Public Art Policy

Record number	D19/55049
Responsible Manager	Manager Community Development and Engagement
Other key internal stakeholders	Director Community & Cultural Development
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1. PURPOSE

This policy is to ensure that there is a consistent, fair, transparent and accountable approach towards the provision of public art within the City of Tea Tree Gully.

This policy will also ensure the method for commissioning Public Art is supported by progressing Council's strategic vision is to create a vibrant city that expresses a unique character and identity.

2. POLICY

Public Art can play a significant role in creating and celebrating the City of Tea Tree Gully's unique identity and sense of place. Promoting social inclusion, diversity and artistic expression, public art provides insight into the cultural life and a sense of place. It can act as an attractor to a place, and encourages people to participate in activities within the location.

2.1 Types of Public Art

This policy recognises there are three types of Public Art, each forming separate components of a dynamic and integrated Public Art program:

2.1.1 Integrated Art

Art incorporated into infrastructure projects such as paving, gates, lighting, signage, street furniture, playground equipment, railings, landscaping etc. This is often referred to as 'site specific', as it is designed and made for the specific place in which it is installed. Production of such art involves collaboration between planners, architects, artists and engineers at an early stage in the development of a project.

2.1.2 Community Art

Art involving a high degree of community consultation and participation in its creation. Crucial to this form of Public Art is the process of skill development and the connections this process creates in the community. Community Art often communicates a message of social, historic or environmental importance to those involved in the design and making of the work. Its processes can be facilitated by an artist or passionate community member, and can involve all forms of visual and performing arts. The completed work is referred to as Public Art.

2.1.3 Stand Alone Art

Art Commissioned for particular sites or a series of sites which may be permanent or ephemeral, and includes hired works and/or works on loan. This can range from iconic works marking gateways to the City to interpretive work which comments on or describes issues or events. Examples of interpretive work might be murals, signage or sculpture. Stand Alone Art can also include ephemeral works for short term display such as projection art.

2.2 Seek Partnerships

Funding for Public Art may be pursued through partnerships and associations. Collaborators may include Arts SA, Australia Council, private sector sponsorship, donations and bequests, development approvals and other Commonwealth and State Government funding opportunities.

2.3 Donations

Acceptance of private donations of Public Art must be reviewed objectively to ensure long term maintenance, community safety, durability, insurance, legal considerations, and precinct planning are considered.

2.4 Resourcing and Funding

Funding and resourcing of Public Art projects must be realistic to ensure the required scope, intent or scale of the works can be delivered to a high standard and reflect industry best practice standards. This includes taking into account maintenance, community safety, durability, insurance and legal considerations.

2.5 Planning

Public Art opportunities and treatments are considered within selected key urban design projects and precinct planning. Where Public Art is to be developed on infrastructure not owned or maintained by Council, permission must be sought from the owner of the infrastructure (eg: Stobie Poles – Department of Planning, Transport and Infrastructure).

2.6 Evaluation

Criteria for the evaluation of Public Art are established in the early stages of each project. This should be based on:

1. Supporting Council's broader strategic priorities.
2. Development of the ways our community engages with public space.
3. Ability to stimulate creative and cultural opportunities.
4. Positioning the City as exciting, innovative, vibrant and prosperous.
5. Community Safety and ongoing maintenance.

2.7 Documentation

An internal register of Public Artworks for the City of Tea Tree Gully is maintained. Work Health and Safety compliance, insurances and safety and risk assessments are undertaken in relation to the design, installation, maintenance, refurbishment and removal of any Public Art work.

2.8 Themes

Council's duty of care requires rejection of any pieces of Public Art in the public realm or exhibited within Council buildings depicting images containing racism, sexism, blasphemy, cultural discrimination or any other potentially offensive material, subject to context and anticipated audience.

2.9 Exhibitions on Council property

For short period of time, visual artwork is displayed in Council buildings, in designed spaces such as Gallery 1855, Golden Grove Arts Centre, and other public venues or externally in parks or part of events. Examples of exhibitions include: curated and hired displays, competitions, community displays, screenings and festivals.

2.10 Maintenance

Care of existing and future collections of Public Art, and ongoing maintenance operations are funded to ensure a continuous cultural connection is maintained between Public Art works and the City. This ensures fulfilling Council's obligations towards the artist/s with regard to copyright and moral rights being protected.

2.11 De-accessioning

A work of art may need to be removed from public display for a range of reasons, including deterioration in its condition to a point where public safety is at risk, or if circumstances impact on the site of the work and compromise its integrity. The de-accessioning of works respects the art works, the location and the artist, and any contractual obligations entered into when the work was installed. The de-accessioning of acquired artworks such as paintings or ceramics requires professional assessment and efforts made to inform the artist and return the artwork.

2.12 Decision making process for the Commissioning and De-accessioning of Public Art

Council recognises that the community, local businesses and contractors will from time to time have an interest in the manner and the approach adopted by the Council when determining the Commissioning and de-accessioning of Public Art.

Council will delegate the appropriate authority to the CEO to make decisions regarding the matters covered in this policy where the acquisition or disposal of Public Artworks is estimated at less than $100,000 (excl. GST), and involved in Councils budget for the relevant period.

Council acknowledges that the CEO may sub delegate matters related to this Policy to employees or other persons employed or engaged by Council.

Council may also delegate matters covered by this policy to a Council committees or any or subsidiaries of Council.

3. DEFINITIONS

For the purposes of this policy the following definitions apply:

CEO

Refers to the Chief Executive Officer (including their delegate) of the City of Tea Tree Gully.

Commission

This is the process of acquisition of Public Art.

De-accession

This is the process of permanently removing a Public Artwork from the public realm.

Ephemeral

Denotes 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 to be removed.

Public Art

Is defined as artistic works and activities that present a creative and/or interpretive statement in a public facility or space. Public Art may comprise stand-alone pieces or may be incorporated into buildings, infrastructure, or open space. It may be:

a. Permanent or temporary.
b. External or internal to any building or place.
c. Integrated into functional infrastructure.
d. Literary, visual, performing, craft or design.

The City

The geographic area covered by the Council.

4. LEGISLATIVE FRAMEWORK

There is no legislative requirement for Council to have a policy relating to this area.

The following legislation applies to this policy:

Local Government Act 1999

Section 209(1) of this Act provides that fixtures and equipment installed on a public road (i.e. stobie poles, padmount electricity transformer cabinets) by the provider of public infrastructure (i.e. SA Power Networks) remains the property of the provider of that infrastructure.

Section 221 of this Act provides that a person (other than Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by Council. A person makes an alteration to a road if the person:

- Erects or installs a structure in, on, across, under or over the road
- Changes or interferes with a structure associated with the road.

Development Act 1993

Painting public infrastructure (eg: stobie poles and padmount electricity transformer cabinets) does not constitute development under this Act therefore development approval is not required. However, approval from the owner of the infrastructure is required.

Copyright Act 1968 (Cth)

We will comply with best practice in relation to the artist's rights under the Act (including Moral Rights), and ensure their work has the right attribution.

4.1 Other references

Council's document including:

a. Asset Capitalisation Policy
b. City Masterplan 2011 - 2040
c. Modbury Precinct Revitalisation Activation Strategy 2015 – 2040
d. Open Space Strategy 2011 - 2030
e. Procurement Policy
f. Road Alteration or Encroachment Policy
g. Strategic Plan

External document including:

a. Public Art: making it happen, commissioning Guidelines for Local Councils, Local Government of South Australia, 2006

5. STRATEGIC PLAN/POLICY

5.1 Strategic Plan

The following strategic objectives in Council's Strategic Plan 2025 are the most relevant to this report:

Objective	Comments
Community	
People feel a sense of belonging, inclusion and connection with the City and the community	
Economy	
Modbury Precinct is revitalised as the city's key activity	
Places	
Streets, paths, open spaces and parks are appealing, safe and accessible	
Opportunities exist to express and experience art and culture	
Buildings and places are energy efficient, well designed and display a uniqueness of character and identity	

5.2 Organisation Plan

Our Strategic Plan is supported by an Organisation Plan which focuses on five key themes of organisational excellence. The themes most relevant to this policy is Customers and community relations.

6. POLICY IMPLEMENTATION

This Policy will be implemented by the Chief Executive Officer or relevant portfolio director and managed in accordance with Council's scheme of delegations.