



WINGECARRIBEE SHIRE COUNCIL

Public Hearing Report:

Draft Mt Gibraltar Heritage Reserve Plan of Management

Local Government Act 1993 Section 40A
Categorisation of Community Land

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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 Tuesday 6 February 2024 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 Mt Gibraltar Heritage Reserve Plan of Management (the draft PoM).

1.2 Land covered by this report

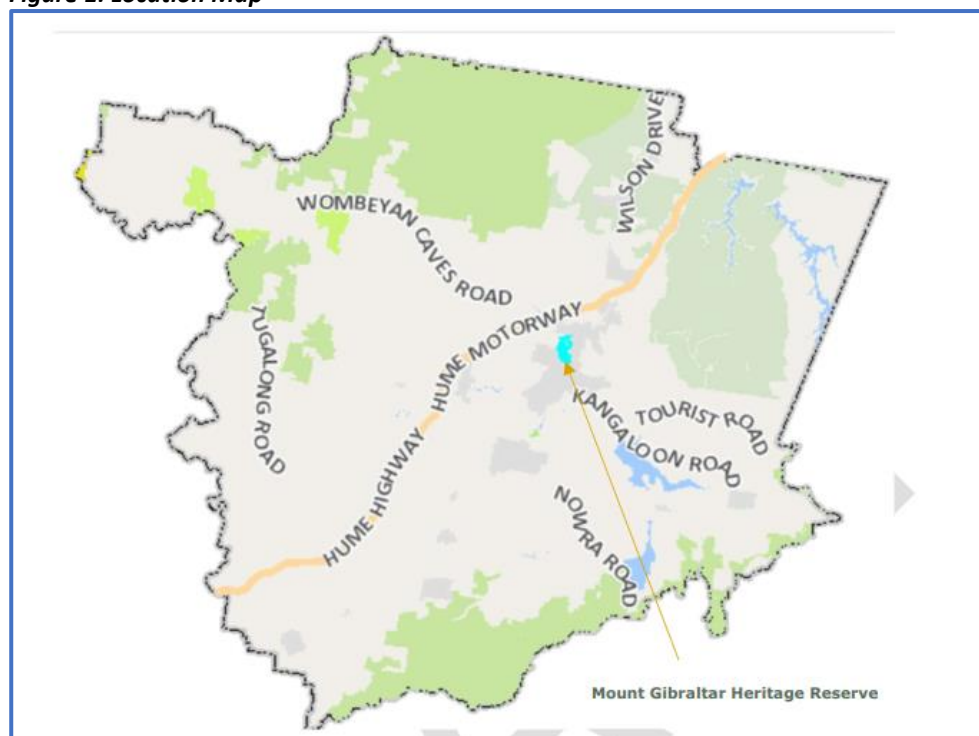
The land covered by this report is the Mt Gibraltar Heritage Reserve shown in **Figure 1: Location Map** and **Figure 2: Site and Category Map**.

The land subject to the draft PoM is a Crown reserve (R83436) managed by Council as a Crown land manager, and Council-owned land, both classified as community land under the LG Act and *Crown Land Management Act 20126* (CLM Act). Community land must have a plan of management (PoM) 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 Crown reserve and Council-owned community land and its proposed categorisation.

Mount Gibraltar Heritage Reserve covers an area of approximately 130 hectares and is centrally located between Bowral and Mittagong. Oxley Drive dissects the reserve. This road connects Mittagong and Bowral. See Location Figure 1: Map

Figure 1: Location Map



Source: Draft Mt Gibraltar Heritage Reserve PoM 2023

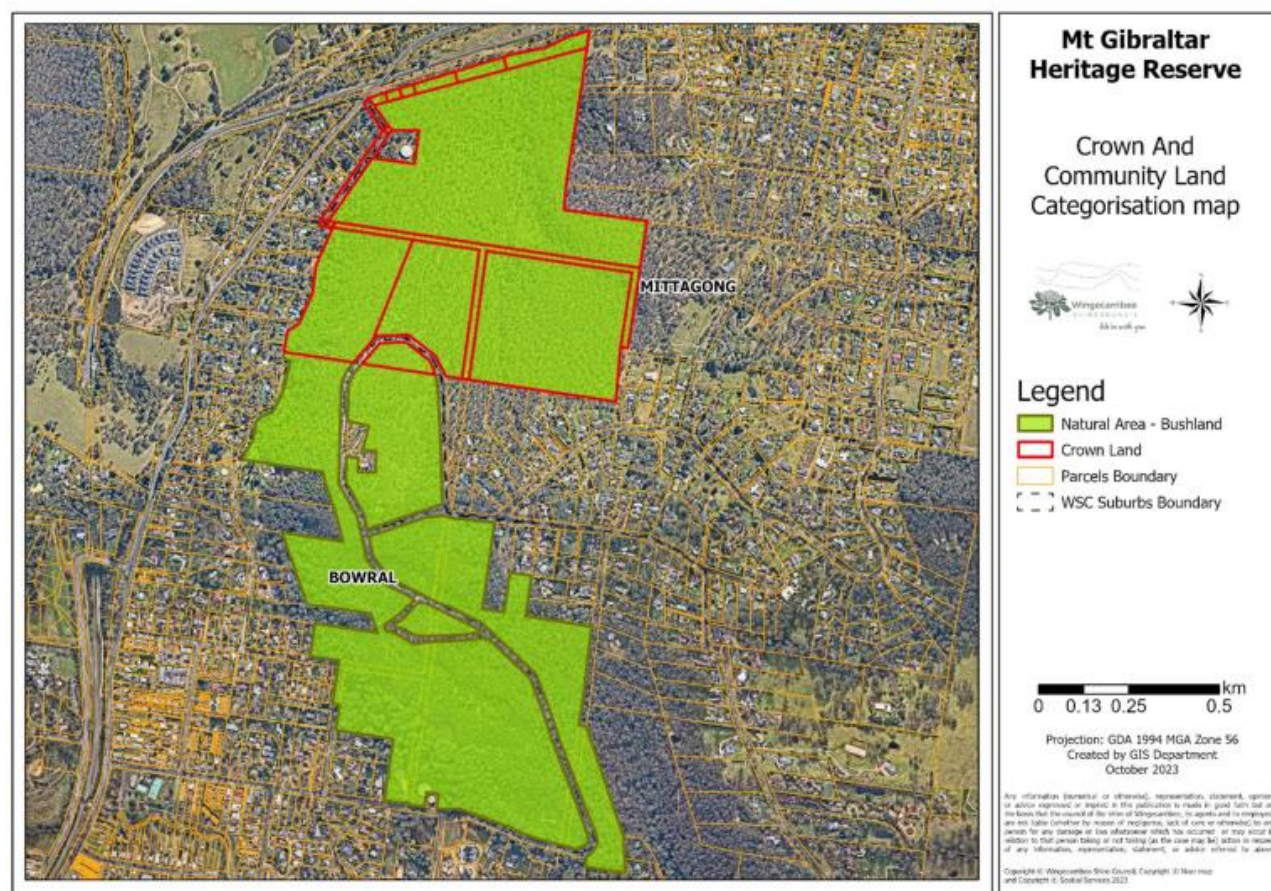
The land in the Mt Gibraltar Heritage Reserve is comprised of three allotments of Council owned land, and 11 allotments of Crown land reserved for public recreation in the Parish of Mittagong, County of Camden.

Asset ID	Lots and DP	Area (m ²)
Council owned community land - Council first purchased the quarry land in 1919 for the purpose of creating a reserve, declaring it a Bird and Animal Sanctuary in July 1940, and has steadily acquired adjacent land to secure its future for the enjoyment of the community and the preservation of this unique site		
	Lot 129 DP 1263043	581542
	Lot 1 DP 133145	40083
	Lot 1 DP 1198483	6183
Crown Reserve 83436 - reserved for public recreation, gazetted 8 September 1961. Council resolved 10 June 2020 to be appointed as Crown Land Manager and this was confirmed 28 May 2021		
	Lots 1-6 DP 259828	20283
	Lot 1 DP 784884	77579
	Lot 2 DP 169019	145467
	Lot 32 DP 771155	277847
	Lot 2 DP 111872	78372
	Lot 2 DP 1174086	25341

Source: Draft Mt Gibraltar Heritage Reserve PoM 2023

Figure 2: Site map shows the different types of land - Crown reserve (outlined in red) and Council owned community land (the balance of the land) covered by the PoM.

Figure 2: Site and Category Map



Source: Draft Mt Gibraltar Heritage Reserve PoM 2023

1.3 Background

Wingecarribee Shire Council prepared the draft PoM for the Mt Gibraltar Heritage Reserve, Oxley Road, Mittagong/Bowral, and Council resolved (16 November 2023) to exhibit the draft PoM for Mt Gibraltar Heritage Reserve.

The draft PoM is on public exhibition with submissions to the draft PoM being received until 5.00pm 23 February 2024.

The Draft PoM can be viewed online on the Participate Wingecarribee page

<https://participatewingecarribee.wsc.nsw.gov.au/plan-of-management-mount-gibraltar-heritage-reserve>)

which also states can be viewed in printed format at the Civic Centre and Council libraries, and in Council's Document Library.

2 PLANNING CONTEXT

2.1 Community land

Land vested (owned or controlled by Council) is defined in the LG Act as 'public land', with exceptions such as roads. The CLM Act directs local councils, which are appointed as Crown land managers over Crown reserves, to manage those Crown reserves as public land under the LG Act.

All public land is to be classified as either 'community' or 'operational' land (LG Act Chapter 6, Part 2 Division 1). Council is responsible for the classification of its Council owned land, and the Minister administering the CLM Act provides an approval for classification of Crown reserves.

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 both LG and CLM legislation. 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 (LG) 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.

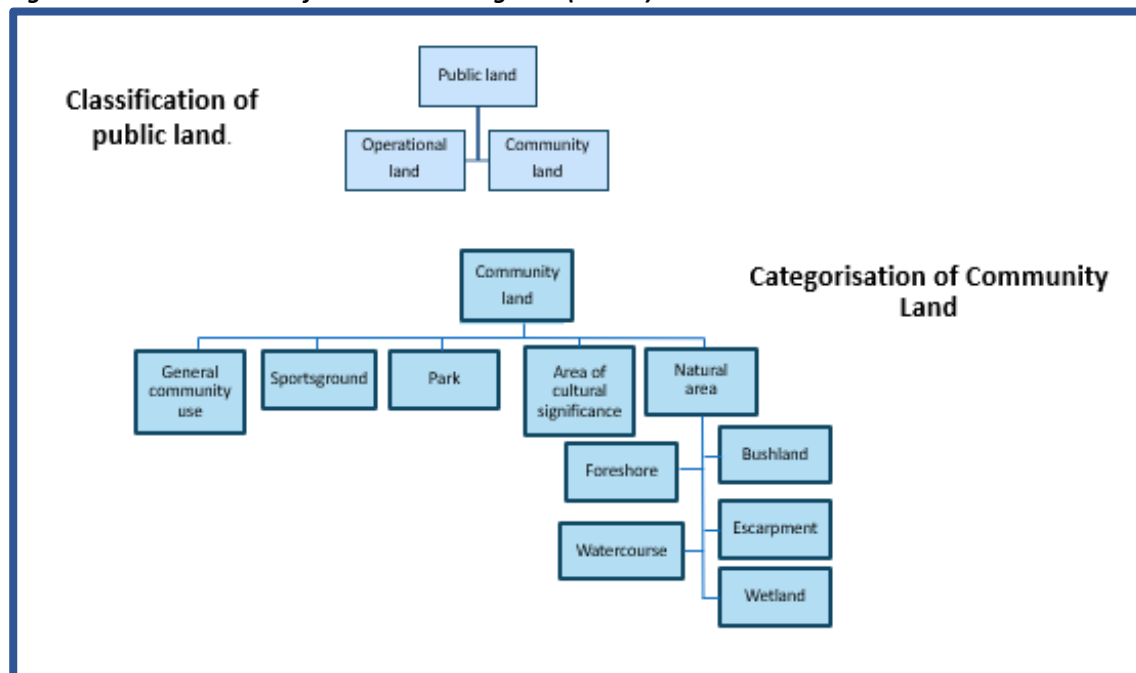
2.2 Categories of community land

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 Mt Gibraltar Heritage Reserve Plan of Management

There is one category assigned in the Draft PoM: Natural Area - Bushland. 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.

Figure 4: Draft Plan of Management Category, Core Objectives and Guidelines for Categorisation

Guidelines (LG Regulation)	Core objectives (LG Act)
<p>Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the Act if the land contains primarily native vegetation and that vegetation—</p> <p>(a) is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>(2) Such land includes—</p> <p>(a) bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated.</p>	<p>The core objectives for management of community land categorised as bushland are—</p> <p>(a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>(b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>(d) to restore degraded bushland, and</p> <p>(e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>(g) to protect bushland as a natural stabiliser of the soil surface.</p>

Source: Draft Mt Gibraltar Heritage Reserve PoM 2023

2.4 Proposed categorisation in Draft Mt Gibraltar Heritage Reserve 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 formally assigns a Natural Area – Bushland category over the Council owned community land and so a public hearing is required under Section 40A of the LG Act.

While a Natural Area – Bushland category has also been applied to the Crown reserve community land, Council is not required to conduct a public hearing about applying or changing categories as Crown reserves are exempted from the public hearing process by Cl.70A of the Crown Land Management Regulation 2018.

Refer to **Figure 2: Category Mapping in the Draft PoM** which sets out the land where the community land category has been assigned.

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 and community web pages, and notice was given through Council's Participate Wingecarribee Page.

Notice was also sent via:

- the Participate newsletter "Participate Wingecarribee Community Consultation News";
- Wingecarribee Web (Environment and Sustainability News) to notify about the public exhibition of the Mt Gib POM (and directed to the Participate Project Page) via this e-newsletter; and
- Land for Wildlife (January 2024) e-news newsletter.

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. Submissions may be made until 5.00pm 23 February 2024.

3.3 Attendance at the Public Hearing

The Public Hearing was convened and managed by:

- Carl Malmberg, Independent Chair – CGM Planning;
- Colette Goodwin, Director CGM Planning (record of the proceedings);
- Karen Guymer, Coordinator Natural Resource Projects, Wingecarribee Shire Council;
- Shaun Robinson, Manager Assets, Wingecarribee Shire Council;
- other Council officers were present as observers but did not participate.

21 members of the public attended and a record of these people is in Appendix 3.

3.4 The Public Hearing

The Public Hearing was conducted at the Council Civic Centre Theatrette, Moss Vale between 5.00pm and 6.00pm on Tuesday 6 February 2024.

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

The meeting followed the agenda set out in **Figure 5**.

Figure 5: Public Hearing Agenda

Introduction Acknowledgement of Country <ul style="list-style-type: none">Coordinator Natural Resource Projects	WSC	5.00-5.05 pm
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 categorisationThe proposed category and mapped areas for "The Gib"	WSC	5.15-5.35 pm
Questions and Answers <ul style="list-style-type: none">Open Questions & Answer session, submissions madeRecord of Hearing and submissions	WSC CGM	5.35 pm onwards
Next Steps <ul style="list-style-type: none">Availability of ReportPublic Exhibition of draft Plan of Management	WSC CGM	6.00 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 assigning a community land category to the Mt Gibraltar Heritage Reserve land.

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 in a summary report.

The Chair stated the Public Hearing was essentially about one matter which was the use and nature of 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 noted in the hearing record 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 Mt Gibraltar Heritage Reserve and the Draft PoM are provided in the following table. See **Figure 6**. The responses given by the Council, or the Chair, are also provided.

Figure 6: Record of Public Hearing Questions, Comments and Discussion

Item	Issue/matter raised by attendees	Council	Chair
Process of preparing the PoM	Will the draft PoM go back to the Minister?	Council has already received approval for the Crown land portion of the reserve to exhibit.	If there are significant changes to the PoM it will need to go back to the Minister.
How and why category applied	<p>The presentation shows that there is more than one category available, for example: watercourse.</p> <p>There are two significant rivers with headwaters starting in the reserve.</p>	<p>There are a few minor spring-fed watercourses within the reserve. These flow into Chinaman's Creek and Mittagong Creek to the north and south of the reserve.</p> <p>In Council's (generic) Draft Natural Areas PoM, Council has applied the watercourse category to significant water bodies, such as Welby Weir & the Wingecarribee River.</p> <p>In this case the Mt Gibraltar watercourses are part of the bushland reserve and will be protected under that category.</p> <p>Council chose Natural Area Bushland for wholistic management of the reserve rather than cutting it into smaller management units.</p> <p>Council has used multiple categories on sites e.g., park and sportsground, but, where the defining feature is bushland, Council has tended to use it.</p>	You can have more than one category on a piece of land but they usually can't overlap.
	<p>Will bushland category protect the land?</p> <p>If a portion were made park would it require a new plan?</p> <p>The Gib is degraded with a lot of weeds and exotics in the reserve so Bushland may not be the best category.</p>	<p>Yes, bushland will protect the land.</p> <p>Yes, a new or amended PoM would be required and it would go through the same exhibition process.</p> <p>Bushcare has been continually active in the reserve for over 30 years with volunteers, contractors and the Bushland Services Team working to</p>	

Item	Issue/matter raised by attendees	Council	Chair
		protect and enhance biodiversity through addressing key threatening processes. The bushland category ensures natural area restoration can occur, has several different objectives, and covers a wide range of types (both degraded and intact vegetation) and aims to protect and rehabilitate.	
Existing PoM from 1996	<p>What is current category?</p> <p>You have a 1996 PoM for the land.</p> <p>An attendee provided a single page (2 sided) document as (a summary of) the former PoM.</p>	<p>Unsure if Minister or Council ever adopted any former PoM, and not clear where the 'provided PoM' applied to community land or Crown reserve.</p>	<p>The 'provided PoM' may not have been formally adopted.</p> <p>It will not comply with current legislation and so a current draft PoM is the subject of the hearing.</p>
Purpose of the PoM	<p>What is the purpose of PoM?</p> <p>Will it guide Council, agencies, volunteers and the community?</p>	<p>The purpose of the PoM is to provide a framework for long term management of the reserve.</p> <p>It is to guide everyone including those mentioned.</p>	
Management of the land by Council	<p>If there is a change in category would the management of the land go to a different part of the Council?</p>	<p>The reserve will be managed wholistically by Council rather than just by one section.</p>	
Cultural Heritage	<p>Given the significant heritage on the site why isn't the cultural heritage category used?</p> <p>Can you have one or other?</p>	<p>Applying a category of an Area of Cultural Significance to recognise cultural heritage would be an overlay on Natural Area Bushland.</p> <p>Council has used the LG Act and Regulation to apply the category and chose one.</p>	
	<p>The community has waited 30 years for this PoM and it needs to be accurate to inform people who are using it.</p> <p>Can we emphasise the importance of the heritage of the reserve early in the</p>	<p>The category applied does not say that heritage or watercourses do not exist in the reserve.</p> <p>Bushland was considered the best fit and these elements and characteristics will be protected.</p>	

Item	Issue/matter raised by attendees	Council	Chair
	PoM so it is upfront and clear?	The draft PoM adequately covers the State heritage significance of the reserve. We can add some text upfront in the PoM to reflect the heritage significance.	
Use of the reserve by mountain bike users and others	Concern was expressed by an attendee that segments of the community are labelling mountain bike users and rock climbers as unauthorised users when this has been a long term activity in the reserve.	<p>Without a PoM in place management of the reserve has resulted in people engaging in unauthorised activities in the bushland. This may range from rock climbing to mountain biking and these activities can impact on heritage or bushland values.</p> <p>The land needs to be actively managed to deal with weeds, vertebrate pests, climate change and land slip to achieve the best outcome for the long term and for the community. We want people to enjoy it, but we need to balance uses with flora, fauna, and heritage.</p>	
	It is the balancing act about which I am worried.	There are some legacy issues that have arisen without a PoM in the way people have been using the reserve. For example, bike track construction on steep slopes and climbing on areas that may have significant Aboriginal heritage.	Please make a submission to the PoM about these management issues.
Kiosk use on the land	There is a suggestion that a kiosk maybe permissible on the land.	No response.	No response.
Longevity of PoM	<p>Will the PoM change overtime?</p> <p>Once the PoM is adopted how long will it be there?</p>	<p>Yes, it may change.</p> <p>There is no timeline for the length of the PoM but it would only change if something significant occurred. We anticipate it will be in place for about 10 years but reviewed annually. Unlike other areas where the function of the land may change (such as park to sportsground or addition of</p>	

Item	Issue/matter raised by attendees	Council	Chair
		general community use), major change for bushland is unlikely.	
Unformed/paper roads	What is happening to the roads in the area? Will King Street be closed and become part of the PoM?	Council unformed roads within the reserve are being surveyed and will be incorporated into the PoM. Yes, the part of King Street inside the PoM area is being surveyed and closed and will become part of the PoM. The northern part of King Street is located outside of the PoM.	
Voice for nature	Will the PoM be consistent with, or allow for Land for Wildlife program?	Yes.	
Number of PoMs	How many PoMs are on your list? Do you need one for every reserve?	Council is doing generic PoMs to cover most of the reserves in the LGA. Currently, a Generic Bushland POM (Natural Areas Bushland and Watercourse) and a Generic Recreation POM (Park, Sportsground and General Community Use) are being prepared.	
Making a submission	Can people living outside the area make a submission?		Yes
Final approval process for the PoM	When will the PoM move from being a draft document? How will Council consider the submissions? If categories change what happens?	The issues arising in the submissions will be summarised into major themes and a response provided. These will be reported to Council so you will be able to see how the issues are proposed to be dealt with. Any changes will be in the final PoM (reported to Council) and be adopted by Council. All submissions will be considered but not all suggestions will be incorporated. If there are significant changes to the categories it will go back on exhibition but not for minor adjustments.	

Item	Issue/matter raised by attendees	Council	Chair
State Environment Planning Policy 19	This document was found on the Participate Wingecarribee website and I do not understand its relationship to the PoM.	Not clear why that document is on the Participate website as the PoM is being prepared under the Local Government Act, so no we are not trying to bring it into the PoM.	<u>Post meeting note:</u> Council checked the Wingecarribee website and this document was not in the document library.
Attendee wanted to make a presentation on a private property matter	The matter was unrelated to the public hearing and the categorization of community land.	Council provided an additional 10 minutes after the meeting closed at 6pm for the attendee to address any attendees who wished to remain.	Requested the attendee cease speaking so the public hearing could be completed. The hearing agreed that the attendee could address any remaining and interested attendees after the hearing was completed.
Support for work in preparing the PoM	The staff were thanked by an attendee for their work in preparing the PoM and a round of applause was given.		

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 Record of the Public Hearing - Questions, Comments and Discussion was completed at this stage.

Council's Coordinator Natural Resource Projects and 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 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 and the meeting was closed at approximately 6.00 pm.

One submission was sent to Council by email on 6 February 2024, prior to the hearing as the emailer could not attend the hearing. This email stated:

I support the entire reserve being classified as Natural Area - Bushland as noted in the draft Plan of Management (PoM) that is currently on Public Exhibition I ask that the Area of Cultural Significance classification is also applied to entire reserve, due to its listing on the State Heritage Register. I appreciate that the draft PoM notes that the reserve is listed on the register but this PoM classification and the State Heritage listing are not mutually exclusive. I feel that adding the Area of Cultural Significance will highlight and reinforce to people reading / using PoM maps that the area has this significance.

4 RECOMMENDATIONS

4.1 Recommendations

This report recommends Council:

1. Notes that this report is an accurate summary record of the Public Hearing.
2. Notes there was no objection to the category of Natural Area - Bushland.
3. Notes that the request for suitable Draft PoM text early in the content to stress the heritage values of the Mt Gibraltar Heritage Reserves was supported by Council officers.
4. Notes a written submission (in lieu of attendance) that sought an additional community land category: Area of Cultural Significance be applied over the whole of the land in the Mt Gibraltar Heritage Reserve PoM.
5. Makes this Public Hearing Report available for public inspection as required under the LG Act Section 47G.
6. Considers the report before making any decision with respect to adoption of the draft PoM as required under the LG Act Section 734 Public hearings by a council.
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

What does the LG Act say about this Public Hearing?

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).
- (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).
- (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) from the categorisation of that land in the proposed plan that was considered at the previous public hearing.

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.

734 Public hearings by a council

- (1) This section applies to a **public hearing** that by this Act (section 29(1) excepted) 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 ?

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.

APPENDIX B: COUNCIL PRESENTATION - PUBLIC HEARING



Acknowledgement of Country

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.



Public Hearing Agenda

6 February 2024, 5-6pm

- Public hearing for categorisation of community land
- Background
- What is community land?
- What are the categories of community land?
- The proposed category and mapped areas for "The Gib"
- Open question and answer session

Independent Chair

Carl Malmberg
Director
CGM Planning & Development P/L

Wingecarribee Shire Council

Karen Guymer: Coordinator Natural Resources
Shaun Robinson: Manager Assets
Barry Arthur: Manager Environment and Sustainability



Public Hearing: Community land categorisation

- Draft Mt Gibraltar Heritage Reserve PoM was prepared to align with Council's current strategic documents.
- The draft PoM is on exhibition and can be found on the Participate Wingecarribee project page. Submissions are open until **5pm Friday 23 February 2023**.
- This public hearing is to examine and discuss the community land category at Mt Gibraltar Heritage Reserve in the draft PoM.



Public Hearing: Community land categorisation

Community Land Categorisation

- The *Local Government Act 1993* (Section 40A) requires an independently chaired public hearing be conducted, in respect of a proposed plan of management, if the proposed plan would have the effect of categorising, or altering the categorisation of community land.
- Only the Council-owned land categories are included in the public hearing. Crown reserve categories are exempt from public hearings (Crown Land Management Regulation, Clause 70A)
- The draft Mount Gibraltar Heritage Reserve plan of management 2023 will categorise the community land in a Plan of Management.
- Community land categories help define the future uses, management, developments and any leases or licences for the land.



Mount Gibraltar Heritage Reserve

Mount Gibraltar Heritage Reserve covers an area of approximately **130 hectares** and is centrally located between Bowral and Mittagong. Oxley Drive dissects the reserve. This road connects Mittagong and Bowral.

The Mount Gibraltar Heritage Reserve:

- Is approximately half Council-owned (south) and half Crown reserve (north)
- Is zoned C2 Environmental Conservation in the Wingecarribee LEP
- Has state heritage recognition (listed) with interpretive signage
- Is bounded by residential properties.
- Is a key passive recreational reserve of regional and state significance
- Contains walking tracks, fire trails, picnic tables, stone staircase, stone walls, lookouts and toilets
- Has a focus of native flora and fauna conservation



Mount Gibraltar Heritage Reserve



Left hand image is the Mt Gibraltar Heritage Reserve (outline and light blue/green colour)

Right hand image shows:

- The Crown Reserve 83436 managed by Council as a Crown Land Manager (red outline); and
- Council owned community land (yellow outline)

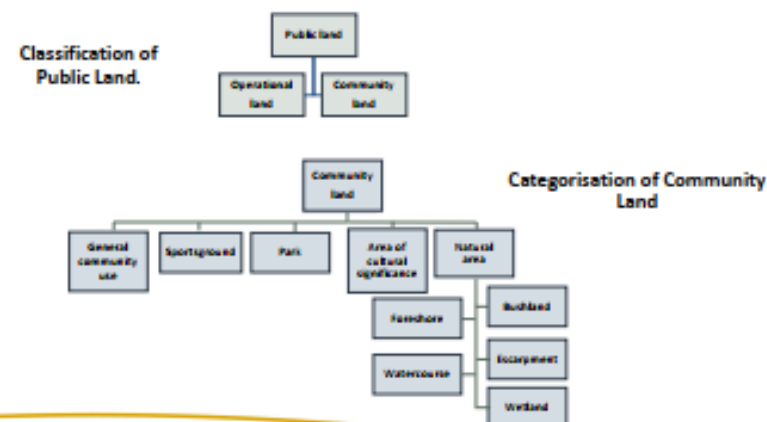


What is community land?

- Community land is land owned or controlled by Council.
- This can include Crown reserves under Council-appointed management – a Crown Land Manager
- Community land provides opportunities for immersion within nature, recreation, leisure, community development and services.
- 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.



Categorisation and classification



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 after the Crown Lands Minister's approval

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

Council considers the submissions received from public exhibition of the draft PoM and any public hearing report

Council adopts PoM, allowing any minor changes following public exhibition, and with the Crown Lands Minister's approval



Category used in the Plan of Management

- Council prepared the draft PoM 2023 to set the management framework for the reserve and apply the most suitable category to best reflect what is on the land and its intended use.
- The draft PoM category is applied to the land in accordance with the Local Government (General) Regulation 2021, Part 4, Division 1 Guidelines for categorisation of community land.
- The category objectives are set out in the LG Act and define uses, management, development, and leasing/licensing.
- The draft PoM 2024 category is: **Natural Area Bushland.**



Why Natural Area? (LG Reg)

102 Guidelines for categorisation of land as a natural area

- If the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.

Note—

- Community land comprising the habitat of endangered or threatened species must be categorised as a natural area.
- Community land that is the site of a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or that is the site of a wildlife corridor, must be categorised as a natural area.



Guidelines for categorisation of land (LG Reg)

Natural Area Bushland

107 Guidelines for categorisation of land as bushland

- (1) Land that is categorised as a natural area should be further categorised as bushland under section 36(5) of the (LG) Act if the land contains primarily native vegetation and that vegetation—
 - a) is the natural vegetation or a remainder of the natural vegetation of the land, or
 - b) although not the natural vegetation of the land, is still representative of the structure or floristics, of the natural vegetation in the locality.



Bushland Category Objectives (LG Act)

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface.

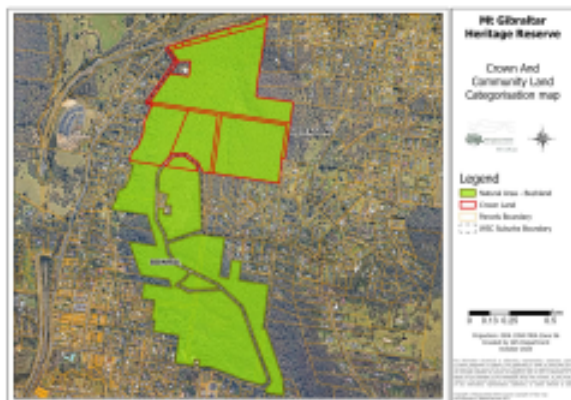


Management of Natural Area Bushland in essence will:-

- Protect the biodiversity and ecological values of the reserve
- Protect waterways and the associated riparian vegetation, habitat and bank stability, as well as protect rocky outcrops, bushrock, caves, escarpments, ridgelines, and vistas.
- Promote community education, and community access to and use of the bushland, without compromising the other core objectives of the category
- Enable Bushcare/natural area restoration, and biodiversity monitoring through citizen science.



Assigned PoM category



2024 Draft PoM community land categories

- The entire reserve has been categorised as **Natural Area Bushland**
- Roads are not public land: neither community nor operational land
- Some land used for infrastructure is classified as operational land



Why Natural Area Bushland?

- The Natural Area Bushland category was applied to the entire area and the objectives of this category were the best fit for long term management of this reserve
- Natural Area Watercourse was not applied for the minor waterways that flow through the reserve – the bushland category will ensure appropriate management of these areas
- Natural Area Escarpment was considered however the category was going to be challenging to define and the current bushland objectives cover this feature of the reserve. Threatened species and Threatened Ecological Communities (TECs) are located on and around the geological feature (microsyenite).



Why Natural Area Bushland?

- Area of Cultural Significance (AOCS) was not applied over the reserve as the entire reserve is State Heritage Listed for its historical (quarries) and biodiversity significance
- The reserve is protected under the WLEP2010
- The action plan within the Plan of Management outlines steps for Council to follow to address the different aspects of heritage within the reserve
- The heritage significance is recognised and protected without the need for an additional category.



Comments

Questions

Discussion



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 [Participate Wingecaribee](#)
- Any further submissions about the categorisation of the land will be considered as part of the submissions related to the draft PoM public exhibition.



APPENDIX 3
RECORD OF ATTENDEES AT THE 6 FEBRUARY 2024 PUBLIC HEARING

Baily, Ruth
Bawden, Peter
Buttfield, Andrew
Buttfield, Jo
Cairns, Sarah
Campbell, Vanessa
Dalziel, Annemaree
Flint, Margie
Lemann, Jane
Lobban, Marjorie
McNeill, Colin
Murray, Gavin
Olsen, Alan
Parry, Rowena
Tompson, Bruce
Townsin, Bud
Turland, Garry
White, Gaye
Wurfel, Peter
Young, B
Zegenhagen, Kim