

CONFIDENTIAL ITEMS 2003 – SEPTEMBER 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
26	6 July 09	Laratinga Public Art Project	<p>Reason: S 90(3)(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which—</p> <p>(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</p> <p>(ii) would, on balance, be contrary to the public interest;</p>	Discussion, Agenda, Attachment	Commercial information Released under delegated authority	<p>Release and make public the Minute.</p> <p>Extend Confidentiality Order for Discussion, Agenda and Attachment to 21 September 2015</p> <p>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revoke all or part of the order and directed to present a report containing the item for which the confidentiality has been revoked.</p>	3 Sept 12	2 Sept 13	<p>Minute released – 6 Sept 2010</p> <p>On web 9 Sept 2010</p> <p>Agenda and attachment released 10/12/12</p>

- (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 & Communities, General Manager Corporate, former Manager Monarto Quarries, Manager Strategic Planning and the Minute Secretary be permitted to remain in the room.

Seconded Councillor Wilksch and CARRIED

Moved Councillor Gamble

3. That Council notes the report and accompanying presentation by officers.
4. That Council notes that a further report will be presented for consideration at a future Council meeting once the options for the future operations of Monarto Quarries are further developed.
5. That Council 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 6 July 2010.
6. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

Seconded Councillor Irvine and CARRIED

5.2

REPORT TITLE: LARATINGA PUBLIC ART PROJECT
DATE OF MEETING: 6 JULY 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 Wilksch

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 & Communities, General Manager Corporate, Manager Strategic Planning, former Manager Monarto Quarries and the Minute Secretary be permitted to remain in the room.

Seconded Councillor Irvine and CARRIED

Moved Councillor Gamble that Council

- 3. Note the report.
- 4. That Council choose not to proceed with an art piece for 2008/09 and roll over the approved budget and combine with the draft 2009/10 budget for public art pieces. A revised process to select a preferred artist with an increased budget for 2009/10 of \$35,000 (\$15,000 + \$20,000) will be the subject of further reports to Council next year setting criteria.

Seconded Councillor Irvine and CARRIED

Moved Councillor Gamble

- 5. That the Council orders pursuant to Section 91(7), (8) and (9) of the Local Government Act 1999 that the discussion, reports, attachments be kept confidential until 6 July 2010 and minutes relating to this item be available to the public.
- 6. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.

Seconded Councillor Irvine and CARRIED

5.3

REPORT TITLE:	CONFIDENTIAL ITEM - MORPHETT STREET STORMWATER & SOIL CONTAMINATION UPDATE
DATE OF MEETING:	6 JULY 2009
AUTHOR:	BRIAN CLANCEY
AUTHOR'S TITLE:	GENERAL MANAGER, INFRASTRUCTURE & PROJECTS
FILE NUMBER:	44-070-011
DEPARTMENT:	INFRASTRUCTURE & PROJECTS
DEPARTMENT MANAGER:	BRIAN CLANCEY

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

DATE OF MEETING: **6 JULY 2009**

AUTHOR: **GREG SARRE**

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

REPRESENTORS:

FILE NUMBER: **52/080/004**

ATTACHMENTS: **CONFIDENTIAL ATTACHMENT 1**
 ASSESSMENT SCORING PROCESS
 CONFIDENTIAL ATTACHMENT 2
 SUBMITTED ART PIECES

DEPARTMENT: **STRATEGY DEVELOPMENT AND**
 COMMUNITIES

DEPARTMENT **BILL CHANDLER**
MANAGER:

PURPOSE

To present the outcome of the process to commission a public art piece for the Laratinga Wetland.

RECOMMENDATION

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 & Communities, General Manager Corporate, Manager Strategic Planning, and the Minute Secretary be permitted to remain in the room.

- assessment of strengths, weaknesses, opportunities and threats; and
 - business case evaluation of advantages and disadvantages of various options regarding the future operation of Monarto Quarries.
3. Continue to regularly brief the staff of Monarto Quarries regarding the status of the future operation of Monarto Quarries (the next briefing is scheduled to occur on 7 July 2009).

3. Note the report.
 4. Determine the action it wishes to take in relation to a public art piece for Laratinga wetland.
 3. That the Council 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 6 July 2010.
 4. That subject to Section 90 of the Local Government Act 1999 as amended, the public be readmitted to the meeting at the conclusion of the item.
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BACKGROUND

At the Council meeting held on the 6 April 2009, Council endorsed a process to commission a significant public artwork for the Laratinga Wetland, Springs Road, Mount Barker.

Councillors Wilksch, Hamilton and Kuchel were nominated as the panel to assess applications and report back to Council on completion of the assessment process.

It was anticipated that the inclusion of a significant artwork on a section of the Mount Barker Linear Trail, located within the Laratinga Wetlands, would contribute to the creation of a sense of place within this important community asset.

This report is to present the outcome of the process that has been held to select a suitable piece for this installation and to seek Council direction on its preferred course of action following the assessment process.

The Manager Strategic Planning has been involved in facilitating the assessment process.

DISCUSSION

Six submissions were received as a result of a call for expressions of interest in the project. The Project Advisory Panel met to consider the applications on 18 May 2009. The project brief developed by staff and agreed to by the Panel included assessment criteria which was applied to the short listing process. The criteria the Panel used was as follows:

- artistic merit as evidenced in the visual material provided
- demonstrated ability to work on significant projects within timelines and budget

- previous relevant experience in the public realm
- ability to develop concepts and communicate ideas
- demonstrated ability to create work that engages with a broad public
- availability to work within the project timeline
- demonstrated ability to work on permanent and durable work
- experience with materials of relevance to the required project outcome
- ability to meet District Council of Mount Barker contract and risk management requirements.
- demonstrated effective consultation skills.

Of the six submissions received, three were selected as having sufficient merit to warrant further development and consideration by the Panel. The three selected by the Panel were Rick Clise, Rebecca Cambrell and Sue and Trevor Rodwell.

The three artists were requested to further develop their concepts and present these to the Panel members at an on site meeting which was held on 11 June 2009. The artists were given the opportunity to present their concepts and respond to questions from the Panel.

As part of the Project Brief the design proposals were requested to include:

- a model/concept of the proposed work, together with drawings and elevations, as necessary, to convey the concept. This work is to be presented in a professional and artistic manner
- a site plan showing the location of the proposed artwork
- a written concept paper
- design development, fabrication and installation timeline and an indication of who will fabricate the work and an outline of fabrication contractors and supply relationships
- a proposed budget for the design development stage and an indicative project implementation budget, including contingencies, artist's fees, agent's fees, travel and associated expenditure, delivery and installation expenditure
- an indication of the preferred approach to project management should the proposal be commissioned, including the approach to payment and administration of funds
- a detailed work plan outlining work methods, risk management strategies, public safety plan

- evidence of current and relevant insurances including public liability, Workcover, product liability and professional indemnity
- an indication of any known ongoing maintenance requirements associated with the proposal. A comprehensive maintenance schedule will be required from the artist commissioned to fabricate the project.

The Panel discussed all the presentations and independently assessed each of the submissions and scored them using an assessment score sheet that is commonly used for Council tender processes.

The design proposals were assessed to be against the following criteria:

- the artistic merit of the proposed concept
- the way in which the project meets the various requirements of the briefing paper, including its appropriateness in terms of scale and material
- the ability of the artwork to communicate its concept and underpinnings
- the proposed budget and timeline
- aesthetic response to the site and the brief
- conceptual response to the site and the brief
- response to any stakeholder consultation and feedback
- public safety and risk management issues
- maintenance issues
- robustness and durability.

For reasons of commercial confidentiality and process this report has been included as a confidential item including the assessment scores and the art design proposals (confidential attachments 1 and 2).

It is clear from the information provided in Attachment 1 that the panel has not been able to reach consensus on the selection of an artist to produce the Laratinga Art piece.

Given this situation the following options are presented for Council consideration.

Option 1 - Council resolve not to proceed with the art piece and use funds currently allocated as budget savings for the 2008/09 financial year.

Option 2 - Council choose a preferred art piece based on the information available and commission the work for the nominated budget of \$15,000.

Option 3 - Council choose not to proceed with an art piece for 2008/09 and roll over the approved budget and combine with the 2009/10 budget for public art pieces. A revised process to select a preferred artist with an increased budget for 2009/10 of \$35,000 (\$15,000 + \$20,000) will be the subject of further reports to Council next year setting criteria.

POLICY IMPLICATIONS

1. Financial/budget

The allocated amount for this project is \$15,000

2. Legal

Not applicable to this report

3. Staffing/Work Plans

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

4. Environmental

It is intended that the work will be sympathetic to the natural surrounds and refer to the identified themes of the Laratinga Wetland. These aspects were considered as a part of the assessment process.

5. Social

It is anticipated that the inclusion of a significant artwork on a section of the Mount Barker Linear Trail, located within the Laratinga Wetlands, will contribute to the creation of a sense of place within this important community asset and have regard to the environmental and cultural significance of the space.

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.

ITEM 17.2 ATTACHMENT 1

Assessment scoring process and outcome

Councillors Kuchel and Wilksch have both submitted assessment sheets while Councillor Hamilton declined to submit an assessment sheet or indicate a preference for any of the submissions.

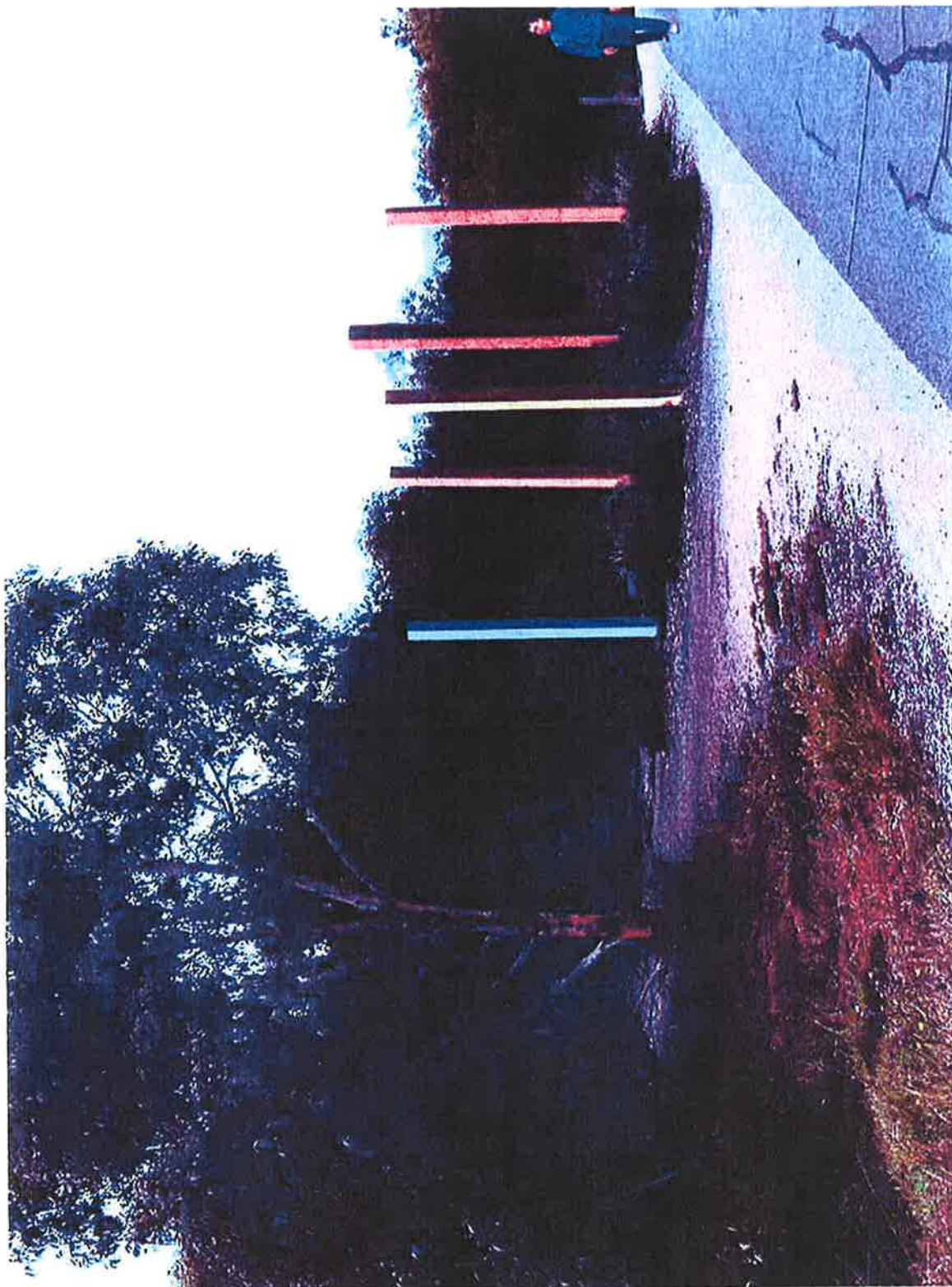
The assessment scores of Councillors Kuchel and Wilksch are shown below.

Artist	Rick Clise	Sue and Trevor Rodwell	Rebecca Cambrell
Councillor Kuchel assessment scores	72	44	65.5
Councillor Wilksch assessment scores	75.5	51.5	86.5
Total	147.5	95.5	152

The combined scores show Rebecca Cambrell's work achieving the higher score however it must be noted that there is no absolute consensus between the two Councillors about their main preference. This is further complicated given that Councillor Hamilton has declined to submit an assessment.

ITEM 17.2 ATTACHMENT 2

Sue + Trevor Rodwell



Maquette of 'In Deep Water'

