

PUBLIC HEARING FOR:

(1) PROPOSED RECATEGORISATION OF
PART OF MORRISON BAY PARK

(2) MULTIPLE CATEGORISATIONS OF CROWN LAND PARKS IN THE
DRAFT PARRAMATTA RIVER PARKLANDS PLAN OF MANAGEMENT

BACKGROUND INFORMATION

MAY 2020



CITY OF RYDE

PUBLIC HEARING FOR:

(1) PROPOSED RECATEGORISATION OF
PART OF MORRISON BAY PARK

(2) MULTIPLE CATEGORISATIONS OF
CROWN LAND PARKS IN THE
DRAFT PARRAMATTA RIVER PARKLANDS
PLAN OF MANAGEMENT

BACKGROUND INFORMATION

MAY 2020

Parkland Planners

ABN: 33 114 513 647

PO Box 41
FRESHWATER NSW 2096

mob: 0411 191 866

sandy@parklandplanners.com.au

DIRECTOR: Sandy Hoy

CONTENTS

1 INTRODUCTION	1
1.1 Background	1
1.2 Draft Plan of Management and public hearing	2
1.3 About this background information document	3
2 COMMUNITY LAND AND CROWN RESERVES.....	5
2.1 Community and Crown land.....	5
2.2 Categorisation of community land and Crown reserves	6
2.3 Current and proposed categorisation	8
2.4 Plans of Management for community land and Crown reserves.....	23
3 PUBLIC HEARINGS FOR CATEGORISATION OF COMMUNITY LAND AND CROWN RESERVES.....	25
3.1 Why hold a public hearing to categorise community land and Crown reserves?	25
3.2 Who conducts a public hearing?	25
3.3 What happens after the public hearing?	25

Figures

Figure 1	Location of Crown Land Parks included in the Draft Plan of Management for Parramatta River Parklands	1
Figure 2	Classification and categorisation of community and Crown land	5
Figure 3	Land tenure in Morrison Bay Park.....	6
Figure 4	Current categorisation of Morrison Bay Park.....	9
Figure 5	Proposed recategorisation of Morrison Bay Park 2020	10
Figure 6	Photos of the area proposed for recategorisation in Morrison Bay Park.....	11
Figure 7	Current and proposed categorisation of Ryde Wharf Reserve	13
Figure 8	Current and proposed categorisation of Bennelong Park	14
Figure 9	Current and proposed categorisation of Bill Mitchell Park	15
Figure 10	Current and proposed categorisation of Anderson Park.....	16
Figure 11	Current and proposed categorisation of Helene Park.....	17
Figure 12	Current and proposed categorisation of Kissing Point Park	18
Figure 13	Current and proposed categorisation of Looking Glass Park	19

Figure 14	Current and proposed categorisation of Meditation Park.....	20
Figure 15	Current and proposed categorisation of Memorial Park	21
Figure 16	Current and proposed categorisation of Settlers Park.....	22
Figure 17	Current and proposed categorisation of Tennyson Park	23

Tables

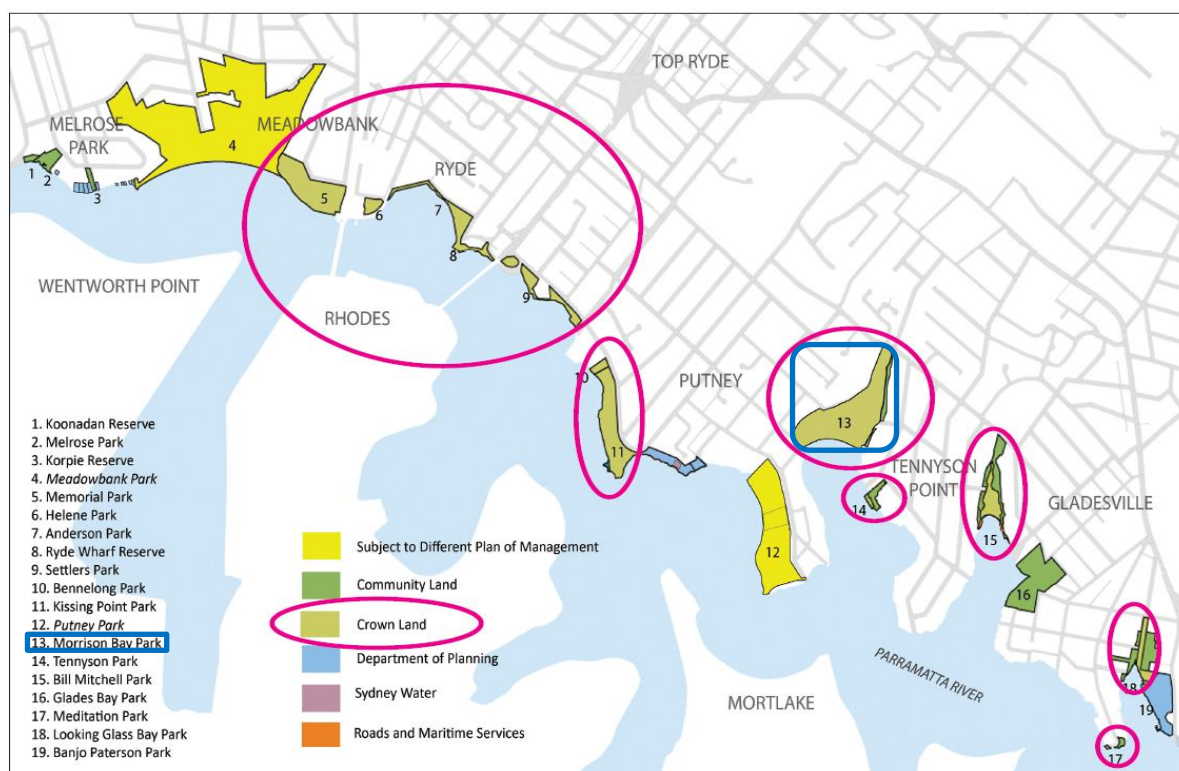
Table 1	Guidelines and core objectives for current and proposed categories of community land for part of Morrison Bay Park	8
---------	--	---

1 INTRODUCTION

1.1 Background

City of Ryde has prepared a Draft Plan of Management (draft Plan) for the Parramatta River Parklands, which encompasses 18 parks including Morrison Bay Park in Putney as shown in Figure 1. These parks are a combination of Council-owned community land, and Crown land for which the City of Ryde has been appointed Council Crown Land Manager.

Figure 1 Location of Crown Land Parks included in the Draft Plan of Management for Parramatta River Parklands



Part of the process of preparing the Plan of Management required Council to forward a copy of the draft Plan to the Minister for Water, Property and Housing for his approval to exhibit it for public comment.

The Minister subsequently directed Council to recategorise a narrow strip of community and Crown land along the boundary of Morrison Bay Park with Phillip Road from 'General Community Use' as it was categorised in the City of Ryde's 2001 *Generic Plan of Management for Sportsground, Parks, Natural Areas, General Community Use* to 'Park'.

Correspondence from the Department of Planning, Industry and Environment to Council dated 17 January 2020 states:

‘...the request to alter the initial assigned categorisation for one Crown reserve (R95771) included in the draft plan is only partially consented. The categories of Sportsground, Natural Area and Park are accepted, but the categorisation of General Community Use has not been granted and the initial assigned category should remain...’.

Council has been directed by the Minister to recategorise this area from General Community Use to Park because the Park category more closely aligns with the guidelines and core objectives for the use of this area under the *Local Government Act 1993*, and it more closely aligns with the Crown land purpose of Public Recreation.

The Department of Planning, Industry and Environment has also directed Council to undertake a public hearing to inform the community of the multiple categorisations that Council has assigned to Crown land parks covered by the Draft Parramatta River Parklands Plan of Management:

‘Council can now progress to give public notice of the draft plan of management which is required to include a public hearing as per section 40A of the Local Government Act 1993. If the council decides to amend the draft plan after public notice of the draft plan of management, Council is required to again refer the plan to the land owner.’

The public is informed that there have been no changes to the categorisation of Crown Land parks from those initially assigned in the *Generic Plan of Management for Sportsground, Parks, Natural Areas, General Community Use 2001*. A comparison of the categorisations assigned in 2001 and those proposed in the Parramatta River Parklands Plan of Management can be found in Section 2.3.2 of this document.

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* to recategorise the land. Under these Acts the public hearing must be chaired by an independent facilitator.

1.2 Draft Plan of Management and public hearing

Council notified the community of the public exhibition of the Draft Plan of Management and the public hearing on its website. The Draft Parramatta River Parklands Plan of Management was on public exhibition for comment from 9 March to 19 April 2020, and was able to be viewed as follows:

- ❑ online at the City of Ryde Have Your Say website – use the following link www.ryde.nsw.gov.au/haveyoursay/Home
- ❑ Customer Service Centre 1 Pope Street, Ryde (Monday to Friday, 8.30am - 5.00pm)
- ❑ all City of Ryde Libraries (during branch hours).

The community was initially invited to attend a public hearing about the proposed recategorisation of part of Morrison Bay Park and the multiple categorisations of Crown Land parks on Monday 30 March 2020 from 6.00pm – 7.30pm at Gladesville Library, 6 Pittwater Road, Gladesville. However due to the restrictions on public gatherings as a result of the COVID-19 pandemic, that meeting had to be cancelled.

An alternative audio-visual conference public hearing has been scheduled on **Wednesday 27 May 2020 from 4.30pm to 5.30pm.**

Customers are able to join the meeting online or call in by phone. Registrations are essential at www.ryde.nsw.gov.au/RSVPMorrisonBay or call Customer Service on 9952 8222.

Submissions about the proposed recategorisation of Morrison Bay Reserve and the multiple categorisation of Crown land parks in the Draft Parramatta River Parklands Plan of Management may be made:

- ☐ via the online submission form on the Have Your Say page from 6 May 2020
- ☐ verbally at the public hearing by calling in by phone. Prior registration is required
- ☐ in writing to Council after the public hearing until **Wednesday 3 June 2020** by:
 - email: cityofryde@ryde.nsw.gov.au
 - post to: General Manager, City of Ryde, Locked Bag 2069, North Ryde NSW 1670

The questions to address in your submission are:

- ☐ Do you agree or not with the proposal to recategorise part of Morrison Bay Park from General Community Use to Park? Why or why not?
- ☐ Do you agree or not with assigning multiple categories to Crown reserves in the Draft Parramatta River Parklands Plan of Management? Why or why not?
- ☐ Do you have any other comments about the proposed recategorisation of part of Morrison Bay Park or the multiple categorisations assigned to Crown land in the Draft Parramatta River Parklands Plan of Management?

1.3 About this background information document

This background information document sets out the legislative requirements for recategorisation of Crown land in Morrison Bay Park and the multiple categorisations of Crown land parks covered by the Parramatta River Parklands Plan of Management.

In particular, this document deals with the preparation of Plans of Management for land classified as community land and for Crown land, categorisation and recategorisation of community and Crown land, and public hearings regarding the categorisation and recategorisation of community and Crown land.

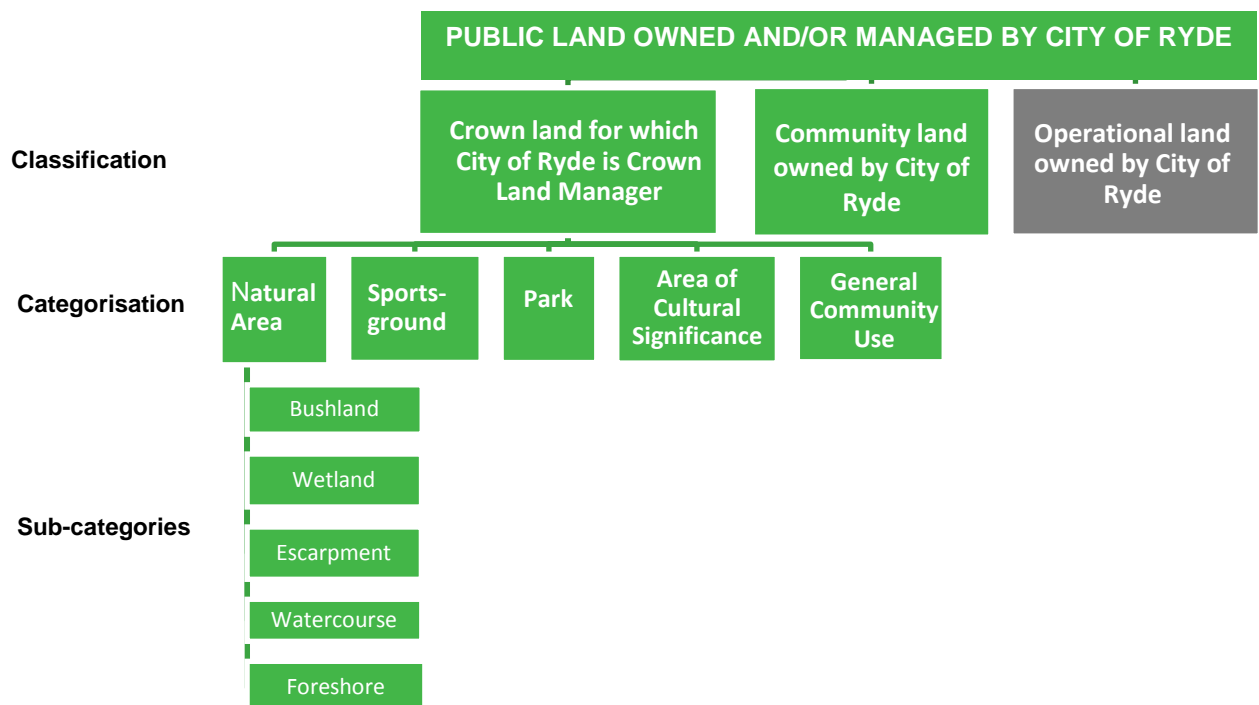
This page is left blank intentionally

2 COMMUNITY LAND AND CROWN RESERVES

2.1 Community and Crown land

The *Local Government Act 1993* and *Crown Land Management Act 2016* set out a range of requirements for the management of public land that City of Ryde is legally bound to adhere to.

Figure 2 Classification and categorisation of community and Crown land



From 1 July 2018 the *Crown Land Management Act 2016* requires local Councils that are appointed to manage dedicated or reserved area of Crown land (as is the case for Morrison Bay Park and the other Crown land parks covered by the Draft Plan), to manage that land as if it were community land under the *Local Government Act 1993*, including preparing a Plan of Management and categorising the land.

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

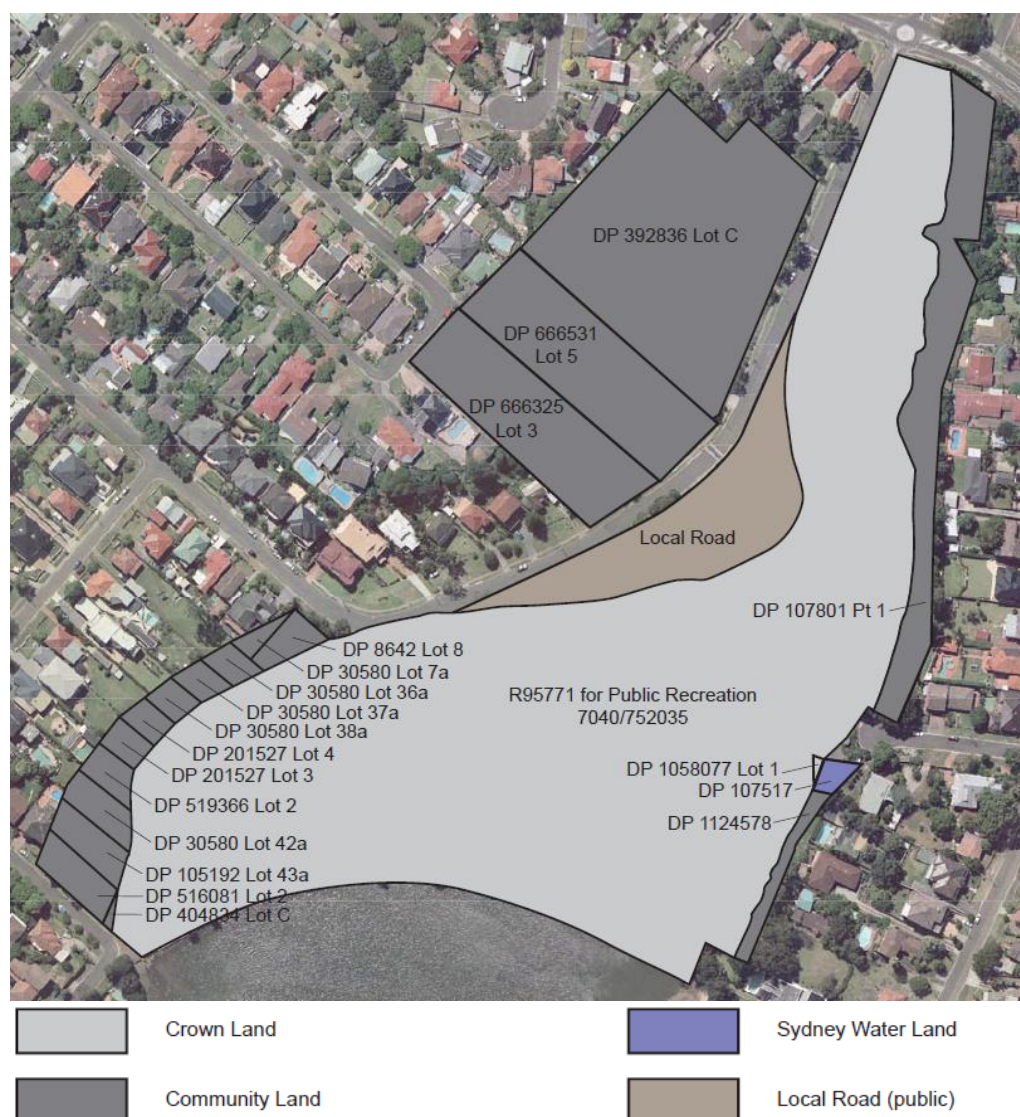
Community land is intended to be managed for use by the community for purposes including environmental protection, recreational, cultural, social and educational activities. Community land may only be leased or licensed for up to 21 years without the Minister's consent or up to 30 years with the Minister's 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.

Morrison Bay Park comprises mostly Crown land and community land as shown in Figure 2.

The subject land comprises part of R95771 which is a Crown reserve for Public Recreation, and Lot C DP 404834 and Lot 2 DP 516081 which are owned by City of Ryde.

Figure 3 Land tenure in Morrison Bay Park



2.2 Categorisation of community land and Crown reserves

2.2.1 What are the categories for community land and Crown reserves?

The *Local Government Act 1993* requires that all land owned by the Council which is classified as community land be categorised. The *Crown Land Management Act 2016* provides that the same requirement for categorisation also now applies to Crown reserves such as Morrison Bay Park which are under the control of a “Council manager”.

As shown in Figure 2, Community land and Crown reserves 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 and Crown reserves that are categorised as a natural area are 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 and Crown reserves?

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

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

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

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

2.2.3 Core objectives for managing community land

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

The guidelines and core objectives for the current category of General Community Use and the proposed category of Park which apply to Morrison Bay Park are in Table 1.

Table 1 Guidelines and core objectives for current and proposed categories of community land for part of Morrison Bay Park

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

2.3 Current and proposed categorisation

2.3.1 Morrison Bay Park

The current categorisation of Morrison Bay Park in Figure 4 below was adopted by City of Ryde in the 2001 Generic Plan of Management, and retained in the 2016 Plan of Management for Morrison Bay Park.

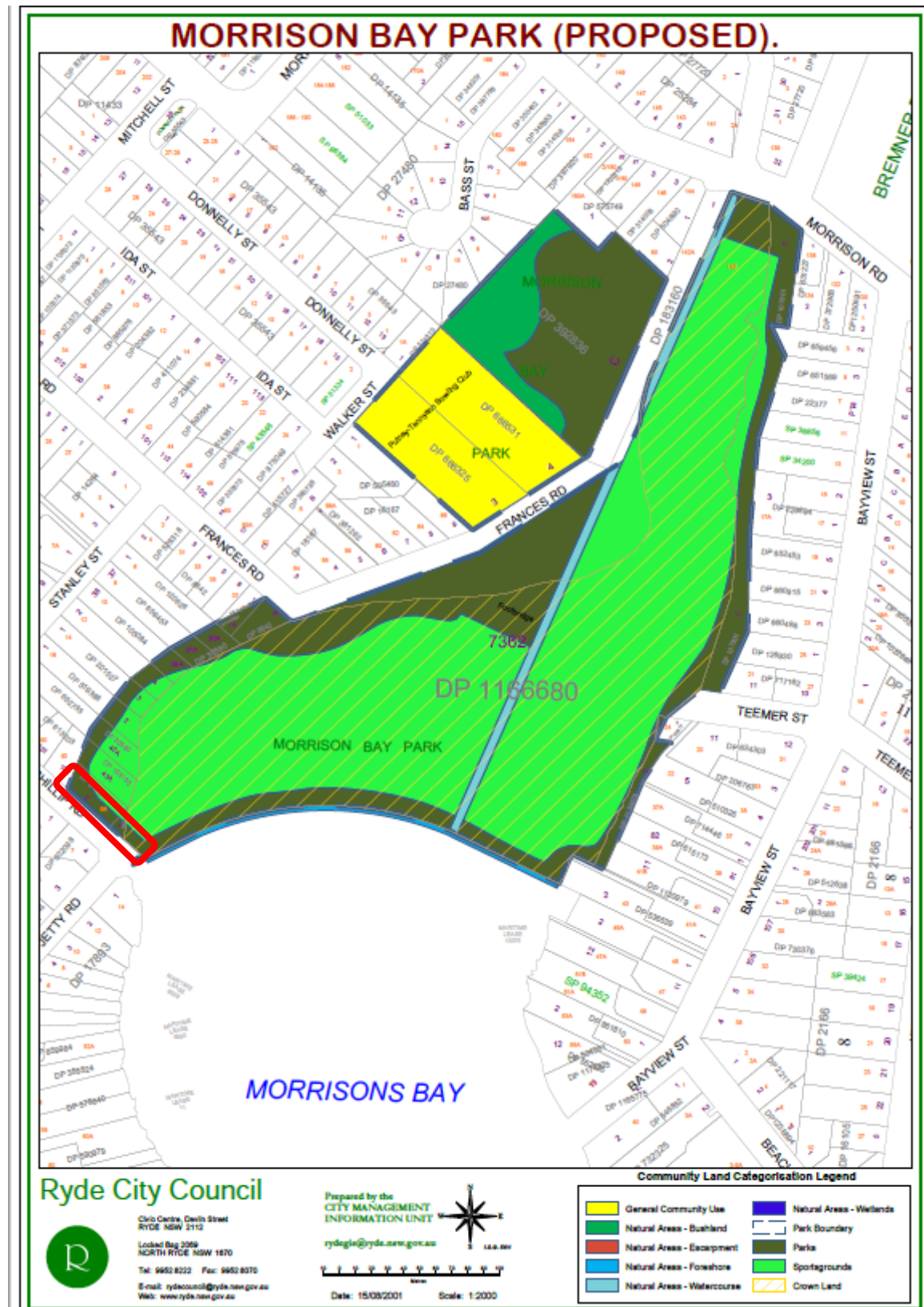
Figure 4 Current categorisation of Morrison Bay Park



Area of proposed categorisation change

The proposed recategorisation of part of Morrison Bay Park is shown in Figure 5.

Figure 5 Proposed recategorisation of Morrison Bay Park 2020



 Area of proposed categorisation change

The area of Morrison Bay Park adjacent to Phillip Road in Putney which is proposed to be recategorised from General Community Use to Park is shown in Figure 6.

Figure 6 Photos of the area proposed for recategorisation in Morrison Bay Park



2.3.2 Other Crown land parks in the Draft Parramatta River Parklands Plan of Management

Besides Morrison Bay Park, Crown land parks included in the Draft Parramatta River Parklands Plan of Management are:

- ☐ Ryde Wharf Reserve
- ☐ Bennelong Park
- ☐ Bill Mitchell Park
- ☐ Anderson Park
- ☐ Helene Park
- ☐ Kissing Point Park
- ☐ Looking Glass Park
- ☐ Meditation Park
- ☐ Memorial Park
- ☐ Settlers Park
- ☐ Tennyson Park.

These parks were first categorised in 2001 in the *Generic Plan of Management Sportsgrounds Parks Natural Areas General Community Use*.

The current categorisation of these Crown land parks is not proposed to change. However multiple categorisations were assigned to those Crown land parks in 2001, and these multiple categorisations are proposed to be retained in the 2020 Parramatta River Parklands Plan of Management.

A comparison of the current and proposed categorisation of these Crown land parks included in the Draft Parramatta River Parklands are shown in Figures 7 to 17.

Figure 7 Current and proposed categorisation of Ryde Wharf Reserve

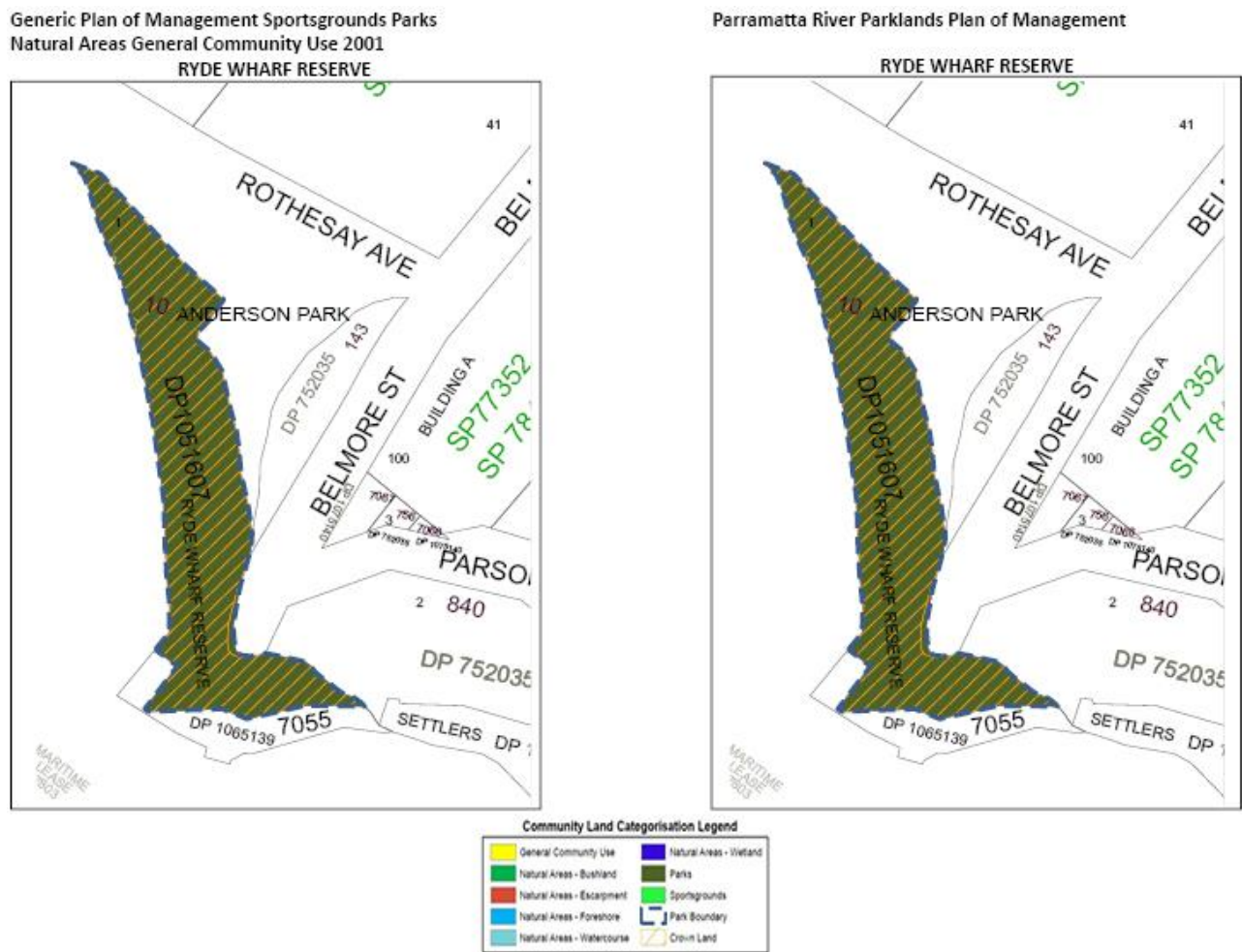


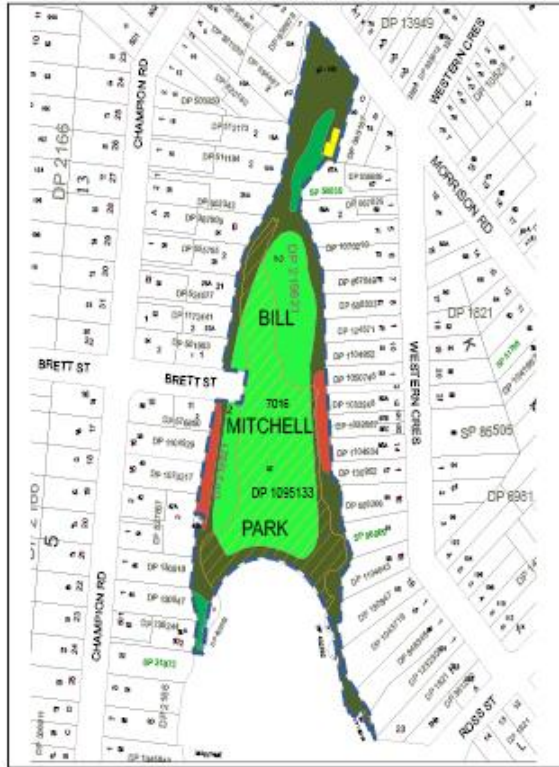
Figure 8 Current and proposed categorisation of Bennelong Park



Figure 9 Current and proposed categorisation of Bill Mitchell Park

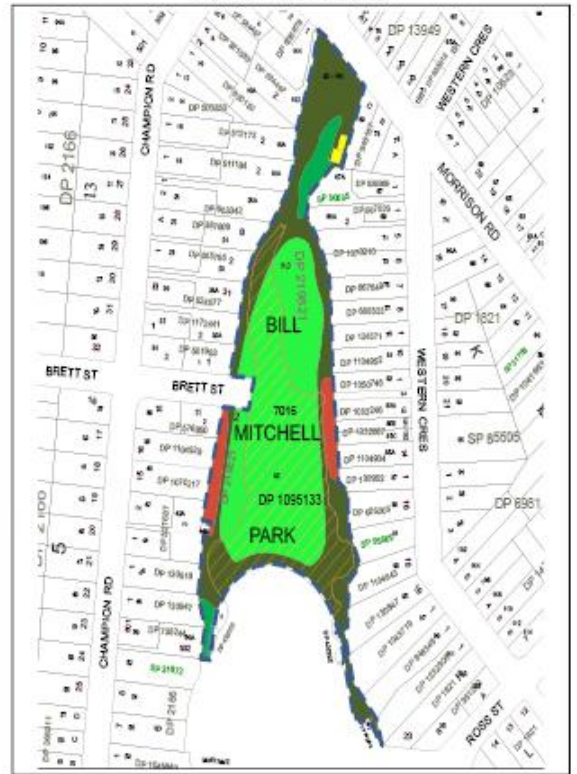
Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001

BILL MITCHELL PARK



Parramatta River Parklands Plan of Management

BILL MITCHELL PARK

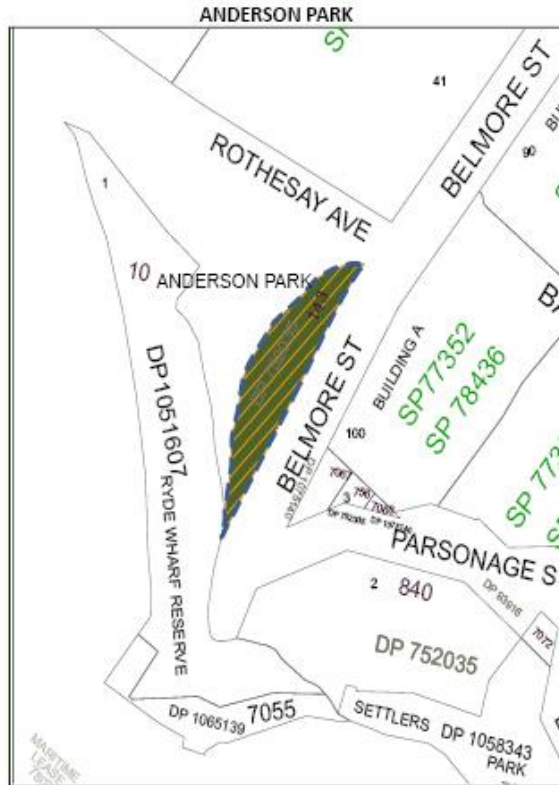


Community Land Categorisation Legend

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

Figure 10 Current and proposed categorisation of Anderson Park

Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001



Parramatta River Parklands Plan of Management

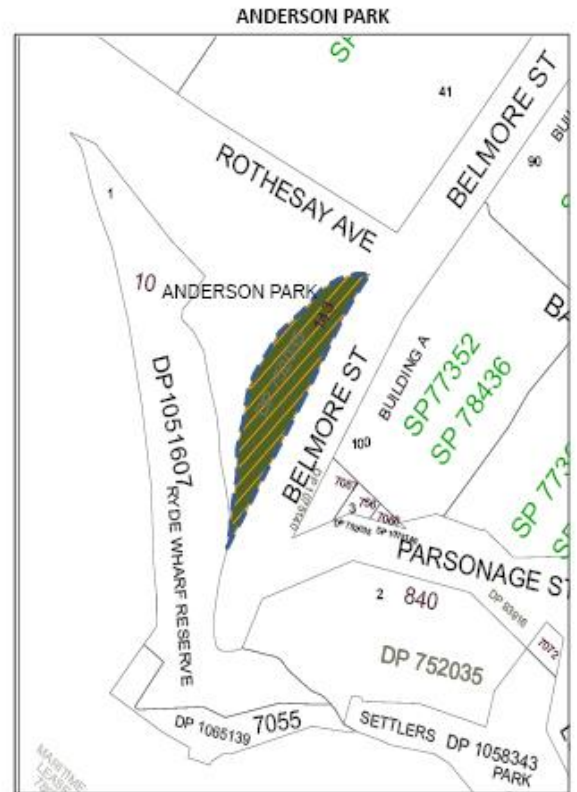
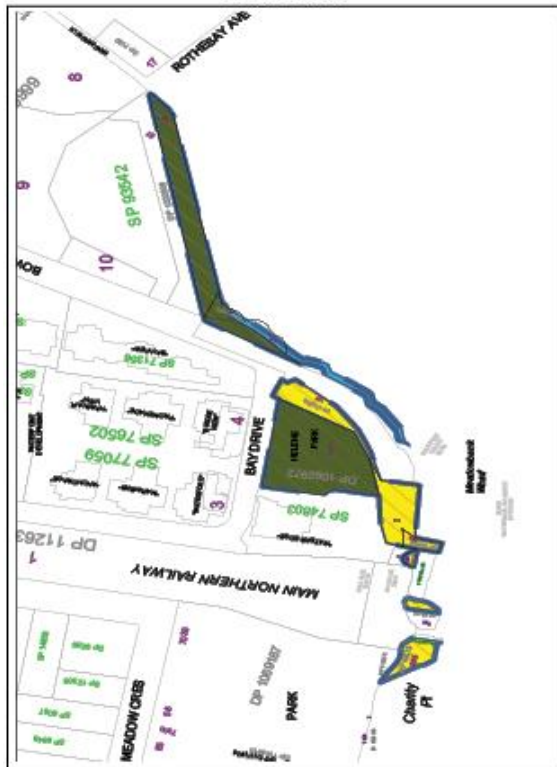


Figure 11 Current and proposed categorisation of Helene Park

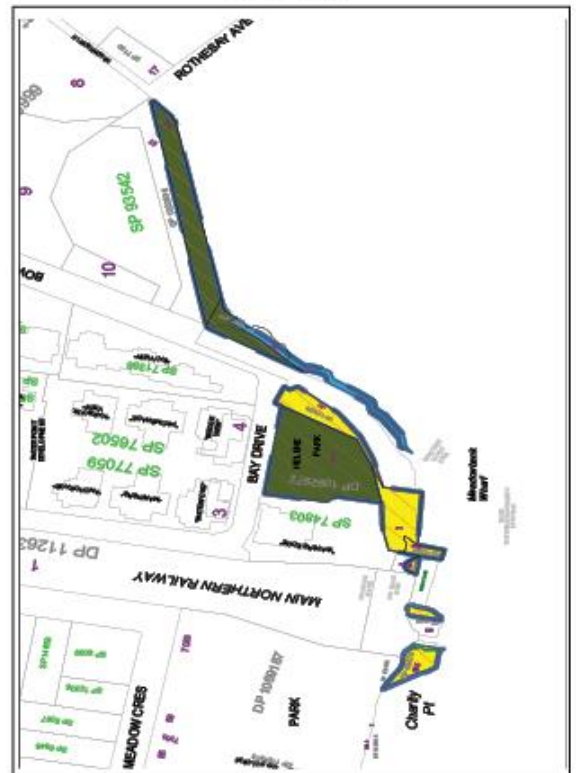
Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001

HELENE PARK



Parramatta River Parklands Plan of Management

HELENE PARK



Community Land Categorisation Legend



Figure 12 Current and proposed categorisation of Kissing Point Park

Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001
KISSING POINT PARK



Parramatta River Parklands Plan of Management

KISSING POINT PARK



Figure 13 Current and proposed categorisation of Looking Glass Park

Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001
LOOKING GLASS PARK



Parramatta River Parklands Plan of Management

LOOKING GLASS PARK



PUBLIC HEARING FOR PROPOSED RECATEGORISATION OF MORRISON BAY PARK,
AND MULTIPLE CATEGORISATION OF CROWN LAND PARKS IN THE DRAFT PARRAMATTA RIVER PARKLANDS
PLAN OF MANAGEMENT - BACKGROUND INFORMATION
PARKLAND PLANNERS

20



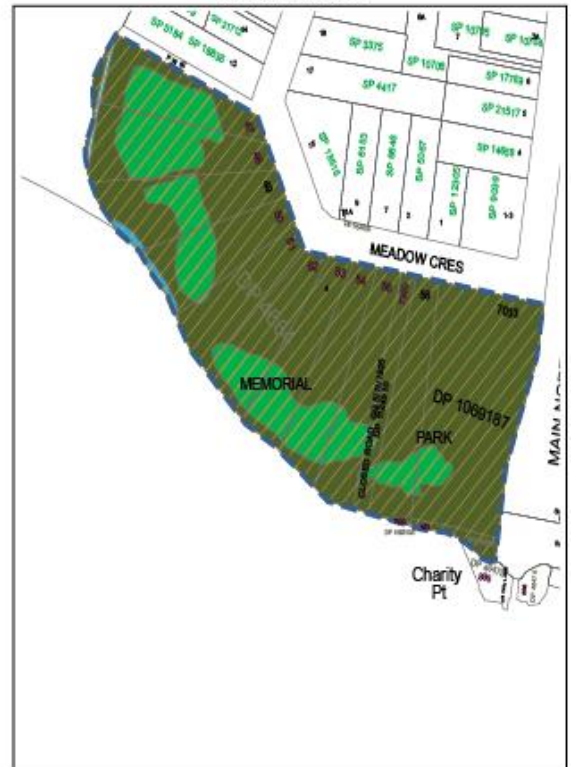
Figure 15 Current and proposed categorisation of Memorial Park

Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001
MEMORIAL PARK



Parramatta River Parklands Plan of Management

MEMORIAL PARK



Community Land Categorisation Legend



Figure 16 Current and proposed categorisation of Settlers Park

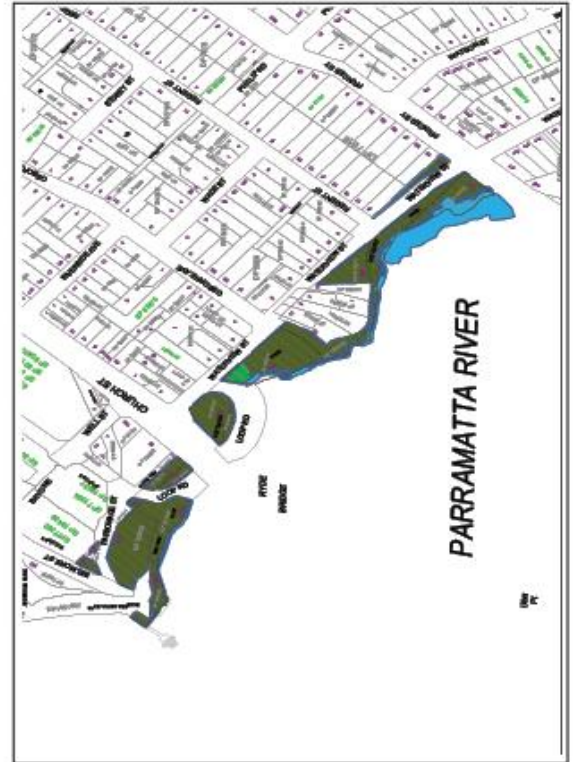
Generic Plan of Management Sportsgrounds Parks
Natural Areas General Community Use 2001

SETTLERS PARK



Parramatta River Parklands Plan of Management

SETTLERS PARK



Community Land Categorisation Legend



Figure 17 Current and proposed categorisation of Tennyson Park



2.4 Plans of Management for community land and Crown reserves

Council must prepare a Plan of Management for community land (Section 36(1)) and for Crown reserves for which it is the Crown Land Manager.

Community land and Crown reserves are required to be used and managed according to a Plan of Management applying to the land.

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

This page is left blank intentionally

3 PUBLIC HEARINGS FOR CATEGORISATION OF COMMUNITY LAND AND CROWN RESERVES

3.1 Why hold a public hearing to categorise community land and Crown reserves?

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 been 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
- ❑ multiple categorisations are assigned to parks after the initial categorisation has been submitted to the Department of Planning, Industry and Environment.

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.

3.2 Who conducts a public hearing?

An independent chairperson conducts the public hearing, and provides a report to Council with their recommendations.

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.

3.3 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 4 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 their information when it considers recategorising part of Morrison Bay Park from General Community Use to Park, and retains multiple categories assigned to Crown land parks, as part of the process of adopting the Parramatta River Parklands Plan of Management.

If Council decides to amend the Draft Plan after public notice of the Draft Plan of Management, Council is required to again refer the plan to the relevant land owner.