

CHAPTER 5.48 NORTHERN AREAS - PUBLIC ART

5.48.1. INTRODUCTION

Public Art refers to those creative and original works sited in public places, or locations visible from the public domain, and which have the intention of integrating a development into the cultural or environmental context in which it is situated. Public art can encompass a wide range of art forms and mediums including free standing sculpture, custom designed furniture, lighting, interpretive components, kinetic works, gateways, walk-through installations and facade treatments.

Local government is progressively more involved in implementing requirements to ensure major development, including commercial, public administration and retail development contributes to the variety of public art work in the public domain. As major development can include significant portions of public domain this type of development has the potential to integrate public art into its design and effectively amalgamate development into the environment in which it is situated.

The redevelopment of The Entrance Main Street, The Entrance Foreshore, Toukley Village Green and Swadling Park are examples of how public art can achieve or contribute to an active and vibrant public domain. Photographic examples are included in appendix A, which demonstrate the ways in which public art enriches people's lives and increases their engagement with the arts, and the ability of public art to provide a meaningful contribution to the built environment.

Effective public art will be unique in the way it both reflects and contributes to the distinctive identity of an area. This is achieved through interpretation of the immediate environment and prominent local characteristics.

This Chapter recognises that public art is varied and consists of different forms depending on the multiple identities of an area or community. The former Wyong Shire Council's Public Art Policy places a high value on public art that is site specific, innovative and integrated into current or future urban design themes.

Where there is an inconsistency between the provisions to which this Chapter relates and any other Chapter, the provisions of this Chapter shall apply.

This Chapter should be read in conjunction with the relevant supporting documents which include the former *Wyong Shire Council Policy and Implementation Plan for Public Art 2013* available at <https://www.wyong.nsw.gov.au/my-community/arts-and-culture> and the *Public Art Guidelines* which provide additional information relating to the installation of public art. These are available at Council's Customer Service Centre.

5.48.1.1 Objectives of this Chapter

- To provide guidelines to enable major development to contribute to public art within the former Wyong Local Government Area (LGA)
- To prescribe requirements for the provision of public art within major developments valued at \$5M or more and to ensure that these developments provide financial allocation towards public art
- To include public art within major developments so as to better integrate development into the environmental and cultural aspects of a locality and ensure major development contributes positively to the streetscape
- To involve public art as an integral part of the development process for major development, and encourage communication between proponents, artists and design professionals in order to achieve a multi-disciplinary team based approach to the provision of public art

- To support economic development and the creation of opportunities for creative industries within the Shire through an improvement of the built environment and public domain
- To ensure public art follows design and concept criteria appropriate to the former Wyong Shire, through the provision of conceptual considerations detailed in section 3.1 of this Chapter
- To provide more possibilities for residents and visitors to the Shire to participate in and view the arts as a part of their lives
- To promote the integration of economic, social and ecological sustainability principles into development in order to encourage vibrant and liveable communities, facilitate economic development and prosperity, and provide for the future health of the local environment

5.48.1.2 Where this Chapter Applies

This Chapter applies to major development in the former Wyong Shire LGA. Public art referred to in this Chapter will generally be located within the curtilage of the site of the major development. Consideration may be given to locating public art within publicly owned land providing the requirements of this Chapter are satisfied and public liability and ongoing maintenance matters are addressed to the satisfaction of the Public Art Advisory Group (PAAG) and Council Officers.

5.48.1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.15 – Signage and Advertising
- Chapter 3.6 – Heritage Conservation
- Part 4 –Major Centres (where relevant)
- Part 5 – Location Specific Development Provisions (where relevant)
- Council’s Civil Works Specification

5.48.1.4 Relationship to Contribution Fees and other Levies

Proponent funds toward the Public Art Budget will not be collected as a section 7.11 contribution under the *Environmental Planning and Assessment Act, 1979* or other levy. Proponent funds toward the Public Art Budget are to be dedicated, as part of the overall development budget, to the engagement (by the proponent) of the artist and public art coordinator or verified project manager to undertake planning, design, development and installation of a public artwork.

5.48.1.5 Glossary

Note: Generally, the terms used in this Chapter have the same meaning as those terms are defined within the Central Coast Local Environmental Plan (LEP) 2022. Where a term is defined within the Central Coast LEP 2022, it is not repeated here. The following additional terms are relevant to this Chapter:

artist verification statement refers to a document signed by the commissioned artist which verifies that the artist is satisfied with the final design concept in regard to the proposed integration of the artwork into the subject site.

certificate of completion refers to a document signed by the commissioned artist which verifies that the public artwork has been completed and installed on site.

development cost refers to the total financial cost to the applicant of a proposed development excluding the cost of land and associated holding costs. This includes the planning and project management of the development.

kinetic works refers to art that utilises movement in that it contains moving parts or depends on motion for its effect.

major development refers to commercial, public administration, and retail (shops) development valued at \$5 Million or greater in terms of total development cost.

prequalified list refers to a public register of self-nominated Public Art Project Managers who have been assessed by Council to satisfy the public art project manager criteria. The Prequalified Public Art Project Managers List is available from Council's Website.

public art means creative and original works sited in public places, or locations visible from the public domain, with the intention of integrating a development into the cultural or environmental context in which it is situated.

public art advisory group is a group established by Central Coast Council as a result of the adopted Public Art Policy and Implementation Plan, who provide reporting and advice to Council on proposed public artworks.

public art budget is the total financial allocation towards a public artwork, which includes any coordination costs, community engagement, artist fees and the cost of materials and construction and excludes the cost of land where upon public art is located.

Public Art Coordinator is a specialist role responsible for the planning, management and reporting of the proposal. This can be selected from Council's prequalified list, or an unregistered coordinator can be utilised who meets the requirements of the role.

public art masterplan is the documentation submitted with the development application which includes the identification of a Public Art Coordinator and Project Artist(s), summarises research, site assessment, art concept development and artwork location(s), reporting of proposed conceptual design including fabrication techniques and materials, consistency with Appendix A, and relevance of the concept to the site and surrounding area.

public administration development means development for the purposes of an office, administrative or other like purposes by the Crown, a statutory body, or an organisation established for public purposes, and includes a courthouse or a police station.

public domain refers to any permanent or temporary space, whether publicly or privately owned, that can be accessed and used by the public and/or is publicly visible.

site specific in reference to public art, denotes original art work that is developed and designed specifically in response to, and for location in, a particular site. Artwork that is of a generic design and has not been developed in response to the specific site is not considered to comply with this definition.

verified project manager refers to a project manager who has demonstrated skills, experience and ability that enables them to also take the role of a public art coordinator.

5.48.2 PUBLIC ART DEVELOPMENT REQUIREMENTS

Public art provides scope for integration between major developments and the community, culture and environment in which they are constructed, as well as for major developments to enhance their distinctiveness through a unique and quality design interface. The procedure below sets out the application process and the information required by Council for the public art component of major development.

5.48.2.1 Development Requirements

5.48.2.1.1 Major Development

- a Major developments valued at \$5M or greater must implement public art as part of the development with a *minimum* of 1% of the total cost of the development to be designated to the public art budget. Funds toward the Public Art Budget remain part of the Proponents overall development budget for the engagement by the proponent of the artist and public art coordinator or verified project manager to undertake planning, design, development and management of a public artwork. Developments valued at \$5M or more will therefore require a minimum of \$50,000 to be utilised for public artwork.
- b The public artwork is to be generally located within the curtilage of the development site proposed for the major development except where the proponent has entered into a mutual agreement with Council to provide the public artwork on public land, and where the provision of public art on public land is consistent with the requirements of this Chapter.
- c Applicants must engage a Public Art Coordinator or verified project manager responsible for the planning, management and reporting of the public art.
- d Consultation and pre-lodgement discussions with Council staff are recommended to ensure that any issues are resolved at the earliest date possible. These pre-lodgement discussions can also assist by verifying the qualifications of the project manager who may not be pre-approved on the Council register for public art coordinators.

5.48.2.1.2 Provisions for Mixed-Use Development

Where any commercial, public administration, and/or retail portion of a mixed-use development exceeds \$5M the requirements of this Chapter shall apply.

5.48.2.1.3 Preliminary Application Requirements

The applicant is encouraged to submit a preliminary application for the public art component of the major development prior to lodgement of a development application. Preliminary applications for major developments should include the following:

- a Identification of the public art coordinator or verified project manager;
- b Preliminary schematics for the public artwork which can include sketches, montages, digital renditions or other suitable concept schematics;
- c The anticipated public art budget and necessary quotations; and
- d A preliminary description of the proposed public artwork including potential materials to be used and a brief explanation as to the intention of the artwork and sensitivity to existing urban design qualities.

5.48.2.1.4 Development Application Requirements

- a Development applications for major developments are required to include the following:
 - i identification of the public art coordinator or verified project manager;
 - ii a description of the proposed public artwork including materials to be used;
 - iii The location of the artwork within the subject site and dimension details (height, width etc.);
 - iv justification as to how the proposed artwork satisfies section 5.48.3.1 of this Chapter; and
 - v a description as to how the proposed artwork integrates into the site and surrounds, the development intention of the artwork and sensitivity to existing urban design qualities.
- b Where development is located in an area of natural, cultural, or economic significance, the applicant must demonstrate how the public artwork is responsive to these attributes.
- c Where development is located within an identified gateway or key site under any other chapter of this DCP the public artwork should be consistent with the objectives and design themes of the relevant DCP Chapter. The applicant is to demonstrate how this is achieved.
- d Research and consultation documentation undertaken throughout the concept development process for the artwork.
- e The anticipated public art budget and necessary quotations.
- f An Artist Verification Statement which provides evidence that the artist has viewed all documentation to be submitted as part of the development application and is satisfied that the submitted documentation is consistent with the final design concept of the artwork.
- g The design concept along with the Masterplan for the public artwork is to be submitted as part of the development application and referred through the PAAG process – refer to the former Wyong Shire Council PAAG Operational Framework available on Council’s website for a detailed outline of the PAAG process.
- h The final design concept must be approved by the PAAG prior to issue of the initial Construction Certificate for the major development.

- i The public artwork is to be constructed and installed prior to release of an Occupation Certificate for the major development.
- j A Certificate of Completion is to be signed by the artist and submitted to Council prior to the release of an Occupation Certificate for the major development.

5.48.2.1.5 Public Art Budget

- a The Public Art Budget includes the total financial allocation towards a public artwork. This can include all pre-lodgement investigations, design advice, community engagement, coordination costs, artist fees, cost of material, and construction costs but excludes the cost of land where upon the public artwork is located.
- b Public Art can be incorporated into the design features of a building. The finances allocated toward the construction of a building can be included into the public art budget if this component is demonstrated to be public art. The artwork may serve a dual role of providing effective public domain services such as lighting or shading, provided the work is consistent with the objectives and definitions of this Chapter and its appendices. Council will exercise discretion as the determining authority in regards to whether the design concepts proposed as 'public artwork' satisfy the requirements contained within this Chapter.

5.48.2.1.6 Procedure for Including Public Artwork within Major Development

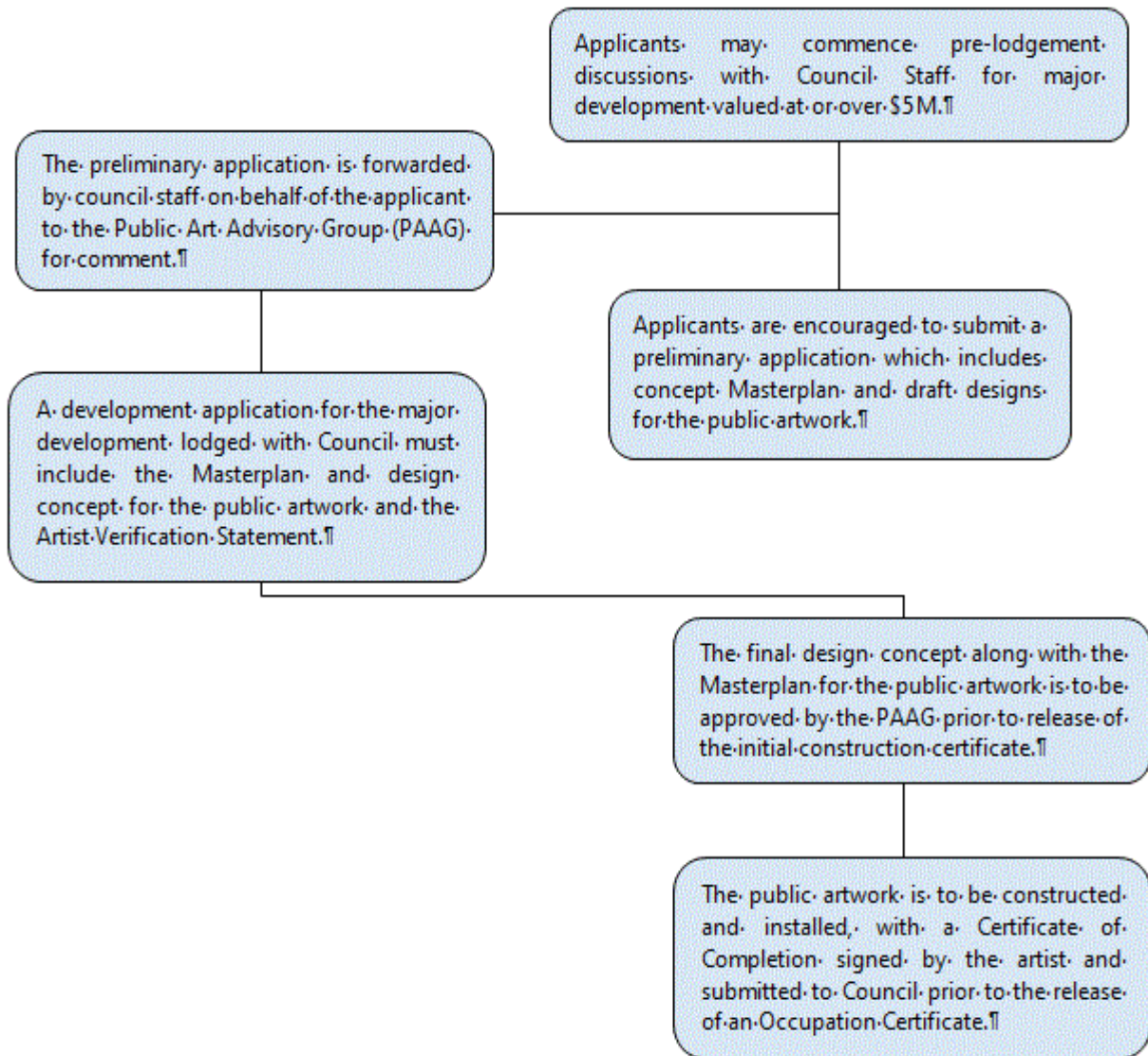


Figure 1 Procedure for installing public artwork

5.48.3 PUBLIC ART CONCEPTUAL CONSIDERATIONS

5.48.3.1 Conceptual Relevance to the former Wyong Shire LGA

High quality public art has the potential to contribute to the daily experiences of residents and visitors through the interpretation of local culture and heritage, and other social and environmental factors. The conceptual considerations listed below are largely informed by the *Policy and Implementation Plan for Public Art 2013*, a policy document which underpins this Chapter.

To ensure public art is effectively integrated into its context, the concept and design of proposed artworks must consider, where relevant, the following:

- a **history** - the many layers of history and contemporary culture which make any location or place within the Shire rich with content;
- b **culture** - modern society and its wide-ranging impacts on how different social and cultural groups within the Shire understand their place in the world;
- c **environment** - the qualities of coastal and hinterland landscape, natural light, topography and local flora and fauna within the locality;
- d **urban form** - existing urban character and desired future character of the area as well as site specific characteristics;
- e **sustainability** - the increasing role of government and community in the movement toward a sustainable future.

APPENDIX A PHOTOGRAPHIC EXAMPLES

The following photographic examples of Public Artworks are indicative of different public art typologies which have been successfully developed in response to a specific site. These examples must be taken as indicative only and are not to be used as exact requirements or reproduced in any way. While the examples provided here do not cover the breadth of artwork potentially available for use within major developments, the following photos demonstrate how effective public art can enhance an area and streetscape

Multi-media Installation

Commissioning Body: *Museum of Sydney*

Artist: Fiona Foley and Janet Laurence

A site-specific piece commissioned for the forecourt of the Museum of Sydney at its opening in 1995. The installation includes 29 sandstone pillars, and wood and steel materials which are arranged as a walk-through installation and entrance statement to the museum.

The pillars symbolise the 29 Aboriginal clans from around Sydney and include wooden pillars from trees once grown in the area which have been recycled from demolished industrial buildings within Sydney. The work is an example of how public art can provide meaning by connecting modern localities to their cultural heritage.



Figure 2 'The Edge of Trees'



Figure 1 'The Edge of Trees'



Figure 3 'The Edge of Trees'

Ceramic Mural

Commissioning Body: Marrickville City Council

Artist: Luis Geraldés

This mural was commissioned for placement opposite a Petersham café and restaurant strip frequented by many residents of migrant heritage, especially Portuguese. The mural was commissioned to commemorate the visit in 2002 to Marrickville of the Portuguese President and provides a definite identity to the street and is viewable from the shops opposite (see Figure 7).



Figure 5 Ceramic mural



Figure 8 Ceramic mural



Figure 6 Ceramic mural



Figure 7 Shop front opposite ceramic mural

Custom Streetscape Fencing

Commissioning Body: *Unknown*

Artist: *Unknown*

Located along a restaurant and café strip and opposite the beach at Brighton Le-Sands, Sydney, this work sets the theme of food, eating and enjoyment, providing a less formal boundary between the footpath and road for pedestrians and motorists. It marks the area as a unique place and destination and as a place to remember.



Figure 9 Streetscape custom fencing



Figure 10 Streetscape custom fencing

Integrated Custom Pathway



Figure 11 Integrated custom pathway

Commissioning Body: *Wyong Shire Council*

Artist: *Margrete Erling*

Pavement artwork for forecourt area at Gravity Youth Centre, Lake Haven,. This artwork provides an example of how public art can be integrated into a site and perform a dual role for the development.

Heritage Installation / Gateway



Figure 12 Heritage installation / gateway



Figure 13 Heritage installation / gateway

Commissioning Body: City of Canterbury

Artist: Unknown

As part of the City of Canterbury Heritage Program an unknown artist was commissioned to develop public art at Mary McKillop Reserve. The works resulted in the creation of an entranceway and resting place utilising custom designed components and interpretive signage, establishing the name and theme for a reserve whilst also being part of a 'heritage walk'.



Figure 14 Heritage installation / gateway

Façade Treatment



Figure 15 Façade treatment

Commissioning Body: *Unknown*

Artist: *Unknown*

Façade treatments provide an opportunity to integrate public art as an architectural feature of a development which offers visual interest to a site. Treatments can also function as a street corridor which affords a unique identity to the streetscape and provides diversity in built form.

Custom Designed Utilities



Figure 16 Custom designed utility

Commissioning Body: *Unknown*

Artist: *Unknown*

This bicycle stand at Canterbury Station provides a creative solution to a functional community utility.

Single Sculpture



Figure 17 Single sculpture

Commissioning Body: *City of Sydney*

Artist: Simeon Nelson

A sculpture located at Chifley Tower Forecourt, constructed in 1997. The work provides an example of how public art can adequately integrate with the character of a locality; the sculpture provides a marker that is representative of the business, commerce and political heritage themes within the area.

Interactive Sculpture



Figure 18 Interactive sculpture

Commissioning Body: *GPT*

Artist: *Unknown*

An interactive educational experience for visitors and residents. The artwork has been themed on the area's local heritage of market gardens.

Artist and Resident Collaboration



Figure 19 Artist and resident collaboration

Commissioning Body: *Wyong Shire Council*

Artist: Vicki Sienczuk

Building frontage markers developed through a collaborative process involving a professional artist and local community members at Woodbury Park Community Centre, Mardi.

Custom Designed Garden-Bed Retainer



Figure 20 Custom designed garden-bed retainer

Commissioning Body: *GPT*

Artist: Unknown

Mosaic garden-bed retainers located within Rouse Hill Town Centre. These custom designed structures have been integrated into a plaza area to create a distinct sense of place whilst also functioning as space dividers and alternate seating.

Mural Graphic



Figure 21 Mural graphic

Artist: *Unknown*

A large scale painted mural on a business premises provides visual interest and graphically communicates the use of the building as a bike enthusiast's café and shop.

Commissioning Body: *Unknown*