

PUBLIC ART POLICY

SCOPE

This policy applies to public art located within the public spaces of the Banana Shire, including proposed projects.

LEGISLATION

Local Government Act 2009

OBJECTIVE

This policy provides a framework for the encouragement, development and lifecycle management of public art within the Banana Shire.

DEFINITIONS

Council	Banana Shire Council
Public Art/Public Artwork	<p>Artistic work/s created by an artist/s located in or part of accessible public spaces of a permanent or temporary nature. It also includes the conceptual contribution of artists to the design of public spaces and facilities.</p> <p>It can be work created for specific locations, temporary exhibits, exhibitions, events or performances and includes sculptures, murals, glass or water features, landscaping, uniquely designed or site specific paving, furniture and parts of buildings, sound and light works, organic form and performance in public spaces.</p>
Public spaces	<p>All public spaces which the public has access to or can view (within the Banana Shire).</p> <p>This includes, but is not limited to:</p> <ul style="list-style-type: none">• parks, streets, squares, public plazas and foyers• artworks incorporated with building facades• Council facilities and other Council owned buildings where public access is routine

Council as Custodian of the Artwork	Artwork for which the Council resolved to undertake being the custodian
Community as a Custodian to the Artwork	The artwork that is located in the Council facilities or community facility and a community group has agreed to be the custodian
Abandoned artwork	Is an artwork where the ownership/the custodian has not been established, or the organisation/individual who owns the artwork is no longer in a position to maintain the artwork.
Concept Development	This is the initial work done to determine if a public artwork would be supported for a proposed site for the proposed brief

POLICY

1.0 Encouragement for Public Art

To support and collaborate with local communities to enhance public spaces in the shire with public art that reflects our unique communities as interpreted and presented by artists of the region and beyond.

Council encourages the development of public art in the shire as a means of:

- Engaging communities with their built and natural environments
- Enhancing public spaces
- Communicating stories, commemoration, celebration, recognising and recording our heritage and the history of the shire and its people
- Building cultural tourism assets

2.0 Custodian of Public Art

- 2.1 Council considers all public art proposals and determines the custodian of the artwork. Council may decide to be the custodian of the artwork via a resolution in the ordinary council meeting
- 2.2 Where the public art is managed by the Council, the Council will manage the lifecycle of the artwork including:
 - 2.2.1 Undertaking appropriate community engagement and due diligence on the art, location to suit to community needs
 - 2.2.2 Maintaining the register of public art with the details of location, designs and concepts, name and contact details of the artist, owners and specifications of the artwork including material used
 - 2.2.3 Owning the copyright for the artwork, where possible. If not possible to own the copyright, aims to minimise the copyright requirements to a maximum of 10 years
 - 2.2.4 Allocating appropriate resources to protect, maintain and renew the artwork

2.2.5 Decommissioning the artwork where the artwork presents risks to Council including risks in reputation and increased costs

2.2.6. Undertaking valuation / re-valuation if applicable as per financial statement requirement

2.3 Council requires the details ownership of the artwork displayed close to the artwork; in the absence of the ownership information, Council assumes the facility owner or lessee to be the owner of the artwork

3.0 Due Diligence and Community Engagement

Council commits to:

3.1 Undertaking due diligence on the appropriateness of the artwork, it's relevance to the community and tourism needs and whole of life cost implications of the artwork

3.2 Encouraging communities and artists in developing appropriate artworks in public spaces

3.3 Encouraging community participation in public art projects including community engagement in proposal development, funding and the life cycle management of the public art

4.0 Support to the Community

Council supports community groups to develop public art by:

4.1 Supporting community engagement process to develop art proposals

4.2 Supporting community groups funding efforts (i.e. providing letters of support)

4.3 Providing any in-kind support where possible

4.4 Maintaining a register with the details of the community group that owns it.

4.5 Promoting the artwork using existing Council media outlets and channels

5.0 Abandoned Artwork

5.1 Council will not automatically assume the ownership of the abandoned artwork

5.2 If the artwork is significantly important to the community, Council will make efforts to find another community group to own the artwork

5.3 If the artwork is not significantly important to the community, support the decommission of the artwork

5.4 Council could resolve to take the ownership of the artwork, if the artwork is significantly important to Council and the community ownership could not be obtained

5.5 Where Council owns an abandoned artwork, Council attempts to protect the artwork as much as practical and then makes attempts to restore it

6.0 Stages in Public Art Development

There are two stages of public art development.

6.1 Concept Development

6.1.1 To obtain in principle support for a public artwork to be located on or within Council owned public spaces or community spaces, the below must be received in writing for review:

- Proposed site
- Proposed artwork concept: outlining the artist brief and the relevance to the local community and/or site
- Proposed community consultation process
- Details of the commissioning body (individual, organisation, business).

The commissioning body is then required to submit a proposal for review and approval. The concept must be approved by the Council to develop the public art proposal as outlined below.

6.2 Public Art Proposals & Approval

To submit a public artwork concept for approval, a public art proposal is to be submitted in writing to Council.

6.2.1 The proposal should include:

- Proposed Site
- Artwork Concept
- Artwork design
- Artist/s
- Funding expectations
- Viability, safety and design life
- Materials and methods
- Outline of community consultation process
- Installation considerations (e.g. digging required, closure/impact to access of public space, road closures)
- WHS considerations (ongoing after work is installed)
- Maintenance plan for the life of the artwork: maintenance required and who is responsible
- Future contacts/decision makers
- Consent/consultation with any relevant parties (e.g. Traditional Owners, person/s or stories featured in the concept)
- Local community benefits
- Any other relevant information to be considered in the decision-making process

6.2.2 Council considers the proposal and provides its approval to being the custodian or provides in-principal approval on the proposal for community ownership

7.0 Procurement of artwork

- Where artwork is owned by the Council, the existing procurement process is applicable for procuring artist or artwork

- Where the artwork is not owned by the Council, Council encourages the organisation procuring the artwork to use sound contracts principles
- Council may accept a donation of the artwork through a Council resolution and assume ownership via donation.

8.0 Maintenance and renewal

- 8.1 Council to develop a maintenance and renewal schedule for Council owned public artworks and signage related to the artwork.
- 8.2 Approved artwork will be documented with an artist agreement between Council, artist and relevant commissioner. This document is to outline the materials used, a proposed maintenance schedule for the life of the artwork, responsibilities for maintenance, estimated costs of maintenance etc.

9.0 De-commission

- 9.1 Written artist agreements will outline a nominated process for decommissioning the public artwork. Public artworks may need to be relocated or decommissioned for a variety of reasons including:
- Location: The site is no longer suitable (e.g. redevelopments or sale)
 - Relevance: The work is no longer suitable or relevant to the community and public sentiment
 - Aesthetic quality: The work no longer meets the expected aesthetic quality
 - Public safety
 - Damage/maintenance/repair: Ongoing maintenance and/or repair costs are not viable or irretrievable loss or damage has occurred.
- 9.2 The process of decommission is generally:
1. Consult with the original commissioner
 2. The artist
 3. If neither the original commissioner or artist are contactable consult with a relevant community group
- 9.3 De-commission methods (in this order):
1. Relocation
 2. Sale
 3. Donation
 4. Destruction

10.0 Consideration for human rights

- 10.1 Council adheres to the Human Rights Act 2019 in implementing this policy

PROCEDURE

The Chief Executive Officer is authorised to approve and amend procedures for Public Art Collection and Mural Art.

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION



CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

8/4/22
DATE