

CONFIDENTIAL ITEMS 2003 – DECEMBER 2012

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
31	6 Oct 09	Laratinga Public Art	Reason: (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest;	Discussion Reports & attachments	Commercial information  All released under delegated authority	Extend Confidential Order to 21 September 2015.  The Chief Executive Officer be delegated the authority to revoke all or part of the order and directed to present a report containing the item for which the confidentiality has been revoked.	3 Sept 12	2 Sept 13	Report and attachments released 10/12/12

3p

**35.2**      **REPORT TITLE:**      **BALD HILLS ROAD UPGRADE – PROJECT UPDATE**  
**DATE OF MEETING:**      **6 OCTOBER 2009**  
**AUTHOR:**      **MATTHEW DAWKINS**  
**AUTHOR'S TITLE:**      **SENIOR PROJECT MANAGER - INFRASTRUCTURE**  
**FILE NUMBER:**      **48-030-058**  
**DEPARTMENT:**      **INFRASTRUCTURE AND PROJECTS**  
**DEPARTMENT MANAGER:**      **BRIAN CLANCEY**

Seconded Councillor Stokes and CARRIED

**CORRESPONDENCE**

Nil

**QUESTIONS ARISING FROM COUNCIL MEETING (10 MINUTES)**

Mr Laurie Gellon

Regarding Item 13.5 on page 41 "The selection of workshop participants, if required, will be undertaken by AbaF in consultation with Council staff." What criteria will apply to this selection process?

Mr Sarre responded that the question would be taken on notice.

Mr Lohmeyer

I would like to bring to Council's attention regarding the Contract Procurement Policy, some of the contracts which are of a significant nature especially the engineering contracts could be broken down to support local industry.

**36.      **CONFIDENTIAL REPORTS****

**36.1**      **REPORT TITLE:**      **LARATINGA PUBLIC ART PROJECT**  
**DATE OF MEETING:**      **6 OCTOBER 2009**  
**AUTHOR:**      **GREG SARRE**  
**AUTHOR'S TITLE:**      **MANAGER STRATEGIC PLANNING**  
**FILE NUMBER:**      **52/080/004**  
**DEPARTMENT:**      **STRATEGY DEVELOPMENT AND COMMUNITIES**  
**DEPARTMENT MANAGER:**      **BILL CHANDLER**

Moved Councillor Irvine that Council;

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
  - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -



- (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;  
and
  - (ii) would, on balance, be contrary to the public interest;
2. That the Chief Executive Officer, Acting General Manager Infrastructure & Projects, Acting General Manager Corporate, Manager Strategic Planning the Artists and the Minute Secretary be permitted to remain in the room;

Seconded Councillor Wilksch and CARRIED

Moved Councillor Gamble that Council

- 3. Recommend that no selection be made this year.
- 4. That the budgeted funds are transferred for a similar purpose and officers prepare a report to investigate an Arts Trust.

Seconded Councillor Hamilton and CARRIED

Moved Councillor Zanker that Council

- 5. Orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 21 September 2010.
- 6. Readmit the public to the meeting at the conclusion of this item.

Seconded Councillor Irvine and CARRIED

MEETING DECLARED CLOSED AT 8.46 PM

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
DATE



**15. CORRESPONDENCE**

Nil

**16. QUESTIONS ARISING FROM COUNCIL MEETING (10 MINUTES)**

**17. CONFIDENTIAL REPORTS**

**17.1      REPORT TITLE:      LARATINGA PUBLIC ART PROJECT**

**DATE OF MEETING: 6 OCTOBER 2009**

**AUTHOR:                  GREG SARRE**

**AUTHOR'S TITLE:      MANAGER STRATEGIC PLANNING**

**REPRESENTORS:      RICK CLISE  
                             SUE RODWELL  
                             REBECCA CAMBRELL**

**FILE NUMBER:        52/080/004**

**ATTACHMENTS:      SUBMISSIONS OF THE 3 SHORTLISTED  
                             ARTISTS**

**DEPARTMENT:        STRATEGY DEVELOPMENT AND  
                             COMMUNITIES**

**DEPARTMENT        BILL CHANDLER  
MANAGER:**

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**PURPOSE**

To provide an opportunity to the artists shortlisted for the Laratinga Art Assessment to present their concepts direct to Council thereby informing Council's decision making.

**RECOMMENDATION**

That Council;

1. That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding:
  - (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
    - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
    - (ii) would, on balance, be contrary to the public interest;
2. That the Chief Executive Officer, General Manager Infrastructure & Projects, General Manager Strategy, Development and Communities, General Manager Corporate,

the Artists and the Minute Secretary be permitted to remain in the room;

3. Consider the representation made from the artists and determine whether it wishes to select one as the successful artist to establish a public art piece at Laratinga wetland.
4. Orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments and minutes relating to this item be kept confidential until 21 September 2010.
5. Readmit the public to the meeting at the conclusion of this item.

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### **BACKGROUND**

The recommendations from the Selection Panel for the Laratinga Public Art project were presented to Council on the 6 July 2009 for consideration and endorsement. The item was considered a confidential item as the following excerpt from the minutes demonstrates:

"That pursuant to Section 90(2) and 90(3) of the Local Government Act 1999 the District Council of Mount Barker orders that the public be excluded from attendance at the meeting to consider in confidence matters regarding:

- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which -
  - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party;  
and
  - (ii) would, on balance, be contrary to the public interest; "

This confidentiality was primarily to protect the interest of the artists and their intellectual property and a similar approach is necessary in this instance.

Elected Members were asked to note the report and determine the action it wished to take in relation to a public art piece for Laratinga wetland. As a result of discussion a decision to defer any commission for this project was reached. The budget for this project was to be included within the 2009/10 Public Art allocation. There has been some concern raised by one of the artists that the information presented to Council may not have been clear.



## **DISCUSSION**

In an attempt to provide further information to Council regarding the Laratinga Public Art Project, the three artists involved in the design proposal phase of the project have been requested to personally present their work.

This approach will ensure the integrity of the artist's work is maintained and enable questions to be asked of, and responded to by, the creators of the proposed works. Due to commercial confidentiality, the nature of the work and the sensitivities involved in the tender process, this information is required to be retained as confidential until a final decision is reached on the matter.

Issues regarding intellectual property and ownership of design, if applicable, will be resolved within the commissioning contract for the final work.

The process to commission the public art for this project is outlined below.

- Release of the Artist's Brief where artists were invited to submit expressions of interest in the project. A range of criteria informed submissions.
- Short listing of artists from submissions received by the Project Advisory Panel, made up of Crs. Hamilton, Kuchel & Wilksch. Three artists were short listed.
- Council Officers met with the selected artists for a site briefing prior to the artists presenting their design concepts to Project Assessment Panel.
- Selected artists were asked to present their work at an on site meeting with the Project Assessment Panel. This was the primary opportunity for artists to present their concepts.
- Panel members were asked to assess the submissions individually with the assistance of a scoring system. Consensus on a preferred recommendation to Council was not reached by the Project Assessment Panel.
- As there was no consensus reached it was decided that the proposals should be presented to Council for their consideration.

In order to ensure validity of process it has been decided to extend this process to allow the artists the opportunity to make a short presentation in person to the Council. Council is then in a position to assess any decision it might wish to take given the circumstances raised.

## **POLICY IMPLICATIONS**

### **1. Financial/budget**

The total allocated amount for this project is \$35,000 which includes \$15,000 from the 2008/09 budget.

### **2. Legal**

It should be noted that if an alternative recommendation/action is proposed that is different to the decision of the 6 July 2009 then a rescission motion process will be necessary at a future Council meeting and will need to be initiated via a Notice of Motion from Council.

### **3. Staffing/Work Plans**

The author of this report has provided administrative support as necessary for the process.

### **4. Environmental**

Sympathy with the wetland environment was considered as a part of the assessment process.

### **5. Social**

The contribution each submission makes towards the creation of a sense of place within this important community asset and their regard to the environmental and cultural significance of the space formed part of the assessment process..

### **6. Strategic Plans**

Lifestyle

Goal 1

*Support and encourage a well-planned District that provides for the needs of the community, enhances the quality of life, and is safe and accessible for all*

### **7. Risk Assessment**

All submissions were asked to consider risk assessment.

### **8. Asset Management**

The completed works will be included on Council's asset register.

## **COMMUNITY CONSULTATION**

### **1. Customer Needs Analysis**

Not applicable to this report

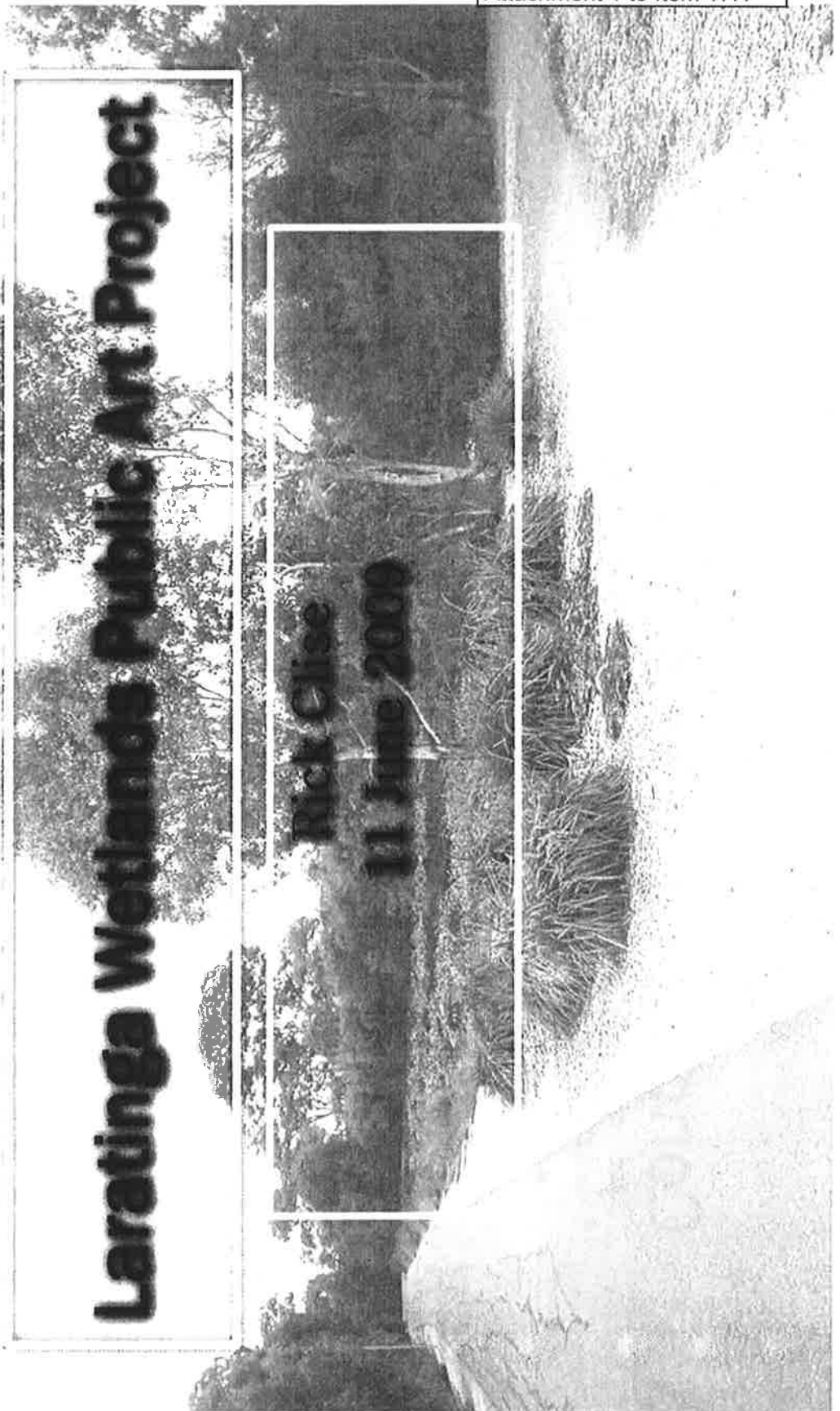
### **2. Promotion/Communications**

Expressions of interest were sought through advertising through the Courier Newspaper, Council's website and front counter.

Attachment 1 to Item 17.1

# Laratinga Wetlands Public Art Project

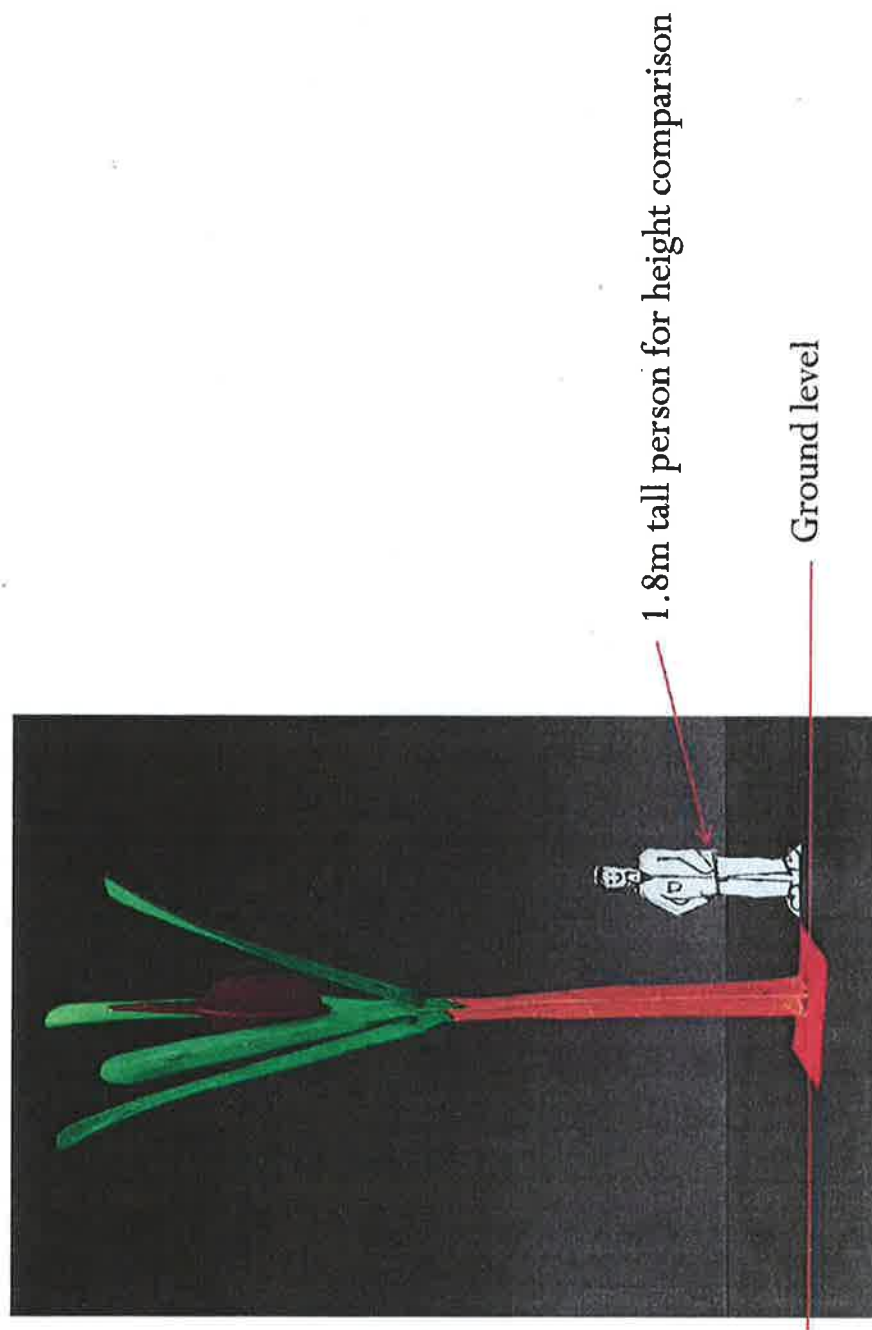
Nick Close  
11 June 2009



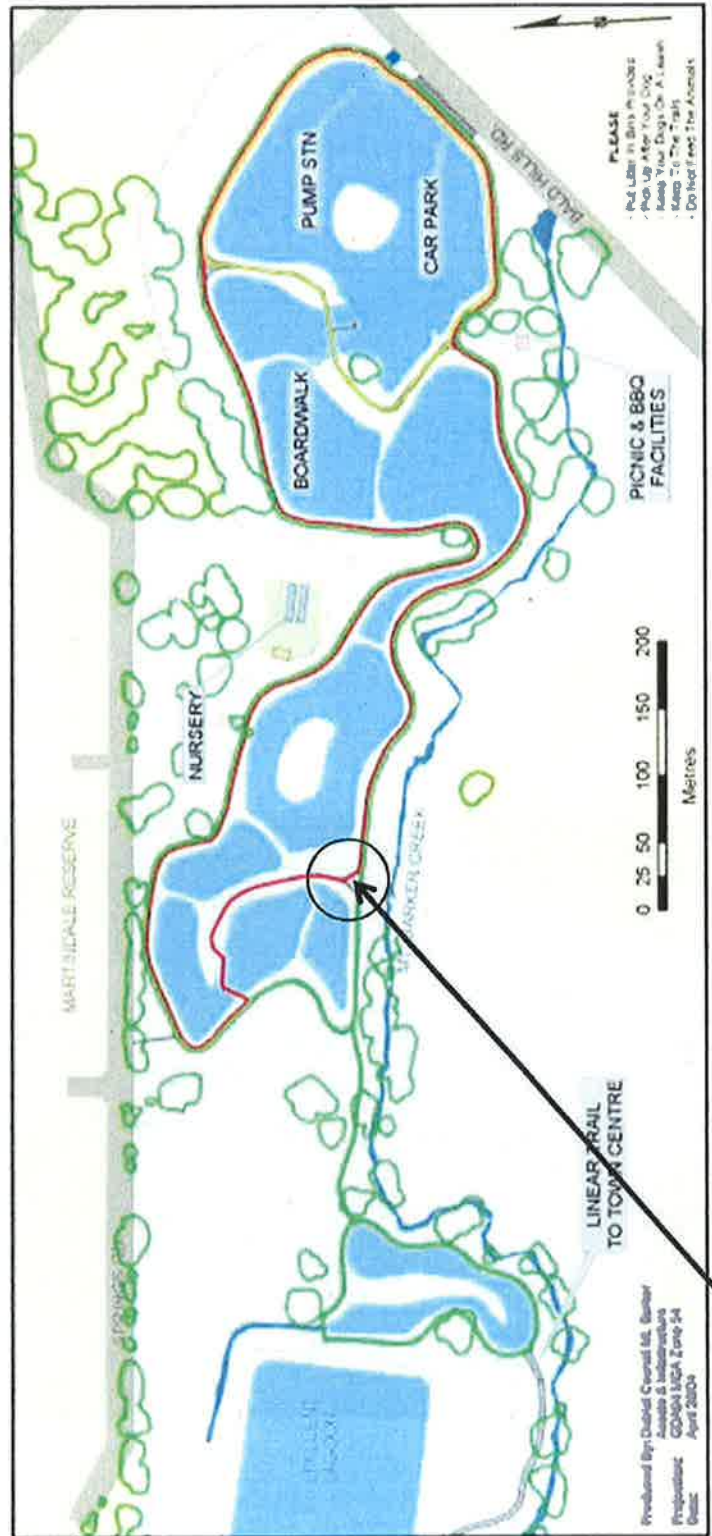
# Concept

- Name of sculpture: 'In Deep Water'
- Wetlands are delicate environments; this one is a small regional ecosystem within our global one – the earth.
- The large painted metal sculpture is based on a common wetlands plant—Cumbungi (*Typha domingensis*)
- *Typha* is often used in wetlands to reduce the nutrient level. It is also an important source of food and shelter for animals.
- Many parts of *Typha* are edible and could have been an indigenous food source (pollen, dried rhizomes, young shoots).
- Despite seasonal variations affecting other plants, this *Typha* remains – always marking the (at some possible future point) the high water point.
- It reminds us to take care of what we have – treasure and care for our environment. Otherwise we might all end-up in 'deep water.'
- In addition to having an important message, the sculpture is also visually interesting.

## Maquette of 'In Deep Water'



# Location of sculpture



'In Deep Water' will be located at intersection of Rosella Trail (red) and Sacred Ibis Trail (green) in the Laratinga Wetlands, Mt Barker.

## Sculpture Dimensions

- Total above ground height is 6 metres
- 'Underwater' section (lighter brown colour) is up to 3.2m in height above ground
- Leaves start above 'underwater section' to (which also reduces vandalism opportunities)
- Concrete foundation is expected to be 1.5m deep by 0.4m in diameter – to be confirmed by Rick's engineer



# Sculpture Construction

- Materials: 12mm thick plasma cut mild steel plate sections for stalk and head, 3 – 5mm thick laser/plasma cut leaf sections.
- Stalk and head of plant are welded together, leaves are securely bolted on before erection on site.
- Once welded, all components will be grit blasted to white metal clean state, then will be hot dip galvanised to reduce corrosion attack
- Galvanised items will be painted with durable two-pack industrial coatings over appropriate primer.
- The sculpture continues below ground level where it bolts securely into a concrete foundation.
- Planting around the foundation would be reinstated by Council.
- Contractors: Rick has extensive contacts in the Adelaide metal fabrication industry and would select the most appropriate organisations for this project. Rick has investigated local metal fabrication and paint shops and would engage them if appropriate.

## Installation procedure

- Concrete may take 2 weeks to cure after pouring.
- Galvanised and painted components to be trucked to site
- Leaves bolted to stalk and head assembly
- Crane lifts assembled sculpture into place and over concrete foundation
- Bolt sculpture base plate to the concrete pad, use wedges under base plate to make level, grout under base plate for a secure and flat bearing surface

# Proposed Budget

## Laratinga Wetlands Public Art Project

### Budget

*Note: all amounts ex gst*

RICK CLISE

9-Jun-09

<b>BUDGET INCOME</b>	<b>\$ 15,000</b>
<b>PROJECT EXPENSES</b>	<b>- \$ 15,000</b>
<b>Difference</b>	<b>0</b>

<b>EXPENSES</b>		<b>\$ 1,500</b>	<b>\$ 1,300</b>
<b>Artist &amp; Design Fees</b>			
Artist's Fee	\$ 1,000		\$ 800
Design Fee	\$ 500		\$ 500
<b>Materials</b>		<b>\$ 3,950</b>	<b>\$ 6,000</b>
Big blade	\$ 750		
Cross sections	\$ 750		
Base plate 400x400x20	\$ 120		
Leaves	\$ 1,200		
Hot dip galv	\$ 1,130		
<b>Contractors</b>			
Concrete			\$ 1,000
Metal fab			\$ 2,500
Transport			\$ 1,000
Blast & Paint			\$ 1,500
<b>Engineering</b>		<b>\$ 750</b>	<b>\$ 750</b>
permits	?		
<b>Contingencies</b>		<b>\$ 1,500</b>	<b>\$ 1,500</b>

# Project Timeline

Laratinga Wetlands Public Art Project

Projected Schedule

RICK CLISE

10-Jun-09

COMMISSIONING SCHEDULE	Duration	Week								
Contract signing	start	1								
Engineering & Planning	4 weeks		5							
Profile cutting of steel shapes	2 weeks			7						
Fabrication; & foundation pour	4 weeks				11					
Surface prep - grit blasting	1.5 weeks					13				
Painting	1.5 weeks						15			
Delivery	1 week								16	
Installation & acceptance										16

## PAYMENT SCHEDULE

<b>TOTAL FEE</b>	<b>\$ 15,000</b>	<b>ex gst</b>
Contract signing	\$ 12,500	
On acceptance	\$ 2,500	

# Sculpture Maintenance

- Hot dip galvanising and two-pack paint could last 20 years if not damaged
- If paint is damaged (by vandals) then touch-up the paint, this can be done by brush
- Spray dirt off the sculpture with clean water if it becomes objectionable.
- Full maintenance instructions would be provided prior to hand-over.

## Appendix

- About Rick Clise:
  - Professional visual artist since 2003. Concentrates on making metal sculpture. Fabricates most of his own works, and many items for other Adelaide artists.
  - TAFE trained in welding and fabrication. Currently part-time Engineering student at TAFE. Has MBA from Adelaide Uni, Grad Dip Robotics, and Associate of Arts. Part-time studies at Adelaide Central School of Art. Casual TAFE lecturer.
  - Elected director of National Association for the Visual Arts (NAVA)
  - 3 Solo exhibitions, multiple group exhibitions. Currently engaged by City of Prospect to design and make exciting new bike racks
  - Further info at [www.rickclise.com](http://www.rickclise.com)
  - Contact: [rick@rickclise.com](mailto:rick@rickclise.com) or 0418 824 481. P.O. Box 6003, Linden Park, SA 5065

## Accredited Member Insurance Package



Craftsouth has secured through Local Community Insurance Services an insurance package for Accredited members. This insurance cover is part of the Accredited membership fee – providing Accredited members with protection at a heavily reduced rate, which would not be available to individuals through the normal insurance channels.

This policy is intended to cover the activities of the craft, design and visual art practitioner as an individual, primarily as an occupier of a studio or workshop, as an exhibitor at galleries and other locations, or where commissioned to produce and install a work of art (including public art).

*Please ensure you check that the insurance package covers all of your needs before canceling any existing insurance.*

Accredited members are covered for the following:

Public Liability	\$20,000,000
Products Liability	\$20,000,000
Professional Indemnity	\$5,000,000
Tenants Liability	\$20,000,000
Goods in Physical and Legal Control	\$100,000
Excess	\$250

### 1: Public Liability Insurance

This will protect you from any person who makes a claim against you for bodily injury or property damage caused by a negligent action on your part.

### 2: Product Liability Insurance

This will protect you from any person who makes a claim against you for bodily injury or property damage caused by a fault in the products which you have made.

### 3: Professional Indemnity

This will protect you from claims made against you for bodily injury or property damage from the provision, production or tendering of art works.

### 4: Tenants Liability

This will protect you from claims made against you for any damage that you negligently cause to any property that you are renting.

### 5: Goods in Care, Custody and Control

This will protect you from claims arising from other people's goods which are in your control which you negligently lose or damage. So if you are working on a collaborative project, any goods belonging to the other person/s will be covered. This package does not insure you for the loss or damage of your own goods.

The Craftsouth Accredited member insurance policy will also cover any legal costs authorised by the insurer in defending claims brought against you in the areas covered above, and this is probably the most important part of the policy. Whilst you may be perfectly innocent of a claim brought against you, you will incur legal fees in defending the case, and without a liability policy to protect you, this could amount to many thousands of dollars.

**Insurance Enquiries & Certificates of Currency**

If you would like general information about your insurance cover, including the insurance policy (also known as the Broadform Liability), visit: [http://www.localcommunityinsurance.com.au/coverage\\_pl.aspx](http://www.localcommunityinsurance.com.au/coverage_pl.aspx) (go to the Broadform Liability Insurance Policy).

If you require a Certificate of Currency as proof of your insurance, please contact Bonnie Dinghy at Local Community Insurance Services on 1300 853 800 / (08) 8235 6480 or email: [donab@lita.com.au](mailto:donab@lita.com.au)

If you require specific information regarding your insurance cover, please contact Greg Naulty at Local Community Insurance Services on (08) 8235 6444.



## Attachment 2 to Item 17.1

**Laratinga Wetlands Artwork Project**

Further notes for the proposed sculpture work. By John Lewis and Rebecca Cambrell

Please see original proposed concept and attachment for evolution of artwork

Logistics:

- \*Projected Overall Time until completion- 8 weeks, weather permitting.
- \* Work will commence upon acceptance of project and commissioning from council
- \*It is expected that each component will take 40 hours to produce
- \* It is our intention, in consultation with council to cast and pour site footing at the most convenient and appropriate time.
- \*Safety barriers around installation areas will be erected.
- \* There will be no need to impede pedestrians on any path, except when delivery of large forms and concrete pouring occurs. Approximate site access needed, in total, 40 hours.
- \*All occupational health and safety regulations will be adhered to
- \* There will be no debris and site litter throughout the process of installation.
- \* A small site generator will be leased as required.
- \* No equipment or uninvolved person will be left unsupervised on site.
- \* A small water cart will be onsite during casting of footings.
- \* The standard anti-graffiti coating used by the district council of Mount Barker will be implemented.
  - Minimal low pruning will be undertaken with guidance with the district council of Mount Barker's senior horticultural project officer David Cooney. As agreed on initial site consultation.
  - Payment arrangement: 30% of budget initially plus 1 progress payment prior to final installment. Amounts to be negotiated with DCMB.
  - Upon selection we will acquire insurance relevant to the project.

Attachment:

## Brief Description of Artwork

One consistent main form has been chosen for its elegance and simplicity of manufacture and universal appeal. This sculpture is comprised of seven repetitions of this basic form with individual surface treatments. These components are choreographed into an initial sign and two resting places linked by an interactive sculptural site. **In essence, by scattering the artwork over a large area we are writing a sentence rather than a single word. This is in keeping with our original concept proposal.**

The original master plan for the wetlands was designed to lead people on a process of discovery. This artwork unfolds as the visitor moves through it just like the wetlands. The components unfold in this order: the first signature form (in the middle of the three ways) to the first seat that faces both sunrise and sunset, through the main sculptural cluster to the final contemplative resting seat by the water's edge.

These smooth elegant shapes in white concrete will provide sliding surface to children and a gentle glow at twilight and dawn. A tribute in memory of the Peramangk people, original inhabitants of the area will encompass the main central form of the cluster. As approximately 300 souls were camped along the Laratinga Creek, the indentations of 300 round river stones will texture the surface and cast crescent shadow the change during the course of a day. This reference to the Peramangk will be laser cut into a copper sheet and attached to the initial sign structure.

All possible production and surface finishing to be executed by collaborators Lewis and Cambrell

All site works will be carried out under guidance of the collaborators local sub-contractors and suppliers will be engaged where possible to provide transportation and delivery, site works and engineering. TBA

Cost Analysis:

\*Engineering \$1000

\*Leasing and equipment hire \$800

\*Production of Sculpture Components including onsite installation \$6000

\*Transportation \$500

\*Crainage \$500

\*Site Works \$2000

\*Signage \$500

\*Insurance TBA

**TOTAL: \$11 300**

**Welcome Council expertise and input as this would reduce costs in outsourcing bills eg. Engineering**













