


Plan of Management

Mount Gibraltar Heritage Reserve

Draft November 2023





We acknowledge the Gundungurra and Dharawal people as the traditional custodians of this place we now call the Wingecarribee Shire. We recognise the continuous and deep connection for Gundungurra and Dharawal 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.

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Mt Gibraltar Heritage Reserve Plan of Management - REVISIONS

VERSION	DATE	DESCRIPTION	BY
1	23 November 2021	Draft Plan of Management for Natural Areas has provided the basis for this Plan of Management	CGM Planning
2	08 May 2023	Draft Mount Gibraltar Heritage Reserve Plan of Management for Council endorsement to submit to DPE – Crown Lands	WSC
3	16 November 2023	Council endorsement for the Draft Mount Gibraltar Heritage Reserve Plan of Management to go to public exhibition	WSC

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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 and council-managed Crown reserves classified as community land at the Mount Gibraltar Heritage Reserve in Wingecarribee Shire.

The POM is required in accordance with Section 36 of the *Local Government Act 1993* (LG Act) and Section 3.23 of the *Crown Land Management Act 2016* (CLM Act).

This POM is a specific document covering the community land within the Mount Gibraltar Heritage Reserve categorised as Natural Area – Bushland.

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>



MOUNT GIBRALTAR QUARRY

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.

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.

Traditional Custodians of the Southern Highlands are the Tharawal 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.

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.

Wingecarribee Shire has nearly 3,000 hectares of Bushland Reserves under Council's management and this significantly adds to the character of the area. Mount Gibraltar Heritage Reserve is centrally located between Bowral and Mittagong in the most populated part of the Shire and is the most visited Council managed bushland reserve.

The location of Mount Gibraltar Heritage Reserve within Wingecarribee Shire is shown in Figure 1.

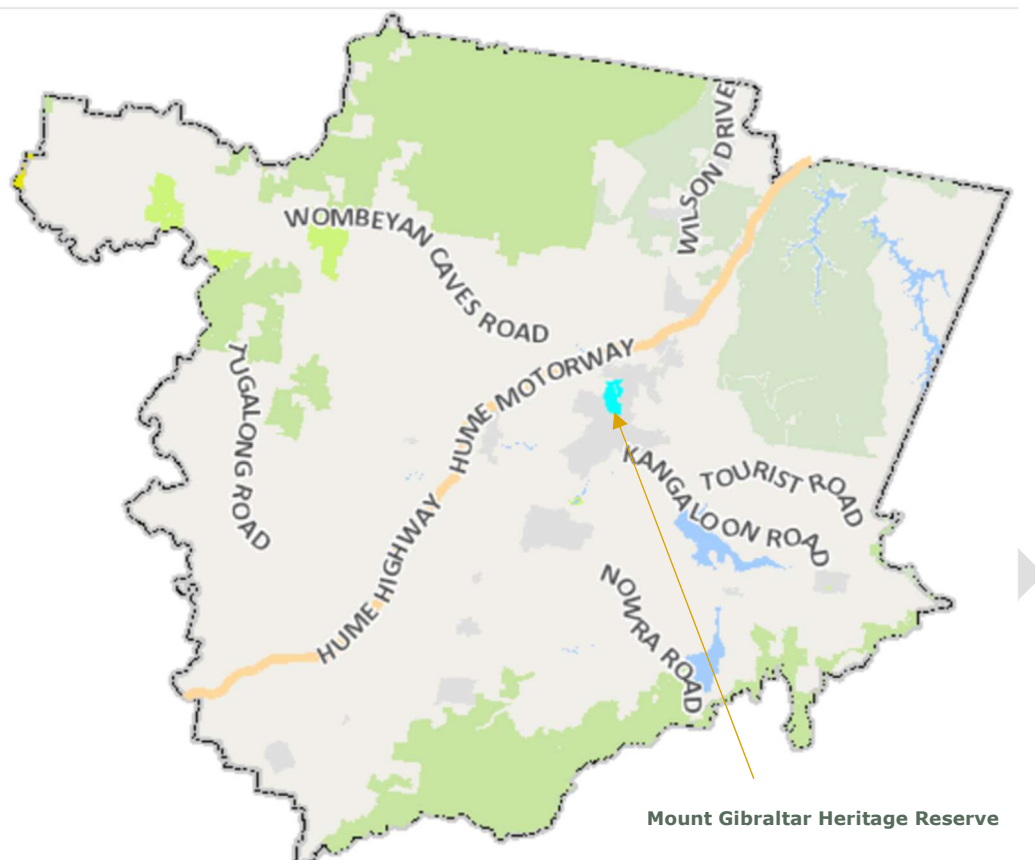


FIGURE 1. LOCATION OF MOUNT GIBRALTAR HERITAGE RESERVE WITHIN WINGECARRIBEE SHIRE

2.2 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 *Crown Land Management Act 2016* (CLM Act) authorises local councils (council crown land managers) appointed to manage dedicated or reserved Crown land to manage that land as if it were public land under the LG Act. Therefore, all Crown land reserves managed by council are also required to have a POM under the LG 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.

2.3 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 COUNCIL MANAGED CROWN RESERVES AND COUNCIL-OWNED COMMUNITY LAND

2.4 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 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.

Council may continue to acquire or divest land for the benefit of the community or be appointed Crown land manager for Crown land reserves. Land may also come into council's ownership by dedication of land for open space.

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

2.5 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:

- Workshop with Mt Gibraltar Bushcare and Landcare Group on Thursday 16 June 2022 at Renwick Community Centre
- Online community survey through Your Say Wingecarribee from Monday 20 June 2022 to Tuesday 19 July 2022.

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 17 August 2022.

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 8 May 2023, 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 16 November 2023 to 23 February 2024 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. The CLM Act and Regulation does not require a public hearing if the community land categories assigned to Crown reserves are amended after Council's Notice of Initial Assignment.

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 sub-categories.

3.3 Management of Crown land

The use of the Crown land described in this POM must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth *Native Title Act 1993*
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the CLM Act
- consider any interests held on title.

Management of Crown reserves shall be in alignment with the reserve purposes, and generally there are additional elements that may influence how Council shall manage Crown reserve. Examples of this include conditional attachments to appointment instruments, or compliance requirements with specific or general rules published in NSW Government Gazette. Councils must also comply with any Crown land regulations that are made in future.

There are no conditions attached to any Crown land manager appointment notice for Council. A Crown land management rule has been made under s.3.15 of the CLM Act for the granting of leases and licences for communication infrastructure related purposes on Crown land. Under this rule, Crown land managers cannot, under any act (including the LG Act), grant any lease or licence authorising:

- the installation or construction of communication infrastructure on Crown land
- the placement of communication infrastructure on Crown land
- the use of communication infrastructure that is located on Crown land
- access to communication infrastructure that is located on Crown land.

However, the rule does not prevent the holder of a holding granted by the Minister administering the CLM Act subletting of communication infrastructure located on Crown land in accordance with the conditions of a holding granted by the Minister.

3.4 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 2031

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.

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.

This vision provides direction for the use and management of Mount Gibraltar Heritage Reserve.

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

Community desires:

- Our unique natural environment is valued, protected and enriched
- 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.

Strategy:

- Protect and improve biodiversity
- Sustainably manage natural resources for broader community benefit
- Plan for predicted impacts of climate change

Measuring Progress:

- Regenerated bushland/restoration of natural bushland
- Number of threatened species both endangered and vulnerable (is reduced)
- Water quality is improved
- Litter and rubbish dumping is minimised.

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)
- Undertake Flood and Bushfire studies as the climate shifts to directly inform local planning controls to minimise the impact on the community from natural disasters (M)
- Prepare and implement Bushfire Management Plans for Council bushland reserves to optimise biodiversity while still protecting life and property (L)
- 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: Improve biodiversity corridor connectivity

- Finalise, refine and improve bushland and biodiversity plans (for example a Koala Plan of Management) and mapping products to form part of the planning framework against which decisions must be made. (H)

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)

Wingecarribee Local Environmental Plan 2010

Objectives include:

- a) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee
- b) to conserve the Aboriginal and European cultural and environmental heritage of Wingecarribee
- c) to protect areas of high scenic landscape value
- d) 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)
- e) to prevent loss of life and property by bush fires, by discouraging the establishment of incompatible uses in bush fire prone areas and incorporating as part of compatible developments protective measures that minimise bush fire risk without unacceptable environmental degradation
- 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.

South-East and Tablelands Regional Plan 2036

The NSW Government's South-East and Tablelands Regional Plan 2036 gives clear direction to WSC when preparing the plans above. One of the 4 goals for the region is "A diverse environment interconnected by biodiversity corridors" which demonstrates the importance of the Great Western Wildlife Corridor and Illawarra Escarpment Corridor within the Great Eastern Ranges. One of the 5 themes is "Enhancing sustainable and resilient environments", with a potential Indicator of reduced number of critically endangered, endangered, and threatened animal species, plant species and ecological communities and objectives including: Protect important environmental assets; Enhance biodiversity, habitats and the connections between them.

Council's commitments in the Community Strategic Plan, LSPS and Wingecarribee LEP 2010 above align with this goal.

4 Reserve Description

4.1 Site description

This POM applies to the Mount Gibraltar Heritage Reserve shown in Figures 3, 4, 5, 6 and 7 and includes:

- Council owned community land, and
- Crown reserve with Council as Crown Land Manager (CLM), that is, land owned by the State of NSW (the Crown) and managed by Council



FIGURE 3. MOUNT GIBRALTAR HERITAGE RESERVE
(SOURCE: WSC GEOCORTEX)



FIGURE 4. LAND TENURE, WITH THE RED OUTLINE
REPRESENTING CROWN LAND MANAGED BY COUNCIL
(CLM) (SOURCE: CROWN LAND PORTAL)

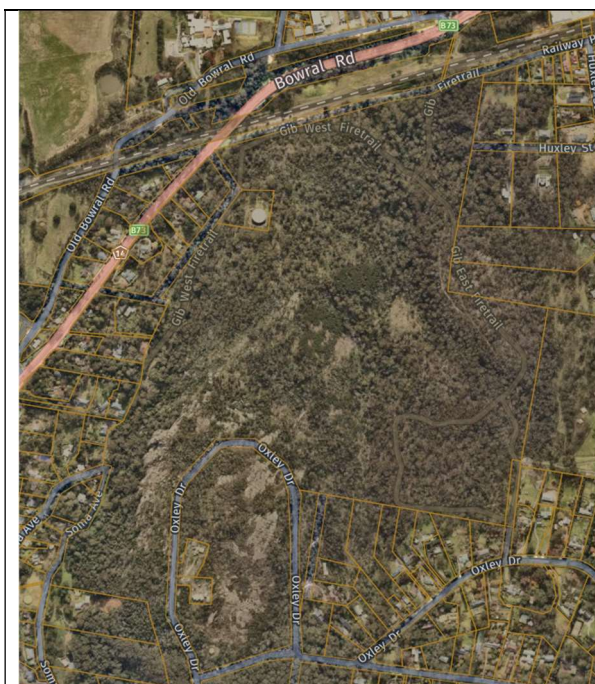


FIGURE 5. AERIAL PHOTO OF THE NORTHERN SECTION OF THE RESERVE (NEARMAP 22/5/2023)

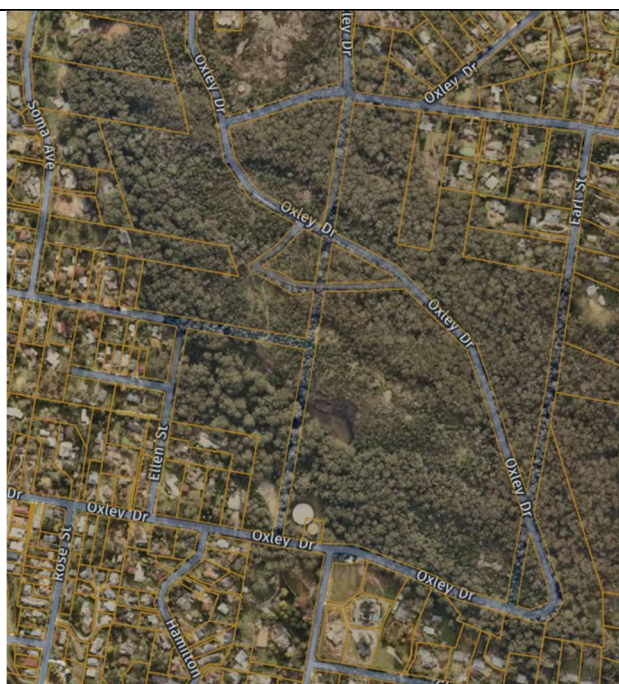


FIGURE 6. AERIAL PHOTO OF THE SOUTHERN SECTION OF THE RESERVE (NEARMAP 22/5/2023)

Mount Gibraltar, “The Gib”, is a prominent tree-clad bluff at the western end of the Mittagong Range. It stands at the gateway to the Southern Highlands of New South Wales and is the highest point between Sydney and Canberra at 863 metres above sea level.

Mount Gibraltar is the remnant of a 180 million years igneous intrusion which lifted the overlying sandstone and shale layers, with a fault that developed on the west with further igneous intrusion. The rapid erosion of the sandstone and shale layers exposed the cool hard rock, a fine-grained microsyenite (trachyte), around 100 million years ago. This rock is clearly exposed at the summit of Mount Gibraltar and in boulders, quarries and cliff faces along the western face, huge scars in the rock faces which are scenically magnificent.

The Reserve supports a diverse array of native plant, animal, fungi and micro-organisms particular to Mount Gibraltar’s altitude and microsyenite-rich soils.

Mount Gibraltar is an iconic landmark of special significance, recognised in the following listings:

- Mount Gibraltar Forest of the Sydney Basin Bioregion Endangered Ecological Community under the *Biodiversity Conservation Act 2016* - The unique geology of the area supports a collection of flora that, as an assemblage, does not exist outside of the Reserve. See **Appendix 2** or <https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10545#:~:text=Mount%20Gibraltar%20Forest%20is%20a,piperita%20and%20Gully%20Gum%20E>
- Uplands Basalt Eucalypt Forest (UBEF) of the Sydney Basin Bioregion Endangered Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* <https://www.environment.gov.au/biodiversity/threatened/communities/pubs/60-listing-advice.pdf>
- Mount Gibraltar Trachyte Quarries Complex NSW State Heritage Item – Mount Gibraltar Quarries are significant as purpose-built quarries that were used consistently for 100

years of quarrying, from 1886 to 1986. The trachyte quarried there is unique and provided dimension stone for notable buildings throughout NSW and internationally. The quarries were an important aspect of Bowral's industrial history. See **Appendix 3** or <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060563>

Mount Gibraltar Heritage Reserve is located centrally between Bowral and Mittagong and is around 4km from both town centres. The Reserve is 130 hectares and consists of Council owned land and Crown Land with Council Crown Land Manager. The boundaries are generally defined by Oxley Drive to the south and Railway Land and Bowral Road to the north.

The mountain forms a watershed for the Wingecarribee River and the Nattai River, both of which flow into the Sydney drinking water supply.

A detailed description of Mount Gibraltar Heritage Reserve, its human and natural histories, is included in the book: *The Gib: Mount Gibraltar: Southern Highlands*, Mount Gibraltar Landcare and Bushcare under the auspices of Wingecarribee Shire Council, 2009. Available online at: <https://www.wsc.nsw.gov.au/Facilities/Parks/Mount-Gibraltar-Heritage-Reserve>

Council's *Parks Strategy 2016* classifies the Reserve as a Bushland Reserve with Service Level 1. Since 1993 the Mt Gibraltar Bushcare and Landcare Volunteers together with Council staff have been systematically weeding the Reserve and encouraging natural regeneration.

The reserve is referred to as Mount Gibraltar Heritage Reserve but the reserve name is not currently registered with the NSW Geographical Names Board.

4.2 Property descriptions

Mount Gibraltar Heritage Reserve is made up of several separate parcels of land. The northern part of the reserve is Crown land with Council as Crown land manager. The southern part is Council owned community land (Figure 4).

The community land and Crown reserves are defined by real property identifiers (lots and deposited plans) and Crown reserve number.

Table 1 – Land parcels to which this POM apply		
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
Council road reserves to be incorporated into Reserve - Council resolved 28 July 2021 and 16 April 2022 to endorse the application for closure of unformed roads within the Mount Gibraltar Heritage Reserve		
	Earl St, Bowral	
	King St, Bowral	
	Cliff St, Bowral	
	Ellen St, Bowral	

There are other parcels of land within and around Mount Gibraltar Heritage Reserve, whilst not classified as community land, impact on the management of that community land. This POM does not apply to these parcels.

Table 2 – Land not covered by this POM		
Lots and DP	Area (m ²)	Comments
Council owned operational land within Mount Gibraltar Heritage Reserve		
Lot 128 DP 1263043	4091	Radio tower site Council resolved 16 April 2022 to be classified part operational, part community land zoned C2
Lot 31 DP 771155	8351	Reservoir N zoned SP2
Lot 1 DP 159328	1381	Reservoir S zoned SP2
Land owned by Telstra Corporation Limited		
Lot 1 & 3 DP 222145	3584	Radio tower site zoned C2
WSC Developer Contributions Plan – Open Space, Recreation, Community and Cultural Facilities 2012-2036 adopted in 2014 includes the acquisition of 4 parcels of land for inclusion in the Mount Gibraltar Heritage Reserve.		
Part of 3 Soma Ave, Bowral		Currently zoned RE1 Public recreation
Part of 15-17 Soma Ave, Bowral		Currently zoned RE1 Public recreation

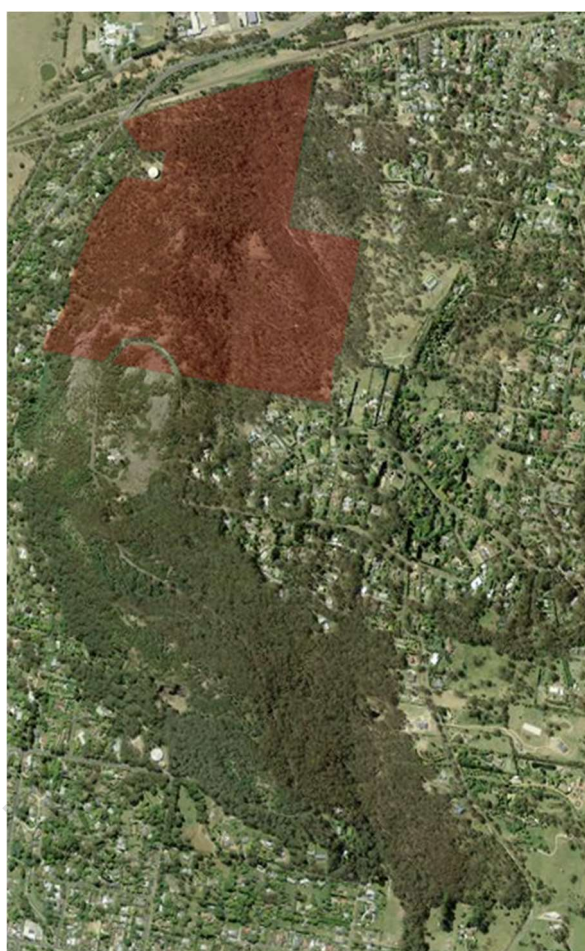
Part of 19-21 Soma Ave, Bowral		Currently zoned RE1 Public recreation
Part of 1 Duke St, Bowral		Currently zoned RE1 Public recreation

4.2.1 Council owned community land

This is the first POM prepared for Mount Gibraltar Heritage Reserve and the Council owned community land has not been categorised before.

4.2.2 Crown Reserve with Council Crown Land Manager

Council is the Crown land manager of Crown Reserve 83436 described in this POM in accordance with the legislation and conditions imposed by the minister administering the CLM Act 2016. See Figure 7.



Ref: Council Crown Land Manager Portal

Reserve Number	83436
Reserve Type	RESERVE
Reserve Name	
Gazetted Date	8/9/1961
Status	CURRENT
Management Type	Council Crown Land Manager
Manager	Wingecarribee Shire Council
Purpose	Public Recreation
Additional Purpose	
Lots	Whole: Lot 2 DP 169019, Lots 1-6 DP 259828, Lot 32 DP 771155, Lot 1 DP 784884, Lot 2 DP 1118702, Lot 2 DP 1174086
Parish	MITTAGONG
County	CAMDEN
LGA	WINGECARRIBEE
Suburb	MITTAGONG, BOWRAL
Area (m ²)	623,628.46

FIGURE 7 – CROWN RESERVE 83436 DESCRIPTION

Council on 27 February 2019 resolved that Crown Reserve 83436 be categorised as Natural Area – Bushland and Area of Cultural Significance and this was confirmed by Crown Lands on 14 November 2019. This initial assignment is a 'gateway step' and Council is entitled to amend it in this draft POM so that the categorisation is the most suitable for the reserve purpose while effecting the LG Reg provisions guiding the assignment of categories.

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.

Mount Gibraltar Heritage Reserve covered by this POM is zoned under the WLEP as C2 Environmental conservation. See Figure 8 Land use zoning.

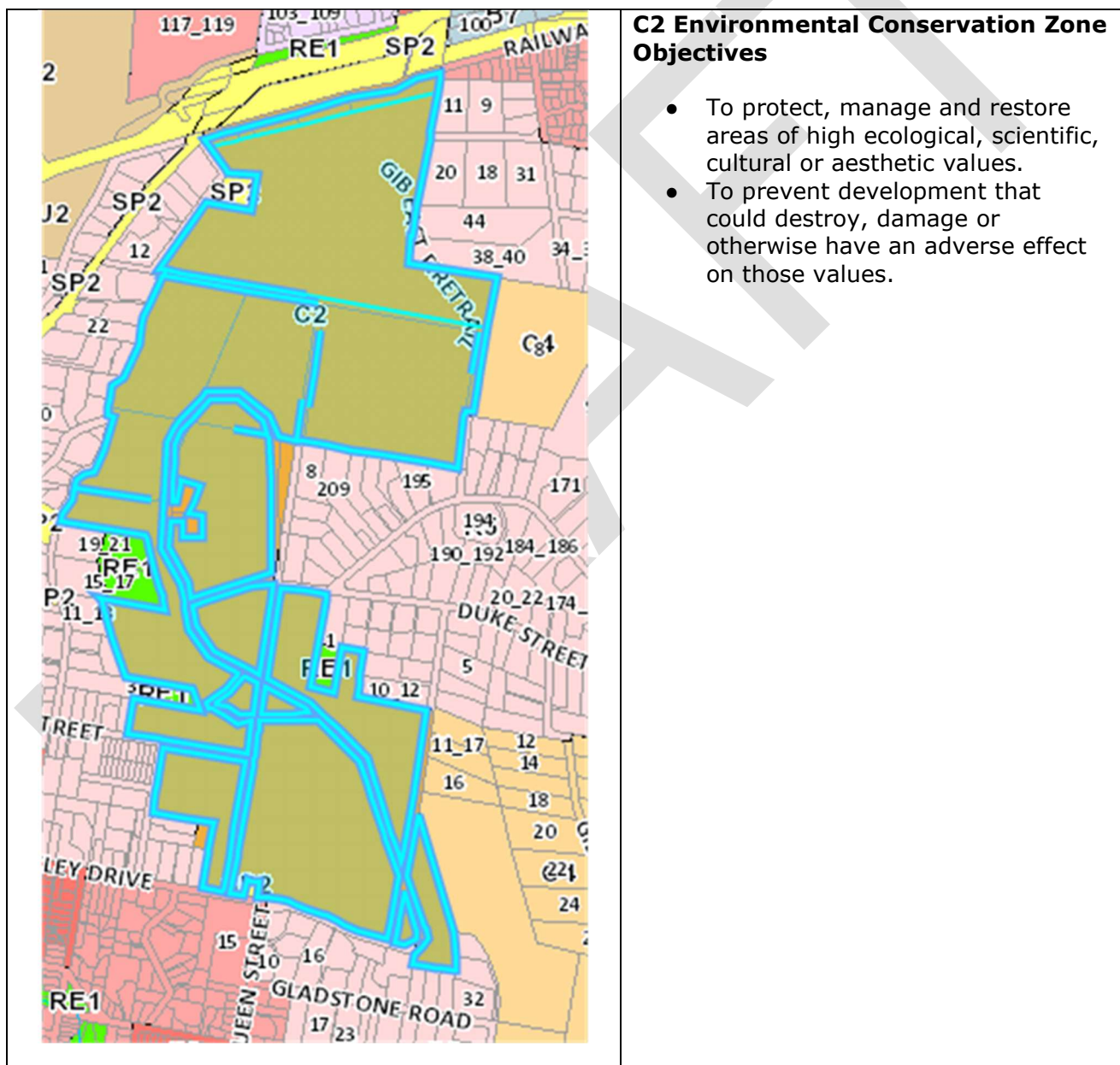


FIGURE 8: LAND USE ZONING (WLEP2010)

4.4 Heritage conservation

Mount Gibraltar Quarries are significant as purpose-built quarries that were used for 100 years until 1986. There are six distinct quarrying locations regarded as being historically significant. The quarries retain many elements of their industrial heritage including scars of the quarrying that show how the stone was removed, machinery and the remains of trackways and tramways.

Mount Gibraltar Heritage Reserve is included in WLEP Schedule 5 as a heritage item archaeological.

The relevant clause from WLEP is Clause 5.10 Heritage conservation.

(1) The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of Wingecarribee,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The location of the trachyte quarries and the heritage item are shown in Figure 9 below.

The *Mount Gibraltar Heritage Reserve Interpretation Plan* was prepared for Council in 2016, to provide an integrated and consistent approach to the interpretation and presentation of the reserve that captures, explores and communicates the place's unique natural, cultural and industrial significance.



PHOTO CREDIT: FORD KRISTO PHOTOGRAPHY



Mount Gibraltar quarries survey June 2000

Trachyte quarries A, C - F

Quarries road formation - B

Sandstone quarry - H

Ref: "The Gib" Mount Gibraltar Southern Highlands book

FIGURE 9 – HERITAGE MAPS



Heritage map extract

Mount Gibraltar and Trachyte Quarries Complex
Oxley Drive, Bowral

Lot 1, DP 1208300; Lot 2, DP 1174086; Lots 1–6, DP 259828; Lot 1, DP 133145; Lot 2, DP 169019; Lots 31 and 32, DP 771155; Lot 1, DP 784884; Lot 2, DP 1118702; Lot 21, DP 856512; Lot 1, DP 159328

State significance

Items: I154 & I571

4.5 Vegetation and landform

The assemblage of plant species found in the reserve is identified as Mount Gibraltar Forest, an Endangered Ecological Community (EEC) under the NSW *Biodiversity Conservation Act*. See Appendix 2 for more information on this EEC.

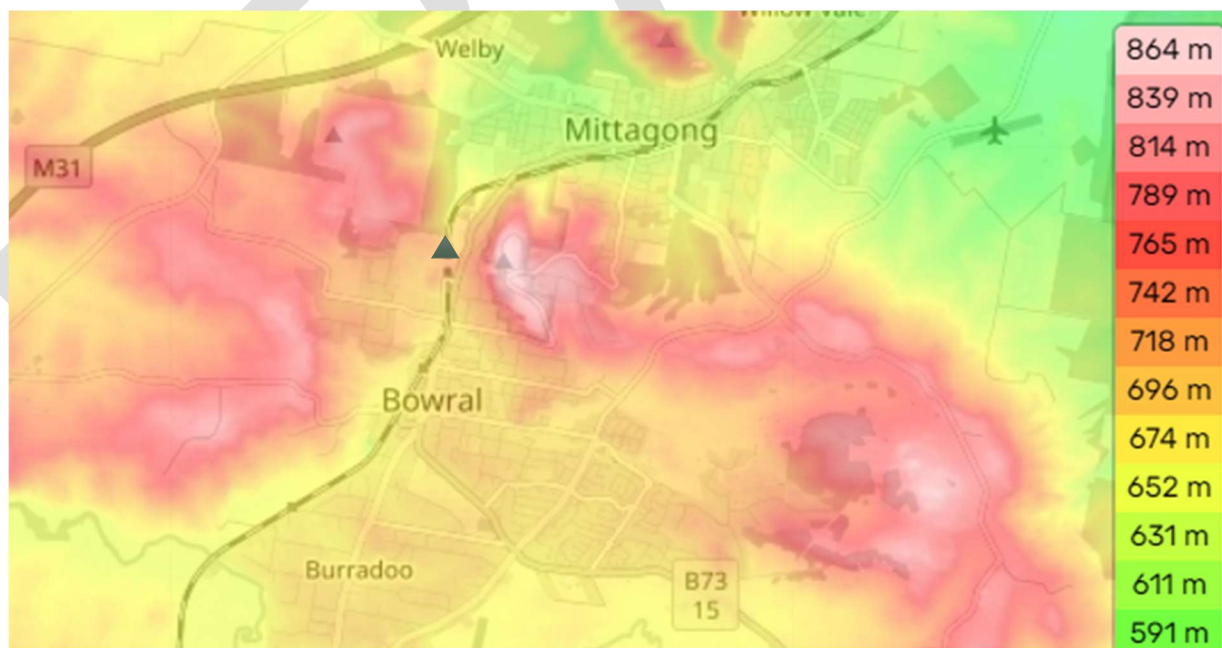
The vegetation of Mount Gibraltar Heritage Reserve consists of 6 plant community types (PCT) plus non-native vegetation. PCTs describe the classification and description of native vegetation at the finest level at a State level, i.e. across NSW (State Vegetation Type Map 2022).

PCT Name	PCT ID	Vegetation Formation	Vegetation Class
Southern Highlands Shale Margins Moist Forest	3222	Wet Sclerophyll Forests (Shrubby sub-formation)	Southern Escarpment Wet Sclerophyll Forests
Southern Highlands Shale-Basalt Wet Forest	3223	Wet Sclerophyll Forests (Shrubby sub-formation)	Southern Escarpment Wet Sclerophyll Forests
Blue Mountains Rocky Mallee Heath	3857	Heathlands	Sydney Montane Heaths
Southern Highlands Sandstone Peppermint Forest	3614	Dry Sclerophyll Forests (Shrubby sub-formation)	Sydney Hinterland Dry Sclerophyll Forests
Southern Highlands Enriched Sandstone Forest	3667	Dry Sclerophyll Forests (Shrubby sub-formation)	South East Dry Sclerophyll Forests
Southern Tableland Swamp Flats Shrub Woodland	3304	Wet Sclerophyll Forests (Grassy sub-formation)	Southern Tableland Wet Sclerophyll Forests
Non-native vegetation			

Ref: SEED <https://geo.seed.nsw.gov.au/>

TABLE 3: MOUNT GIBRALTAR PLANT COMMUNITY TYPES (PCT)

Mount Gibraltar is a bluff at the western end of the Mittagong Range, and its summit is over 200m above Mittagong township and more than 150m above Bowral (Figure 10). The altitude and geology support the distinct assemblage of plants found in Mount Gibraltar Heritage Reserve.



Ref: <https://en-au.topographic-map.com/map-w11mt/Mittagong>

FIGURE 10: MOUNT GIBRALTAR RESERVE TOPOGRAPHY

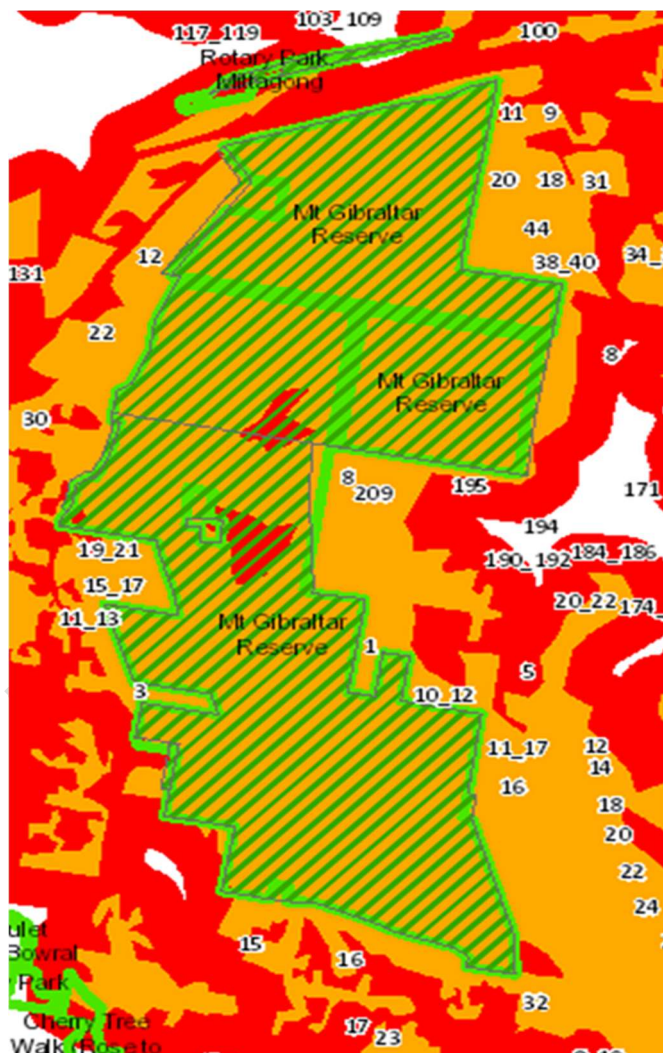
4.6 Bush fire

The whole of Mount Gibraltar Reserve is mapped as bush fire prone land (Figure 11). The bush fire prone land map is a trigger for consideration of what bush fire protection measures, as set out in *Planning for Bush Fire Protection 2019 Guide*, apply to neighbouring properties as part of any development application.

The bush fire risk management map identifies the community assets in and around Mount Gibraltar Heritage Reserve and sets out a program of treatments to reduce the risk of bush fire to these assets. Treatments fall under

- Fire exclusion zone (FEZ) around telecommunication towers on Mount Gibraltar
- Strategic fire advantage zone (SFAZ) to reduce spread and intensity of bush fires along Gib East fire trail, Inner Bowl and around telecommunication towers FEZ
- Asset protection zone (APZ) adjacent to neighbouring residences of eastern and western edges of the reserve

Treatments include hazard reduction burning, community education, fire trail maintenance and vegetation management.



Bush Fire Prone Land Map 2021 extract

- Green – Mount Gibraltar Reserve
- Orange – Bush fire prone land (Vegetation category 1)
- Red – Bush fire prone land (Vegetation buffer)

FIGURE 11 – BUSH FIRE PRONE LAND

4.7 Development controls for surrounding land

Residential land surrounding Mount Gibraltar Heritage Reserve is subject to specific planning controls in the Mittagong and Bowral Development Control Plans to retain a distinct and environmentally sensitive natural bushland character.

Council's preferred outcomes for the **Mittagong Township Mt Gibraltar Precinct** are that:

- a) the slopes of Mt Gibraltar retain a distinct and environmentally sensitive natural bushland character as an important means of:
 - i. assuring the longer-term preservation of a key determinant of Mittagong township's landscape setting,
 - ii. protecting vistas to Mt Gibraltar from the Mittagong business centre and other public places, and
 - iii. preserving a landmark natural feature and highly valued environmental assets including endangered, ecological communities of vegetation and core fauna habitat.
- b) development takes on a secondary significance to the retention of natural bushland vegetation.
- c) public open space shall be retained.
- d) the pattern of detached houses on generously sized garden and semi bushland allotments on the slopes of Mt Gibraltar will be retained. All buildings and structures will be visually unobtrusive, and the semi-enclosed landscape character protected, subject to appropriate bushfire risk management.
- e) the mixed indigenous and exotic (foliage trees) vegetated streetscapes and private gardens contributing to streetscape character will be retained and significant vegetation protected.
- f) the ridgelines and higher slopes of the Mittagong Range running east from Mt Gibraltar will retain their mixed semi-rural/bushland character and be protected from visually obtrusive development.

Council's preferred outcomes for the **Bowral Township North-East Precinct** are that:

- a) the western slopes of Mt Gibraltar retain a distinct and environmentally sensitive natural bushland character.
- b) development takes on a secondary significance to the retention of natural bushland vegetation.
- c) public open space shall be retained.
- d) the pattern of detached houses on generously sized garden and semi-bushland allotments on the slopes of Mt Gibraltar will be retained. All buildings and structures will be visually unobtrusive, and the semi-enclosed landscape character protected, subject to appropriate bushfire risk management.
- e) the mixed indigenous and exotic (foliage trees) vegetated streetscapes and private gardens contributing to streetscape character will be retained and significant vegetation protected.

4.8 Current condition and uses of the land

Mount Gibraltar Heritage Reserve is managed to protect the natural environment, flora and fauna, Aboriginal heritage, post 1788 heritage items and the beautiful bushland setting, whilst providing a suitable site for community recreation and tourism.

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 Mount Gibraltar Heritage Reserve is in Table 4 below.

Table 4 – Current use and condition of the land

Item	Condition description	Use
Bushland areas - Mt Gibraltar Forest ecological community	Good condition, with some weed on edges	Preservation of biodiversity and habitat
Inner Bowl picnic area - picnic tables, shelter and toilet	Toilet closed due to poor condition	Location for relaxation, passive recreation and low-key eco-tourism
Bowral lookout - picnic facilities, separate men's and women's toilet blocks, car park and viewing platform	Fair to good apart from access road	Location for relaxation, passive recreation and low-key eco-tourism
Jellore lookout - designated viewing area and lookout shelter	Fair to good	Location for relaxation, passive recreation and low-key eco-tourism
Mittagong lookout - designated viewing area and lookout shelter	Good	Location for relaxation, passive recreation and low-key eco-tourism
Bowral lookout trail - 250m return walk around 10 minutes	Very good	Walking / hiking
Stone stairway - Heritage stone steps linking Bowral Lookout with Heritage Quarries Circuit	Poor to good	Walking / hiking
Heritage Quarries Circuit - 1.5km loop walk around 20 minutes	Fair to good	Walking / hiking
Rim track - 2.5km loop walk around 45 minutes, connecting three lookouts	Poor to fair	Walking / hiking
Reservoir Ravine track - 3km loop walk around 1.5 hours, descending steeply from Mittagong Lookout to Reservoir Tank and Mt Gib East Fire Trail	Poor to good	Walking / hiking
Heritage quarries - Former quarries	Good	Preservation of natural and cultural heritage
Stone structures - Picnic shelters, stone entry feature	Good	Preservation of natural and cultural heritage
Car parks - Bowral Lookout, Inner Bowl and Heritage Quarries car parks	Poor	Location for relaxation, passive recreation and low-key eco-tourism
Gib East fire trail	Good	Fire Mitigation
Gib West fire trail	Poor to fair	Fire Mitigation

4.9 Existing leases and licences

There are no current leases and licences on Council-owned community land or Crown land with Council CLM in Mount Gibraltar Heritage Reserve.

5 Development and Use

5.1 Permissible uses / future uses

The use and development 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.

5.2 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 purpose for which it was dedicated or reserved
- 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 issue of the lease, licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the *Native Title Act 1993* (Cwth)
- where the land is subject to a claim under the *Aboriginal Land Rights Act 1983* the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted

- 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.

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.

5.3 Native title and Aboriginal land rights

When planning to grant a lease or licence on Crown reserves, the council must comply with the requirements of the Commonwealth *Native Title Act 1993* (NT Act) and have regard for any existing claims made on the land under the NSW *Aboriginal Land Rights Act 1983*.

The *CLM Act* – Section 8.7 (1) (d) requires that Council as Crown Land Manager obtains the written advice of its Native Title Manager prior to approval or submission for approval of a POM for the land that authorises or permits any kinds of dealings referred to in Section 8.7.

It is noted that this advice only covers the POM document and any future development/works not authorised by the POM must be referred for future Native Title advice at the time that activity is proposed to be undertaken.

The management of activities that could be considered to be a future Act must take in to account the reserve purpose of the land and Native Title advice must be obtained for any future Acts not authorised by the POM.

The activities that are authorised under the POM can be validated under subdivision J of the *NT Act*.

Council is obtaining Native Title Manager advice as part of the preparation of this POM.

6 Management framework for Mount Gibraltar Heritage Reserve

6.1 Values of Mount Gibraltar Heritage Reserve

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.

Mount Gibraltar Heritage Reserve is embraced and valued by the community for the following values:

- A place for nature – The reserve is valued for its unique nature, unspoilt bushland, its quiet beauty, the serenity of nature, and its wilderness and tranquillity.
- Native flora and fauna – The reserve is valued as a unique ecosystem, for its biodiversity including plants not seen elsewhere, the variety of vegetation including old gums, its birdlife, and habitat as a wildlife sanctuary and wonderful haven for endangered wildlife.
- Natural landform – The reserve is valued for the amazing rock formations, land forms and watercourses.
- Landscape character – The reserve is valued as a beautiful hill of many moods in all weathers, an iconic feature in the landscape, a place to view the landscape through the seasons, with scenic views and connection with the broader landscape.
- Cultural values – The reserve is valued for its Gundungurra heritage, its connection with the first inhabitants and indigenous cultural values and a place to feel connected to nature.
- Heritage significance – The reserve is valued as a largely untouched area to appreciate what it was once like on the higher peaks, as a wonderful and scenic historic site with stone markings, old stone buildings and the beautiful quarry.
- Walking tracks and trails – The reserve is valued for the walking trails through beautiful native forests, providing access to the natural environment close to town.

6.2 Key management issues for Mount Gibraltar Heritage Reserve

The following have been identified as key threats to the long-term survival of the Mount Gibraltar Forest threatened ecological community (TEC):

- Continued clearing, degradation and fragmentation of habitat surrounding the reserve by infrastructure and residential development.
- Pressures from adjacent urban development (including dogs, cats, rubbish dumping, noise, trampling and vehicular access).
- Inappropriate recreational activities such as mountain biking, resulting in unauthorised track creation, erosion, vegetation degradation and risk to other users.
- Inappropriate fire regimes.
- Disturbances associated with communication tower infrastructure, including clearing, movement of machinery, introduction of weeds and dumping of rubbish.
- Clearing, mostly historic, for stock production and quarrying of trachyte.
- Invasion of remnants by non-native and weedy native plant species.
- Grazing by native and non-native herbivores preventing recruitment of canopy species and causing damage to ground layers and soil compaction, and degradation resulting in losses of plant species and structural diversity.
- Lack of ecological data to clarify the relationship between the Mount Gibraltar Forest and plant community types found elsewhere.

The community has identified the following key issues:

- Wildlife and habitat protection, with concerns about road kills, impacts from feral animals and companion animals. Wildlife protection action suggestions include declaring the reserve a wildlife protection area and restricting companion animals, requiring dogs on leash, using virtual fences to reduce wildlife road kills, preserving trees with hollows and controlling feral animals.
- Heritage conservation, including the preparation of a conservation management plan for the quarry. Suggested actions include installing interpretive signage or app with information about the site's significance and features and tree labels.
- Weed infestations on the edges, along pathways and road reserves and on neighbouring properties, with concerns about the thick undergrowth and spreading pittosporums. Weed control actions on roadside verges and steps as priority. The reserve land is mostly cleared of weeds after 30 years of bush regeneration.
- Concerns about tree dieback, vegetation recovering from drought and fires. Climate change has led to prolonged drought with extreme heat which has killed many trees on ridge tops. Shallow soil and dark coloured rocks heat up and damage the tree roots, with the worst affected areas on north and west facing slopes. Natural regeneration is the best approach for the ecology and climate change adaptation.
- Bushfire prone land, hazard reduction and fuel reduction, including indigenous land management practices. Bushfire protection actions needed by managing fuel loads as a land management tool, indigenous hazard reduction and cultural burning.
- Track maintenance, with concerns about erosion, lack of waypoints and track head signs, and overgrown tracks. Walking track improvement actions are needed, including more track maintenance, erosion mitigation, vegetation trimming along Rim and Ravine Tracks, better signposted walks, maps and markers, more defined walk along old quarries, and handrails on steep sections.
- Unauthorised nature based recreational activities such as mountain biking, rock climbing and abseiling will be excluded from locations where they are in conflict with environmental, heritage or cultural values, pose safety issues, or are a risk to other visitors including other established recreational activities. Temporary or permanent closures of these activities at unauthorised locations may be applied to limit impacts on these values.
- Traffic concerns about vehicle speeds especially by through traffic and blind corners. Road improvements including widening Oxley Drive for a footpath, enforce existing speed limit or lower it, limit traffic on loop road, remove dead branches overhanging the road, repair the road surface, improve surface at Bowral Lookout car park.
- Visitor issues, with concerns about tourism pressures on the poor facilities and amenities, need for more parking areas, more visitor control and management. Facilities improvements, including upgraded toilets, covered picnic areas, accessible barbeques, restore historic picnic shelters, repair lookouts, better access to views over Bowral.
- Maintenance concerns including erosion, water runoff, signage, lookouts, rubbish dumping and vandalism.
- Management issues, including reserve usage, heritage protection, resources / funding to support bushcare, and concerns about lack of holistic management.
- Development issues, including the leased land on the summit and downslope impacts, threats to the integrity of reserve size and boundaries to protect wildlife corridors, importance of buffer zones and restriction of subdivisions on surrounding land.

6.3 Strategic management of Mount Gibraltar Heritage Reserve

Mount Gibraltar Heritage Reserve is managed by Council for:

- Conservation of its native plant and animal communities and ecological processes
- Protection of the land, soil and the quality of the water within and flowing from the Reserve
- Conservation of its cultural heritage, Aboriginal and post-1788
- Recreation compatible with the nature and heritage conservation objectives for the Reserve
- Protection of a subject for scientific research and environmental education.

Mount Gibraltar Heritage Reserve requires a strategic approach to account, budget, prioritise and manage the community land. Strategic management is required to enhance biodiversity and open space linkages across the landscape and integrate Mount Gibraltar Heritage Reserve with other local and regional land management initiatives including fire management, landscape restoration and water quality to benefit the community and the environment.

Council strategic objectives and priorities outlined previously in Section 3.4 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:

- Environment and Climate Change Strategy (in development)
- Bushland and Biodiversity Plan (in development)
- Biodiversity Strategy (2003)
- Open Space Review and Long-term Strategy 2007
- Parks Strategy 2016
- Bicycle Plan 2016
- Pesticides Notification Plan 2018-2023
- Southern Highlands Destination Strategy 2020-2030
- Walking Tracks Strategy 2020
- Wollondilly / Wingecarribee Bushfire Risk Management Plan 2017 (under review)

The *Parks Strategy 2016* covers all land that is owned or managed by Council as a part of the parks network. Most of the parks in the Shire have been placed into one of six park categories, one of which includes Bushland Reserve.

The primary purpose of Bushland Reserves is to provide opportunities for people to experience, or protect, the natural environment, provide habitat for flora and fauna and protect and conserve cultural heritage. The values and attributes of Bushland Reserves include:

- Low impact recreation activity
- Intact or relatively intact natural ecosystems
- Unique, significant or threatened indigenous flora and fauna
- Outstanding natural features and landscapes including geological features

Mount Gibraltar Heritage Reserve is identified as having a Level of Service 1 with the highest level of asset provision using quality materials and designs.

The *Walking Tracks Strategy 2020* includes descriptions of the Mount Gibraltar bushland walks with the following strategy specific to Mount Gibraltar Heritage Reserve:

Enhance the network of existing recreational walking tracks within Mount Gibraltar Heritage Reserve to provide for recreational use, on loop trails where possible, while prioritising conservation of the environment and heritage.

A detailed rationale is provided, and actions identified and prioritised. See:

<https://www.wsc.nsw.gov.au/Council/Strategies-Plans/Recreational-Walking-Tracks-Strategy>

6.4 Categorisation of Mount Gibraltar Heritage Reserve

Based on the reserve natural features, cultural sites, values and land use, Mount Gibraltar Heritage Reserve is categorised as Natural Area.

Natural areas are defined in clause 102 of the LG Regulation as land possessing a significant feature that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under Section 36(5) of the LG Act.

The core objectives for land categorised as Natural Area, as outlined in Section 36E of the LG Act, are to:

- conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area
- maintain the land, or that feature or habitat, in its natural state and setting
- provide for the restoration and regeneration of the land
- provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion
- assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in the *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*

Mount Gibraltar Heritage Reserve is further sub-categorised as Natural Area – Bushland to protect and manage the significant natural vegetation in the reserve.

The draft POM category is suitably assigned and closely related to the reserve purposes without potentially causing material harm to the reserve and purposes.

The CLM Act requires Council to lodge a Notice of Initial Assignment of community land categories for Crown reserves with Council CLM, in accordance with the LG Act and the LG Reg. Council on 27 February 2019 resolved that Crown Reserve 83436 be categorised as Natural Area – Bushland and Area of Cultural Significance. Council's Notice of Initial Assignment for Crown Reserve 83436 as Natural Area – Bushland and Area of Cultural Significance was approved by the Crown Lands agency on behalf of the Minister on 14 November 2019.

Council is entitled to amend the initially assigned categories through category assignment in a draft and adopted POM. The initial assignment is a 'gateway step' in preparation of draft POMs and the final categorisation in a POM is required to be the most suited to the reserve purpose while effecting the LG Reg provisions guiding the assignment of categories.

This POM amends the categories initially assigned for Crown Reserve 83436 to remove the category Area of Cultural Significance applied for European heritage, as Council has determined the heritage values or fabric of the Reserve including the heritage quarry sites is already recognised as a Site of State Significant Heritage. The implementation of suitable management actions outlined in this POM will accommodate the protection of the sites within the sub-category of Natural Area – Bushland.

See the categorisation map for Mount Gibraltar Heritage Reserve at Figure 12.

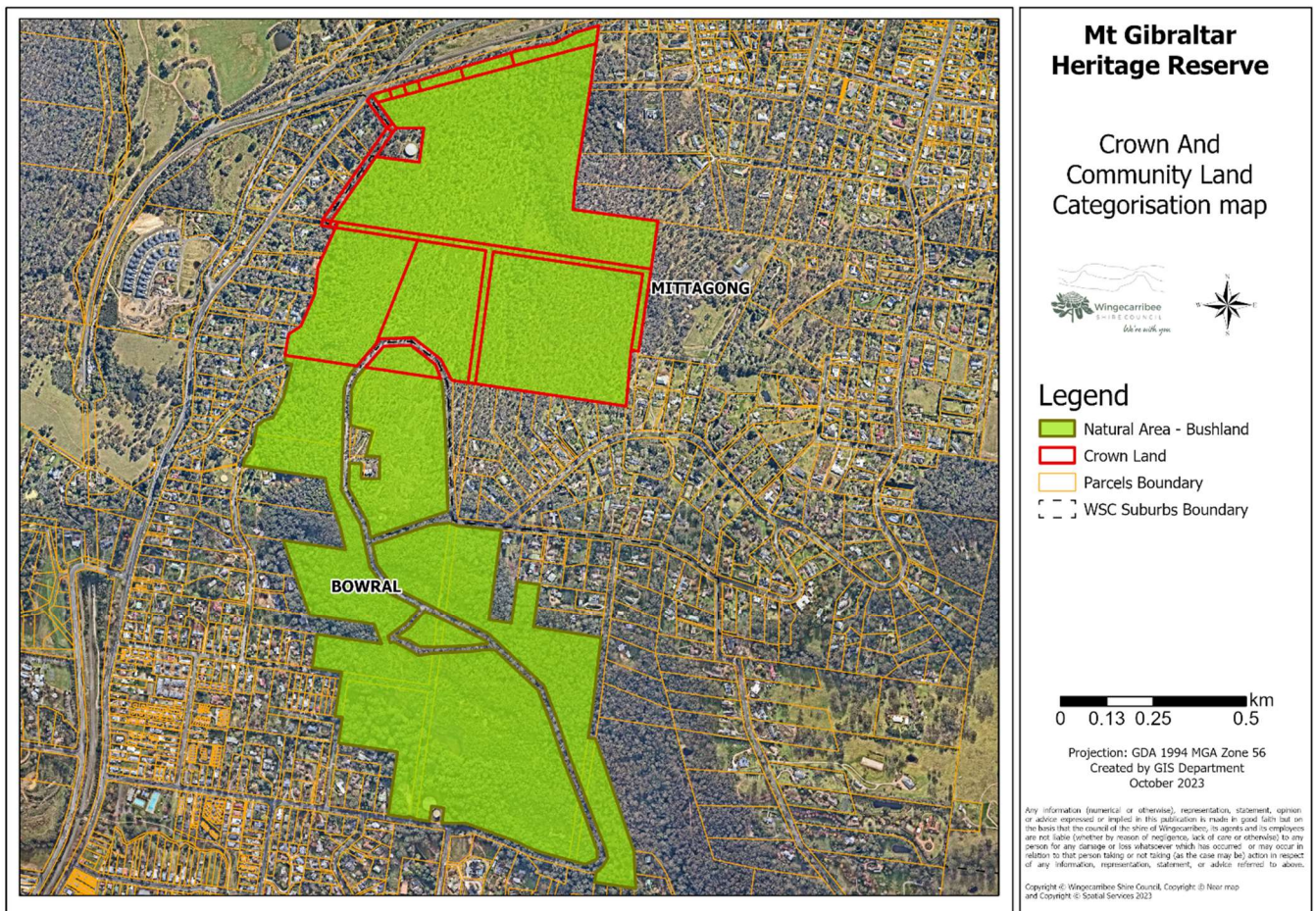
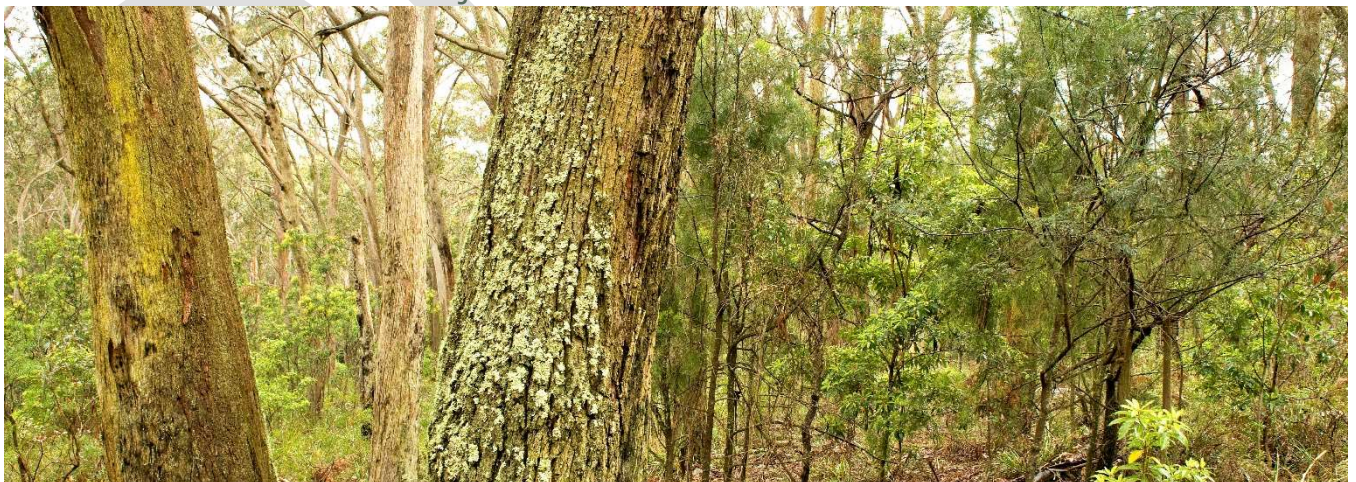


FIGURE 12 – MOUNT GIBRALTAR HERITAGE RESERVE CATEGORISATION MAP

7 Natural Area – Bushland

7.1 Guidelines and core objectives



MOUNT GIBRALTAR HERITAGE RESERVE – PHOTO CREDIT: FORD KRISTO PHOTOGRAPHY

TABLE 5 – GUIDELINES AND CORE OBJECTIVES FOR NATURAL AREA - BUSHLAND

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>

7.2 Permissible uses and development

A low level of development is envisaged for Bushland Reserves with the objective being to provide a natural outdoor experience. Development will generally be limited to low impact activities such as walking on well-formed tracks to rough tracks. Higher use sites including Mount Gibraltar Heritage Reserve require ancillary visitor facilities such as car parking, signage, picnic areas and toilets.

The general types of uses which may occur on community land categorised as Natural Area – Bushland, and the forms of development generally associated with those uses, are set out in Table 3 below.

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.

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

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Preservation of the council's natural and cultural heritage • Preservation of biological diversity and habitat • Providing a location for relaxation, passive informal recreation and low key eco-tourism • Walking/hiking • Guided bushwalks • Environmental and scientific study and observation • Bush regeneration works • Carbon sequestration • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction and cultural burns • Facilitating Connection to Country 	<ul style="list-style-type: none"> • Visitor facilities: toilets, picnic tables, BBQs, sheltered seating areas, lighting, low impact carparks, refreshment kiosks (but not restaurants) • Walking trails • Observation platforms • Standard quality sign on main entrance, Interpretive and wayfinding signage, information kiosks • Locational, directional and regulatory signage • Fencing, security gates and bollards • Water-saving initiatives such as rain gardens, swales and sediment traps • Energy-saving initiatives such as solar lights and solar panels • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out

7.3 Express authorisation of leases, licences and other estates

This POM expressly authorises the issue of leases, licences and other estates over the land categorised as Natural Area – Bushland, consistent with the provisions outlined earlier in 5.2.

Table 7 further identifies the purposes for which leases and licences may be issued over the reserves identified in this plan of management as Natural Area – Bushland.

TABLE 7: LEASES, LICENCES AND OTHER ESTATES AND PURPOSES FOR WHICH THEY MAY BE GRANTED FOR COMMUNITY LAND CATEGORISED AS NATURAL AREA – BUSHLAND.

Type of tenure arrangement	Purpose for which tenure may be granted
Lease Up to 30 years	<ul style="list-style-type: none"> walkways, pathways, footbridges observation platforms, signs information kiosk toilets kiosk/trailer selling light refreshments (but not restaurants) bicycle hire or similar for eco-tourism work sheds or storage sheds required in connection with the maintenance of the land temporary erection or use of any building or structure necessary to enable a filming project to be carried out Connection to Country activities and cultural heritage interpretation
Licence Up to 30 years	<ul style="list-style-type: none"> walkways, pathways, footbridges observation platforms, signs Information kiosk Kiosk/trailer selling light refreshments (but not restaurants) toilets Bicycle hire or similar for eco-tourism work sheds or storage sheds required in connection with the maintenance of the land temporary erection or use of any building or structure necessary to enable a filming project to be carried out Connection to Country activities and cultural heritage interpretation
Short-term licence Less than 12 months	<ul style="list-style-type: none"> scientific studies and surveys or similar bicycle hire or similar temporary erection or use of any building or structure necessary to enable a filming project to be carried out Connection to Country activities and cultural heritage interpretation
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.

7.4 Action plan for Natural Area – Bushland

This action plan has been developed from the core objectives, identified values and key management issues.

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)
1. Threatened ecological communities and species	Identify, protect and manage threatened ecological communities and threatened species and their habitats.	<p>Validate vegetation mapping and the presence of threatened ecological communities (TECs) (led by DPE) and record the presence of threatened or rare plants and animals.</p> <p>Leverage the best available modelling, science and adaptation programs to mitigate climate change and make evidence-based decisions.</p> <p>Work with the Saving our Species officers and other stakeholders.</p> <p>Seek and allocate funding to undertake more flora and fauna surveys and analysis within the reserve.</p>	<p>Validation mapping occurs to inform management responses and legal obligations.</p> <p>Biodiversity and bushland resilience are maintained following best practice and contemporary approaches.</p> <p>Adequate resources and funding allocated.</p>
2. Bushland protection and management	Conserve biodiversity by protecting all the components of the ecosystem, locally indigenous flora and fauna, and enhancing natural ecological processes.	<p>Continue to monitor and update flora and fauna databases and identify species that are or may become at risk.</p> <p>Undertake bush regeneration works according to priorities specified in Bushcare Annual Work Plan.</p>	<p>No loss of indigenous plant species and communities and local fauna.</p> <p>Increased knowledge about the bushland communities.</p>
3. Weeds, pests and diseases	Manage and suppress weeds, pests, disease and pathogens	<p>Identify and record weed, pest, disease and pathogen incursions through monitoring to inform site management and budgeting requirements.</p> <p>Implement strategies under the Saving our Species Program to manage Key Threatening Processes following contemporary approaches.</p> <p>Target weeds, pests, disease and pathogens according to state, regional and local priorities under the NSW</p>	<p>Regular site monitoring undertaken and recorded to determine bushland resilience and effectiveness of strategies.</p> <p>Compliance with state, regional and local priorities under the <i>NSW Biosecurity Act 2015</i> and <i>Biodiversity Conservation Act 2016</i>.</p>

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)
		<p><i>Biosecurity Act 2015 and Biodiversity Conservation Act 2016.</i></p> <p>Collaborate with stakeholders to implement management measures in a coordinated approach.</p> <p>Allocate adequate resources and funding.</p>	Adequate resources and funding allocated.
4. Fire management	Implement suitable fire regimes to manage biodiversity, threatened ecological communities and threatened species	<p>Implement preferred fire regimes for the recovery of threatened ecological communities and species as identified in the Saving our Species priority actions.</p> <p>Apply necessary mosaic fire regimes to maintain the appropriate floristic and structural diversity for each vegetation community (where feasible) and ensure the ongoing persistence of sensitive species.</p> <p>Undertake hazard reduction actions as required in Asset Protection Zones (APZs), and in Strategic Fire Advantage Zones (SFAZs) and Land Management Zones (LMZs).</p> <p>Maintain fire trails in accordance with the Fire Access Fire Trail (FAFT) program.</p> <p>Land managers keep the Southern Highlands bushfire management committee (BFMC) informed of bush fire mitigation works and site changes that may require amendments to the Wollondilly / Wingecarribee Bushfire Risk Management Plan.</p>	<p>Suitable fire regimes implemented for the recovery of threatened ecological communities and species.</p> <p>Biodiversity resilience is maintained.</p> <p>Mosaic and best practice fire regimes implemented.</p> <p>Bushfire Risk Management Plan updates based on contemporary information on biodiversity.</p> <p>Fire Management Plan for this reserve reviewed and updated using best available data and modelling.</p>
5. Cliff lines, watercourses, runoff and erosion	Protect and manage cliff lines and watercourses for habitat	Monitor the cliff lines and watercourse areas, particularly after flood and storm events for erosion, bank slump, soil compaction and weed infestation.	Cliff lines and watercourse condition is improved.

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)
		Work with stakeholders to improve condition of cliff lines and water courses by controlling weeds and pest animals and mitigating erosion impacts where possible.	
	Provide and facilitate safe public access to and enjoyment of the bushland and minimise any adverse disturbances to bushland caused by human intrusions	Continue to monitor walking tracks near cliff lines, watercourses and other rock formations and prioritise on-ground works needed to improve safe access.	Use of the bushland reserve for recreational activities without compromising the natural, ecological and cultural heritage values.
6. Aboriginal heritage	Identify, protect and interpret Aboriginal heritage	<p>Devise a process and procedure to consider due diligence / risk assessment for Council management and maintenance operations that include statutory requirements and best practice due diligence processes. This includes bushland management and Bushcare activities such as weeding and planting.</p> <p>Undertake archaeological surveys and research as required to improve baseline data.</p> <p>Monitor known sites for disturbance and restrict access where disturbance is occurring.</p> <p>In consultation with Aboriginal Stakeholders, identify sites suitable for interpretation.</p> <p>Allocate resources and funding through council's budgeting process.</p>	<p>Compliance with the <i>National Parks and Wildlife Act 1974</i> and Regulations.</p> <p>Implementation of best practice, stakeholder consultation and due diligence protocols.</p> <p>Reduced incidence of impacts.</p> <p>Numbers of staff, contractors and volunteers trained.</p> <p>Improved baseline data.</p> <p>Aboriginal heritage sites found within reserve are investigated and recorded on the Aboriginal Heritage Information Management System (AHIMS) database.</p> <p>Aboriginal Stakeholders are satisfied with management approach, site interpretation and outcomes.</p>
	Facilitate Connection to Country, cultural burns and site interpretation	Engage and involve Aboriginal people in reserve management planning, operations, interpretation, cultural activities and education programs to improve Connection to Country.	Number of interpretation sites, programs and activities and participation numbers.

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)
		Engage with the Aboriginal community to determine suitable sites for cultural burns in consultation with relevant stakeholders.	<p>Number of sites where cultural burns are suitable and have occurred.</p> <p>Success of the cultural burn in Connection to Country, fire hazard reduction and biodiversity improvements.</p> <p>Aboriginal Stakeholders are satisfied with management approach, site interpretation and outcomes.</p>
7. Post 1788 heritage – industrial heritage	Retain and protect features and sites of industrial heritage significance within the reserve.	<p>Maintain heritage values and sites included in LEP Heritage Schedule.</p> <p>Heritage sites maintained in compliance with legislative obligations.</p> <p>Prepare a Conservation Management Plan for the heritage quarries complex site.</p> <p>Monitor heritage sites for graffiti, vandalism, weathering and wear and tear.</p> <p>Ensure heritage sites are identified in Council's Bushfire Management Plan.</p> <p>Implement <i>Walking Tracks Strategy 2020</i> heritage conservation actions to restore heritage seat on heritage stone stairs, upgrade stone toilet building as heritage item with interpretation, upgrade picnic tables at quarries complex and inner bowl.</p>	<p>Heritage assessment and LEP Heritage Schedule maintained.</p> <p>No incidence of damage to industrial heritage sites.</p> <p>CMP prepared for heritage quarries complex site.</p> <p>Annual audit undertaken of sites and conservation management undertaken.</p> <p>Heritage sites identified on BMP maps.</p>
	Interpret features and sites of industrial heritage significance	Interpret heritage where appropriate to enrich visitor experience.	Number of sites interpreted.

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)
		Implement <i>Mount Gibraltar Heritage Reserve Interpretation Plan 2016</i> recommendations for proposed interpretation works under the themes of Place, People and Preservation.	
8. Community use and recreation	Manage the bushland areas to protect the reserve's natural environment, habitats and biodiversity values.	No reduction in bushland extent or biodiversity value.	Observation, mapping, photographic monitoring. Annual review.
	Encourage and facilitate community use and enjoyment of the reserve and ensure high quality facilities that service needs and satisfy community expectations.	Undertake annual user satisfaction surveys.	User satisfaction surveys conducted annually.
	Improve access for passive recreation and visitor experience including disability access	Implement <i>Walking Tracks Strategy 2020</i> recommendations. Reflect opportunities to improve access and visitor experience in amendments to the Walking Tracks Strategy, Bicycle Plan and Disability inclusion Action Plan (DIAP). Regularly monitor access trails for need of maintenance.	Relevant actions in <i>Walking Tracks Strategy 2020</i> implemented. Walking Tracks Strategy and Bicycle Plan updated periodically. Improved access and visitor experience.
	Close unauthorised tracks and trails	Implement the <i>Walking Tracks Strategy 2020</i> recommendations for track improvements including trail experiences, names, key trail features. Consolidate track network and close informal / unauthorised tracks and trails to reduce environmental impacts.	Number of unauthorised tracks and trails closed.

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)
		Inspect tracks regularly and monitor popular walking areas for trampling and other impacts to inform management actions.	
9. Facilities	Maintain buildings and grounds at picnic areas and lookouts to required standards for users and public safety	Implement asset maintenance plans for picnic areas and lookouts building structures and landscape assets	Asset management plan in place and implemented with Council's annual reporting system.
	Amenities provided are kept clean and accessible to users and visitors during daylight hours and at high or frequent visitations during opening hours	Regular inspections and maintenance regime that is clearly published and provides contact details for community use visitor maintenance requests	Asset maintenance plan in place and implemented with Council's annual reporting system.
	Upgrade and/or install new toilet facilities	Audit existing facilities and upgrade to meet BCA standards	Review conducted and improvements implemented subject to resources.
	Undertake Bowral Lookout improvements	Implement the <i>Walking Tracks Strategy 2020</i> recommendations to improve Bowral Lookout - replace trackhead signs with key info; upgrade picnic tables at Bowral Lookout; provide additional facilities - accessible parking, picnic settings and amenities at Bowral Lookout trail; upgrade amenities at primary trackhead Bowral Lookout carpark	Relevant actions in <i>Walking Tracks Strategy 2020</i> implemented.
10. Landscape amenity	Provide landscape amenity and environmental benefits in and around picnic and lookout facilities	Retain and maintain existing trees and vegetation in and around picnic and lookout facilities where safe and consistent with bushfire prone land and asset protection requirements.	Retention and maintenance of vegetation. Compliance with bushfire prone land standards.
	Maintain key entry points and entry associated information and guidance	Maintain key access points to the reserve and provide facility gateways, signage and user information as use levels require	Key access points maintained and amendments made.

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)
	Investigate potential for better connections to local walking and cycling links	Integration of cycle and walking routes with picnic and lookout facilities where suitable	Demonstrated integration of cycle paths and ways.
11. Traffic, vehicular access and parking	Provide and maintain adequate parking facilities where appropriate	Identify areas disturbed/damaged by unauthorised parking and devise appropriate plans to clearly designate parking areas and manage impacts such as erosion and soil compaction.	Parking areas clearly identified. Level of success of site management methods to manage impacts.
	Reduce illegal parking on land to access facilities and picnic and lookout areas	Designated car parking sites identified and developed with traffic barriers to restrict unauthorised or illegal vehicle movements and parking.	Construction and installation of designated vehicle roads, car parking and traffic barriers.
	Provide a safe, effective and efficient vehicle and pedestrian environment for picnic and lookout areas and facilities	Review of vehicle and traffic infrastructure for entry, internal movement, car parking and vehicle-pedestrian conflict minimisation. Implement the <i>Walking Tracks Strategy 2020</i> road and parking recommendations – consider reopening car park near Jellore Lookout. Implement the <i>Walking Tracks Strategy 2020</i> recommendation to investigate creating a loop trail for the Rim Track between the Mittagong Lookout and Inner Bowl picnic area.	Vehicle and traffic infrastructure review conducted. Improvements done.
12. Signage and interpretation	Install signage to inform visitors of permissible uses, dangers and site values to enrich visitor experience and safety.	Implement the <i>Walking Tracks Strategy 2020</i> signage recommendations that includes track head and directional signage actions including waymarking plan signage with colour coded arrows and enhance safety through caution signs. Implement the Signs as Remote Supervision program for compliance signage.	Signage plan. Implementation of signage. Visitor feedback. Destination Southern Highlands feedback.

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)
		<p>Develop consistent signage for track heads and wayfinding but allow flexibility for interpretative and cultural signage.</p> <p>Monitor existing signage for relevance and need of replacement due to damage or need for interpretation of reserve values, wayfinding or permissible activities.</p> <p>Allocate resources and funding through council's budgeting process in consultation with the Assets Branch.</p> <p>Develop online storymaps for interpretive purposes and provide link to these from Council website.</p>	
13. Dogs in public places	Manage dog walking in reserve	<p>Install signage including restricted areas with an emphasis on no dogs within 10 metres of a food preparation area.</p> <p>Publish animal and dog handling guidelines on Council website.</p>	<p>Signage installed.</p> <p>Council website publication of companion animal and dog handling rules and regulations.</p>
14. Unauthorised and illegal activities	Reduce illegal activity in reserve	<p>Monitor reserve for unauthorised uses. Restrict access where possible and where appropriate liaise with the local area command (police), engage with those undertaking the activity, issue infringement notices, install signage relating to illegal activity and penalties and restore damaged areas.</p> <p>Evidence of unauthorised mountain bike usage in sections of the reserve. Engage with users and stakeholders to inform a management strategy to reduce damage to significant environmental values and damage to the environment. Communicate prohibition of off-road cycling except on Gib East and Gib West Fire Trails. Close other areas to off-road cycling with</p>	Reduced number of unauthorised or illegal activities.

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)
		<p>signage, regular monitoring and the issuing of infringement notices.</p> <p>Regularly check reserve boundaries where access is restricted to ensure they are secured.</p>	
15. Relationship to adjoining land uses	Reduce impacts from adjoining land owners	<p>Monitor boundaries for unauthorised neighbour encroachments, access, illegal land clearing, weed encroachment, stormwater or sewerage.</p> <p>Engage with relevant landowners to rectify the encroachment.</p>	Reduced incidents of impacts from adjoining land owners on reserve values.
	Restore vegetation connectivity	Work with adjoining landowners and stakeholders to restore vegetation connectivity and wildlife corridors.	Areas of vegetation restored.
16. 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>Expand and support volunteer programs such as Bushcare, Rivercare and Citizen Science.</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 or Bushcare's Big Day Out.</p> <p>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.</p>	Number of volunteering and education projects and number of participants.

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)
17. Education and research	Expand knowledge of site managers and community stewards	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.	Resources and funding allocated for management. Education programs implemented. Number of successful grants.
	Expand knowledge of site managers and community stewards	Seek opportunities to collaborate with research institutions to improve knowledge, data collection and evidence-based decision making.	Better conservation outcomes and adaptation to climate change challenges.
18. Maintenance	Reserve is maintained according to legal requirements and Level of Service	Allocate sufficient resources and funding through Council's budgeting process to meet legal requirements and Level of Service for targeted maintenance program. Regularly monitor reserve for maintenance requirements.	Compliance with legal requirements and Level of Service. Visitor satisfaction. Number of recorded injuries or incidences.
19. Disaster management	Ensure safety of community, emergency workers and Council employees and contractors	Close reserve or damaged sections of reserve during a natural disaster until assessed as safe. Ensure the operations plan includes consideration of resources to fund site rehabilitation works following natural disasters. Maintain fire trails and asset protection zones.	All reserve or affected sections closed until assessed as safe.
	Resources are available to manage biodiversity after natural disasters	Undertake resource planning as part of risk assessments for bushland reserves following flood, fire, storm and drought events.	Natural Disaster Resource Plan prepared and integrated into Council's financial planning and grant fund planning.
20. Property actions	Land is appropriately assigned as community or operational land and integrated into the reserve for consolidation and management where appropriate	Where existing utilities are located within the same lot as bushland, subdivide off utility areas and categorise as operational.	Land is appropriately assigned community or operational. Appropriate land is integrated into the reserve.

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)
		Consolidate Lots and DPs to reduce the number or to a single lot, as other property actions are done.	
	Limit exclusive uses	Lease and licence provisions include terms that are consistent with the reserve purpose and for continued public access and limits on exclusive uses are for management and maintenance.	Inclusion of terms in tenure and use agreements.
21. 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 Mount Gibraltar Heritage Reserve and subject to this POM as C2 Environmental Conservation 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.
22. Future development and uses	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 for the Natural Area – Bushland category as per the LGA 1993, the Crown Reserve Purpose, Land Zoning, and Council Policy.	Compliance with core objectives for the Natural Area – Bushland.
	Future development and uses are consistent with adopted POM	Review of all future developments and uses for consistency with adopted POM.	Proposed future development and uses are reviewed.



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8 Appendices

1. Plan of Management Legislative Framework (6 pages)
2. Extract from Mount Gibraltar Forest of the Sydney Basin Bioregion Endangered Ecological Community under the *Biodiversity Conservation Act 2016* (2 pages)
3. Extract from Mount Gibraltar Trachyte Quarries Complex NSW State Heritage Item (1 page)

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.lis.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.

Appendix 2 - Extract from Mount Gibraltar Forest of the Sydney Basin Bioregion Endangered Ecological Community under the *Biodiversity Conservation Act 2016*

<https://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10545#:~:text=Mount%20Gibraltar%20Forest%20is%20a,piperita%20and%20Gully%20Gum%20E>

The **Mount Gibraltar Forest** is significant due to its rarity, being identified as an endangered ecological community under the NSW Threatened Species Conservation Act and threatened ecological community under the EPBC Act. The unique geology of the area supports a collection of flora that, as an assemblage, does not exist outside of the Reserve.

Mount Gibraltar Forest is a variable community, existing as either open forest, woodland or scrub. The floristic composition largely reflects topographic position and aspect. The dominant tree species are Narrow-leaved Peppermint *Eucalyptus radiata*, Sydney Peppermint *E. piperita* and Gully Gum *E. smithii* on the upper slopes, and *E. radiata*, *E. piperita*, Brown Barrel *E. fastigata* and Manna Gum *E. viminalis* on deeper soils on southern aspects. A shrub or small tree layer dominated by species such as *Acacia melanoxylon*, *Hedycara angustifolia*, *Notelea venosa* and *Pittosporum undulatum* occurs in the more sheltered areas. Dominant groundlayer species include *Styphandra glauca*, *Dianella caerulea*, *Dichondra repens* and *Themeda australis* in drier, more exposed sites. In more sheltered sites, fern species such as *Blechnum cartilagineum*, *Doodoa aspera* and *Pteridium esculentum*, and vines such as *Eustrephus latifolius* and *Tylophora barbata* are dominant.

Mount Gibraltar Forest is confined to a small number of pockets in the Southern Highlands region. The main occurrence is on Mount Gibraltar near Bowral and Mittagong. Minor occurrences of the community are known from Mount Misery, Mount Flora, Cockatoo Hill and Mount Jellore. Occurs in the Wingecarribee local government area but may occur elsewhere in the Sydney Basin Bioregion.

Habitat

- Restricted to clay soils on microsyenite intrusions in the central parts of the Southern Highlands.
- Occurs on gentle to steep slopes with correspondingly deep and shallow soils respectively; combined with aspect, these factors contribute to the variability evident in the floral composition of this community.
- Remnants may provide habitat for the Powerful Owl *Ninox strenua*, which has been recorded in vegetation adjoining the main remnants of Mount Gibraltar Forest.
- Disturbed remnants are considered to form part of the community, including where the vegetation would respond to assisted natural regeneration.
- Has been cleared for agriculture and rural development and most remnants are small and isolated.

Threats

- Continued clearing, degradation and fragmentation of remnants for agricultural activities and infrastructure and residential development.
- Invasion of remnants by non-native plant species.

- Pressures from adjacent urban development (including dogs, cats, rubbish dumping, noise, trampling and vehicular access).
- Inappropriate fire regimes.
- Disturbances associated with communication tower infrastructure, including clearing, movement of machinery, introduction of weeds and dumping of rubbish.
- Clearing, mostly historic, for stock production and quarrying of trachyte.
- Grazing by native and non-native herbivores (pigs, deer goats) preventing recruitment of canopy species and causing damage to ground layers and soil compaction.
- Inappropriate recreational activities such as trailbikes, motorbikes and 4WDs resulting in informal track creation, erosion, vegetation degradation and noise pollution.
- Lack of ecological knowledge about the relationship between this community and Robertson Basalt Tall Open Forest.
- Degradation by over grazing and trampling by domestic stock resulting in losses of plant species and structural diversity.

Actions

- Encourage natural regeneration in the first instance in degraded or cleared areas. If natural revegetation is not enough, work with land managers to revegetate cleared areas following Australian Native Plant Conservation guidelines on habitat restoration. Identify areas to target for connectivity and revegetation work then regenerate and/or revegetate to maintain adjacent vegetation as a buffer. Revegetation should include not just canopy species but shrubs and groundcovers also. Planting could be continuous or a stepping stone or buffering approach.
- Restore and reconnect patches of the TEC and include vegetation buffers. Encourage landholders to protect patches through long term private land conservation mechanisms.
- Undertake weed control using the most appropriate methods to suit differing conditions and reduce off-target damage. Enter weed treatment data into National Parks and Wildlife Service Pest and Weed Information system. Encourage landholders/managers to engage in early weed identification and intervention, and to implement prevention measures using current best management practices.
- Assess density of introduced herbivores and undertake appropriate exclusion or control actions if necessary.
- Aim for fire intervals meeting the current advice of more than 25 years as per the NSW Rural Fires Service Threatened Species Hazard Reduction list. Conduct further applied research to determine the most appropriate intervals and intensity for fire.
- Consult with land managers about excluding livestock from the TEC. Build and maintain wildlife friendly stock fences where appropriate to facilitate sustainable grazing outside the TEC's area of occurrence.
- Manage access to the TEC by installing bollards, gates, and fencing at strategic locations.
- Provide information to land managers about the TEC and potential impacts from infrastructure development and maintenance.
- Consult with land managers about entering management agreements (preferably in-perpetuity covenants) and promote best practice management if/where appropriate.

Appendix 3 - Extract from Mount Gibraltar Trachyte Quarries Complex NSW State Heritage Item

<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5060563>

Mount Gibraltar Trachyte Quarries Complex NSW State Heritage Item

Mount Gibraltar Quarries are significant as purpose built quarries that were used consistently for 100 years of quarrying, from 1886 to 1986. Today there are six distinct quarrying locations regarded as being historically significant. The trachyte quarried there is unique and provided dimension stone for notable buildings throughout NSW and internationally. The quarries were an important aspect of Bowral's industrial history.

The stone is geologically known as microsyenite and was commercial traded as Bowral Trachyte. Bowral Trachyte became popular for kerbing in the later nineteenth and early twentieth century. The use of Bowral Trachyte by Sydney City's engineers as a hard rock to replace crumbling sandstone kerbs and gutters was the very catalyst which if not initiated, certainly spurred the The Gib's development (Ron Powell pers. comm.)

It was used locally in some quantity, but the bulk of it was exported to Sydney for major city buildings and major public works. These structures have been listed on the State Heritage Register for their architectural, technical and engineering qualities. The trachyte from Bowral and the quarries from which it was extracted are significant for their contribution to the built heritage of the State. The stone from these quarries was used for the commemorative stones for Federation and for the foundation of Canberra and many war memorials.

The ballast quarry was important to the construction of the Great Southern Railway line from Mittagong to Goulburn in the late 19th century. For a hundred years stonemasons and quarrymen used their remarkable skills for blasting, cutting, trimming, polishing and handling the dense rock. The technologies of the time have technical significance and the quarries, as an entity, formed the basis of social development in Bowral as many families were involved with their operation. It was a major industry for the township of Bowral. An important Spooner depression relief program supported the region by using the stone for improvements on the mountain.

Mount Gibraltar is a volcanic intrusion that cooled in such a way as to form this special rock. 180 million years of erosion have exposed the rock. Mount Gibraltar Microsyenite is the technical term for the stone which was marketed as 'Bowral Trachyte' at the time in the belief it would be exempt from Government tax. Bowral Trachyte has the unique properties of great strength and durability and decorative potential when polished plus accessibility for quarrying. These quarries are of State significance due to the fact that microsyenite of this quality, both aesthetically and functionally, is rare internationally.

The Mount Gibraltar Quarries are a significant industrial landscape. Although overgrown, with many elements relocated, the quarries retain many elements of their industrial heritage including; scars of the quarrying that show how the stone was removed, (plug and feather technique), machinery and the remains of trackways and tramways.