

PUBLIC ART POLICY

Summary:

The purpose of this policy is to provide clear framework of principles which expresses a commitment to the enhancement of the cultural environment of Tenterfield Shire. This policy will ensure that a consistent and planned approach is applied to the commissioning, maintaining, managing and de-commissioning of public art.

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Endorsed By	Executive Management Team
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Department	Office of Chief Executive
Policy Custodian	Manager Arts, Culture and Library Services
Superseded Documents	<ul style="list-style-type: none"> Public Art Policy – 23 September 2020 Adopted. Resolution Number 196/20
Related Legislation	
Delegations of Authority	Community Development Officer

1. Overview

Tenterfield Shire is the gateway to both the New England and Northern Rivers Regions rich in both Indigenous and post-colonial culture.

Tenterfield Shire was first inhabited by the Jukembal people with their territory straddling the Great Dividing Range from near Glen Innes to Stanthorpe. Today the Aboriginal community in Tenterfield Shire has two main language groups: The Kamilaroi people and the Bundjalung people.

The most momentous and far-reaching event in the history of Tenterfield since white settlement was the 'Federation Speech' by the then NSW Premier, Sir Henry Parkes, which lead to Federation of the Australian states on January 1, 1901 and gave Tenterfield the name of 'birthplace of a nation'.

Council acknowledges our community's strong cultural and historic ties to the land, the quality of the shire's natural and environmental attributes, and the strength and diversity of the region's artistic community.

It is recognised that public art provides opportunities for creativity and diversity, learning, cultural tourism and economic development, and the expression of Tenterfield Local Government Area's unique culture and heritage.

This policy focuses on the development, installation, management, preservation and deaccession of the Tenterfield Shire Council public art asset collection.

The Public Art Policy integrates with Council's Community Strategic Plan 2032 (CSP) and Delivery Program (DP) and Operational Plans (OP).

Integrated Planning Linkages

CSP - Community

C1: Tenterfield Shire is a vibrant, inclusive, and safe community where diverse backgrounds and cultures are respected and celebrated.

C2: The community is supported by accessible and equitably distributed facilities and recreational opportunities for people of all ages.

Delivery Program 2022 – 2026; and Operational Plan 2022 – 2023

DP Strategy 1.1.1: The individual unique qualities and strong sense of local identity of Tenterfield Shires towns, villages and community groups is respected, recognised and promoted.

DP Strategy 1.1.3: Provide opportunities for residents to enjoy access to arts, festivals, sporting activities, recreation, community and cultural activities.

2. Policy Principles

Public art created through this policy will:

- Respect and improve our 'sense of place'.
- Reflect the cultural diversity of the Tenterfield Shire.
- Acknowledge history of place and community.
- Recognise Aboriginal cultural heritage.

The creation, management and deaccession of public art will consider:

- Developing an inclusive and creative environment.
- Building partnerships across the community (i.e., bringing together design professionals, business, and arts related industries).
- Linking communities to the creative planning processes, to encourage pride and develop character in the Tenterfield Shire.

- Consider opportunities for public artworks to be supported by Developer Contributions, external grant funding and private donations.
- Maintaining works that are safe for the public, with reasonable upkeep, and do not detract from the current vision for the Tenterfield Shire.
- Deaccession of public art may occur based on:
 - a) Deterioration of the artwork as a result of natural ageing or weathering;
 - b) Damage from natural causes such as a disaster or major weather event;
 - c) Damage caused by vandals or as a result of an incident/ accident;
 - d) The artistic merit of the work has diminished;
 - e) The artwork is no longer relevant or valued by the community;
 - f) A change in land use or environment is no longer suitable for the artwork.
- If circumstances require that a public artwork need to be removed, Tenterfield Shire Council will make all reasonable efforts to notify the artist.

3. Policy Objectives

For the purpose of achieving the objectives of this policy, the following actions will be taken:

- Form a Parks, Garden and Culture Committee that is responsible for providing advice to the Council's Executive Officer in relation to the effective implementation of this policy. The membership of this committee may invite additional specialist representatives as required.
- Establish a clear and effective process for managing Public Art activities to:
 - a) Increase community enjoyment and appreciation of, and participation in, public art.
 - b) Involve interested community groups from indigenous, western and other cultures in the commissioning of projects.
 - c) Recognize that both local and visiting artists may contribute to the planning and installation of projects.
 - d) Enable and facilitate private and commercial support for public art, including Grant funding.
 - e) Allow for and coordinate the provision of public art in street scaping, master planning and town design projects when feasible.
 - f) Ensure evidence of funding and satisfactory budget including provision for ongoing maintenance.

- g) Ensure that the requirements of public and workplace safety are adhered to in the creation, installation, access to and maintenance of public art works.

Selection of Artworks

Recommendations by the Committee for commissioning, purchases or donations of Public Art will observe the Principles described in Item 2 and be based on the following criteria:

- Excellence - quality of design and proposed execution.
- Relevance – degree of connection to the community and environments.
- Diversity – the overall public art program to encompass a range of styles, media, artists and locations to cater to a diversity of audiences.
- Public safety – no unacceptable risk associated with any public art proposal.
- Location – the proposed location is both appropriate for the work and suitable in terms of community access.
- Feasibility – the proposed work will be achievable, affordable and ensure the artist/production team possess the skills and experience to produce and install the work.
- Maintenance – ongoing maintenance costs and/or requirements for removal of the artwork.

Liability

The artist or the commissioner will be liable for any loss or damage arising at Common Law or under any statute relating to property damage and personal injury during construction and installation of the work. The artist will be liable for any injury or damage resulting from the work occurring as a result of their negligence.

Copyright

Where the public art is in a public space, the title to both the design and the public art passes to Council. Copyright, moral rights and resale royalties in the design and the work remain with the artist. Where the work is in a private building the title, design and art remain with the artist or the identified owner of the private space or building.

Council retains the right to use the image of the artwork for promotional and historical purposes. Council is obliged to identify the creator of the work wherever the work is exhibited to the public and whenever the work is reproduced in a material form, published or broadcast and ensure to its best endeavours that any adaptation of the work will not be subject to any material distortion, mutilation or alteration that is unreasonable or is prejudicial to the honour or reputation of the artist.

4. Policy Statement

Tenterfield Shire Council is committed to:

- Provide a clear framework for Council planning and decision making in relation to the commissioning, acquisition and deaccession of public art and its ongoing care and maintenance.
- Explain clearly the rationale underlying that plan; provide Council staff with the structure necessary for a coordinated approach to public art and ensure that the community clearly understand Council's role in providing this art; and
- Lead by example in the area of public art, particularly in relation to what is expected from developers and the establishment of criteria against which refurbishments or major new developments are judged with regard to the integration of public art.
- Support the principles endorsed by Local Government NSW in regard to Arts, Culture and Creative Placemaking.

5. Scope

This Public Art Policy relates to the whole of the Tenterfield Local Government Area.

The Public Art Policy will be reviewed every 3 years and is considered part of Council's long term Integrated Plan.

6. Accountability, Roles & Responsibility

Elected Council

- Tenterfield Shire Councillors

General Manager, Executive and Management Teams

- Chief Executive Officer
- Manager Arts Culture and Library Services

Individual Managers

- Manager Arts Culture and Library Services
- Community Development Officer

Advisory Group

- Parks, Garden and Culture Committee

7. Definitions

Artist is a person or a group of people (production team) who have created a work of art.

Asset database records information on each artwork owned or managed by the Council.

Commissioner refers to the person, or company funding the artwork.

Community art refers to art by members of the community or service based organisation, created in consultation with and supervised by an artist.

Council refers to Tenterfield Shire Council and Council as the certifying authority and land manager.

Deaccession The administrative process by which an artwork is removed. It may constitute the first step in the physical act of disposing of an item.

Memorial is a two or three-dimensional object or feature designed to recognise a person, group or event. It could be a sculptural or artistic work, or a water, horticultural or landscape element.

New Works are all proposals and acquisitions for permanent and/or temporary public art.

Public Art is lawfully undertaken works/activities located in a public space or private sites impacting on the public domain. The public art spectrum includes; performance art, kinetic/interactive installations and multimedia. It may be street furniture, sculptural works, digital projections, sound or

light pieces. Permanent works have an expected life of 15 years. Public art does not include memorial spaces.

Parks, Gardens and Culture Committee formed to provide recommendations and advice on Council strategy to enhance our natural and urban environment, as well as advising Council on the opportunities, management, installation and promotion of Arts and Cultural Activities, Strategy and Public Art across the Shire.

Plaque is a flat piece of metal, stone or other durable material with a two-dimensional face that can be fixed to an object, pavement or building. A plaque includes text and/or images to recognise a person, group, place or event, or to interpret the history of a public place.

Public space/open space any exterior place and/or space under the care, control and management of council.

Street Art is public art created, often spontaneously, in areas designated by Council, often to reinvigorate spaces (e.g., laneways).

Temporary public art is time limited, less than 5 years (e.g., street art, graffiti art, ephemeral sculptures, performance art, murals and mosaics, digital projections, sound or light pieces.).

Works The term used to describe artworks, memorabilia, objects, and support material such as books, photographs, newspaper clippings and sculpture.

8. Related Documents, Standards & Guidelines

- Community Strategic Plan 2032
- Tenterfield Shire Delivery Program 2022 – 2026; and Operational Plan 2022 – 2023
- Local Environmental Plan
- State of the Environment Comprehensive Report
- Tenterfield Shire Council Heritage Strategy
- Workplace Health and Safety Policy
- Streetscape Planning
- NSW Government – NSW Public Spaces Charter
- National Association for the Visual Arts (NAVA) – [Code of Practice for Visual Arts, Craft and Design](#)
- The Australia Council for the Arts ('the Council') - [Protocols for using First Nations Cultural and Intellectual Property in the Arts](#)

Other relevant Policies and Plans may be added.

9. Version Control & Change History

Version	Date	Modified by	Details
V1.0	22/02/13	Council	Adoption of Original Policy (Res No. 22/13)
V2.0	24/02/16	Council	Review/Amended Policy (Res No. 23/16)
V3.0	23/08/17	Council	Review/Amended Policy (Res No. 168/17)
V4.0	23/09/20	Council	Review/Amended Policy (Res No. 196/20)
V5.0	6/10/22	Draft	Review/Amended Policy (tbc)

10. Attachments

(a) Public Art Application Form – October 2022