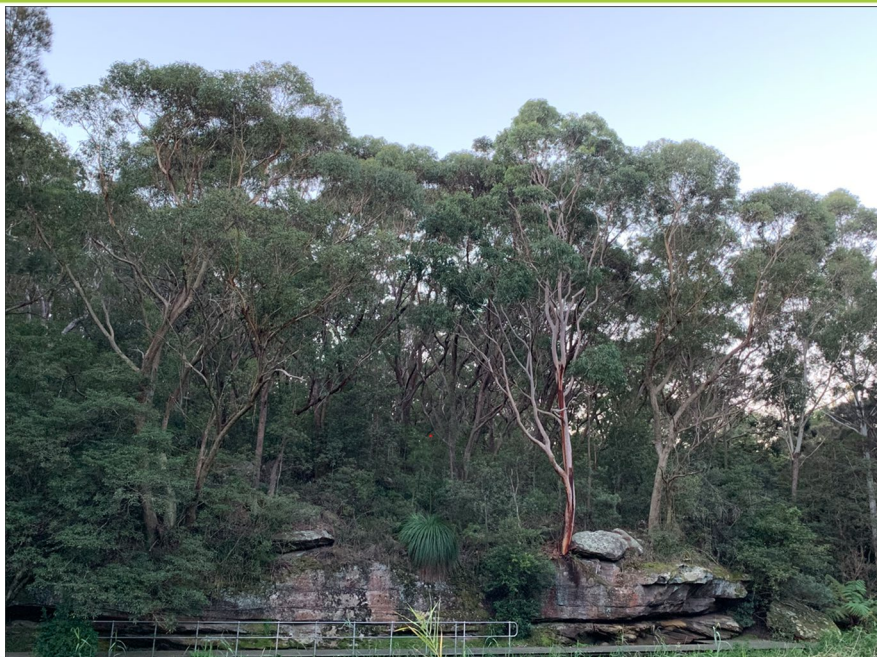

PUBLIC HEARING FOR PROPOSED
RECATEGORISATION OF PARTS OF
FIELD OF MARS RESERVE
BACKGROUND INFORMATION

14 AUGUST 2023



CITY OF RYDE

PUBLIC HEARING FOR PROPOSED
RECATEGORISATION OF PARTS OF
FIELD OF MARS RESERVE

BACKGROUND INFORMATION

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1 INTRODUCTION

1.1 Background

The Field of Mars Reserve Plan of Management (2009) identified land categorisations for Council owned Community land. Under the *Crown Land Management Act 2016*, initial land categorisations were applied to Crown Land within Field of Mars Reserve.

Council is proposing to change the boundaries of the current categories of Community land in parts of Field of Mars Reserve to reflect the current and future reserve use in accordance with the adopted Masterplan, as explained and illustrated in Section 3.

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

If Council adopts the proposed recategorisation of parts of Field of Mars Reserve, Council will update its Open Space Land Index, Maps and associated Plans to reflect the change in categorisation.

1.2 Public hearing and submissions

The public hearing will be held:

**Wednesday 30 August 2023
4:30pm to 6:30 pm
Wallumetta Room
Ryde Library
1 Pope Street, Ryde**

Submissions may be made:

- via the online submission form on the Have Your Say page
www.ryde.nsw.gov.au/HSY/FieldOfMarsPoM
from **Tuesday 15 August** until **Tuesday 26 September 2023**
- verbally at the public hearing on **Wednesday 30 August 2023**
Advanced registration essential. Registrations for public hearing close **12.00 noon on Monday 28 August 2023** at **www.ryde.nsw.gov.au/HSY/FieldOfMarsPoM**
- in writing to Council until **Tuesday 26 September 2023** by:
 - email: cityofryde@ryde.nsw.gov.au
 - post: City of Ryde, Locked Bag 2069, North Ryde NSW 1670

Written submissions must be clearly marked as 'Field of Mars Reserve Proposed Land Recategorisation'.

The question to address in your submission is:

Do you agree or not with the proposal to recategorise parts of Field of Mars Reserve as shown in Figure 5 of this document? Why or why not?

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 Plan of Management for land classified as Community land
- public hearings regarding the categorisation and recategorisation of Community land.

Section 3 explains the previous and current land categorisation and the proposed land recategorisations of parts of Field of Mars Reserve.

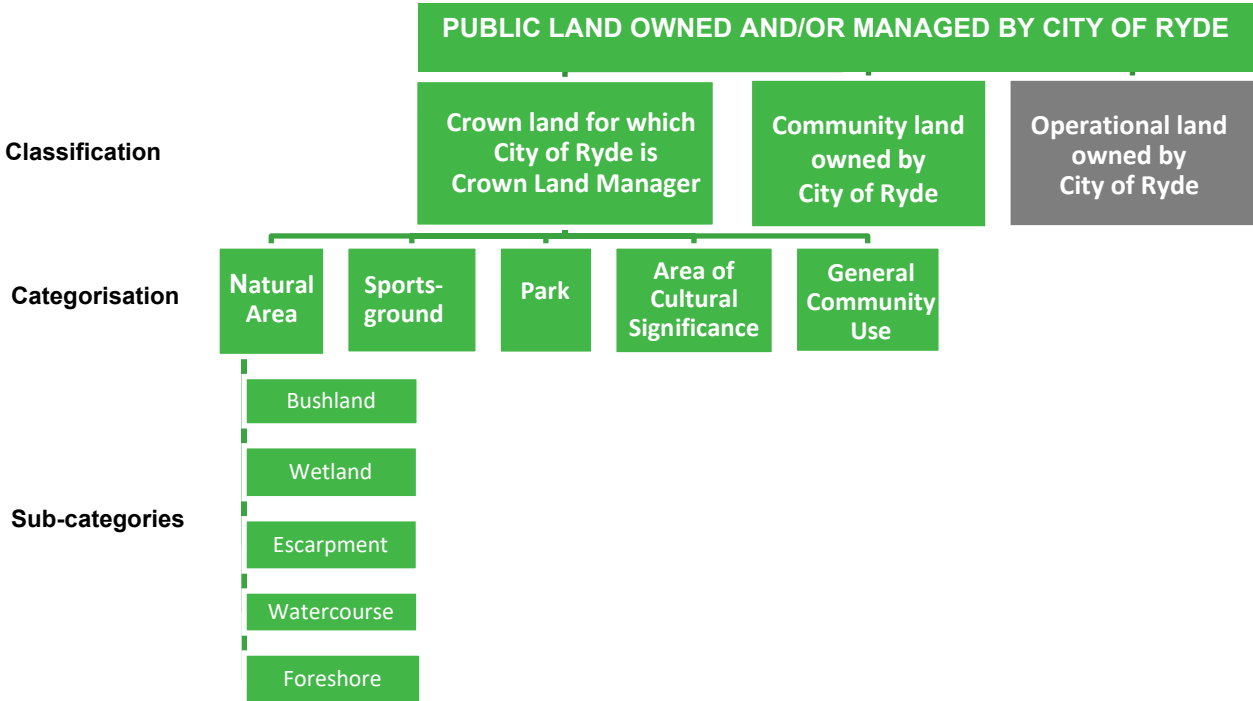
2 COMMUNITY AND CROWN LAND CATEGORISATION

2.1 Community land and Crown 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, and Crown land for which Council is Crown Land Manager.

Parts of Field of Mars Reserve are owned by City of Ryde and are classified as Community land under the *Local Government Act 1993*.

Figure 1 Classification and categorisation of Community land



The *Local Government Act 1993* 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 2021*.

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, 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 1993*. 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, Natural Area - Wetland, and Park which apply to Field of Mars Reserve are in Table 1.

Table 1 Guidelines and core objectives for Community land categories in Field of Mars Reserve

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 <i>the Act</i> .	<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>.
<p>Under Section 36(5) of <i>the Act</i>, Natural Areas are required to be further categorised as Bushland, Wetland, Escarpment, Watercourse or Foreshore based on the dominant character of the Natural Area.</p>		
Natural Area – Bushland	<p>Land that is categorised as a Natural Area should be further categorised as bushland under Section 36(5) of <i>the Act</i> if the land contains primarily native vegetation and that vegetation:</p> <ul style="list-style-type: none"> - is the natural vegetation or a remainder of the natural vegetation of the land, or - 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. 	<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.
Natural Area – Wetland	<p>Land that is categorised as a Natural Area should be further categorised as wetland under Section 36(5) of <i>the Act</i> if the land includes marshes, mangroves, backwaters,</p>	<ul style="list-style-type: none"> - protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and - restore and regenerate degraded wetlands, and

Category	Guidelines	Core objectives
	billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.	<ul style="list-style-type: none"> - facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.
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.

Most of the Field of Mars Reserve is categorised as *Natural Area*, which is broken down further into subcategories of *Bushland* and *Wetland*. The objectives for Natural Areas include to conserve and maintain the biodiversity and land; to undertake regeneration; and to allow community use that does not adversely impact on the land.

Some smaller portions of the Field of Mars Reserve are categorised as Park. The objectives for Park include facilitate recreational, cultural, social and educational pastimes and activities; provide for passive activities; and develop the land to facilitate these objectives.

The Field of Mars Environmental Education Centre (operated by the NSW Department of Education) provides the opportunity for fieldwork, environmental education and education for sustainability to visiting students. This facility, whilst located within the Reserve boundaries, is not owned or managed by Council and is not located on land owned by Council, therefore Community land categorisation is not applicable to this parcel of land.

2.3 Categorisation of Crown lands

The Field of Mars Reserve consists of a large component of Crown lands. Under previous legislation land categorisation was not applicable for parcels of Crown lands under Council's care and control. However, from 1 July 2018 the *Crown Land Management Act 2016* required the appointment of Council as Crown Land Manager and for these Crown lands to be managed as if they were public land under the *Local Government Act 1993*. This included the application of land categorisation and a Plan of Management for Crown lands.

In response to the *Crown Land Management Act 2016*, Council was required to nominate initial designation of land categorisation for Crown lands under their management to the NSW Office of Crown Lands. Further Land categorisation (eg. applying sub-categories to Natural Areas) for Crown lands can be submitted to NSW Office of Crown Lands as a component of the Ministerial approval process for the draft Plan of Management to be placed on public exhibition.

2.4 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 for the land.

Requirements of the *Local Government Act 1993* for the contents of a Plan of Management include categorisation of the land.

2.5 Public hearings for categorisation of Community land

2.5.1 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.

2.5.2 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.

2.5.3 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 proposed land recategorisation of parts of Field of Mars Reserve and the draft Plan of Management for Field of Mars Reserve.

Pending the outcome of the public hearing and if Council adopts the proposed recategorisation of parts of Field of Mars Reserve, Council will update associated maps, plans, documents and records to reflect the change in categorisation. Notification/s of the Council resolution for the land re-categorisation and Plan of Management will be provided to community and stakeholders.

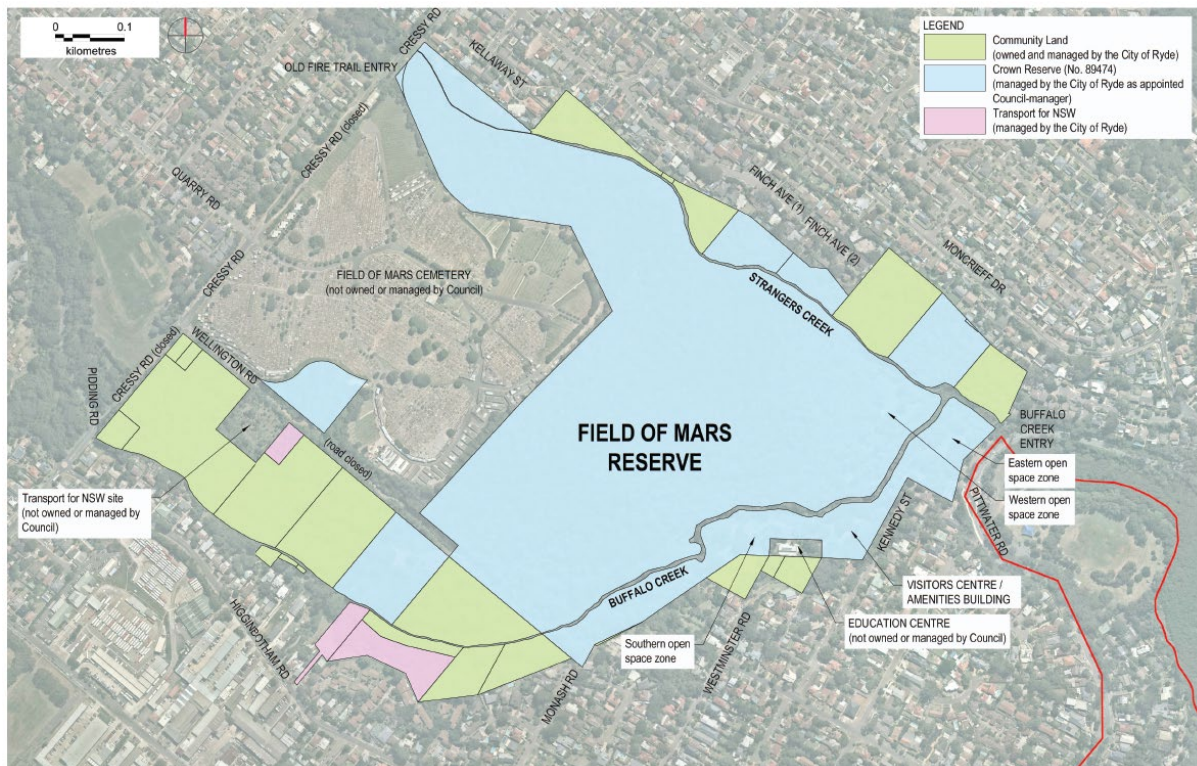
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3 PROPOSED RECATEGORISATION OF PARTS OF FIELD OF MARS RESERVE

3.1 Land ownership

Field of Mars Reserve includes Crown land, Community land owned by City of Ryde, and land owned by Transport for NSW as shown in Figure 2.

Figure 2 Ownership of land in Field of Mars Reserve



Source: Field of Mars Reserve draft Plan of Management (August 2023 pending public exhibition and adoption)

3.2 Features of Field of Mars Reserve

The Field of Mars Reserve is approximately 50 hectares in size and is the City of Ryde’s largest remnant bushland reserve. It is a wildlife refuge and category 1 wildlife protection area. Buffalo and Strangers Creek traverse the site and converge on the north-eastern side of the Reserve. Within the Reserve there is a network of walking tracks, visitors centre with public toilets and picnic area. Several voluntary bushcare groups operate in the Reserve.

The Field of Mars Education Centre (not owned or managed by Council) is situated in the Reserve and operated by the NSW Department of Education. Students and teachers use the Education Centre and the Reserve itself for educational purposes.

3.3 Field of Mars Reserve Masterplan 2021

The Masterplan adopted for the Field of Mars Reserve in August 2021 is in Figure 3 below. The proposed recategorisation of parts of the Field of Mars Reserve apply to the southern open space zone and the eastern open space zone as shown on the Masterplan.

3.4 Previous, current and proposed Land Categorisations

3.4.1 Land Categorisations under Plan of Management (2009)

Land Categorisations for Community land in Field of Mars Reserve were adopted by Council on 9 September 2009 as a component of the Field of Mars Reserve Plan of Management (2009). These land categorisations are:

- Natural Area – Bushland
- Natural Area – Wetland
- Park.

Refer to Figure 4 below for the existing land categorisation of Community land in Field of Mars Reserve.

Note:

- In 2009 Crown land was not required to be categorised under the *Local Government Act 1993*, therefore no categorisations were applicable to the parcels of Crown land in Field of Mars Reserve at that time.
- The 2009 Plan of Management will be superseded by the new Plan of Management, currently on public exhibition and pending necessary approvals.

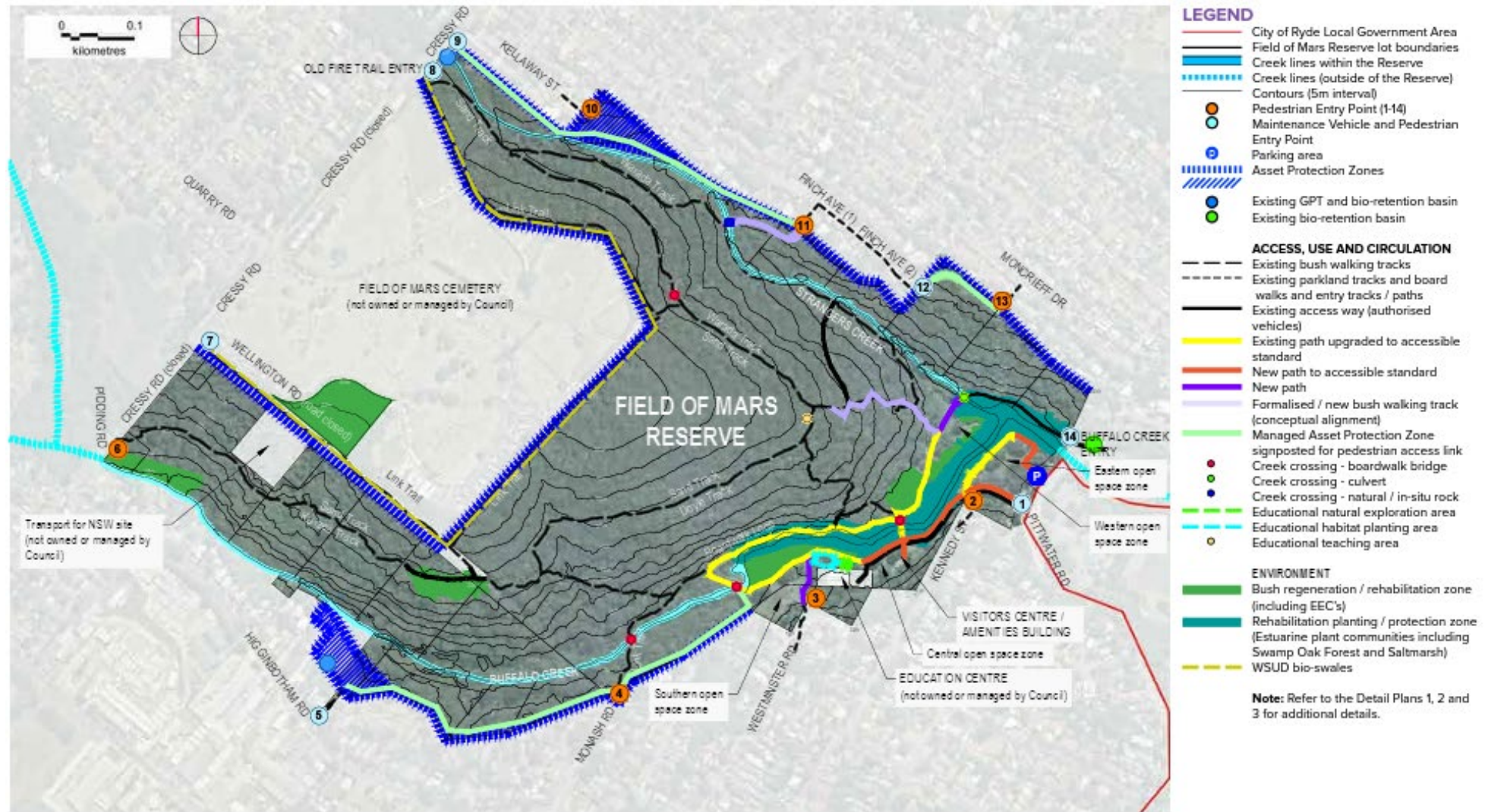
3.4.2 Land Categorisations under *Crown Land Management Act 2016* (2018)

The *Crown Land Management Act 2016* came into effect in 2018. This stipulates that Crown land is to be managed as though it is Community land under the *Local Government Act 1993*, including categorisation.

As required, Council as Crown Land Manager, submitted initial land categorisations for Crown land in the Field of Mars Reserve to NSW Office of Crown Lands as:

- Natural Area (without sub-categorisation)
- Park.

Figure 3 Field of Mars Reserve Masterplan



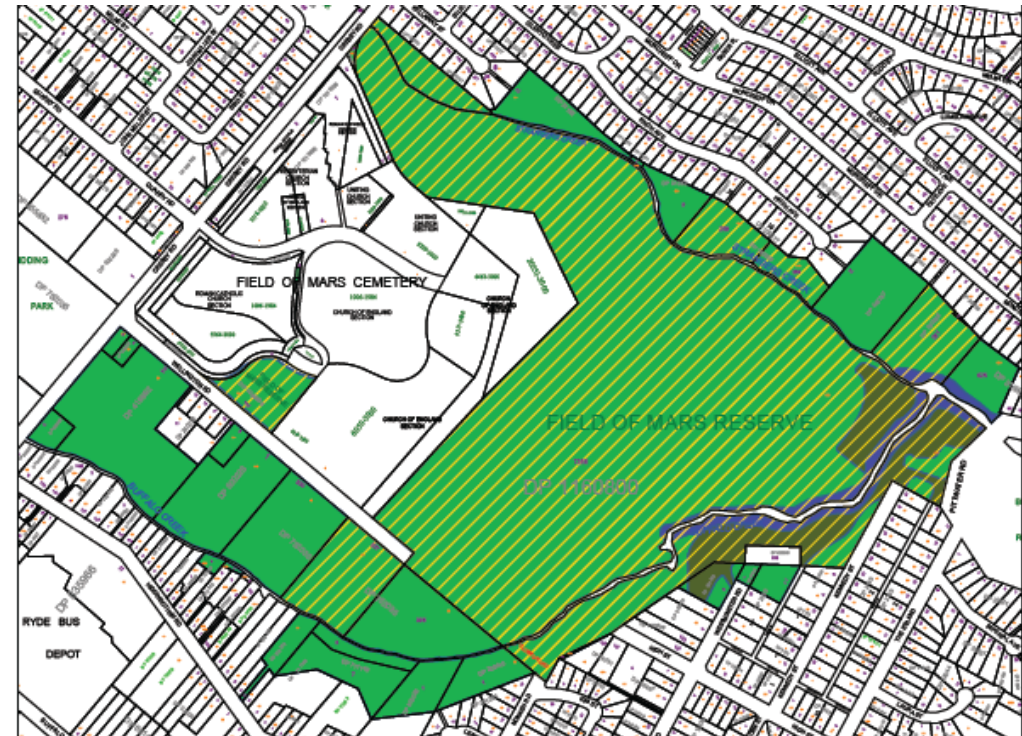
Source: Field of Mars Reserve Masterplan Report (adopted August 2021)

Figure 4 Land categorisation of Field of Mars Reserve - Field of Mars Reserve Plan of Management (2009)



- Natural Area - Bushland
- Natural Area - Wetland
- Park
- Categorisation not required

Figure 5 Proposed categorisation of Field of Mars Reserve - Field of Mars Reserve draft Plan of Management (2023)



- General Community Use
- Natural Areas - Bushland
- Natural Areas - Escarpment
- Natural Areas - Foreshore
- Natural Areas - Watercourse
- Natural Areas - Wetlands
- Park Boundary
- Parks
- Sportsgrounds
- Crown Land


○ Denote the parts of Field of Mars Reserve (Areas 1 and 2) where land recategorisation is being proposed to Council owned Community land

3.4.3 Land Categorisations under draft Plan of Management (2022-23)

In the course of preparing the Field of Mars Reserve Masterplan (adopted August 2021) and draft Plan of Management, a review of land categorisations was undertaken and the recategorisation of parts of the Field of Mars Reserve was recommended.

The draft Plan of Management (2022-23) was referred to NSW Office of Crown Lands for Ministerial approval to place on public exhibition. This included notification for minor alteration of initial land categorisations to Crown land parcels, as detailed in Table 2 below. This included sub-categorisation applied to Natural Area – Bushland and to Natural Area – Wetland, and categorisation as Park. Approval was granted by NSW Office of Crown Lands on 28 June 2023 to proceed to public exhibition with the categorisation of Crown land as shown in Figure 5.

Table 2 Minor alterations to Crown Land initial categorisations

		
Lot 7358 DP 1160800 Natural Area – Bushland Natural Area – Wetland Park	Lot 7011 DP 1069836 Natural Area – Bushland	Lot 172 DP 752035 Natural Area – Bushland
		
Lot 258 DP 752035 Natural Area – Bushland	Lot 259 DP 752035 Natural Area – Bushland	Lot 261 DP 752035 Natural Area – Bushland Natural Area – Wetland
		
Lot 307 DP 752035 Natural Area – Bushland	Lot 755 DP 752035 Natural Area – Bushland	

Source: NSW Six Maps

These categorisations of Crown lands are a protective measure and are consistent with the adopted Masterplan, existing use, vegetation, management practices and the Field of Mars Reserve’s gazetted purpose for “*public recreation and the promotion of and study of the preservation of native flora and fauna*”.

3.4.4 Proposed Land Recategorisations (2023)

Council is proposing to change the boundaries of the current land categorisation of Community land in two areas of the Field of Mars Reserve, as shown in Figures 4 and 5 above and outlined in Table 3 below.

Table 3 Areas of Council owned Community land proposed for category change

Area	Location (part of Field of Mars Reserve)	Proposed Categorisation Change
Area 1	South and south-west of the Education Centre (near Westminster Road pedestrian entry).	Increased area of Natural Area - Bushland
		Reduced area of Park
		Note: Same total area of parkland.
Area 2	North-east of the confluence of Buffalo and Strangers Creeks (near Pittwater Road maintenance vehicle entry).	Increased area of Natural Area - Bushland
		Reduced area of Natural Area - Wetland
		Note: Same total area of parkland.

The proposed changes are consistent with the adopted Masterplan (Figure 3), existing use, vegetation, management practices and the gazetted purpose of Field of Mars Reserve for “*public recreation and the promotion of and study of the preservation of native flora and fauna*”.

3.4.5 Proposed Land Recategorisation – Area 1

Area 1 (part of Field of Mars Reserve) is situated to the south and south-west of the Education Centre and in proximity to the pedestrian reserve entry from Westminster Road. It is characterised by a combination of established areas of vegetation and an open grassed area used for picnics, passive recreation and educational purposes as shown in Figure 6.

Figure 6 Images of Area 1



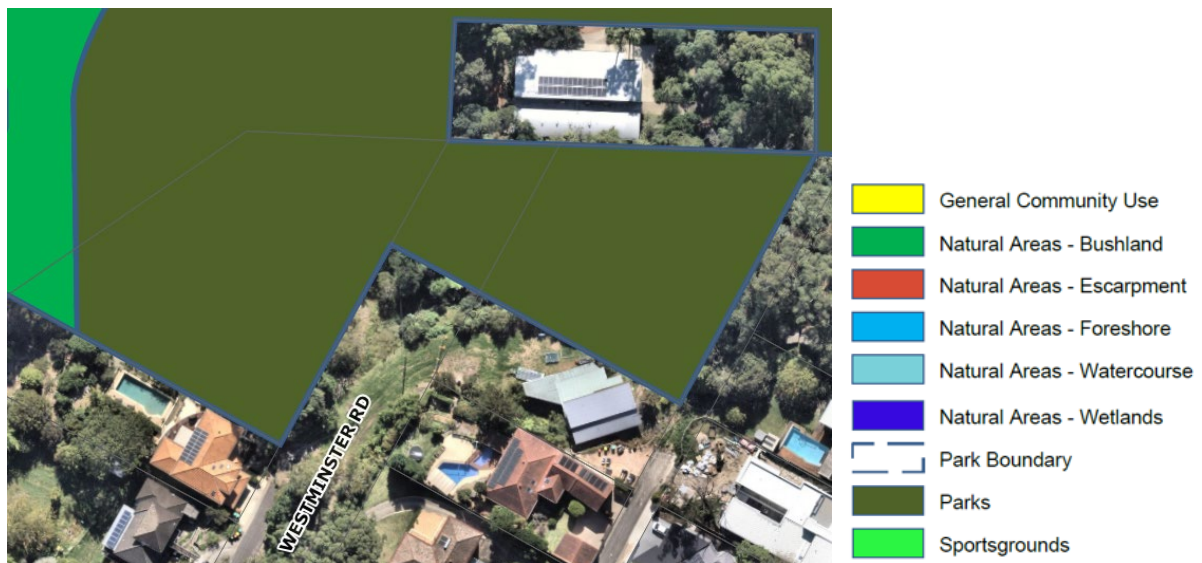
Looking south-west (near Education Centre and Westminster Road park entry)



Looking south-east (near Education Centre and Westminster Road park entry)

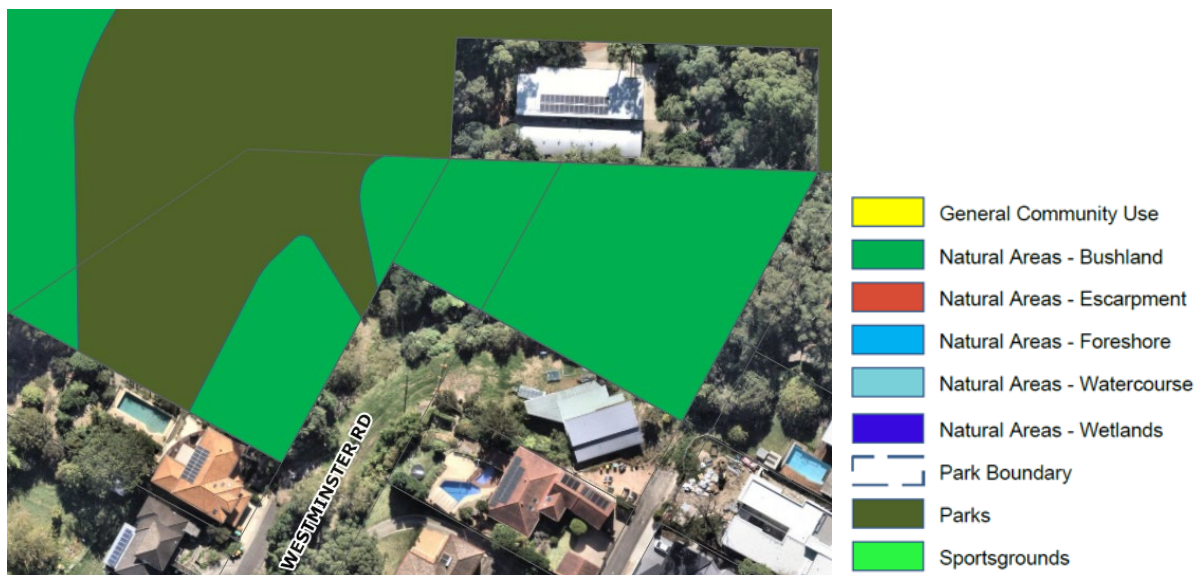
The total area of the parcels of land contained within Area 1 is approximately 5,833m², and consists of Council owned Community land categorised as Park as shown in Figure 7.

Figure 7 Area 1 - Current land categorisation (part of Field of Mars Reserve)



The proposed land recategorisation in Area 1 is for approximately 872m² and 3,070m² (3,972m² combined total) of Council owned Community land to be changed from Park land categorisation to Natural Area – Bushland land categorisation as shown in Figure 8.

Figure 8 Area 1 - Proposed land recategorisation (part of Field of Mars Reserve)



The proposed land recategorisation of Area 1 will increase the Natural Area – Bushland (by 3,972m²) and decrease the area of Park (by 3,972m²) in this area of the Field of Mars Reserve.

The existing open grass area will be retained as Park land categorisation (1,861 m²).

3.4.6 Proposed Land Recategorisation – Area 2

Area 2 (part of Field of Mars Reserve) is the north-eastern most parcel of land (Lot 625 DP 31680) within the Field of Mars Reserve. It is situated to the north-east of the confluence of Buffalo Creek and Strangers Creek. It is largely characterised by established bushland vegetation on land with increasing topography extending up towards residential properties boundaries on Moncrief Drive and McCallum Avenue. The lower section of Area 2 is wetland immediately adjacent to the lower extremity of Buffalo Creek. A maintenance vehicle access route into the Reserve extends between the wetland and bushland areas. The topography of the wetland slopes downwards from the maintenance access route to the tidal creekline. Figure 9 shows the bushland and wetland in this area.

Figure 9 Images of Area 2

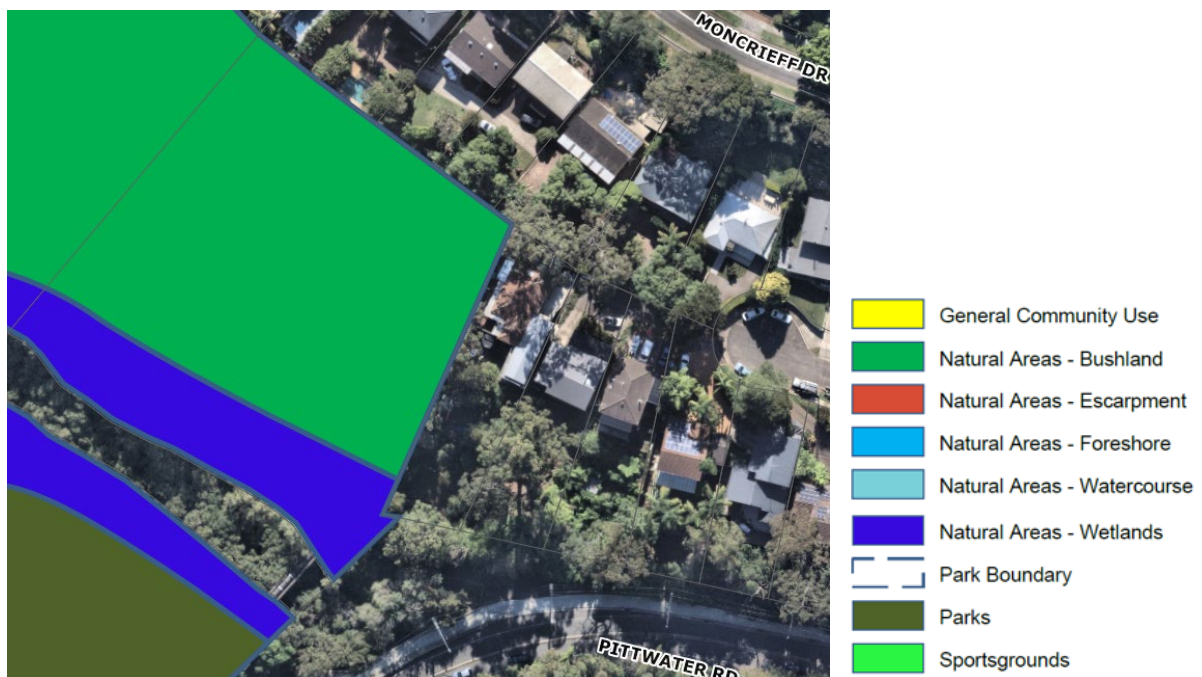


Looking south-east (Buffalo Creek on right and Pittwater Rd maintenance entry ahead)

Looking south to Pittwater Road across Buffalo Creek

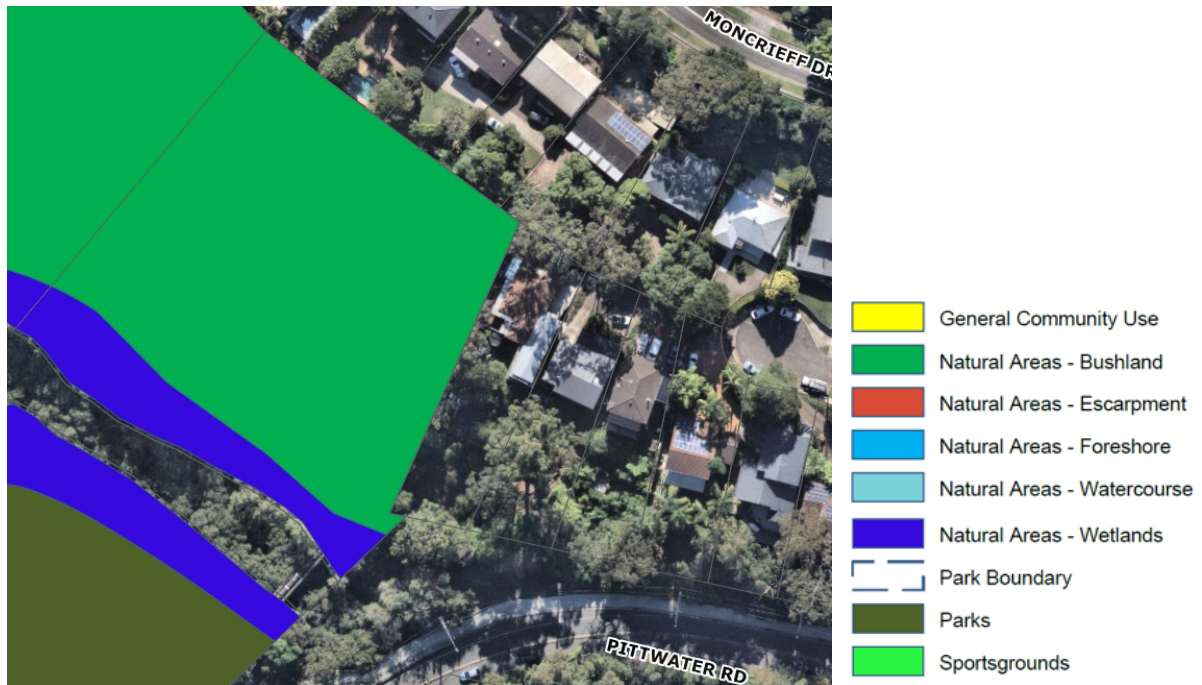
Area 2 is Community land with existing land categorisations of Natural Area – Bushland (4,862m²) and Natural Area – Wetland (1,420m²) – combined total of 6,282m². Refer to Figure 10.

Figure 10 Area 2 - Current land categorisation (part of Field of Mars Reserve)



The proposed for land recategorisation of Area 2 will increase the area of Natural Area – Bushland (5,409m²) and decrease the area of Natural Area – Wetland (873m²) in this area of the Field of Mars Reserve – combined total of 6,282m². Refer to Figure 11.

Figure 11 Area 2 - Proposed land recategorisation (part of Field of Mars Reserve)



Note: the section mapped as Buffalo Creek itself (near Area 2) is not Community land therefore no land categorisation is applicable.

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