

# Public Hearing

Held on 15 October 2020 at 6pm

via Microsoft Teams

Pursuant to s40A *Local Government Act 1993*

**Proposal: Categorisation and Re-categorisation of community land in the following draft Plans of Management:**

- 1 Airey Park Plan of Management
- 2 Bark Huts Reserve Plan of Management
- 3 Begnell Field Plan of Management
- 4 Community Facilities Plan of Management
- 5 Cooke Park Plan of Management
- 6 Cook River Corridor Natural Area (Bushland) Plan of Management
- 7 Elliott Reserve Plan of Management
- 8 Freshwater Park Plan of Management
- 9 Greenacre Frog Ponds Plan of Management
- 10 Ismay Reserve Plan of Management
- 11 Local Parks Plan of Management
- 12 Redmyre Road - Croquet Lawns - Plan of Management
- 13 Southend Tennis Centre Plan of Management

**Stan Kondilios**

**Chair of the Public Hearing**

Report date: 26 November 2020

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## **I. Acknowledgements and document sourced**

I would like to acknowledge the contribution of the community of Strathfield in the public hearing process, undertaken on 15 October 2020. All attendees were respectful of the setting and of my function as chairman to discharge a statutory task, and of one another in the presentation of their concerns. I am grateful for the way everyone conducted themselves.

I would also like to thank the professional attendance of Council staff throughout the process. A high level of integrity throughout the statutory process was observed with all measures and protocols in place by me respected.

The following material was sourced in the preparation of this report:

- (a) Background briefing paper for public hearing including all 13 draft plans of management;
- (b) Submissions from the public hearing and exhibition of the draft plans of management;
- (c) All notifications of the draft plans of management.

Part 2 of the *Local Government Act 1993* requires that all Council-owned land be classified as either 'community' or 'operational' land. Community land is generally accessible to the public, such as parks, bushland and playgrounds. Community land is categorised under section 36(4) of the *Local Government Act* as either natural area, sportsground, park, area of cultural significance or general community use. If categorised as "natural area", it must be allocated a sub-category pursuant to the Act and the *Local Government (General) Regulation 2005*. Sub-categories include bushland, wetland, escarpment, watercourse and foreshore.

Operational land is generally used for operational purposes, such as depots, or land leased/used to make a commercial return for Council. Operational land can be sold by Council or leased on a commercial basis.

A public hearing was held on Thursday 15 October at 6pm, pursuant to and in satisfaction of section 40A of the *Local Government Act 1993*. Due to COVID-19 measures, the public hearing was held online via the Microsoft Teams video conferencing platform. To attend or speak at the public hearing, members of the public were requested to register prior to the meeting. A link was sent prior to the meeting with instructions about how to join the meeting. Public notice of the meeting was issued by on Council's website and in e-News.

I was the Chair of that meeting and I have compiled this report for Council's consideration after public notification and exhibition of the report as required by law.

## II. Background, Site Description and Draft Plans of Management

In late 2017, Council resolved to review and prepare Plans of Management for community land in its Local Government Area, to ensure that all community land was managed under a Plan of Management. This is in accordance with the requirements of the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and *Crown Land Management Act 2016*.

This review resulted in the preparation draft plans of management which propose either new categorisations or re-categorisations of community land in existing plans of management. Thirteen draft plans of management have been publicly exhibited and notified. None of the plans propose a change in classification of community land to operational land. Rather, insofar as classification is concerned, the draft plans simply categorise and/or re-categorise a specific type of community land to the relevant parcels.

The draft plans, to the extent that that involve new or re-categorisation of community land are summarised below.

### a) Airey Park Plan of Management

This draft Plan is a revision of the existing Plan of 2008. It involves a re-categorisation of part of the land categorised as Park to Natural Area (Bushland). This is categorisation is consistent with location of Connective Priority Areas set out in the Strathfield Biodiversity Strategy 2019.

The maps below highlight the difference in categorisations as between the existing plan and the Draft.

Current categorisations in Plan of Management 2008



Proposed categorisations in draft Plan of Management 2020





**b) Bark Huts Reserve Plan of Management**

This draft Plan is an initial plan for the subject site. It involves a categorisation of community land as Sportsground and Park.

The map below highlights the proposed categorisations:



**c) Begnell Field Plan of Management**

This draft Plan is an initial plan for the subject site. It involves the categorisation of community land as Sportsground, General Community Use, Park and Natural Area (Bushland). The land identified as Connective Priority area in Council's Biodiversity Conservation Strategy 2019 is proposed to be categorised as Natural Area (Bushland).

The map below highlights the proposed categorisations





#### d) Community Facilities Plan of Management

This draft Plan is a revision of the existing Plan of 2014. It allocates a new categorisation to Begnell Field Pavilion as “General Community Use”, and re-categorises 1 Loftus Crescent from Park to General Community Use. The re-categorisation reflects that the building has not been demolished for park purpose which was assumed under the previous Plan.

The map below highlights the proposed categorisation of 1 Loftus Crescent, Homebush.



**e) Cooke Park Plan of Management**

This draft Plan is an initial plan for the subject site. It involves the categorisation of community land as Park, Sportsground and Natural Area (Bushland). The land identified as a Biodiversity Habitat Connectivity area in Council's Biodiversity Strategy is proposed for categorisation as Natural Area (Bushland).

The map below highlights the proposed categorisations.

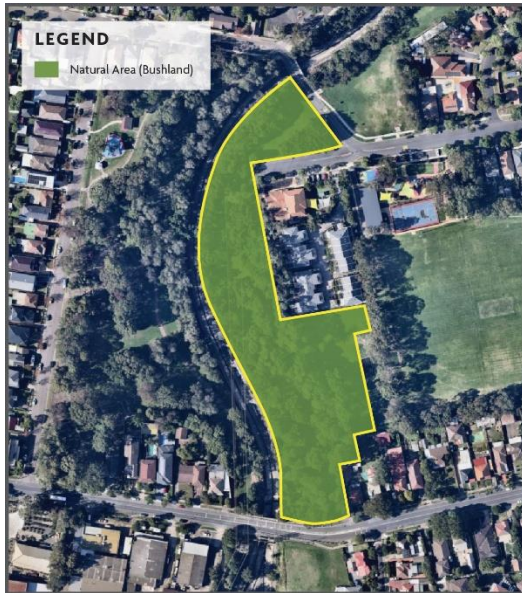




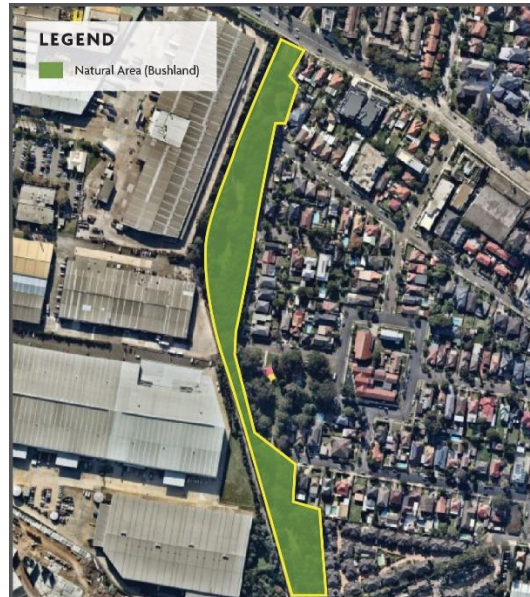
**f) Cooks River Corridor Natural Area (Bushland) Plan of Management**

This draft Plan is an initial plan for the subject site. It involves the categorisation of community land as Natural Area (Bushland). Some of the land on which the centre is located has not been previously categorised or is re-categorised. The proposed new categorisations include land identified as a Biodiversity Habitat Connectivity area in Council's Biodiversity Strategy.

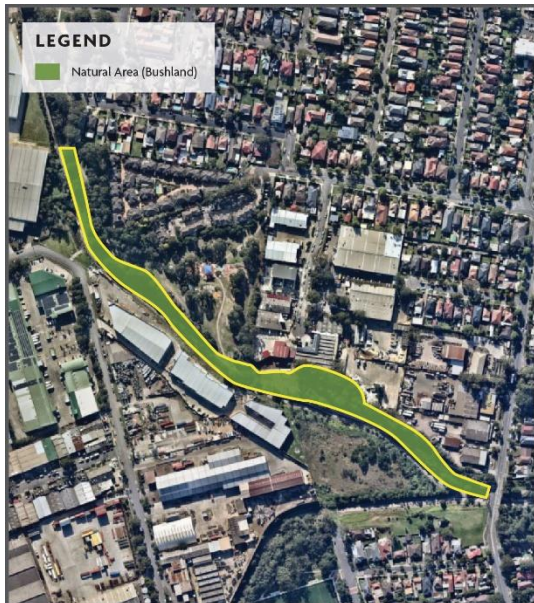
The maps below highlight the proposed categorisations.



Maria Reserve



St Anne's Reserve



South Cooks Land



**g) Elliott Reserve Plan of Management**

This draft Plan is an initial plan for the subject site. It involves the categorisation of community land as Park and Natural Area (bushland). The area proposed for categorisation as Natural Area is identified as a Biodiversity Habitat Connectivity area in Council's Biodiversity Strategy.

The map below highlights the proposed categorisations.





## h) Freshwater Park Plan of Management

This draft Plan is a hybrid initial plan for community land occupied by the Strathfield Golf Course and a revision of the categorisation of parts of community land featured in the Neighbourhood Parks Plan of Management 2014. It involves the new categorisation of community land on which the Golf Course is located to be categorised as Sportsground. It also provides for part of the land categorised as Park to be re-categorised as Natural Area (Wetland) and Natural Area (Bushland).

The change of part of the land categorised as Park to Natural Area (Bushland) and (Wetland) respectively reflect the location of Connectivity Priority Areas set out in the Strathfield Biodiversity Strategy 2019.

The below map highlights the proposed categorisations.

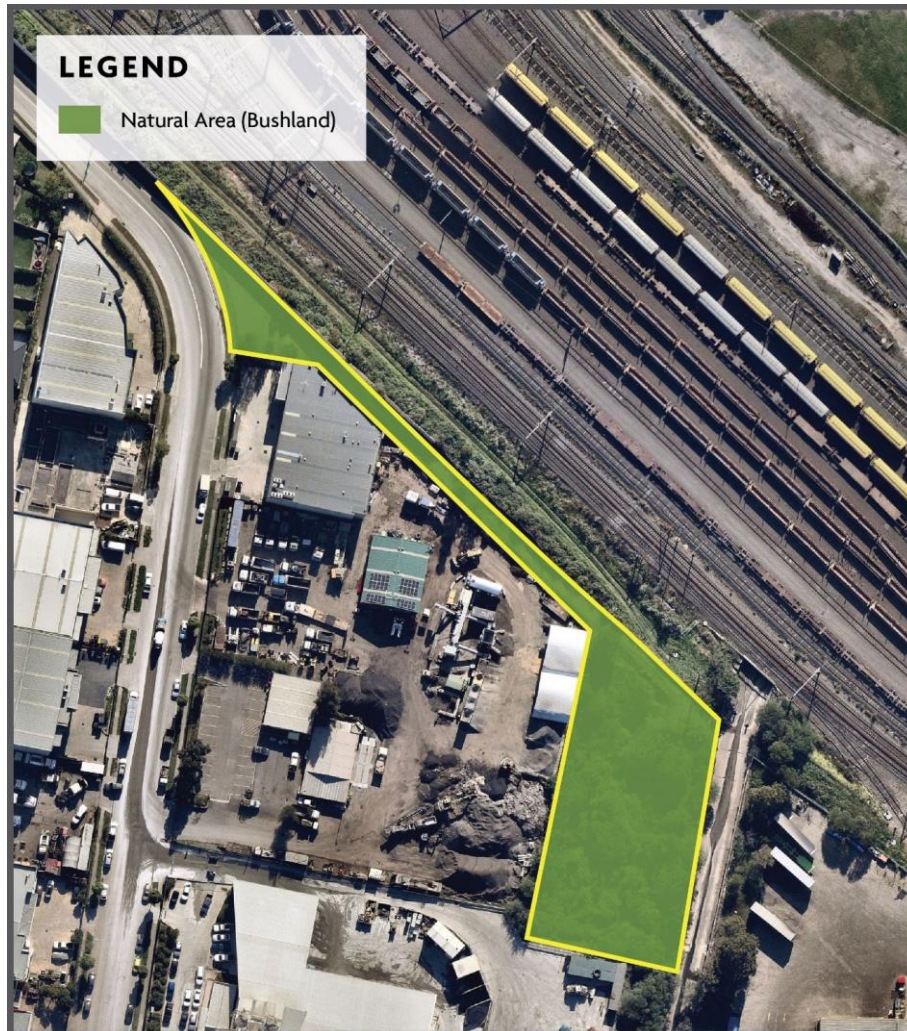




**i) Greenacre Frog Ponds Plan of Management**

This draft Plan is an initial plan for the subject site. It involves the new categorisation of the community land to Natural Area (Bushland).

The below map highlights the categorisation.



**j) Ismay Reserve Plan of Management**

There are no changes to the categorisation of community land contained in this draft Plan.

## k) Local Parks Plan of Management

This draft Plan is a revision of the Neighbourhood Parks Plan of Management 2014. It involves new community land categorisations as follows:

- Chiswick Reserve' – categorisation of Park and Natural Area (Bushland)
- Churchill Avenue Carpark – categorisation of General Community Use
- South Cooks River Land – categorisation of Natural Area (Bushland)
- Thew Reserve – categorisation of Natural Area (Bushland)
- Todman Reserve – categorisation of Park

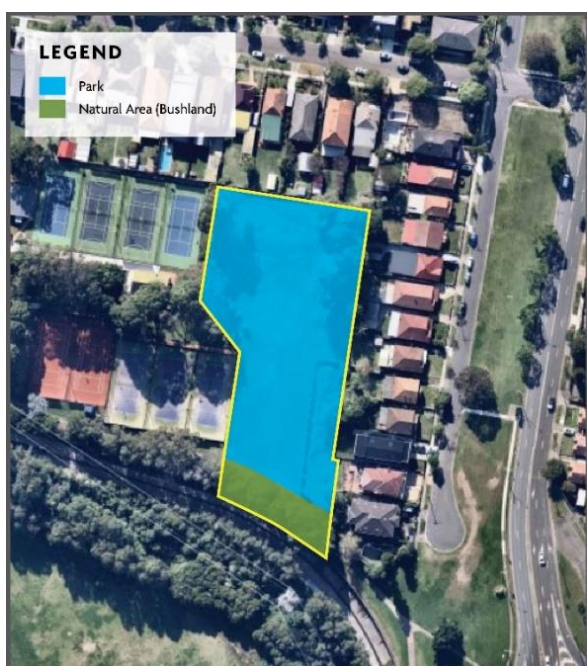
It also involved the following re-categorisations of community land:

- Chain of Ponds - part of the land categorised as Park re-categorised as Natural Area (Bushland)
- Ford Park – part of the land categorised as Park re-categorised as Natural Area (Bushland)
- Inveresk Park – part of the land categorised as Park re-categorised as Natural Area (Bushland)
- Maria Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)
- Palmer Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)
- Prentice Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)
- St Anne's Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)

The below maps highlight the various categorisations.

### New/Initial categorisations

'Chiswick Reserve' – categorisation of Park and Natural Area (Bushland)



Churchill Avenue Carpark – categorisation of General Community Use

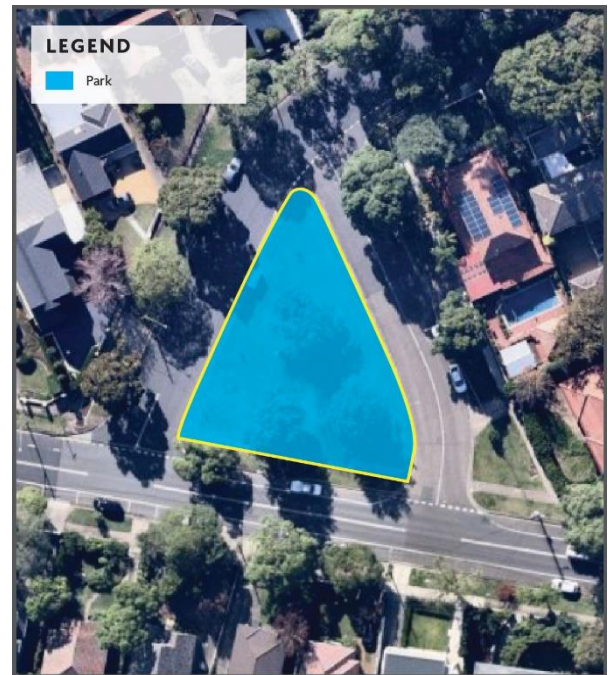




Thew Reserve – categorisation of Natural Area (Bushland)



Todman Reserve – categorisation of Park Area

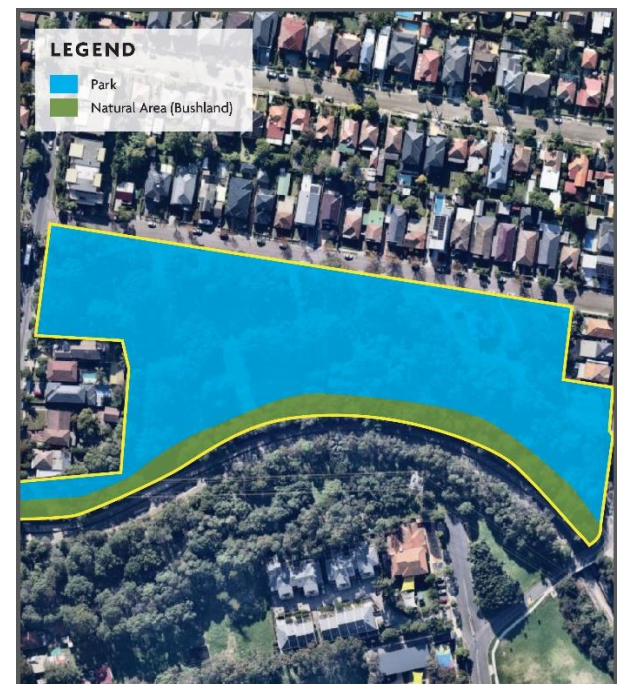


### Re-categorisations

Chain of Ponds - part of the land categorised as Park re-categorised as Natural Area (Bushland)

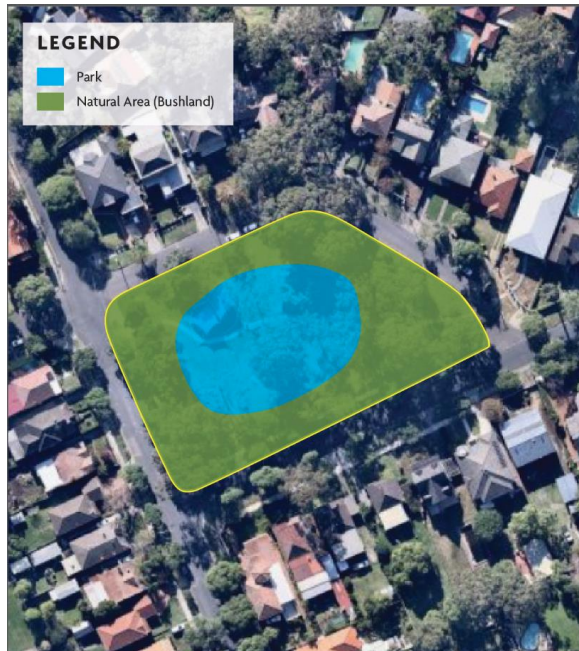


Ford Park – part of the land categorised as Park re-categorised as Natural Area (Bushland)





Inveresk Park – part of the land categorised as Park re-categorised as Natural Area (Bushland)



Palmer Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)



Prentice Reserve – part of the land categorised as Park re-categorised as Natural Area (Bushland)



## I) Redmyre Road Croquet Lawns Plan of Management

This draft Plan is an initial plan for the subject site. It categorises the community land as Sportsground. This reflects the current usage of the site as primarily croquet lawns with a small ancillary building providing amenities.

The map below highlights the proposed categorisation.





#### m) Southend Tennis Centre Plan of Management

This draft Plan is an initial plan for the subject site. It categorises the community land as Sportsground and Natural Area (Bushland). The subject site is occupied by courts and ancillary amenities (Sportsground category) and land identified as Biodiversity Habitat Connectivity area in Council's Biodiversity Strategy (Natural Area - Bushland category).

The map below highlights the categorisations.





### **III. Public Consultation**

Public exhibition of the thirteen draft Plans of Management was held between 30 September 2020 to 11 November 2020. The draft plans were exhibited on Council's website, Customer Service Centre and copies were available to view or take away from Council's library and website.

Notification of the exhibition was published in the following modes:

- Council's website included copies of the draft plans and a document setting out changes made to draft plans since a previous exhibition was posted;
- E-News: a weekly online newsletter which notifies news and current activities of Council. Notifications were published on 1 October 2020, 15 October 2020 and 29 October 2020 and including links to the website materials;
- Twitter: Council published notifications linking the website content relevant to the draft plans on its Twitter social media account on October 9, October 19, October 29, November 4 and November 10;
- Facebook: Council published notifications linking the website content relevant to the draft plans on its Facebook social media account on October 9, October 19, October 29, November 4 and November 10.

A previous exhibition of earlier drafts of some of the plans occurred in early 2020. All persons who made a submission to this earlier exhibition were notified by email of the new exhibition.

Print copies of plans were also sent on request to members of the public that requested copies.

### **IV. Submissions during the exhibition and public hearing process**

Council notified that written comments would be accepted via mail, email, fax or handed in until November 11 2020.

Written submissions were received from 6 members of the Strathfield community. These submissions comprise submissions received before and after the public hearing and submissions received during and following the public exhibition process. Those submissions are summarised briefly below.

1. Jenny Maddocks - Ms Maddocks' submission expressed concern for the protection of the local population of Green and Golden Bell Frogs by protecting areas of habitat and movement corridors within the southern end of the Strathfield local government area. The submission expressed concern that the draft plans "downplay" the significance and presence of the species. In particular, Ms Maddocks was concerned that whilst the habitat was preserved at the Greenacre frog ponds, the draft plans appear to ignore the presence of the frog species in other areas (for e.g. Elliott Reserve), despite the fact that they have been seen there more recently than at the frog ponds. The submission also expressed concern that the draft plan for the frog ponds identified that the habitat had been lost and the species had vacated the site, and the plan sought to re-instate the habitat. The submission called for recognition of the frog's habitat extending to other reserves in the area, including Elliott Reserve.
2. Geoff Markwell (NB. submission is mainly from Renata Bali, but her submission is unsigned and no address for provided) - Mr Markwell and Dr Bali's submission is generally supportive of the draft plans, however makes some suggestions for improvement. Specifically, it discusses that they consider some of the plans to be generic in nature and require further specificity to recognise the environmental value of specific sites, to include reference to grey-headed flying foxes, spelling corrections and to include up to date legislative references.

3. Bob Cantley - Submission made on behalf of the owners of industrial properties located at 25-33 Water Street Strathfield South. The submission is generally supportive of the draft Cooks River Corridor Plan, however makes some suggestions for improvement, specifically with reference to the Local Strategic Planning Statement. In particular, the submission is concerned that an objective should be included in the plan which deals with the presence of "hazardous items of major infrastructure" within the corridor, identified as the "Viva/Shell/Caltex Oil and Jet fuel pipeline" and the "Ausgrid High Voltage Electricity Transmission Towers and Cables".
4. Robyn Pogmore - Ms Pogmore's submission is enthusiastic about the creation of parks in the local government area and makes a number of suggestions about how they can be designed, and also suggests the creation of a skateboard park.
5. Min Ya Zhang - submission made regarding park amenity generally that some parks need toilet facilities.
6. Patricia Giammarco - Ms Giammarco's submission comprises a series of email queries to Ms Cathy Jones at Council regarding various parcels of land in the local government area and how they are zoned and/or otherwise captured by the draft plans of management. Ms Jones directed Ms Giammarco to the relevant draft Plans to the extent that they applied to the parcels identified.

Requests to attend the public hearing were received from six residents. No residents registered to speak at the public hearing.

At 6pm on Thursday 15 October 2020 at a video conference convened via Microsoft Teams I declared the public hearing concerning the categorisation and re-categorisation of community land under the draft plans of management open.

I gave an introduction as Chair of the hearing outlining the draft plans of management and giving an indication that the meeting would remain open for speakers. I indicated that I would allow a 5 minute period for each person to make their submissions. I explained the nature of the statutory function I fulfil and the process of the hearing and report for exhibition. I indicated that it was not my function to engage in a debate concerning the merits of the plans of management but rather to list submissions and to make an evaluation for the purpose of the report to be prepared pursuant to the relevant provisions of the Act referred to earlier in the report.

At 6.05pm I opened the floor to speakers and it was indicated to me by a Council officer present that no one had registered to speak. I noted that there were a number of people in attendance for observation and welcomed them to speak. I noted the presence of a Councillor and commented that this is not the forum for Councillors to speak as they will be involved in the process at the resolution stage down the track, but remarked it was otherwise good that they were here to observe.

At 6.07pm, Mr Geoff Markwell, a local resident who had provided a written submission, raised his hand to speak. He asked whether the purpose of the hearing was in relation to the re-categorisation only and not the "nitty gritty" of the plans of management. I clarified that my role was to listen to submissions on the re-categorisation and not comment on submissions. Mr Markwell made comment speaking positively on one of the present Council officer's contributions and that the re-categorisation allowed for "beautiful green paths for nature and for bushland."

At 6.09pm I called out for more speakers. I indicated that if no one came on, the forum would remain open but that I would turn my camera off.

At 6.10pm, Ms Robyn Pogmore, a local resident, indicated a desire to speak. Ms Pogmore discussed a suggestion that Council build a skateboard park somewhere for young people who

want to do dangerous things. She suggest the unused land near Olympic Parkway. She suggests the skate park walls could be painted white so that graffiti artists could decorate them.

At 6.12pm, no further speakers were indicated and I went off camera. Shortly thereafter, Ms Pogmore indicated that she had further ideas for park use in the areas.

At 6.14pm, another Council officer present offered to speak with Ms Pogmore in another forum concerning her ideas.

At 6.17pm, I suggested to a Council officer present that I will issue a 5 minute warning that the meeting will be closed at 6.20pm.

Ay 6.20pm, I noted that there had been two speakers and that there were a number of people listening. I noted that no further speakers had indicated a desire to speak and that there were no further speakers registered to speakers. I therefore gave an indication as chair that if no further speakers appeared, I would close the meeting in 5 minutes.

At 6.25pm, I enquired of one of the Council officers present if there were any more speakers. The officer confirmed there were not. I thanked the Council officer for her engagement and organisation, and made inquiries concerning provision of written submissions and the exhibition period dates. She advised the exhibition period would close on 11 November. I advised that my report would be completed after that time but could be started now.

At 6.27pm, I declared the meeting closed.

## **V. Consideration of proposals**

### **a) Airey Park Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft Plan to be in the public interest as it captures the multitude of community land uses of the subject area, including the Alan Davison Oval as a Sportsground and community buildings such as community centres for General Community Use, whilst also recognised the importance of the areas of the park that constitute biodiversity connectivity priority areas, recognised by the Natural Area (Bushland) categorisation. In particular, we note this categorisation supports the retention of a corridor within the park for fauna to move through and supports the existing efforts to preserve habitats of hollow-nesting birds, bats and possums through artificial nest boxes and the planting of native trees along the Salesyard Creek canal.

### **b) Bark Huts Reserve Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft Plan to be in the public interest as it preserves the existing community land uses of the subject area including Sportsground capturing the existing sportsfield, seating and lighting facilities and park areas comprising open space, multipurpose court, children's playground, BBQ facilities and the like. Land for park has been identified at the northern border, which creates a transitional buffer to Maria Reserve, which is categorised as a Natural Area (bushland).

### **c) Begnell Field Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it captures multitude of community land uses of the subject area. In particular it captures the sportsfield and accompanying amenities use as a Sportsground, whilst highlighting the significance of larger amenities such as the clubhouse for General Community Use. It has distinguished between Cosgrove Reserve being for General Community Use and a smaller area of the land as Park for active and passive recreation. It recognises the importance of the area on the northern side of the Coxs Creek canal as a biodiversity connectivity priority area by categorising it as Natural Area (Bushland). This



supports the corridor of trees in that area which support open and covered nesting birds, and the potential habitat of the Green and Golden Bellfrogs, being usually around water bodies.

**d) Community Facilities Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in public interest as it provides useful general terms for the management of the described community facilities whilst also correcting the actual use of the land at 1 Loftus Crescent, Homebush as for General Community Use, rather than a park, owing to the block of flats currently occupying the site.

**e) Cooke Park Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in public interest as it accurately captures the multitude of community land uses of the subject area. Notably, it recognises the active Sportsground usage across the two sportsfields and their attached lighting, whilst also identifying the Park use reflecting in the skatepark, children's playground, general lighting, BBQ facilities and the like. Finally, it preserves the habitat corridor of the biodiversity connectivity priority area by categorising it as Natural Area (Bushland). This will assist preservation of the indigenous vegetation, movement corridor for birds and potential habitat area of the Green and Golden Bellfrogs, particularly where the area abuts the Coxs Creek canal.

**f) Cooks River Natural Area Bushland Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it is consistent with the identification of the corridor as a biodiversity habitat connectivity area and the proposed broader Cooke Park Plan of Management.

**g) Elliott Reserve Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it is consistent with the identification of the area as a large area of open space with significance a biodiversity connectivity priority area. The designation of Natural Area (Bushland) over an appropriate portion of the area will assist in preservation of the dense corridor of tree species along the river which supports various wildlife species, whilst the Park categorisation preserves an opportunity for the local community to enjoy the open space and appreciate the biodiversity. In relation to submissions, the draft Plan was prepared in reference to the Biodiversity Strategy and previous fauna studies, which is stated in the draft Plan. The identification of the Green and Golden Bell Frogs habitat is consistent with the Biodiversity Strategy. The draft Plan acknowledges prior sightings of the frogs but states the fact that no sightings have been reported for some time. The Plan's actions are consistent with the Biodiversity Strategy and other draft Plans such as the Greenacre Frog Ponds Plan, identified in Strategy and other Plans as core habitat, which identify actions to reinstate and support the species.

**h) Freshwater Park Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it captures and preserves the existing uses of the area, including categorisation of the golf course area as Sportsground and areas with street frontages for recreational use as Park. Pertinently, it also preserves the habitat corridor on the site identified as a biodiversity connectivity priority area through the respective categorisations of the land near the river as Natural Area (Bushland) and the Yarrowee Wetland as Natural Area (Wetland). This will assist the preservation of both flora and fauna in the area, with particular reference to the rich range of flora, including a vulnerable wattle species and threatened Acacia species.

**i) Greenace Frog Ponds Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in public interest as it recognises and preserves the importance of the site as a habitat area of the Green and Golden Bell Frogs and seeks to reinstate its status as such, through a rehabilitation plan which is assisted by the important categorisation as Natural Area (Bushland).

**j) Ismay Reserve Plan of Management**

Having reviewed this draft Plan and considered all submissions received, whilst there are no changes to land categorisation contained in this plan, I nevertheless consider it to be in the public interest through the preservation of existing General Community and Park uses,

**k) Local Parks Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it provides useful general provisions for the management of parks in the local government area whilst also readily recognising the unique features of the multitude of parks captured by the plan and considering their appropriate categorisations accordingly. The categorisations contained within the plan are consistent with the categorisations which have been made in other draft plans.

**l) Redmyre Road Croquet Lawns Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to be in the public interest as it captures and preserves the existing community land use of the site as Sportsground, being the croquet lawn and small ancillary building providing amenities to support that use.

**m) Southend Tennis Centre Plan of Management**

Having reviewed this draft Plan and considered all submissions received, I consider this draft plan to as it reflects the existing community land uses of the site, by categorising the tennis courts and ancillary amenities as Sportsground whilst also recognising the biodiversity habitat connectivity area of the land through the Natural Area (Bushland) categorisation. The latter will assist in the preservation of habitat for local birds and movement corridor for Green and Golden Bellfrogs. It is consistent with other related draft plans, for example, the Cooks River Natural Area (Bushland) Plan.



## **VI. Conclusion**

After careful consideration of submissions made at the public hearing and in response to the public exhibition of the plans before and after the public hearing, and reading the material concerned with the proposed categorisation and re-categorisation of community land under the thirteen draft plans of management exhibited, on balance I am satisfied that the classification and re-categorisation of community land, as provided for in the draft plans, is in the public interest.

I stress that the proposed categorisation and re-categorisation of the community land is one part of the statutory process related to the preparation and contents of the draft plans of management. I encourage Council and the local community to continue to engage with one another outside this aspect of the statutory process regarding the contents of the draft plans, particularly with reference to the matters raised in written and oral submissions.

I have reached the above stated conclusion on balance when taking into account the matters raised at the public hearing as well as the material I have considered. The matter is concluded to proceed back to Strathfield Municipal Council to progress the categorisation and re-categorisation as it deems fit.

I so conclude this report.

A handwritten signature in black ink, appearing to read 'Stan Kondilios', with a stylized, flowing script.

**Stan Kondilios**

**Chair**

**Public Hearing**