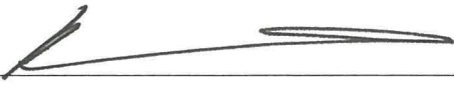




Policy Title:	Public Art Policy
Date of Adoption:	6 August 2019
Adoption Method:	<input type="checkbox"/> Council <input checked="" type="checkbox"/> Executive <input type="checkbox"/> Other <i>(please specify)</i>
CEO Signature:	 <div style="float: right;">Date: 13/12/19</div>
Responsible Officer / Unit:	Jill Karena, Manager Community & Culture
Nominated Review Period:	<input type="checkbox"/> Annually <input checked="" type="checkbox"/> Other: <i>Every two years</i>
Last Review Date:	August 2019
Next Review Date:	August 2021
Purpose / Objective:	<p>To provide a clear and transparent process for assessing and making decisions about the design, placement and conservation of art in public spaces in the Macedon Ranges Shire, with the aim of ensuring artworks are:</p> <ul style="list-style-type: none"> • Strategically planned • Appropriate to their context including alignment with Indigenous heritage, if known • Relevant to the local community • Supported by the local community • Of excellent quality and high aesthetic value • No danger to people or the environment
Background / Reasons for Policy:	<p>Council does not have a current Public Art Policy. There is no clear documented process for assessing or making decisions about the design, placement and conservation of public art on public land in the Macedon Ranges Shire.</p> <p>This policy provides a clear process for public art and will sit under the high level Arts and Culture Strategy that is currently being developed.</p>
Definitions:	<p>Professional artist: identifies themselves as such on the basis of skills or experience; is accepted as a professional by their peers or the arts industry.</p> <p>Public art: is art created by professional artists located in public spaces. Public art is site-specific in that it relates and responds to the social, historical, environmental or physical context of the site. Public art may include, but is not limited to, sculpture, murals, architectural design elements, installations, lighting effects, town entry or streetscape features and decorative paving. Public art can reflect a diverse range of styles and practices from traditional to contemporary art. Artworks may be permanent or temporary.</p>

	Public space: 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.
References:	Government of South Australia, <i>Public Art: Making it happen, commissioning guidelines for local government</i>
Related Policies:	<p><i>Dja Dja Wurrung Land Use Activity Agreement (2013)</i></p> <p>Macedon Ranges Shire Council (2013) <i>Asset Management Policy</i> and (2014) <i>Asset Management Strategy</i></p> <p>Macedon Ranges Shire Council (2005) <i>Asset Protection Policy</i></p> <p>Macedon Ranges Shire Council <i>Council Plan 2017-27 incorporating Municipal Public Health & Wellbeing Plan</i></p> <p>Macedon Ranges Shire Council (2010) <i>Engineering Requirements for Infrastructure Policy</i></p> <p>Macedon Ranges Shire Council (2014) <i>Heritage Strategy</i></p> <p>Macedon Ranges Shire Council (2017) <i>Memorial Policy</i></p> <p><i>Macedon Ranges Shire Planning Scheme</i></p> <p>Macedon Ranges Shire Council (2016) <i>Procurement Policy</i></p> <p>Macedon Ranges Shire Council (2015) <i>Statement of Commitment for the Prevention of Violence Against Women</i></p> <p>Macedon Ranges Shire Council (2011) <i>Tourism Industry Strategic Plan</i></p> <p><i>VicRoads Towards Zero 2016-2020 Road Safety Strategy</i></p> <p>Macedon Ranges Shire Council (2015) <i>Corporate Branding Policy and Guidelines</i></p>
Related Legislation:	<p>There is no legislative requirement for Council to have a policy relating to this area.</p> <p>Relevant legislation: Local Government Act 1989 (Part 1A Objectives and role of Council) Native Title Act 1993</p> <p>Relevant local law: Macedon Ranges Shire Council (2013) <i>General purposes and amenity local law no. 10</i></p>

DOCUMENT HISTORY	Version	Date	Author
Initial Draft	1.0	15 September 2016	Kerry Haby
	2.0	9 December 2016	Kerry Haby
Second Draft	2.1	2 February 2017	Kerry Haby
	2.2	22 February 2017	Kerry Haby
	2.3	31 August 2017	Kerry Haby
Final Draft	2.4	27 September 2017	Kerry Haby
Approval	2.5	6 August 2019	Robyn Till

Public Art Policy

1. Policy statement

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 is a reflection of how we see the world – the artist's response to our time and place combined with our own sense of who we are.¹

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

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

2. Purpose

To provide a clear and transparent process for assessing and making decisions about the design, placement and conservation of art in public spaces in the Macedon Ranges Shire, with the aim of ensuring artworks are:

- Strategically planned regarding location and maintenance requirements
- Appropriate to their context including alignment with Indigenous heritage, if known
- Relevant to the local community in terms of content and meaning
- Supported by the local community (its purpose as well as design, size and location)
- Of excellent quality and high aesthetic value (durable materials, respectful design)
- No danger to people or the environment

3. Principles

In considering public artwork for the shire, Macedon Ranges 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 be involved in the process of assessing and selecting public art, both pieces commissioned by Council and artworks proposed by individuals or community groups. Opportunities for local artists to be involved will be encouraged and promoted.
- **Value for money and good financial management** - Avoids duplication of existing artwork. The project has an adequate budget to ensure quality design and implementation as well as consideration of the maintenance and repair costs of the artwork into the future.

¹ www.associationforpublicart.org/what-is-public-art/

- **Quality outcomes** – The end product is the result of a well-planned process, of excellent workmanship and of high aesthetic value. No reflective materials are used if located within a road reserve.

4. Scope

This policy covers artwork proposed for public spaces within the Macedon Ranges Shire including:

- public art commissioned or acquired by Council
- public art proposed by local individuals or community groups
- public art proposed by individuals or groups from outside the shire
- art proposed for public spaces within Council or private developments
- permanent pieces
- temporary installations
- anything not covered by Council's *Memorial Policy*

Unless designed as pieces of public art, standard street furniture (seating, tables etc.) is outside the scope of this policy, but may be subject to other Council consultative processes.

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 Macedon Ranges Planning Scheme and other controls including landowner's consent and Native Title requirements for Crown land. Council would prefer the relevant authority consider this policy in their deliberations.

Memorials or monuments are covered by Council's separate Memorial Policy; however this policy may be referenced if the memorial includes a public art installation.

5. Process

The process for assessing and selecting the design, placement and maintenance of public art within the shire has three stages. The steps in each stage are outlined in the flowchart on page 6.

Stage 1: Consideration of proposal

Individuals, community groups or external parties who wish to propose a public artwork must first discuss their proposal with Council's Coordinator Arts & Culture via 5422 0333.

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 will be considered by a range of stakeholders including local community members, relevant Council units, Council's Placemaking Group, Executive and Councillors, and land owner/land manager if not Council. Council Officers and the applicant will work together to design the consultation plan.

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 & 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 will 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, land owner'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 panel will be convened for each proposal to assess the artistic merit of the proposed public art piece. A Terms of Reference will be developed for each panel. The panel will include Council's Coordinator Arts and Culture; at least one local artist drawn from a pool of artists with diverse interests, skills and experience; at least one local resident; and an external arts professional.

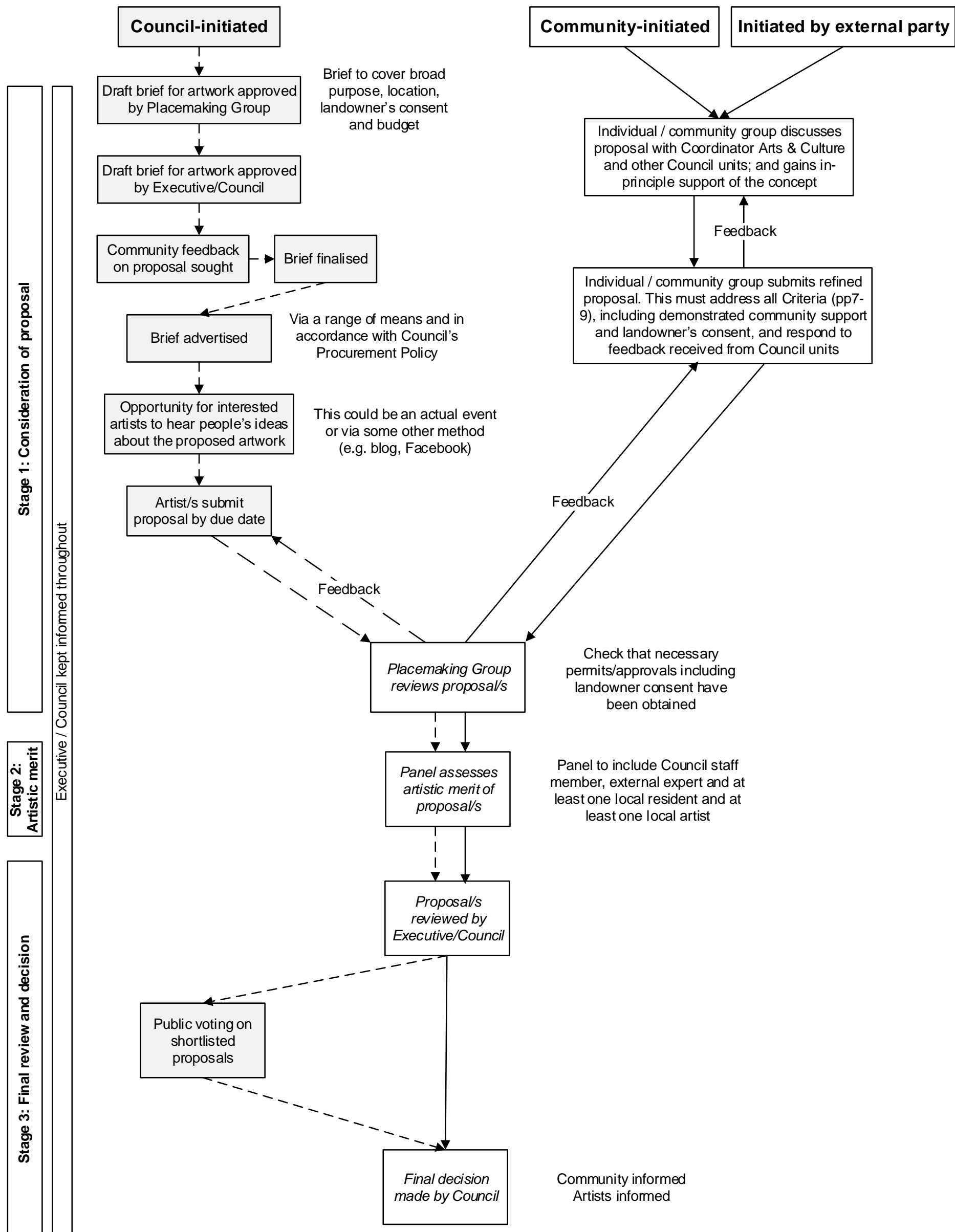
Stage 3: Final review and decision

The community will be given the opportunity to comment on the proposed public artwork. For public art commissioned by Council and depending on the number of proposals received, the community may also have the opportunity to vote on shortlisted proposals.

Councillors will make the final decision drawing on feedback provided by stakeholders at each stage as well as the results of the public voting process (if applicable) and land owner approval and copies of other required permits/approvals (where appropriate). Community and artists will be informed of the outcome.

Flowchart – Process for assessing and selecting public art

The steps in the *Council-initiated* process are shaded in pale grey and follow the dotted lines. The steps in the *Community-initiated and Initiated by external party* processes are not shaded and follow the solid lines. The shared steps have italicised text.



6. Criteria

Proposals received from professional artists in response to a brief advertised by Council and public art proposals received from individuals, community groups or external parties will be assessed against the following criteria.

- Strategically planned regarding location and maintenance requirements
- Appropriate to their context including alignment with Indigenous heritage, if known
- Relevant to the local community
- Supported by the local community
- Of excellent quality and high aesthetic value
- No danger to people or the environment

Permanent artwork

Criterion	Evidence required
<p>Applicant details</p> <ul style="list-style-type: none"> • The individual, community group or external party have the capacity to successfully deliver the proposed project. • The artist has the technical ability to produce artwork of excellent quality and high aesthetic value. 	<ul style="list-style-type: none"> • Written explanation covering: <ul style="list-style-type: none"> – Purpose of group or individual – Financial capacity – Involvement in similar projects • Artist’s CV including pictures of previous works and references. Artist’s Certificate of Public Liability insurance to the value of \$20 million.
<p>Strategically planned</p> <ul style="list-style-type: none"> • The artwork does not duplicate or detract from existing public art in the town or locality. • The production and installation of the artwork are fully funded. • The responsibility for maintenance and repair costs of the artwork is clear, noting that any ongoing cost to Council will need to be negotiated with Council. 	<ul style="list-style-type: none"> • Written explanation of how the proposed artwork won’t duplicate or detract from existing public art in the town or locality (up to 250 words) • Maintenance schedule that specifies all materials used and identifies regular maintenance requirements of the artwork and surrounding area • Plan for funding the artwork including: <ul style="list-style-type: none"> – budget for planning, site preparation, construction and site clean up – budget for ongoing maintenance of the artwork including graffiti removal and general repair Artwork funded by grant monies must have Council approval PRIOR to the grant application being submitted or Council letter of support requested.
<p>Appropriate to their context</p> <ul style="list-style-type: none"> • The artwork relates and responds to the social, historical, environmental or physical context of the site. The piece respects the Indigenous heritage of the site. • The artwork is easily accessible and does not interfere with the intended purposes of the public space. • The location and design of the artwork aligns with relevant planning documents and considerations (e.g. town structure plans, heritage and environmental overlays). • The individual or community group can demonstrate that all aspects of planning and building have been considered. 	<ul style="list-style-type: none"> • Written explanation of how the proposed public artwork: <ul style="list-style-type: none"> – relates and responds to the context of the site including accessibility and visibility – does not interfere with the intended purposes of the public space – aligns with relevant planning documents and considerations (up to 500 words) • Written evidence of ‘in-principle’ support from the landowner (if not Council); copies of other required permits/approvals. • Record of discussion with Council’s Building and Planning Units regarding permit requirements (e.g. email, letter). • Record of discussion with Council’s Operations Units regarding access to location (e.g. email, letter).

Criterion	Evidence required
<p>Relevant to the local community</p> <ul style="list-style-type: none"> The artwork is meaningful and will be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons. The need for interpretative signage and what form it may take has been considered. 	<ul style="list-style-type: none"> Written explanation of how the proposed public art will be of lasting value to the community or how the community will be involved in implementation (up to 250 words).
<p>Supported by the local community</p> <ul style="list-style-type: none"> The artwork's purpose, location and design have genuine community support. 	<ul style="list-style-type: none"> Council Officers will work with the applicant to design a consultation plan including identification of stakeholders, methods and implementation.
<p>Of excellent quality and high aesthetic value</p> <ul style="list-style-type: none"> The proposed artist has the technical ability to produce artwork of excellent quality and high aesthetic value. The artwork is of a high standard in terms of artistic quality, originality and integrity. The artwork is made from durable materials that are impervious to the weather and require minimal maintenance. 	<ul style="list-style-type: none"> Artist's CV including pictures of previous works and references. Scaled plans and elevations of the proposed structure; description of materials including source (e.g. local) and assessment of durability and structural integrity; proposed text or images; and any other relevant information. Plans should also include a description of how authorship will be attributed; and a description of any interpretative signage (if required). <p>Plans should include consideration of Council's <i>Engineering Requirements For Infrastructure Policy</i>.</p> <ul style="list-style-type: none"> Risk assessment using Council template covering the artwork materials, installation and site safety.
<p>No danger to people or the environment</p> <ul style="list-style-type: none"> The artwork does not present a risk to people or the environment. The location and design of the artwork do not interfere with emergency services, Council's operations crew or utility vehicle access. 	

Temporary art installation

Criterion	Evidence required
<p>Applicant details</p> <ul style="list-style-type: none"> The individual, community group or external party have the capacity to successfully deliver the proposed project. 	<ul style="list-style-type: none"> Written explanation covering: <ul style="list-style-type: none"> Purpose of group or individual Financial capacity Involvement in similar projects
<p>Strategically planned</p> <ul style="list-style-type: none"> The artwork does not duplicate or detract from existing public art in the town or locality. The production, installation and removal of the artwork are fully funded. 	<ul style="list-style-type: none"> Plan for funding the artwork including budget for planning, construction and removal. Artwork funded by grant monies must have Council approval PRIOR to the grant application being submitted or Council letter of support requested.

Criterion	Evidence required
<p>Appropriate to their context</p> <ul style="list-style-type: none"> The artwork relates and responds to the social, historical, environmental or physical context of the site. The piece respects the Indigenous heritage of the site. The artwork does not interfere with the intended purposes of the public space. The individual or community group can demonstrate that all aspects of planning and building have been considered, including heritage and environmental matters. 	<ul style="list-style-type: none"> Written explanation of how the proposed public artwork: <ul style="list-style-type: none"> relates and responds to the context of the site does not interfere with the intended purposes of the public space (up to 350 words) Written evidence of ‘in-principle’ support from the landowner (if not Council); copies of other required permits/approvals. Record of discussion with Council’s Building and Planning Units regarding permit requirements (e.g. email, letter).
<p>Relevant to the local community</p> <ul style="list-style-type: none"> The artwork is meaningful and will be of value to the community for social, cultural, historical, educational or aesthetic reasons. 	<ul style="list-style-type: none"> Written explanation of how the proposed public art will be of value to the community (up to 250 words)
<p>Supported by the local community</p> <ul style="list-style-type: none"> The artwork’s purpose, location and design have genuine community support. 	<ul style="list-style-type: none"> Council Officers will work with the applicant to design a consultation plan including identification of stakeholders, methods and implementation.
<p>Of excellent quality and high aesthetic value</p> <ul style="list-style-type: none"> The proposed artist has the technical ability to produce artwork of excellent quality and high aesthetic value. The artwork is of a high standard in terms of artistic quality, originality and integrity. 	<ul style="list-style-type: none"> Artist’s CV including pictures of previous works and references. Artist’s Certificate of Public Liability insurance to the value of \$20 million. Scaled plans and elevations of the proposed structure; description of materials including source (e.g. local); proposed text or images; and any other relevant information. Plans should also include a description of how authorship will be attributed; and a description of any interpretative signage (if required).
<p>No danger to people or the environment</p> <ul style="list-style-type: none"> The artwork does not present a risk to people or the environment. The location and design of the artwork do not interfere with emergency services or utility vehicle access. 	<p>Plans should include consideration of Council’s <i>Engineering Requirements For Infrastructure Policy</i>.</p> <ul style="list-style-type: none"> Risk assessment using Council template covering safety of installation, object and site
<p>Timeframe</p> <ul style="list-style-type: none"> The removal date must be approved by Council 	<ul style="list-style-type: none"> Record of approved removal date (e.g. email, letter)

7. Timeline

Public art proposals from individuals, community groups or external parties will be considered at any time. However, written proposals from individuals, community groups or external parties will only be accepted after the relevant steps outlined in the flowchart on page 6 have been followed.

The time it takes to process proposals will vary depending on the complexity and timing of the request in relation to Council's budget planning and meeting cycle.

The design and placement of public art will be considered by Council on a case by case basis. Any existing public art cannot be taken as a precedent for future approvals. Council may remove a public art piece that does not comply with the assessment criteria.

8. Maintenance

A maintenance schedule is expected to be provided as part of the proposal and will help inform the assessment. As noted on page 7, any ongoing cost to Council needs to be negotiated.

The final, approved maintenance schedule should:

- Provide photographs of the work after it has been installed.
- Specify all materials used in the work including the main body of the work, the base, fixings and connecting pieces as well as glues and solvents. All materials should be appropriate to the location of the artwork (indoors, outside etc.) and not present any danger to people or the environment. Material Safety Data Sheets should be provided if relevant.
- Provide recommended maintenance and cleaning advice for all materials and finishes.
- Determine requirements for regular maintenance and cleaning of the artwork including responsibility.
- Determine requirements for the maintenance of the area surrounding the artwork.
- Advise who is responsible for maintaining the artwork (if there is any ongoing cost to Council, this needs to be negotiated).
- Advise who is to be contacted if repairs to the work are needed.
- Provide estimates of the long-term cost of ongoing maintenance.

This information will be stored in Council's asset management system.

The area surrounding the artwork will be maintained by Council according to the schedule provided and within available resources.

Council will respond in a timely manner if works are damaged or vandalised. If available, the artist will have the first option to carry out repairs.

9. Deaccession

This section does not relate to temporary installations; the planned and funded removal of temporary public art is included as part of the original proposal for the piece.

Criteria

Public artworks will be retained permanently providing they:

- continue to be relevant to, and supported by, the local community;
- can be easily maintained; *and*
- present no danger to people or the environment.

Public artworks will be deaccessioned when they no longer meet the above conditions.

Process

The Coordinator Arts & Culture will brief Executive who will decide if it goes to Council. The briefing will include details of the work, current market value (if known), reason for deaccession (with reference to the above criteria) and recommendation/s for disposal.

Disposal recommendations can include the following:

- Return work to donor or their descendants*
- Transfer to another Council or public institution*
- Exchange with another Council or public institution*
- Sale by public tender*
- Sale by public auction*
- Demolition, if none of the above options is possible

*For these options, consideration would need to be given to the cost of removal and transport of the work.

No Council staff person or Councillor is permitted to personally profit from any transaction involving the sale or exchange of public artwork.