

# PUBLIC ART POLICY

<b>Responsible Department:</b>	Planning and Sustainability
<b>Responsible Section:</b>	Tourism Cultural Services
<b>Responsible Officer:</b>	Manager Tourism Cultural Services

## Objective

The primary objective of this policy is to promote and facilitate quality and diverse Public Art initiatives in Narrabri Shire by providing guidelines to determine decisions relating to acquisition, management and deaccession of Public Art.

The objectives of the Public Art Policy are to:

- Encourage art in public places in the Narrabri Shire LGA;
- Raise the profile, recognition, understanding and appreciation of public art and its development,
- Ensure that public art complements and enhances the natural and built environments of the Narrabri Shire LGA and reflects its unique character, history, values and aspirations.
- Guide and facilitate a coordinated and strategically planned approach to the development and management of public art in the Narrabri Shire LGA Ensure that public art in the Narrabri Shire LGA is sustainable in social, cultural, environmental and economic terms.
- Ensure that public art is given due consideration in Council's strategic directions, policies and planning controls.

This Public Art Policy aims to complement, and not override, Council's planning regulations such as Development Control Plans.

## Introduction

This policy applies to Council as a whole, Councillors, staff and Committees in dealing with the management of Public Art. It applies to any external or internally generated applications to undertake urban and Public Art works, commissions, grants and major capital works.

For the purpose of this policy, road side memorials, the naming of parks, reserves, sports fields and memorial seats are not included. It relates to public art located in the public domain. The public domain refers to public land and waterways, on private land accessible by the general public (such as shopping centre malls or other open areas) and on any other private land where the artwork will be visible from public land (such as in shopfronts or on building facades).

## Policy

### 1. Definitions

- 1.1. Public Art is defined as artistic works or activities in spaces open to the public. Public Art is mostly located in public places and spaces but may also be incorporated into private areas open to the public such as in a shopping centre, school, park, CBD, streetscape, or building. Public Art can include a sculpture, a painting, a wall mosaic, or a mural. It can be incorporated into a functional object, including paving, water features, seating, and lighting. It can also be a temporary work such as an art performance in an outdoor public space.

1.2. Public Art artworks may be:

- (a) Site specific: designed specifically for, and responsive to, a particular site through scale, material, form and concept.
- (b) Iconic: a stand-alone or significant work, where the artists' approach is largely independent of other considerations. Examples include sculpture, water features, lighting or multimedia.
- (c) Integrated/functional: works that are fully incorporated within the design of the built or natural environment. Integrated works may include floor and window design, paving, lighting, landscaping and associated elements. Artwork is inclusive of street furniture, seating, gateways, shelters, bollards. Commissioned as Public Art functional requirements will be unique and have the potential to celebrate local distinctiveness.
- (d) Temporary: where the work is not intended to be permanent. A piece or event may be momentary or remain for a fixed time.

## 2. Key Principles

2.1. The development and implementation of Public Art projects and initiatives is governed by the following principles:

- (a) Increase understanding and enjoyment of Public Art by citizens by integrating art into the structure, fabric and daily life within the urban built environment and associated public open spaces in a planned and strategic manner;
- (b) Encourage Public Art by building partnerships with artists, arts organisations and communities through sponsorship and support of innovative arts and projects in the public domain where it is established that such activity will give added value to public open spaces;
- (c) All proposed Public Art projects will be considered including acquisitions, donations or commissions; and
- (d) All Public Art projects and programs are carried out in a fair and transparent manner, and in accordance with industry and local government best practice.

## 3. Management

### *How will community consultation work?*

### **Role of the Public Art Advisory Committee**

- 3.1. Council will establish a Public Art Advisory Committee (PAAC) composed of stakeholder representatives to advise Council on its Public Art initiatives. This allows for strong expert community consultation. Membership will comprise two (2) Councillors, the General Manager (or their delegate), the Manager of Tourism Cultural Services, a representative of Arts North West and four (4) representatives of the arts community.
- 3.2. The PAAC operates on a consensus basis and meets a minimum of three (3) times a year and has a quorum of four members.
- 3.3. The Committee's role is to advise Council on future Public Art Projects. This advice can include:
  - (a) Providing art industry experience to assist and advise Council's decision-making process relating to the acquisition, placement, and maintenance of Council's Public Art projects;
  - (b) Advising Council in the development of art policy and project development matters brought before the Committee, including subsequent reviews of existing policies and programs;
  - (c) Assisting in identifying any gaps in Public Art provision and suitable sites within Narrabri Shire LGA
  - (d) Creating appropriate partnerships with the private sector for Public Art and investigating funding opportunities for Public Art; and
  - (e) Providing creative direction for integrated functional design.

## Register of artworks

- 3.4. All Public Artworks will be identified on the Council's asset register including a description of the artwork, maintenance requirements and decommissioning details (see Appendix 1).

## 4. Acquisition and Management

### Acquisition of Artworks

- 4.1. There are four different processes for the acquisition of Public Art. These are:
- Donations - From time to time, artists and members of the community offer to donate artworks to Council with the expectation that the works will be cared for and suitably displayed in the public domain. Council will seek advice from PARC before it commissions or accepts a donation of public artwork.
  - Community initiated art - Community initiated art refers to any proposal by an individual, community group, or other external party, to create and or fund a piece of public art. Social engagement projects which focus on positive wellbeing outcomes will also be supported. These proposals must be supervised by a project coordinator to ensure access in equity outcomes and facilitate quality project outcomes.
  - Commission; or
  - Purchase.
- 4.2. For all cases, a Public Art Submission Form must be completed (refer Appendix 2). The PAAC may assist and facilitate this process with the impacted parties. This form will be reviewed and assessed by the PAAC.
- 4.3. The PAAC's assessment of Public Art will be guided by the following principles and criteria:
- Clear artistic vision and a standard of excellence where the artwork complements the built and natural environment in which it is located;
  - Experience of proposed artist;
  - WHS and public safety obligations;
  - Consideration of sustainability and longevity;
  - Achievable timeframe and a realistic and viable budget; and
  - The artwork should not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.
- 4.4. If the submission is endorsed by the PAAC, then the PAAC will submit a recommendation for the Public Art for Council's review and approval.
- 4.5. The form details all criteria that will be considered in the assessment by the PAAC, thereby providing a clear and transparent process to select acquisitions which is based on specific assessment criteria and informed by professional expertise. Artworks will not be excluded on personal opinion or aesthetic grounds alone, nor will they be included on these grounds alone.

### Contract Arrangements

- 4.6. A commissioning contract between the artist (or donor) and the Council will be prepared and ratified prior to work commencing. The contract will be administered by the Council's appointed Project Manager and must address, although is not limited to, the following:
- The terms and conditions relating to the delivery, presentation and installation timelines.
  - The intended life of the work.
  - The amount, and how and when it is to be paid for the work.
  - The required maintenance schedule upon completion of the work which will inform the maintenance to be undertaken by the Council.

- (e) All insurances including Public Liability and Professional Indemnity with certificate of currency.
- (f) If an aboriginal or Torres Strait Islander community or creator is involved with a public art project, consideration needs to be given to including special provisions in the contract which safeguard the Indigenous cultural and intellectual property concerns of that community or individual.
- (g) Acknowledges that Artists' Moral Rights (as defined in the Moral Rights Amendment to the *Commonwealth Copyright Act 1972*) over all works will be respected by the Council.
- (h) Compliance WHS statutory obligations.
- (i) The responsibilities of the parties in relation to confidential information.
- (j) The terms and conditions, consistent with the Council's obligations under the *Copyright Act* if the Council intends to remove, relocate or dispose of the work.

### **Restoration and Maintenance of Artworks**

- 4.7. Artworks in the public domain are subject to wear and tear and degradation over time. In addition, they are occasionally vandalised, graffitied or broken.
- 4.8. As part of the acquisition of any new artwork, the artist must provide a maintenance schedule upon completion of the work.
- 4.9. The schedule should outline requirements for regular cleaning, maintenance or servicing, specifically what is required, who should do it and how often. For example any specific cleaning agents for surface treatments and materials needed. Details of any spare parts that have been lodged must also be provided.

### **Relocation of Artworks**

- 4.10. Circumstances sometimes arise where redevelopment of a site, or the use of the site changes, renders an artwork inappropriate and requires its relocation.
- 4.11. Council must consult with the artist before preparing a report addressing the following matters: insurance, risk management, valuation, engineering and legal.

## **5. Decommissioning**

### **Decision to decommission**

- 5.1. Artwork may be considered for removal when:
  - (a) Its condition has deteriorated to such an extent that it can no longer be considered to be the original work of art;
  - (b) Its condition has deteriorated beyond restoration, or where the cost of restoration is excessive in relation to the original cost of the work or the current value of the work;
  - (c) The cost of ongoing maintenance is prohibitive;
  - (d) The work has deteriorated to a point where it is unsafe or presents a danger to the public; or
  - (e) The artwork has reached its endurance or attribute limits and that the space which it occupies is required for a preferred and Council-approved purpose (and there is no other suitable site).

### **Decommission Process**

- 5.2. Disposal of Public Art must be completed in consultation with the artist or donor, whichever is applicable. The following steps need to be followed, with all decisions and actions fully documented in the Deaccessioning Form (refer Appendix 3).
- 5.3. A condition assessment of the artwork must be completed by a suitably qualified professional.
- 5.4. If the work is deemed to have deteriorated beyond repair, then Council must:
  - (a) Make all reasonable enquiries to identify and locate the artist or artist's representative;
  - (b) Make all reasonable enquiries to identify and locate the donor (if applicable);

- (c) Consult and inform artist or donor of the deaccessioning process;
- (d) Notify artist or donor of the condition of the work;
- (e) Offer the artist or donor the artwork or, if the artist or donor does not wish to have it returned, then
- (f) Dispose of the artwork in a responsible manner.
- (g) If the work remains in good condition:
- (h) The work remains in situ until the deaccessioning process is complete.
- (i) Make all reasonable enquiries to identify and locate the artist or artist's representative.
- (j) Make all reasonable enquiries to identify and locate the donor (if applicable).
- (k) Consult and inform artist and donor of the deaccessioning process.
- (l) The work must have been gifted or bequeathed with no conditions or trusts attached that prohibit its deaccession.
- (m) Undertake an independent valuation of the work by a professional arts valuer to determine the price.
- (n) Council to decide whether the work is to be on-sold, or donated, which can be dependent on how the work was originally acquired.
- (o) The work is offered (either for sale or donated) in the following order:
  - (i) Donor
  - (ii) Artist
  - (iii) Not-for-profit organisation or public institution
- (p) Funds from any decommissioned Public Art will be reused for new or upgraded Public Art within the LGA.

## 6. Review

- 6.1. Council reserves the right to vary, replace or terminate this policy at any time. This policy will be reviewed every 4 years or following an ordinary election of Council, or earlier if there are relevant statutory or State Government policy changes.

## References

- *Local Government Act 1993* (NSW).
- *Local Government (General) Regulation 2021* (NSW).
- *Copyright Act 1968* (Cth).

## History

Minute Number	Meeting Date	Description of Change
368/2022	22 November 2022	Endorsed for public exhibition
017/2023	28 February 2023	Adopted