

12.6. REVIEW OF STORMWATER MANAGEMENT PLAN**REPORT PURPOSE**

The purpose of this report is to:

1. Provide Council with information regarding the current review of the SMP Ten Year Implementation Plan, including recommended changes.
2. Seek Council's endorsement of the proposed Revised Version of the SMP 10 Year Implementation Plan

RECOMMENDATION

That Council:

1. Endorses the proposed Revised Stormwater Management Plan Ten (10) Year Implementation Program (Version 1.1, 2025), for the detailed design and delivery of drainage works identified within the Plan allowing for subsequent investigations and incorporating other areas of concern raised by Port Lincoln ratepayers; and
2. Notes that the Ten (10) Year delivery program will be subject to ongoing review pending the following conditions:
 - Consideration of Detailed engineering assessment and calculations, of various reports and milestones projects
 - new technical information and standards, and
 - pending external funding contributions from the identified possible funding bodies and authorities.

12.7. VARIATION TO LEASE – BOSTON SPORTS ASSOCIATION INC**REPORT PURPOSE**

The purpose of this report is to provide Council with information pertaining to the requested addition of a further 10-year right of renewal to the Boston Sports Association's lease of a portion of Poole Oval, in light of their planned investment in infrastructure including new changerooms and carparks at the Premises, and to seek Council's support for this new right of renewal to be enshrined in the lease.

RECOMMENDATION

That Council:

1. Notes the request from Boston Sports Association Inc (the Association) received 21 January 2025 for the addition of a 10-year right of renewal to its lease of Poole Oval, comprised within Crown Record Volume 6018 Folio 141 referred to as Allotment 302 Matthew Place, Port Lincoln (Premises);

2. Authorise the Chief Executive Officer (CEO) or delegate to commence preparation of the proposed addition of a 10-year right of renewal to the lease which if exercised would commence 1 January 2034 and expire 31 December 2043, subject to the following additional Special Condition 22 (with all other conditions remaining unchanged):
 - a. The lessee must make changerooms, public conveniences and supporting carparking constructed on the Premises available to, and co-operate with, other community groups who use the broader facilities, as Council may direct from time to time. Council will, where reasonably practicable to do so, provide notice of such access and ensure that times of use do not conflict with regular use by the Licensee such as during game times etc.
3. Endorse the proposed right of renewal inclusive of the above condition be released for public consultation in accordance with the requirements of the Local Government Act 1999 and Council's adopted Public Consultation and Community Engagement Policy; and
4. Subject to the successful completion of the public consultation process as per Item 3, with successful completion determined by the CEO, authorise the CEO or delegate to execute the deed giving effect to the right of renewal and additional condition. Should reasonable community concern be evidenced through the consultation process, and the CEO determines the public consultation process as unsuccessful, the CEO will refer the matter to Council in a further report.

12.8. PROPOSAL FOR REVOCATION OF COMMUNITY LAND – PUBLIC CONSULTATION ON SECTION 194 STATUTORY REPORT

REPORT PURPOSE

The purpose of this report is to provide Council with information regarding a number of parcels of community land which are currently underutilised, and which the Administration believe would be better disposed of, either for new housing, an aged care facility, or a childcare centre. Disposal would require the revocation of the community land status of the land, and this report seeks Council's endorsement to initiate this process.

RECOMMENDATION

That in the exercise of the power contained in section 194 of the *Local Government Act 1999*, the Council commences the process to revoke the community land status of the parcels of land identified in the Report comprised in Appendix A (66906) by:

- adopting the Report included as Appendix A (66906) for consultation purposes; and
- undertaking public consultation on the Report in accordance with the Council's Public Consultation and Community Engagement Policy, pursuant to section 194(2) of the Act.

12.7 VARIATION TO LEASE – BOSTON SPORTS ASSOCIATION INC

REPORT INFORMATION									
Report Title	Variation to Lease – Boston Sports Association Inc								
Document ID	66620								
Organisational Unit	Environment & Infrastructure								
Responsible Officer	Manager Places & Presentation - Brad Tolley								
Report Attachment/s	Yes 66630 Boston Sporting Association request for additional lease term								
REPORT PURPOSE									
The purpose of this report is to provide Council with information pertaining to the requested addition of a further 10-year right of renewal to the Boston Sports Association’s lease of a portion of Poole Oval, in light of their planned investment in infrastructure including new changerooms and carparks at the Premises, and to seek Council’s support for this new right of renewal to be enshrined in the lease.									
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: Goal 2: Liveable and Active Communities SDP ACTION: 2.2 Develop and implement a Sports and Recreation Strategy								
Annual Business Plan 2023/24	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable								
Annual Business Plan 2024/25	ABP INITIATIVE: Not Applicable ABP PROJECT: Not Applicable								
Legislation	Local Government Act 1999 Crown Land Management Act 2009 Planning Development and Infrastructure Act 2016								
Policy	Public Consultation & Community Engagement 2.63.1								
Budget Implications	Not Applicable								
	<table><tr><td>DESCRIPTION</td><td>BUDGET AMOUNT \$</td><td>YTD \$</td></tr><tr><td>-</td><td>-</td><td>-</td></tr></table>			DESCRIPTION	BUDGET AMOUNT \$	YTD \$	-	-	-
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Budget assessment comments: Nil budget implications									
Risk Implications	Low Risk								
Resource Implications	Minor Variation < 5 hours								

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	
<p>That Council:</p> <ol style="list-style-type: none"> Notes the request from Boston Sports Association Inc (the Association) received 21 January 2025 for the addition of a 10-year right of renewal to its lease of Poole Oval, comprised within Crown Record Volume 6018 Folio 141 referred to as Allotment 302 Matthew Place, Port Lincoln (Premises); Authorise the Chief Executive Officer (CEO) or delegate to commence preparation of the proposed addition of a 10-year right of renewal to the lease which if exercised would commence 1 January 2034 and expire 31 December 2043, subject to the following additional Special Condition 22 (with all other conditions remaining unchanged): <ol style="list-style-type: none"> The lessee must make changerooms, public conveniences and supporting carparking constructed on the Premises available to, and co-operate with, other community groups who use the broader facilities, as Council may direct from time to time. Council will, where reasonably practicable to do so, provide notice of such access and ensure that times of use do not conflict with regular use by the Licensee such as during game times etc. Endorse the proposed right of renewal inclusive of the above condition be released for public consultation in accordance with the requirements of the Local Government Act 1999 and Council's adopted Public Consultation and Community Engagement Policy; and Subject to the successful completion of the public consultation process as per Item 3, with successful completion determined by the CEO, authorise the CEO or delegate to execute the deed giving effect to the right of renewal and additional condition. Should reasonable community concern be evidenced through the consultation process, and the CEO determines the public consultation process as unsuccessful, the CEO will refer the matter to Council in a further report. 	

REPORT DETAIL

Subject land (the premises)

Located between Matthew Place and St Andrews Terrace.

The eastern part of Lot 302 of Crown Record Volume 6018 Folio 141, parcel identifier D77953 Q302.

As shown in the below Image 1.

Land area: Approximately 32,190 square metres (3.22 hectares or 7.95 acres)

Image 1: Area of premises



Not to Scale - Measurements and lease area shown approximate only

BOSTON SPORTS ASSOC. TO MAINTAIN

PLCC TO MAINTAIN

The City of Port Lincoln and the Boston Sports Association Inc (the Association) entered into a Lease Agreement (DEED201410) over the Premises on 10 April 2015 for an initial period of ten (10) years. The Lease Agreement contained a right of renewal for a period of 10 years commencing 1 January 2024 and expiring at midnight 31 December 2033, which was exercised. The current expiry date of the Lease Agreement is therefore 31 December 2033 with no further right of renewal. However, in light of the Association's successful grant application and resultant expenditure on the new changerooms and associated carparks, the Association has now requested that a further right of renewal for 10 years be inserted into the lease.

The request has been considered and is seen as reasonable given the considerable investment into the facility being made and the useful lifecycle of the new asset. If approved by Council, this second right of renewal, when and if exercised, would take the ultimate expiry date for the lease to 31 December 2043. The addition of the right of renewal will be given effect to via a deed of amendment to the lease.

It is important to note that as per Council resolution CO 24/090, made at the May Ordinary Council Meeting 2024, Council is significant partner to the project by way of financial co-contribution under the Community Infrastructure Investment Policy.

CO 24/090 Moved: Councillor Broadfoot Seconded: Councillor Hollamby

That Council:

- 1. Provide in-principle financial support to the Boston Sports Association, in respect of the "Play Our Way" grant funding Expression of Interest submission made by the Boston Sports Association for the proposed construction of two new large unisex change room facilities at Poole Oval, in the amount of up to \$400,000 offset by an agreed co-contribution of a minimum of \$100,000 from the Boston Sports Association; and**
- 2. Subject to the formal confirmation of a successful application for funding, authorise that the CEO be delegated authority to sign all relevant documentation with Boston Sports Association with respect to Council's co-contribution offset by an agreed co-contribution from the Boston Sports Association, which will include the co-contribution funding terms and conditions as determined by the CEO and agreed by both parties.**

CARRIED

In consideration of Council's funding contribution toward the works it is proposed that, along with any granting of a further right of renewal, the following Special Condition 22 will apply to the lease:

The lessee must make changerooms, public conveniences and supporting carparking constructed on the Premises available to, and co-operate with, other community groups who use the broader facilities, as Council may direct from time to time. Council will, where reasonably practicable to do so, provide notice of such access and ensure that times of use do not conflict with regular use by the Licensee such as during game times etc.

As this proposed variation materially extends the term of lease, it is recommended that the terms of the variation be endorsed to be released for Public Consultation pursuant to s.202 of the Local Government Act 1999 and Council's current policy prior to final approval.

The Association's grant funding agreement with the relevant Federal agency is yet to be issued and executed, but the Association has advised the matter remains on track for finalisation end of March 2025.

**BOSTON SPORTS ASSOCIATION INCORPORATED**

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City of Port Lincoln
Attn: Brad Tolley
Level One, Civic Centre
Port Lincoln SA 5606

RE: REQUEST FOR ADDITIONAL 10 YEAR LEASE TERM

Dear Brad,

Tanna and I met with Eric, David and Mark today to thrash out some high level expectations around the Council's \$300k contribution to the new change room project at Poole Oval.

We discussed the club's desire to cement a long term, life of the project lease agreement.

On behalf of Boston Sports Association I would like to formally request another 10 year option for the club to exercise unchallenged to be added to our lease agreement.

We also agreed that you will join Myself, Tanna Absalom and Jack Arbon on a committee overseeing the project from a Council's perspective. I will forward you anything related to the project as it comes to hand. We are currently doing construction drawings ready for BA so will seek your endorsement.

Look forward to working with you on this project.

Kind Regards

Tony Baj

President