

MORELAND CITY COUNCIL

# **PUBLIC ART GUIDELINES**

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# Acknowledgements

Moreland City Council acknowledges the traditional owners of the land, the Kulin Nation, of which the local Indigenous people are the Wurundjeri.

Council is committed to building a trusting, collaborative and supportive relationship with Indigenous groups, and to respecting identified Aboriginal sacred sites and special places.

Council also recognises the potential of public art to promote Moreland's distinct Indigenous culture and heritage, and the significance of cultural and spiritual connections to land.

# **Purpose of the Guidelines**

The Public Art Guidelines provide the rationale and outline the key processes for Council's commitment to planning, developing, installing, and maintaining a range of diverse and stimulating public art works that reflect and strengthen the cultural vitality of the City of Moreland.

The Guidelines also provide relevant information and advice for non-Council private and community commissioners of public art in Moreland.

## **How these Guidelines have been developed**

These Guidelines have been developed by Council's Arts and Culture Unit with valuable input from the Moreland Arts Board and from leading public artist and educator Geoff Hogg.

Nicholas Boseley from The Koorie Heritage Trust and Auntie Diane Kerr from the Wurundjeri Tribe Land and Compensation Cultural Heritage Council were consulted for their advice on the approach to commissioning Indigenous public art works.

Moreland Councillors and Council Officers have also been consulted as part of the development of the Guidelines.

## **Policy and Strategy Context**

The following Council strategies and policies have been considered in the development of the Public Art Guidelines:

- Moreland Arts and Culture Strategy 2011 – 2016
- Moreland Activity Centre and Housing Strategy (2012)
- Moreland Open Space Strategy (2012)
- Moreland Pre-Contact Aboriginal Heritage Study (2010)
- Structure Plans for Coburg, Brunswick and Glenroy
- Moreland Sponsorship and Donations Policy (Draft)

## Other References

The Guidelines have also been developed with reference to several recognised best practice models:

- Atwell, Carol. and Fraser, Alison. *Public Art Guidelines for Successful Commissioning*, City of Melbourne and Arts Victoria, Melbourne 1998
- Australia Council for the Arts  
[http://www.australiacouncil.gov.au/about\\_us/our\\_structure/aboriginal\\_and\\_torres\\_strait\\_islander\\_arts\\_board](http://www.australiacouncil.gov.au/about_us/our_structure/aboriginal_and_torres_strait_islander_arts_board)
- Beal, Elizabeth, *Public Art Guidelines for Artists and Commissioners*, Arts Law Australia, June 2001
- National Association for the Visual Arts, *The Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector* 3rd Edition, Australia, 2009
- Gressel, Katherine, *Public Art and the Challenge of Evaluation*  
[www.createquity.com/2012/01/public-art-and-the-challenge-of-evaluation](http://www.createquity.com/2012/01/public-art-and-the-challenge-of-evaluation)

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## The Place of Art in the Public Domain

### Values, principles and practice

*The arts are internationally recognised as a catalyst for the regeneration of cities and have been identified as one of the key drivers of change and critical enablers of place making with both social and economic benefits*

Moreland Arts and Culture Strategy 2011 – 2016

There is a strong link between the presence of artists, high levels of artistic and creative activity, and a sense of the city as alive, vibrant and stimulating.

Not surprisingly, artistic and creative cities are often seen as attractive visitor destinations and as desirable places in which to live and work.

Cities which promote art in the public realm contribute important “intangible” dimensions to the quality of life. According to the Lord Mayor of Melbourne Robert Doyle,

*...the city would be a ‘joyless’ place without provocative art to stimulate the public mind.*

One of the important attributes of art in the public realm is the way that it celebrates the creativity, imagination and skills of artists while also encouraging ordinary citizens to develop their own innate capacity for imagination and exploration. These are vital qualities for promoting creative individuals, communities and cities.

Public art contributes to the vitality of Moreland through its power to challenge and refresh perceptions about Moreland’s local communities; their social and cultural identities and their relationship with the built and natural environment.

Moreland Council supports a wide range of different types and forms of public art across the municipality. Council’s leadership and role in promoting public art is consistent with research that demonstrates the links between the participation in the arts and social, cultural and economic vitality. One of the hallmarks of a creative city is its capacity to foster and promote healthy debate.

*Public Art has the capacity to promote community discussion and debate around important issues. (It is not just) an enhancement or a decoration – an enhanced design process*

Geoff Hogg, Coordinator Public Art RMIT University, School of Art  
Moreland resident (Brunswick)

Newly commissioned public art is not always immediately comfortable and at times may spark controversy. It is important therefore that Council develops and clearly communicates its position regarding the role and purpose of public art and that it adopts a consistent and transparent approach to commissioning, promoting and maintaining public art. In doing this, Council will demonstrate its important leadership

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role in cultivating a creative city in partnership with artists, community and other creative organisations so that Moreland continues to grow in its reputation as a place which attracts artists, fosters healthy debate, and offers positive experiences and interactions for all of its citizens.

These Guidelines will assist Council in achieving this goal while also providing information, guidance and advice for external commissioners of public art in Moreland.

## What is Public Art?

The term “Public Art” describes artwork which is displayed in public places such as parks, streets, buildings and other publicly accessible areas. It does not include art that is displayed in spaces which are specifically dedicated to the presentation of the arts such as museums, galleries, theatres and concert halls.

Public art is however much more than art which is simply located in a park, street or other public place. The notion of public art as just a memorial or sculpture lending dignity to the city square has given way to art which is integrated into the fabric of the community and which both reflects and invites citizen participation.

Contemporary public art is often uniquely created for specific communities and places and this can be compelling, unique, and cutting-edge and even fun!

*Public art dispels the idea of going into a “white cube” to experience art. It can break down the barriers to people experiencing art....*

Jackie Hocking, Gallery Manager Australian Print Workshops  
Moreland Arts Board member and Moreland resident (Fawkner)

Public art may be traditional or contemporary in style, and may incorporate a wide range of materials and approaches. It presents creative ideas through a wide array of constantly evolving art forms including sculpture, painting, sound and visual installation works, digital and on line media, as well as performance art.

In the past, public art tended to be mostly monumental and permanent including statues and memorials celebrating civic leaders and religious figures. The mid twentieth century saw a strong emergence of public art in the form of murals, street performances and other message-oriented work intended to speak for “the people”, as part of social and political movements.

Contemporary approaches to public art cover a wide array of form and content. They may be “light” or “serious” in nature and content; permanent, semi-permanent, temporary or ephemeral. While more traditional approaches to public art tended to deliver “stand alone” installations, contemporary approaches are much more highly diversified and reflect the development within contemporary culture of multiple ways of creating and marking identity and meaning.

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While contemporary public art is much more than a form of enhanced design, it can at times be incorporated into functional design elements, such as street furniture, pavements, and bike racks. The artist can play an important role in creating good public art through collaboration with architects, interior designers or urban designers.

Street art is another important form of public art in the urban context, often highly contemporary or topical in nature. Street art includes recognised legal graffiti as well as emerging practices such as the whimsical and colourful “yarn bombing” which emerged within the Brunswick area and other inner city areas of Melbourne from around 2010.

Public art, as an integral part of streetscapes, open spaces and the built environment, helps to make everyday spaces more user-friendly, more enjoyable and attractive.

*People need to ....experience their environment in a way that doesn't just include functionality. They need to have opportunities to have a reaction visually, aesthetically....*

Shane Hulbert, Program Director Bachelor of Arts (Fine Arts)  
RMIT University, School of Art  
Moreland Arts Board member and Moreland resident (Glenroy)

There are a wide range of places and spaces across Moreland that can be enhanced by public artworks. These include both open spaces as well sites within and around the built environment including, but not restricted to, parks, lakes, railway stations, streets, shopping areas, libraries and civic buildings. Whether permanent or ephemeral, successful public artworks both respond to and also influence their environments, stimulating new community perceptions, experiences and interaction.

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## How does Public Art contribute to the vitality and liveability of Moreland?

Through presenting ideas and stimulating healthy debate, interpreting and communicating important community values, messages, issues and aspirations; and through promoting and celebrating creative activity and participation, public art makes a significant contribution to cultural vitality across the City of Moreland.

*I live in an ugly part of Moreland and I agree that art is one of the most enriching ways to support a community, and a profound way for people to experience where they live and how they belong to a particular place.*

Shane Hulbert, Program Director Bachelor of Arts (Fine Arts)  
RMIT University, School of Art  
Moreland Arts Board member and Moreland resident (Glenroy)

Community cultural development processes are one way of enhancing the social and cultural value of public art. When communities are engaged by skilled artists and community cultural development workers in processes of planning, design and creation of new work, there can be significant gains in both self esteem and community connectedness.

In this type of approach artists work in partnership with communities, promoting individual and shared expression of cultural experiences, stories and meanings which are then reflected in various ways within the art work itself and often leading to authentic work which “speaks” for and about the community. Individual self esteem and community identity are strengthened, contributing to wider goals such as community development, arts and cultural development, and place making.

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## **Guiding Principles for Council's support of Public Art in Moreland**

### **Key Principles**

Moreland Council recognises the important role that public art has to play in contributing to the social, cultural and economic vitality of Moreland and is therefore committed to presenting, sustaining and supporting public art which:

- Promotes local identity and sense of place
- Stimulates creativity, expression, and innovation by artists and communities
- Stimulates healthy debate
- Has artistic integrity
- Provides access and opportunities for diverse communities across Moreland to participate in arts activities and experiences
- Increases community awareness and appreciation of art

### **Council's Commitment to realising the Key Principles**

In recognising the important contribution that Public Art can make to the cultural, social and economic vitality of Moreland Council will:

- Initiate, present and promote high quality public artworks which
  - Promote the profile of Moreland as a City which values the arts
  - Promote and present artistic expression that is original, innovative and recognised by industry peers and arts professionals as being of high quality
- Identify opportunities to enrich public spaces including large scale capital works with innovative site-specific art in Council development/redevelopment projects
- Encourage the integration of public art into private developments
- Consider the introduction of a "per cent for art" contribution scheme in Glenroy, Brunswick and Coburg
- Include public art initiatives across a range of cross functional Council plans and strategies, encouraging innovative approaches and responses to public places and promoting civic engagement and community interaction. Where appropriate this may be achieved through artists being engaged to work as a part of collaborative design teams commencing in the early stages of a project including site selection and design right through to the creation and installation of works.
- Promote Moreland's public art and associated events and activities to those who live, work in or visit Moreland
- Evaluate and promote broad understanding of the social, cultural, environmental and economic contribution that public art makes to the vitality and liveability of Moreland

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## **Priorities for Support**

Council is committed to resourcing the development, implementation and maintenance of public art across the municipality. Resources include specialist Council staff, annual budget allocations for the development, installation, maintenance and promotion of public art including temporary and permanent works and other public art projects and initiatives.

While Council is committed to maintaining its support for public art, it also needs to be recognised that Council's resources for public art are finite and cannot address all of the public art needs and opportunities across the municipality. It is therefore necessary for Council to prioritise its support for public art initiatives.

Council's support will be targeted towards those public art initiatives which:

- Recognise, acknowledge and celebrate Moreland's distinct Indigenous culture and its connections to the land
- Interpret and celebrate the area's unique heritage and identity
- Celebrate local community, cultural and/or geographic diversity
- Provide an artistic and cultural outlet through which communities can develop and articulate their sense of place
- Provide landmarks and local icons that engender a sense of pride and identity
- Promote cultural expression that is original, relevant and of significance to the artists and arts practice within the municipality

## **Prioritising locations for public art**

Brunswick, Coburg and Glenroy have been identified as key activity centres for Moreland – that is, they are areas undergoing rapid change and are characterised by high levels of economic and social activity.

These areas experience high levels of visitation by many of Moreland's citizens and external visitors and offer opportunities for the intrinsic benefits of providing public art in areas where they can be experienced as part of everyday life.

Place management approaches to these three key activity centres provide broad social, economic and cultural rationales, as well as frameworks, processes and resources to support the integration of public art

Brunswick, Coburg and Glenroy are therefore natural focal points for the creation and presentation of new public art in Moreland. However, locations for public art should not be limited to these areas. For example, new residential developments such as Gowanbrae, and other areas within the municipality which may benefit from creative enhancement within the public realm, may be considered as suitable locations for public art.

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Council can make a strategic investment of its limited resources for major public art project while still supporting opportunities in other areas of the municipality according to need and opportunity by prioritising its support and promotion of major public art activity within:

- The Glenroy, Coburg and Brunswick areas as the most significant social and economic activity centres within the municipality
- Sites that are recommended in the Public Art Site Scoping Study (RMIT 2011)
- Other areas within the municipality that are identified as having a need for place making due to economic, social and/or cultural factors.

## **Working in Partnership**

In realising these priorities, Council recognises the importance of partnerships and engagement with key stakeholders in the development and presentation of public art.

There are a wide range of opportunities for partnerships which can be developed through quality public art initiatives and as a way of increasing the level of resources available for public art.

MoreArt, Moreland's Public Art show which showcases temporary installations by local and other artists for a month along the Upfield line in railway stations and on disused land along the line, is a strong example of such partnerships.

During its first two years of 2010 and 2011, MoreArt built strong partnerships between Council, VicTrack, Metro Trains and the Brunswick RMIT campus, providing artists with the opportunity to create and display a wide range of contemporary and sometimes site-specific works and bringing these to an appreciative audience of public transport users and other "incidental" audience ( ie people who "came across " the work rather than specifically sought it out) as well as a wide range of people who visited this part of Moreland specifically to see the work.

Partnerships such as these can meet shared and complementary goals of diverse groups and organisations while also delivering greater sustainability to initiatives for the benefit of Moreland artists and communities.

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Where appropriate, Council will therefore:

- Work in partnership with stakeholders from other levels of government, as well as with private and community landowners and stakeholders
- Actively engage with communities in developing public art works
- Undertake to increase public awareness and appreciation of the value of public art in Moreland
- Encourage and support community and/or business initiatives that increase opportunities for art in public places
- Encourage the integration of public art into private developments
- Provide targeted support within existing resources for artist initiated public art projects which contribute to Council's aims and priorities. This support may take the form of community grants, promoting the work of local artists, and facilitating networking opportunities for artists.

## **Engaging and consulting with Communities**

Moreland encompasses a diverse range of places and communities. Public art is not just for communities where there are relatively highly developed levels of arts education and appreciation. Different types and approaches to public art have the potential to engage with a broad cross section of Moreland communities.

It is important to recognise that regardless of the location in which a public art work is to be developed, the different needs and character, as well as cultural, social, environmental and aesthetic values attached to each place are considered. There will be some approaches to public art which may be better suited to some local contexts than others, taking into account both the existing local character of the built environment and the communities who live there.

Effective community consultation and feedback processes are important in order to build meaningful participation and a sense of ownership by communities in relation to public art where public art is to be introduced.

As part of its commitment to building a sense of ownership and meaningful participation by local communities in relation to public art, Council will provide effective community consultation and feedback processes particularly in relation to large scale, permanent works which are likely to have a significant impact on the local environment. These consultation and feedback processes may themselves employ creative approaches and outcomes and can also help to build stronger understandings within the community about the nature and value of public art in general.

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It is also important to recognise that it is not realistic or even desirable to try and achieve universal approval for any particular work. There will always be individual variations of taste and judgement when it comes to responses to public art and these should not be seen as a barrier to promoting innovative, contemporary and relevant work.

While new public art works are not necessarily going to please every member of a local community. It is important that the work and the processes used to develop it resonate in some way with the character, needs and interests of a broad cross section of the community for whom it is intended. This may mean for example emphasising participatory or educational approaches in some areas where these are consistent with local values and cultures.

The Many Hands project at Glenroy is an example of a simple, local approach which successfully engaged with many members of the local community.

The artist worked with community members, encouraging them to share their stories with her and then represented some of their thoughts along with images of their hands. Text and images were applied to sidewalk barriers that were originally intended to be temporary but have been so well accepted that the life of the work has been extended.

The success of this work has provided the impetus for a further stage of community-engaged public art “Portraits of Glenroy” is a participatory project which commenced in 2011 using chalk art and trompe l’oeil as part of an activation strategy for the underutilised Morgan Court area of the local shopping centre.

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## Supporting art and artists in Moreland

The public realm offers a rich variety of settings in which artists can extend their creative practice. By providing and facilitating opportunities for artists who live or work in Moreland, including students, emerging and established artists, to present their work within the public realm, Council and other commissioners of public art in Moreland can contribute to the sustainability of artists and arts practice in Moreland. This can include promoting opportunities for artists to contribute to a dynamic urban environment through legal street art practice.

While it is not necessarily appropriate to prioritise local artists when commissioning new works, Moreland's Arts and Culture Strategy 2011-2016 recognises that:

*"Moreland is home to a vast diversity of practising artists and arts professionals, many of whom are widely acknowledged as leaders in their genre or field. These individuals can provide a wealth of knowledge and are an important asset to our community. Council will improve its recognition of these leaders and find appropriate channels to involve them in decisions that affect the municipality."*

One of the important ways in which these leaders can be involved is through their contribution to planning and selection processes for public art. This may include their advice through such forums as the Moreland Arts Board, as well as contributing to transparent processes for the selection of artists and works to be included in Council's public art program.

## Building Understanding of Public Art

Public art can be a complex area and at times attracts both passionate and polarised views. Not only is there a vast array of different types of public art, but planning the "right" type of work for each situation is an area which often attracts multiple views while also requiring specialist advice and management. It is important that the selection of work is handled in a professional, informed and transparent way

New Councillors and especially those who are not familiar with public art may benefit from understanding the breadth of public art which exists in Moreland and the stories behind the development and introduction of these works. This can include the importance of sometimes taking creative risks in order to achieve innovative outcomes with artistic integrity which contribute to Moreland's reputation and standing as a leading, creative and dynamic city.

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Seeing and hearing artists talk about their work and understanding the creative process involved can help to build understanding of public art. DVDs and other documentation showing the development of work, the artist's reflections and interpretations of their work, and a range of audience responses can also promote greater understanding. Council's Public Art Program has produced a number of DVDs and other documentation which can be downloaded from Council's website for this purpose.

## Public Art, Public Debate and Public Relations

*I believe we can make public art less controversial and contentious. I believe in the professionalism of art, and that we need to ensure that the projects we put in a community come from the right place, not from uninformed debates.*

Moreland Arts Board member (Shane) November 2011

New works of contemporary art that explore and challenge are often viewed as stimulating by some, while at the same time they are experienced as confusing or confronting to others.

New contemporary art in the public realm is often greeted by a wide range of subjective responses, and this sometimes leads to vigorous discussion and critical debate which can be very attractive to the media. At times, media attention provokes and intensifies passionate and divided responses to a work, particularly when it is first installed. Frequently, after the initial "shock of the new", public art becomes widely accepted and even championed within communities where it was initially controversial.

The City of Darebin's "Fido" sculpture adjacent to Fairfield Railway station is a well known example of a significant permanent work which was initially controversial but has been embraced by the community as integral to its local character. Sydney Opera House and Melbourne's Federation Square are well known examples of originally controversial innovative contemporary design which have since become virtually synonymous with the cities in which they are located.

### **Communicating Council's position on Public Art**

While ongoing dialogue concerning the role of public art, and the value of individual works can be useful in promoting healthy debate and encouraging civic participation, this public debate in the initial stages of a work's installation can at times be intense and may be perceived as a threat to the reputation of the commissioning organisation. When Council commissions or presents art in the public sphere, it needs to be prepared for the public debate and potential media attention this can generate, and to respond in a way that is both constructive and transparent, consistently communicating the nature and rationale for Council's support for public art, and protecting individual Council staff and artists from destructive media attention and potential vilification.

At the same time, the unique nature of art and the importance of subjective response needs to be acknowledged. Councillors can help to model healthy debate while also promoting the organisation's position on public art by identifying and expressing their own response to a work of art at the same time as reminding the media and public of Council's transparent and professional approach to commissioning works across the community.

This dual approach – of expressing individual taste and response while also defending the Council's overarching approach to public art – both protects Councillor's individual interests while also strengthening the commitment to cultural vitality and diversity in the area of public art.

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## Evaluating Public Art

Evaluating the impact of public art is an emerging area of interest within Australia and internationally. To date, much of the evaluation of public art worldwide has been mostly anecdotal, relying on positive comments from stakeholders and the “audience” for public art. Some attempts have also focussed on the economic impact of public art projects but this is difficult to quantify, in particular because this type of impact is enmeshed with other contributing factors to economic revitalisation such as the quality of the broader environment in which the public art work is located. Evaluations that focus on economic impact also run the risk of overlooking what may be more important considerations such as the intrinsic benefits of participating in or appreciating arts activities for their own sake.

It is however important within an ongoing public art program such as Moreland Council’s that ways of gathering data relating to at least some of the impacts of public art projects are developed and systematically carried out. This not only provides a tangible demonstration of the economic, social, cultural and artistic value that can be attributed to this type of ongoing investment but can also assist in achieving ongoing improvements and targeted developments in public art activities which are repeated. For example, Council’s evaluation of the MoreArt public art show in 2011 was able to provide important supporting evidence for the value of ongoing investment in this project by its multiple partners. It also pointed the way to further developments and improvements for this annual project, demonstrating that while there was a high level of awareness amongst surveyed public transport users and visitors to MoreArt 2011 of the importance of art in improving the amenity of public space, there were also relatively low levels of awareness of More Art itself by particular segments of the surveyed population. The evaluation provided useful information for the MoreArt Steering Group, leading them to prioritise investing in increased and more specifically targeted marketing of MoreArt to these groups in the future.

As with all of Council’s programs, the Public Art program is evaluated within a Results Based Accountability framework. Desired impacts are identified and data is developed and analysed to indicate the degree to which these impacts are being achieved. The evaluation approach to public art activities and projects in Moreland will be further developed as part of the Arts and Culture Evaluation framework in 2012, including the consideration of the following values:

- Artistic
- Social
- Cultural
- Environmental
- Economic

# **PART TWO: PRACTICAL GUIDELINES**

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## **Introduction**

This section of the Guidelines provides an outline of the practicalities of planning and implementing new public art projects, including processes and considerations for the selection of sites and artists. An outline of considerations for planning for the maintenance, decommissioning and relocation of existing public art works is also included.

While these guidelines refer primarily to Council's approach to managing public art, they are also intended to provide a useful reference for other commissioners—including private developers, community and government landowners and leaseholders – who are actively involved in planning, developing, installing and maintaining public art in Moreland.

## **Planning and Managing Public Art Projects**

Regardless of which organisation is commissioning a new public art project in Moreland, all new public art projects require a clear rationale, project plan and a brief for the new work before the artist is appointed.

This is often most effectively achieved through establishing a project group or steering committee who will explore and resolve considerations about the nature, scope and expected life of the work, its budgetary and maintenance requirements, the best process for selecting and contracting the artist(s), and the best way to promote a positive relationship between the work, its environment or context, and the surrounding community and other stakeholders.

At this early stage of project development, it is useful to test assumptions about all aspects of the project and to ensure that all members of the project group or steering committee share a common understanding of terminology associated with the project.

In developing the rationale, project plan and brief, it is important to ensure that appropriate professional and community expertise is incorporated. When Council is the commissioning body, the project group or steering group will usually include officers from Council units directly involved or impacted by the proposal – for example, the Open Space, Arts and Culture, Economic Development, and/or Place Design and Strategy Units.

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## Temporary or Permanent?

One of the key considerations in planning for new public art is whether the work should be ephemeral, temporary or permanent. The intended duration of the work will be influenced by a range of factors including the aims or purpose of the work, its site, budget, and the materials to be used.

**Ephemeral** art works are designed to slowly disintegrate over time due to the nature of the materials and their interaction with the surrounding environment.

**Temporary** art works are generally designed to last between 0 – 5 years. These may include performance-based works, temporary installations etc. Occasionally a work which is intended to be temporary may outlive its designated time. This decision is usually made by the commissioning body when the work proves to be very popular and/or the community attaches a particular significance to the work.

**Permanent** works are generally intended to last between 5 – 15 years or occasionally longer depending on the durability of the materials, and the ongoing relevance of the work. For example a “permanent” wall mural is likely to last for 5 – 6 years while a steel sculpture is likely to last up to 15 years or longer.

## Site Selection

Further to the guidelines for Council’s prioritisation of locations for public art in Moreland outlined earlier ( p.20) all commissioners of public art need to undertake a thorough assessment of the proposed site for any built public artworks including:

- Possible geo-technical issues – stability of soil etc.
- Accessibility – physical access, traffic, safety etc.
- Ownership – private/public, council/state/federal etc.
- Heritage – overlays, historic significance etc.
- Environmental concerns – materiality, local flora and fauna, noise etc.
- Indigenous significance of site
- Permits required

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## **Community and stakeholder consultation and engagement**

Consultation and engagement models will vary with regard to the type, scope and scale of the proposed project and the community in which it is to be developed. When Council is commissioning public art works, consultation and engagement approaches will be consistent with the Moreland Community Engagement Policy and Implementation Plan.

Public art projects may be developed:

- in response to consultations and as part of broader place design processes already undertaken by Council, in which case it is likely that any further consultation processes will not need to be extensive
- in response to direct approaches by sections of the community, in which case it may be appropriate to undertake consultation with a broader cross-section of the community.

Consultation approaches may include more traditional methods such as surveys and focus groups, or they may include more creative processes such as using smaller scale public art activities to generate interest and collect community ideas, stories and images to be integrated into the brief for a new art work.

Regardless of the type of project and the community in which it is to take place, in designing the consultation approach the public art commissioner should consider:

- Who the various stakeholders for the project are
- What type of consultation is best suited to each group of stakeholders
- The nature and scope of the proposed artwork ie whether temporary or permanent, and whether it is likely to significantly challenge the local community for example through its form, aesthetic or thematic references
- Whether a broad cross-section of the community needs to be engaged, or whether the focus should be on specific segments of the community

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## Indigenous Public Art Projects

National best practice in Australia emphasises that non Indigenous commissioners of public art which seeks to represent Indigenous cultures and/or histories or is associated with Indigenous heritage sites should ensure that there is appropriate Aboriginal and Torres Strait Islander direction, participation and support during both the planning and creation of the artwork.

The Wurundjeri Tribe Land and Compensation Cultural Heritage Council is the representative body for the traditional owners of the land on which Moreland stands. When public art seeks to represent the traditions and culture of the Wurundjeri people, it may be helpful to consult with the Wurundjeri Council.

When public art seeks to represent the traditions and culture of other Indigenous Australians it may be useful to consult with the Koorie Heritage Trust regarding appropriate protocols and approaches to Indigenous arts practice.

## Developing the Project Brief

Developing the project brief is a critical step in clarifying and articulating the purpose, scope, timing and processes for the project. The Project Brief provides detailed material as part of the contract with the artist and should include:

### Background, outline and rationale

- An outline of the proposed project, including why the work is being commissioned and any philosophical/social/cultural/environmental/commercial basis for the work
- Results from any relevant community consultations which have informed the development of the brief
- Other relevant background information including information about the community, local history, planning and design context, sponsors and other stakeholders

### Context, site and specifications

- Details of the site/location and any relevant background information about the specific site such as its history and profile
- Information about what type of work is proposed, scale, any material constraints and any stylistic preferences

# **PART TWO: PRACTICAL GUIDELINES**

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## Budget

- The available budget for the project and the costs involved in the project. The artist's fee may include consultation and design, materials and fabrication, and installation. While not necessarily part of the artist's fee, other project components that must be budgeted for include any surrounding landscaping and lighting, insurance, launch and promotion, documentation and evaluation.
- Where the work is developed in partnership either between different departments of Council, or between different organisational partners, various costs may be met by the different partners. Details of which partner will meet which costs need to be established and confirmed in writing at the outset of the project. As with all project budgets a reasonable contingency should also be factored in.

## Deliverables

- A clear and detailed description of what the artist is to provide and deliver
- A clear and detailed description of what the commissioner is to provide and deliver

## Relationships

- Identification of any contract components which may be negotiable and how these will be negotiated
- Development process for the public art work; who is involved and at what stage(s)
- Reporting relationships and any collaborative relationships for example with the Project Working Group/architect or landscape architect, local arts groups, community groups etc.

## Timelines and schedule of payments

- The overall time frame and a detailed timeline for the project including the commencement date;, critical deadlines for planning approvals etc, completion, installation and launch dates
- The schedule of payments to the artist, which will be linked to project stages and key outcomes

# PART TWO: PRACTICAL GUIDELINES

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## Artist Selection

When advertising the project brief and calling for expressions of interest or project tenders, the commissioner should also indicate how the artist(s) will be selected, including who will assess applications or tenders, the criteria and process for selection.

In order to achieve a good result, selection should be made according to a balance of criteria. The following criteria will all have relevance to the selection, but may vary in their priority according to the specific aims of each project:

- Artistic integrity and quality of concept
- Appropriateness of the proposal to the site and community context as well as any other objectives and consideration
- Reputation of the artist
- Proven ability to execute the work
- Cost

Depending on the aims and nature of the work, other criteria may also be included such as the artist's experience and ability to engage with project communities and other stakeholders.

## The Artist's Contract

In many ways, the commissioner's contract with the selected artist is similar to contracts for other products and services. There are however a number of special considerations when contracting an artist to undertake a creative work.

*A contract is the means by which the relevant parties form an agreement about actions, payments and responsibilities. The variation from the delivery of standard or trade services are considerable compared to standard council contracts – the preferred artist has convinced an assessment process not just on value for money and capacity to deliver, but on a vision and a capacity to present something special and unique. It is important that the contract captures these special qualities.*

Alison Fraser and Carol Atwell,  
Guidelines For Successful Commissioning Public Art Guidelines

Standard contracts provided by the Arts Law Centre are practical and straightforward and recommended as a model. These can be obtained from the Arts Law Centre of Australia (Sydney) or from the Arts Law Referral Service (Melbourne). These contracts are used to form the basis of Moreland Council's contracts with artists for major public art projects.

## **PART TWO: PRACTICAL GUIDELINES**

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### Intellectual Property

Commissioners should observe Intellectual Property standards regarding acknowledgement, reproduction rights, re-installation etc as per the guidelines provided by the Arts Law Centre.

### Insurance

All relevant insurances must be considered and documented as part of the contract.

**Public Liability Insurance** provides protection for the artist from any claim that may result from an accident to another person during construction, fabrication or installation. Once an art work has been installed and ownership assigned to another party, public liability insurance becomes the responsibility of the owner.

**Professional Indemnity Insurance** responds to claims regarding poor advice and any loss or damaged suffered as a result of this advice. Artists not only have difficulty obtaining professional indemnity insurance, but this may consume a considerable part of a modest project budget, making the project unviable for the artist. If professional indemnity is required, then the commissioning body should consider taking responsibility for this.

**Insurance for the Art Work** itself may be required during construction or fabrication. This is to protect against accidental damage, fire, theft etc. for which the artist may need to pay costs.

## PART TWO: PRACTICAL GUIDELINES

### Council’s Process for Commissioning Public Art

The Compulsory Competitive Tendering Code for Local Government forms the basis of Council’s approach to commissioning artists to create new public art works.

Moreland Council’s corporate procurement policy determines the quotation process depending on monetary value as well as level of risk.

As part of the procurement process for public art services and products, Council Officers undertake a risk assessment which includes consideration of reputational risk, financial risks, and risks associated with site selection.

It should be noted that Council’s process for commissioning public art works involves the incorporation of a wider range of stakeholder views and external advice than in many other areas of Council procurement. This takes into account some of the sensitivities which can be attached to the selection and presentation of art in the public realm.

Commissioning Fee	Commissioning process	Additional notes
0 - \$2,999	<p>Artists may be approached and asked to provide a written quote.</p> <p>Alternatively, Expressions of Interest may be sought and a selection from these may be made by the Public Art Officer and/or by a small panel including the Public Art Officer and other relevant Council Officers, and/or a member of the Moreland Arts Board with appropriate expertise.</p>	<p>This process allows for relatively quick responses to opportunities small scale projects.</p> <p>It is also an appropriate process events or projects such as the MoreArt public art show which provides a platform from which ephemeral or temporary works are presented by a range of artists at a low cost.</p>
\$3,000 - \$4,999 “Low Risk”	<p>Artists may be selected by the Public Art Officer in consultation with the Unit Manager Arts and Culture and approached directly to quote on a work.</p> <p>Alternatively, Expressions of Interest may be sought and a selection from these may be made by the Public Art Officer and/or by a small panel including the Public Art Officer and other relevant Council Officers, and/or a member of the Moreland Arts Board with appropriate expertise together with the Unit Manager Arts and Culture</p>	<p>Smaller, low-risk commissions (to a maximum value of \$5,000) allow Council to provide opportunities for emerging and less established artists to be engaged on a smaller scale, with less risk attached.</p>

<p>\$3,000 - \$4,999 “High Risk”</p>	<p>Expressions of interest sought from at least 3 artists</p> <p>Detailed proposals from shortlisted artists are assessed by a panel comprising appropriately qualified Council Officers and the Unit Manager Arts and Culture. Where relevant, external advisors with specialist expertise and knowledge in public art may also be consulted.</p>	<p>These smaller commissions create opportunities for more established artists to be engaged to create small scale permanent works, or for lower cost innovative temporary or ephemeral works which may potentially attract more public debate than “low risk” works.</p>
<p>\$5,000 - \$29,999</p>	<p>Expressions of interest sought from at least 3 artists.</p> <p>Shortlisted artists invited to develop their proposals, for a modest fee.</p> <p>Detailed proposals from shortlisted artists are assessed by a panel comprising appropriately qualified Council Officers and where relevant, external advisors with specialist expertise and knowledge in public art.</p>	<p>This type of selection process allows for quick response to opportunities as they emerge while also streamlining processes for projects which are planned as part of broader strategies such as place making.</p> <p>The Many Hands of Glenroy project is a good example of a highly successful project which was commissioned through this type of method.</p>
<p>\$30,000 plus</p>	<p>Three written quotes</p> <p>Shortlisted artists are invited to develop their proposals, for a modest fee.</p> <p>A recommended selection is made by a professional and community selection panel comprising: Public Art Officer and representatives from other Council Departments who will be involved in the project Unit Manager Arts and Culture Professional artist/ Public Art Professional or Curator Suitably qualified representative of Moreland Arts Board Ward Councillor and/or Councillor representative on the Arts Acquisition Committee</p> <p>Recommendations for the selection of artists/the proposed artwork are presented to Council for its final decision.</p>	<p>These are major and significant, lasting works.</p> <p>A broadly representative and suitable qualified selection panel comprised of appropriate officers, as well as industry advisors and Councillor(s) provides a highly transparent, rigorous and considered selection which is then presented to Council for formal endorsement.</p> <p>A detailed report including the benefits of the proposed selection, any significant risks is prepared. Councillors are informed of the nature of the work, any associated risks and how these are to be managed</p>

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## **Managing Risk**

### Reputational risk

Council can mitigate against any potential risk to reputation by:

- Adopting and promoting a professional and transparent selection process,
- Developing and implementing and documenting appropriate stakeholder analysis and consultation strategies for new works
- Developing and implementing marketing , community engagement and promotional strategies for public art in general and for specific projects as required
- Managing public debate in a way which allows for the expression by Councillors of individual subjective responses while promoting public understanding and respect for the organisation's rational and transparent processes

### Financial Risk

Detailed scoping of the staging and requirements for major public art construction is required in order to mitigate financial risk.

### Risks associated with Site Selection

Risks associated with specific sites should be assessed and addressed as part of the project planning process. These might include for example:

- Geo technical issues
- Cultural issues associated with appropriateness and identity.
- Heritage considerations
- Stewardship
- Development limitations /permits

# **PART TWO: PRACTICAL GUIDELINES**

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## **Maintenance**

The following maintenance considerations should be included as part of the development of the brief for all new public art works:

- The intended life of the work ie temporary/specified number of years/permanent
- The materials to be used, and their durability
- The environment in which the work is to be located (including dampness, extreme wear and tear, etc.) and how this might affect the work's durability/longevity;
- Who will be responsible for repairing the work if it is damaged or has deteriorated. In most cases, it is likely that the best person to repair the work will be the artist. This arrangement should be covered within the Artist's contract
- How the costs for maintenance and repair will be met
- When the work might be considered to be damaged beyond repair, how this will be determined, and where practicable how it will be communicated to the artist

Once the construction and installation of a public art work is completed, copies and details should be retained of:

- Concept drawings
- Engineering drawings and specifications
- Information on materials used including grades or standards and dimensions of the work
- Fixtures and fittings
- Finishes including paint brands and code numbers or formulas for patination
- Electrical, mechanical or hydraulic pump systems installed

In the case of Council's existing public art collection, Council will regularly review its maintenance schedule for all works across the municipality and will also respond within its existing resources and maintenance budgets to unanticipated damage or deterioration of works.

This will include a maintenance schedule by Open Space or other Units for items which they commission directly. A separate maintenance schedule will be maintained and implemented by Arts and Culture for those public art works which it commissions or is responsible for.

## **PART TWO: PRACTICAL GUIDELINES**

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### **Gifts and Sponsorship**

Council's response to offers of gifts and sponsorship of public art by private/public donors will be guided by a consideration of:

- Whether the proposed public art work is compatible with relevant plans for the proposed site including Master Plans, and/or character guidelines and/or social, cultural, economic, and environmental aims for that location and site
- Relationship with other public art works already existing within Moreland
- Installation, on-going maintenance and any other costs associated with acceptance of the gift
- Provenance of the work

### **Decommissioning and Re-Location**

Decommissioning of a public art work may be necessary or appropriate when:

- The site is to be re-developed
- A work becomes unsafe
- A work deteriorates or is damaged beyond reasonable repair
- A work is deemed to be no longer appropriate to that particular site

Decisions regarding the safety of a work, the feasibility of its repair, or the process for its removal will be made in consultation with relevant Officers and a clause outlining the process for managing this possibility should also be written into the Artist's Contract. Where this has not been the case, where practicable, the artist should still be consulted with regard to decisions to dispose of the work.

Occasionally it is appropriate for a work to be re-located from its original site to a different site. When the work has originally been commissioned for a particular site the artist should, where practicable, be consulted regarding its re-location.