

CONFIDENTIAL ITEMS 2003 – MAY 2025

#	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
271	7 April 2025	Unsolicited Proposal Use of Council Land Asset	<u>Pursuant to Section 90(3)(d)</u> 1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Executive Manager; General Manager Infrastructure, General Manager Planning and Regulatory Services, Acting General Manager Corporate Services, Head of Wastewater and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset. The Council is satisfied that 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 or • to confer a commercial advantage on a third party. 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. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in a competitor receiving the information to the detriment of the Proponent. <u>Section 91(7) Order</u> <u>Pursuant to Section 91(7)</u> 5. That having considered Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset in confidence under	Council report, attachment and all minutes	The Council is satisfied that 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 or • to confer a commercial advantage on a third party. 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	Council report, attachment and all minutes be retained in confidence for a period of 12 months or such lesser period as may be determined by the Chief Executive Officer other than to notify the proponents of Council's decision in this matter and that this order be reviewed every 12 months.		Within 12 months	<i>Report, Attachment and Minutes released on website 28 May 2025</i>

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			90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence for a period of 12 months or such lesser period as may be determined by the Chief Executive Officer other than to notify the proponents of Council's decision in this matter and that this order be reviewed every 12 months.		at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in a competitor receiving the information to the detriment of the Proponent.				

18.2	REPORT TITLE:	CONFIDENTIAL – UNSOLICITED PROPOSAL – USE OF COUNCIL LAND ASSET
	DATE OF MEETING:	7 APRIL 2025
	FILE NUMBER:	DOC/25/42333
	ATTACHMENTS:	1: DOC/25/40758 – UNSOLICITED PROPOSAL – HAHNDORF ELDERLY LIVING PROGRAM
	<u>Key Contact</u>	Natalie Armstrong, General Manager Planning & Regulatory Services
	<u>Executive</u>	Andrew Stuart, Chief Executive Officer

Community Plan 2044:

The following objective/s from the Community Plan 2044 are relevant to this report:

Objective 7 Positive Ageing: we will have a range of community services, housing, support and programs which allow our seniors to live independently, be active and fully participate in our communities.

Objective 10 Community Connectedness and Diversity: foster a sense of community and connectedness and celebrate diversity by promoting inclusivity, and creating opportunities for community to engage in meaningful dialogue, cultural exchanges, and activities that celebrate the richness of diversity

Objective 16 Community Facilities: increase the use of community facilities to provide safe and accessible facilities which provide opportunities for social interaction and inclusion

Annual Business Plan:

The Annual Business Plan is not relevant to this Proposal at this stage of assessment.

Purpose:

To present to Council the application received under Council's Unsolicited Proposals Policy & Procedure (UPP&P) by Hahndorf Elderly Living Program (H.E.L.P.) in relation to the building located on 108 Mount Barker Road Hahndorf (Proposal).

Summary – Key Issues:

1. The Proposal is seeking to occupy the building on 108 Mount Barker Road Hahndorf (plus area for parking and drop off/pick up) for the purpose of a

‘drop-in centre’ providing services to the elderly residents of Hahndorf and surrounds.

2. The Proposal includes an investment in the building to make it suitable for the activity and in lieu of commercial rent (seeking to negotiate a nominal rent).
3. The Proposal has been assessed against the Stage 1 – Assessment Criteria.
4. Whilst in support of the recommendation, the CEO is deferring the decision to accept the Proposal to progress to Stage 2 under the UPP&P to Council.

Recommendation:

That Council:

Pursuant to Section 90(3)(d)

1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Executive Manager; General Manager Infrastructure, General Manager Planning and Regulatory Services, General Manager Corporate Services; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset.

The Council is satisfied that 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 or
- to confer a commercial advantage on a third party.

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. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of this information may result in a competitor receiving the information to the detriment of the Proponent.

2. Acknowledges the receipt of the Application from Hahndorf Elderly Living Program Ltd (H.E.L.P.) under the Council’s Unsolicited Proposal Policy & Procedure (UPP&P) dated 19 March 2025.

3. **Determines that, following an assessment of the application under Stage 1 of the UPP&P, the application does not adequately meet the criteria for the Proposal to proceed further.**
4. **Instructs the CEO to write to H.E.L.P to thank them for their submission and advise them that their Proposal does not adequately meet the criteria for the Proposal to proceed further however provide them with an opportunity to meet with Council staff to obtain feedback.**

Section 91(7) Order

Pursuant to Section 91(7)

5. **That having considered Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence for a period of 12 months or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.**

Background:

1. Council endorsed the Unsolicited Proposal Policy and Procedure on 4 February 2019 which sets out the terms and conditions for Council to accept and assess an unsolicited Proposal.
2. In April 2024, Council purchased the land at 108 Mount Barker Road Hahndorf as a strategic land purchase with the intention of investigating future uses such as public car parking for the land. It was noted that the property has an existing building that would be suitable for adaptive reuse and/or redevelopment for a range of potential uses (offices, consulting rooms for example).
3. The land sits within the Hahndorf State Heritage Area and within the Hahndorf Main Street Precinct. As such, any development on the land is required to be referred to Heritage SA for assessment against the Heritage Standards for Hahndorf.
4. Council received a letter dated 29.1.2025 (received by email on 2 February 2025) from H.E.L.P advising of their intention to investigate the establishment of a 'drop in centre' in, or in the vicinity of, Hahndorf for

support services to the elderly, and seeking to view the building located on 108 Mount Barker Road Hahndorf as a possible location for that service.

5. A site visit was conducted on 18 February 2025 with representatives of H.E.L.P to view the building, including the inside condition of the building.
6. H.E.L.P. were provided by email on 20 February 2025 with information as to how to access information about Council's UPP&P and the Application Form, should they wish to progress to lodge an application.
7. On 5 March 2025, H.E.L.P. advised of their intention to lodge an application under the UPP&P.
8. On 3 March 2025 a workshop was held with Council to provide an overview of H.E.L.P. enquiry and information obtained during site visit.
9. On 19 March 2025 H.E.L.P. lodged an application under the UPP&P.
10. On 24 March 2025 a workshop was held with Council to provide an overview of the H.E.L.P. application.

Discussion:

11. The Application received from H.E.L.P. has been reviewed under the UPP&P to determine that the information received is sufficient enough to warrant further consideration by an assessment against the Stage 1 Assessment Criteria.
12. A summary of the Proposal is as follows:
 - Seeking an occupation agreement, likely a lease, of the building at 108 Mount Barker Road Hahndorf.
 - Anticipate to negotiate a nominal rent.
 - Will refurbish and maintain the building at their cost including other improvements as may be needed.
 - The immediate area around the house required for parking and drop off/pick up area, with the balance of the site available for the development of a public car park.
 - Purpose of occupation is to provide a *“drop in centre for those elderly members of the community who are, or feel they are being bypassed, or isolated from the general community”*.
 - The project is only in a planning stage but anticipate inviting involvement from Hahndorf Lions and other community organisations.

13 **Assessment against the Stage 1 Assessment Criteria of the UPP&P:**

In determining whether a Proposal will proceed to Stage 2, with or without a period of exclusivity, the Proposal will be assessed against the following criteria:

Is the subject of the Proposal already the subject of an existing or proposed procurement process? If the answer is yes, it is unlikely that an unsolicited Proposal will pass Stage 1 unless the proponent can demonstrate that their Proposal has a distinct advantage;

No

The Proposal demonstrates outstanding value for money in the form of:

- financial

Information is insufficient to determine this however the Proposal speaks to investment in the refurbishment and maintenance of the building to enable the activity to occur, noting that their expectation is to negotiate a nominal rent for occupation.

The Proposal does not detail what investigations have been undertaken to understand the required financial commitment to upgrade the building suitable for their purpose nor what funds are at their disposal to undertake those works.

It has been noted in the structural assessment undertaken by Council of the building that the "costs required to achieve a satisfactory outcome will be significant".

Given the likely substantial investment required to the building to make it suitable for use, the proponent's commitment to undertake those works may represent a positive financial outcome for Council.

It is however noted that other organisations may have similar funding opportunities that would see the building refurbished and a community or commercial outcome achieved.

- environmental and/or

The Proposal would provide a built environmental benefit with investment to be made into the restoration and preservation of the building on the site.

The Proposal does not directly demonstrate a natural environmental benefit.

- community benefits

Based on the information provided, the Proposal would deliver community benefits to the elderly citizens of the district who are experiencing loss of connection and loneliness in their community. It is noted that the program is in a planning stage so has not been fully formed at this time to enable a proper assessment to occur on this aspect.

Other providers in the district, including Council, the Mount Barker Community Centre and The Hut offer programs to support elderly and disadvantaged members of the community.

the Proposal cannot be readily delivered by competitors at all or within the timeframes proposed by the proponent;

Unknown – as the Proposal is in its planning phase, the exact nature of the service offering is not fully established to make a determination as to whether there are other competitors or organisations that could deliver this service.

No timeframes have been given for the assessment of works required to make the building fit for purpose (noting that it will require a change of use and construction DA), financial capacity to undertake the works and commencement of the service offering to make a determination.

It is recommended that if the Council was to consider the use of the building by an external party, that this would more appropriately be the subject of an open EOI process for highest and best use delivering community and/or commercial outcomes from that building.

the proponent owns something that would limit other parties from being able to deliver the Proposal (for example, intellectual property or strategic land holdings);

No

that the proponent has innovative financial arrangements that enable it to deliver the Proposal where other parties would not be able to;

The proponent has indicated that they have the availability of funds to undertake the works to the building and commence the activity however no detail of the amount of those funds or a business case for the activity has been provided.

It would be unlikely that their financial arrangement was innovative or unique, in that there may be other community service providers who also have funds available to undertake works to the building and deliver a community outcome service for the elderly.

that the proponent has a genuinely innovative idea;

Based on the information provided, it is not viewed as a genuinely innovative idea, however additional information from the proponent may provide clarification.

Support services for the elderly to foster and maintain community connection are offered by a number of service providers, for example the Mount Barker Community Centre who states "The Community Centre is responsive to local community need and works to address gaps and unmet needs through innovation and collaboration". In-conjunction with The Hut Community Centre and Lutheran Care, they offer a Community Connections program for people under 65.

The Council runs various programs of support for people over 65 such as:

Social Options Program

Chat & Connect Program

Noting that there is an eligibility requirement to be in receipt of a Home Care Package for some programs which appears to align with the position put forward by H.E.L.P. from the information informally provided by Proponent.

The Proposal may meet a gap in the market in Hahndorf for a bricks & mortar site however similar service offerings are provided by other providers as noted above. There is no data to support or refute the need for a bricks & mortar site in Hahndorf.

The Council's Community Development Team will be developing a positive ageing strategy over the next 12 months which is likely to focus on promoting healthy lifestyles, fostering social connections and ensuring access to necessary resources and services.

a combination of factors which may not stand alone as being innovative but which together create a Proposal worthy of consideration.

Not based on the information provided.

The proponent has the capacity, capability, skills, experience and required resources to successfully deliver their Proposal. The proponent must provide evidence of such capability and capacity to deliver the Proposal and must include any relevant experience in similar projects.

As the project is still within its planning stage, detailed information has not been provided about the operating model and how it would be delivered, this is still to be determined by H.E.L.P.. Note that Proponent advised that the core membership of H.E.L.P. is the membership of St. Pauls Lutheran Church at Hahndorf, who set up St Pauls Lutheran Homes and built it into a multi-million dollar enterprise providing residential units and nursing home facilities.

Any unsolicited Proposal must, in addition to the criteria above:

- be consistent with the goals and objectives outlined in the Mount Barker District Strategic Plan 2035 or any related Lead Strategy;

Yes

Objective 7 Positive Ageing: we will have a range of community services, housing, support and programs which allow our seniors to live independently, be active and fully participate in our communities.

Objective 10 Community Connectedness and Diversity: foster a sense of community and connectedness and celebrate diversity by promoting inclusivity, and creating opportunities for community to engage in meaningful dialogue, cultural exchanges, and activities that celebrate the richness of diversity

Objective 16 Community Facilities: increase the use of community facilities to provide safe and accessible facilities which provide opportunities for social interaction and inclusion

Objective 18 Heritage: safeguard and celebrate the cultural heritage and historical significance of the district.

Objective 19 Local Employment and Skills Development: cultivate a diverse and connected business environment where enterprises flourish. We aim to ensure local employment options and provide residents the opportunity to live, learn, work and play in their community.

- be consistent with Council's role and function; and
Partially – not necessarily Council's role and function to provide facilities for the delivery of community outcome services by a private operator although the Council does support these objectives being delivered to its residents and provides facilities on Council land for sport & recreation and other community services
- provide an economic, social or environmental outcome for the council and community.

Yes

14. Assessment Summary

In reviewing the application and information provided it is noted:

the Proposal lacks important detail critical to the Council being able to assess it against the UPP&P Stage 1 however based on the assessment undertaken:

- The proposed activation of the site seeks to retain and upgrade the existing building;
- The service proposed to be operated from the site aligns with strategy and outcomes the Council supports; and
- H.E.L.P. has advised that they are well resourced and credentialed to deliver both the service and the proposed activation of the site.

Notwithstanding the lack of critical detail accompanying the proposal, it is not recommended to proceed to a Stage 2 exclusive negotiation process because:

- The delivery of a community service from the site (even the same service) is likely something that other parties can deliver;
- There is nothing that H.E.L.P. owns that limits other parties from being able to deliver the same proposal; and
- There are no innovative financial arrangements that mean it can deliver the proposal where other parties could not.

It is difficult to assess if the proposal represents outstanding value for money because the detailed commercial terms of the proposal are yet to be developed by H.E.L.P., including:

- How much will H.E.L.P. invest in the site to make it fit for purpose;
- What lease tenure would H.E.L.P. require in order to be able to have an appropriate return on investment;
- What other legal rights would H.E.L.P. require in order to recoup its investment;
- What undertakings would H.E.L.P. provide to ensure the community outcome that is critical to the Council's assessment is delivered during the lease term.

While Council could request further detailed information from the proponent to assess value for money, doing so may be inappropriate at this stage. Given the nature of the proposed activation—which is not particularly innovative or unique—it is likely that Council will ultimately require an open market process to test whether other proposals may better align with Council's strategic objectives or offer superior legal, commercial, or community value. Requiring the proponent to invest further time and cost now, when a broader process is likely, would be premature and potentially unfair.

Subject to a future decision of Council, it would be recommended that an open market expression of interest be undertaken expressing the Council's preference to:

- retain the heritage building;
- for the building and site to be repaired and upgraded at the proponent's expense to be fit for purpose; and
- for the proponent to provide a service from the site that aligns with the Council's Strategic Plan (or any related Lead Strategy) goals and objectives; and
- for the proposal to include key details (such as lease term, rental and operational undertakings etc) in order that the Council can assess value for money.

In this way there would be a fair, transparent and competitive process and the Council could be confident that the selected proposal represents the most compelling and appropriate option available in the circumstances. H.E.L.P. would be able to participate in this process.

Community Engagement:

No community consultation or engagement has been undertaken in respect to the assessment of the Proposal

Policy:

Unsolicited Proposal Policy & Procedure

Long Term Financial Plan:

Not applicable in respect to this report however consideration needs to be given to Council's commitment to undertake upgrade works to the building on 108 Mount Barker Road Hahndorf and provision included for those works.

Budget:

Not applicable in respect to this report

Statutory/Legal:

Not applicable in respect to this report

Staff Resource Requirements:

Assessment of the Proposal has been undertaken by existing administrative resources with some legal support

Environmental:

Not Applicable

Social:

The recommendation does not preclude H.E.L.P. from conducting their service provision, once developed, at an alternative site, or participating in an open competitive process in respect to 108 Mount Barker Road Hahndorf should Council resolve to undertake that in the future

Risk Assessment:

Assessing an unsolicited Proposal application against the criteria of the UPP&P ensures that the Council gives due consideration to the risks of any Proposal

Asset Management:

The assessment of this Proposal highlights the need for Council to develop a schedule of works required to maintain the land at 108 Mount Barker Road Hahndorf including the building

Conclusion:

The proposed activation of the site and service proposal aligns with the Council's community focussed objectives, however based on the information provided it is not considered to be sufficiently innovative and/or unique to warrant further consideration under the UPP&P rather than under an open market expression of interest process.



UNSOLICITED PROPOSAL

Attachment 1 to Item 18.2

Confidential Unsolicited Proposal for Mount Barker District Council

Legal Name of Proponent

Hahndorf Elderly Living Project

Address

77 Main Street
Hahndorf, South Australia 5245
Australia

Project Title

Operational Headquarters for H.E.L.P.

Project Summary (200 words)

The Hahndorf Elderly Living Program (H.E.L.P.) has been established to provide care and community involvement for those elderly people in the Hahndorf and wider community who are living by themselves. Such people are more prone to suffer cognitive and other mental problems. While there are physical /health facilities available, there are few avenues to help offset degenerative mental health. H.E.L.P. would provide the equivalent of a 'drop in centre' for those who are, or feel they are being bypassed, or isolated from the general community.

This would involve compiling a data base of potentially vulnerable people, visiting those people to ascertain what help or activities, can be provided to maintain mental health. It would not conflict with other services already being provided but rather augment those with a range of alternatives. This could include excursions, gatherings, volunteer assignments, singing groups, classes, whatever may be advantageous in keeping the elderly mentally active, and community orientated.

A convenient base for operations is needed. We consider this could be adequately supplied by the house at No 108, Main Street, Hahndorf.

- a) prominent, easily accessible location.
- b) parking on site
- c) adjacent to a bus stop
- d) adjacent to a creek and wooded reflection area

Upload a file

- [futher_information_H.E.L.P._DCMB_unsolicited_proposal_18-3-2025.docx](#)

Detail of your Proposal



- [Detail of Proposal H.E.L.P. DCMB.docx](#)

Sign off and submission

The proposal is to be signed by an authorised representative of the proponent.

I have read and understood the General Provisions (clause 3) of the Unsolicited Proposal Procedure

- Agree

I confirm that the information given in this form is true and accurate.

- Agree

Authorised Contact Person Name

[REDACTED]

Position

Director - Also representing Directors

[REDACTED]

Email

[REDACTED]

Phone

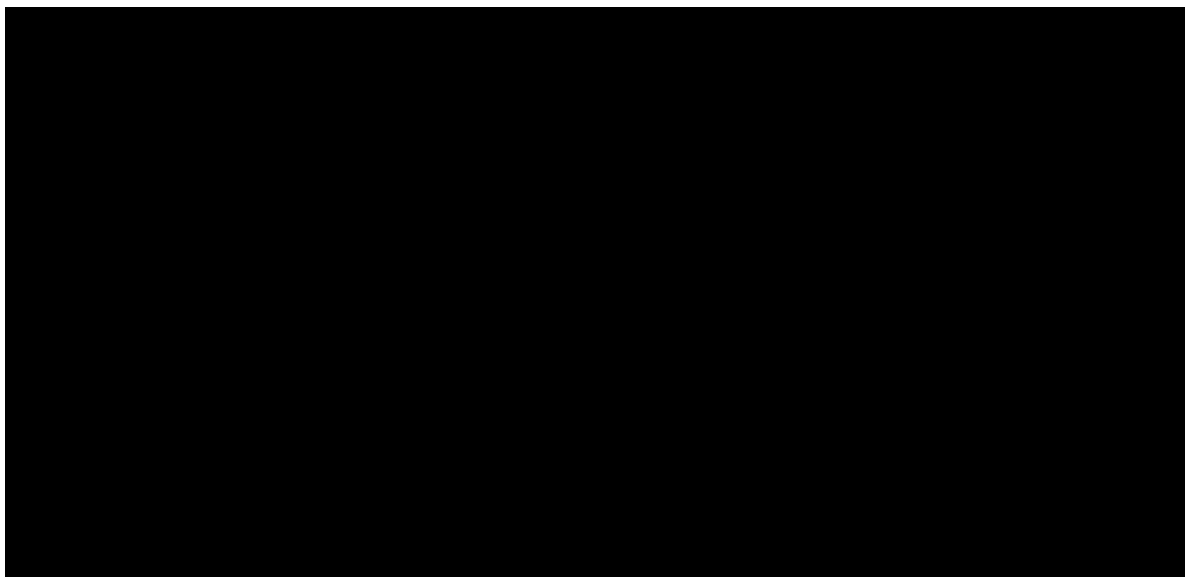
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Signature

[REDACTED]

Date

19/03/2025



18.2 **REPORT TITLE:** **CONFIDENTIAL – UNSOLICITED PROPOSAL –
USE OF COUNCIL LAND ASSET**

DATE OF MEETING: **7 APRIL 2025**

FILE NUMBER: **DOC/25/42333**

ATTACHMENTS: **1: DOC/25/40758 – UNSOLICITED PROPOSAL –
HAHNDORF ELDERLY LIVING PROGRAM**

Moved Councillor Hewett that Council:

Pursuant to Section 90(3)(d)

1. Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except the Chief Executive Officer; Executive Manager; General Manager Infrastructure, General Manager Planning and Regulatory Services, Acting General Manager Corporate Services, Head of Wastewater and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset.

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Seconded Councillor Hardingham

CARRIED
OM20250407.26

9:51pm Councillor Jones left the meeting.

9:54pm Councillor Jones returned to the meeting and took her chair.

Moved Councillor Hardingham that Council:

2. Acknowledges the receipt of the Application from Hahndorf Elderly Living Program Ltd (H.E.L.P.) under the Council's Unsolicited Proposal Policy & Procedure (UPP&P) dated 19 March 2025.
3. Determines that, following an assessment of the application under Stage 1 of the UPP&P, the application does not adequately meet the criteria for the Proposal to proceed further.
4. Instructs the CEO to write to H.E.L.P to thank them for their submission and advise them that their Proposal does not adequately meet the criteria for the Proposal to proceed further however provide them with an opportunity to meet with Council staff to obtain feedback.

Seconded Councillor Westwood

CARRIED
OM20250407.27

Councillor Jones called for a DIVISION

The Mayor declared resolution OM20250407.27 set aside

Councillors voting in the Affirmative: Councillors Hewett, Seager, Hardingham, Orr, Westwood, Size

Councillors voting in the Negative: Councillors Szilassy, Grosser, Voogt, Jones

The Mayor declared resolution OM20250407.27 as CARRIED

Moved Councillor Hardingham that Council:

Section 91(7) Order

Pursuant to Section 91(7)

5. That having considered Agenda Item 18.2 Confidential Item: Unsolicited Proposal – Use of Council Land Asset in confidence under 90(2) and 3(d) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the Council report, attachment and all minutes be retained in confidence for a period of 12 months or such lesser period as may be determined by the Chief Executive Officer other than to notify the proponents of Council's decision in this matter and that this order be reviewed every 12 months.

Seconded Councillor Seager

CARRIED
OM20250407.28

