

Ocean Reef Marina Improvement Scheme Policy 1 Provision of Public Art

The Ocean Reef Marina Improvement Scheme No. 1 (Scheme) aims to create an iconic waterfront precinct and public open space that will provide recreational amenity and a tourist destination for local residents and visitors to Perth. Public art can contribute to this aim and deliver social, cultural, aesthetic and cultural benefits. Public art is recognised to enhance the quality of the built environment and the sense of place within the community. It can contribute to our collective *“understanding and appreciation of our cultural and natural heritage, enhancing our built environment, and creating more meaningful public spaces”* (DLGSC).

The Ocean Reef Marina Public Art Implementation Strategy was produced to assist DevelopmentWA and their consultants in undertaking successful artwork projects as part of their development requirements for Ocean Reef Marina. The place vision for Ocean Reef Marina is as follows:

“A world class oceanside destination for living, learning, recreation and business, Ocean Reef Marina will connect Perth’s northern coastline and community – embodying WA’s quintessential marine culture and lifestyle.”

1.1 Policy Purpose

This Policy details the requirements for public art contributions as part of development proposals. Section 1.5.3 also provides performance standards to guide the assessment of public art proposals, or where a public art contribution is required by the policy.

A statutory component of the Scheme is providing for public art. Clause 48 of the Scheme states that:

- (1) In approving an application for development approval, the Commission may impose a condition requiring the provision of public art, or a monetary contribution towards the provision of public art.
- (2) The nature of the public art to be provided, or the contribution payable, is to be specified, from time to time, by the relevant Improvement Scheme Policy.

The Improvement Scheme Policy 1 – Provision of Public Art (the Policy) links the Ocean Reef Marina Public Art Implementation Strategy (Strategy) and the Scheme, to ensure that the delivery of public art is informed by the Strategy’s aims, objectives and principles to guide the procurement, development and delivery of public art across the Scheme area.

The Strategy has been prepared for DevelopmentWA to inform the delivery of Public Art in the public realm and to influence the delivery of Public Art by private developers. All Public Art is required to be consistent with the themes identified in the Strategy.

1.2 Policy Objectives

The objectives of this Policy are:

- To foster a sense of place and enhance the public realm through the integration of high quality public art that responds to the context and/or history of the site;
- To enhance the appearance, character and value of places through the inclusion of public art and to encourage animated and lively public spaces;

- To ensure public art contributes to creating a unified and visually engaging built form across the Improvement Scheme area;
- To specify the nature of public art to be provided, having regard to the Ocean Reef Marina Public Art Implementation Strategy;
- To adopt best practice in the commissioning of public art in the development process, including a requirement for public art commissions to be undertaken by a professional artist; and
- To provide for ongoing maintenance of the public artwork for its intended lifespan.

1.3 Legislative Framework

This Policy has been prepared pursuant to Clause 12(1) of the Scheme and addresses the matters described in Clause 48 of the Scheme and is a component of the statutory planning framework for the entire Scheme Area.

It is to be read in conjunction with all relevant Clauses of the Scheme, relevant Design Guidelines and Improvement Scheme policies, where applicable.

Where any inconsistency arises between this policy and the Scheme, the Scheme shall prevail to the extent of that inconsistency.

1.4 Policy Scope

This policy applies to all development proposals within the Ocean Reef Marina Improvement Scheme area which have a estimated value of \$2 million and over (excluding GST) in construction cost in accordance with **Table 1**. Regardless of value, this policy does not apply to the following land uses:

- Residential – single dwelling.
- Residential – grouped dwelling.

The Strategy proposes several public art and interpretative elements for implementation. These are numbered '7 Civic Artworks', located in the 'Quay Civic Space', with preferred locations for public art and themed to influence public art design.

The Strategy is available on the DevelopmentWA website.

1.5 Policy Statement

1.5.1 Public Art Contribution

A public art contribution is to be provided in accordance with the minimum required contribution specified in **Table 1**.

Public art consultancy or artist fees may be included in the artwork budget (contribution costs) for up to 15 per cent of the total minimum public art required contribution. The conceptual location of the public art will be required to be included in the plans presented to a design review panel, and required by a condition of development approval.

A minimum of 25 per cent of the minimum public art contribution required shall be satisfied by a cash-in-lieu payment based on the rate described in (**Table 1**). Cash-in-lieu payments will be received into and held by the Western Australian Planning Commission (WAPC) in a public art fund for the Scheme area and will be directed at both public and ephemeral art proposals within the public realm.

On sites included within the Mixed Use Precinct, defined by the Scheme map, up to 25 per cent of the minimum public art required contribution that is attributed towards the development or site (that is, excluding any cash-in-lieu contribution) may be used for the provision of ephemeral art. An ephemeral art strategy shall be submitted to the WAPC for approval prior to the initial event taking place.

Table 1: Minimum required public art contribution

Construction Cost	Minimum required contribution
Less than \$2 million	Not applicable (unless negotiated as a design solution).
\$2 million to \$50 million	Minimum 1 per cent contribution either provided as public art or paid into the public art fund for the Improvement Scheme area.
Over \$50 million	\$500,000 plus 0.5 per cent for every construction cost dollar over \$50 million, either provided as public art or paid into the public art fund for the Improvement Scheme area.

1.5.2 Delivery of Public Art

Public art shall be constructed and installed (or cash-in-lieu contribution paid) prior to the issue of an occupancy certificate. If the approved development is staged, public art can be delivered commensurate to the value of each stage of development, with the exception of cash-in-lieu payments which are required upfront as part of the initial stage.

It is recommended that projects engage an artist or artist team early in the project so that they can contribute as an integral member of the project design team to ensure artwork is well presented and located. Artwork is required to have been specifically designed for the building or site on which it is to be attributed and shall be clearly seen from, or located in, the public realm.

1.5.3 Installation and performance standards

The public art is to be located within the lot boundaries of the development site (unless otherwise approved and an agreement is reached on ownership, maintenance and indemnity with the City of Joondalup or the Department of Transport, as relevant). The artwork shall be clearly visible from the public realm (that is, not located internally within a building).

Only 'professional artists' will be eligible to carry out public art commissions within the Scheme area.

The artwork shall be of high aesthetic quality, durable and easy to maintain, recognising the anticipated climactic conditions.

Where cash-in-lieu is provided, such funds will be collected in a dedicated account and expended by the WAPC on approved public art located in the Ocean Reef Marina Improvement Scheme No. 1 scheme area, in accordance with the Strategy.

A plaque or similar identifier is to be installed on, or in close proximity to the public art which details the artist's name, name of the installation and date of the installation. The plaque or identifier is to be of a pre-determined form to ensure the art is identifiable as being part of a 'public art trail' and will assist in navigation from one installation to the next.

100 percent of the public art contribution attributed to development sites located within the Mixed Use Precinct, to the west of Street 6, shall be paid into a Public Art Fund and expended for the purpose of delivering Artwork seven identified in the Strategy.

1.6 Submission Requirements

A public art report for all proposed artworks is to be prepared and submitted with the development application to ensure public art is integrated into public place and building design. At the discretion of the WAPC the report may be assessed as a condition of development approval, and submitted prior to the application for a building permit.

The public art report is to include:

- A site plan showing the development footprint. Public spaces and proposed artwork location/s, public spaces and proposed artwork location/s;
- A written design concept for the artwork, including explanations regarding extent of research, artwork themes, historical significance and a statement detailing its levels of compliance with this Policy and the Strategy;
- Artwork documentation – drawings, plans to scale with dimensions, materials, colours, installation details/sections, perspective views and details;
- Artist's qualifications, experience and suitability for the project;

- Cost calculations showing:
 - Total development construction cost;
 - Public art contribution cost; and
 - Itemised costs of each artwork
- Proposals for artwork located on or over public land must include an engineer's certification, a copy of relevant public liability insurance, and written consent of the land owner and/or the authority with the management control of the land;
- A maintenance report prepared by the artist, including consent from the artist for any ongoing care or maintenance of the artwork by the building owner or public authority. The maintenance report is to provide a cost schedule of periodic maintenance requirements and cannot be exclusive to the artist and must be executable by any competent third party; and
- A letter written by the commissioner of the artwork acknowledging the implications of the *Copyright Amendment (Moral Rights) Act 2000* including how the artist will be acknowledged and accepting maintenance obligations.

1.7 Review Period

This policy shall be reviewed every 5 years or as determined by the WAPC.

1.8 Definitions

Art Consultant - A public art professional who can assist in developing and coordinating public art projects, engaging artists or providing advice on public art proposals.

Construction Cost - All costs associated with the preparation, construction and full completion of a development, including all materials, labour, servicing and ancillary costs. To ensure accurate values the WAPC may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction costs.

The WAPC will generally accept the construction cost of development to be the same as the 'approximate cost of proposed development' stated by the Applicant on the Form 1.

Ephemeral Art - Art that is transitory in nature, usually designed as an experience or event and lasting for only a short period, such as performance art, music, dance or exhibitions. Ephemeral Art is not to be purely for the purpose of branding and/or marketing.

Improvement Scheme or **Scheme** - means the Ocean Reef Marina Improvement Scheme No. 1.

Professional Artist - Is a person who meets a minimum of two of the following criteria:

- Is a person who has a tertiary qualification in the visual arts.
- Is a person who has a history of exhibiting their own original artwork at reputable art galleries that sell the work of professional artists.
- Is a person who has had their own original artwork purchased by major public collections, including (but not limited to) the Art Gallery of Western Australia, any of the university collections or Artbank.
- A person who earns more than 50 per cent of their income from art related activities, such as teaching, selling artwork or undertaking public art commissions.

Note: variations from these requirements may be considered by the WAPC. For example emerging artists, indigenous artists or students may be considered appropriate. It is advised that every project specifies the artist's role and reflects this in the artist's brief and resulting contracts. Collaboration of professional artists with other artistic disciplines is supported.

Public Art - Is a work that is created by a 'professional artist' and is sited in a visually accessible public location (including where it is located on private land).

Public art can include (but is not limited to):

- The unique artistic treatment of functional equipment such as bike racks, benches, fountains, playground equipment, light posts or shade structures.
- Landscape art enhancements such as walkways, bridges or art features within a garden.

- c) Murals, tiles and mosaics covering walls, floors and walkways.
- d) Sculptures, free-standing or incorporated as an integral element of a buildings' design.

Public art does not include:

- a) Business logos.
- b) Advertising signage.
- c) Objects which are mass produced or off-the-shelf reproductions.
- d) Architectural features, landscaping or hardscaping which would normally be associated with the type of development.

Public Art Fund - A fund held in an account by the WAPC for the purposes of accumulating cash-in-lieu contributions made under this policy. The funds are to be used by the WAPC, or persons nominated by the WAPC, for provision of public art within the Improvement Scheme area. Public art is to be delivered in a manner consistent with the Ocean Reef Marina Public Art Implementation Strategy.

Public Art Report - A report prepared and submitted for WAPC approval (typically required as a condition of development approval) that outlines the intent and theming to the public art and to ensure that public art is integrated into public place and building design.



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