

Objective

Public art plays an important role to express the unique identity, culture, and values of Mandurah, creating a sense of place, inspiration and belonging.

The Public Art Policy (Policy) provides a framework for supporting, encouraging, and investing in high quality, suitable public art across Mandurah. It aims to guide the City when making decisions regarding works of art in public and private spaces, including optimising the integration of artwork into the built and natural environment. The Policy also serves to assist the City when responding to enquiries from community and the private sector regarding public art proposals and selecting works of art for public spaces. The Policy provides guidance for decision making throughout the lifecycle of an artwork, from initial concept to the maintenance and decommissioning of artworks.

Applicability

This Policy applies to existing and future works of art in public and private spaces. These include City of Mandurah commissioned artworks, community arts projects, public and private sector public art within infrastructure development projects including both integrated and stand-alone.

This Policy pertains to artworks on/in City of Mandurah land, buildings or facilities such as, recreational spaces, streetscapes, pedestrian spaces, parks and reserves, foreshores, or proposed works of art in public space within Mandurah that impact on the public realm.

It is also applicable to artwork commissioned on private land or within developments that will later be managed by the City, and the artwork accessioned into the City's collection.

Requirements/Statement

Policy Statement

The City is committed to ensuring that the management and delivery of public art supports innovation, creative ideas and a thriving cultural industry. The City prides itself in responding to the community's cultural needs through transparent consultation, facilitation and engagement.

The City is committed to access and inclusion and promoting resilience, connection and empowerment while accessing arts and culture in the public realm. It understands that community health and wellbeing is supported through sharing a nurtured environment that communicates collective values and stories that celebrate identity.

The City commends the installation and management of public art that enhances Mandurah's built and natural environment, whether the artwork is commissioned by the City, managed by a private entity and/or installed on public or private property. Art installed in the public realm affects the whole community, its safety and the functionality of adjacent facilities and services.

Definitions

Public Art

Public art is defined as artworks in public space or on private land that are visible to the public, created by a professional artist or artistic team.

For the purposes of this Policy, public art may be considered as permanent and/or temporary/ephemeral:

- **Permanent Public Art** - is designed and built to last over a term of 10 years or more. The anticipated lifespan of a permanent artwork is identified in the development stages of the work.

The materials will respond to the expected longevity of the artworks and site conditions. The artwork may be integrated into a development or building, or it may stand-alone. The work must be designed and delivered by a professional artist or artists' team.

• **Temporary/Ephemeral Public Art** - is specifically designed and built to last over a short term and has a limited life that may last for hours, days, weeks, months or up to 10 years. A temporary/ephemeral artwork may sometimes be further developed into a permanent commission. It may also go on to become part of the City's collection if deemed sustainable. The work must be designed and delivered by a professional artist or artists' team.

For the purposes of this Policy, the artwork may take on a variety of forms including, but not limited to;

- paintings and murals covering outdoor walls, floors, footpaths or other elements in the build environment;
- installations and sculptures that are freestanding or are integrated design;
- lighting, digital media and soundscapes;
- landscaping enhancements designed by a professional artist that are both aesthetic and functional, such as seating, walkways, shade or pathways.

For the purposes of this Policy, Public Art does not include:

- busking, art markets, pop-up galleries;
- community arts programs;
- commercial promotions in any form including business logos or brands, or artworks commissioned in alignment with branding style guides;
- directional/way-finding elements such as super-graphics, signage or colour coding;
- artworks that are mass-produced or reproduced;
- landscaping features such as poles, fences, walls or architectural elements not produced or commissioned by a professional artist;
- memorial plaques, roadside memorials, temporary memorials or memorial landscaping features. These are managed under the Memorials Policy POL-CMR 12;
- Spontaneous or temporary artworks, such as unauthorised graffiti or street art, not sanctioned by the community or City;
- most art reproductions;
- services or utilities necessary to operate or maintain artworks.

Artist

'Professional Artist' is a self- referencing term that meets two or more of the following criteria:

- has a minimum tertiary qualification equivalent to three years full time study in visual arts, or when the brief calls for it, other art forms such as multi-media, or equivalent experience;
- has an established exhibition history through reputable art galleries that exhibit and sell the work of professional artists;
- has had work purchased by major public and private collections;
- has had worked commissioned by mid-large organisations;
- earns more than 50 percent of their income from arts related activities, such as teaching art or design, selling artwork or undertaking public art commissions; and
- can produce a referenced folio of works that is of high quality and relevant to the commission.

In certain circumstances, at the discretion of the Chief Executive Officer, this definition may be relaxed and discretion may be applied to these criteria for specific projects.

Guiding Principles

The following principles will guide works of art in public spaces in the City of Mandurah and/or on private sites viewable from public realm:

- the site's First Nations heritage and its cultural significance to First Nations people are considered from the initial planning phase through to project completion;
- the implementation process of all public artworks is transparent, equitable and accessible to the public;

The artwork;

- is designed and created by a Professional Artist/artists' team;
- reflects the unique character and diverse identity of the local community;
- is place-sensitive to the surrounding built and natural environment;
- is inclusive and accessible to all members of the community;
- contributes to cultural tourism and creative economy;
- meets durability, safety and maintenance obligations.

The City of Mandurah's Role in Public Art Management

Various teams within the City play a role in acquiring and overseeing public art to ensure excellence in concept, design, fabrication, safety, relevance, maintenance, and decommissioning when necessary. This comprehensive approach across all departments reinforces the City of Mandurah's commitment to best practices in managing public art throughout the community.

Resourcing

The City is committed to resourcing the delivery and maintenance of public art through an annual budget allocation determined during the annual budgeting process and the Longterm Financial Plan.

Contributions towards delivering public art may be from the following sources:

• City of Mandurah Funding

The City manages a Public Art Reserve fund which provides for the resourcing of City-led public art commissions.

The City manages an annual commissioning and maintenance fund to ensure artwork is kept in good condition.

• Capital Works

The City will identify appropriate capital projects that will have a public art element and budget accordingly, in proportion to the size and scope of the project.

• Contributions by Developers or Third Parties

The City will provide guidance and may collaborate with private developers and third parties to facilitate the provision of public art, or a financial contribution in lieu. This can include developers who consider and provide these contributions as part of the development approval process.

Governance

City officers will be responsible for establishing procedures and implementation of this Policy. In some circumstances, the City may also seek independent advice from a suitably qualified professional(s) or expert(s) in the field to assist decision-making, particularly for privately initiated public art projects.

Acquisition and Commissioning of Public Art

Works of art may be acquired by commission, donation, bequest, purchase, gift, or transfer. The acquisition process for public art projects will be in alignment with the City's procurement process and policy.

Commissioning methodologies shall be guided by City officers, industry best practice and project suitability and managed by the CEO or delegate.

Public art acquisitions and commissions will be assessed against the following criteria:

- consistency with the Guiding Principles and intentions set out in the Policy;
- consistency with current City of Mandurah strategies, plans and procedures;
- alignment with the objectives set out in the City's Arts and Culture Strategy;
- alignment with a specific theme or objectives for the particular commissioning;
- compliance with Local Laws, Work Health and Safety and public access requirements;
- demonstrated originality of the artwork and high standard of artistic excellence;
- designed to be place-sensitive to the surrounding environment;
- estimated economic impact of the proposed artwork;
- fit-for-purpose, safely installed and reasonable maintenance requirements for the duration of its lifespan within adequate budget and resources;
- community consultation carried out where appropriate; and
- adequate budget and resources for artwork delivery.

Proposals for public art from property developers, private enterprise, individuals, community groups, associations, businesses and/or other third parties must be submitted to the City for assessment and approval prior to commencement, if the proposed artwork is on land or premises under the care and control of the City.

Maintenance

The City is responsible for the maintenance of all City commissioned and/or acquired works of art. Maintenance and repair are to be funded through the City's annual budget allocation. The artworks will be recorded in the City's Asset Register and managed in accordance with relevant asset management plans, policies and procedures.

At the time of procurement and commissioning, the artist must specify the intended longevity, consider minimising maintenance requirements through robust design, the selection of materials and finishes suitable for the site's environmental conditions. The artist will be required to estimate the projected annual maintenance activities and estimate costs.

At the completion of the commission, the artist is to provide the City with a maintenance manual and cost estimate to assist in conserving and maintaining the public art.

Where public art is located on privately owned land and facilities, the landowner is responsible for cleaning, maintenance, repairs and removal of the artwork.

Decommissioning

Works of art may be decommissioned for a variety of reasons. The following criteria may be considered when decommissioning, relocating or disposing an artwork.

The artwork is:

- no longer relevant or valued by the community;
- irreparably damaged, high conservation or requires an excessive amount of maintenance to a point where restoration is not practical;
- unsafe or is affected by changes in health and safety regulations;
- compromised of its original form or materials;
- at the end of its intended lifespan;
- stolen or otherwise missing beyond hope of recovery;
- no longer functional or aesthetically appealing;
- on a site or location that is being re-developed, re-purposed or no longer suitable;
- is proven to be obstructive, offensive or no longer reflects the values of the City.

In the absence of an Artist Agreement, the City retains the authority to decommission artwork due to safety concerns or the compromise of its original form or materials.

As per *Copyright Act 1968 (Cth)*, the City will provide the artist with three weeks' notice in writing before decommissioning a work to allow them time to document their work.

Intellectual Property

The City acknowledges the importance of *Copyright Act 1968* that protects the rights of attribution and integrity belonging to authors of artistic works, and the moral rights of individual artists in accordance with the *Copyright Amendment (Moral Rights) Act 2000* requirements.

Legislative Context

Local Government Act 1995
Copyright Act (Commonwealth) 1968
Copyright Amendment (Moral Rights) Act 2000

Review

At a minimum this Council Policy will be reviewed every two years.

Related Documents

These documents are mandatory and required to give effect to this policy:

Organisational:

The City of Mandurah Strategic Community Plan 2020 – 2040
The City of Mandurah Arts and Culture Strategy 2023 – 2028
The City of Mandurah Access and Inclusion Plan 2021-2026
The City of Mandurah Subdivision Development Guidelines
Aboriginal Connection to Country (Land) Policy POL-CMR 08
Vandalism Management Policy POL-CNP 02

Supporting Documents

The City of Mandurah Place Enrichment Strategy 2023 – 2027
The City of Mandurah Youth Strategy 2021 – 2026
The City of Mandurah Reconciliation Action Plan 2019 – 2022
The City of Mandurah Access and Inclusion Plan 2021-2026
Memorials Policy POL-CMR 12
Community Initiated Infrastructure Policy POL-CNP 08
The National Association for the Visual Arts – Code of Practice
Protocols for using First Nation Cultural and Intellectual Property in the Arts, Australia Council for the Arts
Council Community Initiated Infrastructure Policy POL-CNP 08
Buildings and Community Facilities Infrastructure Asset Management Plan Roads and Transport
Infrastructure Asset Management Plan Parks
Open Space Infrastructure Asset Management Plan

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Amendments			
Version #	Council Approval Date, Reference	Date Document In force	Date Document Ceased
2	Minute G.35/2/15	25/02/2015	10/10/2017
3	Minute G.21/10/17	11/10/2017	23/07/2019
4	Policy Manual Review, Minute G.12/7/19	24/07/2019	28/04/2026
5	Minute OCM26/28	29/04/2026	