

Public Art Policy
2010

SYDNEY
HARBOUR
FORESHORE
AUTHORITY





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1.0 Introduction

The Public Art Policy (the Policy) provides general guidelines and specific criteria for the evaluation and formal acceptance of all public art proposed to the Sydney Harbour Foreshore Authority (the Authority) by the general public, the private sector or other government agencies.

The Policy sits within an overall framework of legislative and corporate policies, plans and strategies that collectively deliver the objectives and responsibilities of the Authority. The Policy outlines objectives for public art that amplify and support the Authority's vision as well as providing prescriptive criteria and conditions for the evaluation, acceptance, procurement and ongoing management of public art.

1.1 Sydney Harbour Foreshore Authority

Sydney Harbour Foreshore Authority owns and manages some of the State's most significant assets, including Sydney's heritage and cultural precincts at The Rocks and Darling Harbour.

With more than \$1.1 billion in assets and around 230 employees, the Authority manages significant commercial and retail leases, provides security, cleaning, building maintenance and other facility management services, and cares for the public domain and more than 140 heritage items.

The Authority also operates tourism and marketing services and holds significant events in The Rocks and Darling Harbour each year. Between them, the precincts attract more than 40 million visitors annually.

The Authority also owns sites at White Bay Power Station, Rozelle railway yards and Ballast Point and manages other major waterfront assets around Sydney Harbour on behalf of other agencies.

Sydney Harbour Foreshore Authority was formed in 1999 under the *Sydney Harbour Foreshore Authority Act 1998* to consolidate the work and functions of City West Development Corporation, Darling Harbour Authority and Sydney Cove Authority.

Our vision

We make unique places in Sydney that the world talks about.

Our purpose

Creating and sustaining living places for great experiences.

Our community charter

Enhance the Authority's areas as accessible, rich and diverse environments for all communities, while protecting their natural and cultural heritage.

1.2 Purpose of the Public Art Policy

The purpose of the Public Art Policy is to develop a framework for the management and promotion of public art as follows:

- > Provide guidelines for art that enhances, animates and gives added meaning to the unique natural, cultural and social environment of Sydney's waterfront
- > Provide guidelines for art that is appropriate to the character and significance of its location and its day-to-day use
- > Provide a framework of objectives and guidelines for the commissioning of art that will amplify and support the Authority's wider corporate vision
- > Provide a clear, consistent and transparent system for the evaluation and formal acceptance of artworks for the public domain
- > Provide information on procedures for the acceptance and procurement of public art
- > Provide a framework for sustainable, best practice management and care of the Authority's collection of public art.

1.3 Application of this policy

State Environmental Planning Policy (Major Projects) 2009 identifies sites declared to be State significant and which are owned and managed by the Authority on behalf of the NSW Government. All public art proposals for these areas will require planning approval. The Policy applies to all land as illustrated in Figure 1 below.

This policy applies to the following situations:

- > A tenant proposal for public art within a lease area which is directly adjacent to or visible from the public domain (subject to lease terms)
- > A tenant or public proposal to license an art installation within the Authority's public domain
- > A proposal by the Authority for an art installation to be owned and managed by the Authority within its public domain
- > A proposal for a gift of public art to the Authority to be owned and managed by the Authority within its public domain.



Figure 1. Major owned or managed land by Sydney Harbour Foreshore Authority.

2.0 Policy Objectives

2.1 Introduction

Sydney Harbour's great natural beauty has made its foreshore a sought after location. Embracing distinct and diverse precincts, the harbour foreshore precincts will continue to experience change and transformation as urban improvement and redevelopment takes place. It is the Authority's responsibility to ensure the creation of rich, diverse and sustainable environments by delivering high quality urban and environmental outcomes while at the same time protecting the natural and cultural heritage of its precincts.

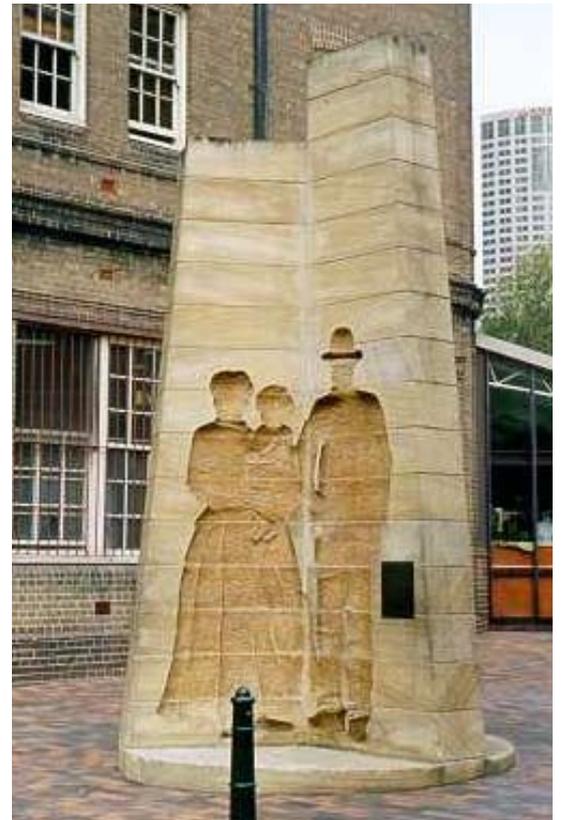
The diverse character of the precincts under the Authority's stewardship affords opportunities for a wide range of public art in scope, scale and subject matter.

2.2 Objectives

In line with the Authority's commitment to creating accessible, rich and diverse environments for all communities and delivering high quality urban and environmental outcomes, the Public Art Policy will embrace a wide diversity of art while requiring a high standard of artistic quality and appropriate and meaningful connections between art and site in all instances.

The objectives of the Policy are to:

- > Ensure excellence of public art
- > Require original, innovative art that reflects contemporary art practice
- > Ensure the creation of art that will contribute to the animation, enhancement, enjoyment or understanding of its context
- > Ensure that art is appropriate to the significance and character of its location and that both art and site mutually benefit from their association and interaction
- > Encourage and ensure a diverse range of art in keeping with the unique qualities of the Authority's diverse precincts
- > Enhance the design and functionality of the public domain
- > Encourage the private sector to integrate high quality and innovative art into the design of the built environment
- > Ensure robust, durable art that will retain its quality and integrity over time
- > Ensure that all future public art projects are procured and managed in accordance with this Policy.



3.0 Policy Guidelines for Artwork Proposals

The policy recognises that contemporary art consists of a highly diverse and constantly evolving range of activities and outcomes.

For the purpose of this Policy, art is defined in the broadest sense as the product of artists who intend their work or activities to be seen and understood as art. Embracing material and immaterial products, art also includes concepts and activities which emanate from the creative thinking of artists.

All proposals for public art are to be objectively evaluated. In certain instances art proposals may be referred to an independent art advisory panel for review and assessment.

3.1 Public Art

Public art is defined as the creation of art to be integrated or placed in the public domain, but also includes the conceptual contribution of artists working as part of interdisciplinary teams in the design of public domain open space or facilities.

For the purposes of this Policy, the public domain means:

- > Public places that are situated within the foreshore areas and that are vested in or managed by the Authority, including parks, outdoor recreation facilities, streets, lanes, pathways and foreshore promenades
- > Open spaces, under a lease or licence agreement with the Authority, adjoining and contiguous to public places described above, which are physically accessible to the general public (i.e. not contained within a building or enclosed structure).

3.2 Gifts/Bequests/Loans

Offers of gifts, donations, bequests or loans of art will be considered only if they meet the objectives and criteria of the Policy. Any proposed donation or loan will be required to comply with the conditions and procedures of the Policy (part 5) prior to acceptance.

3.3 Memorials

Memorials are defined as installations that pay tribute to people or events that may be associated with a place.

All proposals for commemorative memorials will be considered only if they address and meet the objectives and criteria of the Policy. Proposals for memorials will be required to demonstrate a clear and significant relationship to the proposed location, and should demonstrate substantial and broad community support. Any proposed memorial will be required to comply with the conditions and procedures of the Policy (part 5) prior to acceptance. In all cases, all proposals will also require in-principle approval by the Authority's Board.

This Policy does not apply to installations that are part of the coordinated Interpretation Strategies prepared and managed by the Authority (refer to The Rocks Interpretation Strategy).



3.4 Temporary Art Projects

The Authority permits the animation of the public domain by temporary or ephemeral art projects.

Temporary art projects / performances associated with events that comply with the Authority's Outdoor Events Policy do not require separate development consent but will still be subject to a Licence Agreement with the Authority. Organisers of temporary art projects, performances or events should consult the Authority's Outdoor Events Policy for information on procedures and obtaining permits.

3.5 Art in Private Developments

As part of the Authority's commitment to creating and managing high quality and significant places for Sydneysiders, and recognising the special ability of artists to contribute to a sense of place, the Authority encourages the participation of artists in the design of the built environment.

The Authority encourages the private sector to integrate art in the design and budgeting of all appropriate development projects, particularly in those areas physically accessible or visible to the public such as open spaces and building facades.

The private sector may be required to provide public art through conditions of consent to a Development Application. The Public Art Policy should be used as a guide in the consideration of design objectives and procurement procedures, in conjunction with advice from the Authority.



4.0 Criteria for Evaluation

All proposals for artworks submitted to the Authority will be evaluated according to the following criteria:

- > Consistency with the aims and objectives of the Sydney Harbour Foreshore Authority's Public Art Policy
- > High standards of artistic quality
- > Originality and integrity of the artwork
- > Technical feasibility and ability to successfully realise the proposal
- > Contribution of the artwork to the animation, enhancement, enjoyment or understanding of its context
- > Appropriateness of the artwork to the context of the site
- > Impact on the public's day-to-day use of the public domain
- > Durability of the artwork and its ability to withstand weathering and physical contact over time
- > Safety of artwork including (but not limited to) the design, choice of materials and proposed location
- > Life cycle costs
- > Demonstrated substantial community support for a proposed memorial
- > Consistency with relevant planning, urban design, heritage and environmental legislation, policies and Plans of Management

Note that obscene, offensive, obnoxious, derogatory or defamatory material, as defined in NSW Legislation, will not be permitted.



Art should... enhance, animate, celebrate, inspire, stimulate, amplify

5.0 Conditions

The Authority insists on the following conditions for all public art proposals submitted to the Authority. These conditions must be met or agreed to prior to formal acceptance of any public art and will be incorporated into all commissioning or procurement contracts.

5.1 Contracts

The Authority will issue contracts or joint agreements for all public art whether commissioned by the Authority or proposed by third parties, including other government agencies. Issues to be addressed include ownership, insurances and other matters to be determined on a case by case basis. This requirement for contracts will not apply to public art proposals contained within leased areas.

5.2 Funds

Proposals for public art must demonstrate sufficient funds to cover all aspects of the project costs including permits, procurement, installation and plaques. In addition, the Authority will require an upfront contribution for the ongoing maintenance of the artwork. The exact amount of the maintenance contribution is to be calculated upon completion of the maintenance schedule.

5.3 Life and Review of the Artwork

All public art accepted by the Authority will generally be on the basis of an agreed timeframe. This timeframe may be reviewed at any time during the originally agreed life cycle if the Authority has concerns regarding the condition of the artwork or safety aspects.

5.4 Relocation, Removal and Disposal

The Authority may at its absolute discretion and at any time relocate, remove or dispose of public art on land which it owns. The Authority will respect the provisions of the Copyright (Moral Rights Amendment) Act and give artists the opportunity to indicate preferred disposal options in commissioning contracts. The Authority will use its best endeavours to consult with the artist when it wishes to relocate or dispose of an artwork.



6.0 Procedures

6.1 Proposals

For the Authority to give consideration to the installation of art objects within the public domain it will require well-developed proposals that address the Policy Objectives (2.2) and Evaluation Criteria (4.0) and include the following additional details:

- > Artwork description and/or project rationale
- > Artist/s or proposed method to select artist/s
- > Preferred site description
- > Budget estimate
- > Program outline.

6.2 Delivery Procedures

Procedures for the commissioning, public consultation, procurement and formal acceptance of public art may vary according to the type of project, the procurer and the preferred site.

Specific details of delivery procedures will be agreed with the Authority on a case by case basis.

6.3 Development Approval

All permanent public art proposals will require development consent. If the proposal is valued at less than \$5 million, it will be assessed by the City of Sydney, or if greater than \$5 million, by the NSW Department of Planning.

Most temporary public art proposals will be considered 'exempt development' under SEPP No. 60 Exempt and Complying Development if they comply with the provisions of the Authority's Outdoor Events Policy (refer to part 3.4), however a License Agreement must be obtained from the Authority for the temporary occupation of the public domain.

6.4 Collection Management

The Authority maintains a database of public artworks which is regularly updated to include artworks that have been recently procured. The database records the details of each artwork, its provenance, location and an outline of routine maintenance requirements.

