



CITY COMMUNITY SERVICES AND CULTURE COMMITTEE AGENDA & REPORTS

for the meeting

Tuesday, 2 April 2024
at 5.30 pm

in the Colonel Light Room, Adelaide Town Hall

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Members – The Right Honourable the Lord Mayor, Dr Jane Lomax-Smith
Councillor Giles (Chair)
Deputy Lord Mayor, Councillor Snape (Deputy Chair)
Councillors Abrahamzadeh, Couros, Davis, Elliott, Hou, Li, Martin, Noon and Dr Siebentritt

1. Acknowledgement of Country

At the opening of the City Community Services and Culture Committee meeting, the Chair will state:

'Council acknowledges that we are meeting on traditional Country of the Kurna people of the Adelaide Plains and pays respect to Elders past and present. We recognise and respect their cultural heritage, beliefs and relationship with the land. We acknowledge that they are of continuing importance to the Kurna people living today.

And we also extend that respect to other Aboriginal Language Groups and other First Nations who are present today.'

2. Apologies and Leave of Absence

Nil

3. Confirmation of Minutes - 5/3/2024

That the Minutes of the meeting of the City Community Services and Culture Committee held on 5 March 2024, be taken as read and be confirmed as an accurate record of proceedings.

View public 5 March 2024 Minutes [here](#).

4. Declaration of Conflict of Interest

5. Deputations

6. Workshops

6.1 Park Lands Community Buildings 3 - 35

7. Reports for Recommendation to Council

7.1 Park Lands Lease and Licence Policy 36 - 72

8. Reports for Noting

Nil

9. Closure

Workshop - Park Lands Community Buildings

Tuesday, 2 April 2024
City Community Services and Culture Committee

Strategic Alignment - Our Community

Presenter:
Jennifer Kalionis, Associate
Director City Culture

Public

PURPOSE OF WORKSHOP

The upgrade of Council-owned community buildings in the Adelaide Park Lands has been a long-term issue. As custodian of these assets, the City of Adelaide provides the community with services through its building portfolio.

The physical condition of these buildings has been deteriorating for a number of years, and this has been documented in a workshop on 2 May 2023 in the City Community Services and Culture Committee. These City of Adelaide assets do not meet contemporary standards, are generally poor in functionality, no longer appropriately service community user groups and offer limited flexibility to provide for broader usage, for example, sport, recreation, and community groups.

Kadaltilla / Adelaide Park Lands Authority considered tensions borne out through the consultation on the Draft Park Lands Community Buildings (Sport and Recreation) Policy in a workshop on 28 March 2024.

This workshop information includes feedback on Park Lands infrastructure received through various consultations that have occurred between 2021 and 2023 and an examination of two Park Lands sites, Golden Wattle Park / Mirnu Wirra (Park 21W) and Mary Lee Park (Park 27B). Both sites are home to Park Lands lessees that have experienced significant growth in participation over the years and presently utilise deteriorating infrastructure that no longer meets their requirements or the expectations of the communities they support.

State Government funding has been allocated through grants and pre-election commitments as co-contributions to the replacement of the existing community buildings in Park 21W (\$1.55M) and Park 27B (\$2.0M).

As Park Lands custodian and community buildings landlord, Council's strategy to date has been that tenants are encouraged to invest in the Adelaide Park Lands buildings they occupy, and resultingly, proponents have sought funding from State and Federal Governments and fundraise for capital upgrades to facilities.

Both projects are on hold pending the adoption of the Draft Park Lands Community Buildings (Sport and Recreation) Policy.

Key Questions

1. What are Council Members' views on supporting fit for purpose community buildings in the Park Lands in the context of building footprint and hard stand areas across the total Adelaide Park Lands?
 2. What are Council Members' views on single level community buildings compared to multi-level community buildings and enabling community, including sport users to maintain or increase usage of the Park Lands?
 3. What are Council Members' views on park edge treatments to facilitate safer access for people using community facilities in the Park Lands, day and night?
-

Background for Workshop

In a recent Recommended Levels of Service for Buildings Asset Management Plan report, it was noted that:

Generally, as a portfolio, our Park Lands Community Buildings were not considered fit-for-purpose, based on feedback received directly from clubs. A number of assets will need to be upgraded to meet evolving community needs and ensure facilities appropriately cater for the emergence of new sports and increasing female and junior participation. It is anticipated that the development of a Community Buildings in the Park Lands Policy in conjunction with functionality being a key consideration through renewal planning (with provision of supporting upgrade funding) will incrementally bridge the gap between customer expectations and service provisions over time.

To date, Council has not budgeted for leased infrastructure renewal, and the responsibility of all maintenance and capital investment is placed on the lessee. In the absence of a clear replacement plan or process, addressing this deficit in fit for purpose community facilities in the Park Lands is a significant challenge.

The intention of the Draft Park Lands Community Buildings (Sport and Recreation) Policy (Draft Policy) is to guide the regeneration of community buildings and associated infrastructure in the Adelaide Park Lands by setting parameters around the appropriateness and scale of such developments and how they are funded.

The Draft Policy was developed as a result of workshops with the City Finance and Governance Committee, the City Community Services and Culture Committee and Kadaltilla / Adelaide Park Lands Authority (Kadaltilla) on the proposed upgrade of City of Adelaide-owned community sports buildings that are (or are proposed to be) leased to community organisations through the Adelaide Park Lands Lease and Licensing Policy.

Development of the Draft Policy included:

- On 2 May 2023, a workshop was held the City Community Services and Culture Committee. At that meeting, feedback was sought on a proposed co-investment strategy to improve the Park Lands sites containing community recreation and sport infrastructure. Seven key Park Lands projects were tabled, including two prioritised projects of Golden Wattle Park / Mirnu Wirra (Park 21W) and Mary Lee Park (Park 27B). Following Committee feedback at this workshop, these two projects were then considered through the 2023/2024 Business Plan and Budget process.
- On 27 June 2023, Council requested a report from Administration by September 2023, providing policy options for Park Lands buildings for the provision of fit-for-purpose facilities, including toilets, changerooms and storage.
- A workshop on draft policy principles was held with the City Finance and Governance Committee on 15 August 2023.
- A workshop on draft policy principles was held with Kadaltilla on 24 August 2023.
- On 19 September 2023 the Recommended Levels of Service for Buildings Asset Management Plan was presented to the Infrastructure and Public Works Committee and approved by Council on 26 September 2023.
- A report on the Draft Policy was presented to the City Community Services and Culture Committee on 3 October 2023.
- Council approved the Draft Policy for public consultation at its meeting on 10 October 2023.
- Public consultation on the Draft Policy occurred between 20 October and 27 November 2023.
- A report on the consultation findings was presented to Kadaltilla on 22 February 2024.
- A report on the consultation findings was presented to the City Community Services and Culture Committee on 5 March 2024.

A copy of the Draft Policy is provided at [Link 1](#).

Public consultation on the Draft Policy was undertaken for five weeks from 20 October to 27 November 2023. A summary of the community consultation findings is provided at [Link 2](#).

Analysis of the community consultation reveals that despite strong support to replace existing sport and recreation community buildings in the Park Lands with new and quality designed, shared facilities through a co-funding investment model, respondents noted conflicting City of Adelaide policy positions. This ambiguity is related to the delivery of community buildings that perform their purpose to contemporary standards and requirements while prioritising objectives such as no net loss of Park Lands and historical built-form footprint measures.

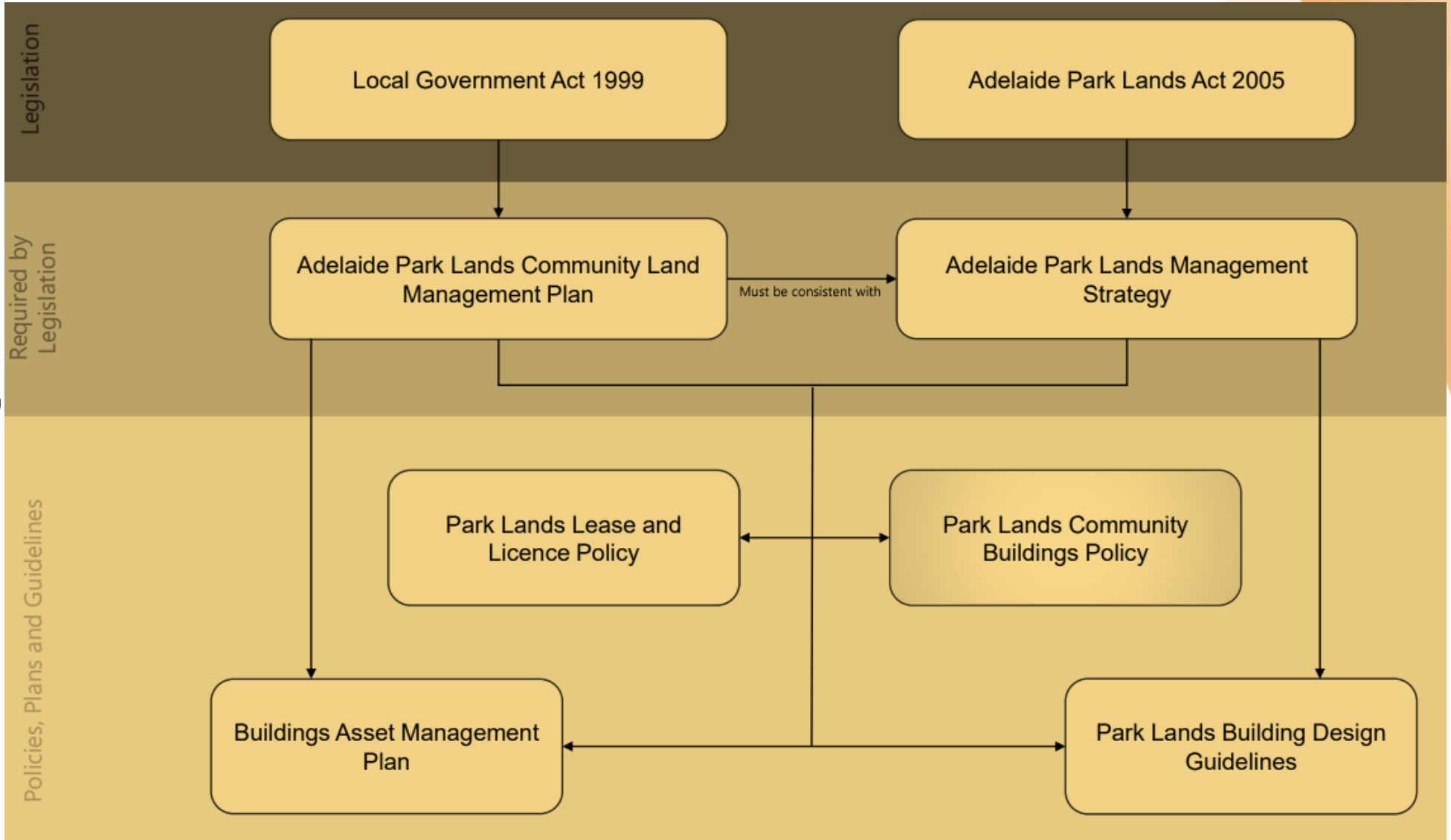
Our Community

Park Lands Community Buildings

To workshop with Council Members the conflicting policy positions raised through community consultation on the Draft Park Lands Community Buildings (Sport and Recreation) Policy.

City Culture
Jennifer Kalionis

- The community places a high value on the Adelaide Park Lands and is concerned about the size and scale of any development in the Park Lands. Community sport facilities are seen as appropriate development, providing they are publicly accessible and integrated into the Park Lands landscape.
- To facilitate replacement of existing Park Lands sports buildings with contemporary fit-for-purpose community buildings, the extent of built form of existing buildings will need to increase to meet requirements and respond to contemporary design for access and disability and sporting code requirements, such as change room sizes.
- Single-level buildings in the Park Lands would be less visually obtrusive, more accessible, more affordable and have greater potential to contribute to community demand for public amenities. However, due to the need to comply to contemporary standards, they would also result in a greater increase in building footprint in some areas of the Park Lands.
- Car parking on the Park Lands is a divisive issue and the location of buildings and park edge treatments need to be considered to support safe day and night utilisation of community sports facilities.



Park Lands Purpose

- Adelaide Park Lands that provide for publicly accessible open space for the benefit of the people of South Australia and are generally available to them for their use and enjoyment.
- Adelaide Park Lands that support a diverse range of environmental, cultural, recreational and social values and activities.

Non Park Lands Purpose

- Adelaide Park Lands that restrict general public access and are not held for the primary purpose of providing accessible public open space.
- Adelaide Park Lands that do not align with the Statutory Principles outlined under section 4(1)(b) of the Adelaide Park Lands Act 2005

Facts

411 buildings in total Adelaide Park Lands – 4.2% of total Adelaide Park Lands is built form

118 buildings are under the care and control of CoA.

63 of these buildings relate to community sport

51 buildings are leased from CoA for community sport. 42 of these contain changeroom facilities

11.4% of total Adelaide Park Lands is hard surface (not including roads)

0.98% of total Adelaide Park Lands is permanent car parking

(Source: Draft Adelaide Park Lands Management Strategy)

Net loss – Publicly Accessible Adelaide Park Lands (Alienation)

- A net loss of publicly accessible Adelaide Park Lands can occur when a park or part of a park within the Adelaide Park Lands changes from having a ‘Park Lands Purpose’ to a ‘Non-Park Lands Purpose’ – resulting in restricted public access.

Permanent Net loss of Adelaide Park Lands

- The Adelaide Park Lands Plan is a registered plan through the General Registry Office (GRO). A ‘net loss’ of the Adelaide Park Lands would occur if the boundary of this plan is amended resulting in land currently being registered within the Plan being removed from the Plan.

Return to Publicly Accessible Adelaide Park Lands

- Land registered within the Adelaide Park Lands Plan that has previously been used for a ‘Non-Park Lands Purpose’ being permanently returned to the public for a ‘Park Land Purpose’.

Building Footprint

- The area of a building measured to the outside wall line, not including hardstand areas.

Hardstand

- Areas of impervious surfaces.

(Source: Draft Adelaide Park Lands Management Strategy)

The following slides are a high-level summary of community feedback in relation to buildings and community sport in the Park Lands collected between 2021 and 2023, which Administration has drawn from:

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- Draft Park Lands Community Buildings Policy (2023)
- Kadaltilla Annual Community Forum (2023)
- Draft Adelaide Park Lands CLMP (2023)
- CoA Draft Strategic Plan 2024-2028 (2023)
- Adelaide Park Lands Management Strategy Review (2022)
- CoA Resident Survey (2021/22)

Draft Park Lands Community Buildings Policy – Community Consultation

Key Consultation Themes:

- Fit-for-Purpose Buildings
- Quality Design
- Shared Facilities
- Co-funding Essential
- Greater Flexibility (re no loss of trees, no car parking and no net loss of Park Lands)
- Competing Objectives (re fit-for-purpose shared facilities, no net loss of Park Lands and low scale single level buildings to optimise accessibility)

Resident respondents:

- wanted more lighting of pathways, shade/shelter, seating and exercise loops/trails in the Park Lands
- wanted a variety of sport and recreation facilities
- suggested developments should only preserve and improve the Park Lands
- sought better integration of developments into the natural environment

Community respondents advised:

- sporting areas/buildings are not inclusive and should share more with other user groups/the community
- large scale development in the Park Lands is not appropriate – the ratio of building to open space should stay the same
- should be an increase in amenities
- lighting is critical to feeling safe in the Park Lands
- car parking should be removed from the Park Lands

- 94% support sport in the Park Lands
- 86% want more parking options
- 75% support fencing
- 64% want more toilets
- 48% want more shade via trees
- 29% want more lighting
- 15% want more benches
- 8% want more BBQs

Draft Adelaide Park Lands CLMP (2023) – Community Consultation

- Strong desire for the Park Lands to be publicly accessible, with less built form and development and more open spaces focused on the natural environment and biodiversity
- Commercialisation, privatisation and major developments should be minimised or stopped altogether in the Park Lands

Verbatim comments:

- *“No further incursions into the parklands: possible exceptions, sporting facilities OPEN to the public, food outlets etc.”*
- *“...balance between more natural areas, areas used for sports and recreation, and landscaped areas and formal gardens, is maintained.”*
- *“NO NEW DEVELOPMENTS on the Park Lands. “No net loss” is misleading, there should be no loss, only gain through revegetation and strict preservation of what Park Lands we have left.”*
- *“No buildings on original colonel light vision of parklands.”*

Consultation Themes - Summary



Themes	Buildings Policy	Resident Survey	APLMS	Kadaltilla Forum	CLMP	CoA Strategic Plan
Sensitive / Appropriate Development		✓	✓		✓	✓
Support for Sports / Fit for Purpose Facilities	✓	✓		✓		✓
Increased Amenities		✓	✓	✓		✓
Shared / Accessible Facilities	✓		✓		✓	
Improved Lighting		✓	✓	✓		
Increased Car Parking	✓		✗	✓		
Diverse Landscapes / Facilities		✓				✓
Quality / Integrated Design	✓	✓				

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What did Administration hear?

- The community places a high value on the Park Lands and any development should support, not hinder, utilisation of the Park Lands and be of minimal size and scale.
- Community sport and recreation facilities are seen as appropriate development, but need to be publicly accessible, shared and integrated with the Park Lands environment.
- Community sporting facilities are one part of a diverse Park Lands landscape.
- The community is seeking increased amenities in the Park Lands to support day and night use.
- Car parking on the Park Lands is a divisive issue, with some community members seeking increased parking and others seeking a reduction and/or removal of all parking.
- The issue of not exceeding existing built form footprints and needing to meet contemporary standards needs to be addressed.
- There are members of the community who have opposing views in relation to the concept of no net loss of Park Lands through built form and sensitive and appropriate development of built form assets that support the communities use of the Park Lands for a range of purposes.

Case Study: Park 21W (South-west Park Lands)



Case Study: Park 21W

Existing community sports building = 390sqm

Total area of park = 291,989sqm

Key Biodiversity Area



Case Study: Park 21W

CLMP - Purpose of Park 21W

- Providing for informal recreation, in the form of gardens and playspace
- Providing sporting fields and fit-for-purpose support facilities
- Protecting and enhancing Key Biodiversity Area
- Providing section of Park Lands Trail
- Providing public facilities

CLMP – Management Proposals

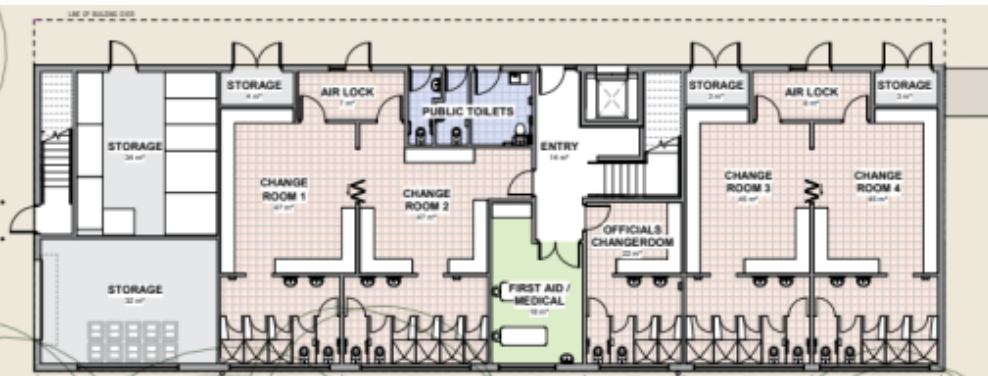
- Support proposals in endorsed Concept Plan



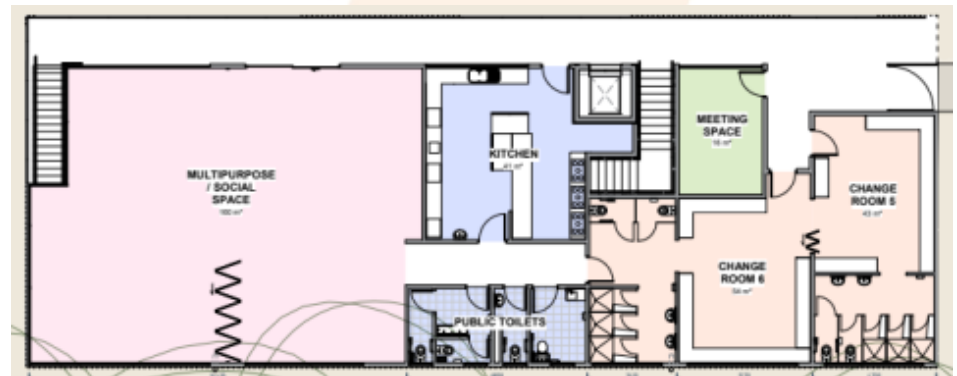
Case Study: Park 21W – Two Level Design

- Approximately 405sqm building footprint
- Total building floor area approximately 870sqm
- Upstairs kiosk and common area (160sqm)
- Mounding to facilitate universal access and outdoor seating
- Public amenities

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Ground Level



Upper Level

ADELAIDE

Case Study: Park 21W – Two Level Design

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Case Study: Park 21W – Two Level Design



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Case Study: Park 21W – Single Level Design



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Case Study: Park 21W – Single Level Design

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Case Study: Park 27B (North-west Park Lands)

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Case Study: Park 27B (North-west Park Lands)



Existing community sports building = 236sqm

Total area of park = 70,434sqm



Case Study: Park 27B (North-west Park Lands)

CLMP - Purpose of Park 27b

- Providing for informal recreation, including community courts, a skate park, a playspace and a community garden.
- Providing sporting fields.
- Providing a section of the Park Lands Trail.
- Providing public facilities, furniture and amenities to support the purpose for which the land is held

CLMP – Management Proposals

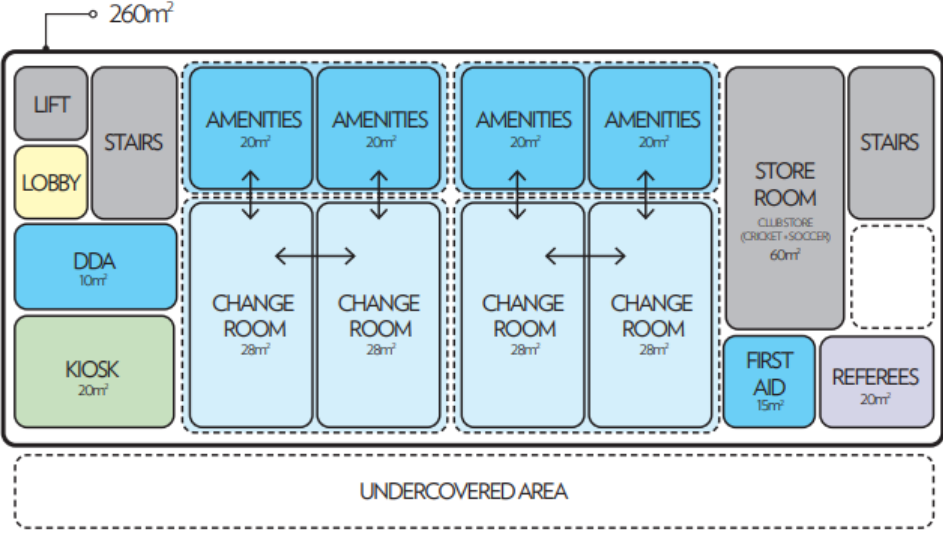
- Support the renewal of the existing clubrooms.

Case Study: Park 27B (North-west Park Lands)

- Approximately 260sqm building footprint
- Upstairs common area (150sqm) and public amenities

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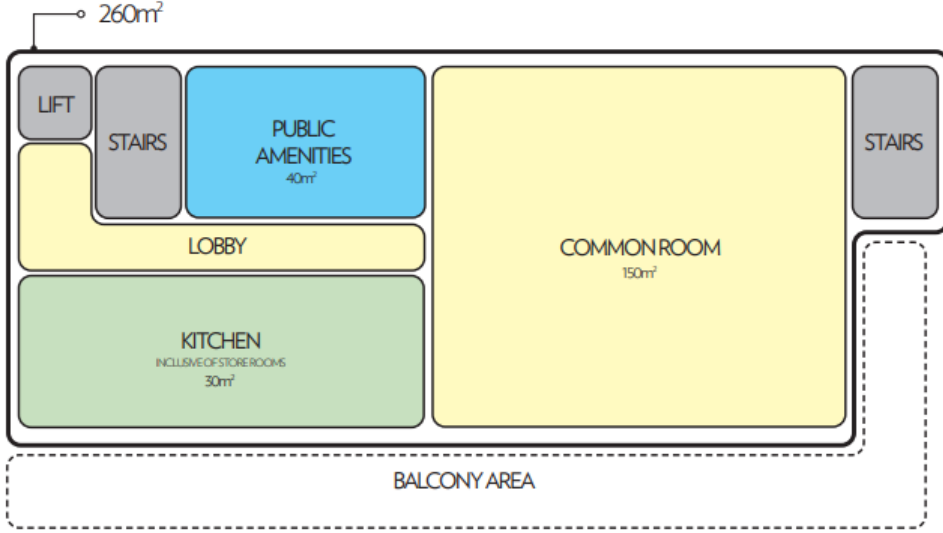
PARK TERRACE



Ground Floor Plan

SPORT FIELDS

PARK TERRACE



First Floor Plan

SPORT FIELDS

Case Study: Park 27B (North-west Park Lands)

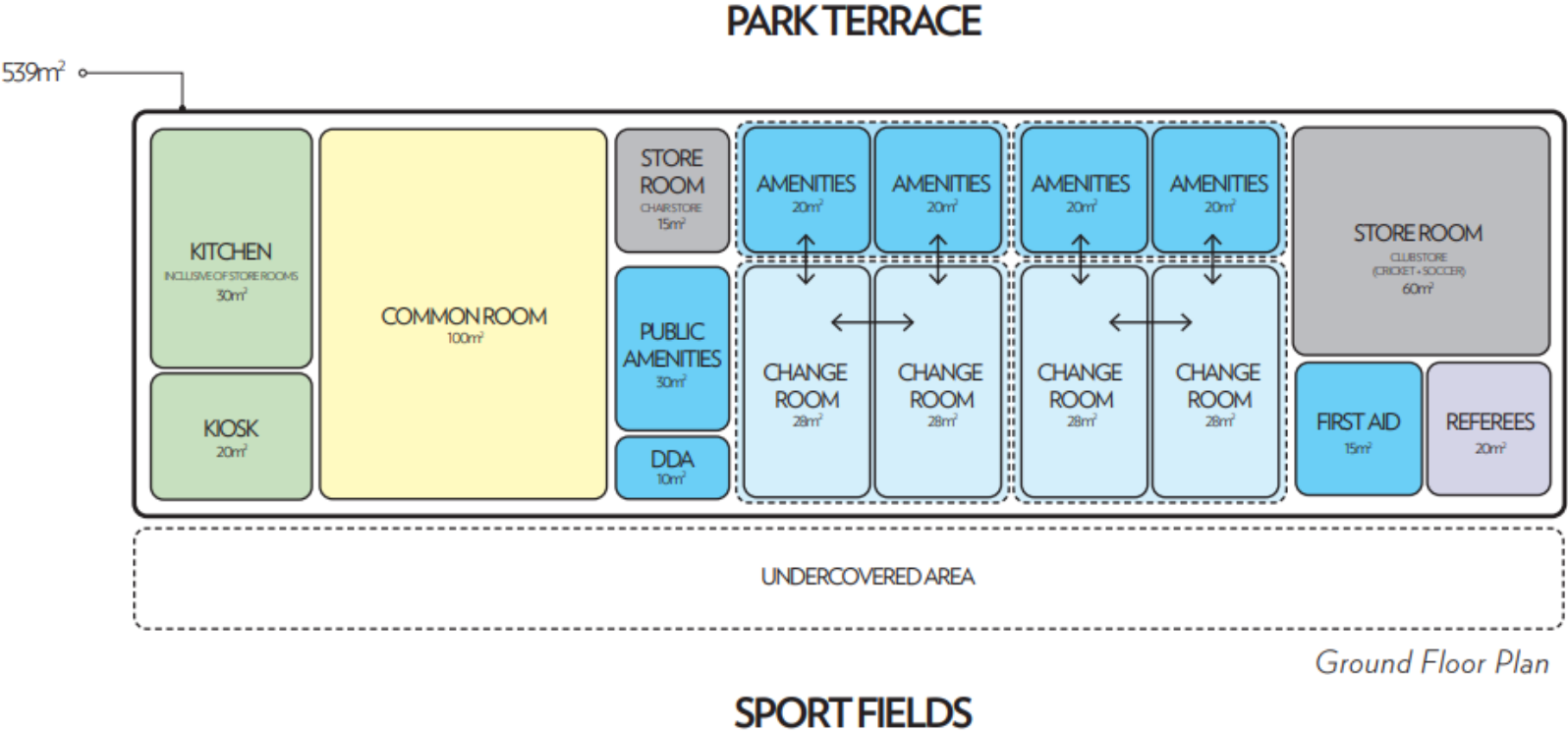
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Case Study: Park 27B (North-west Park Lands)

- Approximately 539sqm building footprint
- Accessible common area (100sqm) and kiosk
- Public amenities

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Case Study: Park 27B (North-west Park Lands)

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KEY QUESTION

What are Council Members' views on supporting fit-for-purpose community buildings in the Park Lands in the context of building footprint and hard stand areas across the total Adelaide Park Lands?

KEY QUESTION

What are Council Members' views on single level community buildings compared to multi-level community buildings and enabling community, including sport users to maintain or increase use of the Park Lands?

KEY QUESTION

What are Council Members' views on park edge treatments to facilitate safer access for people using community facilities in the Park Lands, day and night?

Park Lands Lease and Licence Policy

Strategic Alignment - Our Community

Public

Tuesday, 2 April 2024
City Community Services and Culture Committee

Program Contact:
Jennifer Kalionis, Associate
Director City Culture

Approving Officer:
Ilia Houridis, Director City
Shaping

EXECUTIVE SUMMARY

The purpose of this report is to seek approval to re-consult on the Draft Park Lands Lease and Licence Policy ('Draft Policy').

The City of Adelaide leases buildings and land for community and commercial uses on the Adelaide Park Lands. The leasing and licensing of community land in the Adelaide Park Lands, is managed through the Adelaide Park Lands Leasing and Licensing Policy (2016), and this policy is consistent with the *Adelaide Park Lands Act (2005)* and *Local Government Act SA (1999)*. Permitted uses are consistent with the Adelaide Park Lands Management Strategy (APLMS) and relevant Community Land Management Plans.

Leases are generally related to exclusive use (for example, of a building) and licences are generally related to a right of use that is not exclusive (for example, a sports field). Community leases and licences include community organisations, sporting clubs and organisations, and educational institutions, that provide services to meet community needs.

The City of Adelaide currently has 68 leases and licences that are for 12 months or more in the Adelaide Park Lands. One third of these leases and licences are held by sporting clubs and associations.

The management arrangements differ between community and commercial organisations. Commercial organisations pay market rent and the City of Adelaide maintains those facilities. Community organisations pay reduced rent and they maintain their facilities. As a result of these arrangements, Council has not budgeted for leased infrastructure renewal.

City of Adelaide provides support to Community organisation lessees through fortnightly lawnmowing (approx. \$300,000 per annum).

The Draft Policy presented in this report incorporates Council's most recent feedback provided at the 3 October 2023 City Community Services and Culture Committee and is summarised in paragraph 20 of this report.

Given that these amendments constitute material changes to the Draft Policy that was previously consulted on in 2022, this report recommends a second round of public consultation occur to obtain feedback on the revised Draft Park Lands Lease and Licence Policy.

Subject to Council's approval, community and stakeholder consultation, consistent with the City of Adelaide's Community Consultation Policy will be undertaken for a four-week period from 30 April to 27 May 2024.

RECOMMENDATION

The following recommendation will be presented to Council on 9 April 2024 for consideration

THAT THE CITY COMMUNITY SERVICES AND CULTURE COMMITTEE RECOMMENDS TO COUNCIL THAT COUNCIL

1. Notes the feedback of Council Members and comparative wording of the current Adelaide Park Lands Leasing and Licensing Policy (2016), the Draft Park Lands Lease and Licence Policy (presented in October 2023) and the revised Draft Park Lands Lease and Licence Policy (presented at this meeting) as

shown in Attachment A to Item 7.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 2 April 2024.

2. Notes the extent of amendments to the Draft Park Lands Lease and Licence Policy since public consultation was undertaken in May and June 2022, as shown in Attachment B to Item 7.1 on the Agenda for the meeting of the City Community Services and Culture Committee held on 2 April 2024.
 3. Approves the Draft Park Lands Lease and Licence Policy, in Attachment C to Item 7.1 on the Agenda for the City Community Services and Culture Committee held on 2 April 2024, for public consultation, commencing from 9:00 am 30 April to 5:00 pm 27 May 2024.
 4. Authorises the Acting Chief Executive Officer or delegate to make minor, typographical or syntactical updates to Attachment C to Item 7.1 on the Agenda for the City Community Services and Culture Committee held on 2 April 2024, for the purposes of finalising the document for public consultation.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2024-2028 Strategic Plan	Strategic Alignment – Our Community
Policy	If adopted, this Draft Park Lands Lease and Licence Policy will supersede the Adelaide Park Lands Lease and Licence Policy adopted by Council in January 2016.
Consultation	Community consultation on the Draft Park Lands Lease and Licence Policy (Draft Policy) previously occurred between 24 May and 14 June 2022. Given the substantial changes that have been made to the Draft Policy since it was consulted on, it is recommended that a second round of community consultation occur between 30 April and 27 May 2024.
Resource	Community consultation will be undertaken within existing resources.
Risk / Legal / Legislative	In relation to leasing and licensing (alienation) of community land and the Adelaide Park Lands, this Draft Policy is consistent with the <i>Adelaide Park Lands Act (2005)</i> and <i>Local Government Act SA (1999)</i> . An internal audit undertaken in 2020 identified the need to improve visibility in relation to sub-leasing arrangements in the Park Lands. The Draft Policy requires lessees to report annually on sub-letting agreements and to submit all requests for sub-letting on-line for Administration approval.
Opportunities	This Draft Policy presents opportunities to implement improved practices for managing community land.
23/24 Budget Allocation	Not as a result of this report
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	The next review of this Draft Policy will be due in five years (2029).
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	The Draft Policy retains responsibility for the maintenance of leased and licenced facilities with the lessee and licensee.
Other Funding Sources	Not as a result of this report

BACKGROUND

Adelaide Park Lands Leasing and Licensing Policy (2016)

1. The City of Adelaide leases buildings and land for community and commercial uses on the Adelaide Park Lands. The leasing and licensing of community land in the Adelaide Park Lands, is managed through the Adelaide Park Lands Leasing and Licensing Policy (2016), and this policy is consistent with the *Adelaide Park Lands Act (2005)* and *Local Government Act SA (1999)*. Permitted uses are consistent with the Adelaide Park Lands Management Strategy (APLMS) and relevant Community Land Management Plans.
2. Leases are generally related to exclusive use (for example, of a building) and licences are generally related to a right of use that is not exclusive (for example, a sports field). Community leases and licences include community organisations, sporting clubs and organisations, and educational institutions, that provide services to meet community needs.

Current Status

3. City of Adelaide currently has 68 leases and licences that are for 12 months or more in the Adelaide Park Lands. One third of leases and licences are held by sporting clubs and associations. Another two facilities are currently vacant.
4. The 68 leases and licences vary in tenure length. Government agencies have the longest average tenure (49 years) and educational institutions have the next longest average tenure (21 years).
5. Lease and licence fees for 2023/24 were \$946,562, comprised of 16 commercial, 16 community (education institutions), 23 community (other) organisations and 13 individuals (horse depasturing licences).
6. A condition of each lease is that our approval of a sub-lease agreement is required, however the City of Adelaide seeks greater transparency of lessee's financials and sub-leasing arrangements.
7. The responsibility of all maintenance and capital investment is placed on the lessee. The management arrangement differs between community and commercial organisations. Commercial organisations pay market rent and the City of Adelaide maintains those facilities. Whereas community organisations pay reduced rent and they maintain the facilities. As a result of these arrangements, Council has not budgeted for leased infrastructure renewal.
8. With respect to capital upgrade and renewal, this leads to community organisations seeking support through fundraising and grant applications for infrastructure in order to support community need with fit-for-purpose facilities that are of a standard desired for the Adelaide Park Lands. The physical condition of the buildings within the Park Lands has been deteriorating for a number of years, leading to decreasing asset values, increasing risk and liability issues and a deficit in the provision of fit for purpose spaces. These factors impact the formulation of a lease regime aligned to the quality of the building and noting the cost of operation and renewal impacts that sit, in particular with Community organisations. Council is also currently progressing its Draft Community Buildings Policy.
9. City of Adelaide provides support of community lessees through fortnightly lawnmowing (approx. \$300,000 per annum).
10. The current Policy supports revenue activities at venues including cafes/kiosks, club related events and sports clinics run by private and public organisations, and liquor licences. Community lessees need opportunities to fundraise to maintain their buildings, grounds, and associated infrastructure and to be able to undertake capital repairs and improvements as required.
11. Under the current Policy (2016) there are multiple fee models operating, and there is no incentive for lessees to facilitate broader community use of their facilities. There is no current method to measure or demonstrate the total benefit that the Adelaide Park Lands leases provide (for example, community benefits through activation).
12. Administration oversees the end-to-end lease management process, in particular the facilitation, negotiation and generation of lease agreements. Administration is responsible for land tenure services and other land legislative requirements associated with Council's dealings with commercial and community land holdings. From an ongoing perspective, Administration also provides a single point into City of Adelaide for any associated issues a Lessee may have, including advice on development approvals and asset maintenance.

Review History 2021-2024

13. On 25 November 2021 a review of the Adelaide Park Lands Lease and Licence Policy and Operating Guidelines adopted by Council in January 2016, along with findings from benchmarking of local government leasing and licensing practises across Australia, was presented to the Kadaltilla / Adelaide Park Lands Authority (Kadaltilla). Kadaltilla agreed with the findings of the review and was particularly supportive of the

recommendation to introduce an incentivised lease and licence fee model for community organisations to encourage broader community use, good governance, and social inclusion.

14. Following this feedback, a revised Draft Policy was considered and supported by Kadaltilla on 28 April 2022. The revised Draft Policy was to supersede the 2016 policy. It incorporated several best practices including the introduction of an incentivised community lease and licence fee structure, and improvements in the visibility of sub-leasing arrangements in the Park Lands which was highlighted as an area for improvement in a 2020 internal audit.
 15. On 10 May 2022 a Draft Policy was supported by Council for the purpose of undertaking community consultation. Community consultation occurred between 24 May and 14 June 2022.
 16. On 14 June 2022, Council resolved:
*“That Council:
Asks the Administration to include in its current review of Park Lands Leasing and Licencing:
1. The competition posed, in the wake of Covid, to existing CBD and North Adelaide hospitality venues from sporting clubs leasing Park Lands and advertising meeting/event rooms for hire, licenced dining and entertainment and
2. Whether restrictions should or could be imposed on existing leased premises and future leased premises to protect privately owned hospitality businesses not on the Park Lands.”*
 17. A number of amendments were made to the Draft Policy following community consultation and in response to the Council Decision on 14 June 2022, in particular, increased detail around consideration of proposed commercial activities within community lease and licence settings, including the impact to adjacent commercial operations.
 18. The 2022 election caretaker period occurred from 6 September 2022 to 12 November 2022.
 19. On 27 April 2023, the revised draft Park Lands Lease and Licence Policy summary of the results of community consultation was presented to Kadaltilla for consideration. Kadaltilla supported the draft Policy, and this advice was noted by Council at its meeting on 9 May 2023.
 20. The revised Draft Policy and summary of the results of community consultation was presented to the City Community Services and Culture Committee on 3 October 2023. The Committee deferred the consideration of the policy to the City Community Services and Culture Committee on 7 November 2023. Further, the Committee asked Administration to consider the following feedback from the meeting of the City Community Services and Culture Committee held on 3 October 2023:
 - 20.1. Review of the discounts currently contained within the draft Park Lands Lease and Licence Policy, which includes sub-letting arrangements
 - 20.2. Remove delegation arrangements to Administration for leases and licences less than 5 years
 - 20.3. Liquor licence agreements
 - 20.4. Parking arrangements regarding permanent car spaces being granted per lease agreement
 - 20.5. Advertising and sponsorship arrangements
 - 20.6. Impact of sporting clubs making payments to their players
 - 20.7. Unlocking the Park Lands and the impact this has on use for other members of the community
 - 20.8. Footprint of buildings on the Park Lands
 - 20.9. Commercial use of the Park Lands
 - 20.10. What are the financial implications of a new Policy being adopted
 - 20.11. Impact of a new lease or licence arrangement being entered into.
 21. The Administration has incorporated Council’s feedback provided at the 3 October 2023 City Community Services and Culture Committee, which is summarised in paragraph 12 of this report.
-

DISCUSSION

22. In January 2016, Council adopted an Adelaide Park Lands Lease and Licence Policy and Operating Guidelines (Policy and Guidelines). The Policy and Guidelines were developed to guide lease and licence negotiations consistent with the Adelaide Park Lands Management Strategy (2015-2025).
23. On 25 November 2021, Administration presented to Kadaltilla / Adelaide Park Lands Authority (Kadaltilla), the findings of a review of the current Adelaide Park Lands Lease and Licence Policy and Operating Guidelines, along with information on the current status of Park Lands leases and licences and an overview of local government leasing and licensing practises across Australia. Key findings included:
 - 23.1. It is common practice for local government managing community land to:
 - 23.1.1. use an Expression of Interest (EOI) process to select lessees and licensees
 - 23.1.2. provide five-year agreements with a maximum typically of 21 years
 - 23.1.3. apply the same due diligence in assessing a sub-lessee as would occur for a head lessee
 - 23.1.4. undertake facility inspections at least annually
 - 23.1.5. benchmark community fees and provide financial incentives to achieve desired behaviours or outcomes
 - 23.1.6. set commercial lease fees through independent market assessments.
 - 23.2. With respect to the existing Lease and Licence Policy and Guidelines:
 - 23.2.1. the policy position of longer tenure by exception is resulting in most organisations seeking longer tenure (ie greater than five years)
 - 23.2.2. the policy position of setting sub-leasing fees at no greater than 50% of all lessee and licensee costs associated with maintaining their leased and licensed areas, is too broad
 - 23.2.3. community lessees are automatically granted a fee discount on their lease fee (ie building rent) while there is no discount on their licence fees (ie fees for playing fields, sports courts, etc)
 - 23.2.4. while it incorporates a need to undertake an EOI, it is unclear how the exception can be applied.
24. Kadaltilla agreed with the findings of the review and was particularly supportive of the recommendation to introduce an incentivised lease and licence fee model for community organisations to encourage broader community use, good governance and social inclusion.
25. At its meeting, Kadaltilla discussed:
 - 25.1. Exploring alternative infrastructure funding models to enable community organisations to support community need with fit for purpose facilities
 - 25.2. Community fundraising - broaden reach of facilities and purpose they play in the community aligned with CLMP consider more commercial type activities (Fringe event or activity not currently related)
 - 25.3. Policy distinction between peak sporting groups vs community sporting groups
 - 25.4. Rising expectations for facilities
 - 25.5. Expression of Interest processes
 - 25.6. Transparency - current process to understand who a sub-licensee is and whether fees exceed 50% or not
 - 25.7. Increasing expectation on head lease to support smaller community groups and reinforce accessibility to the Park Lands
 - 25.8. Tenure periods
 - 25.9. Incentivised fee structure
 - 25.10. Asset Management Plans for community buildings under leases & building equity considerations (depreciation) in setting lease fees
 - 25.11. Monitoring how much of the Park Lands is under lease vs freely available area.
26. On 28 April 2022, Kadaltilla supported the Draft Policy for the purpose of undertaking community consultation.

27. On 10 May 2022, Council approved the Draft Policy for the purpose of undertaking community consultation.

Community Consultation

28. Community consultation on the draft policy occurred between 24 May and 14 June 2022. In response to community consultation feedback, the following amendments to the Draft Policy were made:
- 28.1. Community lease fees to be calculated on building floor area as opposed to building footprint.
 - 28.2. A reference added to the Liquor Licence section, stating that Council Administration will consider the proximity of leased and licensed facilities to residents in granting approval to a lessee to submit a request for a liquor licence from the State Government. It should be noted that the Adelaide Park Lands are a designated dry area between 8:00pm and 11:00am the next day.
 - 28.3. Volunteers have been added as a category considered for requests for a vehicle permit from holders of an Australian Disability Parking permit.
 - 28.4. To increase transparency, Council Administration delegations include presenting a 'status of Park Lands leases and licences' report to Kadaltilla annually.
 - 28.5. Definitions for mowing service, significant capital contribution, and standard tenure have been added.
 - 28.6. Commercial and community lease and licence fees have been separated in the policy as it was evident that the delineation between these items was unclear.
 - 28.7. Sub-letting and casual hire sections of the discounted fee structure have been combined, in acknowledgment that these practices result in broader community use.

Motion on Notice

29. On 14 June 2022, in response to a Motion on Notice, Council resolved the following:

"That Council:

Asks the Administration to include in its current review of Park Lands Leasing and Licencing:

- 1. The competition posed, in the wake of Covid, to existing CBD and North Adelaide hospitality venues from sporting clubs leasing Park Lands and advertising meeting/event rooms for hire, licenced dining and entertainment and*
- 2. Whether restrictions should or could be imposed on existing leased premises and future leased premises to protect privately owned hospitality businesses not on the Park Lands."*

30. In response to Council's resolution, the Draft Policy was amended to include:

- 30.1. enhanced detail on the consideration of proposed commercial activities within community lease and licence settings, describing permitted activities and the frequency of these activities within the 'glossary' section.
- 30.2. a requirement that all proposed commercially run activities by casual hirers or sub-tenants within community lease settings, be approved by Administration. To be approved, Administration must verify that the commercial activities are subservient to the activities of the community lessee and consistent with the intent of the lease agreement.

31. Additional amendments were also made to the Draft Policy after further review by Administration, and subsequently a further revised Draft Policy was considered and supported by Kadaltilla on 27 April 2023.

32. On 3 October 2023, in considering the revised Draft Policy, the City Community Services and Culture Committee resolved the following:

"That the City Community Services and Culture Committee:

- 1. Defers consideration of the Park Lands Lease and Licence Policy as per Attachment A to Item 7.3 on the Agenda for the meeting of the City Community Services and Culture Committee held on 3 October 2023 to the committee meeting in November 2023.*
- 2. Asks Administration to consider the following feedback from the meeting of the City Community Services and Culture Committee held on 3 October 2023:*
 - *Review of the discounts currently contained within the draft Park Lands Lease and Licence Policy, which includes sub-letting arrangements*
 - *Remove delegation arrangements to Administration for leases and licences less than 5 years*
 - *Liquor licence agreements*

- *Parking arrangements regarding permanent car spaces being granted per lease agreement*
- *Advertising and sponsorship arrangements*
- *Impact of sporting clubs making payments to their players*
- *Unlocking the Park Lands and the impact this has on use for other members of the community*
- *Footprint of buildings on the Park Lands*
- *Commercial use of the Park Lands*
- *What is the financial implications of a new Policy being adopted*
- *Impact of a new lease or licence arrangement being entered into”*

33. In response to this feedback from Council Members a detailed summary of the wording of the current Adelaide Park Lands Leasing and Licensing Policy (2016), the Draft Policy as presented to the City Community Services and Culture Committee in October 2023, and the revised Draft Policy (presented at this meeting) is shown in **Attachment A**. A high-level summary is provided in the table below.

Policy Area Feedback	Proposed Response / Action
<i>Review of the discounts currently contained within the Draft Policy, which includes sub-letting arrangements</i>	Draft Policy amended: Removed incentivised fee structure for community lease and licence fees and reintroduced fixed square metre rate for community lease fees. Retained existing process of community licence fees set annually by Council.
<i>Remove delegation arrangements to Administration for leases and licences less than five years</i>	Draft Policy amended: Requires Council resolution to grant a <u>commercial</u> lease or licence with a proposed tenure period of more than two years. Retains delegation to Administration to grant a <u>community</u> lease or licence with a proposed tenure period up to five years, subject to it being consistent with the Adelaide Park Lands Community Land Management Plan. This will enable a more efficient transition from lease expiry to lease renewal for well performing community lessees. Administration will report annually to Council (and Kadaltilla) on Park Lands leasing and licencing activity.
<i>Liquor licence agreements</i>	Draft Policy amended: Requires Council resolution to grant consent to a lessee or licensee seeking a liquor licence or making a significant amendment to an existing liquor licence. Added statement with regards to limitations of the policy, noting that the policy will not apply to any clauses and or special conditions contained in existing Park Lands lease or licence agreements that are inconsistent with the Draft Policy.
<i>Parking arrangements regarding permanent car spaces being granted per lease agreement</i>	Draft Policy amended: Reduced number of annual vehicle permits per leased/licensed area from two to one. This contributes to the objective to reduce car parking in the Park Lands. Added statement that vehicle permits do not grant approval for motor vehicles to remain (ie park) on the Park Lands.
<i>Advertising and sponsorship arrangements</i>	Draft Policy amended: Added statement that all permanent outdoor signage cannot display or depict any form of third party advertising, including but not limited to names, acronyms or logos relating to a business, company or product.

Policy Area Feedback	Proposed Response / Action
<i>Impact of sporting clubs making payments to their players</i>	No amendment. The decision for sporting clubs to pay players is their independent decision and sits outside the scope of this policy.
<i>Unlocking the Park Lands and the impact this has on use for other members of the community</i>	No amendment. Programming of facilities is covered in the Draft Policy. The provision of additional facilities to support broader community use is outside the scope of this policy. This should be addressed through the Adelaide Park Lands Management Strategy and Draft Park Lands Community Buildings (Sport and Recreation) Policy.
<i>Footprint of buildings on the Park Lands</i>	No amendment. This should be addressed through the Adelaide Park Lands Management Strategy and Draft Park Lands Community Buildings (Sport and Recreation) Policy.
<i>Commercial use of the Park Lands</i>	Draft Policy amended: Added statement that community lessees/licensees will not be permitted to sub-let or hire their leased/licensed areas to commercial organisations. Added statement that secondary activities of community lessees and licensees may be permitted where it involves: <ul style="list-style-type: none"> • use by other not for profit community organisations • general community development activities • limited scale food and beverage service in connection with their primary activity(s)

34. Responses are provided below in relation to the two additional items of feedback provided by Council Members.

Feedback	Response
<i>What are the financial implications of a new Policy being adopted</i>	As per Draft Policy wording: <ul style="list-style-type: none"> • there are no financial implications with respect to lease fees for <u>existing</u> commercial and community lease agreements • commercial <u>lease</u> fees will continue to be informed by independent market assessments • 3.25% increase in <u>lease</u> fees for new community lease agreements • <u>licence</u> fees will continue to be considered as part of the proposed schedule of Fees and Charges to be set by Council through the annual Business Plan and Budget, noting that these could increase or decrease as informed by industry benchmarking
<i>Impact of a new lease or licence arrangement being entered into under the Draft Policy?</i>	As per Draft Policy wording: <ul style="list-style-type: none"> • 3.25% increase in community lease fees • reduced capacity for community lessees to generate income (noting maintenance responsibilities remain with lessees) • sub-letting fees to be informed by Administration (rather than lessee) • potential for licence fees to be reduced (informed by benchmarking) as part of future Fees and Charges adopted by Council

35. The multiple amendments made to the Draft Policy since public consultation was undertaken in 2022 are shown in **Attachment B**. These amendments constitute a material change to the Draft Policy as it was presented to the public in 2022 for consultation.
36. It is therefore recommended that a second round of public consultation occur to obtain feedback on the revised Draft Policy as per **Attachment C**.

Next Steps

37. Subject to Council approval to proceed to consultation on the Draft Policy as per **Attachment C**, Administration will undertake public consultation, commencing from 9:00 am 30 April to 5:00 pm 27 May 2024.
38. Consultation findings and a revised Draft Policy will be presented to Kadaltilla / Adelaide Park Lands Authority in June 2024 and Council in July 2024 for adoption.
39. As part of considering the Draft Policy, Administration will present a benchmarking analysis of licence fees applied to community sport facilities by local government.

ATTACHMENTS

Attachment A – Summary of Council Member feedback and comparative policy wording

Attachment B – Draft Park Lands Lease and Licence Policy – Marked Up Amendments

Attachment C – Draft Park Lands Lease and Licence Policy

- END OF REPORT -

Summary of Council Member feedback and comparative Draft Park Lands Lease and Licence Policy wording

Policy Area Feedback	Adelaide Park Lands Leasing and Licensing Policy (2016)	Draft Park Lands Lease and Licence Policy (3 Oct)	Draft Park Lands Lease and Licence Policy (2 April)
<p><i>Review of the discounts currently contained within the draft Park Lands Lease and Licence Policy, which includes sub-letting arrangements</i></p>	<p>Policy provides for a 70% discount on lease fees for educational institutions and 80% discount on lease fees for community clubs and associations.</p> <p>Licence fees are set annually by Council.</p> <p><i>Community Park Lands rent is assessed on the basis of \$55/m² as a base rental return applied against the total floor area of each Community Park Lands building and associated land. A discount factor will be applied to the above rental to arrive at a rental applicable to the various categories of buildings/use in the Park Lands.</i></p>	<p>Draft Policy does not set lease or licence fees and recommends that these be set annually by Council.</p> <p>Draft Policy recommends a discount of up to 75% on lease and licence fees through achievement of various objectives/performance measures.</p> <p><i>Following the calculation of lease and licence fees, Council Administration will consider granting discounts to community lessees and licensees.</i></p>	<p>Draft Policy has been amended and reflects the application of fees as per existing (2016) Policy, with a minor increase.</p> <p><i>Commercial lease and licence fees will be informed by an independent market assessment and reviewed at each renewal period (where applicable).</i></p> <p><i>Community lease fees will be applied as follows:</i></p> <ul style="list-style-type: none"> • <i>Educational Institutions = \$17.04 per sqm</i> • <i>Community Clubs and Associations = \$11.36 per sqm</i> <p><i>Community licence fees will be adopted annually as part of Council's fees and charges.</i></p> <p><i>Community sub-letting fees will be determined by Council Administration.</i></p>
<p><i>Remove delegation arrangements to Administration for leases and licences less than 5 years</i></p>	<p>Policy provides delegation to Administration to grant a lease or licence in accordance with the Adelaide Park Lands Community Land Management Plan and the Policy.</p> <p>Policy requires Council resolution to granting of lease or licence as a result of an EOI process.</p> <p>Policy requires Council resolution to exempting an organisation from an EOI process.</p> <p><i>Council delegates to the Chief Executive Officer (CEO) the right to:</i></p> <ul style="list-style-type: none"> • <i>Negotiate the renewal of existing leases and licences in accordance with the Community Land Management Plan and this policy.</i> • <i>Enter into a surrender, variation or assignment of an existing lease or licence where the agreement is in accordance with the principles of this document.</i> • <i>The CEO can only act to finalise a lease / licence where it is consistent with the CLMP and is for a period of five years or less – unless it has been subject to public consultation.</i> 	<p>Draft Policy provides delegation to Administration to grant a lease or licence up to five years following EOI process.</p> <p>Draft Policy provides criteria for when EOI exemption can be applied.</p> <p><i>Kadaltilla / Adelaide Park Lands Authority will provide advice on, and Council will formally consider:</i></p> <ul style="list-style-type: none"> • <i>a lease or licence that is for a tenure period of more than five years, including any rights of renewal</i> • <i>a lease or licence that is not consistent with the Park Lands Community Land Management Plan</i> • <i>a sub-letting agreement that is for a period of more than five years</i> • <i>a lease or licence following community engagement</i> <p><i>Council Administration will:</i></p> <ul style="list-style-type: none"> • <i>identify a preferred lease or licence proponent following an EOI process</i> • <i>finalise a lease and licence in accordance with this policy where it is consistent with the Park Lands Community Land Management Plan and is for a period of five years or less</i> 	<p>Draft Policy has been amended to require Council resolution to grant a <u>commercial</u> lease or licence with a proposed tenure period of more than two years.</p> <p>Draft Policy retains delegation to Administration to grant a <u>community</u> lease or licence with a proposed tenure period up to five years, subject to it being consistent with the Adelaide Park Lands Community Land Management Plan. This enables a more efficient transition from lease expiry to lease renewal.</p> <p>Draft Policy requires Administration to report annually on Park Lands leasing and licencing activity.</p> <p><i>Kadaltilla / Adelaide Park Lands Authority will provide advice on, and Council will formally consider:</i></p> <ul style="list-style-type: none"> • <i>a lease or licence that is not consistent with the Adelaide Park Lands Community Land Management Plan</i> • <i>a lease or licence prior to and following community engagement</i> • <i>an exemption to the EOI process as a result of a Lessee or Licensee previously being granted a lease or licence through an EOI process</i> • <i>a community lease or licence that is for a tenure period of more than five years, including any rights of renewal</i> • <i>a community sub-letting agreement that is for a period of more than five years</i> • <i>a commercial lease or licence, or commercial sub-letting agreement, that is for a tenure period of more than two years, including any rights of renewal</i> <p><i>Council Administration will:</i></p> <ul style="list-style-type: none"> • <i>identify a preferred lease or licence proponent following an EOI process</i> • <i>finalise a lease or licence in accordance with this policy where it is consistent with the Adelaide Park Lands Community Land Management Plan and is for a period of five years or less, or has been subject to community engagement and the findings have been considered by Kadaltilla and Council</i> • <i>approve a community sub-letting agreement that is consistent with this policy and is for a period of five years or less</i> • <i>approve a commercial sub-letting agreement that is consistent with this policy and is for a period of two years or less</i> • <i>enter into a surrender, variation or assignment of an existing lease or licence where the agreement is consistent with this policy</i> • <i>present a 'status of Park Lands leases and licences' report to Kadaltilla / Adelaide Park Lands Authority and Council annually including information on all EOI processes undertaken and the outcomes</i>

Policy Area Feedback	Adelaide Park Lands Leasing and Licensing Policy (2016)	Draft Park Lands Lease and Licence Policy (3 Oct)	Draft Park Lands Lease and Licence Policy (2 April)
Liquor licence agreements	Consideration will be given to the granting of limited liquor licenses to support the activities of the sporting organisation.	<p><i>A lessee or licensee (including sub-lessees and casual use hirers) must not sell, serve or supply to persons, or allow persons to consume alcohol on or from their facilities without first obtaining the consent of Council and all required consents from any relevant Statutory Authorities as per the Liquor Licensing Act (SA) 1997.</i></p> <p><i>Council Administration will consider the proximity of the leased and licensed facility to residents in reviewing these requests.</i></p>	<p>Draft Policy amended to require Council resolution to grant consent to seek a liquor licence or make a significant amendment to an existing liquor licence.</p> <p><i>Council will formally consider:</i></p> <ul style="list-style-type: none"> <i>a request to apply for or significantly amend a liquor licence</i>
Parking arrangements regarding permanent car spaces being granted per lease agreement	Policy does not consider	<p><i>A lessee or licensee will be granted a maximum of two annual vehicle permits per leased or licensed area for the purpose of undertaking general maintenance of their facilities.</i></p> <p><i>Vehicles dropping off and/or picking up supplies, materials, equipment, etc are not permitted to park outside of designated parking areas when unattended.</i></p> <p><i>Where possible, Council Administration will prioritise adjacent designated parking spaces for lessees and licensees to reduce vehicle movements on the Park Lands.</i></p> <p><i>Requests for a vehicle permit from holders of an Australian Disability Parking permit will be considered where they are a volunteer or committee/board member of a lessee or licensee and there is no viable alternative.</i></p>	<p>Draft Policy amended to allow for one vehicle permit per leased or licensed area for temporary access to the Park Lands.</p> <p><i>A community lessee or licensee will be granted one annual vehicle permit per leased or licensed area to temporarily access the Park Lands for the purpose of undertaking general maintenance, dropping off and/or picking up supplies, materials, equipment, etc. The permit will not enable vehicles to remain unattended on the Park Lands.</i></p> <p><i>Where possible, Council Administration will prioritise adjacent designated parking spaces (ie on street) for lessees and licensees to reduce vehicle movements on the Park Lands.</i></p> <p><i>Requests for a vehicle permit from holders of an Australian Disability Parking permit will be considered where they are a volunteer or committee/board member of a lessee or licensee and there is no viable alternative.</i></p>
Advertising and sponsorship arrangements	<p><i>Permanent signage identifying a lessee or licensee in the Adelaide Park Lands will be permitted subject to gaining landlord consent and relevant Development Approvals in accordance with the Development Act 1993.</i></p> <p><i>Temporary signage depicting products sold by the lessee and/or signage depicting organisations that provide sponsorship to the lessee or licensee will be permitted subject to all Council policy, guidelines and other statutory requirements, subject to:</i></p> <p><i>The signage is only installed and displayed on the day or days of the relevant activity/event and is removed at the end of each day; and</i></p> <p><i>The signage is only installed and displayed on the facilities outer boundary or edge so that it faces inwards towards the relevant activity/event;</i></p>	<p><i>Permanent signage upon lease and licence areas will be consistent with Council's Signage Strategy.</i></p> <p><i>Permanent manual and electronic scoreboards will be permitted, providing they do not display third party advertising and in the case of electronic scoreboards, are only activated during scheduled competitions.</i></p> <p><i>Temporary signage will be supported where it is promoting specific events, activities or initiatives to be delivered by the lessee or licensee (including sub-lessees and casual use hirers) within their leased or licensed area and as per the Planning and Design Code (SA) 2022:</i></p> <ul style="list-style-type: none"> <i>not exceed 2m2</i> <i>not be displayed more than one month prior to the event and one week after the event concludes</i> <i>not move or flash, reflect light, use internal lighting or principally advertise brands or products</i> 	<p>Draft Policy amended to stipulate permanent signage requirements.</p> <p><i>All permanent outdoor signage or displays on or around leased and licenced areas must be approved by Council Administration and cannot display or depict any form of third party advertising, including but not limited to names, acronyms or logos relating to a business, company or product.</i></p> <p><i>Permanent outdoor signage upon lease and licence areas must be consistent with the City of Adelaide's signage suite and include public access details and not exceed 2m2.</i></p> <p><i>Permanent manual and electronic scoreboards will be permitted, providing they do not display or depict any form of third party advertising, including but not limited to names, acronyms or logos relating to a business, company or product.</i></p> <p><i>Electronic scoreboards can only be activated during scheduled competition times.</i></p> <p><i>Temporary signage may be supported where it is promoting specific events, activities or initiatives to be delivered by the lessee or licensee (including sub-lessees and casual use hirers) within their leased or licensed area, subject to it not exceeding 2m2 and not displayed more than one prior to an event/activity and one week after the event/activity concludes.</i></p>
Impact of sporting clubs making payments to their players	Policy does not consider	Policy does not consider	Outside the scope of this policy

Policy Area Feedback	Adelaide Park Lands Leasing and Licensing Policy (2016)	Draft Park Lands Lease and Licence Policy (3 Oct)	Draft Park Lands Lease and Licence Policy (2 April)
Unlocking the Park Lands and the impact this has on use for other members of the community	<p>In granting licences over areas of the Park Lands, licensees must work with Council to ensure optimal use of fields outside of designated game and training times, ensuring (for instance) there is a reasonable definition of required ground maintenance and rest periods.</p> <p>The lessee must obtain the written consent of Council prior to entering into any agreement with another organisation for use of a facility (with the exception of Casual Use agreements).</p>	<p><i>Sub-letting and casual hire of leased and licensed facilities is encouraged.</i></p> <p><i>Community lessees and licensees must use reasonable endeavours to make their facilities available to community groups and organisations when not in use by the lessee or licensee. The lessee or licensee must provide a contact person for managing enquiries for use of their facilities and not charge or impose more onerous obligations on the use of their facilities than Council would charge or impose.</i></p> <p><i>If Council Administration is of the view that the lessee or licensee has not made their facilities sufficiently available, Council Administration will require the lessee or licensee to submit a plan to increase the level of community access.</i></p>	<p>Programming of leased and licensed areas is adequately covered in this policy.</p> <p>In addition to programming, access to the following facilities will support diverse use of community leased and licensed sports areas in the Park Lands:</p> <ul style="list-style-type: none"> • lighting • storage • accessible toilets • shelter/shade • seating • drinking fountains • flexible common rooms • unrestricted playing fields <p>This infrastructure element sits outside the scope of this policy and is addressed in the Adelaide Park Lands Management Strategy and Draft Park Lands Community Buildings (Sport and Recreation) Policy.</p>
Footprint of buildings on the Park Lands	Policy does not consider	Policy does not consider	Outside the scope of this policy and is addressed in the Adelaide Park Lands Management Strategy and Draft Park Lands Community Buildings (Sport and Recreation) Policy.
Commercial use of the Park Lands	<p>Leases for commercial activities such as restaurants and kiosks support people's enjoyment of the Park Lands and provide a service which may be more efficiently delivered by the private sector.</p> <p>Other commercial leases may exist to complement or support specific recreational uses.</p> <p>Social events are essential to the success of community sport and therefore social activities of an appropriate nature and scale will be permitted in leased and/or licensed areas where they relate to identified sporting uses.</p> <p>Revenue generating activities are essential in ensuring that clubs remain financially sustainable and have the capacity to meet their management and maintenance responsibilities. These activities, while commercial in nature, must be conducted on a not-for-profit basis, ie revenue generated must be used for the benefit of the sport.</p> <p>To ensure financial viability of sporting clubs, revenue generating activities will be permitted (subject to all associated approvals) including, but not limited to:</p> <p>The operation of small scale cafes/kiosks to provide for participants, spectators and other Park Lands users.</p> <p>The holding of club-related events.</p> <p>Sports clinics operated by private or public sport and recreation organisations using the clubs facilities, or similar such activities.</p>	<p><i>Core activities of community leases and licences will relate to outdoor recreational use and enjoyment of the Park Lands. Secondary activities may relate to services that provide general community benefit and where appropriate, include limited commercial activities, enabling wider community participation of leased and licensed facilities and supporting the financial sustainability of lessees and licensees.</i></p> <p><i>Commercial activities occurring within community lease and licence settings must align with the core and/or permitted activity of the head lessee/licensee, be subservient to the activities of the head lessee/licensee and non-detrimental to community use and adjacent commercial operations.</i></p> <p><i>Core activities of commercial leases and licences will contribute to the experience and enjoyment of visiting the Park Lands.</i></p>	<p>Draft Policy amended to restrict community lessees and licensees from undertaking activities of a commercial nature.</p> <p><i>Core activities of commercial and community lessees and licensees must:</i></p> <ul style="list-style-type: none"> • <i>be consistent with the Adelaide Park Lands Management Strategy and/or Adelaide Park Lands Community Land Management Plan</i> and • <i>provide community benefit</i> and • <i>support the outdoor recreational use of the Park Lands</i> <p><i>Secondary activities of community lessees and licensees may be permitted where it involves:</i></p> <ul style="list-style-type: none"> • <i>use by other not for profit community organisations</i> • <i>general community development activities</i> • <i>limited scale food and beverage service in connection with their primary activity(s)</i> <p><i>Community lessees/licensees will not be permitted to sub-let or hire out their leased/licensed area to a commercial organisation.</i></p> <p><i>Kadaltilla / Adelaide Park Lands Authority will provide advice on, and Council will formally consider:</i></p> <ul style="list-style-type: none"> • <i>a commercial lease or licence, or commercial sub-letting agreement, that is for a tenure period of more than two years, including any rights of renewal</i>

PARK LANDS LEASE AND LICENCE POLICY

RED EDITS = Prior to consideration by Committee GREEN EDITS = Post Committee

PURPOSE

This policy outlines the City of Adelaide’s approach to managing its leasing and licensing arrangements on Community Land under its care and control within the Adelaide Park Lands for the benefit of the community.

STATEMENT

1. Eligibility

Only incorporated businesses, educational institutions and community organisations will be granted a lease or licence over the Park Lands for a period of greater than 12 months. Individuals will not be granted a lease or licence for a period not exceeding 12 months.

2. Permitted Activities

Council will consider granting a lease or licence to an organisation where the proposed activity:

Core activities of commercial and community lessees and licensees must:

- is-be consistent with the objectives of the Adelaide Park Lands Management Strategy and/or Adelaide Park Lands Community Land Management Plan
- and
- provide community benefit
- and
- support the outdoor recreational use of the Park Lands

Core activities of community leases and licences will relate to outdoor recreational use and enjoyment of the Park Lands.

Secondary activities of community lessees and licensees may be permitted where it involves:

- general community development activities
- use by other not for profit community organisations
- limited scale food and beverage service in connection with their primary activity(s)

~~may relate to services that provide general community benefit and where appropriate, include limited commercial activities, enabling wider community participation of leased and licensed facilities and supporting the financial sustainability of lessees and licensees.~~

~~Commercial activities occurring within community lease and licence settings must be appropriate align with the core and/or permitted activity of the head lessee/licensee, be subservient to the activities of the head lessee/licensee and nondetrimental to community use and adjacent commercial operations.~~

Core activities of commercial leases and licences will contribute to the experience and

enjoyment of visiting the Park Lands.

The occupation of a leased building by a paid staff member or volunteer for administrative purposes will not be supported, except where it is integral to the daily operations of the business or activity as prescribed in the lease agreement, and/or will result in increased community use of the facility (eg tennis coaching).

Caretakers are not permitted to occupy any part of a leased or licensed area.

3. Tenure

A standard lease or licence agreement will be granted [to organisations](#) for a tenure period of five years, [and for a maximum period of 12 months to individuals](#).

Where a significant capital contribution is proposed, a lease or licence may be granted [to an organisation](#) for a period up to 21 years, including any right of renewal.

[Noting the preference of granting tenure up to five years](#), leases or licences with State or Federal Ministers (or their agencies) may be granted for a period up to 42 years, including any right of renewal.

[Options for a right of renewal](#) Break-clauses will be incorporated into leases and licences that are ten years or longer ([eg 5 years + 5 years, 10 years + 10 years](#)).

4. Community Engagement

As per the *Local Government Act (SA) 1999* [and Council's Community Consultation Policy](#), community engagement will be undertaken for a minimum of three weeks (21 days) on a draft lease or licence, where:

- it proposes a tenure period of greater than five years, including any right of renewal
- or
- it is not consistent with the Adelaide Park Lands Community Land Management Plan, irrespective of the proposed tenure period

5. Parliamentary Process

As per the *Adelaide Park Lands Act (SA) 2005*, before Council Administration can execute a lease or licence with a proposed tenure period of ten years or greater, including any right of renewal, the lease or licence must be laid before both Houses of Parliament and follow a prescribed legislated process.

This process will only occur after the lease or licence has been considered by Kadaltilla / [Adelaide](#) Park Lands Authority and Council, and at the completion of community engagement.

6. Selection of Lessee/Licensee

The selection of a lessee or licensee will be through an Expression of Interest (EOI) process.

Council Administration may deal directly with an organisation without calling an EOI when:

- the lease or licence being granted is for a tenure period of two years or less
- or
- the lease or licence will be with a State or Federal Minister (or their agencies)
- or
- the facility to be leased or licensed has been planned or designed in conjunction with the City of Adelaide to support a specific use or user
- or
- in the case of an existing facility or service, there is likely to be an absence of competition to lease or licence the facility or service
- or
- ~~the existing lessee or licensee has previously been granted a five year lease or licence (including any rights of renewal) through an EOI process and the new lease or licence is for the same area has occupied the same leased or licensed area for a period of less than 15 years~~
- and
- the preferred organisation can demonstrate satisfactory past performance of managing a leased or licensed facility, where tenure is proposed to be greater than two years

Council may consider granting a new five year (or less) lease or licence (including any right of renewal) without undertaking an EOI process, if the existing lessee/licensee has previously obtained a five year lease or licence through an EOI process for the same area and the organisation can demonstrate satisfactory past performance. This exemption to the EOI process will require a Council Decision.

An EOI will be promoted to the public and will be open for a minimum of ~~three~~ four weeks (28+ days).

EOI submissions will be assessed by a Council Administration panel against a pre-determined selection criteria that will be publicly available. The findings of the panel will be presented to Kadaltilla / Adelaide Park Lands Authority and Council annually.

~~In the case of a competitive EOI, the findings will be presented to Kadaltilla/Park Lands Authority and then Council for a formal Council Decision.~~

For community leases and licences, the EOI selection criteria will give priority weighting to:

- community sport and recreation organisations
- educational institutions that are city based
- educational institutions that partner with community sport and recreation organisations

Lease and Licence Fees

7. Commercial Leases and Licences – Fees

Commercial lease and licence fees will be informed by an independent market assessment (or the equivalent of) and reviewed at each renewal period periodically (where applicable), where the lease term is greater than two years (including a right of renewal).

8. Community Leases and Licences – Fees

Community lease fees will be applied as follows:

- Educational Institutions = \$17.04 per sqm
- Community Clubs and Associations = \$11.36 per sqm

and Community licence fees will be adopted annually as part of Council’s fees and charges and will be calculated on area (ie building floor area footprint and extent of outdoor facilities). The calculation of fees will also take into account:

- the level of accessibility to the outdoor facilities when not in use by the lessee or licensee (eg fenced v unfenced)
- if it is an educational institution or community club / association

Community lease and licence fees will be informed by benchmarking undertaken every two years with other councils, related facilities and services, taking into account the level of support provided by the lessor and level of responsibility placed on the lessee.

Sub-letting and casual hire fees of community facilities will be determined by Council Administration and based on benchmarking undertaken every two years with other councils, related facilities, and services.

Following the calculation of lease and licence fees, Council Administration will consider granting discounts to community lessees and licensees on the following basis:

Objective	Measure	Maximum Discount
Sound Governance	Complete and maintain accreditation <u>Participation</u> in a recognised club development program <u>or similar</u>	5%
	Compliance with conditions of the lease or licence agreement	10%
	Hold an Annual General Meeting with audited financial statements and report to Council Administration on annual income and expenditure directly relating to the operation of the leased or licensed area	5%
Environmental Sustainability	Develop and action an environmental management plan to improve energy, waste and water management (eg electricity contract with an all-renewable electricity retailer, toilets flushed with recycled water (GAP) or rainwater)	10%
Social Inclusion	Programs, activities and initiatives implemented at the leased or licensed facility that specifically target and cater for: <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander Peoples • Female participation • LGBTQIA+ community • People living with disability • People from Culturally and Linguistically Diverse backgrounds • Socially disadvantaged people 	15%

Optimal Utilisation	<u>Extent of approved sub-letting agreements and casual hires by sporting and non-sporting community organisations</u>	30%
Total Maximum Discount		75%

Guidelines will be developed to inform how these measures are assessed. To be considered for any of these discounts, lessees and licensees will need to annually submit evidence to Council Administration demonstrating how they have achieved the objectives. Where objectives have been satisfactorily met, a discount will be applied to the following year's fees.

9. Hardship

Council may consider a request from lessees or licensees for a reduction or deferment of its fees if lessees or licensees are experiencing financial hardship. A reduction in fees because of hardship will require a formal Council Decision.

10. Sub-letting and Casual Hire

The sub-letting and casual hire of community leased and licensed areas facilities is encouraged for the purpose of supporting not for profit community sports and recreation activities and other community development initiatives is encouraged.

Community lessees/licensees will not be permitted to sub-let or hire out their leased/licensed area to a commercial organisation.

Community lessees and licensees must use reasonable endeavours to make their facilities available to community groups and organisations when not in use by the lessee or licensee. The lessee or licensee must provide a contact person for managing enquiries for use of their facilities and not charge or impose more onerous obligations on the use of their facilities than Council would charge or impose.

If Council Administration is of the view that the lessee or licensee has not made their facilities sufficiently available, Council Administration will require the lessee or licensee to submit a plan to increase the level of community access.

Where a commercial ~~or community~~ lessee/licensee is considering sub-letting to another commercial organisation ~~to utilise its facilities~~, the relationship must be captured within a sub-letting agreement and submitted to Council Administration for approval. A commercial sub-letting agreement for a proposed period of more than two years will require a formal Council Decision.

Approval of such arrangements will consider the appropriateness of the proposed activity ~~to ensure it aligns with the core and/or permitted activity of the head lessee/licensee, is subservient to the activities of the head lessee/licensee and nondetrimental to community use and adjacent commercial operations.~~

All sub-letting agreements must be approved by Council Administration annually and comply with the conditions of the (head) lease or licence agreement.

The tenure period for all sub-letting agreements will not exceed five years, or the remaining tenure period of the (head) lease or licence if less than five years.

A sub-letting agreement with a proposed tenure period of more than five years will require a formal Council Decision.

11. Maintenance, Inspections and Insurance

Commercial lessees and licensees (with tenure greater than two years) will:

- be responsible for the maintenance and upkeep of its facilities including buildings and associated outdoor infrastructure
- be liable for all costs associated with operating and maintaining their facilities including appropriate levels of insurance
- report any safety or risk concerns to Council Administration immediately
- retain records of their maintenance for the duration of their lease or licence
- submit sub-letting agreements ~~at least annually~~ to Council Administration for approval via an on-line portal (**where appropriate**)
- submit an annual report to Council Administration detailing:
 - customer/participant numbers
 - sub-letting and casual hires and **related** income received

Community lessees and licensees (with tenure greater than two years) will:

- be responsible for the maintenance and upkeep of its facilities including buildings, associated outdoor infrastructure and playing surfaces (where applicable)
- be liable for all costs associated with operating and maintaining their facilities including appropriate levels of insurance
- ensure all playing surfaces are safe and fit for purpose including conducting match day inspections (where applicable)
- retain records of their maintenance and inspections for up to five years
- report any safety or risk concerns to Council Administration immediately
- submit sub-letting agreements ~~at least annually~~ to Council Administration for approval via an on-line portal
- submit an annual report to Council Administration detailing:
 - ~~evidence of performance against the fee discount objectives~~
 - membership and participation numbers
 - sub-letting and casual hires and **related** income received

Council Administration will:

- provide a mowing service to ~~all~~ community lessees/licensees (**where applicable**)
- conduct an annual inspection of leased and licensed facilities **to ensure facilities are maintained to an acceptable standard**
- conduct an annual Park Lands lease and licence forum including sub-lessees

12. Ownership of Improvements

All fixed improvements proposed upon a leased or licensed area will require the approval of Council and be vested in Council at the expiry of the lease or licence agreement, **if not agreed otherwise**.

The removal of any fixed improvements by a lessee or licensee at the expiry or sooner determination of the lease or licence will require the approval of Council [Administration](#).

13. Compensation

Any new lessee or licensee will not be required to compensate the previous lessee or licensee, nor will Council compensate a lessee or licensee at the end of its tenure term despite an agreement not being renewed, or where an agreement is terminated early by the lessee, licensee or lessor.

14. Liquor Licence

[A 'no alcohol' clause will be a standard inclusion in all lease and licence templates, whereby](#) a lessee or licensee (including sub-lessees and casual use hirers) must not sell, serve or supply to persons, or allow persons to consume alcohol on or from their [leased or licenced area](#) facilities without first obtaining the consent of Council and all required consents from any relevant Statutory Authorities as per the *Liquor Licensing Act (SA) 1997*.

[Council Administration will consider the proximity of the leased and licenced areas facility to residents and city businesses in reviewing these requests to apply for or significantly amend a liquor licence.](#)

15. Signage

[All permanent outdoor signage or displays on or around leased and licenced areas must be approved by Council Administration and cannot display or depict any form of third party advertising, including but not limited to names, acronyms or logos relating to a business, company or product.](#)

Permanent [outdoor](#) signage upon lease and licence areas will must be consistent with [the City of Adelaide's signage suite and include public access details and not exceed 2m2 Council's Wayfinding Signage Strategy](#).

[Permanent manual and electronic scoreboards will be permitted, providing they do not display or depict any form of third party advertising including, but not limited to names, acronyms or logos relating to a business, company or product. and in the case of](#)

[Electronic scoreboards can, are only be activated during scheduled competition times.](#)

Temporary signage will may be supported where it is promoting specific events, activities or initiatives to be delivered by the lessee or licensee (including sub-lessees and casual use hirers) within their leased or licenced area, [subject to it not exceeding 2m2 and not displayed more than one prior to an event/activity and one week after the event/activity concludes.](#)

. and as per the Planning and Design Code (SA) 2022:

- not exceed 2m²
- not be displayed more than one month prior to the event and one week after the event concludes

- not move or flash, reflect light, use internal lighting or principally advertise brands or products

16. Car Parking **Vehicle Access**

A [community](#) lessee or licensee will be granted one ~~a maximum of two~~ [one](#) annual vehicle permit per leased or licensed area [to temporarily access the Park Lands](#) for the purpose of undertaking general maintenance, ~~of their facilities.~~ Vehicles dropping off and/or picking up supplies, materials, equipment, etc. [The permit will not enable vehicles to remain unattended on the Park Lands.](#) ~~are not permitted to park outside of designated parking areas when unattended.~~

[Where possible, Council Administration will prioritise adjacent designated parking spaces \(ie on street\) for lessees and licensees to reduce vehicle movements on the Park Lands.](#)

Requests for a vehicle permit from holders of an Australian Disability Parking permit will be considered where they are a [volunteer or](#) committee/board member of a lessee or licensee and there is no viable alternative.

17. Naming Rights

All proposals to name a leased/licensed facility that are contrary to the naming of the related park require a formal Council Decision.

18. Gaming Machines

Gaming machines will not be permitted in leased or licenced facilities.

19. Park Lands Events

Council Administration and event organisers will foster cooperative business opportunities and minimise disruption to commercial and community lessees and licensees in the Park Lands.

20. Delegations

Kadaltilla / [Adelaide](#) Park Lands Authority will provide advice on, and Council will formally consider:

- ~~the appointment of a lessee or licensee following a competitive EOI process (ie more than one eligible submission)~~
- a lease or licence that is not consistent with the Adelaide Park Lands Community Land Management Plan
- a lease or licence [prior to and](#) ~~where significant negative issues are raised through~~ [following](#) community engagement
- [an exemption to the EOI process as a result of a Lessee or Licensee previously being granted a lease or licence through an EOI process](#)
- a [community](#) lease or licence that is for a tenure period of more than five years, including any rights of renewal
- a [community](#) sub-letting agreement that is for a period of more than five years

- [a commercial lease or licence, or commercial sub-letting agreement, that is for a tenure period of more than two years, including any rights of renewal](#)
- a proposal to name a leased or licensed facility that is contrary to the naming of the related park

In addition to the above, Council will formally consider:

- a request from a lessee or licensee for a reduction of its fees if it is experiencing financial hardship
- [a request to apply for or significantly amend a liquor licence](#)

Council Administration will:

- [identify a preferred lease or licence proponent following an EOI process](#)
- ~~appoint a lessee or licensee following a non-competitive an EOI process (ie only one eligible submission)~~
- ~~negotiate~~ [finalise](#) a lease and [or](#) licence in accordance with this policy where it is consistent with the Adelaide Park Lands Community Land Management Plan and is for a period of five years or less, [or has been subject to community engagement and the findings have been considered by Kadaltilla and Council](#)
- ~~finalise a lease or licence agreement where it is for a period of greater than five years and/or is not consistent with the Community Land Management and has been subject to community engagement, providing no significant negative issues have been raised through the community engagement process~~
- approve a [community](#) sub-letting agreement that is consistent with this policy [and is for a period of five years or less](#)
- [approve a commercial sub-letting agreement that is consistent with this policy and is for a period of two years or less](#)
- enter into a surrender, variation or assignment of an existing lease or licence where the agreement is consistent with this policy (~~and does not have a Common Seal affixed~~)
- [present a 'status of Park Lands leases and licences' report to Kadaltilla / Adelaide Park Lands Authority and Council annually including information on all EOI processes undertaken and the outcomes](#)

21. Limitations of this Policy

This Policy does not apply to:

- Activities or works on public roads through the Park Lands (pursuant to sections 221 and 222 of the *Local Government Act 1999*)
- City Works permits
- Community gardens
- ~~Depasturing licences granted to individuals to allow horses on Lefevre Park/Nantu Wama (Park 6)~~
- [Any clauses and/or special conditions contained in existing Park Lands lease or licence agreements that are inconsistent with this Policy](#)
- Leases or licences outside of the Adelaide Park Lands or Park Lands areas not under the care and control of the City of Adelaide
- Park Lands Event licences
- ~~Park Lands hire agreements and permits~~
- Temporary works and compounds
- Tenants within the Adelaide Aquatic Centre and North Adelaide Golf Course as

part of business operations

- The A lease or and licence granted to a the Minister, [that is provided for in legislation \(eg for Transport and Infrastructure for Adelaide Oval – these are provided for in the Adelaide Oval Redevelopment and Management Act 2011\)](#)

OTHER USEFUL DOCUMENTS

Related documents

- Active City Strategy
- Adelaide Events Guidelines 2022
- Adelaide Park Lands Management Strategy
- Adelaide Park Lands Community Land Management Plan
- Planning and Design Code 2022

Relevant legislation

- *Adelaide Park Lands Act (SA) 2005*
- *Crown Land Management Act (SA) 2009*
- *Liquor Licensing Act (SA) 1997*
- *Local Government Act (SA) 1999*
- *Planning, Development and Infrastructure Act (SA) 2016*
- NOTE: The *Retail and Commercial Leases Act 1995* does not apply to the Adelaide Park Lands pursuant to an Order granted by the Minister for Business Services and Consumers on 28 December 2011.

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Adelaide Park Lands: Those areas of the Park Lands defined by the *Adelaide Park Lands Act 2005*, which have been Gazetted by Parliament and defined to be under care and control of the City of Adelaide.

Adelaide Park Lands Community Land Management Plan (APLCLMP): A document required under the *Local Government Act (SA) 1999*, that informs how community land under the care and control of the City of Adelaide will be managed in accordance with the Adelaide Park Lands Management Strategy, including the identification of leased and licensed areas.

Adelaide Park Lands Management Strategy (APLMS): A document required under the *Adelaide Park Lands Act (SA) 2005*, that sets the strategic framework for the overall planning and management of the Adelaide Park Lands.

Break Clause: A clause in a lease or licence giving rights to the lessee or licensee to terminate their agreement at a particular point in time.

Building Floor Area: The combined total of indoor building floor space measured to the inside wall lines.

Building Footprint: The ground level area of a building measured to the outside wall line, not including open hardstand areas.

Casual Hire: Relates to one off or irregular use of leased or licensed [areas](#) facilities by an organisation.

Commercial Lease/Licence: Where the lessee or licensee's core activity involves the selling of goods or services for profit.

Community Lease/Licence: Where the lessee or licensee provides services to the community and does not operate to make a profit for its members. Not for profit clubs and associations, peak sport and recreation bodies and educational institutions

are considered community lessees and licensees. Any commercial activity undertaken by a community lessee/licensee is done so for the purpose of reinvesting back into the service for the benefit of its members and the community.

Community Engagement: A formal process where Council seeks community feedback.

Core Activity: The primary purpose for which a lease or licence is granted to an organisation.

Expression of Interest: A formal process where any eligible organisation is invited to submit an interest in leasing or licensing an identified area of the Park Lands.

Expression of Interest (Competitive/Non-Competitive): Where more than one eligible submission is received following an expression of interest process, it will be deemed to be a competitive expression of interest. Where only one eligible submission is received and it satisfies the selection criteria, it will be deemed to be a non-competitive expression of interest.

Fees: Charges applied annually by Council to a lessee or licensee. ~~Commercial lease/licence fees to be informed by an independent market assessment. Community lease/licence fees to be approved annually by Council. Sub-letting fees to be set by Council Administration and informed through benchmarking.~~

Improvements: Any fixture, fitting or structure constructed or installed on the leased or licensed area by the lessee/licensee or lessor.

Independent Market Assessment: Where Council seeks the services of an independent valuer to ascertain the appropriate fees to be charged to a commercial lessee or licensee based on similar market circumstances.

Lease: A lease confers an exclusive contractual right to a lessee to use the land, whereby the lessee facilitates access via an appropriate means (eg membership, sub-lease, casual booking, and entry ticket). A lease is generally provided for buildings that require a level of security of tenure. It may also apply to an outdoor sports facility or field that is fully fenced.

Lessee/Licensee: An organisation that has a direct legal relationship with Council via a lease or licence.

Licence: A licence confers a non-exclusive contractual right to first right of use of the licensed area, but allows public access when not in use by the licensee (and any sub-licensees). A licence is generally provided for open areas such as playing fields.

Maintenance and Upkeep: This relates to all direct and indirect costs and tasks associated with maintaining leased and licensed facilities to ensure they remain fit for purpose for the intended activity.

Mowing Service: [The mowing of turfied sports fields by Council Administration in accordance with Council's Levels of Service.](#)

Parliamentary Process: A formal process contained within the *Adelaide Park Lands Act (SA) 2005*, that requires Council to submit a draft lease or licence agreement, with a tenure period of ten years or more, to the South Australian Parliament.

Permitted Activity:

Commercial – Organisations and Individuals		
Activity	Example	Frequency
Core Activity – Selling of goods and services for	Food and beverage/hospitality service, water craft hire, high	Unlimited (within prescribed <u>lease</u>)

PARK LANDS LEASE AND LICENCE POLICY

<p>profit and:</p> <ul style="list-style-type: none"> is consistent with the APLMS and/or APLCLMP provides community benefit supports the outdoor recreational use of the Park Lands <p>contributes to the experience and enjoyment of visiting the Park Lands</p>	ropes, guided tours, exercise classes, personal training, coaching clinics	hours)
Secondary Activity – Other	Pop up event, entertainment	Considered on case by case basis
Community - Organisations		
Activity	Example	Frequency
<p>Core Activity – Services provided to the community and:</p> <ul style="list-style-type: none"> is consistent with the APLMS and/or APLCLMP provides community benefit supports the outdoor recreational use of the Park Lands <p>relating to outdoor recreational use and enjoyment of the Park Lands</p>	Community sport training and competition, outdoor recreation, physical education, community gardening	Unlimited (within prescribed lease hours)
Secondary Activity – Club Development	Committee meeting, team meeting, presentations, pre/post training / competition gathering, fund raising activities (involving club participants) including limited scale food and beverage service	Unlimited (within prescribed lease hours)
Secondary Activity – Community Development	Resident group meeting, art and craft session, parent group gathering, exercise class	Unlimited (within prescribed lease hours)
Secondary Activity – Private Functions or Events	Birthday party, reception, business workshop	Maximum of one per month (where appropriate)
Secondary Activity – Commercial Services	Personal training, kiosk operation, coaching clinic	Considered on case by case basis
Other - Individuals		

Core Activity – Depasturing of horses in Lefevre Park/Nantu Wama (Park 6)

Right of Renewal: Where a lease or licence contains a clause to continue occupancy at the end of a prescribed renewal tenure, but does not confer rights that exceed the agreed maximum tenure of the lease or licence.

Significant Capital Contribution: Where a lessee or licensee commits or agrees to commit its own funds towards a substantial improvement of Park Lands for community benefit, and the level of commitment is significant, proportionate to the financial capacity of the lessee or licensee.

Significant Negative Issues: Where feedback is received through community engagement, that if adopted, would materially change the intent of the proposed lease or licence.

Standard Tenure – Incorporated Businesses, Educational Institutions and Community Organisations: A maximum tenure period of five years, which includes any right of renewal.

Standard Tenure – Individuals: A maximum tenure period of 12 months, which includes any right of renewal.

Sub-letting: Where a lessee or licensee enters into an agreement with another organisation to utilise the leased or licensed facilities.

ADMINISTRATIVE

As part of Council’s commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **five** years unless legislative or operational change occurs beforehand. The next review is required in **2028**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits

Contact:

For further information contact the City Culture Program

City of Adelaide
 25 Pirie ST, Adelaide, SA
 GPO Box 2252 ADELAIDE SA 5001
 +61 8 8203 7203
 city@cityofadelaide.com.au

PARK LANDS LEASE AND LICENCE POLICY

Date this document was adopted

non-legislative

PURPOSE

This policy outlines the City of Adelaide’s approach to managing its leasing and licensing arrangements on Community Land under its care and control within the Adelaide Park Lands for the benefit of the community.

STATEMENT

1. Eligibility

Only businesses, educational institutions and community organisations will be granted a lease or licence over the Park Lands for a period of greater than 12 months. Individuals will be granted a lease or licence for a period not exceeding 12 months.

2. Permitted Activities

Core activities of commercial and community lessees and licensees must:

- be consistent with the Adelaide Park Lands Management Strategy and/or Adelaide Park Lands Community Land Management Plan
and
- provide community benefit
and
- support the outdoor recreational use of the Park Lands

Secondary activities of community lessees and licensees may be permitted where it involves:

- general community development activities
- use by other not for profit community organisations
- limited scale food and beverage service in connection with their primary activity(s)

The occupation of a leased building by a paid staff member or volunteer for administrative purposes will not be supported, except where it is integral to the daily operations of the business or activity as prescribed in the lease agreement, and/or will result in increased community use of the facility (eg tennis coaching).

Caretakers are not permitted to occupy any part of a leased or licensed area.

3. Tenure

A lease or licence agreement will be granted to organisations for a tenure period of five years, and for a maximum period of 12 months to individuals.

Where a significant capital contribution is proposed, a lease or licence may be granted to an organisation for a period up to 21 years, including any right of renewal.

Noting the preference of granting tenure up to five years, leases or licences with State or Federal Ministers (or their agencies) may be granted for a period up to 42 years, including any right of renewal.

Options for a right of renewal will be incorporated into leases and licences that are ten years or longer (eg 5 years + 5 years, 10 years + 10 years).

4. Community Engagement

As per the *Local Government Act (SA) 1999* and Council's Community Consultation Policy, community engagement will be undertaken for a minimum of three weeks (21 days) on a draft lease or licence, where:

- it proposes a tenure period of greater than five years, including any right of renewal
- or
- it is not consistent with the Adelaide Park Lands Community Land Management Plan, irrespective of the proposed tenure period

5. Parliamentary Process

As per the *Adelaide Park Lands Act (SA) 2005*, before Council Administration can execute a lease or licence with a proposed tenure period of ten years or greater, including any right of renewal, the lease or licence must be laid before both Houses of Parliament and follow a prescribed legislated process.

This process will only occur after the lease or licence has been considered by Kadaltilla / Adelaide Park Lands Authority and Council, and at the completion of community engagement.

6. Selection of Lessee/Licensee

The selection of a lessee or licensee will be through an Expression of Interest (EOI) process.

Council Administration may deal directly with an organisation without calling an EOI when:

- the lease or licence being granted is for a tenure period of two years or less
- or
- the lease or licence will be with a State or Federal Minister (or their agencies)
- or
- the facility to be leased or licensed has been planned or designed in conjunction with the City of Adelaide to support a specific use or user
- or
- in the case of an existing facility or service, there is likely to be an absence of competition to lease or licence the facility or service
- and
- the preferred organisation can demonstrate satisfactory past performance of managing a leased or licensed facility, where tenure is proposed to be greater than two years

Council may consider granting a new five year (or less) lease or licence (including any right of renewal) without undertaking an EOI process, if the existing lessee/licensee has previously obtained a five year lease or licence through an EOI process for the same area and the organisation can demonstrate satisfactory past performance. This exemption to the EOI process will require a Council Decision.

An EOI will be promoted to the public and will be open for a minimum of four weeks (28 days).

EOI submissions will be assessed by a Council Administration panel against a pre-determined selection criteria that will be publicly available. The findings of the panel will be presented to Kadaltilla / Adelaide Park Lands Authority and Council annually.

For community leases and licences, the EOI selection criteria will give priority weighting to:

- community sport and recreation organisations
- educational institutions that are city based
- educational institutions that partner with community sport and recreation organisations

7. Commercial Leases and Licences – Fees

Commercial lease and licence fees will be informed by an independent market assessment and reviewed at each renewal period (where applicable).

8. Community Leases and Licences – Fees

Community lease fees will be applied as follows:

- Educational Institutions = \$17.04 per sqm
- Community Clubs and Associations = \$11.36 per sqm

Community licence fees will be adopted annually as part of Council's fees and charges. The calculation of fees will take into account:

- the level of accessibility to the outdoor facilities when not in use by the lessee or licensee (eg fenced v unfenced)
- if it is an educational institution or community club / association

Community licence fees will be informed by benchmarking undertaken every two years with other councils, related facilities and services, taking into account the level of support provided by the lessor and level of responsibility placed on the lessee.

Sub-letting and casual hire fees of community facilities will be determined by Council Administration and based on benchmarking undertaken every two years with other councils, related facilities, and services.

9. Hardship

Council may consider a request from lessees or licensees for a reduction or deferment of its fees if lessees or licensees are experiencing financial hardship. A reduction in fees because of hardship will require a formal Council Decision.

10. Sub-letting and Casual Hire

The sub-letting and casual hire of community leased and licensed areas is encouraged for the purpose of supporting not for profit community sports and recreation activities and other community development initiatives.

Community lessees/licensees will not be permitted to sub-let or hire out their leased/licensed area to a commercial organisation.

Community lessees and licensees must use reasonable endeavours to make their facilities available to community groups and organisations when not in use by the lessee or licensee. The lessee or licensee must provide a contact person for managing enquiries for use of their facilities and not charge or impose more onerous obligations on the use of their facilities than Council would charge or impose.

If Council Administration is of the view that the lessee or licensee has not made their facilities sufficiently available, Council Administration will require the lessee or licensee to submit a plan to increase the level of community access.

Where a commercial lessee/licensee is considering sub-letting to another commercial organisation, the relationship must be captured within a sub-letting agreement and submitted to Council Administration for approval. A commercial sub-letting agreement for a proposed period of more than two years will require a formal Council Decision.

All sub-letting agreements must be approved by Council Administration and comply with the conditions of the (head) lease or licence agreement.

The tenure period for all sub-letting agreements will not exceed five years, or the remaining tenure period of the (head) lease or licence if less than five years.

A sub-letting agreement with a proposed tenure period of more than five years will require a formal Council Decision.

11. Maintenance, Inspections and Insurance

Commercial lessees and licensees (with tenure greater than two years) will:

- be responsible for the maintenance and upkeep of its facilities including buildings and associated outdoor infrastructure
- be liable for all costs associated with operating and maintaining their facilities including appropriate levels of insurance
- report any safety or risk concerns to Council Administration immediately
- retain records of their maintenance for the duration of their lease or licence
- submit sub-letting agreements to Council Administration for approval via an on-line portal (where appropriate)
- submit an annual report to Council Administration detailing:
 - customer/participant numbers
 - sub-letting and casual hires and related income received

Community lessees and licensees (with tenure greater than two years) will:

- be responsible for the maintenance and upkeep of its facilities including buildings, associated outdoor infrastructure and playing surfaces (where applicable)

- be liable for all costs associated with operating and maintaining their facilities including appropriate levels of insurance
- ensure all playing surfaces are safe and fit for purpose including conducting match day inspections (where applicable)
- retain records of their maintenance and inspections for up to five years
- report any safety or risk concerns to Council Administration immediately
- submit sub-letting agreements to Council Administration for approval via an on-line portal
- submit an annual report to Council Administration detailing:
 - membership and participation numbers
 - sub-letting and casual hires and related income received

Council Administration will:

- provide a mowing service to community lessees/licensees (where applicable)
- conduct an annual inspection of leased and licensed facilities to ensure facilities are maintained to an acceptable standard
- conduct an annual Park Lands lease and licence forum including sub-lessees

12. Ownership of Improvements

All fixed improvements proposed upon a leased or licensed area will require the approval of Council and be vested in Council at the expiry of the lease or licence agreement, if not agreed otherwise.

The removal of any fixed improvements by a lessee or licensee at the expiry or sooner determination of the lease or licence will require the approval of Council Administration.

13. Compensation

Any new lessee or licensee will not be required to compensate the previous lessee or licensee, nor will Council compensate a lessee or licensee at the end of its tenure term despite an agreement not being renewed, or where an agreement is terminated early by the lessee, licensee or lessor.

14. Liquor Licence

A 'no alcohol' clause will be a standard inclusion in all lease and licence templates, whereby a lessee or licensee (including sub-lessees and casual use hirers) must not sell, serve or supply to persons, or allow persons to consume alcohol on or from their leased or licenced area without first obtaining the consent of Council and all required consents from any relevant Statutory Authorities as per the *Liquor Licensing Act (SA) 1997*.

Council will consider the proximity of leased and licensed areas to residents and city businesses in reviewing requests to apply for or significantly amend a liquor licence.

15. Signage

All permanent outdoor signage or displays on or around leased and licenced areas must be approved by Council Administration and cannot display or depict any form of

third party advertising, including but not limited to names, acronyms or logos relating to a business, company or product.

Permanent outdoor signage upon lease and licence areas must be consistent with the City of Adelaide's signage suite and include public access details and not exceed 2m2.

Permanent manual and electronic scoreboards will be permitted, providing they do not display or depict any form of third party advertising including, but not limited to names, acronyms or logos relating to a business, company or product.

Electronic scoreboards can only be activated during scheduled competition times.

Temporary signage may be supported where it is promoting specific events, activities or initiatives to be delivered by the lessee or licensee (including sub-lessees and casual use hirers) within their leased or licensed area, subject to it not exceeding 2m2 and not displayed more than one prior to an event/activity and one week after the event/activity concludes.

16. Vehicle Access

A community lessee or licensee will be granted one annual vehicle permit per leased or licensed area to temporarily access the Park Lands for the purpose of undertaking general maintenance, dropping off and/or picking up supplies, materials, equipment, etc. The permit will not enable vehicles to remain unattended on the Park Lands.

Where possible, Council Administration will prioritise adjacent designated parking spaces (ie on street) for lessees and licensees to reduce vehicle movements on the Park Lands.

Requests for a vehicle permit from holders of an Australian Disability Parking permit will be considered where they are a volunteer or committee/board member of a lessee or licensee and there is no viable alternative.

17. Naming Rights

All proposals to name a leased/licensed facility that are contrary to the naming of the related park require a formal Council Decision.

18. Gaming Machines

Gaming machines will not be permitted in leased or licenced facilities.

19. Park Lands Events

Council Administration and event organisers will foster cooperative business opportunities and minimise disruption to commercial and community lessees and licensees in the Park Lands.

20. Delegations

Kadaltilla / Adelaide Park Lands Authority will provide advice on, and Council will formally consider:

- a lease or licence that is not consistent with the Adelaide Park Lands Community Land Management Plan

- a lease or licence prior to and following community engagement
- an exemption to the EOI process as a result of a Lessee or Licensee previously being granted a lease or licence through an EOI process
- a community lease or licence that is for a tenure period of more than five years, including any rights of renewal
- a community sub-letting agreement that is for a period of more than five years
- a commercial lease or licence, or commercial sub-letting agreement, that is for a tenure period of more than two years, including any rights of renewal
- a proposal to name a leased or licensed facility that is contrary to the naming of the related park

In addition to the above, Council will formally consider:

- a request from a lessee or licensee for a reduction of its fees if it is experiencing financial hardship
- a request to apply for or significantly amend a liquor licence

Council Administration will:

- identify a preferred lease or licence proponent following an EOI process
- finalise a lease or licence in accordance with this policy where it is consistent with the Adelaide Park Lands Community Land Management Plan and is for a period of five years or less, or has been subject to community engagement and the findings have been considered by Kadaltilla and Council
- approve a community sub-letting agreement that is consistent with this policy and is for a period of five years or less
- approve a commercial sub-letting agreement that is consistent with this policy and is for a period of two years or less
- enter into a surrender, variation or assignment of an existing lease or licence where the agreement is consistent with this policy
- present a 'status of Park Lands leases and licences' report to Kadaltilla / Adelaide Park Lands Authority and Council annually including information on all EOI processes undertaken and the outcomes

21. Limitations of this Policy

This Policy does not apply to:

- Activities or works on public roads through the Park Lands (pursuant to sections 221 and 222 of the *Local Government Act 1999*)
- City Works permits
- Any clauses and/or special conditions contained in existing Park Lands lease or licence agreements that are inconsistent with this Policy
- Leases or licences outside of the Adelaide Park Lands or Park Lands areas not under the care and control of the City of Adelaide
- Park Lands Event licences
- Temporary works and compounds
- Tenants within the Adelaide Aquatic Centre and North Adelaide Golf Course as part of business operations
- A lease or licence granted to a Minister, that is provided for in legislation (eg *Adelaide Oval Redevelopment and Management Act 2011*)

OTHER USEFUL DOCUMENTS

Related documents

- Active City Strategy
- Adelaide Events Guidelines 2022
- Adelaide Park Lands Management Strategy
- Adelaide Park Lands Community Land Management Plan
- Planning and Design Code 2022

Relevant legislation

- *Adelaide Park Lands Act (SA) 2005*
- *Crown Land Management Act (SA) 2009*
- *Liquor Licensing Act (SA) 1997*
- *Local Government Act (SA) 1999*
- *Planning, Development and Infrastructure Act (SA) 2016*
- NOTE: The *Retail and Commercial Leases Act 1995* does not apply to the Adelaide Park Lands pursuant to an Order granted by the Minister for Business Services and Consumers on 28 December 2011.

GLOSSARY

Throughout this document, the below terms have been used and are defined as:

Adelaide Park Lands: Those areas of the Park Lands defined by the *Adelaide Park Lands Act 2005*, which have been Gazetted by Parliament and defined to be under care and control of the City of Adelaide.

Adelaide Park Lands Community Land Management Plan (APLCLMP): A document required under the *Local Government Act (SA) 1999*, that informs how community land under the care and control of the City of Adelaide will be managed in accordance with the Adelaide Park Lands Management Strategy, including the identification of leased and licensed areas.

Adelaide Park Lands Management Strategy (APLMS): A document required under the *Adelaide Park Lands Act (SA) 2005*, that sets the strategic framework for the overall planning and management of the Adelaide Park Lands.

Building Floor Area: The combined total of indoor building floor space measured to the inside wall lines.

Building Footprint: The ground level area of a building measured to the outside wall line, not including open hardstand areas.

Casual Hire: Relates to one off or irregular use of leased or licensed areas.

Commercial Lease/Licence: Where the lessee or licensee's core activity involves the selling of goods or services for profit.

Community Lease/Licence: Where the lessee or licensee provides services to the community and does not operate to make a profit for its members. Not for profit clubs and associations, peak sport and recreation bodies and educational institutions are considered community lessees and licensees. Any commercial activity undertaken by a community lessee/licensee is done so for the purpose of reinvesting back into the service for the benefit of its members and the community.

Community Engagement: A formal process where Council seeks community feedback.

Core Activity: The primary purpose for which a lease or licence is granted to an organisation.

Expression of Interest: A formal process where any eligible organisation is invited to submit an interest in leasing or licensing an identified area of the Park Lands.

Expression of Interest (Competitive/Non-Competitive): Where more than one eligible submission is received following an expression of interest process, it will be deemed to be a competitive expression of interest. Where only one eligible submission is received and it satisfies the selection criteria, it will be deemed to be a non-competitive expression of interest.

Fees: Charges applied annually by Council to a lessee or licensee.

Improvements: Any fixture, fitting or structure constructed or installed on the leased or licensed area by the lessee/licensee or lessor.

Independent Market Assessment: Where Council seeks the services of an independent valuer to ascertain the appropriate fees to be charged to a commercial lessee or licensee based on similar market circumstances.

Lease: A lease confers an exclusive contractual right to a lessee to use the land, whereby the lessee facilitates access via an appropriate means (eg membership, sub-lease, casual booking, and entry ticket). A lease is generally provided for buildings that require a level of security of tenure. It may also apply to an outdoor sports facility or field that is fully fenced.

Lessee/Licensee: An organisation that has a direct legal relationship with Council via a lease or licence.

Licence: A licence confers a non-exclusive contractual right to first right of use of the licensed area, but allows public access when not in use by the licensee (and any sub-licensees). A licence is generally provided for open areas such as playing fields.

Maintenance and Upkeep: This relates to all direct and indirect costs and tasks associated with maintaining leased and licensed facilities to ensure they remain fit for purpose for the intended activity.

Mowing Service: The mowing of turfed sports fields by Council Administration in accordance with Council's Levels of Service.

Parliamentary Process: A formal process contained within the *Adelaide Park Lands Act (SA) 2005*, that requires Council to submit a draft lease or licence agreement, with a tenure period of ten years or more, to the South Australian Parliament.

Permitted Activity:

Commercial – Organisations and Individuals		
Activity	Example	Frequency
Core Activity – Selling of goods and services for profit and: <ul style="list-style-type: none"> • is consistent with the APLMS and/or APLCLMP • provides community benefit • supports the outdoor recreational use of the Park Lands 	Food and beverage/hospitality service, water craft hire, high ropes, guided tours, exercise classes, personal training, coaching clinics	Unlimited (within prescribed lease hours)
Secondary Activity – Other	Pop up event, entertainment	Considered on case by case basis
Community - Organisations		
Activity	Example	Frequency
Core Activity – Services provided to the community and: <ul style="list-style-type: none"> • is consistent with the APLMS and/or APLCLMP • provides community benefit • supports the outdoor recreational use of the Park Lands 	Community sport training and competition, outdoor recreation, physical education, community gardening	Unlimited (within prescribed lease hours)
Secondary Activity – Club Development	Committee meeting, team meeting, presentations, pre/post training / competition gathering, fund raising activities (involving club participants) including limited scale food and beverage service	Unlimited (within prescribed lease hours)
Secondary Activity – Community Development	Resident group meeting, art and craft session, parent group gathering, exercise class	Unlimited (within prescribed lease hours)
Other - Individuals		
Core Activity – Depasturing of horses in Lefevre Park/Nantu Wama (Park 6)		

Right of Renewal: Where a lease or licence contains a clause to continue occupancy at the end of a prescribed renewal tenure, but does not confer rights that exceed the agreed maximum tenure of the lease or licence.

Significant Capital Contribution: Where a lessee or licensee commits or agrees to commit its own funds towards a substantial improvement of Park Lands for community benefit, and the level of commitment is significant, proportionate to the financial capacity of the lessee or licensee.

Standard Tenure – Incorporated Businesses, Educational Institutions and Community Organisations: A maximum tenure period of five years, which includes any right of renewal.

Standard Tenure – Individuals: A maximum tenure period of 12 months, which includes any right of renewal.

Sub-letting: Where a lessee or licensee enters into an agreement with another organisation to utilise the leased or licensed facilities.

ADMINISTRATIVE

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed as per legislative requirements or when there is no such provision a risk assessment approach is taken to guide the review timeframe.

This Policy document will be reviewed every **five** years unless legislative or operational change occurs beforehand. The next review is required in **2029**.

Review history:

Trim Reference	Authorising Body	Date/ Decision ID	Description of Edits

Contact:

For further information contact the City Culture Program

City of Adelaide
 25 Pirie ST, Adelaide, SA
 GPO Box 2252 ADELAIDE SA 5001
 +61 8 8203 7203
city@cityofadelaide.com.au