
Cessnock City Council Public Art Policy

Date Adopted: 02/11/2023 Revision: 3

1. POLICY OBJECTIVES

- 1.1. To develop a Public Art collection that is progressive, innovative, contemporary, challenging and stimulating, and that explores a variety of mediums, scales and approaches.
- 1.2. To support the development and commissioning of a diverse range of Permanent, Temporary and Ephemeral Public Art in Public Spaces which contribute to the social, cultural, environmental and economic value of the area.
- 1.3. To support integration of Public Art into the urban and natural landscape through adopting a whole of Council approach to planning, selection and maintenance of Public Art.
- 1.4. To support local, established and emerging artists and facilitate community participation.
- 1.5. To improve the quality of the built environment and enhance the relationship between the community and their urban landscape providing an increased sense of identity, ownership, place and pride.
- 1.6. To pursue a range of funding sources.
- 1.7. To act fairly, ethically and without bias in the interests of the local community when applying this policy.

2. POLICY SCOPE

- 2.1. This policy applies to Public Art which is located on Council owned or managed land.
- 2.2. This policy excludes:
 - 2.2.1. Existing Public Art projects on Council owned land or buildings which are already managed through existing approvals and/or agreements at the date of adoption of Revision 1 of this policy which was 15 November 2017;
 - 2.2.2. Public Art on private property;
 - 2.2.3. Historical/commemorative plaques, interpretive signage, wayfinding signage, or advertising material;
 - 2.2.4. Art works exhibited within Council owned or managed premises, meaning works exhibited inside a building;
- 2.3. This policy provides guidance to Council staff for the assessment of Public Art proposals.

3. POLICY STATEMENT

- 3.1. Public Art is an important aspect of major Public Space design projects. Where appropriate, Public Art will be considered in the preparation of concepts for streetscape and open space improvements.

- 3.2. Public Art within or on Council owned or controlled land requires approval unless it is considered exempt development in accordance with the requirements prescribed in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- 3.3. A license agreement must be entered into with Council for the temporary occupation of public spaces.
- 3.4. Council recognises that Public Art is most effective when it is a collaboration. Collaboration in this sense could be between an artist and a designer, landscape architects, architects, planners and developers, or artist and the community and other key stakeholders as appropriate (i.e. local historical societies, chambers of commerce, community-based organisations, youth, multicultural and Aboriginal representatives).
- 3.5. The active participation of the community in the creation of Public Spaces can make a positive contribution to the development of Public Spaces, by enhancing a sense of belonging and place, and can also be a factor in the reduction of vandalism.
- 3.6. Council values are embedded in the development, review and implementation of this policy and its supporting documents to achieve consistent decision-making and appropriate resolution of ethical dilemmas even when there are no rules to follow. This in turn aids in the prevention and/or control of fraud and corruption.

4. PUBLIC ART COLLECTION

- 4.1. Public Art may take the form of:
 - 4.1.1. Placemaking to encourage interaction with a place and promote wellbeing and/or community connectedness through collective or individual artistic expression.
 - 4.1.2. A signature or landmark that is part of the discovery of a place and which helps people find their way within it.
 - 4.1.3. A design element that is integrated into architecture and site-based structures.
 - 4.1.4. An artistic interpretation of the heritage of a place, site, person or event.

5. PLANNING AND COMMISSIONING PUBLIC ART

- 5.1. Council will support the development and commissioning of a diverse range of Public Art in Public Spaces that adds to the social, cultural, environmental and economic value of the area.
- 5.2. Consideration will be given to:
 - 5.2.1. Integrity of the work;
 - 5.2.2. Relevance and appropriateness of the work to the context of the site;
 - 5.2.3. Consistency with planning, heritage and environmental policies and strategies, design guidelines, plans of management and masterplans;
 - 5.2.4. Public safety and public access;
 - 5.2.5. Sustainability and functionality;
 - 5.2.6. Sustainability of funding including ongoing maintenance;
 - 5.2.7. Maintenance and durability;
 - 5.2.8. Non-duplication of monuments commemorating the same or similar events.
- 5.3. Where there is publicly accessible space, Council will encourage the provision of Public Art in private developments.

5.4. The commissioning of local artists will be supported and encouraged.

5.5. Where appropriate, suitable levels of community consultation will be held.

6. IMPLEMENTATION

6.1. Council will establish a project specific Public Art Working Group to assess and advise on Public Art Proposals, projects and commissions (including proposed gifts, bequests, loans, memorials) in accordance with the Guidelines for Implementing Public Art, provided as Appendix A to this policy. The Public Art Working Group may consist of relevant Council staff (representing Community and Cultural Development, Open Space and Community Facilities, Asset Management, Strategic Asset Planning and Strategic Land Use Planning), artists and curators and other key stakeholders of the project as appropriate (i.e. local historical societies, chambers of commerce, community-based organisations, youth, multicultural and Aboriginal representatives).

6.2. The Public Art Working Group that assesses and advises on Public Art Proposals will consult with Council's Contributions Steering Group when utilising development contributions.

6.3. All Public Art will be commissioned in accordance with the National Association of Visual Arts (NAVA) contract agreement guidelines.

6.4. Council will maintain a register of Public Art (Permanent and Temporary) as part of the implementation of this policy.

7. FUNDING

7.1. Council will pursue a range of ways to build its financial base for Public Art so that it is viable and sustainable into the future. Sources of funding will be actively pursued including via:

7.1.1. Development requirements and/or conditions;

7.1.2. Development Contribution Plans and/or Planning Agreements;

7.1.3. Section 7.12 Development Contribution funds collected;

7.1.4. Private sector support (i.e. sponsorship, donations and partnerships);

7.1.5. Commonwealth and State Government funding and grants.

7.2. Council will also provide support, through the Community, Sporting and Environment Grant, for Public Art.

8. MAINTENANCE OF PUBLIC ART

Maintenance shall be carried out in accordance with a Council approved maintenance plan.

9. DECOMMISSION OF PUBLIC ART

9.1. Where the work has been severely damaged or has lost the original intent or relevance, or Council is redeveloping the area, Council has the right to decommission the work and make reasonable effort to contact the artist. Decommissioning of Public Art in these circumstances will be at Council's cost. Council staff can facilitate such decommissioning costs based on individual financial authorisations. Where the artist decides to decommission their art work, it will be at the cost of the artist.

- 9.2. If Council cannot identify or locate the artist, or the artist's representative, then Council shall dispose of the Public Art in accordance with the Council Disposal of Assets (excluding Infrastructure or Property Assets) Policy.
- 9.3. Funds from any decommissioned Public Art should be reused for new or upgraded Public Art within the Cessnock local government area.

10. ROLES AND RESPONSIBILITIES

10.1. Principal Community Planner

- 10.1.1 Is responsible for ongoing monitoring and review of the policy and maintains the register of Public Art.
- 10.1.2 Facilitates and co-ordinates the assessment process with the Public Art Working Group.
- 10.1.3 Issues correspondence to the applicant once the Proposal has been determined including outlining conditions of approval identified by the Public Art Working Group.

10.2 Public Art Working Group

- 10.2.1 The Project specific Public Art Working Group comprising of relevant Council staff that are responsible for undertaking an assessment of the Public Art Proposal including identifying conditions of approval relevant to their business unit.

10.3 Community and Cultural Development Manager

- 10.3.1 Determines if submitted applications are to be assessed in accordance with the Public Art Policy. Where determined that the Public Art Policy does not apply, the application will be referred to the relevant Council business unit and that business unit will be responsible for facilitating the assessment and communicating with the proponent any further lodgement requirements and assessment outcome.
- 10.3.2 Determines Public Art Proposals in accordance with this policy where there is no significant public objection.

10.4 Elected Council

- 10.4.1 Where Council receives significant written public objection for a Proposal the determination of the Proposal will be at the discretion of Council.

10.5 Records Management

- 10.5.1 Staff must maintain all records relevant to administering this policy in accordance with Council's Records Management Policy.

10.6 Complaints Management

- 10.6.1 Any complaints under this policy will be managed in accordance with Council's Complaint Handling Policy.

10.7 Privacy and Personal Information Handling

- 10.7.1 Personal information collected concerning Public Art is being collected for the purpose of implementing this policy. This information will be used for the purpose outlined, related administrative functions, compliance and complaint handling, internal auditing, and in accordance with Council's Privacy Management Plan and Privacy Statement which can be found on Council's website.

11 POLICY DEFINITIONS

Council	means Cessnock City Council
Ephemeral Public Art	means any art form that is transitory, changing and exists for a brief time only in the public domain.
Proposals	means Public Art Proposals but not limited to artists, art groups, residents, community groups, developers, philanthropic organisations, government agencies, traders, artistic advisors and funding bodies.
Permanent Public Art	means any work this is Permanently sited in the public domain and made to withstand wear and tear and, as far as possible, withstand vandalism.
Public Art	means works by an artist and located in a public space. It may be a commissioned work by professional artist/s or a community inspired collaboration between an artist/s, multi-disciplinary teams and members of a community. Public Art includes; sculpture, mosaics, murals, paintings, new media, land or earth art, kinetic works, functional art such as street furniture. Public Art may also take the form of monument and memorials where created by an artist.
Public Space	means including, but not limited to streets, squares, parks and building exteriors that are accessible to the general public and in the ownership of, or under the control of Council.
Temporary Public Art	means any work that has a limited life such as at a special event or less than five years.

12 POLICY ADMINISTRATION

Business Group	Corporate and Community Services
Responsible Officer / Policy owner	Community and Cultural Development Manager
Associated Procedure	Procedure for Public Art (on Council Land and Facilities) Assessment and Approval (DOC2019/033144)
Policy Review Date	Three years from date of adoption unless legislated otherwise
File Number / Document Number	DOC2017/021619
Relevant Legislation (reference specific sections)	<p>This policy supports Council's compliance with the following legislation:</p> <ul style="list-style-type: none"> • <i>Local Government Act 1993</i> (NSW) • <i>Environmental Planning and Assessment Act 1979</i> (NSW) • <i>Roads Act 1993</i> (NSW)
Relevant desired outcome or objectives as per Council's Delivery Program	A connected, safe and creative community Objective 1.2 Strengthening Community Culture
Related Policies / Protocols / Procedures / Documents (reference document numbers)	<ul style="list-style-type: none"> • Records Management Policy (DOC2019/038769) • Complaint Handling Policy (DOC2018/048382) • Procurement Policy (DOC2013/047731) • Code of Conduct (DOC2018/086716) • Disposal of Assets (excluding Infrastructure or Property Assets) Policy (DOC2020/032161) • Procedure for Public Art (on Council Land and Facilities) Assessment and Approval (DOC2019/033144) • Consultation Protocol for the Referral of Matters to the Cessnock City Council Aboriginal and Torres Strait Islander Advisory Committee (DOC2020/118298) • Community, Sporting and Environment Grant (DOC2023/035096) • Cessnock Local Environmental Plan 2011 • City Wide Infrastructure Contributions Plan 2020 (DOC2019/111310) • Guidelines for Implementing Public Art • National Association of Visual Arts contract agreement guidelines • Public Art (Permanent and Temporary) Register (DOC2020/137141)

13 POLICY AUTHORISATIONS

No.	Authorised Function	Authorised Business Unit / Role(s)
1	Determines Public Art Proposals in accordance with this policy where there is no significant public objection.	Community and Cultural Development Manager
2	Where there is significant public objection for a Proposal the final determination will be at the discretion of Council.	Elected Council

14 POLICY HISTORY

Revision	Date Approved / Authority	Description Of Changes
1	15 November 2017 PE62/2017	New policy adopted
2	24 November 2020 CC96/2020	Amended policy adopted
3	02 November 2023 CC55/2023	Periodic review Amended policy adopted

15 APPENDICES

Appendix A Guidelines for Implementing Public Art

1. Project Description

Directorate:	
Project Title:	
Asset Owner:	<i>Eventual asset owner must be identified at this point</i>
Public Art Working Group Members:	
Cost Centre/Project/Task No. for Procurement:	<i>The source of funds for procurement must be identified at this point</i>
Cost Centre/Project/Task No. for maintenance:	<i>The source of funds for on-going maintenance of the artwork must be identified at this point.</i>

2. Project Budget

Budget:	<p><i>Budget should include the projected cost of the artwork at handover:</i></p> <ul style="list-style-type: none"> • <i>Procurement costs, e.g., advertising, selection, consultancies, artist(s) fees for concept design and design development);</i> • <i>Artist fees including fabrication; and,</i> • <i>Site preparation and installation.</i>
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3. Project Milestones

Provide timelines and milestones as applicable for the particular project. Attach GANTT Charts if appropriate

Community Consultation:	
Call for Tender/ Invitations to Quote:	
Artist Selection:	
Developed Design:	
Construction:	
Handover:	

4. Site Assessments

Assessing a site for its social, cultural, historical and environmental significance can help ensure that the final artwork is site specific.

For some Public Art projects, the process is as important as the outcome. A community mosaic project, for example, may employ an artist who, with the community utilises the services of a local historical society or library to research historical significance of the site as part of the project itself.

For any project, however, an adequate site assessment can ensure that Public Art projects are relevant and appropriate for their sites, and have meaning and resonance in the community.

Location of Public Art:	
Environmental Features:	
Social Significance:	
Historical Significance:	
Cultural Significance:	
Community Stakeholders:	
Accessibility and Current Use:	
Economic and Community Impact:	

5. Risk Assessments

A thorough investigation into risks associated with the project in consultation with the asset owner, is necessary.

Public Safety:	<i>Will the work be directly accessible to the public? What is required to ensure it does not present an unacceptable safety risk to the public?</i>
Durability:	<i>What durability factors are involved?</i>
Wilful Damage:	<i>What would be unsuitable materials to be used?</i>
Legal Requirements:	<i>What legal requirements are involved?</i>
Other Risk Issues:	<i>Is the work near or on a road? Does this impact upon the design or materials used? Will young people be involved in the project? Conflicts of interests outside of procurement.</i>

6. Cessnock City Council Policies and Plans

Cessnock City Council Public Art Policy:	<i>All Public Art projects should be considered within the context of the Cessnock City Council Public Art Policy. How are the principles of the Policy supported? What objectives of the Policy will be implemented?</i>
Other Relevant Council Policies, Plans and Strategies:	Other relevant Council Policies, Plans and Strategies e.g.: <ul style="list-style-type: none"> • <i>Local Strategic Planning Statement</i> • <i>Economic Development Strategy</i> • <i>Heritage studies</i> • <i>Recreation & Open Space Strategic Plan</i> • <i>Community Infrastructure Strategic Plan</i> • <i>Indigenous and Youth policies, plans and/or programs</i> • <i>Crime Prevention Through Environmental Design</i>

7. Type of Project

Description:	<i>Public Art can include a diversity of art forms and projects could provide an opportunity for a number of different types of artworks or practice including one or a combination of the following:</i> <ul style="list-style-type: none"> • <i>Performing arts, visual arts, including sculpture and text-based work</i> • <i>Hybrid works including multimedia</i> • <i>Workshops, residencies and mentorships associated with Public Artwork</i> <p><i>For many projects it may be appropriate to attach a site map here.</i></p>
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8. Values Statement

The Themes, Values and Concepts Which Inform the Project Brief:	<i>Drawing on information derived above, the themes, values and concepts that will inform the project brief need to be articulated. These will be utilised by the artists when they prepare their concept designs, and can also be used to inform public discussion of the finished artworks. Areas of potential risk should be identified to guide the artists.</i>
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9. Procurement Process

Procurement Process:	<i>When deciding on the most appropriate procurement process, the following points should be considered:</i> <ul style="list-style-type: none"> • <i>Procurement Policy requirements</i> • <i>Public Art Policy</i> • <i>Objectives of the project</i> • <i>Current and projected needs in relation to the site and the local community</i> • <i>Public Art Working Group comments</i> • <i>Size and budget of the project</i> • <i>Conflicts of interests</i>
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	<p><i>Council's Procurement Policy explains in detail the procurement processes to be followed. Information provided here should include whether an invitation to quote or call for tender is required, and whether the process followed will have concept design and/or design development phases.</i></p>
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10. Additional Resources

<p>Additional Resources, Expertise, Consultancy Needed:</p>	<p><i>Individual Public Art projects may need additional resources, expertise and consultancies for the selection process, the procurement process, and fabrication and installation. These may include Indigenous leaders to help with consultation with aboriginal communities, people experienced in working with young people, professional curators for aesthetic issues or engineers required to assess specialist reports.</i></p>
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11. Public Art Working Group

<p>Public Art Working Group Comments Attached:</p>	<p><i>For larger projects, the project scope may be circulated to members of the Public Art working group for further comment.</i></p>
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