

14.2 Proposed Lease - Gerringong Surf Life Saving Club Inc.

CSP Objective: Outcome 1.2: We embrace the natural beauty of our area which fosters a healthy, active lifestyle and a diverse range of activities to sustain our mental and physical well-being, supported by the services and facilities we rely on.

CSP Strategy: 1.2.1 Foster accessible, inclusive and safe community spaces, facilities and services that cater to a range of physical, mental and social needs for different ages and abilities.

Delivery Program: 1.2.1.1 The community has access to equitable and affordable facilities that meet their needs.

Summary

The purpose of this report is for Council to consider granting a twenty (20) year lease to Gerringong Surf & Life Saving Club Incorporated, for land and surf club building at Lot 1 DP 1075959, Pacific Avenue, Werri Beach.

The proposed lease is for the operation of a surf lifesaving clubhouse, including all associated lifesaving activities, as well as other cultural, educational, sporting, or community uses as approved by Lessor.

Financial implication

In accordance with Council's 2025–2026 Fees and Charges for a community group the annual rental fee will be \$525.45 + GST per annum (\$578.00 incl. GST), plus Outgoings. This rental will increase each year in accordance with Council's fees and charges.

The Lessee will be responsible for 100% of Outgoings, including electricity, garbage, sewerage and drainage charges, trade waste & grease trap servicing and agreed maintenance relating to the property. In addition, public liability and contents insurance will be the lessee's responsibility.

Council will be responsible for the building insurance. Both parties are responsible for their legal costs. These arrangements are consistent with those applied to other Surf Life Saving Clubs within the municipality.

Risk implication

Council needs to ensure that it follows good governance and ensure any tenancy is subject to the appropriate contract or lease arrangement. Council needs to make certain that the public building is occupied with an appropriate tenant and with clear understanding of Lessor and Lessee responsibilities and obligations.

Report of the Director Corporate and Commercial

14.2 Proposed Lease - Gerringong Surf Life Saving Club Inc. (cont)

Policy

Local Government Act 1993

Council's Public Land Management Policy

Consultation (internal)

Director Corporate and Commercial

Director Strategies and Communities

Manager Property & Recreation

Property Coordinator

Property Officer

Communication/Community engagement

Council staff have met with the executive of the GSLSC to discuss the lease proposal and the required process for Council to enter into a lease of public property on Community Land as per the Local Government Act. Discussions are going well with all parties working collaboratively and constructively.

Under the *Local Government Act 1993*, Council is required to advertise the proposal in accordance with Section 47 of this Act. This will allow the community to comment on the proposal within the twenty-eight (28) day advertising period.

In advertising the proposal Council must:

- place a public notice of the proposal on the council's website.
- exhibit notice of the proposal on the land to which the proposal relates (Surf Club building).
- give notice of the proposal to the adjoining landowners.
- give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person's enjoyment of community land.

The notice of proposal must include the following information:

- the purpose for which the land will be used under the proposed lease,
- the term proposed,
- the name of the person/organisation to whom Council proposed to grant the lease to
- a statement that Council will be open to submissions from the community concerning the proposal within a period, not less than 28 days.

Attachments

Nil

Enclosures

Nil

Item 14.2

RECOMMENDATION

That :

1. Council commences the formal process including advertising the proposal to enter into twenty (20) year lease with Gerringong Surf Life Saving Club Incorporated, for the premises known as Lot 1 DP 1075959, Pacific Avenue, Warri Beach.
2. A further report be presented to Council in relation to any relevant submissions received prior to any final lease being executed.

Background

Gerringong Surf & Life Saving Club (GSLSC) commenced operations in 1978 on Community Land as part of the South Warri Reserve. The Club has maintained formal tenure at the site since 1982 through a series of leases and licences:

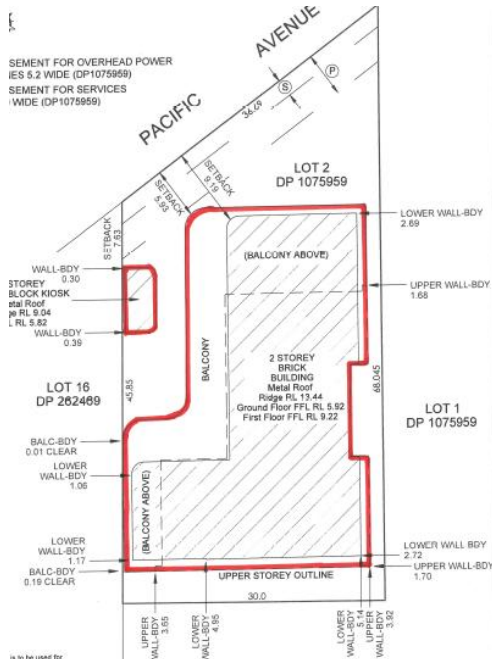
- **Lease:** 1 January 1982 – 31 December 2001
- **Lease:** 1 April 2005 – 15 January 2024 (when the old building was demolished)
- **Current Licence Agreement:** 14 February 2024- 13 February 2026

In 2023/24 GSLSC undertook a redevelopment of the site including a new clubhouse building and kiosk, through various grants from federal and state government departments and Kiama Municipal Council.

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Now the building is completed Council, under the provisions of the *Local Government Act 1993*, must enter into a new lease for the use and occupation of the building and surrounding land within Lot DP 1075959, Pacific Avenue, Werri Beach (see diagram below).

Proposed Leased Area.**Proposed Lease Term**

It is proposed to enter a 20-year lease with the GSLSC. This is in line with other Surf Club leases within the LGA.

Permitted Use

The proposed permitted use (Surf Club Building Usage and Associated Activities) is as set out below. This has been discussed at a joint meeting involving representatives from GSLSC, Council and President of NSW Surf Lifesaving.

Surf Life Saving Operations

- Lifesaving Rescue Training
- First Aid Training
- Lifesaving equipment training
- Lifesaving Equipment storage
- Lifesaving Operational response
- Lifesaving Patrol coordination
- Member Fitness preparation/maintenance (operational readiness)
- Nipper and Surf Sports Equipment storage

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Emergency Service-related Operations

- Community Evacuation Centre
- Community Recovery Centre
- Flood and Bushfire coordination centre
- Flood/storm emergency support response/staging
- After Hours Call Out response

Community Engagement/Water Safety Awareness Activities

- Community group water safety training programs
- School education water safety programs
- Water Safety Educational Forums

Community Engagement/Inclusion Activities

- Building hire (fee and no fee) for community groups access (Seniors groups, Pilates/yoga groups, community groups meetings, trivia nights etc)
- Open Day Events
- Gazetted calendar celebration events

Surf Life Saving Administration related Activities

- Committee meetings
- Board meetings
- Annual General Meetings
- Member Lifesaving Awards functions
- Recruitment Events

Surf Club Member related Events

- Celebration of Life functions
- Celebratory Recognition Events
- Lifesaving Awards Events
- Social Functions - meaning any gathering of members of the club (and their guests) organized by the club for social purposes, e.g. Trivia Night

Other

Operation of a kiosk (in accordance with the Lease and operated by the club and/or volunteers)

Local Government Act 1993, - Section 47

Under the *Local Government Act 1993*, Council is required to advertise the proposal in accordance with Section 47 of this Act. This will allow the community to comment on the proposal within the twenty-eight (28) day advertising period.

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- a statement that Council will the lessee and be open to submissions from the community concerning the proposal within a period, not less than 28 days,

All of the above must be specified in the notice.

Submissions

All submissions will be reported back to Council both in support or objections. The report will outline submission details and other relevant information.

If a person makes a submission by way of objection to the proposal, details must be included in a report to the Council to enable the proposal to be reconsidered and then the proposal must be referred to the Minister of Local Government for consent to the proposal.

Proposed Rental and outgoings

The proposed rental will be in accordance with Council's 2025–2026 Fees and Charges for a community group. The annual rental fee will be \$525.45 + GST per annum (\$578.00 incl. GST), plus Outgoings. This rental will increase each year in accordance with Council's fees and charges.

The Lessee will be responsible for 100% of Outgoings, including electricity, garbage, sewerage and drainage charges, trade waste & grease trap servicing and agreed maintenance relating to the property.

Maintenance

The agreed maintenance schedule will form part of the lease agreement and will be in line with other Surf Clubs within the LGA.

Insurance

Public liability and contents insurance will be the lessee's responsibility.

Council will be responsible for the building insurance.

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Legal Costs

Both parties are responsible for their legal costs.

These arrangements are consistent with those applied to other Surf Life Saving Clubs within the municipality.

All Users of South Werri Reserve

As part of the lease agreement all users of the South Werri Reserve including GSLSC and adjoining precinct users will be invited to meet quarterly to discuss any issues or use of the Reserve. The meeting will be chaired by Council.

Conclusion

Council will advertise the proposed lease as set out under Sec 47 of the *Local Government Act 1993* for 28 days, placing the relevant notices on site, on Council's website and notifying all relevant person/s as set out in the report.

A further report will be presented back to Council outlining all submissions received in relation to the proposed lease.

Item 14.2