

Banyule City Council

Draft Public Art Policy 2020 – 2023

(August 2019)

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WURUNDJERI ACKNOWLEDGMENT

Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as traditional custodians of the land and we pay respect to all Aboriginal and Torres Strait Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

DRAFT

INTRODUCTION

AIM

This policy articulates Banyule City Council's commitment over the next four years to supporting, encouraging and investing in public art. It is a Council-wide approach that expresses our belief in the benefits of art in the public realm and provides guiding principles to support those undertaking to produce, create or stimulate public art in Banyule.

It addresses Council's role in public art in three key areas:

- Council-led acquisitions and programs
- Community initiated projects
- Private development and infrastructure projects

An action plan accompanies this policy that sets out the strategic activities to achieve the aims of the policy. This action plan will be reviewed annually. The policy will be reviewed in December 2024.

VISION

Working with our artists and communities to create public art that inspires, welcomes, builds identity and injects creativity into our spaces and places.

STRATEGIC CONTEXT

Banyule Council's vision is to build a green, liveable and prosperous city, sustaining a healthy and engaged community. One of the ways to achieve this is through shaping vibrant and creative public spaces. Public art is a significant way for people to engage in meaningful and culturally vital lives, and create a connected, inclusive and involved Banyule community.

Public consultation in the development of this policy demonstrated that our community shares our belief in the importance of public art.

At Banyule we are committed to achieving the following key cultural outcomes:

1. Stimulating creativity
2. Enriching daily life through high quality artistic experiences
3. Offering new insights, ideas and knowledge
4. Generating a sense of belonging, identity and community
5. Providing an appreciation for diversity and different life experience

These are identified in Banyule's *Arts and Culture Strategic Plan 2017-2021* and are key drivers for this policy. Council recognises the enduring positive impact on the cultural, social and physical fabric of the city that public art provides in daily life.

PRINCIPLES OF PUBLIC ART

In a dynamic and shifting cultural landscape, we are committed to creating an environment where public art will:

- Be bold and inquisitive
- Enable the expression of ideas, opinions and aspirations

- Stimulate constructive discussion of contemporary cultural issues and concerns
- Beautify our public spaces and buildings
- Connect people to place, and to each other
- Reveal the diversity and breadth of our community
- Demonstrate creative excellence
- Encourage respect for its environment and location
- Uncover and celebrate our heritage and connection to the past
- Uphold the artists' creative vision and rights
- Inspire us, tell our stories and make us curious

DEFINITION

For the purpose of this policy, public art is any artwork, in any medium, that is located in the public realm – in public spaces and buildings, indoor and outdoor, temporary and long-term. Including, but not limited to:

- Sculptures
- Installations
- Sound or music based art
- Exhibitions in public spaces
- Performative art*
- Integrated and functional art – elements within the built form or incorporated into urban design, e.g. streetscapes, playgrounds
- Street art – murals, aerosol art, stenciling
- Projections and illuminated art
- New technologies – virtual, augmented and mixed reality

Public art is constantly evolving. Our understanding of the power of creative expression to engage people and to enhance their connection to place is continually developing. We also need to remain responsive to art forms which we have not yet envisaged.

*Does not include busking, outdoor concerts, or festival and event activity.

COUNCIL'S ROLE IN PUBLIC ART

The public realm is where our community interacts, evolves, reveals its identity and demonstrates its values. We define this as the expression of our culture. Council has a large stake in the public realm and its role can be significant as an owner, protector, developer, planner, manager and advocate. Key public areas that present opportunities for the City of Banyule to express creative aspirations and cultural vitality through public art include:

- Open spaces, parks and reserves
- Sporting facilities
- Retail precincts
- Civic infrastructure – libraries, community centres and leisure centres
- Commercial developments
- State Government projects

For these opportunities to be realised there has to be actions that support and facilitate the development of public art safely and democratically in the public realm.

KEY FOCUS AREAS

This policy sets out several key focus areas which will set the direction over the next four years for Council to realise opportunities for public art. The accompanying *Action Plan* – to be reviewed annually as part of regular business planning – outlines the strategic activities accompanying the following focus areas.

1. ADVOCACY & ENGAGEMENT

The following outlines Council's approach to working with interested parties to enable a strong culture of public art within Banyule and support successful project outcomes. The three areas of engagement are as follows:

1.1 COMMUNITY

Council will continue to engage in public conversations around the value of public art and its contribution to achieving cultural outcomes. Engaging the local community to ensure major public art projects reflect their values and celebrate their achievements, will be a key driver behind our public art program.

When public art projects are initiated within the community, we will encourage and support these to align to the principles and aims of this policy. Council staff will be available to provide advice and guidance and, where possible, assist in fostering relationships and partnerships beneficial to bringing projects to fruition. Council will actively work with our Trader Associations, Neighbourhood Houses and other community organisations to support the realisation of public art aspirations and projects.

1.2 PRIVATE DEVELOPMENT

Council encourages private developers to consider the benefits – cultural, aesthetic, social and economic – of incorporating permanent public artworks into their buildings and sites. Where appropriate we encourage developers to appoint a public art consultant/curator to assist with the commissioning and/or design process.

Over the life of this policy, Council will work towards establishing a relevant and consistent approach to working with private developers to support Council's vision for public art. This work will include consideration of:

- Public art outcomes within the planning permit process
- Public art as an eligible community benefit as part of the Developer Contribution Plan

1.3 NORTH EAST LINK

The North East Link Authority (NELA) has been appointed by the Victorian Government to deliver the North East Link, Victoria's biggest transport infrastructure project. The North East Link will run from the M80 through Banyule, join the Eastern Freeway at Bulleen, meet the EastLink at Ringwood, and bring dramatic changes to Banyule.

NELA has developed an Urban Design Strategy "to ensure that the project incorporates a high quality urban design that would deliver a positive civic legacy for local communities in Melbourne's northeast, making a strong and lasting contribution to the city's public realm."

The North East Link Project (NELP) provides opportunities for new public art in our city. Council will actively engage with NELP to ensure good decision making processes when it comes to public art outcomes and to maximise the ensuing benefit to the local community.

2. COUNCIL MANAGED PROGRAM

The following outlines the ways in which Council will manage delivery of its own public art program, initiatives and investments.

2.1 COMMISSIONED PUBLIC ART

Council remains committed to commissioning large-scale works of public art as part of its ongoing capital works program – making a \$120,000 provision biennially in the budgeting process. As part of this commitment we will seek opportunities to align public art to the key priorities of other areas within Council, including major infrastructure projects – focusing our resources on place-making in areas of high civic use.

Council recognises this will provide both significant outcomes for the community, and more strategically, place consideration of public art at the forefront of organisational planning. We are committed to building in meaningful community consultation based on our Banyule City Council Community Engagement Framework.

The commissioning and selection process for large scale works of public art initiated by Council are outlined in *Appendix 1: Management of Public Art*. All art works commissioned in this manner will be accessioned into the Banyule Art Collection.

2.2 INTEGRATED PUBLIC ART

Council has developed a number of strategies and plans to guide its approach to managing the public realm. Examples include:

- Public Open Space Plan 2016-2031
- Safer Banyule Plan 2017-2021
- Banyule Recreation Plan 2017-2021
- Banyule Thematic Environmental History

- Banyule City Council Public Toilet Plan

These documents contain goals, priorities and/or recommendations that support or are supported by this Public Art Policy.

Council recognises there are many opportunities to integrate public art as part of open space planning, streetscape and urban design, precinct plans, Traders Association business plans and other infrastructure improvement projects. We will work collaboratively within the various arms of Council to ensure all owners of these plans are aware of the opportunities and benefits of integrating public art, and can confidently plan for this.

We will continue to include public art and/or creative design elements as a consideration in the initial phase of all precinct masterplans, and other urban design and open space planning, and make recommendations to act upon these when they arise.

2.3 TEMPORARY PUBLIC ART

Temporary public art invigorates unusual spaces, invites contemplation and encourages the community to think about the city differently. It provides opportunities for both emerging and established artists and offers the chance to be responsive to a need, opportunity or challenge.

Council has developed several platforms for the provision of temporary public art opportunities:

- Urban Lightbox Galleries in Heidelberg West
- Pinpoint Art in Public Spaces program
- Banyule Community Arts Grants
- Murals and Street Art Program
- Vacant shop activation (through Traders Associations)

We will continually review how well these programs are achieving their objectives and investigate opportunities to refresh them.

2.4 DONATIONS

Donations and transfer of works of art to Council are a valuable and valid way for Council to realise works in the public domain. While there are mutual benefits to these transfers of artworks, we need to ensure they meet the objectives and principles of this policy, and that we have the appropriate resources to maintain and protect donated artworks. Over the next four years we will develop criteria and processes to enable this.

KEY REFERENCE DOCUMENTS

- Arts and Culture Strategic Plan 2017 – 2021
- Banyule Council Plan 2017 – 2021
- Art Collection Policy 2017 – 2021
- Public Open Space Plan 2016-2031
- Banyule Graffiti Strategy 2019 – 2023
- Youth Plan 2018 – 2021
- Banyule City Council Community Engagement Framework

APPENDICES

APPENDIX 1: MANAGEMENT OF PUBLIC ART

Responsibility for public art activity within Banyule City Council will reside in the Leisure and Cultural Service Team. The Arts & Culture Team Leader will act as primary contact within the organisation, and may allocate projects to other officers as necessary. Other areas of Council involved in public art activity as part of broader programs (e.g. Youth Services, Economic Development) will continue to oversee and have full responsibility for these. This policy will accommodate any existing programming strategies, and aims to bring together various program streams within Council regarding management of public art initiatives.

The guidelines below ensure a consistent and agreed approach to collecting and managing large-scale works of public art commissioned by Council. Specifically, works that are managed through the Banyule Arts and Culture capital works program, and acquired into the Banyule Art Collection.

For other public art initiatives managed by Council – e.g. small scale commissions, mural projects, collaborations between Council and traders associations – more flexible guidelines may be adopted that reflect the scale and nature of the project.

GOVERNANCE

Council is advised on matters relating to arts and culture by the Banyule Arts and Culture Advisory Committee (BACAC). This committee is formally appointed by Council and its role is to provide independent expert advice to Council. BACAC operates a number of working groups including the Art Collection Working Group, which is responsible for providing advice and making recommendations to BACAC that relate to:

- Art acquisitions
- Public art commissions
- Art collection management and conservation

The Art Collection Working Group is comprised of the Banyule Council Art Curator and (up to) four members of BACAC. When the recommendations of the Art Collection Working Group are supported by BACAC they will be presented to Council for consideration.

With regard to acquisitions of public art – i.e. large scale capital works – the Art Collection Working Group will provide advice and make recommendations relating to selection of appropriate projects and artists. For these projects the Art Collection Working Group may invite additional members for a specified purpose and period as required. A maximum of four additional co-opted members will be comprised of:

- Contemporary artists with public art expertise
- Banyule Arts and Culture Team Leader
- Arts consultants, art curators, museum professionals, heritage professionals
- Architects, landscape architects and other design professionals
- Representatives of Council's Planning, Capital Works, Environment and Place, Property Departments

CRITERIA

Large scale public art acquisitions, commissioned by Council, will be assessed by the following criteria:

- Standards of excellence, innovation and quality
- Responsiveness to the project brief, the principles of this Public Art Policy, and consideration of one or more Cultural Outcomes listed in the *Banyule Arts and Culture Strategic Plan*
- Relevance and appropriateness of the work to the proposed site and the Banyule community
- Consideration of public safety and the public's access to and use of the public domain
- Consideration of ongoing maintenance and durability requirements
- Adequate funding and resources
- Consistent with Council's planning, heritage, environmental and social policies and strategies

Public Art projects that are NOT eligible for consideration under these guidelines include:

- Commercial promotions in any form
- Historic monuments, markers, commemorative items for public display
- Mass produced objects or artefacts
- Most art reproductions
- Landscaping or environmental elements considered normal aspects of a project
- Proposals encompassing Intellectual Property, copyright and/or ethics infringements

PROCESS

Council will implement a curated approach to commissioning large-scale, prominent public art projects through a four-stage process:

1. Assessment of where to site the public art work – based on, but not limited to:

- Site visibility
- Visitation
- Accessibility
- Potential for community involvement
- Connection/enhancement of other capital works projects
- Type of artwork
- Response to the Public Art Criteria
- Adherence to the Public Art Policy Principles and Objectives

2. Development of Artist Brief – including:

- Terms of the commission/project
- Context and background information
- Location of artwork
- Type of work proposed
- Artist and commissioner responsibilities and rights
- Development process
- Technical and maintenance requirements
- Site plans and information
- Selection criteria and process
- Approximate budget
- Time frame

3. Artist call out and selection

Artists may be invited to respond to the brief by:

- Open competition (advertised publicly)
- Limited competition between invited parties
- Direct commission, acquisition or appointment, or
- Other (for example through a curatorial process or ongoing programming)

Shortlisted artists will be invited to develop a concept design in response to the brief. This design stage will have an allocated fee depending on, and commensurate to, the size and scale of the project.

4. Art Collection Working Group Recommendations

The concept design submissions will be assessed by the Art Collection Working Group and/or project specific panel. The Art Collection Working Group will provide recommendations, via BACAC, for Council consideration. One artist may then be selected to proceed to commissioning/contracting stage.

MAINTENANCE

In the case of long-term public art, the life of the work and its maintenance requirements will need to be considered and agreed upon during the commissioning process.

The durability of the work will form part of the evaluation process and artists will be required to provide a maintenance plan.

Any on-going maintenance will form part of Council's asset management plan, therefore prior to implementing or commissioning a new work, appropriate budget allocations will be discussed and recommended.

DEACCESSION AND DISPOSAL

Deaccession refers to the replacement, restoration and conservation, removal or relocation of permanent public artwork. The following criteria will be considered in developing deaccession recommendations, where:

- The cost of adequate care and maintenance required for the artwork, over a five-year period, exceeds the original value of the object
- A major change occurs in the function of the public space sufficient to change the nature of the space and the public artwork's intended place-making significance
- The public artwork lacks authenticity or is a duplication
- The public artwork poses a risk to the public
- Adequate care and maintenance required for the public artworks upkeep is unavailable
- The public artwork is integrated into the fabric of city-owned buildings, streets or parks that are subject to redevelopment by the City and the artwork is not salvageable
- The life span of the work expired

If a Public Artwork is to be deaccessioned it can be disposed of in the following ways, after a six month cooling off period:

- Donation, transfer or sale to an institution where the artwork can be demonstrated to have relevance
- Donation or sale (if appropriate) to its donor or creator
- Sale on the open market
- Destruction where no other option is suitable

All proceeds from sales will be returned to the Banyule Public Art Program.

Under the provisions of the *Copyright (Moral Rights) Amendment Act 2000* Council has a number of legal obligations to the artist when deaccessioning artwork. All “reasonable” effort should be made to contact the artist prior to deaccessioning an object. If that is not possible, consideration needs to be given as to who should be consulted on the artist’s behalf determining who owns the copyright in the work, determining the options for relocation or disposal of the work, establishing who is empowered to make the final decision regarding the work. If contact can be made the artist should be given at least fourteen days’ notice should Council decide to de-accession their artwork. In particular, the artist should be given the opportunity to photograph or otherwise record the work *insitu* before it is removed. In the event that the work is to be disposed of other than through the sale or donation of the work, the artist should be given the option to acquire the work.

APPENDIX 2: PUBLIC ART IN THE BANYULE ART COLLECTION

HOMEFRONT SCULPTURES

By Amanda Gibson, Hiraku Kodama and Leigh Conkie (2018)

Greensborough War Memorial Park, Greensborough



WING OF THE WAA

By Andrea Tomaselli (2002)

Watsonia Library, Watsonia



UNTITLED

By Andrea Tomaselli (2003)

Nets Stadium Banyule, Macleod



SLEEPING SENTINAL

By Leigh Conkie (2001)

Kitchener Reserve, Ivanhoe



APPENDIX 3: ACTION PLAN

This action plan accompanies the *Banyule Public Art Policy 2020-2023*, and sets out the strategic activities to achieve the aims of the policy. The action plan will be incorporated in regular annual business planning – as part of the *Arts and Culture Strategic Plan* – and reviewed annually.

	Action	Responsibility	Timeframe
1	Council commit a recurrent biennial budget of \$120,000 to commissioning significant works of public art. An annual allocation of an additional \$5,000 will be provided for prioritised maintenance of Council's current and future public art.	Leisure, Recreation & Cultural Services	Ongoing
2	Review Council's budgetary commitment to commissioning and maintaining public art in Banyule, to reflect and enable the growth of the program. Explore external funding opportunities to fund public art in Banyule.	Leisure, Recreation & Cultural Services	Ongoing
3	Develop a Public Art Factsheet, for use by community groups, private developers and internal Council departments, providing information about what to consider, and how to approach and manage successful public art projects in Banyule.	Arts & Cultural Services	Short term
4	Commission mural artworks that will be integrated into the new <i>Public Toilet Plan 2019-2029</i> . Each new public toilet built in Banyule over the next ten years will include a bespoke artwork, creating opportunities for local and Victorian artists.	- Arts & Cultural Services - Capital Works Buildings, Building & Civil Works	Ongoing
5	Explore the potential for establishing specific guidelines for private developers in relation to public art – which may form part of planning permit process, and may include public art as an eligible community benefit as part of Council's Developer Contribution Plan.	- Leisure, Recreation & Cultural Services - Planning & Building	Long term
6	Establish an internal process to maximize opportunities for integrating public art and/or creative elements into the design and implementation of the Olympic Park, Ford Park, and Bellfield Community Centre Masterplan developments.	- Leisure, Recreation & Cultural Services - Property - Parks & Open Space	Medium term
7	Define opportunities to build relationships that support and increase outcomes for temporary public art in Banyule – including the application of digital technologies.	Arts & Cultural Services	Medium term
8	Catalogue and map all existing works of public art in Banyule and establish avenues to promote and celebrate this.	Arts & Culture	Short term

9	Seek funding opportunities to develop a suite of online resources for the new <i>Homefront</i> sculptures in Greensborough War Memorial Park – offering deeper connection to the people, stories, ideas and impact of the project.	Arts & Cultural Services	Short – medium term
10	Actively engage with NELP to ensure good decision making processes – aligned to the principles of this policy – when it comes to public art outcomes and the urban design of this infrastructure project.	- Leisure, Recreation & Cultural Services - Transport	Ongoing

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