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WINGECARRIBEE SHIRE COUNCIL

Public Hearing Report:

Draft Southern Highlands Botanic Gardens Plan of
Management

Local Government Act 1993 Section 40A
Categorisation of Community Land

20 September 2023

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1. INTRODUCTION

1.1 Purpose of this report

This report provides a summary of the independently chaired Public Hearing held by Wingecarribee Shire Council on site at the Civic Centre Theatre, Moss Vale on Wednesday 13 September 2023 between 5.00pm and 6.00pm.

The Public Hearing was held in compliance with Chapter 6, Division 2, Section 40A of the *Local Government Act 1993* (LG Act) and was conducted into the proposed categorisation of community land in Council's Draft Southern Highlands Botanic Gardens Plan of Management (the draft PoM).

1.2 Land covered by this report

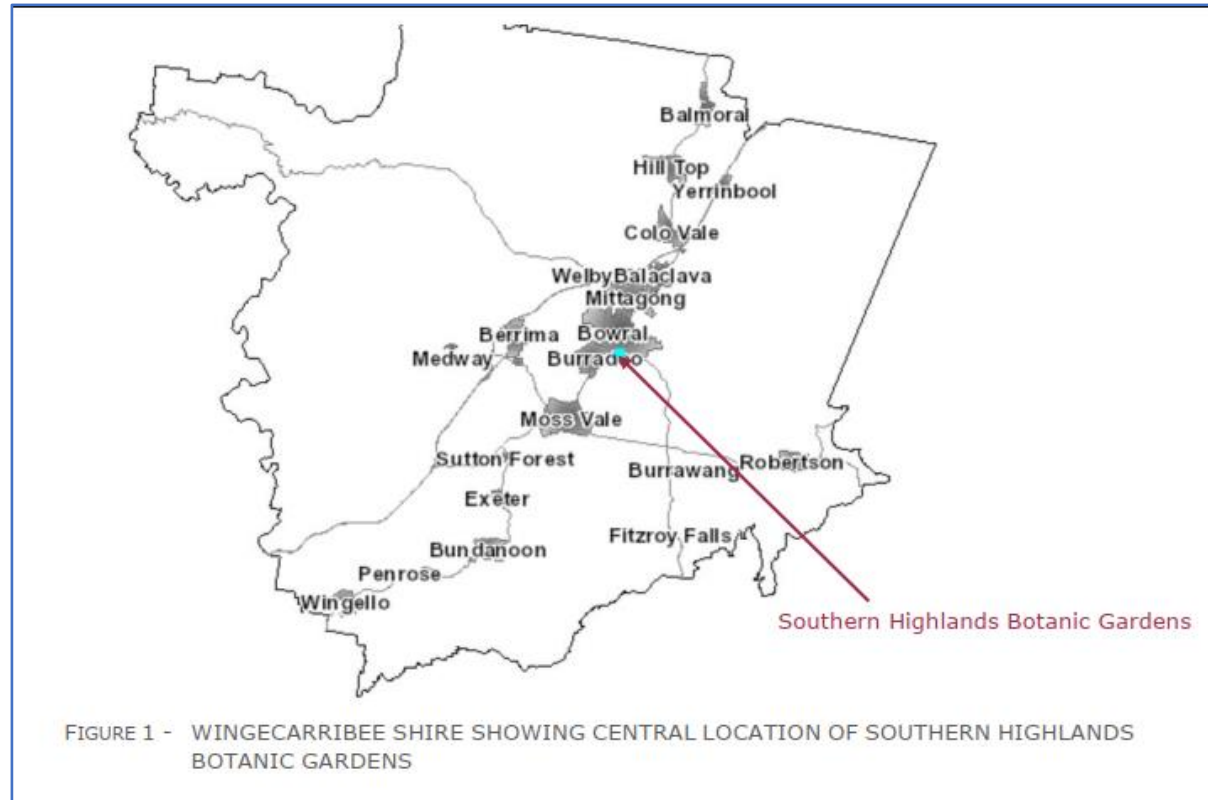
The land covered by this report is the Southern Highlands Botanic Gardens shown in **Figure 1**: Location Map and **Figure 2**: Site Map.

The land subject to the draft PoM is Council-owned land, classified as community land under the LG Act, which means that a plan of management (PoM) must be prepared, publicly exhibited and adopted by Council prior to any changes to the nature and use of the land, to define permitted uses, and authorise leases, licences and other estates, as well as setting management action plans with details to provide accountability in implementation and measuring success.

The draft PoM details the Council-owned community land and its proposed categorisation.

The land is located at 1 Old South Road, Bowral, NSW and is approximately 14.8 Ha of community land owned by Wingecarribee Shire Council. The land in the Southern Highlands Botanic Gardens is comprised of one allotment: Lot 1 in Deposited Plan 1231536 in the Parish of Mittagong, County of Camden.

Figure 1: Location Map



Source: Draft Southern Highlands Botanic Gardens PoM 2023

Figure 2: Site Map



FIGURE 3 – SOUTHERN HIGHLANDS BOTANIC GARDENS

Source: *Draft Southern Highlands Botanic Gardens PoM 2023*

1.3 Background

Wingecarribee Shire Council prepared the draft PoM for the Southern Highlands Botanic Gardens, 1 Old South Rd, Bowral, and Council resolved (16 August 2023) to exhibit the draft PoM for Southern Highlands Botanic Gardens.

The draft PoM is on public exhibition with submissions to the draft PoM being received for a further 14 days until 3 October 2023.

The Draft PoM can be viewed online on the Your Say Wingecarribee page, which also states can be viewed in printed format at the Civic Centre and Council libraries, and at the Southern Highlands Botanic Gardens.

2 PLANNING CONTEXT

2.1 Community land

Land vested (owned or controlled by Council) is defined in the *Local Government Act 1993* (LG Act) as 'public land', with exceptions such as roads.

All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1).

Classification clearly identifies land which should be kept for use by the general public (community) and that land which need not be kept or may have relatively simple dealings (operational). Classification determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold except in limited circumstances referred to in the LG Act. Community land must not be leased or licensed for more than 30 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister's consent is obtained. No such restrictions apply to operational land.

Community land would ordinarily comprise land such as a public park, sportsgrounds or community centres. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management (PoM). Until a PoM is adopted by a Council, the nature and use of the land must not change.

Community land must therefore have community land categories assigned and must have community land plans of management adopted by Council.

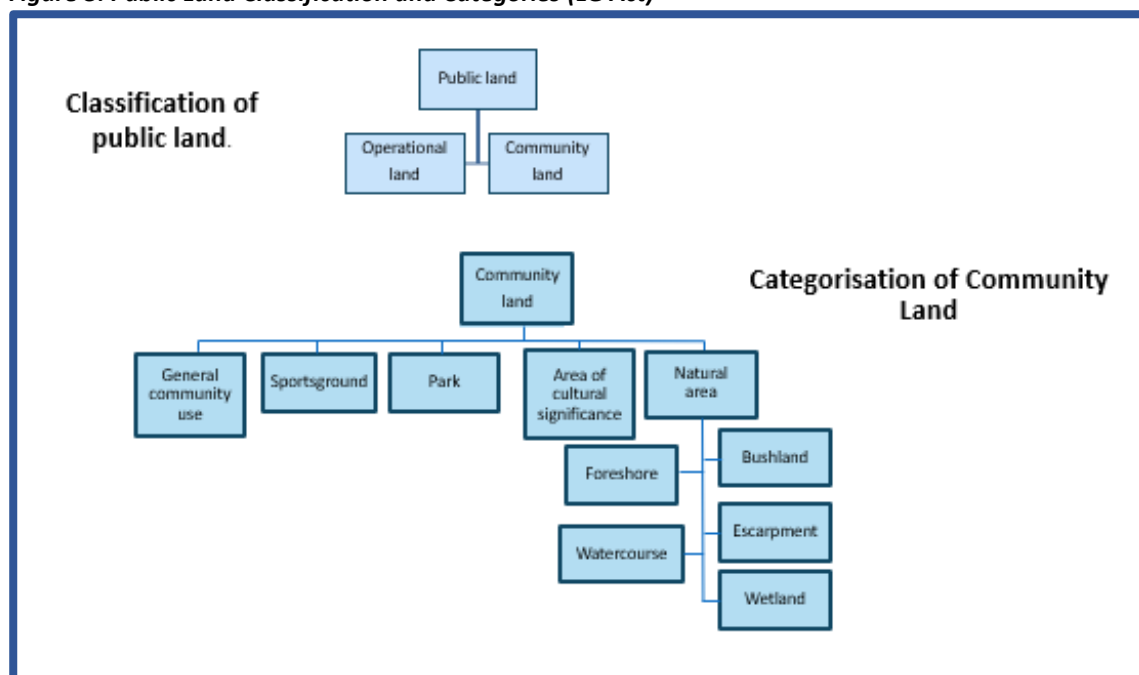
2.2 Categories of community land

The assignment of the categories is guided by the *Local Government (General) Regulation 2021* (LG Regulation), which provides a description of land and use to guide assignment of categories to portions of the land as appropriate.

Community land categories define the core objectives for use, management and development of community land. (LG Act Chapter 6 Part 2 Division 2). See **Report Section 2.3**.

Figure 3: Classification and Categorisation shows the classification of public land, and categories of community land.

Figure 3: Public Land Classification and Categories (LG Act)



Source: Office of Local Government plan of management guidelines (2019)

2.3 Community land assignment of categories in the Draft Southern Highlands Botanic Gardens Plan of Management

There are three categories assigned in the Draft PoM: Park, Natural Area - Watercourse and General Community Use. The Draft PoM Categories, Core Objectives and Guidelines for Categorisation are from the LG Act and LG Regulation and guide the assignment of the category for use and management of each category's land (see **Figure 4** comprising Table 2, 3 and 4).

Figure 4: Draft Southern Highlands Botanic Gardens Plan of Management Categories, Core Objectives and Guidelines for Categorisation

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 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 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).

Source: Draft Southern Highlands Botanic Gardens PoM 2023

2.4 Proposed categorisation in Draft Southern Highlands Botanic Gardens PoM

The assignment of community land categories in the draft PoM has been undertaken in accordance with the Local Government (General) Regulation 2005, Part 4 Community Land, Division 1 Guidelines for the categorisation of community land.

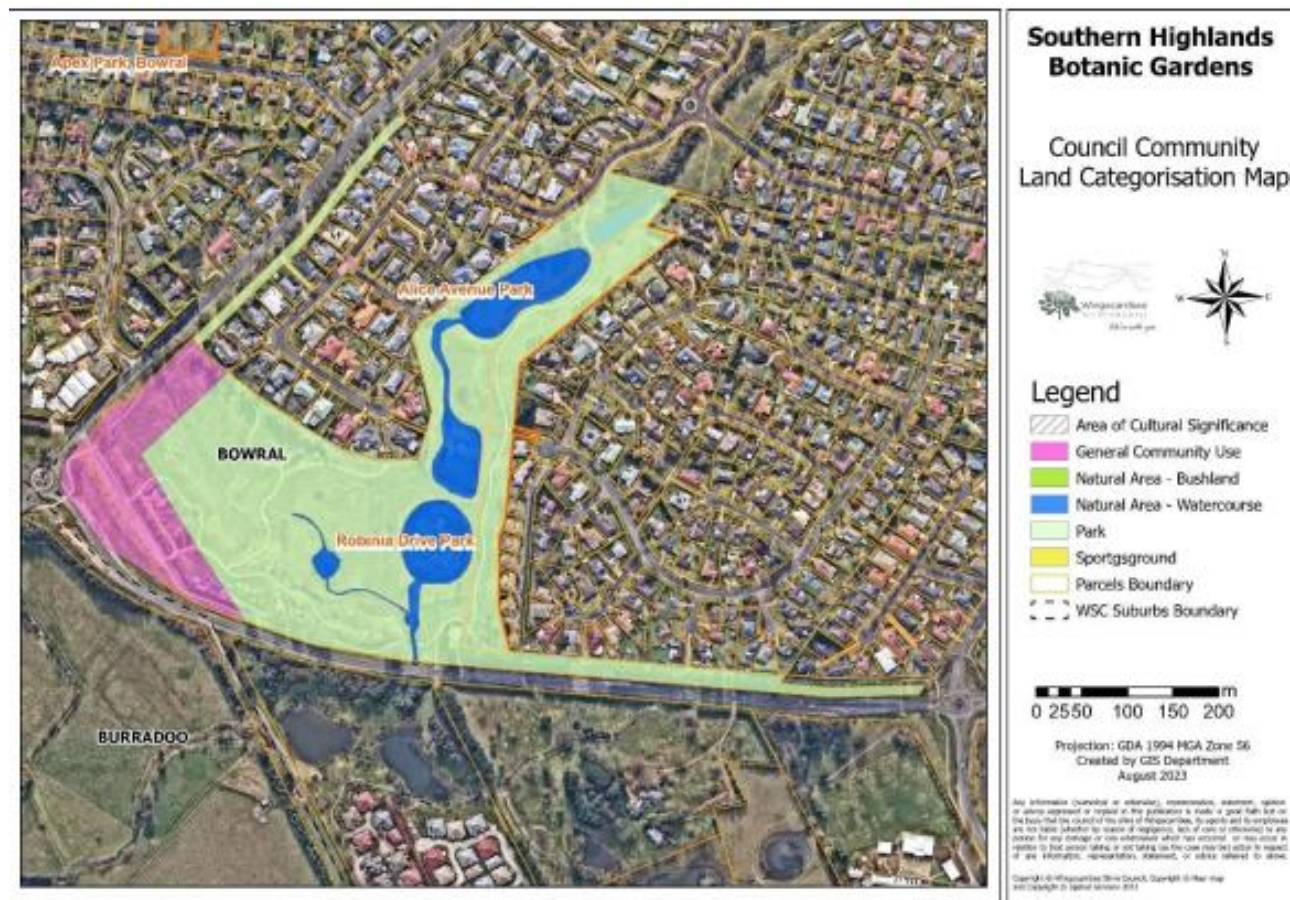
The draft PoM amends existing categories in the 2011 adopted PoM, and also assigns a community land category to portions of land for the first time and so a public hearing is required under Section 40A of the LG Act.

The NSW Office of Local Government *Practice Note No.1 Public Land Management* states (Page 11):

Guidelines for council to assist in categorisation are provided in the Local Government (General) Regulation (cls.10 - 19). Council must have regard to the guidelines in determining a category (cl.9) but are not required to adopt any category merely because the land fits the description in the guidelines. Council should look at all the circumstances of the land in making a decision as to categorisation. For example, a piece of land may seem to satisfy the guidelines for more than one category. Council has a discretion in this case to look at the land in context, taking into account all relevant material before determining a category. It is important that council be able to justify any decision.

Figure 5: Category Mapping in the Draft PoM sets out the land where the community land categories have been assigned.

Figure 5: Category Map in the Draft Southern Highlands Botanic Gardens Plan of Management 2023



Source: Draft Southern Highlands Botanic Gardens PoM 2023

2.5 Public hearing for categorisation of community land

The LG Act and the LG Regulation both set parameters for the holding of Public Hearings. See **Appendix A** for pertinent legislation extracts. Council must hold a public hearing in respect of a proposed PoM if the proposed plan would have the effect of categorising, or altering the categorisation of, community land.

Council must hold a further public hearing in respect of the proposed plan of management if Council decides to amend the proposed plan after a public hearing and the amendment of the plan would have the effect of altering the categorisation of community land from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

The need for a public hearing, in both instances, does not apply if the amendment or change of one natural area category is to another natural area category.

3 THE PUBLIC HEARING

3.1 Advertising and notification of the Public Hearing

Council advertised the Public Hearing on its corporate (wsc.nsw.gov.au) and community ([Council Advertisement](#)) web pages, and notice was given through Council's:

- Your Say Wingecarribee Page;
- Notification to all Registered Members of Your Say Wingecarribee;
- Weekly Community Update Published on Council's Website – Public Exhibition;
- Weekly Community Update Published on Council's Website – Public Hearing;
- eNewsletter Distributed to Registered Subscribers; and
- Notification to all Community Contacts – Southern Highlands Botanic Gardens.

3.2 Availability of the draft Plan of Management

The Draft PoM is on public exhibition on Council's corporate (wsc.nsw.gov.au) web pages, at Council's Civic Centre, Moss Vale; Council Libraries, and the Southern Highlands Botanic Gardens. Submissions may be made until 4.30 pm 3 October 2023.

3.3 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, recording the proceedings - CGM Planning;
- Shaun Robinson, Manager Assets, Wingecarribee Shire Council;
- Ashraf Anwar, Coordinator Parks and Buildings, Wingecarribee Shire Council.
- Apologies were made for Sara McGufficke the primary person responsible for the draft plan.

12 members of the public attended:

- John Barrett
- Lyn Barrett
- Lyn Collinridge
- Charlotte Web
- Ruth Bailey
- Holly Campbell
- John Swanston
- Robert Bishop
- Graham Kelly
- Charles Ho
- Ian Carroll
- Signature but no registration name

3.4 The Public Hearing

The Public Hearing was conducted on-site at the Council Civic Centre Theatrette, Moss Vale between 5.00pm and 6.00pm on Wednesday 13 September 2023.

Responses to the participants' questions and comments were made by the Chair or provided by Council's Manager Assets, depending on the relevance of the subject matter.

Twelve people attended the public hearing on 13 September 2023 at the Civic Centre Theatrette, Moss Vale between 5.00 pm-6.00 pm. The meeting followed the agenda set out in **Figure 6**.

Figure 6:Public Hearing Agenda

Introduction <ul style="list-style-type: none">Chair (CGM – Carl)	WSC	5.00-5.05 pm
Acknowledgement of Country Outline and Purpose of Public Hearing <ul style="list-style-type: none">Chair's rolePurpose and process of HearingOutcomes of Hearing	CGM	5.05-5.15 pm
Plan of Management Presentation <ul style="list-style-type: none">BackgroundWhat is community land?What are the categories of community land?Guidance for categorisationProposed categories and mapped areas of Southern Highlands Botanic Gardens	WSC CGM	5.15-5.25 pm
Questions and Answers <ul style="list-style-type: none">Open Questions & Answer session, submissions madeRecord of Hearing and submissions	WSC CGM	5.25 pm onwards
Next Steps <ul style="list-style-type: none">Availability of ReportPublic Exhibition of draft Plan of Management	WSC CGM	5.55 pm conclusion

Source: *Public Hearing Presentation – Council*

3.5 Public Hearing Record.

Following an acknowledgment of Country, the Independent Chair confirmed that, as required under the *Local Government Act 1993* (the LG Act), neither he nor the other CGM Planning Director, Ms Colette Goodwin, were employees of Council nor a Councillor, nor had either Director been an employee or Councillor during the last five years.

The Chair explained that this Public Hearing was a requirement under Sections 40A and 47G of the LG Act as the draft PoM was amending the categories in the 2011 adopted PoM, and assigning a community land category to portions of land adjoining the Southern Highlands Botanic Gardens land for the first time.

The Chair also confirmed that the Public Hearing was into the assignment and use of the category of the land in the Draft PoM and that matters raised by the attendees would be recorded.

The Chair stated the Public Hearing was essentially about one matter which was the use and nature of the categories assigned to the community land in the draft PoM. The Chair also stated that comments, suggestions and statements about the draft PoM would be recorded but were matters that should also be directed in written submissions to the public exhibition of the draft PoM.

The discussion and matters raised regarding the categorisation of the Southern Highlands Botanic Gardens and the Draft PoM are provided in the following table. The responses given by the Council, or the Chair, are also provided.

Figure 7: Record of Public Hearing Questions, Comments and Discussion

Item	Issue/matter raised	Council	Chair
Categories assigned in the PoM		Council confirmed that the categories used are the same as the previous PoM but there was an increase in General Community Use and an addition to the Natural Area Watercourse.	The Chair confirmed that the public hearing also covered land categorised for the first time along Old South Rd and Kangaloon Rd which had been given a Park category.
Maintenance of chain of ponds	<p>A resident of Alice Ave adjoining the SHBG, a civil engineer, reported that the chain of ponds was an engineered wetland and must be properly maintained and should be included in a Wetlands PoM.</p> <p>In the past, the resident has rung the Council to advise that the drainage system/chain of ponds/wetland needed maintenance. The resident was concerned that Council attention would continue.</p>	Council requested clarification of the plan and whether that was related to maintenance.	<p>There are 2 options here: retain categories as exhibited and include an action within the PoM for Council to regularly maintain the ponds or add the Wetland category where it best applies on the land.</p> <p>This is a matter that can be bought forward in a submission to the PoM which is currently on exhibition.</p>
Change category	Two attendees requested that the wetland category be applied to the land to better reflect the typology, environment, use and in one case the protection of the migratory bird Latham's snipe.		Request for a change to the natural area Watercourse category by the addition of Wetland has been recorded.
Responsibility for maintaining the chain of ponds/wetland	Concern with who to contact/ who responsible for maintenance under the new PoM.	Council will continue its work in the Gardens.	This is a matter that can be bought forward in a submission to the PoM which is currently on exhibition.
Status of land	Can Council confirm whole of site is community land and not operational?	It was noted that the Gardens land included in the draft PoM was one lot owned by Council and community land. It was also noted that a portion of Council owned road reserve	

Item	Issue/matter raised	Council	Chair
		<p>was included as community land in the draft PoM.</p> <p>There was a resolution last year to bring the unformed road into the SHBC as community land.</p>	
Other Council structures on the land	There was discussion on the location and classification of a sewer tank and a Council facility nearby as operational and/or community land.	<p>The Chair and CEO of SHBG stated that the structures were partly on community land and partly on operational land and that the sewer was always part of the SHBG lot.</p> <p>Council in November 2022 resolved to change Old South/Kangaloon Rds corner road reserve and facility and consolidate into the Botanic Gardens.</p>	The Chair consulted NSW Government Six Maps site to confirm that the structures were in Lot 1 DP 1231536 – the Southern Highlands Botanic Gardens
Responsibility for regular maintenance regime for the Botanic Gardens	Lack of clarity for some attendees about who should be maintaining the Gardens because despite repeated requests Council does not regularly mow or maintain the gardens. The volunteers of the Botanic Gardens cannot do all the upkeep.	CEO & Chair of SHBG confirmed that the Botanic Gardens have a 21 year lease and it sets out the obligations for each party.	<p>Does the Botanic Gardens have a lease or license?</p> <p>The lease is a contract setting out the responsibilities and duties of each partner.</p> <p>A Lessee can raise matters with Council where obligations are not being met.</p>
Location of protected area for Latham's snipe	Where is the protected area – Area A, for the Snipe under the Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC) shown in the PoM?	Cannot confirm where the Order set out the area but acknowledge it would be useful to have it shown.	
	The area should be a wetland for the Snipe as there could be serious consequences if it is not properly managed.	Council undertook to investigate any area set aside and make that evident in the draft PoM.	Your request for a change to the natural area category to Wetland for the migratory bird has been recorded.
Occurrence of Latham's snipe on the land	If no Snipe turns up over a period of time, what happens then?	<p>Cannot answer that.</p> <p>An attendee pointed out that the bird is seasonal, does come and there is a public record of them.</p>	The draft PoM says that the Federal Government in 2012 applied an Order for the setting aside of an area to protect and manage the habitat of the Latham's

Item	Issue/matter raised	Council	Chair
			Snipe. Refer page 16 of draft PoM.
Extent of watercourse	Support expressed for the extension of the watercourse category and for the draft PoM.		Thank you are there any other comments?
Developer contributions	Request that developer contributions be applied to the large residential subdivision opposite the Botanic Gardens to help with the future redevelopment of the Gardens.		Yes, that is outside the purpose of this hearing but it will be on the public record. The Chair recommended a submission be made to the draft PoM.

The Chair sought any further comments or questions from the Hearing participants and as no more were made, the next steps were outlined by Council and the Chair.

The Manager Assets outlined the process and timing steps of the public exhibition and Council consideration of PoM adoption and requested that participants consider making submissions to the draft PoM.

The Chair repeated the LG Act requirements that a report of the Public Hearing will be provided to Council and that Council must make the report available for public inspection within four days of receipt.

The participants were thanked for their contributions meeting was closed at approximately 5.55 pm .

4 RECOMMENDATIONS

4.1 Recommendations

This report recommends Council:

1. Notes that this report is an accurate record of the Public Hearing.
2. Notes there was no objection to the categories of Park and General Community Use.
3. Notes that Hearing attendees expressed support for a suitable wetland and drainage maintenance regime, and sought to have parts of the Natural Area Watercourse categorised as Natural Area Wetland.
4. Notes its commitment during the Hearing that any area identified for Latham's snipe as required for protection and management will be shown in the draft PoM.
5. Makes this Public Hearing Report available for public inspection as required under the LG Act S47G;
6. Considers the report before making any decision with respect to adoption of the draft PoM and formal assignment of the community land categories in the draft PoM as required under the LG Act S734 Public hearings by a council; and
7. Notes that further amendments to, or application of other community land categories in the draft PoM may require an additional Public Hearing under Section 40A of the LG Act.

APPENDIX A: EXTRACTS OF PERTINENT LEGISLATION

Red text is explanatory notes

What does the LG Act say about this Public Hearing?

The LG Act Section 40 sets out the conditions under which Council may adopt a PoM for community land. One of these conditions is that a PoM may not be adopted until any public hearing that may be required under Section 40A is held.

40A Public hearing in relation to proposed plans of management

- (1) The council must hold a public hearing in respect of a proposed plan of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36(4) [the three major categories]
- (2) However, a public hearing is not required if the proposed plan would merely have the effect of altering the categorisation of the land under section 36(5) [the five natural area sub-categories].
- (3) A council must hold a further public hearing in respect of the proposed plan of management if—
 - (a) the council decides to amend the proposed plan after a public hearing has been held in accordance with this section, and
 - (b) the amendment of the plan would have the effect of altering the categorisation of community land under section 36(4) [the three major categories] from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

A public hearing is required to be held in accordance with LG Act Section 47G.

47G Public hearings

- (2) The person presiding at a public hearing must not be—
 - (a) a councillor or employee of the council holding the public hearing, or
 - (b) a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.
- (3) Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

Section 734 of the LG Act also applies to this public hearing.

734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) except [where reclassification of community land to operational land under EP&A Act]) is required to be arranged by a council with respect to any matter.
- (2) The **public hearing** is to be conducted in such manner as is determined by the council, subject to this Act and the regulations.
- (3) A report of the **public hearing** must be furnished to the council and the council must make the report public.
- (4) The council must consider the report before making any decision with respect to the matter to which it relates.

What does the LG (General) Reg say about this Public Hearing ?

The LG Reg makes reference to submissions in relation to categorisation in a draft PoM.

114 Adoption of draft plan of management in relation to which certain submissions have been made

- (1) This clause applies if—
 - (a) a council prepares a draft plan of management, and
 - (b) the council receives any submission, made in accordance with the Act, concerning that draft plan that makes any objection to a categorisation of land under the draft plan, and
 - (c) the council adopts the plan of management without amending the categorisation that gave rise to the objection.
- (2) If this clause applies, the resolution by which the council adopts the plan of management must state the council's reasons for categorising the relevant land in the manner that gave rise to the objection.

If Council decides to alter the proposed categorisation of community land from that in the Draft Plan of Management and that considered at the public hearing, Council must hold a further public hearing in respect of the proposed Plan of Management (Section 40A(3) of the *Local Government Act 1993*).

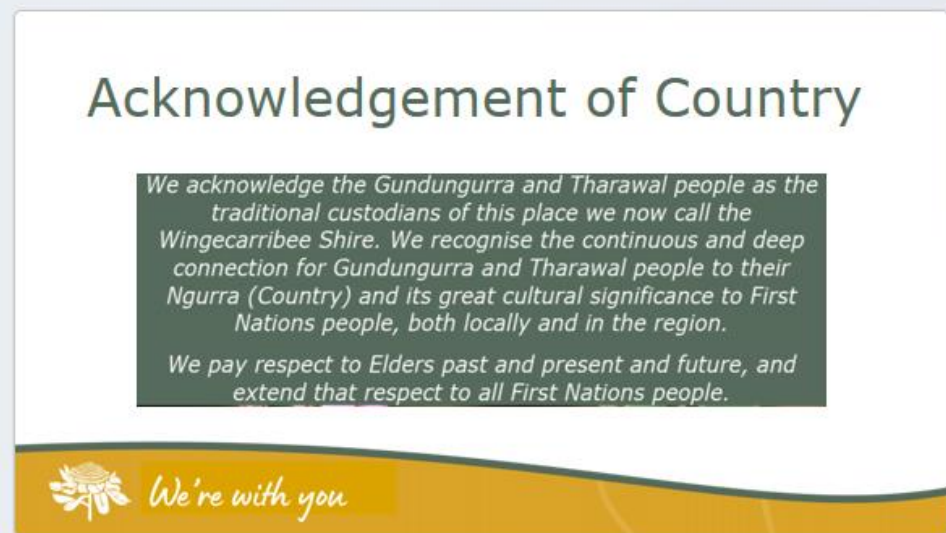
APPENDIX B: COUNCIL PRESENTATION - PUBLIC HEARING



1



2



3



4

Public Hearing: Community land categorisation

- The existing adopted PoM for the SHBG was adopted by Council in March 2011 which included a 2010 Masterplan for the site.
- The SHBG developed a new Masterplan in 2013.
- Council commenced the preparation of this draft PoM to align with Council's current strategic documents and in response to misalignment between the existing adopted PoM and the 2013 Masterplan for the site.
- Details of the draft PoM can be found on our YourSay project page. Submission are open until **Tuesday 3 October 2023**.



5

Public Hearing: Community land categorisation

Community Land Categorisation

- The *Local Government Act 1993* (Section 40A) requires an independently chaired public hearing be conducted into proposed changes to community land categories.
- The draft Southern Highlands Botanic Gardens plan of management 2023 changes the location of some of the category boundaries.

Categorisation of Southern Highlands Botanic Gardens

- The community land categories originally assigned by Council in the 2011 Council adopted PoM were: Park, Natural Area Watercourse and General Community Use.
- The draft 2023 PoM has retained these categories and mapped them differently.



6

Southern Highlands Botanic Gardens

Southern Highlands Botanic Gardens covers an area of approximately of **14.8 hectares** and 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
- has a focus on both native and exotic flora of the Southern Highlands.



7

What is community land?

- Community land is land owned or controlled by Council.
- Community land provides opportunities for recreation, leisure, community development and services, and contact with the natural environment.
- It may include a wide variety of properties, ranging from small recreation reserves to iconic parks and buildings.
- Community land must be categorised and have community land plans of management adopted by Council.



8

Plans of Management Process

Draft PoM is prepared using categories, approved Government templates and guidelines and in consultation with users and community

Council endorses draft PoM and places the draft PoM on public exhibition

Draft PoM exhibited (28 days + 14 day extra submissions),
public hearing about categories

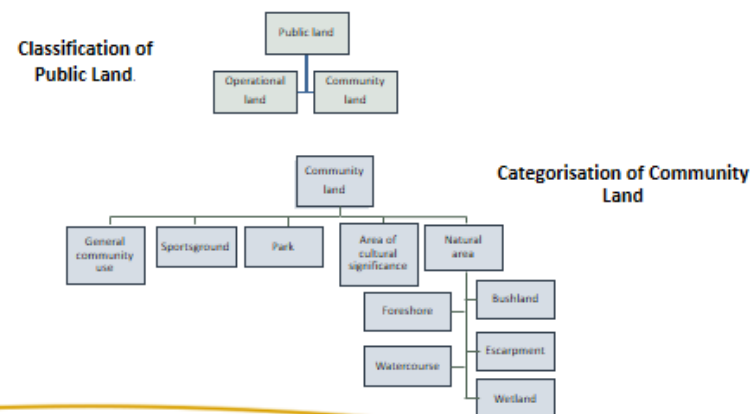
Council considers the submissions received from public exhibition of the draft PoM

Council adopts PoM after any changes from exhibition



9

Categorisation and classification



10

Categories used in the Plan of Management

- Council adopted the original PoM for the Southern Highlands Botanic Gardens in 2011, and 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.
- Council has reviewed the 2011 PoM and prepared the draft 2023 PoM to update its management and ensure the categories reflect most closely what is on the land and what is intended for its use.
- The draft PoM categories are in accordance with the Local Government (General) Regulation 2021, Part 4, Division 1 Guidelines for categorisation of community land.
- The PoM 2011 and draft PoM 2023 categories are: Park, Natural Area Watercourse and General Community Use.



11

Guidelines for choosing categories (LG Regulation)

Park

- The land 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.

Natural Area Watercourse

Land that is categorised as a natural area should be further categorised as a watercourse under section 36(5) of the Act if the land includes—

- 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
- associated riparian land or vegetation.

General community use

- The land 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
- is not required to be categorised as a natural area and does not satisfy the guidelines under categorisation as a natural area, a sportsground, a park or an area of cultural significance.



12

Category Objectives (LG Act)

Park

- Encourage, promote and facilitate recreational, cultural, social & educational pastimes & activities
- Provide for passive recreational activities or pastimes & for casual games
- Improve the land in such a way as to promote & facilitate its use

Natural Area Watercourse

- Manage the watercourse to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows
- Protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- Restore degraded watercourses
- Promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category

General community use

- Promote & encourage use & provide facilities to meet current & future needs of the community & public
- Public recreation & physical, cultural, social & intellectual welfare or development of individuals
- In relation to purposes for which a lease, licence or other estate (other than public utilities) may be granted



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Where the PoM categories are assigned

- Those parts of the Southern Highlands Botanic Gardens that are open park areas, garden areas, playground and picnic areas are categorised as **Park**.
- Those parts of the Southern Highlands Botanic Gardens in and along the chain of ponds have been categorised as **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**.
- Updated 2023 mapping has altered the category boundaries from the 2011 mapping.



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2011 PoM community land categories

- Park
- Natural Area Watercourse
- General Community Use



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2023 PoM Community land categories



- Park
- Natural Area Watercourse
- General Community Use



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Comparison of mapped category areas 2011 2023



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Comments, Questions & Discussion



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What's next?

- The Independent Chair will provide a report on the Public Hearing to Council. Council will make this report available for public inspection within four days of receiving the report.
- The Report will be made available to view at [Community and Recreational Facilities Strategy | Your Say Wingecarribee](#)
- Any written submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition. To make a submission regarding categories or any other issues:

[Community and Recreational Facilities Strategy | Your Say Wingecarribee](#)



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