

GUIDELINES FOR DEVELOPERS

COMMISSIONING PUBLIC ART IN DEVELOPMENTS WITHIN THE CITY OF MELVILLE

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These notes refer to the City of Melville Policy <u>LPP1.4</u>

<u>Provision of Public Art in Development Proposals</u>. The Policy should be read in conjunction with these Guidelines.

PUBLIC ART DEFINED

Public art can be broadly defined as being contemporary works of art, located in the public realm accessible to a wide audience. The defining principle for public art is that it is work created by an artist for the purpose of enhancing a public space.

Public artworks might be designed solely by a professional artist or as part of a design team including an artist and other design professionals.

The public arena refers to those places designed for public life - parks, streets, city squares, building facades.

WHY PUBLIC ART MATTERS

Artwork can enhance the overall quality of a development project and give it a unique character, not achievable in other ways.

Tenants like artwork and the identity it gives a building.

Some developers feel strongly that works of art increase the value of the property itself and others have found that spending money on public art can generate as much publicity as a public relations campaign, garnering goodwill in the process.

Public art is an important element of place making - the creation of a local identity or sense of place is an essential part of cultivating a feeling of belonging for a community and pride in its environment, which in turn, are key generators of social capital. Public art enriches and enhances our lives by:

- creating a sense of place;
- enhancing our experience of a public space;
- improving wellbeing and social connectedness;
- assisting in way-finding, providing meeting places and focal points;
- creating regional distinctiveness;
- giving meaning to a place by interpreting local stories, history and culture;
- celebrating community values, diversity and build civic pride;
- increasing amenity and activating usage of a site;
- being a driver of economic development; and educating and drawing attention to significant issues.



PUBLIC ART PRINCIPLES

THE CITY OF MELVILLE ENDORSES THE FOLLOWING PRINCIPLES WHEN DEVELOPING NEW PUBLIC ARTWORKS:

- Excellence and Expression public art that values artistic excellence and contextual appropriateness, ensuring works are site specific and sensitive to the environment.
- **Identity** Reinforcing the City of Melville's identity and local knowledge with public art that weaves together culture, people, neighbourhoods and ideas; celebrating community aspirations.
- Connectivity public art which highlights physical and contextual linkages between urban and riverside neighbourhoods, between new and existing pieces, and between the individual and the community.
- Best Practise Providing a benchmark of best practice procurement methods and outcomes so that the City's public art program and Developer Percent for Art program actively contribute to City of Melville's wider cultural and commercial goals.

A detailed explanation of these principles is available on the website: https://www.melvillecity.com.au/things-to-do/museums-arts-and-culture/public-art

Cash paid in lieu of providing public art contributed to Coming of the Colours by Sohan Ariel Hayes.

A successful public artwork in a development is one where the artist is brought into the process at the early stages. It is essential the artist works closely with design professionals and the developer to produce a high quality artwork.

TYPES OF PUBLIC ART

Public Art can be defined in these categories:

Stand Alone: free standing artworks that are not part of a building such as sculptures and objects.

Integrated Artworks: works that are fully incorporated within the design of the built or natural environment (generally involving the collaboration of an artist with the design team/architect).

Ephemeral Artworks: those works that are short lived, based on a specific occasion or event and are transitory in nature. Ephemeral art describes projects that may be environmental, lighting or projection where there is no physical artwork created. The term also applies to physical works in non-permanent materials such as natural found materials that degrade as part of the art process.

LOCATIONS

Public art on private land must be visible or accessible from the public sphere. Appropriate locations include:

- Applied to or integrated into facades of buildings or walls that would otherwise remain blank, such as exposed parapet walls.
- Applied to or integrated into the ground-plane of forecourts or public walkways.
- Integrated or functional art such as gates, seating, furniture, shade canopies or similar.
- Stand-alone or suspended works in landscaped or hardscaped areas or property setbacks.

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THE CITY OF MELVILLE'S PROCESS FOR PUBLIC ART IN DEVELOPMENT PROPOSALS

Developer public art proposals are aligned with the planning application process via the following touchpoints:

- Development Application
- Public Art Assessment Panel
- Completion Prior to Occupancy Permit issued.

DEVELOPMENT APPLICATION

Where Public Art is required, development approvals will be conditioned with this requirement. Applicants are to provide details of the proposed Public Art to the City in an <u>Application for Artwork Approval Form.</u>

In the absence of this information the City will assume that compliance with the requirements of this policy will be met via the cash in lieu option.



PUBLIC ART ASSESSMENT PANEL

The City's Public Art Assessment Panel meets every 6-8 weeks to assess proposals. The Panel is comprised of officers with Public Art and Planning expertise, along with peer assessors who work in public art.

Documentation is required two weeks prior to the meeting date in order to be assessed.

The Panel will determine if the proposal either satisfies or does not satisfy the public art condition of planning approval in accordance with the City's policy. The Applicant will be notified of the outcome in writing. Where the Panel requests more information or recommends changes to the proposed artwork, these will also be provided to the Applicant in writing and, where necessary, the amended proposal will be referred back to the Panel for further assessment.

COMPLETION PRIOR TO OCCUPANCY

The approved artwork must be completed prior to the initial occupation of the development and a <u>Notification of Artwork Completion Form</u> submitted to the City.

CASH IN LIEU OPTION

Cash in lieu is a great alternative to commissioning public art, for developers who may not want to add public art commissioning into their building schedule or are unsure of a quality public art outcome. Some developments may have limited locations in the public realm for the installation of public art.

You can opt to provide cash in lieu of public art in your development. The City should be advised of this in writing and an invoice will be issued for the cash in lieu value. A 15% discount is applied to cash in lieu payments made for developments up to 10 million dollars.

The money is held in trust and spent within five years. Cash in Lieu funds are used by the City of Melville to commission artworks in the same neighbourhood, thereby still providing improved amenity and cultural benefits to the immediate residents.

There are a number of examples of City commissioned 'cash in lieu projects' throughout this document. Refer to pages: 3, 13, 14, 17 & 24.

STEP-BY-STEP TO DEVELOPING A PUBLIC ARTWORK IN THE CITY OF MELVILLE

- 1. Talk to the City of Melville (pre lodgement stage)
- 2. Identify public art opportunities in your development
- 3. Prepare Artwork Brief
- 4. Source Professional Artist
- 5. Contract Artist
- 6. Submit your Application for Artwork Approval Form.
- 7. City of Melville assessment and notification
- 8. Fabrication and installation of artwork
- 9. Artwork Completion and occupation of development
- 10. Submit Notification of Artwork Completion Form



1: TALK TO THE CITY

Before you commence your public art commission, contact the City of Melville to discuss your project and process for commissioning Public Art for your development.

Developers may choose to manage the Public Art component internally or contract a Public Art Consultant. For some developments, the expertise and capacity to manage the Public Art project may be sourced internally however engaging a professional art consultant will make a difference to the quality of the artwork and value of your public art investment.



PUBLIC ART CONSULTANTS

- By contracting an art consultant in the early stages
 of the project, the consultant will be able to liaise
 with developers, architects and other stakeholders
 regarding how to best integrate artwork into the
 development.
- Consultants should be responsible for managing all aspects of the Public Art procurement, in liaison with the developer/commissioner. They should have Public Liability Insurance of at least \$5 million and Professional Indemnity Insurance of at least \$1 million.
- Fees for art consultants can be included in the Public Art budget however should not exceed 15% of the budget.
- A person who is contracted to manage the procurement of the public art project on behalf of the developer. The PAC/AC will have extensive prior experience in managing similar projects.
- No Public Art Co-ordinator under consideration for a public art in developments project may have a familial relationship to the Developer or have financial interest in the development.

2: IDENTIFY ARTWORK OPPORTUNITIES

When identifying opportunities for Public Art in your development it is useful to review your plans for the development and the public spaces within the site, then consider the types of Public Art that might be suitable for these spaces and your overall development.

Consider themes, heritage of the site, community and future users of the development, the surrounding environment and anything that might be relevant to or impact on a site-specific artwork. These details will form the basis of your artwork brief.



\$50,000-\$100,000 Projects: by Magali Dincher & Erik Guittiere for SOO/S Architecture

3: THE ARTWORK BRIEF

An artwork brief sets parameters for the Public Art project such as:

- style, size and purpose of your building;
- preferred location/s of the proposed artwork;
- themes or references to any historical material which are to be included;
- range of materials to be used in the artwork (if required or preferred);
- time schedule:
- budget;
- safety and industrial issues to be considered by the Artist;
- legal and insurance requirements for the Artist (such as copyright, ownership and evidence of public liability insurance);
- Artists should have Public Liability Insurance of \$10 million.
- requirements of documentation and communication between the Artist, Developers/Architects/Commissioner and the City of Melville; and
- The selection criteria for the Selection Panel to shortlist the artists and information required from the artist in their submission such as;
 - a written response to the brief;
 - an Artist CV; and
 - images of past artworks.
- The brief should not dictate the design of the finished artwork but be flexible and open to enable a creative response.

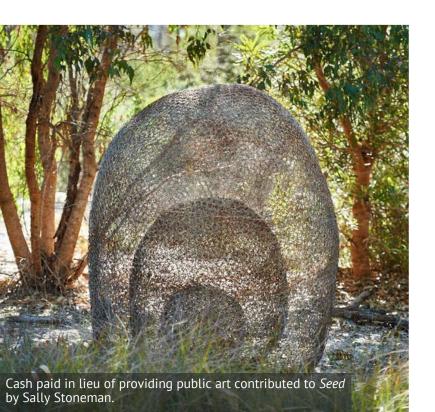
THE CITY'S PUBLIC ART STRATEGY

The City of Melville Public Art Strategy & Masterplan provides a Vision, Curatorial Themes, and Context for public art within the City of Melville for developers to reference when developing an artist brief.

The Masterplan can be used to ascertain Local Character and Artwork Aspirations for the relevant area and assist in guiding the development of artwork opportunities.

Our vision for this document is to showcase the unique network of places and neighbourhoods within the City of Melville, highlighting the heritage and diversity of community narratives, and encourage residents, and visitors to continue to discover and connect with the City.

This document is available to download from the <u>City of Melville</u> <u>website.</u>



CURATORIAL THEMES

HABITAT: Habitat is what anchors us to place, nurturing and strengthening our sense of self and the community's collective identity.

PLAY: Play is important to our sense of social, emotional and physical well-being, whilst qualities connected to play such as humour, fun and engagement can brighten, inspire, and relax.

BELONG: Our sense of belonging is richly diverse and individual, yet it is also about our connection to each other, to our community, to our traditions, to our past and to our future.

4: SOURCE AN ARTIST

A professional visual artist can be defined as a person who fits into at least two of the following categories:

- a person who has a tertiary qualification in the visual arts, or when the brief calls for it, otherart forms such as multi media;
- a person who has a history of exhibiting their artwork at reputable art galleries that sells the work of professional artists;
- a person is represented in major public collections; and
- a person who earns more than 50% of their income from arts related activities, such as teaching, selling artwork or undertaking public art commissions.

In some cases this definition may be relaxed where it may be specified for a particular project. For example, a project involving emerging artists, Indigenous artists, students or street/urbanartists.

No artist under consideration for a public art in developments project may have a familial relationship to the Developer or have financial interest in the development.



Your commissioning approach will depend on the objectives of your Public Art project, the budget and your procurement requirements. The most common methods of commissioning Public Art for developments are listed on the next page.

COMMISSIONING MODEL WHEN TO USE THIS MODEL **PROCESS** Commissioner selects one Smaller budget available artist based on previous **Direct Commission** A particular artwork or work and invites artist to artist's work is required. develop a proposal (in response to an artwork brief). Artist is contracted to develop concept design and undertake the project. Commissioner selects a The artist is required to Curated Longlist / number of artists based work in collaboration with Limited Competition an architect/ design team. on the style of their artwork, materials they This model suits most work with or their and allows budgets (experience with similar several responses to the public art projects. brief and budget). Commissioner invites artists to submit a proposal (in response to an artwork brief) for a fee. Commissioner selects preferred artist. Artist is contracted to develop concept design and undertake the project.

COMMISSIONING MODEL WHEN TO USE THIS MODEL **PROCESS** Commissioner calls for Encourages a broad range Open Competition / Request Expressions of Interest / of responses to the brief. for Quotation Ouotations from artists in • Tests the market to ensure response to artwork brief good value for money. (CV, images of previous • Allows full transparency work and a short and best practice. statement about how they would approach the project). Commissioner shortlists (usually 3) artists to develop and present a concept design for a fee. Commissioner selects preferred artist. Artist is contracted to undertake the project. Notify your Planning Limited locations for Officer of your intent to Cash in Lieu Payment artwork in the public pay cash. realm. Pay the invoice sent by the • Can be appropriate for City to clear your planning small budget projects. condition. Limited capacity for • The City will use the funds managing a quality to provide public art within commissioning process. your neighbourhood. • To receive a 15% discount on developments under 10 million.

5. CONTRACT ARTIST

The following areas should be addressed in your contract with the artist:

- 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; and
- return of original materials.



6. DESIGN DEVELOPMENT

Once you have contracted your artist you can begin design development. During this process you may wish to organise a meeting with the City of Melville for a preliminary design discussion. This can be useful prior to finalising your documentation for submission to the City for assessment.

Note: Conflicts of Interest

Where an art consultant or artist has a familial relationship to the Developer or financial interest in the development, the Developer/Applicant should disclose that relationship or financial interest to the City in their Application for Artwork Approval Form.



7. ARTWORK APPLICATION

The Application for Artwork Approval Form is to be completed and submitted to the City of Melville.

Supporting documentation required includes:

1. Description of proposed artwork

- Artist information (CV, qualifications, experience and suitability for the project)
- Artwork concept (artwork description including themes or historical references)
- Artwork's relationship to the building design and surrounding area, location, size, materials, life span and accessibility to the public.

2. Artwork documentation

Please attach artwork documentation which includes drawings of the proposed artwork showing colours, materials, dimensions and an indication of maintenance required.

3. Location of proposed artwork

Please attach plans that show the proposed artwork location in relation to the building and site, as well as day and night perspective views (i.e. showing lighting elements).

4. Artwork budget

Please attach a detailed artwork budget, including any quotes received to date for manufacture and installation. Cost calculations of the proposed public art can take into account the artist's fees, consultant's fees, labour costs, materials, installation, operating costs and costs of any required permits or approvals.

NOTE: Where the public art is designed to replace a functional and/or required part of the development, such as a balcony balustrade, the cost calculation shall reflect the difference between the provision of the standard component and the cost of the artist prepared component.



NOTE: No more than 15% of the public art budget on any given project shall be used for professional consultancies and/or for administration purposes. Administration fees need to be itemised.

5. Contract between the developer and artist

- Please attach a copy of the contract between the developer and artist.
- Please attach details of public liability insurance for the artist.

6. Artwork completion:

It is a condition of approval that the artwork be installed prior to the first occupation of the development. Should an extension of time for installation of the approved artwork be required, please contact the City of Melville in writing with your request to extend the artwork completion date.

8. ARTWORK ASSESSMENT

Proposals are referred to the City's Public Art Assessment Panel for review. The Panel ensures overall consistency in procurement and approaches to the installation of Public Art in developments throughout the City.

Public art proposals will be assessed against the Policy criteria addressing the following:

- a) Public Access: the artwork must be clearly visible to the public realm and must positively impact the visual amenity of the development.
- **b) Concept:** the artwork is designed by an artist that shows strong vision, innovation, and excellent craftsmanship. The proposed artwork is unique and provides an opportunity for public engagement or is functional (where appropriate).
- c) Context: the artwork is site specific and considers the relevant themes, architectural, historical, geographical and/or sociocultural context of the site and community identity.
- **d) Public safety:** the artwork is designed, constructed and installed with best practice risk management and the artwork does not present a hazard to public safety.
- e) Longevity: the artwork is designed to be structurally sound and resistant to theft, vandalism, weathering, and excessive maintenance.
- f) Budget: The budget should reflect value for money and be to the value of no less than 1% of the total cost of the development. Where Developer project management or administration costs are reflected in the budget, these need to be itemised.
- **g) Special conditions:** the artwork must be consistent with any relevant structure plan or public art strategy and adhere to any special conditions applied by the City.

Once the Public Art has been approved and your Development Application approval issued, the artist can begin fabrication.

9. ARTWORK COMPLETION

The artwork must be installed prior to the first occupation of the building and/or issue of a Permit to Use unless otherwise requested and agreed to in writing by the City of Melville.

- The artist should provide a care guide and maintenance schedule (Maintenance Manual) for the artwork.
- It is industry best practice for the public artwork to have a defect liability period of twelve months from the date of completion (this does not include fair wear and tear).
- The artwork must be maintained for the life of the development. Maintenance of Public Art on private property shall be undertaken by the landowner.

On completion of the artwork, Notification of Artwork Completion Form should be submitted to the City of Melville.

Information required to includes:

- details of the artist:
- details of the suppliers/manufacturers/installers;
- care guide/maintenance schedule for the artwork;
- certified drawings of the artwork (where applicable);
- photographs to a professional standard (preferably in high and low resolution).

Public Artworks shall be provided with a plaque or similar, by the developer which states:

- a. Title of the artwork (most prominent text);
- b. Artist's name:
- c. Year the artwork was commissioned;
- d. The name and or logo of the commissioner;
- e. Details of any partner organisations or funding bodies.

CELEBRATE!

A media release about the Public Art project can provide an excellent publicity opportunity for your development.

You may also like to consider a launch or opening of the artwork which can create a sense of occasion for a newly completed development.



\$200,000+ Projects: Varifold by Stuart Green for Finbar

LINKS



<u>Proposals</u> (LPP1.4)

City of Melville Public Art Resources: www.melvillecity.com.au/publicart

<u>Application for Artwork Approval Form</u>
Notification of Artwork Completion Form

Other Relevant City of Melville Documents:

<u>Melville City Centre Structure Plan</u> and <u>Public Art Strategy</u>

<u>Murdoch Mixed Use Precinct Activity Centre Structure Plan</u>

and <u>Public Art Strategy</u>

<u>Canning Bridge Activity Centre Plan</u>

Other:

Arts Law Centre of Australia www.artslaw.com.au

National legal centre for the arts, providing legal advice for arts related matters and sample agreements including a Public Art and Design Commission Agreement.

Department of Culture and the Arts
www.dca.wa.gov.au
Information about the State Government's Percent for Art
Scheme

NAVA

www.visualarts.net.au

NAVA provides a Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector, which is the national standard of best practice for professional engagement of artists and includes a schedule of pay rates for artists.

CITY OF MELVILLE CONTACTS

10 Almondbury Road, Booragoon WA 6054

Planning Services (08) 9364 0285 or 1300 635 845 PBAdmin@melville.wa.gov.au

Cultural Services
Cultural Development Officer - Arts
(08) 9364 0645
Hannah.katarski@melville.wa.gov.au
arts@melville.wa.gov.au



\$20,000-\$30,000 Projects: Between River and Sea by Chris Nixon

ART CONSULTANTS

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Paola Anselmi

paola@paolaanselmiart.com.au

ARTWORK PLAQUE TEMPLATE

Logo / Crest of Commissioning Body (optional)

Title of the artwork (most prominent text)

Artist: Artist's name
Year the artwork was commissioned

Artist's statement (optional to assist in interpretation of the artwork or at the artist's request)

Commissioned by: name of commissioning body and any partner organisations or funding bodies.

\$200,000+ Projects: Defender of the Empire & Commonwealth by Anne Neil

GLOSSARY OF PUBLIC ART TERMS

Applied Artwork: artwork that is applied to a façade or a mural on a wall.

Community Art: artwork that is produced by a qualified artist with the involvement of community members or groups, such as local residents or school students.

Exchange Artworks: Artwork (variety of scales and forms) that encourages significant interaction, participation or builds education/ awareness

Functional Artworks: where the primary purpose of the element is utilitarian such as seating, lighting, bollards, rubbish bins, bike racks, shelters and paving. These can vary in form, scale or quantity, dependent on the location. Functional works can reinforce a design aesthetic or thematic concern and be playful, delightful or sophisticated (Also known as Industrial Artworks).

Ground Plane Artworks: form part of the ground in a public setting and are designed to be viewed closely by pedestrians in the space. These artworks can create opportunities for an intimate and personal engagement between the work and the viewer. Ground Plane works are useful as a way finding tool.

Heritage/Memorial: artwork designed to recognise the history or cultural heritage of a place, or to commemorate a person or past event.

Indigenous Art: cultural, heritage or contemporary artworks that are specifically commissions for Indigenous artists and/or to have involvement of local Indigenous people.

GLOSSARY CONTINUED

Interactive Artworks: are works that are designed to encourage a tactile response. They can offer more than merely touching the artwork by incorporating sound, digital imagery, projection and lighting or kinetic works that respond to public or environmental interaction.

Interpretive Artworks: where the primary purpose of the artwork is to tell a story, describe, educate or comment on an issue, event or situation.

Intervention Artworks: provoke an idea or thought or an element of surprising often in an unexpected location.

Landmark Artworks: could be considered a signature or icon for a city. Large in scale or ambitious in concept, such works tend to be major stand-alone commissions and not part of a capital works project. These artworks can be freestanding and have approaches that are largely independent of other considerations (Also known as Iconic Artworks).

Marker Artworks: Medium to large scale artwork located at key focal points. These types of artworks can provide an entrance statement or act as a gateway to a precinct. Medium Scale/Human Scale Artworks: are artworks approximately the size of an average person. These artworks are easily interacted with and are accessible to pedestrians.

Navigational Artworks: Artwork in a variety of scales and forms that act as a wayfinder or directional indicator.

Nodal Artwork: an artwork that comprises of a series of component parts and a central focus element.

GLOSSARY CONTINUED

Permanent Artworks: refers to public art with a lifespan of at least twenty years.

Plaque: a flat tablet or sign, affixed to an object, building or pavement, of metal, stone or other appropriate material, which may include text and/or images in order to provide interpretive information. Plaques may identify an artwork, commemorate a person, place, object or an event and/or provide historical text or information relevant to its location.

Site Specific Artworks: designed specifically for and responding to a particular site through scale, material, form or concept.

Street Art: may include spray or aerosol art, stencils, sticker art, paste-ups (wheat pasting and poster art), video projection, art interventions, guerrilla art, flash-mobbing and installations.

Temporary Artwork: refers to artwork that is made to last for a specific duration for example, one week or one year. This may include one off or scheduled events such as outdoor exhibitions or installations. The dynamic nature of temporary works are an important place activation tool.

Textural Artworks: are small in scale, often items of architectural, streetscape and landscape detail, which contributes to the local character of a place.

Transition Artworks: provide an element that links one space to another such as an internal to an external public space or a hardscaped space to a landscaped space.