



# **Public Art Guidelines 2015**

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City of Darwin has invested substantially in Public Art since 2008, in the areas of policy development, city planning, skills development for local arts practitioners, and the commission of new works of Public Art.

This investment was made in response to the Northern Territory Government's Public Art Policy (2006), and in recognition of the growing international interest in Public Art as a fundamental element of city planning and placemaking. The inclusion of Public Art in capital developments increases property value, improves amenity and adds to the city's cultural value.

These Public Art Guidelines support the City of Darwin's Public Art Policy, Five Year Arts Plan and Darwin City Centre Public Art Master Plan (2010),

The City of Darwin Public Art Policy sets out clear objectives and intent of public art investment by Council, its relevance and connection in meeting its goals and delivering on strategies as identified in Council's strategic plan *"Evolving Darwin Towards 2020"*.

From time to time Council is approached by individuals and groups with proposals for public art that sit outside Council's program. Public art projects that do not form part of the City of Darwin Public Art Program will need to comply with all requirements under the Public Art Policy and these Public Art Guidelines.

The City of Darwin encourages and supports the design and installation of artwork in public places. It is however understood that not all locations will be suitable for the installation of artwork or all designs indicative of the local community's sense of identity and place. In recognising this Council has adopted a process to ensure that all stakeholders are consulted, that the proposed artworks do not create a traffic hazard or are socially unacceptable.

Prior written approval from Council must be granted before the installation of any public artwork on Council land. A proposal addressing the points outlined in these guidelines must be submitted to Council, which will undertake its own internal approvals process for public art and will advise applicants of the outcome by written notice.

Proposals for public art that are site specific and are proposed on land outside of Council's control will need to be proposed to the relative owner, authority or NT Government.

## **Definition of Public Art**

For the purpose of these guidelines the following definition will apply:

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 art forms 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, and
- Ephemeral artworks such as environmental artworks.

## **City of Darwin Commissioning Process**

The City of Darwin Public Art Program includes three primary methods of commissioning:

1. Public Realm Commissions undertaken by the City of Darwin (independently or in partnership with NT Government).
2. Developer led Commissions undertaken by individual developers in partnership with the City of Darwin.
3. Community led or Artist led Commissions.

## **Public Art Project Manager/Consultant – City of Darwin Public Art Program**

It is the role of the Public Art Project Manager/Consultant to:

- brief Council on public art opportunities,
- identify appropriate site(s) in consultation with stakeholders including Larrakia Traditional Owners,
- develop Project/Artist's briefs,
- assist in artist selection,
- work closely with the artist from the planning stage through to the delivery of the Public Art, and
- ensure that the Public Art delivered is integrated with the overall site development and is delivered on time, within budget, to a high quality and meeting the project brief.

## Cultural Heritage

City of Darwin will respect the cultural heritage of the Traditional Owners of Darwin, the Larrakia people, in commissioning Public Art.

Protocols have been developed between City of Darwin and Larrakia organisations to ensure that Larrakia cultural heritage is respected in the development and delivery of Public Art in Darwin.

It is agreed that the City of Darwin will:

- Invite Larrakia organisations and individuals to participate in Public Art planning processes for the City of Darwin.
- Invite Larrakia organisations to nominate a representative to contribute to the development of Project Briefs for all permanent Public Art commissions on Larrakia land, to ensure that commissions are appropriate to the site.
- Invite Larrakia organisations to nominate a representative to participate in the selection of Larrakia artists for Public Art opportunities which are specifically identified for Larrakia artists.

It is agreed that Larrakia organisations will:

- Serve as the first point of contact to receive information about Public Art opportunities.
- Nominate artists on a project-by-project basis, and/or distribute Project Briefs to nominated artists.
- Contract artists through the organisation, and/or advocate on behalf of artists directly contracted.

## Public Art Panel

A Public Art panel will advise on all public art commissions including input into the development of the program, briefs and site selection. Panel members will include:

- Public Art Project Manager/Consultant and/or Arts and Cultural Development Coordinator
- Landscape Architect (if applicable to the project),
- A nominated representative from the Infrastructure Department,
- A nominated representative of the Arts and Cultural Development Advisory Committee (ACDAC), and
- Professionals with relevant skill sets appropriate to the applications.

## **Proposals for Public Art in addition to Council's established Public Art Program**

The City of Darwin will accept proposals by artists, schools, public institutions and private property developers for Public Art funding towards temporary or permanent Public Art projects with demonstrated community benefit.

Submissions must be in writing and include:

- Project proposal,
- Confirmation of artists / project consultants and CV's,
- Concept Designs (if available),
- Schedule for the project,
- Budget including the exact amount being asked from Council and how this will be spent, and
- Expected outcomes and how the work will positively benefit the community.

A detailed framework for applying is described at **Attachment A**.

## **Sponsorship, Donations and Bequests**

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, and
- Be referred to ACDAC for possible recommendation to the Community and Cultural Services Committee.

Prior to acceptance of any public artwork:

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

Projects are not in any way, to obstruct the natural growth of existing trees or contribute in any way to lessening the likely life span of trees. Projects should not overly compact soil areas or tree root zones, nor interfere with automatic reticulation systems where these are installed.

Ownership of materials acquired or produced for the benefit of the public and installed in public places, shall be vested in City of Darwin unless otherwise agreed in writing between the creator and City of Darwin or where it is agreed that the installation is of a temporary nature.

Where structures or materials owned by the creator are to be removed, they will be removed at no cost to Council.

Council will be responsible for the ongoing cleaning, maintenance and protection of the work. Council will not take responsibility for providing water to any feature nor the ongoing maintenance of a water feature.

## **Maintenance**

Council has a responsibility to care for the artworks in its collection, including those works located in public places.

## **Memorials**

Memorials will be assessed as to:

- The contribution that an individual, group or event proposed for commemoration has made to the development of Darwin. Where the contribution is more appropriately recognised at a Territory or National level, the individual or organisation proposing the memorial will be referred to the relevant body or authority.
- The connection or contribution of 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 recommended through ACDAC and there is Council support for the proposal then a more detailed discussion will occur regarding the process for working with Council to:

- Commit to an appropriate site,
- Determine budget required to commission a work appropriate for that site and maintain that work for an agreed period of time,
- Define the process of engaging an artist and selecting a work, and
- Identify representative/s (may be one or two) from the organisation proposing and funding the memorial who will sit on the selection panel to select the work to be commissioned.

## **Attachment A Project Proposal Framework**

### **PUBLIC ART IN ADDITION TO COUNCIL'S PUBLIC ART PROGRAM**

#### **PROPOSALS TO INCLUDE:**

##### **1. Contact**

Prior to commencing an application or proposal for public artwork intending applicants should contact Council's Arts and Cultural Development Coordinator to discuss their proposal on: T.89 300 674 or E. [s.cramer@darwin.nt.gov.au](mailto:s.cramer@darwin.nt.gov.au)

##### **2. Concept & Design**

Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of art work together with a coloured A4 (minimum size) sketch of the proposed design. Consideration should be given to the nature and colour of the proposed artwork to ensure consistency with the character and amenity of the surrounding area. The design must not constitute advertising or signage.

An outline of the proposed project should include why the work is requested and any social, economic, environmental, commercial or philosophical basis for the work.

##### **3. Location**

Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc. The applicant must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval. The proposal also needs to make reference to the proposed location of the work/s with reference to a specific site, community, history or sponsors.

Applicants will need to consider information regarding public acknowledgement of the work, how the work will be launched and Council's involvement, if any.

##### **4. Consultation**

Applicants must undertake consultation to ensure nearby property owners support the proposed artwork. Consultation could be via letterboxing a letter of explanation, with a copy of the design, asking for feedback to be directed to either Council's Arts and Cultural Development Coordinator or yourself. As a minimal guide you will need to consult with the property owners or residents directly adjacent to the site, plus the two property owners or residents on each side of that property and similarly across the road. This is a total of 6 property owners or residents who are located nearest to the proposed site.



For larger pieces that impact into the public space broader consultation is required. A copy of *Council's Community Engagement Policy* is available if required or Council staff can assist with this process.

## **5. Consultation with Public Authorities**

Depending on the location of the proposed artwork applicants may need to consult with public authorities eg *Department of Transport, Power and Water, or Telstra*.

Conditions apply to city infrastructure that is owned by Council and/or a third party. Applicants should note that artwork on any such infrastructure does not confer ownership or copyright over such infrastructure to other parties. Applicants also need to be aware that if the owners of such infrastructure need to repair or replace the infrastructure no responsibility is accepted by them for replacing the artwork. Please note: specific conditions may apply to city infrastructure that requires further work for eg. *height restrictions, concealing or obstructing signage, identification numbers or equipment and should be included in an agreement between the applicant and the owner.*

## **6. Timeframe**

Consideration should be given to the time required to complete the project. When do you propose to start and finish the project?

## **7. Lifespan & Maintenance**

What is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

## **8. Copyright & Employment of Artist(s)**

Information as to the method of engaging artists should be included in the application. Consideration should also be given to copyright issues.

For approved works, the Artist retains copyright in the design and the work and the Artist's name and title of work shall be used in conjunction with images of the work wherever practical.

## **9. Materials**

What materials will be used for the artwork? If appropriate, it is strongly encouraged that two coats of anti-graffiti treatment be applied to the artwork to protect it from graffiti vandalism.

There are climatic and site specific conditions for Darwin that artists and fabricators must consider during artwork development to ensure the longevity of permanent works. These conditions include wind wear and UV degradation for external sites and interactive wear and tear.

## **10. Public Safety**

How will the artwork be designed to be safe as far as reasonably practicable?

## **11. Budget**

Have you considered the costs involved with the project? Such costs may include artist(s) fee, materials, administrative maintenance, insurance, consultation and installation.

## **12. Approvals and Agreements**

Specific pieces, such as sculpture or works affixed to a surface that require structural considerations may require development approval. Written permission must also be obtained from the owner of the surface or area housing the artwork.

Agreement between the commissioning agent/body and the owner of any public property, infrastructure or open space controlled by Council must be made prior to commencement of work. This would be in the form of a contract or memorandum of understanding.

Council will undertake its own internal approvals process for public art and advise applicants of the outcome by written notice.

## **13. Rights and Responsibilities**

Council reserves the right to decline the offer of any work proposed for a public place which does not meet safety, aesthetic, structural or durability requirements.

## **14. Insurance**

Until the work is complete and installed the Artist/Commissioning group shall carry appropriate public liability insurance cover and indemnify and keep indemnified the Council (or any other third party owner of infrastructure) for all claims, actions, or legal proceedings that may arise out of injury or death to any third parties from use or in connection with the work.

**Please address your submission to:**

**General Manager Community and Cultural Services  
City of Darwin  
GPO Box 84  
DARWIN NT 0801**