVE

By requiring commissioned Public Art as part of public and private development projects within the City of Vincent, the City aims to:

- Develop and promote community identity within the City;
- 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 the spaces and places they inhabit; and
- Increase public awareness of the value of art and design.³

DEFINITIONS

Applicant means the person or entity who submitted the Application for Approval to Commence Development (Metropolitan Region Scheme Form 1) to the City for the relevant development.

Owner means the owner of the land upon which the relevant development is proposed to be built. The Owner may also be the Applicant.

Public Art the term "public art" refers to the integration of an artistic concept into the public realm. The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication. Typically, the creation of a Percent for Public Artwork takes into consideration site and context as part of its process. The art work can be located either on private property or public land that contributes to the public realm and is situated so as to be clearly visible to, or accessible by, the general public.

Threshold Value means the amount determined by the Council at the commencement of each financial year setting the minimum amount for which developments are required to contribute to Percent for Art. The amount is determined annually and set out in the City's Prescribed 'Fees and Charges'.

Total Project Cost means the approximate total cost of the proposed development, as indicated on the Application for Approval to Commence Development.

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

No artist under consideration for a Percent for Art commission may have a familial relationship to the Developer or have financial interest in the development.

The Percent for Art Scheme is not an emerging artist initiative, however in some instances emerging artists may be considered for particular projects.

POLICY STATEMENT

1. POLICY INTENT

- 1.1 Proposals for commercial and mixed residential/commercial developments over the Threshold Value are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.
- 1.2 Proposals for residential developments over the Threshold Value are to set aside a minimum of one per cent (1%) of the Total Project Cost for the development of Public Art which reflects the place, locality or community, where they meet the following criteria:
 - 1.2.1 Comprise of ten (10) dwellings or more; and
 - 1.2.2 With a height of three (3) stories or more; and
 - 1.2.3 Zoned District Centre, Commercial, Residential/Commercial or Residential R60 and above.
- 1.3 Following the approval of the development application and prior to the submission for a building permit the owner/applicant is required to complete a statutory declaration submitted to the City stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

Or

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.
- 1.4 Where this Policy applies, this requirement will be stipulated in a condition of Planning Approval.

2. GENERAL PROVISIONS

- 2.1 Where this Policy applies, the Owner/Applicant can choose to either:
- 2.1.1 Coordinate a Public Art project themselves; or
 - 2.1.2 Make a cash-in-lieu contribution to the City, in which case the City will coordinate a Public Art project;
- 2.2 In either case, costs associated with the production of Public Art which may be paid for from the minimum 1% set aside include:
- 2.2.1 professional artist's budget, including artist fees, material, assistants' labour costs, insurance, permits, taxes, business and legal expenses, and operating costs;
 - 2.2.2 fabrication and installation of art work;
 - 2.2.3 art consultant's fees must not exceed 15% of the total artwork project cost. The developer must seek approval from the City to increase the art consultant's fees;
 - 2.2.4 site preparation;
 - 2.2.5 structures enabling the artist to display the art work;
 - 2.2.6 documentation of the art work; and
 - 2.2.7 acknowledgment plaque as described in Clause 5.3.
- Management fees for a Public Art project cannot be paid for from the 1% set aside, except as specified in the Percent for Art Guidelines.
- 2.3 Public Art projects may include the following, subject to approval at the discretion of the City:
- 2.3.1 building features and enhancements such as bicycle racks, gates, benches, fountains, or playground structures which are unique and produced by a professional artist;
 - 2.3.2 murals, tiles, mosaics or bas-relief covering walls, floors and walkways. Murals may be painted or constructed with a variety of materials;
 - 2.3.3 3D works which can be freestanding or wall-supported;
 - 2.3.4 neon or glass art works, photographs, prints and any combination of media including sound, video projection, lighting, ephemeral or temporary works; and

- 2.3.5 community arts projects resulting in tangible art work, i.e. community murals.

The art project may be an interpretation of cultural heritage, and the City may also consider alternative art projects including community arts programs, which involve the public. Landscape artworks may be integrated to the property (in addition to any required landscape plan), if it is created by or led by a Professional Artist.

- 2.4 Public Art projects cannot consist of:

- 2.4.1 business logos, wording or names related to the development or Owner/Applicant;
- 2.4.2 directional elements such as supergraphics, signage or colour coding;
- 2.4.3 “art objects” which are mass produced such as fountains, statuary or playground equipment;
- 2.4.4 “off-the-shelf” art and/or reproductions; and
- 2.4.5 landscaping or architectural elements which would normally be associated with the project.

- 2.5 Professional artists are to be commissioned to produce the Public Art.

- 2.6 While the Public Art must not be a mass produced or “off-the-shelf” piece, the City is open to a unique, pre-existing art work being purchased and installed as the Public Art.

3. CASH-IN-LIEU OPTION

- 3.1 Where the Owner/Applicant chooses the cash-in-lieu option, the cash-in-lieu is to be:
 - 3.1.1 As per clause 1;
 - 3.1.2 Paid to the City of Vincent Public Arts Fund (Percent for Art);
 - 3.1.3 Expended on a Public Art project located on public land; and
 - 3.1.4 Only refunded to the Owner/Applicant, if the development does not proceed or does not reach the stage of substantial commencement under City Policy No: 7.5.4.

If substantially commenced the cash-in-lieu payment will remain with the City and will not be refunded.

The City is able to expend the funds after the development has been completed.

- 3.2 Cash-in-lieu funds paid in relation to more than one development may be accrued for more comprehensive or detailed Public Art projects as determined by the City.
- 3.3 Any Public Art commissioned by the City under this Policy will be owned and maintained by the City.
- 3.4 Cash-in-lieu payments are to be made to the City prior to submission for a building permit.
- 3.5 Public Art projects utilising Cash-in-lieu payments made through this Policy must have final approval by Council, on advice from the Arts Advisory Group, prior to commissioning.

4. OWNER/APPLICANT PROJECT OPTION

4.1 Procedure:

Where an Owner/Applicant chooses to co-ordinate the Public Art project themselves, the following procedure applies:

- 4.1.1 The Owner/Applicant reviews the City's Percent for Art Guidelines, and consults with the City as required under the Guidelines;
- 4.1.2 The Owner/Applicant is encouraged to consider the artwork at the design stage of the development to ensure the best possible outcome;
- 4.1.3 The Owner/Applicant seeks the City's approval for their chosen professional artist, enters into a contract with their approved chosen professional artist, and submits an Application for Art Work Design to the City within 90 days from the date the statutory declaration is submitted to the City. Once the application is internally reviewed and the City is satisfied, the project obtains full project approval from the City;
- 4.1.4 The artist undertakes the Public Art project;
- 4.1.5 The Public Art is completely installed prior to the first occupation of the development and a plaque as per Clause 5.3 is installed; and
- 4.1.6 The Owner/Applicant must provide to the City a budget report for the full amount of the contribution at the completion of the project.

4.2 Location of Public Art

The City encourages Owners/Applicants to situate the Public Art in a location that is highly visible in the public realm.

5. OWNERSHIP, COPYRIGHT AND MORAL RIGHTS

- 5.1 Ownership of Public Art commissioned under this Policy will generally depend upon the location of the Public Art:
- 5.1.1 Where situated on private property, the Public Art is owned and maintained by the Owner.
- 5.1.2 Where situated on public property, the Public Art is owned and maintained by the City, regardless of who coordinated the Public Art. In addition, ownership of the Public Art 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.
- 5.2 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.
- 5.3 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.

In line with Australian Copyright Law, the Owner/Applicant or, where the Owner/Applicant chooses the cash-in-lieu option, the City:

- 5.3.1 Will install a plaque or plate near a Public Art work, with the following information:
- title of the artwork (most prominent text);
 - artist's name;
 - year the artwork was commissioned;
 - City of Vincent logo and acknowledgment of the Percent for Art Scheme;
 - details of any partner organisations or funding bodies; and
 - in some instances, an artist statement may be appropriate to include on the plaque to assist in interpretation of the artwork.
- 5.3.2 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).

Date Adopted:	24 August 1998
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