

LEP Practice Note PN 16-001 – Classification and reclassification of public land through a Local Environmental Plan

NSW Planning and Environment has published *LEP Practice Note 16-001: Classification and reclassification of public land through a local environmental plan*. This practice note provides guidance on matters to be addressed in Planning Proposals to classify or reclassify public land. The following table provides a checklist and addresses information required for Planning Proposals classifying or reclassifying public land.

Item	Comment/ Where addressed
the current and proposed classification of the land	The land is currently classified as 'Community Land' and is proposed to be changed through this Planning Proposal to 'Operational Land'.
whether the land is a 'public reserve' (defined in the LG Act);	
the strategic and site-specific merits of the reclassification and evidence to support this;	See Part 3 - Justification of strategic and site-specific merit
whether the planning proposal is the result of a strategic study or report;	No. The Planning Proposal is a result of a Council resolution at the meeting of Council on 15 July 2024.
whether the planning proposal is consistent with council's community plan or other local strategic plan;	See Part 3
a summary of council's interests in the land, including: <ul style="list-style-type: none">- how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution)- if council does not own the land, the land owner's consent;- the nature of any trusts, dedications etc;	Sutherland Shire Council is the landowner. Land was progressively acquired, until in the late 1930's Dunningham Park was set aside as a place of public recreation.
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why	The reclassification does not propose to extinguish any existing registered interests on title. Council's ownership of the land is not subject to any express trust created by statute or deed.
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The proposal to reclassify a portion of land, being the building occupied by the North Cronulla Surf Life Saving Club. This will not result on any loss of open space.
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents);	

Item	Comment/ Where addressed
current use(s) of the land, and whether uses are authorised or unauthorised;	<p>The subject site is occupied by North Cronulla Surf Life Saving Club. According to the Site's Plan of Management, the existing use of the premises includes (but is not limited to):</p> <p><i>'to carry out various functions and activities associated with surf lifesaving and to provide public toilet and change room facilities.'</i></p> <p>This also includes training and teaching related to surf lifesaving, using swimming pool and gymnasium, restaurants, kiosks and licensed function rooms for use by members and members of the public, outdoor dining areas and administration.</p>
current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	Currently the Club continues to occupy the land under holding over provisions contained in the 2000 lease from Council (Dealing 6920235N)
current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time);	There is no current business dealing in which Council is a major party. The North Cronulla Surf Life Saving Club leases the facility from Council and sublets areas to tenants to provide ancillary facilities and services, which creates a revenue stream to help maintain this valuable community service. It is proposed to complete lease arrangements for the occupation of the first-floor commercial area and ground floor kiosk upon completion of the reclassification. Related long-term leasing to the Surf Club is also available under the reclassification.
any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	No rezoning is proposed with this Planning Proposal.
how council may or will benefit financially, and how these funds will be used;	As there is no intended sale, the only benefit Council will receive, as consequence of the lease of commercial areas is greater protection of its rights as the guarantor of the surf club loan under the deed with the Surf Club.
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal;	N/A
a Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	See Part 4 – Maps. The reclassification applies to part of Lot 1 DP 1264560 (the extent of the clubhouse building)
preliminary comments by a relevant government agency, including an agency	N/A

Item	Comment/ Where addressed
that dedicated the land to council, if applicable.	