WAVERLEY
COUNCIL

# Public Art Policy

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| Policy owner | Arts and Culture |
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| Related policies/procedures/guidelines | Waverley Community Strategic Plan 2018-2029<br>Waverley Council Development Control Plan 2012<br>Waverley Council Local Environmental Plan 2012<br>Waverley Public Art Masterplan<br>Waverley Public Art in the Private Domain Guidelines<br>Waverley Art Collection: Acquisition and Deaccessioning Guidelines 2018<br>Waverley Council Reconciliation Action Plan 2020 |
| Related forms | Bondi Beach Sea Wall Permit |

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# 1. Background

Waverley Council has an appointed Public Art Committee that serves as a community advisory panel on all Public Art proposals in the area. The Waverley Public Art Committee makes recommendations to Waverley Council on the commissioning of permanent new Public Art works in the area by Waverley Council based on a set of criteria outlined in response to a brief. The sites identified for each newly commissioned Public Art work are outlined in the Waverley Council Public Art Master Plan. The Public Art Policy:

a) Aligns with relevant legislation on Public Art outlined in the Waverley Council Development Control Plan, Local Environment Plan, Cultural Plan and Community Strategic Plan and follows Best Workplace Practice for the Commissioning of Public Art as stipulated by the National Association of the Visual Art
b) Is implemented and monitored by Waverley Council staff and the Waverley Public Art Committee
c) Is reviewed to evaluate its continuing effectiveness every four years.

# 2. Purpose

The purpose of the Public Art Policy is to ensure that the development of high quality Public Art in public places and Public Art in private developments delivers these benefits:

a) Enhances local engagement and community
b) Creates attractive places that are welcoming, engaging and interesting
c) Enriches the experience of the place for residents and visitors
d) Adds value to the public domain
e) Creates opportunities for artists and economic growth for the creative industries.

# 3. Scope

This policy applies to all new Public Art commissioned in the Waverley Area including that commissioned by Waverley Council, Public Art required as part of new developments and building upgrades delivered by private developers and Waverley Council, and Public Art commissioned by Waverley Council in the delivery of the Waverley Public Art Masterplan.

# 4. Policy Content

Below are the Key Objectives and Principle Framework for the evaluation and assessment criteria for all new Public Art works to be considered for or commissioned in the Waverley LGA.

## 4.1 Key Objectives

The key objectives outlined below have been extracted from the *Waverley Community Strategic Plan 2018 – 2029.*

Public Art in Waverley should:

**1.1.1** ***Facilitate opportunities that recognise Waverley's unique place in the Australian contemporary landscape***

**1.1.3** *Provide a program of recreational and entertainment events that balances community and visitor experiences*

**1.2** ***Preserve and interpret the unique cultural heritage of Waverley***

**1.2.1** *Maintain the unique cultural value and heritage significance of key landmarks*

**1.2.2** *Plan and deliver a range of cultural heritage activities that inspire creativity, build participation and create learning opportunities*

**5.1** ***Facilitate and deliver well-designed, accessible and sustainable buildings and public places that improve the liveability of existing neighbourhoods***

**5.1.2** *Ensure new development maintains or improves the liveability and amenity of existing neighbourhoods*

**5.3** ***Encourage new developments to achieve design excellence***

**5.3.1** *Ensure development and construction in the public and private domain achieves excellence in design*

**5.3.2** *Encourage creativity and innovation in the building, planning, design and delivery of new buildings and public place upgrades*

**7.1** ***Undertake long-term maintenance and renewal of Council assets that meet community expectations and statutory obligations***

**7.1.1** *Implement a sustainable asset management policy and strategy*

**7.2** ***Construct and upgrade new buildings and infrastructure that meet current and future community needs***

**7.2.1** *Work with the community to deliver long-term building and infrastructure plans*

These key objectives for Public Art in Waverley exemplify Waverley's commitment to robust and vital Public Art projects that enhance its reputation as a vibrant cosmopolitan area with world famous beaches, extraordinary natural beauty, the Bondi Junction commercial hub, and a culturally diverse community.

## 4.2 Principle Framework for Public Art

Permanent Public Art in Waverley must respond to all sub-headings outlined in the Principle Framework.

**Place making (Making spaces into places)**

Public Art will stimulate the imagination with creative expression, innovation and invigoration of space. It will ensure the integration of art into the everyday experience of the area for locals and visitors alike.

The relationship between the artwork and the built and open environment, its audience, and other contextual factors all contribute to its impact. Public Art will invigorate the areas of new developments that are visible and open to the public to actively enhance the character of the area, increasing connectivity and pride of place within the local community, adding cultural value.

**Artistic Merit and Integrated Design**

Public Art in Waverley aspires to quality, innovation, creative integrity, and the enrichment of public life. Public Art will be of artistic merit both in content and execution, displaying technical skill, craftsmanship, conceptual rigour and ingenuity, while meeting all deadlines and budgetary

requirements. The measures for artistic merit can be ascertained from an Artist's CV, including professional training, exhibition history, critical review, awards, previous commissions and overall artistic profile.

Proposed Public Art projects in new and private domain developments must be integrated into the overall design and architectural plans submitted with a DA, and evidence a collaborative design process that directly engages an artist in the development of the Public Art work within the proposed built form.

**Local Culture and Heritage**

Waverley encourages Public Art that reflects and celebrates the area's diverse cultures and communities. Public Art should respond to local stories, history and conversations, creating opportunities for social engagement and pride in the area. It may also engage with the national and international profile of Waverley places.

Waverley Council recognises the area's Indigenous history and welcomes Public Art acknowledging the stories, traditions and customs of the original custodians of the area.

All appropriate cultural protocols and required consultation must be implemented at the onset of the process in development of new Public Art works and be evidenced in DA submissions.

**Sustainability and Materiality**

Public Art in Waverley should give due consideration to materials, design and construction, durability and longevity in its environment. Sustainability must be considered in terms of the ability of the work to endure physically and in terms of social relevance, environmental sustainability and artistic integrity. Permanent Public Art works must provide detailed material and engineering certifications evidencing a minimum lifespan of ten years.

## 4.3 Outcomes / Actions

4.3.1 Waverley Council has adopted a Masterplan that identifies locations for the commissioning and delivery of site specific of Public Art in Waverley. The Masterplan is funded biannually in the Waverley Council Capital Works program.

4.3.2 All major Waverley Council driven new developments will incorporate site specific and appropriate Public Art into the overall budget and planning processes.

4.3.3 Waverley Council will identify major Private Domain developments in B1, B3 and B4 zones that trigger the conditions for integrated Public Art and will oversee this as part of the DA conditions for new developments.

4.3.4 Waverley Council will develop and maintain networks and partnerships with businesses, artists, curators, arts organisations, neighbouring Councils and other relevant stakeholders in the delivery of an exceptional program of Public Art in Waverley.

4.3.5 Waverley Council will ensure that all permanent works of Public Art in Council controlled land are subject to community consultation before approval if commissioned outside of an overall DA process.

4.3.6 Waverley Council will develop a maintenance plan and allocate appropriate funds through the Strategic Asset Management Plan for all Public Art works in the area.

4.4 Feedback and Consultation

The following process is outlined for the purpose of feedback and consultation:

4.4.1 All permanent Public Artworks commissioned by Waverley Council from the Waverley Public Art Masterplan must go out for community consultation during the detailed design stage and the final commission approved by Waverley Council, in line with the framework and actions stipulated in Council's Community Engagement Policy and Strategy

4.4.2 Determinations for Public Art in the Private Domain approvals will be authorised in the DA process once procedures outlined in the Public Art in the Private Domain Guidelines have been followed.

4.4.3 Temporary Public Artworks can be approved at staff delegation, though there may be circumstances where the advice of the Public Art Committee is sought for consultation. In the instance of a temporary public artwork in particularly high profile zones, heritage zones or of a significantly high dollar value, a report may be made to Council for information.

4.4.4 All Agendas and Minutes of meetings of Waverley Council, Waverley Public Art Committee, Waverley Design Excellence Panel, Traffic Committee, Multi-Cultural Committee, and any specific or specifically appointed cultural reference or steering group will be made available, as relevant, to the artist, practitioner or developer to ensure advice and feedback is transparent.

4.4.5 Waverley Council staff must maintain all records relevant to administering this policy and procedure in a recognised Council record keeping system.

4.5 Funding

Waverley Council has financial funding of $100,000 in the Capital Works program every other year for the commissioning of a new Public Artwork in the Waverley LGA.

Waverley Council's **Development Control Plan 2012 (Amendment 8)** stipulates:

> *A public artwork is required for all development in B1, B3 and B4 zones, with a proposed construction greater than $10 million. The artwork is to be valued at 1% of the overall construction cost of the development as noted in the Waverley Development Application Guide. Development must comply with the provisions of Part B11 Public Art and B12 Design Excellence of the Waverley Development Control Plan*.

Developers who have triggered Public Art requirements in pre-DA conditions should refer to Waverley Council's **Public Art in the Private Domain Guidelines and Procedures** for clarity on processes to ensure approvals are obtained expediently through the overall DA process. It is advised that developers meet with staff from the Visual Arts team to discuss the Public Art component of their development as soon as they are notified of the requirement by the Duty Planner.

# 5. Review of Policy

The Waverley Public Art Policy, Public Art in the Private Domain Guidelines, and Process and Procedure Manual will be reviewed every four years by Waverley Council staff including Duty

Planners, Strategic Planners, DA Assessment officers, Arts and Culture officers, and all relevant advisory groups including the Design Excellence Panel and Waverley Public Art Committee.

# 6. Definitions

| Term | Definition |
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| **Public Art** | Public Art can take many forms in many different materials. It can be free-standing work or integrated into the fabric of buildings or outdoor spaces. It can be a sculpture, installation or even a performance work. Practitioners may work individually or with other practitioners and manufacturers to produce their works.<br><br>Public Art can be permanent, lasting many years, or temporary, lasting a few hours, days or months. It can be site-specific, drawing its meaning from and adding to the meaning of a particular site of place, or non-site specific, located in a public place primarily for display purposes.[i] |
| **Public Art in the Private Domain** | Artworks commissioned specifically as conditions of private developments. Public Art in the Private domain must be commissioned in spaces that are directly viewable and accessible to the public for the public to experience and contribute to the identity of the overall development for the community within and external to the building. |
| **Placemaking** | Placemaking facilitates creative patterns of use in public space drawing on a community's localised social and cultural identity. Placemaking aims to strengthen the connection between people and the places they share putting community based participation as the core principle. [ii] |
| **Integrated** | Collaboration between architects, landscape architects, planners and practitioners that works to cross disciplines, transcend hierarchies and develop highly innovative and relevant integrated design solutions for public places.[iii] |
| **Site Specific** | Designed specifically for, and responsive to, a particular site through scale, material, form and concept.[iv] |
| **Practitioner** | A practitioner is engaged to develop a concept in response to a brief at the start of the commissioning process. Often a practitioner will subcontract to others to help fabricate and install a commissioned artwork.[v] |
| **Professional Artist** | A professional artist is someone who has an established track record as an artist creating and exhibiting original artworks. Professional artists may be categorised as emerging, mid-career, or established in their career. At times it may be appropriate for a commissioner to seek out artists in any one of these specific categories to carry out the work, or to seek out people outside the definition of a professional. [vi] |
| **Collaborative practice** | The project is realised by a design or artistic team of practitioners rather than the creative vision of a single practitioner. The team may involve |

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| | other professionals such as architects, landscape architects, graphic designers or a team of practitioners working in collaboration. In this case the practitioner is engaged as an artist consultant to contribute to an overall collaborative design process, which may or may not result in a distinct work being produced by the practitioner later in the process. All members of the collaborative team need to be brought together at an early stage of the project in order to ensure that the overall design is created through a process of collaboration. [vii] |
| **Community Consultative practice** | The project either requires or allows for consultation with relevant community members that informs and influences the project to some degree. Projects can be structured to allow for community input at any or all stages, from the development of the artist brief to design and selection, manufacture and installation. The commissioner will provide the artist with a description of the stakeholders, the consultation process, and the intended role of the artist in any consultation. The artist may independently recommend or undertake consultation as part of the artistic process[viii] |
| **Community Participatory practice** | The practice in which members of a community actively participate in the design and fabrication of an artwork. These projects generally fall within the field of community art and should be facilitated by an experienced community artist or arts worker. Practitioners undertaking community arts projects need to be aware that copyright and moral issues may not be as straight-forward as those relating to the creation of artworks by one individual. An approach to authorship should be determined before the start of the project[ix] |
| **Cultural Protocol** | Projects that engage with specific or identified cultural knowledge, customs, stories, traditions, language, rituals or expressions require a process of seeking and gaining approval to ensure the upmost respect is shown to cultural protocol. Cultural protocol is showing respect to the specific group, owner or custodian of a cultural practice. Best practice suggests clear discussion at the outset regarding project scope and how cultural heritage is proposed to be used. This includes consent obtained or required to be obtained to use cultural heritage, ongoing consultation requirements and processes.[x] |
| **Permanent** | The status given to a Public Artwork with a minimum life expectancy of ten years |
| **Temporary** | The status given to a Public Artwork with a maximum life expectancy of five years |
| **Relocation** | Circumstances sometimes arise where redevelopment of a site, upgrades, sustainability and environment issues changes to WHS regulations or impending construction render a Public Artwork inappropriate to its context and require it to be relocated to a new context suitable to its character, materiality and form[xi] |

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| **Maintenance** | The process and procedures for preserving the condition, situation and quality of an object |
| **Acquisition** | The formal process of obtaining legal possession by purchase, donation or through bequest of an item for the 'Art Collection'. Information about the object including its name, a short description of it, the date on which it was acquired, the provenance of the object, legal documents outlining transfer of title and from where it was sourced are recorded in a register.[xii] |
| **Deaccessioning** | The formal process of removal of an object from the 'Art Collection' register, catalogue or database.[xiii] |
| **Loan** | An artwork borrowed for a short or long-term exhibition from a private collection, individual collector or as an inter-gallery/museum loan and is not available for sale[xiv] |
| **Commissioning** | The term 'commissioning' is often used in a variety of contexts to refer to the mode of enabling the production of a new artistic work by a client[xv] |
| **Recommissioning** | The term 'recommissioning' refers to the mode of enabling the reproduction of an already existing artistic work by its original creator using the original plans, design or blueprint for the work. Recommissioning typically happens when an artwork is broken or damaged beyond repair[xvi] |

[i] NAVA Code of Practice: 3.2 Types of Public Art
[ii] Project for Public Spaces: adapted from definition outlined in: What if We Built Our Communities Around Places?
[iii] NAVA Code of Practice: 3.2 Types of Public Art
[iv] Public Art: Making it happen: Government of South Australia p.4 Descriptors
[v] NAVA Code of Practice: 3.2 Types of Public Art
[vi] NAVA Best Practice for Commissioning Art in Public Space p.9 The Artist/Practitioner
[vii] NAVA Code of Practice: 3.2 Types of Public Art
[viii] NAVA Best Practice for Commissioning Art in Public Space p.6 Community Consultative Model
[ix] NAVA Best Practice for Commissioning Art in Public Space p.7 Community Participatory Model
[x] NAVA Best Practice for Commissioning Art in Public Space p.6 Community Consultative Model
[xi] Waverley Art Collection: Acquisition and Deaccessioning Guidelines 2018
[xii] MGNSW Collection Management: Acquisition Facts Sheet
[xiii] MGNSW Collection Management: Deaccessioning and Disposal
[xiv] NAVA Code of Practice: 7.4.3 Artist Loan Fees
[xv] NAVA Code of Practice: 7.4.2 Commissioned Artist Fees
[xvi] NAVA Code of Conduct: 7.4.2 Commissioned Artist Fees