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Department	Planning, Environment and Communities
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Procedure Statement/Objectives

Kiama Municipal Council is committed to the sustainable development of a culturally rich and vibrant community, and recognises the important role of public art in actively engaging the community, creating a sense of place and enhancing the liveability of our region.

The objective of the Public Art Procedure is to outline a consistent approach to the commissioning, acquisition and management of public art in Kiama.

Scope

Artworks within the scope of these set of guidelines are:

- Public Art assets owned by Kiama Council on public land
- Privately owned public art on private land
- Temporary and community public art
- Memorials with an artistic element

This procedure framework is also supported by Council's *Public Art Policy*.

References

- Public Art Implementation Guide (2016)
- Community Strategic Plan (CSP) 2022-2032
- NSW Government Public Art Toolkit
- [Arts Law Centre of Australia](#)
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Consultations

- NIL

Definitions

Term	Definition
Art	For the purposes of this policy, art is not decorative art, and is meant to provoke an emotional reaction or intellectual response. Art in the context of this Public Art Policy should express the creator's imagination, conceptual ideas and/or technical skill. Art should encourage awareness and reflection; challenge ideas, enhance a sense of discovery, interaction and celebration of the social space.
Public Art	The Arts Law Centre of Australia defines public art as "artistic works situated in public spaces and accessible by members of the public, excluding artworks held in the collections of galleries and museums". Public art can be ephemeral, temporary or permanent and can also

	include the conceptual contribution of an artist to the design of public spaces and facilities.
Deaccession	The process undertaken to remove a work of art from public display, or from a public collection.
Acquisition	The acquiring of art works through purchase, gift, donation, or bequest.

Variation and review

Council reserves the right to review, vary or revoke this guidelines. These guidelines will be reviewed every three years with ongoing monitoring to inform future decision making related to public art in Kiama Municipality.

Date reviewed	Date adopted/ endorsed	Brief detail of amendments
New	2 February 2016	Council's first Public Art Procedure (Implementation Guide) adopted
February 2024	19 April 2024	Amended as a "Procedure"

PROCEDURE

This section provides guidelines for the commissioning, acquisition, donation and management of public art in Kiama Local Government Area, art and is based on current best practice.

Council recognises the importance of integrating public art as part of infrastructure projects, open space planning, streetscape and urban design and master planning projects. This integrated and collaborative approach is a critical component to ensure that opportunities for public art are recognised and confidently planned for.

1. Commissioning Approach

Council has three principle methods for commissioning public art:

- Expression of Interest (EOI)
- Limited Competition
- Direct Engagement.

There are also other methods for procuring artwork, including purchase and donation, however these do not require a commissioning process to take place.

Expression of Interest (EOI)/Open Call:

In an EOI process the artwork opportunity is widely advertised and artists are invited to state their interest in competing for the opportunity. Depending on the artwork opportunity, concept proposals may or may not be requested at the EOI stage.

Limited Competition

In this approach a small number of artists are invited to develop and submit a concept proposal in response to the artist brief. A concept design fee is paid to each submitting artist.

Direct Engagement

In a direct engagement process, one artist is selected from a curated shortlist to develop a concept design in response to an artwork opportunity. The artist's concept design is presented to the selection panel for approval to continue to the design development stage. The artist is paid a concept design fee. This model is useful where the project timescale may make it difficult for widespread advertising or where the project or development would benefit due to the working style or reputation of the artist.

2. Procurement Methodology

The typical methodology for commission of public artwork is outlined below:

STAGE 1

- Council approval for the commissioning brief is sought;
- Establish artwork opportunity, budget and selection criteria;
- Develop Artist Brief. This will outline requirements and expectations of the project.
- Identify artist procurement method;
- Advertise opportunity, or send brief to invited artist/s;
- Receive Concept Designs from artist/s (it is industry standard to pay an artist fee for concept designs);
- Final concept design is selected, based on selection criteria;
- Artist is contracted to complete the project.

STAGE 2

- Formal commission is advised and develop marketing strategy;
- Construction- Milestone or percentage payments;
- Installation;
- Final sign-off.

3. Community Art Projects

Council will facilitate and support a range of creative arts practices that involve community participation to enhance community engagement, raise community awareness and contribute to positive cultural development outcomes.

4. Public Art Proposals and Requirements

Public Art Proposals will be assessed at the concept stage by relevant Council staff and relevant industry expertise (as required). The proposal will be assessed against a specified criteria before recommendations are made to Council.

4.1 Procedure for Public Art Proposals

Where a request or proposal has been put forward, the following procedure will apply:

- *Preliminary Discussion.* An early discussion of the project between the artist and Council's Cultural Development Officer.
- *Concept Proposal Development.* This is the basic information required for Council to determine whether or not it can support the public art project (see 3.2).
- *Concept Proposal Review.* The proposal is reviewed by relevant Council staff and industry expertise panel (if required). Council staff may also request the following information be provided:
 - Structural engineering requirements
 - Risk assessment review
 - Maintenance assessment
 - Cultural Significance
- *Recommendation to Council.* Formal advice is provided to Council's Director of Planning, Environment & Communities regarding the proposal, its compliance and appropriateness. A report to Council will be submitted.
- *Council Approval.* Council makes a determination on the proposal.

4.2 Proposal Development for Public Art Proposals

The proposing individual, group or organisation will be required to complete a proposal against a specified criteria, including:

- *Type of Public Artwork*
- *Purpose*
- *Qualities*
- *Theme and Localities*
- *Concept*
- *Construction*
- *Permanence*
- *Background*
- *Site*
- *Professional and Experience Background*
- *Budget*
- *Deadlines*
- *Ownership*
- *Consultation or Collaboration*
- *Risk Analysis*
- *Maintenance*
- *Deaccessioning Plan*

5. Art in Private Developments

Kiama Council encourages the participation of artists in the design of the built environment. Council encourages the private sector to integrate art in the design and budgeting of all appropriate development projects, particularly in those areas accessible or visible to public such as open spaces, building foyers and facades.

6. Development Applications

Some proposed developments for projects that include public spaces may have potential function, location and dimension that could include public art or urban design elements. The Cultural Development Officer and Development Application team will consult on these opportunities on a case-by-case basis to ensure the provision of the policy and legislation are met.

7. Approvals and Role of Council

Kiama Municipal Council acknowledges the need for a considered approach to the acquisition and management of our current and future public art collection. The selection of works is the responsibility of the Cultural Development team, including the Cultural Development Officer and Manager of Library & Cultural Hubs.

8. Gifts and Bequests

Offers of gifts, donations or bequests may be considered if they meet the objectives of the Policy. Any proposed donation or gift will be required to comply with the principles and objectives of the Public Art Policy and Procedure prior to acceptance.

It should be noted that Council may not have an internal budget allocation to invest in the installation, maintenance and management of the proposed donated art work, and may therefore be reliant on the identification of funding sources to support the proposal.

9. Artwork Copyright and Moral Rights

Australian Copyright Law requires all original public art to be attributed to the artist. Signage must be installed near to the artwork/s to acknowledge the artist. Artists are also to be acknowledged when images of their work are published. Artworks should only be modified for conservation or restoration reasons.

9.1 Artwork Ownership

Ownership of the artwork is dependent on the commissioning process, contract and the land where it is located. In most cases, the contract with the artist/s identifies that the artwork be owned by the commissioning body once the artwork is installed and final payments made. Artwork located on private land is owned and maintained by the landowner. Artwork located on public land is owned and maintained by Council unless arranged otherwise.

10. Deaccessioning

It is sometimes necessary to relocate, remove or dispose of an artwork if:

- There are significant changes to the context in which the item is located
- The item itself poses a risk to the public or is not able to be maintained.
- The work is at the end of its intended life span;

- Maintenance and repair obligations and costs have become excessive in relation to the value and age of the artwork;
- There is irreparable damage with through vandalism or decay;

Relevant Council Staff will advise, and provide recommendations to Council on any relocation, removal or disposal of public artworks.

Additional professional advice relating to relocation, removal and disposal may be sought to enable an informed decision. In any case, the artist will, wherever possible, be consulted on options for new sites or given option on repair and removal, where feasible.

11. Collection Management

The collection management involves the maintenance of a database of public artworks that is updated to include artworks that have been recently acquired.

11.1 Database and Record Management

Asset management will involve the inclusion of public artworks on the database register with details of each artwork, artist, date of commission, description of materials, construction, valuation and any removal or relocation history.

Related Forms/Documents

- Public Art Policy (2024)
- Public Art Implementation Guide (2016)
- Art Collection Policy
- Community Strategic Plan (CSP) 2022-2032
- Local Government Art 1993
- Development Control Pan (DCP) 2020

Attachments

nil	

Authorisation

Name: Endorsed by Council – Council Resolution 24/059OC
 Date: 19 April 2024