

13.2.4 Proposed Lease Agreement for SA State Emergency Services (SES)

Report Type	Decision
City Vision Goal/s	Clean and Green City Places for People
Report Author	Property Officer, City Assets
Report Summary	This report seeks Council's endorsement to undertake engagement seeking community feedback on a longer term lease for the State Emergency Service at Hoods Road, Northfield.
Attachments	1. CT 5735 191 Enfield SES Hoods Road [13.2.4.1 - 2 pages] 2. Hoods Road, Enfield - L 14103733 - G P 273 2002 - lease plan [13.2.4.2 - 1 page] 3. Site Plan - Enfield SES [13.2.4.3 - 1 page]

RECOMMENDATION

Council resolves that:

1. The report of the Director City Assets titled "Proposed Lease Agreement for SA State Emergency Services (SES)" be received and noted.
2. The Administration is approved to commence community engagement for a proposed longer-term lease of 21 years to the State Emergency Service over a portion of land in certificate of title Volume 5735 Folio 191 delineated as area A in plan no 273/2002 and located at 46 Hoods Road, Northfield, SA, 5085, including an option for a further 21 year lease to be negotiated and agreed to by both parties at the expiration of the initial term.
3. A further report will be brought back to Council following the conclusion of the community engagement in order for Council to consider the feedback received.

Background

The Minister for Emergency Services, Enfield SES (ESES), has occupied a portion of Stockade Botanical Park, Northfield prior to Council amalgamation, with the earliest lease document on record being executed in 2002. The portion of land comprised in Certificate of Title Volume 5735 Folio 191 (**Attachment 1**), which is delineated as "Area A" in **Attachment 2** – Plan 273/2002. The lease for this site is between the Minister for Police, Emergency Services, and Correctional Services, and the City of Port Adelaide Enfield, with the ESES occupying and managing the site on behalf of the Minister.

The current lease, which commenced on 1 October 2019, granted the ESES exclusive use of the property to support their operations. This lease expired on 30 September 2024 and did not include renewal options. The lease for this site is now in a holding over period, meaning it has reverted to a monthly tenancy until a new agreement is formalised.

No new lease has been executed at this time due to the ongoing discussions that have been occurring to date between the parties regarding the opportunity to enter into a longer term arrangement.

Report

On 20 February 2024, representatives of the State Emergency Service (SES), who hold the head lease from the Minister, approached Council Administration to explore the possibility of establishing a longer-term lease agreement. Initially, they proposed a 42-year lease, the maximum term allowed under section 202 (4) of the *Local Government Act* 1999.

The SES sought a longer lease to ensure operational stability at the site and to secure the continuation of their critical emergency response services to the community well into the future.

The SES also advised the Administration that the site at Northfield is strategically important for its quick response to emergencies across the Port Adelaide Enfield area. Its proximity to major roads and its centralised location makes it a vital asset for the provision of this essential service to the community. Relocation from this site would be costly and challenging, as there are few suitable alternative sites that meet operational needs in close proximity.

The SES is a volunteer based emergency assistance and rescue service. They provide emergency assistance to the people of South Australia 24 hours a day, 7 days a weeks, 365 days a year. They respond to:

- o Extreme weather events – floods, storms, and heatwaves
- o Road crashes
- o Marine, swiftwater, vertical and confined space rescues
- o Assist SAPOL in land search operations and traffic management
- o Support CFS during major bushfires

The proposal was carefully reviewed, and the Administration recognises the advantages of a longer-term lease. However, there were concerns that a 42-year term without limitation could limit flexibility for both parties to reassess the facility's use in the future, especially if strategic priorities or plans for the site were to change. Consequently, a 21-year agreement with an option for a mutually negotiated 21-year extension was deemed a more balanced approach.

Agreement Conditions

There are no changes proposed as part of the new agreement other than the initial term increasing from 5 years to 21 years and the addition of the mutually negotiated extension.

As is typical with other community leases, no rent is proposed to be payable to the council. This subsidy is provided in recognition of the service the organisation offers to the community, with the additional condition that the lessee will be responsible for all building services and maintenance at the site

Recommendation

The SES plays a critical role in emergency response for the community, and securing a new longer term lease will provide them with the stability needed to continue operations effectively. A 21-year lease with a mutually negotiated extension is a reasonable compromise that meets both Council's needs and the operational needs of the SES.

City Vision Relationship

Clean and Green City – This goal emphasises environmental sustainability and preparedness for climate change impacts, such as major disasters like storms and floods. The SES plays a critical role in managing such emergencies and assisting our community as first responders.

Places for People – The City aims to improve public spaces and infrastructure via safety, accessibility, and community connection. Leasing a site to the SES supports the ongoing safety of public spaces and infrastructure through emergency services.

Legislative Context and Related Policies

Legislative Context

Section 202 (1) of the *Local Government Act* allows a council to grant a lease or licence over community land (including community land that is, or forms part of, a park or reserve).

Under the *Local Government Act* 1999 section 202 (2) states that before the council grants a lease or licence relating to community land, it must follow the relevant steps set out in its public consultation policy. Due to the fact that the proposed agreement is in excess of 5 years the exemption for community engagement under section 3 (a) does not apply and community engagement must be undertaken. This then allows for all parties with an interest in, or who are impacted by this decision the opportunity to participate in the decision-making process.

Section 202 (6) states that a lease or licence must be consistent with any relevant management plan. The site at 46 Hoods Road, Northfield is listed in Council's Community Land Management Plan – Passive Recreation Reserves. This plan provides for uses such as those listed below which align with the ESES operations:

- Facilitation of programs, services and activities, including those undertaken by groups or organisations under a permit, lease or licence granted by Council
- Use of the land by individuals, groups or organisations under a permit, lease or licence granted by Council

Related Policy

Council's Lease, Licence and Property Agreements policy outlines that leases will not exceed 5 years unless Council resolves to grant a longer term and states that occupancy agreements longer than 5 years will set out terms for capital development of the land or building over the term of the agreement.

The SES has recently completed building upgrades worth \$95,000 and installed a generator valued at \$40,000. These investments have enhanced the site's functionality, and the SES does not plan any further upgrades in the short term. A longer-term lease would secure the return on these investments for the SES. It should also be noted that Council has not identified any upgrades to infrastructure or the undertaking of any capital works at this site within its recently adopted Buildings Asset Management Plan 2024.

Stakeholder Engagement

Community consultation is required to be undertaken. The results of the community consultation will be presented to Council in a further report for its consideration prior to Council formally endorsing a new lease at the site.

Risk Management

Council is in the process of reviewing its Lease, Licence and Property Agreements Policy and has not entered into new leasing arrangements with a number of community groups to ensure alignment with the new policy. However, due to the unique nature of the SES operations, investment in the site and the broader benefit to the community, it is unlikely that future lease terms would substantially differ from the proposed agreement. Should any significant policy changes occur, they could be retrospectively applied to this agreement at the discretion of the Administration and in discussion with the Lessee.

The proposed 21-year lease, backdated to the expiry of the previous agreement, helps mitigate risks for both the Council and the community by securing the SES's continued presence at such a strategic location and ensures rapid emergency response times.

To further manage risk, the draft lease will include standard indemnity and release clauses, limiting the Council's liability regarding activities on the site.

Financial Management

There are no immediate financial implications for Council, as the SES lease will continue under similar terms.

Professional Fees and Contractor Costs

All costs in association with the preparation of the Lease will be paid by the SES.

Environmental and Social Impacts

Securing a new lease agreement for the SES aligns with Council's broader social goals of fostering strong, resilient communities while balancing environmental considerations for site management, along with enhancing local safety and emergency preparedness.



Product Register Search (CT 5735/191)
Date/Time 29/08/2023 09:51AM
Customer Reference SAFECOM
Order ID 20230829001861

REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5735 Folio 191

Parent Title(s) CT 3284/184
Creating Dealing(s) CONVERTED TITLE
Title Issued 17/02/2000 Edition 5 Edition Issued 29/12/2017

Estate Type

FEE SIMPLE

Registered Proprietor

CITY OF PORT ADELAIDE ENFIELD
OF PO BOX 110 PORT ADELAIDE SA 5015

Description of Land

ALLOTMENT 87 FILED PLAN 112341
IN THE AREA NAMED NORTHFIELD
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
14103733	LEASE TO MINISTER FOR POLICE, EMERGENCY SERVICES AND CORRECTIONAL SERVICES COMMENCING ON 01/10/2019 AND EXPIRING ON 30/09/2024 OF PORTION (AREA A IN G273/2002)

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Notations on Plan NIL

Registrar-General's Notes

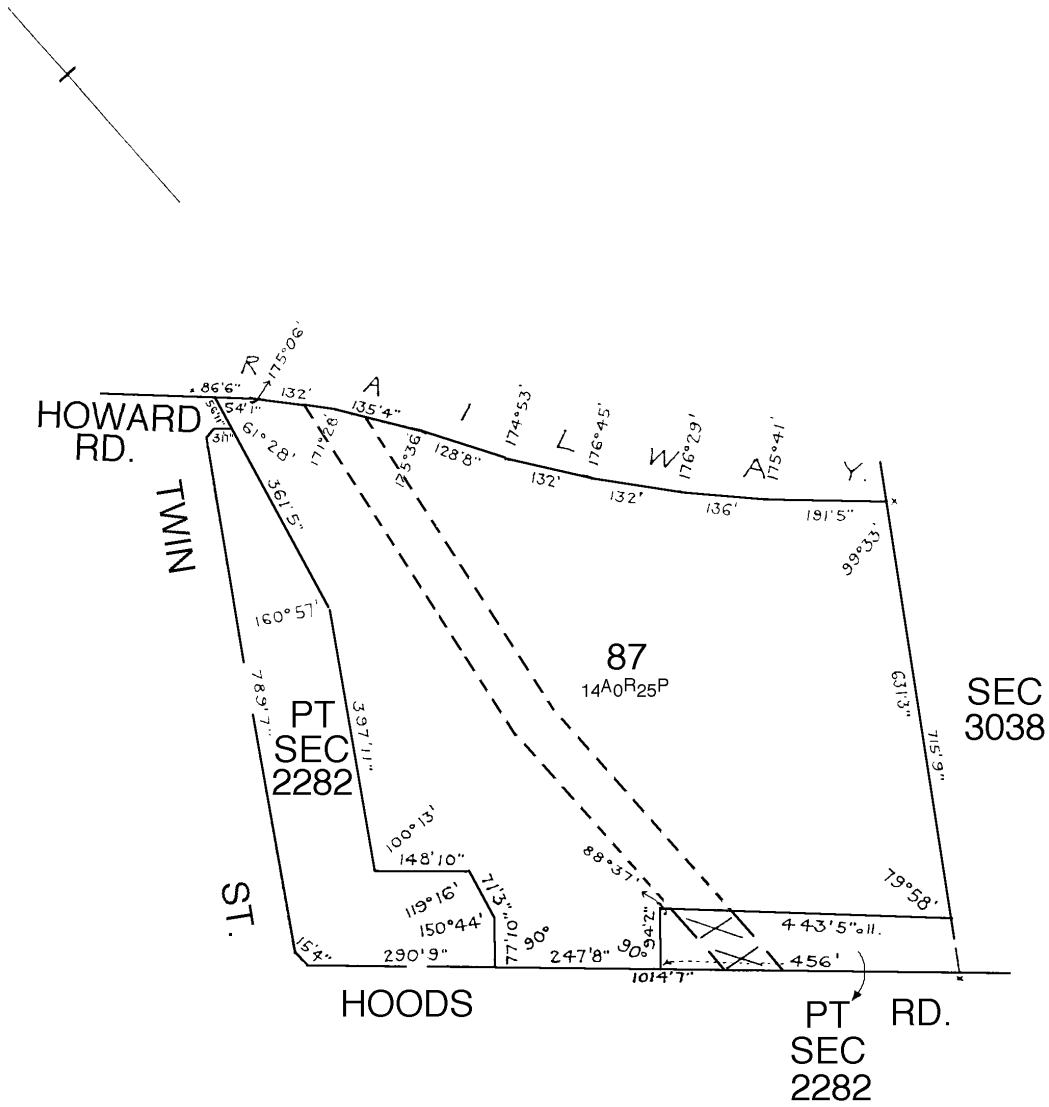
PLAN FOR LEASE PURPOSES VIDE G273/2002
NEW EDITION CREATED DUE TO EXPIRATION OF LEASE

Administrative Interests NIL



Product Register Search (CT 5735/191)
 Date/Time 29/08/2023 09:51AM
 Customer Reference SAFECOM
 Order ID 20230829001861

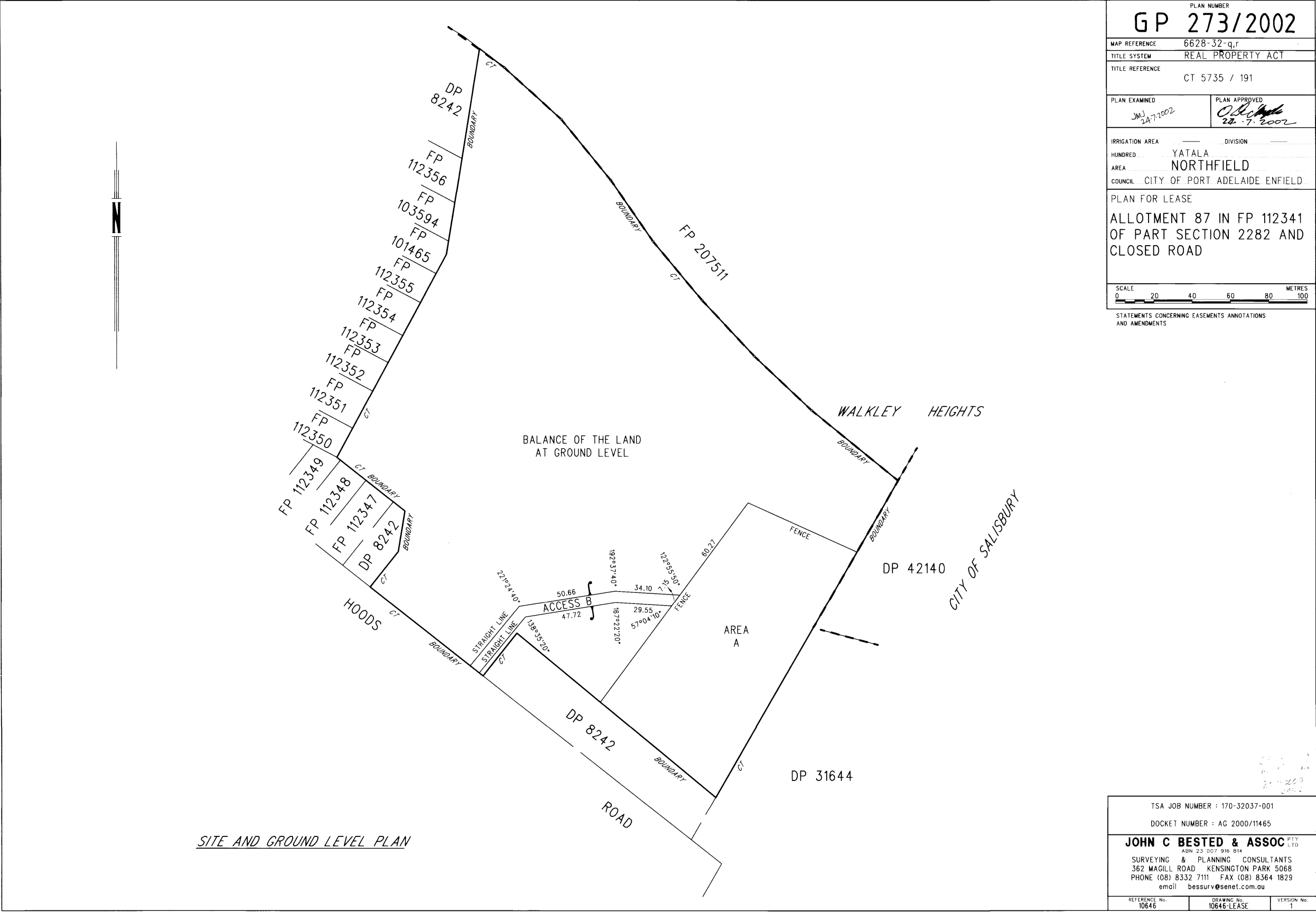
THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3284/184



200 100 0 200 FEET

FOR METRIC CONVERSION
 1 FOOT = 0.3048 METRES
 1 INCH = 0.0254 METRES
 1 ACRE = 0.404686 HECTARES
 1 ROOD = 1011.7m²
 1 PERCH = 25.29 m²

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



SITE AND GROUND LEVEL PLAN

PLAN NUMBER GP 273/2002		
MAP REFERENCE 6628-32-q,r		
TITLE SYSTEM REAL PROPERTY ACT		
TITLE REFERENCE CT 5735 / 191		
PLAN EXAMINED JMJ 24.7.2002	PLAN APPROVED <i>[Signature]</i> 27.7.2002	
IRRIGATION AREA _____ DIVISION _____		
HUNDRED YATALA		
AREA NORTHFIELD		
COUNCIL CITY OF PORT ADELAIDE ENFIELD		
PLAN FOR LEASE		
ALLOTMENT 87 IN FP 112341 OF PART SECTION 2282 AND CLOSED ROAD		
SCALE 0 20 40 60 80 100 METRES		
STATEMENTS CONCERNING EASEMENTS ANNOTATIONS AND AMENDMENTS		
TSA JOB NUMBER : 170-32037-001		
DOCKET NUMBER : AG 2000/11465		
JOHN C BESTED & ASSOC PTY LTD ABN 23 007 916 814 SURVEYING & PLANNING CONSULTANTS 362 MAGILL ROAD KENSINGTON PARK 5068 PHONE (08) 8332 7111 FAX (08) 8364 1829 email bessurv@senet.com.au		
REFERENCE No. 10646	DRAWING No. 10646-LEASE	VERSION No. 1

ATTACHMENT 13.2.4.3



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14/05/2021

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