


Plan of Management

Southern Highlands Botanic Garden

Draft July 2023



A close-up photograph of a branch with several small, bright pink flowers and green leaves. The background is blurred, showing more of the same plant and some other greenery.

We acknowledge the Gundungurra and Tharawal people as the traditional custodians of this place we now call the Wingecarribee Shire. We recognise the continuous and deep connection for Gundungurra and Tharawal people to their Ngurra (Country) and its great cultural significance to First Nations people, both locally and in the region.

We pay respect to Elders past and present and future, and extend that respect to all First Nations people.

PHOTO CREDIT: FORD KRISTO PHOTOGRAPHY

REVISIONS

VERSION	DATE	DESCRIPTION	BY
1	23 November 2021	Draft Plan of Management for Natural Areas has provided the basis of this Plan of Management	CGM Planning
2	09 August 2023	Draft Plan of Management for internal review	WSC
3			

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1 Key information

This plan of management (POM) has been prepared by Wingecarribee Shire Council (WSC) and provides direction as to the use and management of council-owned community land at the Southern Highlands Botanic Gardens in Wingecarribee Shire.

The POM is required in accordance with Section 36 of the *Local Government Act 1993* (LG Act).

This POM is a specific document covering the community land within the Southern Highlands Botanic Gardens categorised as Park, Natural Area – Watercourse and General Community Use.

The POM outlines the way the land will be used and provides the framework for Council to follow in relation to the express authorisation of leases and licences on the land.

This plan was adopted by Wingecarribee Shire Council at the meeting of <insert date>



2 Introduction

2.1 Wingecarribee Shire

Wingecarribee Shire is located 75 kilometres from the south-western fringe of Sydney and 110 kilometres from Sydney central business district, within the Sydney – Canberra – Melbourne transport corridor.

Wingecarribee is also known as the Southern Highlands due to its position on a spur of the Great Dividing Range, 640 to 800 metres above sea level. (WSC 2017)

The Shire is bounded to the east by the Illawarra escarpment and Morton National Park. The north abuts Nepean and Avon dam catchments. In the west, the Wollondilly and Wingecarribee rivers flow through deep sandstone valleys which form part of the Warragamba dam catchment. Southern reaches of the Shire are bounded by Uringalla Creek and comprise sandstone plateau dissected by deep gorges. (WSC 2017)

Traditional Custodians of the Southern Highlands are the Dharawal and Gundungurra people who value their connection to their land. First contact between Aboriginal people and Europeans occurred in 1798 and the first European settlement occurred in Bong Bong Common in 1821. (WSC 2017)

The Shire has a land area of 2700 km² and is predominantly rural with agricultural land surrounding the three main towns – Mittagong, Bowral and Moss Vale – and the many villages, including Berrima, Bundanoon and Robertson. The 2021 population was 52,456 and this is expected to increase over the next 20 years, largely driven by people moving from the greater Sydney area.

The Southern Highlands is a well-known tourist destination. Its position atop the Great Dividing Range provides a cool climate with four distinct seasons. This geography provides a natural landscape of gorges, waterfalls and rolling hills.

2.2 Land covered by this plan of management

This plan of management is a site-specific plan which applies to the land occupied by the Southern Highlands Botanic Gardens.

A detailed description of the site is included in Chapter 4.

See **Figure 1** for the location of Southern Highlands Botanic Gardens within Wingecarribee Shire.



FIGURE 1 - WINGECARRIBEE SHIRE SHOWING CENTRAL LOCATION OF SOUTHERN HIGHLANDS BOTANIC GARDENS

2.3 Purpose of the plan of management

The *Local Government Act 1993* (LG Act) requires a plan of management (POM) to be prepared for all public land that is classified as community land under that Act.

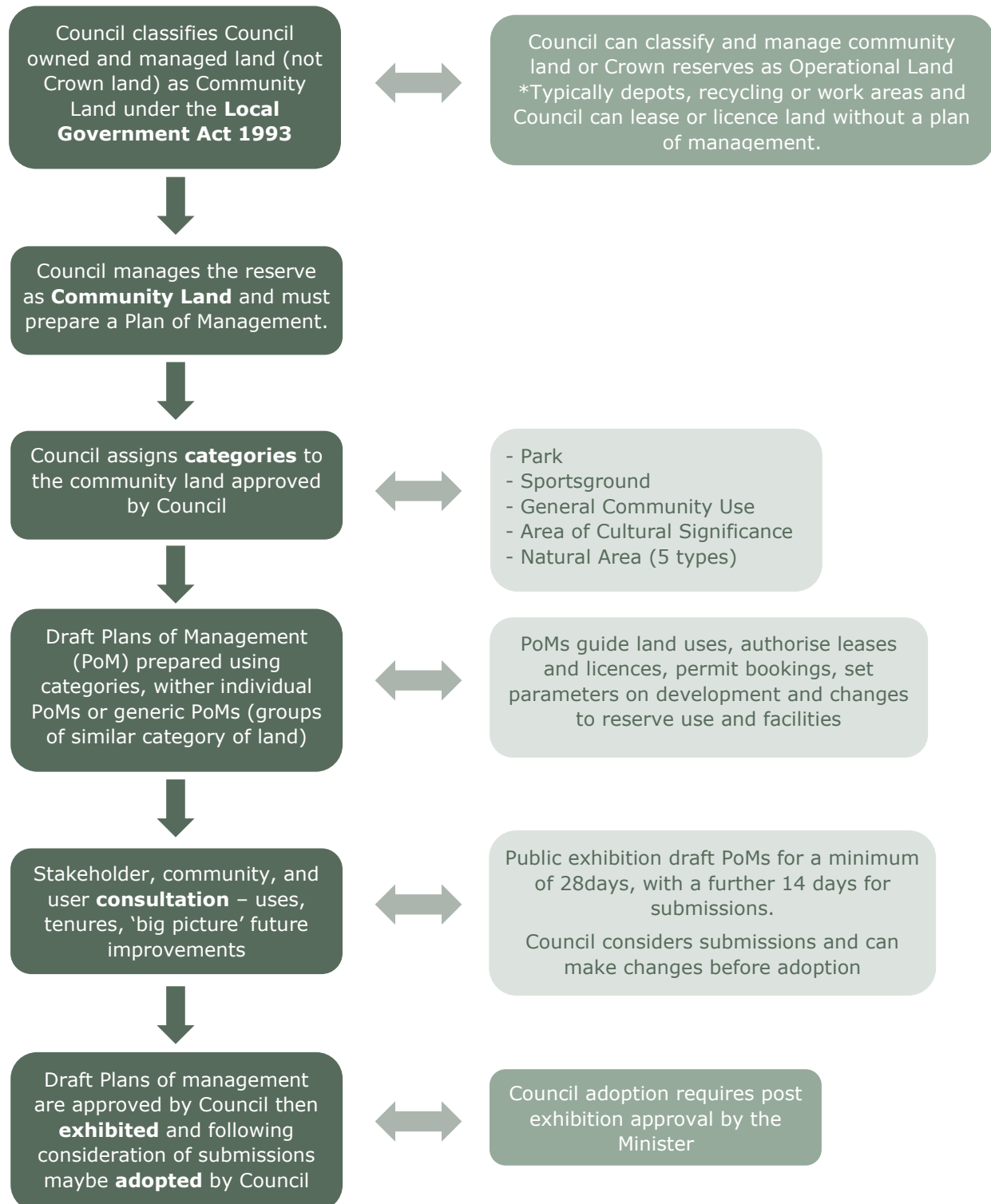
The purpose of this specific POM is to:

- contribute to the council's broader strategic goals and vision as set out in Wingecarribee Shire Community Strategic Plan 2017 – Wingecarribee 2031 Our Future Our Choice
- ensure compliance with the LG Act and the CLM Act
- provide clarity in the future development, use and management of the community land
- ensure consistent management that supports a unified approach to meeting the varied needs of the community.

Further information about the legislative context of LG Act community land plans of management can be found in **Appendix 1** of this document.

2.4 Process of preparing this plan of management

Figure 2 sets out the process steps in preparing this plan of management.



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FIGURE 2 - PLAN OF MANAGEMENT PROCESS STEPS FOR COMMUNITY LAND

2.5 Change and review of this Plan of Management

This POM will require regular review to align with community values and changing community needs, and to reflect changes in council priorities. Council may continue to acquire or divest land for the benefit of the community. Land may also come into council's ownership by dedication of land for open space.

Council has determined that it will review the POM within five years of its adoption. However, the performance of this POM will be reviewed internally on a yearly basis to ensure that the reserves are being managed in accordance with the POM.

The community will have an opportunity to participate in reviews of this POM.

2.6 Community Consultation

The community has had opportunity to have input into the preparation of this POM.

Community engagement to inform the preparation of the draft POM took place via:

- An on-site meeting with key representatives of Southern Highlands Botanic Gardens Inc management board on 21 February 2023
- Online community survey through Your Say Wingecarribee from 3 April 2023 to 1 May 2023.

This feedback identified the values, management and land use issues and opportunities. These values, issues and opportunities form the basis for management of the POM.

A summary of the feedback was published on the Your say Wingecarribee project page from August 2023.

In accordance with section 39 of the LG Act, prior to being placed on public exhibition, the draft POM was referred to the Department of Planning and Environment (DPE) – Crown Lands on XXX, as representative of the state of NSW, which is the owner of the Crown reserves. Council has included in the plan any provisions that have been required by DPE.

Community engagement for input into the review of the draft POM took place via:

Public exhibition of the draft POM from XXX to XXX in accordance with the requirements of S38 of the LG Act

Public hearing on the proposed categorisation of the reserve held on XXX at XXX and the report was made available on Council's website on XXX

In accordance with the requirements of Sections 40(A) and 47(G) of the LG Act, a public hearing is required for community land, or parts of community land where categories are assigned for the first time or amended.

A total of XX submissions on the draft POM were received by XXX.

(bullet point summary of key points)

Council considered the submissions received and resolved to adopt the POM on XXX without change / with only minor changes.

3 Basis of Management

3.1 Management of community land

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Wingecarribee Shire area. The intrinsic value of community land is also recognised.

Wingecarribee Shire Council (WSC) encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate.

The management of community land is governed by the categorisation of the land and the core objectives of the relevant categories of community land that are assigned to the land. All community land must be assigned to one or more LG Act community land categories which define how Council will manage each parcel of land. Each category has set guidelines for assigning categories and core objectives providing guidance to the management of community land.

The core objectives for each category give a broad strategic direction for management of this land, which is the same for all community land of the same category across NSW. The core objectives for each category are set out in the LG Act.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021 (LG Regulation) 2021 Part 4 Community Land Division 1 Guidelines for the categorisation of community land.

WSC intends to manage its community land to meet:

- Assigned categorisation of community land
- LGA guidelines and core objectives of community land
- Council's strategic objectives and priorities
- Development and use of the land outlined in Section 6 of the LGA – generally, zoning, current use of the land, condition of the land, buildings and infrastructure, permissible uses / future uses, express authorisation of leases, licences and other estates.

3.2 Categorisation of community land

All community land is required to be categorised as one or more of the following categories. The LG Act defines five categories of community land:

- **Park** – for areas primarily used for passive recreation.
- **Sportsground** – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- **General community use** – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- **Cultural significance** – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- **Natural area** – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

3.3 Council's strategic objectives and priorities

Council in consultation with the community has developed the following key strategies and plans to identify the priorities and aspirations of the community and the delivery of a vision for the future. They have a direct influence on the objectives, uses and management approach covered by this POM.

Community Strategic Plan - Wingecarribee 2041

The Community Strategic Plan (CSP) reflects the community's aspirations and needs for the future. The Community Vision outlined in the CSP is:

A healthy and productive community, learning and living in harmony, proud of our heritage and nurturing our environment.

This vision provides direction for the use and management of the Southern Highlands Botanic Gardens.

Elements of the CSP that influence the actions in this POM are:

Community desires:

- Attract and nurture a diverse, creative and vibrant community,
- Participate in informal and formal life long learning to enhance our quality of life,
- Our people are able to live, work and enhance their knowledge locally,
- Our unique natural environment is valued, protected and enriched,
- The health of our local waterways and air quality is enhanced,
- Our wildlife corridors are actively managed and the Shire's natural assets are protected, through programs which engage and encourage community partnerships and participation, in initiatives which preserve our native flora and fauna,
- Our sustainable economy attracts and retains people to live and work in the area.

Strategy:

- Provide a diversity of formal, informal and innovative hubs for learning and skill development for all stages of life,
- Actively foster a spirit of participation and volunteering by addressing key barriers,
- Provide and support a range of community events, festivals and celebrations,
- Acknowledge and respect our Aboriginal cultural heritage and people,
- Protect and improve biodiversity,
- Sustainably manage natural resources for broader community benefit,
- Plan for predicted impacts of climate change,
- Promote building practices and the types of developments that improve resource efficiency,
- Provide a diversity of tourist attractions and experiences,
- Promote Southern Highlands' unique brand identity.

Measuring Progress:

- Participation in volunteering activities
- Satisfaction with local arts and culture
- Satisfaction with festivals and events
- Restoration of natural ecosystems
- Number of threatened species both endangered and vulnerable (is reduced)
- Encouraging of waste reduction initiatives
- Healthy, natural; urban streams and creeks
- Water quality is improved
- Encourage recycling
- Support for tourism

- Visitation to Welcome Centre (Destination Southern Highlands)

Wingecarribee 2040 Local Strategic Planning Statement

The Wingecarribee Local Strategic Planning Statement (LSPS) operates alongside the Community Strategic Plan and outlines a 20-year vision for land use in the LGA. It sets the framework for how the Regional Plan's directions are to be implemented locally and is a requirement under the *Environmental Planning and Assessment Act 1979* (EP&A Act)

The four relevant aims and actions for this POM are listed below. The actions within the LSPS are identified as being either 'High', 'Medium' or 'Low' priority actions. High priority actions are intended to be commenced within 2 years. Medium priority actions will be commenced within 2-4 years, and low priority actions will be commenced after 4 years. Actions marked NL are not directly related to land use and will not be reported on through the LSPS process.

Aim: Mitigate, adapt and build resilience to climate change over the next 20 years.

- Continue to manage the impacts of climate change (such as heat, floods, storms and drought) on Council's assets and services (NL)
- Work in partnership with local, State and Federal agencies to provide the community with the best climate change resilience support available to ensure the highest level of resilience (NL)
- Explore the potential of Aboriginal Cultural burning methods as another bushfire risk and ecological management tool in priority land management zones, strategic fire advantage zones and on existing private/Council land partnerships (L)
- Plan for protection of critical infrastructure by using engineered solutions in addition to more traditional hazard reduction techniques to reduce the ecological footprint of asset protection (M)
- Factor ecosystem adaptation into strategic planning and land protection (L)

Aim: Protect threatened species and ecosystems

- Maintain and improve native vegetation and threatened species and ecological community datasets to facilitate evidence-based decision making (M)
- Ensure Councils planning framework minimises the impact of land use and development on threatened species and avoid key threatening processes such as habitat loss and fragmentation (M)
- Refer concerns about new or emerging threatened species to the NSW Threatened Species Scientific Committee (H)
- Develop and implement a Biodiversity Monitoring Strategy (M)

Aim: Conserve and protect waterways, wetlands and groundwater

- Continue to protect sensitive water catchments to maintain and improve water quality (H)
- Review environmental assessment processes to minimise impact of Council projects (M)
- Policies and procedures developed to protect waterways and wetlands, including mandatory set-backs and riparian land restoration (L)
- Encourage land owners to increase rainfall capture and storage and slow the movement of water in the landscape through water sensitive urban design and use of grey-water systems. (M)

Aim: Enhance the liveability of our towns and villages, with facilities and services to support a healthy, culturally rich and socially connected Wingecarribee community

- Continue to promote small, medium and large-scale events and festivals within the Shire (NL)
- Review Council's planning and policy framework to facilitate opportunities for events and festivals within the Shire. (H)

Wingecarribee Local Environmental Plan 2010

The Southern Highlands Botanical Gardens is zoned RE1 under the Wingecarribee Local Environmental Plan (WLEP) 2010 and shown outlined in **Figure 5**.

The particular aims of the WLEP include:

- a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee
- b) to provide opportunities for development and land use activities that—
 - (i) Make an effective contribution towards the economic wellbeing of the community in a socially and environmentally responsible manner, and
 - (ii) Do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment, and
 - (iii) Retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,
- c) to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee
- d) to protect areas of high scenic landscape value
- e) to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater)
- f) to provide for a range of sustainable development opportunities in harmony with recreation and lifestyle choices, emerging markets and changes in technology, and capitalise on Wingecarribee's regional distinctiveness and existing tourism asset base
- g) to protect and enhance waterways, riparian land and water quality in the drinking water catchments of Wingecarribee.

4 Reserve Description

4.1 Site description

This POM applies to the Southern Highlands Botanic Gardens shown in **Figure 3** and is Council owned community land.

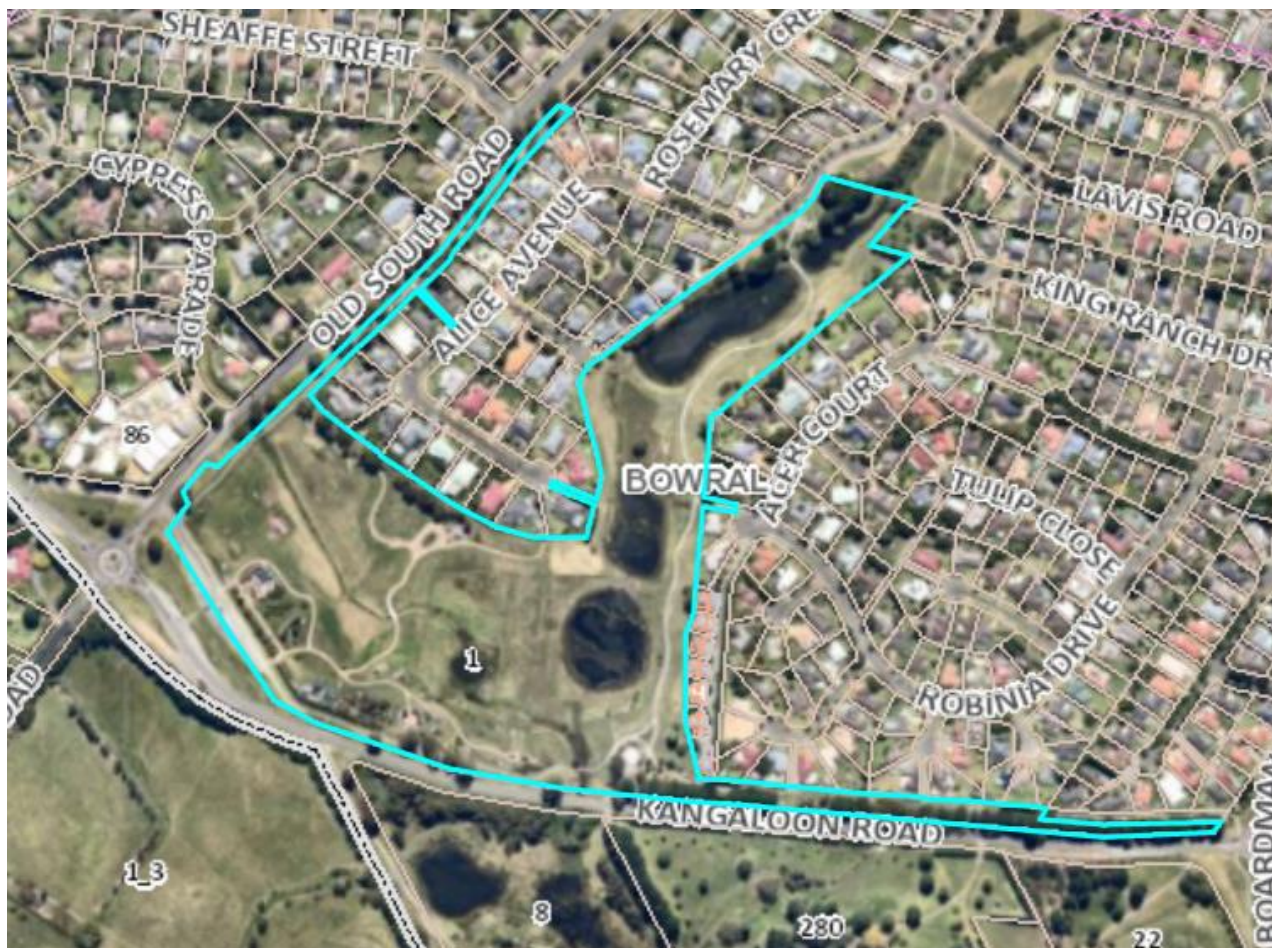


FIGURE 3 – SOUTHERN HIGHLANDS BOTANIC GARDENS

Southern Highlands Botanic Gardens covers an area of approximately of 14.8 hectares. The site is centrally located between Bowral and Mittagong in the suburb of East Bowral. It is bounded by Kangaloon Road to the south, Old South Road to the west and residential properties to the east and north.

The Southern Highlands Botanic Gardens land is:

- Council-owned community land zoned RE1 Public Recreation
- in a prominent position in East Bowral, well positioned in cycle path network
- adjacent to residential areas to north and east, New Living Area to the south
- a key leisure facility of district significance, with an emphasis on passive recreation
- contains walking trails, picnics, gardens, children's playspace, plant nursery
- focus on both native and exotic flora of the Southern Highlands.

4.2 Property descriptions

Southern Highlands Botanic Gardens is made up of a single parcel of land owned by Wingecarribee Shire Council, as shown in **Figure 4**.

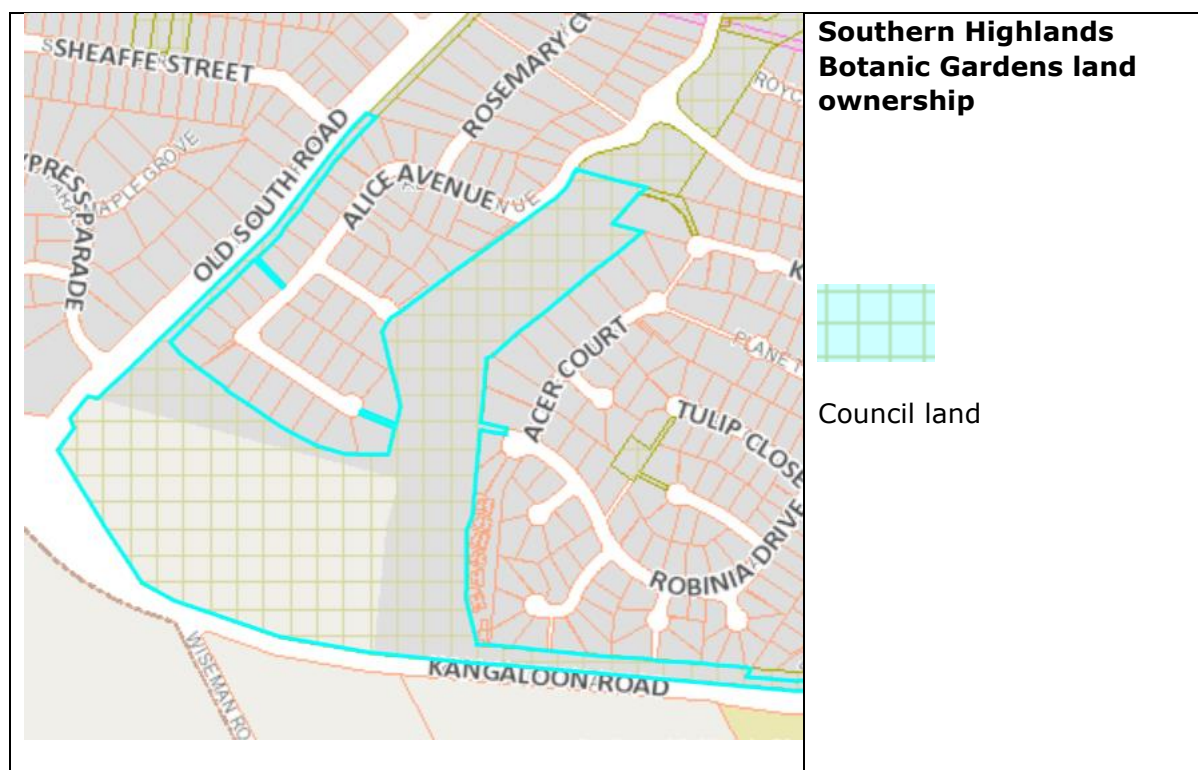


FIGURE 4 – LAND OWNERSHIP MAP

The community land is defined by real property identifiers (lots and deposited plans)

Table 1 – Land parcels to which this POM apply		
Asset ID	Lots and DP	Area (m ²)
205080	LOT 1 DP 1231536	148160

There are other parcels of land within and around Southern Highlands Botanic Gardens, whilst not classified as community land, impact on the management of that community land. This POM does not apply to these parcels. Future property actions may be taken in regard to these lands. If they are classified as community land in the future as addition to the existing reserve, they will then be included in this POM.

Part of the unformed road reserve on the corner of Kangaloon and Old South Roads Bowral is subject to a lease to the Southern Highlands Botanic Gardens Inc for a period of 5 years from 2019. The intention is that the land will vest in Council and be consolidated within the title for the botanic gardens site.

4.3 Land use zoning

The Wingecarribee LEP 2010 (WLEP) is an environmental planning instrument providing the legal framework for the use and development of the land under the Environmental Planning and Assessment Act 1979. The WLEP and POM operate in tandem and must align to give effect to the use and development of community land.

Where an LEP zone may permit certain development and use on community land, it cannot proceed unless authorised in an adopted POM. In a similar manner, where an adopted POM permits or authorises uses and development, these may not progress unless permitted (with or without consent) in the LEP zone.

Southern Highlands Botanic Gardens covered by this POM is zoned under the WLEP as RE1 Public Recreation.

The land surrounding the Southern Highlands Botanic Gardens is low density residential (R2) along the northern, eastern and western boundaries of the site, and environmental management (C3) along the southern boundary of the site.

A section of road reserve zoned R2 / RE1 is currently used for car parking for the Gardens.

See **Figure 5** Land use zoning.

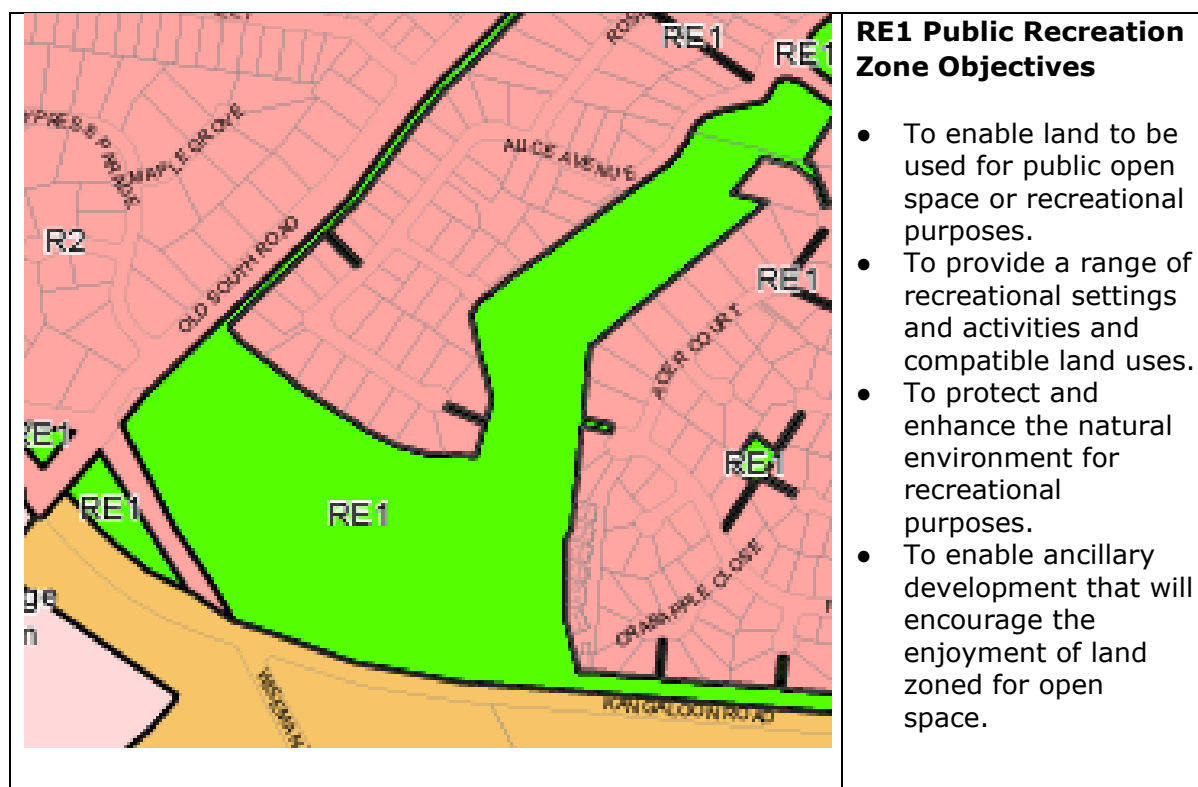


FIGURE 5: LAND USE ZONING

4.4 Landscape character

The land is relatively level ground, gradually sloping to the south-east, with groupings of mature trees, open grassed areas and a series of ponds.

It was farming land for many decades and retains several remnant trees *Eucalyptus macarthurii* (Paddys River Box), an endangered species.

The watercourse has been modified as a chain of ponds – “ponds of reflection” – with riparian areas landscaped with local indigenous plant species.

The site has now been established as botanic gardens to reflect the seasons in a cool climate. Plantings reflect the 3 garden types - a town garden with exotic plants; a country garden with a mix of exotics and native plantings; and a regional garden with native plantings, including some areas of revegetation of the Southern Highlands Shale Woodland plant community.

The site includes an area set aside to protect and manage the habitat of the Latham’s Snipe, a migratory bird species, in accordance with Australian Government Department of Sustainability, Environment, Water, Population and Communities Order dated 27 September 2012. (Order Number: Southern Highlands Botanic Gardens 2012/6273).

In accordance with the Protection of the Environment Operations Act 1997 (POEO Act), if the order placed on the Botanic Gardens site is in any way breached, significant penalties can be enforced on Council as landowner.

Penalties are classified as Tier 1, 2 or 3 offences and can attract penalties of up to \$5million and 7 years gaol depending on the severity of the offence.

The site includes perimeter plantings around the botanic gardens and road verge tree plantings along Old North Road and Kangaloon Road.

The main creek is mapped as Riparian Land category 2 – Aquatic and Terrestrial Habitat in the WLEP 2010. See **Figure 6**: Land Sensitivity Map below.

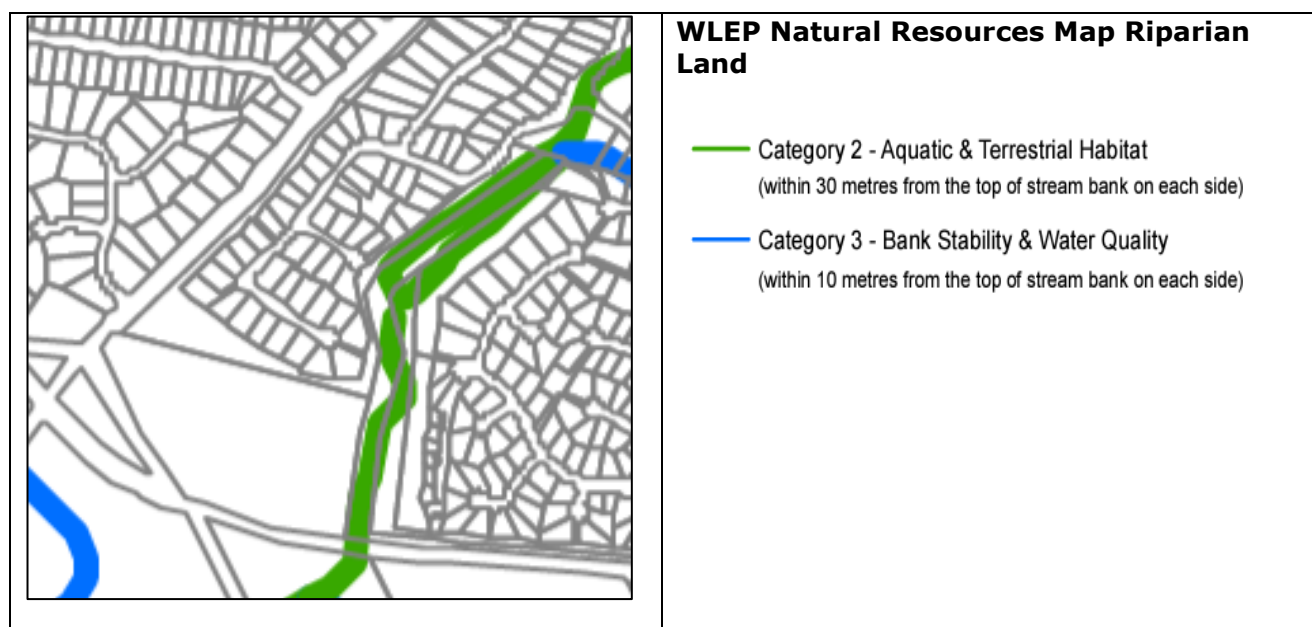


FIGURE 6 – LAND SENSITIVITY MAP

4.5 Development of Southern Highlands Botanic Gardens

Southern Highlands Botanic Gardens has been established with aims to educate the general public about horticulture and landscaping, plants and biological communities, and raise community awareness about biodiversity and plant conservation. It is a centre for study and education for botany and horticulture students; for school aged children with regards to all aspects of the environment; and for amateur and professional garden enthusiasts alike.

The development of the Gardens follows the *2004 Open Space, Recreation, Cultural and Community Facilities Needs Study, Strategy & Action Plan*, which recommended that Council consider the establishment of a 'Central Park' facility in Wingecarribee, in line with the following:

- Such a facility would be a suitable mechanism to encourage place-making at a Shire-wide level.
- The park would act as a community focal point and meet the needs of large events such as Tulip Time, family reunions, Australia Day celebrations etc.
- It would need to be highly accessible (road and pathways), have good bus and car parking and include flexible spaces.
- The park should encompass passive recreation, walking trails, picnic areas, gardens, water features etc.
- This would be a long-term planning commitment with an approximate 15+ year timeframe.

Council adopted the original *Plan of Management for the Southern Highlands Botanic Gardens* in 2011, which categorised the Council owned community land as Park, Natural Area – Watercourse and General Community Use and set out an action plan for the establishment of the botanic gardens and its early development.

In September 2013, a Land Use Application for the masterplan for the development of the Southern Highlands Botanic Gardens received staged development consent, in accordance with the adopted Plan of Management 2011, the SHBG Masterplan prepared by Taylor Cullity Lethlean dated March 2013 and Latham's Snipe survey report. No physical works were approved.

Southern Highlands Botanic Gardens is managed by the Southern Highlands Botanic Gardens Inc who are the lessees of the land.

The Gardens has data on entry numbers with a significant increase in visitation figures over the past few years, from 14,500 in 2019 to an estimate of 44,000 this year based on current trends.

Progress has been made on implementing the 2013 Masterplan, including plans for an education centre and a conference and function centre.

4.6 Current condition and uses of the land

A POM that applies to just one area of community land must include a description of the condition of the land, and of any buildings or other improvements on the land, and the use of the land and any such buildings or improvements as at the date of adoption of the POM.

A summary of the current condition description of the land, buildings and infrastructure at Southern Highlands Botanic Gardens is in **Table 2** below.

Table 4 – Current use and condition of the land

Item	Condition description	Use
Administration building	Good	Operational
Perimeter fences, bollards & retainer walls	Good	Site protection
Shared user path	Good	Recreation
Gravel pedestrian paths	Good	Recreation
Bridges and boardwalks	Good	Recreation
Children's playspace with seating and drinking fountain	Good	Recreation
2 x Picnic Shelters	Good	Recreation
Bench seats (various)	Good	Recreation
Park signage (various)	Good	Recreation
Bird sanctuary and fencing	Good	Lathem Snip habitat protection
Plant nurseery	Good	Operational
Car park	Fair	Visitor parking
Potting Shed	Good	Operational



4.7 Existing leases and licences

Lease

Council entered into a 21-year Lease of the whole of the site with Southern Highlands Botanic Gardens Limited in 2015 with an expiration date of 2036. The Lessee pays \$1.00 per annum (if demanded).

The Lessee is an Australian public non-profit company limited by guarantee. It has raised funds (and continues fundraising) for the ongoing development and operation of the Botanic Gardens site.

In August 2018, Council was approached by the Lessee with a request to terminate the existing 21-year Lease and to enter into a new Lease.

The Lessee's reasoning for the request was to secure a longer term to enable significant donations for the development of the site, the donors seeking confidence in the tenure of the site for a term beyond that remaining on the existing 21 year Lease.

A new lease for the whole of the site will be entered into in accordance with Council resolution 13 May 2020 (MN 121/20).

Road Lease

The Lessee currently holds a road lease for occupation of the road reserve adjacent to the Botanic Gardens on the corner of Kangaloon Road Bowral, for car park, in accordance with Council resolution 13 February 2019 (MN 11/19).

An area of the road subject to lease is currently in the process of closure.

Upon closure of the area of road reserve, title will be consolidated into the Botanic Gardens site (subject to budget allocation).



5 Management framework for the Southern Highlands Botanic Gardens

5.1 Values of the Southern Highlands Botanic Gardens

Community land is valued for its important role in the social, intellectual, cultural, spiritual and physical enrichment of residents, workers, and visitors to the Wingecarribee Shire. The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

Southern Highlands Botanic Gardens is valued and embraced by the community for the following values:

- A place to reflect the local area and showcase the plants of the Southern Highlands
- A green space to experience nature and a haven for plants and wildlife
- A community hub bringing people together to volunteer, attend events and for education and tourism
- A safe and accessible open space for locals and visitors
- A place of peace and tranquillity in a suburban setting
- A developing garden changing over the seasons and years.

As well as these aesthetic, natural, social, recreational, health and historical values, the Southern Highlands Botanic Gardens Inc management board has identified the following additional values:

- Economic value provided to the region and local economy from increasing visitor numbers, especially as development progresses
- Intrinsic value of the full development of the site and its location on a strategic entrance point to Bowral
- Scientific value of the registered collections and the collective plantings including the flora that remain or become resilient to the warming climate
- Significant value of the trees or other plants in the asset register.

5.2 Key management issues for the Southern Highlands Botanic Gardens

The community has identified the following key issues:

- Lack of sufficient funding for the maintenance of the existing gardens and for the implementation of the SHBG Masterplan
- Limitations of the over-reliance on volunteers for the maintenance of the existing gardens and to fundraise for the implementation of the SHBG Masterplan
- Slow progress on developing the botanic gardens
- Balance between showcasing exotic garden plants and revegetation using local indigenous plants
- Biodiversity, habitat protection and loss, particularly for the Latham's snipe
- Management transparency
- Parking and access issues
- Lack of Council support

The Southern Highlands Botanic Gardens Inc management board has identified the following key issues:

- Climate change and the weather generally - very wet weather, strong winds and drought have a serious impact on the sustainability of some plants

- Lack of important infrastructure including all-weather building for community gatherings, limited toilet facilities and a substandard carpark
- Need for more awareness in the local community to encourage them to come to the garden and engage with this project, donate funds, get involved as a volunteer and bring skills and expertise that they can transfer to help SHBG
- Need to promote more activity in the garden from community, private and corporate groups to use the garden for events and increase revenue to continue SHBG development
- Need for more interest in the education program for school aged children, as education is a core function for a botanic garden
- Lack of firm funding to develop the site - the SHBG is operated and managed by volunteers, including raising funds for both operational and development costs
- More resources required as the garden becomes more developed - volunteers provide 'manpower' and fundraise at events but are mostly elderly and there is a pressing need to employ people to keep this garden in good condition all year
- Need for staff to focus on 'marketing' the garden as a venue for hire to pay for operational costs, with development costs sourced through competitive grant funding
- Need to implement the 2018 business plan which anticipated SHBG as being financially self-sufficient within two years of becoming fully operational - the potential is there to realise the economic and social benefits the garden and associated infrastructure would bring to the region and local community
- Need for good working relationship, partnership and cooperation with WSC, visible to the local community

5.3 Strategic management of the Southern Highlands Botanic Gardens

Southern Highlands Botanic Gardens requires a strategic approach to account, budget, prioritise and manage the community land.

Council strategic objectives and priorities outlined previously in Section 3.3 create the management framework for the reserve and include the Community Strategic Plan, the Local Strategic Planning Statement and the Wingecarribee LEP.

Other Council strategies and plans that provide detailed policy responses and direction for the management framework and operations, in addition to this Plan include:

- Bicycle Plan 2016
- Biodiversity Strategy (2003)
- Community and Recreational Facilities Strategy (draft 2023)
- Environment and Climate Change Strategy (in development)
- Open Space Review and Long-term Strategy 2007
- Parks Strategy 2016
- Pesticides Notification Plan 2018-2023
- Southern Highlands Destination Strategy 2020-2030

5.4 Categorisation of the Southern Highlands Botanic Gardens

The first POM for the Southern Highlands Botanic Gardens was prepared in 2011. This POM categorised the Council owned community land as Park, Natural Area – Watercourse and General Community Use. This categorisation enabled the establishment of the botanic gardens and its early development. See **Figure 7** for the Southern Highlands Categorisation Map 2011.

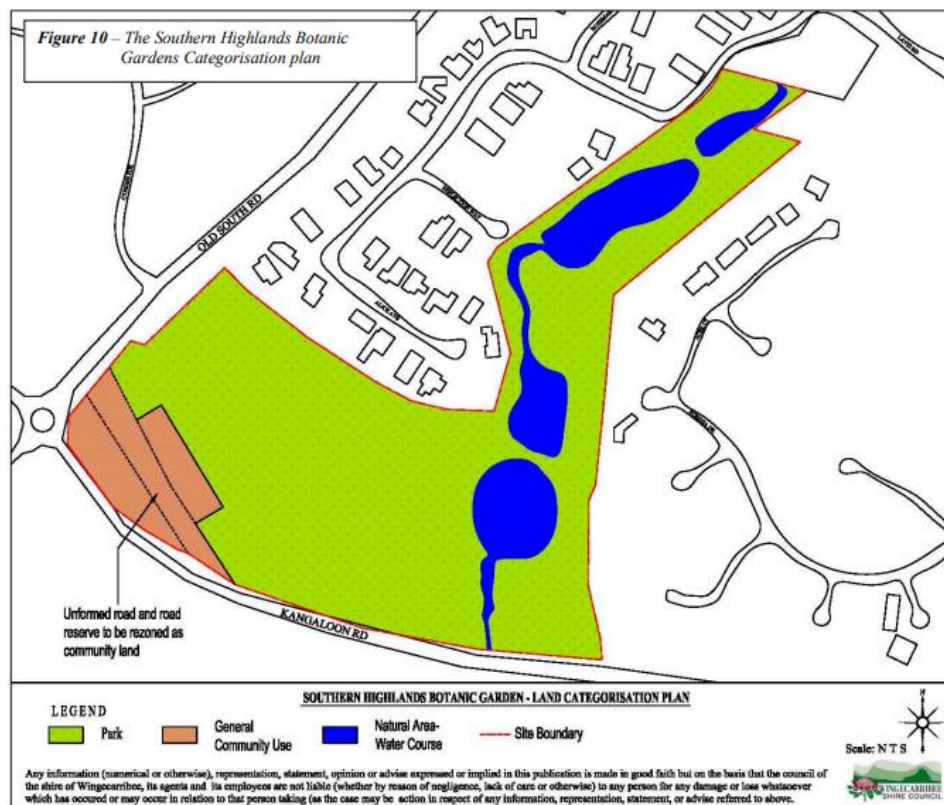


FIGURE 7: SOUTHERN HIGHLANDS BOTANIC GARDENS CATEGORISATION MAP 2011

The 2011 categorisation map for the community land has been reviewed as part of the preparation of this POM.

Based on the existing land character and use, the Southern Highlands Botanic Gardens will continue to be categorised as Park, Natural Area – Watercourse and General Community Use.

Those parts of the Southern Highlands Botanic Gardens that are open park areas, garden areas, playground and picnic areas are categorised as Park.

Table 2 – Guidelines and core objectives for Park category	
Guidelines (LG Regulation)	Core objectives (LG Act)
Parks are 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"> (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

TABLE 2 – GUIDELINES AND CORE OBJECTIVES FOR PARK

Those parts of the Southern Highlands Botanic Gardens in and along the chain of ponds have been categorised as Natural Area – Watercourse.

Table 3 – Guidelines and core objectives for Natural Area - Watercourse category	
Guidelines (LG Regulation)	Core objectives (LG Act)
<p>Watercourse is land which includes:</p> <ul style="list-style-type: none"> (a) any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and (b) associated riparian land or vegetation, including land that is protected land for the purposes of the Rivers and Foreshores Improvement Act 1948 or State protected land identified in an order under section 7 of the Native Vegetation Conservation Act 1997. 	<ul style="list-style-type: none"> (a) to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and (b) to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and (c) to restore degraded watercourses, and (d) to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

TABLE 3 – GUIDELINES AND CORE OBJECTIVES FOR NATURAL AREA – WATERCOURSE

Those parts of the Southern Highlands Botanic Gardens that are occupied by the education centre, maintenance shed and car park and the intended footprint of the visitors centre are categorised as General Community Use.

Table 4 – Guidelines and core objectives for General Community Use category	
Guidelines (LG Regulation)	Core objectives (LG Act)
<p>Land categorised as General Community Use:</p> <ul style="list-style-type: none"> (a) 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, and (b) is not required to be categorised as a natural area under section 36A, 36B or 36C of the Act and does not satisfy the guidelines under clauses 102–105 for categorisation as a natural area, a sportsground, a park or an area of cultural significance. 	<p>to 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:</p> <ul style="list-style-type: none"> (a) in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and (b) in relation to 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).

TABLE 4 – GUIDELINES AND CORE OBJECTIVES FOR GENERAL COMMUNITY USE

The 2011 categorisation map has been reviewed and updated. Some specific sites within the community land have been amended so that the proposed categorisation more closely reflects the existing and intended uses for the land.

See **Figure 8** for the revised Southern Highlands Botanic Gardens categorisation map.

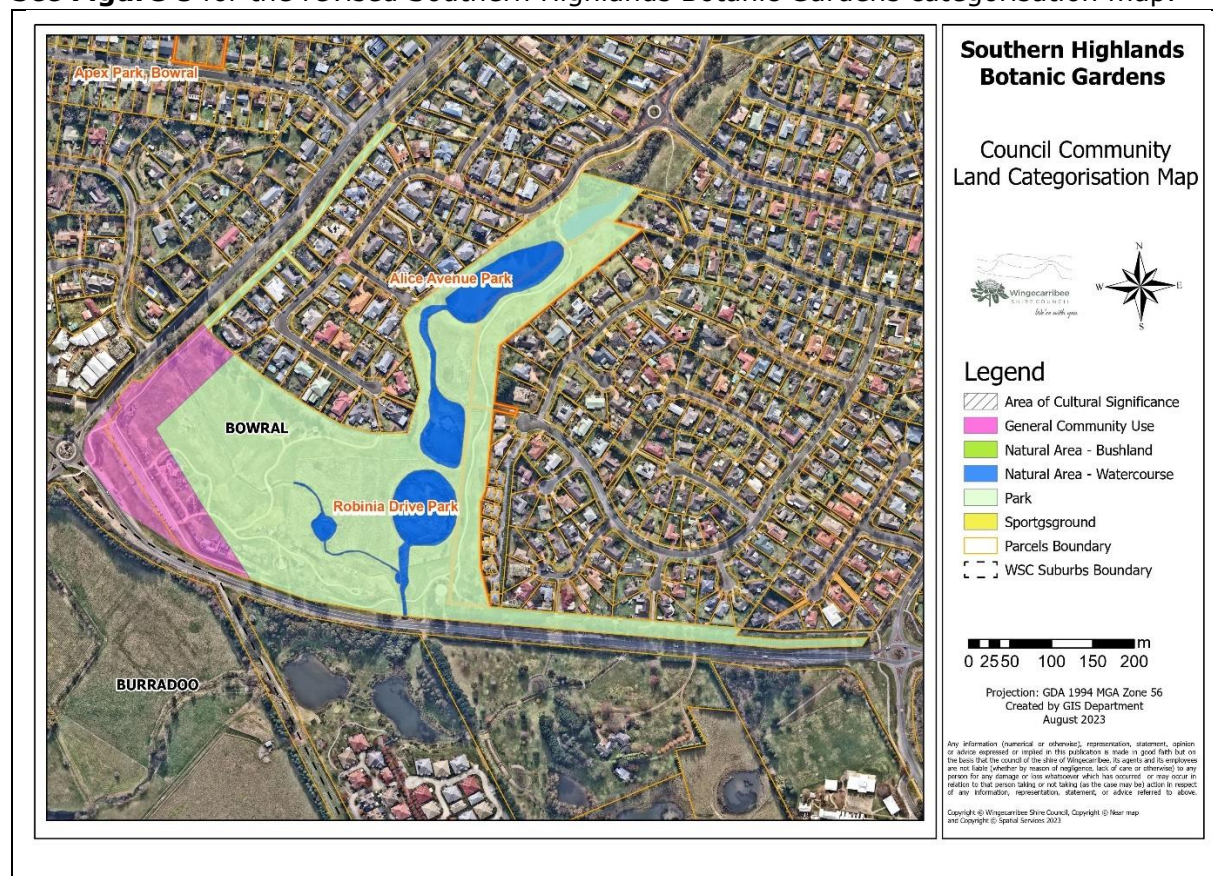


FIGURE 8: SOUTHERN HIGHLANDS BOTANIC GARDENS CATEGORISATION MAP

6 Development and Use

6.1 Permissible uses and development

The development and use of community land should be compatible with the legislated purpose of the land and the wider community context.

Section 36(3A) (b) of the LG Act requires that a site-specific POM must:

- specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used
- specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise
- describe the scale and intensity of any such permitted use or development.

Section 68, Part D, of the LG Act requires council to issue approvals for certain activities on community land. Authorised permissible uses and permitted developments are required to be consistent with the land use zoning and the core objectives of the categories assigned to the land.

The scale and intensity of these permissible uses and developments will be determined in context with this POM, Council assessment and development approvals, leasing and licensing

that are consistent with the land use zoning, category core objectives and any identified carrying capacity of the land and its infrastructure.

The facilities on community land may change over time, reflecting the needs of the community. The anticipated uses and associated development identified in the table are intended to provide a general guide.

The general types of uses which may occur on community land categorised as Park, and the forms of development generally associated with those uses, are set out in **Table 5** below.

Permissible use and development of community land categorised as Park, subject to Council authorisation and approval	
Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Active and passive recreation including children's play Group recreational use, such as picnics and private celebrations Festivals, parades, markets, fairs, auctions and similar events and gatherings Exhibitions Concerts Performances Filming and photographic projects Public address (speeches) Community gardens Café or refreshment areas (kiosks/restaurants) including external seating Publicly accessible ancillary areas, such as toilet facilities Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment) Service areas ancillary to use of land (e.g. loading areas, car spaces, bike racks) Low intensity commercial activities (e.g. recreational equipment hire) 	<ul style="list-style-type: none"> Development for the purposes of improving access, amenity and the visual character of the park Amenities to facilitate the safety, use and enjoyment of the park e.g. children's play equipment Lighting, seating, toilet facilities, courts or marked areas e.g. access paths and walking tracks Hard and soft landscaped areas BBQ facilities and sheltered seating areas Ancillary service, transport or loading areas Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas Community gardens.

TABLE 5: PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND CATEGORISED AS NATURAL AREA – BUSHLAND, SUBJECT TO COUNCIL AUTHORISATION AND APPROVAL

Permissible use and development of community land categorised as Natural Area - Watercourse, subject to Council authorisation and approval	
Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Active and passive recreation including children's play Group recreational use, such as picnics and private celebrations Festivals, parades, markets, fairs, auctions and similar events and gatherings Exhibitions Concerts Performances 	<ul style="list-style-type: none"> Development for the purposes of improving access, amenity and the visual character of the park Amenities to facilitate the safety, use and enjoyment of the park e.g. children's play equipment Lighting, seating, toilet facilities, courts or marked areas e.g. access paths and walking tracks Hard and soft landscaped areas

Permissible use and development of community land categorised as Natural Area - Watercourse, subject to Council authorisation and approval

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Filming and photographic projects Public address (speeches) Community gardens Café or refreshment areas (kiosks/restaurants) including external seating Publicly accessible ancillary areas, such as toilet facilities Restricted access ancillary areas (e.g. storage areas associated with functions, gardening equipment) Service areas ancillary to use of land (e.g. loading areas, car spaces, bike racks) Low intensity commercial activities (e.g. recreational equipment hire) 	<ul style="list-style-type: none"> BBQ facilities and sheltered seating areas Ancillary service, transport or loading areas Commercial development which is sympathetic to and supports use in the area, e.g. cafes, kiosks, recreation hire equipment areas Community gardens.

TABLE 6: PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND CATEGORISED AS NATURAL AREA - WATERCOURSE, SUBJECT TO COUNCIL AUTHORISATION AND APPROVAL

Permissible use and development of community land categorised as General Community Use, subject to Council authorisation and approval

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Provides a location for, and supports, the gathering of groups for a range of general social, cultural or recreational purposes Includes multi-purpose buildings (e.g. community halls and centres) with specialised community uses Uses may include: <ul style="list-style-type: none"> casual or informal recreational use meetings, (including for social, recreational, educational or cultural purposes) functions concerts, including all musical genres performances (including film and stage) exhibitions fairs workshops leisure or training classes child care (e.g. before and after school care, vacation care) designated group use (e.g. scout and girl guide use) Educational centres, including information and resource centres 	<ul style="list-style-type: none"> Development for the purposes of social, community, cultural, recreational activities, including: <ul style="list-style-type: none"> Landscaping and finishes, improving access, amenity and the visual character of the general community area Provision of buildings or other amenity areas to facilitate use and enjoyment by the community Development (particularly within buildings) for the purposes of addressing the needs of a particular group e.g. storage areas

TABLE 7: PERMISSIBLE USE AND DEVELOPMENT OF COMMUNITY LAND CATEGORISED AS GENERAL COMMUNITY USE, SUBJECT TO COUNCIL AUTHORISATION AND APPROVAL

6.2 Express authorisation of leases, licences and other estates

Under section 46(1)(b) of the LG Act, leases, licences and other estates formalise the use of community land. A lease, licence or other estate may be granted to organisations and persons, community groups, sports clubs and associations, non-government organisations, charities, community welfare services, non-profit organisations and government authorities.

The lease or licence must be for uses consistent with the reserve purpose(s), the assigned categorisation and zoning of the land, be in the best interests of the community as a whole, and enable, wherever possible, shared use of community land.

Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this POM and the capacity of the community land itself and the local area to support the activity.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances a licence or short-term licence or hire agreement will be issued.

This POM expressly authorises the issue of leases, licences and other estates over the land covered by the plan of management, in accordance with section 46(1)(b) and section 36(3A) of the LG Act, provided that:

- the purpose is consistent with the core objectives for the category of the land
- the lease, licence or other estate is for a permitted purpose listed in the LG Act or the *Local Government (General) Regulation 2021*
- the lease, licence or other estate is granted and notified in accordance with the provisions of the LG Act or the *Local Government (General) Regulation 2021*
- the issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

Section 46 LG Act permits Councils to grant a lease, licence or other estate in respect of community land for:

- the provision of public utilities and works associated with or ancillary to public utilities; or
- the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider.

A lease or licence exceeding 5 years may only be granted by tender unless it is to be granted to a non-profit organisation.

A lease or licence with a term greater than 21 years and less than 30 years can only be granted in special circumstances with the consent of the Minister of Local Government.

Short-term licences and bookings may be used to allow the council to program different uses of community land at different times, allowing the best overall use, if the use is aligned with the category purpose. Fees for short-term casual bookings will be charged in accordance with the council's adopted fees and charges at the time.

Tables in the relevant category sections of this POM further identify the purposes for which leases and licences may be issued over the reserves identified in this plan of management, and the maximum duration of leases, licences and other estates.

This POM expressly authorises the issue of leases, licences and other estates over the land categorised as Park, General Community Use and Natural Area - Watercourse, consistent with the provisions outlined earlier in 3.5.

Table 8 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management as Park, General Community Use and Natural Area - Watercourse.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease Up to 30 years	<ul style="list-style-type: none"> • botanic gardens • café/kiosk areas, including seating and tables • hire or sale of recreational equipment
Licence Up to 30 years	<ul style="list-style-type: none"> • café/kiosk areas, including seating and tables • hire or sale of recreational equipment
Short-term licence Less than 12 months	<ul style="list-style-type: none"> • Scientific studies and surveys or similar • Filming, commercial photography session • Temporary erection or use of a building or structure necessary to enable a filming project to be carried out • Community events and festivals • Public performances • Engaging in an appropriate trade or business • Picnics and private celebrations
Other estates	This POM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

TABLE 8: LEASES, LICENCES AND OTHER ESTATES AND PURPOSES FOR WHICH THEY MAY BE GRANTED FOR COMMUNITY LAND CATEGORISED AS PARK, GENERAL COMMUNITY USE AND NATURAL AREA - WATERCOURSE.



7 Action plan for the Southern Highlands Botanic Garden

This action plan has been developed from the core objectives, identified values and key management issues, under the following headings:

7.1.1 LAND

- Landscape character, culture and heritage
- Threatened ecological communities and species
- Watercourse protection and management
- Maintenance of the land
- Future development and use

7.1.2 BUILDINGS AND OTHER INFRASTRUCTURE

- Amenity and access
- Maintenance of the buildings and other infrastructure
- Environmental management and sustainability
- Wayfinding and lighting
- Traffic, vehicular access and parking
- Safety and risk management

7.1.3 USERS

- Relationship with surrounding land users
- Permitted and prohibited uses
- Booking systems, fees and charges and conditions of hire
- Event management

The responsibilities abbreviations are as follows:

WSC	Wingecarribee Shire Council
SHBG	Southern Highlands Botanic Gardens

Within this action plan, each performance target has been given a priority, which can be linked to the following timeframe.

- ❖ Short – commenced within the next 3-4years
- ❖ Medium – commenced within 4-7 years
- ❖ Low – commenced after 7+ years
- ❖ Ongoing – Throughout time as the Plan of Management is in operation

It should be recognised however that the commencement and completion of the actions would be dependent on the available resources and funds.

LAND					
Key Management Issue	Objectives and Performance Targets - LG Act S 36(3)(b)	Means of achieving Objectives - LG Act S36(3)(c)	Manner of assessment of Performance - LG Act S36(3)(d)	Priority	Responsibility
Landscape character, culture and heritage	Integrated and site-appropriate landscape treatments for setting as a botanic garden.	Landscape planting provides a botanic garden setting consistent with the SHBG Masterplan.	Landscape activity is demonstrated as being consistent as part of project planning.	Ongoing	SHBG
	Undertake planting consistent with SHBG Masterplan. Maintain the established trees, garden planting and lawn areas.	Undertake works according to policies and priorities specified in the SHBG Masterplan.	Masterplan implemented.	Ongoing	SHBG
	Conserve the existing landscape character of the site, including the existing landform, recreational settings and other historical and cultural values and natural heritage values.	Identify and protect items of heritage value. Protect and promote the historic and cultural heritage.	No loss or damage to cultural heritage items on community land.	Ongoing	SHBG

	Manage the natural areas to protect the reserve's natural environment, habitats and biodiversity values.	No reduction in natural areas extent or biodiversity value.	Observation, mapping, photographic monitoring. Annual review.	Ongoing	SHBG
Threatened ecological communities and species	Protect and manage the habitat of the Latham's snipe.	Protect and manage the habitat of the Latham's snipe consistent with the EPBC Act Federal Order 2012 and any updates.	No loss or damage to habitat of the Latham's snipe.	Ongoing	SHBG (lead) & WSC
Watercourse protection and management	Protect and manage watercourses and riparian areas.	Monitor the creek and pond banks, particularly after flood and storm events for erosion, bank slump, soil compaction and weed infestation.	Watercourse condition is improved.	Ongoing	SHBG
Maintenance of the land, including weeds, pests and diseases	Trees and shrubs health maintained, and public risk managed.	Regular program of tree and shrub maintenance to ensure healthy and safe vegetation. Implement a vegetation maintenance specification, to include environmental benefits such as water conservation and increased habitat,	Vegetation maintenance specification prepared and implemented with annual reporting to relevant Council officer.	Ongoing	SHBG

		community health benefits such as shade and aesthetic landscape benefits.			
	Manage and suppress weeds, pests, diseases and pathogens.	Target weeds, pests, diseases and pathogens according to state, regional and local priorities under the NSW <i>Biodiversity Act 2015</i> .	Compliance with state, regional and local priorities under the NSW <i>Biodiversity Act 2015</i> .	Ongoing	SHBG
	Limit dispersal of sustainable fertiliser and pesticide into stormwater or ground run off, and limit human contact from aerial or surface exposure.	Council and user organisations with occupancy and use agreements for sustainable fertiliser and pesticide application practices.	Fertiliser and pesticide use monitored and reported as part of vegetation maintenance program reporting.	Ongoing	SHBG
	Outdoor shade provided, particularly in summer.	Review of outdoor spaces to evaluate shade needs and provision.	Temporary shade structures installed where necessary while shade trees grow, to meet shade and sun protection needs.	Medium	SHBG
Property actions	Land is appropriately assigned as community or operational land and	Where existing utilities are located within the same lot subdivide off utility	Land is appropriately assigned community or operational.	Short	WSC

	integrated into the reserve for consolidation and management where appropriate.	<p>areas and categorise as operational.</p> <p>Consolidate Lots and DPs to reduce the number or to a single lot, as other property actions are done.</p>	Appropriate land is integrated into the reserve.		
Land use zone	Ensure the land use zone under LEP is consistent with the category of the reserve under the LG Act and Regulations.	Rezone any land acquired for inclusion in the SHBG and subject to this POM as RE1 under LEP to be consistent with the category in this POM.	Land use zone under the LEP consistent with category under the LG Act and Regulations.	Short	WSC
Future development and uses	Future development and uses is consistent with Council development consent and adopted POM.	Review of all proposed future developments and uses for consistency with adopted POM.	Proposed future developments and uses are reviewed prior to approval or implementation.	Ongoing	WSC (lead) & SHBG
Decision making not addressed in this POM	To facilitate decision making not addressed in this POM.	Any management decisions or issues outside of the scope of this POM should be assessed and resolved in the context of the Core Objectives as per the LGA 1993, Land Zoning, and Council Policy.	Compliance with core objectives.	Ongoing	WSC (lead) & SHBG

Disaster management	Ensure safety of community, emergency workers and Council employees and contractors.	<p>Close reserve or damaged sections of reserve during a natural disaster until assessed as safe.</p> <p>Ensure the operations plan includes consideration of resources to fund site rehabilitation works following natural disasters.</p>	All reserve or affected sections closed until assessed as safe.	Ongoing	SHBG (lead) & WSC
Climate change	Resources are available to manage biodiversity after natural disasters.	Undertake resource planning as part of risk assessments for reserves following flood, fire, storm and drought events.	Natural Disaster Resource Plan prepared and integrated into Council's financial planning and grant fund planning.	Ongoing	SHBG

BUILDINGS AND OTHER INFRASTRUCTURE					
Key Management Issue	Objectives and Performance Targets - LG Act S 36(3)(b)	Means of achieving Objectives - LG Act S36(3)(c)	Manner of assessment of Performance - LG Act S36(3)(d)	Priority	Responsibility
Facilities / Building amenity and access	Provide for the amenity, quality and maintenance of the botanic garden settings and facilities.	Provide well maintained botanic garden facilities including play equipment, fitness equipment, picnic settings, barbecues. Review and update the maintenance schedules ensuring amenities are of the right type, quantity and quality to meet population demands and perceptions.	Community feedback indicates high level of satisfaction about botanic garden maintenance	Medium	SHBG
	Enhance the existing infrastructure, including play equipment, walking paths, picnic and barbecue settings and associated amenities.	Plan for flexible facilities that support a range of recreation needs and cultural, social and educational activities that do not unduly intrude on the peaceful enjoyment of the land by others.	Community is informed about proposed improvements prior to works undertaken. Landscape concept plans prepared for any new park infrastructure proposed.	Medium	SHBG (lead) & WSC

		Consult regularly with the community to collate information on community priorities for open space for use by Council.	Community involvement in proposal consistent with Council's Community Engagement Policy. Community feedback indicates high level of satisfaction about park improvements. Works undertaken consistent with <i>EP&A Act</i> or <i>SEPP (Transport and Infrastructure)</i> as required.		
	Ensure high quality facilities that service needs and satisfy community expectations.	Undertake annual user satisfaction surveys.	User satisfaction surveys conducted annually.	Ongoing	SHBG
	Amenities are suitable for all users and different age groups.	Review all amenities facilities to ensure equity in provision for all users and a range of age groups.	Review conducted and amendments to provision implemented.	Ongoing	SHBG (lead) & WSC

	<p>Amenities are maintained for safety, usability and modern standard.</p> <p>Amenities provided are kept clean and accessible to users and visitors during daylight hours and at high or frequent visitation sites during facility or site opening hours.</p>	<p>Regular inspection and maintenance regime that is clearly published and provides contact details for community and visitor maintenance requests.</p>	<p>Amenities maintenance program prepared and implemented including annual report to relevant Council officer.</p> <p>Outcomes and monitoring of contact queries and complaints.</p>		
	<p>Compliance of access pathways and ingress/egress points, toilets, car park and associated amenities infrastructure for disabled and equitable access.</p>	<p>Annual audit of all public use, visitor facilities to evaluate equitable access and maintenance or upgrade needs for compliance with State requirements.</p>	<p>Annual amenities equitable access audit and report and response actions reported to relevant Council Manager.</p>	Ongoing	SHBG (lead) & WSC
	<p>Outdoor fixtures – seats, tables, bins - provided where outdoors space is associated with community use.</p>	<p>Review of outdoor spaces associated with facility building and other infrastructure to evaluate and implement outdoor fixture provision.</p>	<p>Installation of park and outdoor fixtures consistent with any specific Council policies.</p>	Medium	SHBG (lead) & WSC

Community access and use	Improve, promote and facilitate accessibility, safe access and linkages.	Undertake review of accessibility and safe access. Use this review to help prepare maintenance programs and capital works program.	Community involvement in proposal consistent with Council's Community Engagement Policy.	Ongoing	SHBG (lead) & WSC
	Maintain key entry points and entry associated information and guidance.	Maintain key entry points.	Key entry points maintained.	Ongoing	SHBG
	Maintain good access to the gardens and surrounds for use by residents and visitors.	Consult with residents to identify any access and use improvements	Consultations held and any necessary improvements implemented where suitable and consistent with this POM.	Ongoing	SHBG (lead) & WSC
	Maintain connections to local walking and cycling links.	<p>Integrate the SHBG with Wingecarribee local cycle paths and tourist cycleways and routes.</p> <p>Identify pedestrian routes between the SHBG, bus stops and residences, and reinforce the safety and equitable access quality of these links.</p>	Integration of cycle paths and pedestrian ways with the SHBG.	Ongoing	SHBG

Maintenance of buildings and other infrastructure	<p>Maintain building and community facilities to required standards for users and public safety.</p> <p>Building and structures compliance with Australian Standards and NSW Building Codes.</p> <p>Regular repairs, painting and maintenance.</p> <p>Safe electrical systems.</p> <p>Sustainable water supply.</p> <p>Fire systems compliance with NSW Standards.</p>	<p>Implement asset maintenance plans for community facilities buildings structures and landscape assets.</p> <p>Annual audit and review of buildings and structures to comply with Australian and NSW Building Codes standards.</p> <p>System to receive reports/requests for maintenance needs is clearly published and acted upon.</p> <p>Annual (Test & Tag) program of electrical equipment inspection and testing by a competent person to identify and repair/replace damaged, worn and faulty electrical equipment.</p>	Asset management plans in place and implemented with annual reporting system.	Short	WSC (lead) & SHBG
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	Safe and operational kitchens.	Annual electrical safety program of inspections, testing and repairs in accordance with current regulations.			
	Safe chemical storage and use.	Annual maintenance of water supply tanks and filters.			
		Bi-annual fire safety systems check for maintenance or upgrade to meet current regulations.			
		Biannual inspection of all kitchens by health and safety officers to ensure clean, healthy and safe kitchens for users and visitors.			
		All chemical storage, use and handling to be certified by current NSW			

		<p>authority, e.g: WorkSafe NSW</p> <p>Annual building condition inspection and assessment</p> <p>Implementation of any required improvements or upgrades</p>			
Environmental management and sustainability	<p>Council investigation of environmental sustainability options and infrastructure.</p> <p>Reduction in operational costs for energy and water use through a range of environmental and sustainable means to reduce costs and wastage.</p>	<p>Investigate implementation of alternate energy sources such as solar electricity and heating systems at new and current facilities.</p> <p>Energy and water use efficiency practices and systems, including timing systems or regulated watering practices.</p>	<p>Council investigation of environmental sustainability options and infrastructure undertaken.</p> <p>Reduction in operational costs for energy and water use through a range of environmental and sustainable means to reduce wastage.</p> <p>Report on feasibility and value of solar panels.</p>	Medium	SHBG (lead) & WSC

	Reduce costs to Council, users and hirers.	Review of water and energy use at existing facilities and document design improvements for buildings and facilities.	Review and investigations conducted, response actions reported via Council reporting system.	Long term	SHBG (lead) & WSC
	Review power needs for events management and amenities provisions and implement upgrades.	Power needs evaluation and project planning for required upgrades.	Evaluation completed and required upgrades planned and implemented.	Medium	SHBG (lead) & WSC
Safety and risk management	Ensure personal security around the facilities used at night.	Identify key movement and access and times and review lighting provision for implementation.	Review conducted with landscape plan provisions and implementation. Council maintenance reporting system implemented.	Medium	SHBG
	Install fencing where required.	Provide security measure including fencing to sections of the site.	Fencing maintained.	Medium	SHBG
	Maintain lighting to street access and carparking for night use.	Review night time and dark period uses and implement any additional	Review done and any necessary additional lighting installed.	Medium	SHBG

		lighting required for safety reasons.			
	Minimise public safety and user risk at night.	Maintain lighting for security along pedestrian walkway/lanes.	Review done and any necessary additional lighting installed.	Ongoing	SHBG
Traffic, vehicular access and parking	Limit car park area to use capacity.	Parking areas, speed and vehicle limits clearly signed and marked.	Traffic and car parking management maintained.	Ongoing	SHBG
	Safe vehicle speeds for surrounding roads and internal car parking access	Appropriate vehicle speed signposting of adjacent streets Placement of speed limit signs at pedestrian-prominent locations Vehicle type and use restrictions, and parking times for car parks clearly signposted where required	Signposting and traffic slowing measures installed as required Speed limits signage installed at sites and facilities where required Vehicle use and parking time signage installed	Ongoing	SHBG (lead) & WSC
Wayfinding	Maintain wayfinding for general visitors and provide visitors with information about	Maintenance of wayfinder signage for community facilities.	Maintain signage.	Medium	SHBG

	the availability and location of the community facilities.				
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		USERS			
Key Management Issue	Objectives and Performance Targets - LG Act S 36(3)(b)	Means of achieving Objectives - LG Act S36(3)(c)	Manner of assessment of Performance - LG Act S36(3)(d)	Priority	Responsibility
Community and stakeholder collaboration including volunteers	Undertake community education campaigns, events, workshops and volunteer programs to improve community understanding of reserve values, issues and improve stewardship.	<p>Ensure projects are targeted.</p> <p>Collaborate with the community and stakeholders, when possible, to scale up resources.</p> <p>Undertake education programs that target community groups, business and corporate groups, schools and university students.</p> <p>Facilitate major community engagement environment events such as targeted strategic planting days.</p>	Number of volunteering and education projects and number of participants.	Short / Ongoing	SHBG

		Collaborate with NGOs, the Local Native Plant Society, Landcare, Residents Associations and Government on community engagement, education programs, natural area restoration projects and seeking grants for such activities.			
Education and research	Expand knowledge of site managers and community stewards.	<p>Seek opportunities to collaborate with research institutions to improve knowledge, data collection and evidence-based decision making.</p> <p>Seek grant funding and allocate appropriate resources to ensure site managers and community volunteers have best practice and up to date knowledge to manage the reserve.</p>	<p>Resources and funding allocated for management.</p> <p>Better conservation outcomes.</p> <p>Education programs implemented.</p> <p>Number of successful grants.</p>	Short / Ongoing	SHBG

Relationship to adjoining / surrounding land uses	Reduce impacts from adjoining land owners.	Monitor boundaries for unauthorised neighbour encroachments, access, weed encroachment, stormwater or sewerage. Engage with relevant landowners to rectify the encroachment.	Reduced incidents of impacts from adjoining land owners on reserve values.	Ongoing	SHBG
Permitted and prohibited uses	Provide for permissible activities in parks through the granting of licences for short-term casual purposes.	Review and update policies for filming, parties, weddings and other events and other short-term casual users. Aim to develop procedures in line with this POM for any sub-licences of parks by community service providers to include demonstrated community value.	Licencing of permissible activities in parks set out in <i>Local Government (General) Regulations</i> . Licences issued in accordance with the requirements of the <i>LG Act 1993</i> for purposes consistent with the core objectives for parks.	Short	WSC
	Provide clear guidance to community facility users on conditions of use, including alcohol free zones, permissible and non-permissible	Site-based facility, structure, regulatory signage to address activity, including: <ul style="list-style-type: none"> alcohol free zones, 	Installation of regulatory signage at high use or visitation community facilities.	Short / Ongoing	WSC (lead) & SHBG

	activities, times of specific uses, and internal site or facility directions.	<ul style="list-style-type: none"> permissible and non-permissible activities, times of specific uses. 			
Conditions of hire	Manage the use of the land, and any facilities on that land, in relation to purposes for which a lease, licence or other estate may be granted in respect of the land.	Ensure that proposed uses are appropriate to the nature, characteristics and sustainable capacity of the land.	<p>Uses are appropriate to the nature, characteristics and sustainable capacity of the land.</p> <p>Leases/licences issued in accordance with the requirements of the <i>LG Act 1993</i> for purposes consistent with the core objectives for community use.</p>	Ongoing	WSC
	<p>Integrated booking system for casual hiring and bookings.</p> <p>Clear and accountable:</p> <ul style="list-style-type: none"> policies of booking and hiring systems fees and charges for use and hire 	<p>All bookings or hiring receive e-copy or paper copy of confirmation including any conditions of use and hire with contact details to assist hirer or user.</p> <p>Publication of booking and hiring notices and policies,</p>	<p>Council allocation and hire policy and procedures.</p> <p>Council publication conditions of hire and use, including permissible uses, times and user or hirer responsibilities on use</p>	Short	SHBG

	<ul style="list-style-type: none"> conditions of use and hire standard user agreement documents, e.g: leases, licences and short term use permits. 	<p>fees and charges on-site and on Council website.</p> <p>Clear and published conditions of hire and use, including permissible uses, times and user or hirer responsibilities.</p>	<p>agreements, and casual hire permits.</p> <p>Standardised user agreements in use with contact details to assist hirer or user with all bookings or hiring.</p>		
	Ensure public accessibility and multiple uses of land in any user agreements.	Include conditions in user agreements and licences that provide for multiple uses and public accessibility where safe to permit.	Publication and use of licence or booking agreements that meet objectives.	Ongoing	SHBG (lead) & WSC
	Public awareness of potential leasing or licensing.	Formal advertising of expressions of interest and clear allocation guidelines and criteria for any leasing or licensing of land or facilities.	<p>EOI processes conducted to inform allocation procedures for any leasing.</p> <p>Council website publication of any EOI processes.</p>	Ongoing	SHBG (lead) & WSC
	Conditions of use and development clearly outlined in occupancy agreements.	Occupancy agreements detail environmentally sustainable conditions.	Occupancy agreements contained required conditions.	Ongoing	WSC (lead) & SHBG

Event management	<p>Maintain clear and published booking and hire system for events.</p> <p>Ensure any events have event management licenses or permits through bookings or hiring.</p> <p>Include reasonable event management plans, traffic management plans, waste and public safety plans in licence conditions.</p>	<p>Prepare and use event licences or permits with inclusion of appropriate event management plans, traffic management plans, waste and public safety plans.</p> <p>Publish booking and hire system arrangements on Council website with clear dates, times and contact details for users and community groups.</p>	<p>Large event licences and permits to include conditions for event and traffic, user and organisation vehicle management plans prepared in liaison with Local Area police.</p> <p>Publication and use of licences with conditions that address objectives.</p> <p>All hire or booking agreements have Council officer contact details to facilitate user benefits.</p>		SHBG (lead) & WSC
	<p>Small event bookings are safely conducted with minimal impacts on other users and adjacent residences.</p>	<p>Small event bookings are accommodated under licence or hiring arrangements, subject to time and area limited with use conditions to enable use to limit conflicts of use with the public.</p>	<p>Licence system and documents prepared and used for small event bookings.</p>	Ongoing	SHBG

	Manage event and activity noise, traffic, waste management and visitor number issues for local and nearby residents.	Prepare and implement user agreements (licences or permit) system and include conditions to limit impacts from noise, rubbish, traffic.	Licences published and used with conditions to limit or reduce impacts from noise, rubbish, traffic.	Short	SHBG
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8 Appendices

1. Plan of Management Legislative Framework (6 pages)

Appendix 1 – Plan of Management Legislative Framework

Prepared by CGM Planning Pty Ltd

The primary legislation that impacts on how community land is managed or used is briefly described below. You can find further information regarding these acts at www.legislation.nsw.gov.au

NSW Local Government Act 1993

Section 35 of the *Local Government Act 1993* (LG Act) provides that community land can only be **used** in accordance with:

- the plan of management applying to that area of community land, and
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land, and
- the provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a plan of management for community land must identify the following:

- a) the category of the land,
- b) the objectives and performance **targets** of the plan with respect to the land,
- c) the means by which the council proposes to **achieve** the plan's objectives and performance targets,
- d) the manner in which the council proposes **to assess its performance** with respect to the plan's objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

A plan of management that applies to just one area of community land:

- a) must include a description of:
 - (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and
 - (ii) the use of the land and any such buildings or improvements as at that date, and
- b) must:
 - (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
 - (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
 - (iii) describe the scale and intensity of any such permitted use or development.

Land is to be categorised as one or more of the following:

- a) a natural area
- b) a sportsground
- c) a park
- d) an area of cultural significance
- e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- a) bushland
- b) wetland
- c) escarpment
- d) watercourse
- e) foreshore

f) a category prescribed by the regulations.

Additionally, under section 36 of the LG Act, a site-specific PoM must be made for land declared:

- as critical habitat, or directly affected by a threat abatement plan or a recovery plan under threatened species laws (sections 36A(2) and 36B(3))
- by council to contain significant natural features (section 36C(2))
- by council to be of cultural significance (section 36D(2)).

Classification of public land

The LG Act requires classification of public land into either 'community' or 'operational' land (Section 26). The classification is generally made for council-owned public land by the council's Local Environmental Plan (LEP) or in some circumstances by a resolution of the council (Section 27).

Crown reserves managed by council as Crown land manager have been classified as community land upon commencement of the *Crown Land Management Act 2016* (CLM Act). Councils may manage these Crown reserves as operational land if written consent is obtained from the minister administering the CLM Act.

Classification of land has a direct effect on the council's ability to dispose of or alienate land by sale, leasing, licensing or some other means. Under the LG Act, community land must not be sold (except for scheduled purposes), exchanged or otherwise disposed of by the council, and the land must be used and managed in accordance with an adopted PoM. In addition, community land is subject to strict controls relating to leases and licences (sections 45, 46, 46A and 47) of the LG Act.

By comparison, no such restrictions apply to operational land that is owned by councils. For example, operational land can be sold, disposed, exchanged or leased including exclusive use over the land, unencumbered by the requirements which control the use and management of community land. Crown reserves managed by council as operational land may generally be dealt with as other operational land but may not be sold or otherwise disposed of without the written consent of the minister administering the CLM Act.

Operational land would usually include land held as a temporary asset or an investment, land which facilitates the council carrying out its functions or land which may not be open to the general public (for example, a works depot).

The classification or reclassification of council-owned public land will generally be achieved by a Local Environmental Plan (LEP) or by a resolution of council in accordance with sections 31, 32 and 33 of the LG Act. If land is not classified by resolution within a three-month period from acquisition it automatically becomes community land, regardless of whether it satisfies the objectives for community land as outlined in the LG Act.

For Crown land, Council cannot reclassify community land as operational land without consent of the minister administering the CLM Act.

NSW Crown Land Management Act 2016

Crown reserves are land set aside on behalf of the community for a wide range of public purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

Crown land is governed by the CLM Act, which provides a framework for the state government, local councils and members of the community to work together to provide care, control and management of Crown reserves.

Under the CLM Act, councils manage Crown land as if it were public land under the LG Act. However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose – for example, Crown land assigned the purpose of ‘environmental protection’ cannot be used in a way that compromises its environmental integrity.

Councils must also manage Crown land in accordance with the objects and principles of Crown land management outlined in the CLM Act. The objects and principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown land management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over council management of Crown reserves. For example, Crown land managers may have conditions attached to any appointment instruments, or councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that may be made.

Commonwealth Native Title Act 1993

The Commonwealth *Native Title Act 1993* (NT Act) recognises and protects native title rights and interests. The objects of the NT Act are to:

- provide for the recognition and protection of native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The NT Act may affect use of Crown land, particularly development and granting of tenure.

Specifically, the CLM Act makes it mandatory for council to engage or employ a native title manager. This role provides advice to council as to how the council’s dealings and activities on Crown land can be valid or not valid in accordance with the NT Act.

Council must obtain the written advice from an accredited native title manager that Council complies with any applicable provisions of the native title legislation when:

- a) granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) mortgaging the land or allowing it to be mortgaged

- c) imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land
- d) approving (or submitting for approval) a plan of management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

NSW Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the framework for planning and development across NSW and guides environmental planning instruments which provide a basis for development control.

The EP&A Act ensures that effects on the natural environment, along with social and economic factors, are considered by the council when granting approval for or undertaking works, developments or activities.

This Act is also the enabling legislation for planning policies which may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies (SEPPs). On a regional level there are Regional Environmental Plans (REPs). On a local level there are Local Environmental Plans (LEPs) as well as Development Control Plans (DCPs).

NSW Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council. This Act may affect dealings with Crown land that is potentially claimable.

NSW National Parks and Wildlife Act 1974

Statutory responsibilities on the council arising from this Act specifically relate to the protection of sites of pre- and post-European contact archaeological significance. This Act may affect community land categorised as cultural significance, natural area or park.

NSW Biodiversity Conservation Act 2016

Note: This Act repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*. The *Threatened Species Conservation Act 1995* has been superseded by the *Biodiversity Conservation Act 2016*.

This Act covers conservation of threatened species, populations and ecological communities and the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Department of Planning, Industry and Environment's Energy, Environment and Science division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the Biodiversity Conservation Act or LG Act, meaning pre-existing plans have no legal effect.

For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the LG Act are now redundant. Councils will be advised if future amendments are made to the LG Act to enable these mechanisms. The NSW Saving Our Species program now directs recovery planning and threat abatement.

NSW Fisheries Management Act 1994

The *Fisheries Management Act 1994* (FM Act) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to community land categorised as natural area (foreshore, watercourse or wetland).

Where an area of community land is declared to be critical habitat, or if that area is affected by a recovery plan or threat abatement plan under Part 7A of the FM Act, a site-specific plan of management will need to be undertaken.

NSW Rural Fires Act 1997

This Act contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire prone lands.

NSW Water Management Act 2000

This Act is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The Act recognises:

- the fundamental health of our rivers and groundwater systems and associated wetlands, floodplains, estuaries has to be protected
- the management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land
- to be properly effective, water management must be a shared responsibility between the government and the community
- water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects
- social and economic benefits to the state will result from the sustainable and efficient use of water.

NSW Biosecurity Act 2015

The NSW Biosecurity Act 2015 (NSWB Act) enables landholders, community, industry and Government to effectively manage and respond to biosecurity incursions and risks. A fundamental principle of the NSWB Act is that biosecurity is everyone's responsibility, and all land managers have the same responsibilities - a duty to prevent, eliminate or minimise risk as far as reasonably practicable.

Council has obligations under this Act to manage Priority Weeds on Council land or Council managed land. Under the Act, weeds are divided into State, Regional and Local Priority Weeds (formerly referred to as Noxious Weeds). State and Regional priority weeds are identified in the South East Regional Strategic Pest Management Plan 2018-2023 and outcomes for these weeds needs to demonstrate compliance with the Biosecurity Duty for the species listed as priority weeds in Appendix 1 of the Weed Management Plan.

Since 1 July 2018, the management of pest animals has been administered under the *Biosecurity Act 2015*. Pests such as foxes, rabbits and feral cats are included in the South East Regional Strategic Pest Management Plan 2018-2023 and a threat abatement plan to rid them has been prepared under the Biodiversity Conservation Act. (*Source*

https://southeast.ils.nsw.gov.au/_data/assets/pdf_file/0006/722706/South-East-Regional-Weed-Mgmt-Plan.pdf.)

NSW Heritage Act 1977

This Act contains provisions for the conservation of items of heritage and may relate to community land categorised as cultural significance or natural area.

Commonwealth Environmental Protection and Biodiversity Conservation Act 1999

This Act enables the Australian Government to join with the states and territories in providing a national scheme of environment and heritage protection and biodiversity conservation. It incorporates threatened species on a national level and with relevance to Matters of National Environmental Significance.

Commonwealth Telecommunications Act 1997

This Act provides for telecommunication facilities being permitted on community land without authorisation in a PoM.

Other relevant NSW Legislation

- *Catchment Management Authorities Act 2003*
- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992*
- *Local Land Services Act 2013*
- *Protection of the Environment Operations Act 1997*
- *Pesticides Act 1999*
- *Soil Conservation Act 1938*

State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021 includes the following policies which apply to land within the Wingecarribee Shire:

- **Ch 2 Vegetation in Non-Rural Areas** deals with clearing of native vegetation in urban areas and land zoned for environmental protection.
- **Ch 3 & 4 Koala Habitat Protection** aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.
- **Ch 6 Bushland in Urban Areas** deals with bushland in urban areas and is applicable to POMs for community land categorised as Natural Area – Bushland.
- **Ch 8 Sydney Drinking Water Catchment** aims to protect quality of surface water and the ecosystems that depend on it and requires that any development would have a neutral or beneficial effect on water quality.

State Environmental Planning Policy (Transport and Infrastructure) 2021

- **Div 12 Parks and Other Public Reserves** lists development allowed with consent or without consent on community land.