

PUBLIC ART POLICY

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PREPARED BY:

ARTS & CULTURE UNIT

4-20 Eton Street,
Sutherland NSW 2232
T 02 9710 0333
sutherlandshire.nsw.gov.au



SUTHERLANDSHIRE

1. PURPOSE

The purpose of the Public Art Policy is to guide public art development in the Sutherland Shire. This policy supports Council's vision for a culturally rich and vibrant community and recognises the important role of public art in actively and creatively engaging the community, creating a sense of place and enhancing the liveability of our region.

The Policy provides a framework for the planning, development, implementation and care of public art within the Sutherland Shire. It aims to ensure transparency and accountability with Council's processes and expectations for residents, ratepayers and interested parties.

The Policy refers to all public art located or proposed in the public domain. The Policy sets the criteria for the assessment of all public art commissioned by the Council, or acquired by purchase, donation or transfer. The Policy can also be applied to art on private land, visible from the public domain, where the owner voluntarily seeks Council's feedback.

The policy seeks to promote high quality public art. It guides and frames the contribution by artists to the design and development of the public domain including collaborations between artists, architects, landscape architects, urban designers and planners in relevant Council capital works projects. management in line with the adopted strategic direction and in order to respond to the needs of our community.

2. APPLICATION

This framework applies to all public art activities undertaken by Council and is binding upon Councillors, Council employees and temporary staff, contractors and consultants while engaged by Council.

The Cultural Strategy (in development) will be the informing strategy for a new Public Art Strategy which will identify the key themes and priorities for 2022-2032.

Public Art will be reviewed by the Public Art Advisory Panel. Evaluation and approval of all artworks will be based on criteria set out in this Policy. Recommendations will be passed to Council for approval.

Schedule A provides specific details of how the Public Art Advisory Panel is comprised and operates.

Schedule B provides specific criteria for the assessment of all acquisitions, deaccessions and proposals for public art.

Schedule C provides information for acquisition and deaccession of public art works.

Schedule D provides specific details and information about public art in private spaces and how information must be provided by applicants and the process by which the proposal will be assessed.

Schedule E provides a full list of definitions for terms used in the policy and schedules.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances. These principles aim to provide the basis for the prioritisation and implementation of public art across the Sutherland Shire.

3.2 Recognise and Celebrate First Nations Stories, Culture and Heritage in Public Spaces

Council recognises the importance of acknowledging the first people of the region, the Dharawal people of the Gweagal nation. Sites and briefs for First Nations public artworks will be identified and prioritised in consultation with the Aboriginal Advisory Committee and with reference to Council's Aboriginal Cultural Heritage Plan.

3.3 Document and Celebrate Local History, Environment and Community

Public art can contribute to the community's sense of identity and place and enhance the liveability of our region. The Cultural Strategy (in development) will provide a framework for important local features based on community consultation.

3.4 Support Living Australian Artists and Local Artists from Southern Sydney

Council is committed to supporting local artists by commissioning or purchasing public art works created by living Australian artists or local artists where appropriate. Developing public art works actively supports and sustains artists and the broader creative economy.

3.5 Activate and Support Town Centres with Public Art Projects

Public art actively contributes to celebrating our local communities and creating a sense of place. It can enhance the urban environment while also giving a voice to the community. Public art in town centres may encourage visitation and increased foot traffic to local businesses. The Cultural Strategy will guide identifying key sites and town centres for a range of community and public art projects.

3.6 Support High Quality Public Art on Private Property that is Visible from the Public Domain

Public artworks on private property, visible from the public domain, make an important contribution to the creative fabric of the urban environment. Public art can enhance urban centres and add to local stories. To facilitate public art on private property and help ensure its appropriateness, Council has provided information for Public Art on Private Property.

3.7 Support Private Development, Stakeholder and Government Partners to Facilitate Public Art Opportunities

Public art can create benefits not just for developments but the whole community and local economy. Where appropriate Council will support private developers, stakeholders and government partners to facilitate and realise public art. Information is provided to assist this.

3.8 Manage and Maintain Council's Public Art Collection

A public art collection register will be developed by Council for public art works, street art and memorials. This will involve documenting, cataloguing and condition reporting all works to museum standards. It will also develop a conservation and maintenance program for new and existing works and will undertake conservation as funding allows. Works will be maintained in a culturally and environmentally sensitive and sustainable manner.

3.9 Initiate and Implement Programs to Communicate, Educate and Engage the Public about Public Artworks

A range of education programs will aim to enhance appreciation and understanding of art and demonstrate the role of art in public spaces. This may include promotion of new and existing works to generate community dialogue. The education program may include talks, website information, education kits, walking tours including self-guided app or map-based tours

4. RESPONSIBILITIES

4.1 Responsible Officer

The Manager, Arts and Culture, is the Responsible Officer for this policy and is responsible for the management and implementation of the Public Art Policy and for keeping the policy current.

4.2 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.

4.3 Directors

Directors are responsible for ensuring their directorate adheres to the requirements of this Policy and providing guidance in respect of the guiding principle of the policy within their directorate and the organisation.

4.4 Employees

Employees must adhere to the requirements of this Policy and operate within its authorities.

5. POLICY COMPLIANCE

The Public Art Policy and its implementation will be monitored through review by the Manager Arts and Culture and with feedback from the Public Arts Advisory Panel with reports to the Executive on progress.

An initial policy review will occur following the adoption of the Cultural Strategy (in development) and the subsequent Public Art Strategy. Council will review this policy upon completion of the Public Art Strategy and every two years from that adoption onwards.

Review of this policy and related documents will be undertaken by the Manager of Arts and Culture or delegated employees to enable monitoring and associated.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the NSW State Records Act 1998 and Privacy and Personal Information Protection Act 1998 through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

Breaches of this Policy will be dealt with in accordance with normal disciplinary procedures and will be advised to the Chief Executive Officer and / or Director Shire Services, via the Manager Arts and Culture where appropriate.

8. RELATED DOCUMENTS

- Codes of Conduct
- Work Health and Safety Policy
- Access to Information Policy
- Community Strategic Plan
- Aboriginal Cultural Heritage Management Plan
- Cultural Strategy (in development)

9. RELEVANT LEGISLATION AND REGULATIONS

- Local Government Act 1993 (NSW).
- State Records Act 1998 (NSW).
- Privacy and Personal Information Protection Act 1998 (NSW).
- Government Information (Public Access) Act 2009 (NSW).
- State Environmental Planning Policy (Exempt and Complying Development) 2008.
- State Environmental Planning Policy 64.

- Sutherland Shire Council’s Local Environmental Plan 2015.
- Sutherland Shire Development Control Plan 2015.

10. DEFINITION OF TERMS

Term	Meaning
Art	The term “art” is defined as the product of practitioners who intend their work and activities to be seen and read as art. It embraces material and immaterial products and concepts emanating from the imaginative and creative thinking of artists.
Public Art	The Arts Law Centre of Australia defines public art as “artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums.” Public art can be ephemeral, temporary or permanent and can also include the conceptual contribution of an artist to the design of public spaces and facilities.
Street Art	Street art is defined as an artwork that is painted, marked or otherwise affixed to the outside of a building and visible from a public place. It may be words, figures, shapes or lines.

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SCHEDULE A – PUBLIC ART ADVISORY PANEL

1. Role of the Public Art Advisory Panel

The Public Art Advisory Panel will be established and approved by Council following the adoption of the Public Art Policy. The Panel will evaluate and assess all public art proposals against the prescribed criteria of the Public Art Policy. The Panel will be responsible for making recommendations to the Executive and Council through the Responsible Officer. Appointments to the Panel will be approved by Council and be appointed for the term of Council.

The Public Art Advisory Panel will consist of:

- Two local professional artists (reviewed every two years);
- Chairperson and/or Deputy Chairperson, Aboriginal Advisory Committee;
- Representative of Hazelhurst Arts Centre Board;
- Manager Arts and Culture, Sutherland Shire Council;
- Curator Hazelhurst Arts Centre, Sutherland Shire Council; and
- Manager Planning or delegate.

The Panel will meet quarterly (or as required) and will report to Council through minutes and recommendations. Recommendations and endorsements for the implementation of public artworks will be submitted to Council by the panel. Final approval of any public art projects will be made by Council. In the event that a member of the community objects to an approved public artwork, submissions can be sent in writing to the Public Art Advisory Panel for reply.

SCHEDULE B – CRITERIA FOR ASSESSMENT

All Public Art related activities will be assessed by the Public Art Advisory Panel. Following assessment by the panel, a recommendation will be referred to the Executive. Processes, decisions and activities must:

- Be undertaken with consistent and appropriate documentation to ensure equitable outcomes; and
- Be free from any conflict of interest that may result in any unfavourable, favourable or preferential treatment.

1. Assessment Criteria

All Public Art works will be evaluated and assessed against the following criteria:

- Relevance to the objectives and actions of the Cultural Strategy, the Public Art Strategy and the principles of this Public Art Policy;
- Artist/Design excellence and innovation;
- Integrity and originality;
- Contextual relevance and appropriateness of the work in relation to its site;
- Socially engaging and increases community interaction and conversations in the public realm;
- Provides educational opportunities;
- Considers environmental impact;
- Considers public safety and access to and use of the location;
- Consistent with current planning, policies and plans of management including current planning, heritage, environmental and procurement policies; and
- Achievable within the project timeframe and budget, including ongoing maintenance.

SCHEDULE C – ACQUISITIONS AND DEACCESSIONS

1. Acquisitions

Works can enter the Public Art Collection by commissions, purchases, donations (by gift or bequest) and transfers. All objects entering the permanent collection will be accompanied by a legal document transferring exclusive irrevocable copyright licence of the works to Sutherland Shire Council. Full copyright will remain with the artist/author of the work/object.

All objects entering the permanent collection will be listed in the Public Art Collection register. All objects acquired for the collection will be documented and Council shall retain records of accession.

All art works and cultural objects donated by gift or bequest or transferred to the City must be accompanied by a certificate of authenticity.

Provisions for the maintenance of the art work must be allocated to the maintenance schedule operated by Council

A period of review should be allocated to each work on accession, under the advice of the Public Art Advisory Panel.

1.1 Commissions

Commissioned artworks may be individual artworks or integrated within urban design. Commissioning can occur by direct commissioning, limited or targeted Expressions of Interest (EOIs) and open expressions of interest.

1.2 Purchases

Works may be purchased for the Public Art Collection where suitable existing works have been identified for specific sites.

1.3 Donations: Gifts or Bequests

Gifts and bequests for artworks and/or cultural objects will be presented by the Responsible Officer to the Public Art Advisory Panel who will make a recommendation regarding the suitability of the artwork for the collection. Depending on the work, the recommendation will be passed to the CEO/council for approval.

Donations may be accepted as part of the Federal Governments Cultural Gifts Program where suitable. Donated works must be from Australian artists living or deceased.

1.4 Transfers

When artworks or cultural objects are transferred to the care of Council, they will be assessed by the Public Art Advisory Panel who will make a recommendation regarding the suitability of the artwork for the collection. Depending on the work, the recommendation will be passed to Council or the CEO for approval.

1.5 Unsolicited Proposals

Unsolicited proposals for new artworks will follow the same procedure as acquisitions initiated by the Council.

1.6 Relocations

The request to relocate an artwork in the Public Art Collection can be made by a division of the Council, a member of the community or another government authority. The request must be made in writing to the Responsible Officer, who will present the request to the public Art Advisory Panel with additional information including: whether the proposal meets the criteria in the Public Art Policy; provenance; artist information; current value; and an assessment by an independent conservator/heritage consultant and any specialist engineers/art moving consultants. The Public Art Advisory Panel will assess the request and make a recommendation regarding the item. Depending on the work, the recommendation will be passed to Council or the CEO for approval or endorsement. Relocation of an item will be recorded in the Public Art Collection register. All decisions and actions should be fully documented.

Where the Council intends to relocate an artwork, it will make reasonable enquiries as to the identity and location of the artist (or the artist's representative). If the Council cannot contact the artist or representative after making reasonable enquiries, the Council may remove and relocate the artwork as it sees fit.

If the Council identifies and locates the artist or representative, it will issue a written notice stating Council's intention to remove and relocate the artwork and informing the artist that they may, within 4 weeks of the notice, have access to the artwork for making a record of the artwork and/or consult in good faith with the Council about the removal.

If requested, Council will consult in good faith with the artist in relation to the removal, transfer, destruction or demolition of the artwork. However, the Council is under no obligation to agree to any demands of the artist, whether or not those demands or requests are reasonable. Where the artist requests from the Council that they wish to be unidentified as the creator of the artwork in any new location or after any change above, the Council will comply with such a request.

2. Deaccessions

The request to deaccession an artwork in the Public Art Collection can be made by a division of the Council, a member of the community or another government authority. Disposal of an item will be recorded in the Public Art Collection register. All decisions and actions should be fully documented.

2.1 Deaccession Criteria

Artworks may be deaccessioned if they meet at least one of the following criteria:

- Objects that are not relevant or consistent with the purposes and objectives of the Public Art Policy
- Objects that lack physical integrity
- Objects that lack authenticity or are duplications
- Objects for which the adequate care and maintenance required for upkeep is unavailable
- Objects for which the cost of adequate care and maintenance required over a five-year period exceeds the original value of the object
- Objects located in the public domain that may cause risk to the public
- Objects integrated into the fabric of Council-owned buildings, streets or parks which are subject to redevelopment by the Council, where the object is not salvageable or where the cost of relocation exceeds the original value of the object.

2.2 Disposal

Deaccessioned works are disposed of by transfer, destruction or demolition.

Where the Council intends to dispose of any artwork, it will make reasonable enquiries as to the identity and location of the artist (or the artist's representative). If the Council cannot identify or locate either party, they may remove and transfer, destroy or demolish the artwork as it sees fit. In the case that the artwork is moveable, it may be transferred to another Council collection or relevant institution.

If the Council identifies and locates the artist, it will give the artist written notice stating Council's intention to remove, transfer, destroy or demolish the artwork and that the artist may, within 4 weeks of the notice, have access to the artwork for making a record of the artwork; and/or consult in good faith with the Council about the disposal. If the artwork is to be destroyed or demolished, the Council will also give the artist a reasonable opportunity to remove the artwork, or parts of the artwork, from the place where it is situated before taking any further action.

SCHEDULE D – INFORMATION FOR PUBLIC ART ON PRIVATE PROPERTY

The information in Schedule D seeks to ensure the provision of high quality public art located in or on private property but visible from the public domain. It includes, but is not limited to, street art that has been commissioned with the landowner's consent. Public art on private property should not contain material that discriminates against or vilifies any person or group, or is offensive or sexually explicit.

Public Art and the need for Development Consent

Some artworks do not require a Development Application and can be undertaken as exempt development if they meet specific criteria. Exempt development provisions are contained in *State Environmental Planning Policy (Exempt and Complying Development) 2008*. Sculptures and other freestanding artworks on private land may also be considered as exempt development. Painted wall art may be exempt development, provided:

* it has the consent of the land / property owner.

* is not located on a heritage item or in a heritage conservation area or special character area

Public art requiring development consent is also required to be assessed pursuant to the *Environmental Planning and Assessment Act 1979*.

In the case of installing an artwork on private property that is visible from the public domain, the Public Art Advisory Panel will assess all public art that requires development consent.

Where the artwork is exempt development and does not require Council consent, owners and developers may voluntarily submit a proposal to the Public Art Panel for assessment.

After submitting a proposal, the applicant will be advised of the receipt and the date of the Public Art Advisory Panel meeting at which their proposal will be presented. The proposal will be assessed by the Public Art Advisory Panel before a recommendation is made to the Executive Committee and CEO, and Council if required. The applicant will be advised in writing of the outcome of the assessment. Following an assessment, and where public art requiring consent is rejected by the Panel, the applicant may revise their proposal and re-submit.

The proposal should include:

1. Background information:

Details on the commissioner(s) and the reason for the inclusion of the artwork, including how it is intended for the public to view or experience the work.

A response to the Guiding Principles of Council's Public Art Policy.

2. Concept:

Artwork mock-up showing the work in-situ and detailing the scale, location, materials and finishes and a description of the concept for the work (250 words).

3. Expected life span of the work:

Provide details for the lifespan of the work including whether the work is ephemeral, temporary or permanent.

4. Site features:

Include distinctive features, heritage status, cultural or social history significance and physical and climatic aspects.

5. Budget and cost summary:

Include an itemised budget with an artist fee and materials and installation costs and an indicative schedule for fabrication and installation.

6. Artist information:

Provide an artist biography, 1 page CV and 5-10 images of indicative work, or a link to the artist's website.

7. Plan for ongoing maintenance:

Include a schedule and budget for ongoing maintenance for the expected lifespan of the work.

SCHEDULE E – DEFINITIONS

Term	Meaning
Culture	According to UNESCO, 'Culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.' (UNESCO, Universal Declaration on Cultural Diversity, 2 November 2001)
Art	The term "art" is defined as the product of practitioners who intend their work and activities to be seen and read as art. It embraces material and immaterial products and concepts emanating from the imaginative and creative thinking of artists. Signs and advertising are not considered art.
Australian Artist	To be classified as Australian artist, the artist must be either: born in Australia; an Australian citizen; in Australia as an approved temporary resident for a minimum of two years, and/or a permanent resident of Australia.
Local Artists	Local artists from southern Sydney include artists born, currently living, or previously lived for a period of no less than 5 years, within the LGA of Sutherland Shire Council and St George area.
Public art	The Arts Law Centre of Australia defines public art as "artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums." Public art can be ephemeral, temporary or permanent and can also include the conceptual contribution of an artist to the design of public spaces and facilities.
Street art	Street art is defined as an artwork that is painted, marked or otherwise affixed to the outside of a building and visible from a public place. It may be words, figures, shapes or lines.
Site Specific	A site specific artwork is designed for a specific location and its meaning is intrinsically related to the site.
Permanent public art	Permanent public artworks are intended to stay in position for long periods. They are generally created from highly durable materials – such as bronze, marble, granite, steel and basalt – that can withstand extreme environmental conditions. In case of this policy, a permanent work is one that is intended to remain in place for approximately 20 years.
Temporary public art	Temporary public art works have a pre-determined life that can last from several days to several years. Examples include murals or works from materials that are not as durable as those used in permanent works such as wood, fabric, plastic, ceramic or paper.

SCHEDULE TO PUBLIC ART POLICY



Term	Meaning
Ephemeral public art	Ephemeral art works have a fleeting or immaterial presence often lasting only for a single day or a few hours. Examples include light projections, performances, or a sand drawing on the beach.
Integrated public art	An integrated artwork is one that is incorporated into another structure such as a building, a streetscape or landscape design.
Public Art Memorials, monuments and plaques	These are often permanent public artworks created from durable materials - such as bronze statues and plaques or stone structures
Acquisition	Acquisition refers to the process of obtaining valid title to an artwork.
Commission	An art commission involves the requesting of an artwork to be created. The commissioner provides a project brief, timeline and budget.
Expression of Interest (EOI)	An expression of interest is often one of the first stages in commissioning an artwork. It is submitted by or on behalf of the artist and outlines their suitability, interest and availability in undertaking the commission. It usually also includes a CV and examples of existing work.
Concept proposal	This is the artist's presentation of the proposed artwork and includes details on materials and fabrication as well as a concept rationale.
Donation / Bequest	A donation is a gifted art work. A bequest is a gift made as part of a will or trust.
Deaccession	Deaccessioning refers to the process that formally removes collection material (artwork) from the collection. Following deaccession, the material may be disposed of by various means.
Unsolicited proposals	Unsolicited proposals are those made without a formal request from the Council.

End of Document

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