

Public Art Policy

<p>VISION</p>	<p>Mornington Peninsula Shire (The Shire) aspires for Public Art to be an everyday experience that expresses the community’s unique attributes, culture, heritage and people. Public art contributes to the creation and vibrancy of public spaces for the enjoyment of residents and visitors. It can elevate the aesthetic profile for public spaces and play a key role in attracting creative businesses and workers, whilst also encouraging the growth of a culturally informed public.</p> <p>The goals for Arts and Culture are detailed in the Mornington Peninsula Shire’s Arts & Culture Strategy and includes Actions, Priorities and Outcomes across key Objectives: Integrated Policy; Planning and Coordination; Creative and Engaged Communities; Celebrating our History and Cultural Heritage; Marketing of Arts and Culture and; Accessible Cultural Facilities.</p>
<p>PURPOSE</p>	<p>The purpose of the Policy is to:</p> <ul style="list-style-type: none"> • Define Public Art, set a Vision for the use of Public Art in The Shire and set a strategy for the achievement of the vision • Apply principles, protocols and procedures for commissioning, procuring, installing, governing, managing and maintaining Public Art on Council owned or controlled land or assets • Adopt a best practice approach to planning, implementation and delivery on community aspirations • Encourage community partnerships in building value and pride in public and open spaces through its Public Art cultural assets • Facilitate and assist the community in preparing and implementing high quality Public Art projects that reflect its vision and sense of place and contribute to improving public and open spaces • Activate and support the goals of the Shire’s Strategic Plan in particular Goals 1, 2 & 6
<p>POLICY CONTEXT</p>	<p><i>Shire Strategic Plan 2014-2017</i></p> <p><i>Goal 1. Liveable Peninsula - To be ‘near to’, but not part of Melbourne and its accelerating growth. To preserve the highly valued amenity of our natural and built environment.</i></p>

	<p>Outcome 1.2 Townships and villages with a distinct sense of place</p> <p>1.2.3. To enhance the character of settlements in the design of public spaces and places.</p> <p>1.2.4. To ensure that the design of new development is compatible with environmental capacity and responsive to local character and site conditions.</p> <p>Goal 2. Enhancing public places and spaces – To enhance the look, feel and function of our towns and villages, our open spaces and our infrastructure.</p> <p>Outcome 2.1. Planning and Developing and maintaining property, infrastructure and open space assets</p> <p>2.1.1. To manage Council property assets.</p> <p>2.1.3. To develop and manage community and recreational open spaces according to community needs.</p> <p>Outcome 6.1 Connected, creative, culturally enriched and knowledgeable community</p> <p>6.1.1 To promote a culture of community harmony and a sense of belonging.</p> <p>6.1.2 To increase access to engagement and participation in arts and culture.</p> <p>6.1.2.1. Arts & Culture Strategy 2012/13 – 2014/15 - A Creative Peninsula</p> <p><i>Objective 1. Integrated Policy, Planning and Coordination</i></p> <p><i>Action 1.4 Introduce a Public Art Policy & Management Plan for Council</i></p> <p><i>Action 1.5 Investigate the feasibility of introducing a Percent for Art funding model or establish a Public Art Fund</i></p> <p><i>Objective 3 Celebrating our History & Cultural Heritage</i></p> <p><i>Action 3.4 Establish a Cultural Assets Management Plan, Acquisitions Policy & Cultural Assets Register</i></p>
<p>PROCUREMENT PROBITY</p>	<p>Effective Legislative and Policy Compliance and Control will be adhered to as referenced within the MPS Procurement Policy.</p> <p>The Shire recognises that developing a procurement strategy and adopting appropriate best practice contracting and procurement principles, policies, processes and procedures for all goods, services and works by the Shire, will enhance achievement of the Shire’s objectives such as sustainable and socially responsible procurement; bottom-line cost savings; supporting local economies; achieving innovation; and better services for communities.</p> <ul style="list-style-type: none"> • Provide policy and guidance to allow consistency and control over Procurement activities.

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	<ul style="list-style-type: none"> • Demonstrate accountability to rate payers. • Provide guidance on ethical behaviour in public sector purchasing. • Increase the probability of obtaining the best outcome when purchasing goods and services. <p><i>(Procurement Policy Adopted Nov 2015 see Appendix 1 for further information)</i></p>
<p>SCOPE</p>	<p>The Policy applies to:</p> <ul style="list-style-type: none"> • Creative elements or Public Art being integrated into the design of new buildings, open spaces, civic, community and cultural precincts • Proposals and commissions of urban design, landscape and Public Art by Mornington Peninsula Shire on Shire owned or controlled land or assets • Commemorative features proposed as an item of Public Art on Shire owned or controlled land or assets • Place-based community art initiated by the Shire to be sited in public spaces • State Government Departments, private developers, proposing Public Art within the municipality or on Shire owned or controlled land or assets and private developments that engage community and visitors with the provision of public amenity • Individuals, artists, businesses or representative organisations, arts and community groups proposing Public Art on Shire owned or controlled land or assets that engage community and visitors with the provision of public amenity
<p>DEFINITIONS BENEFITS & OUTCOMES</p>	<p>Public art refers to art forms that are placed within and/or in an environment or integrated into buildings or infrastructure that are publicly visible, accessible and on public land. This includes parklands, village centres, streetscapes, public open space, freeway environs, significant gateway and entrances and can include the internal and external spaces of public buildings.</p> <p>Further definitions of Public Art and how it may be applied in the public domain:</p> <ul style="list-style-type: none"> • Public Art has the direct input of an artist or designer at conception, development and creation • Public Art can be an ephemeral, temporary or permanent installation • Public Art can be defined as art specifically created to be experienced outside the gallery or museum context. This includes,

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	<p>but is not limited to, environmental art in parklands, art trails and soundscapes</p> <ul style="list-style-type: none"> • Public Art can be integrated into the planning of architectural, urban and landscape design or infrastructure developments to bring creative and commemorative elements to civic, community and cultural spaces, i.e. street furniture, lighting, signage and other public amenities such as garden boxes, bicycle racks and seating • Public Art can be a means to express community aspirations, heritage and contemporary identity, meaning and connection to place • Public Art can incorporate community art developed by the community under the leadership of a skilled arts practitioner. Through programs in public arts spaces, schools, community houses, arts and leisure group spaces
<p>POLICY</p>	<ol style="list-style-type: none"> 1. This policy applies to projects proposed by Councillors, Shire Units and officers as part of Master Plans, Streetscape Improvements, Place-making Projects or other as applied by the Victorian Urban Design Framework on Shire owned or controlled land or assets. 2. This policy applies to all Public Art projects proposed and carried out in whole or in part by community groups or individuals associated with Master Plans and Streetscape improvements on Shire owned or controlled land or assets 3. The Shire will facilitate individuals and community groups to collaborate with the Shire on Public Art projects on Shire owned or controlled land or assets 4. The Shire can provide advice and assistance in the statutory and strategic planning requirements, design and installation of Public Art in public and private spaces 5. The Public Art Panel - a Ward Councillor, internal officers, industry specialists and ACAP representative will review and assess each proposal when lodged with the Shire 6. No project may be commenced before all relevant matters below have been satisfied: <ol style="list-style-type: none"> 6.1. Written approval has been granted by the Shire or its delegate 6.2. All permits and/or statutory approvals have been obtained and copies lodged with the Shire where such permits or approvals are required by legislation or regulation

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	<p>6.3. Satisfactory evidence has been provided to the Shire that project funding is secured</p> <p>7. The Shire may consider support of Public Art projects on private land developments where it may contribute to public amenities within a development site</p> <p>8. The Shire will assist with Briefs and Contracts between parties</p> <p>9. In all cases where the Shire makes a capital works contribution, progress payments will be paid against identified project milestones</p> <p>10. Failure to satisfactorily meet specified project milestones may result in the Shire withholding progress payments until all specified project milestones have been completed</p> <p>11. The Shire will include all Public Art within the Cultural Assets Register as the Civic Art Collection for Insurance, maintenance, community promotions, tourism and educational purposes</p>
<p>RESPONSIBILITY</p>	<ul style="list-style-type: none"> • The Shire has a responsibility to ensure Project Maintenance Schedules are completed as part of Public Art commissions and resultant outcomes and project evaluations. • The Shire is responsible for adding Public art to the Cultural Assets Register and signed off by Asset Management. • The Arts and Culture Unit will be responsible for the promotion of and access to the Civic Art Collection. • A designated officer from the Public Art Panel will oversee across-Council Budget Bids for new commissions. • Funding of new commissions or projects that link to Master Plans, Streetscape Improvement Plans, Place-making Revitalisation Projects could be set according to project needs and budget limits within the range of 0.05-0.2%. The level could be varied according to the complexity and size of the project, to be set by Council and reviewed as appropriate. The 'percent' might be applied to projects only over a certain value, or assessed by Council as having high public visibility and impact. • For smaller projects 1% for Art could be allocated as part of refurbishment, parkland and open space projects. • 0.5% contribution applies to private developments with a construction value above \$2M and applied to: <ul style="list-style-type: none"> - Developments over a certain scale - Addressing a public place or amenity

	<ul style="list-style-type: none"> - In a strategic location • Private developments are encouraged to consider integrated art, defined as artwork that plays a functional role within the development such as fences, gates, doors and entrances. This could mean that the actual additional budget or contribution could be reduced substantially as the artwork replaces fixtures and fittings that would have to be supplied in any case.
<p>PROCEDURE</p>	<p>There is a range of supporting documents that the Shire can rely on when Councillors, officers, community groups or individuals propose a Public Art project.</p> <ol style="list-style-type: none"> 1. Fact File: Mornington Peninsula Shire Public Art overview <ul style="list-style-type: none"> - A Vision for the Mornington Peninsula - Mornington Peninsula Shire's Public Art goals - What is Public Art - Activating a Public Art proposal <p>User friendly documents are available from Customer Service points across the municipality.</p> 2. Checklist for Development of a Public Art Project Brief outlines critical considerations and appraisals when a Public Art project is proposed and covers the following: <ul style="list-style-type: none"> - Developing a Public Art Project Brief - Community engagement activities - Stakeholder consultation - Site assessments for a commission - Ideas and Concept Proposal development - Relationships to existing aesthetic, heritage and cultural values - Recommended designer/artist/s and contracts - Commissioning process and timelines - Budgets, funding, sponsorship and donor campaigns - Project Management and approval processes - Statutory & coastal planning frameworks

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- Engineering permits and other requirements

3. The Public Art proposal form is the first step in proposing a Public Art project. This provides a framework for community groups, Individuals or Developers proposing Public Art on Shire owned or controlled land or assets. Officers may provide assistance.

When a Public Art Proposal is lodged it is directly referred to the Arts & Culture Unit who will form a Public Art panel of relevant Councillors, Shire officers, industry and panel specialists to assess the application against established criteria. (The Implementation Manual covers most of the essential criteria.)

The designated officer from the Arts & Culture Unit will provide the Public Art proposal applicant with a general response to the proposal within 21 days and a full response from Council within 60 – 120 days.

The Arts & Culture Unit will coordinate the Public Art panel.

4. The Public Art Implementation Manual outlines the steps to be followed by internal officers/stakeholders (i.e. DAP/ACAP) when assessing Public Art proposals; from project development to the formation of a project-based assessment Public Art panel and project outcomes.

The Public Art panel would include officers from the following Shire Units:

- Arts & Culture
- Social Planning & Place-making
- Statutory Planning
- Strategic Planning / Urban Design
- Coastal Planning
- Infrastructure & Engineering
- Economic Development
- Governance

5. Cultural Assets Register online manual - GeoMedia Smart Client Asset Management System.

The Arts & Culture Unit will be responsible for listing completed

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	<p>Public Art on the Cultural Assets and the Civic Art Collection Registers.</p> <p>Acquisition and De-accession guidelines are outlined in the Public Art Implementation Manual.</p>
KEY REFERENCE DOCUMENTS	<ul style="list-style-type: none"> • Shire Strategic Plan/Community Plan 2013-2017 <p>Link: http://www.mornpen.vic.gov.au/files/774cbe05-566c-4b19-a41c-a5d800e6bd1b/Exhibition_Review_Council_Plan_2013-2017.pdf</p> <ul style="list-style-type: none"> • Mornington Peninsula Shire Planning frameworks <ul style="list-style-type: none"> - Mornington, Rosebud, Hastings, Mt.Eliza, Flinders Streetscape Plans, Police Point and Balnarring Master Plans • Commercial Activities on Footpaths Policy Adopted 2008 (for review) • Community Capital Building (Infrastructure Projects) Policy Adopted 2012 • Procurement Policy Adopted 2015 (see Appendix 1) • Arts & Culture Strategy – <i>A Creative Peninsula</i> • Reconciliation Action Plan 2016 <p>Link: http://www.mornpen.vic.gov.au/Whats_On/Arts_Culture/Arts_Culture_Strategy</p> <ul style="list-style-type: none"> • Fact File: A Public Art Vision & Overview • Checklist for the Development of a Public Art Project • Public Art Proposal form link: • The Public Art Implementation Manual • Cultural Assets Register Online Manual • Civic Art Collection Acquisitions & Management Plan (Draft) • Arts & Culture Marketing Plan (to be developed)
AUTHOR	Arts and Culture Unit
APPROVED	Adopted by Council on 14 June 2016
REVIEW	This Policy shall undergo an interim review 24 months after its date of adoption to ensure it is working as intended.



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DEFINITIONS As per Procurement Policy	TERMS	DEFINITION
	Act	Local Government Act 1989.
	Commercial in Confidence	Information that, if released, may prejudice the business dealings of a party e.g., prices, discounts, rebates, profits, methodologies and process information, etc.
	Conflicts of Interest	Refer to Attachments E to I of the MPS Procurement Policy for details and relevant Shire policies.
	Contract Management	The process that ensures both parties to a contract fully meet their respective obligations as efficiently and effectively as possible, in order to deliver the business and operational objectives required from the contract and in particular, to provide value for money.
	Director	Positions designated as Director-Communities, Chief Operating Officer, Chief Financial Officer and any replacement designations.
	Goods	Movable personal property, especially merchandise, used in trade or commerce and requiring carriage from one place to another. The word 'goods' is very general and of quite indefinite import.
	Services	The act of helping or doing work for another... work done in this way... assistance or benefit given to someone... the provision of what is necessary for the installation and maintenance of a machine etc or operation...
	Works	The operations of building or repair (roadworks).
	Probity	<p>The dictionary definition of probity refers to uprightness, honesty, proper and ethical conduct and propriety in dealings. Within government, the word "probity" is often used in a general sense to mean "good process."</p> <p>A Procurement process that conforms to the expected standards of probity is one in which clear procedures that are consistent with the Council's policies and legislation are established, understood and followed from the</p>

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		<p>outset. These procedures need to consider the legitimate interests of suppliers and ensure that all potential suppliers are treated equitably.</p>
	Staff	<p>All staff of the Shire whether employed full time, part time or casual as well as contractors and consultants while engaged by the Shire.</p>
	Standing Offer Arrangements (SOA) or Schedule of Rates (SOR)	<p>A contract that sets out rates for goods and services which are available for the term of the agreement. However, no commitment is made under the agreement to purchase a specified value or quantity of goods or services.</p>
	Sustainability	<p>Activities that meet the needs of the present without compromising the ability of future generations to meet their needs.</p>
	Tender Process	<p>The process of inviting parties to submit a quotation by tender using public advertisement, followed by evaluation of submissions and selection of a successful bidder or tenderer. All tender processes shall be conducted in accordance with the requirements of this policy and any associated procedures, relevant legislation, relevant Australian Standards and the Act.</p>
	Value for Money	<p>Value for Money in Procurement is about selecting the supply of goods, services and works taking into account both cost and non-cost factors including:</p> <ul style="list-style-type: none"> • contribution to the advancement of the Shire priorities; • non-cost factors such as fitness for purpose, quality, service and support; and • cost-related factors including having regard to whole-of-life costs and transaction costs associated with acquiring, using, holding, maintaining and disposing of the goods, services or works.