



Percent for Art Handbook for Developers

Aligned with the Percent for Public
Art and Public Realm Policy

23 November 2021

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Introduction

The City of Subiaco encourages public and private developers to contribute to the cultural experience offered in the City of Subiaco through the provision of public art in new developments. This handbook will help owners/applicants proposing to commence development to incorporate public art into their development, as outlined in the City's Percent for Public Art and Public Realm Policy. It explains the different ways owners/applicants can work with artists, the City and the design team. Developers are encouraged to contact the City to discuss options for the provision of public art at any stage during the process outlined in this handbook.

Please read this handbook in conjunction with the following documents

- [Percent for Public Art and Public Realm Policy](#)
- [Public Art Strategy 2018–22](#)
- [Public Art Policy](#)

Public art in the City of Subiaco is intended to achieve the following key strategies (detailed in full in the **City of Subiaco Public Art Strategy 2018–22**):

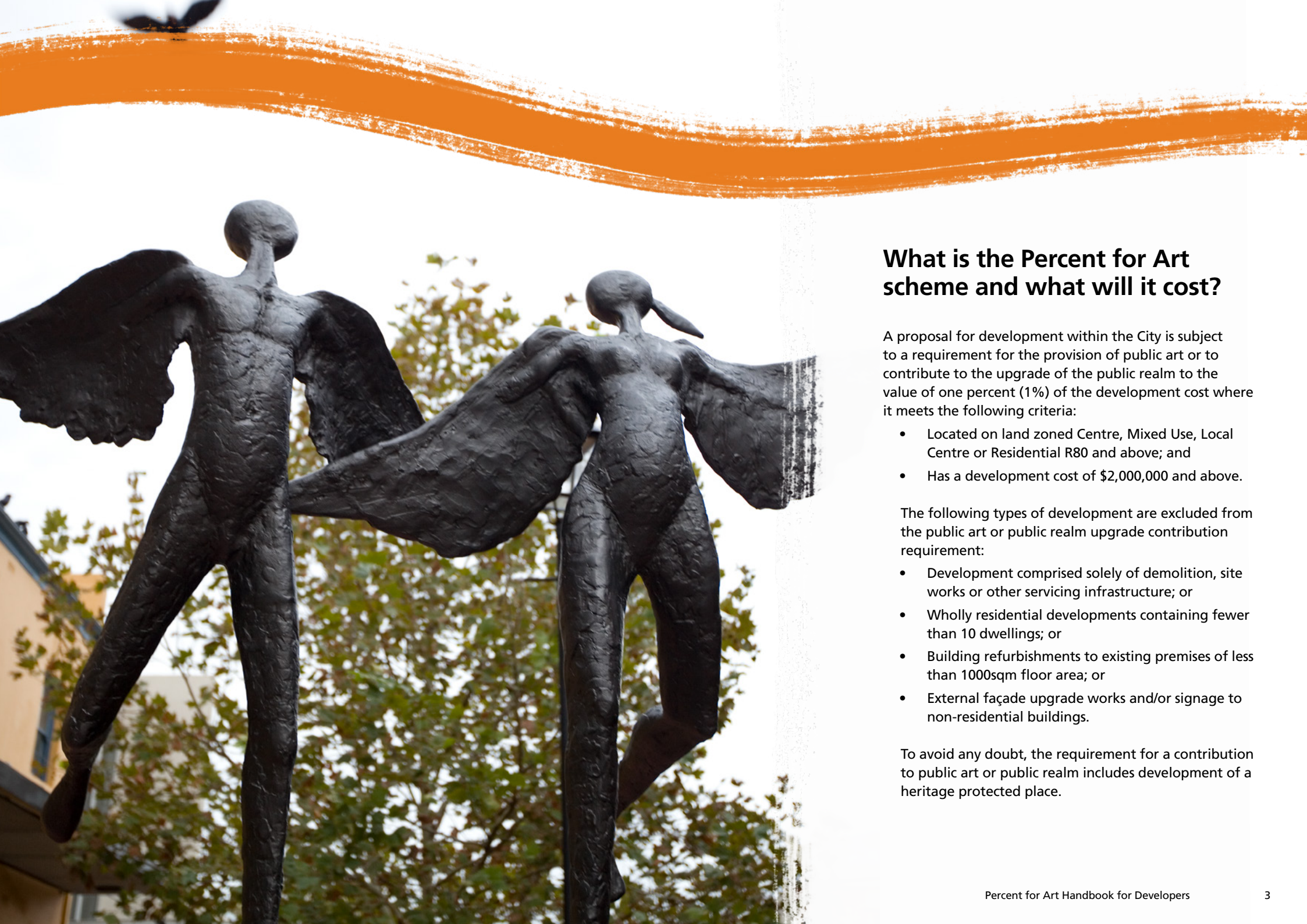
- Create a sense of place with artworks in the public realm that enhance engagement with and understanding of Subiaco.
- Infuse qualities of diversity, vibrancy, character, creativity and imagination into the fabric of daily life.
- Meet and deliver high quality management and collection standards.
- Contribute to art and cultural development.
- Encourage public and private sector partnerships in the arts.

It can be helpful to research public art practice internationally, or speak to artists and arts consultants about how art can support your objectives.

Some useful resources:

- [Western Australia State Government Percent for Art Scheme](#)
- [National Association for Visual Arts](#) for guidance on processes and fees
- [Arts Law Centre of Australia](#) provide useful templates and information sheets





What is the Percent for Art scheme and what will it cost?

A proposal for development within the City is subject to a requirement for the provision of public art or to contribute to the upgrade of the public realm to the value of one percent (1%) of the development cost where it meets the following criteria:

- Located on land zoned Centre, Mixed Use, Local Centre or Residential R80 and above; and
- Has a development cost of \$2,000,000 and above.

The following types of development are excluded from the public art or public realm upgrade contribution requirement:

- Development comprised solely of demolition, site works or other servicing infrastructure; or
- Wholly residential developments containing fewer than 10 dwellings; or
- Building refurbishments to existing premises of less than 1000sqm floor area; or
- External façade upgrade works and/or signage to non-residential buildings.

To avoid any doubt, the requirement for a contribution to public art or public realm includes development of a heritage protected place.

What is public art?

This is the integration of an artistic concept into the public realm. Public art can take many forms, incorporate many different materials and be produced in many ways. It can be stand-alone, applied to surfaces, or integrated into the fabric of buildings, road infrastructure elements or landscaped outdoor spaces. Public art can be permanent, temporary or ephemeral. The distinguishing feature of these works is that an artist or artist team is wholly, or partly, responsible for the creation, design and/or fabrication. The concept will be artist led, but may include collaborations with other professionals.

These categories below are a guide only to help you think about the artwork you may commission and will likely fall into multiple categories. It can help to think about the history of the site, the future uses of the site and the types of people who are likely to engage with the area when creating an artist's brief. Integrating an artwork early into your planning can increase the benefits the artwork can bring to your development.

Functional art has a utilitarian purpose. This might be seating, lighting, furniture, bollards, signage, rubbish bin surrounds, window treatments, reception areas, door handles or carpet. It can be decorative, integrated or site specific.

Decorative art is intended to aesthetically enhance an environment or structure. It can be functional, iconic, integrated or site specific.

Iconic art is a stand-alone or significant work, often site-specific, where the artist's approach may be independent of other considerations and an extension of their current practice.

Integrated art is incorporated into the design of the built or natural environment. Integrated works may include floor and window design, lighting, landscaping and associated elements.

Site specific art is designed in response to a particular site through the scale, material, form and concept of the design.

Interpretive art is where the primary purpose is to describe, educate and comment on issues, events or situations.



Public artwork exclusions

For the purposes of this handbook, public art does not include:

- Artworks that are not in the public realm (i.e. seen from the street frontage).
- Installations that do not include the commissioning of a professional artist.
- Mass-produced art objects, off the shelf art or reproductions.
- Directional/wayfinding elements such as super graphics, signage or colour coding.
- Commercial promotions in any form.
- Landscaping or hard-scaping elements which would normally be associated with the project and have not included a professional artist in the design phase.
- Any services or utilities necessary to operate or maintain artworks.

Select how you will make your Percent for Art contribution

You may choose from two different options to satisfy the contribution obligations:

- Option 1: Payment of a cash-in-lieu contribution to public art.
- Option 2: Provision of an artwork by the developer.

Option 1: Cash in lieu

Elect to pay your Percent for Art contribution as a cash-in-lieu payment into the City's Public Art and Public Realm Reserve Fund. Advise the City this is your preferred option in writing at the time of submitting your Development Application. A discount of 15 percent to the public art contribution requirement will apply where a developer elects to pay cash-in-lieu. The discount is due to economies of scale the City is able to apply when using these funds as part of the Public Art Reserve Fund.

The City will commission public artwork within the precinct of the development, if practical, and in line with the commissioning process outlined in this handbook. The City may pool funds obtained from various developments through the cash-in-lieu contributions to fund any artworks in accordance with the Public Art Strategy. The City will maintain all creative control such as location, theme, materials, selection of the artist and timeline. Upon completion, the City will acknowledge the contribution of the developers in the promotion of the artwork to the local community.

Your commitment to the Percent for Art requirement is satisfied once the cash-in-lieu payment has been received by the City. Payment must be made prior to occupancy or strata titling, whichever occurs first.

No further steps apply.

OR

Option 2: Developer to commission a public artwork, with the approval of the City of Subiaco

The developer should observe best practice to commission a public artwork. Your proposal will need to be submitted to the City for approval following the steps outlined in Appendix 1: Percent for Art step by step application process.

Continue to read this handbook which will step you through Option 2.



OPTION 1:

Provide Cash in Lieu to the City of Subiaco

DEVELOPMENT APPLICATION STAGE: Advise the City of Subiaco this is your preferred option in writing at the time of submitting your Development Application.



A condition will be applied to your development approval requiring a cash-in-lieu contribution for public art.



The City of Subiaco will prepare an invoice for the contribution. A discount of 15% applies.



PRIOR TO OCCUPANCY OR STRATA TITLING; Pay the invoice to the City, which has been calculated according to the Percent for Public Art and Public Realm Policy.



The City will commission an artwork in line with the Public Art Policy. The Developer contribution will be acknowledged in the promotion of the artwork.



Responsibility of maintenance and decommissioning in line with the Percent for Public Art and Public Realm Policy.





OPTION 2:

Commission an artwork to the required % value as listed in the Public Arts Policy (see Appendix 1)

PRE DEVELOPMENT APPROVAL: Employ an arts consultant (optional). It can be helpful to begin discussions with the City about the brief, possible artists and location prior to submitting your Development Application.

Select the artist via an Expression of Interest process or by direct commission.

DEVELOPMENT APPROVAL STAGE: Submit your preliminary public art concept with your Development Application. You will receive feedback from the City on both your development and the proposed artwork.

A condition will be applied to your development approval requiring public art to be provided prior to strata titling or occupancy.

ARTWORK: Submit the Public Art proposal to the City of Subiaco for approval (see Appendix 1). Allow up to 12 weeks for approval process.

The City's Public Art Reference Group (PARG) will assess against published selection criteria and identify any concerns.

The City of Subiaco will approve or reject the commission (the approval process is aligned to the City's usual procurement processes). If rejected, you may submit a revised Public Art proposal addressing the City's concerns.

PRIOR TO OCCUPANCY: Artwork is fabricated and installed as per approved proposal. Make any requests for changes to your proposal in writing to the City. Allow up to four weeks for written approval of any changes.

COMPLETION: Submit a Public Art Maintenance Report (see Appendix 1). Planning and Arts Officers undertake a site visit and confirm clearance of all Development Application conditions.

STEP 1

Commission an artwork

You may consider employing a public art consultant. This person can coordinate the submission to the City and manage the commissioning process on your behalf.

The consultant's fee is an eligible part of the total value of your Percent for Art contribution. If the fees are above the industry standard you may choose to pay these fees additional to any component approved as part of the Percent for Art contribution.

A public art consultant helps ensure the intent of all parties is clear, their expectations are realistic and their needs can be met. Duties may include:

- Developing the framework for the project
- Ensuring the brief is well tailored
- Overseeing the process for selecting and contracting an artist
- Project managing from idea to installation
- Liaising with all stakeholders, including the City
- Liaising between and advocate for the artists and the developer
- Managing First Nations' intellectual and cultural property issues, if relevant to the project.

Alternatively, you may wish to undertake these roles and contract directly with an artist.





How to select an artist

There are a number of ways you can select an artist, whether you are working with an arts consultant or contracting directly with the artist. Guidance from an arts professional who has experience with public art projects of a similar scale to yours may help you to risk manage any issues which may arise when selecting and contracting an artist.

Direct commission or acquisition

This approach can work where you have already identified a particular artist or type of art, or when there is a tight timeframe or a small budget and you have identified a clear approach for your development.

Limited shortlist

Limited shortlist is a closed competition where a small selection of artists, usually three, are invited to prepare a concept for a fee (usually between \$1000 and \$3000 depending on the overall budget), resulting in the selection of the preferred artist. This model can be useful when the artist needs to collaborate with the architect, landscape architect or urban designer.

The City's Public Arts Officer or a public art consultant can suggest suitable artists for a limited shortlist. You can also research public art to find works, approaches, and artists you think suitable for your development.

Expressions of interest

Public call-out for expressions of interest opens the field to a wider range of artists but requires more lead time. An artist's brief is sent out through a range of media, inviting artists to provide a conceptual response and curriculum vitae for consideration. You will then invite a small selection of artists, usually three, to produce and present a concept for a fee (usually between \$1000 and \$3000 depending on the overall budget) from which you will select your preferred option.

Ensure you select a professional artist (or a team led by a professional artist) with demonstrated and relevant expertise whatever method you use. Consider the scale and scope of the work you will commission in the selection of the artist and look to past projects undertaken by the artists in your selection process.

What defines a professional artist?

A professional artist will have some of the following characteristics:

- Regularly exhibits artwork to the public
- Sells artwork to the public
- Derives a significant portion of their income from grants, commissions or the sale of artwork
- Is eligible for/has been awarded state or federal government arts grants
- Has been selected for festivals and events nationally and internationally
- Has been selected for public exhibition, awards, prizes
- Has secured work or consultancies on the basis of professional artistic expertise
- Has had work acquired for public or private collections
- Is a member of a professional association on the basis of their status as a professional artist.

'Artist' refers to a person who meets at least two of the following criteria:

- University or minimum of three-years full-time TAFE qualification in visual arts, or (depending on the artist's brief), other relevant study.
- Has had work purchased for major public collections, including (but not limited to) the Art Gallery of Western Australia, any university collections or Artbank.
- Earns income from arts related activities such as grants, teaching, selling artwork or undertaking Public Art commissions.
- Has had work selected for inclusion by well-regarded festivals and artistic events as suited to your brief.

Sometimes an artist's brief may require specialist or life experience where these criteria are hard to satisfy, requiring a more flexible approach resulting in selection of a less experienced artist. If this is the case, consider how you can support the artist to bring the proposal to fruition.

An example of this might be where your artist's brief calls for a very specific lived experience which limits the choice of artists suited to the project. You might consider using a senior artist who has an established history of delivering projects like yours to act as mentor, or supporting the artist with a team who have demonstrated their expertise on other projects. This way you combine deep subject knowledge with expertise in delivering public art. The City will consider the proven history of the artist and team when assessing your submission.



What duties will the artist undertake?

This will, in part, depend on whether you employ an arts consultant to bear some of these responsibilities.

Skills, responsibilities and duties of the artist may include:

- Close liaison with the developer to understand requirements of the brief.
- Independent research into the site to formulate an original design concept which integrates the brief with legal codes, technical requirements and the environmental, cultural and historical character of the site.
- Development of a project tender containing itemised budget, timetables and art models/ diagrams.
- Designing and implementing consultation with stakeholders (which may include the City and sectors of the community) which will help shape project development.
- Promotion of the artwork to the media, City, community and other stakeholders.
- Overall responsibility for the final delivery of the artwork by managing time, budget and other people working on the artwork. Artists may recruit, supervise and coordinate project workers as required and liaise with different trades and subcontractors.





What sort of contract with the artist is required?

The Australian Copyright Act 1968 outlines the right of the artist to be recognised for their work and will apply to your project.

Your contract needs to be specialised to the creative and cultural industries. Consider the work to be undertaken, possible variables to be considered, suitable payment schedules. Make plans to manage the rights of the artist and include a plan for how the artwork is to be maintained as well as the eventual decommissioning or removal of the artwork in your contract.

The City uses the public art commissioning agreement prepared by the Arts Law Centre of Australia.

What costs may be included in the total value of the Percent for Art contribution?

Public art can combine the work of curators, arts administrators, planners, designers, community organisers, engineers and construction managers. This means that many expenses may be included when assessing the total value of a Percent for Art contribution. These may include:

- Professional artist's budget, including
 - » artist fees
 - » other labour costs and professional fees
 - » design materials
- Any insurances, permits, taxes, business and legal expenses, and operating costs
- Fabrication and installation of artwork
- Measures to ensure the longevity of the work e.g. anti-graffiti coating
- Site preparation
- Structures enabling the artist to display the artwork
- Documentation of the artwork
- Materials to help communicate information about the artwork to the community e.g. media kit, short videos for use in social media
- Development of a maintenance plan
- Acknowledgment plaque (or other means as appropriate) identifying the artist, artwork and development
- Reserve funding for future ongoing maintenance costs
- Public art consultant's fees.

STEP 2

Submit your public art concept as a part of your Development Application to the City

The City encourages early discussion regarding your public art project in parallel with the initial discussion about your development proposal. This can occur prior to lodging your application for development approval.

Development Application stage:

Submit your public art concept with the Development Application. This will enable the Public Arts Officer to offer feedback to guide the development of your submission for formal approval of the proposed artwork (See Appendix 1).



STEP 3

Submit your public art proposal to the City for formal approval

Your development approval will include a condition relating to percent for public art in accordance with the City's Percent for Public Art and Public Realm Policy Percent for Public Art and Public Realm. This condition requires formal approval for the proposed artwork from the City. Submit the materials outlined in Appendix 1 to the City. The artwork will need to be completed before occupancy or strata titling occurs. Please allow 6 -12 weeks for the City's approval.



STEP 4

Your public art proposal is assessed by the City

The City's Public Arts Officer will make an initial assessment, and ask for additional material if needed. The Public Arts Officer will be able to advise if the proposal is in line with the City's Percent for Art Policy.

Your submission will then be assessed by the Public Art Reference Group (PARG) who will make a recommendation about the outcome. The PARG is comprised of three to five City staff and external advisors with specific expertise to the project. Depending upon the value of the commission and the complexity of any issues, the recommendation may need to be approved by the City's Executive Leadership Team, the Chief Executive Officer or Council (in line with the City's procurement policy at the time of submission as well as any complexity integral to the proposal).

The PARG assesses the artist concept design and will assess your proposal using the following criteria:

Assessment criteria

- Demonstrates a high standard of excellence and innovation
- Distinctive, attractive and encourages exploration
- Demonstrates consideration for public access, day and night, and in diverse weather conditions
- Considers public safety and the public's access to and use of the public domain
- Addresses safety, maintenance and conservation issues
- Relevance to the context of its site
- Evidence of funding source and satisfactory budget including an allocation for ongoing maintenance, and
- Consistency with current planning, heritage and environmental policies and plans of management. These include, but are not limited to:
 - » [Percent for Public Art and Public Realm Policy](#)
 - » [The City's Public Art Policy](#)
 - » [The City's Public Art Strategy 2018–22](#)
 - » Best practice protocols for using first nations cultural and intellectual property in the arts are observed, when any content that is part of the heritage of a particular Indigenous language group is to be used. (See Protocols For Using First Nations Cultural And Intellectual Property In The Arts on the [Australia Council for the Arts website](#))



STEP 5

Implementation of the public artwork

The artist's detailed submission and your contract with the artist (and arts consultant, if this applies) underpin the successful completion of the project.

Overseeing design, implementation and completion of the artwork remains the responsibility of the developer.

The artwork is to be completed as per the submission materials and as approved by the City (Appendix 1). Requests for change need to be made in writing to the City of Subiaco and approved in writing. Allow up to four weeks for any approval for changes requested.



STEP 6

Completion of the public artwork

The artwork is to be completed and installed prior to an occupancy permit being issued for the development. To clear the relevant condition of development approval, the developer invites the City's Public Arts Officer to arrange an inspection by relevant City staff to ensure the artwork is consistent with the submission approved by the City (Appendix 1).

A Public Art Maintenance Report should be part of the handover from artist to commissioner. A copy is to be provided to the City of Subiaco upon completion of the work to be included in the City's Public Artwork inventory and archive. Requirements for this report are detailed in Appendix 1.



STEP 7

Maintenance and promotion

Where public art is attached to a building or located on private property, including where the public art projects beyond the property boundary (e.g. an artwork attached to a building façade or an overhead canopy above the public pedestrian path), the public art is owned and required to be maintained by the land owner. Establishing a reserve fund for maintenance may be an eligible cost in your submission.

Where public art is wholly situated on public property/land, the public art is owned and maintained by the City following the completion of its satisfactory installation.

You are also encouraged to promote the artwork widely to help contribute to the cultural enrichment of the area. Costs associated with creating materials which will inform the community about the artwork is an assessable part of your percent for public art and percent for public realm contribution.

The City may also wish to promote the artwork as a part of the City's public art inventory and will use materials provided in step 6 to undertake publicity.

Definition of terms used

Artwork brief a written document describing the requirements of the commissioned artwork.

CEO refers to the Chief Executive Officer, City of Subiaco.

Commissioning refers to order the production of artwork.

Commissioning value refers to monetary contribution of one percent or more on development cost as described in the Public Art and Public Realm Policy.

Developer refers to the body responsible for the Development Application.

Handbook refers to this handbook, the Percent for Art Handbook for Developers.

Percent for Art Policy and Public Realm refers to Local Planning Policy - Percent for Public Art and Public Realm Policy

Percent for Art Guidelines refers to the Western Australian State Government Percent for Art Scheme Guidelines – see <https://www.wa.gov.au/organisation/departments-of-finance/percent-art-scheme>

Percent for Art Scheme refers to the Western Australian State Government Percent for Art Scheme Guidelines.

Public art refers to the integration of an artistic concept into the public realm.

PARG refers to the Public Art Reference Group who assess public art proposals and will include between three and five stakeholders relevant to the project that may include city staff, the project manager, arts professionals, community representatives and property owners.

City refers to the City of Subiaco.

Total construction value refers to the estimated construction value nominated at the Building Permit stage.

Artworks featured in this Handbook are included to show the breadth of artwork in the public realm in the City of Subiaco, rather than works commissioned under the Percent for Public Art and Public Realm Policy.

The artworks featured are:

Cover	<i>Lumen</i> , 2018, by Andrew Stumpf (Photographed by Stusha Studio)
Page 1	<i>Kookaburra</i> , 2003, by Susan Flavell
Page 2	Untitled, 2006, by Pamela Gaunt (Photographed by Robert Frith)
Page 3	<i>Arrive to Paradise</i> , 2012, by Ayad Alqaraghholi
Page 4	Untitled, 2003, by Steve Tepper
Page 5	<i>Lumen</i> , 2018, by Andrew Stumpf (Photographed by Stusha Studio)
Page 6	<i>Hayden Bunton Drive Underpass Mural Project</i> , 2020, by Jackson Harvey with Bob Hawke College students
Page 7	<i>Curl</i> , 2015, by Geoffrey Drake-Brockman
Page 8	<i>Clock Tower</i> , 1999, by Rodney Glick, Kevin Draper, Marco Marcon
Page 9	<i>The Printers Drawer</i> , 2011, by Mark Datodi
Page 10	<i>Bran Nue Dae</i> , 2021, by Kambarni
Page 11	<i>Spun Ring</i> , 2011 by Stuart Green
Page 12	<i>Become what you dream to be</i> , 2017, by Hayley Walsh
Page 13	<i>The Watershed</i> , 1997, by Rodney Glick, Kevin Draper
Page 14	<i>Urban Classics</i> , 2009, by Judith Forrest
Page 15	<i>The Printers Drawer</i> , 2011, by Mark Datodi
Page 16	<i>Lumen</i> , 2018, by Andrew Stumpf (Photographed by Stusha Studio)
Page 17	Untitled, 2006, by Pamela Gaunt (Photographed by Robert Frith)
Page 18	<i>Urban Classics</i> , 2009, by Judith Forrest
Page 19	<i>Butterfly Ring</i> , 2011, by Stuart Green
Page 20	<i>Time</i> , 2011, by Angela McHarrie
Page 21	<i>Subiaco Centenary Tiles</i> , 1997, by Jenny Dawson, Sandra Hill, local students and community
Page 23	<i>Subiaco Square Pavement</i> , 1998, by Malcolm McGregor
Page 24	<i>Urban Classics</i> , 2009, by Okuda



Appendix 1:

How to apply for and complete your Percent for Art project.

Application

Submit the following information to the City's Public Arts Officer by emailing city@subiaco.wa.gov.au. The approval time is between four and 12 weeks, depending on the value of the commission, the complexity of the proposal, and the extent to which the artwork concept has been discussed with the City and resolved at Development Application stage.

The City may request further information specific to your proposal at any stage in the approval process. In rare instances where approval is required by Council, this timeline may be longer due to meeting schedules.

Please note: any alterations to the information and timeline you provide should be made in writing to the Public Arts Officer.

The following information is required:

1. A summary cover page with the following information:
 - **Address of the development**
 - **Name of applicant (if different from owner):**
 - » Contact details
 - **Name of architect/designer:**
 - » Contact details
 - **Name of public art consultant (if applicable):**
 - » Contact details
 - **Commissioning approach (delete those which don't apply)**
 - » Consultant
 - » Shortlist
 - » Expression of interest
 - » Direct commission (artist's name)
2. A site plan showing the proposed artwork location in relation to the building and site
3. A written design concept for the artwork, including any research, artwork themes and why the artwork is suited to the location and area
4. A timeline for design, installation and completion of the artwork, noting any key dates or significant activities that may impact installation of the artwork
5. Artwork documentation – these might comprise drawings, fabrication, plans to scale, and/or mock ups that adequately describe the finished work and its durability, safety, suitability and quality
6. Artist's qualifications and suitability for the project along with information about the selection process you undertook
7. Projected life span of the finished work
8. A copy of the draft contract between developer and artist, to include a requirement for a maintenance report and a plan for the eventual de-accessioning and removal or relocation of the artwork.
9. Value of the commission, along with a detailed artwork budget, including all consultancy fees, and
10. A signed consultancy contract stating agreed fees (if applicable).

Appendix 1 cont.

Additional materials you may provide includes:

- Information about likely impact on neighbouring residents and businesses caused by installation of the work.
- Written consultation with neighbouring businesses, residents or other relevant interest groups about the proposed artwork and the likely timing of installation
- Any plans for community engagement in the making of the work
- A description of how the work fits within the broader context (i.e. other artworks in the vicinity, characteristics of the local streetscape etc.), and/or
- A likely timeline for the installation of the work and any factors to be considered e.g. launch of artwork to coincide with a special date.

Clearance of public art condition

Once the work is complete and installed the following information is to be submitted prior to clearance of the condition of development approval:

1. Email the City's Public Arts Officer to confirm the completed artwork is ready for inspection, and identify your personnel (if any) wishing to be present at the site inspection.
2. A Public Art Maintenance Report.

The intent of this report is to provide for the life cycle of the artwork through adequate maintenance and promotion, through to the (possible) decommissioning of the artwork and the archiving of documentation to be kept as a part of the City of Subiaco's history and heritage.

The report comprises each of the elements below:

- Artist's description of the conceptual premise of the work and details of any collaborators
- The expected life span of the work
- A recommended maintenance schedule for the expected life span
- Details of materials, surface finishes and/or activities required to assist in repair and maintenance
- Professional contacts for maintenance of the work
- As-installed drawings or photographs
- Photographic documentation throughout the fabrication of the work
- The method of construction and the fabricator and subcontractors details
- Electrical and mechanical systems (if installed)
- Engineer's drawings and sign offs of all specifications, permits, insurances (as relevant to the artwork)
- Artist direction should removal or relocation of the artwork be required
- Decommissioning protocols as agreed to in the artist's contract.

