



1. What is being consulted on?

Council is undertaking two separate, but related and concurrent community consultations, seeking feedback on the proposals:

- A) Its proposed Draft Alberton Oval Community Land Management Plan ('CLMP') - which is a Council Strategic Plan that guides Council in making decisions in relation to subject land; and*
- B) The proposed lease to PAFC for a portion of Alberton Oval, that is requested by the football club in order to facilitate their redevelopment proposal, including construction of indoor and outdoor sport and recreation facilities, car parking, infrastructure, and also including a proposal to transfer Council a portion of land currently in PAFC ownership (that would become amalgamated with Alberton Oval).*

The community may provide feedback on one or both proposals, however it is noted that the outcome of the 'Alienation of Community Land' ('B' above) is contingent on Council adopting the CLMP ('A' above).

2. What is the Port Adelaide Football Club ('PAFC') proposing to do with the Council land?

PAFC are proposing the construction of a new facility at Alberton Oval which has been home to the club since 1880. The upgrade proposal includes a new indoor recreation centre to be used with two indoor basketball courts, an outdoor soccer pitch, dedicated changerooms and amenities, plus car parking. Council have been advised by PAFC that parts of the proposed new facility including the basketball courts and soccer field will be available for use by the community outside of their times of use. On the basis of its proposed investment into the assets at the site, PAFC have requested a 42 year lease.

3. What is the role of the Council and why is there multiple consultations?

Council has two formal roles in this process.

- 1. Council is a Development authority for the assessment of Development Applications, this is a separate process from this consultation and may include other formal notifications that are separate from this consultation and will need to be responded to separately. Noting, some decisions are referred to and made by Council's independent Council Assessment Panel.*

2. *As landowner, Council must give its consent to the Development and grant of tenure. Council is required to comply with provisions of its Community Land Management Plan, any new management plans require community consultation, and the grant of any lease agreements in excess of a five year term must also separately be consulted on.*

4. What is the status of PAFC's Development Application?

PAFC had lodged a development application to Council in February 2021 which contained plans proposing the redevelopment at Alberton Oval. This development was assessed as being Category 2 development (under the Development Act 1993) which resulted in mandatory notifications being made to particular adjacent property owners and a notification period that closed on 29 March 2021.

Following the notification phase, Council Authorised Officers communicated the feedback received, and their own requests for further information to the PAFC's representatives. At the time of writing this FAQ document that Development Application (040/0600/21) remains "on hold".

At the time of writing this FAQ document, PAFC have now lodged a new development application with Council. This application will go through a new assessment process, this time under the Planning, Infrastructure and Development Act 2016 (because of the new planning system that came into effect on 19 March 2021). This application will be assessed in due course, however it is noted that the application will require public notification and be assessed by the independent Council Assessment Panel.

*Developments on notification are available on Plan SA's webpage:
<https://planninganddesigncode.plan.sa.gov.au/haveyoursay/>*

As mentioned above, the Development Application process is an entirely separate process with separate decision makers (the independent Council Assessment Panel and/or Authorised Officers are the decision makers on behalf of Council in relation to development). Landowner decisions (of importance) are made by the Elected Members of the Council, i.e. Council the body.

5. What is the status of the Land?

The majority of the Alberton Oval Precinct is classified as 'Community Land' which is owned by the council.

There is no proposal to revoke Alberton Oval's status as Community Land.

There is a current Lease and Licence arrangement with PAFC, which incorporates the use of the grassed oval under licence. The club must use the licence area for a maximum of 50% of daylight hours and allow community access the remainder of the time.

6. What is Community Land and why does Council need to have a Community Land Management Plan?

The Local Government Act 1999 states that all land owned by or under the “care and control” of Council is classified as Community Land unless the land was excluded from Community Land classification, or has had its classification as Community Land revoked. All Community Land must have a management plan which outlines the purpose for which the land is held by Council; and states the Council’s objectives, policies (if any) and proposals for the management of the land. Council cannot sell Community Land, and must carry out public consultation in accordance with its public consultation policy prior to granting a lease or licence for a term in excess of five years. The plan helps guide Council in its decision making processes in relation to the use of the Land, including: whether to grant a lease or licence, permitted use, and approval in capacity as Land Custodian for Development activities.

7. Why don’t we already have Community Land Management Plan in place for Alberton Oval?

We do, however it is currently contained in Councils CLMP for Commercial Property. The objectives of this plan, which are more focused on economic outcomes, may not be consistent with the proposal by PAFC, which is more focused on providing community facilities.

8. Why is Council carrying out this community engagement?

Council has a legal obligation under the Local Government Act 1999 to carry out community engagement prior to the adoption of a Community Land Management Plan. Notwithstanding this legal requirement, Council would like to receive feedback from community stakeholders in relation to the Draft Community Land Management Plan to help inform the decision making of Council.

Where Council proposes to alienate community land (e.g. by lease or licence) for a period in excess of 5 years, the Local Government Act 1999 requires that community engagement be undertaken and feedback considered prior to entering into an agreement.

9. What benefit will the community get from the CLMP?

The Community Land Management Plan will be a public document that clearly defines the objectives for the Land and will guide Council decision making in relation to the use of the Land. Community Land Management Plans assist and keep Council accountable in the delivery of our City Plan themes including, maintaining environmental integrity and respecting heritage, activating placemaking prospects, valuing its community, and facilitating economic development opportunities.

10. What if I support the draft CLMP but not the lease and redevelopment?

We are asking for, and requiring that you provide separate feedback on both proposals. The adoption of the Community Land Management Plans (CLMP) is not in itself consent for grant of lease and therefore the development. However, approval of the CLMP will allow for council to consider this.

You could express your support for the adoption for the CLMP but your opposition to council granting consent, in it's capacity as land owner, for development and grant of lease.

11. Will Council simply endorse or reject the plans in their current form?

After consideration of Community Engagement responses, Council may decide to keep Alberton Oval contained in its Community Land Management Plan for Commercial Properties, adopt the Draft Community Land Management Plan for Alberton Oval as currently written, or chose to adopt amendments to the draft Community Land Management Plan which may require further community consultation.

12. Is it worth my while submitting feedback. Hasn't Council already made a decision? Will my feedback be listened to?

Yes – your feedback is extremely important! No – Council has not made a decision on either proposal – at its April Council Meeting, Council resolved simply to conduct this consultation in relation to its decisions as a landowner.

Your views are important, and will be considered as part of the decision making process of Council. Further reports and recommendations will be presented to Council following the conclusion of the engagement period.

13. What if there are conflicting views expressed in the process?

We would expect there to be conflicting views expressed through the consultation process. Council will listen to these views when considering its decisions in relation to the adoption of the Community Land Management Plan and following this (subject to the outcome of the CLMP), then the proposal to grant the lease over community land together with the permission (in its capacity as land owner) for the PAFC proposed redevelopment .

14. What if I live (or own property) in the City of Charles Sturt? Are my views going to be heard by City of PAE?

Yes – Council will consider the views of all community members. As part of this consultation a targeted mailout based on geographic proximity to Alberton Oval, is being undertaken informing stakeholders of the proposals and inviting feedback to Council.

15. If Council endorses a Community Land Management Plan, when does it become effective?

The Local Government Act 1999 requires Council to give public notice of the adoption of a Management Plan, once this notice has been placed, the Community Land Management Plan will take effect.

16. Do PAFC propose to remove trees as part of their proposal?

Yes – they are proposing to remove 36 Council trees, 10 of which are regulated. 72 trees are proposed to be planted as part of the proposed plans.

17. What is a peppercorn (\$1 on demand) rental fee and is it usual for Council to consider it?

In contract law, consideration (an exchange of promises between parties) is an aspect that demonstrates a binding agreement. Where no rental fee is proposed in occupancy agreements, it is not advised to have nil consideration, therefore '\$1 payable upon demand' is the agreed rental fee – and commonly referred to as a 'peppercorn' agreement.

Often Council will lease land for no rental fee if the purpose of the occupancy is to benefit the community – this is aligned with Council's Lease, Licence and Property Agreements Policy

(https://www.cityofpae.sa.gov.au/_data/assets/pdf_file/0017/412073/TS17-Council-Policy-Lease-Licence-and-Property-Agreements.pdf) – Council commits to peppercorn lease fees for eligible community organisations.

PAFC are not likely to be an eligible organisation under Council's Policy – however the request for a peppercorn rental fee in the context of investment being made on Council land, including for proposed community facilities, has been considered by Council to have merit. A deviation from policy requires a Council decision, and is also why the request is being considered by Council (the body, and not a decision made by Council staff under delegation).

The key terms, including the proposed rental fee, are elements Council is seeking feedback on as part of the consultation on the proposed lease.