

## Guidelines for the Installation of Art in Public Places

---

These guidelines have been developed to assist applicants address the criteria for public art within the Mackay region. The information provided in this document is based on best practise models endorsed by NAVA (National Association of Visual Arts) Code of Practice for the Professional Australian Visual Arts, Craft and Design sector and Council.

Mackay Regional Council encourages and supports the design and installation of artwork in public places. It is however understood that not all locations will be suitable for the installation of artwork or all designs indicative of the local community's sense of identity and place. In recognizing this Council has adopted a process to ensure that all stakeholders are consulted and that proposed artworks do not create a traffic hazard or are socially unacceptable.

**NOTE: Prior written approval from Council must be granted before the installation of any public artwork. A proposal addressing the points outlined in this guideline must be submitted to Council, who will undertake its own internal approvals process for public art and will advise applicants of the outcome by written notice.**

### 1. Contact

Prior to commencing an application for public artwork intending applicants should contact Council's Arts Development Officers to discuss their proposal on 4961 9554 or by email [fiona.vuibega@mackay.qld.gov.au](mailto:fiona.vuibega@mackay.qld.gov.au) or [wanda.bennett@mackay.qld.gov.au](mailto:wanda.bennett@mackay.qld.gov.au).

### 2. Concept & Design

Applicants must provide a brief outline of the proposal including dimensions, theme, style, materials and the type of art work together with a coloured A4 (minimum size) sketch of the proposed design. Consideration should be given to the nature and colour of the proposed artwork to ensure consistency with the character and amenity of the surrounding area. The design must not constitute advertising or signage.

An outline of the proposed project should include why the work is requested and any social, economic, environmental, commercial or philosophical basis for the work.

### 3. Location

Applicants must provide specific details of the site including a simple plan and/or visual documentation showing the proposed location of the artwork and detailing whether the artwork is freestanding, on a wall, fence, etc. The applicant must also consider and provide notes on the proposed footings for the work, as some structural considerations may require engineering/ development approval. The proposal also needs to make reference to the proposed location of the work/s with reference to a specific site, community, history or sponsors.

Applicants will need to consider information regarding public acknowledgement of the work, how the work will be launched and Council's involvement, if any.

## Guidelines for the Installation of Art in Public Places

### 4. Consultation

Applicants must undertake consultation to ensure nearby property owners support the proposed artwork. Consultation could be via letterboxing a letter of explanation, with a copy of the design, asking for feedback to be directed to either Council's Arts Development Officer or yourself. As a minimal guide you will need to consult with the property owners or residents directly adjacent to the site, plus the two property owners or residents on each side of that property and similarly across the road. This is a total of 6 property owners or residents who are located nearest to the proposed site.

For larger pieces that impact into the public space broader consultation is required. A copy of *Council's Community Engagement Policy* is available if required or Council staff can assist with this process.

### 5. Consultation with Public Authorities

Depending on the location of the proposed artwork applicants may need to consult with public authorities eg *Transport and Main Roads QLD, Mackay Water, Telstra, Ergon Energy*

Conditions apply to city infrastructure that is owned by Council and/or a third party. Applicants should note that artwork on any such infrastructure does not confer ownership or copyright over such infrastructure to other parties. Applicants also need to be aware that if the owners of such infrastructure need to repair or replace the infrastructure no responsibility is accepted by them for replacing the artwork. Please note: specific conditions may apply to city infrastructure that requires further work for eg. *height restrictions, concealing or obstructing signage, identification numbers or equipment and should be included in an agreement between the applicant and the owner.*

### 6. Timeframe

Consideration should be given to the time required to complete the project. When do you propose to start and finish the project?

### 7. Lifespan & Maintenance

What is the projected life of the artwork? Who will maintain the artwork in terms of public safety and aesthetics? What impact will the artwork have on the maintenance of the surrounding area? How will climatic conditions impact on the artwork?

### 8. Copyright & Employment of Artist(s)

Information as to the method of engaging artists should be included in the application. Consideration should also be given to copyright issues.

## **Guidelines for the Installation of Art in Public Places**

### **9. Materials**

What materials will be used for the artwork? If appropriate, it is strongly encouraged that two coats of anti-graffiti treatment be applied to the artwork to protect it from graffiti vandalism.

### **10. Public Safety**

How will the artwork be designed to be safe as far as reasonably practicable? How will you manage the safe production and/or installation of the public artwork? (Refer to Appendix 1: Risk Assessment Form example/template.)

### **11. Budget**

Have you considered the costs involved with the project? Such costs may include artist(s) fee, materials, administrative maintenance, insurance, consultation and installation.

### **12. Approvals and Agreements**

Specific pieces, such as sculpture or works affixed to a surface that require structural considerations may require development approval. Written permission must also be obtained from the owner of the surface or area housing the artwork.

Agreement between the commissioning agent/body and the owner of any public property, infrastructure or open space controlled by Council must be made prior to commencement of work. This would be in the form of a contract or memorandum of understanding.

Council will undertake its own internal approvals process for public art and advise applicants of the outcome by written notice.

### **13. Rights and Responsibilities**

Council reserves the right to decline the offer of any work proposed for a public place which does not meet safety, aesthetic, structural or durability requirements.

### **14. Insurance**

Until the work is complete and installed the Artist/Commissioning group shall carry appropriate public liability insurance cover and indemnify and keep indemnified the Council (or any other third party owner of infrastructure) for all claims, actions, or legal proceedings that may arise out of injury or death to any third parties from use or in connection with the work.

Risk Assessment Details	
Description of activity	
Location of activity	
Scope of risk assessment	
Who may be at risk from the activity?	
How were they consulted?	
MRC / Department / Program	
Risk assessment conducted by	
Person responsible for ensuring compliance with risk assessment	
<input type="checkbox"/> New <input type="checkbox"/> Updated	Replaces:
<b>Detail: legislation, Codes of Practice, Australian / New Zealand standards, MRC procedures, manufacturer's guidance etc used to determine control measures necessary</b>	

**Note: If the risk score is not reduced to a Low (L), the risk assessment must be approved and signed off by the required level of management as per the attached matrix before any work begins.**

Date: \_\_\_\_\_ Name: \_\_\_\_\_ Position: \_\_\_\_\_ Signature: \_\_\_\_\_

CONSEQUENCE TABLE		
Rating	Description	
	Safety	Compliance
<b>Catastrophic</b>	Fatality/multiple fatalities or permanent disability	Criminal prosecution where reckless conduct exposes an individual to risk of death or serious injury. Possible fine greater than \$300k; jail.
<b>Major</b>	Lost time injury (LTI) - a work injury after which a worker is temporarily unable to return to work, extensive injuries, temporary disability, surgery/hospitalisation required.	Prosecution where a failure to comply with a WHS duty exposes an individual to risk of death or serious injury. Possible fines greater than \$150k
<b>Moderate</b>	Suitable duties injury (SDI) - an injury resulting in a short term reversible disability, where a worker is temporarily placed on suitable duties	Issue of a penalty notice for failure to comply with a WHS duty. Possible fines greater than \$50k. Incident notifiable to WHSQ.
<b>Minor</b>	Medical treatment injury (MTI) - an injury which is beyond the scope of first aid, requiring treatment by a medical practitioner.	MRC issued with improvement or prohibition notice.
<b>Insignificant</b>	No injury, non-treatment injury, first aid injury.	Internal notification only

LIKELIHOOD	
Rating	Description
<b>Almost Certain</b>	Event expected to occur at most times
<b>Likely</b>	Will probably occur at some stage based on evidence of previous incidents
<b>Possible</b>	Not generally expected to occur but may under specific circumstances
<b>Unlikely</b>	Could occur but not likely under normal operations; no evidence of previous incidents
<b>Rarely</b>	Only ever occurs in exceptional circumstances

RISK RATING MANAGEMENT ACTION		
Risk Rating	Management Action	Approval
<b>Extreme Unacceptable</b>	<b>Immediate action required. Stop work</b> and implement risk controls. Must not continue without controls in place.	<b>CEO or Director</b>
<b>High ALARP</b>	<b>Reduce risk to as low as reasonably practicable (ALARP)</b> using the hierarchy of control. Document in risk assessment, SWMS, JSA, SOP. Refer to legislation or Codes of Practice.	<b>Manager</b>
<b>Medium ALARP</b>	<b>Reduce to ALARP</b> - using the hierarchy of control. Document in risk assessment, SWMS, JSA, SOP. Refer to legislation or Codes of Practice.	<b>Coordinator / Supervisor / Person in Charge</b>
<b>Low Acceptable</b>	<b>Acceptable</b> - Manage using normal work practices and procedures which must include application of the hierarchy of control. Monitor to ensure it remains acceptable	<b>Team Member</b>

RISK MATRIX					
Likelihood	Consequences				
	Insignificant <small>No Injury/ Non-Treatment/ First Aid Injury</small>	Minor <small>Medical Treatment Injury</small>	Moderate <small>Suitable Duties Injury</small>	Major <small>Serious Injury/ LTI</small>	Catastrophic <small>Fatality/ Multi-fatalities or permanent disability</small>
<b>Almost Certain</b> <small>(Expected to occur)</small>	<b>Medium 8</b>	<b>High 16</b>	<b>High 18</b>	<b>Extreme 23</b>	<b>Extreme 25</b>
<b>Likely</b> <small>(Probably occur at some stage)</small>	<b>Medium 7</b>	<b>Medium 10</b>	<b>High 17</b>	<b>High 20</b>	<b>Extreme 24</b>
<b>Possible</b> <small>(Not expected to occur)</small>	<b>Low 3</b>	<b>Medium 9</b>	<b>Medium 12</b>	<b>High 19</b>	<b>High 22</b>
<b>Unlikely</b> <small>(Could occur but not likely)</small>	<b>Low 2</b>	<b>Low 5</b>	<b>Medium 11</b>	<b>Medium 14</b>	<b>High 21</b>
<b>Rare</b> <small>(Occurs in exceptional circumstances)</small>	<b>Low 1</b>	<b>Low 4</b>	<b>Low 6</b>	<b>Medium 13</b>	<b>Medium 15</b>

HIERARCHY OF CONTROL		
	Treatment	Description
<div style="display: flex; align-items: center; justify-content: center;"> <div style="width: 20px; height: 100%; background: linear-gradient(to bottom, #90EE90, #FF4500); border: 1px solid black; margin-right: 5px;"></div> <div style="text-align: center;"> <p style="margin: 0;">Effectiveness</p> <p style="margin: 0; font-size: small;">Most Effective</p> <p style="margin: 0; font-size: 2em;">↓</p> <p style="margin: 0; font-size: small;">Least Effective</p> </div> </div>	<b>Elimination</b>	Always aim to eliminate a hazard, which is the most effective control. Eg, do work at ground level rather than work at heights; remove trip hazards; dispose of unwanted chemicals.  If this is not reasonably practicable, you must minimise the risk by working through the other alternatives in the hierarchy.
	<b>Substitution</b>	Substitute the hazard with something safer. Eg, replace solvent-based paints with water-based ones; replace toxic chemicals with non-toxic alternatives.
	<b>Isolation</b>	Involves physically separating the source of harm from people by distance or using barriers. For instance, install guard rails around exposed edges and holes in floors; use remote control systems to operate machinery; store chemicals in a fume cabinet.
	<b>Engineering</b>	A control measure that is physical in nature, including a mechanical device or process. Eg, use mechanical devices such as trolleys or hoists to move heavy loads; place guards around moving parts of machinery; install residual current devices (electrical safety switches)
	<b>Administration</b>	Work methods or procedures that are designed to minimise exposure to a hazard. Eg, develop procedures on how to operate machinery safely, limit exposure time to a hazardous task, use signs to warn people of a hazard.
	<b>PPE</b>	PPE include ear muffs, respirators, face masks, hard hats, gloves, aprons and protective eyewear. PPE limits exposure to the harmful effects of a hazard but only if workers wear and use the PPE correctly. PPE should only be used: when there are no other practical control measures available (as a last resort); to supplement higher level control measures (as a back-up).
<b>Note: It is best to use a combination of control measures to achieve the desired level of risk control.</b>		

## RISK ASSESSMENT FORM

Activity / Task Step	Hazard (What can cause Injury or harm)	Risk Types (Type of harm- what could happen)	Risk Score Before Control (use Risk Matrix on page above)	Risk Controls  (List the control measures required to eliminate or minimise the risk of injury arising from the identified hazard/s)	Risk Score After Control (use Risk Matrix on page above)	Risk Owner / Responsible Person/s
<i>E.g. Preparing and painting walls</i>	<i>Working in heat and humidity</i>	<i>Heat stress, illness, sunburn, skin cancer</i>	<i>H19</i>	<ul style="list-style-type: none"> <li>• <i>Erect portable gazebo to provide shade</i></li> <li>• <i>Take regular rest breaks</i></li> <li>• <i>Keep hydrated</i></li> <li>• <i>Schedule work for cooler times of the day</i></li> <li>• <i>Wear protective clothing – long sleeved shirts, broad brimmed hats, sunglasses</i></li> <li>• <i>Wear sunscreen</i></li> </ul>	<i>M13</i>	<i>Artists</i>

