

**Meeting Date: Tuesday 25 May 2021**  
**Location: Council Chambers, Level 1A, 1 Pope Street, Ryde and Online**  
**Time: 7.00pm**

*Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.*

### **NOTICE OF BUSINESS**

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## **LATE COUNCIL REPORT**

### **12 DEPARTMENT OF PLANNING INDUSTRY & ENVIRONMENT TRANSFER OF LANDS TO COUNCIL FOR OPEN SPACE AND ENVIRONMENTAL CONSERVATION**

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**Report prepared by:** Project Manager  
**File No.:** GRP/21/8 - BP21/196

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#### **REPORT SUMMARY**

The Office of Strategic Lands (OSL) of the Department of Planning, Industry & Environment (DPIE) proposes the transfer to Council of 51 parcels of land totaling some 9.5 hectares, largely for the purposes of regional open space land and environmental conservation land.

There is a range of key benefits to the community in obtaining ownership of these open space and environmental conservation lands.

The transfer will be subject to an appropriate Land Transfer Agreement to be negotiated with the Department. Once a decision is made by Council to accept these lands in-principle, then formal negotiations over the lands and the detail of the Land Transfer Agreement will be negotiated with DPIE. Appropriate Due Diligence will be undertaken subsequent to a Council decision to accept these lands. Any emerging issues will be resolved with DPIE as part of the negotiations for the transfer under the LTA.

It is likely that the lands will be transferred to Council in two tranches, with Tranche 1 (50 of the 51 land parcels) expected to be finalized around June, 2021 and the 1 remaining land parcel will be transferred around the end of this year (as the Second Tranche).

#### **RECOMMENDATION:**

- (a) That Council, subject to Due Diligence, accepts the proposal from the Department of Planning, Industry & Environment for the progressive transfer of those lands identified in this report, primarily for Open Space and Environmental Conservation purposes and grants delegated authority to the General Manager to negotiate acceptable terms of the Land Transfer Agreement between the Department and Council and to execute all relevant documentation associated with the transfers.
- (b) That Council resolves to classify those lands for Open Space and Environmental Conservation purposes (First Tranche) as Community Land under the Local Government Act, adopts the land categorisations as outlined in this report and updates Appendix A and Appendix B of the Generic Plan of Management to incorporate these lots.

**ITEM 12 (continued)**

- (c) That Council resolves to accept the land in the Second Tranche (when made available by the Department) and classify this land as Operational Land under the Local Government Act.
- (d) That Council resolves to publish a notice of a proposed resolution to classify land, as required under Section 34 of the Local Government Act.

**ATTACHMENTS**

- 1 Transfer Briefing Note - Attachment - Maps
- 2 Land Categorisation

Report Prepared By:

**Garó Aroutunian**  
**Project Manager**

Report Approved By:

**Glenn Davis**  
**Manager - Strategic Property**

**Mark Eady**  
**Director - Corporate Services**

**ITEM 12 (continued)****Discussion**

Council's Strategic Property Team has been negotiating with the Office of Strategic Lands (OSL) of the Department of Planning, Industry & Environment (DPIE) for the transfer of 51 parcels of land totaling some 9.5 hectares, largely for the purposes of regional open space land and environmental conservation land. OSL will transfer these lands to Council for a nominal sum (\$1).

The Planning Ministerial Corporation is established under the Environmental Planning and Assessment Act 1979 (EP & A Act) and is administered by OSL within the Department.

OSL manages and utilises the financial resources of the Sydney Region Development Fund to acquire land reserved for planning purposes within the Greater Sydney Metropolitan Area. Such land reservations for planning purposes are generally identified under Council's Local Environmental Plan as Regional Open Space and the Acquiring Authority is the Planning Ministerial Corporation (that is, DPIE/OSL) under the EP&A Act). A primary function of the OSL is to secure Regional Open Space land to satisfy the NSW Government strategic objectives contained within the Towards Our Greater Sydney 2056.

More specifically OSL:-

- Plans for the short to medium-term use of core Regional Open Space land;
- Manages the land on an **interim ownership basis**;
- **Identifies** the appropriate State agency or **local government end user (owner)**;
- Negotiates the terms of transfer and develops the Land Transfer Agreement (LTA); and
- Manages the conveyance to the new owner agency.

Consistent with these objectives, OSL is partnering with Council in relation to a Land Transfer program to secure local community accessible land for open space; important biodiversity corridors and natural conservation areas, amongst other uses.

The progressive transfer of these OSL owned lands will occur in two tranches.

## **ITEM 12 (continued)**

### **First Tranche:**

- All lots which are currently zoned for open space purposes (RE1) or for environmental conservation purposes (E2). This transfer involves 50 parcels all open space / conservation areas out of the proposed transfer of 51 land parcels
- Timing for transfer of the lands in the first tranche is by June 2021

### **Second Tranche:**

- The remaining 1 parcel of land which is zoned Private Recreation (RE2)
- This lot will require more work from OSL to resolve certain issues before it is transferred, which is anticipated to occur around the end of this year.
- This parcel will be managed differently by Council to the First Tranche lands upon its transfer – hence this parcel is being separately addressed

### **Key Aspects of the Land Transfer Agreement**

The Department has proposed that its standard Land Transfer Agreement should be the mechanism for the transfer of its lands to Council. There are provisions of the Land Transfer Agreement which are required to be amended to reflect Council's needs – this will form part of the negotiations with the Department to finalise the LTA and transfer of these lands. It is expected that the Department will support the general intent of Council's proposed amendments to its standard LTA. The LTA needs to be significantly amended in respect of the single parcel in the second tranche - to avoid delay in having the majority of lands transferred at first opportunity, this parcel will be dealt with on a separate basis.

Once a decision is made by Council to accept these lands in-principle, then formal negotiations over the lands and the detail of the Land Transfer Agreement will be negotiated with DPIE. Appropriate Due Diligence will be undertaken subsequent to a Council decision to accept these lands. Any emerging issues will be resolved with DPIE as part of the negotiations for the transfer under the LTA.

### **Key Benefits – Open Space**

The Open Space Planning team was consulted and its feedback and comments have been included in this report. The Key benefits to the community in obtaining ownership of these Open Space and lands for future planning and use include:

- Council will be able to manage these sites in perpetuity in accordance with local needs. As these lands are proposed to become Community Land, these will be protected through the provisions of the Local Government Act

**ITEM 12 (continued)**

- Simplifies leasing and licencing requirements and the undertaking of capital improvements for these sites
- Ensure the management on these sites is consistent with other Council sites of the same type
- As Council generally has Care, Control & Management responsibilities and currently undertakes maintenance of these lands, there should be minimal additional costs to Council in taking ownership

**Key Benefits – Environmental Conservation**

The Environment Team was consulted and its feedback and comments have been included in this report. The Key benefits to the community in obtaining ownership of these Environmental Conservation lands include:

- ongoing protection of existing flora and fauna species
- ensuring that lands retain their ecological value and connection to broader bushland areas
- Council currently has Care, Control & Management of these spaces as managed as Natural Area bushland

**Plan of Management issues**

For the lands in the First Tranche, as they are zoned as either Open Space or Environmental Conservation, it is proposed that they are classified as Community Land under the Local Government Act.

In respect of land categorisation, it is proposed that the categorisation aligns to the LEP zoning for the site. Therefore, for all sites currently zoned E2 Environmental Conservation, a Natural Area sub-category is proposed. For land zoned RE1 Open Space but proposed to be a Natural Area subcategory, the zoning should be amended in future iterations of the LEP.

The lands will be incorporated into either the Generic Plan of Management for Natural Areas or the Generic Plan of Management for Parks & General Community Use.

For the land contained within the Second Tranche (when made available by the Department), it is proposed to initially classify this land as Operational Land under the Local Government Act. This single land parcel is subject to commercial leases and other operational issues for which the Operational Land classification is best suited to facilitate effective management. This land could subsequently be re-classified as Community Land by way of a future Council resolution in order to incorporate this land parcel into existing parkland.

## ITEM 12 (continued)

### Options and Alternatives

In respect of contamination, only one site which is proposed to be transferred to Council had evidence of past contamination. This land was used by Council as an operational depot, which seems to have been the source of contamination. The site was remediated by Council, in conjunction with the Department and has been cleared for use consistent with its zoning.

It remains open to Council to decline the offer of these lands from the Department. However, given that many of the parcels have been identified in the Ryde LEP as Regional Open Space for acquisition by DPIE and included within operational areas of parks, reserves and open spaces areas and effectively utilized by Council for these purposes (and having Care, Control & Management responsibilities for many of these parcels), it is not recommended to decline the offer of these lands from the Department. Having acquired these lands for Regional Open Space purposes, it would be open to DPIE to transfer them to another land manager should Council not wish to accept the transfer of these lands.

### Schedule of Lands to be Transferred

LOT/DP	LOCATION	PROPOSED CLASSIFICATION	ZONING	COMMENTS
<b>FIRST TRANCHE</b>				
3//104763	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
4//104763	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
5//104763	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
7//104763	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
132//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
128//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
127//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	RE1	Vacant land
125//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	RE1	Structure to be demolished
118//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
116//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
115//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
114//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland
113//16042	QUEBEC ROAD CHATSWOOD WEST	COMMUNITY LAND	E2	Remnant bushland

**ITEM 12 (continued)**

1//775048	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	E2	Remnant bushland
1//596132	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	E2	Remnant bushland
102//1132	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	RE1	Remnant bushland
101//1025	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	RE1	Remnant bushland
1//112738	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	RE1	Remnant bushland
4//818519	VIMIERA ROAD (off) EASTWOOD	COMMUNITY LAND	RE1	Remnant bushland
C//310314	HIGGINBOTHAM RD GLADESVILLE	COMMUNITY LAND	E2	Remnant bushland
7//711149	HIGGINBOTHAM RD (off) GLADESVILLE	COMMUNITY LAND	E2	Remnant bushland
1//602025	HIGGINBOTHAM RD (off) GLADESVILLE	COMMUNITY LAND	E2	Remnant bushland
2//746316	PUNT ROAD GLADESVILLE	COMMUNITY LAND	RE1	Vacant land
1//746316	PUNT ROAD GLADESVILLE	COMMUNITY LAND	RE1	Heritage Restaurant
102//1071	WATERLOO ROAD (REAR) MARSFIELD	COMMUNITY LAND	RE1	Vacant bushland
1//537679	CRIMEA ROAD (off) MARSFIELD	COMMUNITY LAND	RE1	Remnant bushland
2//808916	CRIMEA ROAD (off) MARSFIELD	COMMUNITY LAND	RE1	Remnant bushland
294//7520	CRIMEA ROAD EASTWOOD	COMMUNITY LAND	E2	Remnant bushland
461//1107	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land
511//1077	LANCASTER AVENUE (off)MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
521//1058	LANCASTER AVENUE (off) (rear)MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
531//1053	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
541//1041	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
2411//104	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
1//111045	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
1//112440	LANCASTER AVENUE MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
2511//110	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
2522//112	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves



**ITEM 12 (continued)**

1//112347	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
1//116326	LANCASTER AVENUE (off) MELROSE PARK	COMMUNITY LAND	RE1	Vacant land - mangroves
1//224271	DE LANGE ROAD PUTNEY	COMMUNITY LAND	RE1	Vacant land
2//224271	CHADWICK STREET PUTNEY	COMMUNITY LAND	RE1	Vacant land
12//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
13//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
14//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
15//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
11//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
16//24022	WELLINGTON ROAD RYDE	COMMUNITY LAND	RE1	Remnant bushland
2//500228	WELLINGTON ROAD RYDE	COMMUNITY LAND	E2	Remnant bushland
1//500228	WELLINGTON ROAD RYDE	COMMUNITY LAND	E2	Remnant bushland
<b>SECOND TRANCHE</b>				
565//2891	NORTH RYDE	OPERATIONAL LAND	RE2	Future incorporation into parkland

ITEM 12 (continued)

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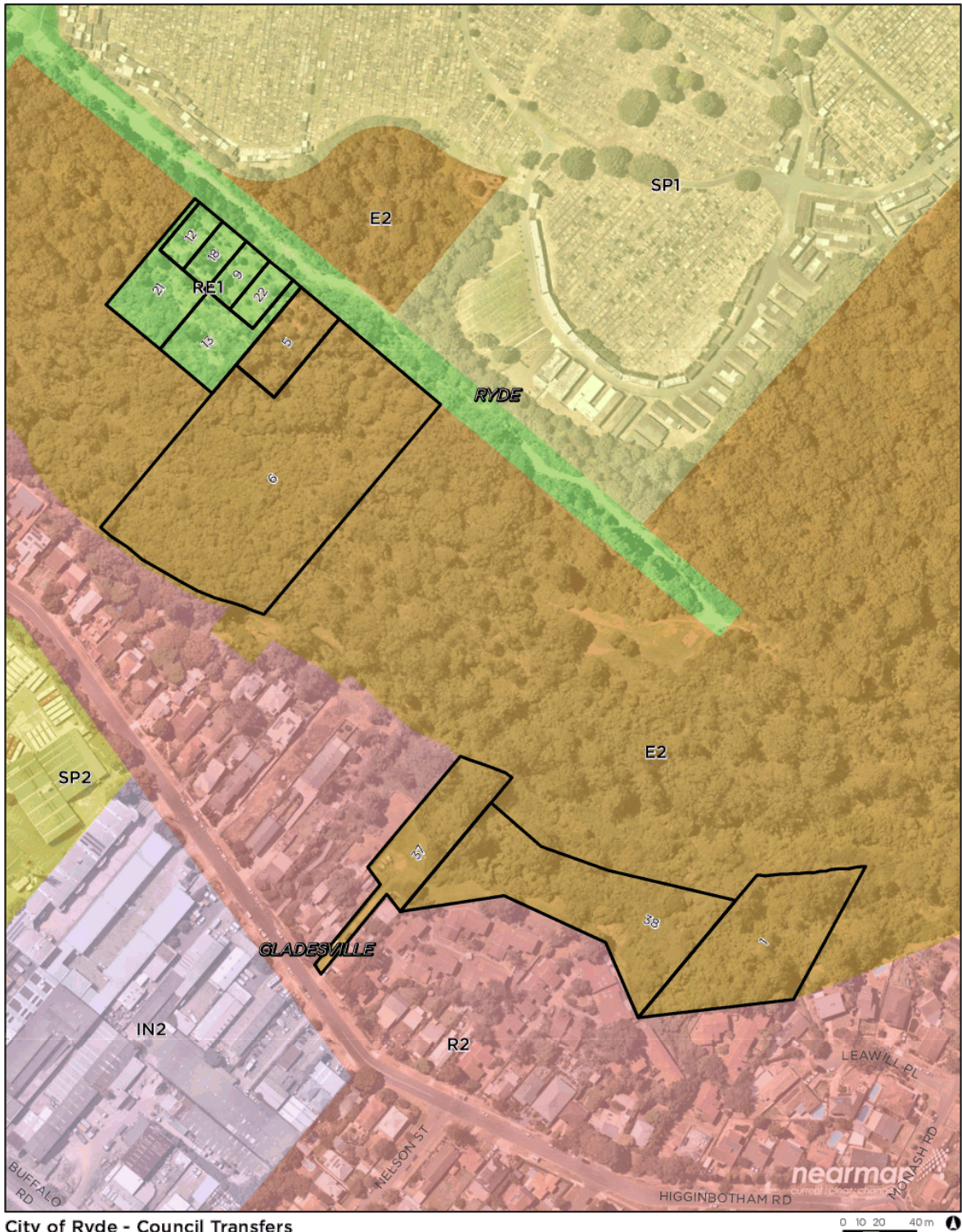


City of Ryde - Council Transfers

Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



**City of Ryde - Council Transfers**

- Property Proposed for Transfer
- E2 - Environmental Conservation
- RE1 - Public Recreation
- IN2 - Light Industrial
- SP1 - Special Activities
- R2 - Low Density Residential
- SP2 - Infrastructure

Date: 19/03/2021  
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Planning,  
Industry &  
Environment

ITEM 12 (continued)

ATTACHMENT 1



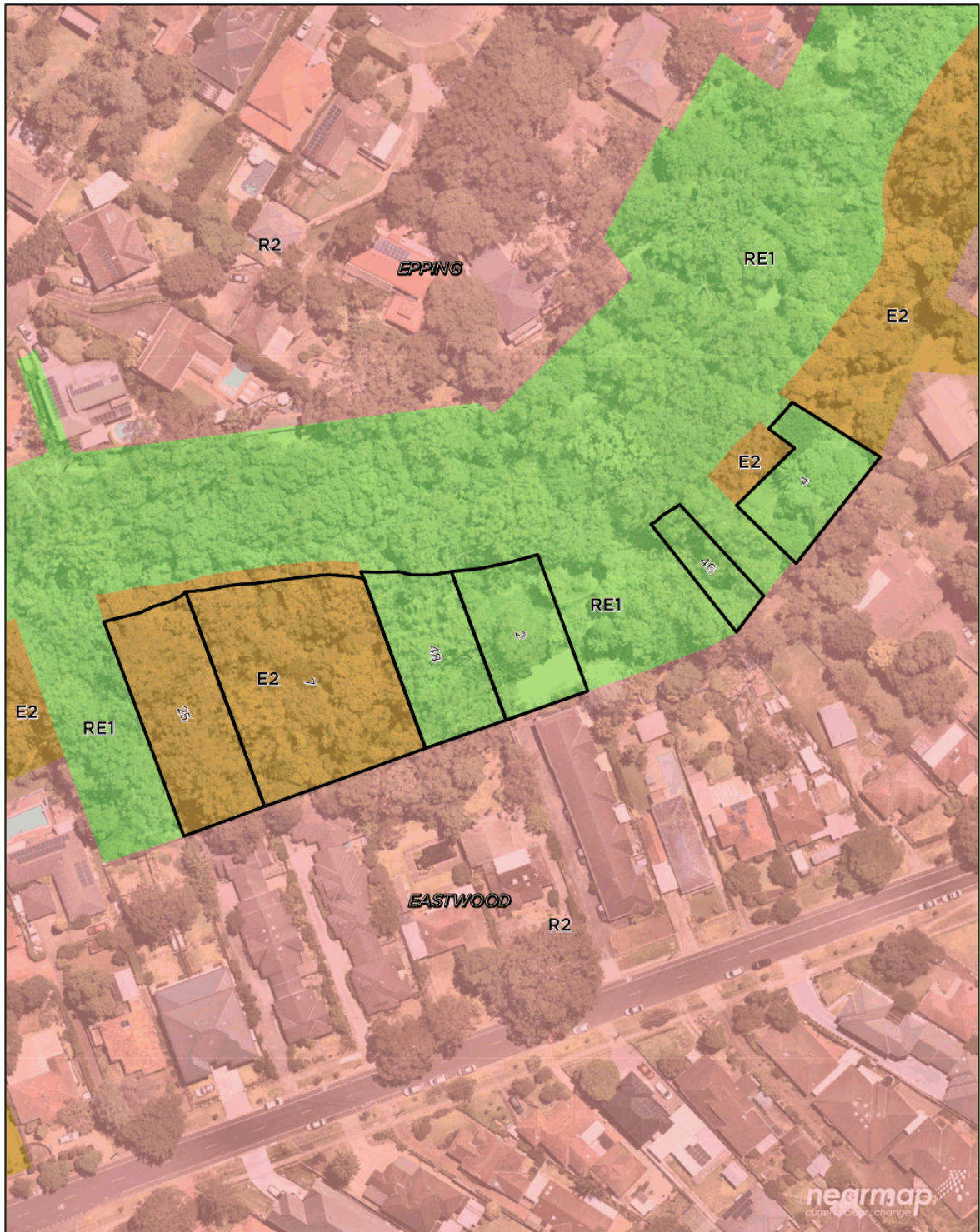
City of Ryde - Council Transfers

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Property Proposed for Transfer

ITEM 12 (continued)

ATTACHMENT 1



City of Ryde - Council Transfers

- Property Proposed for Transfer
- E2 - Environmental Conservation
- RE1 - Public Recreation
- R2 - Low Density Residential

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**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

 Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

-  Property Proposed for Transfer
-  B1 - Neighbourhood Centre
-  R4 - High Density Residential
-  R2 - Low Density Residential
-  RE1 - Public Recreation

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ITEM 12 (continued)

ATTACHMENT 1



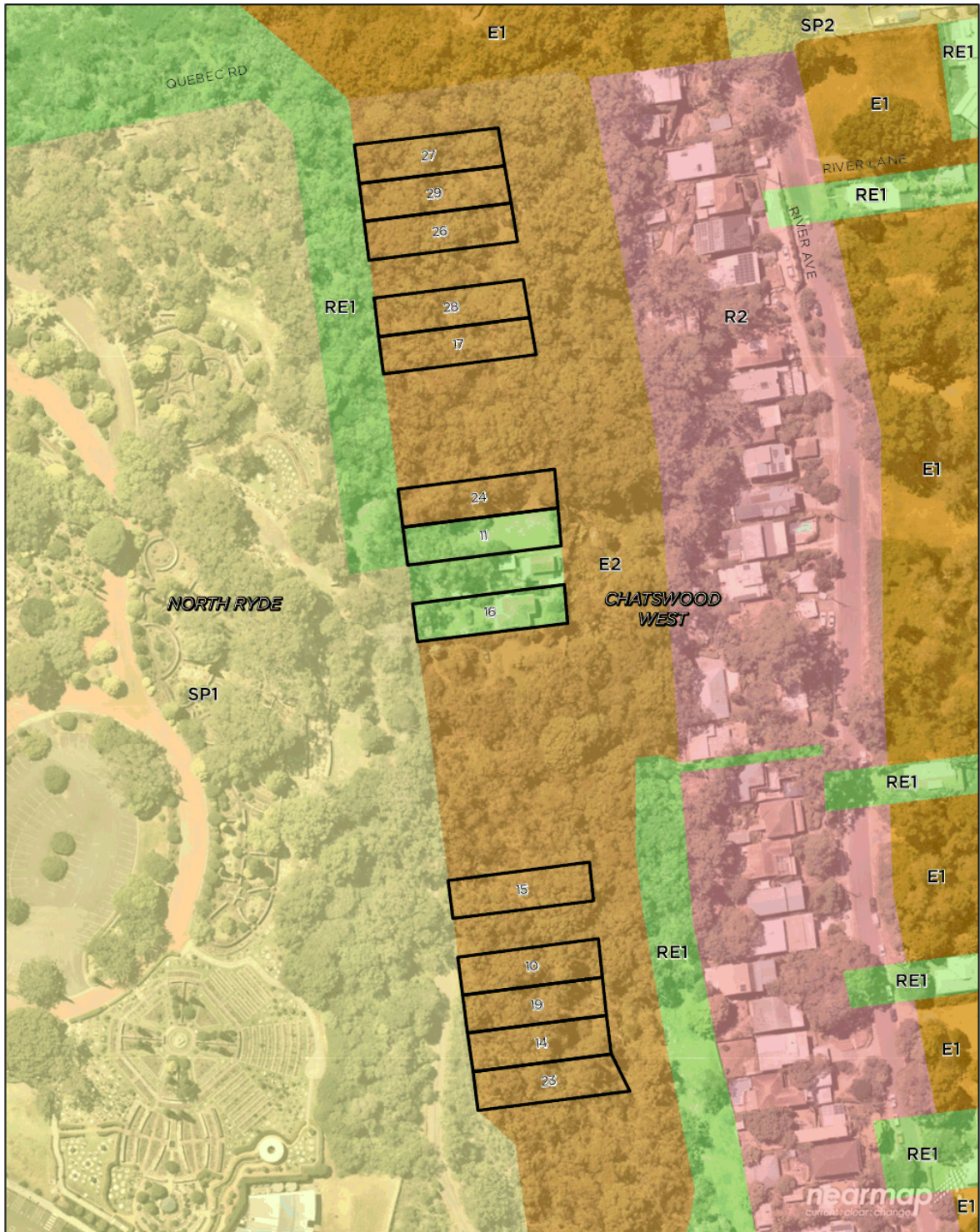
City of Ryde - Council Transfers

Property Proposed for Transfer







**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

- |   |                                 |  |   |  |                         |
|---|---------------------------------|--|---|--|-------------------------|
|  | Property Proposed for Transfer  |   | E1 - National Parks and Nature Reserves |  | RE1 - Public Recreation |
|  | E2 - Environmental Conservation |  | SP1 - Special Activities                |  | SP2 - Infrastructure    |
|  | R2 - Low Density Residential    |  |   |  |                         |

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**ITEM 12 (continued)**

**ATTACHMENT 1**

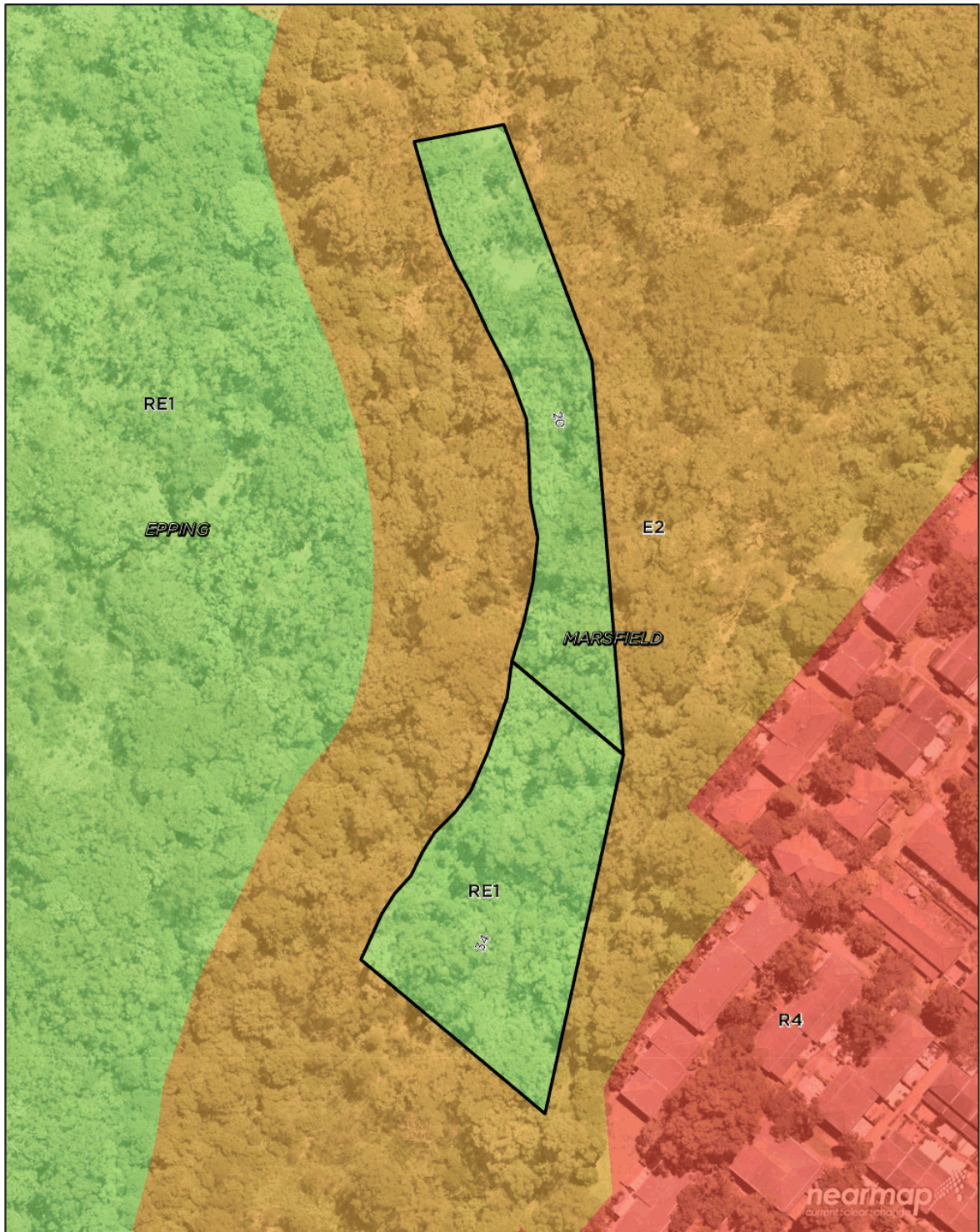


City of Ryde - Council Transfers

 Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

- |  |   |   |
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|  Property Proposed for Transfer |  E2 - Environmental Conservation |  RE1 - Public Recreation |
|  R4 - High Density Residential  |  SP2 - Infrastructure            |   |

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ITEM 12 (continued)

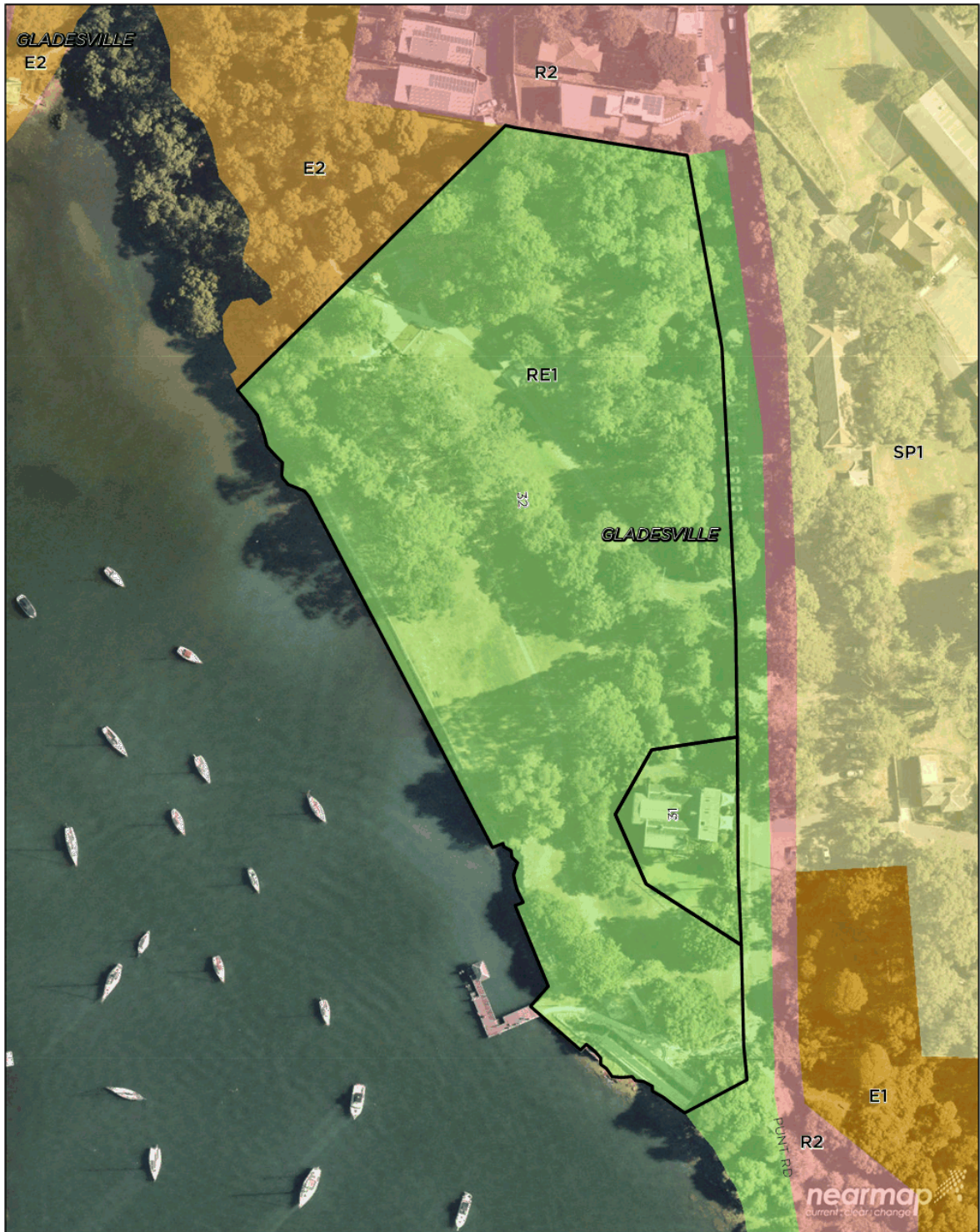
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 Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

Property Proposed for Transfer	E1 - National Parks and Nature Reserves	RE1 - Public Recreation
E2 - Environmental Conservation	R2 - Low Density Residential	SP1 - Special Activities
		SP2 - Infrastructure

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 Document Size: A4  
 GDA 1984 MGA Zone 96  
**Planning, Industry & Environment**

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers






 Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

-  Property Proposed for Transfer
-  E2 - Environmental Conservation
-  RE1 - Public Recreation
-  R2 - Low Density Residential
-  SP2 - Infrastructure

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ITEM 12 (continued)

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City of Ryde - Council Transfers

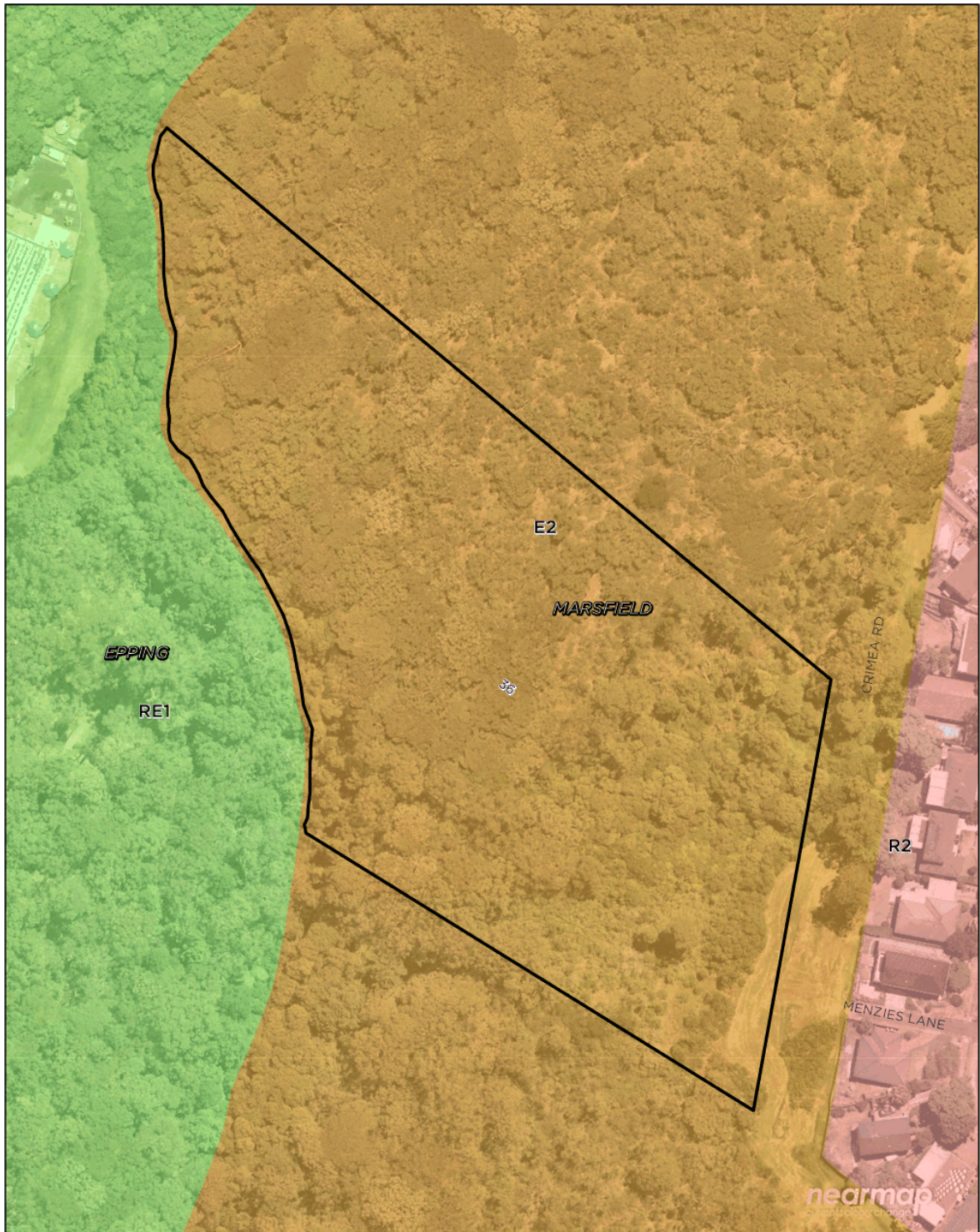


 Property Proposed for Transfer



ITEM 12 (continued)

ATTACHMENT 1



City of Ryde - Council Transfers

-  Property Proposed for Transfer
-  E2 - Environmental Conservation
-  RE1 - Public Recreation
-  R2 - Low Density Residential
-  SP2 - Infrastructure

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**ITEM 12 (continued)**

**ATTACHMENT 1**

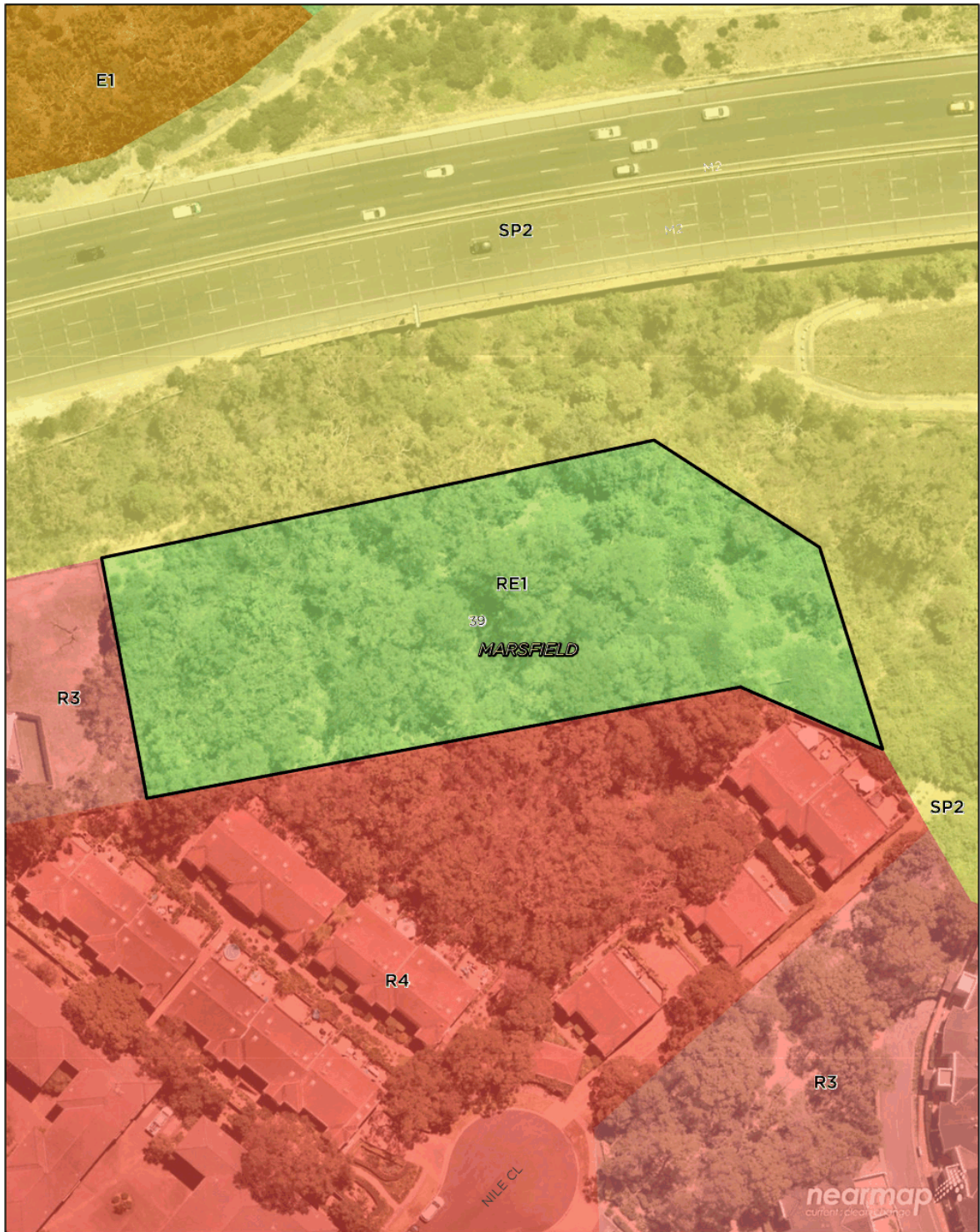


City of Ryde - Council Transfers

 Property Proposed for Transfer

**ITEM 12 (continued)**

**ATTACHMENT 1**



City of Ryde - Council Transfers

- Property Proposed for Transfer
- E1 - National Parks and Nature Reserves
- RE1 - Public Recreation
- R3 - Medium Density Residential
- SP2 - Infrastructure
- R4 - High Density Residential

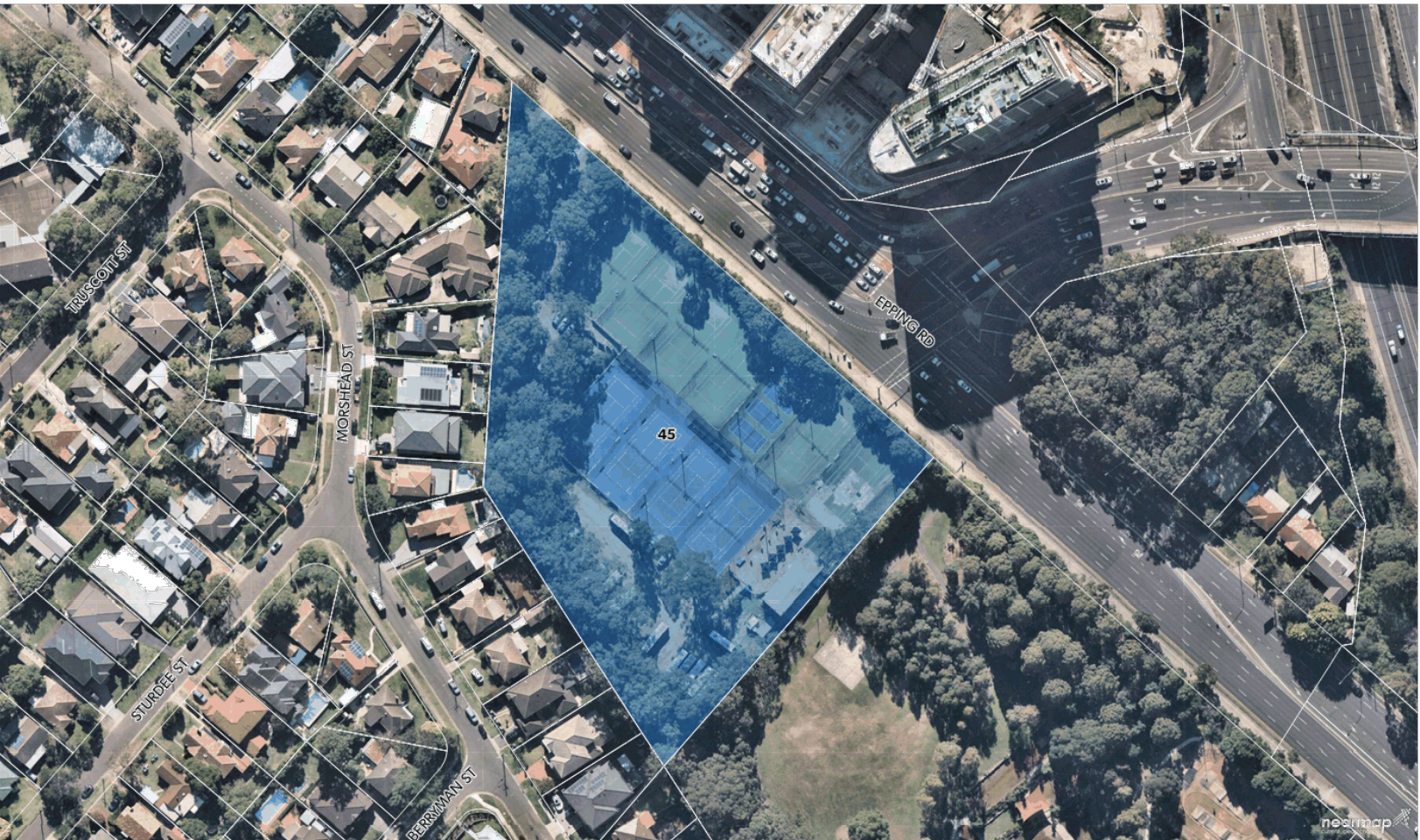
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**ITEM 12 (continued)**

**ATTACHMENT 1**




**Properties for possible transfer**

Map Number 12  
 LGA: City of Ryde  
 Suburb: North Ryde

**Legend**

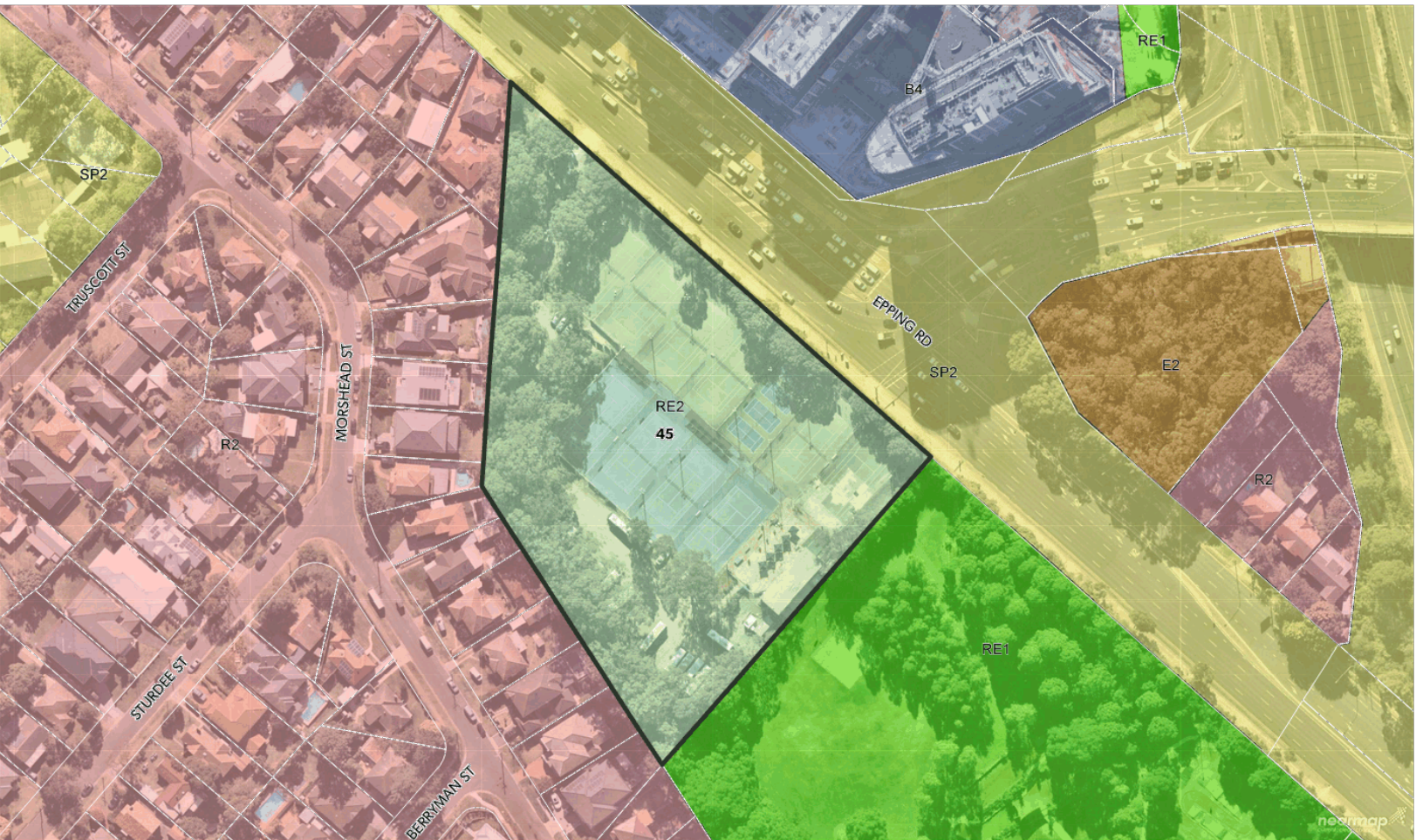
 Planning owned land



Intended Map Size: A3  
 Publication Date: 27/06/2019  
 Coordinate System: GDA 1994 MGA Zone 56  

**NSW** Government  
**Planning & Environment**  
 Office of Strategic Lands

**ITEM 12 (continued)**

**ATTACHMENT 1**




**Properties for possible transfer**

Map Number 12  
 LGA: City of Ryde  
 Suburb: North Ryde

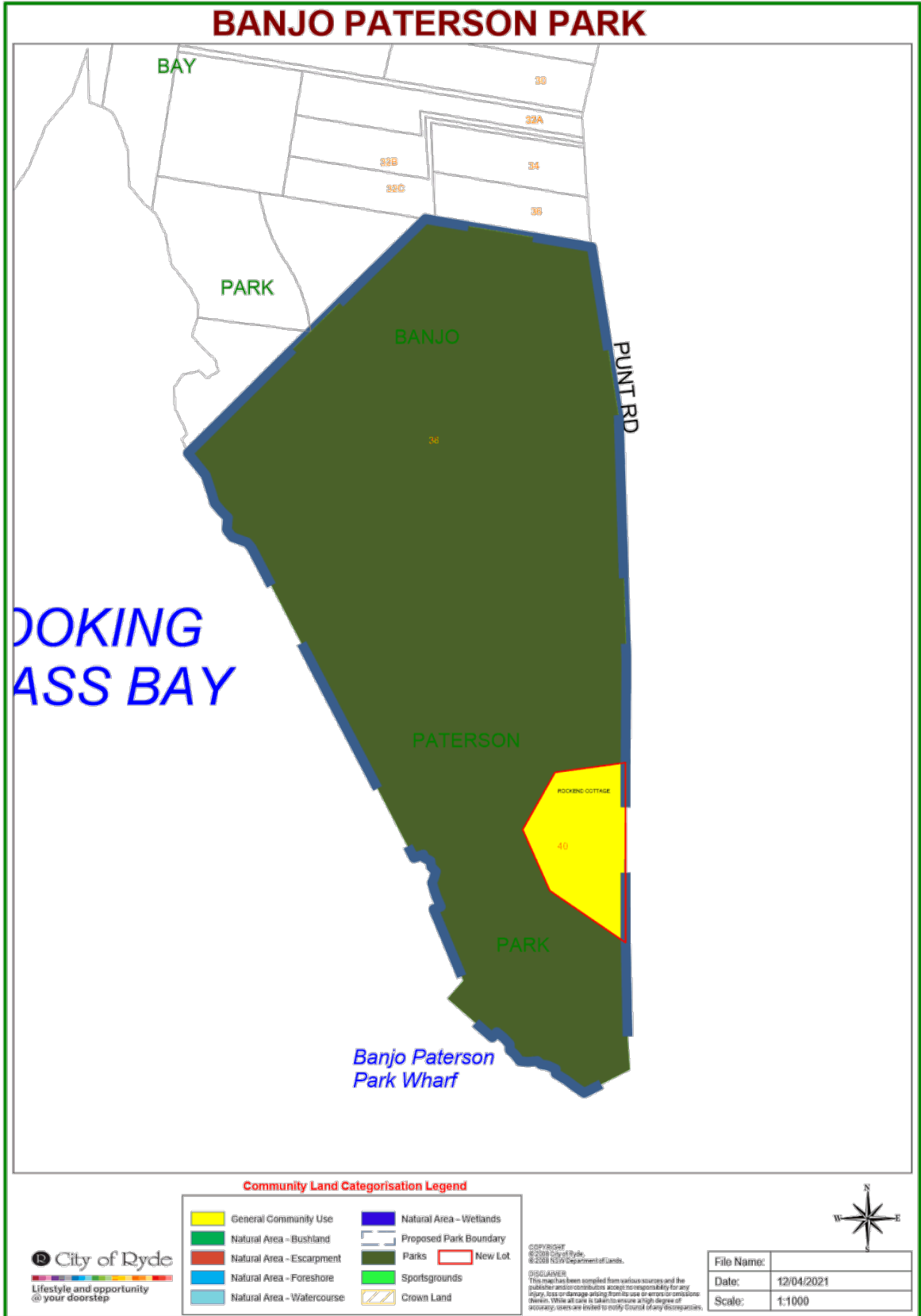
**Legend**  
 Planning owned land




**Planning & Environment**  
 Office of Strategic Lands  
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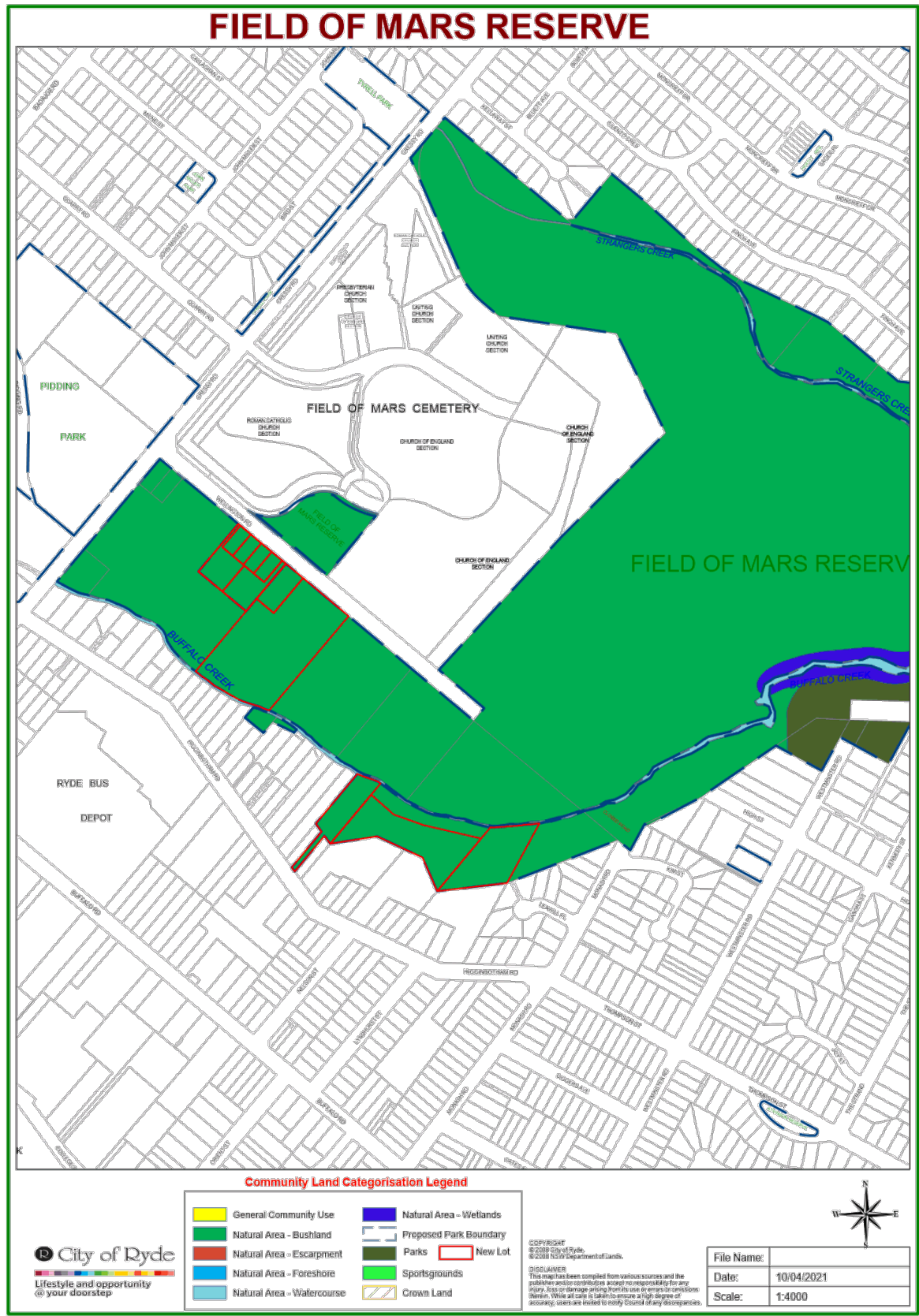
ITEM 12 (continued)

ATTACHMENT 2



ITEM 12 (continued)

ATTACHMENT 2



**ITEM 12 (continued)**

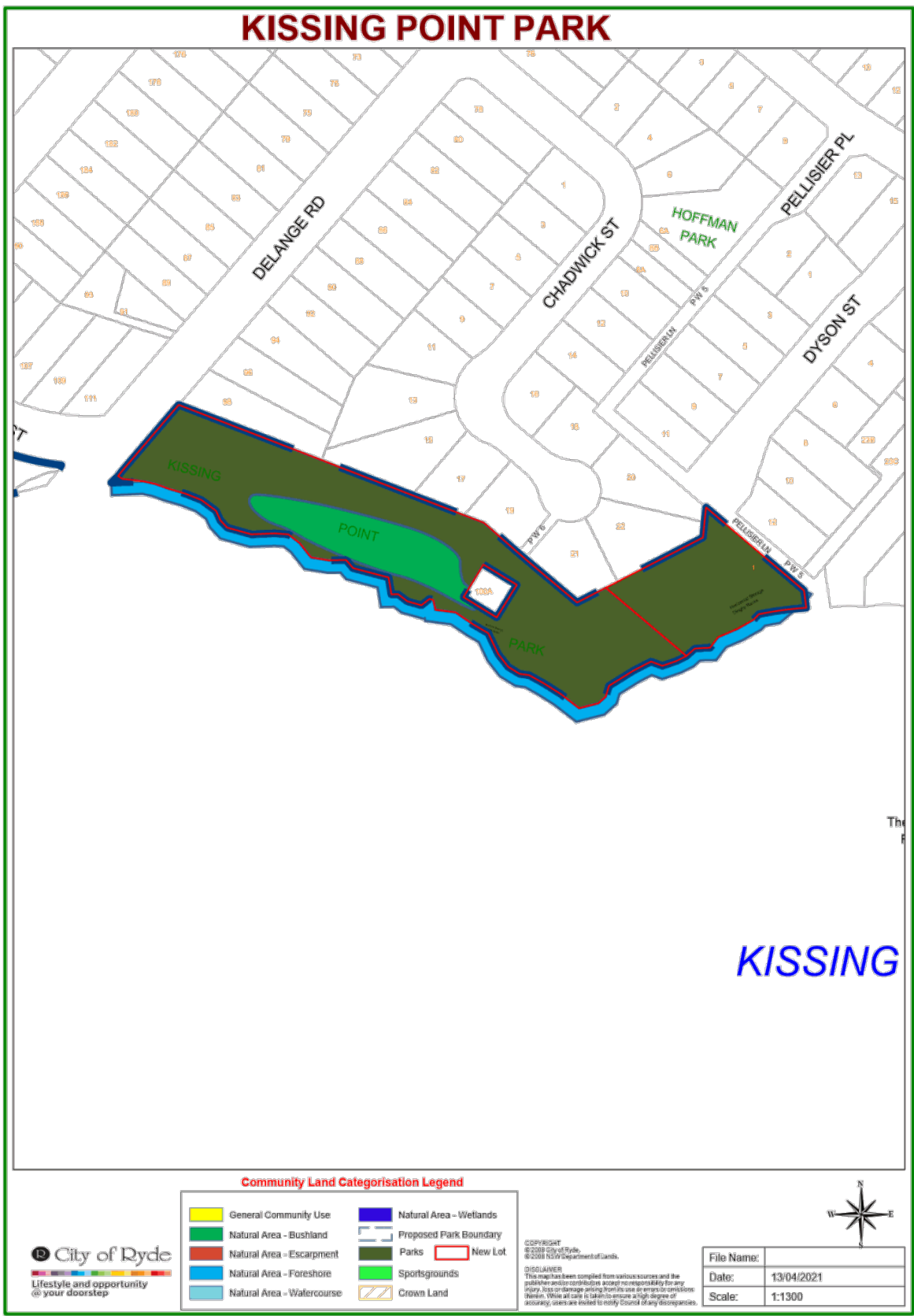
**ATTACHMENT 2**





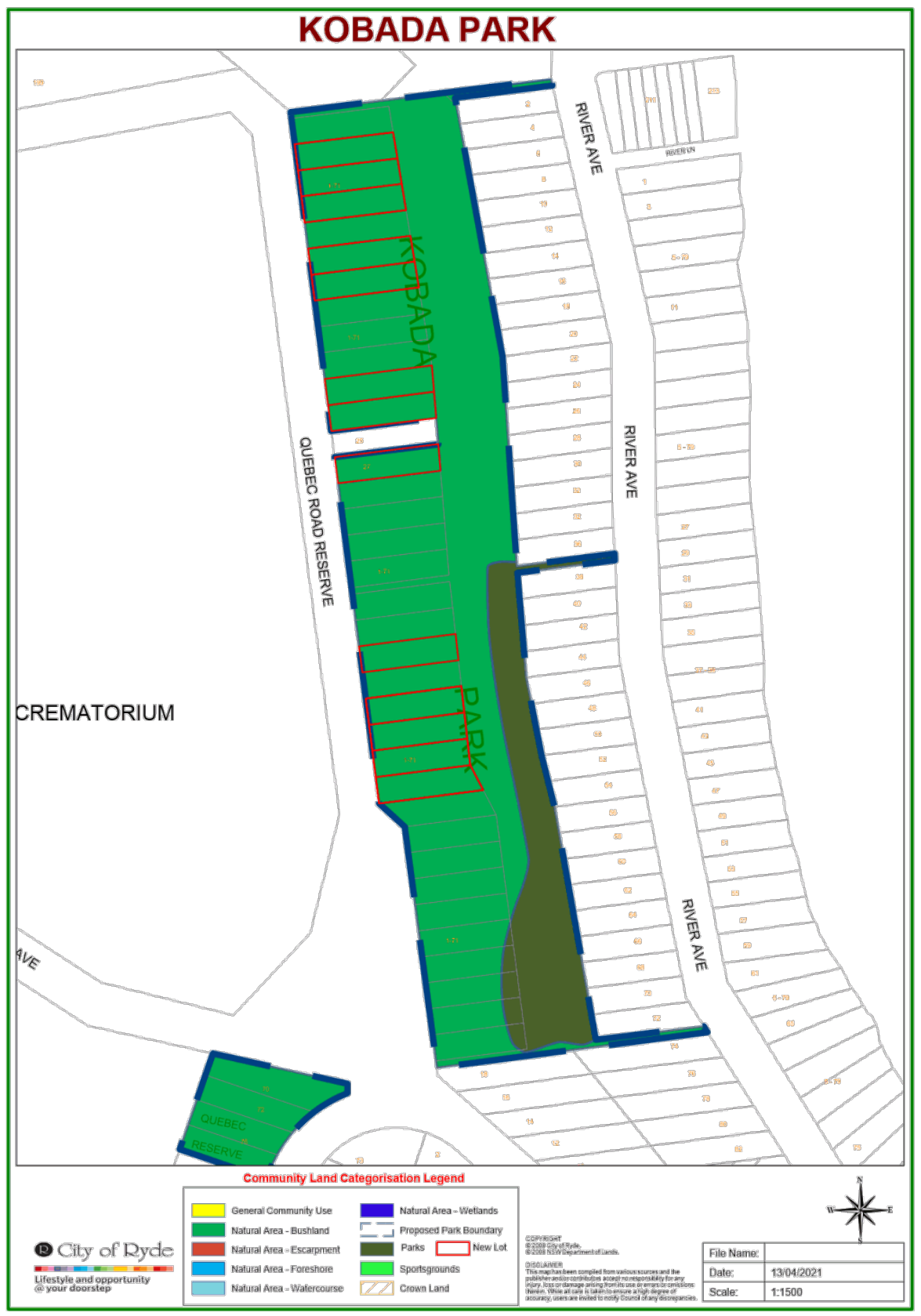
ITEM 12 (continued)

ATTACHMENT 2



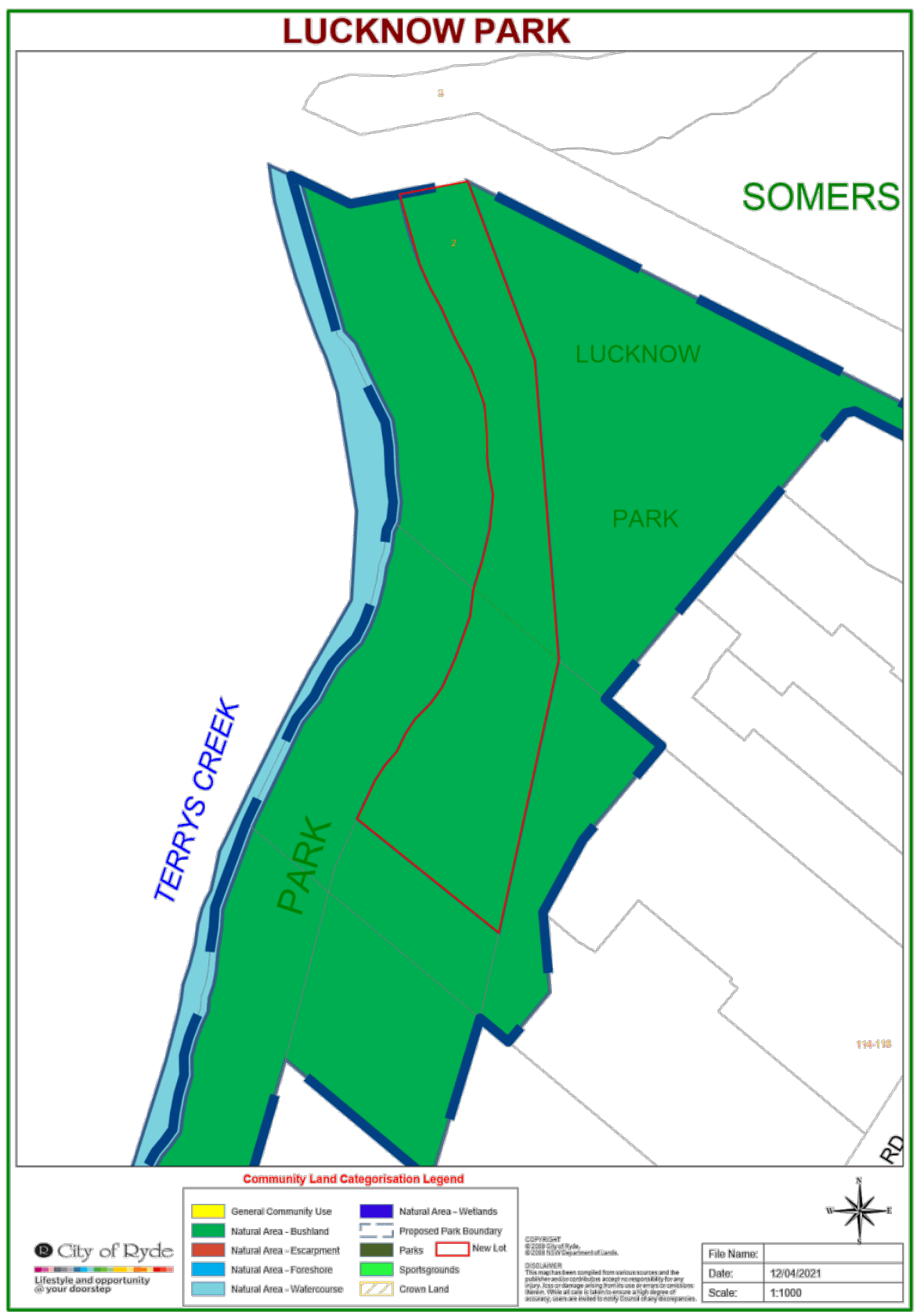
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ATTACHMENT 2



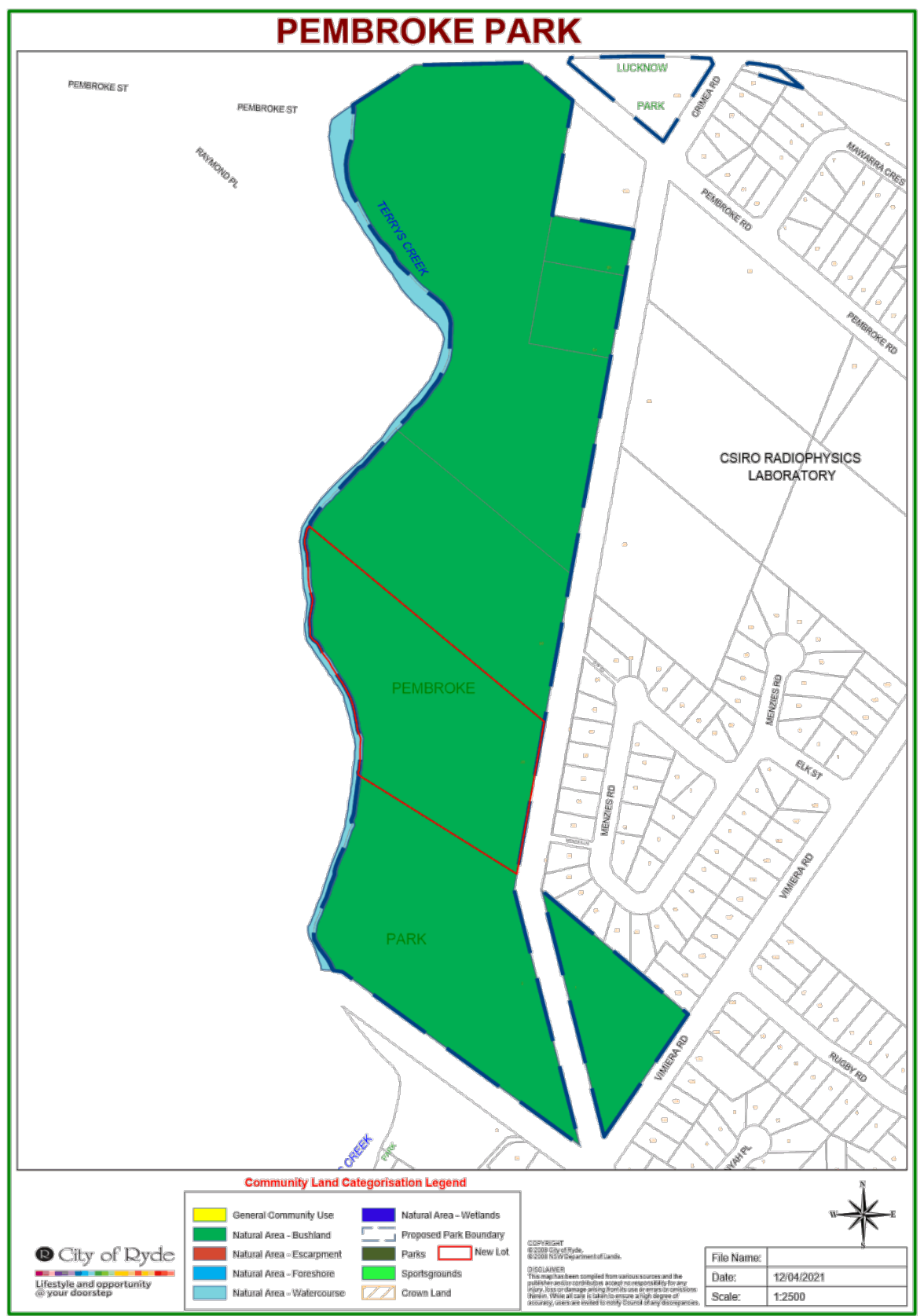
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ATTACHMENT 2



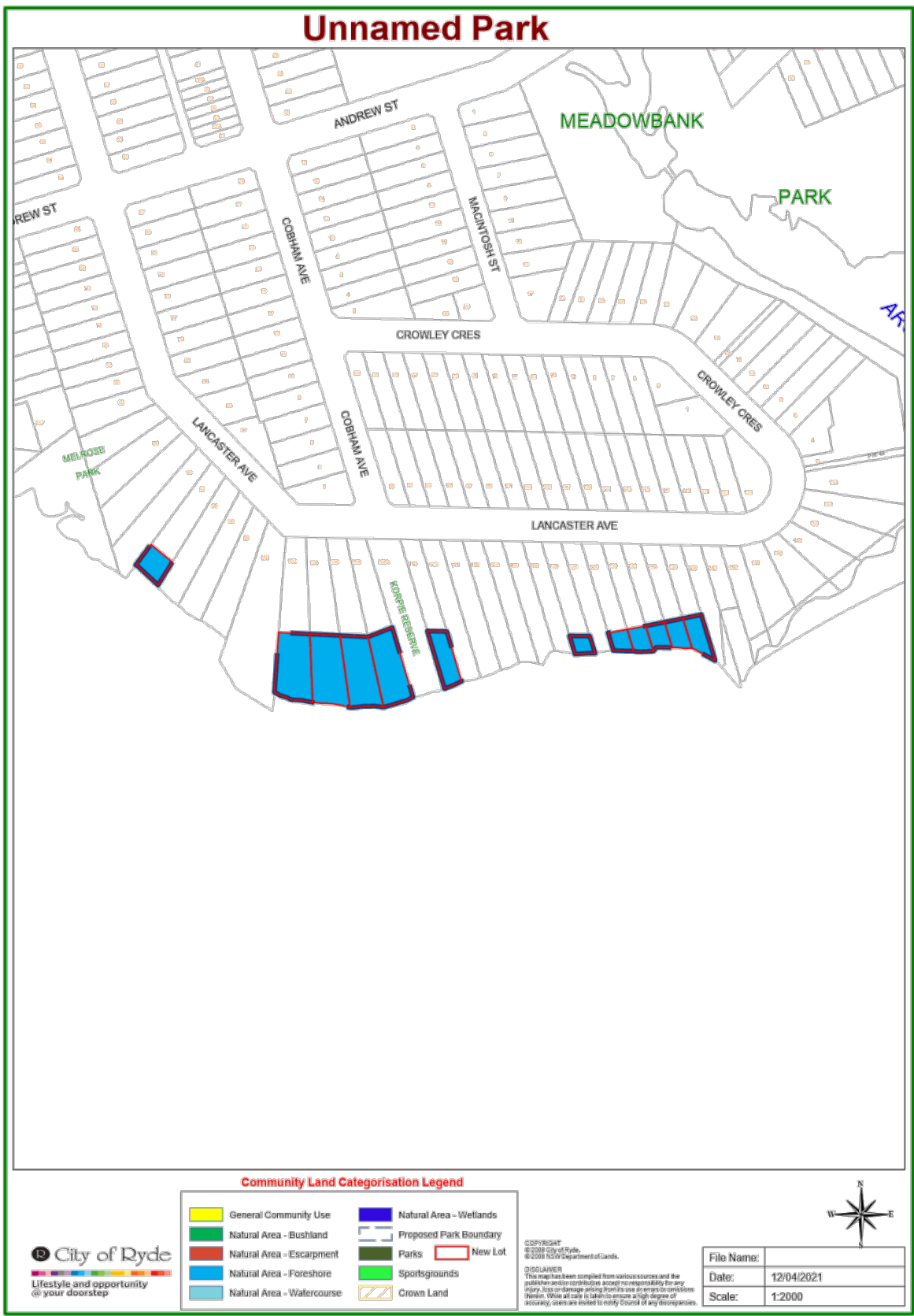
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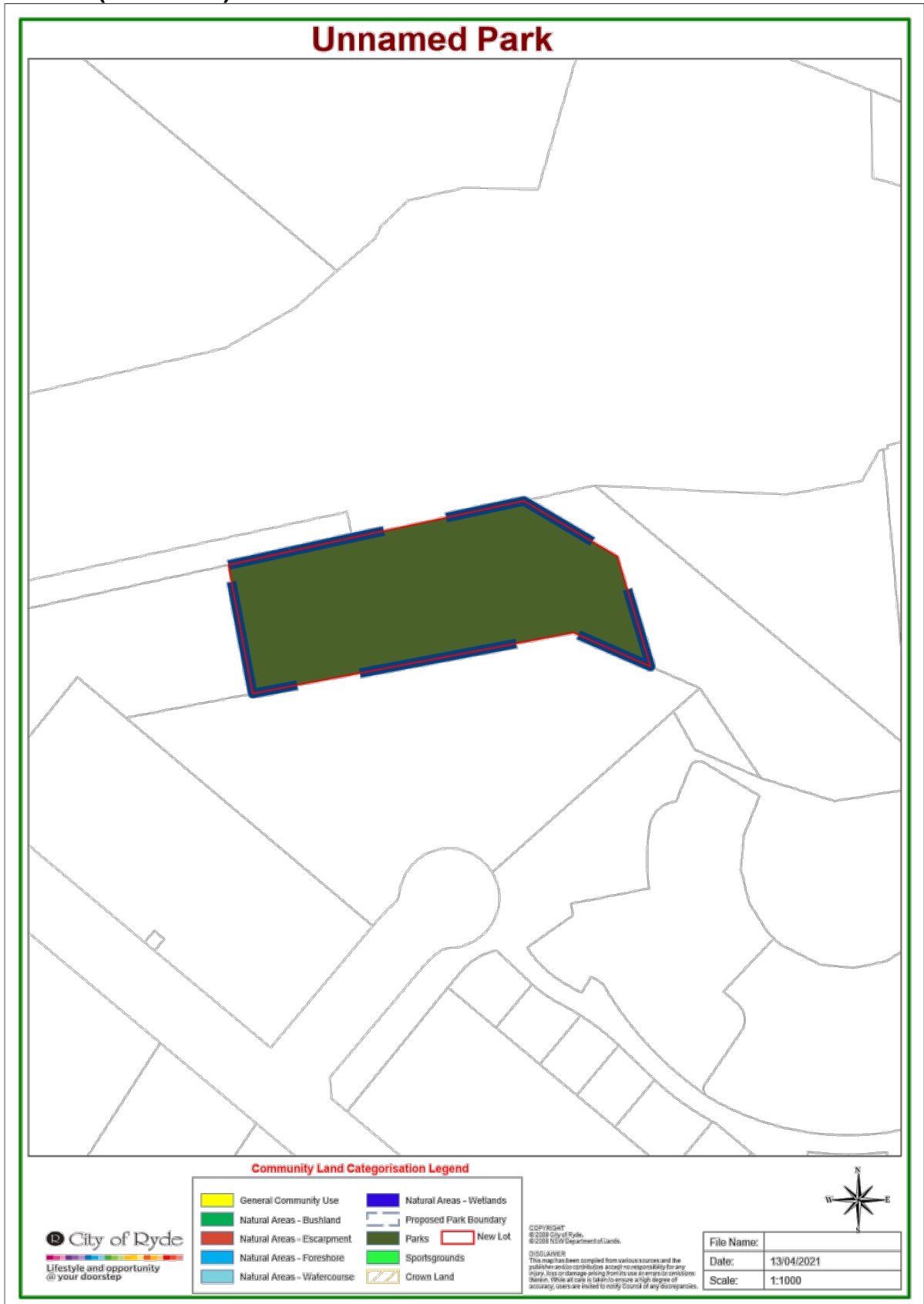
**ITEM 12 (continued)**

**ATTACHMENT 2**



ITEM 12 (continued)

ATTACHMENT 2



## **LATE INFORMATION REPORT**

### **13 REPORT FOR THE INFORMATION OF COUNCIL - DEFERRAL OF NOTICE OF MOTION FROM THE COUNCIL MEETING HELD ON 25 MAY 2021**

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**Report prepared by:** General Manager

**File No.:** CLM/21/1/1/2 - BP21/470

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#### **REPORT**

The purpose of this report is to advise Council that the below Notice of Motion has been received for the Council Meeting on 25 May 2021:-

#### **MOTION – LOCAL ENVIRONMENTAL PLAN**

- (a) That the City of Ryde provides a comprehensive community consultation advocating to the State Government to allow the City of Ryde to amend the current LEP to allow town houses and villas to be within the medium density planning instruments.
- (b) That a workshop of Councillors is conducted to discuss the strategy put forward to the community.
- (c) That the community consultation process commence in July for 28 days with a full report to come back to full Council.

Consideration of this Notice of Motion has been deferred to the next Council Meeting to be held on 29 June 2021, pending preparation of a report as it has strategic, financial and policy implications. This Notice of Motion has been deferred in accordance with Section 3.23(b) of Council's Code of Meeting Practice which reads as follows:-

3.23 *If the General Manager considers that a Notice of Motion submitted by a Councillor for consideration at a meeting of the Council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the General Manager may either:-*

- (a) prepare a report in relation to the Notice of Motion for inclusion with the business papers for the meeting at which the Notice of Motion is to be considered by the Council or;*
- (b) by written notice in relation to the Notice of Motion for inclusion with the business papers, defer consideration of the Notice of Motion to the next meeting, pending preparation of such a report.*

#### **ATTACHMENTS**

There are no attachments for this report.

Report Prepared and Approved By:

**George Dedes**  
**General Manager**

**CONFIDENTIAL LATE COUNCIL REPORT****14 PROPERTY MATTER**

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**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Purchase of a parcel of private land owned by a local resident.

**Report prepared by:** Senior Coordinator - Infrastructure Services

**File No.:** CRS2008/888 - BP21/262

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