



Ms Jane Gornall
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Ref: 08/4764

26 June 2008

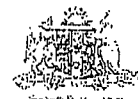
Dear Ms Gornall

Re Sydney University Rowing Shed - Cunninghams Reach, Lindley Point

I refer to your recent letter and discussions with the department about the proposal by Sydney University Rowing Club to rebuild their boatshed at Cunninghams Reach, Lindley Point. The proposal partly occupies Crown Reserve 100210 for public recreation and partly Lot 2 DP 1117218 owned by the RTA. Management of Reserve 100210 is devolved to council under S.48 of the Local Government Act 1993.

In regard the development proposal the following comments are provided:

1. Reserve 100210 is set aside for the public purpose of public recreation. Any development on the reserve must be "acceptable" under the public purpose. It is firmly established by judge made law that land reserved or otherwise set aside for public recreation must be open to the public generally as of right. Therefore any development on river foreshore reserve must protect and maintain access for the broader community.
2. The development proposal mainly occupies land owned by the RTA (lot 2 DP 1117218). The department has contacted Ross Walker of the RTA and he has agreed to consider transferring responsibility for Lot 2 and also Lots 1, 3 and 4 in DP 1117218 to the Department of Lands (Lands). If the RTA agrees to transfer the lands to the Crown the department has several options available in regard to the future administration and management of the additional area. This would include reservation for community and sporting club uses, or reservation for public recreation and the appointment of council as trust manager. If this was to occur council would issue any tenures. Alternatively the rowing club proposal could be subject to a direct lease between the rowing club and Lands.
3. In any event, it would be appropriate for council to consider being appointed as reserve trust manager of Reserve 100210. This would enable council to lease, as trust manager, that part of the proposal on the existing part of that reserve and if the RTA land subject of this proposal is added to the reserve the lease could extend over this site.

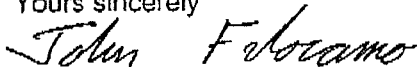


4. The department's position on clubs on Crown reserves is that the exclusive use of club houses or other premises by special interest groups for club members or for private functions is not appropriate on public recreation reserves. If the proposed development is to be on land reserved for public recreation, the rowing club must demonstrate that where practicable, public access to facilities is available. The principles set out in Attachment A below should be addressed when considering the suitability of a club on Crown land reserved for public recreation.
5. Furthermore, the department is of the view that sporting club buildings on Crown reserves for public recreation are "community facilities" and multiple uses should be supported and encouraged. In regard to the current proposal, club facilities and services must directly relate to Sydney University Club rowing and in operating the building the club should endeavour to maximise opportunities for essential public facilities and community access to the building. For example, public toilets, council services (storage, etc) improved recreational amenity (cafes, kiosks) and community use of meeting rooms, etc. The application should provide information about what, if any, public facilities and services council needs and where in the building they are best located.
6. Where the provisions of 4 and 5 above are not able to be met by the rowing club, it may be more appropriate for the department to enter into a lease directly with the club or establish a Reserve for Sporting and Community Club Uses with the club appointed as the reserve trust manager.
7. Foreshore land identified as "Unidentified" (refer attached map) to the west of the RTA owned lots appears to be owned by NSW Maritime. We have asked them to confirm if this correct. Should this land also be declared Crown land the department will then consider appropriate reservation and management options as set out above.

The department understands that the development proposal has been subject to community consultation and that the rowing club has had discussions with council officers concerning its suitability. We also understand that the proposal as it affects RTA land, is not permissible under the current zoning.

Please contact Ian Ferguson on 88836 5312 or email ian.ferguson@lands.nsw.gov.au if you require further information.

Yours sincerely



John Filocamo
Program Manager
Land Administration
CLD
Sydney

ATTACHMENT A

CLUBS ON CROWN RESERVES

MATTERS FOR CONSIDERATION

The following matters need to be considered prior to any approval in principle or otherwise being given to the establishment of a club on land currently reserved for public recreation:

- *the land is not required for public recreation (an analysis of the supply of local recreational lands may be necessary);*
 - *the land is not environmentally sensitive (e.g. Clubs should not be located on foreshore lands or part of the dune system)*
 - *the land does not have important scenic values that may be compromised;*
 - *the land is not to be devoted solely to the club premises;*
 - *the land can adequately accommodate the access and parking requirements for the club and as a result, surrounding areas will not be impacted upon;*
 - *the proposal is located and designed so that it will complement other uses and environmental values;*
 - *the proposal does not adversely affect or preclude pedestrian access to the foreshore; and*
 - *the proposal does not alienate prime foreshore tourism and recreational lands.*
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DISCLAIMER
 The Crown Information shown has not been
 validated and may contain errors and omissions.
 Users are advised to verify the information
 made through the Land NSW website.
 This is a diagrammatic representation only.

Printed By: Ian Ferguson
 Date Printed: 24/06/2008
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Scale 1:2,846
 25 0 25 50 75
 Metres

PARISH: WILLOUGHBY
 COUNTY: CUMBERLAND
 LGA: LANE COVE
 SUBURB: LINLEY POINT

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