

Name of policy:	Public Art Policy		
Adoption by Council:	22 March 2023	Minute number:	111/2023
Last review date:			
Review timeframe:	2 years		
Next scheduled review date:	December 2024		
Related legislation:	<p><i>Local Government Act 1993</i></p> <p><i>Work Health and Safety Act 2011</i></p> <p><i>State Records Act 1998</i></p> <p><i>Roads Act 1993</i></p>		
Associated policies/documents:	<p>Footpath Activities in Town Centres Policy</p> <p>Risk Management Policy</p> <p>Third Party Risk Management & Insurance Requirements Policy</p> <p>MidCoast Cultural Plan 2036</p> <p>MCC Public Art Guidelines</p>		
Responsible division:	Liveable Communities		

Policy objective

This policy provides a framework for public art initiatives in the MidCoast Council Local Government Area and provides guidelines to determine decisions relating to the management, acquisition and deaccession of public art.

Policy statement

This Policy will support the Council and community to progress its aspirations to be a vibrant and prosperous region as outlined in *MidCoast 2032: Shared Vision, Shared Responsibility* – a place where people will want to live, work and visit.

Council acknowledges the positive impact of arts and culture in strengthening community ties; creating memorable and engaging spaces; stimulating the local economy; and supporting personal and community wellbeing. Public art can enrich the public domain and pay tribute to the unique environment, history and community of the MidCoast. The primary objective of this policy is to promote and facilitate quality and diverse public art initiatives in the region.

MidCoast Council defines public art as –

A broad range of works of art approved or procured by Council located in a public space or in private spaces accessible to the public. They can include streets, street furniture, multi-media installations, sculptures, wall murals or traditional art practices amongst others and be of a permanent or temporary nature.

Public art as defined by the policy includes proposals for gifts and bequests, community-initiated projects, commissions and/or purchases.

Coverage of the policy

The Policy pertains to Councillors, Council Staff, contractors, consultants, and any other participants, including local artists and creatives as well as not-for-profit organisations, in the process of acquisition, management and deaccession of public art throughout the MidCoast Council Local Government Area.

The policy covers:

1. New and existing public art on:
 - a. Existing Council assets and in areas owned or managed by Council;
 - b. Construction of new public buildings, extensions, or upgrades, and
 - c. Capital projects undertaken in open spaces, parks, or urban streetscape improvement programs.
2. Projects by Council itself or external parties on Council owned or managed assets or areas within the public domain;
3. Development of Council's plans and strategies that relate to the public realm, including developer contributions and master planning, that provide opportunities to incorporate public art principles; and
4. Where the installation of the work is on private land and requires access and usage of Council owned or managed land approval is required via the Public Art Working Group process to ensure all WHS requirements have been met.

The policy does not cover:

- a. Not all forms of art in public spaces can be counted as public art (for example graffiti may not qualify, please refer to definitions).
- b. Commemorative items such as plaques, memorials, or signage.
- c. Advertisements promoting a business, organisation, individual or enterprise.
- d. Approval of public art on private land. Whilst approval via the Public Art Working Group is not required, depending on the nature and location of the artwork this may require Development Approval by Council.

Strategic Plan link

MidCoast 2022-2032: Shared Vision, Shared Responsibility

Values: Our unique, diverse and culturally rich communities; and a connected community

Community Outcome 1: A resilient and socially connected community:

- 1.1.1 Celebrate, acknowledge and empower our local Aboriginal heritage through sharing of art, stories, history and places;
- 1.1.4 Celebrate and preserve the unique and distinctive character, history and cultural heritage of our towns, villages and significant places.

Community Outcome 2: An integrated and considered approach to managing our natural and built environments:

- 2.5.1 Practice integrated land use planning that balances the environmental, social and economic needs of present and future generations and our existing natural, heritage and cultural assets.

Policy principles

The development and implementation of public art projects and initiatives is governed by the following principles:

- Increase understanding and enjoyment of public art by community by integrating art into the structure, fabric and daily life within the urban built environment and associated public open spaces in a planned and strategic manner;
- Encourage new and innovative public art by building partnerships with artists, arts organisations and communities and support arts projects in the public domain;
- All proposed public art projects will be considered in this policy including acquisitions, donations or commissions;
- All public art projects are carried out in a fair and transparent manner, and in accordance with industry and local government best practice;
- All public art has a lifespan. Whether the artwork is intended to be permanent, temporary, or ephemeral, deaccession of a public artwork may sometimes be necessary.

Policy content

This policy supports the development and implementation of public art projects that reflect the lifestyle and cultural diversity of the MidCoast area.

Process

1. Management of Public Art Procedure

The Public Art Working Group will manage the public art procedure. The group will comprise of Council staff with expertise in the related fields of public art, asset management and strategic planning, and will follow the Public Art Policy and Public Art Guidelines to assess proposals. This group will provide Management and Executive (MANEX) and Council with recommendations as required (refer below).

2. Acquisition and commissioning of public art

All public art proposals will:

Require the completion of the *Public Art Proposal* form on the MidCoast Council website.

- Be assessed by the Public Art Working Group of Council in accordance with the Public Art Policy and MCC Public Art Guidelines.

- b. If required recommendations will be presented to MANEX for approval or rejection. MANEX may determine to seek further advice from Council, or to engage with the community directly, prior to deciding a determination.

Works exempt from this process are those created through the approval process of the Manning Regional Art Gallery specialised programs or projects which will be referred to the Gallery Director for assessment and approval.

Council and community public art commissions are to follow Council’s Public Art Guidelines as a best practice approach to engage artists. These guidelines have been informed through community consultation, and recommendations set by the National Association of Visual Artists (NAVA).

Upon completion the artwork will be inspected by a Council authority, signed-off and added to the Council asset register.

3. Deaccession of public art

A recommendation for deaccession may be raised by Council staff, an organisation, or community member for one of the following reasons:

- The site is to be redeveloped;
- A work becomes a risk for public safety;
- A work deteriorates or is damaged beyond reasonable repair;
- A work is deemed to be no longer appropriate to the site;
- The work was intended as an ephemeral piece;
- The work was produced with the understanding of a limited timeframe for display;
- The artist merit of a work has diminished.

In collaboration with the creator of the artwork (wherever possible) the Public Art Working Group will formulate a deaccession report. This report may include:

- Reason for deaccessioning, with evidence to support;
- Damage Assessment Report (if required);
- Potential financial impact including cost of repair, ongoing maintenance, relocation or removal;
- A timeline for deaccession;
- Any notes or documentation from consultation with the creator of the artwork.

The community will be informed of the planned deaccession as per Council’s Community Engagement Strategy.

Once deaccessioned, records of the artwork will be retained and archived on Council’s Public Art Asset Register.

Definitions

Term	Meaning
Commissioning	The act where council requests the production of public art. This can be done through a variety of processes (tendering, competition, direct commission) but is always a contracted transaction.
Community initiated public art	Art that is conceptualised, led, and created by the community with Council approval.
Deaccession	The process by which an artwork is removed from the site and retired.

Functional design	Architectural forms, facades, furniture, textiles, carpets, door handles, glass features, paving, pathways, floors, walls, windows, doors, stairways, fencing, bollards and street furniture, exercise equipment and playgrounds.
Graffiti	A public facing artwork generally not approved by Council.
Landscape design	Interpretations through land art, landscape as earthworks, and designed landscape as installations.
Multimedia	This refers to works that use digital imagery, films, video, light and sound to create art installations.
Public art	A broad range of works of art approved or procured by Council located in a public space or in private spaces accessible to the public. They can include music, sound and light installations, sculptures and wall murals, street furniture amongst others and be of a permanent, temporary, or ephemeral nature.
Public domain / public realm	Spaces that are visible, accessible, and used by the public, including public and private spaces.
Public space	Spaces under the care, control and management of Council.
Street art	Art created in streets designated by Council to revitalise spaces e.g. laneways.
Temporary/ephemeral public art	Temporary public artwork has a predetermined lifetime that can range anywhere between a few hours to several years. Examples can include installations, projections and performances created for public space. The materials and techniques artists use are diverse and can include plants, paper, chalk, video, sound and performance.
Traditional art practices	This refers to works of a more traditional nature including sculptures, painting, photographs, mosaic installations and murals.
Intellectual property	Intangible property that is legally protected from plagiarism and cannot be used without consent.

References and related documents

MCC Public Art Guidelines

Public Art Proposal form [Public art - MidCoast Council \(nsw.gov.au\)](https://www.midcoast.nsw.gov.au/public-art)

Responsible officer (position)

Manager Growth Economic Development & Tourism

Attachments

Nil