

## Wearing Street Precinct consultation feedback report – Community Management Plans and long-term leases

**Report contact**

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**Director**

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**Meeting**

Council

**Date**

21 March 2023

### 1. Purpose

To provide the outcome of a community consultation process required prior to entering into a lease term of greater than five years pursuant to the *Local Government Act 1999*.

### 2. Recommendations

**Council resolves:**

That for the subject land legally described as whole of the land comprised in:

1. Certificate of Title Volume 5599 Folio 302, being Allotment 14 Town of Noarlunga
2. Certificate of Title Volume 5615 Folio 34, being Allotment 8 Deposited Plan 7115
3. Certificate of Title Volume 5638 Folio 54, being Allotment 15 Filed Plan 152691
4. Certificate of Title Volume 5742 Folio 18, being Allotment 20 Filed Plan 152696
5. Certificate of Title Volume 5753 Folio 46, being Allotment 96 Filed Plan 214585
6. Certificate of Title Volume 5825 Folio 716, being Allotment 36 Filed Plan 152712
7. Certificate of Title Volume 5825 Folio 723, being Allotment 37 Filed Plan 152713
8. Certificate of Title Volume 5835 Folio 400, being Allotment 9 Deposited Plan 7115
9. Certificate of Title Volume 5877 Folio 216, being Allotment 35 Filed Plan 152711
10. Certificate of Title Volume 6259 Folio 157, being Allotment 8 Town of Port Noarlunga

located at Wearing Street, Port Noarlunga and bordered in red on Attachment 1 to the agenda report:

1. Receives the 24 submissions provided during the public consultation undertaken in accordance with sections 198 and 202(2) of the *Local Government Act 1999* (the Act).
2. Having considered the consultation feedback received in Attachment 2 and the information in this agenda report, resolves:
  - a) in accordance with section 198 of the Act to amend the Community Land Management Plans for General Community and Reserve to include the subject parcels of land transferred from the State Government, and
  - b) in accordance with section 202(2) of the Act to lease the subject land to the Department for Education and South Port Surf Life Saving Club for a lease term of 21 years and Onkaparinga Canoe Club for a lease term of five years and Easy Kayaks for a lease term of up to five years.

2. Authorises the Chief Executive Officer to do all things necessary to execute the long-term lease agreements with the Department for Education and South Port Surf Life Saving Club.

### 3. Executive summary

Council has accepted a State Government Open Space Grant Funding offer totalling \$2,130,000 for the precinct redevelopment as well as dune restoration and improvement works. The State's funding contribution has been received and Council's acceptance of the land parcels and funding enables the project to proceed in accordance with Council approval.

At its meeting on [1 March 2022](#) Council approved accepting ownership of State Government land fronting Wearing Street for the purpose of delivering this project.

Once the land has transferred to Council, it is proposed that the land be incorporated into Council's Community Land Management Plan for General Community and Reserve. Council is also proposing to provide lease agreements pursuant to section 202 of the *Local Government Act 1999* for the new, purpose-built facilities to the existing user groups.

In accordance with the provisions of sections 198 and 202(2) of the *Local Government Act 1999*, it is a requirement that Council undertakes the relevant steps of its public consultation policy and seek community feedback prior to amending its Community Land Management Plan and granting leases over community land for a term greater than five years.

After considering submissions for and against the proposed long term lease and amendments to the General Community and Reserve Community Land Management Plans, it is recommended that long term leases be entered into with the South Port Surf Life Saving Club and Department for Education, and the land parcels be assigned to Council's General Community and Reserve Community Land Management Plans once the land is transferred to Council.

### 4. Background

Community Plan 2030	<p><b>people:</b></p> <p>The South Port Surf Life Saving Club, established in 1959, forms an integral part of the Port Noarlunga community. The Club has some 500 volunteer members that perform vital public safety and save lives along the South Port beach.</p> <p>The Department for Education's Port Noarlunga Aquatic Centre relies on Wearing Street to offer aquatic activities and water safety education to school students state-wide.</p> <p>The Onkaparinga Canoe Club, established in 1976, is a member of Paddle SA that caters for all ages for people who wish to compete, train or as a recreational activity.</p> <p>Easy Kayaks is a long-standing commercial operator that activates the Port Noarlunga township providing watercrafts for hire and tour groups along the river.</p>
Policy and/or relevant legislation	<ul style="list-style-type: none"><li>• Council's Public Consultation Procedure</li><li>• <i>Local Government Act 1999</i> (sections 198 and 202(2))</li><li>• Community Land Management Plan for General Community and Reserve</li></ul>
Who did we talk to/who will we be talking to	<p>The public consultation process included the following groups:</p> <ul style="list-style-type: none"><li>• the public at large</li><li>• local and surrounding residents</li></ul>

The Wearing Street Precinct is located on the banks of the Onkaparinga River, Port Noarlunga and has been a popular community attraction since the early 1900s. The site has a strong connection with Kaurna culture, particularly the adjoining Ngankipari (Onkaparinga River).

The current shed structures and infrastructure at the site is in poor condition, and some are well beyond their useful life. They offer poor functionality and visual amenity for the Precinct and Port Noarlunga township more broadly. Current site photos are attached (Attachment 3).

The redevelopment project was initiated in the 1999 Port Noarlunga Master Plan and since this time, council has actively pursued the opportunity to improve the Precinct.

At its meeting on [8 December 2020](#) Item 9.6, Council approved the Wearing Street revised concept plan with construction being staged as follows:

#### Stage 1

- new aquatic group facilities to replace existing sub-standard shed structures. Construction is anticipated to be undertaken during 2023.

#### Stage 2

- expanded aquatic launch area with two access ramps
- viewing shelter, various seating, new public toilet, lawn areas and plantings
- reconfigured car park
- improved access to the precinct and traffic management for residents
- wayfinding, interpretive signage and public art. Design is anticipated to completed during 2023.

At its meeting on [1 March 2022](#) Council (item 3.1) accepted State Government funds to deliver coastal dune restoration and improvement works to the land being transferred to Council. The confidential status of the Council report has since been removed. The report details that the restoration and improvement works will be developed with Kaurna representatives and local community to deliver a coastal themed bi-cultural natural feature, that may include specific planting and interpretive signage to create a meaningful environmental and educational experience for all.

The State Government's Aboriginal Affairs and Reconciliation recommended that council apply for authorisation under Section 23 of the *Aboriginal Heritage Act, 1988* due to cultural significance in the area. The Section 23 Authorisation was granted on 15 March 2021 providing the ability to progress the project.

Pursuant to the PLEXUS program, the South Port Surf Life Saving Club (SLSC), with SA Fire and Emergency Services Commission (SAFECOM) support, will fund 67% of the SLSC facility and the remaining 33% will be Council funded. The PLEXUS program is a strategic asset management plan created by Surf Life Saving Australia to redevelop all Surf Life Saving clubs in South Australia. The Department for Education will solely fund its new facility.

The Onkaparinga Canoe Club facility will be funded by the Federal Government's Local Roads and Community Development Fund Phase 4 and council. Construction of a storage facility for Easy Kayaks, commercial aquatic equipment hirer, will be council funded with a commercial lease agreement in place.

In accordance with Council approval, a State Government Open Space Grant Funding offer of \$2.13M towards the redevelopment has been accepted and staff are in the final stages of the legal land transfer process with the State Government to enable the project to proceed.

Council is also proposing to provide lease agreements, pursuant to section 202 of the *Local Government Act 1999*, for the new, purpose-built facilities to the existing user groups:

- Department for Education (21 year term)
- South Port Surf Life Saving Club (21 year term)
- Onkaparinga Canoe Club (five year term)
- Easy Kayaks (up to five year term).

The SLSC and Department for Education require a long term, 21-year lease in return for the capital investment in the facilities.

## 5. Discussion

Public consultation was undertaken consistent with Council's Public Consultation Procedure, with submissions invited between 6 – 29 January 2023. The engagement process included:

- hand delivered letters to 557 Port Noarlunga residents and property owners' letter boxes (see Attachment 2 Blue Tongue Distribution Maps 1 and 2)
- public notice in The Advertiser newspaper on 6 January 2023
- a dedicated 'Your Say' Onkaparinga webpage with project information and link for online feedback
- Elected Member information session.

24 responses were received that included:

- 20 'Your Say' comments (only three comments related to the lease terms and the CLMP)
- two letters from MPs following up community members' questions
- two emails from community members following up on their 'Your Say' comments.

Comments were received in support of the amendments to the Community Land Management Plan:

- Effectively managing an area that has long been forgotten. With the high profile Sauerbier House across the road, the current sheds detract from the local area ambience and character.
- The proposed development will add to the welcoming entry to the busy Onkaparinga River aquatic user entrance.
- Long term lease arrangements provide sustainability to the organisations included in the project.

The comments received not in support of the long term lease agreements or the amendments of the Community Land Management Plan for General Community and Reserve can be summarised in the following statements:

- Concerns were raised regarding the car parking and the capacity of the proposed car park to cope with gym members, canoe club members, vehicles for the school aquatics programs, Sauerbier House patrons etc.

Car parking provisions were considered and approved by council at its meeting on 8 December 2020.

- The possibility of noise and related nuisance that could be caused by users of the leased premises.

The lease will have conditions that will cover noise and the open hours. The gym will only be used by the members of the SLSC and will not be a commercial 24/7 gym.

- Council will incur unbudgeted expenses for ongoing care and management of the sand dunes that are currently state government responsibility.

Council is in receipt of a State Government Open Space Grant Funding offer totalling \$2,130,000 for the Precinct redevelopment as well as dune restoration and improvement works.

- Concern that the land is being rezoned for development.
- Concern that the Community Land status may be revoked in future and the land disposed of.

The land is not being rezoned nor is Council proposing to revoke this land from its community status once ownership is transferred to Council. Council is acquiring the land from State Government. It is proposed that the land, once in Council's ownership becomes 'Community Land' and the land parcels be incorporated into Council's Community Land Management Plan for General Community and Reserve.

The following comments do not relate to the proposed long term lease agreements or the allocation of the land to the General Community and Reserve Community Land Management Plans but are included for transparency:

- Objection to an expansion of buildings that impact on the sand dunes.
- View that the SLSC should not be located on Wearing Street. Perceived damage to the Sheoak grove.
- Concerned with perceived damage or removal of vegetation and its impact on native birds, insects and reptiles.
- Concerned Aboriginal heritage is being disturbed.
- Concern that the area is subject to flooding.
- Concerns with the cost of redeveloping the SLSC and education facility.
- Concern that the design is close to Sauerbier House and whether the heritage listing of the house will be maintained.
- There is insufficient information by Council to provide valid, reliable and useful feedback.
- Inadequate time was provided for feedback on the proposal.

Council approved the Wearing Street revised concept plan its meeting of [8 December 2020](#) including construction of the SLSC and other user groups' purpose-built facilities. Subsequently, these were not matters for consideration during consultation on the lease term or amendment of the Community Land Management Plan.

## 6. Financial implications

There are minimal costs associated with the proposed leases and changes to the Community Land Management Plans.

Once the land has been transferred from the State Government and the construction of the purpose-built facility complete, formal valuations will be completed for four subject leases by an independent registered valuer to determine the lease fees.

## 7. Risk and opportunity management

Risk	
Identify	Mitigation
Local government land that is acquired by council is taken to be classified as community land.	<p>This recommendation proposes to allocate the land to Council's Community Land Management Plan for General Community and Reserve on receipt from State Government.</p> <p>These are the relevant Management Plans for the purpose of a Reserve - screening buffer, allowing natural vegetation, purpose planted vegetation and fencing. This will allow Council to maintain the sand dunes in accordance with the agreement between State Government and Council.</p> <p>The General Community Management Plan will provide for the proposed construction of the SLSC etc as per the Wearing Street concept plan approved by Council on 8 December 2020.</p>
Council does not resolve to enter into long term leases with the two key user groups	<p>The South Coast Surf Life Saving Club and Department for Education require a 21-year lease in return for their significant capital funding contribution.</p> <p>This report supports the entering of a 21 year lease as required to enable the construction of new facilities to proceed.</p> <p>If Council do not support the recommendation for long term lease agreements, a renegotiation with SLSC / SAFECOM and DE would need to be undertaken and this may lead to a withdrawal of its funding and negative political and community feedback.</p> <p>Delays to the commencement of construction work may lead to price increases and higher costs for council and other funding bodies.</p>
Land transfer commitment to facilitate construction of new aquatic user group facilities	<p>Council has executed a grant deed and received \$2.13M funding from the State Government to accept its land at Wearing Street to enable the construction of new aquatic user group facilities.</p> <p>This report supports the purpose of the grant deed.</p>

Opportunity	
Identify	Maximising the opportunity
Support long standing user groups provide critical emergency services, education and recreation in our community.	<p>The aquatic user groups play an important role and have held a long presence at Wearing Street within basic, aging facilities. This project will ensure the groups have modern, compliant facilities to allow them to continue supporting the community.</p>

## 8. Timelines and deadlines

Council have been negotiating the contract for land transfer with Minister for Planning and Local Government and will continue toward the settlement of the land.

Draft lease documents will be issued to the four organisations once the contract has been executed by both State Government and Council.

Therefore, the Council's decision on the duration of lease terms offered to the existing user groups and the inclusion of the land within Council's Community Land Management Plans for General Community and Reserve is now sought

## 9. Next steps

If approved by Council as recommended in this agenda report:

- Once the land is transferred to Council, Council will amend the Community Land Management Plan (CLMP) for General Community and Reserve to include the newly acquired subject community land located at Wearing Street, Port Noarlunga. This will ensure the subject land complies with the requirements of the *Local Government Act 1999* and is managed purposefully and consistently with other community land developed for the specified activities.
- At the signing of the Land Contact, Council will enter into lease agreements with the four groups referred to in this report.

## 10. Attachments

Attachment 1 – Aerial Plan (1 Page)

Attachment 2 – Engagement Feedback Report (51 Pages)

Attachment 3 - Wearing Street Site Condition (1 Page)

- END OF REPORT -

**Attachment 1**

5917504

**Attachment 2**

5915223

**Attachment 3**

5925585