**ITEM NUMBER: 18.6**

**CONFIDENTIAL REPORT**

**COMMERCIAL ACTIVATION, SPRING 2023**

*Pursuant to Section 83(5) of the Local Government Act 1999 the Report attached to this agenda and the accompanying documentation is delivered to the Council Members upon the basis that the Council consider the Report and the documents in confidence under Part 3 of the Act, specifically on the basis that Council will receive, discuss or consider:*

**d. commercial information of a confidential nature (not being a trade secret) the disclosure of which 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.**

**Recommendation – Exclusion of the Public – Section 90(3)(d) Order**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 316/22 Commercial Activation, Spring 2023 in confidence.

2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 316/22 Commercial Activation, Spring 2023 on the following grounds:

 **d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected**

 **to prejudice the commercial position of the person who supplied the information.**

 **The nature of the activation and the specific terms of the agreement are commercial in confidence.**

 **In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.**

**3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.**

Item No: 18.6

Subject: **commercial activation, spring 2023**

Date: 23 August 2022

Written By: Manager, City Activation

General Manager: Community and Business, Ms M Lock

**SUMMARY**

Andrew Kay and Associates Pty Ltd have expressed interest in using Wigley Reserve as the venue for their 2023 season of the commercial activation *Monet in Paris*. This report summarises the terms of the proposed agreement for Council endorsement.

**RECOMMENDATION**

1. **That Council endorse granting Andrew Kay and Associates Pty Ltd a licence to operate the *Monet in Paris* activation on Wigley Reserve during Spring 2023, under the terms outlined.**

**RETAIN IN CONFIDENCE - Section 91(7) Order**

**2. That having considered Agenda Item 18.6 316/22 Commercial Activation, Spring 2023 in confidence under section 90(2) and (3) (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to this item be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.**

**STRATEGIC PLAN**

Innovation: economic and social vibrancy and a thriving environment

**COUNCIL POLICY**

Commercial activation of community land policy

Events strategy 2021-2025

**STATUTORY PROVISIONS**

Not applicable

**BACKGROUND**

Council has been approached by Andrew Kay and Associates Pty Ltd, the company presenting the *Van Gogh Alive* activation, which is touring nationally in 2021-22. This immersive, multisensory experience based on large scale projections of Van Gogh’s artworks paired with a musical score has proven very popular. It has toured Adelaide, Brisbane, Canberra and Perth, with seasons in Newcastle and Sydney to come.

*Van Gogh Alive’s* Adelaide season operated for 12 weeks commencing 1 July 2021 in a purpose built-structure located on the 88 O’Connell Street, North Adelaide site. Despite the season coinciding with Covid-19 lockdowns and associated capacity limits on indoor venues, more than 150,000 tickets were sold providing a significant economic boost to the precinct. Customer data of the national tour shows that at least 21% of attendees to *Van Gogh Alive* came from outside of the major metropolitan areas, and the estimated spend in accommodation for the Adelaide season was over one million dollars.

Andrew Kay and Associates are now developing their next activation, *Monet in Paris*. Now that the O’Connell Street site used for *Van Gogh Alive* is no longer available, they have been researching alternative venues and propose using Wigley Reserve as the site for their Adelaide season. The organisers conducted a site visit with Administration in June to assess Wigley Reserve’s suitability, and this is their preferred site.

**REPORT**

Currently under development, *Monet in Paris* will be larger than *Van Gogh Alive* (six immersive rooms as opposed to four) and will include a bar and gift shop. It will be housed within a purpose-built structure and be themed to resemble a 19th century Parisian streetscape.

Tour dates are currently being finalised, however it is expected that *Monet in Paris* will be launched in Perth in early 2023, travel to Adelaide in Spring 2023 before touring venues on the east coast.

The proposed details of the Adelaide season are as follows:

* Bump in commences: 29 August 2023
* Season launch: 6 October 2023
* Season ends: 9 December 2023
* Bump out complete: 21 December 2023

The footprint of the activation would be approximately 3000 square metres of Wigley Reserve. The total available square meterage excluding the Wigley Reserve Playspace is 11,410 square metres. Leaving a remaining 8,410 square metres for unstructured activity on the reserve during the period of the activation.

In line with Council’s environmental sustainability commitment, the event agreement will stipulate compostable items and FOGO will be present at the event.

Full access to the playground will be maintained.

It is proposed that a License Agreement be established with Andrew Kay and Associates Pty Ltd outlining terms and conditions and obligations against those conditions, fee structure, risk and waste management and activation details.

**BUDGET**

The following fee structure has been negotiated with the organisers:

* Hire Fee: $50,000
* Bond: $50,000 (based on estimated costs of full rehabilitation of 3000m2 of Wigley Reserve).
* Ticket fee split: 25c per ticket in excess of 120,000 tickets, rising to 50c for sales in excess of $150,000 with an overall combined cap of $100,000.
* Indicative ticket pricing $37 for children/concession to $45 for adults

Council will provide marketing and in-kind support (event logistics, tourism packaging) valued at $15,000.

As well as generating revenue for Council, the estimated economic impact of the activation is $17 million, assuming 150,000 tickets sold and an 80:20 split between day trippers and overnight visitors.

**LIFE CYCLE COSTS**

Not applicable