

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
259	2 December 2024	Strategic Land Transaction	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 the Chief Executive Officer, General Manager Infrastructure, Executive Manager, General Manager Corporate Services, General Manager Planning and Regulatory Services, Head of Wastewater, Manager Property and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Strategic Land Transaction. 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 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 that 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 may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.	Council report, related documents and all minutes	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 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 that the meeting be conducted in a place open to the public	Council report, related documents and all minutes be retained in confidence until the transaction is completed or such lesser period as may be determined by the Chief Executive Officer 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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#	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
			<u>Section 91(7) Order</u> 4. Pursuant to Section 90 (3) (b) That having considered Agenda Item 18.2 Strategic Land Transaction 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 council report, related documents and all minutes be retained in confidence until the transaction is completed or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.		has been outweighed in the circumstances because the disclosure of Council's commercial position may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.				

RELEASED

18.2	REPORT TITLE:	CONFIDENTIAL ITEM: STRATEGIC LAND TRANSACTION
	DATE OF MEETING:	2 DECEMBER 2024
	FILE NUMBER:	DOC/24/177870
	ATTACHMENTS:	1: DOC/24/185768 - LETTER FROM WOLF BLASS FOUNDATION
	<u>Key Contact</u>	Nathan Franklin, Senior Strategic Planner, Strategic Planning
	<u>Manager/Sponsor</u>	Maddie Walker, Manager Community and Wellbeing, Strategic Planning
	<u>Executive</u>	Alex Oulianoff, General Manager Corporate Services

Community Plan 2044:

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

Objective 15 - Place - Develop a safe, integrated transport network for all communities.

Objective 20 - Economy - Enhance local economic productivity and attract investment.

Objective 28- Leadership - Foster collaboration and partnerships for community benefit.

Annual Business Plan:

The Annual Business Plan 2024/25 does not include any specific revenue or expenditure budget allocation in regards to this initiative. The proposed initiative will achieve a positive net revenue outcome for Council whilst also delivering on the delivery of a car parking solution for Hahndorf at no additional cost to Council. Any budget adjustments required will be undertaken through a future budget review.

Purpose:

To advise Council of an opportunity presented to Council staff that would assist to remedy car parking concerns in Hahndorf and give delegation to the CEO or his delegate to execute and documents required to achieve the car parking outcome.

Summary – Key Issues:

1. Hahndorf Main Street is a popular tourist destination of State relevance, and as is typical of regional towns, most people visit by car. This leads to some car parking competition in key locations in the Main Street.
2. Council staff are proactive in exploring both short and long term opportunities and will seek to promote various interventions to assist to alleviate known car parking supply and demand issues within Hahndorf.
3. Following the consideration of a number of options previously presented to Council in December 2023, Council resolved in 2024 to purchase a strategically located parcel of land at 108 Mount Barker Road, Hahndorf for the purpose of car parking. The land purchase was a time specific opportunity and Council have been considering the redevelopment priorities for the land since this purchase. With no current timing for the delivery of a car park outcome for this site.
4. More recently, Council have been presented with an opportunity which would assist to fast track and deliver a desirable parking outcome to the benefit of the township on this Council owned land at 108 Mount Barker Road, Hahndorf.

Recommendation:**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 the Chief Executive Officer, General Manager Infrastructure, Executive Manager, , General Manager Corporate Services, General Manager Planning and Regulatory Services, Head of Wastewater, Manager Community Planning and Wellbeing, Manager Strategic Projects and Economic Development, and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Strategic Land Transaction..

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 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

that 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 may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.

- 2. Note and receive the letter of offer from the Wolf Blass Foundation regarding a car parking outcome at 108 Main Street, Hahndorf.**
- 3. Authorise the Chief Executive Officer or his delegate to pursue and negotiate the attached option put forward by the Wolf Blass Foundation (Attachment 1).**
- 4. Authorise the Chief Executive Officer or his delegate to execute all required documents for the sale of the land and securing of a car parking outcome for Hahndorf in accordance with the principles stated in paragraph 13.**

Section 91(7) Order

- 5. Pursuant to Section 90 (3) (b)**
That having considered Agenda Item 18.2 Strategic Land Transaction 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 council report, related documents and all minutes be retained in confidence until the transaction is completed or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Background:

5. In March 2018 Council endorsed the Hahndorf Township Plan. This plan was developed in consultation and engagement with key stakeholders including the Hahndorf Community Association (HCA) and Hahndorf Business and Tourism Association (HBTA).
6. Throughout the Township Plan there are several principles and actions that relate to improving car parking supply in Hahndorf. Notably Action 8 which is listed with a short-term with a of the Township Plan states 'As a priority, begin investigations to develop strategies to alleviate car parking supply and demand issues in the Main Street. Investigations may include:
 - (a) Opportunities to create public/private partnerships to deliver new car parking areas.
 - (b) Opportunities to develop a shared car parking policy.
 - (c) Review of car parking zones and time limits.

(d) Opportunities to increase the number of disabled car parking spaces.

7. Council has more recently received reports in May/October/December of 2023 as well as in March 2024 which provided Council with the long standing considerations, options and strategies undertaken by Council to manage car parking issues in Hahndorf.
8. Following detailed consideration of a number of these options in mid-2024 Council acted upon a favourable opportunity to purchase the strategically well located 108 Mount Barker Road, Hahndorf for the primary purpose of providing further car parking area to support the township.
9. Since the purchase of 108 Mount Barker Road, Hahndorf staff have considered a number of priorities for this land and undertaken required property maintenance to manage access and safety considerations.

Discussion:

10. A partnership opportunity has been presented to Council for consideration by Wolf Blass and the Wolf Blass Foundation and this relates to 108 Mount Barker Road, Hahndorf. The proposal has the potential to assist and fast track the redevelopment of this land for car parking.
11. As a land owner within the main street precinct of Hahndorf, Wolf Blass has a unique understanding of the parking issues and opportunities within Hahndorf.
12. In relation to 108 Mount Barker Road, Hahndorf the partnership opportunity proposes that Council would undertake the following 'Stage 1' works:
 - Council demolish/clear the existing site and remove all but two trees that are considered worthy of retention by Councils Arborists.
 - Council remove all existing structures (dwelling, outbuildings) from the site.
 - Council ensure suitable two-way access can be achieved across the existing creek.
 - Development approvals for all the above works.
 - Completion of all work within twelve months from the date of a conditional agreement between the parties.

Should the above be completed the following is proposed to be undertaken by the Wolf Blass Foundation as 'Stage 2' (within 6 months following the settlement):

- Wolf Blass purchases the land from Council for the purchase price of \$2.3m.
- Wolf Blass redevelops the site for a sealed car park including all relevant approvals.
- The carpark will remain the property and be controlled by The Wolf Blass Foundation.

- The Wolf Blass Foundation retains all rights over the naming of the car park.
 - The Wolf Blass Foundation may elect to charge for parking in peak periods to offset maintenance and insurance costs.
 - The Wolf Blass Foundation retains the right to operate a commercial operation from the car parking site, such as a tourist train.
 - The Wolf Blass Foundation retains rights over advertising on the site.
 - The car park will be available for public use.
 - The agreement may be between the Council and a separate for-purpose foundation established by Wolf Blass.
13. The principles for which the CEO or his delegate will negotiate this car parking and community outcome for Hahndorf will be:
- a. Secure a minimum of 75 car parks
 - b. Council to not be financially exposed beyond the value of the land (\$2.3m Ex GST)
 - c. Delivery of car park which has public amenity and open space outcomes.
 - d. Secure the ongoing use of the land as a car park following transfer of land ownership to the Wolf Blass Foundation (or nominee).
14. The Stage 1 works to be undertaken by Council effectively assists to create design and construction efficiencies and will de-risk the Stage 2 works to be undertaken by Wolf Blass. The timely delivery of the Stage 1 works would be a condition of any partnership agreement noting that no formal costing exercise has been undertaken and this is difficult to quantify at this early stage.
15. The benefits to Wolf Blass foreseeably is the support for his existing and significant assets within the main street in addition to ensuring an ongoing legacy and association within Hahndorf.
16. The benefits for Council is that there is a significant parking outcome for Hahndorf which will be delivered by a private partner, without Council requiring to fund the full scope of works to achieve a Public Car Park. The proposal will also bring forward the likely delivery of additional parking for Hahndorf.
17. At the time of this report being prepared no detailed cost analysis has been able to be undertaken in regards to the proposed Council Stage 1 works, as such staff propose to report back to Council in early 2025 with more detailed costings associated with works and any required documentation.
18. The subject site is 4,150 square metres in size maintaining a street frontage of approximately 16 metres and an overall depth of 150 metres. The land currently contains an existing dwelling (non-heritage listed State or Local),

existing vegetation including several regulated trees and is bisected by an existing creek.

19. Preliminary design investigations undertaken by Council engineers have indicated that a potential car parking yield of approximately 100 car parks is possible on the property, subject to achieving a balance of car park numbers and public amenity.
20. In considering the proposal, Council's administration have taken into account the *Disposal of Council Land and Other Assets Policy*.
21. In assessing this proposal, it demonstrates compliance with the policy in the following ways:
 - a. Addresses a need for additional parking, a priority for both community benefit aligning with items 6.1.6 and 6.1.9 of the policy.
 - b. The proposed purchase price matches Council's original purchase cost, ensuring a fair market valuation (Policy 6.1.2). The partnership structure also reduces Council's financial risk and initial capital outlay, in line with requirements to consider costs and risks before disposal (Policy 6.1.11 and 6.2.1.12).
 - c. The proposal repurposes an underutilised site into a public car park, maximising the land's utility and reducing maintenance costs for Council (Policy 6.1.1 and 6.1.3).
22. Although sold by private treaty, the direct negotiation with Wolf Blass Foundation is appropriate given the unique community benefit and specialised use proposed. The policy allows for non-competitive sales under specific circumstances, and Council has taken steps to ensure that this approach secures the best value and use for the land within a reasonable timeframe (Policy 6.2.1.6 and 6.2.1.12).
23. In principal this report seeks authorisation for the CEO or his delegate to pursue and negotiate a strategic land transaction with the Wolf Blass Foundation. It should be noted that this process will require staff time and internal resourcing to investigate thoroughly, assess and execute and agreement in a timely manner.

Community Engagement:

Informing only	Confidential Report
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Policy:

The Disposal of Land and Other Assets Policy has been considered. For the reasons outlined above the proposal complies with the policy.

Long Term Financial Plan:

The adopted Long Term Financial Plan does not specifically reference any of the initiatives discussed or to be investigated within this report.

Budget:

The Annual Business Plan and Budget does not include any specific revenue or expenditure budget allocation in regards to this initiative. The proposed initiative will achieve a positive net revenue outcome for Council whilst also delivering on the delivery of a car parking solution for Hahndorf at no additional cost to Council. Any budget adjustments required will be undertaken through a future budget review.

Council purchased the land for \$2.3m Ex GST in April 2024.

Statutory/Legal:

None at this stage.

Staff Resource Requirements:

There will be a need for internal staff to prioritise Council's obligations in a timely manner. A Project Manager will need to be assigned internally to manage these works while Council's Property team will be required to structure any legal property requirements.

Environmental:

Should it proceed the proposal will involve the removal of several trees on the land. While mature these trees have been assessed by Council's Arborist as being not worthy of constraint. Replacement trees will form part of any redevelopment of the site.

Social:

The options and opportunities considered have the ability to provide for an improved Council assets to the social and economic benefit of the community.

Risk Assessment:

The risk in not meeting community expectations that have been strategically aligned through the Hahndorf Township Plan and the known parking supply and demand concerns of community need to be managed.

As a longstanding issue within Hahndorf the current community sentiment is one of frustration and a partnership commitment from Council would assist to demonstrate community alignment and township support.

Asset Management:

There is the potential for this option to increase Council's existing community and car parking assets within Hahndorf through this proposed partnership.

Conclusion:

An opportunity has been presented to Council for consideration which could result in the delivery of a key car parking asset for Hahndorf. Staff seek support to continue discussions and any formal negotiations with the option presented and will report back to Council in early 2025 once further details are known.

Previous Decisions By/Information Reports to Council

Meeting Date	3 December 2023	CM Reference	DOC/23/160378
Title	Confidential Hahndorf car parking options and opportunities		
Purpose	To provide an update on car parking improvements being planned for Hahndorf ahead of the peak visitation period across December 2023 to January 2024.		

Meeting Date	3 October 2023	CM Reference	DOC/23/127167
Title	Hahndorf Parking Management Update		
Purpose	To provide an update on car parking improvements being planned for Hahndorf ahead of the peak visitation period across December 2023 to January 2024.		

Meeting Date	1 May 2023	CM Reference	DOC/23/35643
Title	Hahndorf Car Parking Management		
Purpose	To provide an update on car parking management in Hahndorf.		

25/11/2024

Mr Andrew Stuart
Chief Executive Officer
The District Council of Mount Barker
6 Dutton Road
MOUNT BARKER SA 5251

Good morning Andrew

The Wolf Blass Foundation Inc. was established in 1995 by Wolf Blass with an initial contribution of \$1 million to benefit Australia's wine industry. It intends to reward achievements and facilitate study in all fields: viticulture, winemaking, wine marketing, promotion, and wine education.

The foundation assets in 2024 exceed \$20m.

The Wolf Blass Gallery and Museum, established in 2018, houses the private wine memorabilia and artefacts of Australian wine icon Wolf Blass artefacts. Also displayed are four original paintings by iconic Australian painter Hans Heysen and the original Melbourne Cup.

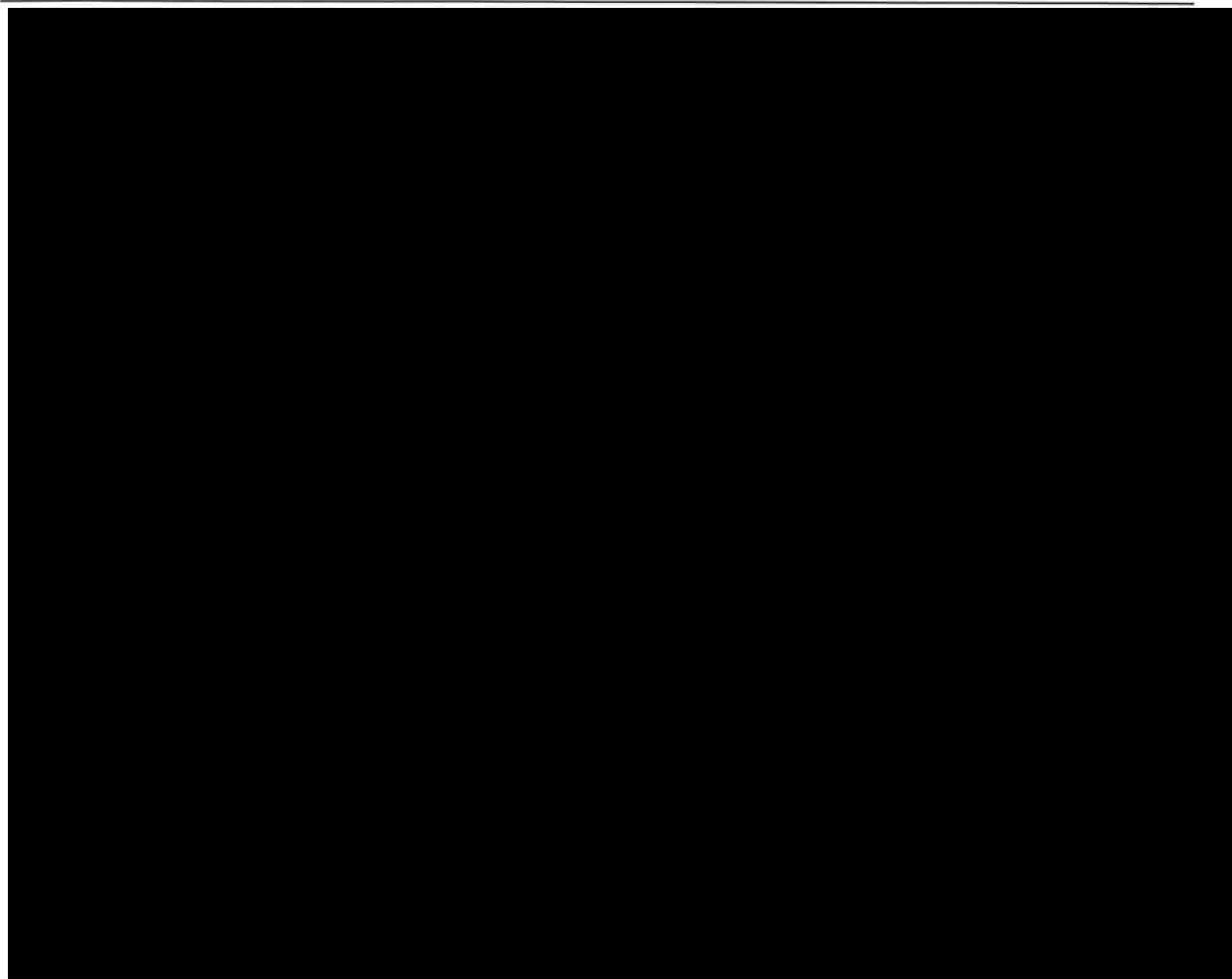
The Wolf Blass Foundation Inc. is a not-for-profit charitable organisation.

The Wolf Blass Foundation is interested in purchasing the land CT5532/760, 108 Mount Barker Rd, Hahndorf, from the Mount Barker District Council for use as a public carpark subject to the following conditions:

1. The Mount Barker District Council agrees to provide the following works at no cost to The Wolf Blass Foundation:
 1. Demolition of all buildings and structures and removal of the same from the site
 2. Remove the trees except the two trees identified by Chris Lawrie to retain.
 3. Construction of a bridge across the creek suitable for two-way traffic
 4. Development Approval for the abovementioned works
 5. Completion of all work within twelve months from the date of a conditional agreement between the parties.
2. The Wolf Blass Foundation agrees to provide the following at no cost to the District Council of Mount Barker:
 1. Purchase the land from the Council for \$2,300,000.00.
 2. Construct the carpark using bitumen seal, line marking and wheel stops where necessary
 3. Development Approval for the carpark construction
 4. The carpark works completed within six months of settlement.
3. The carpark will remain the property and be controlled by The Wolf Blass Foundation.
4. The Wolf Blass Foundation retains all rights over the naming of the car park.
5. The Wolf Blass Foundation may elect to charge for parking in peak periods to offset maintenance and insurance costs.
6. The Wolf Blass Foundation retains the right to operate a commercial operation from the car parking site, such as a tourist train.
7. The Wolf Blass Foundation retains rights over advertising on the site.
8. The car park will be available for public use.
9. The agreement may be between the Council and a separate for-purpose foundation established by Wolf Blass.

John Ashcroft
Trustee member of The Wolf Blass Foundation

CONFIDENTIAL



18.2

REPORT TITLE:

**CONFIDENTIAL ITEM: STRATEGIC LAND
TRANSACTION**

DATE OF MEETING:

2 DECEMBER 2024

FILE NUMBER:

DOC/24/177870

ATTACHMENTS:

**1: DOC/24/185768 - LETTER FROM WOLF BLASS
FOUNDATION**

Moved Councillor Voogt 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 the Chief Executive Officer, General Manager Infrastructure, Executive Manager, General Manager Corporate Services, General Manager Planning and Regulatory Services, Head of Wastewater, Manager Property and the Minute Secretary be excluded from attendance at the meeting for the Agenda Item 18.2 titled Strategic Land Transaction.

A handwritten signature in blue ink is located in the bottom right corner of the page. The signature appears to be a stylized 'M' or 'N' followed by a flourish.

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 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 that 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 may prejudice Council's ability to be able to negotiate a cost-effective proposal for the benefit of the Council and the community in this matter.

Seconded Councillor Seager

CARRIED
OM20241202.23

8:32pm Mayor Leach considered that the conduct of the meeting with approval of two-thirds of the members present, would benefit from suspending the meeting procedures pursuant to Regulation 20 of the Local Government (Proceedings at Meetings) Regulations 2013, to enable an informal discussion between council members for the purpose of gaining further information and background to the recommendation(s), noting that during which time no motion may be moved other than a motion to end the suspension and resume normal meeting proceedings.

(with the approval by show of hands of more than two-thirds of the Members present)

9:11pm Cr Hewett left the meeting

9:12pm Mayor Leach sought leave of the meeting to continue suspending the meeting procedures pursuant to Regulation 20 of the Local Government (Proceedings at Meetings) Regulations 2013.

(with the approval by show of hands of more than two-thirds of the Members present)

9:15pm Cr Hewett entered the meeting and took her chair.

9:33pm Mayor Leach ended the short term suspension of meeting procedures.

(with the approval by show of hands of more than two-thirds of the Members present)

Moved Councillor Seager that Council:

2. Notes and receive the letter of offer from the Wolf Blass Foundation regarding a car parking outcome at 108 Main Street, Hahndorf.
3. Authorises the Chief Executive Officer or his delegate to pursue and negotiate the attached option put forward by the Wolf Blass Foundation (Attachment 1).

Seconded Councillor Hardingham

CARRIED
OM20241202.24

Councillor Jones called for a DIVISION

The Mayor declared resolution OM20241202.24 set aside

Councillors voting in the Affirmative: Councillors Szilassy, Grosser, Hewett, Seager, Hardingham, Voogt, Orr

Councillors voting in the Negative: Councillors Jones

The Mayor declared resolution OM20241202.24 as CARRIED

9:48pm Cr Orr left the meeting

Moved Councillor Voogt that Council:

Section 91(7) Order

4. Pursuant to Section 90 (3) (b)

That having considered Agenda Item 18.2 Strategic Land Transaction 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 council report, related documents and all minutes be retained in confidence until the transaction is completed or such lesser period as may be determined by the Chief Executive Officer and that this order be reviewed every 12 months.

Seconded Councillor Hewett

CARRIED
OM20241202.25

