



## Public Art Policy

<b>Reference Number:</b>	4.35
<b>Type:</b>	Council
<b>Category:</b>	Safety & Community
<b>Relevant Community Plan Outcome:</b>	<ul style="list-style-type: none"> <li>• In our City no one gets left behind; everyone has access to quality resources, services, programs, information and social infrastructure to fully participate in their community</li> <li>• Charles Sturt is made up of strong and vibrant communities; we celebrate our identity, heritage and cultural diversity. People feel a sense of belonging, inclusion and social connectedness</li> <li>• Charles Sturt is a place where people feel safe in their homes, neighbourhoods and public places; they are resilient and manage shocks and stresses to build a stronger community</li> </ul>
<b>Responsible Officer(s):</b>	Coordinator Placemaking
<b>First Issued/Approved:</b>	December 2013
<b>Minutes Reference:</b>	CoS 6/11/2023 Item 4.51
<b>Last Reviewed:</b>	November 2023
<b>Next Review Due:</b>	November 2025
<b>Applicable Legislation:</b>	Copyright Act 1968 Planning Development and Infrastructure Act 2016
<b>Related Policies:</b>	Graffiti Policy Asset Management Policy Memorials Policy Procurement Policy LGA Arts and Cultural Development Policy, October 2018
<b>Related Procedures:</b>	Public Art Making It Happen – Commissions Guidelines for Local Councils (Arts South Australia) Place Making Framework Stobie Pole Art Guidelines Public Art Guidelines for 2D and 3D Artworks for Community Groups and Individuals Busking Guidelines

## 1. Purpose

The purpose of this Policy is to:

- Ensure a strategic place making approach to the commissioning of quality permanent and temporary public art that will enrich the City of Charles Sturt's cultural attractiveness, vibrancy and liveability.
- Develop a highly visible contemporary public art collection that is progressive, innovative and embraces a variety of stimulating approaches, mediums and scales.
- Integrate quality public art into the City's natural and built environment by embedding provision for public art in the scoping and design process at the inception of significant projects.
- Provide direction regarding industry best practice accessioning and de-accessioning of all existing and future public artworks within the City of Charles Sturt through the adoption of the *Arts SA "Public Art making it happen" commissioning guidelines for local councils*.
- Strengthen and encourage new arts partnerships with community, private sector/developers and all tiers of government.
- Support community art, place making and connection through a variety of creative opportunities for community members in the public realm and provide guidelines, support and resources.
- Provide a hierarchy of concise and consistent public art related terminology of definitions, identifying inclusions and exclusions.
- Ensure public art safety and maintenance requirements are identified at an early stage.

### 1.1. Background

Throughout history, art has been in the public realm in various forms in all societies and is a crucial link that defines a culture. Within a local setting, public art connects with the community through unique stories that reflect local history and culture and supports health and wellbeing, economic, social and cultural development. Local Government has primary responsibility for planning and design of public spaces including a regulatory role in managing development approvals. Therefore, Local Government often determines the look and feel of its city. A city-wide place making approach ensures people enjoy spending time in vibrant places that are culturally attractive.

Public art procurements either through planned commissioning, partnerships or contributions add to our city's "sense of place". The City of Charles Sturt advocates that all significant new developments and precincts should have quality public art element/s integrated into the design.

## 2. Scope

This Policy applies to all existing public art under the care and control of the City of Charles Sturt and to all future public art procurements, community art projects, arts-based events and exhibitions in the city's public realm.

## 3. Principles

The following principles and values underpin this Policy:

- Public Art is adequately funded and resourced to achieve quality public art outcomes.
- Quality public art in all its forms is valued and contributions for new artworks from external sources are supported and encouraged.
- Adoption of transparent industry best practice methods of commissioning and de-accessioning as outlined in the Arts SA *“Public Art making it happen” commissioning guidelines for local councils* and in line with the City of Charles Sturt (Procurement Policy).
- The City of Charles Sturt has an up to date register of public art assets.
- The City of Charles Sturt recognises that art, including public art, reflects a diversity of views which can at times be confronting, however will endeavour to be bold in embracing this diversity without the intent of offending.
- The Public Art Technical Working Group (PATWG) assesses all new public art applications, including gifts and contributions to the City of Charles Sturt, to ensure artworks are assessed for risk and suitability of sites. For culturally significant or major public art commissions the formation of a project specific Public Art Selection Group (PASG) for cultural, aesthetic, practical and ambient expertise will be created to allow wider participation of community members and key stakeholders in the decision making process. The PASG will have up to two Elected Members as part of the group.
- There is meaningful engagement of the community in significant public art projects.
- The City of Charles Sturt supports professional rates of pay for professional artists, performers, designers and craftspeople and pre-negotiated reciprocal financial or in-kind provisions for emerging artists, hobbyists and volunteers.
- Professional development for local emerging artists is supported through mentorship opportunities with professional artists on specific projects.
- The City of Charles Sturt will comply with best practice in relation to artist’s Intellectual Property.
- The City of Charles Sturt will be inclusive and respectful of all Artists and artwork.
- The City of Charles Sturt recognises the significant role creative industries play in our identity, wellbeing, liveability and economic activity.

## 4. Policy Statement

### Public Art

#### 4.1 Aims

The City of Charles Sturt’s seeks to procure public art through:

- Identifying key projects and locations
- Partnerships with external parties including developers and all tiers of government
- Integration and provision for public art within council’s selected major projects and redevelopments
- External funding opportunities and contributions from the private sector
- Smaller scale in-house place making projects, grants and events
- Community initiatives

#### 4.2. Public Art Selection Group (PASG)

The PASG will only be formed for culturally significant or major public art commissions. The PASG is a project specific specialised group of internal and external stakeholders, including up to two Elected Members (typically the two Council Members representing the specific ward in which the artwork is to be located) nominated for tasks including artist shortlisting, selection of concept designs and design development. Their role is initially to further refine and provide input into the project brief, taking cultural, aesthetic, practical and ambient considerations into account. They will be the project champions and engage with the wider community as the project progresses and remain together until the public art is completed and launched.

#### 4.3. Commissioning Processes

The commissioning models and processes for public works of art are in accordance with:  
*Arts SA "Public Art making it happen" commissioning guidelines for local councils.*

Public and Community art projects commissioned or initiated within the city but outside of the City of Charles Sturt's scope will be in accordance with:

*(1) Public Art Guidelines for Community Groups and Individuals*

#### 4.4. De-accessioning of Public Art

Public artworks at some point in time reach a state where they are no longer able to stay in the public realm. The PATWG will provide advice in the first instance.

The removal of public art will be considered if:

- The artwork becomes damaged or has deteriorated to a point that it is unreasonable to proceed with rectification.
- There is a major change to the site and the artwork can no longer remain in the designated area. In this instance all avenues will be explored to relocate the artwork to a more suitable location.
- Maintenance/conservation requirements become prohibitive due to escalating levels of deterioration, cost and/or maintenance needs exceed benefits of retention.
- Outside changes impact on the integrity of the work, thus impacting on the artist's Moral Rights.
- The artist raises concerns in relation to the location, condition and general presentation.
- The contractual agreement relating to the time span of the artwork on display has expired.

Under any of the above circumstances the City of Charles Sturt will:

- If appropriate seek the expertise of an arts conservator.
- Contact the artist/s involved in the commissioning/creation of the work and advise of the pending situation in the first instance or if not possible, identify and consult with an artist's representative.
- Be sensitive to the artist/s Moral Rights, Intellectual Property and Copyright.

#### **4.5. Community and Stakeholder Engagement**

Each public artwork is unique and not everyone will necessarily like each new commission as it is integrated into the public realm. Often the challenge is in finding the right balance between consulting and engaging whilst upholding the integrity and intention of the artist and his or her work.

The City of Charles Sturt will play a key role in identifying local residents, community groups and other stakeholders for meaningful engagement in public art projects where appropriate.

#### **4.6. Supporting professional opportunities**

- 4.6.1.** The City of Charles Sturt recognises that not all artists are necessarily ready to create public art of a professional standard. The City of Charles Sturt will endeavour to provide mentorship opportunities on specific projects, to support and upskill local emerging artists in the realm of public and community art.
- 4.6.2** The City of Charles Sturt may support a variety of creative opportunities for community members in the public realm and via annual place making programs and initiatives.
- 4.6.3.** The City of Charles Sturt supports professional rates of pay for professional artists, performers, designers and craftspeople and pre-negotiated reciprocal financial or in-kind provisions for emerging artists, hobbyists and volunteers.

#### **4.7 Asset Conservation and Registration**

The City of Charles Sturt public art collection is a valued asset within the city.

The City of Charles Sturt's public artworks are included in its assets register and are maintained in accordance with instructions of specific artist maintenance manuals relating to specific works. Where no manuals exist, inspections and maintenance of all registered artworks and associated plaques is to be conducted in accordance with Asset Management Plans or accepted City of Charles Sturt maintenance practices.

Three dimensional artworks are included in the insurance schedule of Council, with the insured value to be provided by the artist if donated, or by the total purchase price if funded by council. 2 dimensional artworks, (murals) are excluded from the insurance schedule. Such items receive an anti-graffiti coating to assist in their protection.

#### **4.8. Gifts and Monetary Contributions**

In some instances, public artworks may be offered as gifts to the City of Charles Sturt. Before a work is accepted, it must meet relevant public art assessment criteria as identified by the PATWG. Following this assessment a report with recommendations relating to the gift proposal will be presented to Council for accession consideration.

## 5. Definitions

Key Term - Acronym	Definition and Inclusions	Exclusions
<p><b>Public Art</b> Public art is an overarching terminology that encompasses a range of further descriptions to define the type, size, dimensions, purpose, function and length of time in the public realm.</p> <p>Each public art is unique and will usually fall under more than one description.</p>	<p><b>Community Art</b> An artistic project where the creative practices, processes and decisions have substantial community participation or the project is community initiated and led. Community art is essential to community cultural development and place making practices.</p> <p>Completed community art in the public realm are classified as public art.</p> <p><b>Exhibition</b> A collection of public artworks in the public realm either indoors or outdoors which was created by an artist/s for the intention of a public display within a specified timeframe.</p> <p><b>Enduring</b> The life of the public artwork is considered to be enduring (permanent). This is approximately 10 years for painted murals and 20 years as a minimum for sculptural artworks or as set out in the artist contract/s at time of commissioning.</p> <p><b>2D</b> Public art that is considered flat and 2-dimensional; e.g. street art, murals, projections, paste ups, framed works, art integrated into the face of a wall, floor or fence.</p> <p><b>3D</b> Public art that is considered 3-dimensional and can be viewed from various angles; e.g. sculptures, holograms, artworks that are free standing, suspended or on footings, plinths, and various types of integrated art works.</p> <p><b>Site Specific</b> An artwork that is site specific refers to it being designed specifically for, and responsive to a particular site through scale, material, form and conceptual story.</p> <p><b>Plonk</b> A work that deliberately (or sometimes unintentionally) is placed in a specific location but does not relate or is responsive to that location. Usually the work was not designed for the</p>	<p>Standard signage.</p> <p>Standard or off the shelf style street and park furniture.</p> <p>Works that an urban designer, architect or landscape architect would design as part of their scope.</p> <p>*In the case of integrating a professional artist's input and creation into a design or a design element for the purpose of adding value and uniqueness, only the artist/s fees, materials</p>

Key Term - Acronym	Definition and Inclusions	Exclusions
	<p>location it has ended up in. This type of public art installation can sometimes work well or can be very controversial.</p> <p><b>Scale</b> Scale refers to size and terminology. From largest to smallest:</p> <ul style="list-style-type: none"> <li>• Landmark</li> <li>• Gateway</li> <li>• Iconic/Signature/Significant</li> <li>• Human</li> <li>• Small</li> <li>• Micro</li> </ul> <p><b>Major</b> A significant cost associated to the public art commissioning, usually \$100,000 or more.</p> <p><b>Integrated/Functional Art</b> Artworks that are created by an artist and fully Incorporated within the design of the built or natural environment, e.g. street furniture, buildings, bollards, gardens, sand dunes, footpaths, lighting, sound etc. Works can sometimes be purely functional without being integrated.</p> <p><b>Integrated Teams</b> Integrated can sometimes refer to a process; e.g. a professional artist is independently appointed and integrated into a new project from the outset and becomes part of a newly formed integrated team, working alongside architects, urban designers, landscape architects and other professionals.</p> <p><b>Temporary/Ephemeral</b> Public art that is not permanent. It may have a set period of time that it is to remain in the public realm or may organically decompose and/or disappear. Includes illumination.</p> <p><b>Commemorative</b> Public Art that is to commemorate a celebration or a significant event from the passages of time.</p> <p><b>Interpretive</b> The purpose of the public art is to describe, educate and comment on issues, events and situations. Examples include; markers, nodes, text, aural messages and inlays.</p>	<p>and construction costs are considered as the public art element.</p> <p>Standard memorials and memorial plaques.</p>

Key Term - Acronym	Definition and Inclusions	Exclusions
	<p>* Public art can be considered interpretive and/or conceptual; meaning that it is up to the viewer to explore and interpret the underlying layers to the work or performance.</p> <p><b>Street</b> Aerosol murals and paste ups that are located in public places, e.g. fences and buildings in urban streets and laneways etc. They are classed as legal (not graffiti) and have approval by owners to be displayed.</p> <p><b>Performance based/Roaming</b> Artists performing in a public space are considered a form of public art. This can include: musicians, dancers, comedians, actors, poets, film makers, buskers, circus performers, projectionists.</p>	Illegal graffiti, Tags.
<p><b>Artist</b> For the purposes of inclusiveness the term artist is applied to visual artists, performing artists, writers, craft designers film makers, including mixed media.</p>	<p><b>Professional (Established)</b> Any arts practitioner working in the arts who makes their primary source of living from their art and is either professionally trained or recognised as a professional artist through their track record and accepted by their professional peers as an artist.</p> <p><b>Emerging</b> A person who is starting their professional career as an artist. Can be a young person or an adult usually in the first five years of starting their arts practice.</p> <p><b>Hobbyist (semi-professional)</b> A person who works intermittently in their chosen field of arts practice and is not actively seeking recognition as a professional artist nor is making their primary source of living from their arts practice. Has no ABN.</p> <p><b>Community</b> An artist with facilitation and community development skills who is able to guide or lead community members to participate in meaningful and empowering community art projects.</p>	Professionals working in their capacity as Urban Designer, Graphic Designer, Landscape Architect, Architect or Engineer.
Art	Is a work that broadly embraces visual, oral and performing arts that includes a human presence and broadens challenges or questions traditional cultural views? It is any original human creation which contains an idea and culminates in a set of processes with the outcome considered to be art.	
Quality	The work is considered to be of a high artistic standard, underpinned by a strong conceptual	



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	response, is original, innovative, robust and aesthetically appealing. Quality work reflects the highest standards of research, production and presentation.	
Public realm	<ul style="list-style-type: none"> <li>• Streets, paths, trails, transport corridors, entrance routes and roadways.</li> <li>• National Parks, reserves, local parks and playgrounds.</li> <li>• Beaches, rivers, lakes, wetlands, jetties, mangroves and dunes.</li> <li>• Sky, air (sound and smell)</li> <li>• Community and civic indoor and outdoor spaces, squares, halls, libraries and centres.</li> <li>• Privately owned facades, buildings and places which have either access or direct view to the public</li> </ul>	Private property that is considered out of the public view.
Place making	Place making is a process, underpinned by collaboration, where local communities, business and other stakeholders work in partnership to deliver sustainable revitalisation of shared spaces and the public realm, creating vibrant and interesting places that attract people and generate a sense of connection, identity and belonging. Quality public art can be a defining contributor to good place making.	
Accession	The process of acquiring public art, either through commission or acceptance as a gift.	
De-accession	The process of permanently removing a public artwork from the public realm	
Developer	Large scale organisations responsible for developing new precincts, including open space, streetscapes and new builds. (can include State/Federal Government if undertaking a Developer's role within the City of Charles Sturt)	
Private Sector	Business, Contractors, Consultants.	
Community Group	Not-for-profit groups, agencies, organisations	
Intellectual Property/Copyright	Intellectual property rights in a commissioned work of art, such as copyright, remain vested in the artist. However agreement can be reached through a contract to transfer elements of copyright such as publishing promotional images. Anything beyond this may involve the payment of royalties to the creator/author.	
Moral Rights	Under the Copyright Act 1968, Moral Rights ensure that the author/creator have their work treated in a certain way. There are three kinds of Moral Rights, namely: <ul style="list-style-type: none"> <li>• A right to attribution.</li> </ul>	Moral Rights cannot be transferred.

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	<ul style="list-style-type: none"> <li>• A right to not have authorship falsely attributed.</li> <li>• A right of integrity. (The right to not have an author's work subject to changes which may be derogatory to the author's reputation; e.g. that the work will be presented in agreed locations to acceptable standards)</li> </ul>	
Arts SA	Arts SA is part of the Department of State Development within the South Australian Government. It provides leadership, funding and strategic development for a strong and sustainable arts and cultural industry in South Australia.	
Public Art Technical Working Group (PATWG)	Group consisting of City of Charles Sturt staff, who meet to assess public artworks for risk and robustness proposed for the public realm. They also provide advice and assistance.	
Public Art Selection Group (PASG)	A project specific group of internal and external stakeholders nominated primarily for shortlisting and selecting artists. (refer 5.1) Group feeds back to the PATWG.	The PASG is created for culturally significant public art commissions only.