

OFFICIAL

Strathbogie  
Shire Council  
Public Art  
Policy and Procedure

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May 2024



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# Public Art Policy

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## PART 1 POLICY

### 1. PURPOSE

To provide a clear and transparent process for assessing and making decisions about the design, placement, and preservation of art in public spaces in the Strathbogie Shire, with the aims of:

- Enhancing new and existing public spaces
- Growing a public art collection that demonstrates strong contemporary art practice
- Reflecting stories, themes, and issues relevant to our community
- Providing opportunities for place-making and community engagement.

### 2. POLICY STATEMENT

Public art can form an integral part of the public domain enhancing people's experiences of, and encouraging greater interaction with, public spaces.

Public art is the unique association of how it is made, where it is, and what it means. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in public sites, this art is there for everyone, a form of collective community expression. Public art reflects how we see the world – the artist's response to our time and place combined with our own sense of who we are. (What [is public art? - Association for Public Art](#) )

Public spaces are important community resources and public art should be carefully considered to ensure a positive impact is achieved.

In considering public artwork for the shire, Strathbogie Shire Council (Council) will follow these guiding principles:

- Respect and integrity – The artwork design will respect all parts of the community. Art is subjective; while not everyone may agree with the outcome, the clear and documented process for assessing and selecting public art will respect both artists and the community.
- Sense of place – The design and placement of public art will respect Indigenous heritage, local history, express the local identity, enhance people’s experience of the shire’s public space and will not interfere with its intended purposes, amenity or environment.
- Sense of community – The community will inform the development, selection and acquisition of public art, where appropriate.
- Quality outcomes – The product is the result of a well-planned process, of excellent workmanship and of high aesthetic value.

## **2.2. Strategic Alignment**

This Policy aligns strategically and responds to the following:

### **2021-2025 Strathbogie Shire Council Plan**

#### *Community Vision*

The Strathbogie Shire is a region of natural beauty with vibrant communities who are respectful, optimistic and inclusive. We have a strong sense of belonging and of our collective history. We care deeply for Country and First Nations people. We are bold. We embrace opportunities. We welcome you.

- Strategic focus area 1: *Engage. Create. Unite.*
- Strategic focus area 4: *Inclusive. Productive. Balanced.*
- Strategic focus area 5: *Strong. Healthy. Safe.*

### **Arts and Culture Strategy 2019 – 2023 + Action Plan**

#### *Goal One - A connected and vibrant community*

To strengthen the strong sense of belonging and community pride, by increasing the opportunities for creative stimulation and connectedness.

#### *Goal Two - A culturally capable community*

To increase the capacity of the community to lead and deliver arts and cultural experiences, by supporting opportunities for growth and learning.

#### *Goal Three - A diverse community that recognises, expresses and celebrates creativity and heritage.*

To increase levels of appreciation, belonging and equality of opportunity for all people, by supporting creative communities to preserve heritage and foster cultural sustainability.

## **3. APPLICATION OF THIS POLICY**

This policy covers artwork; temporary and/ or permanent, proposed for public spaces within the Strathbogie Shire, including but not limited to:

- public art commissioned or acquired by Council
- public art proposed, commissioned and/ or donations transferred by private enterprise, associations, individuals, property developers, community groups, business and/ or other third parties.

Unless designed as pieces of public art, standard street furniture (seating, tables etc.) is outside the scope of this policy.

Artwork proposed for privately-owned spaces or spaces owned/managed by another authority (e.g. VicRoads) are outside the scope of this policy but may be subject to the requirements of the Strathbogie Shire Planning Scheme and other controls.

Community grant applications for public art projects will still be required to adhere to this policy if the works are to become Council Assets, or if they are to be placed on council owned land. Grant applications for public art projects will be assessed by the appropriate Council funding guidelines and assessment process.

#### **4. ACCOUNTABILITY AND RESPONSIBILITIES**

<b>Role</b>	<b>Responsibilities</b>
Council staff	<ul style="list-style-type: none"> <li>• Apply the policy to guide the process required for public art and inform decision making and</li> <li>• Ensure public art meets the criteria and requirements detailed in this policy</li> </ul>
Councillors	<ul style="list-style-type: none"> <li>• Apply the policy to inform decision making</li> </ul>
Community	<ul style="list-style-type: none"> <li>• Ensure applications for public art meet the criteria detailed in this policy and that the process and requirements are met.</li> </ul>

#### **5. IMPLEMENTATION**

##### **5.1 Commissioning and Acquisition**

The commissioning and acquisition of Public Art will respond to the following public art criteria outlined in 5.1.1.

##### **5.1.1 Public Art Criteria**

Public art commissions, acquisitions, transfers (including those that are works created as a result of a community grant) and donations of works will be assessed against the following six criteria:

1. Evidence of high quality, contemporary arts practice. The artist or artists have experience and skills to deliver strong public art outcomes.
2. Suitability of the work to the site. The public art piece or proposal considers existing/planned urban design, public safety and risk implications, public use, environmental and physical impact.
3. Relevance of the work to local stories, themes or issues. The public art piece is relevant to residents and/or includes plans for community engagement.

4. Expected durability and required maintenance of the work (i.e. whole of life costings).
5. Adequate budget and resources to deliver proposed work.
6. Consistency with Council's current planning, heritage, environmental and social policies.

The process for implementing this policy is outlined in Part 2 of this document.

## **5.2 Maintenance of Public Art Works**

Council is responsible for the maintenance and safe keeping of all Council commissioned or acquired public artwork.

Excepting contractual exclusions, assets procured under this policy are to be managed under Council's Asset Management Policy and procedures, with specific regard to maintenance linked with Council's corporate and business plans (including the Long-Term Financial Plan), budgets and reporting processes.

### **5.2.1 Public Art Register and Maintenance Plan**

Public art is listed on Council's Public Art Register and Maintenance Plan, which is the responsibility of the Arts and Culture Unit to update and document, and for Council's Asset Management team to implement.

### **5.2.2 Maintenance Plan Budget and Renewal**

Every five years Council will commission an assessment of the maintenance needs of Council and allocate specific maintenance and conservation works for collection maintenance as required. Every year, Council will allocate the necessary budget to facilitate the ongoing maintenance of all works in the public art collection, as recommended in the maintenance plan.

### **5.2.3 Required Documentation for Accessioning New Works**

Public artworks commissioned by Council must include a maintenance report, which is incorporated into Council's Public Art Register and Maintenance Plan. Compulsory information includes:

- Artist contact details
- Maintenance and conservation schedule
- List of major sub-contractors and materials suppliers
- List of materials and material specifications
- Expected lifespan of the work
- All other information required by the Public Art Maintenance Plan.

### **5.2.4 De-accessioning works**

Public artworks can have a limited life span, and the Public Art Collection must be managed to account for damage, degradation, and potential theft. Circumstances where council might de-accession a piece of public art include:

- The cost of repairing the artwork exceeds the original value of the artwork.
- The artwork has been vandalised, or parts have been removed, to the extent that it is irreparable, or the reputation of the artist is at risk.
- It has outlived its intended lifespan (particularly for Temporary Works under five (5) years)

- That negative public opinion influences the removal of the public artwork.
- In any of these circumstances the moral rights of the artist must be respected under the *Copyright Act 1968* and correct procedures followed with respect to the artists' reputation, attribution, and as the first copyright owner of the work. Artists must always be contacted prior to de-accessioning a work where possible.
- Where applicable the Arts and Culture Officer will write a report to council notifying the council of the rationale behind the option to de-accession an artwork.

## 6. DEFINITIONS

Term	Meaning
<b>Art</b>	The product of creatives who intend their work and activities to be seen and read as art. It embraces material and immaterial products and concepts emanating from the imaginative and creative thinking of artists.
<b>Art Acquisition</b>	The act of acquiring artwork through donation or purchase.
<b>Art Commission</b>	The act of requesting the creation of artwork.
<b>Public Art</b>	<p>Public Art is Artwork in any medium that has been planned and executed in the physical public domain, either outside or in public precincts or buildings, and accessible to all. Public art must include the conceptual contribution of a qualified artist to the design, either to an artwork and/or to the design of public spaces and facilities. Deliberate artistic intent is a key defining feature of all cultural assets defined as public art.</p> <p>The work may be:</p> <ul style="list-style-type: none"> <li>• Of a temporary or permanent nature</li> <li>• Located in or part of a public space or as part of a facility or precinct</li> <li>• Provided by the public or private sector</li> </ul> <p>Public Art is not:</p> <ul style="list-style-type: none"> <li>• Park furniture, equipment, or seating</li> <li>• Landscaping, landscape furniture or equipment</li> <li>• Public assets with a solely functional purpose</li> <li>• A memorial or monument with a heritage or historical focus</li> <li>• A heritage site or object of historical significance</li> <li>• Interpretative signage and wayfinding</li> <li>• Civic architectural design installations and township decorations</li> <li>• Advertising</li> </ul>
<b>Public Art Collection</b>	All Council managed public art works listed on the Public Art Register.
<b>Permanent Public Art</b>	Enduring, site-specific cultural assets designed by artists, which are often permanently located in a major

	infrastructure or landscape. The expected lifespan of a permanent work is five (5) to 25 years.
<b>Temporary Public Art</b>	<p>Temporary works are defined as art installations or actions by artists</p> <p>which are placed or affixed to a location for a period of time between one day and five years.</p> <p>Art forms may include short lived, non-physical, transient or deliberately</p> <p>degradable works. Examples include street art, projection art or lighting</p> <p>works where there is no physical object created, sculptures of biological</p> <p>matter which naturally degrade and performance art.</p>
<b>Major Public Art</b>	Defined as an artwork in excess of \$100,000 or where the site is in a high profile or high pedestrian use area, or there is potential for adverse public opinion.
<b>Transferred or donated work</b>	Public art of either permanent or temporary definition, which was not commissioned by Council, but which is now proposed by a third party for Council to acquire.
<b>Deaccession</b>	The formal process of removal of public art from the collection.
<b>Professional Artist</b>	Identifies themselves as such based on skills and experience; is accepted as a professional by their peers or the arts industry.
<b>Public space</b>	Places where people naturally gather and 'stay awhile'; includes public buildings, public building forecourts, parks, gardens, reserves, sporting grounds and road reserves owned by Council and other public spaces under Council's care, control or management.

## 7. RELATED POLICIES AND LEGISLATION

The following Council, State, regional and national plans and policies are relevant to this policy under each subtitle.

- Copyright Act 1968*
- Council Plan 2021-25
- Arts and Culture Policy
- Arts and Culture Strategy 2019-23
- Arts and Culture Strategy Action Plan 2019-23
- Procurement Policy
- Community Engagement Policy - adopted February 2021
- Community Engagement Strategy 2019-22
- Asset Management Plan
- Disposal of Council Assets Policy



**8. POLICY REVIEW**

Council will review this policy a minimum of every two years in the first instance, the policy will be reviewed in one year.

**9. CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 AND THE EQUAL OPPORTUNITY ACT 2010**

The Council acknowledges the legal responsibility to comply with the *Charter of Human Rights and Responsibilities Act 2006* and the *Equal Opportunity Act 2010*. The Charter of Human Rights and Responsibilities Act 2006 is designed to protect the fundamental rights and freedoms of citizens. The Charter gives legal protection to 20 fundamental human rights under four key values that include freedom, respect, equality and dignity.

## **PART 2 PROCEDURES**

### **10.1.2 Process for commissioning or acquiring Permanent and Temporary Works by Council.**

The process for assessing and selecting the design, placement and maintenance of public art within the Shire has three stages.

#### **Stage 1: Consideration of proposal**

All public art commissioned by Council must be approved through the annual Council budget process.

For public art commissioned by Council, artists will be invited to submit proposals in response to a detailed brief and communications plan (in alignment with Council's Procurement Policy). It is expected that a professional, experienced artist will be engaged who has the requisite skills and capacity to deliver a high quality, innovative and durable piece of art that will contribute to the enjoyment or understanding of the public space and align with the principles of this policy.

All proposed public art pieces commissioned by Council will be considered by a range of stakeholders that may include local community members, relevant Council Departments, Council and the appropriate landowner/land manager if not Council.

Council's Statutory Planning Unit must be consulted to determine what, if any, permits are required and whether other authorities need to be consulted (e.g. Heritage Victoria); other relevant Council Units include Asset Management, Economic Development and Tourism, Engineering, Finance, Local Laws, Operations, Risk Management, Strategic Planning and Environment.

In cases where the site for the proposed public art piece encompasses spaces owned/managed by Council or by another party, the applicant or Council may also need to separately negotiate permission with that owner/manager. The applicant must obtain written evidence of 'in-principle' support from the landowner before proceeding further with the public art request.

Should the site for the proposed artwork be Council owned/managed space leased to another party, the applicant will also need to separately negotiate permission with that lessee. If the proposed artwork is on Crown land, landowner's consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required. State government policy will apply to proposals.

#### **Stage 2: Assessment of artistic merit**

A consultative panel will be utilised to assess the artistic merit of the proposed public art piece. The panel will be made up of three to five members including Council's Art and Culture Officer, at least one local community representative, and at least one independent art professional.

The panel will assess the piece with specific reference to:

- Relevance of the work to local stories, themes or issues
- Evidence of high quality, contemporary arts practice
- Enhancing new and existing public spaces
- Providing opportunities for place-making and community engagement.

### **Stage 3: Final review and decision**

Council Officers will draft a report in relation to the outcomes of the assessment and review of the public artwork for consideration. Reports will be considered and/ or authorised by either Executive Leadership or Council. If the public artwork or project is consistent with this Policy and within existing budget allocation the report will be considered by the Executive Leadership Team.

If the public artwork is inconsistent with this policy or outside of the annual budget allocation, it may be considered by Council for decision. The report and recommendations will draw on any feedback provided by stakeholders at each stage as well as landowner approval and copies of other required permits/approvals (where appropriate). Community and artists will be informed of the outcome.

#### **10.1.3 Process for reviewing public art proposed and commissioned by private enterprise, associations, individuals, property developers, community groups, business and/ or other third parties and those that are donated or transferred to Council.**

To ensure high-quality outcomes for public art proposed, commissioned, donated and or transferred by private third parties, Council requires that proposals for new public art be submitted to a consultative panel or similar structure.

If budget is required or unconfirmed for the public art works, sources of funding must be identified and confirmed for them to be considered by Council.

The panel will assess the piece with specific reference to:

- Relevance of the work to local stories, themes, or issues
- Evidence of high quality, contemporary arts practice
- Enhancing new and existing public spaces
- Providing opportunities for place-making and community engagement.

Council Officers may require and will review the piece with specific reference to:

- Site proposal and concept design, lifespan and budget including ongoing maintenance responsibilities
- Community engagement
- Technical and engineering report
- Maintenance plan and interpretation.

Council Officers will draft a report in relation to the outcomes of the assessment and review of the public artwork for consideration. Reports will be considered and/ or authorised by either Executive Leadership or Council. If the public artwork or project is consistent with this Policy and within existing budget allocation the report will be considered by the Executive Leadership Team. If the public artwork is inconsistent with this policy or outside of the annual budget allocation, it may be considered by Council for decision.