

DRAFT PUBLIC ART POLICY

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| POLICY NO: DRAFT | DRAFT PUBLIC ART POLICY |
| FUNCTION: | Sustainable Development |
| ACTIVITY: | Public Art Officer / Gallery Director |
| OBJECTIVE: | Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity. |
| SECTION RESPONSIBLE: | Arts, Tourism and Leisure |
| AUTHORISED: | REVIEWED: November 2009 |

What is 'Public Art'

"Public Art" for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Aim

The aim of the Public Art Policy is to facilitate the acquisition and management of high quality public artworks that improve the amenity of public places, enhance local identity and sense of place as well as enriching the cultural life of the community. A strong sense of place and identity are keys to a community's sense of wellbeing and belonging.

Objectives

Within the overarching 'Aim' of this Policy the following objectives are supported:

- The creation of Public Art that tell the 'Lismore story' in all its expressions.
- The installation of Public Art in appropriate settings and sites.
- Appropriate expenditure on Public Art by the Council.
- The fostering of high quality artwork which exhibits appropriate standards of excellence, relevance and consistency.
- Consistent levels of quality maintenance for Public Art.

Commitments/Aspirations

Lismore City Council will aspire to:

- Develop awareness within Council and in the community of the value of art in public places.
- Enhance the quality of urban and open space environments through the sensitive placement of locally relevant and meaningful public artworks.
- Establish an effective process through which Council can address public art planning issues, including identifying sites/ zones for future public art works.
- Integrate public art into Council's urban designs in order to improve the quality of community spaces and to enhance the pedestrian streetscape experience.
- Encourage the use of collaborative arrangements between artists and design professionals, such as architects and landscape architects, in the creation and commissioning of public works to ensure the context of the artwork is fully taken into account.
- Working with education institutions to develop skills in Public Art, through professional placement opportunities for artists and art administrators.
- Where Council constructs a major building, urban streetscape or sporting facility of greater value than \$2,000,000 it will include in the development integrated Public Art to the value of at least 1% of the total project cost.

Framework

The aims and objectives of the Public Art Policy are to be implemented within the Public Art Procedures and will be overseen by the Public Art Reference Group (PARG). This group will oversee the operations of the Public Art Policy and will balance the Policy against all other adopted Council Policies and Procedures.

DRAFT PUBLIC ART PROCEDURES

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| PROCEDURE NO: DRAFT | DRAFT PUBLIC ART PROCEDURES |
| FUNCTION: | Sustainable Development |
| ACTIVITY: | Public Art Procedure document |
| OBJECTIVE: | Acquire and manage high quality public artworks that enrich and vitalise the public domain and enhance Lismore's identity. The Procedure document outlines the working process that articulates the Public Art Policy. |
| SECTION RESPONSIBLE: | Arts, Tourism and Leisure |
| AUTHORISED: | REVIEWED: November 2009 |

Scope

These Procedure document guidelines are applicable to the Public Art Reference Group (PARG) and are to guide the group in its dealings with the regulation of private sector development, Council capital works, and cultural development. The guidelines apply to all Public Art projects within the City. The PARG has the status as an advisory group to Council. In particular Chapter 21 of Council's Development Control Plan (DCP) is on public art. This chapter relates to public art required as a result of commercial, retail and tourist development in certain zones. This procedure applies to Public Art referred to the PARG under that DCP. The PARG has a role in respect of Chapter 21 of the DCP.

Purpose

To outline the main elements that need to be considered in the implementation of the policy.

Definitions

For the purposes of implementing the Lismore City Council Public Art Policy the following definitions will apply:

Art: Creative visual arts and craft activity that produces unique material objects or works of art made from lasting components and materials, or significant temporary/ephemeral works of art that can be documented and displayed in a lasting way.

Artist: Professional practitioners in the creative industries, visual arts, craft and design.

Artworks: Permanent or temporary works of art made by, or with, professional artists.

City: Lismore City including its villages.

Community Art: Work resulting from a high degree of community consultation and/or preparation. Community Art is to be produced in consultation or collaboration with an artist.

Council: Lismore City Council.

Plonk-Art: Artwork that is taken out of context, unplanned, inappropriate or existing outside its intended environment. Plonk Art excludes the correct process of consultation, planning and integration within a place/precinct.

Public Domain: Includes but is not limited to; streets, parks, squares and spaces within buildings that are accessible to general public and/or in the ownership/control of Council, State Government or Commonwealth Government agencies.

Public Art: for the purposes of this policy is defined as artworks created for or located in a public space and readily accessible to members of the public. Public art includes works of a permanent or temporary nature located in the public domain. A public space means all public space, which the public has access to or can view; this includes, but is not limited to; parks, streets, squares, gardens, walkways, public plazas and building foyers. Public art for the purpose of this policy does not include designed architectural or landscape features such as exterior designs on buildings or mosaics on pavers.

Art Register: The Art Register has formal rules for inclusion and exclusion of artworks from the collection.

Reference Group: Public Art Reference Group (PARG).

Reference Documents

This guideline has been developed to assist in the application or administration of the Public Art Policy to achieve the policy outcome.

Associated Documents:

- Lismore City Council Strategic Plan
- Lismore Local Environment Plan (LEP)
- Lismore City Council Cultural Plan
- Lismore City Council Cultural Policy
- Lismore Regional Gallery Policy
- Lismore Development Control Plan (DCP)
- Lismore City Council Consultation Policy
- Lismore City Council Aboriginal Consultation Procedure.

Private and Public Funding for Public Art

The ability to fund a Public Art program is a key consideration. It is a principle of the Public Art Policy that the public and private sectors contribute to the creation of a vibrant public realm through the funding of Public Art. There are two ways in which Public Art can be required namely:

1. Chapter 21 of the DCP requires a minimum of \$15,000 contributions where Public Art is provided on-site or at least \$12,000 where a contribution to the fund is made for commercial, retail and tourist development over \$2,000,000 in value. This procedure applies under this DCP.
2. The Public Art Policy requires Council to contribute at least 1% of the value of certain types of development over the value of \$2,000,000. This figure is higher than in (1) due the need for the Council to show leadership in this area.

Parameters

- Public Art may be incorporated within a building's structure or result in the creation of new architectural spaces or new public spaces.
- Public Art may take the form of tapestries, carpets, weaving, textiles, hangings, banners, use of colour, mobiles, ceramics, tiling, interior lighting, signage and flooring.
- Public Art could be sculpture, landmarks, environmental land works, photography, prints, paintings, projection, moving images, computer generated images.
- Public Art can introduce narrative or text, be issue based, decorative, humorous, challenging, beautiful, subtle or contentious.
- Public Art may refer to our heritage or celebrate the future, highlight specific areas and issues or be conceptual.
- Public Art can be permanent or temporary, internal or external, integral or free standing, monumental or local, large or small scale, design or ornament.

Public Art is generally initiated:

- As part of Centre Improvement Strategies, i.e. Council funded streetscape projects.
- Through Development Applications as a condition of approval. The work is funded by the developer and may be on private or public land – e.g. park or road reserve.
- Through the Regional Open Space Strategy i.e. in parks funded by Council.
- Through a community driven initiative funded by grants e.g. Ministry for the Arts and Australia Council.
- Percentage for art partnerships with State Government.
- Through a donation, gift or bequest.

Public art projects are generally managed as:

- Public art commissions.
- With or without community involvement in the development of the brief.
- Community arts projects.
- With community involvement in planning, design and fabrication.
- Community environment art design projects.

Scope of Public Art Reference Group Operations

The Public Art Reference Group will have an overseeing management role for all commissioning, implementation, relocation and de-accessioning of Public Artwork. The Group will work within the Public Art Policy and will use the Public Art Procedures as their reference documents.

The Public Art Reference Group

The Public Art Reference Group (PARG) will be the Lismore City Council's public art advisor body and will be made up of the following members:

1. 1 Councillor (Chairperson)
2. Lismore Regional Gallery Director (support officer for PARG)
3. 1 Indigenous art representative
4. 1 Arts industry representative
5. Executive Director of Sustainable Development.

PARG members (1), (3) and (4) shall be appointed by Council within 12 months after a Council election. Representatives (3) and (4) shall be done by expressions of interest.

The PARG will also consider advice pertinent to each project from the following:

- 1 Strategic Planner/ Development Assessment Planner,
- 1 Public liability/ risk management representative.

The PARG scope is to:

1. Recommend to Council in respect of proposed new Public Art concept briefs prior to the commissioning of the artists and the construction of the work.
2. Recommend to Council in respect of Public Art acquisition (via gift, donation, bequest or other means), removal, relocation and de-accession.
3. Recommend to Executive Director Sustainable Development the selection of an artist or artists to complete new Public Art works including recommendations in respect of final concept drawings within the concept brief approved by Council and the approved budget.
4. Recommend to Council six sites within the Lismore LGA for public art zones of activation. These will be the preferred locations for public art. In terms of scope items (1) and (2) the location or relocation of the subject Public Artwork will be part of the PARG scope.
5. Recommend to Council a public art plan for each site; integration, enhancement of the site, connectivity to community, relevance to history and currency of the site, and prospective partners.
6. Consult with the community as appropriate, consistent with Councils Consultation Policy and work generally in accordance with the Public Art Procedures.
7. Ensure quality control and provision of quality advice not to have any financial responsibility. However the PARG can make written submissions to the annual budget round on Public Art commissioning of work and maintenance.

The Public Art Officer (Gallery Director) will:

- Make recommendations to Council in regard to Public Art.
- Facilitate the selection of artists, being mindful of Council's tendering procedures.
- Be the support officer for the PARG.
- Contact all relevant departments and organisations, e.g.: roads, parks, electricity etc to obtain approval if necessary.
- Initiate and facilitate the collection of any background, historical and Indigenous information.
- Facilitate the project status, i.e. by commission or community arts project.
- Manage the public art aspects of projects.
- Coordinate the implementation of Council's Public Art Policy and Procedure.
- Source and consider significant policy and practice issues and trends relevant to the arts both nationally and internationally that will enhance this policy.
- Be essential in assisting/ facilitating the process of communication between: architects, builders, town planners, engineers; and artists, arts workers, other professionals; and the community.
- Liaise with all relevant sections throughout Council depending on the project.

- Consult with all stakeholders. This will vary depending on projects and what they want to achieve.
- Manage the de-accessioning, relocation and disposal of public art works.
- Prepare Public Art documents including, but not limited to, Public Art Reference Group Minutes, Public Art Contracts, Public Art Condition Reports for City Works inspectors and individual Public Art Project Briefs inline with the Code of Practice for the Australian Arts and Crafts Sector.

Selection Criteria for Public Artworks

Evaluation and approval of all public art will be based on the following criteria:

Storey telling/sense of place: It's important that Public Art tells the various stories of Lismore and villages that are unique to our area. Telling 'our stories' is critical to creating a sense of place, wellbeing and belonging. The concept brief for Public Art should reflect a storey that is relevant to the place it will be located in.

Excellence: Artwork shall be of lasting value, quality and artistic merit that will enhance the City's collection.

Audience: The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The Public Art Reference Group may not acquire public art that would, when displayed, create a hostile environment for the public.

Style: The artwork should be suitable in scale, materials, and form for its surroundings, or capable of being sited in a variety of public spaces. Artwork selected for the Council's collection should advance the purpose specified by the Public Art Reference Group at the time an acquisition project is undertaken.

Condition and Permanence: The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.

Technical Feasibility: The Reference Group will consider for commissions only those artwork proposals it finds likely to be completed according to design. The Reference Group will only select artworks for which it has an immediate location or storage capacity.

Fiscal Feasibility: The Reference Group will consider only such artworks for which it possesses adequate funding for appropriate display, maintenance, insurance and safeguarding.

Because Public Artworks are located in public areas they must be able to be safely handled by children and others, and therefore must comply with all relevant health and safety regulations and are subject to review by Council's Risk Management.

Relevance: The Reference Group will consider only such artworks that clearly demonstrate the relevance of the proposed work to its site and address aspects of the City's history, culture or society.

Consistency: The Reference Group will consider only such artworks where there is consistency of the overall vision for the Public Art Reference Group.

Spatial Relationship between Public Art and the Construction Projects that fund it

Council reserves the right to locate Public Art in the most appropriate and meaningful sites for the community. In determining the appropriate site for an artwork the following criteria will apply:

- The six sites identified by the PARG and adopted by Council shall be the priority sites for Public Art depending upon the budget etc.
- Desirable public art sites will be identified through the local area planning process.
- Pooling of funds for Public Art will be encouraged within Centres and in conjunction with Streetscape Improvement Projects.

The location of private sector funded artworks will be subject to negotiation with the project developer and will be determined within the following framework:

- Within the defined Urban Centre of which the development is a part.
- Within a prescribed area e.g. – sites within a Streetscape Improvement Project.

Uniform Public Art Evaluation and Approval Process

All proposals for new Public Art that arise from private sector development or Council capital works will be subject to a uniform Public Art Evaluation and Approval Process. This process will provide expert advice to the Development Assessment Teams and Council capital works managers on the acceptability of a proposal under the Public Art Policy and Guidelines. The process will reflect the following characteristics:

- Single point of coordination for each proposal
- Public Art Reference Group made up of key stakeholders
- Two step evaluation: preliminary and full evaluation
- Guidelines and performance criteria.

Acquisition and Establishment of New Artwork

- Upon identification of a new Public Art project the Public Art Reference Group will oversee the development and establishment of the Artwork, in accordance with adopted Procedures. Importantly the PARG will recommend to Council if the Public Art should be acquired and approve any newly commissioned work.
- Council can acquire Public Art via gift, donation or bequest or other means. Before this occurs the PARG would make a recommendation to Council for a resolution.
- New Public Art, proposed as a response to a Development Consent condition, any other Council Policy or at the behest of a private benefactor will be subject to this Procedure and will be overseen by the Public Art Reference Group.
- Council has adopted several methods for the acquisition of artwork: commission, purchase, donation, integrated (built-in) into urban initiatives in collaboration with other professionals, community projects and sponsored competitions.
- Council recognises that consultation with key stakeholders, city, state, arts, private, business sectors and community is essential prior to and during the acquisition process.
- Council places a high priority on the employment of local artists and supporting emerging artists for the supply of public art. Priority is 1. Locally (City of Lismore), 2. Regionally (Northern Rivers); 3. Northern State (Northern NSW); 4. State NSW and SE Qld.
- Council places a high priority on interactive artworks designed so as to be touched, where practicable, but must conform to health and safety legislation and be easily maintained.

Relocation or Removal of Artwork

- The Council may, as necessary or appropriate, transfer Council-owned artwork from one public site to another, remove artwork to storage or make a temporary loan of artwork to another agency or organisation.
- The Public Art Reference Group will review such proposals to relocate or remove a Council-owned artwork and make recommendations to the Council if required. Considerations for the relocation or removal of artworks may include, but are not limited to:
 - Security of the artwork can no longer be reasonably guaranteed.
 - Maintenance costs are higher than anticipated.
 - Faults of design or workmanship make repair unfeasible.
 - The artwork has been damaged and repair is unfeasible.
 - As erected, the artwork poses risks to public safety not identified during the selection process.
 - Once installed, the artwork does not conform to the expectations according to which it was selected.
 - Significant changes in the use, character or design of the site have occurred, affecting the integrity or appeal of the artwork.
 - The authenticity of the artwork is called in to question.
 - The aesthetic quality of the artwork is called in to question.
 - The Public Art Reference Group wishes to replace the artwork with a more appropriate work by the same artist.
 - The site on which the artwork has been located is required for other community or utility undertakings.
 - The significant redevelopment or upgrade of the surrounding site or the buildings necessitating the relocation or removal of the artwork.

Relocation or removal considerations and arrangements

In reviewing proposals for relocation or removal the Public Art Reference Group will receive a report from the Public Art Officer that covers the following steps/matters:

- Discussion has occurred with the artist and/or donor in respect of the circumstances prompting the review.
- If appropriate seek opinions of more than one independent professional qualified to recommend on the concern prompting the review (conservators, engineers, architects, landscape architects, critics, art historians, safety experts, etc).
- Review written correspondence, press and other public suggestions.
- Explore means of resolving the concerns prompting review of relocation or removal.
- Carry out appropriate consultation as per Council's policy.

If the Public Art has to be removed the Public Art Officer will:

- Seek a suitable relocation of the artwork.
- If the artwork was designed for a specific site, the Public Art Officer will endeavour to relocate it to a site consistent with the artist's intention. If possible, the Public Art Officer will obtain the artist's assistance in making this determination.
- If there is a cost in relocating the artwork the original artist can be commissioned to relocate it at the Executive Director Sustainable Development's discretion without seeking expressions of interest (EOI) assuming there is budget for the work.
- If no relocation is suitable, Public Art Officer will store the work in consultation with Council City Works or seek de-accession consistent with the de-accession procedure.
- Nothing in this policy shall limit the Council's ability to take whatever action is deemed appropriate to protect artwork and human health and safety in the event of an emergency.

Maintenance

- Public Art will be professionally managed and maintained (within resource constraints) so as to make the maximum contribution to the quality of life of the community and to business development.
- As part of the Art Gallery annual budget a maintenance amount should be put aside for the long term maintenance of public artworks.
- All artists designing and/or installing public artworks in the Lismore Local Government Area must provide a comprehensive written Maintenance Report.
- The Public Art Officer will perform a condition report of all public artworks once every twelve months and will inform the Public Art Reference Group of any incidents or deterioration. The Public Art Officer will determine appropriate methods of repair, which may include:
 - The artist/agent making repairs.
 - A local artist making repairs as recommended by the Public Art Officer.
 - The work being removed for de-accession (see de-accession procedure).
 - Where works require repair, Council approval will be sought following consultation with the artist/agent, preservation specialists and the community as necessary.
 - The PARG can make a submission to the annual budget round on significant maintenance if required after considering a condition report. The Gallery Director can independently allocate an annual budgetary fund to provide maintenance of installed works.
 - Where the cost of maintenance exceeds the allocated amount, the Public Art Officer will advise the Executive Manager in writing.

De-Accession

Selection criteria de-accessioning

A Public Art work may be recommended by the PARG (and then resolved by Council) to be de-accessioned if at least one of the following applies:

- Security of the artwork can no longer be reasonably guaranteed.
- There is no suitable site for relocation of a work that must be moved.
- Maintenance or relocation costs are higher than anticipated.
- The artwork requires repairs that are unfeasible.
- The work's condition requires restoration in excess of its aesthetic value.
- The work is so deteriorated that restoration would prove unfeasible or misleading.

- If, as erected, the artwork poses risks to public safety not identified during the selection process.
- It is determined that the work lacks significant aesthetic, historical and/or cultural value.
- The work is determined to be a forgery or fake. The Reference Group is responsible for ensuring that any such forgery or fake is identified as such when it leaves the Council's collection.

Disposal Procedures

The Public Art Officer may dispose of an approved de-accessioned work by any of the following means, or others not listed, as warranted by each circumstance:

- The artist/agent or donor will be given the right of first refusal to reacquire the work at fair market value, original price or gratis, depending on the recommendation of the Reference Group.
- The Public Art Officer may sell the work through a dealer.
- The Public Art Officer may sell the work through competitive bidding.
- The Public Art Officer may sell the work at a Public Sale.
- Trades or exchanges may be negotiated under special circumstances with a dealer or artist. The Public Art Officer may also trade a work to be de-accessioned for another artwork by the same artist.
- If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition or cannot be disposed of by means listed above, the Reference Group may, with the approval of the Council, elect to destroy it upon de-accession.
- The cost of removal of the work will be borne by the buyer.
- The cost of the artwork will be determined by the Public Art Officer after discussion with certified art valuers.
- Any monies raised through de-accession will be deposited into the Council's Public Art Fund. The Council will endeavour to use such funds for future acquisitions.
- No works may be sold, traded or transferred to a member of the Public Art Reference Group, its supporting staff or its agents. Once de-accessioned from the Council's collection, a work may not be installed on Council property and the Public Art Officer will remove all acquisition numbers and labels from the work and coordinate its physical departure from the Council's collection. The Public Art Officer will transmit a final report informing the Council of the removal of the object from the Council's collection.