



Corporate Plan Reference:	Theme 1: Environment – 1.4, 1.8 Theme 2: Livability – 2.3, 2.6 Theme 3: Prosperity – 3.6 Theme 4: Future – 4.5
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Policy Author:	Arts and Cultural Services Manager

POLICY STATEMENT

Noosa Council (Council) recognises the value of art in the public domain to promote and celebrate the community's identity, values and aspirations. Best practice public art provides a sense of place and can highlight stories, significance and histories for residents and visitors. Public art engenders a sense of civic pride and enhances the vibrancy and character of the urban environment.

Council is committed to making art and culture accessible to all residents and visitors through its curated and considered public art collection. In addition, Council is committed to increasing the quality of public art across the region and ensuring that artworks are relevant, place specific, valued and well maintained.

PURPOSE

The Public Art Policy provides a framework for the planning, installation, maintenance and decommissioning of public art on public land, within the public domain of the Noosa Council area. It provides transparency and accountability with Council's processes of public art selection, curation, endorsement and procurement.

Through this Policy, Council provides the assurance that the Public Art Collection is grown strategically, cohesively and credibly, with an emphasis on quality and sound management practice.

SCOPE

This Policy applies to all public artworks currently in Council's Public Art Collection and new or proposed public artworks both donated, bequeathed or created using Council resources. Aspects of the Policy also apply to public artworks created by external parties on Council owned or managed land and property.

This Policy defines the public art decision-making processes used by Council.

There are three art categories that are not in scope of this Policy, they are:

- a) Floating Land Initiative,
- b) Ephemeral Art, and
- c) Public art on land not owned by or controlled by Council.

This is explained further below.

Floating Land Initiative: Floating Land is one of Noosa's most significant cultural events. Conceived in 2001 as a biennial outdoor sculptural program. Contemporary artists are commissioned to create ambitious new, site-responsive works that temporarily 'collaborate with' the environments in which they are presented. While these environments might be 'natural' or 'built', Floating Land projects respond significantly to Noosa's UNESCO Biosphere status, the environmental attitudes and legacies of its community, and the ideological and social issues that serve as a context for these.

While Floating Land projects fit the definition of Public Art, the temporary nature of the projects and conceptual shifting curatorial lens of the event, position it outside of Council's Public Art Policy. Instead, Floating Land features as a core component of Noosa Regional Gallery's artistic program.

Ephemeral Art: This policy excludes ephemeral art due to its temporary nature. Ephemeral Art is not recorded in Council's Public Art Database.

Public art on non-Council owned/controlled land: While this Policy does not cover public art on non-Council owned/controlled land, private developers are encouraged to include public art in their projects. Private developers have great opportunity to contribute to an improved urban aesthetic and this can be achieved through embracing public art at the design stage of developments. Private developers are encouraged to liaise with Council when considering public art within their developments and in doing so, ensuring public art on private land is relevant and complimentary to Noosa Design Principles.

Publicly accessible art on non-Council owned/controlled land is the responsibility of the land owner. Council regulations and responsibilities in relation to building and local laws and standards apply to all public art installations.

REVIEW

This Policy will be reviewed once per Council term (every four years) or as required from time to time.

DEFINITIONS

Term	Meaning
Noosa Shire Council	The organisation of the Noosa Shire as established by the <i>Local Government Act 2009</i> in Queensland.
CEO	Chief Executive Officer of Noosa Shire Council
Councillors	Elected representatives, who set the strategic direction for the organisation, monitor performance, liaise with stakeholders and represent our Shire.
Executive Team	Council's team of senior executive officers which are led by the CEO and include five Directors.
Shire	Area within the Noosa Shire that has been established as a local government.
Public Art	Public Art refers to a range of artwork that interface with the public in publicly accessible spaces. Public Art can include sculpture, place-making elements, wall embellishments, art integrated into the design of

Term	Meaning
	<p>buildings, artist-designed public furnishings such as seating and fencing, paving work, lighting elements and other creative possibilities. Public Art can serve both an aesthetic and functional purpose.</p> <p>The Noosa Council Public Art Policy recognises that public art consists of a highly diverse and constantly evolving range of mediums and outcomes. For the purpose of this Policy, public art is defined in the broadest sense as the product of artists and community members who intend that their work in all its mediums is to be seen and understood as art in the public realm. Embracing material and immaterial products, public art also includes concepts and activities, which emanate from the creative thinking of artists and the community.</p>
Accession	The process of transferring title or ownership from the providing source (fieldwork, purchase, gift, transfer, or otherwise) to the Council.
Deaccession	The removal, sale, relocation or disposal of an existing artwork, including information sharing with the artist/s and key stakeholders, where items are to be deaccessioned.
Public domain	For the purposes of this Policy, the public domain means public places and/or open spaces that are situated within, vested in, or managed by Council, including parks, beaches, bushland, outdoor recreation facilities, streets, laneways, pathways and foreshore promenades and public buildings, facilities, or enclosed structures, owned and managed by Council which are physically accessible to the general public.
Permanent art	A public artwork that has at least a two-year life span at the installation site.
Ephemeral art	Transitory artworks with a limited lifespan that cannot be embodied in any lasting object.
Commission (commissioned artwork)	An artwork created as a result of a commissioning agreement that sets out the costs, intent, style and characteristics of the artwork to be produced.

COUNCIL POLICY

Public Art Funding

To increase the commission of public art, Noosa Council commits to incorporating public art into future civic infrastructure projects and to identifying suitable sites in the public realm for permanent commissions.

Council will allocate a contribution of no less than one percent (1%) of the value of eligible Council capital works projects with a total value exceeding two million dollars (\$2M), to the 'Public Art Fund', to be used primarily for new public artwork and/or infrastructure that facilitates the installation and display of permanent and/or ephemeral artwork.

Based on their funding matrix, certain capital works projects are exempt from Public Art Fund contributions, these include:

- a) Disaster reconstruction funded projects
- b) Core infrastructure annual renewal works (such as pipe renewal and road reseal works)

- c) Unplanned, emergent projects
- d) Projects primarily funded by grant programs that do not allow scope for public artwork inclusion.

There is a strong preference for Public Art Fund contributions to be aligned directly, and constructed as part of, the specific civic infrastructure project that the contribution is associated with. However, Council acknowledges that this is not always suitable or possible. As such, funding and delivery of public art will either occur;

1. in situ with (or embedded as part of) the civic infrastructure project (see a. below), or where this is not possible,
2. as a contribution to the Public Art Reserve (see b. below).
 - a. In Situ Art Work: Where a project includes public art it must be considered in the initial planning and design stages of the project to ensure curation in its surrounding environment. Noosa Design Principles should be considered in all public art integrated within infrastructure projects. The Public Art Funding in this situation is embedded in the capital budget of the project and will include capitalised staffing costs associated directly with the public art component of that project.
 - b. Public Art Cash Reserve: Where it is not possible to integrate Public Art into an eligible capital project, the equivalent value of the Public Art Fund contribution will be set aside in Restricted Cash to accumulate and fund alternative Public Art installations within Noosa Shire at a later date. In assessing any contribution to the Public Art Reserve, the following should be considered:
 - Public Art Projects should be considered on a case-by-case basis, reviewed by the Public Art Management Panel
 - Loan borrowings, grants, special levy, unspent depreciation funds or other cash restricted under other prescribed purpose cannot be reallocated to the Reserve. The equivalent value is transferred from general revenue or unrestricted cash.
 - Consideration will be given to the availability of unrestricted cash to supplement the Public Art Reserve without risk of compromising Council's Financial Sustainability, particularly where there is limited or unavailable unrestricted cash at any point in time
 - The cumulative value of the Public Art Reserve should not exceed \$250,000 as a ceiling to balance commitment for timely provision of Public Art and to ensure Council does not hold excess restricted cash holdings for unnecessarily long timeframes.

All general cash donations towards the Public Art Collection will be deposited in the Public Art Cash Reserve. Offers of cash donations towards specific public art projects must be first considered and approved by the Public Art Management Panel.

Collection Principles

The following principles outline the Council's approach to collecting Public Art:

Noosa – Different by Nature	Council's enduring mission is to be 'different by nature'. This means embracing difference in values, attitude and identity and significantly refers to Noosa's Biosphere status and environmental legacy. Council seeks to prioritise the acquisition of Public Art that aligns with this mission, and importantly, steers away from the acquisition of generic or ubiquitous Public Art.
Public Art exemplifies artistic excellence	Council seeks to acquire works of a high standard that build the region's reputation as a creative centre on the Sunshine Coast.
Public Art responds	As per the Noosa Design Principles, Public Art will uphold

sensitively to Noosa's natural and built environment	Council's commitment to sustainability and will consider environmental impacts through all stages of acquisition, installation, management and de-acquisition.
Public Art celebrates the significant contribution of First Nations peoples to the identity of our region	Noosa is located within the Country of the Kabi Kabi peoples. Council actively seeks to include First Nations voices in Public Art projects and acknowledges the benefits of sharing local Aboriginal perspectives through art.
Public Art supports the positive and progressive values of the Noosa community	Public Art creates experiences for the public, for enjoyment, wonder and learning; it tells the story of who we are. Council will seek community consultation and work with diverse community groups and individuals to facilitate Public Art that is treasured by the community.
Public Art is achieved through positive collaboration	Public Art projects are multilayered and can require collaboration between Council directorates, community groups and individuals. Council will work together respectfully to achieve the best outcomes for our community.
Public Art is managed according to industry best practice	The Public Art collection will be managed to a professional standard. Council staff seeks to employ industry standards across all stages of the Public Art lifespan.

The Public Art Collection

Council will primarily collect artwork of particular relevance to the Noosa region and/or community that is suitable for display in public buildings, public offices and public spaces.

The Public Art Collection will preference art derived from the Noosa Shire region, designed by Noosa Shire based artists.

Public Art will be categorised within three tiers:

- a) Integrated elements of functional art and design into infrastructure projects.
- b) Community initiated Public Art projects on Council owned and/or managed properties.
- c) Commissioning stand-alone public artworks for design, production and installation in public spaces.

Public Art Management Panel

Council will administer public art through the Public Art Management Panel. The Panel will comprise of:

- Arts and Culture Manager
- Infrastructure Planning Design & Delivery Manager
- Noosa Gallery Director
- Cultural Development Officer

The Public Art Management Panel will report to the Director – Community Services.

The role of the Public Art Management Panel is to recommend the acquisition and de-accession of artworks in the Public Art Collection.

At any given time, the Panel may call on specialists and/or experts to provide input into the decision-making process.

All decisions in relation to the acquisition and de-accession of public art will adhere to the Council's Procurement Policy and Asset Disposal Policy.

All considerations regarding the acquisition of Public Art by Noosa Council must include the Public Art Management Panel to ensure quality and administrative rigour.

Process of Acquisition

The Public Art Management Panel will recommend to the Director Community Services the acquisition and de-accession of artworks in the Public Art Collection.

Acquisition includes works of art that may be donated, purchased, or commissioned for the Public Art Collection.

A proposal for a donation, purchase or commission must first be submitted for assessment to the Public Art Management Panel, through the Arts and Culture Manager.

Artworks accepted into the Public Art Collection will be registered and catalogued on the date of acquisition and all relevant documents maintained by the Noosa Regional Gallery Director.

Assessment of all proposed acquisitions to the Public Art Collection will be based on the following key criteria:

- a) Artistic merit of the work
- b) Capacity to deepen residents' relationship to place
- c) Consideration of housing and display of artwork
- d) Ongoing maintenance costs and requirements
- e) Structural integrity and safety within the public domain (public art works)
- f) Commitment to the representation of a diverse range of arts practice and ideas; and
- g) Alignment with Council plans and strategies.

The process for assessing public art is as follows:

Step	Process	Responsibility
1	<p>Consideration of proposals</p> <p>Council commissions: For public art commissioned by Council, artists will be invited to submit proposals in response to a detailed brief and communications plan. It is expected that a professional, experienced artist will be engaged who has the requisite skills and capacity to deliver a high quality, innovative and durable piece of art that will contribute to the enjoyment or understanding of the public space and align with the Collection principles of this policy.</p> <p>Through the Arts & Cultural Services Branch, proposed public art pieces commissioned by Council will be assessed initially by the Public Art Management Panel in collaboration with relevant Council departments. Council's Planning branch must be consulted to determine what, if any, permits are required and whether other authorities need to be consulted; other relevant Council Units include Asset Management, Economic Development and Tourism, Engineering, Finance, Local Laws, Operations, Risk Management, Strategic Planning and Environment.</p> <p>External applications/proposals: In cases where the site for the proposed public art piece encompasses spaces owned/managed by Council, the applicant will be required to negotiate permission with the relevant manager of that site. Council's Arts & Culture branch will assist in facilitating this process.</p>	<p>Arts & Culture Branch</p> <p>Public Art Management Panel</p> <p>Relevant Council branches</p>

	Should the site for the proposed artwork be Council owned/managed space leased to another party, the applicant will also need to separately negotiate permission with that lessee. If the proposed artwork is on Crown land, landowner's consent from the state government and assessment of Native Title requirements will be required; a cultural heritage site assessment may also be required.	
2	Assessment of artistic merit The Public Art Management panel will be utilised to assess the artistic merit of the proposed public art piece. The Panel will assess the piece with specific reference to the 'Collection Principles' and 'Process of Acquisitions'	Arts & Culture Branch Public Art Management Panel
3	Final review and decision Council Officers will draft a report in relation to the outcomes of the assessment and review of the public artwork for consideration. If the public artwork or project is consistent with this Policy and within existing budget allocation the report will be considered for approval by the Director Community Services. The Director may refer the report to the Executive Leadership Team for their consideration if required. On occasion when the proposal is considered sufficiently significant, the project may be referred to Council for their consideration. The report and recommendations will draw on any feedback provided by stakeholders at each stage as well as landowner approval and copies of other required permits/approvals (where appropriate). Community and artists will be informed of the outcome.	Arts & Culture Branch Director Community Services Executive Leadership Team Council

Value

The monetary value of artworks will be determined by either:

- The current market value as set by the selling artist, agent or representing gallery
- The most recent sale price of the artwork
- The value estimated by a registered valuer (approved valuers for the Commonwealth Cultural Gifts Program or ACAA Registered valuers)

Maintenance and conservation

Council is committed to maintaining, conserving, and ensuring the integrity of the Public Art Collection.

The moral rights of artists will be upheld together with Council's legal obligations related to the artwork that it owns, including copyright and licenses. Part IX of the *Copyright Act 1968* (Cth.) provides for comprehensive protection of moral rights, including:

- Right of attribution of authorship
- Right not to have authorship of a work falsely attributed, and
- Right of integrity of authorship of a work

Artworks will only be accepted into the Public Art Collection when accompanied with:

- Contact details of artist/s and fabricator/s
- A Deed of purchase (for purchased artworks)
- A Deed of Gift (for donated artworks)
- A proposed maintenance schedule, and
- A Copyright declaration enabling visual reproduction of the work for education and promotion purposes.

All artworks accepted into the Public Art Collection will be appropriately catalogued and assigned an

accession number. All artwork on the register will be insured by Council.

All records related to the Public Art Collection will be maintained in a database managed by the Noosa Regional Gallery. Responsibility for the ongoing maintenance of artworks in the Public Art Collection must be outlined in the initial proposal made to the Public Art Management Panel.

Display

Artworks in the Public Art Collection will be displayed according to the agreed location and orientation at the time of acquisition from the artist or donor.

Planning, installation, maintenance and decommissioning of all public art will be in accordance with statutory requirements.

All public artwork will be displayed with consideration of public access for viewing.

Should it be required to move, re-orientate, re-locate or cover an artwork on public display, authorisation must first be provided by the Public Art Management Panel.

Artworks will be displayed with interpretive information including (but not limited to):

- a) Artist's name
- b) Title of artwork
- c) Year of artwork
- d) Materials used

Repair, Deaccession and Disposal

All artwork repairs and maintenance will be done in accordance with the approved Maintenance Schedule provided by the artist. Should it be decided by the Public Art Management Panel that an artwork is compromised by a repair or is beyond repair, the artwork will be considered for deaccession.

Work in the Public Art Collection may be subject to deaccession or disposal if it:

- a) Falls outside the current acquisition criteria
- b) Is a duplicate of another work in the Collection
- c) Is in poor condition and does not warrant the continuing allocation of resources
- d) Should be returned to a First Nations or other cultural group as part of a national or international convention on the restitution of cultural property
- e) Is part of legislation that prevents the Council from having title
- f) Is a public safety risk, and/or
- g) Has a limited life.

Proposals for deaccessioning or disposing of an artwork will be subject to assessment by the Public Art Management Panel. Should an artwork be selected for deaccession, the original artist will be contacted for the first right of acquisition, followed by the donor (if relevant).

Works may be disposed of by sale, exchange, gift to a public or non-profit institution, return to the original artist/donor or destruction in accordance with Council's Assets Disposal Policy.

Proceeds from the sale of deaccessioned artworks will be deposited in the Public Art Cash Reserve and used for the acquisition of new public artworks and/or maintenance of the existing public art Collection.

ROLES AND RESPONSIBILITIES

Manager Arts & Cultural Services	Oversee the process of public art management
Noosa Regional Gallery Director	Ensures appropriate cataloguing and administration of the Public Art Collection
Public Art Management Panel	Assesses applications of public art and recommends actions regarding the growth and management of the Public Art Collection.
Director – Community Services	Consider reports from the Public Art Management Panel and approve or reject recommendations.
Executive Leadership Team	Consideration and endorsement of acquisitions to the Public Art Collection
<i>See 'Process for Acquisition' for further responsibilities</i>	

RELEVANT LEGISLATION AND POLICIES

This document should be read in conjunction with:

- Local Government Act 2009
- Copyright Act 1968 (Cth.)
- Copyright Amendment (Moral Rights) Act 2000 (the Act)
- Noosa Council Cultural Plan
- Noosa Design Principles 2015
- Noosa Council Corporate Plan 2023-2028
- Information Privacy Act 2009
- Human Rights Act 2019
- Noosa Council Human Rights Policy
- Noosa Council Procurement Policy
- Noosa Council's Asset Disposal Policy
- Relevant local laws

HUMAN RIGHTS STATEMENT

In developing this Policy, the subject matter has been considered in accordance with the requirements of the Queensland Human Rights Act 2019. It is considered that the subject matter does not conflict with any human rights, including the right to privacy and reputation, and supports a human rights approach to decision making by Council.

Council representatives will endeavour to act and make decisions under this policy in a manner that is compatible with human rights. In particular, representatives will endeavour to:

- identify relevant human rights which may be affected by the action or decision.
- give proper consideration to the impact of its actions and decisions on human rights; and
- ensure that any conduct or decision by Council which limits an individual's human rights is reasonable and justifiable.

This Policy should be read in conjunction with Council's Human Rights Policy.

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new		Council	20/03/2025
	Eg. Review			