

Public Art Policy

Date Adopted:

Version: 2.0

Policy Objectives

1. To develop a public art collection that fosters a sense of pride, place and belonging and reflects the diversity and creative aspirations of the community.
2. To establish the basis, framework and guidelines for the commissioning and approvals of Public Art into the public domain.
3. To support the sustainable management and maintenance of the City's Public Art Assets.
4. To support the objectives of Maitland's Community Strategic Plan by contributing to great neighbourhoods, a vibrant Maitland and a welcoming community with quality open space enhanced through the integration of a diverse range of art in public spaces.
5. To support the objectives of Maitland's Community Strategic Plan through the integration of inclusive public spaces and places that reflect local heritage and history and acknowledge the continuous connection of the first people of this land, the Wonnarua people.
6. Where relevant, support the contribution by artists in the public domain by facilitating collaborations between artists and architects, designers, landscape architects and planners in the development of Maitland's capital works projects.

Policy Scope

This Policy applies to public art projects located, or proposed, in the public domain within the Maitland Local Government Area. This policy does not apply to works which are commemorative in nature such as memorials or plaques or signage including entry statements and interpretive panels. The focus of this policy is on the public domain and to the enrichment of sites which have a civic, cultural or redevelopment significance within the local context. The public domain means all publicly accessible open spaces owned or managed by Maitland City Council such as parks, urban spaces, streets and laneways, the river foreshore and community and recreation facilities.

This policy also applies to any public art project instigated by private development projects that include the handover of public domain to Council.

The policy does not apply to public art that does not otherwise require Council involvement. This includes projects that are wholly exempt development, privately funded, privately owned, on

private property and carried out without Council involvement. Although the focus is on the public domain, this policy acknowledges the opportunities for public artworks to be commissioned by private development. Proponents for privately commissioned public art projects are encouraged to contact Council for guidance.

Policy Statement

1. Background

Public art includes creative projects both temporary or permanent located in the public domain and accessible to all. Public art helps to transform public spaces into meaningful and reflective spaces that celebrate the unique character, history, and community of a place. Through their creativity, artists contribute to shaping these spaces, giving them depth and identity. Public art fosters a sense of place, connecting individuals to their surroundings and to each other.

2. Council's role in the development and commissioning of public art

Maitland City Council has the capacity and responsibility to commission public art for the City. Public art can be embedded in Council's place activation programs, development initiatives, planning, and public domain improvement projects. Maitland City Council is responsible for the commissioning process, ongoing management, maintenance, and preservation of the public art collection for all projects developed as public commissions. Public art is a collaborative process that involves cross-council input from areas throughout the Council administration from curatorial to engineering, recreation planning, assets and community development.

3. Commissioning public art

Maitland City Council is responsible for the implementation of transparent and equitable selection processes and clear guidelines for commissioning public art. Commissioning processes will be guided by industry best practice including standard rates and artist fees outlined in the National Association for the Visual Arts (NAVA) [Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector](#).

Other guidelines to follow include the Commonwealth Government's [Protocols for Using First Nations Cultural and Intellectual Property in the Arts](#) and the NSW government's Aboriginal Arts and Culture Protocols available through Create NSW.

Models of commissioning public art include:

- Expressions of interest, an open competition where artists apply and are shortlisted
- Limited tender, which involves selecting suitable artists to register their interest
- Register of artists, which identifies suitable artists for future projects.

4. Implementation and assessment

For public art projects located on Council land and assets, a selection process will be guided by an internal panel of cross-council specialists. Reports will be provided as required through to Maitland City Council's Culture and Community Committee.

Creative projects can be assessed using the following criteria where relevant:

- Integrity and quality of the artwork
- The project reflects excellence in contemporary art practice and standards of high quality
- Relevance of the work to the context of the site or the commissioning brief
- Technical feasibility and ability to successfully realise the proposal/work
- Adherence to budget outlined in the commissioning brief
- Relevance to the strategic objectives and actions of Council
- Consistency with planning, heritage and environmental policies and strategies, design guidelines, plans of management or masterplans
- Assessment of risks including public safety
- Sustainability, production and materials
- Maintenance requirements.

Once commissioned, Council will engage the artist through a commissioning agreement. This agreement outlines the roles and responsibilities of both the artist/designer and Maitland City Council.

5. Funding for public art projects

Public art projects can be implemented through a range of funding mechanisms including:

- Development Contribution Plans and/or Planning Agreements
- Section 7.12 development contribution funds
- Section 7.11 contributions aligned to Urban Release Area plans
- Private philanthropy – donations or bequests
- Commonwealth and State Government funding/grants
- Development requirements and/or conditions
- Private sector contribution and sponsorship
- Council rate revenue.

6. Management of public art assets

The care of public art is considered across the lifespan of an artwork from commissioning to decommissioning processes. All public artworks commissioned by Maitland City Council or accessioned into the public art asset register are assigned a lifespan to inform future management decision-making. The commissioning process requires a maintenance plan be included in the development of detailed design.

All existing and new public artworks are to be included in a public art register. This information will be integrated into Council's asset register. All public art assets will be managed in accordance with our asset management policy, asset management framework and Service Asset Plans with comprehensive documentation relevant to insurance, valuation, risk and maintenance schedules.

7. Private development public art projects with handover requirements to Council as public domain

The following conditions apply for public art instigated by a private developer on any development that will eventuate as council maintained public domain. Urban design elements such as decorative fencing or signage are not considered public art in this context.

Early Consultation and Approval – Developers must consult with Council at the earliest possible stage to ensure the proposed public art aligns with Council's public art policy, design standards, and any place-making objectives.

Assessment and Endorsement – All proposed public art must be submitted for Council's review and written endorsement prior to installation. This includes concept designs, artist selection, materials, and intended maintenance approach.

Quality and Integration – Public art must be of high quality, durable, and appropriately integrated into the design of the public realm. Artworks must be accessible and contribute positively to community identity and placemaking.

Ownership and Maintenance – Upon transfer of the land or asset to Council, ownership of the public artwork will also transfer. Developers must provide Council with a Public Art Handover Package including:

- Artist's statement and intent
- As-built documentation
- Maintenance and conservation plan
- Warranty and material specifications
- Copyright and moral rights information.

Long-term Sustainability – Council reserves the right to decline ownership of public art that does not meet its standards for longevity, safety, or ongoing maintenance feasibility.

Costs and Contributions – All costs associated with the commissioning, design, installation, documentation, and initial maintenance of the artwork are the responsibility of the developer.

8. Decommissioning

There are times when a work of art will be decommissioned. All agreements between Council and the artist/designer will determine the anticipated longevity of the work. Public art may require decommissioning if there is extensive and irreparable damage, risk to public safety, or if the use of the site has changed and the work no longer has relevance or context. Council has the right to decommission work and will embark on this process in consultation with the artist and in accordance with best practice NAVA guidelines. Deaccessioning includes removal from public space as well as from Council's public art register. Under the provisions of the Copyright (Moral Rights) Amendment Act 2000, Council has several legal obligations to the artist when deaccessioning artwork. The decommissioning process requires approval and consultation through the public art panel and relevant culture and community committee of Council.

Policy Definitions

Public art	Creative works that are temporary or permanent designed and situated in public spaces, accessible to everyone. It encompasses a wide range of forms, including sculptures, murals, installations, performances, and digital media.
Artist Brief	An artist brief outlines the scope and objectives of the commission. It includes information about the commissioner, site, project background, timelines, budget and any site considerations and limitations.
Urban design/Landscaping design feature	A physical element integrated into an outdoor or public space to enhance visual appeal, define boundaries, guide movement, or support functional and aesthetic objectives within a landscape or urban environment. These could include but not limited to items like decorative fencing, paving treatments, unique designed street furniture and water features.
Commission	A public art commission is a formal process through which an artist is engaged to create a work of art specifically for a public space or project.
Decommissioning	Decommissioning of a public artwork is the formal process of permanently removing a public art piece from its location or collection. Decommissioning is guided by policies or agreements established at the time of commissioning.

Moral rights	An artists moral rights refers to legislation granted under copyright law that protects the personal and professional rights of creators in relation to their work. This includes the right to attribution, the right to integrity (to prevent destruction, modification or any changes to the work that could harm the creator's reputation). Moral rights are designed to uphold the artists/designer's connection to their work.
--------------	---

Policy Administration

Business Group:	Maitland Regional Art Gallery
Responsible Officer:	Gallery Director
Council Reference:	
Policy Review Date:	Three (3) years from date of adoption
File Number:	
Relevant Legislation	Local Government Act 1993 (NSW) Copyright Amendment Act 2000
Related Documents	Maitland's Future Community Strategic Plan National Association for the Visual Arts (NAVA) Code of Practice for the Professional Australian Visual Arts, Craft and Design Sector.

Policy History

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	November 2010	New policy adopted
1.1	October 2024	Updated to new branding and alignment to organisation structure. No change to content.
2.0		Existing policy streamlined for clarity of purpose and updated to meet best practice public art commissioning. Some aspects of the former version would be covered within a

		commissioning agreement/contract process.
--	--	---