
PUBLIC HEARING FOR PROPOSED
RECATEGORYISATION OF PARTS OF ELS HALL PARK

BACKGROUND INFORMATION

13 OCTOBER 2020



CITY OF RYDE

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1 INTRODUCTION

1.1 Background

ELS Hall Park was categorised as Park, Sportsground, Natural Area-Bushland, Natural Area-Watercourse, and General Community Use in the Shrimptons Creek Parklands Plan of Management which was adopted by City of Ryde in 2012. In 2019 City of Ryde undertook extensive community engagement and prepared a Masterplan for ELS Hall Park, Greenwood Park and Booth Reserve. Council has now prepared a Draft Plan of Management for ELS Hall Park to implement the Masterplan and to manage the park. The Draft Plan of Management for ELS Hall Park proposes four changes to the categorisation of community land adopted in the Shrimptons Creek Parklands Plan of Management, as explained and illustrated in Section 3.

A public hearing is required under Section 40A of the *Local Government Act 1993* to recategorise community land. Under the Act the public hearing must be chaired by an independent facilitator.

1.2 Public hearing and submissions

The public hearing has been scheduled on Thursday 5 November 2020 from 4:30pm pm to 6:00 pm.

The public hearing will be held via an online conference.

Customers are able to join the meeting online or call in by phone. Registrations are essential at www.ryde.nsw.gov.au/RSVPELS or call Customer Service on 9952 8222. **Registrations close 12 noon on Thursday 5 November 2020.**

Submissions may be made:

- ☐ via the online submission form on the Have Your Say page www.ryde.nsw.gov.au/haveyoursay/ELSPoM from **Monday 19 October to Sunday 29 November 2020**
- ☐ verbally at the public hearing by calling in by phone. Prior registration is required
- ☐ in writing to Council until **Sunday 29 November 2020** by:
 - email: cityofryde@ryde.nsw.gov.au
 - post to: General Manager, City of Ryde, Locked Bag 2069, North Ryde NSW 1670

The questions to address in your submission are:

1. Do you agree or not with the proposal to recategorise parts of ELS Hall Park:
 - **Area 1 from Natural Area-Bushland and Park to General Community Use**
 - **Area 2 from Park to Natural Area-Bushland**
 - **Area 3 from Sportsground to Park**
 - **Area 4 from Park to Natural Area-Bushland**Why or why not?
2. Do you have any other comments about the proposed recategorisation of parts of ELS Hall Park?

1.3 About this background information document

This background information document sets out the legislative requirements for categorisation and recategorisation of community land in Section 2, particularly:

- ☐ categorisation and recategorisation of community land
- ☐ preparation of Plans of Management for land classified as community land
- ☐ public hearings regarding the categorisation and recategorisation of community land.

Section 3 explains the proposed recategorisations of ELS Hall Park.

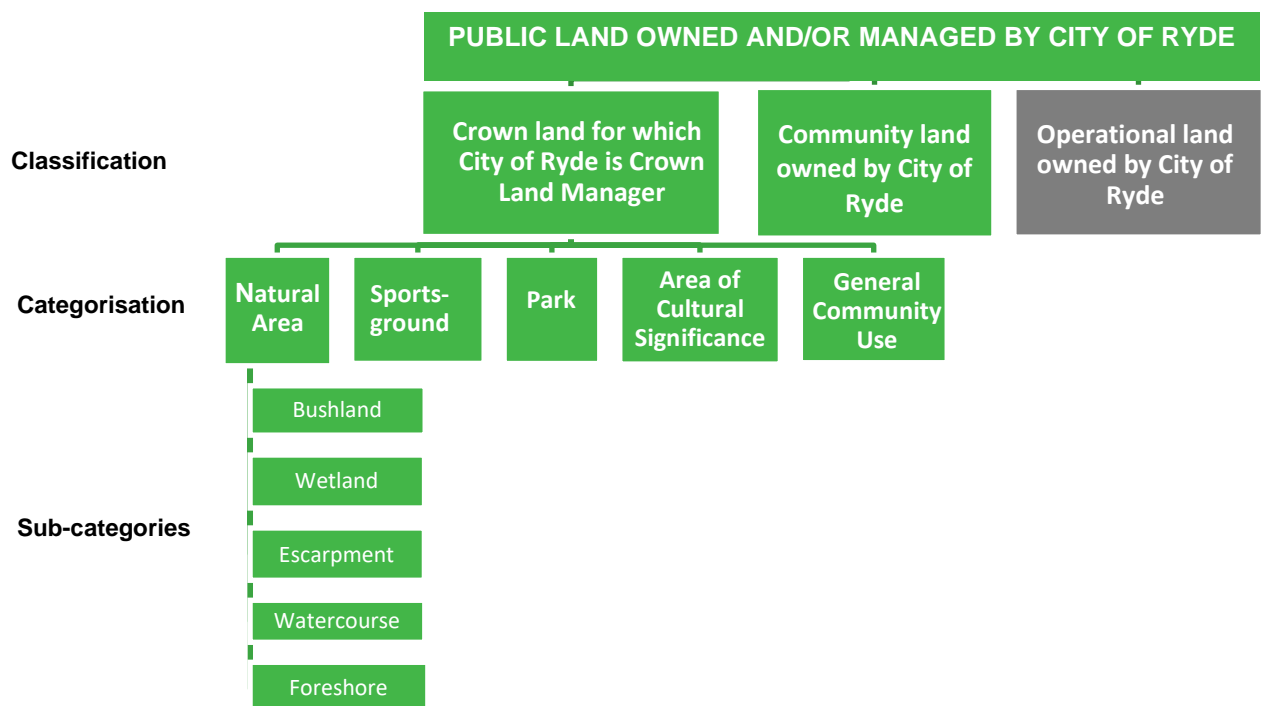
2 COMMUNITY LAND CATEGORISATION

2.1 Community land

The *Local Government Act 1993* sets out a range of requirements that City of Ryde is legally bound to adhere to. These requirements include the management of community land owned by City of Ryde.

ELS Hall Park is classified as community land under the *Local Government Act 1993*.

Figure 1 Classification and categorisation of community land



The Local Government Act requires that all land owned by Council must be classified as "community" or "operational" land (Section 26).

Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's consent, it cannot be sold, and its use is restricted to the above purposes.

Conversely, operational land is land that can be used for any purposes deemed fit by Council, may be used for commercial purposes, be leased for a longer period, and can be sold.

2.2 Categorisation of community land

2.2.1 What are the categories for community land?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised.

Community land may be categorised as one or more of the following under Section 36(4) of the Act:

- ☐ natural area.
- ☐ sportsground.
- ☐ park.
- ☐ area of cultural significance.
- ☐ general community use.

Community land that is categorised as a natural area is to be further categorised as one or more of the following under Section 36(5) of the Act:

- ☐ bushland.
- ☐ wetland.
- ☐ escarpment.
- ☐ watercourse.
- ☐ foreshore.
- ☐ a category prescribed by the regulations.

2.2.2 What are the guidelines for categorising community land?

Guidelines for categorising community land as a particular category are in Clauses 102 to 111 of the *Local Government (General) Regulation 2005*.

The Department of Local Government's revised Practice Note on Public Land Management (Department of Local Government, 2000) made general recommendations on the guidelines for categorising community land. The Practice Note stated:

"Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that Council be able to justify a decision."

Also, Council may have a piece of community land, parts of which may be best managed as different categories, for example a piece of land with remnant bushland in one part and children's play equipment in another. Council is able to categorise land as part 'Natural Area – Bushland' and part 'Park'. It is strongly recommended that the land in each category not overlap. Overlapping categories may cause conflict in management objectives and will create confusion in the minds of Council staff and the community."

2.2.3 Core objectives for managing community land

Each category and sub-category of community land has core objectives that apply to it under the *Local Government Act*. The core objectives outline the approach to management of the land covered by the particular category. The core objectives for each category of community land are set out in Sections 36E to 36N of the *Local Government Act 1993*.

The guidelines and core objectives for the current and proposed categories of Natural Area-Bushland, Park, Sportsground and General Community Use which apply to parts of ELS Hall Park which are proposed to be recategorised are in Table 1.

Table 1 Guidelines and core objectives for current and proposed categories of community land for parts of ELS Hall Park

Category	Guidelines	Core objectives
Natural Area	If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.	<ul style="list-style-type: none"> - conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. - maintain the land, or that feature or habitat, in its natural state and setting. - provide for the restoration and regeneration of the land. - provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion. - assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the <i>Threatened Species Conservation Act 1995</i> or the <i>Fisheries Management Act 1994</i>.
Under Section 36(5) of the Act, Natural Areas are required to be further categorised as bushland, wetland, escarpment, watercourse or foreshore based on the dominant character of the natural area.		
Natural Area – Bushland	<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation:</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p>	<ul style="list-style-type: none"> - ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land. - protect the aesthetic, heritage, recreational, educational and scientific values of the land. - promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion. - restore degraded bushland. - protect existing landforms such drainage lines, watercourses and foreshores. - retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term. - protect bushland as a natural stabiliser of the soil surface.

Category	Guidelines	Core objectives
Park	Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and - provide for passive recreational activities or pastimes and for the casual playing of games, and - improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsground	If the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> - encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games, and - ensure that such activities are managed having regard to any adverse impact on nearby residences.
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> - 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 in relation to: <ul style="list-style-type: none"> - public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. - purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

2.3 Plans of Management for community land

Council must prepare a Plan of Management for community land (Section 36(1)). Community land is required to be used and managed according to a Plan of Management applying to the land.

Requirements of the Local Government Act for the contents of a Plan of Management include categorisation of the land.

2.4 Public hearings for categorisation of community land

2.4.1 Why hold a public hearing to categorise community land?

A public hearing is required under Section 40A of the *Local Government Act 1993* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously been prepared and adopted by Council, or has not categorised community land) the community land covered by the Plan of Management
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the community land covered by the Plan of Management

Note: Public hearings regarding categorisation or re-categorisation of community land are not related to reclassification. Reclassification is when community land is re-classified as operational land that can then be managed differently and has the ability to be sold by Council. Community land is protected under the Local Government Act and cannot be sold.

2.4.2 Who conducts a public hearing?

An independent chairperson will conduct the public hearing, and provide a report to Council with recommendations on the proposed recategorisation of community land.

Under Section 47G of the Act, the person presiding at a public hearing must not be:

- a) A Councillor or employee of the Council holding the public hearing.
- b) A person who has been a Councillor or employee of that Council at any time during the 5 years before the date of his or her appointment.

2.4.3 What happens after the public hearing?

Council must make a copy of the report regarding the outcomes of the public hearing available for inspection by the public at a location within the area of Council no later than four days after it has received the final report from the person presiding at the public hearing.

The public hearing report will be presented to Council for its information when it considers adopting the Draft Plan of Management for ELS Hall Park.

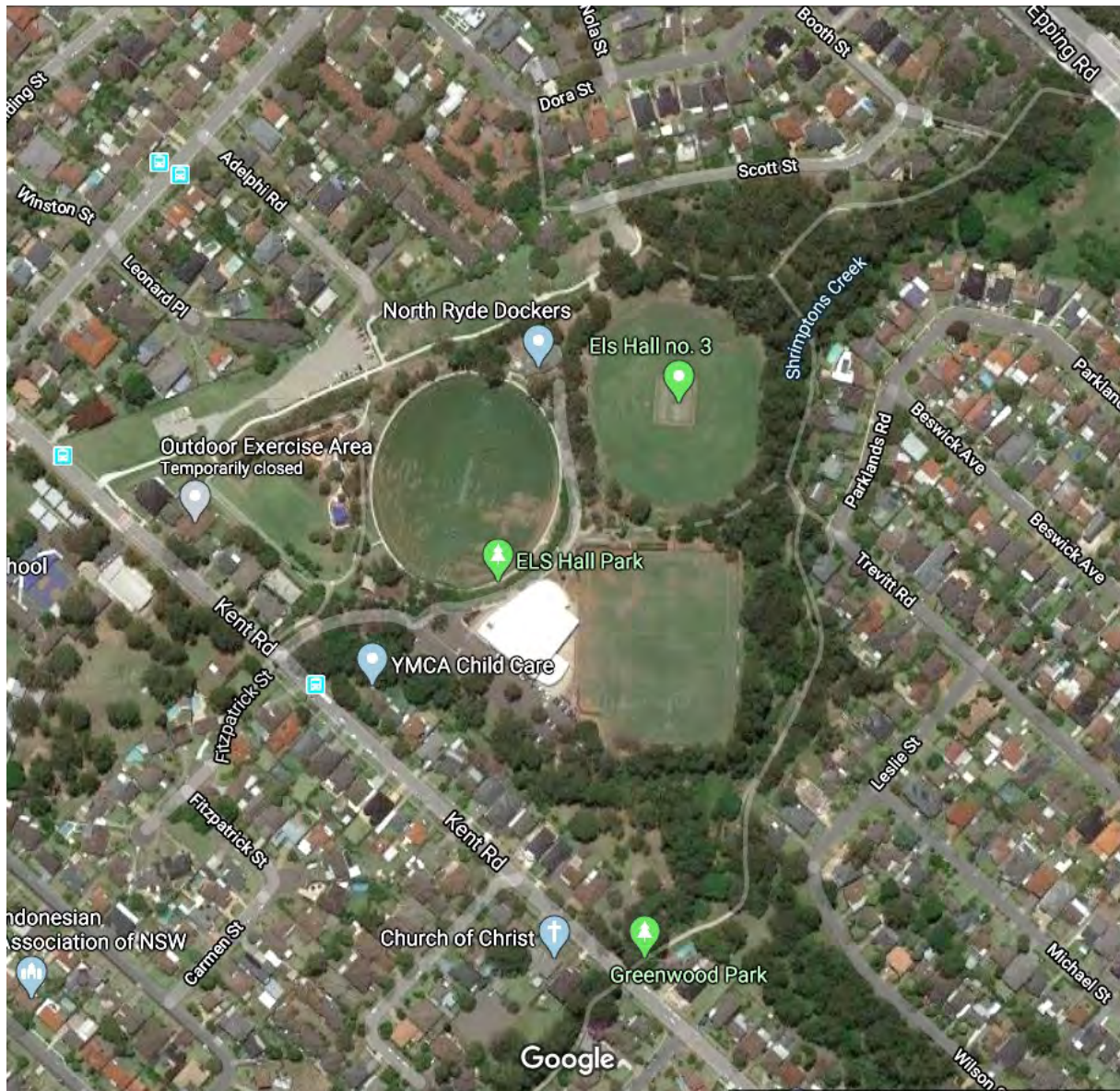
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3 ELS HALL PARK

3.1 Location of ELS Hall Park

The location of ELS Hall Park in North Ryde is in Figure 2.

Figure 2 Location of ELS Hall Park



3.2 Current and proposed categorisation of ELS Hall Park

The current and proposed categorisation of four parts of ELS Hall Park are shown in Figures 3 and 4. Most of the subject land is community land owned by City of Ryde. However, part of Area 4 in ELS Hall Park is owned by the NSW Government “Minister Administering the Environmental Planning and Assessment Act” and is under the care and control of City of Ryde.

Figure 3 Current categorisation of ELS Hall Park adopted by City of Ryde 2012

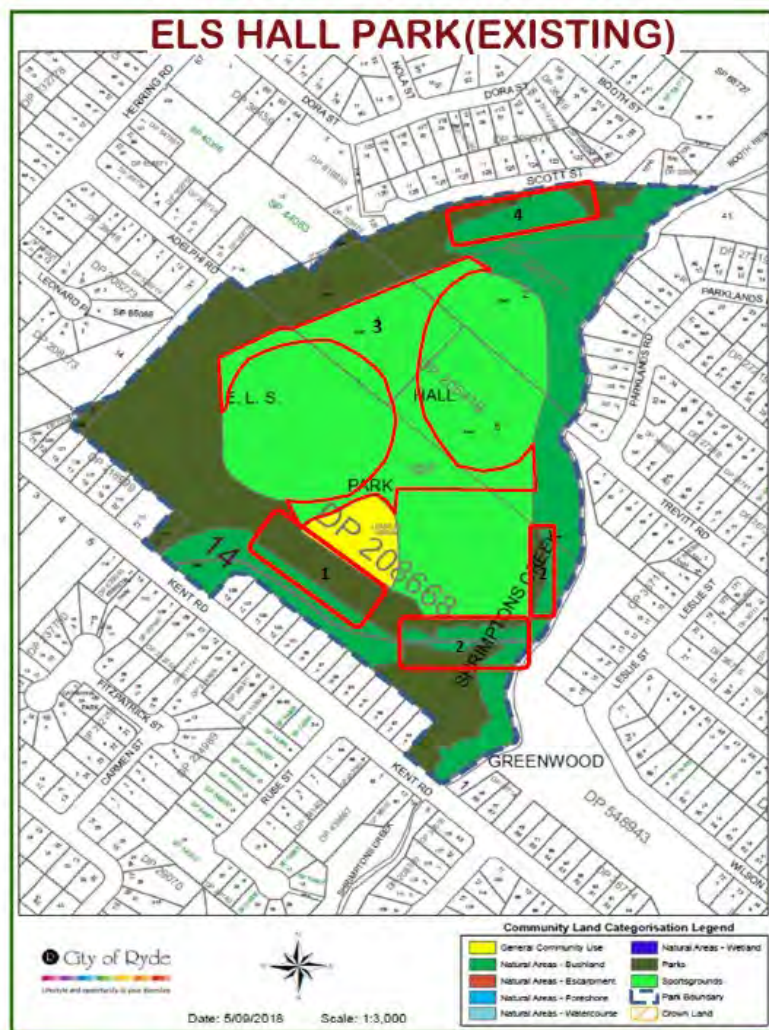


Figure 4 Proposed recategorisation of community land in ELS Hall Park in the Draft Plan of Management 2020



Areas of proposed categorisation change

3.2.1 Proposed recategorisation of Area 1 in ELS Hall Park

Area 1 of ELS Hall Park is shown in Figures 3, 4 and 5.

The proposal is to change the categorisation of the existing areas of Natural Area-Bushland and Park in and on the south-west edge of the carpark to General Community Use. This will allow Council to expand the number of parking spaces and to reduce congestion in the carpark, in line with the future expansion of the indoor sports centre.

Figure 5 Photos of Area 1 in ELS Hall Park



3.2.2 Proposed recategorisation of Area 2 in ELS Hall Park

Area 2 of ELS Hall Park is shown in Figures 3, 4 and 6.

The proposal for Area 2 is to extend the Natural Area-Bushland category into land categorised as Park on the southern side of the riparian corridor of the Shrimptons Creek tributary and to the east of Field No. 2.

Figure 6 Photos of Area 2 in ELS Hall Park



3.2.3 Proposed recategorisation of Area 3 in ELS Hall Park

Area 3 of ELS Hall Park is shown in Figures 3, 4 and 7.

The proposed recategorisation of this area will result in a reduction of the Sportsground category boundary, with these areas being recategorised as Park. This recategorisation better aligns with the current and future uses of these areas.

Figure 7 Photos of Area 3 in ELS Hall Park





3.2.4 Proposed recategorisation of Area 4 in ELS Hall Park

Area 4 of ELS Hall Park is shown in Figures 3, 4 and 8. The proposed recategorisation of this area will result in an expansion of the Natural Area-Bushland boundary from the present Park categorisation. This recategorisation better aligns with the current and future use of this area.

Figure 8 Photos of Area 4 in ELS Hall Park



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