

## 1. SCOPE

- 1.1 This policy covers all permanent, integrated, or temporary public art work in public space that is either commissioned by, or in partnership with, Waratah-Wynyard Council (WWC).
- 1.2 Public artworks may be of varying scale and scope and can be:
- a) Functional - primary purpose is practical, such as seating or lighting;
  - b) Integrated - embedded within a natural or built environment, such as signage or landscaping;
  - c) Decorative - for aesthetic purpose, such as murals or sculptures;
  - d) Site Specific - designed for a specific location; and
  - e) Interpretative - primary purpose to describe, educate or comment on issues, events, or situations.

## 2. PURPOSE

- 2.1 Public art can create a unique community identity that informs or enhances a sense of place and can generate iconic branding for the area.
- This policy and associated procedures provide a framework to enable Council to contribute to the support and promotion of public art to reflect and enhance Waratah-Wynyard's cultural, natural, and built heritage.

## 3. POLICY STATEMENT

- 3.1 Public art in the Waratah-Wynyard municipal area can express the community's positive aspirations for its future based on its unique attributes, heritage, and people. Public art can contribute to the vibrancy of public spaces for the enjoyment of locals and visitors, enhance community identity, and enrich cultural life.
- 3.2 Council is committed to public art through:
- a) Including a biannual provision in the budget;
  - b) Continuing to apply for external funding for determined projects;
  - c) Developing partnership arrangements with local businesses or organisations;
  - d) Utilising opportunities within existing Council allocation for street furniture, seating etc;
  - e) Encouraging voluntary 'Developer' contributions that include public art; and
  - f) Creating a public art advisory committee that will operate at a strategic level to assist Council to implement the policy and guidelines.

### LEGISLATIVE REQUIREMENTS:

Nil

### RELATED DOCUMENTS:

Public Art Procedures

Public Art Advisory Group Operating Procedures

DOC NO: COM.002	VERSION NO: 2	APPROVAL DATE: 16 October 2023
CONTROLLER: General Manager	APPROVED BY: COUNCIL	REVIEW DATE: January 2027

**PUBLIC ART PROCEDURES**
**1. Purpose**

This Public Art Policy Procedure document was created to attribute the roles, responsibilities and procedural guidance required to implement the Public Art Policy.

**2. Definitions**

<b>Artist</b>	An artist can be a person: <ul style="list-style-type: none"> <li>• Who practises or performs any of the creative arts, such as a sculptor, film-maker, actor, or dancer.</li> <li>• Who possesses high level interpretive, conceptualising and creative skills that result in the creation of artwork.</li> <li>• Who has demonstrated professional standing through exhibitions and commissions and is skilled at a particular task.</li> </ul>
<b>Contemporary Art</b>	Contemporary art is the art of today, produced in the second half of the 20th century or in the 21st century. Contemporary artists work in a globally influenced, culturally diverse, and technologically advancing world. Their art is a dynamic combination of materials, methods, concepts, and subjects that continue the challenging of boundaries. Diverse and eclectic, contemporary art is distinguished by the lack of a uniform, organising principle or ideology. Contemporary art is part of a cultural dialogue that concerns larger contextual frameworks, such as personal and cultural identity, family, community, and nationality.
<b>Public Art</b>	Public art is, for the purpose of this policy, defined as any permanent or temporary art object, installation or activity in the public realm (excluding galleries, museums and public collecting institutions). In general, public art is sited on public land and has been purchased, is owned or has been commissioned by a public authority.
<b>Integrated Art Work</b>	Art and design work that is embedded within signage, seating, paving, fences, urban design, landscape design, architectural design etc.
<b>Temporary &amp; Ephemeral Public Art</b>	Works of temporary public art are intended to occupy a place, and have a presence, for a finite period. Works of ephemeral public art are non-permanent and distinguished by their fleeting and immaterial presence on site, or incorporation of their own changing state and disappearance as an integral part of the artwork. The term is usually used to describe a work of art that only occurs once.
<b>Permanent Public Art</b>	Artwork in this category might include signature works, landmarks, acquisition of existing art work for a specific site, commemorative or monumental works and site-specific art work in a public place. All these terms relate to the fact that such works tend to be commissioned as set pieces of art in their own right. These artworks are often major commissions with significant budgets and therefore require a transparent and accountable commissioning process to ensure the best artists are considered and that due process occurs.
<b>Public Realm</b>	The public realm can be defined as including, but not limited to, streets, parks and spaces that are within buildings that are accessible to the general public, and in the ownership of, or under the control of, public authorities.

**3. Scope**

The procedure covers all permanent, integrated or temporary public art work in public space that is either commissioned by, or in partnership with Waratah-Wynyard Council.

## 4. Implementation

### 4.1 Public Art Advisory Group

The development of a Public Art Program will involve the continued guidance of the Public Art Advisory Group who will review proposals or concepts and make recommendations to Council on artwork to be commissioned. The Public Art Advisory Group will operate in accordance with the Public Art Advisory Group Operating Procedures.

### 4.2 Engagement Process

Public art projects may be engaged through the following processes:

- a) Direct or tendered commissions of work - permanent, temporary or ephemeral;
- b) The loan or hire of realised work for a period time;
- c) Engagement of artists for specific projects;
- d) A collaborative design process for conceptual and design input to a capital work or project;
- e) Collaborative community-based projects;
- f) Artist-in-residence projects; and
- g) Collaborations with festivals and events.

The Community Activation Manager will be the first point of reference for all matters relating to public art and the development of the program. Council will operate in accordance with their Procurement Policy.

## 5. Guideline Statement

### 5.1 A Commissioning Process | Example Model

Depending on the commissioning process, the concept will either be developed in isolation, competitively, as in the case of a tender process, or in a more collaborative process, as for a community engagement project.

A commission brief will be developed using clear language that addresses the concept, the proposed location of the work and the commissioning amount. The brief may also include specific details, such as materials used or style of the installation, as necessary.

The artist's initial response to a commission brief may take the form of rough drawings and a written explanation of the idea for the project and how this might be developed.

The initial concept will give enough of an idea of what the artist is proposing without him or her going to great lengths to resolve either the design or any technical issues. A detailed budget will be provided by the artist.

The Public Art Advisory Group may then shortlist artists it considers suitable for the project to develop their initial concepts further and provide detailed drawings, a maquette (three-dimensional model) or photomontage of the proposed work in situ, and/or samples, together with a detailed budget breakdown to ensure that the work is able to be fabricated within the available budget.

The concept drawings or maquette should be of a sufficiently high standard so that it is clear what the artist is proposing.

The commission brief and project scope need to be clear on the level of community engagement expected by the Public Art Advisory Group. The commission brief may require a Community Engagement Plan to be developed for the project. Any Community Engagement Plan should outline the purpose of engagement, method of engagement and people responsible for carrying out that process and be developed in consultation with the Community Activation Manager.

Once the Public Art Advisory Group has selected the work to be commissioned from the shortlisted artists, a Contract is drawn up allowing the successful artist to commence fabrication.

Council will be responsible for permits and negotiations with landholders and other stakeholder agencies.

## 5.2 Community Engagement

Engagement with the community is an important element of public artwork. Community engagement can include:

- a) Consultation with community members regarding the particular site and the focus of public art;
- b) Inclusion of community representatives on the Public Art Advisory Group;
- c) Contributions to project ideas through an artist's research;
- d) Projects that are interactive and provide hands-on experience, training, or mentorship;
- e) Projects that allow for a dialogue between the artist and community about the nature of the work and art-making process; and
- f) Projects that create opportunities for local manufacturers and businesses.

## 5.3 Sign off

The final sign off is undertaken when the work has been installed and an assessment can be made that the work meets the artistic, conceptual and technical standards agreed to in the Contract. At that point the ownership and responsibility for the artwork is transferred from the artist to Council.

A defects liability period of between six to twelve months usually applies after installation.

After this time the Council is responsible for maintaining the artwork. Artists are usually required to provide details of maintenance regimes and scheduling.

Upon completion works will be entered onto the Public Art Register, Public Art Maintenance Schedule and the Waratah-Wynyard Council Asset Register.

## 5.4 Attribution

Artist's Moral Rights Legislation (part of copyright law) requires that artists be attributed as the creators of public art. This obligation is usually met by installing a plaque in the vicinity of the work that names the artist and can also include an explanation of the work. Moral Rights Legislation stipulates that an artwork can not intentionally be altered, modified or damaged in any way to alter the integrity of the artwork. Artists may want to retain copyright of their artwork and clauses dealing with copyright should be included in a Contract. Council may ask for the artist to grant a free license to reproduce images of their work in promotional materials. The artist should be acknowledged in any promotional material that reproduces images of their work.

All public artworks will have a Waratah-Wynyard Council funded plaque that acknowledges:

- a) The artist, the commissioner, and any other funding or sponsor agreements;
- b) The year the work is commissioned; and
- c) A short artist statement providing a context for the work.

#### **5.5 Removal, Relocation and De-accessioning**

An estimated lifespan of the work will be determined at the point of contract. Waratah-Wynyard Council Public Art Assets may be removed, relocated or de-accessioned when the following conditions occur:

- a) When the environmental context of the work has changed significantly making that site inappropriate for the work;
- b) The cultural significance of the work or site has changed; and
- c) Environmental concerns or vandalism occur that alter the lifespan of the work, the artists intent for the work or the integrity of the work.

Removal will occur:

- a) When the work is damaged to the point of non-repair or such a repair is of greater value than the perceived or real cost of the work;
- b) If the cultural or social context of the work is deemed no longer relevant or appropriate by the Public Art Committee:
  - o For removal of donated art work, the donor has first option to claim the work;
  - o For removal of purchased art work, the artist has first option to buy the work; and
  - o For the sale of the removed art work, proceeds from a Council sale of the art work will be allocated toward the Public Art Advisory Group for the commissioning or care of other public art assets.

De-accessioning:

When a work is de-accessioned, it will be removed from the Waratah-Wynyard Council Maintenance Schedule and Asset Register. Any de-accession would need to be endorsed by the Public Art Advisory Group. The work will be removed, resold, reclaimed or destroyed as deemed appropriate.

#### **6. Communication**

These Public Art Procedures may be publicly accessed on the Waratah-Wynyard Council Website and hard copies of the policy may be accessed at the Council offices.

#### **7. Responsibility**

Responsible Officer: Manager Community Activation

## PUBLIC ART ADVISORY GROUP OPERATING PROCEDURES

### 1. Objectives of the Advisory Group

- 1.1. Operate at a strategic level to assist Council to implement the Public Art Policy and to engage with regional and state-wide plans containing public art outcomes and strategies and identify and/or explore public art opportunities.
- 1.2. Develop a schedule of public art projects considering identified priorities.
- 1.3. Determine where to prioritise the annual budget for public art.
- 1.4. Liaise with Asset Services with regard to the ongoing maintenance and care of existing public art assets.
- 1.5. Work with Asset Services and Planning to identify the opportunities for public art as they arise.
- 1.6. Provide recommendations to Council on any public art proposed on Council controlled land.
- 1.7. Provide advice or recommendations to Council on policies and strategies for improving the delivery of public art.

### 2. Membership of the Advisory Group

- 2.1 The Public Art Advisory Group will have at least five (5) members made from the following:
  - Waratah-Wynyard Councillor (minimum of one);
  - Independent Artists;
  - Art teachers, arts academics or individuals with an arts education background;
  - Representatives of Wynyard Artscape;
  - Representatives from the local indigenous community; and
  - Community representatives.Other parties as appropriate see below:
  - Waratah-Wynyard Council Officer.Any of the following representatives can be co-opted as determined by a particular project:
  - Key stakeholders such as representatives from:
    - Local business;
    - Special interest groups; and
    - Historical Society.
- 2.2 Council will determine which Councillors are elected to the Advisory Group.
- 2.3 Community nominations will be called for by Council via advertisements on Council's website.
- 2.4 Community representatives, with a whole of community perspective, will be sought from a variety of areas including, but not limited to, arts and community development.
- 2.5 Council will determine the successful community representatives. All Expressions of Interest will be assessed by the Councillor(s) and Council Officer(s) on the Advisory Group in consultation with the General Manager.
- 2.6 Councillor representation will be confirmed following the conduct of the biennial local government elections.

### 3. Functions of the Advisory Group

- 3.1 To assist Council at a strategic level with advice and recommendations on public arts-based activities and strategies and identify and/or explore public art opportunities.
- 3.2 To provide advice or recommendations to Council on policies and strategies for improving the delivery of public art in the community.



## PUBLIC ART ADVISORY GROUP OPERATING PROCEDURES

- 3.3 To provide an avenue for consultation and the exchange of ideas between Council and the community in relation to public art.

### 4. Advisory Group Meeting Procedures

- 4.1 The Advisory Group meetings shall be conducted in accordance with standard meeting procedures.
- 4.2 Minutes of the meetings are to be shared with and kept by the Manager Community Activation (MCA).
- 4.3 The Manager Community Activation will ensure that minutes of each meeting are recorded to include at a minimum the following:
- The names of those present;
  - an accurate record of the items discussed, and actions required; and
  - the time, date, and place of each meeting.
- 4.3 The minutes of each meeting shall be stored in Enterprise Content Management (ECM).

### 5. Chairperson

- 5.1 The Chairperson will be a Councillor elected by the Waratah-Wynyard Council.
- 5.2 Should the Chairperson be unable to attend a meeting; the meeting shall be chaired by the other Councillors elected by the Waratah-Wynyard Council.
- 5.3 A meeting will not be convened unless at least one Councillor is in attendance.

### 6. Frequency of Meetings

- 6.1 Meetings of the Advisory Group will be held at least two (2) times per year.
- 6.2 Consultation on issues will also be conducted with members through email and other means.

### 7. Notice of Meetings

- 7.1 Notice of each Advisory Group meeting shall be given to each member at least seven (7) days in advance, unless it is impractical to do so because an urgent matter requires a meeting be held at shorter notice.

### 8. Risk Management

- 8.1 Risk Management is an integral part of good management practice. Commitment to it will assist in keeping risk exposure to a minimum and help reduce injuries, damages and potential losses.
- 8.2 The objective is to identify, assess and control potential risks prior to them becoming actualities. Reasonable steps therefore must be adopted by all parties, to ensure that it is managed appropriately to minimise or eliminate the likelihood of it occurring.

### 9. Insurance

- 9.1 *Advisory Group Members and Voluntary Workers:*  
Where requested, Council's personal accident and public liability insurance may be extended to cover Advisory Group members and/or nominated voluntary workers attending meetings and other activities, such as working bees, which have the prior approval of the Advisory Group.

## 10. Definitions

**“Committee”** means the Committee as stipulated in this document.

**“Council”** means the Waratah-Wynyard Council.

**“General Manager”** means the General Manager of the Waratah-Wynyard Council, or a person acting in that position.

For the purposes of this Group the term public art will be limited to mean:

**“Public Art”** means any permanent or temporary art object, installation, or activity in the public realm (excluding galleries, museums and public collecting institutions). In general, public art is sited on public land and has been purchased or is owned by a public authority.