

Draft

Nillumbik Shire Public Art Implementation Guidelines 2019-2022

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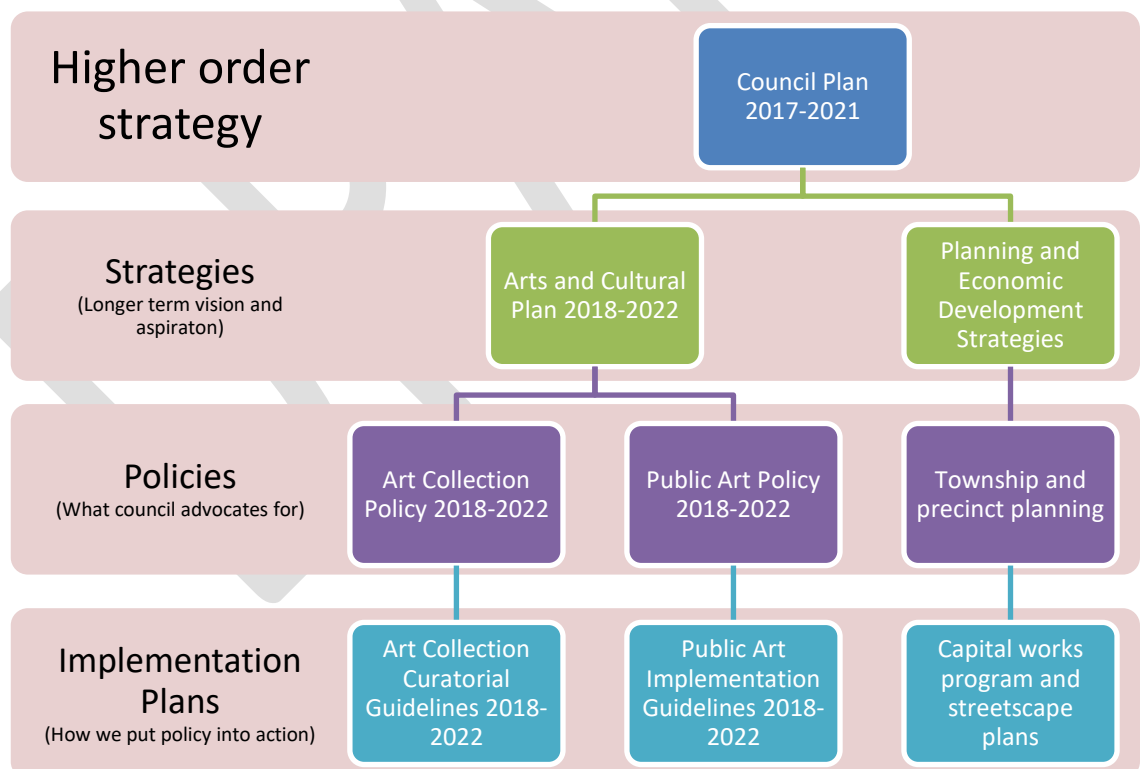
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1. Introduction

Creative life is synonymous with the culture of the Shire of Nillumbik. Nillumbik is steeped in artistic tradition, from the early Australian Impressionists to the establishment of artist communities at Montsalvat and Dunmoochin. Such legacies have continued with the strength of today's community arts practices and professional contemporary artists representing Nillumbik at local, regional and international levels.

Nillumbik Shire Council values the interpretation of the Shire's local culture and heritage as expressed through the arts. As such, Council actively commissions contemporary public artworks that speak to Nillumbik's culture. The Nillumbik Shire Art Collection, of which Council is custodian on behalf of the community of the Shire of Nillumbik, houses 15 significant public art works.

The Nillumbik Shire Public Art Policy 2019-2022 confirms Nillumbik Shire Council's commitment to, and investment in, public art. The Nillumbik Shire Public Art Implementation Guidelines 2019-2022 provides a curatorial framework based on Council strategy and industry best practice to guide the commissioning process. Both documents are inter-related and should also be read in conjunction with the *Nillumbik Shire Art Collection Policy 2018-2022* and the *Nillumbik Shire Art Collection Curatorial Guidelines 2018-2022*.



2. Public art definition

Permanent or temporary site-specific contemporary art integrated into public space, parks or public facilities, designed to stimulate the community and enhance a sense of place. Public art usually falls into two categories, ephemeral and permanent public art.

2.1. Ephemeral public art

Temporary public art with a life-span ranging from fleeting (such as participatory art, performance art and buskers) to five years (such as murals and installations).

2.2. Permanent public art

Permanent public artwork, requiring regular maintenance and conservation, and intended for long-term installation before decommissioning. The typical life span of a permanent public artwork is twenty years.

3. Rule of best practice

Public art should reflect the nuances of local identity, rather than replicate the culture of other communities. Successful public art is intrinsically linked to community, and is site-specific to the immediate environment in which it is located. Whether the public art is ephemeral or permanent, community engagement and buy-in from the outset of the project is vital.

4. Policy purpose

Investment in public art is tangible acknowledgement of Nillumbik's long tradition of artistic values and rich cultural heritage, and supports the development and growth of creative and cultural industries by:

- 4.1. Enabling engagement with the arts as an every day experience; and
- 4.2. Commissioning outdoor public artwork of excellence, which contribute to the integrity of the public art stream of the Nillumbik Shire Art Collection.

5. Policy scope

The *Nillumbik Shire Public Art Policy 2019-2022* ("the policy") and the *Nillumbik Shire Public Art Implementation Guidelines 2019-2022* ("the implementation guidelines") are key actions under the *Arts and Cultural Plan 2018-2022*. The policy confirms Council's position, and the implementation guidelines provide a mechanism for action. Both apply to the commissioning of public art, ranging from ephemeral public art to commissions of major public artwork to be housed in the Nillumbik Shire Art Collection in accordance with the *Nillumbik Shire Art Collection Policy and Curatorial Guidelines 2018-2022*.

Both the policy and implementation plan relate to urban design, township plans and streetscape planning, together with open space planning, place-making, the use of

the public realm and place activation. As the asset-owner of open space and built infrastructure and facilities, Council has an opportunity to utilise such public spaces for creative expression, but also has the responsibility to manage such sites, which includes the installation of public artworks.

Within the policy, a percent-for-art allocation is proposed for capital works and voluntary private developments, to ensure the cultural and creative fabric of the community is protected. The policy will invest in, and protect, the professional expertise of a public artist, quite distinct to architectural elements, design and advertising.

6. Strategic alignment

6.1. Council Plan 2017-2021

Strategic objective 2 of the *Council Plan 2017-2021* provides for active lifestyles and artistic expression through participation and innovation. Also, Strategic objective 4 provides for a strong local economy that supports business growth, jobs and community wealth with priority actions to support destination management planning, the development of the tourism industry in Nillumbik, precinct planning and township beautification.

6.2. Arts & Cultural Plan 2018-2022

Goal 2 of the *Arts and Cultural Plan 2018-2022* provides for public and participatory arts as an every day experience. This goal is based on the community's value of the natural environment, being the very essence of why people love where they live. The use of the arts in public space, and the inclusion of community in that design, creates a strong sense of belonging and custodianship of the local environment.

6.3. Nillumbik Shire Art Collection Policy 2018-2022

The Nillumbik Shire Council Art Collection houses a public art stream, of some 15 public artworks. The public artworks range from significant two dimensional visual artworks to major sculptural pieces that are site-specific and contribute to sense of place.

6.4. Arts Advisory Committee

Public art is commissioned by Council's Arts and Cultural Development unit and curated by the Public and Participatory Arts Officer ("the Public Art Officer"). For public artwork for future housing within the collection, the Public Art Officer will collaborate with the Curator to commission an exceptional major public artwork, in consultation with the Arts Advisory Committee and community.

The Arts Advisory Committee provides a formal mechanism for Council to consult with key stakeholders and seek specialist advice. The Arts Advisory Committee's role is advisory only and not a decision-making body, in accordance with its Terms of Reference, the *Nillumbik Shire Art Collection Curatorial Guidelines 2018-2022* and procurement policy.

7. Exclusions

7.1. Civic design installations and township decorations

Civic architectural design installations may create a point of interest in civic infrastructure and playgrounds, but do not constitute public art. Likewise, such installations are not housed within the public art stream of the Nillumbik Shire Art Collection. Design elements fall under the responsibility of the commissioning unit.

7.2. Memorials and monuments

Memorials and monuments are not ordinarily public art, unless, the installation is predominantly an artwork of significance, whereby a professional artist or artists has/have been commissioned and an artistic process has formed the context and development of the installation.

7.3. Interpretive signage and wayfinding

While interpretive signage and wayfinding includes design features, it is not public art. Interpretive signage and wayfinding falls under Council's marketing and signage policies. While interpretive signage incorporates artwork, its purpose is to motivate the audience to act in a certain manner, ie. learn particular information; whereas the purpose of art is to stimulate creativity, imagination or curiosity.

7.4. Advertising and design

Advertising and corporate/commercial logos and identity are not public art. While advertising and design incorporate artwork, both have a purpose to motivate the audience to act in a certain manner, ie. use a service or purchase a product, whereas, as mentioned in 7.3 above, the purpose of art is to stimulate creativity, imagination or curiosity.

8. Spectrum of public art

8.1. Ephemeral public art

Temporary public art with a life-span ranging from fleeting (such as participatory art, performance art and buskers) to five years (such as murals and temporary installations)

8.1.1. Street art

On the periphery of the public art spectrum is art in the public domain that is not commissioned through public funds, commonly referred to as street art. It may be that the artwork is commissioned by private landowners, such as publicly facing external wall murals. Alternatively, the artwork may be uncommissioned, such as graffiti or an uncommissioned installation.

8.1.1.1. Uncommissioned street art

Freedom of expression can also be creatively displayed through other forms of uncommissioned street art installations in the public realm. More often than not such interventions

are intended to draw attention to a particular cause, such as the Welcome To Eltham's *Butterfly Project*, or Eltham Town Square's anonymous *Postcard from Nauru*.

When considering graffiti in the context of uncommissioned street art, it is important to understand the genre as a sub-cultural practice. With deep-set roots in the expression of freedom, the practice is generally adopted by crews as competitive and territorial messaging, with the less experienced writers developing one's skills in what the mainstream community regards as "tagging". As the writer develops one's skills, the tags become more elaborate and evolve into a practice of street art that the mainstream community accepts, and even appreciates. The graffiti genre can further evolve into various other mediums including stencilling and past-ups.

Nillumbik experiences low levels of tagging and even lower levels of graffiti. Much of that relates to Nillumbik's urban environment, with few industrial sites and walls for crews to utilise. If approaching uncommissioned street art as a crime prevention issue, the statistics show in the *Shire of Nillumbik Graffiti – ASB Audit 2018* that, aside from a decided spike in 2016, there has been an ongoing decline in residual graffiti in Nillumbik from one year to the next since 2012.

8.1.1.2. Commissioned street art and murals

It is important to understand the sub-cultural context for graffiti, particularly in reconciling regulatory policy and commissioning programs, both privately and publicly. It becomes a particularly vexed issue, when commissioning a street art mural from the very same artists (or indeed sub-cultural community) that are prosecuted for uncommissioned street art or graffiti. Equally, given the sub-cultural issues, there are many elements of wall "ownership", territorial rules, hierarchy, and other sub-cultural protocols, that require a commitment by the commissioning organisation to navigate appropriately by engaging with crews.

There is a growing appreciation of street art and murals, community and private land owners see this genre as an opportunity for precinct beautification. Done well, and engaging with crews and community, there are opportunities for strong social outcomes, including harm minimisation and prevention.

Successful mural projects as a graffiti prevention measure have engaged with the crews and commissioned their artists. It is therefore important that rhetoric be congruent with

supporting emerging artists, and focussing on harm minimisation, if the intention is to develop a mural culture.

8.1.2. Busking

Busking is a performing arts form of street art, and provides much opportunity for place-making. To date Nillumbik has not received any busking applications but this may be due to cost and other prohibitive factors.

8.1.3. Participatory arts

The participatory arts discipline specifically relies upon audience participation as part of the creative process, so that the act of participation is integral to the activation of the artwork. This is quite distinct to traditional engagement with the genres of visual arts or performing arts. Participatory arts is wholly experiential, and specifically seeks to actively engage audiences through visual, auditory or physical interventions as part of the artwork's output. Again, participatory arts contribute to place-making and can serve to challenge ways of seeing or inspire new thought processes.

8.2. Permanent public art

Permanent public artworks intended for long-term installation, require regular maintenance and conservation, before decommissioning. The usual expected life-span of a permanent public artwork is 20 years.

8.2.1. Place-making

There is a fine line delineating between public art and community art, particularly with civic works such as playground redevelopment and the inclusion of creative installations that involve much community engagement. Community art is defined as community-owned ground-up initiatives, whereas installations that are instigated and project managed by Council with community engagement is considered a place-making initiative.

8.2.2. Major public sculpture

Major sculpture and installations are significant commitments that serve civic design, and site-specific township beautification. The Nillumbik Shire Art Collection houses some 15 major public sculptures and installations. These range from significant community artworks to sculptures by leading Australian artists with international standing.

8.2.3. Sculptural memorials and monuments

Memorials and monuments that are predominantly an artwork, whereby a professional artist or artists has/have been commissioned and an artistic process has formed the context and development of the installation, may meet the criteria for the Civic Collection stream of the Nillumbik Shire Art Collection.

9. Private and community commissions

9.1. Private mural commissions

Any land owner is at liberty to commission a mural on their privately owned wall. Depending on the site and the works involved, planning permits may apply and land-owners should enquire directly with Statutory Planning in this regard. Conversely, an artist may identify a particular wall for the purposes of undertaking a mural and written permission from that land owner would also be necessary.

In commissioning a mural artwork, consideration should be given to heritage and other overlays applicable to the site, the expertise of the artist, payment to the artist according to rates set by the National Association for the Visual Arts (NAVA), occupational health and safety equipment and measures to protect the artist(s) and any public users of the space, traffic management (if applicable), anti-graffiti protection coating, ongoing maintenance, and the life-span of the artwork and decommissioning.

Council is not responsible for costs or the commissioning process. However, if, assuming there is a community cultural development aspect to the project, it may be eligible for funding through the Arts and Cultural stream of the Nillumbik Community Fund. Such applications are assessed according to the criteria of the grant program in addition to the criteria set out in 9.3. below, with no guarantee as to the funding outcome.

Council does not manage ongoing maintenance of the privately-commissioned mural, which rests with the commissioning organisation or private land owner. Nor is the mural housed within the Nillumbik Shire Council Art Collection.

9.2. Public/private partnership model

There are opportunities for joint projects between private land owners and Council, which lend to resource sharing for community cultural development projects. For example, private land owners may provide access to walls, together with a contribution of resources for wall preparation, materials and scaffolding, and Council may facilitate a community cultural development project for the purposes such as harm minimisation, community safety, youth engagement or place activation.

Project management would be undertaken with strong community engagement with stakeholders and the wider community in close collaboration with relevant Council units such as Youth, Community Development and Regulatory Services.

9.3. Community-driven commissions seeking Council funding

9.3.1. Assessment criteria

Through the arts and cultural stream of Council's grant program, funding applications for public art on Council-owned land will be assessed by the Arts Advisory Committee against the following criteria:

- 9.3.1.1. Occupational health and safety, public liability insurance and traffic management safety standards are met.
- 9.3.1.2. All necessary planning and/or building permits are obtained by the applicant from Council.
- 9.3.1.3. All necessary permissions are obtained from the landholder (statutory body or private), and undertaken in the knowledge that arrangements for liability, maintenance and decommissioning will be the responsibility of the applicant and the landholder.
- 9.3.1.4. The engagement of a professional public artist or community artist, with expertise in the given field, and remunerated in accordance with the rates set by the National Association for the Visual Arts (NAVA).
- 9.3.1.5. The public artwork contributes to contemporary art practice and theory as appropriate to the project.
- 9.3.1.6. The public artwork contributes to the unique cultural identity and history of the Shire of Nillumbik.
- 9.3.1.7. The public artwork is site specific and creates a sense of place within the township in which the project is located.
- 9.3.1.8. The public artwork enhances and enriches the public spaces and its natural environment.
- 9.3.1.9. The public artwork proposal is accompanied by a maintenance and decommissioning plan, together with an undertaking by the applicant to maintain the artwork and decommission the artwork according to the plan at no cost to Council.
- 9.3.1.10. Grant program criteria should the proposal seek Council funding. Except in the circumstances outlined in 9.1. and 9.2. above, funding must relate to a project on Council land.

9.3.2. Assessment process

Private and community proposals (whether through the grants process or an independent proposal), will be assessed by the Public Art Officer against the above criteria, and referred to the Arts Advisory Committee for recommendation. In the case of grant applications, these will be approved according to the usual funding processes. In the case of private commissions, these will be approved in accordance with the levels officer delegated authority.

10. Council commissions and implementation plan

In implementing the Arts and Cultural Plan 2018-2022 and the Public Art Policy and Implementation Guidelines, Council commits to:

10.1. Ephemeral public art

10.1.1. Ephemeral public art programs

Ephemeral public art programs will be delivered by the Arts and Cultural Development unit, to meet the goals of the Arts and Cultural Plan 2018-2022 and provide a unique suite of place-making and community cultural development opportunities, as operational budgets allow. In addition to delivering outcomes under the Arts and Cultural Plan, such programs are intended to complement other service areas to support the delivery of the Council Plan priority actions, such as health and wellbeing initiatives or precinct planning and place activation initiatives.

10.1.2. Busking

Under clause 17 of the Local Amenity Law 2013, busking requires a permit and insurance. The Arts and Cultural Plan 2018-2022 supports the community's desire for art as an everyday experience and, and more specifically, greater opportunities to engage with music. Busking is renowned for providing a platform for emerging performers to pave their early career path as well as providing a unique sense of place.

In order to encourage busking and live performing arts through Nillumbik's activity centres, busking applications through a dedicated Arts and Cultural Development program will fund the permit fee and public liability insurance.

10.1.3. Hoarding boards

Hoarding boards surrounding the perimeter of building sites can be an eyesore, particularly with the posting of disparate billboards. In keeping with the local culture, and generating an investment in the local creative economy, developers are encouraged to engage local artists to utilise the hoarding boards as a canvas for temporary murals.

This requirement will be non-binding, triggered through the planning permit process. The Public and Participatory Arts Officer will facilitate the commissioning of a local qualified public artist specialising in mural artworks, with artist fees to be paid by the developer in accordance with the National Association of Visual Arts (NAVA) standard practice.

10.2. Permanent public art

The commissioning, design, manufacture and installation of permanent public art falls within the portfolio of Council's Public & Participatory Arts Officer. The Public & Participatory Arts Officer will facilitate close collaborations between the commissioned artist and community to ensure site-specificity and relevancy.

10.2.1. Place-making

As mentioned above, place-making initiatives and installations, instigated and project managed by Council, such as civic redevelopments, most commonly playgrounds and precinct planning, will be determined and prioritised by the capital works program and funded as allocated through the project budget.

The public artwork would form a key component to the project management plan. As such, the Public & Participatory Arts Officer should be included on the project working group to ensure the place-making installation requirements are incorporated from the outset of the project management plan, rather than retrofitting subsequently.

10.2.2. Streetscape works

Streetscape works provide opportunities for public art, ranging from sculpture to bespoke beautification interventions from paving and lighting to bins and balustrading in keeping with the local culture, generating an investment in the local creative economy, and instilling a sense of place. Local qualified public artists should be commissioned in the first instance, in accordance with the National Association of Visual Arts (NAVA) standard practice.

The public artwork would form a key component to the project management plan. As such, the Public & Participatory Arts Officer should be included on the project working group to ensure the place-making installation requirements are incorporated from the outset of the project management plan, rather than retrofitting subsequently.

10.2.3. Major public sculpture

Major public sculpture is commissioned in accordance with Council's Procurement Policy. The Public & Participatory Arts Officer will consult with the Arts Advisory Committee to identify suitable public artists to respond to a formal call for expressions of interest and the submission of a maquette (a scale model of the proposed public artwork for consideration). The Arts Advisory Committee will provide recommendations for further consideration through the formal expression of interest process.

Local qualified public artists should be included in the call for expressions of interest through the formal procurement process. The appointed qualified public artist will be commissioned in accordance

with the National Association of Visual Arts (NAVA) standard practice.

The design, manufacture and installation of the major public sculpture will be project managed by the Public & Participatory Arts Officer through Council's project management framework.

Major public artwork will be ultimately housed within the Nillumbik Shire Art Collection and as such will meet the criteria and processes of the Nillumbik Shire Art Collection Policy.

Percent for art for major public artwork

The standard contribution towards public art for capital works, civic precinct planning and publicly accessible developments is 1% of the project cost over \$2m project value.

The commissioning process is outlined in 10.2.3 above.

10.2.3.1. Capital works

For capital works projects relating to significant community infrastructure or renewal projects valued in excess of \$2million, the equivalent of 1% of the total project budget should be allocated to incorporate a major public artwork as an integral feature, in accordance with industry standards. This includes projects funded by sources other than Council's capital works budget, including but not limited to state and federal funded projects. The public artwork would form a key component to the project management plan.

The capital works program will prioritise locations for public art projects.

Local qualified public artists should be included in the call for expressions of interest through the formal procurement process. The appointed qualified public artist will be commissioned in accordance with the National Association of Visual Arts (NAVA) standard practice.

Major public artwork will be ultimately housed within the Nillumbik Shire Art Collection and as such will meet the criteria and processes of the Nillumbik Shire Art Collection Policy.

10.2.3.2. Developer contributions

A negotiated developer contribution scheme for publicly accessible developments with a total project value exceeding \$2million, will require 1% of the total project cost be allocated to the commissioning of public artwork as a

key element to the development. A negotiated arrangement would be triggered through the planning permit process, and specify that a qualified public artist be commissioned to develop works congruent with the Nillumbik Shire Art Collection.

Local qualified public artists should be included in the call for expressions of interest. The appointed qualified public artist will be commissioned in accordance with the National Association of Visual Arts (NAVA) standard practice.

The major public artwork would be gifted by the developer to Council and ultimately housed within the Nillumbik Shire Art Collection. As such the commission will meet the criteria of the Nillumbik Shire Art Collection Policy. When housed within the Nillumbik Shire Art Collection its ongoing maintenance and responsibility will fall under the Nillumbik Shire Art Collection Policy.

11. Public art commission budget

11.1. Art reserve fund

The reserve was created as the primary budget source to draw upon for the acquisition of significant collection assets (such as major public sculpture) and is comprised of carried over acquisition funds and insurance claims, together with philanthropic donations and fund raising endeavours towards the collection.

11.2. Operational budget

An operational budget for ongoing ephemeral public art and busking programs was included in the 2019-20 Budget Kit.

11.3. Place-making and streetscape works

To be funded through the project budget and/or capital works program, as allocated.

11.4. Percent for art contributions

11.4.1. Capital works

The equivalent of 1% of the total project budget of publicly accessible capital works projects valued in excess of \$2million, be allocated to incorporate a major public artwork as an integral feature and a key component to the project management plan.

11.4.2. Negotiated developer contributions

A negotiated developer contribution scheme for publicly accessible developments with a total project value exceeding \$2million, will require 1% of the total project cost be allocated to the commissioning of public artwork as a key element to the development. A negotiated arrangement would be triggered

through the planning permit process, and specify that a qualified public artist be commissioned to develop works congruent with the Nillumbik Shire Art Collection.

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12. Maintenance responsibilities and decommissioning

The intended life-span of ephemeral public art will depend on the nature and medium of the artwork. Such determinants will be embedded into the contract with the commissioned artist. In the case of a mural, five years is considered the optimum before de-commissioning.

In the case of major public sculpture and installations that are housed within the Nillumbik Shire Council Art Collection, the maintenance, conservation and de-accessioning will fall under the responsibility of the Curator in accordance with the *Nillumbik Shire Art Collection Guidelines 2018-2022*.

In the case of commissions on non-Council-owned land, ongoing liability, maintenance and decommissioning is the responsibility of the commissioning organisation (private or community) and the landholder.

13. Glossary of terms

Acquisition	The process of ownership or custodianship of an asset, either by way of purchase, commission, donation, gift, bequest or loan
Civic collection	Memorabilia objects and artworks of significance; including memorials and monuments created as artworks for the specific purpose to commemorate an event or person, relating to the social and cultural history of the Shire of Nillumbik and of Council
Cultural heritage	Community expression as a way of living through artistic and cultural knowledge and customs passed from generation to generation
Community arts	Community-led and based artistic processes comprising any arts discipline or form, including visual, literary and performing arts among others
Contemporary arts	Art of today, produced in the late 20 th century or by artists living in the 21 st century comprising any arts discipline or form
Creative industries	Industries with a principal purpose relating to cultural, artistic and heritage goods and services
De-accession	To dispose of a collection item as per the de-accessioning criteria of (7.7.1) of the <i>Nillumbik Shire Council Art Collection Curatorial Guidelines 2018-22</i> .
Ephemeral public art	Temporary public art with a life-span ranging from fleeting (such as participatory art, performance art and buskers) to five years (such as murals and installations).
New media	Arts created with digital technology
Performing arts	Forms of creative activity that are performed in front of an audience, such as drama, music, and dance.
Permanent public art	Permanent public artwork, requiring regular maintenance and conservation, and intended for long-

	term installation before decommissioning. The typical life span of a permanent public artwork is twenty years.
Public artist	A professional artist with formal university qualifications, with specialist training and expertise in public art, and a strong professional practice evidenced through exhibitions and commissions.
Public arts	Art in any media that has been planned and executed with the intention of being staged in the physical public domain, usually outside and accessible to all.
Visual arts	Arts that are appreciated through sight, such as painting, sculpture, film. Other art forms include ceramics, drawing, printmaking, design, crafts, photography and new media

14. Guidelines review

These guidelines should be reviewed by September 2022.

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