

POLICY:-	
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PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	Tourism Manager
Committee/s (if any) consulted in the development of this policy::	Nil
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

Objective

To provide guidelines for the encouragement, creation, placement and maintenance of public artworks in the Upper Lachlan Shire.

This policy is to –

- Provide a methodology, framework and procedures to assist the Upper Lachlan Shire Council to make decisions on public art projects from within the organisation, individuals, non-profit and commercial organisations and State and Federal funding bodies.
- Outline a clear application, assessment and implementation process for the completion of public art projects for the Shire.

Scope

This policy applies to any external or internally generated applications to undertake public art works, commissions, grants and major capital works.

Public Art Defined

For the purposes of this policy, “Public Art” is defined as work that exists within the public space; this shall include natural and built environments. For instance, a sculptural work in the local park or an entrance sign at the town fringe are both public art, as is a dimensional artwork displayed in a gallery, museum or library that is the property of the Upper Lachlan Shire Council. Public art may be permanent or temporary and it may be owned by Council or privately.

Public artwork is not signage or other works that promote a business, organisation or individual for commercial or personal gain.

Public art may be produced in three ways –

1. Professional commissioned work – this is work in a public space that a professional artist has been commissioned to design, fabricate (or oversee fabrication) and install (or oversee installation) to a client brief. That client may or may not be Council.
2. Donated work – this is work in a public space that has been gifted to the Upper Lachlan Shire and may or may not have been produced by a professional artist.
3. Community Art – this is work in a public space that has been developed through a community consultation and creative process under the guidance of a professional artist and to a client brief. That client may or may not be Council.

It is highly recommended that public artworks intended for display in the Upper Lachlan Shire are not commissioned before discussing the project with

Council to ensure that the applicant is fully aware of the potential requirements.

Basic Principles

The conception and installation of public art in the Upper Lachlan Shire shall be guided by the following principles:-

- Respect and consideration for cultural and natural heritage and existing landscape/streetscape.
- Respect and consideration for the past and present residents of the Shire and the natural and built environments, which provide the region with points of difference, interest and creative environs.
- Respect and consideration for local identity, sense of place and current usages of the space.
- Respect, consideration and valuing of the cultural diversity within the community and of those who visit.
- Consideration of means in which to provide equitable opportunities for participation.
- Consideration and establishment of networks, partnerships and co-ordination responsibilities.
- The concept, design and fabrication of work should utilise local artists, fabricators and cultural industry workers as and where appropriate.
- Where local skills are not available applicants should seek to use avenues in which skill sharing and development at a local level can occur.
- Respect and value for “the artist” and their right for creative licence, copyright, appropriate wages and adequate timeframes in which to complete the work.
- Projects should utilise contracts that clearly outline the rights and responsibilities of each party including, where appropriate, a shared copyright agreement regarding public art work.
- Projects should ensure that maintenance schedules, budgets and responsibilities are identified at the time of conception.
- In particular, projects that reflect the themes of local industry, local flora and fauna, heritage, indigenous, historical icons including residents, clean environment and prospectors/miners should be given support as these were identified in the community consultation process.

Schedule of Conditions for the Approval of Public Art Works

Upper Lachlan Shire Council, wherever possible, encourage public art works that meet the following conditions:-

- Applicants must be able to demonstrate that they have the necessary funding, expertise and commitment to undertake the project.
- The design must integrate with existing artworks where applicable.
- Applicants must provide detailed design plans and/or drawings of the proposed public artwork. The plans must indicate the dimensions of the work, materials to be used, costing, timeframes for completion and the proposed location.
- Applicants must be prepared to enter a contract with Council that guarantees completion of the work in a manner approved by Council. (this is in addition to any documentation required for a development approval and brief)
- Where required, applicants must complete a risk assessment and all other documents as outlined in the brief and this must be approved by Council's Department of Environment and Planning.

Approval Process

Public art can be acquired via purchase through capital, fundraising and/or donation.

The Upper Lachlan Shire Council will approve a public art project using the following process –

- Applications must be addressed to the General Manager, in writing, describing the project and demonstrating how the project meets the Schedule of Conditions.
- The General Manager will convene a meeting of staff with representation from Environment and Planning, Tourism, Economic Development and any other functions deemed appropriate to the proposed project.
- The meeting will determine if a development approval is deemed to be required, in accordance with all relevant regulations, and advise the applicant of the required documentation.
- Projects that require a development application will follow the Council's standard processes with regard to development assessment and approval and comply with all relevant regulations.

- If a development application is deemed not to be required, the General Manager can determine what level of community consultation is appropriate to ensure all stakeholders are informed and have opportunity to comment.
- For all projects, staff will prepare a report for the General Manager recommending approval or rejection once the necessary assessments and consultations have been completed.

Public Art Plan

The Upper Lachlan Shire Council is committed to a cohesive public art program that addresses the desires and concerns of shire residents. Council will therefore work with Southern Tablelands Arts (STA) and interested members of the public to develop a Public Art Plan for the endorsement of Council. The plan will integrate with the Upper Lachlan Shire Cultural Plan and take into account any other streetscape, landscape or public developments planned within the Shire.

Maintenance and Care of Public Art Works

Any public art work approved by the Upper Lachlan Shire Council will be the responsibility of Council unless stipulated otherwise during the approval process. Accordingly Upper Lachlan Shire Council will:-

- Record any artwork in a public register;
- Ensure that the work is valued and adequately insured; and
- Regularly inspect the condition of the work and carry out, or request, any maintenance required unless the piece was originally designed to be temporary.

If the work has been damaged or deteriorated to the extent that it is dangerous or an eyesore, Council shall co-ordinate the restoration, relocation or removal of the piece, whichever is deemed most appropriate.

Artist contracts, maintenance, valuations and insurance shall be negotiated on an individual basis. Upper Lachlan Shire Council will not be responsible for maintenance unless approved by the General Manager. Public artworks commissioned by external commercial developers will not be maintained by Council.

Relevant Legislation and Council Policies

Council will process/assess applications with reference to:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Environmental Planning and Assessment (EPA) Act 1979;
- Upper Lachlan Local Environmental Plan 2010 (LEP 2010)
- Independent Commission against Corruption Act 1988;
- Work Health and Safety Act 2011;
- Government Information (Public Access) Act (GIPA) 2009;
- Anti Discrimination Act 1977;
- Code of Conduct for Councillors, staff and delegates of Council;
- Complaints Management Policy;
- Cultural Plan;
- Public Art Plan;
- Bribes Gifts and Benefits Policy;
- Grievance Policy;
- Disciplinary Policy; and
- Any other relevant legislation and guidelines as applicable.

Variation to Policy

Council reserves the right to vary the terms and conditions of this policy.