

Preliminary Public Art Strategy for St Leonards South

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Australia for St Leonards South

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Contents

1	Executive summary	1
2	Overview of the project and the site	2
	Project site	2
	Aboriginal land	3
	British settlement to modern day	3
	Arcadia’s ‘green spine’	3
	Architecture of Bates Smart	4
3	Vision for the project	11
	Vision of Top Spring Australia	11
	Lane Cove Council guidelines	11
	What makes great art?	12
	Vision for public art	12
	Approach	13
	The opportunities for art	13
	Artwork types and locations	14
4	Process to select the artist	15
	Competitive process	15
	Refining the shortlist	15
	Selected artist Alicja Kwade	17
5	Art of Alicja Kwade	22
6	Methodology	30
	Process of commissioning public art	30
	Contracting the artist	31
	Future ownership and care of works of art	31
	Program	32
7	Budget	35
	Budget allocation	35
	Relationship of program and budget	35
8	Conclusion	36
	Annexure A	37

Top Spring Australia, architects Bates Smart, landscape architects Arcadia, Museum of Contemporary Art Australia, and public art advisor Barbara Flynn pay their respects to the Traditional Owners and Elders, past, present and emerging, of the Cammeraygal people of the Gai-Mariagal Nation on whose lands the St Leonards South site is located. We acknowledge Aboriginal connection to material, scientific and creative practice on these lands for more than 60,000 years, and celebrate the enduring presence and knowledge of Aboriginal people.

1

Executive summary

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The purpose of this Preliminary Public Art Strategy is to give an account of the initial ideas for artists that our project working group has assessed, and the types of art and artwork locations in keeping with the vision for St Leonards and Lane Cove of Lane Cove Council that we recommend. The hope is that the strategy will further discussions of the possibilities for art. Such discussions are critical to achieving the sort of imaginative and meaningful outcomes that the project aspires to – for life and wellbeing, art, architecture and landscape architecture.

Few projects enjoy the benefit of a project working group comprised of members who are as knowledgeable, committed to excellence and sensitive to place as Sydney Ma, Shaun Farren and Jessica Grujovski of Top Spring Australia; Matthew Allen of project architects Bates Smart; Michael Barnett of project landscape architects Arcadia; Lara Strongman, Heidi Forbes and Ashlyn Jones of the Museum of Contemporary Art Australia; and project public art advisor Barbara Flynn.¹ Through the collaboration of the group, several very exciting possibilities are in play:

- the commitment to creating a seamless process to integrate art with architecture and landscape design, which is assured by working with selected artist Alicja Kwade
- the idea for art to be participatory, so that residents of all age groups and demographics can enjoy it, and
- for art to use the natural materials of the site and the surrounding area to forge a close connection with the place.

As the project imagines how people will live in and use the site, art will play a meaningful role in connecting the development to its surroundings.

Notes

1 Ma is Director and General Manager; Farren, Head of Development; and Grujovski, Marketing Manager, of Top Spring Australia. Allen is Director at Bates Smart; Barnett is Principal at Arcadia. Strongman is Director, Curatorial and Digital; Forbes, Director, Development and Enterprises; and Jones, Senior Corporate Sponsorships, at Museum of Contemporary Art Australia. Flynn is director of Barbara Flynn Pty Ltd, providing public art services to government and the Australian corporate, educational and philanthropic sectors.

2

Overview of the project and the site

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Project site

This Preliminary Public Art Strategy has been prepared by Barbara Flynn of Barbara Flynn Pty Ltd on behalf of Top Spring Australia (the applicant). It accompanies a Development Application seeking approval for the St Leonards South development, which is located within the larger St Leonards South Precinct. [Image 1] The precinct lies to the south of the Pacific Highway and west of the North Shore railway line and is bounded by Newlands Park to the east, retail fronting the Pacific Highway to the north, and existing low-density residential housing to the south and west. The St Leonards South development (the site) is located within the precinct and is bounded by Canberra Avenue to the east, Holdsworth Avenue to the west, and River Road to the south. Development of the site was enabled by the planning proposal of Lane Cove Council to change the existing land use from R2 Low Density Residential to R4 High Density Residential to allow buildings to rise between four and nineteen storeys.

The St Leonards South development site sits within the boundaries of Lane Cove Council. It is located 5 kilometres north-west of the Sydney central business district. It enjoys excellent rail services and connections, and is a 20-minute train ride north from the Sydney CBD.

The Greater Sydney Region Plan and the *North District Plan* identify the St Leonards–Crows Nest area as a strategic centre. Strategic centres in New South Wales are described as priority locations for employment, retail, housing, services and mixed uses. [Images 2–3] An adequate supply of housing, having a choice of housing, and social infrastructure are considered important basic features of strategic centres. The *North District Plan* also identifies the area around Royal North Shore Hospital as a Health and Education Precinct and calls for ‘synergies to be promoted’ between the Royal North Shore Hospital and other health and education activities in partnership with NSW Health.

The area is addressed by a New South Wales State strategic planning document *St Leonards and Crows Nest 2036* (‘the 2036 Plan’), issued in final form in August 2020 by the NSW Department of Planning, Industry and Environment (DPIE). The 2036 Plan sets out guidelines for the urban renewal of St Leonards and Crows Nest, which will see expanding employment opportunities – transformation of the area into ‘a jobs powerhouse’ – combined with a growing

residential community. The Plan predicts that the new Crows Nest Metro Station on the Sydney Metro City & Southwest – Chatswood to Sydenham line will contribute greatly to the renewal and activation of the area. The Plan sets a target for 63,500 new jobs in St Leonards by 2036, created in large part by the Crows Nest Metro Station over-station development, and it promises:

- funding for open space and infrastructure upgrades through a new NSW State Infrastructure levy
- protection for heritage areas, and
- support for the long-term growth of the health and education precinct of the area.

Aboriginal land

Like all of Greater Sydney, St Leonards South sits on unceded Aboriginal land, which in this location is the land of the Cammeraygal people of the Gai-Mariagal Nation. The contribution to the project’s Development Application by landscape architects Arcadia describes the location of the site at the head of freshwater Berry Creek, which flows south to Sydney Harbour at Berry Island. The Arcadia team writes of the ridgetops, gullies, waterfalls and riverside forests of Cammeraygal land. There are several important Aboriginal cultural sites at Berry Island and nearby Balls Head Reserve.

British settlement to modern day

Settlement of Sydney progressed northwards soon after the arrival of the British at Farm Cove. In 1818, William Gore, Provost-Marshall of New South Wales, built a cottage that became known as Artarmon House. By 1889, the Gore Hill brickworks were the largest in the state. The North Shore rail line connecting St Leonards to Hornsby opened in 1890. Development and subdivision of the first quarter-acre blocks at St Leonards began to intensify around 1943, giving rise to the strongly residential character of the area today.

Arcadia’s ‘green spine’

In St Leonards and Lane Cove, creating green spaces that will provide a safe and healthy environment for people, and contribute to wellness and greater social interaction, is an important goal. Since the 1960s, Lane Cove Council has adopted the Bradley method of bushland management and its modifications to conserve the green space of the area. More recently, the 2036 Plan describes bringing ‘the best bits of the surrounding leafy neighbourhood that locals love into the heart of St Leonards for residents, workers and visitors to enjoy’. To illustrate how this will be achieved, the 2036 Plan includes the *St Leonards Crows Nest Green Plan* (July 2020), which lists open space for recreation, open space for biodiversity, and reinforcing and expanding the existing urban tree canopy as three primary objectives of the residents of St Leonards and Lane Cove. The *Green Plan* classifies the St Leonards South development site as low-density residential and describes it as an area of native vegetation.² [Image 4]

The contribution to the project Development Application by landscape architects Arcadia describes the natural bushland setting that forms the backdrop for the development site. [Image 5] Taking the setting as inspiration, Arcadia has developed a landscape plan for the St Leonards South development that takes residents ‘on a metaphorical journey from ridgetop to harbour’ arranged as a sequence of experiences. [Images 6–9] The experience of walking in a lush, verdant landscape, between dense overhead canopies into clearings and alongside water features, will be captured in the way the landscape is implemented. Design features to create the experience will include a ‘cascade trail’, ‘garden rooms’, a gully and gully clearing, a fern track and pocket park, and new tree plantings of palms and native eucalypts.³ [Image 10]

Architecture of Bates Smart

The site is made up of twenty existing housing lots that the architecture of Bates Smart aspires to combine into a unified whole comprised of five buildings. In response to the changes in the planning guidelines ratified by Lane Cove Council, the architecture achieves more density than has been the norm in the area historically, with buildings that can now rise to a height of six to ten storeys.

An important early direction was to make the development feel more like neighbouring Wollstonecraft to the south and less like the Pacific Highway to the north by responding to the verdant richness and leafy surroundings of the site. The expression lead architect Matthew Allen uses to describe the resulting style of the residences in the development is ‘treehouse-like’.⁴ Green is a central idea, with lobby spaces designed to open onto the green spine that is such an important element within the development. Allen describes how, on site, one has the exciting feeling of being on the edge of something. A clever system of stepping and staggering the residences is used to conform to the steep fall of seven storeys from the northern to the southern end of the site. When choosing building materials, Allen has taken the sandstone that is loved by locals and pervasive in the surrounding area as his starting point.

Notes

2 AECOM, *St Leonards Crows Nest Green Plan*, July 2020, accessible from <https://pp.planningportal.nsw.gov.au/draftplans/made-and-finalised/st-leonards-and-crows-nest-planning-package>.

3 Arcadia, *St Leonards South, Landscape Development Application*, Sections 7–11, April 2021, p. 19.

4 Quoting project lead architect Matthew Allen of Bates Smart, from his presentation on 13 April 2021 to representatives of the artist Lee Ufan.

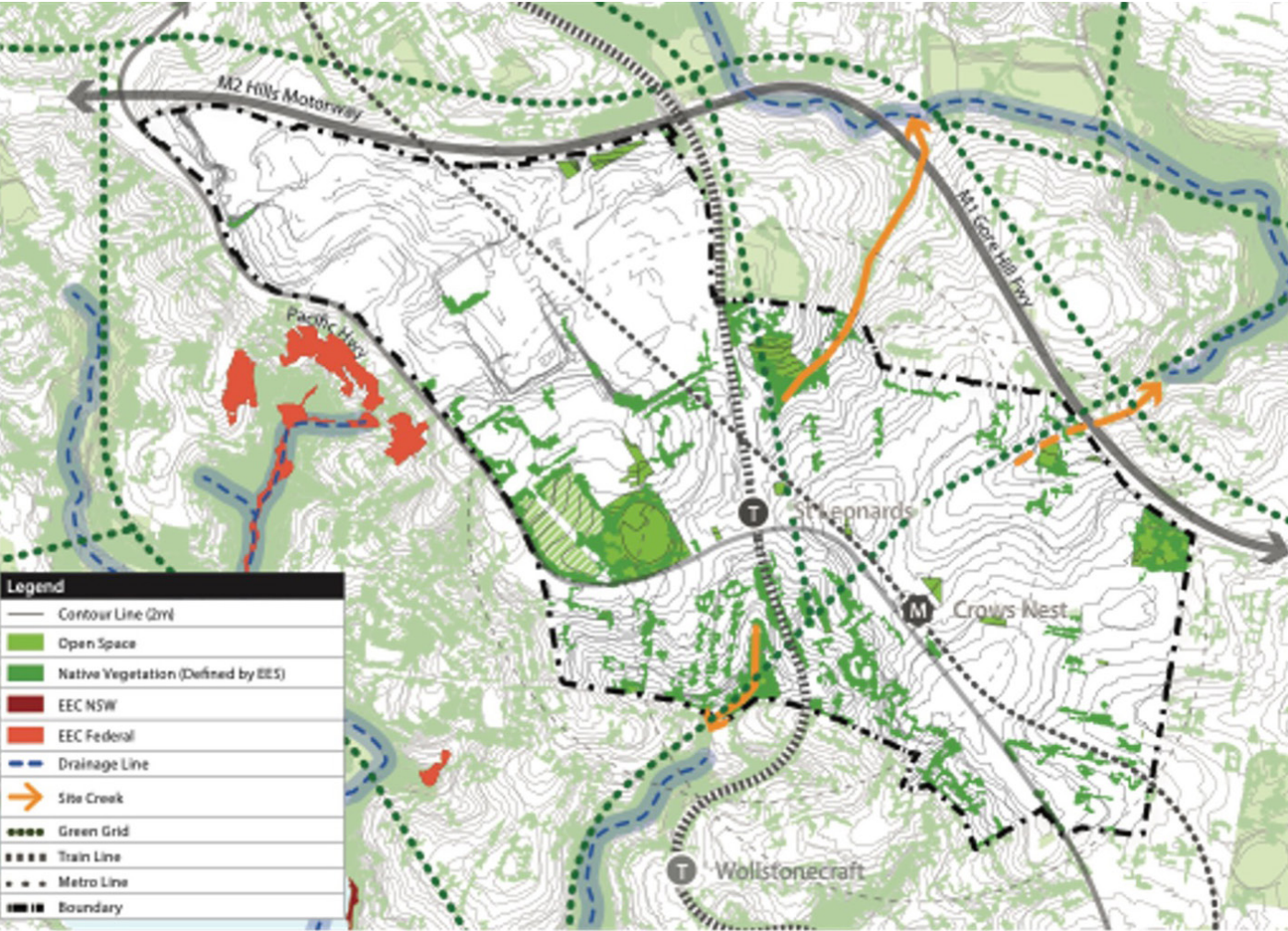


1 St Leonards and Crows Nest
Reproduced in NSW DPIE, *St Leonards and Crows Nest 2036*, August 2020, p. 2



2
St Leonards and Crows Nest existing character zones
Reproduced in AECOM, *St Leonards Crows Nest Green Plan*, July 2020, p. 9, fig. 2

3
Vision map
Reproduced in NSW DPIE, *St Leonards and Crows Nest 2036*, August 2020, p. 6



4
Natural features
Reproduced in AECOM, *St Leonards Crows Nest Green Plan*, July 2020, p. 13, fig. 4

5
Landscape map
Reproduced in NSW DPIE, *St Leonards and Crows Nest 2036*, August 2020, p. 26

Concept Masterplan



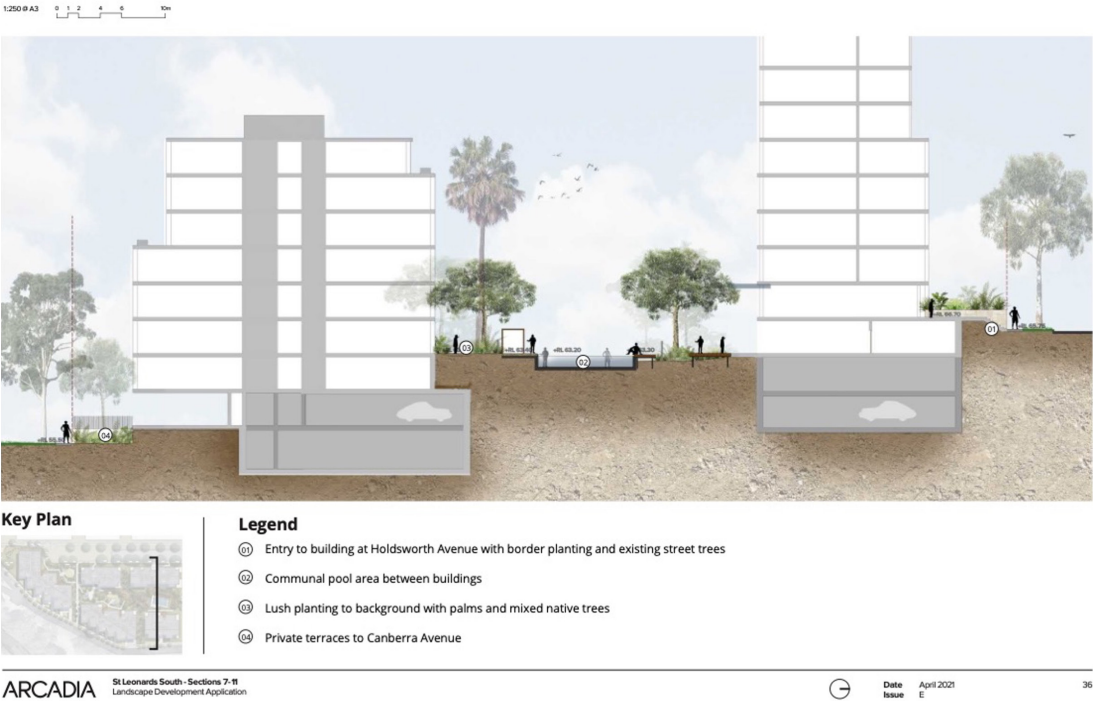
Design - Longitudinal Section A



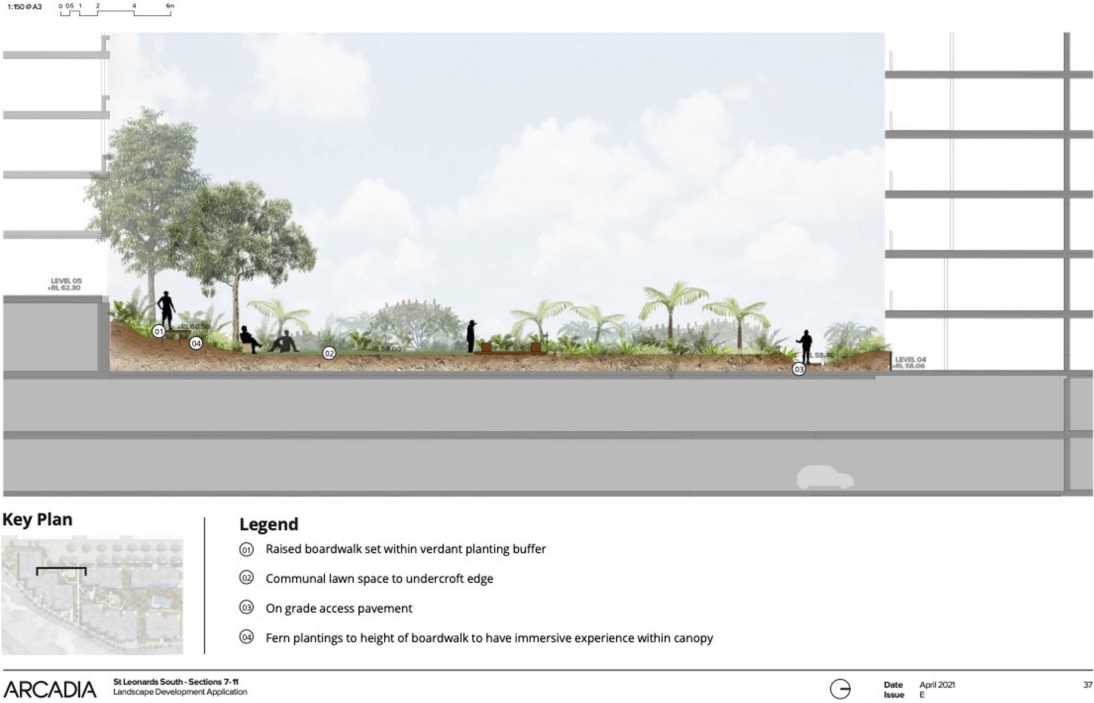
6
Concept Masterplan
Reproduced in Arcadia, *St Leonards South*,
Landscape DA, Sections 7–11, April 2021, p. 22

7
Longitudinal Section A
Reproduced in Arcadia, *St Leonards South*,
Landscape DA, Sections 7–11, April 2021, p. 35

Design - Longitudinal Section B



Design - Section C - Fern Track



8
Longitudinal Section B
Reproduced in Arcadia, *St Leonards South*,
Landscape DA, Sections 7–11, April 2021, p. 36

9
Longitudinal Section C – Fern Track
Reproduced in Arcadia, *St Leonards South*,
Landscape DA, Sections 7–11, April 2021, p. 37



3

Vision for the project

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Vision of Top Spring Australia

Top Spring was launched in Hong Kong in 1993 with the vision to deliver ‘innovative living solutions that connect people and communities’.⁵ Committed to innovation in projects and applying new technologies and pioneering design, the company has delivered upwards of twenty such projects in twelve cities worldwide in less than three decades. The company expanded to Australia in 2017. Sydney Ma, Top Spring Australia Director and General Manager, holds a master’s degree in property development from the University of Technology Sydney, and a bachelor’s degree (honours) in planning from the University of New South Wales. Not surprising, given Ma’s background, art plays an important part in every one of Top Spring Australia’s projects. The company believes in the role art can play in enhancing one’s experience of urban space. Partnerships with the Museum of Contemporary Art Australia and other arts groups lends a personal touch to projects and distinguishes Top Spring Australia from most other development companies.

Lane Cove Council guidelines

Art for St Leonards South will conform to the guidelines for public art of Lane Cove Council. The Council requires that preliminary public art strategies such as this one consider the project landscape plans, and that the public art value comprise 0.1 per cent of the development construction value. It is desirable for art to be placed in the green spine.

- Council’s other directives include the following, which have been considered and are addressed in this strategy.
- All developments should include a public art component.
 - The delivery of public art should be based on relevant Council policies and protocols.
 - Public art should be closely integrated with the design of buildings and spaces rather than included as an afterthought or add-on.
 - The scale of public art should be appropriate to the scale of the space in which it is located.

10
Juxtaposition of areas of thick tree canopy
and clearings
Reproduced in NSW DPIE, *St Leonards and
Crows Nest 2036*, August 2020, p. 17

- The design of public art should be site specific and relevant to the character, history or design of the particular place.
- Public art should be designed to be safe, robust and easily maintained.
- All public art shall be submitted to Lane Cove Council’s Public Art Advisory Committee for approval at the DA stage.⁶

What makes great art?

Great art can be bright, exuberant and inviting, or more serious, multi-layered and content-based. Do we want to be uplifted or amused, engaged sensorially or intellectually? What kind of experience do we want to create for residents who may see the art every day, and for visitors who might experience it only once? ‘Multi-layered’ and ‘content-based’ doesn’t have to mean ‘confronting’; multi-layered works can be just as accessible and wonderful to look at as other kinds of works, and at the same time provide access to deeper messages that are of meaning to people.

Whatever direction for art is taken, a singular practitioner like selected artist Alicja Kwade will always look to the future and remain in the know and informed (in possession, for example, of the latest technical knowledge and expertise).

It is useful to remember that Top Spring Australia and the working team are themselves not artists. A reasonable approach is to leave it to artists to interpret a brief and come up with something original that aligns with their vision. Showing artists respect and leaving them free to respond to the site in this way will see them propose and deliver great works of art that we would never be able to even imagine ourselves.

Vision for public art

The vision for art for the project is to achieve excellence and universality by appealing to people of all age groups and demographics. Speaking directly to the people who will live here will guarantee art’s profound and long-lasting impact, and will ensure it is truly meaningful to people.

When art is thoughtfully conceived and developed in the way projected here, it plays a pivotal role in making developments like St Leonards South truly enriching places for people to live in and visit. Art for the development will be significant and its impact will extend the limits of St Leonards South into the surrounding precinct. With an artist of the calibre and talent of Alicja Kwade confirmed, art will provide much for the local community to enjoy in the day to day, and will attract others who live and work further away to travel to St Leonards to see what’s been achieved.

These hallmarks of an approach are basic to any vision worth implementing for public art that will be viable in 2025, and in 2050 and beyond:

- placing importance on the excellence of the art an artist makes, which – applying a global standard – is memorable, timeless and enduring (in content and material longevity); original; at the forefront of visual art and experimentation; and visually exciting
- ensuring that art is visible and accessible to people, enabling experiences that are meaningful to them

- identifying and selecting an artist who is well organised and possesses a capacity to be considerate of others and to work well as part of a team
- starting to work in close cooperation with the selected artist as early as possible, helping her to realise her proposed artworks
- encouraging openness, showing respect and giving the artist free rein to think deeply about the project.

Approach

Listening and discussion are essential at the start of thinking about public art for a project. Flynn also does extensive research at the start of projects and prizes knowledge of what artists are making in Australia and around the world today. The artists who have been considered by the project working group are innovators and leaders in the field of visual art; some of them are younger and just embarking on a life of art, while some are older and more experienced.

The opportunities for art

Permanent art that creates a legacy while remaining relevant and fresh

Permanent works have the potential to become familiar touchstones for the public over time. They develop landmark quality.

Integrating art with architecture and landscape

The process of identifying and selecting artists has commenced early enough to allow for the full integration of art in architecture and the public domain. When public art is fully integrated it looks as if it belongs there. It is the opposite of the public art we see that looks random and out of place, as if it has been dropped in somewhere without any thought for its environs or physical context, or for the values of the place it is in.

Working to harmonise art, architecture and landscape architecture will create a place that the St Leonards–Lane Cove Council can take pride in, that people will be attracted to and feel comfortable in. For art to look ‘right’, disciplines like lighting design need to be carefully coordinated with public art from the earliest stages of the project. A recommendation of this strategy is for lighting design to be developed together with the artist.

In a successful public art project, as this one is developing to be, the development company, the architect and the landscape architect are fully familiar with the work of the artists under consideration and are fully involved in the selection of artist from the outset. They are invested. As the selected artist is contracted, the public art advisor works to ensure that the communication continues on a regular basis. A concept is put forward by the artist and it is then over to the working team and public art advisor to work closely with the artist to achieve a successful result. One aspiration is to create working relationships that are a model of best practice. An outstanding outcome accrues when an artist is encouraged to make their best work and realise their most ambitious ideas.

Artwork types and locations

In the way Flynn likes to work, research and study of architectural plans and elevations at the start of a project will suggest the possible locations for art, the types of artworks that could work well in those locations and the artists who could make them.

Selected artist Alicja Kwade works in an expansive range of materials to suit her ever-changing and rich array of ideas. Steel and stainless steel, stone, plaster, concrete, high-tech compounds, lighting, water, and organic detritus and plantings have all found a place in her art.

Judging from what Kwade has created to date, one can imagine her art might take the form of a walk that plays out across multiple sculptural interventions at regular intervals, or of a scattering of rock formations across the green spine. It might be a location for props and prods for thought that the community will walk through. The artist is at the start of analysing the project and the site. The locations she might imagine will allow for a broad range of public experience, and promise an impact ranging from the spectacular to the more personal, intimate and contemplative.

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Notes

- 5
- Top Spring Australia, *Introduction to the company* [brochure], September 2020, p. 1.
- 6
- Summary of guidelines for public art by Alicia Desgrand of Mecone, St Leonards South project planning consultants, drawn from the St Leonards South Design Control Plan and Landscape Master Plan, forwarded to Flynn by email by Matthew Allen on Wednesday, 13 January 2021.

4

Process to select the artist

Competitive process

A longlist of eleven Australia- and internationally-based artists was presented to the project working group on 18 January 2021 by Flynn. The artists presented were: Lauren Brincat, Janet Echelman, Dale Harding, Alicja Kwade, Lee Ufan, Maya Lin, Lee Mingwei, Nell, Fujiko Nakaya, Lucy Simpson, and Do Ho Suh. James Tapscott was later proposed for consideration by Sydney Ma.

Refining the shortlist

The longlist of artists under consideration was refined to a final shortlist of six artists at the competition stage that comprised Alicja Kwade, Lee Ufan, Maya Lin, Fujiko Nakaya, Lucy Simpson and James Tapscott. The working group agreed that the final shortlist included some of the most exciting artists working in Australia and around the world today – artists whose work is daring and advanced, and contributes to the current conversation in contemporary art, without losing its appeal to a wide range of people.

A table collated by Grujovski, dated 4 February 2021, documented the responses of the working group to the art of the six shortlisted artists Flynn had presented. With the go-ahead of the group, Flynn contacted the six artists to assess their interest in the project and their availability to take it on, working to the time frame and the budget. Lin, Nakaya and Simpson expressed great interest in the project and regret at having to decline to be considered due to professional and personal demands on their time. The working group continued to evaluate the art of the remaining three artists – Kwade, Lee and Tapscott – using PowerPoints of images and links to further information on each that Flynn had prepared.

Prior to holding interviews with the three shortlisted artists, the working group agreed that **James Tapscott**’s art would integrate well with the landscape. [Images 11–13]

James Tapscott (b. 1980, Perth, lives and works in Victoria)
<https://studio-jt.net>
www.youtube.com/watch?v=Tb2TMjv14Xg
www.urdesignmag.com/art/2017/06/22/arc-zero-nimbus-james-tapscott/

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‘Poetic’, ‘sublime’ and ‘rich minimalism’ were the words used by several people in the working group to describe the art of **Lee Ufan**. Two members of the group could imagine the portal form that recurs in Lee’s work being employed to connect the green space within the development with the parkland beyond. Known for a counterbalancing of stone, steel and other materials in his art, Lee grew up in the remote countryside of South Korea, within a family circle of a grandfather farmer, an international journalist father, and a mother who ‘lived as a provincial housewife while maintaining a personal elegance and a love of the classics’.⁷ As a young man of twenty, he left home for Japan to study, embarking on the kind of art life around the world that many artists and other creative people share. [Images 14–16]

Lee Ufan (b. 1936 Kyongham, South Korea, lives and works in Kamakura, Japan, and Paris)
www.studioleeufan.org
www.lissongallery.com/artists/lee-ufan
www.guggenheim.org/artwork/artist/lee-ufan
www.wsj.com/articles/lee-ufans-quietly-groundbreaking-five-decade-career-11563798800
www.architecturaldigest.com/story/lee-ufan-hirshhorn-museum-plaza

The group admired **Alicja Kwade**’s interactive works for their robustness and playfulness and thought they were of great possible interest for the project. Her art could be scaled up or down and would make good use of the topography of the site to ‘recreate a similar drama’.⁸ Her art connected modernity with nature in a way that was seamless and never jarring, and would be a great ‘place-making’ tool. Her reputation internationally and the many accolades she has received would make for many public relations opportunities.

Alicja Kwade (b. 1979, Katowice, Poland, lives and works in Berlin)
www.alicjakwade.com/
www.nytimes.com/2021/03/12/arts/design/desert-x-preview.html
www.artforum.com/interviews/alicja-kwade-on-adapting-her-practice-to-quarantine-time-83183
www.ngv.vic.gov.au/multimedia/triennial-alicja-kwade/
www.youtube.com/watch?v=JZ1MvA0dJrk
www.nytimes.com/2019/04/18/arts/design/met-roof-garden-alicja-kwade.html
www.nytimes.com/2017/05/16/t-magazine/art/venice-biennale-best-highlights-mark-bradford-tehching-hsieh-alicja-kwade.html
www.publicartfund.org/exhibitions/view/alicja-kwade-against-the-run/

The interviews with the three artists were conducted by the full working group virtually by Zoom on 13 and 16 April 2021. The working group then reconvened to undertake a final review of the three finalists on 20 April. The final deliberations that took place over a week focused on the work of Kwade and Lee, whose art was felt unanimously by the group to be equivalent in excellence, universal appeal and meaning to a wide range of people. The choice was a very difficult one that had come down to a decision to commission one of two of the world’s greatest living artists.

Selected artist Alicja Kwade

Following thoroughgoing discussion and reflection, Kwade was the unanimous choice of the group. The group concluded the following.

- Kwade’s way of combining nature and the human-constructed is particularly fitting to the vision for St Leonards South and the site.
- The significance and gravitas of Kwade’s art is augmented in fascinating ways by the artist’s dynamic personal energy.
- Kwade is an artist who ‘gets amongst it’;⁹ such a dynamic personal approach and way of being would find expression in the kind of art the working group would like to see, with special appeal to the young and that is dynamic, exciting, inviting, interactive, participatory and playful.
- Kwade’s ability to tell a story through her art is without peer; the working group noted her passion.
- Her art appeals to people who are well-versed in art and others who are not; it will attract a wide local, national and international audience.
- In everything she has produced to date and everything she does, Kwade works in interesting ways in relation to place.
- Her works to date demonstrate an unfailing ability to integrate with landscape and the built form; judging from the nature of her projects to date, she could work across the whole site.
- Kwade was Allen’s and Barnett’s clear choice of artist; the enthusiasm and support of the architect and landscape architect in development projects is key to the integration and success of public art.
- Kwade has visited Australia, and has a good working knowledge of the country and its diversity of cultures.
- In practical terms, Kwade works with architects in-house on her team and produced public art projects in 2020 throughout the trying times of COVID-19.

Notes

7 Richard Vine, ‘Lee Ufan rocks Versailles’, *Art in America*, 25 June 2014, www.artnews.com/art-in-america/features/lee-ufan-rocks-versailles-59802/.

8 Comments of Michael Barnett, Arcadia, from the table prepared by the working group, 4 February 2021.

9 Quoting Lara Strongman in conversation with the working group on 20 April 2021.



11

James Tapscott
Arc ZERO – Ascension, 2019 (installation view)
 Mist, light, steel
 4.5m (diameter)
 Xiuluan Park, Beipu, Taiwan
 Photo: James Tapscott/studio-jt.net

12

James Tapscott
Arc ZERO – Eclipse, 2018 (installation view)
 Mist, light, water, steel, pump, nozzles, filter
 6m (diameter)
 Exhibited BAY ART Shenzhen, China, 18 December
 2018 – 20 February 2019
 Photo: James Tapscott/studio-jt.net



13

James Tapscott
Vivisection, 2018 (installation view)
 Steel, mist, light
 15m (length, each arc)
 Commissioned for *Night Mass*, Dark Mofo 2018,
 Hobart, 15–23 June 2018
 Photo: James Tapscott/studio-jt.net



14
Lee Ufan
Relatum – The Shadow of the Stars, 2014 (detail)
 Steel, stones, white marble gravel
 200 × 4500 × 4000cm
 Exhibited *Lee Ufan: Versailles*, Château de Versailles, Paris, 17 June – 2 November 2014
 Photo: Tadzio

15
Lee Ufan
 Exhibition view of *Lee Ufan: Open Dimension*, 2019
 Hirshhorn Museum and Sculpture Garden, Washington DC, 27 September 2019 – 18 October 2020
 Commissioned by Hirshhorn Museum
 Photo: Cathy Carver



16
Lee Ufan
Relatum – The Arch of Versailles, 2014
 Stainless steel, stones
 1113 × 1500 × 300cm
 Exhibited *Lee Ufan: Versailles*, Château de Versailles, Paris, 17 June – 2 November 2014
 Photo: Tadzio

Art of Alicja Kwade

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Alicja Kwade [Image 17] has achieved unusual renown for an artist barely 40 years of age, with exhibitions in recent years in her hometown of Berlin, and in Melbourne, Tours, Helsinki, Copenhagen, Zürich, Barcelona, Shanghai, Reykjavík, Venice, New York, Palm Springs and London. In 2019 she was awarded one of contemporary art's most prestigious commissions and created a work for the Cantor Roof Garden of the Metropolitan Museum of Art, New York. In the two sculptures on view, *ParaPivot I* and *ParaPivot II*, half-tonne and 1.5-tonne marble boulders of various colours and from various countries were held aloft as if they were a fraction of their actual weight. They appeared delicate overhead and, in the words of the artist, caused visitors to the rooftop to muse on their own position within a massive yet fragile universe.

Kwade's most recent iteration of her ongoing project *WeltenLinie* (*World Line*) was exhibited earlier this year as part of the *NGV Triennial* at the National Gallery of Victoria. *WeltenLinie* invites you in. A viewer must experience it – move around in it – to feel its impact and begin to understand it. Its participatory nature inspired members of the working group who experienced it in the exhibition in Melbourne. It allowed them to visualise how Kwade would create a memorable, interactive experience for residents and the community at St Leonards South.

Other works by the artist use pure elements like bronze, copper and iron, and encourage people to think about what these elements derive from. Double-mirroring and contrasts between one material and another, and between emptiness and fullness, abound in Kwade's work, creating experiences for the viewer that are at once mentally rigorous and playful. [Images 18–24]



17

Alicja Kwade in her Berlin studio
Photo: Mustafah Abdulaziz/New York Times



18

Alicja Kwade
 Left to right: *ParaPivot II*, 2020; *ParaPivot I*, 2020
 (installation view)
 Exhibited Iris and B. Gerald Cantor Roof Garden,
 Metropolitan Museum of Art, New York, 16 April –
 27 October 2019
 Commissioned by the Metropolitan Museum of Art
 Photo: Emily Anders/*New York Times*

24



19

Alicja Kwade
WeltenLinie, 2017
 Exhibited *Ambo*, Kunsthalle Kiel Museum, Kiel,
 Germany, 21 April – 16 September 2018
 Photo: Roman März

25



20

Alicja Kwade
Big Be-Hide, 2017
 Exhibited *THE GARDEN – End of Times; Beginning of Times*: ARoS Triennial, ARoS Aarhus Museum, Aarhus Denmark, 3 June – 30 July 2017

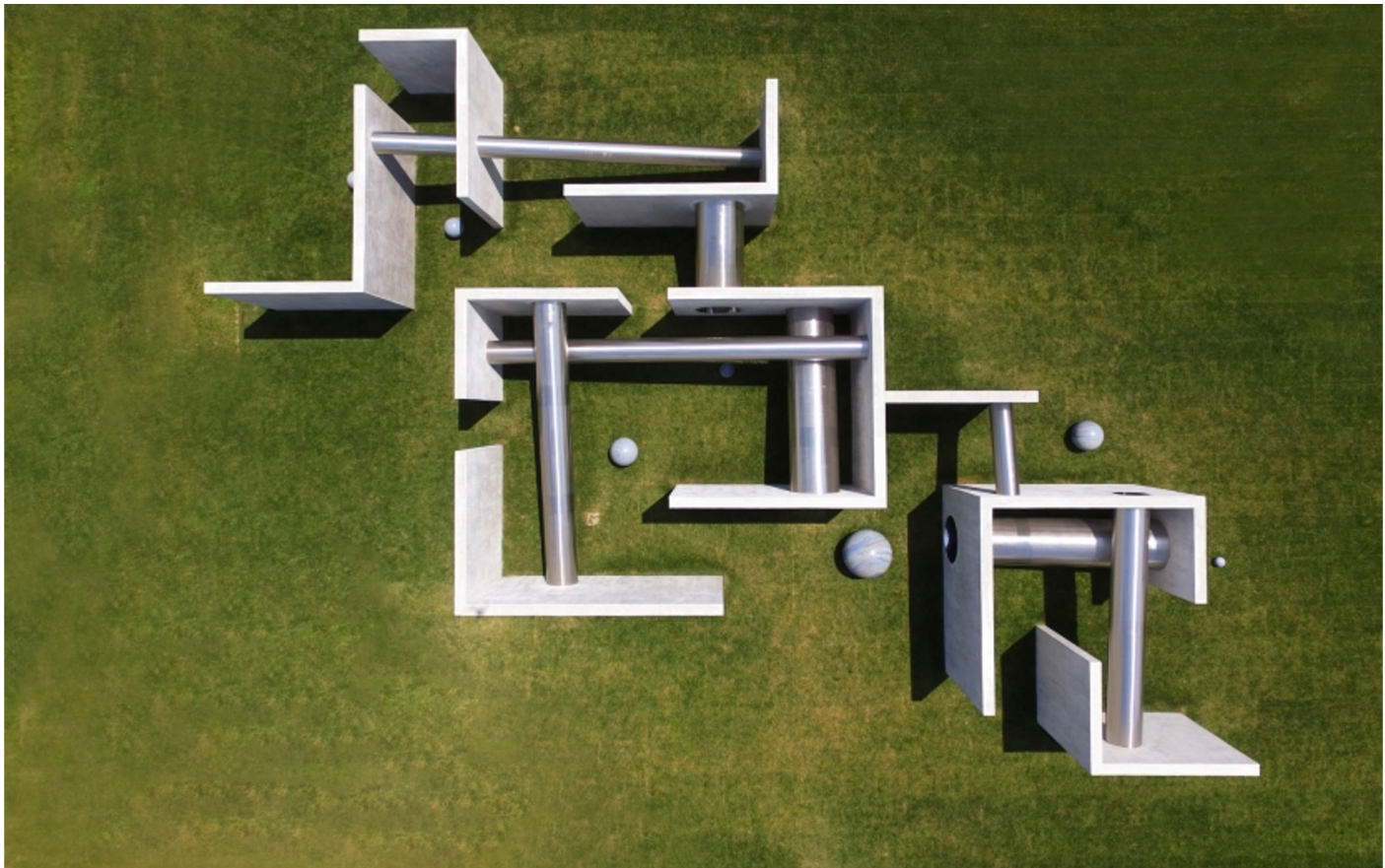


21–22

Alicja Kwade
1417 + (16.08.2013), 2013 (installation view and view from within Haus Esters)
 1417 foundlings, framed graphic
 Dimensions variable
 Exhibited *Degree of Certainty*, Museum Haus Esters, Krefeld, Germany, 29 September 2013 – 16 February 2014



Alicja Kwade
TunnelTeller, 2018–19
 Stainless steel, concrete, natural stone (Macaúbas Azul)
 Exhibited *The Trustees*, Castle Hill on the Crane Estate, Ipswich, Massachusetts, May 2018 – April 2019
 Photo: Peter Vanderwarker Photography



Alicja Kwade
TunnelTeller, 2018–19
 Stainless steel, concrete, natural stone (Macaúbas Azul)
 Exhibited *The Trustees*, Castle Hill on the Crane Estate, Ipswich, Massachusetts, May 2018 – April 2019
 Photo: Peter Vanderwarker Photography

6

Methodology

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Process of commissioning public art

The process of commissioning and delivering public art is dynamic. Every artist and project is unique, and the process of commissioning public art can be as complex as building construction.

Lane Cove Council works with a Public Art Advisory Committee that provides Council with expert advice, critique and commentary on the implementation of the Lane Cove Public Art Policy. The composition of the committee is set out in the Lane Cove Public Art Advisory Committee Charter that is accessible online; it is described as having this balance of skills:

- a contemporary visual artist having completed at least one public art commission
- a practising contemporary craftsperson or designer/maker with experience in the commissioning process
- a community artist with experience in high-quality community cultural development projects
- an architect, urban designer or landscape architect
- a Lane Cove community representative who has demonstrated particular interest and dedication to public space improvement, preferably with a background in a design-based or heritage field
- a curator, consultant or arts administrator with wide knowledge of contemporary visual art and craft practitioners and of model project public art practice
- an appropriate representative of one of Council’s multicultural communities, preferably with a background relating to some form of creative practice, or a practising artist or craftsperson of a CALD (Culturally and Linguistically Diverse) background
- four Councillors as appointed by Council
- two Council staff as nominated by the General Manager (Council staff shall not have voting rights).¹⁰

The identity of committee members is not published. The committee provides its commentary at milestones at the request of Council within the life of projects and recommends whether projects should proceed at those stages. The committee does not make decisions on behalf of Council.

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Contracting the artist

Flynn has developed the ability to foreshadow and plan for the possible eventualities and has documented them in the Barbara Flynn Pty Ltd template artwork contract that she has developed across several realised Australian public art projects. The artist contract sets out all stages of conceiving, designing, fabricating, installing and approving artworks. It is a flexible document that is updated by Flynn to incorporate new experience gained following the successful completion of every artwork project. It is redrafted by commissioning entities to suit every new artwork project.

Kwade is represented by Jakob Braeuer, principal of the pre-eminent Berlin law firm Bauschke Braeuer, which is expert in the drafting of artwork contracts. In conversation on 20 May 2021 with Flynn, Braeuer committed to drafting an initial template contract for review by Top Spring Australia and Flynn to cover the concept proposal stage. This initial contract can be reviewed and approved by the parties to enable Kwade to begin the process of analysing the site and proposing an artwork for it. Provisions will be included in the template to allow Top Spring Australia, Flynn and the working team to evaluate the artwork concept proposal and, if for any reason they reject the proposal, for Kwade to adapt and resubmit it. Once the artwork concept proposal is accepted, either Flynn’s template contract or another form of contract that melds hers with that of Bauschke Braeuer will be presented to Top Spring Australia for its approval. When this is reviewed and approved, it will be the form of contract to cover all subsequent stages of artwork design development, fabrication, delivery and installation on the site, and, following installation, final artwork approval.

Future ownership and care of works of art

Commissioning and owning art brings with it obligations for care and maintenance that are reinforced by Australian moral rights law. It is important for matters of ownership, intellectual property and copyright to be resolved from the outset. Normally this is done through the artist-contracting process.

Who is going to own, maintain and care for a permanent artwork over its 25-year lifespan? Most works of public art will require some level of ongoing cleaning or other maintenance.

There are different structures for ownership of public art by private-sector and public-sector entities that conform to the industry standard. These are defined in the template artwork contract which has been excerpted and included with this Strategy as Appendix A. Clauses 3.2, 3.3 and 3.4 of the contract set out the obligations of ownership. Clauses 3.5, 3.6 and 3.7 set out the procedures to be followed in the event of a change in ownership.

As a guide for how to maintain and care for the art, the template artwork contract requires the production of a maintenance manual by the commissioned artist.¹¹ Maintenance is best undertaken by trained specialists accustomed to handling, caring for and conserving works of art, for example, the sort of trained specialist personnel working in art museums.

Program

The following table sets out the milestones of a public art project.

1 Initial stage

Stage	Project milestones
Site analysis, curatorial research, articulating the vision and approach, determining the possible locations and types of public art, artist identification	Advice of public art advisor
Contracting of public art advisor	Execution of public art advisor's contract
Refining the discussion of the possible artists; selection of artists to invite to a competitive process	Convening sessions of working team comprised of representatives of Top Spring Australia and MCA Australia, the architect and landscape architect, and the public art advisor
Template artwork contract provided by legal representative of the artist as a starting point for contracting the artist at the concept proposal stage	
Preliminary budget discussions with nominated artist	
Reporting to Lane Cove Council, the consent authority	

2 Commissioning of artist stage

Stage	Project milestones
Draft provisional cost plan in consultation with the selected artist, to be approved by an art-experienced quantity surveyor, and monitored and updated by the quantity surveyor and the public art advisor as artwork concepts and materials are further specified by the artist	Site visit by artist when possible, allowing for COVID-19 restrictions Ongoing artist briefings by the architect, landscape architect and public art advisor Starting discussion among artist, engineer and lighting consultant Ongoing briefings of artist by public art advisor, architect and landscape architect Research and vetting of materials selection, considering artist's intent, longevity and safety

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Development of artwork concept proposal by artist

Recommendation of public art advisor, consultation with the working group, and acceptance by Top Spring Australia of artwork concept proposal

Ongoing reporting/presentations to Lane Cove Council

3 Creation of artwork stage

Stage	Project milestones
Finalising and executing contract for the full process to develop and deliver the artwork	
Design development	
Commissioning of prototype	Prototyping
Construction documentation	Reconfirm costings
Identifying possible fabricators	
Tender	
Engagement of successful tenderers	
Finalise artwork lighting design	Ongoing lighting design with input from the artist and public art advisor
Prepare DA documentation	
Ongoing reporting/presentations to Lane Cove Council	

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4 Fabrication and preparations for installation

Stage	Project milestones
Fabrication	Fabricating artworks
Artwork light fixtures secured/delivered	
Preparations for transport	
Site preparation	Site preparation by Top Spring Australia signed off by public art advisor and engineer

5 Final delivery and installation stage

Stage	Project milestones
Transport to site	Delivery and installation of artwork
Installation	
Maintenance manual	Completion of maintenance manual by artist
Inspection and acceptance	Mandatory site visit by artist for final inspection and acceptance
Defects rectification	Rectification of any defects by artist and/or her nominated personnel
Signage, promotional material, catalogue	Signage, drafting of promotional material and any artwork catalogues or brochures by public art advisor with the input and approval of the artist
Artwork photography	Photographing the artwork

6 Launch

Stage	Project milestones
Launch	Launch with artist and public art advisor in attendance (mandatory)

Notes

- 10
- The Lane Cove Public Art Advisory Committee Charter is available from: www.lanecove.nsw.gov.au/YourCouncil/CouncilMeetingsandReports/AdvisoryCommittee/Pages/LaneCovePublicArtAdvisoryCommittee.aspx.
- 11
- Sample maintenance manuals generated for projects of Flynn's can be provided upon request.

7 Budget

Budget allocation

The sum of A\$1 million has been allocated by Top Spring Australia as the public art budget for St Leonards South.

Relationship of program and budget

Program and budget need to be very closely aligned. This will avoid modifications occurring late in the process that will add to cost and jeopardise the public art advisor’s and artist’s commitment and efforts to realise all artworks within the nominated budget. Every aspect of how the artworks will be made, shipped and installed on the sites will need to be detailed at the design development stage. Any plant or infrastructure elements that will be required for the installation or operation of the artworks will need to be installed, in keeping with the program for the larger construction, in advance of the installation of the artworks.

The public art advisor will monitor the interface of the artist’s program with the program for the larger construction, including heritage and all the design disciplines (including but not limited to architecture, landscape architecture, artwork and public domain lighting, and wayfinding). The public art advisor’s success in synchronising the two programs assumes the full cooperation of all parties and will rely entirely on being provided with the construction program and any updates to the program consistently in a timely manner. The opportunities for public art will be ensured through this sort of cooperative and transparent process, and any scaling back of the aspirations for public art will be avoided.

8

Conclusion

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The work of the NSW DPIE in conjunction with Lane Cove Council is visionary, supporting the sort of research and decision making that will provide the scaffolding for ground-breaking architecture, landscape architecture and art. Such careful groundwork combined with the vision and proven quality of the developments delivered by Top Spring Australia will ensure a new forward-looking and amenity-rich residential area at St Leonards South in keeping with the natural beauty that is already there. Alicja Kwade as selected artist will draw on the work and achievements to date to make art that will lend meaning to the experience of residents, the community, and others attracted to the project by its excellence and the excitement it affords.

Annexure A

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Note: The following excerpts from the Barbara Flynn Pty Ltd template artwork contract are provided for information only. Not to be duplicated or disseminated for any purpose.

- 3.2 Ownership of and risk associated with the artwork pass to the owner when the artist delivers the artwork to the site and fixes it into final position as designated by the owner.
- 3.3 Once the owner becomes the owner of the artwork:
 - (a) the owner must effect and maintain insurance for the artwork protecting it from usual insurable risks against loss, damage or deterioration;
 - (b) clean and maintain the artwork in accordance with the instruction manual prepared by the artist for that purpose using properly instructed, informed, skilled and experienced employees or contractors;
 - (c) in the case of significant damage to or disrepair of the artwork, consult with the artist and art consultant to ascertain their respective views on restoration before work is commenced;
 - (d) ensure that the artwork:
 - (i) benefits from appropriate art lighting and illumination and in this respect the owner must act on reasonable advice received from the art consultant for optimum presentation or display of the artwork; and
 - (ii) is kept and maintained as an integrated whole so that no part of the artwork can be exhibited, sold or otherwise dealt with separately from the remainder.
- 3.4 The owner acknowledges that the artist and art consultant can be expected to derive ongoing reputational benefit and commercial advantage from the manner in which the artwork is configured, assembled, oriented or displayed on site. Accordingly, for as long as the owner retains possession and control of the

site, the owner must not modify or permit third parties to modify the artwork, the manner of its configuration, assembly, orientation or display or its specific location on site without first consulting and obtaining the written consent of the artist. Without limiting remedies available elsewhere in this agreement for breach by the owner, if the owner breaches the obligation in this clause or permits a third party to breach it, the artist can by immediate notice require the owner to make it known to all and sundry that the artwork is no longer associated with the artist and, if considered appropriate, the art consultant and this disclosure must include the removal, withdrawal, countermanding or withholding of all indicia of that association previously created or brought into existence by the owner for use in connection with the artwork. For the purposes of this clause, material damage or disrepair to the artwork which is not remedied or made good by the owner within a reasonable period constitutes an unauthorised modification of the artwork and attracts the sanction contained in this clause. This clause does not exclude or limit recourse available to the artist if there is derogatory treatment of the artwork giving rise to a breach of the artist's moral rights.

3.5 If the owner sells the site or relinquishes possession and control of the site or that part of the site on which the artwork is located to a third party, the owner must enter into an agreement with the third party which:

- (a) imposes on the third party in favour of the artist the same obligations with respect to the artwork as are imposed on the owner under clause 3.3;
- (b) confers on the artist as against the third party the same rights with respect to the artwork as are conferred on the artist under clause 3.4; and
- (c) requires the third party in like manner to enter into an agreement with each successor to the third party, whether in title or possession:
 - (i) imposing on the successor in favour of the artist the same obligations with respect to the artwork as are imposed on the owner under clause 3.3 and the third party under clause 3.5(a);
 - (ii) conferring on the artist as against the successor the same rights with respect to the artwork as are conferred on the artist against the owner under clause 3.4 and the third party under clause 3.5(b).

3.6 Agreements the subject of clause 3.5(a), (b) and (c) must contain:

- (a) a provision mandating that rights accruing and imposed in favour of the artist are held by the owner, third party or successor, as the case requires, on trust for and to the use and benefit of the artist to the intent that those rights and obligations can be enforced by the artist directly against each obligee; and
- (b) a provision requiring the parties to each agreement to provide the artist with a complete, legible, signed and dated copy of the agreement certified by each party as being true and correct.

3.7 Provided the owner complies with clauses 3.5 and 3.6, then on the date of the transfer of the site or relinquishment of possession and control of the site or that part of the site on which the artwork is located to a third party, the artist releases the owner from its obligations under clause 3.3 and will have no further claims against the owner under or arising out of that clause.

F L Y N N

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