



WALCHA COUNCIL

Recreation & Cultural Policy

Public Art

Applicability

All Councillors and Council Staff

Publication Requirement

Internal and External

Assigned Responsible Officer

General Manager

Document Status

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1. PURPOSE

Walcha Council aims to create a national profile as a creative and vibrant community that is known as an exciting place to visit and a culturally sophisticated region. Walcha Council values inclusivity, cultural diversity and First Nations representation and promotes the social and cultural diversity of its whole community.

Public Art can revitalise urban spaces and engage with communities. It provides interest and increases a town's attractiveness as a place to visit, live and work. Public Art can make a significant contribution to social health and well-being of the local community. It also has the ability to contribute to ideas and contemporary issues.

2. POLICY SCOPE

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

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.

3. POLICY STATEMENT

This policy provides a framework for implementation of Public Art into the public domain. Specifically the framework is designed to:

- a) Ensure Public Art is integrated into the infrastructure and natural environments of Walcha in order to enhance public spaces;
- b) Support discovery of innovative options to resource and implement Public Art;
- c) Ensure proposals are suitable and sustainable;
- d) Ensure proposals articulate a sense of place or community identity which celebrates cultural and creative diversity; and
- e) Encourage a stronger sense of community belonging, and community ownership of public spaces within Walcha Council.

4. POLICY COMMITMENT

Walcha Council is committed implementing a fair and transparent Public Art acquisition, management and deaccession processes.

5. DEFINITIONS

5.1. Public Art

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.

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.

6. KEY PRINCIPLES

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.

7. MANAGEMENT

7.1. Role of the Arts Advisory Committee

In 2009 Council resolved to establish a 355 Arts Advisory Committee (AAC) to advise Council on its Public Art initiatives. Membership comprises one Councillor, the General Manager, the Director of Engineering and four representatives of the arts community.

The AAC operates on a consensus basis and meets a minimum of three times a year and has a quorum of four members.

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 Walcha 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.



7.2. Register of Public Artworks

All Public Artworks will be identified on the Council's asset register (record held by Council).

8. ACQUISITION AND MAINTENANCE

8.1. Acquisition of Artworks

There are four different processes for the acquisition of Public Art. These are:

- 1) Donations;
- 2) Community participation;
- 3) Commission; or
- 4) Purchase.

For all cases, a Public Art Submission Form must be completed (refer Appendix 1). The AAC may assist and facilitate this process with the impacted parties. This form will be reviewed and assessed by the AAC.

The AAC's assessment of Public Art will be guided by the following principles and criteria:

- a) Clear artistic vision and a standard of excellence where the artwork complements the built and natural environment in which it is located;
- b) Experience of proposed artist;
- c) WHS and public safety obligations;
- d) Consideration of sustainability and longevity;
- e) Achievable timeframe and a realistic and viable budget; and
- f) 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.

If the submission is endorsed by the AAC, then the AAC will submit a recommendation for the Public Art for Council's review and approval.

The form details all criteria that will be considered in the assessment by the AAC, 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.

8.2. Contract Arrangements

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:

- a) The terms and conditions relating to the delivery, presentation and installation timelines.
- b) That the delivered artwork is not substantially different to the original concept proposal approved in the public art submission form.
- c) The intended life of the work.
- d) The amount, and how and when it is to be paid for the work.
- e) The required maintenance schedule upon completion of the work which will inform the



maintenance to be undertaken by the Council.

- f) All insurances including Public Liability and Professional Indemnity with certificate of currency.
- g) 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.
- h) Acknowledges that Artists' Moral Rights (as defined in the Moral Rights Amendment to the Commonwealth Copyright Act 1968) over all works will be respected by the Council.
- i) Compliance WHS statutory obligations.
- j) The responsibilities of the parties in relation to confidential information.
- k) 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.

8.3. Restoration and Maintenance of Artworks

Artworks in the public domain are subject to wear and tear and degradation over time. In addition, they are occasionally vandalised, graffitied or broken. As part of the acquisition of any new artwork, the artist must provide a maintenance schedule upon completion of the work. 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.

9. DECOMMISSIONING

9.1. Decision to decommission

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).

9.2. Decommission Process

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 2).

1. A **condition assessment** of the artwork must be completed by a suitably qualified professional.
2. If the work is deemed to have **deteriorated beyond repair**, then the AAC 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.
3. If the work remains in **good condition**:
- a) The work remains in situ until the deaccessioning process is complete.
 - b) Make all reasonable enquiries to identify and locate the artist or artist's representative.
 - c) Make all reasonable enquiries to identify and locate the donor (if applicable).
 - d) Consult and inform artist and donor of the deaccessioning process.
 - e) The work must have been gifted or bequeathed with no conditions or trusts attached that prohibit its deaccession.
 - f) Undertake an independent valuation of the work by a professional arts valuer to determine the price.
 - g) Council to decide whether the work is to be on-sold, or donated, which can be dependent on how the work was originally acquired.
 - h) 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
 - i) Funds from any decommissioned Public Art will be reused for new or upgraded Public Art within the LGA.

10. RELATED LEGISLATION, POLICIES AND REVIEW

10.1. Related Legislation and Policies

The following are relative to this policy:

- 1) Local Government Act 1993 NSW
- 2) Walcha Council Code of Conduct (WO/19/336)
- 3) Copyright Act 1968

10.2. Review

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.



Preferred materials, fabrication and installation requirements

Include details covering the materials, fabrication and any installation requirements. i.e. use of cranes, transport limitations etc.

Proposed Artist

*Include a brief biography of the proposed artist. This should cover details of any previous experience in successfully managing and delivering a Public Art project of similar nature and scale. **Please also include up to 2 images of examples of previous work***



Sustainability, maintenance and public safety issues

Include an outline of how the project will address sustainability, maintenance and public safety issues. Will there be any projected maintenance cost or specific maintenance requirements? Will council staff require training in the use of equipment or materials to maintain the artwork? Etc.

Budget and Funding Information

Please provide a budget breakdown for the project addressing items in the table below

Administration/project coordination fees	\$
Preparation and design Fees	\$
Artist Fees	\$
Insurance	\$
Purchase of materials and fabrication costs	\$
Cost of installation	\$
Freight/transportation of artwork	\$
Other (please specify)	\$
Subtotal (exclusive of GST)	\$
GST (if applicable)	\$
TOTAL (GST inclusive)	\$

Declaration and Form Submission

By signing and submitting this document I declare that:

- a) *All of the information submitted in this application is true and correct;*
- b) *I (the artist) can make myself available (with reasonable notice) to discuss my artwork and installation with the Walcha Council 355 Arts Advisory Committee;*
- c) *In accordance with the Copyright Act 1968 I give permission to Walcha Council to use images of the artwork for the purpose of the promotion of Walcha.*
- d) *If successful I can provide confirmation regarding the following items before signing the final contract to form part of the final agreement:*
 - i. *Proposed project delivery schedule;*
 - ii. *Installation method;*
 - iii. *Maintenance requirements; and*
 - iv. *Public Liability Insurance.*

Declaration made by:

Full Name	
Signature	
Date	



APPENDIX 2: Deaccessioning Form

Artwork Catalogue Details	
Artist	
Title	
Medium & dimensions	
Date of installation	
Acquisition Source	Artist / Donor (Select one)
Artwork Condition Assessment	
<i>Note that a condition assessment must be completed prior to consent being granted to remove any artwork.</i>	
Condition assessment report completed by	
Artwork Condition Assessment Report attached	
Criteria for Deaccession	
Has work been gifted or bequeathed with conditions or trusts attached prohibiting deaccession?	Yes / No
The work is in poor physical condition	Yes / No
Cost of ongoing maintenance is prohibitive	Yes / No
The work is unsafe or presents a danger to the public	Yes / No
The work has reached its endurance attributes / limits and that the space which it occupies is required for a preferred and Council-approved purpose	Yes / No
<i>Insert any additional comments regarding the proposed deaccession here.</i>	
Recommended means of Disposal	
<i>Describe the details regarding the recommended means of disposal. Consider all relevant items including safety, resources, transportation and access.</i>	



Cost Estimate for Disposal

Provide a cost estimate for all disposal activities, including names of companies / suppliers that will be involved in the work. This includes site based activities, storage, transportation etc.

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Artist Consultation and Declaration

By signing this form I declare that:

- a) I have been consulted concerning the deaccessioning of the artwork specified in this form; and
- b) I HAVE / HAVE NOT accepted its return (select one option).

Declaration made by:

Full Name	
Signature	
Date	

Donor Consultation and Declaration (if applicable)

By signing this form I declare that:

- a) I have been consulted concerning the deaccessioning of the artwork specified in this form; and
- b) I HAVE / HAVE NOT accepted its return (select one option).

Declaration made by:

Full Name	
Signature	
Date	