CONFIDENTIAL ITEMS 2003 – JULY 2026

#	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
246	3 June 2024	City Centre Project – High and Very High Strategic Risks Summary	1. Pursuant to Section 90(3)(b) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, Head of Wastewater; Manager Finance; Manager Customer Experience; and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential Item: City Centre Project - High and Very High Strategic Risks Summary. The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: - conducting business; and - proposing to conduct business; and - would prejudice the commercial position of the Council 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 continued non-disclosure of this 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 of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent. 4. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.1 Confidential Item City Centre Project: High and Very High Strategic Risks Summary in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act	Report, and attachment	The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is: - conducting business; and - proposing to conduct business; and - would prejudice the commercial position of the Council 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 continued non-disclosure of this information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of	Report, and attachment be retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.	7 Oct 25	Within 12 months	*Report and Attachment released on website 6 November 2026* *Minutes released on website 24 June 2024*

RELEASED

CONFIDENTIAL ITEMS 2003 – JULY 2026

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			orders that the report, and attachment be retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.		the information. The Council is satisfied that the principle of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.				

RELEASED

18. CONFIDENTIAL REPORTS

18.1 REPORT TITLE: **CONFIDENTIAL ITEM: CITY CENTRE PROJECT – HIGH AND VERY HIGH STRATEGIC RISKS SUMMARY**

DATE OF MEETING: **3 JUNE 2024**

FILE NUMBER: **DOC/24/61907**

ATTACHMENTS: **1. DOC/24/51718 – STRATEGIC RISK SUMMARY CITY CENTRE PROJECT**

Key Contact Sue Miller, Corporate Governance and Risk Officer

Manager/Sponsor Alison Hancock, Executive Manager

Community Plan 2020-2035:
Leadership and Good Governance - LGG Strategy 1.9 Identify and manage strategic and operational risk and liabilities.

Annual Business Plan:
The City Centre Project is a project included within the annual business plan capital works program.

Purpose:
To provide to Council a summary of high strategic risks identified for the City Centre Project.

Summary – Key Issues:

- The City Centre Project is one of several major intergenerational projects in development by Council driven by the significant growth that is occurring in the district.
- Only high and very high strategic risks identified for the City Centre Project will be reported to the Audit and Risk Committee and Council.
- There are eight (8) High and two (2) Very High strategic risks identified for the City Centre Project.
- The two Very High risks relate to Design and Project Management areas.
- A key risk treatment will be for Council to establish a Project Governance structure including a Project Control Group (PCG).

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Recommendation 1:

That Council:

1. **Pursuant to Section 90(3)(b)**
   Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except Chief Executive Officer, General Manager Infrastructure, General Manager Corporate Services, Executive Manager, and Minute Secretary be excluded from attendance at the meeting for Agenda Item 18.1 Confidential Item: City Centre Project - High and Very High Strategic Risks Summary.

   The Council is satisfied that pursuant to Section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda item is information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is:
   - **conducting business; and**
   - **proposing to conduct business; and**
   - **would prejudice the commercial position of the Council**

   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 continued non-disclosure of this 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 of the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of Council's commercial position would compromise the Council's ability to engage and negotiate effectively as the Council's commercial position in relation to the matter would inappropriately become known to any potential proponent.

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Recommendation 2:

That Council note:

2. ***That the Audit and Risk Committee recommend to Council to receive and note the City Centre Project – High and Very High Strategic Risk Summary Report.***

Recommendation 3:

That Council:

3. **receive and note the City Centre Project – High and Very High Strategic Risk Summary Report.**

Recommendation 4:

That Council:

4. **Pursuant to Section 90 (3) (b)**
   That having considered Agenda Item 18.1 Confidential Item City Centre Project: High and Very High Strategic Risks Summary in confidence under 90(2) and (3)(b) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report, and attachment be retained in confidence until such time as determined by the Chief Executive Officer, and that this order be reviewed every 12 months.

Background:

1. The Local Government Act 1999 section 99-Role of Chief Executive Officer includes the following additional prescribed function, effective 30 November 2023:
   (1)(ia) Establishment and maintenance of effective policies, systems and procedures for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks;

2. Council has a Risk Management Policy, available on the Policies and By-Laws page of Council's website. The Policy is supported by a Risk Management Framework.

3. At 9 May 2024 Audit and Risk Committee the ARC received and noted Item 12.2 "City Centre Project – Introduction and High and Very High Risks Summary" which included, in addition to the High and Very High Risks Summary, as an attachment the information report provided to Council's 5 February 2024 council meeting providing a high level summary of the project background, current status and outlook for the City Centre Project in Mount Barker.

Discussion:

1. Mount Barker District Council recognises how important it is to understand and manage risk.

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2. The complexity and variety of risks are changing at a rapid rate within Council (and the Local Government sector). Management of these risks creates both opportunities and challenges.

3. The definition of Strategic Risks:
   a. high level concepts with
   b. broader trends (global, recruitment, political unrest) which
   c. impact the whole organisation; and
   d. can be individual divisional risks (e.g. large projects) and/or external (e.g. Government/Legislative)

4. At Mount Barker District Council few strategic risks reside within just one functional area of Council and are often shared and/or are broad-reaching.

5. Causes can be individual risks and risks can also be causes to other risks.

6. The City Centre Project is one of several major intergenerational projects in development by Council driven by the significant growth that is occurring in the district. Other major projects include the Regional Aquatic and Leisure Centre and Wastewater projects.

7. It is acknowledged the high number of high/very high risks is one of the implications arising from that growth in relation to the concurrent delivery of required major infrastructure projects.

8. Only strategic risks (not operational) will be reported to the Committee and Council.

9. The short form summary report format (attachment 1) provides a high level summary of high and very high strategic risks; these risks all have control measures and critical treatment plans.

10. The City Centre Project is a complex, multi-staged project that Council endorsed to deliver in partnership with a private developer. There is also a private third party (Community Living Australia (CLA)) that aims to own and occupy land, office and car parking structures within the project site and Council shares car parking space with CLA.

11. A robust Governance structure, incorporating a Project Control Group (PCG) has been identified as a key Critical Control within the overall risk register.

12. The delivery of Council related project elements relies on robust budget planning plus external grant funding, in particular for the proposed community hub. Establishing an approval process for the project budget and have reasonable contingencies built into it are the respective identified Critical Controls.

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13. Established internal peer review processes through the PCG will also control identified Design risks.

14. Details regarding the effectiveness of controls is not publicly reported.

Community Engagement:

Informing only	On website via ARC and Council minutes.

Policy:
Risk Management Policy and Framework

Long Term Financial Plan:
NA

Budget:
NA

Statutory/Legal:
Local Government Act 1999
S99 –prescribed functions of CEO:
- (ia) Establishment and maintenance of effective policies, systems and procedures for the identification, assessment, monitoring, management and annual review of strategic, financial and operational risks; and

S90-Meetings to be held in public except in special circumstances

Staff Resource Requirements:
The Corporate Governance and Risk Officer coordinates the review of Strategic Risks in preparation of reporting to the Committee and Council.

Environmental:
NA

Social:
NA

Risk Assessment:
There is a risk of significant negative impact on delivery of major projects, financial implications, community safety and Council's reputation if strategic risks are not regularly reviewed and monitored, causes understood and effective controls applied. Similarly the effectiveness of these processes needs to be reviewed from time to time.

Asset Management:
NA

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Conclusion:

Council is a multi-faceted, community-focussed service provider. Management of strategic risks creates both opportunities and challenges for Council. Council's Strategic Risk Register captures inherent risks that are monitored regularly, and controls are in place to mitigate the strategic risks.

Previous Decisions By/Information Reports to Council

NIL

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Attachment 1 to Item 18.1

13.3 REPORT TITLE: CITY CENTRE PROJECT – UPDATE OF CURRENT STATUS AND OUTLOOK

DATE OF MEETING: 5 FEBRUARY 2024

FILE NUMBER: DOC/24/11732

Key Contact Oliver Pfueller, Development Manager – Strategic Projects

Manager/Sponsor Andrew Stuart, Chief Executive Officer

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Purpose:

This information report provides a high level summary of the current status and outlook for the City Centre Project in Mount Barker.

Summary – Key Issues:

1. Consistent with Council decision making, the progression of the next phase of design work is commencing. Appointment of the lead architect will occur by mid-February observing Council's Procurement Policy.

2. This design phase will incorporate the progression of the whole-of-site master plan and then more specifically the town square, council-owned office building, privately owned-commercial office space and hospitality/retail areas. This phase is anticipated to conclude in May 2024.

3. In parallel, Council staff will continue to finalise the commercial structure and terms for the broader project, with these to be presented to Council for decision making and will be informed by the design phase referenced above.

Background:

1. In 2019, through a two-stage competitive Expression of Interest process (EOI), Burke Urban Investment's (BUI) proposal was assessed as preferred as it best aligned with the Council's stated objectives.

2. In late 2021, Council and BUI sought feedback on the proposed town square and upgrades to Stephen Street (between Morphett and Gawler Street), whilst also informing the community on the broader master plan for the site.

3. At its April 2022 meeting, Council endorsed the concept design for the town square and at its September 2022 meeting reiterated its commitment to progressing key elements of the project, including the development of a significant civic presence on the site.

4. At its special Council meeting on 13 November 2023, Council resolved the following items:
    a) Commercial terms with Burke Urban Investments (BUI) and to commence drafting and the finalisation of the Development Agreement;
    b) Council's preference to own and occupy a 2,700m2 office building with integrated car parking;
    c) Investigate long term off-site car parking options to support the City Centre Project and broader City Centre;
    d) Endorse the revised master plan;
    e) Progress the early concept design and massing to inform development of the 'Community Hub' development site; and
    f) Endorse the updated Community and Stakeholder Engagement Strategy.

5. BUI are responsible to deliver the design and construction of Stage 1 of the City Centre Project which includes the following elements:
    a) Town square
    b) Council-owned Civic Office with integrated car parking and connected to the adjacent Community Living Australia (CLA) office building, and
    c) Retail/hospitality (corner of Morphett/Hutchinson).

6. The project program shows the design phase for the town square to be complete later this year with a construction commencement early 2025.

7. Council is continuing to explore funding opportunities, with State and Federal Grants being actively explored in order to assist in the delivery of the project.

Discussion:

Stage 1 Design Works

8. The design works for the town square, offices and car parking structures, and retail/hospitality corner will commence following the appointment of the lead architect by mid-February 2024. A two-part approach has been agreed with BUI.

9. As a first step, a Master Plan Review will be undertaken to validate the approved master plan by verifying its feasibility and assessing it against the current site conditions. This includes to test building massing and car parking layout, service infrastructure, assess key interfaces and verify site levels as well as a risk and opportunities assessment.

10. The whole of site review covers project elements across the entire project site. Council related project elements include the town square, the office with integrated car parking and the retail/hospitality corner.

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11. The second stream focuses on achieving the first design milestone by reaching concept design. This phase will include workshops and design briefs regarding:
    a. Council-owned office - commercial layout. Undertake workshops on spatial requirements, prepare preliminary floor plan;
    b. Community Hub - flexible space. Undertake workshops on potential spatial configuration, capacity to accommodate a range of uses;
    c. Town square – progress design from endorsed concept, matching it into adjoining proposed development and resolving amendments/enhancements post consultation;
    d. Car parking – verify levels, layout and access requirements; and
    e. Test and confirm access and connection feasibility between individual project elements.

12. In parallel with this next phase of design, an independent Quantity Surveyor will be utilised as well as input from the construction sector, in order to develop robust cost estimates and constructability assessments in order to inform the projects delivery.

Term Sheets Finalisation

13. BUI have provided input on specific clauses within the overarching term sheet that delineates the roles and responsibilities of both the council and BUI.

14. Discussions between the council staff and BUI are about to be finalised by mid-February to commence preparation of the legally binding Development Agreement.

Community Engagement

15. Throughout the concept design phase, engagement with the community will occur. The recently installed Pop up Park will provide an important location for drop-in sessions for the community to provide feedback on all elements of the City Centre Project.

16. Following appointment of the lead architect, a schedule of engagement with Council Members will be developed, ensuring timely and efficient input to this next phase of design.

17. Continued consultation with Council Members will also occur throughout the design phases to verify current design elements and ensure Council Members are up-to-date. The concept design will be presented to Council when this milestone has been achieved.

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Program

18. Consistent with the overall project program as attached to the 13 November 2023 report, the master plan review and concept design are scheduled to be complete by end of May 2024.
19. Completing the concept design stage will enable a more detailed cost estimate for the overall development which will guide the drafting of the legally binding Development Agreement between BUI and Council.

Conclusion:

The City Centre Project is progressing as planned with the next phase of design commencing to enable the project to progress sufficiently to inform the Development Agreement between the parties and provide greater certainty on the scope, budget and timing of the overall project. Engagement with the community, key stakeholders and Council Members will take place through the upcoming design stages.

Previous Decisions By/Information Reports to Council

Meeting Date	13 November 2023	CM Reference	DOC/23/149853
Title	Confidential: City Centre Project: Commercial Terms, Master Plan And Engagement		
Purpose	To provide Council with commercial terms, an updated master plan and engagement strategy in which to endorse, that progress key elements of the project and enable staff to update and engage with the community.		

Meeting Date	5 September 2022	CM Reference	DOC/22/102469
Title	Confidential: Mount Barker City Centre Project		
Purpose	To provide Council with an update on project status, seek commitments to key project elements and to outline the necessary next steps in design development, project feasibility work and commercial negotiations to position Council for future decision making.		

Meeting Date	4 April 2022 meeting	CM Reference	DOC/22/39596
Title	Mount Barker Town Square Consultation Summary		
Purpose	To provide Council Members with feedback from the community on the concept plans for the Mount Barker Town Square (formal naming undecided), Stephen Street upgrade and Burke Urban Investments broader site masterplan following a 4-week period of public and stakeholder consultation.		

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