

11 June 2024	Session 1 & 2 Public Consultation.. Draft ABP & Budget 2024/2025 + Review of rating Consultation Paper	
12 June 2024	Draft Tunarama Strategy Workshop	
13 June 2024	Strategic Plan Review with Wendy Campana	
17 June 2024	Citizenship Ceremony	

10.3.8 COUNCILLOR STAUNTON

11. COUNCIL COMMITTEE REPORTS AND MINUTES

Nil

12. COUNCIL REPORTS FOR DECISION

12.1. ASSIGNMENT OF LEASE – LINCOLN SOUTH CLUB

REPORT PURPOSE

The purpose of this report is to provide a final recommendation to Council regarding the proposed Assignment of Lease to the Lincoln South Club Inc. (Club) over a portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373) (also known as the former Ladies Bowling Club) following further consultation with the Club to identify achievable and reasonably practicable solutions for addressing the concerns raised during the public consultation

RECOMMENDATION

That Council:

- 1. Resolve to assign a Lease to the Lincoln South Club Inc. (the Club) over a portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373), also known as the Former Ladies Bowling Club, subject to the following conditions;**
 - a. That, if required, Development Approval is obtained by the Club relating to both the proposed works and the proposed use;**
 - b. The Club, prior to occupation and at the cost of the Club, must:**
 - i. Install acoustic claddings internally and externally as proposed, or as required by the development approval process.**
 - ii. Erect fencing along the full boundary between the Port Lincoln Bowling and Port Lincoln Croquet Clubs where not existing - minimum 1800mm high.**
 - iii. Establish interim car parking to cater to the Club staff and patrons.**

- c. That the hours of operation of the Club at the premises be no later than midnight Saturday and 10.00pm all other days (except where otherwise approved by the CEO for special events).
2. On the basis that Items 1(a)-(c) of this recommendation are met and/or agreed to by the Club to the satisfaction of the CEO, authorise the CEO to execute a Lease Agreement for an initial term of ten (10) years with an annual fee of \$1.00 (peppercorn).
3. On the basis that Item 2 is completed, authorise the CEO to negotiate and execute a Licence Agreement for a mutually agreed term not in excess of ten (10) years with an annual fee of \$1.00 (peppercorn over the portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373) to be used as public car parking.

12.2. DRAFT ANNUAL BUSINESS PLAN 2024-2025 & DRAFT LONG TERM FINANCIAL PLAN 2025-2034 SUMMARY – COMMUNITY CONSULTATION REPORT

REPORT PURPOSE

The purpose of this report is for Council to receive the Draft Annual Business Plan 2024/2025 and Draft Long Term Financial Plan 2025-2034 Summary Community Consultation Report and to endorse the report as a summary of the consultation process, the submissions received, matters raised through the consultation process, and for the report to be published on Council's website.

RECOMMENDATION

That Council:

1. Having regard to the process undertaken, is satisfied the community consultation has met the requirements of Council's Public Consultation and Community Engagement Policy and the relevant provisions within the Local Government Act 1999;
2. Endorse the Draft Annual Business Plan 2024/25 and Long Term Financial Plan 2025-2034 Financial Summary Public Consultation Report as a summary of the consultation process, the submissions received (including XXX submissions received at this Council meeting), matters raised through the consultation process, and that the report be published on Council's Website.

12.1 ASSIGNMENT OF LEASE – LINCOLN SOUTH CLUB – PUBLIC CONSULTATION SUMMARY

REPORT INFORMATION								
Report Title	Assignment of Lease – Lincoln South Club							
Document ID	32433							
Organisational Unit	Environment & Infrastructure							
Responsible Officer	Manager Building & Property - Brad Tolley							
Report Attachment/s	Yes 32372 - Lincoln South Football Club - Letter to Council 32372 - Lincoln South Football Club - Plan - LSC Women’s Bowls Club Proposal							
REPORT PURPOSE								
The purpose of this report is to provide a final recommendation to Council regarding the proposed Assignment of Lease to the Lincoln South Club Inc. (Club) over a portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373) (also known as the former Ladies Bowling Club) following further consultation with the Club to identify achievable and reasonably practicable solutions for addressing the concerns raised during the public consultation.								
REPORT DECISION MAKING CONSIDERATIONS								
Council Role	Owner / Custodian - Manage community assets including buildings, facilities, public space, reserves on behalf of current and future generations							
Strategic Alignment	SDP GOAL: Not Applicable SDP ACTION: Not Applicable							
Annual Business Plan 2023/24	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable							
Legislation	Local Government Act 1999							
Policy	Public Consultation & Community Engagement 2.63.1							
Budget Implications	Not Applicable <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">DESCRIPTION</th> <th style="width: 25%;">BUDGET AMOUNT \$</th> <th style="width: 25%;">YTD \$</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> </tr> </tbody> </table> Budget assessment comments: N/A		DESCRIPTION	BUDGET AMOUNT \$	YTD \$	-	-	-
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-	-	-						
Risk Implications	Moderate Risk							
Resource Implications	This is a planned resource allocation							
Public Consultation	Yes - Mandatory							
IAP2 Commitment	CONSULT - We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public feedback input has influenced the decision.							

OFFICER'S RECOMMENDATION**That Council:**

- 1. Resolve to assign a Lease to the Lincoln South Club Inc. (the Club) over a portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373), also known as the Former Ladies Bowling Club, subject to the following conditions;**
 - a. That, if required, Development Approval is obtained by the Club relating to both the proposed works and the proposed use;**
 - b. The Club, prior to occupation and at the cost of the Club, must:**
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 - c. That the hours of operation of the Club at the premises be no later than midnight Saturday and 10.00pm all other days (except where otherwise approved by the CEO for special events).**
- 2. On the basis that Items 1(a)-(c) of this recommendation are met and/or agreed to by the Club to the satisfaction of the CEO, authorise the CEO to execute a Lease Agreement for an initial term of ten (10) years with an annual fee of \$1.00 (peppercorn).**
- 3. On the basis that Item 2 is completed, authorise the CEO to negotiate and execute a Licence Agreement for a mutually agreed term not in excess of ten (10) years with an annual fee of \$1.00 (peppercorn over the portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373) to be used as public car parking.**

BACKGROUND

The proposal to assign a lease over a portion of land at 9 Bowling Ave, Port Lincoln (CT 5787/373), also known as the Former Ladies Bowling Club, to the Lincoln South Club Inc. (Club) was consulted upon with the community in accordance with Public Consultation and Community Engagement policy 2.63.1 and S.202 of the Local Government Act 1999 (the Act) from 4 April 2024 to 6 May 2024.

A Consultation Summary Report was presented to Council at the May 2024 Ordinary Meeting of Council, which summarised the key concerns raised in feedback opposed to the proposal as being the following.

- The impacts on the neighbouring property owners and tenants and their enjoyment of their property should the Club operate from the site. Impacts include things such as noise, light pollution, disorderly behaviour, and privacy.
- Traffic congestion and car parking as result of the use of the site, including reports that concerns exist with the current levels of vehicles in the area at peak times.
- That the site being occupied by the Club may increase vandalism and crime in the area.
- Concerns about the potential outcomes should future development at the site occur, such as impacts on neighbours and the bowling facilities, and the appropriateness of the high-level concept sketches provided by the Club.

Upon consideration of all the feedback received during the consultation period, the recommendation to Council was that the assignment of a lease should be deferred to the June 2024 Ordinary Meeting to allow for further detail to be obtained on measures the Club proposes to implement to minimise the community impact whilst ensuring feasibility of the activation and community benefit highlighted in feedback submissions for the proposal.

At the Ordinary Meeting of 24 May 2024, Council resolved the following:

CO 24/083 Moved: Deputy Mayor Ritchie Seconded: Councillor Broadfoot

That Council:

1. Receive and note the submissions received during the public consultation process as presented as an attachment to this report;
2. Having regard to the process undertaken, is satisfied the public consultation has met the requirements of Council's Public Consultation & Community Engagement Policy; and
3. Request the Chief Executive Officer and/or authorised delegate to consult with the Lincoln South Club Inc. to identify achievable and reasonably practicable solutions for addressing the concerns raised by residents, with the intention of achieving a reasonable middle ground, and prepare a final report for Council's consideration at the June 2024 Ordinary Council meeting.

CARRIED

FURTHER CONSULTATION

As per Item 3 of the Council Resolution (CO 24/083) the CEO, General Manager - Environment and Infrastructure, and the Manager - Building and Property held a meeting with representatives of the Club to discuss the concerns of community. Five (5) key areas to be addressed were identified.

1. What are the proposed modifications to the premises, and will they constitute development.
2. How will sound levels be managed – both by physical and procedural means.
3. What site works will be carried out, namely fencing, to minimise impact to adjoining properties.
4. What will the proposed operating and licencing hours be.
5. What car parking will be established and how will it be used.

With consideration of the key concerns and reasonable expectations of the council administration as to how they will be managed, the Club has provided a letter to Council, along with concept plans of the works to the premises, both of which are attached to this report.

The proposed measures to be implemented, by heading, are detailed below.

Modifications and Development Approval

Minor modifications to the premises will be required in order to make it fit-for-purpose and to improve the sound attenuation. Preliminary development advice suggests this may constitute development, requiring planning approval and building rules consent. Further advice is being sought in respect to whether the occupation of the premises by the Club would be considered 'change of use' or 'intensification of use'.

Council administration recommends that all asbestos-containing materials are removed as part of the initial modifications.

Acoustic Treatment and Operational Management

The Club is proposing to apply acoustic treatment to sections of walling facing the neighbouring units on New West Road, including new walling to create an enclosed entry to the building and the infilling of what is currently window openings.

Operationally, the response from the Club is that they will reduce amplified music at 10.00pm during Saturday trading and encourage patrons to leave the premises quietly. The proposed operation times contribute to the impact of nuisance, which are elaborated on below.

Not mentioned in the responses from the Club are other items discussed during the meeting with Council which should be considered and conditions of any lease, being no amplified music external of the premises.

Fencing

Fencing will be constructed along the perimeter of the site between the Croquet Club in a continuation of existing fencing between the site and Green B leased by the Port Lincoln Bowling Club to mitigate persons walking onto the bowling and/or croquet greens. The fencing is proposed to be chain wire mesh fencing at the same height as the fencing that exists by Green B which, whilst not all instances of footballs going over the fence will be stopped, will minimise this as much as reasonably practicable.

Some areas of fencing may be constructed of a solid fencing type, such as 'good neighbour' fencing, where deemed appropriate to reduce lights from cars shining onto residences.

The letter received from the Club suggests a contribution towards fencing, however, the recommendation is that such costs are the responsibility of the Club to enable their harmonious occupation.

Operating Hours

Operating hours were identified as a key query during the consultation period. The existing liquor licence the Club hold at their Tennant Street premises is to 2.00am, which raised concerns for neighbouring residents. For reference, the Port Lincoln Bowling Club, which neighbours to premises proposed to be leased, holds a liquor licence that authorises the sale of liquor up to midnight seven (7) days of the week.

The Club has responded to the concerns raised and has proposed the following opening hours.

- All days (excluding Saturday) – 10.00pm close.
- Saturday – Midnight close.

It is thought to be likely that Consumer and Business Services would issue a liquor licence that matches the authorised hours of the Port Lincoln Bowling Club as they are relatively standard terms.

Car Parking

Car parking will be required to facilitate the occupation of the premises, however, understood as being equally important, and as raised by several respondents during the consultation period, is that the Centenary Oval precinct requires additional car parking to minimise the level of persons parking on street during match days and other events. The draft Centenary Oval Master Plan, that has been prepared with the direct input of stakeholders and key users, captures this need.

With consideration of this, Council staff proposed to the Club that car parking on the land is preferred to remain as public car parking, which the Club would utilise under non-exclusive licence as opposed to a lease. Further planning and consultation between user groups will need to take place to determine if an access gate is to be installed, and how they are managed if they are. As a condition of any lease or licence, an access agreement dealing with access to Centenary Oval and how it will be managed will need to be reached to the satisfaction of the CEO. The retention of car parking for public use will serve as considerable increase to the amount of parking available for the Precinct once fully formalised.

The formalisation of the parking will take some time to plan and then be incorporated into the relevant Council budget (recommended within the next two (2) years), necessitating interim parking to be created. The Club has proposed to establish a compact gravel carpark, nominally providing 31 spaces, as part of their works.

When will this all occur?

All works, excluding the formalisation of the car parking by Council, are proposed to be completed prior to occupation. This includes:

- The removal of asbestos-containing materials.
- The installation of acoustic treatments.
- The required modifications, repairs, and fit-out by the Club (subject to development approval)
- The installation of fencing.
- The establishment of the interim car parking.

REVIEW AND RECOMMENDATION

It is considered that the use of the land by a sporting group, such as the Club is an appropriate use of the land given the past use, zoning, and connection to sports grounds and neighbouring sporting codes in bowls and croquet. It is considered to align with the outcomes as result of the Sport and Recreation Strategy and the further stakeholder consultation undertaken during the preparation of the draft Centenary Oval Master Plan.

Although the use of the land is reasonably considered appropriate it is important, and where applicable mandatory, to ensure the use is considerate of neighbouring properties. Advice received suggests that the works proposed to the existing building may constitute development therefore requiring Planning Approval, Building Rules Consent, and Development Approval. This process will in and of itself impose conditions as per the relevant frameworks and standards.

Imposing reasonable restrictions on opening times and times of the consumption of alcohol on the site will mean that the disturbance to neighbouring properties is also reasonable. This is not to suggest that there would be no noticeable impact on the status quo, however, the level of impact could be reasonably argued as minimal given the regularity of events being conducted, and the seasonal nature of the use of the site. The neighbouring Port Lincoln Bowling Club currently holds a liquor licence allowing the consumption of alcohol on the site until midnight, and no complaints around the use of the Bowling Club, either conventionally or when hired to the Marble Range Football Club, have been raised.

Through either the Development Approval process or as imposed by Council as landlord, the following is recommended to ensure minimal impact on the neighbouring properties and the people who live in or enjoy them.

- If required, Development Approval, is obtained prior to the execution of the Lease.
- The Club will install acoustic claddings internally and externally as proposed, or as required by the development approval process, whichever is greater.
- Fencing is erected along the full boundary between the Port Lincoln Bowling and Port Lincoln Croquet Clubs where not existing - minimum 1800mm high.
- Interim car parking is established to cater to the Club staff and patrons.
- Hours of operation be no later than Midnight Saturday and 10.00pm all other days, noting that ad hoc requests may be accepted by the CEO for special events.

In summary, with appropriate measures in place, the site can be tenanted by the Lincoln South Club Inc. in harmony with the existing neighbours, and for the overall benefit to a community broadly. The leasing of the premises aligns with the strategic objectives within the Sports and Recreation Strategy, the Draft Master Plan and the understood expectations of the current and future Centenary Oval precinct as being an active and premiere sporting facility.

It is noted that a review should be conducted at the completion of the initial 12 months of the term to ensure the conditions on the Lease remain reasonable, effective, and conducive to community benefit.

Indicative Leasing/Licence Plan





LINCOLN SOUTH CLUB INC

44 Tennant Street
PO Box 435
Port Lincoln SA 5606
0460 651 578
admin@lincolnsouthfc.com.au

isc.memberjungle.club

VISIT US

6th June 2024

Dear Mayor and Councillors,

The Lincoln South Club has read and noted the concerns with our application to lease a portion of the land at U1/7 Bowling Avenue, Port Lincoln comprised in Certificate of Title Volume 5787 Folio 373, commonly known as the Former Ladies Bowling Club for an initial term of ten (10) years.

While we are looking to work with our new neighbors developing a good relationship with them.

We wish to address the issues separately and give you our proposals to help mitigate these concerns.

Opening hours

The Lincoln south Club is willing to drastically reduce its opening hours from our current 2.00 am close to All Days to 10.00 pm close except Saturday when we would look to a 12.00pm close.

Noise

The upgrade of the building would include an extensive noise reduction program.

- This included sound reducing walls that face the residents on New West Road. (Diagrams included.)
- Reduced volume in Music after 10.00pm on Saturday.
- Leaving the premises in a quiet manner.

Parking

We would undertake to place gravel on the Car Park till a formalised Car Parking is established.

This would reduce the problem of dust or loss of traction during wet periods.

Fencing

We would be happy to share in the cost of a fence (approved by council) between the Croquet Club and the area leased to Lincoln South.



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VISIT US

Closing comments

As result of the public consultation, incorrect information has been disseminated around the community that the Lincoln South Club is in Financial Difficulty. We wish to reassure the Mayor and Council that the Club is in a sound financial position.

The reason we are seeking to change our location is to be next to our Home Ground at Centenary Oval. This has been a desire of the club for generations. What has inspired us to seek a move now is that an opportunity has occurred to rent our Tennant Street premises as a Child Care Centre.

This provides support not only for our Club but the wider community desperately seeking child Care.

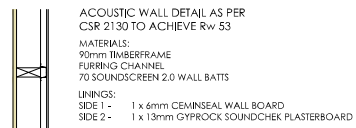
We are a family-based club looking to work with everyone in our Lincoln Community.

Yours Respectfully

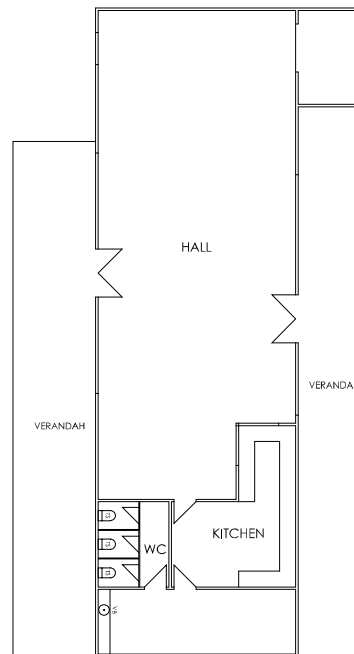
Scott Jarvis
President



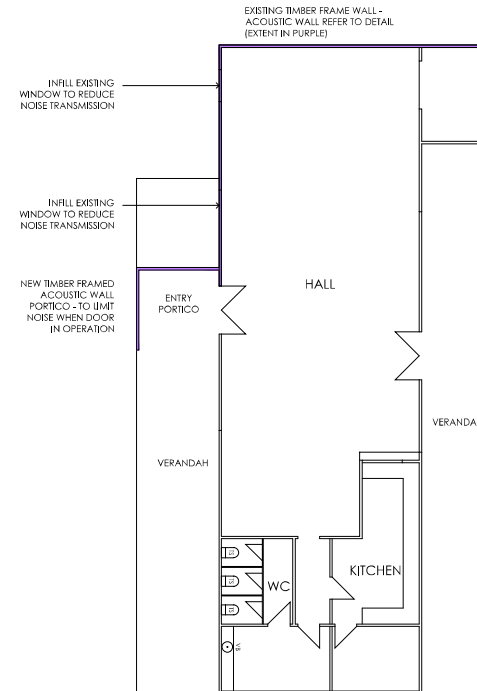
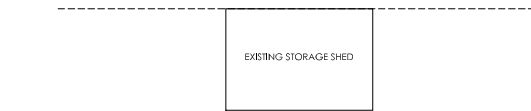
SITE PLAN
1:100



ACOUSTIC WALL DETAIL
1:10



EXISTING FLOOR PLAN
1:100



PROPOSED FLOOR PLAN
1:100