



**MIDCOAST**  
council

# **PUBLIC ART GUIDELINES**

**2022**



## Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. We extend our respect to Elders past and present, and to all future cultural-knowledge holders.

Council continues to work with the local Aboriginal and Torres Strait Islander people, collaborating on a range of projects to acknowledge and celebrate their contribution to the region, and is committed to strengthening those relationships.



Saltwater healing Biripi Country Nation Dance Dec 2019\_ Julie Slavin Photography

# Information about this document

## Document management

<b>Name</b>	Public Art Guidelines		
<b>Approved by delegated authority</b>		<b>Date</b>	30/09/2022
<b>Last date of review</b>			
<b>Review timeframe</b>	As required		
<b>Next review date</b>	As required, or 1 July 2023		
<b>Department responsible</b>	Growth, Economic Development & Tourism		

## Organisational context

<b>Related Legislation</b>	<i>Copyright Act 1968 (Cth)</i> <i>NSW Local Government Act 1993</i>
<b>Related MidCoast Council policies</b>	Procurement Policy (215/19) Asset Management Policy (73/21) Workplace Health and Safety Policy (Dec/19) Community Engagement Policy (180/17) Purchase/Work Order Terms and Conditions
<b>Related MidCoast Council plans and strategies</b>	Cultural Plan 2036 2032: Shared Vision, Shared Responsibility (Community Strategic Plan) Regional Economic Development Strategy 2018 – 2022 Community Engagement Strategy 2019 - 2022
<b>Related protocols and strategies (non-Council)</b>	Protocols for using First Nation Cultural and Intellectual Property in the Arts, Australia Council for the Arts – see link <a href="#">here</a> Aboriginal Arts and Culture Protocols, Create NSW – see link <a href="#">here</a>

# Contents

<b>Part A: Context</b>	<b>5</b>
<b>Purpose</b>	<b>5</b>
<b>What is public art?</b>	<b>5</b>
<b>The purpose and value of public art</b>	<b>6</b>
<b>Types of public art</b>	<b>7</b>
<b>What is Council’s role?</b>	<b>7</b>
<b>How does Council acquire public art?</b>	<b>8</b>
<b>Other types of public art acquisition</b>	<b>8</b>
<b>How is public art funded?</b>	<b>9</b>
<b>What are the rights of an artist?</b>	<b>9</b>
<b>What are the rights of Indigenous people to their art and culture?</b>	<b>10</b>
<b>How to acknowledge the rights of the artist</b>	<b>10</b>
<b>Definitions</b>	<b>12</b>
<b>Part B: Process</b>	<b>13</b>
<b>From Inspiration to installation – how to create new public art</b>	<b>13</b>
<b>Prepare (steps 1 to 4)</b>	<b>14</b>
<b>1. Get Inspired</b>	<b>14</b>
<b>2. Research your idea</b>	<b>14</b>
<b>3. Make your plan</b>	<b>14</b>
<b>4. Apply for approval</b>	<b>18</b>
<b>Commission (steps 5 and 6)</b>	<b>19</b>
<b>5. Create the public artwork</b>	<b>19</b>
<b>6. Celebrate the public artwork</b>	<b>19</b>
<b>Manage (steps 7 to 9)</b>	<b>19</b>
<b>7. Maintain the artwork</b>	<b>19</b>
<b>8. Evaluate the project</b>	<b>20</b>
<b>9. Decommission the artwork</b>	<b>20</b>
<b>Appendix</b>	<b>21</b>
<b>Appendix A - Types of public art and maintenance considerations</b>	<b>21 to 23</b>

Cover image – Jason Wing *Nature Spirits*,(detail) 2015. Manning Regional Art Gallery

## Part A: Context

The MidCoast is a special place! Its rich continuous Aboriginal cultural heritage, creative local community, and a strong visitor base drawn to the area by its natural and cultural abundance combine to offer unique opportunities for leveraging the public to provide health, wellbeing and economic outcomes for the community.

The Public Art Guidelines outline a consistent approach to the commissioning, acquisition, donation, management and deaccession of public art in the MidCoast Region.

While the benefits of public art are many, the processes for managing public art can be a challenge for staff and Council without quality guidance or understanding. There are many different aspects that come into play: from public promotions and managing community expectations, to assessing applications, awarding contracts, installing the works, managing public health and safety risks, considering insurance implications, and through to the potential removal (decommissioning) of public art.

### Purpose

The purpose of these Guidelines is to provide clarity on how public art can deliver good community outcomes, and how best to plan, promote, commission, maintain and decommission public art for the benefit of the community. The Guidelines should be read in conjunction with the MidCoast Public Art Policy and MidCoast Cultural Plan 2036 and will be updated on a needs basis to ensure currency and relevance over time.

### What is public art?

As outlined in the MidCoast Public Art Policy, MidCoast Council defines public art as –

*A broad range of works of art approved or procured by Council located in a public space or in private spaces accessible to the public. They can include streets, street furniture, sound and light installations, sculptures and wall murals amongst others and be of a permanent or temporary nature.*

The definition of public art includes art that is in the public realm, whether on private or public land. This means that managing stakeholder and community expectations becomes an important part of commissioning and managing public art.

What distinguishes “public art” from other artistic and creative expressions is that it needs to be approved by Council; to ensure the public amenity of public spaces are vibrant and in keeping with local community plans or strategic master planning for our towns and villages. The distinguishing factor that separates public art from creative expression in general is *not* whether it is permanent or temporary. It is within Council’s care and control to look after both permanent and temporary public art (unless other arrangements have been expressly made).

Managing expectations of public art can be tricky as there invariably are different expectations and views on any given artwork. This is to be expected and some would say encouraged! Art is after all a subjective experience and public art is intended not only to add to the aesthetics of place, but also contribute to a sense of wonder, curiosity, identity and belonging.

### Good quality public art

The MidCoast Public Art Policy sets general standards for quality art which frames these guidelines and provides general direction for assessment of public art:

- Innovation and originality
- High-quality, sustainable, durable materials that are appropriate for the location's climate and weather conditions for all permanent public artworks
- Appropriate, meaningful, and fit for the local and regional context
- Aligned with planning, cultural and environmental policies of the region
- Consideration for a holistic approach to public art in the region (eg where appropriate, themed with other artworks)
- Impact of the work on public safety and access as well as use of space
- Funding source and budget for the work and its ongoing maintenance

## The purpose and value of public art

While art is of value in and of itself, public art provides direct benefits to people's sense of place, belonging and wellbeing. For regional communities such as MidCoast, public art can also help boost the local tourism economy as artwork can be instrumental in creating the sense of ambience and enhance the visitor experience.

The purpose of public art on the MidCoast may include:

- **First Nations recognition:** acknowledging and paying respect to the rich Aboriginal cultural heritage and continuing history of the MidCoast
- **Cultural heritage acknowledgement:** honouring historic events; people or specific cultures; and significant places
- **Natural heritage celebration:** enhancing and celebrating features of the unique natural environment
- **Beautification:** enhancing a public space and creating a focal point in large open spaces
- **Sense of belonging and place-brand:** creating a unique sense of place and belonging that will enhance the visitor experience
- **Education:** raising awareness about a issue or theme (e.g. climate change, the environment, truth telling, inclusion and multiculturalism)
- **Functionality:** enhancing specific functions such as seating, lighting, play equipment or signage

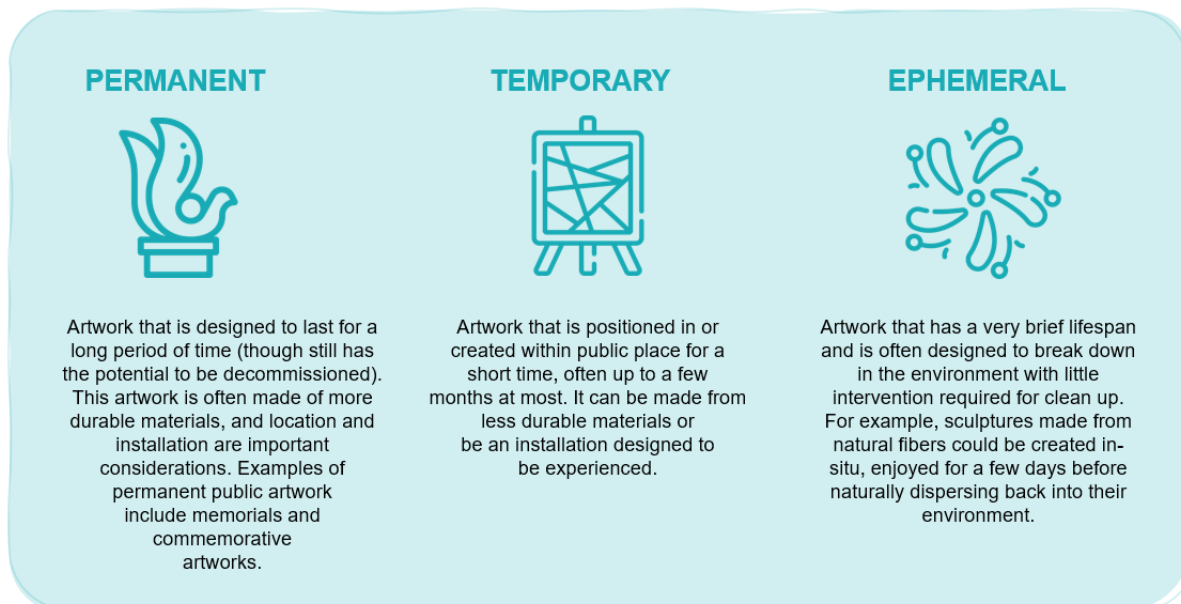
The development and implementation of public art projects and initiatives for MidCoast Council is governed by the following principles:

1. Increase understanding and enjoyment of public art by community by integrating art into the structure, fabric and daily life within the urban built environment and associated public open spaces in a planned and strategic manner;
2. Encourage new and innovative public art by building partnerships with artists, arts organisations and communities and support arts projects in the public domain;
3. All proposed public art projects will be considered including acquisitions, donations or commissions; and
4. All public art projects are carried out in a fair and transparent manner, and in accordance with industry and local government best practice.

## Types of public art

There are many different types of public art, ranging in size, type and location and expressing a multitude of different ideas, interpretations, and concepts. In terms of commissioning, managing and maintaining public art, the most useful distinctions say something about the expected longevity of the artwork. An overview of permanent artworks that require specialised maintenance considerations is provided in Appendix A.

Figure 1: Types of public art and their definitions



## What is Council's role?

Council has two main roles in relation to public art, each with varying levels of responsibility:

### Council as Manager

Taking on the full responsibility for the commissioning and care for public art works, this role includes general maintenance, insurance, and decommissioning (if required). 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. MidCoast Council is responsible for management and care of Council owned public art.

If Council has taken responsibility for the management of existing public artworks that were developed by others, or gifted to Council, it is presumed that the responsibility for the maintenance and public health and safety associated with the artwork is transferred to Council.

### Council as Leader

MidCoast Council has a leadership role to support community participation in arts and culture and to achieve great outcomes through the delivery of the MidCoast Cultural Plan 2036. Council's role may involve one or more of the following:

**Figure 2: Council's role as a leader in promoting and facilitating public art**

<b>Host</b> Provide arts and cultural infrastructure to facilitate creative activity.	<b>Partner</b> Collaborate and work with creatives and community groups to reach greater goals together.	<b>Facilitator</b> Create networks and creative hubs to achieve impactful cultural outcomes.
<b>Advocate</b> Champion and celebrate the region's arts and cultural achievements.	<b>Advisor</b> Support, share and link our creative industries with the latest sector development.	<b>Regulator</b> Manage risks and assess impact to enable success for the sector.

## How does Council acquire public art?

Council typically acquires public art through a commissioning process, where an artist is paid for the work they have produced. Because this essentially is like buying a service or product, much of the commissioning process is subject to the same principles and procedures as for other Council procurements, namely:

- Achieving 'value for money' outcomes through procurement
- Outlining expectations for ethical behaviour by all parties involved in procurement activities
- Ensuring probity, transparency and accountability in the procurement process
- Highlighting the importance of risk and sustainability as key procurement considerations<sup>1</sup>

It is particularly important to ensure transparency and fairness for acquisition of all public art: everyone should be given the same opportunity, individuals or groups should not be allowed - or be *perceived* to have been allowed - an unfair advantage over others. This means that particular care should be taken when acquiring art directly from an artist or when responding to any unsolicited requests from the community. All communication should be diligently recorded and made available (and visible) to all staff within Council's information management system.

One of the biggest differences between procuring artwork and procuring other services is that there is often a high level of community interest (and sometimes emotion) attached to public art and there may be very different interpretations of what constitutes "value for money" - eg what constitutes "quality art". Effective, transparent and timely community engagement and notification of any expression of interest process is therefore a vital part of the public art process.

## Other types of public art acquisition

Council can also acquire public art through donations, bequests or loans. While Council appreciates the good intentions of individuals or organisations making these offerings, it is not always able to accept these gifts/loans as the obligation to have care and control over artworks can be costly. Unless provisions are made for a gift/loan to also cover installation, maintenance, conservation and decommissioning expenditure, it may not be possible for Council to accept the offer and is under no obligations to do so.

Council will only consider accepting any public art donations, bequests and loans which meet the criteria and principles of the *MidCoast Public Art Policy* and *MidCoast Cultural Plan 2036* and adheres to the same processes and procedures regarding assessment of artwork as outlined in these Guidelines.

<sup>1</sup> Procurement Policy (215/19)



## How is public art funded?

Funding for both the installation and ongoing maintenance of public art is required for public art to be financially viable for Council.

### Funding for installation/construction costs

- Grants and funding  
Several public and private funds are available which can support public art projects. Council will seek funding and/or sponsorship for public art projects where possible.
- Developer Contribution Scheme  
Council will work with commercial and private developers to facilitate contributions and investments in public art. These contributions will be considered and provided by developers during the planning approval process. Monetary contributions are preferred however in-kind contributions may also be considered.
- Community Donations  
Council may also fund public art through community funding (eg through crowdfunding)

### Funding for maintenance

- Council commissioned works - contract negotiations  
Maintenance costs can be considerable and should therefore be considered as part of the project planning and contract negotiation stage.
- For community or private development led public art projects  
A percentage contribution should be included in the development proposal for any public art project

## What are the rights of an artist?

The legal rights of an artist are prescribed by the *Copyright Act 1968* (Commonwealth) and known as “moral rights”. Moral rights protect the personal relationship between a creator (artist) and their work even if the creator no longer owns the artwork or the copyright in the work.

Moral rights mean that all artworks must be properly credited to the creator and their work must be protected from derogatory treatment. Moral rights exist in relation to artistic, literary, dramatic and musical works and films but not sound recordings and include:

- Right of attribution – for a creator to be identified and credited
- Right against false attribution – a creator’s right to stop someone else from taking credit for their work
- Right of integrity – protecting the creator’s honour or reputation from and derogatory treatment to their artwork

Moral rights are not the same as the economic rights included in copyright. For example, an employed artist who does not own copyright in the artworks they have created as part of their employment nevertheless has moral rights in those artworks. A musician who has sold their copyright to a record label still has moral rights in their musical compositions.<sup>2</sup>

---

<sup>2</sup> <https://www.artslaw.com.au/information-sheet/moral-rights/>

The Copyright Agency is an Australian non-for-profit organisation which supports creators by enabling the reuse of copyright-protected words and images, in return for fair payment to creators. You can find out more about the Copyright Agency by clicking [here](#)<sup>3</sup>

## What are the rights of Indigenous people to their art and culture?<sup>4</sup>

In addition to the basic protections of an artist's work under Commonwealth law, an artist of Aboriginal or Torres Strait Islander descent also has fundamental rights under Traditional law relating to Indigenous cultural and intellectual property. These laws do not just relate to the artist and their connection with the artwork, but include all aspects of the continuous connection Aboriginal people (and not just the individual artist) have to Country, including:

- traditional knowledge (scientific, agricultural, technical and ecological knowledge, ritual knowledge)
- traditional cultural expression (stories, designs and symbols, literature and language) performances (ceremonies, dance and song)
- cultural objects (including, but not limited to arts, crafts, ceramics, jewellery, weapons, tools, visual arts, photographs, textiles, contemporary art practices)
- human remains and tissues
- the secret and sacred material and information (including sacred/historically significant sites and burial grounds)
- documentation of Indigenous peoples' heritage in all forms of media such as films, photographs, artistic works, books, reports and records taken by others, sound recordings and digital databases.

It is critical that Council engages appropriately with Traditional Owners and the local Aboriginal community regarding all Aboriginal artwork throughout the project life cycle, from planning through to decommissioning. It is equally important to ensure that commissioning of any Aboriginal artwork is reserved for local Aboriginal artists.

## How to acknowledge the rights of artists

Not only do artists put their heart and soul into their artworks, they have also spent a lifetime acquiring their skills and knowledge, so it is important to always acknowledge and pay respect to their work. There are many ways of doing this, from ensuring good communication throughout the lifecycle of planning and delivering the artwork to properly and publicly attributing their artwork. The basics of in terms of protecting the rights of the artist are briefly summarised below:

- Always make sure to properly credit the creator of any works, eg by including photo credits (for images in documents or web material); signage/plaque for sculptures or visual art; verbal or written credits for music. This is a legal requirement.
- Engage appropriately with Aboriginal artists and their community. Australia Council or the Arts provide useful detailed protocols for working with the Aboriginal community (see link [here](#)). Create NSW provides consolidated and user-friendly protocols that provides easily accessible guidance for Aboriginal artists as well as councils (See link [here](#)).
- Maintain all public art works to a high standard to show respect for the artist and remove any derogatory criticism.

---

<sup>3</sup> <https://www.copyright.com.au/about-us/>

<sup>4</sup> Protocols for using First Nations Cultural and Intellectual Property in the Arts, 2019: page 13

- Notify artists about any plans to repair or decommission artworks.
- Speak to Council's engagement team for advice about how best to engage with the community, and for insights on how best to engage with the Aboriginal community.

## Definitions

Term	Meaning
Aboriginal heritage	Aboriginal heritage comprises all objects, sites and knowledge – the nature or use of which has been transmitted or continues to be transmitted from generation to generation, and which is regarded as pertaining to a particular Indigenous group or territory. Indigenous peoples’ heritage is a living heritage that includes objects, knowledge, artistic, literary, musical and performance works which may be created now or in the future.
Commissioning	The act where Council requests the production of public art. This can be done through a variety of processes (tendering, competition, direct commission) but is always a contracted transaction.
Community initiated art	Art that is conceptualised, led, and created by the community with Council approval
Council	MidCoast Council
Deaccession	The process by which an artwork is removed from the site and retired
Functional design	Architectural forms, facades, furniture, textiles, carpets, door handles, glass features, paving, pathways, floors, walls, windows, doors, stairways, fencing, bollards and street furniture, exercise equipment and playgrounds.
Graffiti	A public facing artwork generally not approved by Council
Landscape design	Interpretations through land art, landscape as earthworks, and designed landscape as installations.
Multimedia	This refers to works that use digital imagery, films, video, light and sound to create art installations.
Public art	A broad range of works of art approved or procured by Council located in a public space or in private spaces accessible to the public. They can include music, sound and light installations, sculptures and wall murals, street furniture amongst others and be of a permanent, temporary, or ephemeral nature.
Public domain / public realm	Spaces that are visible, accessible, and used by the public, including public and private spaces.
Public space	Spaces under the care, control and management of Council.
Street art	Art created in streets designated by Council to revitalise spaces eg laneways.
Temporary/ephemeral public art	Temporary public artwork has a predetermined lifetime that can range anywhere between a few hours to several years. Examples can include installations, projections and performances created for public space. The materials and techniques artists use are diverse and can include plants, paper, chalk, video, sound and performance. <sup>5</sup>
Traditional Arts Practices	Sculpture, painting, billboards, murals, screens, photography, mosaic installations, soundscapes, street art.

<sup>5</sup> Australian Centre for Contemporary Art

## Part B: Process

### From Inspiration to installation – how to create new public art

The following information is to help guide Council staff, Individual artists and Community groups through the process to create new public art in the MidCoast Region. This is a best practice approach and each artwork or site will be different, which will determine the required amount of planning and community engagement.

Figure 3: MidCoast Council Public Art Policy - a journey map

PREPARE		
1	Get inspired	Read the MidCoast Cultural Plan 2036
		Talk to professional artists within your community
		Explore public art in your local area
2	Research your idea	Review the Public Art information on Council's website, Public Art Policy (Draft) and get in contact with the Public Art Working Group for further information about the public art process
		Gather research about great public art
		Consider the possible site options
3	Make your plan	Create your Project Plan – includes commissioning models site selection, budget, funding, community engagement and information
4	Apply for approval	Complete the <i>Public Art Proposal</i> form on the MidCoast Council website
		Be assessed by the Public Art Working Group following the Public Art Policy
COMMISSION		
5	Create the public artwork	Refine your project plan
		Liaise with Council staff for continuing WHS compliance
		Develop, construct and install your artwork
6	Celebrate the public artwork	Officially 'launch' the artwork
		Share the artwork with your community
		Document the work and liaise with Council to ensure it is on the Council's Asset register
MANAGE		
7	Maintain the work	Establish a maintenance program
8	Evaluate the project	Evaluate the project - revisit processes and to maintain best practice in the commissioning of public art in the region
9	Deaccession	Public Art working group to create a report about the deaccession of a work

## Prepare (steps 1 to 4)

### 1. Get Inspired

- Read the [MidCoast Cultural Plan 2036](#)
- Talk to professional artists within your community
- Explore public art in your local area

### 2. Research your idea

- Review Council's Public Art website LINK, Public Art Policy (Draft) and Procedure (Draft) and in contact with the Public Art Working Group for further information about the public art process
- Gather research about great public art
- Consider the possible site options

### 3. Make your plan

#### Create your Project plan

A clear and well-articulated purpose statement will help inform the whole project and all subsequent steps and so it is important to spend some time on getting this right and document it in a simple document (a couple of pages in length max.). The following questions may help guide this process

Figure 4: Questions to guide the planning process

<b>PROBLEM</b>	<b>SOLUTION</b>	<b>APPROACH</b>	<b>RISK ASSESSMENT</b>	<b>VALUE ANALYSIS</b>
What is the problem we are trying to solve? What is the opportunity to deliver outcomes for the community?	How can we address the problem or take advantage of an opportunity?	What different options are available to implement the solution?	What are the risks associated with each option? What is the risk of doing nothing?	What value is generated from each option? Which option offers the best value – and why?

A project plan is a formal document used to guide the delivery of the project. The project plan outlines planning assumptions and decisions, facilitates communication amongst all project stakeholders and documents the approved scope of works, cost, and timelines for delivering the project. For larger projects, it is also advisable to include a list of key stakeholders and communications or engagement plan. The key components of a project plan for new public art are listed below:

- Commissioning model chosen– open competition, limited competition, direct invitation, direct purchase (see Figure 5)
- A location map illustrating the proposed site with opportunities and constraints
- A description of the artwork, including size, colours, exact site location/positioning, and materiality or Artist Brief outlining what Council/community requires from the artist, including project parameters

- Where possible, include any supporting visual material (eg drawings or artists impressions of the finished artworks)
- A brief summary of key maintenance considerations, including expected longevity of the artworks
- Project management information (including preliminary installation requirements)
- Timelines and schedule of payments
- Consideration of risks associated with the installation or maintenance of the artworks, particularly regarding public health and safety.

### Commissioning models

Council and Community can commission public artworks through the following processes:

- **Open competition** – Artists or groups of artists are invited to submit proposals and a selection process is undertaken firstly to shortlist and then to contract the artist or group to develop the artwork.
- **Limited competition** – A small number of artists (between three and six) are invited to express interest in the brief and compete with a small number of artists for selection.
- **Direct invitation** – A specific artist or group of artists is contracted to respond to the Artist Brief and create a permanent artwork.
- **Direct purchase** – The Developing Party purchases an existing artwork for installation in the public realm.

The respective process requirements of each type of commissioning is outlined below, Figure 5. It is important to note that variance to this model can occur with the unique nature of each project and its desired outcomes.

For all types of commissioning process, it is important that the public benefit of the project is well articulated and communicated throughout so all involved on the project team are informed, feel valued and can see a clear purpose for the project (even if they personally do not approve of the artwork itself). This is a good time to revisit the business case to make sure the purpose remains clear and the opportunity well defined.

**Figure 5: Overview of the commissioning process**

Task Description	Open Competition	Limited Competition	Direct Invitation	Direct Purchase
<b>Develop Artist Brief</b> Outlines what Council/Community requires from the artist, including project parameters. Consideration should be given to how the artwork will be maintained. This brief will be flexible enough to allow for creative response while still meeting the project's needs, including any functional or technical requirements. The Artist Brief should align with the Business Case and the Project Plan.	✓	✓	✓	✓
<b>Advertising &amp; Reveal of Expressions of Interest (EOI)</b> Inviting artists to submit an EOI by advertising broadly, especially through networks. The EOI typically includes the artist's CV, written response to the Artist Brief, and relevant images of past artworks.	✓	✗	✗	✗

Task Description	Open Competition	Limited Competition	Direct Invitation	Direct Purchase
<b>Shortlisting</b> Creating a shortlist of artists based on EOI submissions.	✓	✗	✗	✗
<b>Briefing</b> Shortlisted/selected artists are offered a briefing, which may include conversations with members of the project team or other stakeholders and a site visit.	✓	✓	✓	✗
<b>Concept Development</b> For larger artworks, artists may be paid a fee to create a detailed concept. This 'project plan' should include an artist statement, supporting visual material, and project management information.	✓	✓	✗	✗
<b>Presentations</b> Artists present their proposal to the assessment panel.	✓	✓	✓	✗
<b>Assessment and Selection</b> Briefing a panel of suitably qualified people to assess the applications and select the artist against the Artist Brief criteria as well as the core standards of quality public art as defined in the MidCoast Public Art Policy	✓	✓	✗	✗
<b>Public Art Proposals Council approval</b> All proposals for commissions, acquisitions, gifts and bequests for public art on Council owned and managed land will need to complete the <i>Public Art Proposal</i> form and be assessed by the Public Art working group. Further information can be found here <a href="#">LINK</a>	✓	✓	✓	✓
<b>Concept Refinement &amp; Approval</b> An ongoing conversation between the project team and the artist which includes minor changes or re-designs, further research, a detailed project plan, and contract development	✓	✓	✓	✗
<b>Contract</b> The artist is commissioned to create the work and the contract is signed. The contract is a legally binding document. It may cover: <ul style="list-style-type: none"> <li>• Insurance requirements</li> <li>• Delivery and installation details</li> <li>• The intended life of the artwork</li> <li>• Workplace Health and Safety expectations</li> <li>• Any conditions related to the display of the work the public domain</li> <li>• Rights of Council to decommission the artwork (under defined circumstances, such as if the artwork becomes a danger to public health and safety)</li> </ul>	✓	✓	✓	✗
<b>Public Art Register</b> All commissioned artworks will be documented on Council's Public Art Register, these artworks will be linked to their relevant insurance information and the Register kept up to date. For insurance and asset management purposes, it is essential that all artworks be included on the Public Art Register.	✓	✓	✓	✓



Task Description	Open Competition	Limited Competition	Direct Invitation	Direct Purchase
<b>Notification</b> For larger works or those considered to have a notable impact, the community and/or stakeholders on site will be notified. Unsuccessful applicants will also be notified of the selection.	✓	✓	✗	✗
<b>Development, Construction &amp; Installation</b> This involves: <ul style="list-style-type: none"> <li>• Preparing the site (including remediation if required)</li> <li>• Installation (including consideration of weather conditions, traffic management)</li> <li>• Risk Management Plan</li> <li>• Signage/plaque (if required)</li> </ul>	✓	✓	✓	✓
<b>Celebration and promotion!</b> The artwork is promoted on Council's website and at an in-person launch (if possible and appropriate).	✓	✓	✓	✓

*This model has been adapted from the Town of Gawler Public Art Framework (2016).*

## Site selection

Public art is commonly site-specific, meaning the artwork and the site are intrinsically connected. The nature and location of the site is therefore an important consideration when developing an idea for the artwork. The following questions should be considered:

- **What takes place at the site?** The activities (including businesses and industry clusters) and the interaction of people will influence the type of artwork which suits the place and offer insight to the audience which the artwork will likely reach.
- **What are the physical characteristics of the site?** An audit of the physical characteristics of the intended site should be undertaken to understand the context and limitations of the artwork. This could include the scale of adjacent buildings, landscaping, and pedestrian movement. Any alterations to the existing physical characteristics should be factored into the project budget.
- **What is the future context of the site?** An assessment of the future context of the site should be undertaken, including potential proposed development in the instalment area.
- **Is the site Council owned or private premises?** If the site you have chosen is on private land, you do not need to submit your project to the Public Art Working Group approval process for assessment. However, depending on the nature and location of the artwork you may need to submit a Development Application to Council. Find out if your project needs a Development Application by contacting Council on (02) 7955 7777 or via our website [www.midcoast.nsw.gov.au/development](http://www.midcoast.nsw.gov.au/development)

Sites on Council owned, or managed land require Public Art Working Group approval process. To find out if Council owns or manages the site phone us on (02) 7955 7777.

If the installation of the work requires access and usage of Council owned or managed land you will need to seek approval from Council via the Public Art Proposal form and meet all WHS requirements.

- **Is the site Heritage listed?** More information can be found about heritage listings on our website [www.midcoast.nsw.gov.au/heritage](http://www.midcoast.nsw.gov.au/heritage). Heritage Advisor work is currently being completed by Council staff. Contact council for more information.

## Project budget

The project budget needs to consider a range of costs including (and not limited to):

- Project management
- Artist fees
- Site costs - site preparation, purchase, remedial costs
- Expert advice - eg engineers, architects or trades people
- Installation costs
- Promotion and media
- Ongoing maintenance and conservation
- Transport costs to the site
- Removal costs (in the case of being damaged beyond repair)
- Permits or approvals expenses (if required)
- Launch event

Costs can be either monetary (financial resources) or in-kind costs (human resources).

## Funding

Securing funds for public art can come from multiple sources and the payment of Artists is recommended at the current National Association of Visual Artist (NAVA) rates. This is key to good quality public art produced by professional artists. MidCoast Council will seek external funding for public art projects rather than relying solely on Council's own budget. There are two main avenues for seeking external funding. These include:

- **Grants and funding:** there are a range of public or private funding opportunities to help cover the costs of public art. These include in-kind support from for example trades people (to help install the works), suppliers of materials etc.) Funding is also available through organisations such as The Australia Council for the Arts; Creative Partnerships Australia and the Australian Cultural Fund) or through sponsorship programs. Finally, NSW Government departments may offer funding support even if public art is not directly part of their portfolio (eg this can be for bushfire affected areas or part of community resilience building projects. See NSW Grants and Funding webpage [here](#) for more information.
- **Developer Contributions Scheme:** Council will negotiate private development contributions to public art as part of the rezoning or building planning/approval process. Contributions may be monetary or in-kind and may form part of the proposed development itself or be reserved for future public art process and in accordance with the Community Infrastructure or Developer Contributions Plan.

## Community consultation

It is essential that proposed new public artwork has the appropriate level of community consultation or engagement which is commensurate to the proposed new work. Types of engagement could include surveys, information sessions, social media polls, workshops or community conversations.

The communication and engagement outcomes between the commissioners and relevant businesses, residents or other stakeholders concerning this project should be documented and submitted with the application to Council.

## 4. Apply for approval

All proposals for commissions, acquisitions, gifts and bequests for public art in the MidCoast LGA on Council owned and managed land will:

- a. Complete the *Public Art Proposal* form on the MidCoast Council website [www.midcoast.nsw.gov.au/public-art](http://www.midcoast.nsw.gov.au/public-art)
- b. Be notified of the next Public Art Working Group meeting. The Public Art Working Group meet quarterly at a minimum or when required depending on project timeframes.
- c. Be assessed by the Public Art Working Group following the Public Art Policy and MidCoast Council Public Art Guidelines.
- d. If required recommendations will be presented to MANEX for approval or rejection. MANEX may determine to seek further advice from Council, or to engage with the community directly, prior to deciding a determination.

Works exempt from this process are those created through the Manning Regional Art Gallery specialised programs or projects which will be referred to the Gallery Director for assessment and approval.

## **Commission (steps 5 and 6)**

### **5. Create the public artwork**

All the planning work has been completed and now it is the exciting moment for the project. It is now time to create the new public art. Continue the great work and complete the following tasks:

- Refine your project plan – ensure contracts are in place, budget is correct, approvals are in place
- Liaise with Council staff for continuing WHS compliance
- Develop, construct and install your Artwork

### **6. Celebrate the public artwork**

Celebration and promotion! The artwork could be promoted on Council's website or via community groups websites and at an in-person launch (if possible and appropriate).

- Officially 'launch' the artwork
- Share the artwork with your community
- Document the work and liaise with Council to ensure it is on the Council's Asset register

## **Manage (steps 7 to 9)**

### **7. Maintain the work**

It is to be established which Council department and staff are responsible for management and ongoing maintenance of the artwork. A schedule for regular inspections on-site to review the state of the artwork should be developed upon the contract agreement.

Key maintenance requirements for different types of public art are detailed in Appendix A. It should be noted that temporary or ephemeral works generally require less funding, planning, and/or resources. As such, points related to ongoing maintenance throughout this document may be omitted if not relevant.

If an artwork is damaged, Council will make every effort to contact and liaise with the artist in relation to the repair of the work. The artist is given the opportunity to provide a quote to Council for the repairs. The management of these repairs are to be negotiated and will depend on the unique circumstances of Council and the artist.

## 8. Evaluating the project

At the completion of the project, an evaluation should be conducted. This evaluation can be used to revisit processes and maintain best practice in the commissioning of public art in the region. Depending on the scale of the project, evaluations can be a simple review of initial intent, or a more rigorous review of the project outcomes and public sentiment.

The evaluation may consider the following questions:

- **How was the artwork received by the community?** Consider community feedback throughout the exhibition and how this potentially shaped the experience of the artwork.
- **What public benefits or costs did the artwork provide?** Revisit the business case to check outcomes against the initial justifications for the work. Also consider other, unexpected benefits or costs associated with the project. These may be social, cultural, economic or environmental impacts.
- **How did the project fit within, or respond to the site?** Consider how the artwork fit within its social, cultural and environmental context, and any synergies created.

## 9. Deaccession of the work

All Public Art has a lifespan. Whether the artwork is intended to be permanent, temporary, or ephemeral, deaccession of a public artwork may sometimes be necessary.

A recommendation for deaccession may be raised by Council staff, an organisation, or community member for one of the following reasons:

- The site is to be redeveloped
- A work becomes a risk for public safety
- A work deteriorates or is damaged beyond reasonable repair
- A work is deemed to be no longer appropriate to the site
- The work was intended as an ephemeral piece
- The work was produced with the understanding of a limited timeframe for display
- The artist merit of a work has diminished




In collaboration with the creator of the artwork (wherever possible) Council will formulate a decommissioning report for the Public Art Working Group. This report may include:

- Reason for deaccessioning with evidence to support
- Damage Assessment Report (if required)
- Potential financial impact including cost of repair, ongoing maintenance, relocation or removal
- A timeline for deaccession
- Any notes or documentation from consultation with the creator of the artwork.

The community will be informed of the planned deaccession as per Council's Community Engagement Strategy

Once deaccessioned, records of the artwork will be retained and archived on Council's Public Art Asset Register.

## Appendix A - Types of public art and maintenance considerations

Type	Description	Potential sites	Maintenance	Example artwork
<b>Urban Art Walls</b>	Offer an affordable public art solution which adds a semi-permanent decorative layer to a streetscape. A series of artwork elements or an artist team can be commissioned to transform a large unattractive wall or even an entire laneway.	<ul style="list-style-type: none"> <li>Commercial building facades</li> <li>Carparks</li> <li>Laneways</li> <li>Pedestrian crossings</li> <li>Stairs</li> <li>Retaining walls</li> <li>Construction hoardings</li> <li>Noise barriers</li> <li>Blank walls</li> <li>Table tennis tables</li> </ul>	<ul style="list-style-type: none"> <li>Wall preparation and use of high-quality materials for preventative conservation</li> <li>Cleaning, graffiti removal and community awareness for preservation</li> <li>Annual surface clean of the work to maintain appearance</li> </ul>	 <p>1</p>
<b>Integrated Art</b>	Is incorporated into the fabric of a building or a place. This type of artwork usually involved an artist working in collaboration with architects, interior designers or builders for new or redeveloped facilities.	<ul style="list-style-type: none"> <li>Facade, ceiling or floor of a building</li> <li>Landscaping</li> <li>Footpaths or stairways</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance should be incorporated into the regular maintenance program for the building or site, with any particular instructions for the appropriate care of the specified</li> </ul>	 <p>2</p>
<b>Functional Art</b>	Have a utilitarian purpose such as signage, shade structures, street furniture, bike racks, bollards, playground and recreational equipment.	<ul style="list-style-type: none"> <li>Parks</li> <li>Playgrounds</li> <li>Plazas</li> <li>Sports grounds</li> <li>Shopping centres</li> </ul>	<ul style="list-style-type: none"> <li>Maintenance should be incorporated into a council's basic public realm maintenance program of regular cleaning and occasional repair</li> </ul>	 <p>3</p>

<b>Art &amp; Advertising</b>	<p>Working collaboratively with public and private organisations there is an opportunity to share advertising spaces with visual artists to add cultural dimension to public spaces.</p>	<ul style="list-style-type: none"> <li>● Billboards</li> <li>● Bus shelters</li> <li>● Lift posters</li> <li>● Digital screens</li> <li>● Footbridge advertising</li> <li>● Railway stations</li> </ul>	<ul style="list-style-type: none"> <li>● Minimal cleaning required – a clean with a high-pressure hose once a year to remove dirt that rain has not washed away is recommended</li> </ul>
------------------------------	--	---	---



4

<b>Art Lighting</b>	<p>Light artworks can add an element of surprise and humour to the midst of dark visually cluttered urban spaces. Consideration should be taken of the artwork's presence by day.</p>	<ul style="list-style-type: none"> <li>● Facades</li> <li>● Underpasses</li> <li>● Laneways</li> <li>● Footbridges</li> <li>● Walls</li> <li>● Carparks</li> <li>● Dark pedestrian areas</li> </ul>	<p>Involves a greater commitment to ongoing maintenance and conservation due to the operation of the technology involved in creating these works.</p> <ul style="list-style-type: none"> <li>● Installations: If the lighting design is set, it will be a matter of basic maintenance of the lamps/ globes and an annual clean of all components exposed to the environment. However, if the lighting work has a changing cycle that is controlled by a computer, this program will need to be checked regularly to ensure it is operating properly.</li> <li>● Neon: Requires annual review of the artwork and its installation by curatorial and electrical staff, including outlet and cord placement. This will assist in ensuring the safety of the artwork. Neon works collect dust and require an annual clean with approved materials</li> <li>● Projections: Equipment must be securely housed and able to be accessed for regular checks. The ongoing projection program must be administered by the artist or their delegate. Depending on the conditions of the environment an annual clean of the surface onto which images are projected may be required.</li> </ul>
---------------------	---	---	--



5

<p><b>Landmarks</b></p>	<p>An opportunity to create iconic artworks which offer long-term durability and add significant value to an LGA. A strong visual impact is required using scale, form, material and/or use of colour.</p>	<ul style="list-style-type: none"> <li>● Parks</li> <li>● Carparks</li> <li>● Commercial buildings/forecourts</li> <li>● Plazas and gateways</li> </ul>	<ul style="list-style-type: none"> <li>● Maintenance commitment depends on the materials and complexity of the artwork. The minimum requirement is an annual check on the general condition of the work with a surface clean, and an annual inspection and replacement of any lighting components.</li> <li>● Artworks involving greater complexity such as moving parts or sound components will require a more complicated design and therefore a more regular commitment to ongoing maintenance. In many cases, if a design is complex, the design must be refined to ensure the maintenance is manageable.</li> </ul>
-------------------------	--	---	---



Information adapted from *Public Art Framework – Parramatta Road Urban Amenity Improvement Program*, 2020, NSW Government.

Artwork references

1. *Runnel* 2017, Sonia Van De Haar, Byron Bay, Australia.
2. *Underwood Ark* 2017, Michael McIntyre, Sydney, Australia.
3. *Habitat Cubbies* 2019, Jade Oakley, North Ryde, Australia.
4. *Marvellous Medicine* 2018, Valerie Tang, Melbourne, Australia.
5. *Aspire* 2010, Warren Langley, Ultimo, Australia.
6. *Gates of Light* 2014, Khaled Sabsabi, Campbelltown, Australia.