

Central Coast Council

Public Art Policy

JULY 2023

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1 INTRODUCTION

Public art enhances our shared civic spaces, expressing our evolving sense of identity and place. Highly visible and accessible, the Council recognises the role public art can play in enriching the lives of residents and visitors and creating opportunities for cultural and economic development that contribute to achieving the Central Coast's Vision to:

'be a vibrant, thriving community that draws inspiration and opportunities from its natural beauty, land and people and connected by a powerful sense of belonging.'

(Central Coast Strategic Plan 2014 – 2024)

2 PURPOSE

The Council plays a key role in the development of public space. This policy will assist the Council to make decisions on art in public space and guide the integration of artwork into capital projects, streetscape works and place making. This includes the management of the Central Coast's existing public art assets as well as the proposal and selection of new public art works whether through direct commission, in partnership with business and other tiers of government or through community driven initiatives.

3 SCOPE

This policy applies to all existing and future public art installed in public space owned, managed, or maintained by the Council including commissioned works, community arts projects and arts-based events in the Central Coast public domain.

This policy provides a procedure for the appropriate procurement and disposal of public art.

4 STANDARDS (INCLUDING RELEVANT LEGISLATION)

This Policy was developed in accordance with:

4.1 Relevant Legislation

- *Local Government Act 1993*
- *Local Government (General) Regulations 2015*
- Tasmanian Planning Scheme – Central Coast 4.2.7 Exemption
- *Land Use Planning and Approvals Act 1993*
- *Building Act 2016*
- *Copyright Act 1968*
- International Council of Museums Code of Professional Ethics 2022
- National Association of Visual Arts Code of Practice Year 2022

4.2 Related Policies/Documents

- Central Coast Arts and Culture Strategy 2023
- Central Coast Council Collection Policy 2023
- Asset Management Policy 2021
- Open Space and Recreation Plan 2012 – 2022
- Code for Tenders and Contracts 2019
- Guidelines for the installation of plaques and memorials in parks and open spaces with Central Coast 2021

4.3 Related Forms/Tools

- Art in Public Space Proposal Form

5 ***DEFINITIONS OR EXEMPTIONS***

5.1 Public Art

Public art is not easily defined, nor is the definition collectively agreed. In the broadest sense, public art is a creative or interpretive element attached to, or installed in a building, structure, or space, indoor or outdoor, and is accessible to the public by either relative proximity, sight, or audibility.

Public art may comprise stand-alone items or may be fabricated into the construction of buildings, structures, or open spaces.

Public art can be literary, visual, acoustic, interactive, craft or design. Public art requires the engagement of artists (or suitably experienced designers) in the conception, development, and enhancement of a public space.

Public art often seeks to be interpretive of its immediate environment and local characteristics and should be a sensitive and/or expressive response to the space in which it operates.

Public artworks can take on a wide range of forms from iconic, functional, decorative, integrated, site-specific, or interpretive, through to ephemeral and temporary.

This policy pertains to public art installed in public space, owned, managed, or maintained by the Council.

The Council will consider public art to align with one of the following:

- a) **Iconic:** A stand alone or significant work, where the artist's approach is largely independent of other considerations. Examples include sculptures, water features, lighting, or multimedia.
- b) **Functional:** Where an additional purpose or function of the work is present. For example, seating, bollards, play equipment or furniture.
- c) **Decorative:** Where the primary purpose is to aesthetically enhance an

environment or structure. For example, murals or installations in/on public buildings.

- d) **Integrated Site Specific:** Works that are fully incorporated within the design of the built or natural environment, designed to respond to the surroundings. Site Specific works may include streetscape design, landscaping that include artistic form or shape, and public open space design elements.
- e) **Interpretative:** Where the primary purpose is to describe, educate and comment on issues, events or situations. Examples include signage, pavement inlay, landscaping, murals and text-based work.
- f) **Temporary:** Not designed to last or remain installed in its original setting. Existing from a few hours up to approximately 24 months. It should not require maintenance. If it does require maintenance, or is intended to last longer than 24 months, it should be considered permanent.
- g) **Memorials:** If an artist or designer is engaged to develop a memorial on/in publicly accessible place owned, managed, or maintained by the Council, then that memorial is a public artwork under this policy, and is required to be assessed using the criteria prescribed. All public memorials must adhere to existing Council policies and the Planning Scheme.

5.2 Public Space

In this policy, public space is defined as indoor and/or outdoor spaces, owned, managed, or maintained by the Council, including, but not limited to property such as: buildings, streets, pathways, parks, squares, foreshores, and waterways that are freely accessible to the public.

5.3 Community Art

Community art may also take place in the public domain however these projects are not generally defined as public art. The definition of Community derived public art is community (individuals and organisations) working together to express and/or articulate a collective vision in a creative way through the development of artwork that may take place or be viewed in a public space. Community development principles and practices are given comparable focus to artistic or creative outcomes. Ideally a trained artist and/or community arts worker facilitates community arts projects.

6 EXEMPTIONS

Exempt from the Council's Public Art Policy:

- a) Unauthorised public art that was not initiated, or is not owned by the Council, or public art that has not been endorsed by the Council.
- b) Artworks installed at/in public or privately owned property outside the ownership or management of the Council, regardless of whether the artworks can be viewed by the public.

- c) Temporary, or ephemeral artwork, at/in publicly accessible places that are intended as part of a short-term event, festival or commemorative occasion, devised to last no longer than the life of the event and require no ongoing management.
- d) Commemorative Seats.
- e) Community and Political signage.
- f) Civic infrastructure installed by the Council at/in publicly accessible places, that may or may not contain an element that could be interpreted as artistic, for example: seating, bin surrounds, street lighting, and other associated civic infrastructure.
- g) Work undertaken or contracted by the Council in the field of urban design, architecture design or landscape design, for example footpath paving, plantings, and fencing.
- h) Civic items installed by the Council at/in publicly accessible places, that may or may not have a cultural/heritage or artistic element, for example the penguin rubbish bins, including commemorative plaques, or culturally sensitive gifts.
- i) Public art initiated and coordinated by recognised community groups or service providers that is installed in an area associated with facilities or outdoor places directly connected to their activities. The initiating organisation will be responsible for the management and maintenance of the artwork.
- j) Memorials proposed by recognised community groups or service providers for installation in publicly accessible places, designed for the single purpose of commemorating individuals, groups or events. The initiating organisation will be responsible for the management and maintenance of the artwork.

7 ROLES AND RESPONSIBILITIES

This policy encourages ongoing interdepartmental, community and private sector partnerships to support and promote public art.

7.1 Central Coast Council

Public art opportunities may arise within the capital works programs and placemaking activities in the Local Government Area and on the land and building assets owned by the Council. Examples include public art commissioned as part of a precinct or park upgrade, streetscape works, place making or Masterplans. Public artworks commissioned by the Council will be guided by the Code for Tenders and Contracts. Appointed artist will be commissioned in accordance with the National Association of Visual Arts standard practice. The Council will also encourage the creation of other types of public art initiated by the community and local artists such as, but not limited to, ephemeral art, legal street art and performance art. The Council is responsible for

the maintenance and management of all Council commissioned or acquired works of art in public space for an agreed lifespan.

As the Central Coast's cultural precinct, Hive plays an important role in the cultural development of the Central Coast. It can create synergies between the Council and the community by adding value to projects through:

- Arts based events;
- Public art projects and exhibitions;
- Artists-in-residence programs; and
- Public programs such as educational workshops.

7.2 The Curator

The curator is the primary role responsible for the development and management of the Central Coast Council Cultural Collections, including the Public Art Collection (see Central Coast Council Cultural Collections Policy). The Curator is also responsible for the analysis, review and interpretation of the Collections with an aim to present a balanced view of the history and culture of the community.

7.3 Other Institutions/Organisations

Institutions and organisations such as Libraries Tasmania and the Department of Education are custodians of public art collections. The Council will actively create relationships with other institutions and organisations to share information and increase understanding and, where appropriate, collaborate.

7.4 Private Developments

The private sector, particularly building owners and developers, are encouraged to contribute to public art in the Central Coast for the benefit of our community. The Council can assist with advice about regulations and best practice for engaging and working with artists to deliver a public art project.

7.5 Public Art Committee:

The role of the Public Art Committee (PAC) includes:

- a) The identification and recommendation of public art within the municipality;
- b) To undertake the evaluation and assessment of all submissions, proposals, gifts, and donations; artist liaison and contracts;
- c) The ongoing observation and evaluation of public art assets; and
- d) The identification of public artworks suitable for deaccession.

The PAC will meet quarterly and be chaired by the Manager Arts and Culture. It will be made up of the Manager Asset Services and Hive Curator. Decisions will be made by consensus of these three roles. If consensus cannot be reached they will be escalated to the Director Community Services. Staff from Asset Services, Arts and

Culture, Community Development and Planning may be asked to provide input as appropriate.

The project management of the installation of new public art assets will be managed by the responsible officer identified in the development of specific projects.

7.6 The Artist

The role and responsibilities of the artist need to be clearly defined during the development of specific projects. The roles will vary depending on whether the artist has made a direct submission to the Council or whether the artist was selected as part of an expression of interest process. A contract between the Council and the artist will detail each parties' responsibilities. The contract will be managed by the PAC.

The role of the artist may include any or all the following:

- a) Response to the project brief;
- b) Participation in community consultation;
- c) Liaison with engineers and/or design professionals such as architects and regarding the design and installation of the artwork;
- d) Provision of detailed risk management documentation;
- e) Management of fabrication and installation with subcontractors; and/or
- f) Development of a maintenance plan for the artwork and project evaluation.

8 POLICY STATEMENT

The Council will encourage the creation of public art that expresses the objectives identified in the Central Coast Arts and Culture Strategy further increasing liveability for present and future residents, and enhancing the Central Coast's attractiveness as a visitor destination.

The Council will seek to encourage art in public space by:

- a) Providing guidance for the development and implementation of public art for the Central Coast;
- b) Ensuring public art commissions are integrated within wider placemaking initiatives and, where appropriate, within new developments;
- c) Engaging and supporting artists, creatives and community groups in the practice of public art; and
- d) Employ best practice standards in the management of the city's public art collection and support local and visitor audience engagement with public art assets.

9 *PRINCIPLES*

In addition to the Council's Organisational Values, the following principles will guide the development and management of artwork in public space in the Central Coast:

- a) The Aboriginal heritage and history of the site is considered at the first stage of project conception and through to delivery;
- b) The development of artworks reflects the cultural heritage and aspirations of the places, people and stories of the Central Coast;
- c) The artwork is designed for some level of public interaction;
- d) The artwork increases community awareness and appreciation of art;
- e) The implementation process is inclusive and transparent to the public;
- f) The artwork is accessible to all members of the community; and
- g) The artwork contributes economic development and cultural tourism.

10 *PROCUREMENT OF PUBLIC ART*

Public Art can be procured and developed through numerous methods, including but not limited to:

- a) The commissioning of new works by identifying potential public art opportunities;
- b) Submissions or expressions of interest direct from artists;
- c) Private sector and service club requests or contributions;
- d) Donations and/or gifts; and
- e) Sponsorships.

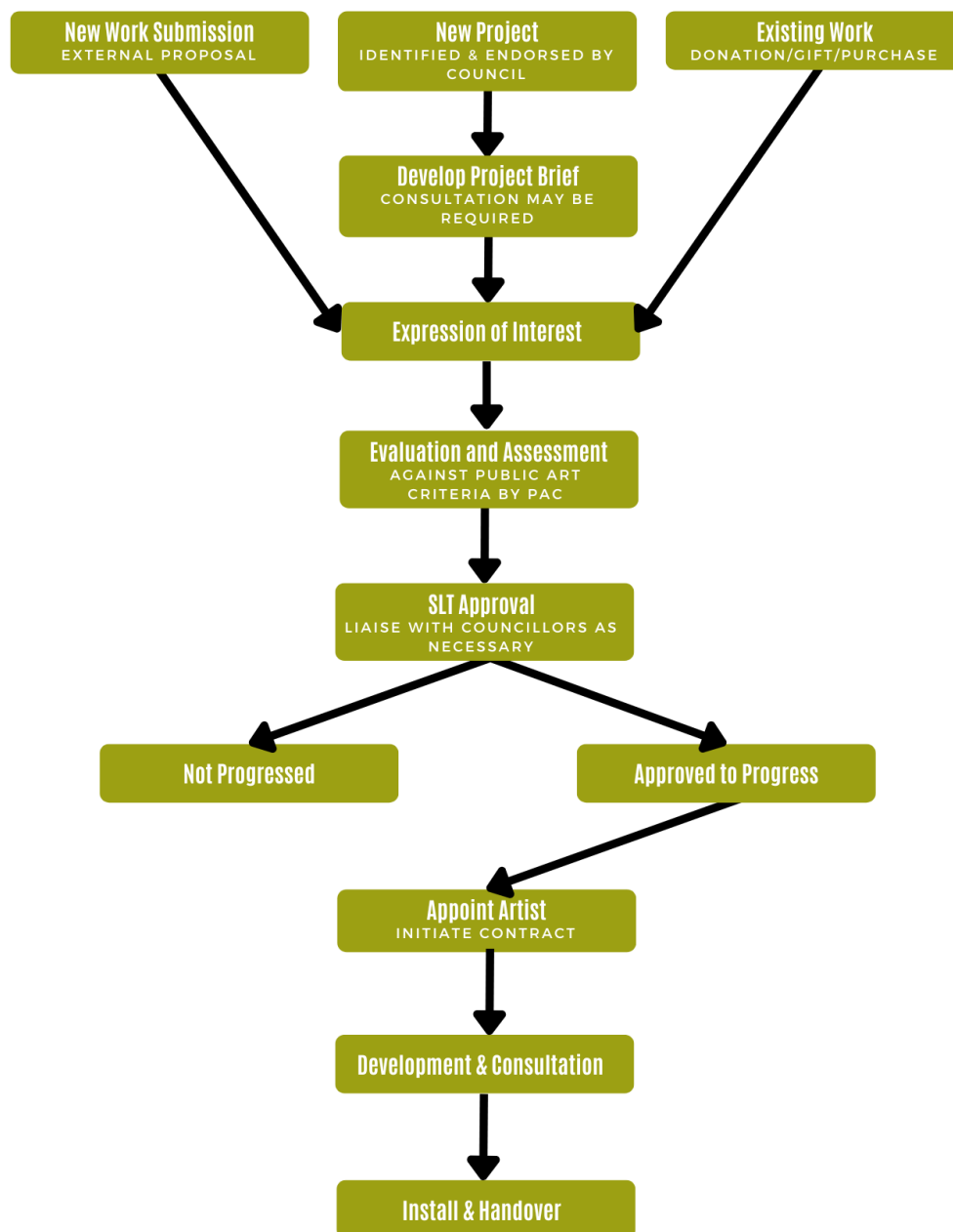
The Council may be offered donations or gifts by individuals or organisations wishing to make a cultural contribution to the Central Coast. Gifts and donations will be assessed under this policy for their appropriateness. The Council is not obligated to accept donations and gifts.

To commission new work, the Council can accept financial donations that are tax deductible, processed as within the requirements of the Deductible Gift Recipient status, maintained by the Central Coast Council.

11 PROCESS

The process of procuring public art assets will vary depending on the project initiation. Regardless of a project's initiation, the Council will undertake an equitable and transparent process.

The process will include the following steps:



12 CRITERIA

All public art proposals, submissions, gifts and donations will adhere to the Council's objectives as outlined in the Council's Arts and Culture Strategy, and will be assessed against the following criteria:

- 1 The artist identifies as Tasmanian by either birth, or by having demonstrated a strong and ongoing association with Tasmania for no less than two years, or the artist can adequately demonstrate a strong connection to Tasmania, with the exception of proposals by artists of national or international significance.
- 2 The artist demonstrates a history in visual arts or design practice, or in the case of emerging artist status, possesses the realistic potential for establishing a career as a recognised visual arts practitioner. The Council reserves the right to endorse an emerging artist and request a mentor is appointed to oversee the project.
- 3 The proposal (concept or artwork):
 - a) Is of a high standard, supported by being considered a work of quality by peers in terms of design, technical and structural execution;
 - b) Is relevant to the location;
 - c) Does not require onerous maintenance;
 - d) Best meets the requirements outlined in the project brief and the Council's broader objectives (if project brief addressed);
 - e) Meets relevant building and safety standards;
 - f) Does not pose any long-term conservation concerns;
 - g) Meets the requirements of the project budget or available funds; and
 - h) Will be achieved in the required timeframe, or in a timely manner.
- 4 Has been assessed based on the guidelines outlined in this policy document.

If a proposal does not meet the criteria, it may still be recommended by the PAC, if it can be demonstrated that there would be significant value in acquiring a certain artwork due to the outstanding quality of the work, or the artwork has substantial cultural relevance. In this instance the PAC would be required to justify significant benefit to the Central Coast.

13 NEW PROJECT IDENTIFICATION AND DEVELOPMENT

When a new public art project is identified (not a direct submission from an artist/representative, or gift/donation) a project brief is required that clearly defines the scope and aims of the project. The brief will address the Council's aims and objectives.

The brief will consider the following:

- a) Project motivations and desired outcomes;
- b) The influence of this policy and legislative requirements and any issues that may impact on the project;
- c) The project theme and parameters, project budget, site, project management issues, risk management issues, timeframes and planning and approval processes;
- d) Consultation with key stakeholders. If significant community consultation and engagement is required, the relevant process will be defined in the project brief; and
- e) Whether or not community consultation is required, and what role the artist will have in community consultation.

Consultation with key stakeholders will be undertaken in the development of the Project Brief and processes for ongoing community consultation and engagement will be clearly defined.

14 SELECTING AN ARTIST

The commissioning or purchase of Public Art is subject to the Council's Code for Tenders and Contracts and the appropriate method of purchase will be determined by Section 5 of that Code. The Council will actively seek applications from local artists or designers in line with the Code for Tenders and Contracts Purchasing Principle 3.3 Enhancement of the capabilities of local business and industry.

Expressions of interest for Council-managed commissions will be publicly advertised, directing interested parties to a project brief, which may or may not include the requirement for the artist to submit a concept or maquette. Assessment of submissions will be coordinated by the responsible officer and assessed by the PAC.

Specialised staff, such as engineers, planners or environmental specialists may form part of the assessment phase, providing expert advice on submissions.

Selected artists may be provided the opportunity to develop their submission. This process will be overseen by the PAC.

Community consultation may be undertaken if the project is of significant public interest.

Once the preferred public artwork concept has been selected by the PAC, a recommendation for the preferred artist will be made to the Council. Once the preferred proponent has been endorsed by the Council, the successful artist will be offered a contract agreement.

15 IMPLEMENTATION

The final stage of the commissioning process involves construction, project installation, completion, and handover. Fabrication of public art will be monitored by the responsible Officer.

The artist will be required to submit a maintenance plan as part of the contract.

16 ARTIST'S COPYRIGHT

The *Copyright Act 1968* regulates copyright in Australia in relation to original literary, dramatic, musical and artistic works, and subject matter other than works.

17 MAINTENANCE AND RESTORATION

The artist or their representative is required to provide the Council with a maintenance schedule to preserve the integrity of the work. For existing works, the PAC will attempt to devise a maintenance schedule.

If repairs are considered necessary, the PAC will undertake the necessary liaison with the artist or their representative to ensure any restoration work does not breach the agreement or moral rights of the artists.

18 COLLECTION MANAGEMENT

Public art will be placed on the Council's Public Art Asset Register.

The Hive Curator will be responsible for the management and maintenance of the public art register.

19 RELOCATION OF PUBLIC ART

It may be necessary for public art to be relocated, due to a publicly accessible space being impacted by development, risk of damage caused by activities in the proximity, sale of the property, or inappropriateness of location evolving over time.

The PAC will provide a recommendation to the Council, should the PAC consider public art would benefit from being relocated.

The Committee will undertake the necessary liaison with the artist or their representative to ensure the relocation or transport of art works does not breach the agreement or moral rights of the artists.

Relocation of public artwork is to be preference over decommission.

20 *SELECTION FOR DECOMMISSIONING PUBLIC ART*

Decommissioning refers to the removal of an artwork from a public collection, and in the case of public art, removal from public display and disposal.

The PAC will be responsible for reviewing public art assets and for proposing the decommissioning of artworks to the Council. The PAC will undertake a formal review of its public art assets every five years to assess the asset life.

The decision to decommission a public artwork will be informed by the asset's condition, likely ongoing maintenance and its relevance to its location or the municipality.

The PAC will be required to consult with individuals that may include the artist, legal advisor, conservator, curator, technical and structural experts who possess the relevant qualifications, prior to making a recommendation to the Council to decommission a public art asset.

Prior to proposing the decommission of an asset, the PAC will be responsible for reviewing the terms and conditions set out in any original agreement with the artist. Consideration will be given to the artist's rights in relation to the future of the work, including options for repairs to the work if this is the issue.

The PAC will consider options for the relocation or disposal of the asset, including the coordination of an appraisal of the value of the work.

The following checklist has been developed to assist the Council with determining the need to decommission public art works.

- 1 The condition of the work:
 - a) It has deteriorated or been damaged to the extent that it can no longer be considered the original work of art.
 - b) It is beyond restoration, or the cost of restoration is excessive in relation to the value of the work.
 - c) The cost of ongoing maintenance is excessive.
- 2 Legal/risk and moral right considerations:
 - a) The work has deteriorated and represents an unacceptable level of risk or danger to the public.
 - b) The artist raises concerns regarding the work.
 - c) Changes to the environment impact on the integrity of the work, affecting the artist's original intent or moral rights.
 - d) The work of art has design faults, either on a material or workmanship basis.

- 3 Significant change in relevance:
- a) The work is no longer relevant to either the site, the Council's aims, goals and objectives, or relevant strategies.
 - b) The work is duplicated in the public art collection.

21 THE ACT OF DECOMMISSIONING A PUBLIC ARTWORK

Assets identified and approved for disposal must remain in Council ownership for a minimum period of 12-months after the approval to deaccession has been approved by the Council. If the work poses significant public risk, or danger to the public, the Council must remove it from public access and place in storage. At the end of the 'cooling off' period, the PAC will determine which of the following methods is most appropriate for disposal and provide a recommendation to the Council:


- a) Return the object to the artist/donor, if artist/donor in agreement;
- b) Transfer the asset to another institution or municipality identified as being relevant to the work recommended for disposal;
- c) Sale by public auction or by tender, with any profits being held for the acquisition of public art; or
- d) Destruction – only to be carried out if the object has irreparable damage or the object poses a significant health and safety risk.

22 REVIEW

This Policy will be reviewed every three years by the Council, unless organisational and legislative changes require more frequent modification/s.

Date of approval: 17 / 07 / 2023

Approved by:


Barry Omundson
GENERAL MANAGER