
**COR031-24 RECLASSIFICATION OF COUNCIL LAND - LOT 1 DP1264560, 62
PRINCE STREET, CRONULLA**

Attachments: Appendix A and Appendix B

EXECUTIVE SUMMARY

- Council manages a diverse portfolio of Community and Operational Land holdings.
- The north-eastern portion of Lot 1 DP1264560, 62 Prince St, Cronulla, is occupied by North Cronulla Surf Lifesaving Club and forms part of Council's Community Land portfolio.
- The North Cronulla Surf Lifesaving Club is currently undergoing extensive redevelopment (DA17/1001) and such work is progressing towards completion.
- In order to support a greater level of flexibility, supporting Club needs and complement the surrounding recreational precinct, reclassification of North Cronulla Surf Life Saving Club, to Operational Land is deemed more appropriate.
- Given the proposed reclassification only applies to the existing structure, the adjoining land and open space assets will remain intact and not pose any environmental impact.
- The Planning Proposal will have significant community benefit as it will enable an important community funded project delivering improved lifesaving services to proceed with greater certainty.
- Reclassification requires the preparation of a Planning Proposal.
- It is recommended that a Planning Proposal be prepared to amend Sutherland Shire Local Environmental Plan 2015, and this be referred to the Department of Planning Housing and Infrastructure for Gateway Determination.

REPORT RECOMMENDATION

THAT:

1. The report 'Reclassification of Council Land – North Cronulla Surf Life Saving Club' be received and noted.
2. A draft Planning Proposal to reclassify Part Lot 1 DP1264560, 62 Prince Street Cronulla from 'Community' to 'Operational' land be prepared in accordance with the requirements of the *Local Government Act 1993* and *Environmental Planning and Assessment Act 1979*.
3. The Planning Proposal for Part Lot 1 DP1264560, 62 Prince Street Cronulla be referred to Department of Planning Housing and Infrastructure for Gateway Determination.
4. Subject to an approval being granted at Gateway, the planning proposal for Part Lot 1 DP1264560, 62 Prince Street Cronulla be exhibited for 28 days, and a public hearing held in accordance with legislation and any conditions specified in the Gateway determination.

PURPOSE

This report seeks endorsement of the preparation of a Planning Proposal to amend the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015), to reclassify land known as North Cronulla Surf Life Saving Club, being Part Lot 1 DP1264560, 62 Prince Street, Cronulla, and referral to the Department of Planning Housing and Infrastructure (DPHI) for Gateway Determination.

BACKGROUND

North Cronulla Surf Club is situated at 62 Prince Street, Cronulla (Part Lot 1 DP1264560). The site is zoned RE1 Public Recreation under Sutherland Local Environmental Plan 2015.

The land is currently occupied by the North Cronulla Surf Life Saving Club. The original clubhouse building is listed as a heritage item in the SSLEP 2015. The Club has undergone extensive renovations/alterations (DA17/1001) and the work is progressing completion. The most recent development approval for the site was DA22/0245, for the fit out and use of the ground floor tenancy as a kiosk and the first-floor tenancy as a restaurant and Lifeguards and was approved by the Sutherland Shire Local Planning Panel on 2 May 2023, subject to conditions.

The primary use of North Cronulla Surf Club building is to carry on the various functions and activities associated with surf lifesaving and to provide public toilet and change room facilities. The facility has a pool and gym as well as restaurants, kiosks, and licensed function rooms (place of assembly), used for club activities (including the consumption of alcohol by members), but which are also let to members of the public for various functions such as meetings, receptions, social and cultural activities, seminars, presentations, promotions and the like, are an ancillary part of the premises.

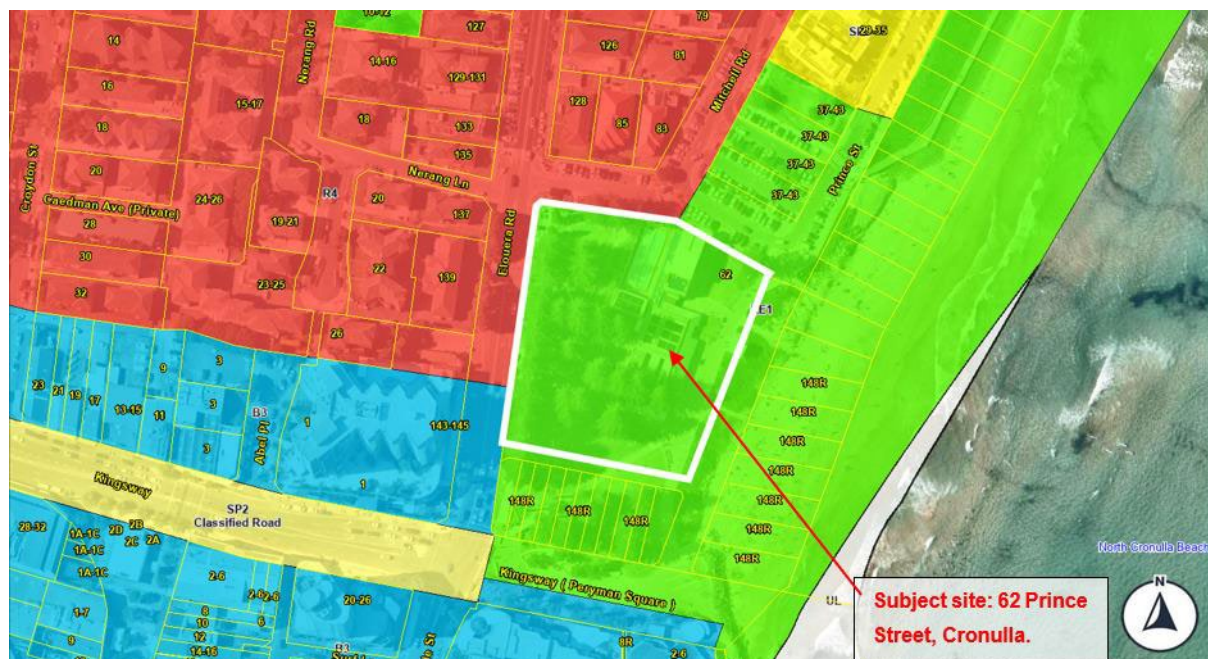


Figure A: zoning map (source: Shire Maps)

RED – R4, BLUE – E2, YELLOW – SP2 (Classified Road), GREEN – RE1



Figure B: aerial site photo (source: Near Map)

The site is bordered by Elouera Road, Mitchell Road, Prince Street, Dunningham Park, and North Cronulla Beach. The area features public recreational spaces, including Dunningham Park and the beach. On the eastern side of the site, the Esplanade (a pedestrian walkway) extends south from Wanda Beach to Bass and Flinders Point. Cronulla Centre is approximately 285 metres southwest of the surf club, while Cronulla Train Station is situated 765 metres to the southwest. Beyond Dunningham Park, which wraps around the western and southern façade of the surf club, is Northies Hotel to the southwest and Peryman Square to the south. On the northern side of the surf club is Prince Street carpark, and beyond that high-density residential development.

In accordance with Section 25 and 26 of the *Local Government Act 1993* (the Act), land under the care and control of local government authorities must be classified as either Operational or Community. Upon commencement of the *Local Government Act 1993*, certain parcels of land were automatically classified Community Land under Clause 6(2) of Schedule 7 of the Act. As the subject land was zoned for open space (6a Public Recreation) on 1 July 1993, Clause 6(2)(d) of Schedule 7 applied and the land was automatically classified as Community Land.

Under Section 27 of the Act, Council may seek to reclassify the land through a Local Environmental Plan. Land to be reclassified is described in Schedule 4 of the Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) as Operational Land.

DISCUSSION

The Planning Proposal seeks to reclassify the surf club building as indicated below from Community to Operational Land.

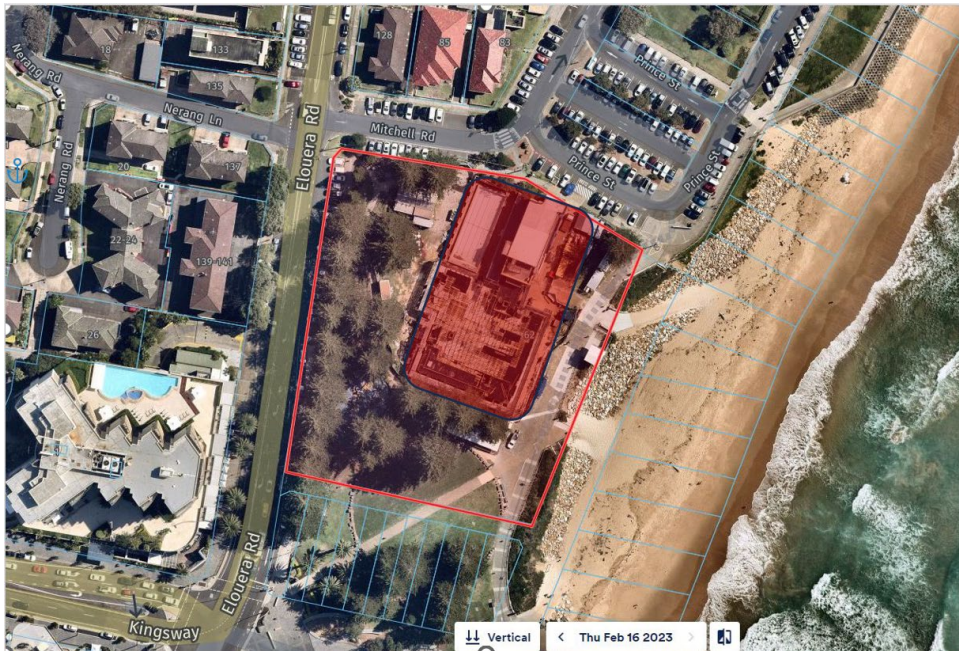


Figure C : aerial site photo showing proposed reclassification area

The preparation of all planning proposals, including reclassifications, must follow the [Department of Planning Housing and Infrastructure Local Environmental Plan Making Guidelines](#) as issued by NSW Department of Planning Housing and Infrastructure (DPHI) in August 2023. This involves answering a series of questions to establish whether the planning proposal has both strategic merit and site-specific merit. This proposal must be tested against the set criteria in the LEP Plan Making Guidelines, including:

- a strategic merit assessment of the proposal against relevant district plan, regional plan, Local Strategic Planning Statement, section 9.1 Directions, SEPPs any Department endorsed local strategy or relevant strategic circumstances.
- an assessment of potential environmental, social, economic, and infrastructure impacts of the proposal.

Given that the structure is existing, the reclassification of this premises will have negligible environmental impact. The land will remain zoned RE1 Public Recreation under Sutherland Local Environmental Plan 2015. The use of the land is in accordance with an adopted Plan of Management (Appendix A), permissible, and as such the approved uses will remain unchanged.

Reclassification Merits

In reclassifying the land, Council is required to address a series of criteria specific to a reclassification. The assessment against the established criteria is set out in Appendix B.

RESOURCING STRATEGY IMPLICATIONS

The preparation of a Planning Proposal to progress this reclassification amendment will be undertaken with existing resources within the Strategic Planning Division. Should the recommendation be supported, the Planning Proposal will progress in accordance with the usual process and is projected to be managed within existing resources.

COMMUNITY ENGAGEMENT

Planning proposals to reclassify public land must be publicly exhibited for at least 28 days. A public hearing must be held as the planning proposal is to reclassify Community Land to Operational Land. Engagement will occur in accordance with Council's [Community Engagement Strategy](#).

STRATEGIC ALIGNMENT

This report contributes to the delivery of Our Community Strategic Plan - Outcome 1 "Strong civic leadership trusted by an informed and engaged community". It specifically delivers on the following:

Delivery Program (2022-2026) Principal Activities	Operational Plan (2024/25) Actions
1L Manage Council's property portfolio to ensure best value for the community through optimisation and strategic utilisation of land holdings	1L.25.07 Proactively identify opportunities to rationalise, reuse, dispose and reinvest in Council's property portfolio to maximise long term value for the community.

The reclassification directly contributes to the objectives of the Property Strategy.

With alignment to Focus Area 1 of the Property Strategy:

Focus Area 1 – Portfolio Management	Action
Optimise both the asset performance and community value of Councils' property portfolio by regularly monitoring its appropriateness, efficiency, and effectiveness. Proactively manage the financial, legal, and other risks associated with property interests.	1.4 Ensure Council property upholds its purpose, is financially sustainable, provides community benefit and is aligned with relevant Council strategies

POLICY AND LEGISLATIVE REQUIREMENTS

Public land is managed under the *Local Government Act 1993* (the Act) based on its classification.

All public land must be classified as either community land or operational land (the Act s.25 and s.26).

- Community land – is land council makes available for use by the general public, for example, parks, reserves or sports grounds.
- Operational land – is land which facilitates the functions of council, and may not be open to the general public, for example, a works depot or council garage.

There are specific restrictions on the leasing and licencing of Community Land. There are no such special restrictions on council powers to manage, develop, dispose, or change the nature and use of operational land.

Reclassification through a Local Environmental Plan is the mechanism with which Council can remove any public reserve status applying to land, as well as any interests affecting all or part of public land. Land to be reclassified is described in Schedule 4 of the SSLEP2015 as Operational land.

In accordance with [Local Planning Panels Direction](#), issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EPA Act), Planning Proposal must be referred to the Sutherland Shire Local Planning Panel for advice unless in the CEO's opinion the planning proposal will not have any significant adverse impact on the environment or adjoining land. After examining impacts of this reclassification proposal, the impacts are considered negligible and, on this basis, Council can refer the Planning Proposal to NSW Department of Planning Housing and Infrastructure for Gateway Approval.

CONCLUSION

Reclassification of North Cronulla Surf Life Saving Club will not have any significant environmental impact or impact to the adjoining land. Given the reclassification applies to the existing structure only, open space assets and Dunningham Park, will remain intact.

The Planning Proposal will have significant community benefit as it will improve the timing and certainty of the delivery of an important community project which ultimately will support and strengthen voluntary lifesaving services at North Cronulla Beach.

Accordingly, it is recommended that the Planning Proposal be endorsed and referred to the Planning Proposal to NSW Department of Planning Housing and Infrastructure for Gateway Approval.

RESPONSIBLE MANAGER

The manager responsible for the preparation of this Report is the Acting Senior Manager Property and Commercial, Rebecca Wood.

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