# Public Art Policy

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<tr>
<th>Record number</th>
<th>D16/35852</th>
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<tr>
<td>Responsible Manager</td>
<td>Manager Library Services Arts and Culture</td>
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<tr>
<td>Other key internal stakeholders</td>
<td>Director Community &amp; Cultural Development</td>
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<tr>
<td>Last reviewed</td>
<td>Director Assets &amp; Environment</td>
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<td>Adoption reference</td>
<td>Manager Community Development &amp; Engagement</td>
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<td>Resolution number</td>
<td>Manager Civil Assets</td>
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<td>Previous review dates</td>
<td>Manager City Strategy</td>
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<td>Legal requirement</td>
<td>28 February 2017</td>
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<td>Due date next review</td>
<td>Council</td>
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PURPOSE
The existence of this policy will assist with ensuring a consistent, fair, transparent and accountable approach is maintained.

This policy will also ensure the method for commissioning Public Art is supported by Placemaking principles with the further goal of progressing Council’s strategic vision is to create a vibrant city that expresses a unique character and identity.

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 community values of a place.

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:

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.

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 within and between communities. 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.

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, performance or sculpture. Stand Alone Art can also include Ephemeral works for short term display such as projection art.
Seek Partnerships
Partnerships, relationships and associations may be pursued for funding, curating, Commissioning and the delivery of City of Tea Tree Gully Public Art projects. Collaborators may include Arts SA, Australia Council, private sector sponsorship, donations and bequests, development approvals and other Commonwealth and State Government funding opportunities.

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.

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.

Planning
Public Art opportunities and treatments are considered within selected key urban design projects and precinct planning. Regular reviews should be conducted to consider future requirements and the potential for new and adapted Public Artworks.
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).

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 artistic and cultural opportunities.
4. Positioning the City as exciting, innovative, vibrant and prosperous.

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.

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.

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.

**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.

**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.

**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.
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.

Other references
Council’s document including:
• Asset Capitalisation Policy
• City Masterplan 2011 - 2040
• Modbury Precinct Revitalisation Activation Strategy 2015 – 2040
• Open Space Strategy 2011 - 2030
• Procurement Policy
• Road Alteration or Encroachment Policy
• Strategic Plan

External document including:
• Public Art: making it happen, commissioning Guidelines for Local Councils, Local Government of South Australia, 2006
<table>
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<tr>
<th>Theme</th>
<th>Objective</th>
<th>Comments</th>
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<td>HEALTHY AND SAFE</td>
<td>A community where people are safe in our public places and spaces.</td>
<td>This policy is aligned with the objectives as it assists to define the value of Public Art in the creation of communal spaces where people want to spend their time. Increased use of public space results in passive surveillance and makes a safer place for everyone. Participating in cultural activities has a positive impact on an individual’s health and wellbeing, subsequently reducing strain on the public health system.</td>
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<td>PROSPEROUS AND CONNECTED</td>
<td>A community where people have easy access to places, spaces and services that support good health.</td>
<td>This policy is aligned with the objectives as it recognises quality Public Art and design is key to a dynamic economy. Public Art adds value to the public space and assists in the creation of an openly accessible identity recognised by locals, visitors and investors alike.</td>
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<td>A community that participates in meaningful community and economic activities.</td>
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<td>A community with a resilient local economy.</td>
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<td>A community where people have the resources and capacity to achieve goals.</td>
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<td>VIBRANT AND LIVEABLE</td>
<td>A city that is made up of places and spaces that are appealing and easy to access.</td>
<td>This is aligned with the objectives as it provides guidelines for investment in good Public Art that conveys the values of vibrancy and innovation. The introduction of unique identifying characteristics to the environment encourages a sense of civic pride and connects the community to each other through their ownership of the public space.</td>
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<td>A place that expresses a unique character and identity, an area that inspires pride in its residents and one that people enjoy visiting.</td>
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**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 report are: People and Leadership; Customers and community relations; Governance; Finance and systems, Continuous improvement.

**DEFINITIONS**

For the purposes of this policy the following definitions apply:

**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.

**Place-making**
A holistic process that seeks to create good public spaces to connect with, and enliven community.

**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:

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

**The City**
The geographic area covered by the Council.

**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.

**ACCESSIBILITY**

This Policy and Council’s Fees and Charges Register are available to be downloaded free of charge from Council’s website: [www.cttg.sa.gov.au](http://www.cttg.sa.gov.au)
Hard copies, for a fee, can be provided in accordance with Council’s Fees and Charges Register at Council’s Civic Centre at 571 Montague Road, Modbury SA 5092.