

1. PURPOSE

This Public Art Procedure was created to attribute the roles, responsibilities and procedural guidance required to implement Public Art projects and programs in accordance with the Public Art Policy 2023-2027.

2. INTRODUCTION

These procedures were developed to support the implementation of the Public Art Policy 2023-2027 that guides the delivery of public art projects and programs while ensuring the sustainability, viability, and best outcomes for our community spaces and places. They support the development and delivery of public art within the current priorities of both the community Vision within the Horsham Rural City Council Plan 2021-2025 and the Creative Horsham Strategy 2023-2025.

3. SCOPE

This Public Art Procedure covers all permanent, integrated or ephemeral public art work in public space that is either commissioned by or in partnership with Horsham Rural City Council. This procedure comes into play at the conceptual development phase right through to the delivery, ongoing maintenance and life of the work.

The Creative Services team will provide the strategic direction and development for the annual public art program responsive to the Creative Horsham Strategy, Community Vision and Council Plan 2021-2025.

4. ACTIONS

4.1 Governance

The portfolio of Public Art will sit with the Public Art Officer overseen by the Visual Arts Coordinator and Creative Services Lead as part of the Creative Services Department of Council.

The initial reference point for any public art development queries is a primary conversation with the Public Art Officer or delegate who will then advise on process and procedures of the project going forward.

The delivery and management of Public Art will be through an internal working group specific to each project who will review proposals or concepts and make recommendations to Council on artwork to be commissioned. Dependent on the project, the project may also have an associated Project Control Group involving external stakeholders and partners.

Working Groups will be drawn from:

- Public Art Officer and Creative Services staff
- Other key internal departments involved in the delivery of Public Art.
- External Stakeholders and Partners
- Expert Advisors as required.
- Funding Bodies and opportunities
- Artists

4.2 Public Art Program Development:

4.2.1 Program Areas

The annual Public Art Program covers all permanent, integrated and ephemeral public art work in public space that is commissioned by, or in partnership with, Horsham Rural City Council. These may be delivered through 3 program areas through various plans and projects through Council and/or with community. These programs are not mutually exclusive from each other.

Program	Name	Overview
Program 1	Community Places and Spaces	Partnering with community to build place and identity through community driven initiatives that inform the everyday experience of our public spaces. Funding for these projects may sit within a community budget outside Council or be a combination with Council budgets and projects.
Program 2	Major Public Art Commissions	Honouring our unique environment and community through commissioning public art as part of major HRCC Capital works. These works may receive an annual allocation from the council budget or be funded through individual project budgets.
Program 3	Integrated Aesthetic Design	Informing the aesthetic and lived experience of the municipality through embedding integrated art and Design works within the project scope of future Council plans and capital works programs. These projects would be funded from within the project capital works budgets.

4.2.2 Public Art Programming Guiding Principles:

The Public Art program is informed by the Principles from the Creative Horsham Strategy and delivers of the priorities of the Council Plan 2021-2025.

- **Inclusion:** empowering access to opportunity, addressing structural equalities, tackling unconscious bias and developing inclusive organisations.
- **Innovation:** promoting and encouraging new ways of thinking, new technologies or new approaches in the community.
- **Collaboration:** fostering respectful relationships, trust and respect.
- **Reconciliation:** creating an improved understanding of Aboriginal and Torres Strait Islander histories, cultures, hopes and future aspirations through fostering strong, respectful, inclusive and meaningful relationships within our communities.

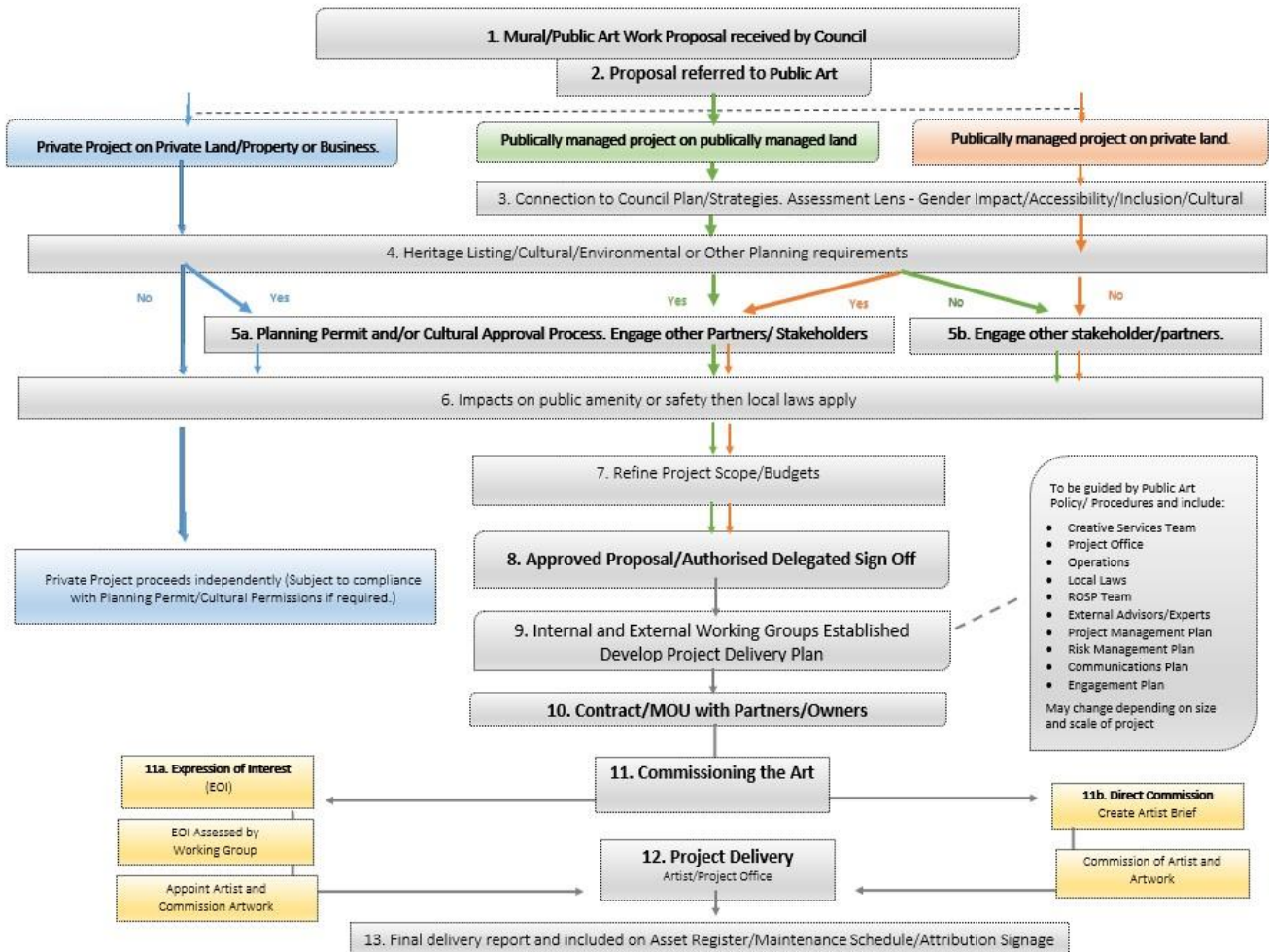
4.3 Planning for Public Art

There is a 13 step planning process for Public Art explained below and as a graphic at the end of this section:

- Private projects on privately owned or managed land (blue arrow process)
- Public projects on publically managed land. (green arrow process)
- Public projects on privately managed land. (orange arrow process)

4.3.1 Public Art – Planning Process Flow Chart

The following graphic of the flow chart demonstrates the above information.



4.3.2 Public Art Planning Process Explanation

Step 1: Mural/Public Art Work Proposal received by Council: A proposal is either developed internally within Council or received from an external source.

Step 2: Proposal referred to Public Art Officer. A discussion is had with Public Art Officer who consults with Planning Department or other internal parties. The work is then referred through one of 3 procedural processes. Note: the Public Art Officer is not necessarily the delegated project manager going forward.

Step 3: Connection to Council Plan/Strategies. Gender Impact/Accessibility/Inclusion/Cultural Lens An assessment procedure identifying both the relevance to Council work and the various considerations informing an inclusive public experience of the artwork.

Step 4: Heritage Listing/Cultural/Environmental or Other Planning requirements. An assessment of the Legal Planning and Cultural requirements of the artwork. This includes Heritage overlays and Traditional Owner Cultural Rights and responsibilities within the Traditional Owner and State Government’s Regional Settlement Agreement.

Step 5a and b: Planning Permit and/or Cultural Approval Process/Engage other Partners/ Stakeholders. Depending on the previous assessment, a formal Planning Permit or Cultural Permissions process may be required. Stakeholders should be engaged and their permission should be secured for the project whether the project requires a planning permit or not.

Step 6: Impacts on public amenity or safety then local laws apply. An assessment is made as to the impact on the public amenity e.g. taking up part of the footpath or road for a period of time during installation. If so a local law permit maybe required for this period of impact.

Step 7. Refine Project Scope/Budget. All the preceding information is used to refine the Project and finalise the budget.

Step 8. Approved Proposal/Authorised Delegated Sign Off. The proposal is approved at the delegated level appropriate for the scale of the project. This level of delegation may be reflected in the current procurement level of delegation unless the public risk or other assessment is deemed to require a higher level of approval. **The delegated level may be the Project Sponsor.**

Step 9. Internal and External Working Groups Established/Develop Project Delivery Plan. Internal Working Groups (IWG) and potentially Project Control Groups (PCG) are formed. (PCG if the scale of external stakeholder/partner investment warrants this). These groups in turn inform the development of the Project Management Plan (PMP) that includes Council's internal Communications, Engagement, and Risk Management Plan formats. **The Project Sponsor or the delegate from their Directorate will chair the IWG and PCG.**

Step 10. Contract/MOU with Partners/Owners. Formal contracting of Partners/Stakeholders where required using Council's Property Owner Agreements as a base format. The template is held within the Creative Services Public Art Folder. If any variation to the template then this may need to be approved from Council's legal Contractor who originally formulated the document. Delegated Council Signatory to the agreement/contract is the same identified in Step 8.

Step 11. Commissioning the Art. A decision is made as to whether the artwork is a direct commission or a competitive Expression of Interest (EOI). If an EOI, then this could be communicated through Council's official Tender Process or independently distributed through existing Council networks such as Arts HUB. An Agreement/Contract is entered into with the Artist or Arts Company. The Agreement/Contract format can sourced through the Public Art Officer. This may be adapted to reflect each individual project requirements. It must contain length of life and maintenance schedule as part of the agreement. Delegated Council Signatory to the agreement/contract is the same identified in Step 8.

Step 12. Project Delivery. As for the PMP and in collaboration with the Artist. Guided by the IWG/CRG as required.

Step 13. Final delivery report / Asset Register/ Maintenance Schedule/ Attribution. Completion reporting internally and externally as required. After a 13 week default period identified in the Agreement (exceptions may apply for smaller scale works), the artwork is then entered into the assets register and the Maintenance information is entered into the Maintenance Schedule. Appropriate signage attribution is given to the artist and funding bodies through Council's formal signage branding held with Public Art Officer.

4.4 Funding Public Art

To achieve the Public Art Program, Council will fund public art as follows:

- Through provision in the Council budget based on an annual budget allocation.
- Continue to apply for external funding for public art to leverage internal project budgets.
- Develop sponsorship or partnerships arrangements with local businesses or industry.
- Utilise relevant projects for the promotion and installation of Public Art and their associated budgets.
- Utilise opportunities of existing council budgets from other departments.
- Embed Public Art into the delivery of other Council Plans and Projects and funded through their associated budgets.
- Strongly encourage voluntary “Developer” contributions that include or contribute toward public art and integrated aesthetic design.

4.5 Commissioning Public Art

4.5.1 Commissioning Methods

Public art projects may be engaged through the following processes:

- Direct, Tendered or Expressions of Interest commissioning of work – permanent, temporary and ephemeral. Council’s Procurement Policy recognises that direct commissions can occur.
- The loan or hire of realised work for a period time.
- A collaborative design process – for conceptual and design input to a capital work or project.
- Collaborative community based projects.
- Artist-in-residence projects.
- Collaborations with festivals and events.
- Other

There is available through the Creative Services team examples of commissioning and Expression of Interest templates.

It is recommended that an internal conversation with the Arts Development Officer or Creative Services Lead be the first point of reference for all matters relating to public art and the development of the program.

4.5.2 Community Engagement:

Projects that engage with and are accessible to the community, will likely involve community engagement. Where community engagement will occur Council processes will apply including the Community Engagement Plan, Gender Impact Analysis, Cultural Priorities, and broader access and inclusion principles and processes.

4.5.3 Installation:

Installation of the artwork will occur only after:

- Approval of the final design by the IWG and sign off from CSL.
- Signed agreements with Council are in place.
- Signed Agreements with the Property Owners or other key stakeholders are in place (Council has a Property Owner template for Public Art available)
- Planning permits have been secured (if relevant)
- Artists PLI insurance of an amount proportional to the specific project has been sighted.

- Appropriate engagement and Communications with the community has been identified and transacted specific to the project.
- The appropriate Safe Work Method Statement, Traffic Management Plan and Local Law permits have been submitted and signed off internally.
- The site has been appropriately prepared in accordance with the SWMS, TMP, and LLP.

Note: During the Installation phase, it is likely that the artist will require progress payments either based on a series of set milestones or on a percentage of work completed.

4.5.4 Completion and Transference of Ownership

PRACTICAL COMPLETION - Practical completion will be the completion of the installation of the public art work as required by this brief.

FINAL COMPLETION - The final sign-off comes when the work has been installed and an assessment can be made that the work meets the artistic, conceptual and technical standards agreed to in the Commission Contract. At that point, the ownership and responsibility for the artwork is transferred from the artist to Council.

A defects liability period of between six to twelve months usually applies after installation. After this time, the Council is responsible for maintaining the artwork unless otherwise specified in the Agreement. Artists are required to provide details of maintenance regimes and scheduling. (4.8.4) At this point, the ownership, responsibility and Public Liability for the art work will be transferred to Horsham Rural City Council. Upon completion, works will be entered onto the Public Art Maintenance Register and the HRCC Asset Register. Council will issue a letter/email to signify completion of the project.

4.6 Attribution

4.6.1 Artist's Moral Rights Legislation (part of copyright law)

Artist's Moral Rights Legislation requires that artists be attributed as the creators of public art. This obligation is usually met by installing a plaque in the vicinity of the work that names the artist and can also include an explanation of the work. Moral Rights also mean that an artwork cannot intentionally be altered, modified or damaged in any way as these can alter the integrity of an artwork. Artists will also want to retain copyright of their artwork, unlike work commissioned in many other fields. Clauses dealing with these issues should be included in a Commission Contract and can ask artists to grant a free licence to Council to reproduce images of their work in any promotional material. The artist should also be acknowledged in any promotional material that reproduces images of the work.

4.6.2 Signage

All public artworks will have a HRCC branded plaque that acknowledges:

- The artist, the commissioner and any other funding or sponsor agreements
- The year the work is commissioned and provide a short artist statement providing a context for the work
- The artist will be acknowledged through inclusion of their name with any images used to promote the work
- This will be funded through HRCC

This plaque format is kept on file within the Creative Services Department.

4.7 First Nation Cultural Protocols

4.7.1 Acknowledgement

Horsham Rural City Council acknowledges that Non-Indigenous collaborators who wish to work with Indigenous artists, peoples or communities should collaborate from project development through to project completion. It is critical to have in place a clear process to enable meaningful partnership. This may involve the ongoing input of an Indigenous cultural consultant or consultants who liaise between groups, and advise on cultural protocols and the use of Indigenous Cultural Intellectual Property so that its integrity is valued, protected and respected.

HRCC acknowledges that:

- Deep listening the act of respectful listening and taking in the perspectives of others with an open mind is a vital part of this agreement in building trust to ensure communication and consultation is undertaken with a mutual respect.
- There may be sensitive content, such as sacred or secret material provided as part of the project, which may require special communication procedures that will be ascertained first.
- The consultation may take time to secure the appropriate Cultural Approval.

HRCC recognises self-determination within our community and the respect given in empowering our Indigenous people in decision-making processes. Indigenous control on any project will sit with the appropriate person as identified by Barengi Gadjin Aboriginal Land Council, who will represent language groups and give permission to use traditionally and collectively owned material.

4.7.2 Interpretation

HRCC recognises the importance in accurate and appropriate interpretation of artworks, taking into account its cultural content and context. The guiding principles listed below are informed by the [Australia Council's Protocols for using First Nations Intellectual Property in the Arts](#) and will guide the project to ensure a valued and respected process is undertaken.

Principle Description

- Principle 1 Respect.
- Principle 2 Self-determination.
- Principle 3 Communication, Consultation and Consent.
- Principle 4 Interpretation.
- Principle 5 Cultural Integrity Authenticity.
- Principle 6 Secrecy and Confidentiality.
- Principle 7 Attribution.
- Principle 8 Benefit Sharing.
- Principle 9 Continuing Cultures.
- Principle 10 Recognition and Protection.

4.8 Public Art Management

4.8.1 Lifespan

An estimated lifespan of the work will be determined at the point of contract. HRCC Public Art Assets may be removed, relocated or de-accessioned when the following conditions occur:

- When the environmental context of the work has changed significantly making that site inappropriate for the work.
- The cultural significance of the work or site has changed.
- Environmental concerns or vandalism occurs that alter the lifespan of the work, the artists intent for the work or the integrity of the work.

4.8.2 Removal

Removal will occur:

- When the work is damaged to the point of non-repair or such a repair is of greater value than the perceived or real cost of the work.
 - If the cultural or social context of the work is deemed no longer relevant or appropriate by the Public Art Officer in **consultation with the internal Governance Structure of the original project. Note: the Artist will also be notified.**
- For removal of donated art work, the donor has first option to claim the work.
 - For removal of purchased art work, the artist has first option to buy the work.
 - For the sale of the removed art work, proceeds from a Council sale of the art work will be allocated toward the Public Art Budget for the commissioning or care of other public art assets.
 - For the relocation of Artwork, the artist will be notified by Council of the new location.

4.8.3 De-accessioning:

When a work is de-accessioned, it will be removed from the HRCC Maintenance Schedule and Asset Register. Any de-accession would need to be endorsed by the Creative Services Lead in consultation with the Public Art Officer. The work will be removed, resold, reclaimed or destroyed as deemed appropriate.

4.8.4 Maintenance

After the defects liability period (4.5.4 *Completion and Transference of Ownership*), the Commissioner will assume ownership of the artwork as part of its public art collection and assets of the City and in doing so; accept responsibility for managing ongoing maintenance for the period specified in the Agreement.

At practical completion, the Producer must provide a detailed report outlining materials, products and finishes used, along with inexpensive cleaning and maintenance instructions for the artwork/s. This will be added to the Maintenance Register held with the Public Art Officer.

Council will include the maintenance report on its inventory of public artworks (4.5.4 *Completion and Transference of Ownership*) and ensure that a detailed inspection is conducted:

- As part of a comprehensive review every 5 years,
- As required due to wear and tear
- As specified by a particular Artwork.

If maintenance is required, a report will be supplied to the Property Owner and an inspection will be made in agreement with the Property Owner.

Council will be solely responsible for the proper maintenance and protection of the work beyond completion, as specified in the agreement.

If any repairs are required, Council will give the Arts contractor the first opportunity to undertake the repairs, for a fee to be negotiated between the parties.

Council warrants that it will inspect the Artwork and maintain it in serviceable condition so it does not pose any additional safety risk to any person.

For murals - Council will ensure that the Artwork will be treated with an anti-graffiti treatment, as per all of HRCC's painted public art works. Council warrants that it will remove any graffiti and make good any damage to the Artworks at Council's expense.

Council warrants that all maintenance work undertaken by the Commissioner or Contractor will be in compliance with all laws including planning and environmental regulations, building regulations, any occupational health and safety standards (including but not limited to those standards set out in the Occupational Health and Safety Act 2004 (Vic), any relevant code of practice. Council will use its designated Public Art Maintenance budget for maintenance work that it assumes.

5. COMMUNICATION

The Public Art Procedure will be publically accessed on the HRCC Website and available hard copies of the policy may be accessed through Council records or through the Cultural Development Office of HRCC.

An evaluation report will be written by the Arts Development Officer on the HRCC commissioned works and reported up to Council as requested.

6. RESPONSIBILITY

Responsible Owner: Arts Development Officer

This Procedure will be reviewed every 4 years or earlier as required by changed circumstances including changes to legislation and plans, strategies or policies of HRCC.

7. DEFINITIONS

Term	Meaning
Artist	<p>Providing a definition of an artist is problematic as it is not an occupation defined by a professional structure such as an architect or certified accountant. An artist can be a person:</p> <ul style="list-style-type: none"> • Who has specialist training within their field [not necessarily in academic institutions] and involved in the creation of art as their profession. • With high-level interpretive, conceptualising and creative skills that result in the creation of artwork. • Who has demonstrated professional standing through exhibitions and commissions and is considered an artist by their peers.
Contemporary Art	Any artwork created today which is innovative for its time, comments on or otherwise engages with issues relevant to its time or uses materials and processes that are at the forefront of arts practice within their particular field at the time can be classed as contemporary art.
Public Art	Is for the purpose of this policy defined as any permanent or temporary art object, installation or activity in the public realm excluding galleries, museums and public collecting institutions. In general, public art is sited on public land and has been purchased or is owned by a public authority.
Mural Art	Any publically or privately commissioned visual artwork that includes but is not limited to hand-painted, paste up, mosaic, stencil and/or spray art.
Street Art	Any non-commissioned visual artwork that includes but is not limited to hand-painted, paste up, stencil and/or spray art. This maybe figurative and/or word based visual art work.
Graffiti	Non-commissioned and illegal tagging or offensive language/visual images. Council has a service provision role in the management of Graffiti across the municipality that involves coordination with private property owners and public land managers. It supports the instigation of Street Art and Mural Art as one strategy to deal with Graffiti.
Integrated Aesthetic Design	Art and design work that is embedded within signage, furniture, seating, paving, fences, urban design, landscape design, architectural design etc.
Ephemeral Public Art	Artwork in temporary art spaces or platforms, such as lighting, projections, interventions and temporary installations, community engagement and place making initiatives.
Permanent Public Art	<p>Artwork in this category might include signature works, landmarks, and acquisition of existing art work for specific site, commemorative or monumental works, and site-specific art work in a public place. All these terms relate to the fact that such works tend to be commissioned as set pieces of art in their own right.</p> <p>These artworks are often major commissions with significant budgets and therefore require a transparent and accountable commissioning process to ensure the best artists are considered and that due process occurs.</p>
Public Realm	The public realm can be defined as including but not limited to streets, squares, parks and spaces that are within buildings that are accessible to the general public and in the ownership of, or under the control of public authorities.

8. SUPPORTING DOCUMENTS

Document	Location
Creative Horsham Strategy 2023-2027	In development HRCC Intranet, Council Website, Hardcopy from Council Records
Public Art Policy Document	HRCC Intranet, Council Website, Hardcopy from Council Records
Public Art Internal Register	Council Website, Council Records
Public Art Maintenance Register.	Kept with Arts Development Officer, HRAG 80 Wilson St Horsham

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	5 August 2013	Council	New	
02	18 September 2017	EMG	Reviewed	4 September 2021
03	15 August 2023	EMT	Scheduled review	25 September 2027

It is recognised that from time-to-time circumstances may change leading to the need for minor administrative changes to Procedures. Where an update does not materially alter a Procedure, such a change may be made administratively, without the need for formal adoption by EMT or Council. Examples include a change to the name of a Council Department/Position Title, a change to the name of a Federal or State Government Department, and a minor update to legislation which does not have a material impact. However, all changes will be noted in the document control section and version number updated.