



**CITY OF
BALLARAT**

Public Art Policy

(Destinations and Connections) – (Arts and Culture)

**BALLARAT CITY COUNCIL
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1 DOCUMENT CONTROL INFORMATION

DOCUMENT CONTROL

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2 POLICY STATEMENT

Intent:-

The City of Ballarat's Public Art Policy aims to develop public art as one of a number of strategies associated with developing Ballarat as a key Victorian regional centre: being a place with a fast growing residential population, a place for twenty-first century business development and a major centre for tourism and a gateway to the region. The intent is therefore to fully integrate public art across all of Council's major strategies and all new developments and redevelopment projects for Ballarat.

Objectives:

Ballarat's public art will exemplify the best of contemporary art practice and processes to help create a vibrant city that engages with and meets the needs of its communities, both now and into the future, creating a significant cultural legacy equal to that of its past.

Statement:

The aim of public art for Ballarat is to:

- Lead to the creation of a strong feeling of identity, public ownership and pride in public spaces
- Contribute to the wellbeing and empowerment of communities through their participation in helping to shape their environment
- Contribute to the quality and design, amenity and character of these spaces or provide a creative or unexpected aspect to the interaction of people within or around particular spaces
- Help alter people's attitudes about and responses to specific environments
- Create landmarks within the urban environment that will become natural gathering places
- Provide a focus for local pride, history and storytelling
- Provide space and the opportunity within the built environment for play and exercise, reflection and quiet, comment, humour, performance and exhibition
- Animate and enrich public spaces by contributing to urban regeneration and placemaking for new communities
- Reflect and express the rich diversity of the Ballarat community
- Increase the understanding and enjoyment of contemporary art by the community
- Establish art and artists as recognised assets of the City
- Provide employment opportunities for artists, craftspeople and associated industries
- Contribute to the destination branding of Ballarat
- Enhance cultural tourism opportunities and product.

3 OWNER

The owner of this policy is the Executive Manager Governance & Civic Support. All enquiries regarding this policy should be initially directed to Information Services – Governance Unit.

Administration of the policy and enquiries should be directed to *the Manager Arts and Culture*, City of Ballarat.

4 APPLICABILITY

This policy will supersede any and all previous policies relating to public art. In determining the siting of public artworks however, this policy will consider any other Council policies, masterplans or management plans for specific areas of public open space. All new public artworks must also comply with Australian Standards in terms of their construction.

5 DEFINITIONS

For the purpose of this policy the following definitions will apply:

Public Art

A permanent or temporary art object, installation or activity in the public realm, not including collecting institutions. In general public art is sited on public land and has been purchased or is owned by a public authority. Public art is work that results from the involvement of a professional artist.

Public art can include a wide range of artforms such as:

- Permanent 2D or 3D visual artworks such as sculptures and murals
- Street furniture and functional building elements
- New media works such as projection and digital artworks
- Temporary works such as installations
- Ephemeral artworks such as environmental artworks

Artist

An artist is a person who is able to demonstrate at least one of the following criteria:

- Has specialist training within their field (not necessarily in academic institutions) and is involved in the creation of art as their profession
- With high level interpretive, conceptualising and creative skills that result in the creation of artwork
- Has demonstrated professional standing through exhibitions, commissions, awards and prizes and is considered an artist by his or her peers as demonstrated through representation in public collections and coverage in the media
- Continues to develop, refine and evolve their practice by engaging with contemporary social issues, contemporary arts movements or processes
- Craftspeople who operate within the above parameters are also artists

Ballarat will seek to engage the best artist for the project and consequently will seek to involve artists from across the state, nationally and internationally for major public art opportunities.

Community

The word community is often used in a very broad way to refer to the “public”. It is perhaps more useful to define community as a group of people who share a common interest or who have a whole variety of reasons for a sense of unity. Those things which bond a group of people arise out of a shared belief: for example a political commitment; a common cultural background or a concern for the environment.

A “community” may live in the same area, work together or participate in the same sporting or cultural group. A community may be comprised of all or some children, teenagers, older adults, women and/or men. In essence a sense of community grows out of recognition of a common unity and the acceptance of difference.

6 PROCEDURE AND GUIDANCE NOTES

1. PUBLIC ART PROGRAM

The City of Ballarat will realise public art projects through the following processes:

- Commissions of contemporary art – both permanent and temporary
- Temporary placement of art in public spaces such as site based installations
- Engagement of artists as consultants for specialist advice or planning input
- Engagement of artists as part of collaborative design teams for conceptual design input
- Engagement of artists in collaborative community-based projects
- Engagement of artists as artisans
- Artist-in-residence projects
- Acceptance of selected gifts of art (see clause 7)

The City of Ballarat Public Art Program will also seek to express the following set of principles through its Public Art Program:

- Quality of Life
- Identity
- Site-specificity
- Sustainability
- Innovation
- Excellence

2. EXPERT ADVICE TO COUNCIL ON PUBLIC ART

To ensure that Council has expert advice in all matters relating to public art a Public Art Advisory Committee with a maximum of eleven (11) permanent members is to be established to make recommendations to Council. The Committee's membership will include the following skill sets:

- 3 x Councillors, with one Councillor from the Destination & Connections portfolio, one Councillor from the Growth & Development portfolio and one Councillor from the People & Communities portfolio.
- 3 X Council staff, one each from the areas of Growth and Development, People and Communities and Destination and Connections
- At least one representative with expertise in arts history, teaching within the tertiary arts sector or heritage expertise
- At least one representative with curatorial or arts management expertise
- At least one independent artist with public arts experience
- A representative with graphic, industrial design or theatre design expertise

Public Art Advisory Committee membership would seek to reflect the diversity of the Ballarat community with a mix of internal and external members with a ratio of at least 60% being external members.

Non-permanent members of the Public Art Advisory Committee may include:

- A community representative (relevant to the project/s being developed)

- Other members may be co-opted on a project by project basis depending on the requirements of a project

Additional expertise, as required, would be sought from engineering, maintenance and asset management personnel within Council to inform and assist decision making but would not sit on the Committee as voting members.

The Public Art Advisory Committee will operate in accordance with the City of Ballarat Public Art Committee Charter at Attachment 1 and would work closely with other Arts Committee and reference the Arts and Cultural Framework.

3. REFERRAL OF PUBLIC ART MATTERS

All issues relating to public art within the City of Ballarat are to be referred in the first instance to the Information Services Governance Unit.

These matters will then be referred to the Public Art Advisory Committee.

4. SPONSORSHIP, DONATIONS AND BEQUESTS

The City may be offered donations and gifts of existing artworks, sculptures, memorials and other objects or be offered funds or sponsorship to have new works of public art produced. Given the potential for an enormous range in terms of quality and relevance of such items to the City and the ongoing requirement for the City to maintain and take responsibility for these items, the City does not encourage and will not automatically accept a gift or donation of public art.

Prior to acceptance of any public artwork:

- A suitable location must be confirmed and agreed
- The donor may be required to make an advance cash contribution toward the maintenance of the artwork for the first five years

For sponsorship, donations, gifts or bequests to be considered they must:

- Meet the guidelines of the Public Art Policy and other Council policies as appropriate
- Be approved by the Public Art Advisory Committee

5. MEMORIALS

Memorials will be assessed by Council's Public Art Advisory Committee as to:

- The contribution that an individual, group or event proposed for commemoration, has made to the development of Ballarat. Where the contribution is more appropriately recognised at a State or National level, the individual or organisation proposing the memorial will be referred to the relevant body or authority
- The connection or contribution an individual, group or event has to the proposed site. Where there is a heritage overlay, conservation plan or master plan, such documents will inform the appropriateness of public art to a site.
- Whether the method of acknowledgement proposed is the most appropriate way to commemorate the person, group or event
- The contribution the memorial will make to enhancing a particular public space and use of that space
- The appropriateness of the style, scale, materials and subject of the artwork for the place proposed

If the Public Art Advisory Committee and Council support the proposal for a memorial then a more detailed discussion will occur regarding the process for working with Council to:

- Commit to an appropriate site
- The budget required to commission a work appropriate for that site and maintain that work for an agreed period of time
- The process of engaging an artist and selecting a work
- The representative/s (may be one or two) from the organisation proposing and funding the memorial who will sit on the Public Art Advisory Committee to select the work to be commissioned

In relation to Sturt Street, an area of focus for many of these requests, the Sturt Street Gardens Conservation & landscape Management plan or subsequent plans. The following criteria will also apply:

- New permanent works may be installed only at either end of Block 9 (between Drummond and Windermere Streets) or in Block 8 (between Errard and Drummond Streets), 10 (between Windermere and Ascot Streets), 11 (between Ascot and Talbot Streets) or 12 (between Talbot and Ripon Streets)
- Any new permanent artworks or memorial must be artist designed
- Must represent a high quality contemporary aesthetic for its time
- Any new permanent works should have a strong and tangible link to Ballarat. Current themes include Ballarat personalities, famous poets, royalty, Australian history events and war service commemoration. New themes are not precluded so long as they are in line with the curatorial framework of Grand Designs and works in the CBD are focused on contemporary issues of concern to the broader Ballarat community.
- Must be of a scale consistent with existing artworks and memorials in this precinct, i.e. substantial, creating a physical presence
- The siting of any new permanent work must be consistent with the alignment of existing works in the precinct
- All aspects of the design, fabrication and finish or work will be high quality and materials will be chosen for their durability, consistent with other works in this precinct
- All works must include landscaping and/or paving as agreed with Council to integrate the work, allow for public engagement and offset the work in this garden setting
- Lighting, unless integral to the work proposed will not be considered as it is both expensive to maintain and may detract from other feature and street lighting
- The siting must consider existing trees as removal of healthy trees will not be considered
- Temporary works may be considered

6. REMOVAL, RELOCATION AND DE-ACCESSIONING

The conditions under which artworks commissioned by the City of Ballarat can be removed, relocated or de-accessioned are as follows:

Relocation

- Will occur when an artwork is no longer considered appropriate to a particular site or the environment that a site specific work has been designed for has changed significantly
- An artwork's cultural significance to a place has changed
- Environmental concerns or vandalism that have potential to reduce the lifespan of the artwork, alter the work in such a way that it no longer reflects the artist's intent and/or the work's integrity cannot be maintained

Removal from a public place will occur:

- When damage or deterioration makes the work unsightly and unsafe
- Maintenance or repair costs exceed the initial cost of realising the work
- The work is continually vandalized and its security and/or public safety can no longer be guaranteed

Disposal of a public artwork will occur:

- In the event that the work is deemed to be beyond repair or of less value than the cost of repair
- In the event that the work is no longer considered relevant and appropriate in a cultural context

If an artwork is to be removed, the artist should be given first option to purchase the work. Removal may result in the sale, extended loaning or gifting of the artwork. Any proceeds from the sale should be allocated to the development, care, maintenance or promotion of other works in the City of Ballarat Public Art Collection.

De-accessioning

Artworks that do not fall within the guidelines or parameters of the Collection will be de-accessioned from the Collection. De-accessioning will mean removal from Council's collection list, asset register and either removal, disposal or destruction of the work.

7 COMPLIANCE RESPONSIBILITIES

Responsibilities and Accountabilities

Management, employees and contractors all have joint responsibilities in complying with the public art policy as set out in this document.

Council

- Provide the basis on which the framework of the public art policy can be based.
- Provide adequate budgetary provision for the maintenance of the policy and program delivery.

Executive Management Team

- Maintain overall responsibility for the effective management of a public art program including maintenance or any public art work initiatives and delivery undertaken and related to this policy across Council's operation.
- Ensure that Council's assets and operations, together with liability risks to the public, are adequately protected through appropriate risk financing, loss control programs and measures.

Business Unit Managers, Contract Supervisors

- Ensure that Council's operations and public art programs are delivered in accordance with the intent of this policy, the Public Art Masterplan and Implementation.

- Ensure Council is protected against any liability risks to the public and are adequately protected through appropriate risk financing, loss control programs and measures.
- Ensure appropriate budgetary requirements are sufficient for the delivery of a public art program.
- Conduct audits of this policy when required.
- Monitor compliance of this policy.

Employees and Contractors

- Comply with the intent and aims, procedures and guidance notes of this policy whilst undertaking daily tasks in Council's operation.
- Work with other divisions of Council to achieve a coordinated whole of organisation approach to the delivery of public art programs.
- Deliver and project manage the public art program as directed by their manager.
- Report any hazard or incidents involving public art as soon as they are detected to their manager, supervisor or contract manager.

Public Art Advisory Committee

- Responsibility for the delivery of the City of Ballarat Public Art Advisory Committee Charter (Attachment 1)

8 CHARTER OF HUMAN RIGHTS COMPLIANCE

This policy has a positive impact on the following Human Rights:

1. Freedom of expression
2. Cultural rights
3. Taking part in public life

9 REFERENCES AND RELATED POLICIES

	Include - Name, Reference and location of reference
Acts	Copyright Act 1968 Moral Rights Legislation December 2000
Regulations	
Codes of Practice	National Association for the Visual Arts (NAVA) Code of Practise for the Australian Visual Arts and Crafts Sector 2004
Guidance notes	
Australian Standards	
Related Policies	The Council Plan 2009-2013 Health and Wellbeing Plan 2010-2013 The Ballarat Planning Scheme and Municipal Strategic Statement

	<p>“Making Ballart Central” The CBD Strategy Arts & Cultural Framework May 2008 Environment Sustainability Strategy, 2007 Sturt Street Gardens – Conservation and Landscape Management Plan Ballarat Open Space Strategy March 2008 CBD Street Furniture Guidelines 2009 Ballarat Central Business Area – Urban Design Framework <i>Economic Development Strategy, 2006</i> Towards 2020, Ballarat Tourism Strategy Ballarat Branding Strategy, October 2006 Ballarat Entrances Strategy, 2006 Ballarat Tourism Signage Program 2008 Ballarat Heritage Study, Stage 1, Volume 1-3 July 2003</p>
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ATTACHMENT 1 - CHARTER

The Public Art Advisory Committee may meet around four times per year with meetings convened and administered with Council’s support in order to provide advice to Council as follows:

Permanent stand alone artworks

- Provide input to the Project Brief
- Assess respondents to the Project Brief
- Review and approve the shortlist of Artists
- Make recommendations to Council on Artists concepts for commissioning

Integrated Art/Placemaking projects

- Confirm projects as identified for Integrated Art/Placemaking
- Approving Artists concepts/proposals

Community Arts Projects

- Confirm projects identified as appropriate/best suited for Community Art
- Approving Artist’s concepts/proposals

Temporary Art, Temporary Art Spaces and Art Platforms

- Identifying/approve sites for temporary work/platforms
- Review and approve curators/curatorial approach
- Approve a curated program

Existing Art Collection

- When required provide advice on the artistic and cultural value of artworks
- When required provide advice on priorities for Asset Management funding allocation
- When required provide advice on relocation, de-accessioning and decommissioning of works from Council’s Collection

Externally Initiated Public Art

- When required provide advice on Public Art gifts, donations and proposals from external groups or individuals wishing to locate Public Artworks in the City of Ballarat

Public Art Policy/Procedures

- Provide advice as appropriate
- Monitor implementation and evaluate the Annual Public Art Plan

The Public Art Advisory Committee should not:

- Oversee implementation of projects (design, fabrication and installation) other than to evaluate them and the public art program
- Act as a point of contact in relation to public art proposals from individuals or organisations
- Communicate any discussions/decisions of the Public Art Advisory Committee unless formally approved by the Committee

The Committee will be chaired by a Councillor and will seek, where possible, to reach decisions by consensus. A quorum comprises a minimum of one Councillor and at least six other members. Co-opted members are not eligible to vote.

All probity issues relating to allocation of public art funding and selection of artists must be adhered to and therefore no artist committee member shall be eligible for involvement in Council funded public art or placemaking projects during the period of their participation on the committee. Similarly, no other committee member should have a direct involvement in a Council project or stand to benefit from any Council public art commission during the period of their term.

Strict confidentiality must be maintained on all matters dealt with by the Public Art Advisory Committee, including artists, project budgets and decisions of the Committee.

Membership of the Public Art Advisory Committee will apply for a period of three years with half the members appointed for twelve months to ensure continuity in the conduct of the Committee. Members of the Public Art Advisory Committee will be appointed by Council following an Expression of Interest process. The Community Representative position however will rotate and apply only for the period of a specific project and be invited by the Public Art Advisory Committee.