

TERMS OF REFERENCE
CITY OF BELMONT PUBLIC ART ADVISORY PANEL

LAST UPDATED: 2022

Purpose

The purpose of the Public Art Advisory Panel (the Panel) is to provide a formal mechanism for Council to consult with key stakeholders, seek specialist advice in the growth and development of public art in the City of Belmont.

In particular, it will provide advice to Council on issues relating to public art and make recommendations on public art commissions in accordance with the current 'Public Art Directions and Masterplan or similar strategy/policy'.

The following 6 principles will guide the Panel in recommending public art in private developments:

- *Concept Innovation* - the artwork is to be designed by an artist that shows strong vision, craftsmanship, choice of materials, uniqueness and public engagement.
- *Context (sensitive to its surroundings)* - the artwork is to be designed for the specific site and considers the relevant themes of the site, be they architectural, historical, geographical, socio-cultural and/or community identity.
- *Public Domain* - the artwork must be clearly seen and/or accessible from the public realm and must positively impact the visual amenity of the development.
- *Public Safety* - the artwork is designed, constructed and installed with best practice risk management to ensure that the artwork does not present a hazard to public safety.
- *Longevity* - the artwork designed is structurally sound and resistant to theft, vandalism, weathering, and not require excessive maintenance.
- *Diversity* - artworks should be diverse in style, scale and media, ranging from experimental to established art forms. This may also refer to artists from assorted backgrounds and ranges of experience.

The following 7 principles will guide the Panel in recommending public art on public land:

- *Place Making*- the artwork should evoke a sense of place; a destination that supports community interaction, exchange and community pride.
- *Concept Innovation*- the artwork is to be designed by an artist that shows strong vision, craftsmanship, choice of materials and uniqueness and public engagement.
- *Context (sensitive to its surroundings)* – the artwork is to be designed for the specific site and considers the relevant themes of the site, be they architectural, historical, geographical, socio-cultural and/or community identity.
- *Accessible* – public art should be made accessible, where appropriate, to all members of the community.
- *Diversity* – artworks should be diverse in style, scale and media, ranging from experimental to established art forms.
- *Public Safety* – the artwork is designed, constructed and installed with best practice risk management to ensure that the artwork does not present a hazard to public safety.
- *Longevity* – the artwork is designed to be structurally sound and resistant to theft, vandalism, weathering, and not require excessive maintenance, supporting the City's best practice asset management processes.

The Public Art Advisory Panel also makes recommendations to Council in relation to acquiring and disposing of public art for the City with the exception of those instances where Council has delegated authority to the Chief Executive Officer.

Objectives

1. Review and recommend approval of private developer public art applications in accordance with Local Planning Policy No.11.
2. Assist Council to work strategically to advance the value and importance of public art within the City.
3. Advocate, encourage, foster and promote public art development within the City of Belmont.
4. Assist with identifying key public art projects each year.
5. Provide input to public art briefs.
6. Assess respondents to specific project briefs.
7. Refer, review and approve a shortlist of artists for individual projects.
8. Make recommendations to Council in relation to artists' concepts for commissioning, with the exception of those instances where Council has delegated authority to a Council Officer.

Membership

1. Composition of the panel

The Panel will consist of, but is not limited to the following participants:

- Two nominated Elected Members and a nominated proxy, City of Belmont
- Manager Library, Culture and Place, City of Belmont
- Coordinator Arts & Place, City of Belmont
- Manager Parks, Leisure & Environment, City of Belmont
- Manager Economic & Community Development, City of Belmont
- Arts Officer/s, City of Belmont
- Coordinator Planning Projects
- A maximum of two independent community representatives who works and/or resides in the City of Belmont with experience and knowledge in art in the public realm (voluntary nomination).

The City may contract where required, a public art consultant whose key function would be to ensure the Public Art Program results in high quality works of contemporary art in the public domain. The consultant is not entitled to vote.

2. Term of Appointment

Membership of the Panel will be fixed to 2 years commencing in line with the swearing in of newly elected Councillors at the Special Council Meeting held in October following the ordinary local government election.

3. Panel Quorum

A quorum for the Panel comprises a minimum of four members and is to include:

- Representative from Library, Culture and Place
- An Elected Member
- Two other members.

Management of the Panel

Meetings are to be scheduled on the first Wednesday or Thursday of the month as required.

All decisions of the Panel shall be made on the basis of a majority decision of the members present.

The Public Art Advisory Panel will be resourced by the Arts Officer who will be responsible for preparation of meeting agendas, minutes, reports and other administrative functions.

An Elected Member will act as Chairperson. In the event the Chairperson is not in attendance, the other Elected Member will act as proxy Chairperson.

Visitors/Observers

Attendance will be by invitation only. Short listing and concept presentations will be closed to visitors/observers to ensure confidentiality requirements are met.

Permission to attend meetings should be sought from the City of Belmont Coordinator Arts & Place who will decide having regard to the reasons given and the relevance of the material for Panel.

Meetings should not be a public forum.

Conflict and Disclosure of Interest

Panel members will ensure that there is no actual or perceived conflict or incompatibility between the impartial fulfilment of panel duties and personal interests or those interests of immediate family members, business partners or close associates.

Panel members will disclose any interest required to be disclosed under:

- the *Local Government Act 1995*;
- the *Local Government (Rules of Conduct) Regulations 2007*; or
- the City of Belmont Code of Conduct.

1. Requirement to disclose financial interests

Panel members will abide by the requirements to disclose financial (including proximity) interests in accordance with Division 6 of Part 5 of the *Local Government Act 1995*.

2. Impartiality interests

Impartiality interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association (see regulation 34C(1) of the *Local Government (Administration) Regulations 1997* and regulation 11(1) of the *Local Government (Rules of Conduct) Regulations 2007*).

- i. Panel members who have an impartiality interest in any matter to be discussed at Panel meetings attended by that person must disclose the nature of the impartiality interest:
 - a. in a written notice given to the Chairperson before the meeting; or
 - b. at the meeting immediately before the matter is discussed.

- ii. In respect of any matter to be discussed at a Panel meeting not attended by a Panel member, the Panel member must disclose the nature of any impartiality interest he or she has in the matter:
 - a. in a written notice given to the Chairperson before the meeting; or
 - b. at the time the advice is given.
- iii. A Panel member is excused from the requirement to disclose an impartiality interest if the failure to disclose occurs because the person:
 - a. did not know he or she had an impartiality interest in the matter; or
 - b. did not know the matter in which he or she had an impartiality interest would be discussed at the meeting and the person discloses the nature of the impartiality interest as soon as possible after becoming aware of the discussion of the matter of that kind.
- iv. Where an impartiality interest is disclosed in a written notice given to the Chairperson before a meeting, then:
 - a. at the meeting, the Chairperson is to bring the notice and its contents to the attention of the persons present immediately before the matter to which the disclosure relates is discussed.
- v. Where an impartiality interest is disclosed or brought to the attention of the persons present at a meeting, the nature of the impartiality interest must be recorded in the minutes of the meeting.
- vi. The disclosure of an impartiality interest does not affect:
 - a. the ability of the Panel member to discuss the matter; or
 - b. the ability of the Panel member to vote on the matter.

Confidentiality

Panel members will treat all meetings and associated meeting documentation as confidential.

Panel members will treat all Concept Design proposals as confidential and will not, without the consent of the artists, disclose or permit the same to be disclosed to a third party, other than Council and City Officers.

Adoption and Amendments of Terms of Reference

These Terms of Reference were amended and adopted by the Public Art Advisory Panel at its meeting on 8 December 2022. The Terms of Reference shall be reviewed and amended as necessary.