

9.1. Goolwa Rowing Club – Landowner’s Consent

Cr Bill Coomans declared a material conflict of interest in the matter under consideration due to being the Council Member Representative on the Fleurieu Regional Assessment Panel that may consider this matter. Cr Coomans advised that he will leave the Chamber when this item is considered so as not to participate in the debate or vote.

Cr Coomans left the Chamber at 6.38 pm.

C163/05/26

Moved Cr Margaret Gardner seconded Cr Michael Scott

That Council:

- 1. Receive and note the contents of the report titled *Goolwa Rowing Club – Landowner’s Consent*.**
- 2. Proceed to community engagement on the proposal to grant landowner consent and vary the lease for the Goolwa Rowing Club's amended plans for their Clubroom facility on a portion of Lot 8 Barrage Road Goolwa South, Crown Record Volume 6164 Folio 814 in accordance with the Community Engagement Plan at *Attachment 3* contained in this meeting agenda.**
- 3. Authorise the Chief Executive Officer to make any minor amendments to the community engagement arrangements.**
- 4. Note that a further report will be presented at the conclusion of the community engagement process, to consider whether to grant landowner’s consent and vary the lease for the Goolwa Rowing Club's amended plans for their Clubroom facility, so the Development Application 25024296 can proceed to the Fleurieu Regional Assessment Panel for decision.**

CARRIED UNANIMOUSLY

9. Administration Reports

9.1. Goolwa Rowing Club – Landowner’s Consent

Decision Report

Responsible Officer: Tash Hunt (General Manager Corporate)

Report Author: Lisa Hoyle (Manager Property and Procurement Services)

Previous Decisions: September 2016 - ACM16312, February 2015 - ACM1543, September 2014 - ACM14267, November 2013 -ACM13378

Report Purpose

To consider a proposal from the Goolwa Rowing Club (Club) to construct a new single-story clubroom facility comprising of a boat house, service yard with ancillary toilet, kitchen and associated masonry entry feature, landscaping and signage, within the Club's existing lease area. If the Clubroom facility progressed in accordance with the current design plans, it will require an amendment by 'Deed of Variation' to the terms of the Club's lease, to remove the condition to include a public deck in any build. Landowner’s consent to the Clubroom facility is brought to Council for decision, rather than administered under delegation, as the decision will require an amendment to the lease that is not considered minor in accordance with Council's *Lease and Licence Policy*.

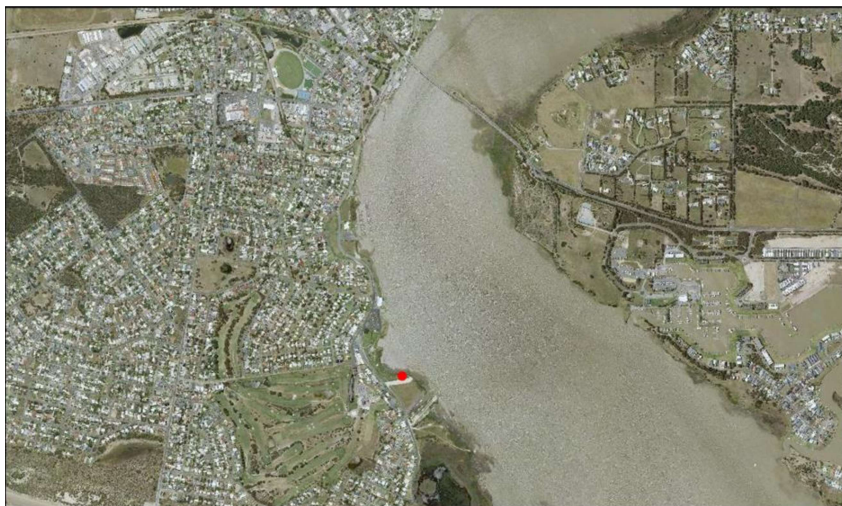
Recommendation

That Council:

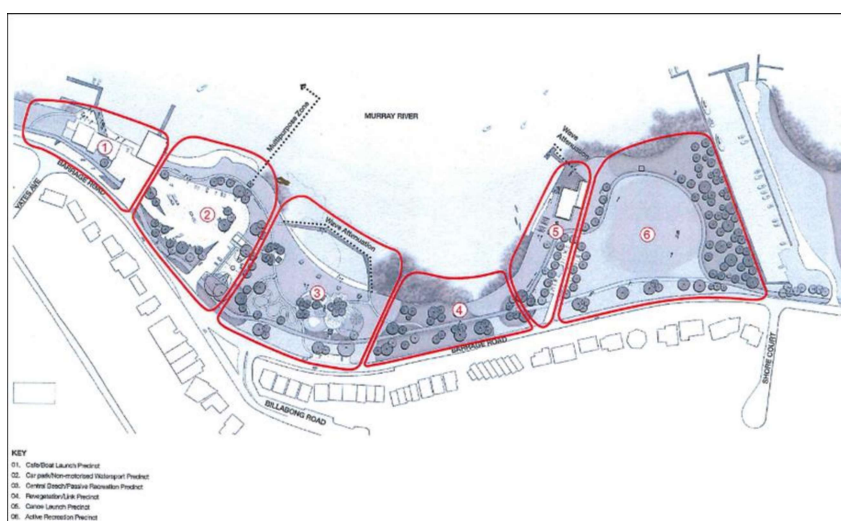
1. **Receive and note the contents of the report titled *Goolwa Rowing Club – Landowner’s Consent*.**
2. **Proceed to community engagement on the proposal to grant landowner consent and vary the lease for the Goolwa Rowing Club's amended plans for their Clubroom facility on a portion of Lot 8 Barrage Road Goolwa South, Crown Record Volume 6164 Folio 814 in accordance with the Community Engagement Plan at *Attachment 3*.**
3. **Authorise the Chief Executive Officer to make any minor amendments to the community engagement arrangements.**
4. **Note that a further report will be presented at the conclusion of the community engagement process, to consider whether to grant landowner’s consent and vary the lease for the Goolwa Rowing Club's amended plans for their Clubroom facility, so the Development Application 25024296 can proceed to the Fleurieu Regional Assessment Panel for decision.**

Background

For context, the location of the lease, off Barrage Road Goolwa, is provided below:



At the 18 November 2013 Council meeting (ACM13378) consent to the 'Revised B, Bristow-Smith Reserve Redevelopment Master Plan' (Plan) was granted. This Plan was designed in precincts, with 'Precinct 5' allocated for Canoe Launch purposes and included the location of the Goolwa Rowing Club. An overview of this Plan is provided below.



At the 15 September 2014 Council Meeting (ACM14267), consent was granted to proceed to community engagement on a proposed 21-year lease with the Club for occupation of a portion of land within Precinct 5, for a purpose-built rowing facility. The engagement on the lease included preliminary design plans for the proposed boathouse facility. Community engagement on the draft lease was held between the 25 September and 17 October 2014. During this engagement on the lease, concerns were raised that the building would be used as a shed for storage purposes only, with no positive community benefit for the public.

Based on the feedback, a public deck was included within the design and construct conditions of the lease. To provide public assurance that the development would operate as a community facility, the Goolwa Rowing Club was required to stage the development as below:

- Stage 1 was to include the public decking area within their Development Application (DA). The intent behind the decking was to merge it with the existing jetty to provide an expanse of open, public area for unrestricted community use, with a focus on passive water sport activities. Passive water activities from the decking and jetty could include canoeing, kayaking, wind surfing, model boats and fishing.

- Stage 2 required completion of the building, with the inclusion of club meeting rooms and associated services including a kitchenette.

At the 16 February 2015 Council meeting (ACM1543) consent to the 21-year lease was granted at peppercorn rental (\$1.00 payable on demand) inclusive of the above build requirements. The lease commenced on 1 March 2015 and expires in February 2036 if all renewal options are taken up. The lease area is identified below and is subject to the footprint only of the development. The lease area and subsequent development is on portion only of a larger land parcel, as outlined in red below.



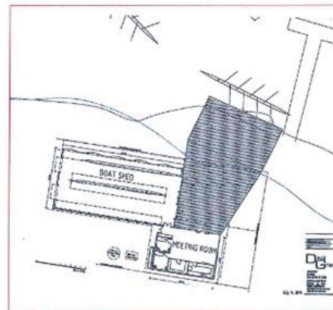
At the 5 September 2016 Council Meeting (ACM16312), Council granted landowner's consent for the development to occur on the land in accordance with DA 455/542/16, which included a boathouse, decking, meeting rooms and services. The lease area and the staged development obligations that form the current lease terms and conditions and the expired DA 455/542/16, are provided below, and required the inclusion of a public deck in Stage 1 of the build.

ANNEXURE A - MAP



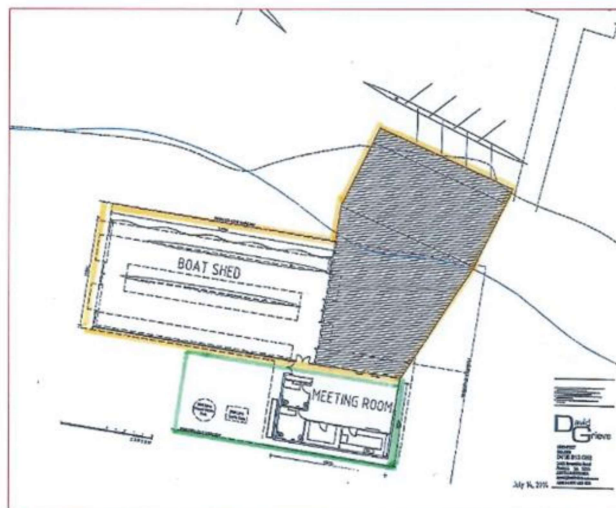
Red outline – Lease area

Green outline– Licence, subject to Department of Environment, Water & Natural Resources consent.



Draft internal design

ANNEXURE A - BOATHOUSE DEVELOPMENT STAGES



Orange - Stage 1 Development Application – inclusive of boathouse and decking

Green - Stage 2 Development Application – meeting room and services

8.3.3 The Lessee is required to ensure that should development occur in stages, that stage 1 must include the public decking area as identified in Annexure A.

8.3.4 The Lessee is required to ensure that should development occur in stages, that stage 2 must include the meeting room and associated service facilities (kitchenette, toilets) as identified in Annexure A.

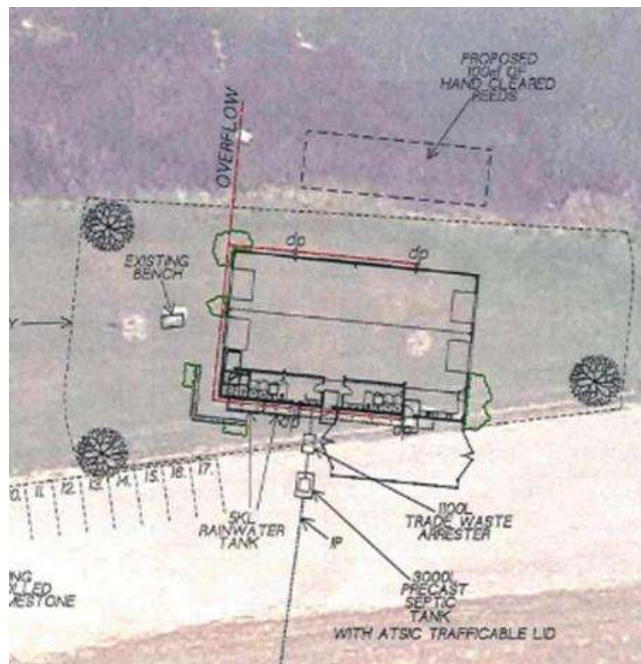
Discussion

The Goolwa Rowing Club has now lodged DA 25024296 for the construction of a single-story clubroom facility comprising of a boat house, service yard with ancillary toilet and kitchen, masonry entry feature, landscaping and signage at a cost of \$560,000, an overview of which is provided at **Attachment 1** of this meeting report.

Generally, the design is consistent with the original intent, however, the public deck is no longer included within the design. An overview of the original approved DA (1) and the new DA (2) design is provided below:



Original approved design with deck, above



New design without deck, above

To support the new DA, the Club have provided an overview of their journey so far, why the previous DA did not proceed and the reasons for the new DA excluding the public deck, as provided at *Attachment 2* of this meeting report.

There are now two (2) separate decisions required in this matter:

1. The Fleurieu Regional Assessment Panel (FRAP) is to determine the Development Application (DA) under the *Planning, Development and Infrastructure Act 2016*; and
2. The Council (as the landowner) is to determine whether to provide landowner's consent for the proposed Clubhouse facility to be built on the land and, address any lease variations that arise as a result.

Fleurieu Regional Assessment Panel

The DA is currently being assessed by Council's planning team in accordance with the requirements of the *Planning, Development and Infrastructure Act 2016 (PDI Act)*. As part of the assessment, the DA was subject to statutory public notification. The DA was notified from 13 February 2026 to 05 March 2026, which included written notification to all property owners within 60 metres of the land parcel and, a sign placed on the land at the road frontage.

During the public notification period, 29 representations were lodged, with 11 representors in support of the development, four (4) representations supporting the development with concerns and 14 representors opposed to the development. Concerns expressed within the opposing representations were generally regarding inappropriate foreshore siting, environmental and visual impacts, amenity impacts, traffic and parking, public versus private benefit, precedent and alternative sites.

As representations have been received, the application is now to be considered by the Fleurieu Regional Assessment Panel (FRAP) for determination following Council's decision on landowner's consent. If landowners consent to the development is not achieved, the DA cannot proceed.

As part of the PDI Act assessment process, submissions are received and recorded with submitters advised when the application is scheduled to be considered by the FRAP, including an opportunity to request to be heard by the FRAP should they wish to do so. Importantly, the FRAP's role is to assess the application against the Planning and Design Code. The public notification that has been held forms part of the statutory assessment process under the *PDI Act* and is distinct from broader community consultation, as it must be undertaken in accordance with prescribed legislative requirements.

Landowner's consent

Separately, landowner's consent to the development is required. This step is necessary, as the development cannot occur without landowner's consent. Should landowner consent be granted by the Council, then the FRAP will make a decision on the DA.

When considering the provision of landowner's consent, it is important to recognise that the Council has already endorsed a lease to the Club over this portion of land and previously provided landowners consent to a similar boatshed development on this land (but which did not proceed).

The matter now at hand, is whether to provide landowner consent to the build of a Clubhouse facility on the leased land that is inconsistent with the terms and conditions of the current lease.

There are a number of options available to Council:

1. Council may wish to gauge community feedback on the Clubhouse facility prior to deciding on landowner's consent and the subsequent variation to the lease to reflect. This approach is the Administration's preferred position, as it will ensure that the public is provided with the opportunity to consider the build against the terms and conditions of the lease and lodge a submission should they wish to. If this option was taken up, a further report would be provided to Council following community engagement.

2. Council can provide landowner's consent to the Clubhouse facility being placed on the leased land as proposed, and without a public deck. This would mean that community feedback on the removal of the deck would not occur, but representations from the PDI Act statutory public notification process on the development application would still be heard by FRAP as part of the decision-making process on the DA. This option is not the preferred option of Administration, should council be challenged that the Clubhouse build materially differs from the consulted lease.
3. The proposed build is inconsistent with the intent of the original adopted lease, whereby community feedback at the time influenced the terms and conditions of the lease to provide public assurance that the development would operate as a community facility via a public deck. However, the Club have provided information within **Attachment 2** of this meeting report, explaining why open public land rather than a deck is their preferred option. If Council does not support the proposed build in its current form, the development cannot proceed without receiving landowner's consent. In this instance, the Club would be notified that landowner's consent is not provided. They may select to revise their plans or cease progressing the development.

The DA is currently on hold, pending the Council's decision on providing landowner's consent, as the caretaker of the land on behalf of the Department for Environment and Water (DEW). If landowner's consent to the build on the land is provided by Council and FRAP approved the DA, the lease would be amended by a 'Deed of Variation' to the terms and conditions to exclude the obligation to build a public deck. This is a relatively straightforward process that is dealt with by the Administration at low cost.

Recommendation 2 seeks to proceed to public consultation on the proposed Clubhouse facility in accordance with the *Community Engagement Plan* provided at **Attachment 3** of this meeting report. Following community engagement, a report would be put to Council to consider the community engagement feedback within the decision on landowners' consent, so the DA can proceed to FRAP for decision.

Financial Implications

In accordance with the Alexandrina Council's Adopted Budget / Long Term Financial Plan, the financial implications of adopting this recommendation are considered low, as the Lessee will be responsible for the procurement, project management, build and payment of the \$560,000 build costs. The Goolwa Rowing Club intends to seek external funding and 'in-kind' support from Council via grant funding assistance.

At the end of the lease in 2036, the Lessee can either remove their improvements from the land and reinstate the premises, request a new lease or sell the improvements to Council at a negotiated price and at the discretion of Council. In accordance with Council's *Lease and Licence Policy*, Council remains committed to providing ongoing tenure to existing community organisations that have operated successfully under an initial Agreement, have met the terms and conditions of the Agreement and continue to contribute to the wellbeing of the community. A maximum lease term of 10 years (5+5) can be provided to community organisations that have successfully held previous tenure agreements with Alexandrina Council.

Council costs are limited to administrative time and advertising costs of approximately \$1,000 associated with the community engagement.

Risk Implications

In accordance with Alexandrina Council's Risk Assessment Matrix, the risk of adopting this recommendation is considered low.

This report seeks to undertake community feedback on the proposed to grant landowner's consent and vary the lease for the Goolwa Rowing Club to the build their Clubhouse facility within an existing leased area, consistent with the original intent of the lease to locate a rowing club on this portion of land. If supported by Council following community engagement, a variation to the Club's lease would occur to remove the conditions to include a public deck within the lease. It is important to note that this is not consultation on the DA itself.

The portion of land at Bristow Smith Reserve Goolwa is Crown land which was dedicated to Council's care and control for Recreation Purposes in January 1986. The Department of Environment and Water (DEW) provided consent to the previous DA, as they considered the development to be consistent with the dedication of the land for recreation purposes.

The proposed variation to the lease is consistent with the criteria of the *Community Land Management Plan 2023 - 2028* (CLMP) 'Developed Reserves' category as below:

- Purpose - to provide locations for community or commercial uses for both passive and active recreation and other activities and, provide a visually aesthetic and appealing area for community benefit. Leases and Licenses may be granted where the permitted use thereunder is consistent with the objectives for this land.
- Objectives - to provide opportunities for a wide range of formal and informal recreation activities, including passive activities and unstructured sport and grant tenure agreements in respect of the land for promoting or enabling recreational uses of the land that the Council considers appropriate; or to be of community and/or commercial benefit.

As the proposed lease variation does not alter the land categorisation or permitted use under the CLMP, public consultation is not required; however, it is recommended that Council choose to undertake community engagement on the proposal to grant landowner consent and vary the lease for the Goolwa Rowing Club's amended Clubroom plans prior to making a determination.

Attachments

Attachment 1 - DA excerpt

Attachment 2 - Goolwa Rowing Club letter

Attachment 3 - Community Engagement Plan