PLAN OF MANAGEMENT – ELOUERA SURF CLUB

Adopted by: Sutherland Shire Council
Date: 27 November 2014
Minutes: FIN…
Reference: CP/06/303400
1. INTRODUCTION

1.1. Background

Plans of Management are required to be prepared for all Council-owned community land under the Local Government Act 1993. These ‘Plans’ provide a dynamic tool for Council and have been widely implemented.

The land management provisions of the Local Government Act enable Councils to move towards more positive land management practices with defined objectives and outcomes. Plans identify:

- Objectives;
- Performance targets;
- The means of achievement; and
- The assessment criteria,

all of which are accountable to the community. The Plans allow Council to effectively co-ordinate present use and planned future use of public land.

Community land is required to be used and managed in accordance with the following:

- The Plan of Management applying to the land; and
- Any law which permits the use of land for a specific purpose, or otherwise regulates the use of the land. This includes the Environmental Planning and Assessment Act and planning instruments made under the Act.
- This is a site specific plan of management as per Council’s previous resolution on this site via Report FIN 096-05 on 22 November 2004.

2. BACKGROUND

2.1. Category of Land in Accordance with s.36(4) and s.36(5)

The land occupied by the Elouera Surf Life Saving Club is categorised under the Local Government Act as “General Community Use”.

2.2. **Brief History**

The Surf Life Saving Association has a long history of involvement at Elouera starting when the first Elouera Surf Life Saving Club was formed in 1966. Since that time there has been a continuing surf life saving presence at the beach. The first clubhouse in 1966 was a tent, which was replaced in 1968 with the current building. The current building was substantially modified during 2004/05 to create a commercial restaurant tenancy.

Surf clubs have traditionally provided voluntary service to the community in the form of beach management, identifying and marking for the public safer swimming areas, performing surf rescues and resuscitation and associated functions. To provide these services facilities in the form of club rooms, training and storage rooms have been permitted and erected on public open space throughout the country and in that regard Elouera is no exception.

In current times these clubs provide many more community services such as surf awareness training, developing young children into good citizens through the Nippers programs and training people of all ages to be fit and give of their time voluntarily. To do this now requires substantial sources of funds and so, to avoid being a total drain on the public purse, Surf Clubs are becoming more self sufficient by way of operating, including commercial income earning ventures which generally add value to the public enjoyment of the beach areas. Such ventures include cafes and restaurants, public use of their facilities such as function rooms and the like.

3. **PROPERTY DESCRIPTION**

3.1. **Location and Real Property Description**

Situational Address: The site is located at Mitchell Road, Cronulla.

Real Property Description: Lot 2 in Deposited Plan 535531
Lot 3 in Deposited Plan 535531
Lot 307 in Deposited Plan 8564

The Elouera Surf Lifesaving Club Complex occupies part of the land described above as shown by the plan in Appendix A. This Plan of Management applies only to that parcel of land occupied by the buildings and as defined by the plan in Appendix A.
3.2. **Brief Description and External Photographs**

The site is located on an area known as Elouera Beach and is occupied by a building complex comprising a two-storey building constructed of brick external walls. The building contains a gymnasium; function room/ballroom with bar and kitchen; a club room; locker/change rooms; gear and water craft storage areas; training rooms; radio room; cool room; first aid room; showers and toilets; caretakers flat; kiosk and Nippers room. (refer to photographs in Appendix B).

3.3. **Condition of Buildings and Curtilage**

The property covered by this Plan of Management is a two-storey freestanding commercial community building operating as a surf club.

The structure is full masonry and timber frame construction. The timber frame to this property is clad with fibre cement sheeting. The structure is on concrete slab footings with a pitch.

At the last comprehensive inspection of the building in December 2011 the building was determined to be in average condition for its age with a typical number of defects.

3.4. **Ownership Details**

The property is owned by Sutherland Shire Council.

4. **DETAILS OF RESTRICTIONS BY OWNER OR COVENANTS OR TRUSTS OR INTERESTS AND THE LIKE**

Nil registered interests affecting use.

5. **OBJECTIVES FOR MANAGEMENT OF THE LAND/BUILDINGS**

The legislative (Local Government Act 1993-Sect 36I) core objectives for land categorised as general community use are to:

1) *Promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and of the wider public:*

   (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public,* and

   (b) *in relation to purposes for which a lease, license or other estate may be granted in respect of the land (other than the provision of*
In addition to these, the Council has identified the following specific objectives:

2) Allow auxiliary recreation and commercial activities to support the provision of services for the safe and orderly use of the land, beach and water adjacent to the land the subject of this Plan of Management and;

3) Provide additional public amenity through provision of refreshments and dining facilities within the recreation area.

6. **EXISTING USE OF PREMISES CF. S.36(3A)**

6.1. **Primary**

The primary use of the land and buildings is to carry on the various functions and activities associated with surf lifesaving and to provide public toilet and change room facilities. These include the following:

1. Training and teaching in all the skills of surf life saving;

2. Using the building to maintain fitness levels and competency levels to carry on the various responsibilities of surf life saving;

3. Encouraging and training people especially the young in water and surf safety awareness;

4. Storage, parking, movement on and off site and maintenance of life saving equipment, water craft, surf boards, skis and other related equipment, motor cars and/or other towing appliances;

5. To support the conduct of surf life saving carnivals or other special events e.g., half marathon.

6. Licensed function room (place of assembly) which is used for club activities including the consumption of alcohol by members but which is also let to members of the public for various functions such as meetings, wedding receptions, parties, social, religious and cultural activities, seminars, presentations, corporate functions, promotions and the like.;

7. A members lounge which shares a bar area with the function room (place of assembly) and which is used for member functions and the consumption of alcohol by members and invited guests.

8. Deliveries of goods and services to the premises;
9. Waste storage, collection and removal including recycling;
10. Administration.

6.2. Ancillary Uses of Premises

The current and proposed uses of the premises ancillary to those of surf lifesaving are:
1. Restaurant.
2. The activities in the function room (place of assembly).
3. Café.
5. Ancillary overnight accommodation for community based groups participating in surf related activities.
6. Temporary display of sponsor’s advertising material external to the building during Special Events.

6.3. Uses Which Require Specific Council Approval
1. Any sub-leasing of the premises.
2. Any use requiring Development Consent
3. Building works

7. PERMITTED USE OF PREMISES CF. S.36(3A)

7.1. Activities Expressly Authorised by this Plan

Subject to compliance with the Local Government Act 1993 the Local Government Amendment (Community Land Management) Act 1998, the Environmental Planning and Assessment Act, 1979, the Liquor Act, 1982 and any other relevant act and regulations, and subject to compliance with the terms of any lease, license or other estate interest in respect of the property the following activities are expressly authorised:

The buildings will be permitted to be used for purposes of supporting provision to the public of the community service of surf life saving and beach amenity. This includes occupation and use of the buildings for: -
1. Training and teaching in all the skills of surf life saving;

2. Maintaining fitness levels and competency levels to carry on the various responsibilities of surf life saving;

3. Encouraging and training people, especially the young, in water and surf safety awareness;

4. Storage, parking, movement on and off site and maintenance of life saving equipment, water craft, surfboards, skis and other related equipment, motor cars and/or other towing appliances;

5. To support the conduct of surf life saving carnivals or other special events.

6. A cafe;

7. A restaurant;

8. A members lounge which operates under a special license for members and their guests to consume alcohol.

9. Subject to the requirement of relevant planning laws and liquor licensing laws function rooms (place of assembly) which may be used for club activities including (subject to liquor licensing laws) the sale and consumption of alcohol but which may also be let to members of the public for various functions such as meetings, wedding receptions, parties, social, religious and cultural activities, seminars, presentations, corporate functions, promotions and the like, provided all external activities including set up, cleaning and securing the premises are commenced no earlier than 8.00am on the day that the function is held and concluded no later than 1:00am.

10. Sale of alcohol in the function room (place of assembly) except as permitted by a licence under the Liquor Act is prohibited. The application for any liquor licence other than a permanent on licence is prohibited. The operation of any liquor licence which conflicts with any part of this Plan of Management is prohibited. Gaming machines or poker machines are prohibited.

11. A licensed restaurant (within the footprint of the building) with a maximum total indoor/outdoor seating capacity of 180 persons subject to all planning requirements and provided that it complies with all relevant laws and does not operate outside the hours of 6.00am to 10.30pm Sunday to Thursday and 6.00am to 12 midnight Friday and Saturday. Such hours include all external
activities including setting up, cleaning, packing away and securing the premises.

The restaurant which is located within the footprint of the building,

a) will not be permitted to sell take away food;

b) shall provide toilets for the use of restaurant patrons as required by law;

c) liquor may not be sold on the premises for consumption in any outdoor eating area;

d) any liquor license shall be restricted by condition or otherwise to the sale and consumption of alcohol with a sit down meal;
- signs displaying this information shall at all times be on display to the patrons of the restaurant.
- this provision may only be varied on individual cases of functions in compliance with all relevant laws and with prior approval of Council;

e) Any liquor license for the restaurant is to be in the name of the restaurant operator.

12. Deliveries of goods and services to the premises;

13. Waste storage, collection and removal including recycling;

14. Leasing, sub-leasing, licensing, or hiring of the Surf Club buildings for any purpose with the consent of Council. Section 7 details the leases, sub-leases and licenses that this plan expressly authorises.

15. Caretaker's Residence.

16. Installation and maintenance of a grease arrestor and any other service utility such as gas, electricity, water and the like, building additions, demolition, general refurbishment, repairs and maintenance of the building.

17. Ancillary overnight accommodation for community based groups participating in surf related activities.

18. Erection of temporary signs during Special Events - in accordance with the requirements of the Sutherland Shire Local Environmental Plan 2000 – Schedule 4: Exempt Development, the sign:
(i) Must be displayed only on the property where the special event is to be held.

(ii) Must be constructed of lightweight, banner type material.

(iii) Not exempt for more than 14 days before the special event or more than 48 hours after the event is finalised;

19. Administration.

20. The north east portion of the balcony as shown in the plan attached as Appendix A shall only be permitted to be used by members and patrons of the Club in daylight hours only. Use of this portion of the balcony at night is prohibited.

21. The north west portion of the balcony as shown on the plan attached as Appendix A may be used as an outdoor eating area associated with a restaurant activity subject to development consent for a restaurant use being issued. The hours of operation as an outdoor eating area will be restricted to those hours provided by the development consent.

7.2. Uses Which Require Specific Council Approval

1. Any restaurant operations (within the footprint of the building) including type of restaurant and hours of operation and any other uses which require development consent.

2. Any function (place of assembly) which would or might result in alcohol being served, sold or consumed other than with a sit down meal.

3. Any liquor licence application (whether for a new license of amendment of any existing license from time to time).

4. Leasing, sub-leasing, or licensing, of the Surf Club buildings for any purpose.

5. Any consent required by the governing Sutherland Shire Local Environmental Plan.

8. LEASES, LICENSES OR OTHER ESTATES

The building and nominated site area is controlled by way of a twenty one year lease which commenced on the 7th February 2000 and terminates on 6th February 2021 between the Sutherland Shire Council and the Elouera Surf Lifesaving Club Incorporated.
Any lease or sub-lease must be in accordance with and comply with any and all requirements of the New South Wales Local Government Amendment (Community Land Management) Act 1998 and Regulations thereunder as amended.

9. PERFORMANCE TARGETS

It is Council’s intention to facilitate the public’s use and enjoyment of the beach and adjacent public recreational land and facilities.

To this end Council has encouraged and supported establishment of Surf Life Saving Clubs at each of the beaches in the Council area. The Elouera Surf Life Saving Club is established primarily to provide beach user safety and beach management services, whilst at the same time providing ancillary services such as surf awareness education and training, activities and involvement for young people in surf life saving, and to provide function rooms and other training facilities for members and public as well as refreshments and dining facilities for the added amenity of the public.

In facilitating these services Council will also try to balance the provision of such services to maximise the public’s enjoyment, safety and convenience with that of not reducing any more than is necessary the land available for public use nor allowing the Surf Life Saving Clubs use of the land and premises to needlessly impact on the public use and enjoyment of the recreational area.

10. STRATEGY FOR ACHIEVING OBJECTIVES AND MEETING PERFORMANCE TARGETS

It is Council’s intention to achieve its objectives and performance targets by including appropriate requirements within the lease with the Elouera Surf Life Saving Club.

The lease will be for a defined area of land on which buildings or other permanent exclusions from the general recreational land will be permitted.

In setting the terms and conditions of the lease Council will take into account the objectives and performance targets which form the foundation of this Plan of Management and will ensure that the lease encapsulates all these requirements for compliance.

Uses of the land and buildings which are the subject of the lease will also be controlled by way of this Plan of Management, Council’s Planning Instruments including but not limited to the governing Local Environment Plan, any Development Control Plan applicable to the area and any Development consents granted for the premises.
Regular inspections of the land and buildings will be carried out to ensure conformance with performance targets and Council’s complaints management system will be monitored as a further method of measuring performance.

11. ASSESSMENT OF OBJECTIVES AND PERFORMANCE TARGETS

CF. S.36(3)

The following points provide the key methods of assessing the objectives of the Plan of Management and whether the Council and community are meeting performance targets:

1. Reviewing the results of user surveys and if need be taking corrective action to ensure compliance;

2. Annually review Council’s complaints management system for evidence of non performance by Council or the Lessee;

3. At least annual inspections and management reviews by Council to ensure compliance;

4. At times of renewing leases the proposed lease documents will be reviewed along with any issues or changes that have warranted action during the term of the previous lease and incorporation of these safeguards into the new lease. This review will also consider any other matters which are pertinent to maintaining the objectives and performance targets of this Plan of Management.

5. Annual review of the Club’s audited financial statements to determine Council’s level of financial support of the Club.
12. APPENDIX A: BUILDING SITE PLAN
13. APPENDIX B: PHOTOGRAPHS OF ELOUERA SURF LIFE SAVING CLUB