

Policy

Public Art

Responsible Manager (Title)	Community Services Coordinator		
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Document(s) this policy Supersedes	Nil		
Community Plan Linkage	1 Society		
	1.3 We will have a diverse and creative culture		
	1.3.1 Supports arts, learning, cultural services and festivals		

1. Purpose

Council recognises that artistic expression builds community well-being and innovation. This policy focuses on the development, installation, management, preservation and deaccession of the Clarence Valley's public art collection.

2. Definitions

Artist is a person or a group of people who have created a work of art.

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

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

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

Council refers to Clarence Valley Council and Council as the certifying authority and land manager.

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

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

Public Art is lawfully undertaken works/activities located in a public space or private sites impacting on the public domain. The public art spectrum includes; performance art,

kinetic/interactive installations and multimedia. It may be street furniture, sculptural works or sound and light pieces. It has an expected life of 15 years. Public art does not include memorial spaces.

Public Art Group is a working group, formed as required. The group will consist of the Clarence Valley Cultural Committee (S355 Committee), with selected invitees based on experience and knowledge (e.g., visual artists, council staff and relevant industries).

Public programs refer to activities and events that enhance the environment and community and may include the creation of public art.

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

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

Temporary public art is time limited, less than 5 years (e.g., street art, graffiti art, performance art, murals and mosaics).

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

3. Background/legislative requirements

3.1 Background

The creation of public art builds community identity, ownership and pride. It ranges from major works to integrated design (e.g., street furniture and interpretive signage) to community art projects to technology based public art (e.g., light and laser projections). It can be permanent or temporary. The works can be created for a space, and may tell a story.

The Clarence has existing monuments and artworks and an ongoing program of temporary artworks. This policy addresses the need to manage this public art.

Public art is an expression of diversity and supports a community in creating culture. It is an opportunity to increase awareness of Aboriginal cultural heritage, historic heritage and our continuing contemporary culture.

3.2 Copyright

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

Council retains the right to use the image of the artwork for promotional and historical purposes. Council is obliged to identify the creator of the work wherever the work is exhibited to the public and whenever the work is reproduced in a material form, published or broadcast and ensure to its best

endeavours that any adaptation of the work will not be subject to any material distortion, mutilation or alteration that is unreasonable or is prejudicial to the honour or reputation of the artist.

3.3 Liability

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

Council will take out appropriate public liability insurance cover for the work following installation.

4. Policy statement

4.1 Public art created through this policy will:

- 4.1.1 Respect and improve our 'sense of place'.
- 4.1.2 Reflect the cultural diversity of the Clarence Valley.
- 4.1.3 Acknowledge history of place and community.
- 4.1.4 Recognise Aboriginal cultural heritage.

4.2 In considering creation, management and deaccession of public art, the policy is focused on:

- 4.2.1 Developing an inclusive and creative environment.
- 4.2.2 Building partnerships across the community (i.e., bringing together design professionals, business, and arts related industries).
- 4.2.3 Linking communities to the creative planning processes, to encourage pride and develop character in the Clarence Valley.
- 4.2.4 Considering opportunities for public artworks to be supported by Section 94A contributions, external grant funding, private donations.
- 4.2.5 Maintaining works that are safe for the public, with reasonable upkeep, and do not detract from the current vision for the Clarence. Deaccession of public art may occur based on the criteria outlined in the Public Art Procedure.

5. Implementation

The *Public Art Procedure* outlines the criteria for public art commissions, acquisitions, gifts, bequests, maintenance, deaccession and Council public art projects.

6. Related Documents

Public Art Procedure
Council's Management Plan - The Clarence 2027
Clarence Valley Cultural Plan
Clarence Valley Open Spaces Strategic Plan
Local Environment Plan
Clarence River Way Master Plan

Grafton Regional Gallery Management Plan
Heritage Strategy
Clarence Valley Aboriginal Heritage Study
Development Control Plans
Contributions Plan 2011
Plans of Management – Clarence Valley Council
Planning Studies and Strategies – Clarence Valley Council
Roadside Memorials Policy
Asset Management Strategy
Donations Policy
Disposal of Assets

7. Attachments

Nil