



# Shire of Derby / West Kimberley

## (W5) PUBLIC ART

### **POLICY PURPOSE**

To provide general guidelines in respect to the development of public art within the Shire of Derby/West Kimberley (the Shire).

### **POLICY OBJECTIVE**

To establish guidelines that will:

- Enhance the opportunities for cultural and heritage tourism through the presence of high quality works;
- Encourage the expression of identity and belonging by the community, highlighting cultural uniformity and diversity; and
- Form meaningful places of cultural heritage that facilitate an understanding of identity, history, and aspirations for future generations.

### **POLICY APPLICATION**

This policy applies to the proposed construction of a work(s) of public art within the Shire that can be viewed in the public domain, including public open space, reserves vested in the Shire and on privately owned land visible from public areas.

The application process set out below applies to those projects that are proposed on reserves managed by the Shire. Projects on private land will require an application to be submitted in accordance with the requirements as set out under the *Planning and Development Act 2005*, but Council will have regard to the objectives of this policy when considering any approval.

This policy does not apply to proposals for the erection of permanent or temporary memorials.

### **POLICY DEFINITIONS**

**Public Art:** Public art can be defined as artwork located in public spaces other than supervised outdoor gallery spaces. The term public art may cover a wide range of art forms including but not limited to, permanent three dimensional and two dimensional works such as sculptures, murals, mosaics, entry statements and unique street furniture elements, temporary and ethereal works such as projection works, lighting, multi-media and performance based works.

**Public realm:** The public realm can be defined as including but not limited to streets, squares, parks and spaces within buildings that are accessible to the general public and in the ownership of, or under the control of Council, State Government or Commonwealth Government agencies. Spaces accessible to the general public but in private ownership are also perceived to be part of the public realm.

**Memorial:** Memorials are objects that are built, placed or preserved in-situ for the purpose of commemorating a person, community, place or event of public significance. Memorials may incorporate architectural elements, statuary and monolithic objects such as stones. Whilst these objects may sometimes employ the services of artists in their design and construction, the intent and purpose of memorials is quite distinct from public art.



# Shire of Derby / West Kimberley

## 1. Approval Process

- 1.1 All proposals will require the submission of an application to the Shire which shall be referred to Council for approval;
- 1.2 Applications shall include the submission of an application for approval form together with the following information:
  - a) A site plan or plans at a suitable scale (1:100 or 1:200 preferred) of the proposed location showing:
    - The boundaries of the site, with dimensions and direction of grid north indicated accurately;
    - The outline of proposed structures on the proposed site; and
    - Details of existing structures, landscaping and usage of the site.
  - b) A detailed budget report including, inter alia: the most likely cost of design, construction, installation, and ongoing maintenance.
  - c) A detailed design (i.e. elevation, scale model) of the proposal, indicating proposed size, materials and plaque text.
  - d) Full details of how cultural significance implications of the proposed site have been investigated and considered.
  - e) A construction plan, indicating for example, timelines, the methodology for installation and safety controls, how access will be gained, access restrictions during construction, controls for dust and noise, and clean-up procedures. Also, how public access to the location will be provided for and how ongoing site access will be safely managed.
  - f) An environmental assessment (flora, fauna, land and water) if the proposed art works are to be positioned in a sensitive environmental area (e.g. Derby tidal marsh areas).
  - g) Details of community consultation undertaken, or a list of stakeholders considered appropriate for the Shire to engage with as part of its approvals process.
  - h) In determining any application (and irrespective of information provided in (g) above) Council may consult with any other party it considers appropriate and/or require that a proposal be advertised for public comment.

## 2. Advertising Requirements

Where Council determines that an application should be advertised prior to a determination, a notice of the proposed artwork will be published in local media and on the Shire's website for a period of 21 days from the publication of the notice.



### 3. Development Guidelines

#### 3.1 Location

Applicants must:

- identify a specific site and fully justify the reasoning for the artwork beyond the proposed location;
- ensure the existing use of the site is not jeopardised by the proposed artwork; and
- be consistent with any plans adopted by Council for the proposed site (eg Clarendon Street Enhancement Project Plan).

#### 3.2 Type

- proposals shall represent broad community interest and be mindful of future generations;
- proposals must be of significance and appropriate to past, present and future generations;
- the scale and character of a proposal should be complementary to the surrounding area; and
- the proposal shall contribute to the public domain in respect to construction and design.

### 4. Agreement

The applicant shall enter into an agreement with the Shire as provided by the Shire prior to commencement of works.

### 5. Funding

Whilst the Council may consider a contribution towards a proposal on a case by case basis, the cost of inter alia: community consultation, design, production, installation, site preparation, infrastructure works shall be financed by the applicant.

### Appendix 1:

Map Set: Shire controlled reserves.

Policy Details			
<b>Original Adoption date:</b>	25 September 2019 (Item 15.1, Res. 113/19)	<b>Review Frequency:</b>	3 years
		<b>Next Review Due:</b>	August 2027
<b>Policy Implementing Officer or Team:</b>	Manager Infrastructure	<b>Policy Reviewer:</b>	Director of Infrastructure
<b>Legislative Head of Power (Act, Regulation, or Local Law):</b>	Local Government Amendment (Property) Local Law 2014		
<b>Related Documents (other Policies, Operational Procedures, Delegations, etc.):</b>	Map Set: Shire controlled reserves (attached to policy).		
Version Control Council Meeting Review Details:			
<b>Review #:</b>	<b>Council Meeting Date:</b>	<b>Item/Resolution#:</b>	
1.	24 June 2021	Item 11.2, Res. 57/21	
2.	24 February 2022	Item 11.5, Res. 07/22	
3.	29 August 2024	Item 12.1, Res. 100/24	





