

Policy Name:	Public Art Policy
Classification:	Council Policy
Adopted:	24 September 2024
Frequency of Review:	Every four years
Last Review:	September 2024
Next Review Due:	September 2028
Responsible Officer(s):	Executive Manager Community & Strategy Manager Library & Community Services
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR24/72498
Legislation Authority:	N/A
Related Policies and Codes:	Public Art Framework Arts and Culture Strategy 2016 – 2025 Art Exhibits and Exhibitions in Council Managed Venues
Related Procedures:	N/A

1. BACKGROUND

- 1.1. Public art connects the community through unique stories that reflect local history and culture, and supports health and wellbeing, economic, social and cultural development. Local Government has a key role in planning and designing public spaces, including a regulatory role in managing development approvals. A consistent approach to placemaking and public art ensures that the community can enjoy vibrant places and spaces throughout the Town.

2. PURPOSE

- 2.1. The purpose of this Policy is to:
- 2.1.1. Outline the principles that govern the funding, acquisition, management and disposal of public art in the Town of Gawler.
 - 2.1.2. Ensure a strategic placemaking approach to the realisation of quality permanent and temporary public art that will create vibrant places and spaces across the Town of Gawler.
 - 2.1.3. Support community art, placemaking and connection through a variety of creative opportunities for community members in the public realm and provide guidelines, support and resources.
 - 2.1.4. Strengthen and encourage new arts partnerships with community, private sector/developers and all tiers of government.

3. SCOPE

- 3.1. This policy applies to all existing and future public art under the care and control of the Town of Gawler, which includes:
 - 3.1.1. Public artwork developed and maintained by Council.
 - 3.1.2. Private land developers, artists and community groups considering creating public artworks on Council land and in public open space.
 - 3.1.3. Public art integrated into the design of new buildings or open space precincts.
- 3.2. This policy should be read in conjunction with Sections One, Three and Four of the Gawler Public Art Framework, the Arts and Culture Strategy 2016 – 2025, and the Council Policy Art Exhibits and Exhibitions in Council Managed Venues.
- 3.3. This policy excludes heritage items in Council's Local Heritage Collection, and heritage artifacts in the public realm.

4. COUNCIL'S ROLE IN PUBLIC ART

- 4.1. Town of Gawler understands the benefits of public art and is committed to encouraging, developing and managing public art initiatives in Gawler. Council has many roles in relation to public art. It is both manager and regulator but Council is also a facilitator and agent that develops public art both independently and in collaboration with other stakeholders.

- 4.1.1. Council as a Public Art Manager: Management of public art includes general maintenance, insurance and any other decisions in relation to the artwork including de-accessioning and significant repairs that are beyond the anticipated maintenance schedule e.g. damage caused by unexpected elements such as a major storm or fire.

The developing party owns the public artwork unless a transfer of ownership takes place by mutual agreement with another party, which may be Council or a third party. If the developing party includes multiple partners, ownership of the artwork will be nominated in the project contract or Memorandum of Understanding (MOU).

Management of public art is the responsibility of the owner unless a management agreement is put in place between Council and/or another third party.

Town of Gawler is responsible for the management and care of Council owned public art. Council owned public art is listed on the Town of Gawler Assets Register.

If Council has taken responsibility for the management of existing public artworks that were developed by others, ownership is presumed to have transferred to Council.

- 4.1.2. Council as Public Art Regulator: The development of public art by Council or external developing parties will be subject to Council's planning and development processes and policy. The installation, repair or removal of public art on public land must adhere to Council's Work Health and Safety processes and policies.

- 4.1.3. Council as Public Art Facilitator / Agent: The Town of Gawler will operate as a service provider; partnering with others, supporting public art through funding and as a developing party in its own right, to achieve the objectives outlined in the Framework.

5. ACQUIRING AND COMMISSIONING PUBLIC ART

- 5.1. Acquiring and Commissioning Public Art: When developing public art either independently or in collaboration with others, Council will adhere to all relevant Council policies and procedures including Work Health and Safety, and Procurement.

Council will develop public artwork that aligns with strategies outlined in existing or new documents associated with the public realm, arts and cultural development, place-making and open space and recreation planning.

- 5.2. Developing Permanent Public Art: New permanent public art may be developed through any of the following processes:

- 5.2.1. Open competition – Artists or a group of artists are invited to submit proposals, and a selection process is undertaken to shortlist and then contract the successful artist or group of artists to develop the artwork.

- 5.2.2. Limited competition – A small number of artists are invited to express interest in Council's brief and compete for selection.

- 5.2.3. Direct invitation – A specific artist or group of artists is contracted to respond to Council's brief and create a permanent artwork.

- 5.2.4. Community Arts and Cultural Development – Council directly contracts a lead artist to work with community members to collaboratively create an artwork.

- 5.2.5. Direct Purchase – Council purchases an existing artwork for installation in the public realm.

- 5.2.6. Acquisitory Prize – An exhibition with the winning artist awarded a prize and the artwork acquired.

- 5.3. Selection Panel: When the acquisition of new permanent public art requires formal Council approval, Council may choose to form a Public Art Selection Panel. Panels will be convened temporarily, and membership may include Council Members, community members and Council staff. Membership may vary depending upon the nature of the project. Public Art Selection Panels will forward a recommendation to Council for their approval. Approval of the recommendation by Council will trigger the disbandment of the Public Art Selection Panel.

- 5.4. Commissioning Temporary Public Art: Council may contract artists to create temporary or ephemeral public art for a specific purpose or event. An artist may be directly selected or artists may be invited to submit proposals that respond to the requirements of Council in relation to the event or purpose.

- 5.5. Unsolicited Public Art: External parties including individuals, community organisations or other private or commercial entities, may offer unsolicited public art to Council outside of any planned commissioning or acquisition process. This may include a proposal to create a permanent or temporary public artwork or to donate or sell an existing artwork for installation by Council in the public realm. Upon receipt of unsolicited public art proposals Council will consider the proposal and assess if acquisition of the work is in keeping with Council's current program and collection

development. Council will consider the following:

- 5.5.1. The nature and relevance of the artwork in relation to community needs and values.
- 5.5.2. The relevance of the artwork in relation to Council's existing public art collection.
- 5.5.3. Cost of installation and management of the work for the duration of its life and the availability of funds in Council's existing budget.
- 5.5.4. Partnership opportunities, particularly for the development of new public artworks.
- 5.5.5. The significance of existing artwork and the outcome, if Council does not acquire it.

Council may either accept or decline the donation and/or proposal and make recommendations in relation to the artwork for the developing party. A Public Art Selection Panel may be appointed to assist with the assessment.

6. FUNDING PUBLIC ART

- 6.1. Grants and Funding: A range of public and private funds are available throughout Australia that can support public art projects. Funding and/or sponsorship will be sought by the Town of Gawler to support public art projects wherever possible.
- 6.2. Developer Contributions: Council will work with commercial and private developers to facilitate contributions and investment in public art.
- 6.3. Community Contributions: Council will work with community groups to facilitate contributions and investment in public art. These contributions can be in-kind.

7. REPAIR AND DE-ACCESSIONING PROCESS

- 7.1. Permanent public art may need to be repaired or removed (de-accessioned). Reasons for repair or removal include:
 - 7.1.1. Deterioration of the artwork as a result of natural aging or weathering.
 - 7.1.2. Damage resulting from natural causes such as a disaster or major weather event.
 - 7.1.3. Damage caused by vandals or as a result of an accident.
 - 7.1.4. A change in community standards or expectations.
 - 7.1.5. A change in the landscape.
- 7.2. Repair of Damaged Art: If public art is damaged, Council staff will make a full assessment of the damage and formulate suitable recommendations in relation to repair and estimated costs. If Council staff do not have the appropriate expertise, outside contractors will be sought to undertake the assessment. If appropriate, a report may be presented to Council for approval. Council will determine a suitable course of action based on the report, which may include a number of options including repair, removal or relocation. The following considerations should be included in the report:

- 7.2.1. The nature and severity of the damage and process for repair, including the availability and suitability of repair materials.
- 7.2.2. The likelihood of further deterioration or repeated damage regardless of repair.
- 7.2.3. Access to the artist and their skills to inform, lead or conduct the repair work (see “right of repair” below).
- 7.2.4. The monetary and community value of the artwork and the cost of repair including access to insurance.
- 7.2.5. Community expectations – whether the work is popular and highly regarded by the community, or old and no longer considered relevant.
- 7.3. Right of Repair: When an artwork is damaged, Council will make every effort to contact the artist and liaise with the artist in relation to repair of the work. Referred to as the “Right of Repair”, it provides the artist with an opportunity to provide a quote to Council for the repairs and for this to be considered in the Damage Assessment Report. Depending on the capacity of the artist and the viability of the quote, according to Council’s Procurement Policy, Council may choose to collaborate with the artist in relation to the repairs. Depending on the artist’s current circumstances and the needs of Council, the artist may undertake or manage the repairs personally, supervise the repairs in conjunction with Council staff, provide advice to Council in relation to materials and construction or suggest a selection of other suitable artists or crafts people who are able to undertake the repairs. The artist may not be alive or declines the “right of repair”, whereby Council will seek advice from other artists or crafts people that have the necessary skills to undertake the repairs and/or provide advice.
- 7.4. De-accessioning Public Art: Public Art may have to be removed for a number of reasons:
 - 7.4.1. The artwork is irreparable or restoration is not viable.
 - 7.4.2. The artwork is causing an unacceptable risk to public safety.
 - 7.4.3. The site is being redeveloped.
 - 7.4.4. The environment is no longer suitable for the artwork.
 - 7.4.5. The artwork is no longer relevant or valued by the community.
 - 7.4.6. The artist merit of the work has diminished.
 - 7.4.7. The ownership of the artwork cannot be ascertained and Council are unable to effectively manage the artwork in an ongoing capacity.
- 7.5. Council staff may establish a Public Art Advisory Panel to support and inform the de-accessioning process, similar in representation to the Public Art Selection Panel. The Panel will provide independent and expert advice in relation to the artwork in question and the de-accessioning process.
- 7.6. Council will undertake community consultation to establish community expectations in relation to the artwork. The consultation will be targeted and include all relevant stakeholders.

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7.7. In collaboration with the Public Art Advisory Panel, staff will formulate a De-accessioning Report and forward to Council for consideration. The Report will include:

7.7.1. Reason for de-accessioning along with evidence to support the proposal.

7.7.2. The process for evaluating the artwork and its relevance.

7.7.3. Relevant Damage Assessment Reports.

7.7.4. The history and provenance of the artwork including its original purpose and the parties involved with its development.

7.7.5. Results of the community consultation.

7.7.6. Re-location or long-term storage options.

7.7.7. Potential financial impact including the cost of repair, ongoing maintenance, removal, storage and relocation.

7.7.8. A timeline for de-accessioning.

7.8. If the artwork is deemed to pose an unacceptable risk to public safety, measures may be taken by Council to secure the artwork until the matter has been rectified. This may include cordoning off the artwork or removing it until a decision to repair or de-accession has been made.

8. DEFINITIONS

Public Art	Refers to works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.
De-accession	Is the process of removing and disposing of public art works.
Moral Rights of Artists	Moral rights are rights individual creators have in relation to copyright works they have created. Creators have the right to be attributed (or credited) for their work; not have their work falsely attributed and not have their work treated in a derogatory way.
Developing Party	The individual or organisation that instigates and leads the development of a public artwork within the public realm.
Public Realm	Any publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces or any public civic buildings and facilities.

9. REVIEW AND EVALUATION

The effectiveness of this Policy will be reviewed every four years and may be reviewed at any time.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Policy.

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The Policy will not be altered or substituted so as to affect a process already commenced.

10. FURTHER INFORMATION

Further information about this Policy can be obtained by:

Telephone: 8522 9211

Email: council@gawler.sa.gov.au

Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.

Letter: PO Box 130, Gawler SA 5118

11. AVAILABILITY OF POLICY

The Policy is available to be downloaded, free of charge, from Council's website at www.gawler.sa.gov.au.

A printed copy may be purchased on request from the Council's Administration Centre.