

September 2024

South East Queensland City Deal Public Art Initiatives Applicant Guidelines

The Department of State Development and Infrastructure connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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Copies of this publication are available on our website at www.statedevelopment.qld.gov.au and further copies are available upon request.

Acknowledgement of Country

The department acknowledges the First Nations peoples in Queensland: Aboriginal and Torres Strait Islander peoples and their connections to the lands, winds and waters we now all share. We pay our respect to Elders, past, present and emerging. We also acknowledge the continuous living culture of First Nations Queenslanders – their diverse languages, customs and traditions, knowledges and systems. We acknowledge the deep relationship, connection and responsibility to land, sea, sky and Country as an integral element of First Nations identity and culture.

The Country is sacred. Everything on the land has meaning and all people are one with it. We acknowledge First Nations peoples' sacred connection as central to culture and being. We acknowledge the stories, traditions and living cultures of First Nations peoples and commit to shaping our state's future together. The department recognises the contribution of First Nations peoples and communities to the State of Queensland and how this continues to enrich our society more broadly.

Contact us

{ +61 7 3328 4811 or 13 QGOV (13 74 68)
@ info@dsdilgp.qld.gov.au
🌐 www.statedevelopment.qld.gov.au
✉ PO Box 15009, City East, Queensland 4002
🏠 1 William Street, Brisbane 4000

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Glossary

| Term | Definition |
|------------------------------|---|
| Allocation | Non-competitive funding available to Applicants to deliver Public Art projects as part of the Public Art Initiatives as set out at section 1.4. |
| Applicant | An Eligible Local Government making an Application for funding under the Initiative. |
| Application | An application (or relevant part of an application) for funding under the Public Art Initiatives, and includes relevant supporting or additional information in whatever form provided by the Applicant in connection with its Application. |
| Applicant Guidelines | These Public Art Initiatives Applicant Guidelines, as updated from time to time. |
| Approved Project | The Project scope of works approved for funding and as defined in a Project Funding Schedule. |
| Architecture | Decorative treatments to buildings or infrastructure, conceived of and/or created by an artist or designer. |
| Assessment Criteria | The criteria set out in section 4.1 of these Applicant Guidelines. |
| Deal Partners | Australian Government, Queensland Government and Council of Mayors (SEQ). |
| Department | The Queensland Department of State Development and Infrastructure. |
| Eligible Local Governments | Local Governments that meet the requirements set out in section 2.1 of these Applicant Guidelines. Eligible Local Governments include: <ul style="list-style-type: none"> • Brisbane City Council • City of Moreton Bay • Ipswich City Council • Lockyer Valley Regional Council • Logan City Council • Noosa Council • Redland City Council • Scenic Rim Regional Council • Somerset Regional Council • Sunshine Coast Council • Toowoomba Regional Council |
| Eligible Project Costs | Those set out in section 2.3 of these Applicant Guidelines. |
| Eligible Projects | Those set out in section 2.2.1 of these Applicant Guidelines. |
| Estimated Total Project Cost | The estimated total Project expenditure is made up of the Eligible Project Costs, Ineligible Project Costs and contingency allowance of up to 20 per cent. |
| Head Funding Agreement | The existing agreement between the State and the Applicant that sets out the terms and conditions under which the State will enter into project specific arrangements to provide funding to the Applicant for specific projects. |
| Ineligible Project Costs | Those set out in section 2.3.1 of these Applicant Guidelines. |
| Ineligible Projects | Those set out in section 2.2.2 of these Applicant Guidelines. |
| Initiative | South East Queensland City Deal Public Art Initiatives. |
| Local Government | A Local Government body constituted under the <i>Local Government Act 2009</i> or the <i>City of Brisbane Act 2010</i> . |

| Term | Definition |
|---------------------------|---|
| Milestone Schedule | Schedule outlining progress payments and the information required to be supplied by the Applicant to the State to make a progress payment. The Milestone Schedule is provided with the Project Funding Agreement, under the Applicants' Head Funding Agreement with the State. |
| Owner | The Owner of Public Art delivered under the Public Art Initiatives will be the Eligible Local Government responsible for its delivery. |
| Permanent Public Art | <i>See Public Art.</i> |
| Project | A contained or single Public Art project for which funding is sought and includes the entire scope of works, commencing from the Project Start Date through to the Project Completion Date. |
| Project Completion Date | The date by which all works associated with a Project will be completed and the Project can be acquitted. |
| Project Funding Agreement | An agreement between the State and a successful Applicant comprising an executed Project Funding Schedule, specified parts of the Head Funding Agreement and any other documents required by the State. |
| Project Funding Schedule | The schedule prepared by the State and executed by the parties in accordance with the Head Funding Agreement, for the provision of Project funding. |
| Project Partner | Applicant's Project Partner/s required to deliver the Project and its outcomes. |
| Project Start Date | The date works forming part of the Project commence. |
| Public Art | <p>An artwork, in any medium, that has been planned and executed for display in a public space. The artworks will be accessible by the public without payment.</p> <ul style="list-style-type: none"> • Permanent Public Art - an artwork, in any medium, that has been planned and executed for display in a public space for a period of at least 10 years. The Owner will commit to the maintenance of the artwork for its lifespan. • Temporary Public Art – a non-permanent artwork, in any medium, that has been planned and executed for display in a public space for a minimum period of 12 months. As part of this Initiative, Temporary Public Art will only be considered eligible in conjunction with Public Art Infrastructure as an example for the use of the Public Art Infrastructure. • Public Art Infrastructure – permanent infrastructure that enables the display of Temporary Public Art. It is expected that the infrastructure will be designed and built to last for at least 10 years. The Owner will commit to the programming and maintenance of the Public Art Infrastructure for its lifespan. |
| Public Art Infrastructure | <i>See Public Art.</i> |
| South East Queensland | South East Queensland including the Local Government Areas of Brisbane, Ipswich, Lockyer Valley, Logan, Moreton Bay, Noosa, Redland, Scenic Rim, Somerset, Sunshine Coast, and Toowoomba. |
| State | The State of Queensland. |
| Temporary Public Art | <i>See Public Art.</i> |

1. Introduction

1.1. Overview

The South East Queensland (SEQ) City Deal Public Art Initiatives (the Initiative) will enhance place-making and promote a more liveable SEQ through Public Art and Architecture. It is a commitment under the \$1.8 billion SEQ City Deal between the Australian Government, Queensland Government, and the Council of Mayors (SEQ).

The Australian Government has committed \$10.0 million to the Initiative, allocated to Eligible Local Government members of the Council of Mayors (SEQ) through a non-competitive application and assessment process.

The Initiative will enable Eligible Local Governments to select and engage artists through an open, fair and transparent process to develop and deliver Public Art within the region, that contributes to place-based activation and delivers improvements to the built environment.

Eligible Local Governments will contribute in-kind support by working to deliver the Public Art projects, including undertaking the process to select the artist/s and the Projects, as well as maintenance, where appropriate, for a minimum period of 10 years. Eligible Local Governments will become the Owners of their Approved Projects.

Projects are expected to be completed by 31 March 2027 with the specific completion date subject to the terms agreed between parties in the Project Funding Agreement.

The Initiative is administered by the Department of State Development and Infrastructure (the Department) on behalf of SEQ City Deal Partners.

These Applicant Guidelines relate only to the SEQ City Deal Public Art Initiatives.

1.2. Objectives

Approved Projects will be required to meet all of the following objectives:

1. Deliver Public Art within SEQ that contributes to place-based activation and delivers enhancements to the built environment.
2. Create accessible, new and engaging Public Art in local communities across SEQ that supports cultural tourism.
3. Meet the wider SEQ City Deal vision and outcomes including to support local businesses and job creation, and maximise opportunities for First Nations peoples, Australian artists, including artists with disability, or from diverse, cultural or linguistic backgrounds.
4. Complements the Australian Government, Queensland Government and Local Government priorities, initiatives, and strategies that underpin the objectives of the Initiative.

In addition, Eligible Local Governments will work towards meeting Indigenous economic participation objectives in the SEQ City Deal including a minimum target of three per cent Aboriginal employment, and a minimum of three percent of contract value for Indigenous businesses and suppliers. This applies to the Allocation as a whole and does not apply to each Project.

1.3. Outcomes

Approved Projects will be required to achieve outcome one, and at least one other of the following outcomes:

1. Enhanced cultural experience, aesthetic of the built environment, and quality of public spaces.
2. Contribution to a location's unique identity and cultural heritage.
3. Attraction of investment through cultural tourism.
4. Opportunities for artists and the creative industries, including for innovative practices and professional development.
5. Supporting a sense of community, local identity and social cohesion.

1.4. Funding allocation

Eligible Local Governments will receive a baseline allocation of \$350,000 plus a proportional allocation based on population data from 2020, for Approved Projects.

The available Allocation to each Eligible Local Government is capped at the amounts outlined below in Table 1.

Eligible Local Governments may make financial contributions however it is not a requirement of the Initiative.

| Table 1 - Allocation | | | |
|----------------------------------|-------------------------------------|--|----------------------------------|
| Eligible Local Government | Baseline allocation (ex GST) | Allocation based on population (ex GST) | Allocation total (ex GST) |
| Brisbane City Council | \$350,000 | \$2,480,000 | \$2,830,000 |
| City of Moreton Bay | \$350,000 | \$930,000 | \$1,280,000 |
| Logan City Council | \$350,000 | \$670,000 | \$1,020,000 |
| Sunshine Coast Council | \$350,000 | \$650,000 | \$1,000,000 |
| Ipswich City Council | \$350,000 | \$460,000 | \$810,000 |
| Toowoomba Regional Council | \$350,000 | \$330,000 | \$680,000 |
| Redland City Council | \$350,000 | \$310,000 | \$660,000 |
| Noosa Council | \$350,000 | \$110,000 | \$460,000 |
| Scenic Rim Regional Council | \$350,000 | \$80,000 | \$430,000 |
| Lockyer Valley Regional Council | \$350,000 | \$80,000 | \$430,000 |
| Somerset Regional Council | \$350,000 | \$50,000 | \$400,000 |
| Totals | \$3,850,000 | \$6,150,000 | \$10,000,000 |

2. Application requirements

2.1. Who can apply?

2.1.1. Eligible Local Governments

To be eligible for Project funding under the Initiative, an Applicant must:

- (a) be a Local Government body constituted under the *Local Government Act 2009* or the *City of Brisbane Act 2010*
- (b) be a member of the Council of Mayors (SEQ) as at 21 March 2022 and contributing investment to the suite of region-wide reform initiatives contained in the SEQ City Deal.

Note: Funding for the Initiative is provided through the SEQ City Deal. The list of Eligible Local Governments is limited to Council of Mayors (SEQ) member councils as Local Government partners under the SEQ City Deal.

2.1.2. Partnering arrangements

Eligible Local Governments may collaborate with other Eligible Local Governments, or private entities, to deliver Eligible Projects. In such circumstances, one Eligible Local Government must be the Applicant and will be the Project lead. If the Project is approved for funding, only the Applicant is able to enter into a Project Funding Agreement with the State and will be responsible for managing delivery of the Project.

If an Applicant has Project Partners for a Project, a formal written arrangement must be in place between all parties before the Application is submitted and details of the partnering arrangements must be provided as part of the Application.

Projects that are developed as part of such a collaboration will be delivered within the Eligible Local Government boundaries.

2.2. What will be funded?

An Eligible Project must be Permanent Public Art displayed in a public space for a minimum period of 10 years, or Public Art Infrastructure that supports the presentation or delivery of Temporary Public Art.

An Eligible Project will enhance place-making and promote a more liveable SEQ, and be accessible by the public without payment.

Where an Applicant proposes to deliver Public Art Infrastructure, the Project and its Application must include an initial Temporary Public Art program to showcase the Public Art Infrastructure. The initial Temporary Public Art program must be displayed for a minimum period of 12 months. All subsequent programming for the Public Art Infrastructure is considered ongoing programming and will be the fiscal responsibility of the Applicant. Public Art Infrastructure cannot be more than 50 per cent of the Applicant's Allocation.

Temporary Public Art will only be considered eligible where it is included as part of a Public Art Infrastructure project. Temporary Public Art will not be considered as a stand-alone Project.

Where possible, consideration should be given to incorporate any recycled, reused or repurposed materials in the Project's delivery.

If submitting more than one Application, Applicants must address their capacity and capability to deliver multiple Projects at the same time.

It is expected that Approved Projects should be able to commence within six months of a Project Funding Schedule being executed.

Provision of grant funding to Local Governments is not considered a taxable supply and so Goods and Services Tax (GST) is not applicable to the allocation.

2.2.1. Eligible Projects

Eligible Projects must:

- be a new Public Art project or Public Art Infrastructure project, or a new stage or independent component of an existing infrastructure project that supports Public Art
- achieve all of the Initiative's objectives
- achieve outcome one and at least one other of the Initiative's outcomes
- have a minimum value of \$50,000
- be able to be completed by the Initiative's program end date of 31 March 2027 with the specific completion date subject to the terms agreed between parties in the respective Project Funding Schedule
- be undertaken in an Eligible Local Government area
- have secured sufficient funding from other sources to cover the Estimated Total Cost, where the Estimated Total Cost, including contingency, is more than the Eligible Local Government's Allocation as outlined in Table 1 of these Applicant Guidelines
- be located on land which is or will be owned or substantially operated and maintained by the Applicant. Where this is not the case, evidence of landowner consent, and a commitment to the long-term management of the proposed Project, should be provided in the Application
- have either obtained all of the necessary approvals and permissions needed to proceed, or demonstrate that the necessary approvals and permissions will be obtained in a timely manner, e.g. development approvals, landowner permission
- demonstrate that a significant part, if not all, of the Project is created in Australia
- be selected using an open, fair and transparent process, and with evidence of community consultation where possible
- include contingency funds of up to 20 per cent
- consider disability access where possible
- not be an Ineligible Project.

Eligible Projects should also support local employment for First Nations peoples and procurement through Indigenous-owned and led businesses.

2.2.2. Ineligible Projects

Projects not eligible for funding under the Initiative include Projects:

- that have already commenced construction or been completed at the time of the release of these Applicant Guidelines
- where the funding sought exceeds the Eligible Local Government's Allocation, and additional funds to cover the excess have not been secured from other sources
- where the cost of a single Project is less than \$50,000
- that involve the development of private or commercial "for-profit" ventures except where any expected private benefit comprises a minor component of the Project and the expected public benefit is proportionate to the funding sought
- that involve the repair, or routine or ongoing maintenance of existing Public Art projects or Public Art related infrastructure
- that have more than 50 per cent of Project funding approved through another funding program in Queensland, or by the Australian Government
- that are ongoing Public Art programs
- that would require ongoing funding from the Australian or Queensland Governments
- that have a lifespan of less than 10 years, with the exception of the first Temporary Public Art project delivered on Public Art Infrastructure as part of the Initiative, to showcase the capacity of the infrastructure
- that would be delivered on high-risk land without the inclusion of a risk mitigation strategy.

The above list is not a definitive list of Ineligible Projects and consideration against the Initiative's objectives should be made in the first instance. If there is any doubt about Projects that may be considered ineligible, please contact the Department.

2.3. Eligible Project Costs

Approved funding may only be applied towards Eligible Project Costs.

Eligible Project Costs are costs that relate to an Approved Project for:

- artists fees (including accessibility costs)
- concept design – paid to artists, capped at a maximum of three per Project
- detailed design
- site works related to construction
- construction-related labour, materials and equipment hire, including contingency for construction
- fixed plant and equipment required for construction
- infrastructure that supports Public Art
- project management – curator or consultant directly responsible for the development and delivery of Initiative Projects only
- research services
- technical services
- licencing of Intellectual Property and/or First Nations Cultural and Intellectual Property
- stakeholder or community engagement
- project signage acknowledging Australian Government funding as outlined in the Australian Government's Building Australia Signage Guidelines.

Note: Construction, fabrication and installation costs for an Approved Project must account for at least 50 per cent of the Estimated Total Project Cost. Costs relating to the development of the Approved Project must not exceed 50 per cent of the Estimated Total Project Cost.

Eligible Project Costs exclude Ineligible Project Costs.

2.3.1. Ineligible Project Costs

Ineligible Project Costs are costs not included in Eligible Project Costs and include:

- costs incurred prior to the date of release of these Applicant Guidelines, including any otherwise Eligible Project Costs
- purchase of land
- statutory fees and charges and any costs associated with obtaining regulatory and/or development approvals
- legal expenses
- core business costs for a Local Government (business as usual), including:
 - existing and/or ongoing costs for administration, operation, conducting procurement processes, maintenance and engineering
 - corporate overheads and on-costs
 - remuneration costs of employees
 - project management costs that do not directly contribute to or oversee, outputs of the Project
- purchase, lease or hire of capital equipment relating to the Applicant's core business
- concept designs for more than three Projects
- temporary or portable furnishings, supplies and related items
- travel expenses
- raising of buildings and relocation costs
- official opening expenses

- ongoing maintenance and operational costs associated with the Project (these costs will be borne by the Owner)
- ongoing Temporary Public Art programming
- costs related to marketing, advertising or promotion
- any other costs determined to be Ineligible Project Costs.

The above list identifies common examples of ineligible costs and is not intended to be exhaustive. Funding is not intended to replace existing expenditure commitments or regular scheduled maintenance.

Applicants whose Applications are approved for funding will be responsible for all Ineligible Project Costs and any Eligible Project Costs over and above the approved funding amount. They will also be responsible for meeting any Project cost increases that occur over the course of delivering an Approved Project.

If there is any doubt about Ineligible Projects Costs, please contact the Department.

3. How to apply

3.1. Key dates

Key dates will be published on the Initiative’s website.

All dates are indicative and any changes to dates will be noted on the Initiative’s website and communicated to Eligible Local Governments.

Eligible Local Governments should check the Initiative’s website for updates.

3.2. Application process

Eligible Local Governments will run their own Project selection process, ensuring the process is open, fair and transparent. This should include a process to seek Project proposals from artists, ensuring Projects align with the objectives and outcomes of the Initiative.

Timeframes to run this process will be provided on the Initiative’s website and communicated to Eligible Local Governments.

Once this process has been completed, Eligible Local Governments will be invited to submit an Application to the Department using the online grants system, SmartyGrants, for assessment and approval. The Application will contain details of the Project that the Applicant proposes to deliver, including information and documentation listed below in Table 2.

Eligible Local Governments may seek funding for multiple projects, however, the total funding sought cannot exceed the Allocation outlined in Table 1. Each Project is to be submitted as a separate Application.

Table 2 - Required Information and Documentation

An Application must be supported by the following information and/or documentation for each Project.

- Project proposal for each Project to include:
 - Details and type of Public Art project sought.
 - The location of the proposed Project, including address and coordinates, where possible. Where the land is not owned by Council, evidence of partnership arrangements is required.
 - Estimated Total Project Cost, including funding sought plus any additional contributions from the Applicant or other sources (if applicable).
 - Estimated Project Completion Date.
 - How the Project aligns with each of the Initiative’s objectives.
 - How the Project will achieve outcome one, and at least one other of the Initiative outcomes.
 - Details of shortlisted artists for the Project, including artist name, brief description of the proposed artwork and reasons why the artwork is successful / unsuccessful.
- Concept design of selected Public Art project.

Table 2 - Required Information and Documentation

- Budget breakdown.
- Project partnership agreements (if applicable).
- Risk assessment, including evidence of consideration of disaster mitigation and resilience measures in Project design (where applicable).
- Statement of the Applicant’s commitment to assume responsibility for all costs related to the Project upon completion. These costs include but are not limited to maintenance, insurance and running costs for the anticipated life of the Project.
- Other documentation and information which may be reasonably required.

Templates for parts of the required documentation will be provided on the Initiative’s website.

Applications and all required supporting documentation must be received by the identified closing date.

The Applicant’s Chief Executive is responsible for ensuring that the Application is complete and accurate.

Applicants will be notified in writing of the outcome of the assessment of their Application.

The Department is under no obligation to allow an Applicant to change its Application or provide any additional information. However, if an Applicant discovers an error after submitting its Application please contact the Department immediately. See Section 8 of these Applicant Guidelines for contact information.

Where a Project is not successful through the Application process, the Applicant will be provided an opportunity to resubmit alternative proposals.

3.2.1. Questions

A list of Frequently Asked Questions (FAQ) will be available once the Initiative opens to assist with preparation of Applications.

Questions and responses to questions asked after the Initiative opens will be added to the FAQ. The Department may in its discretion determine not to publish questions and responses where they are Application specific or do not have general relevance. Applicants should check the FAQ for updates prior to submitting their Application.

The Australian and Queensland Governments are not able to directly assist in the preparation of Applications.

4. How will Applications be assessed?

4.1. Assessment Criteria

Applications will be assessed against the criteria set out below.

Assessment Criteria

1. The alignment of each of the Projects with the Initiative’s objectives and outcomes

The Application demonstrates how the Project:

1. Delivers Public Art within SEQ that contributes to place-based activation and delivers enhancements to the built environment.
2. Creates accessible new and engaging Public Art in local communities across SEQ that supports cultural tourism.
3. Meets the wider SEQ City Deal vision and outcomes including to support local businesses and job creation, and maximises opportunities for First Nations peoples, Australian artists, including artists with disability, or from diverse, cultural or linguistic backgrounds.
4. Complements the Australian Government, Queensland Government and Local Government priorities, initiatives, and strategies that underpin the objectives of the Initiative.

Assessment Criteria

The Application demonstrates how the Project achieves outcome one, and at least one other of the following outcomes:

1. Enhanced cultural experience, aesthetic of the built environment, and quality of public spaces.
2. Contribution to a location's unique identity and cultural heritage.
3. Attraction of investment through cultural tourism.
4. Opportunities for artists and the creative industries, including for innovative practices and professional development.
5. Supporting a sense of community, local identity and social cohesion.

2. Project delivery

The Application demonstrates:

- The Project's ability to be delivered within the identified budget and timeframes.
- The Applicant, its Project Partners (if relevant), and preferred contractors/consultants, have the capacity, capability and track record to deliver the Project within the identified budget and timeframes.
- There are adequate financing arrangements in place to complete and deliver the Project.
- The consideration and, where possible, incorporation of any recycled, reused or repurposed materials in the Project's delivery.
- The consideration of disaster mitigation and resilience measures in the Project's design and construction.
- The Applicant will work towards meeting Indigenous economic participation objectives in the SEQ City Deal including a minimum target of three per cent Aboriginal employment, and a minimum of three percent of contract value for Indigenous businesses and suppliers. This applies to the Allocation as a whole and does not apply to each Project.

4.2. Assessment and approval process

Applications will be assessed against the assessment criteria as set out in these Applicant Guidelines.

The assessment process will be undertaken as follows:

- (a) Confirmation of eligibility and alignment with the Initiative's objectives and outcomes. Applicants may be contacted to clarify information provided in the Application.
- (b) Assessment of the Application against the Assessment Criteria will be coordinated by the Department. The assessment process may include consultation with other relevant Australian and Queensland Government agencies.

In conjunction with Applications being assessed against the Assessment Criteria, due diligence and probity checks may also be undertaken by the Department. The level of due diligence undertaken will be commensurate with the quantum of assistance sought, the assessed risk of the Project and the level to which the Project fulfills the Initiative's objectives and outcomes.

Applicants may be contacted during the assessment process to clarify information provided in the Application and/or request further information to enable an appropriate level of due diligence and probity assessment to be undertaken.

- (c) Projects recommended for funding will be considered under the SEQ City Deal governance and approved by the Australian Government Delegate.

5. Conditions of funding

5.1. Funding arrangements

Successful Applicants will be required to execute a Project Funding Schedule under the Applicant's Head Funding Agreement with the State.

The Australian and Queensland Governments have no obligation to provide Project funding to an Applicant until a Project Funding Schedule has been properly executed by the Applicant and the State and the relevant conditions including any associated with the Federation Funding Agreement – Infrastructure Schedule (SEQ City Deal) have been satisfied.

An Applicant undertakes a Project at its own risk. Any financial or other commitments in relation to a Project made by an Applicant (or Project Partner) prior to a Project Funding Agreement being properly entered into by the parties is at the sole risk of the Applicant (or Project Partner, as relevant).

The Project Funding Agreement will set out the arrangements for payment of funding to a successful Applicant in accordance with a Milestone Schedule.

Successful Applicants will also be required to:

- effect and maintain public liability, professional indemnity and other relevant insurances as required by the State. Such insurances must be effected with a reputable insurer that is authorised to operate in Australia and is acceptable to the State.
- meet qualifications, accreditation, registration or checks relevant to the Approved Project, e.g., a Working with Children check or Working with Vulnerable People registration. These requirements will be identified in the Project Funding Agreement.
- satisfy any other conditions which may be required.

5.1.1. Payment of funding

Subject to the terms of the Project Funding Agreement, funding will be paid directly to the successful Applicant in arrears on satisfaction of milestone requirements and provision of:

- a valid tax invoice from the successful Applicant to the State for payment of the relevant milestone amount.
- a Payment Claim and any relevant documentation that may be requested as evidence of expenditure on Eligible Project Costs.
- any documentation required to satisfy milestone requirements in the Project Funding Agreement.

Where there is a justifiable Project need, consideration may be given to paying an advance payment subject to the terms of the approved funding agreement.

5.2. Project savings

Funding will be provided to reimburse the successful Applicants for actual Eligible Project Costs of the Approved Project that have been incurred. If actual total Project costs at Project completion are less than the Estimated Total Project Cost (as identified in the Project Funding Agreement), the difference between these two amounts will be considered Project savings.

In the instance of savings from an Approved Project, these will be returned to the Initiative.

Where an Eligible Local Government has multiple Approved Projects, expenditure can be moved between Approved Projects as required. If the amount is more than 10 per cent of the total funding allocation, the proposed variation must be approved by the Department.

5.3. Project evaluation

All Approved Projects will be monitored and evaluated by the Department to ensure the Initiative is achieving its objectives.

Successful Applicants must comply with the reporting and audit obligations outlined in these Applicant Guidelines and the Project Funding Agreement.

5.3.1. Progress and completion reporting

The Project Funding Agreement will specify requirements for the submission of progress reports and a Project completion report. Templates for these reports will be provided by the Department. Project reporting will be required on a quarterly basis and will be used to report on SEQ City Deal progress.

5.4. Project Signage

An Approved Project is required to erect Project signage. The requirements for signage are set out in the Australian Government [Building Australia Signage Guidelines](#). Information about Building Australia Signage Guidelines can be found at www.investment.infrastructure.gov.au/resources-funding-recipients/signage-guidelines.

6. Communications

6.1. Funding acknowledgements

Applicants that are successful through the Initiative are required to appropriately acknowledge the Australian Government contributions to an Approved Project. The SEQ City Deal Communication Protocol outlines how acknowledgments about an Approved Project are to be managed when preparing and publishing communication products.

6.2. Communication with the media

All media enquiries or public announcements relating to the Initiative will be coordinated and managed between SEQ City Deal Partners and governed by the SEQ City Deal Communication Protocol. All media and communications about Projects must adhere to the SEQ City Deal Communication Protocol.

6.3. Confidentiality

The Department will maintain controls in relation to the management of confidential information provided by Applicants and all internal documentation produced in relation to the administration of the Initiative.

Applicants must keep confidential any dealings with the Department about their Application, including any funding offered, but may make disclosures to advisors who are under an obligation of confidentiality or if required by law.

The State may disclose information, including confidential information, to the Australian Government in connection with the administration of the Initiative or the assessment of Applications.

Each of the Australian Government and the State reserve the right to publicly disclose the names of Applicants, general information about Projects and the funding provided and details about the anticipated economic outcomes of the Project.

Each of the Australian Government and the State may also disclose any confidential information of, or provided by, the Applicant:

- if required to be disclosed by law;
- to its advisors, consultants and contractors;
- to any government agency.

6.4. Feedback

If an Applicant has any concerns about the outcome of their Application, they are invited to provide their feedback in writing by contacting the Department as follows:

Phone, online or in person through the [Queensland Government portal](#)

Email: complaints@dSDLGP.qld.gov.au

Correspondence:

Director, Ethics

Department of State Development and Infrastructure

PO Box 15009, City East Qld 4002

An overview of the Department's compliments and complaints process is available: [Compliments and complaints](#)

7. Terms and conditions

7.1. Reservation of rights

The State reserves the right to administer the Initiative and conduct the process for the assessment and approval of Applications in connection with the Initiative in such manner as it thinks fit and to:

- (a) change the structure, procedures, nature, scope or timing of, or alter the terms of participation in, the process or overall Initiative (including timeframes and submission and compliance of Applications);
- (b) consider or accept or refuse to consider or accept any Application which:
 - i. is lodged other than in accordance with these Applicant Guidelines;
 - ii. is lodged after the relevant closing date for lodgement;
 - iii. does not contain the information required by these Applicant Guidelines; or
 - iv. is otherwise non-conforming in any respect;
- (c) vary or amend the eligibility criteria or Assessment Criteria set out in these Applicant Guidelines;
- (d) take into account any information from its own and other sources (including other government agencies or advisors);
- (e) accept or reject any Application, having regard to these Applicant Guidelines, the eligibility criteria and the Assessment Criteria or any other item, matter or thing which the State considers relevant, including the limitations on the funds available for the Initiative;
- (f) give preference by allocating weighting to any one or more eligibility criteria or Assessment Criteria over the other;
- (g) seek clarifications or additional information from, or provide clarifications or additional information to, negotiate or deal with, or seek presentations or interviews from, any Applicant without doing or requiring the same from all or any of the other Applicants;
- (h) conduct due diligence investigations in respect of any Applicant and subject Applications to due diligence, technical, financial and economic appraisals;
- (i) require an Applicant to clarify or substantiate any claims, assumptions or commitment contained in an Application or provide any additional information;
- (j) terminate further participation of any Applicant in the Application process for the Initiative for any reason;
- (k) terminate, suspend or reinstate the Initiative or any process in the Initiative;
- (l) not proceed with the Initiative in the manner outlined in these Applicant Guidelines, or at all;
- (m) allow the withdrawal or addition of any applicant after the closing date; and
- (n) conduct negotiations with any one or more Applicants after Applications have been lodged.

Where, under these Applicant Guidelines, it is stated that the State may exercise a right or discretion or perform any act or omit to perform any act, then unless stated otherwise the State may do so at its sole and absolute discretion and will not be required to act, or be restrained from acting, in any way or for any reason nor to take into account the interests of any third party (including the Applicants).

If the State does exercise any of its rights under these Applicant Guidelines the State may inform any or all Applicants. The State will not, however, be under any obligation to do so.

7.2. Relationship

The State's obligations regarding the Application process are limited to those expressly stated in these Applicant Guidelines.

Subject to section 7.7 below, no contractual or legal relationship exists between the State and an Applicant in connection with the Initiative, these Applicant Guidelines or the Application process or any stage of the Initiative.

An Applicant, or its representatives:

- has no authority or power, and must not purport to have the authority or power to bind the State, or make representations on behalf of the State;
- must not hold itself out or engage in any conduct or make any representation which may suggest to any person that the Applicant is for any purpose an employee, agent, partner or joint venturer with the State; and
- must not represent to any person that the State or Australian Government has a role in relation to the Project other than as a potential funder, subject to the Application process and confidentiality obligations detailed in these Applicant Guidelines.

7.3. Participation at Applicant's cost

Each Applicant participates in the Initiative at its own cost and risk.

To the extent permitted by law, no Applicant will have any claim of any kind whatsoever against the State (whether in contract, tort (including negligence), equity, under statute or otherwise) arising from or in connection with:

- (a) any costs, expenses, losses or liabilities suffered or incurred by the Applicant in preparing and submitting its Application (including any amendments, requests for further information by the State, attendance at meetings or involvement in discussions) or otherwise in connection with the Initiative;
- (b) the State at any time exercising or failing to exercise, in its absolute discretion, any rights it has under or in connection with the Initiative; or
- (c) any of the matters or things relevant to its Application or the Initiative in respect of which the Applicant must satisfy itself under these Applicant Guidelines.

Without limiting the foregoing, if the State cancels or varies the Initiative at any time or does not select any Applicant following its assessment of the Applications, or does (or fails to do) any other thing referred to under clause 7.1 of these Applicant Guidelines, no Applicant will have any claim against the State arising from or in connection with any costs, expenses, losses or liabilities incurred by the Applicant in preparing and submitting its Application or otherwise in connection with or in relation to (whether directly or indirectly) the Initiative.

7.4. Applicant to make own enquiries

These Applicant Guidelines have been prepared to give potential Applicants background information in relation to the Initiative. These Applicant Guidelines do not, and do not purport to, contain all of the information that Applicants may require in reaching decisions in relation to whether or not to submit an Application. Applicants must form their own views as to what information is relevant to such decisions and obtain their own independent legal, financial, tax and other advice in relation to information in these Applicant Guidelines or otherwise made available to them during the Application process.

The State accepts no responsibility whether arising from negligence or otherwise (except a liability that cannot lawfully be excluded) for any reliance placed upon the information supplied by it in connection with the Initiative or interpretations placed on the information by Applicants.

7.5. Intellectual property

Any intellectual property rights that may exist in an Application will remain the property of the Applicant or the rightful owner of those intellectual property rights. Any part of an Application considered to contain any intellectual property rights should be clearly identified by the Applicant.

The Applicant grants to the State (and will ensure that relevant third parties grant) a non-exclusive, irrevocable, royalty free, perpetual, sub-licensable licence to exercise the intellectual property rights in the Application for the purpose of assessing and making decisions about the Application and in administering the Initiative.

7.6. Privacy

In this section, **Personal Information** has the meaning given to that term in the *Information Privacy Act 2009* (Qld).

Personal Information provided by Applicants may, in the course of and for the purposes of assessment of the Application, be disclosed to the State's associates (including other government agencies), advisors, consultants and contractors and project stakeholders. Personal Information may also be disclosed where required for purposes associated with undertaking assessment of the Application, including due diligence enquiries.

If any Applicant collects or has access to any Personal Information in connection with its Application or the Initiative, the Applicant must comply, in relation to that Personal Information:

- (a) (as if it were the State) with Chapter 2 of the *Information Privacy Act 2009* (Qld), including the Privacy Principles;
- (b) with all applicable laws applying to the Applicant; and
- (c) with all reasonable directions of the State.

7.7. Acceptance

By submitting an Application, each Applicant:

- (a) warrants to the State that the information supplied in the Application, including its attachments and any information provided in connection with the Application, is true, complete, and accurate as at the date on which it is submitted and is not by omission misleading and may be relied on by the State in determining whether or not to provide funding to the Applicant under the Initiative;
- (b) undertakes to promptly notify the State if it becomes aware of any change in circumstances which causes the information contained in its Application to become inaccurate or incomplete in a material respect;
- (c) acknowledges that the State will rely on the above warranty and undertaking when evaluating the Application;
- (d) acknowledges that the State may elect to remove an Applicant or elect not to further consider an Application at any stage as a result of a material change to the information presented in an Application;
- (e) acknowledges that the State may suffer loss or damage if the Applicant breaches the above warranty and undertaking;
- (f) acknowledges that the Applicant has not received any guarantees or assurances that its Application will be approved by the State or that the State will provide any funding to it;
- (g) acknowledges the terms and conditions on which any funding will be provided to a successful Applicant (subject to any substitute or additional terms and conditions required by the State, in its absolute discretion); and
- (h) is taken to have accepted these Applicant Guidelines, including these terms and conditions, and warrants that it will not breach these Applicant Guidelines or seek to bring any claim, of any kind whatsoever, against the State which is precluded by these Applicant Guidelines.

8. Contact details

For enquiries or assistance please contact the Department of State Development and Infrastructure:

- Email: publicart@dsdilgp.qld.gov.au

Or visit the website:

<https://www.statedevelopment.qld.gov.au/infrastructure/projects-and-programs/south-east-queensland-seq-city-deal/a-more-liveable-seq/a-more-liveable-seq-accordion/public-art-initiative>

Department of State Development and
Infrastructure
PO Box 15009 City East Qld 4002 Australia
Tel 13 QGOV (13 74 68)
info@dasilgp.qld.gov.au
www.statedevelopment.qld.gov.au
Connect with us @GrowingQld



SECURITY LABEL: OFFICIAL

