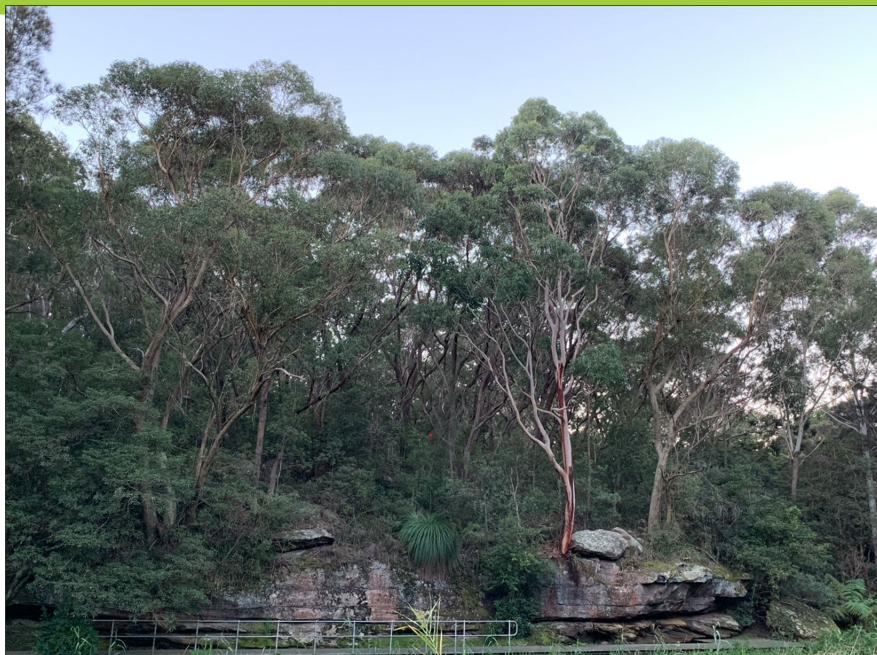


PROPOSED RECATEGORYISATION OF PARTS OF FIELD OF MARS RESERVE

PUBLIC HEARING AND SUBMISSIONS REPORT

FINAL

17 OCTOBER 2023



CITY OF RYDE

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CONTENTS

1	INTRODUCTION	1
1.1	Purpose of this report	1
1.2	Land covered by this report	1
1.3	Background to the public hearing	2
1.4	This report	2
2	PLANNING CONTEXT	3
2.1	What is Community and Crown land?	3
2.2	What are the categories of Community land?	3
2.3	What are the guidelines for categorising Community land?	4
2.4	Core objectives for managing Community land	4
2.5	Guidelines and core objectives for categories for this public hearing	5
2.6	Plans of Management for Community land	6
2.7	Public hearings	6
3	PROPOSED RECATEGORISATION OF PARTS OF FIELD OF MARS RESERVE	9
3.1	Features of Field of Mars Reserve	9
3.2	Land ownership	9
3.3	Field of Mars Reserve Masterplan (2021)	10
3.4	Previous, current and proposed land categorisations	10
4	THE PUBLIC HEARING	19
4.1	Advertising and notification	19
4.2	Public hearing arrangements	23
4.3	Attendance at the public hearing	23
4.4	The public hearing	24
4.5	Submissions	24
5	CONSIDERATION OF SUBMISSIONS	25
5.1	Introduction	25
5.2	Level of support for proposed recategorisation	25
5.3	General comments about recategorisation	25
5.4	Specific comments about the proposed recategorisation	26
5.5	Comments about other land Categorisations	27
5.6	Comments outside the scope of the public hearing	27
6	RECOMMENDATIONS	29
6.1	Consideration of submissions	29
6.2	Recommendations	29
6.3	Adoption of proposed recategorisation	30
6.4	Reporting	30

Figures

Figure 1	Location of Field of Mars Reserve	1
Figure 2	Classification and categorisation of Community and Crown land	3
Figure 3	Ownership of land in Field of Mars Reserve	9
Figure 4	Field of Mars Reserve Masterplan	11
Figure 5	Land categorisation of Field of Mars Reserve - Field of Mars Reserve Plan of Management (2009)	12
Figure 6	Proposed categorisation of Field of Mars Reserve - Field of Mars Reserve draft Plan of Management (2023).....	12
Figure 7	Images of Area 1	15
Figure 8	Area 1 - Current land categorisation (part of Field of Mars Reserve)	15
Figure 9	Area 1 - Proposed land recategorisation (part of Field of Mars Reserve).....	16
Figure 10	Images of Area 2	16
Figure 11	Area 2 - Current land categorisation (part of Field of Mars Reserve)	17
Figure 12	Area 2 - Proposed land recategorisation (part of Field of Mars Reserve).....	17
Figure 13	Public hearing information on Council's website	19
Figure 14	Recommended recategorisation of Community land in Field of Mars Reserve...	29

Tables

Table 1	Guidelines and core objectives for Community land categories in Field of Mars Reserve	5
Table 2	Minor alterations to Crown Land initial categorisations.....	13
Table 3	Areas of Council owned Community land proposed for category change.....	14
Table 4	Specific comments about the proposed recategorisation	26
Table 5	Comments outside the scope of the public hearing	27

1 INTRODUCTION

1.1 Purpose of this report

The purpose of this report is to convey to City of Ryde ('Council') the written submissions and verbal submissions made in relation to a public hearing held on Wednesday 30 August 2023 regarding the proposed recategorisation of two parts of Field of Mars Reserve.

This report has been prepared under Section 40A of the *Local Government Act 1993*.

1.2 Land covered by this report

Field of Mars Reserve in East Ryde is shown in Figure 1.

Figure 1 Location of Field of Mars Reserve

Reserve Boundary ———



Field of Mars Reserve boundary
Source: City of Ryde

1.3 Background to the public hearing

The Field of Mars Reserve Plan of Management (2009) identified land categorisations for Council owned Community land. Council is proposing to change the boundaries of the current categories of Community land in two parts of Field of Mars Reserve to reflect the current and future Reserve use in accordance with the adopted Masterplan and draft Plan of Management (2023), as explained and illustrated in Section 3.

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 requirement included the application of land categorisation and preparation of a Plan of Management for Crown lands. Under the *Crown Land Management Act 2016*, initial land categorisations were applied to Crown Land within Field of Mars Reserve, which were further specified during the draft Plan of Management approval by NSW Office of Crown Lands.

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 changes in categorisation.

1.4 This report

The remainder of this report presents the relevant requirements of the *Local Government Act 1993* regarding Plans of Management and categorisation of Community land, and submissions regarding the proposed recategorisation of parts of Field of Mars Reserve.

The submissions comprise verbal submissions made at the public hearing held on 30 August 2023, and online and written submissions received by Council between Tuesday 15 August and Tuesday 26 September 2023.

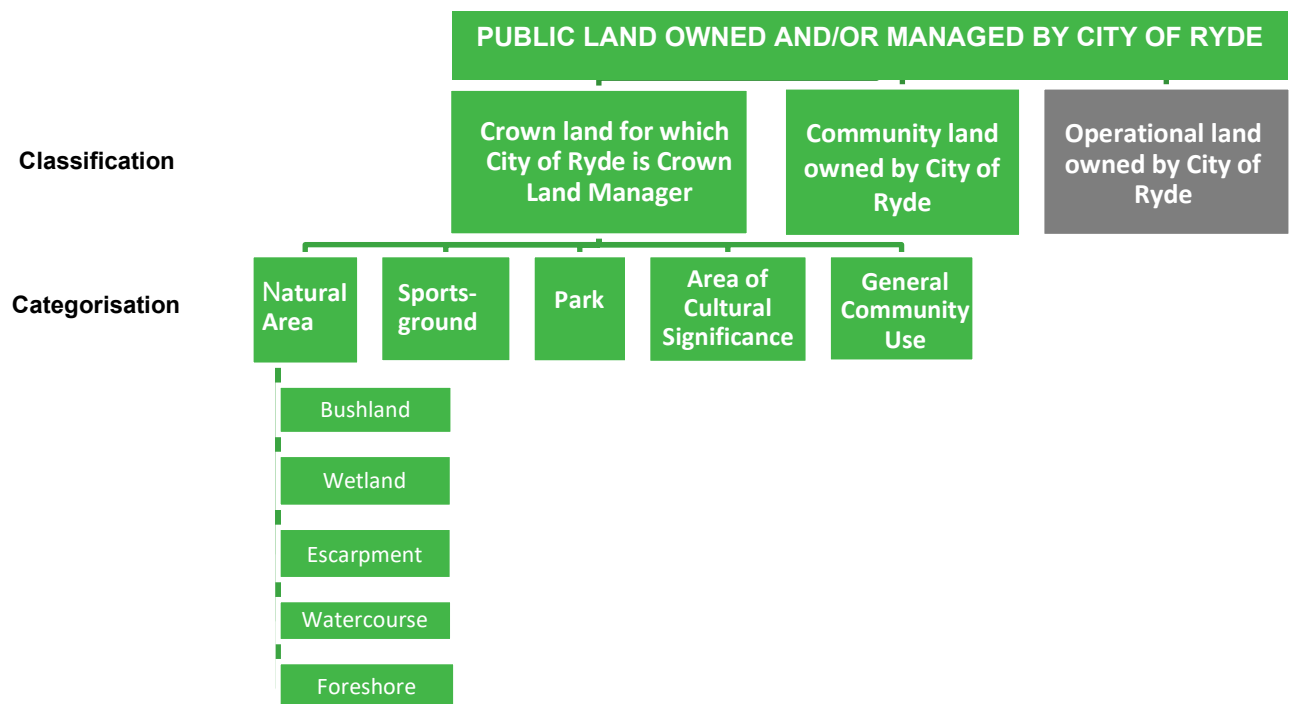
2 PLANNING CONTEXT

2.1 What is Community and Crown land?

The *Local Government Act 1993* sets out a range of requirements for the management of public land that City of Ryde is legally bound to adhere to.

Section 26 of the *Local Government Act 1993* requires that all public land owned by Council must be classified as "Community" or "Operational" land. Field of Mars Reserve comprises Community land owned by City of Ryde and Crown land managed by City of Ryde.

Figure 2 Classification and categorisation of Community and Crown land



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 of time, and can be sold.

2.2 What are the categories of Community land?

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

As shown in Figure 2, Community land may be categorised as one or more of the following under Section 36(4):

- ☐ Natural Area.
- ☐ Sportsground.
- ☐ Park.
- ☐ Area of Cultural Significance.
- ☐ General Community Use.

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.

2.3 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, 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."

2.4 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*.

2.5 Guidelines and core objectives for categories for this public hearing

The guidelines and core objectives for the current and proposed categories of Natural Area - Bushland, Natural Area - Wetland, and Park which apply to the proposed changes to categorisation of 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>.
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.		
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.

Category	Guidelines	Core objectives
Natural Area – Wetland	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, billabongs, swamps, sedgelands, 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"> - 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 - 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.

2.6 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 (Section 35).

Among the requirements of the *Local Government Act 1993* for the contents of a Plan of Management for Community land are:

- ☐ categorisation of the land
- ☐ core objectives for management of the land.

2.7 Public hearings

2.7.1 Why hold a public hearing?

A public hearing is required under Section 40A of the *Local Government Act 1993* and Section 3.23(7)(d) of the *Crown Land Management Act 2016* if:

- ☐ a Plan of Management proposes to categorise (that is, the Plan has not been previously prepared and adopted by Council, or has not categorised Community land) the public land covered by the Plan of Management.
- ☐ a Plan of Management proposes to re-categorise (changing the adopted category) the public 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 1993* and cannot be sold.

2.7.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with recommendations on the proposed recategorisation of Community land.

Under Section 47G of the *Local Government Act 1993*, 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.

2.7.3 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 of the Council resolution for the land recategorisation 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

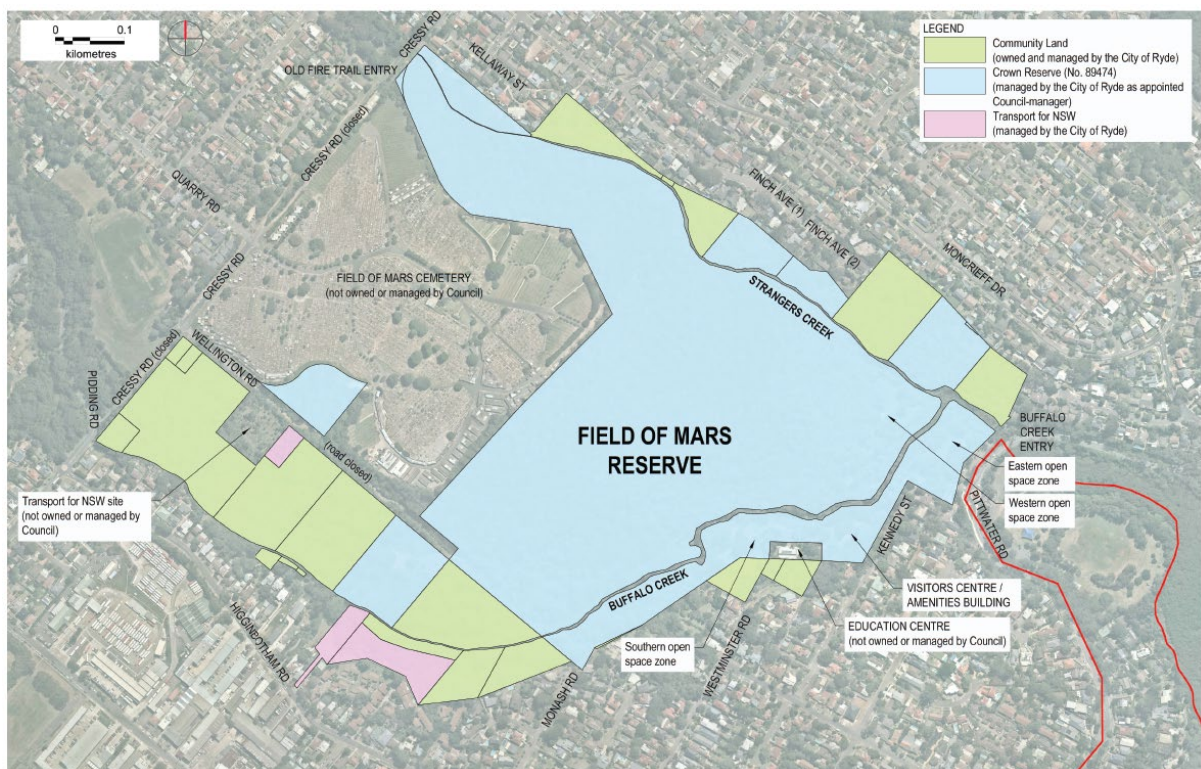
3.1 Features of Field of Mars Reserve

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 Creeks 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.

3.2 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 3.

Figure 3 Ownership of land in Field of Mars Reserve



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

Further clarification was provided to a question at the hearing regarding the small parcel of land owned by the Department of Education. The Field of Mars Education Centre (not owned or managed by Council) is situated in the Reserve and is operated by the NSW Department of Education. Students and teachers use the Education Centre and the Reserve itself for educational purposes.

Further explanation was made at the public hearing that new legislation meant that land categorisation was required for Crown lands being used as parkland.

3.3 Field of Mars Reserve Masterplan (2021)

It was explained at the public hearing that Council conducted two rounds of community consultation in 2020 and 2021 to develop the Masterplan for Field of Mars Reserve which was adopted in August 2021.

The Masterplan (refer to Figure 4 below), in conjunction with the draft Plan of Management, provides a 20 year vision on how the Reserve will be managed, protected and enhanced.

As standard practice during the preparation of the Masterplan and draft Plan of Management, Council undertook a review of the land categorisations. This considered existing and future function and natural features of the Reserve. 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:

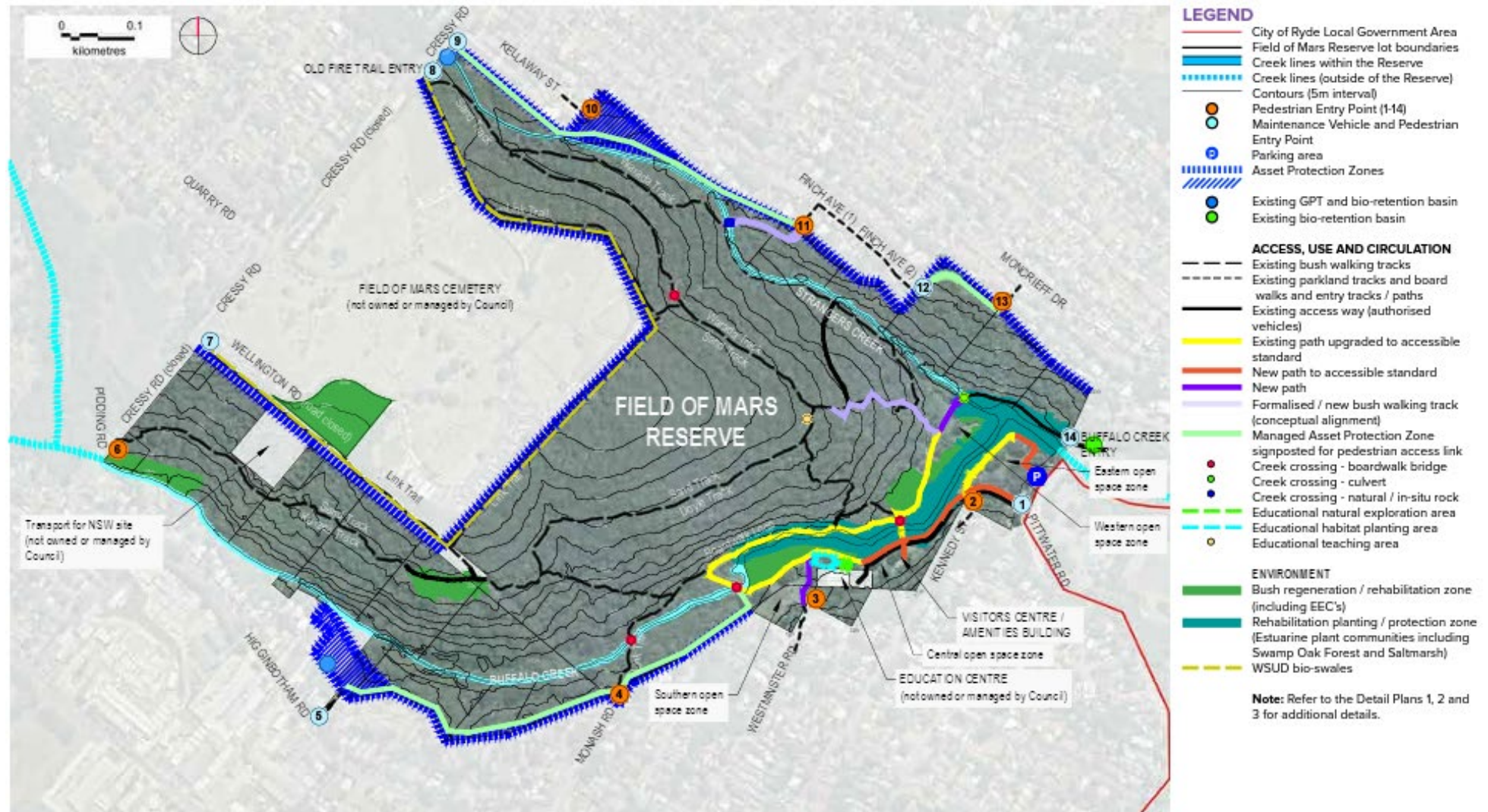
- ☐ Natural Area – Bushland
- ☐ Natural Area – Wetland
- ☐ Park.

Refer to Figure 5 below for the existing Community land categorisation 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, which was recently on public exhibition and pending necessary approvals.

Figure 4 Field of Mars Reserve Masterplan



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

Figure 5 Land categorisation of Field of Mars Reserve -
Field of Mars Reserve Plan of Management (2009)

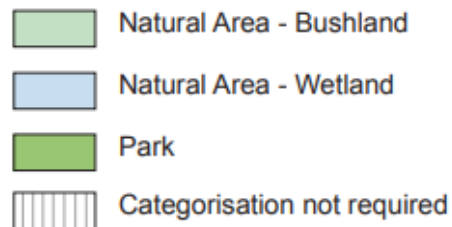
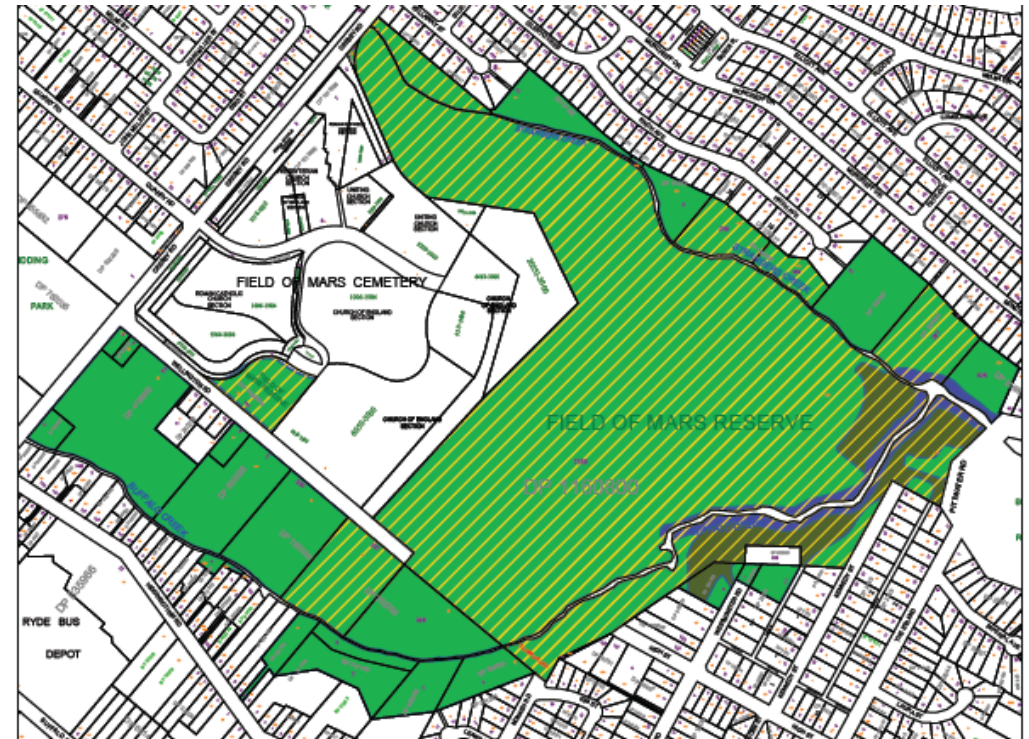



Figure 6 Proposed categorisation of Field of Mars Reserve -
Field of Mars Reserve draft Plan of Management (2023)



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

3.4.2 Land Categorisations under *Crown Land Management Act 2016*

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) and Park.

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 referral included notification for minor alteration of initial land categorisations to Crown land parcels, as detailed in Table 2 below. The alterations to categorisations 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 6.

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 5 and 6 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 4 above), 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 entry from Westminster Road. Area 1 is characterised by two areas of established bushland vegetation and an open grassed area used for picnics, passive recreation and educational purposes, as shown in Figure 7.

Figure 7 Images of Area 1



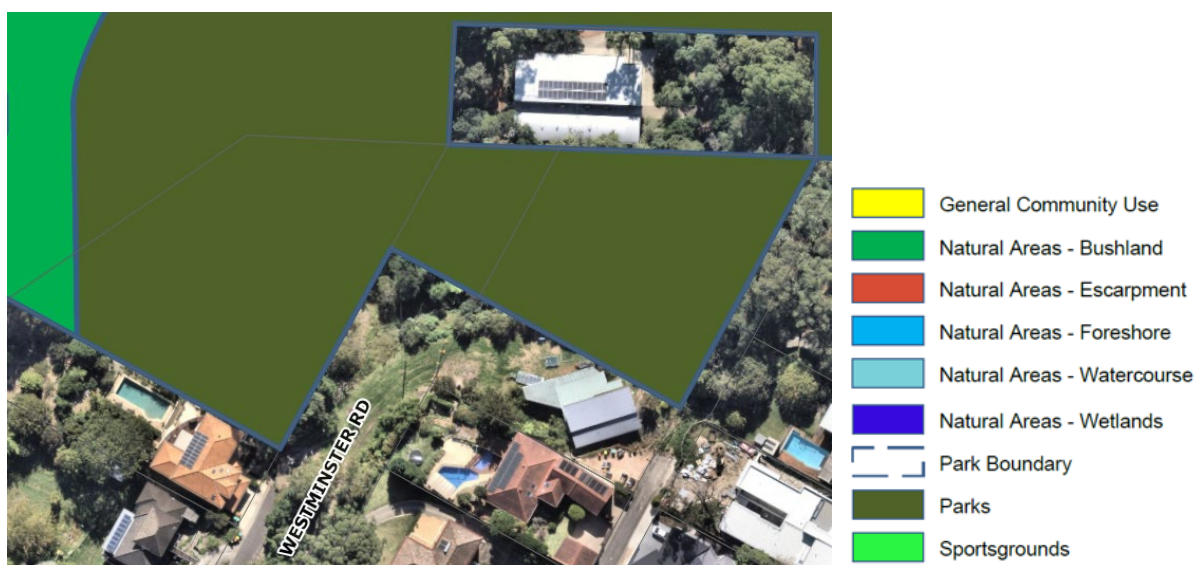
Looking south-west (near Education Centre and Westminster Road park entry)



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 8.

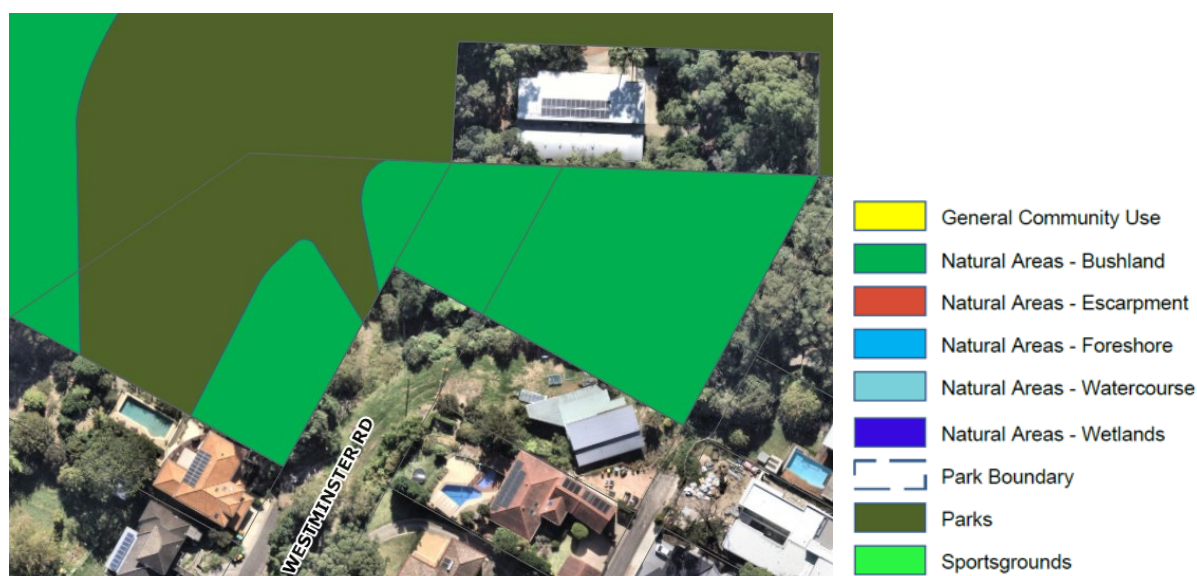
Figure 8 Area 1 - Current land categorisation (part of Field of Mars Reserve)



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 the Park land categorisation to Natural Area – Bushland land categorisation as shown in Figure 9.

It was explained at the public hearing that a minor alteration is intended to the categorisation. The vegetation islands on either side of the pedestrian entry would be changed from Park to Natural Area – Bushland so the area can be managed as bushland, including that mowing does not occur under trees.

Figure 9 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).

The Masterplan Area 1 proposed for land recategorisation includes improved pedestrian entry from Westminster Road (entry 3) and a formalised pedestrian path between two existing stands of vegetation near the Education Centre.

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, west of the Pittwater Road entry. Area 2 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 10 shows the bushland and wetland in this area.

Figure 10 Images of Area 2



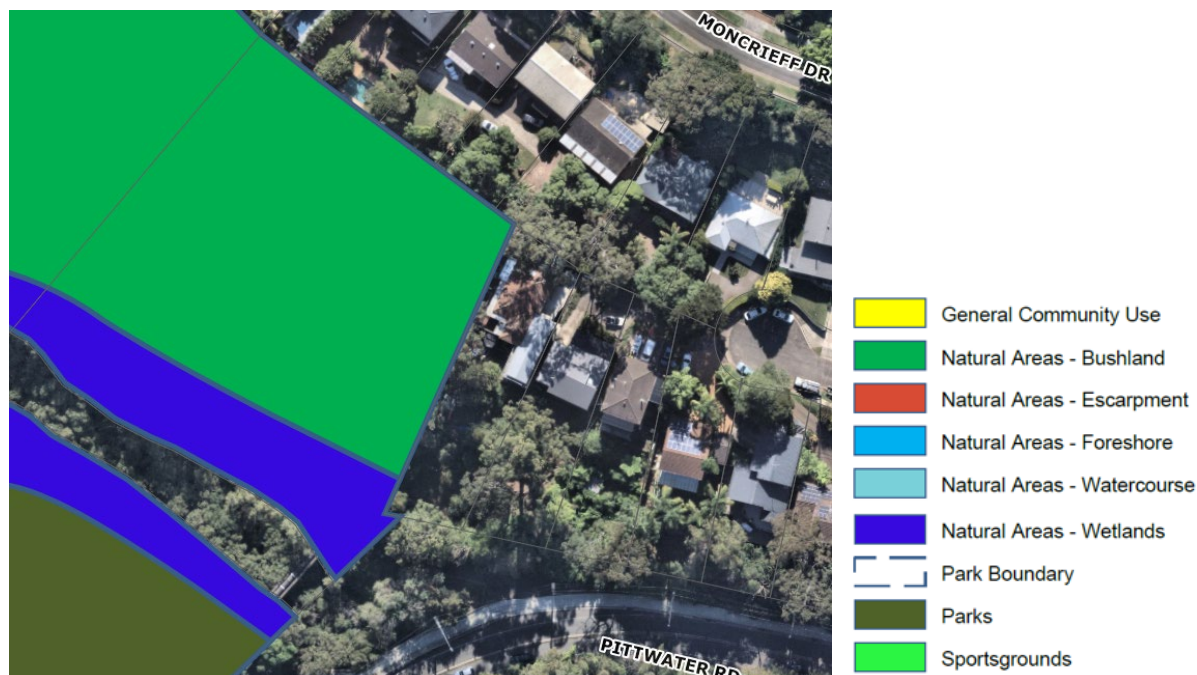
Looking south-east (Buffalo Creek on right and Pittwater Road maintenance entry ahead)



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) with a combined total of 6,282m² (refer to Figure 11). Area 2 includes a combination of bushland vegetation and creekline wetland vegetation.

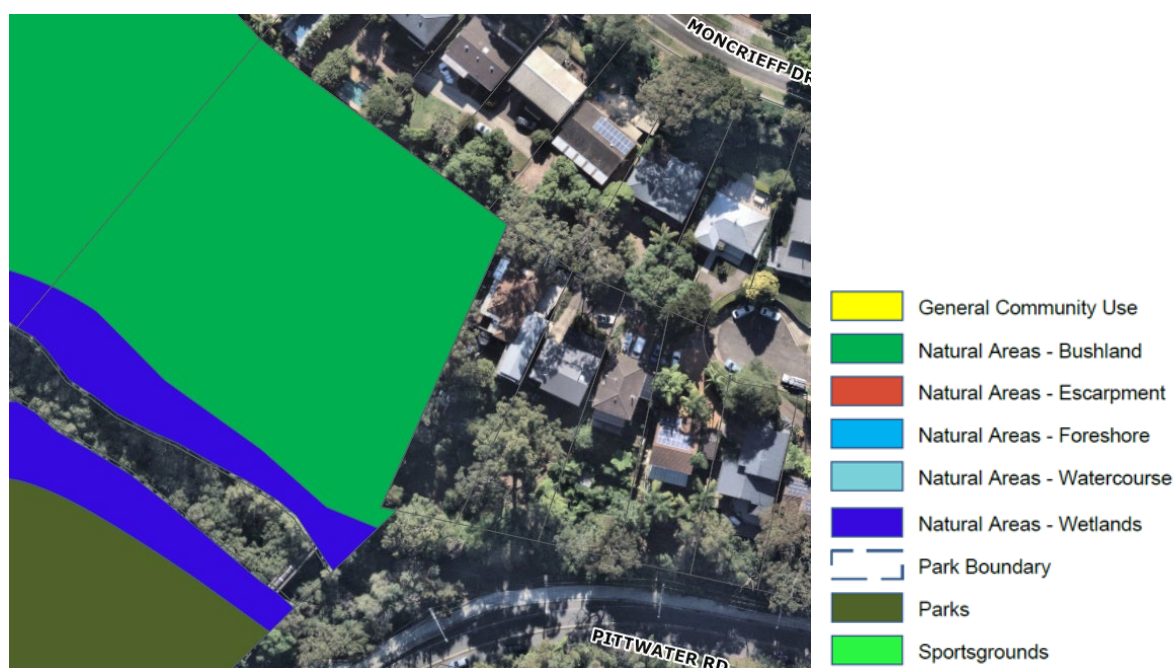
Figure 11 Area 2 - Current land categorisation (part of Field of Mars Reserve)



The proposal for land recategorisation of Area 2 is due to a clear topographical change, with a moderate gradient sloping upwards from the creekline. A minor alteration to the categorisation is proposed so the Natural Area - Wetland categorisation is defined as the lower tidal wetland area, and the Natural Area – Bushland categorisation is defined as the vegetation on the higher ground.

The proposed recategorisation 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, with a combined total of 6,282m². Refer to Figure 12.

Figure 12 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 land categorisation is not applicable to the creek.

The Masterplan Area 2 proposed for land recategorisation is to the west of the Pittwater Road entry on the northern side of Buffalo Creek (entry 14) Area 2 is recommended for minor track improvement to support the existing uses, as well as rehabilitation of the estuarine planting/protection zone.

It was explained at the public hearing that topography was used to adjust the categorisation of the wetlands area.

The person at the public hearing enquired where is the border between Natural Area - Wetland and Natural Area - Bushland, and whether a surveyor was used to determine the proposed changes. Council officers explained that a surveyor was not necessary as Council used their mapping tools, existing land boundaries and the site contours. It should be noted that the flow of creeks and rivers can change naturally over time, so the creek line itself may not be entirely accurate. The border between the wetland and bushland reflects the natural topography under general conditions. Water from the creek does not extend up the hill except during flood. Occasionally Council updates their mapping to NSW Land and Property Information (LPI) land boundaries.

4 THE PUBLIC HEARING

4.1 Advertising and notification

4.1.1 Public notification and exhibition requirements

Section 38 of the *Local Government Act 1993* states that Councils must give “public notice” of a draft Plan of Management, and the length of time that it must be on public exhibition and for submissions to be made. The public notice contents are set out in Section 705 of the Act.

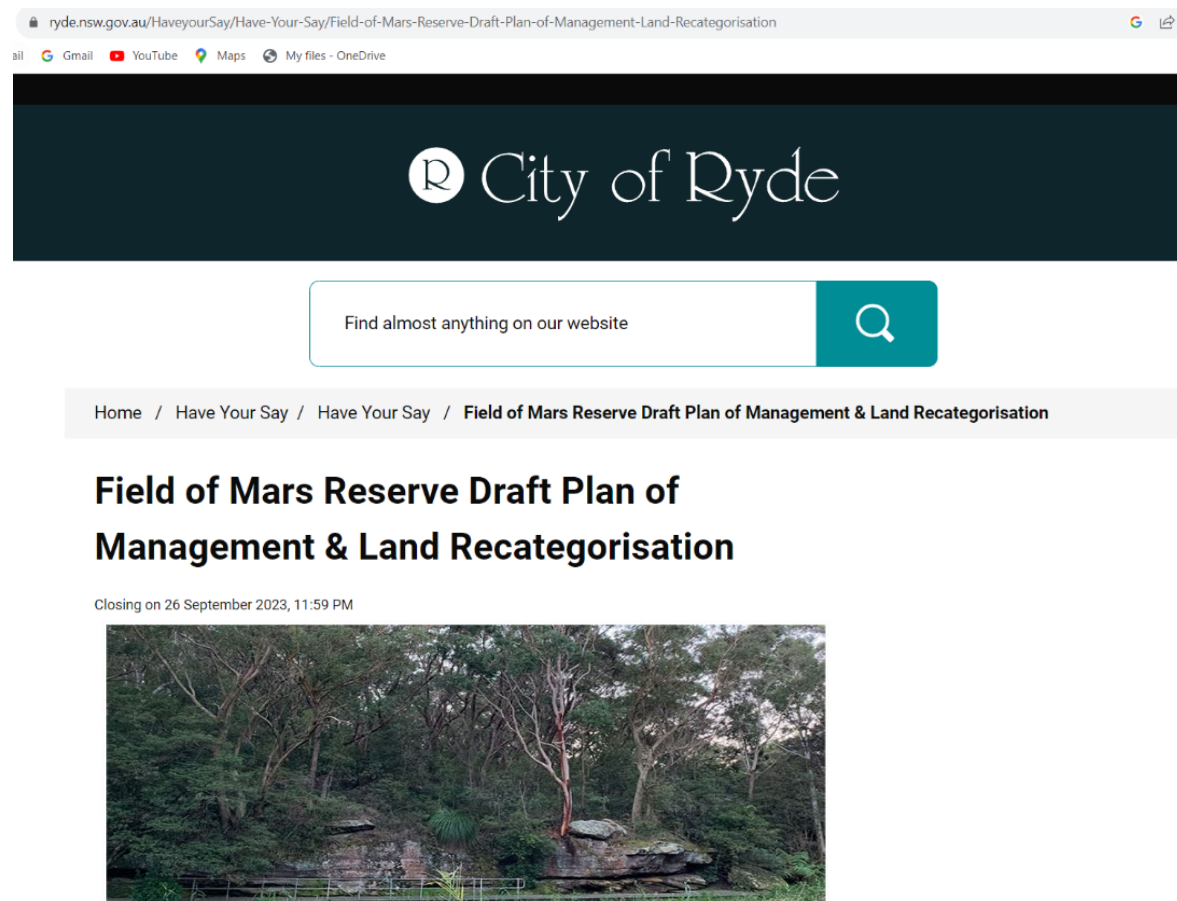
Specific details about the community engagement processes undertaken by Council for this public hearing are contained within the *Field of Mars Reserve Draft Plan of Management and Land Recategorisation Engagement Methodology Report (August/September 2023)* as prepared by City of Ryde.

4.1.2 Online notification

Council notified the community of the public hearing on its website www.ryde.nsw.gov.au/HYS/FieldOfMarsPoM from Tuesday 15 August until Tuesday 26 September 2023. The Have Your Say page on Council’s website is shown in Figure 13.

A background information document explaining the proposed recategorisations, the public hearing, and an online submission form, were also provided on the web page.

Figure 13 Public hearing information on Council’s website



In late 2020 and mid 2021 the City of Ryde asked for your input, views and thoughts on how Field of Mars Reserve can be managed, protected and improved now and into the future.

Based on your feedback, Council prepared a [Masterplan](#) which was adopted in August 2021. The draft Plan of Management has been prepared and approved by Council and the Minister responsible for Crown Lands for public exhibition. The draft Plan of Management is now on public exhibition until **Tuesday 26 September 2023**.

The purpose of the draft Plan of Management is to identify objectives, targets and propose strategies to protect and guide future maintenance and management of Field of Mars Reserve. To view the draft plan, please click ['Field of Mars Reserve Draft Plan of Management'](#).

Council is also proposing to recategorise small portions of Field of Mars Reserve to reflect the Reserve's natural features and Reserve use. For more information on the proposed recategorisations and public hearing, please click ['Field of Mars Reserve Proposed Land Recategorisation Public Hearing Background Information'](#).

Council would like to receive your feedback on the draft Plan of Management and proposed land recategorisations for parts of Field of Mars Reserve.

What is the Field of Mars Reserve?

Located in East Ryde, the Field of Mars Reserve is the largest remnant bushland reserve under the care, control and management of the City of Ryde covering approximately 50 hectares. This protected Wildlife Refuge includes natural area (bushland), sections of Buffalo and Strangers Creeks, walking tracks, Visitors Centre/amenities building, Environmental Education Centre, picnic area and car park. The Reserve contains several endangered ecological communities and threatened species and provides significant habitat for native birds and animals.

Why is a Plan of Management needed?

The draft Plan of Management for Field of Mars Reserve identifies objectives, targets and proposes strategies to protect and guide the future maintenance and management of this Reserve, in accordance with the *Local Government Act 1993*, *Crown Land Management Act 2016* and *National Parks & Wildlife Act 1974*.

Why is a Land Recategorisation public hearing needed?

In accordance with the *Local Government Act 1993* and *Crown Land Management Act 2016*, Council owned land classified as 'Community Land' or Crown Land managed by Council as 'Community Land', must be assigned a 'Land categorisation'. These land categorisations provide guidelines and objectives for land use and management.

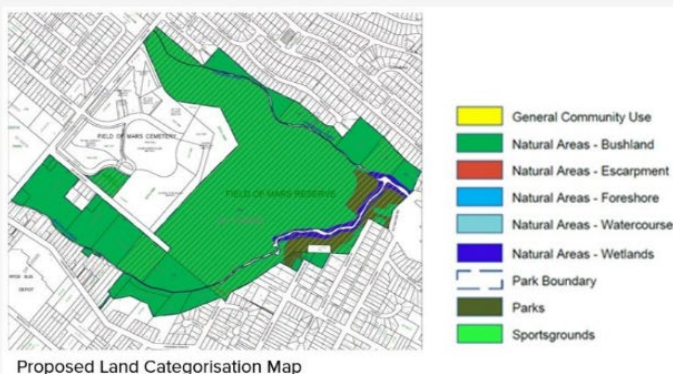
Under previous legislation, Crown Land within the Field of Mars Reserve did not require a land categorisation. However, the *Crown Land Management Act 2016* required Crown Land managed as community land to be assigned land categorisations. Changes in legislation over time has necessitated the previous Plan of Management (adopted 2009) and the land categorisation for the Reserve to be reviewed and updated.



Land Categorisation Map (2009)

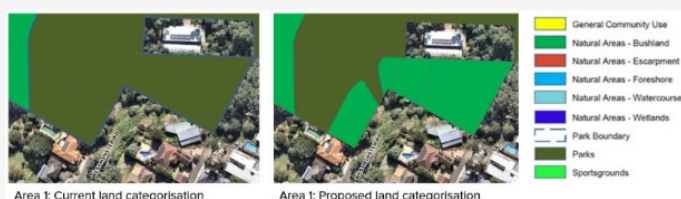
[View the Land Categorisation Map \(2009\) >](#)

In preparing the Field of Mars Reserve Masterplan (now adopted) and draft Plan of Management, Council reviewed the existing land categorisations and are proposing land recategorisation changes to some small portions of Field of Mars Reserve to better reflect the Reserve's natural features, enable the adopted Masterplan and Reserve use.

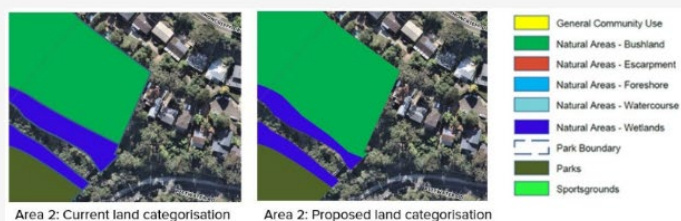


[View the Proposed Land Categorisation Map \(2023\) >](#)

Area 1 (part of Field of Mars Reserve): 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.



Area 2 (part of Field of Mars Reserve): 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 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. Council has engaged Sandy Hoy, Director, Parkland Planners for this public hearing.

For more specific information please refer to the '[Field of Mars Reserve Proposed Land Recategorisation Public Hearing Background Information](#)'.

Background Information

- [Field of Mars Reserve draft Plan of Management](#)
- [Field of Mars Reserve Proposed Land Recategorisation Public Hearing Background Information](#)
- [Land Categorisation Map - Proposed \(2023\)](#)

Related Information



HAVE YOUR SAY

You can Have Your Say on the Field of Mars Reserve Draft Plan of Management and Land Recategorisation in a number of ways including via the online submission form, email, post, or registering for the Public Hearing.

Council has engaged an independent facilitator, Parkland Planners, to conduct the public hearing and reporting for the proposed land recategorisation component of this Have Your Say. Submissions relating to the proposed land recategorisation will be shared with Parkland Planners for reporting purposes.

Online Form

Please complete the online form to provide your feedback on the draft Plan of Management and proposed land recategorisation. Submissions will be received up until **11.59pm on Tuesday, 26 September 2023**.

[Complete the Online Form](#) >

Written Submissions

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

All submissions must be received by **Tuesday, 26 September 2023**.

Email cityofryde@ryde.nsw.gov.au

Post City of Ryde, Locked Bag 2069, North Ryde NSW 1670

Public Hearing for Proposed Land Recategorisation

Local residents are invited to attend the public hearing on the proposed land recategorisation in accordance with the *Local Government Act 1993*. Council will use an independent facilitator, Sandy Hoy, Director, Parkland Planners, to conduct the public hearing.

Residents will be able to attend the public hearing in person:

Date: Wednesday 30 August 2023

Time: 4.30pm – 6.00pm

Location: Wallumetta Meeting Room, Ryde Library, 1 Pope Street, Ryde

Registration: Advanced registration is required and places are limited. Registrations for the public hearing close **12.00noon on Monday 28 August 2023**.

How do I participate in the public hearing?

Please register by **12.00noon on Monday 28 August 2023** to participate in the public hearing. You can complete the online registration form via the link below or if you don't have internet access, please call Customer Service on (02) 9952 8222.

Registrations for the Public Hearing have now closed.

Privacy Statement

Personal information collected from you (including responses to forms and surveys) is held and used by Council under the provisions of the Privacy and Personal Information Protection Act 1998. The supply of information is voluntary, however if you cannot provide, or do not wish to provide the information sought, Council may be unable to process your application or request, or consider your submission. Please note that the exchange of information between the public and Council, may be accessed by others and could be made publicly available under the Government Information Public Access Act 2009 (GIPA Act). If you require further information please contact Council's Customer Service Centre on 9952 8222.

Location

Field of Mars Reserve, Pittwater Road, East Ryde 2113 [View Map](#)



Contact Us

Share    

4.1.3 Other notification methods

In addition to the Have Your Say website shown above, Council also notified Reserve users and the community by:

- ☐ 14 x A2 signs at entry points to Field of Mars Reserve
- ☐ an A4 flyer to residents within a 500 metre radius of the Reserve on Tuesday 15 August 2023
- ☐ Have Your Say eNewsletter to 188 community members, groups, past Have Your Say respondents and other stakeholders on Tuesday 15 August 2023
- ☐ 'Smarter Cleaner Greener' eNewsletter to 3,478 subscribers on Wednesday 16 August and Tuesday 19 September 2023
- ☐ open community consultations advertisements in *The Weekly Times* every Wednesday between 15 August and 26 September 2023.

4.2 Public hearing arrangements

The public hearing was held on Wednesday 30 August 2023 from 4.30pm to 6.00pm in the Wallumetta Room, Ryde Library, 1 Pope Street, Ryde.

Six residents registered in advance to attend the public hearing and were provided with the option to submit any comments or questions before the hearing.

4.3 Attendance at the public hearing

As required under Section 47G of the *Local Government Act 1993*, Council appointed an independent chairperson, Sandy Hoy, Director of Parkland Planners, to chair the public hearing.

Meredith Gray (Open Space Planner) and Sandra Payne (Team Leader Natural Areas) provided information and answered questions on Council's behalf during the public hearing.

Sabrina Colatosti (Community Engagement Coordinator) and Daniel Severino (Community Engagement Officer) from Council's Community Engagement Team assisted residents, Council staff and the Chair with running the public hearing.

One community member attended the public hearing. Apologies in advance were received from two community members who had registered to attend.

4.4 The public hearing

Ms Hoy opened the public hearing at 4:40pm.

Ms Hoy explained the purpose of the public hearing, the legislative basis for categorisation of Community land, and the requirement for public hearings, based on the background information document provided online.

The question that the Chair asked people attending the hearing to address was:

Do you agree or not with the proposal to recategorise parts of Field of Mars Reserve? Why or why not?

The community member asked questions and made comments about the proposed recategorisation of land, the Masterplan and matters relating to management of the Reserve at the public hearing. The content of verbal submissions which are relevant to the proposed recategorisation are outlined in more detail in Section 5 of this report. Other comments and questions were noted but are outside the scope of this report.

With there being no further submissions or questions, Ms. Hoy closed the hearing at 5.25pm. The chair and Council staff remained at the hearing venue until the advertised closing time of 6pm in case of any late arrivals.

4.5 Submissions

Submissions about the proposed recategorisation of parts of Field of Mars Reserve could be made:

- ☐ via the online submission form on the Have Your Say page at www.ryde.nsw.gov.au/HYS/FieldOfMarsPoM from Tuesday 15 August until Tuesday 26 September 2023
- ☐ verbally at the public hearing on Wednesday 30 August 2023
- ☐ 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.

5 CONSIDERATION OF SUBMISSIONS

5.1 Introduction

Feedback on the proposed recategorisation was received via the public hearing (6 registrations, with one person in attendance), written submission via email (one submission), and online form submissions (13 submissions of which 10 provided comment). No postal submissions were received.

Verbal and written submissions relating to the proposed recategorisation of two parts of Field of Mars Reserve are set out below, according to:

- ☐ general comments about recategorisation
- ☐ specific comments about the proposed recategorisation
- ☐ other land categorisations in the Reserve outside the scope of the public hearing
- ☐ other topics outside the scope of recategorisation and the public hearing.

5.2 Level of support for proposed recategorisation

The attendee at the public hearing, one written submission, and the 9 online submissions which provided comment all supported the proposed recategorisations of Area 1 and Area 2 as set out below.

5.3 General comments about recategorisation

The public hearing attendee was comfortable with the proposed recategorisation of Area 1 and Area 2 because it reflects the actual vegetation on the ground, it is a gain for the fauna and flora, and it will result in an increase in land categorised as Natural Area - Bushland.

The attendee also noted that it is their understanding that other stakeholders they have spoken with are also comfortable with the draft Plan of Management and proposed land recategorisation.

One online survey respondent commented that the proposed land recategorisations are supported (Respondent 13).

One written submission received on behalf of their organisation's membership commented that they supported the recategorisation of areas in the Reserve to more appropriately reflect the actual nature of the land (Respondent 14).

5.4 Specific comments about the proposed recategorisation

Detailed comments about the proposed recategorisation of Areas 1 and/or 2 are in Table 4.

Table 4 Specific comments about the proposed recategorisation

Source	Submission	Council response
Area 1		
Public hearing	An increase in Natural Area - Bushland categorisation compared to Park categorisation will result from the recategorisation	Noted
Public hearing	Recategorisation as Natural Area - Bushland will keep staff with mowers away from the bushland	Noted
Online survey 1	I am comfortable that the recategorisation provides a more accurate recognition of the land use in this area of the Reserve. Some areas of bushland previously identified as general parkland are now identified as Natural Areas.	Noted
Online survey 2	I support the proposed land categorisation of Area 1 as: 1) I endorse the expansion of natural areas within the City of Ryde. 2) It will allow for increased protection, the potential for further native regeneration hence improved habitat and biodiversity values of this area.	Noted
Online survey 3	The proposals are supported.	Noted
Online survey 4	We support the recategorisation of area 1	Noted
Online survey 5	agreed	Noted
Online survey 8	We support this amendment.	Noted
Online survey 10	I believe this is a suitable proposal.	Noted
Online survey 11	Changed (sic) are supported	Noted
Area 2		
Online survey 1	I am comfortable that the recategorisation provides a more accurate recognition of the land use in this area of the Reserve. Some areas of bushland previously identified as wetland are now appropriately identified.	Noted
Online survey 2	I support the proposed land categorisation of Area 2 as it aligns more closely with the current natural environment hence facilitating the management of the area.	Noted
Online survey 3	The proposals are supported.	Noted
Online survey 4	We support the recategorisation of area 2	Noted
Online survey 5	I would suggest keeping the wetland expanse untouched	Noted
Online survey 8	We support this amendment.	Noted
Online survey 10	I think this is a suitable change of categorisation.	Noted
Online survey 11	Changed (sic) are supported	Noted

Note: Three online survey respondents did not provide comment (Respondents 6, 7 and 12).

5.5 Comments about Other Land Categorisations

The online survey provided the opportunity for comment on other land categorisations in the Field of Mars Reserve, which are outside the scope of the public hearing.

One online survey respondent commented that all categorisations are logical and based on the systems present (Respondent 11).

5.6 Comments outside the scope of the public hearing

Submissions made at the public hearing and from the online written submissions which are not related to the proposed recategorisations are set out in Table 5. Council will consider these comments before finalising the Plan of Management for Field of Mars Reserve.

Table 5 Comments outside the scope of the public hearing

	Submission	Council response
Public hearing	<p>Concern that future construction work on access paths and bush track upgrades don't disturb and damage the natural value of the Reserve.</p> <p>Resident noted they would appreciate further consultation closer to the time of such planning works in the Reserve.</p>	<p>Council will undertake path/track upgrades in the future, such as sandstone steps. Staff and contractors are required to consider any environmental impacts prior to and during works. As standard practice Council staff liaise with key stakeholders such as the Ryde Hunters Hill Flora and Fauna Preservation Society and the Field of Mars Environmental Education Centre prior to these types of upgrades.</p>
Public hearing	<p>Bushcare and weed management need to be done sensitively.</p> <p>Exotic weeds such as <i>Lantana</i> are important as habitat for some small birds which rely on exotic weeds.</p>	<p>Agreed. Weed management needs to be considered and managed progressively and sensitively over time. It is a delicate balance.</p> <p>Actions and strategies for Bushcare, maintenance and weed management practices are considered in the draft Plan of Management.</p>
Public hearing	<p>The Buffalo Creek catchment is vast. Weed management is expensive.</p>	<p>Agreed. Weed management in the Reserve is a large undertaking for Council. This is a long term and ongoing process for Council. Actions and strategies for weed management are considered in the draft Plan of Management.</p>
Public hearing	<p>Have vegetation and maintenance works taken place in Field of Mars Reserve behind the Westminster Road houses?</p>	<p>Yes, some bush regeneration works and weed removal have been undertaken in this area recently. <i>Ludwigia</i>, an aquatic weed, has been identified. <i>Ludwigia</i> is a targeted weed which is a priority for removal by Council. Other vegetation with habitat values, such as the coral trees, have been preserved and there are no plans to remove them.</p>
Public hearing	<p>Some smaller birds such as wattlebirds, Black-faced Monarch and smaller honeyeaters found near Westminster Road are not found anywhere else in the Reserve. If the vegetation is opened up too much the Noisy Mynahs would move in.</p>	<p>Noted. Bush regeneration and weed management needs to be considered and done sensitively to consider the local birds and wildlife.</p>

Submission		Council response
Public hearing	Are there any plans to replant <i>Casuarina</i> trees south of the Education Centre on the other side of the path where flash floods have occurred? Flooding damaged the creek banks.	<p>Yes, there is opportunity for new tree planting there, but <i>Casuarina</i> may not be the most appropriate species for this area as they can prevent growth of other vegetation and cause issues for endangered saltmarsh.</p> <p>The area being referred to is identified in the Masterplan as a Bush regeneration / rehabilitation zone for future realisation.</p>
Online survey 9	Dog friendly better paths	<p>Field of Mars Reserve is a Wildlife Refuge under the <i>National Parks and Wildlife Act 1974</i> and a Category 1 Wildlife Protection Area under the <i>Companion Animal Act 1998</i>. In accordance with the legislation, dogs and cats are not permitted in the Field of Mars Reserve to protect native wildlife and biodiversity.</p> <p>The Field of Mars Reserve Masterplan was adopted by Council in August 2021. This Masterplan included extensive site analysis, developed a walking path/track hierarchy and provided recommendation for future walking path/track upgrades to be implemented progressively over the next 20 years, subject to funding availability.</p>

6 RECOMMENDATIONS

6.1 Consideration of submissions

The online, written and verbal submissions regarding the proposed recategorisation of two parts of Field of Mars Reserve were carefully considered and assessed below.

The public hearing attendee and all 9 online survey respondents which provided comment all support the proposed recategorisation of Area 1 and Area 2. The key reason given for supporting the proposal is that the proposed changes to categorisations more accurately reflect the boundaries of vegetation types and land use in Field of Mars Reserve, allowing for more effective management of natural areas by Council.

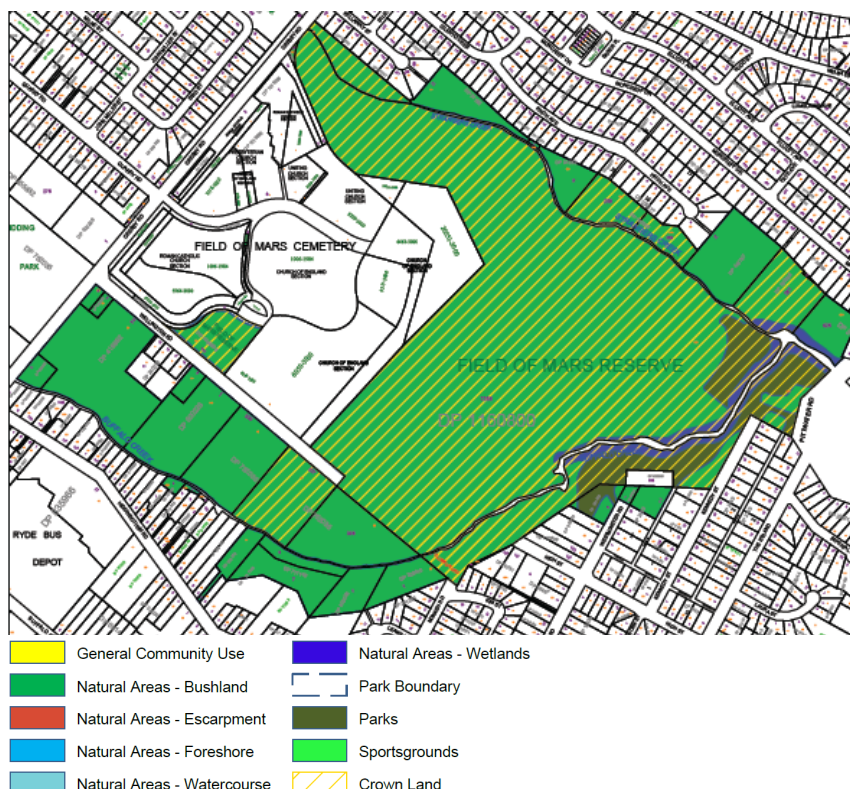
One online survey respondent noted that other land categorisations in the Reserve are logical. No other submissions were received on the categorisations of the remainder of the Reserve.

6.2 Recommendations

Based on the representations and written submissions to the public hearing on 30 August 2023, and online and written submissions made to Council by 26 September 2023, my recommendations to City of Ryde are that Council:

1. Note the verbal, online and written submissions made in Section 5.
2. Recategorise the two parts of Field of Mars Reserve (Area 1 and Area 2) according to the proposed categorisation map which was publicly exhibited, as shown in Figure 14 below.

Figure 14 Recommended recategorisation of Community land in Field of Mars Reserve



6.3 Adoption of proposed recategorisation

The public hearing report will be presented to Council for its information as part of its approval of the proposed recategorisation, adoption of the Field of Mars Reserve Plan of Management, and subsequent implementation of the Masterplan (2021) and Plan of Management (2023).

Section 114 of the *Local Government (General) Regulation 2021* states that if Council receives any submission objecting to the proposed categorisation of land, and the Council adopts the categorisation without amending the categorisation that gave rise to the objection, the resolution by which Council adopts the categorisation must state the Council's reasons for categorising the relevant land in the manner that gave rise to the objection. No objections were received.

If Council adopts the proposed recategorisation of two parts of Field of Mars Reserve (Areas 1 and 2), Council will update its Open Space Land Index and Maps to reflect the changes in categorisation.

If Council decides to alter the proposed recategorisation of Community land from that considered at the public hearing, Council must hold a further public hearing (Section 40A(3) of the *Local Government Act 1993*).

6.4 Reporting

Within four days of receiving this final report, Council is required under Section 47G(3) of the *Local Government Act 1993* to make a copy of this report available for inspection by the public at a location within the area of the Council. It is recommended that Council:

- ☐ send a copy of the public hearing report to the people who attended the public hearing and/or made a written submission.
- ☐ keep a copy of the public hearing report for inspection at Council's Customer Service Centre and Ryde Library.
- ☐ post an electronic copy of the public hearing report on Council's website.



Sandy Hoy
Director
Parkland Planners

17 October 2023