

Town of Port Hedland

Percent for Public Art Guidelines

June 2013

The Purpose of These Guidelines

These Guidelines have been created to assist the Owner or Applicant proposing to commence development, to incorporate Public Art into the development, as required by the Town of Port Hedland's Percent for Public Art Policy.

Under that Policy, proposals for Urban, Town Centre, Commercial, Tourism, Mixed Business and Airport Developments over the value of \$5,000,000 (five million dollars) are to set aside a minimum of 1% (one percent) of the Total Project Cost for the development of Public Art which reflects the place, locality or community.

Applicants have the option of coordinating the Public Art project (in liaison with the Town) or providing a cash-in-lieu contribution to the Town, in which case the Town will coordinate a future public art project within one of the identified public arts precincts.

Where applicants choose to coordinate the Public Art project, the proposed Public Art needs to be approved by the Town before a Building License will issued.

Designs for the Public Art, including drawings, location, materials, name and résumé of artist must be submitted to the Town, using the form attached to these Guidelines.

These Guidelines explain the different ways applicants can work with artists, the Town and the design team. Applicants can choose the method that most suits their circumstances.

What is the Percent for Public Art Policy?

The Town of Port Hedland's Percent for Public Art Policy requires commissioned Public Art as part of certain public and private development projects within the Town.

The Policy, and this document, is based on similar models from around Western Australia – including those developed by the City of Vincent and Artsource.

1. The Town's Percent for Public Art Policy is attached to these Guidelines for reference.

2. The Town's Standard Planning Approval Condition states:

The owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Port Hedland Percent for Public Art Policy and the Percent for Public Art Guidelines, including:

- a) obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$<<insert contribution amount>> (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$<<insert development cost>>)
- b) prior to occupation of the development, fully complete the installation of the public art

What is Public Art?

The primary purpose of the Town's Percent for Public Art Policy is to facilitate the provision of art works that are pleasing and accessible to the public as well as to users of the development, and which will last for the life of the development.

Art works which are accessible to the public contribute to the overall feeling of community wellbeing and enrich the texture of civic life. Art works are a creative and modern way to improve on the visual aspects of a development and its surrounds, and often provide a talking point and opportunity for wonder, reflection and enjoyment above and beyond the art involved in building design.

Public Art can take many forms, and can be incorporated into the building's fabric or can be separate objects located in or near the building.

Art works incorporated into the building's fabric could include stained glass window treatments, mural or mosaic treatments to walls, floors or ceilings, special inserts into the floor, shade structures, lighting design or electronic installations.

If the art work is of an abstract nature that it cannot be incorporated into the building elements such as gates etc it must be presented in such a fashion to be seen as a stand-alone work. Public Art separate from the building could include sculptural works in long-lasting materials such as bronze, steel or concrete, artist-designed public seating, or pavement art.

Where the development involves the demolition of an old building, the Town encourages Public Art that reflects the history of the site and its former use; for example, by incorporating some of the demolished building's materials as elements of the art work.

Steps to Coordinate a Public Art Project

The following details the steps applicants need to follow if choosing to coordinate a Public Art project (Option 1 above) rather than paying a cash-in-lieu contribution to the Town.

1. Talk to the Community Development Officer

Before applying for a Building License, contact the Town of Port Hedland's Community Development Officer or Manager Community Development to discuss the project. Contact details are listed at the end of these Guidelines.

The Town's staff will be able to give advice relevant to the particular development and will liaise with other Townofficers to help the project run smoothly.

Town officers will be able to in detail about finding an artist, implementing the project and obtaining more information than is provided in these Guidelines if needed.

Applicants will need to submit a preliminary Public Art proposal for consideration by the Town's Community Development Officer, who will provide approval in principle if satisfied with the proposal.

2. How to find an artist

The next step is to decide if whether to self-administer the art project or engage a public-art consultant.

Public-Art Consultant

A public-art consultant will discuss the project and advise how to proceed. They will manage the project, including choosing an artist, drawing up a contract, liaising with the Town and design contractors such as architects, monitoring progress and overseeing fabrication and installation of the artwork. Bear in mind that fees for an external public-art consultant should be included in the Public Art budget depending upon other staffing demands and expertise.

If an external consultant is contracted for the purpose of the project, **no more than ten per cent (10%) of the contribution may be deducted** from the minimum one per cent of the development cost set aside for the Public Art. If the applicant chooses not to use an external art consultant, the applicant cannot deduct a fee for management of the project.

Do-It-Yourself Project Management

If the applicant decides to manage the project, then the next step is to find an artist or artists to design and create the Public Art in consultation with Town staff. The applicant can either contact artists personally or go through an agency such as Artsource.

Artsource

Artsource are not for profit visual artist membership associations which can help developers choose a suitable artist. Artsource have online databases and can be contacted for assistance with artists contact details.

How to choose an artist?

The applicants can make a shortlist of about three artists that might be suitable based on the types of materials they are familiar with using, the style of their art works and their experience with Public Art projects.

Artists should be requested to submit a design proposal based on a brief. Items that could be included in the brief are listed below.

It is industry practice to pay a fee for the design proposal.

If the design is acceptable, the artist can then be contracted to complete the project.

The artist's brief

Contact the shortlisted artists and ask them to submit a design concept, based on a written brief that gives them parameters such as:

- style, size and purpose of the building
- preferred location of the proposed work
- the theme, to reflect those in the Town of Port Hedland Interim Public Art Strategy (2013)
- reference to any historical material which is to be included
- range of preferred materials (if necessary)
- time schedule
- budget
- safety and industrial issues
- legal and insurance requirements (such as copyright, ownership and evidence of public liability insurance)
- requirements to liaise with staff and the Town.

The artist may want to visit the site and discuss the project before creating the design concept.

The design concept will need to adhere to the format detailed in the Application for Art Work Design Approval form attached to this document. It is industry practice to pay a fee to artists for a design concept. The applicant's public art consultant or the Town's Community Development Officer or Manager Community Development can advise on what might be an appropriate amount.

Once design concepts have been received, the applicant should arrange to meet with the architect and the Community Development Officer or Manager Community Development to discuss the proposals and choose an artist.

Once the applicant has gained approval in principle for the project from Community Development, the applicant must enter into a contract with the artist for full approval to be achieved.

3. Drawing up a contract

Applicants can either create their own contract or obtain a template from ArtsLaw.

If deciding to create a contract with the artist, the applicant should consider addressing the following areas:

- reference to the intent of the design as the basis for the completed work
- time schedule
- budget, including a payment schedule
- supervision and reporting requirements
- insurance and workers' compensation
- use of third parties
- safety and industrial issues
- maintenance responsibility
- ownership of the work
- copyright matters
- conflict resolution mechanism.

4. Formal Project Approval

- After choosing an artist and entering into a contract, if necessary, the artist will complete a final design for approval by the project manager/architect and the Community Development Officer or Manager Community Development.
- The applicant will then need to submit an Application for Art Work Design to the Town, using the form attached to these Guidelines. Included should be a contract between the developer and the artist, full working drawings (including an indication of where the art work is located) and a detailed budget.
- If the Town is satisfied with the Application, the Town will grant full approval for the Public Art project, and if the application has satisfied the other conditions of the Building License, the Town will then approve and issue the Building License.

5. Final design, fabrication and installation

During the design, fabrication and installation phase, a collaborative approach and liaison between design professionals and the contracted artist will result in optimum outcomes for the artwork project.

Note: **The art work must be installed prior to the first occupation of the building, and/or permit to use.**

Once the project is completed

When the Public Art is installed, a launch or opening helps to create a sense of importance and occasion and also provides mutually pleasing publicity and good public relations for the company and artist.

A launch can take the shape of a short ceremony with brief speeches by people involved in the project and a VIP or media personality, followed by some refreshments. It could also include special events such as musicians and other entertainers and incorporate the opening of the building, especially if the artist has been involved from the early drawing stages and included art works in the overall design of the building.

For further information:

Town of Port Hedland	PO Box 41 Port Hedland WA 6721	(08) 9158 9600
	Manager Community Development	(08) 9158 9622 mgrcs@porthedland.wa.gov.au
	Community Development Officer	(08) 9158 9687 cdo@porthedland.wa.gov.au
Department of Culture and the Arts(WA)	Gordon Stephenson House 140 William Street Perth WA 6000 http://www.dca.wa.gov.au/	(08) 6552 7300 info@dca.wa.gov.au The DCA lists their current and previous Percent for Art projects in promotional material, which includes the artists who have worked on specific projects, and Arts Coordinators who select artists and commission the work: http://www.dca.wa.gov.au/DCA-Initiatives/spaces-and-places/public-art/242/
Artsource (selection of artists)	<i>Perth</i> King Street Arts Centre Level 1, 357 Murray St Perth, WA, 6000 http://www.artsource.net.au/	9226 2122 consultancy@artsource.net.au
	<i>Fremantle</i> Level 1, 8 Phillimore St, Fremantle, WA, 6160	9335 8366
ArtsLaw	Arts Law Centre of Australia The Gunnery, 43-51 Cowper Wharf Road Woolloomooloo NSW 2011	http://www.artslaw.com.au/ (02) 9356 2566 1800 221 457 (toll-free)

ATTACHMENT 1:

**Town of Port Hedland
Percent for Public Art Scheme**

Application for Art Work Design Approval

**Address of
Development** _____

Approval to Commence Development Serial No.

Name of Owner

Owner's Address

Telephone _____

Fax _____

Email _____

Name of Applicant

Applicant's
Address _____

Telephone _____

Fax _____

E-mail

Name of Architect/Designer

Architect/Designer's Address

Telephone _____

Fax _____

E-mail

Name of Artist

Artist's Address

Telephone _____

Fax _____

E-mail

2. Art Work Documentation

Please attach three (3) sets of documentation which include drawings of the proposed art work that show colours, materials and dimensions.

3. Location of Proposed Art Work

Please attach three (3) sets of plans that show the proposed art work's location in relation to the building.

4. Contract between the Developer and Artist

Please attach three (3) copies of the contract between the Developer and the Artist.

5. Art Work Budget

Please attach three (3) copies of a detailed Art Work Budget.

6. Completion and Installation of Art Work

When will the art work be completed and installed?

It will be a condition of the art work approval that the art work is to be installed prior to the first occupation of the development.

Should an extension of time for installation of the approved art work be required, please contact the Town's Community Development Officer or the Manager Community Development in writing before the deadline. A written response will be provided in due course. Once the art work has been installed, the Owner/Applicant must notify the Town's Community Development Officer in writing, by completing the attached '*Notification of Art Work Completion*' form. This will allow the Community Development Officer to conduct a site inspection to ensure compliance with the art work approval.

How Will This Art Work Proposal Be Assessed?

Town of Port Hedland staff will assess the application based on the following criteria:

- Durability of materials
- Legality and safety
- Accessibility by the public
- Adherence to any special conditions applied by the Town
- Suitability of the work in the context of the development and surrounding areas.

Assistance in completing this application can be obtained by contacting either the Community Development Officer (9158 9687) or the Manager Community Development (9158 9622).

ATTACHMENT 2:

NOTIFICATION OF ART WORK COMPLETION

I,

of

Company name:

Address:

Contact E-mail/Phone

and Facsimile details:

advise that in accordance with the Approval to Commence Development (Serial No.

.....) and subsequent art work project approval dated

.....; the art work has been installed and completed.

Accordingly, I hereby advise that the Town may inspect the site to ensure the art work complies as approved.

Development Address Details:

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Please complete this section if wishing to be present at the site inspection and a meeting will be arranged between the applicant and the Community Development Officer accordingly.

Name:

Postal Address:

Email Address:

<i>Contact</i>	<i>(Home)</i>	<i>(Work)</i>
<i>Numbers:</i>
	<i>(Mobile)</i>	<i>(Fax)</i>

Signature:

Owner/Applicant

Signature:.....

Date of Notification:

.....

***Please return the completed form to the Community Development Officer,
Community Development at the Town of Port Hedland on Fax. (08) 9158 9399 or
to PO Box 41, PORT HEDLAND 6721***