



## Plan of Management

# LEIGHTON GARDEN

Moss Vale, NSW

Adopted April 2012

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# Leighton Garden

## Plan of Management

**Adopted**

Prepared by



**Micris Management Services Pty Ltd**

PO Box 338, Campsie NSW 2096

Phone: (02) 9037 4835

Fax: (02) 9591 6932

Email: [info@micris-mgt.com](mailto:info@micris-mgt.com)

Web: [www.micris-mgt.com](http://www.micris-mgt.com)

## **Your submission is now sought for Leighton Garden Draft Plan of Management**

The *Local Government Act 1993, as amended* and the *Local Government Amendment (Community Land Management) Act, 1998* requires a Plan of Management to be prepared for all Public Open Space zoned Community Land. A Plan of Management is a legal document that outlines how Community Land will be managed in the years ahead.

The procedure for the adoption of this Plan of Management, as specified in the Local Government Act, includes:

- After considering all submissions received by it concerning the draft Plan of Management, Council may decide to amend the draft plan or to adopt it without amendment as the Plan of Management for the Community Land concerned.
- If Council decides to amend the draft plan it must either:
  - Publicly exhibit the amended draft plan in accordance with the provisions of the Division relating to the public exhibition of draft plans, or
  - If it is of the opinion that the amendments are not substantial, adopt the amended draft plan without public exhibition as the Plan of Management for the Community Land concerned.
- If Council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption and of the terms of the amended Plan of Management, as soon as practicable after the adoption.

Once Council has adopted the plan, no operations may be undertaken within Leighton Garden except those which are in accordance with the plan. The plan may also apply to any future additions to the Reserve. Where management strategies or works are proposed for any additions that are not consistent with the plan, an amendment to the plan will be required.

Written submissions on this draft Plan of Management for the site are now sought. Submissions should be forwarded to:

Leighton Garden - Draft Plan of Management

Wingecarribee Shire Council  
Civic Centre,  
Elizabeth Street,  
MOSS VALE NSW 2577

Attention Joshua Patterson  
Recreation Planner

**The closing date for comments on this plan is 16 April 2012**

## Foreword

The Local Government Act requires that Council have in place a Plan of Management for all Community Land. Community Land generally includes Parks and Reserves, Bushland and Community Facilities such as Community Centres, where the land is owned by Council or under Council's care and control.

This Plan of Management has been prepared to comply with the Local Government Act 1993, as amended and the Local Government (General) Regulation which commenced on 1st January 1999. This plan has been prepared to reflect the needs of:

- Council as managers of the land;
- All user groups;
- Local residents as users and neighbours of the land;
- Visitors and tourists; and
- The local community as custodians of the community assets.

## Community input into the Plans of Management

The Local Government Act 1993 requires that all plans of management be placed on public display for a minimum period of 28 days. A minimum period of 42 days after the draft is placed on exhibition is allowed for written submissions to be made to Council.

Submissions provide an opportunity for the community and other stakeholders, to express opinions, provide information and suggest alternatives to the proposed Management Strategies for Community Land within the Shire. On closure of the period of public comment, and after consideration of submissions received, Council may decide to amend the draft Plan of Management, or adopt it without further amendment. If a Council adopts an amended plan without public exhibition of the amended draft plan, it must give public notice of that adoption and of the terms of the amended Plan of Management, as soon as practicable after the adoption.

## Acknowledgements

This draft Plan of Management has been prepared by Micris Management Services Pty Ltd for Wingecarribee Shire Council's Parks and Property Branch, with contributions from Council's, Information Technology and Strategic Planning Branches.

This draft plan has been prepared following consultation with user groups and key stakeholders.

Numerous individuals and groups have contributed valuable ideas and information in the preparation of this plan and their efforts are gratefully acknowledged. In particular the contribution of those individuals who were involved in the preparation of the draft plan is sincerely appreciated. This includes:

***Wingecarribee Shire Council***

Peter Bowmer, Peter Byrne, Karen Allison, Sarah Farnese and Alexia Hill, Joshua Patterson

***Australian Rail Track Corporation***

Michael Horne

# EXECUTIVE SUMMARY

## Introduction

This Plan of Management provides the framework for managing Leighton Garden. Designated as a Significant Area by Wingecarribee Shire Council, this Reserve is highly valued by the local community and visitors alike. Leighton Garden is an outstanding resource of district significance in terms of its scenic, environmental, social and passive recreational values. It plays a vital role in Wingecarribee's open space system. This draft Plan of Management provides a comprehensive framework for management of all activities within the Garden.

This draft Plan takes a values based approach to land planning and management, identifying the Parks key values, role and purpose so that these assets may be protected and enhanced. The Parks unique qualities, its environmental sensitivity and susceptibility to changing uses are all defining criteria for the way in which this land must be managed. Issues will come and go but the values which make Leighton Garden unique are more enduring. However, these values can be easily lost, damaged or diminished so it is important to ensure their protection for the enjoyment of this generation as well as for generations to come. The issues currently or potentially threatening these values are therefore central to the Plan of Management.

Wingecarribee Shire Council's approach in facilitating this process and providing opportunities for consultation has significantly improved understanding of these values and issues amongst stakeholders. The following issues were discussed during consultation:

## *Development*

- Enhance the identification of the park for visitors to the area;
- Improvements to the park infrastructure based on the masterplan accompanying this PoM;
- Establish links with other Reserves within the local area;
- Enhance the historical significance of the Park and the local area;
- Improved passive open space facilities;
- Continued improvement, protection, restoration and management of the heritage items;
- Future facilities or upgrades comply with the needs of the community; and
- Adopt 'Crime Prevention through Environmental Design' and 'Safer by Design' principles in managing the site to minimise vandalism and increase personal safety of users.

## *Safety*

- Stormwater infrastructure not suitable for a Public Park;
- Poor security lighting (surveillance) at night;

## Basis for Management

Reflecting on the reserve values expressed through stakeholder consultation, the draft Plan defines the Parks values, its role and purpose in the context of being a Significant Area and Community Reserve. The following key values were identified as part of the development of this Plan of Management:

- Health Values
- Recreational Values
- Aesthetic Values
- Social Values
- Natural Values
- Historical Values

These values are affected, and in some cases potentially threatened, by a broad range of uses, actions, management practices, development and lease proposals. Some of these threats, opportunities and constraints are current while others may not yet exist. The Plan seeks to address all of these current and potential issues within an appropriate planning framework which will ensure the protection of the Park's identified values, role and purpose.

The vision statement for Leighton Garden encapsulates these values, provides guiding principles and addresses the fundamental expectations of the community as follows:

*To recognise Leighton Garden as a “significant place” in Wingecarribee Shire Council’s open space system, ensuring protection and conservation of identified values through appropriate management, in a way which best meets the cultural, environmental, recreational and social needs of the present community and future generations.*

## Management Principles

In accordance with this vision statement, the Plan has established a set of management principles which will determine the direction Wingecarribee Shire Council as the Land Owners and the Reserve Trust Managers will follow in implementing the specific strategies, and are summarised as follows:

- Recognise, protect and enhance the understanding, protection and restoration of the natural landscape and ecological values of the Park;
- Permit a wide range of recreational opportunities compatible with the natural/physical, scenic and cultural features of the Park, in response to community needs;
- Encourage community “ownership” and use of the park
- Encourage and promote public use by providing a range of high quality, safe, accessible and enjoyable recreational and leisure facilities;



- To conserve, enhance, promote and interpret history of the Park and its significance to the local community;
- Adopt Crime Prevention Through Environmental Design and Safer by Design principles in managing the park to minimise vandalism and increase personal safety in the park.
- Protect and enhance the visual and social values of the Park;
- Provide opportunities for informal recreation and social interaction.
- Ensure continued free public access.

### **Action Plan**

These management strategies or desired outcomes form the basis by which Leighton Garden's values can be managed and protected on a sustainable basis, whilst meeting the needs of the present community as well as future generations. Performance measures and priorities for action have been assigned accordingly. The masterplan identifies the physical locations and relationships of proposed actions within the garden.

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# 1.0 INTRODUCTION

## 1.1 *Community Land*

Local government councils own and manage a variety of land. All the land that councils own or manage, with five exceptions is called ‘public land’ under the Local Government Act, 1993.

The five types of land that are not included in councils’ collection of public land are:

- A public road;
- Land to which the Crown Lands Act 1989 applies;
- A common;
- Land subject to the Trustees of Schools of Arts Enabling Act 1902; and
- A regional park under the National Parks and Wildlife Act 1974.

Public land must be classified as one of two forms of public land, either as ‘community land’, or as ‘operational land’. Operational is land that councils may deal with in a relatively unfettered manner – it can be leased or licensed, managed or even sold without the sorts of restrictions that apply to community land. Operational land is land that council may regard as a temporary asset or as an investment, or intends to use in a way that will significantly restrict the community’s use or access to the land. Council works depots or administrative buildings are good examples of operational land uses.

Community land is land for which councils must prepare a ‘Plan of Management’; to set out the directions and practices council intends to follow to manage the land. Councils may not sell community land, unless it is re-classified as operational land, and councils are not allow to enter into any leases, or licenses (other than for certain short-term casual uses) unless the Plan of Management authorises the agreement. Councils adopt a community land Plan of Management to give the Plan of Management force under the Local Government Act, 1993.

The Plan of Management also ‘categorises’ the community land to help define the suitable uses and development. Guidelines are provided in the Local Government (General) Regulation, 1999, to help councils categorise the community land, and ‘core objectives’ are provided in the Local Government Act, 1993, to provide the basic planning, development and management framework for council and community use of community land.

## 1.2 *What is a Plan of Management*

A Plan of Management is a document that identifies issues affecting public open space, and outlines how that open space is intended to be used, improved and managed in the future. A Plan of Management is typically accompanied by a Landscape Masterplan that shows proposed on-the-ground changes to that open space.

### ***1.3 Definition of a Plan of Management***

The Local Government Act 1993, as amended and the Local Government Amendment (Community Land Management) Act 1998 requires that all public land owned by Council be classified as either community land or operational land. Generally speaking, community land refers to any property which is retained for use by the general public, whilst operational land need not be retained for public use. Local Government must prepare a Plan of Management for all community land, this is to ensure that an endorsed framework guides the operation and development of these community resources.

Plans of Management are public documents, and as such require stakeholders to be involved in their formation. A process of research and community consultation provides opportunities for community participation and involvement, establishing a sense of ownership in stakeholders and contributing to the ongoing success of the plans.

Until a Plan of Management for Community Land is adopted, the nature and use of the land cannot be changed and Council cannot carry out new development or improvements to the land.

Plans of Management assist Council to budget and source funds for the future maintenance, improvement and development of community land. Each plan provides Council with a current survey of its resources, a guideline for expenditure and plans for the development of the site.

This Plan of Management has been prepared in order to achieve a balanced, responsible and sustainable use of the land and to ensure that it addresses the needs of local user groups and the broader community. It identifies appropriate outcomes for the site and provides a way of achieving these outcomes through a series of clear management objectives and supporting strategies and actions.

This Plan of Management supersedes any other Plan of Management prepared for this site.

### ***1.4 Role of a Plan of Management***

A Plan of Management fulfils a number of functions. It sets out planning and design opportunities and constraints through the categorisation of the community land, the inclusion of core and other objectives, the development of performance targets, and identification of the means of achievement for the targets and the methods of assessment of success in achievement.

The Plan of Management is a council commitment to the use and management of the land. It provides direction for both council and community in the planning and management of the land. The Plan of Management is placed on public exhibition and the community has the opportunity to make submissions and comments on the draft Plan of Management.

This Plan of Management will also enable a master plan, and proposals for development and conservation of the lands, to be considered by the community, and approved by Wingecarribee Shire Council's adoption of the Plan of Management.

A Plan of Management also authorises certain uses and activities on the community land. When community land is categorised, each category and its objectives will generally define the suitable uses of the land, and any proposed developments and agreements, such as leases and licences need to be consistent with the objectives of the category.



### ***1.5 Land to which this Plan of Management Applies***

This Plan of Management applies to the Leighton Garden, which is approximately 0.721 hectares in area. The land within Leighton Garden is owned by Australian Rail Track Corporation (97%) and Wingecarribee Shire Council (3%). Leighton Garden is one of the key leisure facilities within Moss Vale. Consequently, this Plan of Management has been prepared in accordance with the requirements of the *Local Government Act 1993*.

Key features of Leighton Garden include:

- Its prominent location within the Moss Vale Township and the Railway Station;
- The historical pavilion for civic and community events
- Public Reserve for informal recreation;
- Picnic facilities;
- Historical gardens;
- Queen Victoria memorial Fountain;
- The historical weighbridge and office;
- Dr Alcorn memorial clock tower; and
- Long leaf pine tree (*Pinus jefferii*) planted in 1902 by the Earl of Jersey.



**Figure 1** – The plan above shows the extent of Leighton Garden that is covered by this Plan of Management



## ***1.6 Purpose of this Plan of Management***

This Plan of Management has been prepared by Wingecarribee Shire Council under the provisions of the Local Government Act 1993, as amended which requires Councils to prepare Plans of Management for all land under Council ownership or control classified as community land.

This Plan of Management aims to provide a clear, concise and practical framework for the management of Leighton Garden. It aims to be performance oriented in order to contribute towards Council achieving its strategic goals, vision, mission and outcomes. As a means of achieving these aims, the plan uses a values-based approach to land planning and management. This approach facilitates strategies which will protect and enhance values, whilst identifying the issues which may pose a threat to these values. It ensures the longer-term objectives of sustainable management.

The primary purpose of this plan is to provide the community, users and Wingecarribee Shire Council with a clear statement on the future use and management of Leighton Garden. The efficient and appropriate management of this land is essential if its value to the community is to be maintained and enhanced.

The Plan of Management will be consistent with Council's other policies and plans, ensuring a strategic vision and approach to open space across the Wingecarribee LGA.

The plan will comply with the Local Government Act 1993, as amended and the Local Government Amendment (Community Land Management) Act 1998 and other relevant legislation in relation to the preparation of Plans of Management.

This Plan of Management will cover the development and management actions of the land for community purposes, over the life of this plan.

## ***1.7 Process of Preparing this Plan of Management***

### **1.7.1 The Planning Process**

The planning process for this Plan of Management is based on a number of principles. These are:

- Using community values as a basis for management;
- Adopting a consultative approach, incorporating input from stakeholders; including Council officers, Government Authorities and the local community to ensure the plan reflects the visions and values of all;
- Providing site specific analysis information to add value;
- Providing practical recommendations which are achievable in the short term; and
- Incorporating the Masterplan.

The process undertaken to prepare this Plan of Management follows the guidelines as set out in "Public Land Management" – Department of Local Government, 2000

## 1.7.2 Local Government Act

Division 2 – Use and Management of Community Land; within the Local Government Act 1993 outlines the requirements involved in developing a Draft Plan of Management. Once a Plan of Management is in Draft format, the Plan is placed on public exhibition for a minimum of 28 days, with a further 14 days allowed for written comments.

The development of this Plan of Management for Leighton Garden may be divided into four phases.

The first phase - understanding the site, this phase includes reviewing the background of the site incorporating all reports, historical information and correspondence relating to the site, a detailed site analysis including a site survey.

The second phase covers all consultation and workshops with all major stakeholders, user groups including any Government Agency with an interest in the site.

The third phase covers the preparation and review of the Plan of Management and Masterplan.

The final phase covers the exhibition, review of public submissions and Council adoption of the plan.

A detailed process of the steps involved in the development of this Plan of Management is shown in Figure 2.



***Photo1** – Leighton Gardens viewed from the south western side of the reserve*

***Photo2** – Leighton Gardens viewed from the northern end of the reserve.*



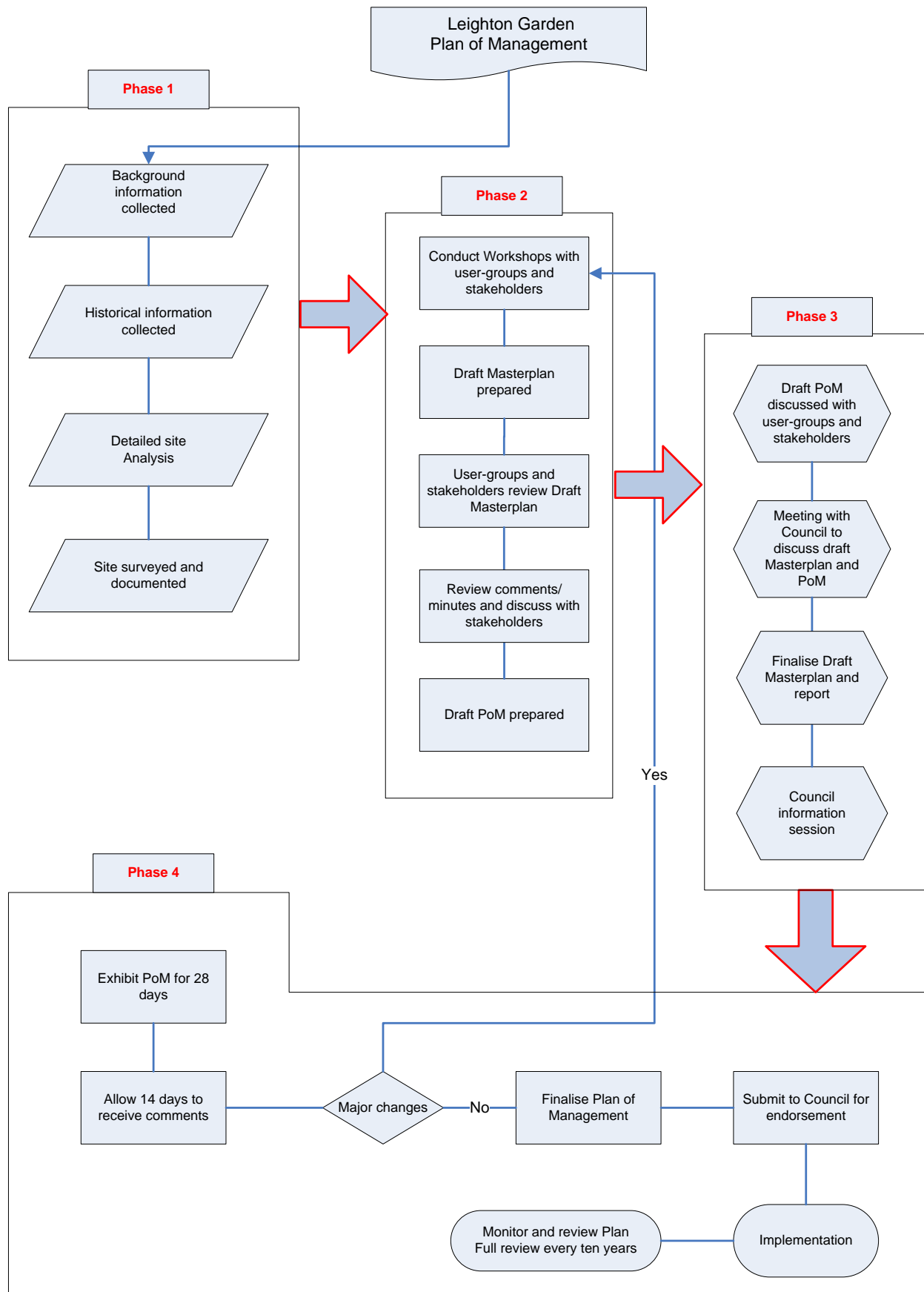


Figure 2 –Plan of Management Process

### 1.7.3 Methods of Communication

A number of workshops with key stakeholders were conducted. The workshops were designed to allow stakeholders to have an active involvement in the development of the Plan of Management and Masterplan. A list of the workshops held is shown in *Table 1*

**Table 1** *Stakeholder Workshops*

<b><i>Workshop/meetings</i></b>	<b><i>Date</i></b>
Initial meeting with Council	9 <sup>th</sup> March 2009
Workshop with Council	8 <sup>th</sup> April 2009
Site meeting with Council	12 <sup>th</sup> May 2009
Workshop with Council	12 <sup>th</sup> June 2009
Meeting with Moss Vale Masterplan Working Group	10 <sup>th</sup> August 2009
Meeting with Council	14 <sup>th</sup> August 2009
Workshop with Australian Rail Track Corporation	22 <sup>nd</sup> September 2010
Meeting with Council	1 <sup>st</sup> October 2010

### 1.7.4 Management Issues

Issues have the potential to challenge the core objectives and community values that form the basis of how Leighton Garden should be managed. Based on workshops conducted and feedback received the following issues have been identified.

#### ***Development***

- Enhance the identification of the park for visitors to the area;
- Improvements to the park infrastructure based on the masterplan accompanying this PoM;
- Establish links with other Reserves within the local area;
- Enhance the historical significance of the Park and the local area;
- Improved passive open space facilities;
- Continued improvement, protection, restoration and management of the heritage items;
- Future facilities or upgrades comply with the needs of the community; and
- Adopt ‘Crime Prevention through Environmental Design’ and ‘Safer by Design’ principles in managing the site to minimise vandalism and increase personal safety of users.

#### ***Safety***

- Stormwater infrastructure not suitable for a Public Park;
- Poor security lighting (surveillance) at night;

## 1.8 What is included in this Plan of Management

This Plan of management is divided into the following sections, as outlined in Table 2.

**Table 2** – Structure of this Plan of Management

Section	What is covered
1. Introduction	Background to the Plan of Management, community consultation, and management issues relating to the Precinct.
2. Description of Leighton Garden	History, facilities, uses, physical description
3. Legislative and Statutory Requirements	State Government planning legislation, local planning context
4. Legislation Relating to Leighton Garden	Land categorisation, core objectives, leases and licences
5. Basis for Management	Council's strategic direction, community values, role of the area, vision for the garden, management objectives for the garden.
6. Strategies and Action Plans	Strategies and actions to resolve management issues identified
7. Masterplan	Concept Masterplan developed as a result of community consultation
8. Implementation	Implementation and monitoring of the Plan of Management
9. Appendix	Funding, statutory provisions

Requirements of the Local Government Act for the contents of a Plan of Management, and where they can be found in this Plan, are listed in Table 3.

**Table 3** - Contents of a Plan of Management for community land

Requirement of the Local Government Act	How this plan satisfies the Act
The category of community land	Section 4
The objectives and performance targets of the plan with respect to the land	Section 7
A means for assessing the achievement of the plans objectives and performance targets.	Section 7
A description of 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	Section 2
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	Section 2
The purposes for which the land, and any such buildings or improvements, will be permitted to be used.	Sections 2, 3

**Table 3** - Contents of a Plan of Management for community land (Cont.)

<b>Requirement of the Local Government Act</b>	<b>How this plan satisfies the Act</b>
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	Sections 3, 4
A description of the scale and intensity of any such permitted use or development.	Section 2
The core objectives for management of community land for the category nominated	Section 4
Public hearing in relation to proposed plans of management	Section 4
Leases, licences or other estates in respect of community land.	Section 4
Identify the owner of the land	Section 2
Whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant	Section 2
whether the use or management of the land is subject to any condition or restriction imposed by the owner	Section 2



## 2.0 DESCRIPTION OF LEIGHTON GARDEN

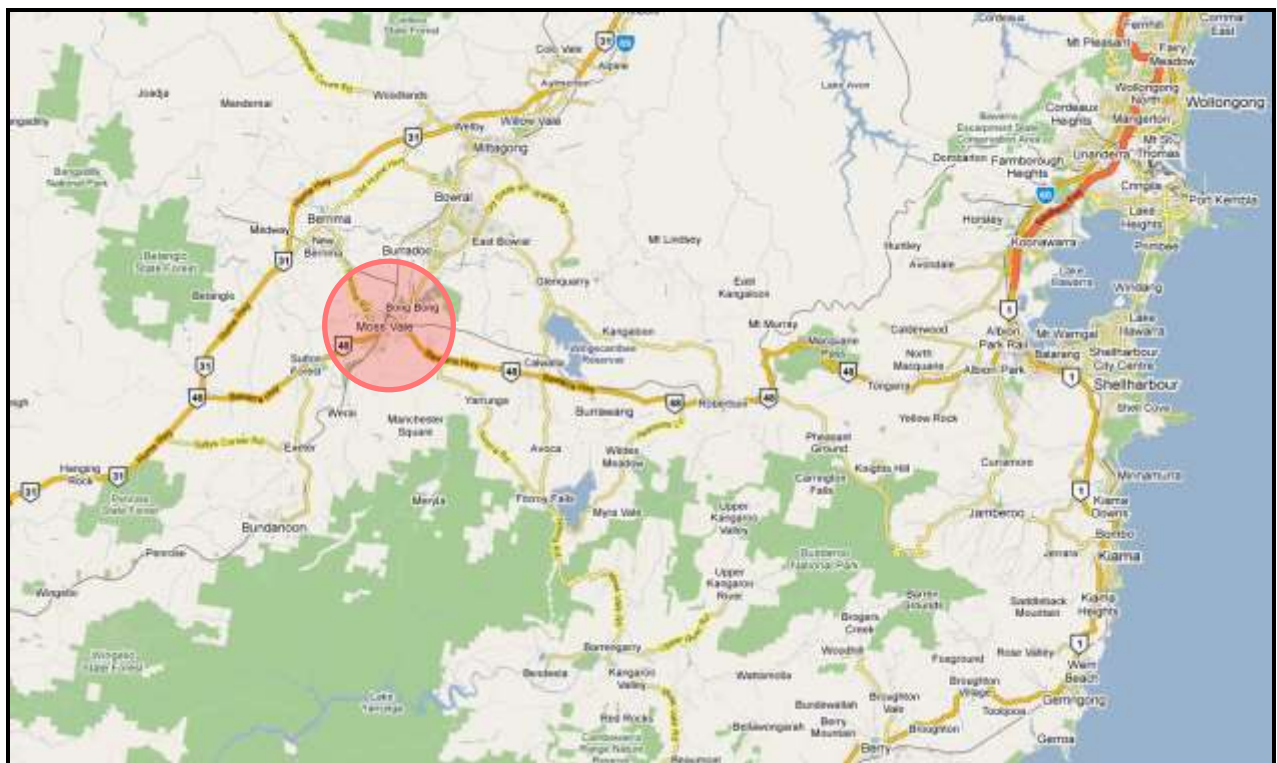
### 2.1 Location and Context

Leighton Garden is located in the township of Moss Vale within the Southern Highlands of New South Wales. The Southern Highlands lies within one and a half hour drive of Sydney and Canberra, and two and a half hour from the South Coast (Batemans Bay).

Moss Vale is located approximately 15 km southwest of Mittagong and 10 km from Bowral. The Southern Highlands is a rural area mixed with larger towns and small historic villages. Moss Vale is located halfway between Exeter Village and Bowral.

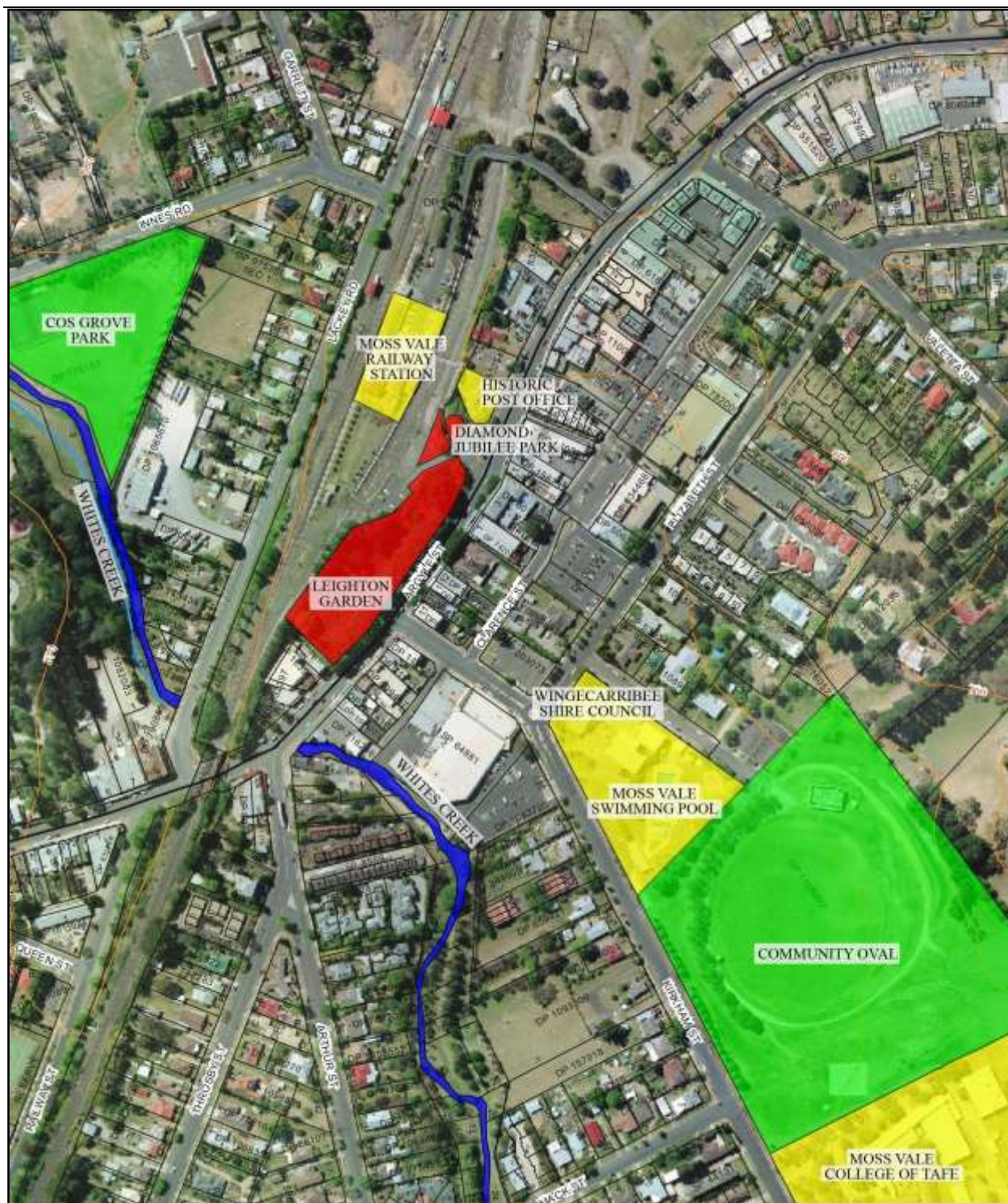
Leighton Garden is located along Argyle Street which is the spine of Moss Vale. It covers an area of approximately 0.7 hectares and is adjacent to Diamond Jubilee Park and Moss Vale Railway Precinct. Leighton Garden is bounded by Argyle Street to the south, the railway to the north, retail shops to the west and Bay Street to the east.

The majority of the land surrounding Leighton Garden is business and special uses (Railway). The catchment area is made up of a variety of different land uses including residential areas, business and community land. Figure 3 shows the location of Moss Vale within the Southern Highlands while Figure 4 shows the location and context of Leighton Garden.



*Figure 3 - Location Map of Moss Vale within the Southern Highlands*





**Figure 4 - Location and context of Leighton Garden**

This Plan of Management establishes the long-term management framework to protect and enhance the passive and sporting values of the reserve, flora, fauna and cultural values of the reserve and create quality visitor experiences.

The site covered by this Plan of Management is shown in Figure 5.





*Figure 5 –Leighton Garden as covered by this Plan of Management*

## 2.2 Significance of Leighton Garden

Leighton Garden was established many years ago on railway land adjacent to Moss Vale’s main street. Leighton Garden is the focal point of Moss Vale and the town’s festive activities, with its rotunda and a large number of established trees, shrubs and flower beds.

Leighton Gardens contributes substantially to the beauty, character and charm of the local area, and reflects the tranquil surroundings once experienced by the local residents and visitors in times gone by. It is best during spring when its flowers are in blossom or in autumn when the leaves of its plane trees are changing colour.

Leighton Gardens provides passive recreational activities in a historic and natural setting. The reserve provides an opportunity to develop a significant local recreational resource.

Leighton Gardens is significant because it:

- Of its location within the Moss Vale;
- Offers visitors a pleasant atmosphere for passive recreation;
- Provides historical significance within Moss Vale;
- Is a popular location for family picnics;
- Is a popular and suitable venue for community functions.

## 2.3 *Park Name*

Leighton Gardens has not been formally named by the Geographical Naming Board.

## 2.4 *Land Ownership and Management*

### 2.4.1 *Introduction*

The ownership of the parcels of land that comprise Leighton Garden are shown in Figure 6 and detailed in Table 4.

The land covered by this Plan of Management is owned by The Australian Rail Track Corporation and Wingecarribee Shire Council.

The total area of Leighton Gardens is approximately 0.721 hectares.



*Figure 6 –Land Ownership Plan of Leighton Garden*

**Table 4** – Overview of Leighton Garden

	<b>Lot 9 DP 832397</b>	<b>Part of Lot 4 DP 1101186</b>	<b>Part of Lot 4 DP 1101186</b>	<b>Not specified</b>
Features	Open space – pavilion, public toilet, picnic facilities etc	Vegetated space screening Railway area and Leighton Garden open space	Open space – weighbridge and weighbridge hut,	Open Space - Diamond Jubilee Park
Area (ha)	0.52 hectares	0.14 hectares	0.041 hectares	0.02 hectares
Total Area (ha)	0.721 hectares			
Owner	The Australian Rail Track Corporation			Wingecarribee Shire Council
Zoning	RE1 - Public Recreation	SP2 - Rail Infrastructure Facility		B2 – Local Centre
Categorisation	Park	Park	Park	Park
Leases	Yes	Yes	Yes	No
Licences	N/A	N/A	N/A	N/A
Easements	No	No	No	No

### 2.4.2 Community Land

Majority of Leighton Garden is owned by The Australian Rail Track Corporation, and is classified as a Community Land under the Local Government Act 1993. All land classified as community land must be managed in accordance with the Local Government Act 1993. Wingecarribee Shire Council manages Community Land in the Wingecarribee Local Government Area.

### 2.4.3 Leases and Licences in Leighton Garden

The following leases and licences apply to the use of facilities on land within Leighton Garden

**Table 5** - Current leases in Leighton Garden

Property Description	Leighton Garden
Lot and DP No.	Lot 9 DP 832397 and part of Lot 4 DP 1101186
Total Area	6,122.76 m <sup>2</sup>
Lease / Licence	Lease
Land Owner	The Australian Rail Track Corporation (ARTC)
Term	10 years (2007 to 2017)
Lessor	The Australian Rail Track Corporation (ARTC)
Lessee	Wingecarribee Shire Council
Facility	Leighton Garden including: <ul style="list-style-type: none"> <li>• Open space;</li> <li>• Pavilion;</li> <li>• Public amenities;</li> <li>• Picnic facilities;</li> <li>• Weighbridge; and</li> <li>• Weighbridge hut</li> </ul>
Lease Conditions	The existing lease does not have any conditions or restrictions imposed by the owner in accordance with and for the approved use of the property **
Site Restrictions	The site is not affected by any trust, estate, interest, dedication, condition, restriction or covenant **

**\*\* This information is based on information provided by Council at the time of preparing this Plan of Management.**



#### 2.4.4 Land not owned by Council

The Local Government Act 1993, as amended requires that, where Council controls but does not own the land, a plan must:

- Identify the owner of the land;
- State whether the land is subject to any trust, estate, interest, dedication, condition, restriction or covenant; and
- State whether the use or management of the land is subject to any condition or restriction imposed by the owner

This plan of management will respond to the above mentioned requirements.

#### 2.4.5 Key Stakeholders in Leighton Gardens

**Table 6** – Key Stakeholders in Leighton Garden

Organisation	Responsibilities
Australian Rail Track Corporation	Land owner;
Wingecarribee Shire Council	Land owner; Management; Consent Authority; Bookings; Maintenance.

#### 2.4.6 Zoning Plan

The current Local Environment Plan for Wingecarribee Shire Council is ‘Wingecarribee LEP 2010’ under this LEP the zoning applied to Leighton Gardens is as shown in Figure 7 below.

- RE1 - Public Recreation
- SP2 - Rail Infrastructure Facility
- B2 - Local Centre

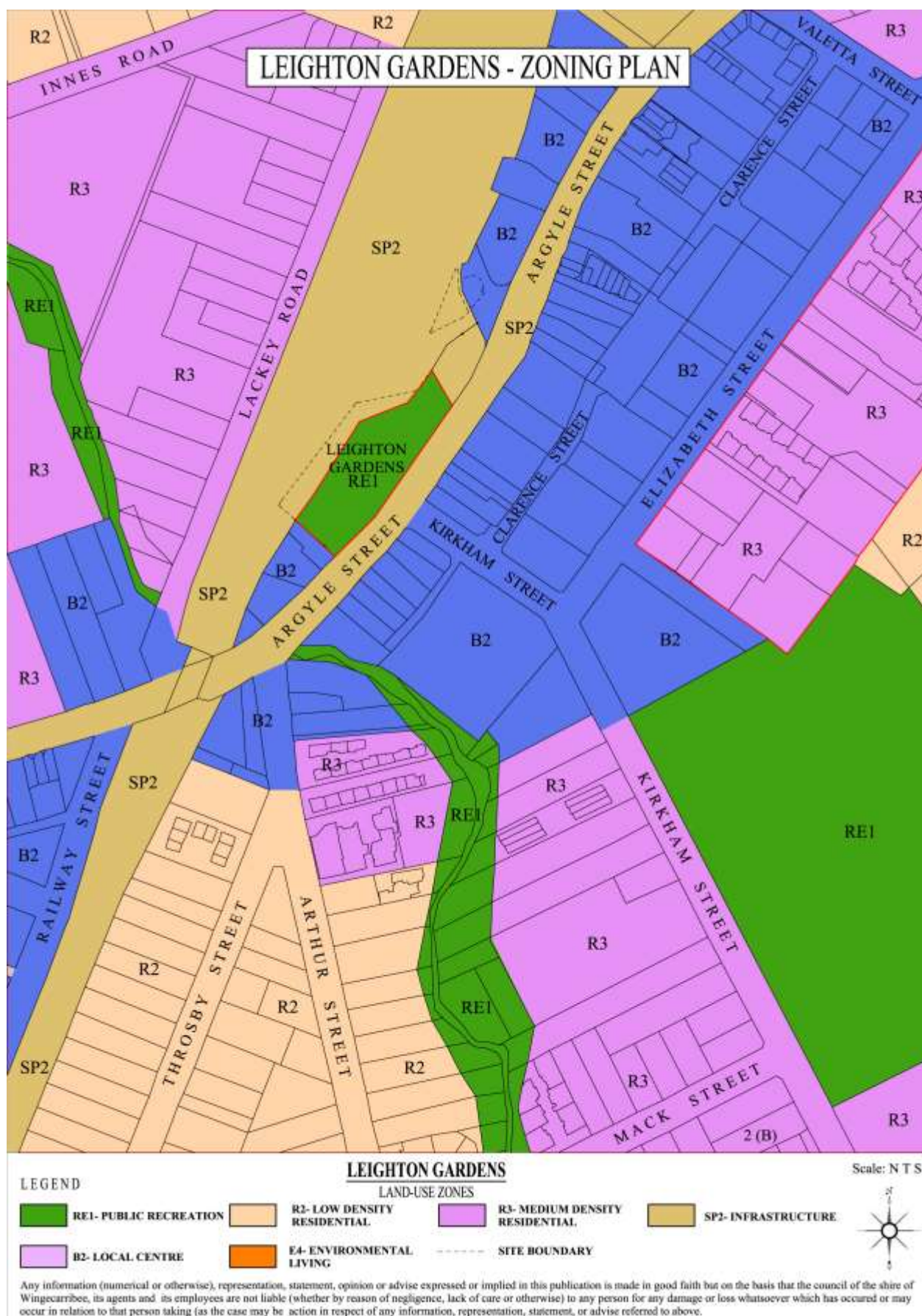


Figure 7 – Zoning Plan for Leighton Garden and surrounding land

## 2.5 History

### 2.5.1 Leighton Gardens

Leighton Garden was the brain child of Moss Vale's most energetic and forward thinking Mayor, Dr. Henry Leighton Jones. Dr. Jones came to Moss Vale in 1895 and opened a dental surgery in a building at 553 Argyle Street (demolished a few years ago). As well as being a dentist, he was also a qualified medical practitioner, surgeon and chemist, often helping out the towns people. Henry Leighton Jones became an Alderman in February 1904 and then Mayor in February 1905, a position he held until October 1912.

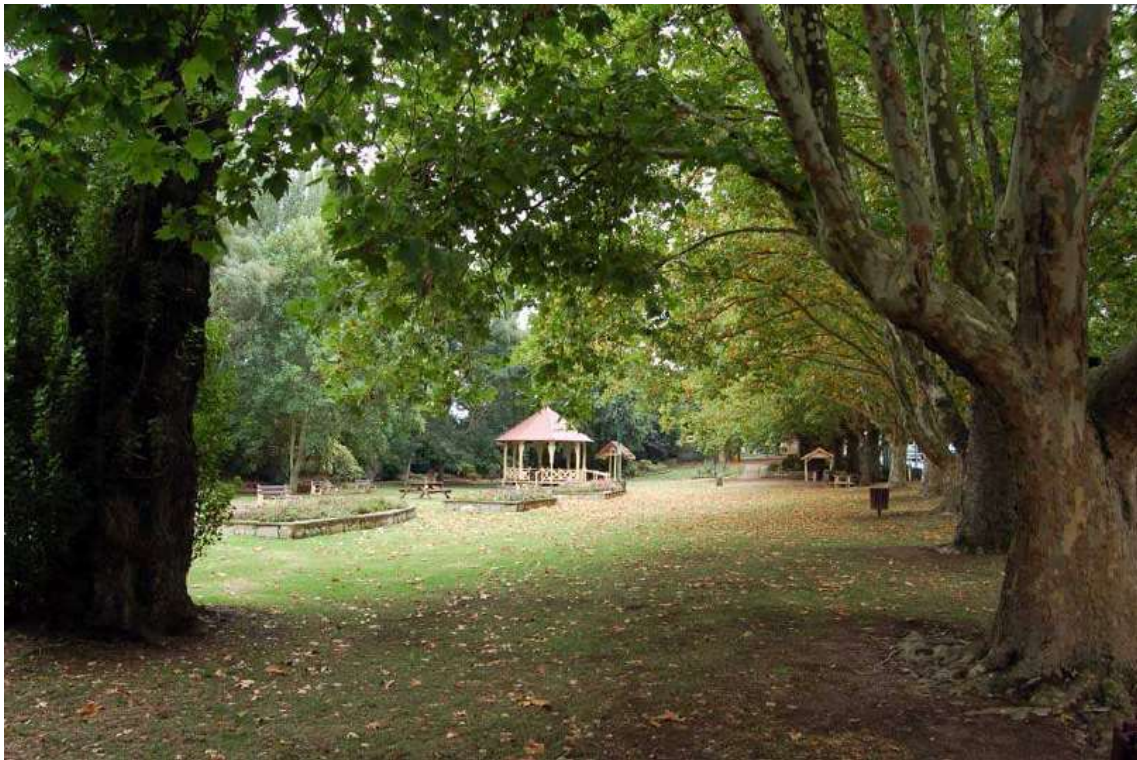


*Photo3 – Dr. Henry Leighton Jones (1868 – 1943)*

Dr. Jones had foreseen that a part of Railway land could be planned to utilise and turned into a feature of Moss Vale. Initially there was an opposition from the Railway Department, who would neither sell nor lease the ground because they thought they may need it at a later date. But Dr. Jones, through perseverance, was able to secure unused railway property to establish a park and a band rotunda. The Railway Commissioner agreed to lease a small paddock between the railway station and Argyle Street for 5 shillings a year to be used as a park. The park was built through the efforts of the local community who joined the group working bee, who then with their dedication cleared the ground and planted shrubs.

The park was officially opened on 7 December 1905 by a former State Governor Lord Jersey. On the opening day, a parade led by the Moss Vale town band, under the leadership of John Wade, and followed by the children of Moss Vale and Sutton Forest Public Schools marched their way to the park, where a large selection of trees was to be planted. One of them is the large Poplar tree (which still stands today), planted by the then nine year old Haille Hands Paine, a son of the town's solicitor, Bennington Haille Paine.





*Photo4 – Series of trees at Leighton Gardens*



*Photo5 – Photo showing Rotunda and Garden Beds*





*Photo5 – Photo showing Historic Rotunda / Bandstand built in 1907*

The Rotunda also known as the Bandstand was officially opened in February 1910. An open-air entertainment was held in Leighton Gardens and it was attended by 600 people. The entertainment was given for the official opening of the Bandstand and to raise funds for the future improvements of Leighton Gardens.

Sadly, during the 1940s and 1950s the park fell into severe disrepair and languished, becoming known as ‘The Railway Park’ and was even thought to be quite unsavoury. But then, in 1966 Jim Cosgrove – the first full-time gardener to be employed by the Wingecarribee Shire Council, went about his work planting tree ferns, rhododendrons and other plantings, laying the foundations and ‘bones’ of the garden the community enjoys today. Jim Cosgrove who later became parks foreman was held in such high esteem that Cosgrove Park near Berrima Road was named after him.

Another iconic attraction within Leighton Gardens is the Well that has stood for 43 years. This well also known as ‘Wishing Well’ was built in 1967 through funds raised by the Moss Vale branch of the international women’s organisation. It was built from specially selected stone brought in from Joadja by a local stonemason. The wishing well is the focal point for weddings and school formals, with loved ones throwing in a coin or messages of love on their special day. The fund collected through this wishing well goes to the charities.



*Photo6 – Photo showing Wishing Well built in 1967*

An extension to the park was added in August 1993, after the Railway Department agreed to lease the area incorporating the huge pine tree (*Pinus jefferii*) at the Bay Street end of town. This unusual species of magnificent long leaf pine tree was planted in 1902 by the Earl of Jersey (who was the New South Wales Governor from 1891 to 1893) on the occasion of his visit to the town.

### **2.5.2 Diamond Jubilee Park**

Bay Street was once connected with Lackey Road before the advent of the Great Southern Line in 1865. The Railway Station was completed in 1867 on the single line track and was originally opened as Sutton Forest and later renamed to Moss Vale in 1877. Bay Street ran from Argyle Street to the station until the duplication of the rail line in 1914. Up to that time, the street was the main access to the station and therefore an important precinct within the town of Moss Vale. The police station and court house were built on the southern side of Bay Street in 1877 and the Post and Telegraph Office on the northern side in 1891.

In 1914 work began on duplicating the Great Southern Railway line through Moss Vale. The line was constructed to the east of the station which necessitated the resumption of the land on which the police station and court house stood. The buildings were demolished and the bricks and joinery sold for £210 to Austin Chapman MLA (later Sir Austin Chapman). Chapman used the materials to build a house, Raion, in Lovelle Street, Moss Vale which still stands.





*Photo7 – Moss Vale Court House and Police Station built 1877, demolished 1914*

### ***Queen Victoria Memorial Fountain***

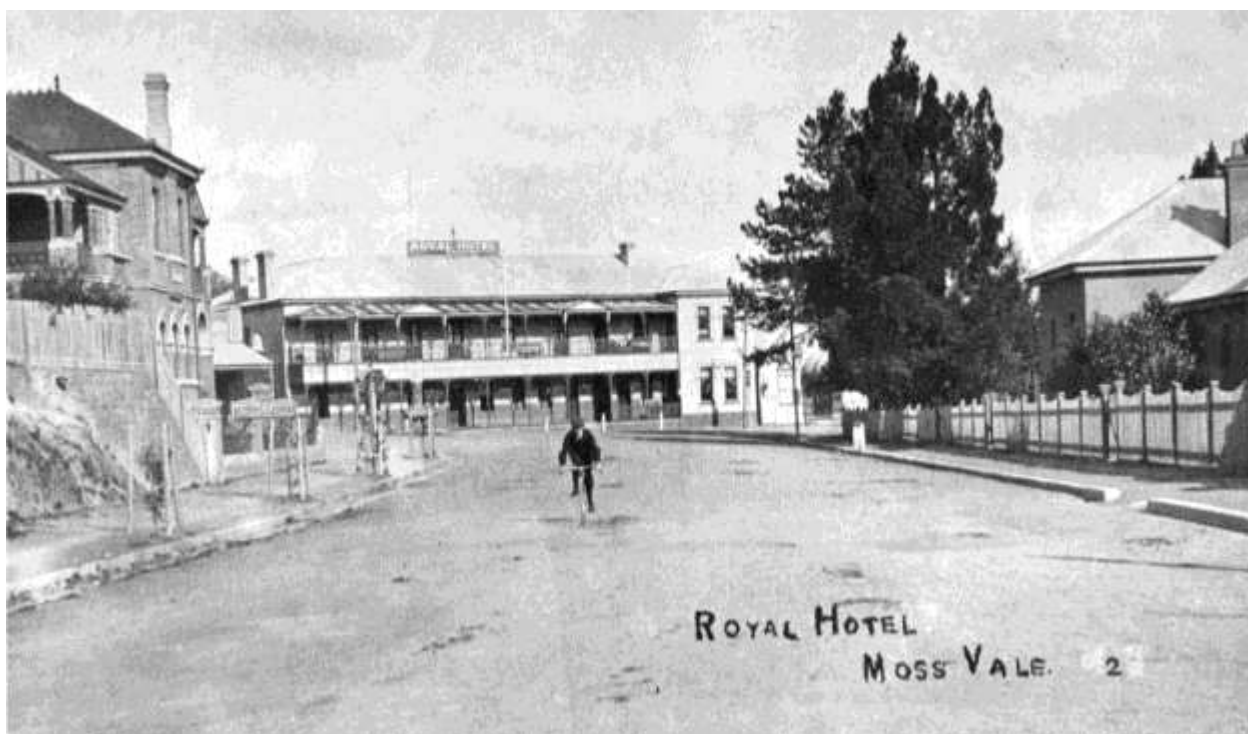
In 1897, a committee chaired by the mayor of Moss Vale, Alderman Ned Goodridge of the Royal Hotel (now Moss Vale Hotel) and made up of leading citizens in the town, resolved to commemorate the Diamond Jubilee reign of Queen Victoria by building a drinking fountain on the prominent site at the junction of Argyle and Bay Streets. The structure was unveiled on 22 June 1897.

The fountain was constructed by Loveridge and Hudson, using rough and polished trachyte from their Bowral quarries on The Gib for the substructure and basin and red granite for the base and cap of the fountain. Four taps with drinking cups attached were installed around the base of the monument and a three light standard erected on the top. In 1932 a memorial to Dr Alcorn, a highly respected member of the Moss Vale community, was erected over the fountain and in the early 1980s, the fountain was moved to a location adjacent to the post office.

*(Source: Diamond Jubilee Park - Supervision of excavation work and relocation of the Queen Victoria Memorial Fountain, prepared by Linda Emery, August 2008)*



*Photo8 – View from the verandah of the Royal Hotel, c1900, looking up Bay Street to the railway station. The police station and court house are on the left, the post office on the right*



**Photo9** – View from the station towards the Royal Hotel, with the police station and court house are on the right, the post office on the left

### ***Moss Vale Goods Yard***

The weighbridge and hut were originally part of the southern railway goods yard at Moss Vale, which included the nearby jib crane and an earlier 30m x 12m goods shed (located adjacent to the crane until the demolition in the c1990s). The original railway yard once extended as far as Argyle Street, across what is now Leighton Gardens. The weighbridge, hut and jib crane, although no longer in use, are reminders of the longstanding and extensive goods trade at Moss Vale from the mid to late 19th century until the 1970s.



**Photo10** – A photo of the the jib crane as it stands today



The 20 ton weighbridge was manufactured by Hawke & Company in the late 1940s or 1950s, and the weighbridge office (hut) designed by the NSW Railways in c1928 and probably constructed in the 1930s.

*(Source: Diamond Jubilee Park – Interpretation sign, prepared by Australian Rail Track Corporation (ARTC), November 2008)*

### **Weighbridge and Hut**

Appearances can be deceptive. The quiet, mostly unused area where the office stands today used to be a railway yard, where incoming goods were unloaded and outgoing goods loaded onto trains before being transported to Sydney and other destinations.

Up until the 1970s rail was mainly used for the transportation of goods throughout New South Wales. Sacks of wheat and wool, dairy products, farm produce, mail and other goods left Moss Vale, while incoming goods such as farm machinery, hay, petrol drums and other supplies arrived by rail.

The c1884 jib crane was used to load and unload large objects to and from goods wagons and the weighbridge used to access rail freight charges.

The weighbridge and office were conserved and incorporated into the reserve, when the park was expanded into railway land in 2008 in a partnership between Wingecarribee Shire Council and the Australian Rail Track Corporation.

*(Source: Diamond Jubilee Park – Interpretation sign, prepared by Australian Rail Track Corporation (ARTC), November 2008)*



**Photo11** – A photo of the weighbridge and office as it stands today

## 2.6 Heritage Significance for Leighton Garden

Leighton Garden is considered to be of high heritage significance as the Garden has a direct relationship with the establishment and development of Moss Vale Railway Precinct, the local community, establishment and development of Moss Vale Township and formed part of formal and casual celebrations.

The following are statements of significance (from Wingecarribee Heritage Inventory and NSW Heritage Office database) from each item that has an impact on the heritage significance of Leighton Garden:

Item	Leighton Garden
Significance	Local
Physical Description	Leighton Gardens makes a strong contribution to the streetscape and the sense of place within the town centre of Moss Vale.

(Source: Wingecarribee Shire Council – Wingecarribee Heritage Inventory, *SHI No. 2680400, 21 April 2010*)

Item	Leighton Garden Pavilion
Significance	Local
Physical Description	<p>Leighton Garden is a park of traditional character and high aesthetic value, in a landmark location at the centre of Moss Vale.</p> <p>The pavilion and clock tower adjoining the park are contributory items.</p>

(Source: Wingecarribee Shire Council – Wingecarribee Heritage Inventory, *SHI No. 2680172, 21 April 2010*)

Item	J.M. Alcorn memorial (Clock)
Significance	Local
Physical Description	<p>The Memorial clock is of aesthetic significance as a landmark within its setting of the park, former Post Office and Railway Station.</p> <p>The Memorial is also of historical significance as it is associated with both the commemoration of Queen Victoria's Diamond Jubilee in 1897 and of social significance in association with Doctor John Macquarie Alcorn. The memorial may also be of technical interest.</p>

(Source: Wingecarribee Shire Council – Wingecarribee Heritage Inventory, *SHI No. 2680397, 21 April 2010*)

Item	Moss Vale Post Office (Former)
Significance	Local
Physical Description	<p>A somewhat altered, 2 storey late Victorian Commercial building. It is similar in style and period to the former National Australia (CBC) Bank in Argyle Street sharing:</p> <ul style="list-style-type: none"> <li>• its use of face brickwork with rendered trim for external walls,</li> <li>• the use of a single storey, arched colonnade along the front elevation (now infilled at ground and first floor levels), and</li> <li>• the same simple slate clad hipped roof with wide eaves and rendered chimneys (the roof line now extended over the first floor addition to the front elevation).</li> </ul>

(Source: Wingecarribee Shire Council – Wingecarribee Heritage Inventory, SHI No. 2680248, 21 April 2010)

Item	Moss Vale Courthouse
Significance	Local
Statements of Significance	<p>The Moss Vale Courthouse is significant in possessing creative attributes which relate to the building's design. It is a good, relatively intact example of this style of country town public building and uncommon in the region</p>

(Source: NSW Heritage Office – Heritage register, Database No. 2680173, January 1990)

Item	Moss Vale Railway Precinct
Significance	Local
Statements of Significance	<p>The Moss Vale Railway buildings and their precinct are significant in the pattern of railway history in the State. They are a grouping which reflects the main phases of railway development from the 1860's to the 1930's when train travel was at its peak and represent fine examples of their respective railway building types.</p> <p>The station complex is also significant to State history in relation to the association with Governors of NSW. It is the only example of railway buildings in Australia containing Vice Regal facilities and having been developed partly to provide these facilities.</p> <p>The group is also significant in contributing to the 19th century character of the town centre. Together with the related landscaped park, platform and access roads they make a substantial townscape contribution to Moss Vale.</p>

(Source: NSW Heritage Office – Heritage register, Database No. 2680244, January 1990)

Item	Moss Vale Railway Precinct
Significance	State
Statements of Significance	<p>Moss Vale Railway Precinct is of state significance as one of NSW's largest regional railway stations. For a short time Moss Vale served as the terminus of the Great Southern Line and at the time was one of only a few substantial railway buildings in NSW. The main wing of the 1867 station building is significant as one of the earliest railway buildings in NSW and is also one of the oldest buildings in Moss Vale.</p> <p>The elaborate Railway Refreshment Room dating from 1890 is significant as one of the largest in NSW remaining. The precinct presents a mostly intact group of Victorian station buildings and other structures that remain an important landmark in the town of Moss Vale.</p> <p>Moss Vale Railway Precinct is also significant for its use by a succession of NSW Governors from the 1880s until 1946. The station is rare as the only railway station in Australia that has been substantially designed and modified to accommodate regular Vice-regal use including the 1890 additions to the station building for a Governor's Waiting Room and the unique platform and entry arrangement. Other significant features of the precinct (all dating from duplication of the line in 1915) include the decorative cantilevered awning to the platforms which was one of the first of its type in NSW, the booking Office, the two-storey signal box, the brick overbridge, and, the two steel Warren Truss footbridges.</p> <p>Originally the station featured an extensive yard, and while some elements of the southern goods yard are no longer extant, a jib crane, weighbridge and hut remain extant and are good representative examples of typical structures provided at many railway goods yards (Sheedy, 1988).</p>

(Source: NSW Heritage Office – Heritage register, Database No. 4806253, October 2007)

There are two separate statement of significance for 'Moss Vale Railway Precinct', the reason being that it has separate listing records under the State Heritage Register and the State Heritage Inventory.

(Source: Australian Rail Track Corporation (ARTC))

**Photo12** – Moss Vale Railway Refreshment Room- interior showing counter and dining tables, 1935

(Source: NSW Heritage Office)





## **2.7 Physical Characteristics**

### **2.7.1 Climate**

Leighton Gardens is located in close proximity to the Moss Vale meteorological stations located within the Southern Highlands.

Under the Modified Köppen classification system provided by the Australian Government Bureau of Meteorology, the climate within the Southern Highlands would be described as no dry season (warm summer) Temperate, (a temperate climate has mild to warm summers and colder winters) BoM (2009). Refer to Attachment A for details.

Taking an approximate average of Moss Vale meteorological data, Leighton Gardens would experience:

Mean daily maximum summer temperature of	25°C
Mean daily Minimum winter temperature of	2°C
Mean annual rainfall of approximately	965 mm
Wet days per month	7-8 days
Mean wind speed at 9am of	11 – 12 km/h

Leighton Gardens has moderate year-round temperatures with average maximum summer temperature of 25.0 degrees. The average winter daytime temperature is 12.5 degrees, dropping to an average 1.3 degree at night.

The annual median rainfall was found to be 965mm with the highest rain fall being experienced in June. The average annual humidity was found to be 73%, with the maximum average humidity being experienced in the same period (May/June).

The annual average wind speed was found to be 11 to 12 km/h, with the maximum average wind speed recorded in August to September.

### **2.7.2 Landform and Soil**

#### ***Landform and Topography***

Leighton Garden gradually slopes from North to South, due to the topography of the land which slopes towards Whites Creek. The highest point is towards the heritage pine tree planted in 1868 by Prince Albert – The Duke of Edinburg.

The rear of the site (adjacent to the Railway) also has dramatic changes in level towards the Western side along the railway line. This area is prominently landscaped with native and exotic vegetation.

## Geology and Soils

Environmental factors have a direct influence on soils such as climate (past and present), parent material (lithology), position in landscape (topography) and time. Vegetation types are also a part of this process and form an integral relationship with soil development, accumulation of organic matter and recycling of nutrients.

The predominant soil type present within Leighton Garden is typically derived from quaternary alluvium - Haplic Mesotrophic Red Kurosol (ASC), Red Podzolic Soil (GSG). Podzolic soils are typically found within floodplains and levees and is characterised as poorly draining soil profile which are constantly waterlogged.

The soil profile summarised in the table below was taken from data collected by NSW Soil & Land Information System –NSW Department of Environment and Climate Change) surveyed in February 2001, collected along the Road adjacent to main southern railway, Moss Vale (based on the sampling map provided online).

The soil profile for Leighton Garden is summarised below:

Site Location	Road adjacent to main southern railway (Moss vale)
Physiography	Mid-slope on hillslope under woodland grass u'storey on shale lithology with nil rock outcrop ; Slope 5 % (measured) , elevation 665 m , local relief very low (9-30m) , aspect west , run-on is high , run-off is moderate
Soil Hydrology	Profile is moderately permeable profile is mod. well drained none
Soil Type	Haplic Mesotrophic Red Kurosol (ASC) , Red Podzolic Soil (GSG)
<b>Lithology</b>	
Solum PM	Not identified
Substrate	Shale m
Rock Outcrop	Nil
Substrate Strength	Moderately strong
Weathering & Alteration	mod weathered rock m
<b>Soil Description</b>	
Layer 1 00.00 - 00.20 m A2 Horizon	Silty clay loam with massive structure (earthy), few (1-10/10x10cm) roots (<1mm), few (1-10/10x10cm) roots (1-2mm), field pH is 6. Coarse fragments are ironstone, fine gravel (2-6 mm), gravel (6-20 mm), pans are not evident. Segregations are not evident, not evident; smooth clear (20-50 mm) boundary to...
Layer 2 00.20 - 00.70 m B2 Horizon	Clay with moderate pedality (polyhedral 10 - 20 mm, rough-faced peds), few (1-10/10x10cm) roots (<1mm), few (1-10/10x10cm) roots (1-2mm), field pH is 4.5. Coarse fragments are as parent material, fine gravel (2-6 mm), gravel (6-20 mm), and ironstone, fine gravel (2-6 mm), gravel (6-20 mm), pans are not evident. Segregations are not evident, not evident

**Table 7** Leighton Garden Soil Profile

(Source: NSW Soil & Land Information System –NSW Department of Environment and Climate Change)

### **2.7.3 Landscape Character**

#### ***Views and Vista***

Leighton Garden occupied a prominent position in the township of Moss Vale. Due to its location, it acts like a focus of the town's festive activities, with its rotunda and a large number of established trees, shrubs and flower beds. It offers views of high scenic quality in a tranquil setting within a rural environment.

Leighton Garden is a scenic Park and is believed to be at its best during spring when its flowers are in blossom or in autumn when the leaves of its plane trees are changing colour.

Due to the nature of the topography, clear views exist across majority of the site; The Park provides an important visual amenity to the surrounding residences and visitors to the Park. The existing vegetation and proposed landscape improvements will enhance the parks vista.

#### ***Character***

Leighton garden is located on Argyle Street, which is the central binding core and focus of Moss Vale, from which springs its unique character. Moss Vale's history and layers of development, and relationship to the railway, is centred upon and inter-connected into its spine that is the Old Argyle Street.

Leighton Garden sits harmoniously adjacent to the Main Southern Railway line on land formerly used by the Government Railways, in the centre of Moss Vale Town which has been basically retained from the European settlement. The landscape character is defined by the heritage pine tree planted in 1868 by Prince Albert – The Duke of Edinburg, Diamond Jubilee Park and Garden Beds within the garden with variety of flowering plants.

## **2.8 Access and Circulation**

In accordance with Council's obligation to ensure equality, the site and its facilities will be accessible to all members of the community, regardless of age, sex, socio-economic status or mobility.

### **2.8.1 Access to the Garden**

The Park is easily accessible by foot, bicycle, private and authorised vehicles and buses.

#### ***Pedestrian***

Entry points to the Park for pedestrians are via Argyle Street and Bay Street. There are four main pedestrian entry points to Leighton Garden the first is at the south western corner along Argyle Street, the second park entrance is at the junction of Argyle Street and Kirkham Street which is also the main entrance to Leighton Garden, the third entrance to the park is located next to the Bus Stop also on Argyle Street, and the forth entrance is off bay Street adjacent to Diamond Jubilee Park.

There is an existing park signage identifying the park located on the main entrance. However, this signage is poorly designed and displayed. The entrance statement could be redesigned to reflect the charm and character of the park.

### ***Vehicle***

There is no direct formal public access to the site, except for the provision of access for maintenance or emergency vehicles.

There is no established need for the provision of vehicle access throughout the Park; the recreational purpose of Leighton Garden is not anticipated to change from its existing use and function

## ***2.8.2 Circulation within the Precinct***

### ***Pedestrian***

The existing pedestrian access and movement through the Park is via pedestrian paths and desire lines.

The proposed Masterplan will continue to provide pedestrian movement through the Park via pedestrian paths and desire lines, to maintain the character and function of the Park and ensure the significance of the Park is not altered.

### ***Disabled Access***

With the exception of the formal paved pedestrian path, the site does not currently provide adequate disabled access. The landform limits the potential to provide access to the park for all levels of mobility.

## 2.9 Current Facilities

The existing facilities in Leighton Gardens, and their use and conditions are set out in Table 8.



**Photo13** – Photo showing the Historic Rotunda



**Photo14** – Photo showing seating at the entrance



**Photo15** – Photo showing 'The Wishing well'



**Photo16** – Photo showing existing Interpretive & Tourist Signage



**Photo17** – Photo showing existing Plaque and memorial stone within Leighton Garden front entrance





***Photo18** –Existing Garden Bed*



***Photo19** –Existing Garden Bed*



***Photo20** –Existing Garden Bed*



***Photo21** –Existing Garden Beds and Disabled*





*Photo22 – Photo showing existing public amenity*



*Photo23 – Photo showing existing Bus stop*

**Table 8** Condition assessment

Area Description	Facility	Condition
Interpretive & Tourist Signage	The Interpretive & Tourist signage is located at the main entrance to the park, along Argyle Street. This signage shows Moss Vale Map, Places of interest, Images of Past activities etc.	Fair
Park Sign	A timber park sign is located adjacent to the main entrance	Poor
Main entrance	The main entrance consists of two masonry columns with 4-5 brick steps leading to the Garden from the foot path.	Fair
Public Amenities	A masonry and colour bond roof amenities building is located on the northern side of the Garden .	Fair
Gazebo	A timber and colour bond roof Gazebo is located in the centre of the Garden.	Fair
Benches	There are a series of timber benches located within the Garden.	Fair
Picnic Tables	There are a few timber picnic tables located throughout the Garden.	Fair

Aluminium Benches	There is an aluminium bench seat located adjacent to the weighbridge hut and 3 within Diamond Jubilee Park	Excellent
Aluminium Picnic Tables	There are two aluminium picnic tables located at the north eastern corner of the site.	Excellent
Raised Garden Beds	There are a number of stone raised garden beds throughout the site.	Fair
Retaining Wall	A retaining wall exists near the main entry and behind the two bench seats at the front of the site.	Good
Paved path	There is a paved path that leads from the public amenities to the main entrance.	Good
Fencing	A paved path also exist surrounding Diamond Jubilee Park	Excellent
	The separation between Leighton Garden and Railway line is by a wire mesh fence along the western side of the garden.	Fair
	There is also a hollow core tube fence surrounding the weighbridge and hut and along the ramp leading to the railway station.	Excellent
	A metal railing fence is located at the north eastern corner of the site between the bus stop and the taxi rank.	Fair

**Table 8 - Condition Assessment (Cont)**

Area Description	Facility	Condition
Wishing Well	A stone constructed wishing well is located near the main entrance	Poor
Diamond Jubilee Fountain	Diamond Jubilee Fountain was recently restored and is located in the north eastern corner near the weighbridge hut.	Good
Weighbridge & Hut	The Weighbridge & Hut (timber and steel roof) is located near the ramp to the railway station.	Good
Flood lights	There is a small flood light pole near the public amenities and attached to the gazebo	Fair

**Interpretation of building/site condition**

<i>Excellent</i>	<i>these assets are in 'as new' condition and require little maintenance or upgrade.</i>
<i>Good</i>	<i>these assets are well maintained for their age but require on-going maintenance.</i>
<i>Fair</i>	<i>these assets are suitable for their current use but need repairs, renovations or upgrade.</i>
<i>Poor</i>	<i>these assets are in poor condition and require maintenance to make serviceable.</i>





Figure 8 –Key facilities in Leighton Garden



## ***2.10 Use of Leighton Garden***

### ***2.10.1 Introduction***

Leighton Garden is one of three main ‘public gardens’ within the Shire. Users of Leighton Garden participate in a variety of informal recreation and organised social activities.

It is envisaged that the main users of Leighton Garden will be formal and informal organisations such as social groups, interest groups, local businesses, schools and local residents living within the surrounding area of the site. Leighton Garden also caters to residents and community groups from surrounding Towns and Villages, visitors and community groups from outside of the area (throughout the NSW basin).

The open space and associated facilities caters for passive recreation only. Leighton Garden is used as a Public Garden and provides picnic facilities. Leighton Garden is also historically and culturally significant as it provides a medium for visitors to the area to learn and understand the history of the town and the relationship with the railway and how the area was established.

Given Leighton Gardens prominent position within the Town and its relationship with the railway the Garden is highly patronized and well used by a diverse cross section of the community.

The provision, accessibility and quality of open space is one factor that guides and influences people’s choice in participating in recreational activities. Leighton Garden provides passive recreational opportunities. Councils aim is to promote a healthy and progressive lifestyle for the community of Wingecarribee by fostering and providing recreational services for the people of the region.

### ***2.10.2 Informal Activities***

Informal uses of the Garden include:

- ☐ Picnics;
- ☐ Informal games within the grassed area;
- ☐ Walking, jogging, walking the dog (on a leash);
- ☐ Social activities (such as small group functions etc);
- ☐ Sitting and relaxing
- ☐ Family functions;
- ☐ Etc.

### ***2.10.3 Organised Use***

Leighton Garden may be used for a range of activities for which a formal user application is required. These activities include:

- ☐ Community events (such as carols in the Park, formal community celebrations etc);
- ☐ School functions;
- ☐ Filming, photography etc;
- ☐ Corporate functions;
- ☐ Educational events;
- ☐ Private functions (such as weddings);

### ***2.10.4 Prohibited Uses***

Prohibited activities in the Park include open fires, camping, flying model aeroplanes, motor bikes, horses, cars, golf practice, off-leash dog exercise and shooting firearms.



***Photo24*** – Photo showing existing park seating



***Photo25*** – Photo showing existing picnic seating

## 3.0 LEGISLATIVE AND STATUTORY REQUIREMENTS

This Plan of Management consists of Community Land and must therefore satisfy the:

- Local Government Act, 1993, as amended; and
- Local Government Amendment (Community Land Management) Act, 1998.

### 3.1 *Principles of Community Land Management*

Under legislative requirements of the Local Government Act 1993, as amended and the Local Government Amendment (Community Land Management) Act, 1998, s36 (a) – (n), Councils must prepare and adopt Plans of Management for all Community Land. A plan may apply to one or more areas of Community Land, providing all the Act's requirements are fulfilled.

The Act states that the Plan must identify the following:

- a The category of land;
- b The objectives and performance targets of the plan with respect to the land;
- c The means by which Council proposes to achieve the plan's objectives and performance targets;
- d The manner in which Council proposes to assess its performance with respect to the plan's objectives and performance targets.

As this is a Plan of Management that applies to just one area of community land it must also:

- a) include a description of:
  - i. The condition of the land, and of any buildings or other improvements 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.

### **3.2 Council Dealings with Community Land**

- (a) Council has no power to sell, exchange or otherwise dispose of Community Land, except for the purpose of enabling that land to become, or to be added to, a Crown Reserve or land reserved or dedicated under the National Parks and Wildlife Act 1974;
- (b) Council may grant a lease or license on Community Land, but only in accordance with the Local Government Act 1993, as amended;
- (c) A Council may grant any other estate in Community Land to the extent permitted by the Local Government Act 1993, as amended

### **3.3 Leases or Licences on Community Land**

#### **3.3.1 Granting a Lease or Licence Community Land**

Leases and licenses are a method of formalising the use of Community Land and facilities. Leases or licences can be held by groups such as sporting clubs, schools, commercial organisations or individuals providing facilities and/or services for public use.

The Local Government Act 1993, as amended allows Council to grant leases or licences over all or part of Community Land. The use of land under a lease or licence must be compatible with the Local Environment Plan or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of a lease should reflect the interests of Council and the public and ensure proper management and maintenance.

#### **3.3.2 Conditions of Granting a Lease or Licence**

The following conditions must be met when granting a lease or licence over Community Land:

- The lease or licence must not be granted for a period exceeding 21 years;
- A lease or licence for a period greater than five years may only be granted by tender, unless it is granted to a non-profit organisation; and
- The Plan of Management must expressly authorise a lease or licence.

Council must:

- Give public notice of the proposal;
- Exhibit notice of the proposal on the land to which the proposal relates;
- Give notice of the proposal to such persons who appear to own or occupy land adjoining the Community Land; and
- Give notice of the proposal to any other person (owner or occupier of land in the vicinity of the Community Land), if in the opinion of the Council the subject to the proposal is likely to form the primary focus of the person's enjoyment of Community Land.



### ***3.3.3 Events Exempt from Lease or Licence***

#### **Casual Uses**

Casual uses of a public reserve for events of no more than three consecutive days will not be required to arrange a formal lease or licence with Council, provided that:

- The activity is permissible under the objectives identified for that land category,
- No significant damage to the reserve is anticipated as a result of the proposed activity,
- There is no anticipated disruption to adjacent properties as a result of the activity or event,
- The use or occupation does not involve the erection of any permanent buildings or structures,
- There is no interference with other users,
- Council obtains proof of suitable insurances,
- The organisers, in consultation with Council, make arrangements for the provision of extra toilets, waste collection, traffic management, security, and any other requirements deemed necessary by Council.

### ***3.4 Strategic Documents used in the Preparation of this Plan***

The following Council documents have been used to assist and guide the strategic outcomes of this Plan, ensuring consistency in values, principles and policies:

- Wingecarribee Local Environmental Plan 2010;
- Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study, 2004;
- Wingecarribee Management Plan 2009 – 2012;
- Wingecarribee Shire Council Open Space and Recreation Facilities Section 94 contributions plans 2007;
- Wingecarribee Social Plan 2005 – 2010;
- State of the Environment Report 2008-2009;
- Wingecarribee Biodiversity Strategy 2003

### ***3.5 Other Relevant legislation and Policies***

The Plan must also be in accordance with the provisions contained within relevant legislation and policy guidelines refer to Section 9.2 for a complete listing.

## 4.0 LEGISLATION RELATING TO LEIGHTON GARDEN

### 4.1 *Councils role in managing Leighton Garden*

Leighton Garden is classified as “Community Land”. All public land must be managed in accordance with the Local Government Act 1993, including the Local Government Amendment (Community Land Management) Act 1998. The Act requires that Councils must classify public land as “operational” or “community” and that Plans of Management must be prepared for Community Land. The ways in which Community Land can be used and managed are strictly governed in accordance with an adopted Plan of Management and any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

### 4.2 *Categories of Community Land*

Community Land must be categorised in accordance with the Local Government Amendment (Community Land Management) Act 1998. A category describes the land and each category has a set of core objectives. All current and intended uses of the land must comply with the core objectives and the objectives are defined and addressed within the Action Plan (Section 6).

The Local Government (General) Regulation 1999 provides guidelines for each of the categories, as described below:

#### 4.2.1 *General Community Use*

Land should be categorised as general community use if the land:

- May be made available for use for any purpose for which Community Land may be used, whether by the public at large or by specific sections of the public; and
- Is not required to be categorised as a natural area, or does not satisfy the guidelines for categorisation as a sportsground, a park or an area of cultural significance.

#### 4.2.2 *Park*

Land that is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities for use mainly for recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.

#### 4.2.3 *Sportsground*

Land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.

#### 4.2.4 An Area of Cultural Significance

Land should be categorised as an area of cultural significance if the land is:

- An area of Aboriginal significance, because the land:
  - has been declared an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974, or
  - whether or not in an undisturbed state, is significant to Aboriginal people in terms of their traditional or contemporary cultures, or
  - is of significance or interest because of Aboriginal associations, or
  - displays physical evidence of Aboriginal occupation (for example, items or artifacts such as stone tools, weapons, engraving sites, sacred trees, sharpening grooves or other deposits, and objects or materials that relate to the settlement of the land or place), or
  - is associated with Aboriginal stories, or
  - contains heritage items dating after European settlement that help to explain the relationship between Aboriginal people and later settlers, or
- An area of aesthetic significance, by virtue of:
  - having strong visual or sensory appeal or cohesion, or
  - including a significant landmark, or
  - having creative or technical qualities, such as architectural excellence, or
- An area of archaeological significance, because the area contains:
  - evidence of past human activity (for example, below-ground features such as building foundations, occupation deposits, features or artifacts or above-ground features such as buildings, works, industrial structures, and relics, whether intact or ruined), or
  - any other deposit, object or material that relates to the settlement of the land, or
- An area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history, or
- An area of technical or research significance, because of the area's contribution to an understanding of Australia's cultural history or environment, or
- An area of social significance, because of the area's association with Aboriginal life after 1788 or the area's association with a contemporary community for social, spiritual or other reasons.

#### 4.2.5 Natural Area

Land which, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. Community Land that has been declared critical habitat or which is directly affected by a recovery plan or threat abatement plan under the Threatened Species Act 1995 or the Fisheries Management Act 1994 must be categorised as a natural area.

***Natural Area: Bushland***

Land that contains primarily native vegetation and that vegetation is:

- The natural vegetation or a remainder of the natural vegetation of that land; or
- Are still representative of the structure and/or floristics of the natural vegetation in the locality.

***Natural area: Wetland***

Land that includes marshes, mangroves, backwaters, billabongs, swamps, sedgelands, wet meadows or wet heathlands that form a water body that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.

***Natural area: Watercourse***

Land described as:

- Any perennial or intermittent stream, flowing in a natural, artificially improved or rediverted channel; or
- Associated riparian land or vegetation, including land which is protected under the relevant legislation.

***Natural area: Foreshore***

Land that is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

***Natural area: Escarpment***

Land that includes features such as a long cliff-like ridge or rock and includes significant or unusual geological, geomorphological or scenic qualities.

### ***4.3 Categorisation of Land within Leighton Garden***

The parcels of land owned by the Australian Rail Track Corporation (ARTC) in Leighton Garden is not required to be categorised under the Local Government Act, given that it is Private Land which is not owned by Wingecarribee Shire Council.

Given that Council manages all community land, and to maintain consistency of management strategies across the whole site, the extent of the categories of community land within the Park are shown in Figure 9.

Under Section 36 (4) of the *Local Government Act 1993*, Leighton Garden is categorised as follows:

- Park





Figure 9 – Leighton Garden Categorisation plan

## 4.4 Core Objectives

The following Section outlines Council's objectives for the future management of Leighton Garden, these form the basis for the strategies developed in this Plan of Management. These strategies combine the objectives as outlined in the Local Government Act, with those of the Council and the Community.

The Local Government Act (1993) and the Local Government Amendment (Community Land Management) Act 1998 establishes a set of core objectives for each category. These objectives are significant in ensuring any activities and uses of the site are consistent with the desired activities and uses for that category of land. Wingecarribee Shire Council has the responsibility to manage and develop the land in accordance with these core objectives.

### 4.4.1 Park objectives

The core objectives for management of community land categorised as a park are:

- (a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and
- (b) To provide for passive recreational activities or pastimes and for the casual playing of games, and
- (c) To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

## 4.5 Express Authorisation of Lease / Licences

This Plan of Management expressly authorises The Australian Rail Track Corporation (ARTC) to enter into a lease, licence or other estate with an appropriate organisation, of its choice to manage the following facilities at Leighton Garden.

**Table 8** *Leases and licences consent levels*

Facility	Activity	Purpose	Agreement
Public Open Space (including public amenities and infrastructure)	Organised & informal passive activities or other community use	Public recreation and ancillary activities	Lease agreement
Weighbridge and Weighbridge Hut including the open space associated with this facility.	Organised & informal passive activities or other community use	Public recreation and ancillary activities	Lease agreement

## 4.6 Authorised Development

In accordance with the Local Government Amendment (Community Land Management) Act 1998 the Plan of Management must expressly authorise any proposed developments on the land. This authorisation in a Plan of Management gives 'in principle' support for an activity to proceed to the development assessment stage. This plan does not grant consent. Any proposed developments that are consistent with the plan are still subject to the normal development consent processes of Council.

## 5.0 BASIS FOR MANAGEMENT

For the effective ongoing management of community land, Council needs to consider its characteristics, current condition and use. This helps identify the community values for the land and management issues that have the potential to impact upon these values. Identification and understanding of these influencing factors will form the basis for Council's future management for Leighton Garden.

In addition to the community values and management issues associated with Community Land, effective management of Leighton Garden requires the consideration and incorporation of a multitude of legislative and policy requirements for community land. In managing Leighton Garden, Council must comply with the core objectives for a Park (refer to Section 4.4 - Core Objectives) and as specified in the Act, as well as various Federal, State and local level legislation and policy. The main aspects of this current legislation and policy affecting the management of community land are outlined in Section 9.2 Statutory Provisions.

### 5.1 Council's Management Goals

Wingecarribee Shire Council recognises that strategic planning provides a management framework to meet the challenges of today and the future. Council's Management Plan 2009-2012 outlines Council's vision and mission statements.

Wingecarribee Shire Council's **Mission** statement is:

***"To augment the economic, environmental and social quality of life in the Wingecarribee Shire by serving the community well"***

Wingecarribee Shire Council's **Vision** statements is a long term set of strategies which underpins the future direction of the Shire. It represents the combined Community and Council view on the desired future for Wingecarribee Shire. The vision for Wingecarribee Shire contains five vision statements which include:

- ***Enhance transparency and accountability in all decision making processes and outcomes***
- ***Gain the trust and confidence of the community by keeping the communities informed and respect their input***
- ***Enhance the services and civic and natural assets of the Shire for this and future generations***
- ***Promote a live locally, work locally sustainability focus***
- ***Support and encourage the Shire's tourism industry and character***

## 5.2 Council's Strategic Direction

Wingecarribee Shire Council's 2009-2012 Management Plan is structured around four specific priorities. Within each priority are activities that ensure Council's Strategic Direction is delivered.

The purpose of having these priorities is to create focus areas of importance to the community, and to help the organisation plan and think in terms of high level outcomes for the community.

Wingecarribee Shire Council's 2009-2012 Management Plan provides the link between the strategic direction of the organisation and the operational plans that detail the services and projects that will be provided over the period. Each project and service that is provided in the organisation will have a clear 'line of sight' to one or more of the Priority's strategic aims.

The priority areas identified to be addressed within and by organisation over the next few years are:

### **Governance**

- *Attracting and retaining a motivated workforce to achieve council's plans*
- *Improving procedures and processes for improved efficiency and effectiveness*
- *Adopting communication methods between council's staff and Councillors that promote clarity and trust*
- *Improving transparency and accountability of Council's finances*

### **Economic**

- *Facilitating the growth of new business within the Shire that provides local jobs across a wide range of skills and professions*
- *Supporting the Moss Vale Enterprise Zone and the tourism industry to develop sustainable environmentally responsible business development.*

### **Environmental**

- *Reaffirming council's commitment to preserving and improving our natural environment*
- *Retaining rural, village and town character with appropriate planning controls*

### **Social**

- *Adjusting service provision to community priorities with particular emphasis on the projected aging of our community*
- *Increasing support services to members of the community*

This Plan of Management aims to meet these strategic objectives through actions for the future development and management of Leighton Garden.



### **5.3 Reserve Values**

To effectively manage community land, Council needs to consider the reserve's values. These values tend to be broad in nature and remain constant for a considerable length of time. Reserve values are of paramount importance and can be defined as "what is important about a place" (Department of Land and Water Conservation & Manidis Roberts Consultants (1996). *Succeeding with Plans of Management*). These values provide a framework to underpin the way in which Council manages Community Land.

This Plan of Management incorporates this values-based approach to ensure best practice management of Community Land.

Based upon previous research, consultation and ongoing interaction with the key stakeholders, the following values have been identified:

#### **5.3.1 Health Values**

Recent research shows that many of society's health related conditions (physical and mental) could be lessened through increasing levels of physical activity and relaxation.

Regular participation in these activities allows individuals to improve their overall health and wellbeing through development of mental alertness, stress management, coordination, balance and other functions. Passive and sporting recreational areas as well as natural areas have enormous restorative powers that have profound positive impacts on human behaviour and function, and assist recovery from mental fatigue and stress.

The landscape setting and the open area within Leighton Garden provides a sense of spaciousness, openness and freedom of movement to walk, run and exercise, leading to a sense of well-being.

Leighton Garden provides relief from the 'urbanisation' of modern living. The informal setting and the natural landscape backdrop of Leighton Garden evokes a sense of quiet, serenity, peace and tranquillity.

#### **5.3.2 Recreational Values**

The community is increasingly realising the health and wellbeing benefits of recreation in enhancing their quality of life. Leighton Garden provides many opportunities for passive recreational activities. Variety of passive activities such as photography, painting and picnicking are popular in public open space areas. Many recreational areas link to other areas of open space greatly increasing their recreational value to the community.

#### **5.3.3 Aesthetic Values**

Leighton Garden pleasantly contrasts with the houses, buildings and traffic associated with the urban environment. Trees, shrubs, grass and landscaping are appreciated because they create a visually pleasing environment.

#### **5.3.4 Social Values**

The outdoors has long been part of the Australian culture, with open space areas highly valued as social venues. These areas are becoming increasingly important to the community. The open space within Leighton Garden is valued for its aesthetic and scenic qualities, and for the tranquil space provided to relax and escape the pressures of urban lifestyles.

The community has developed a strong sense of ownership of this site with the desire to protect and enhance its passive recreational values; the site also provides a level of social interaction across all activities.

The passive open space with Leighton Garden provides an ideal atmosphere for community interaction and socialising, which increases social capital and improves the health and wellbeing of the community.

#### **5.3.5 Natural Values**

Leighton Garden provides a balance of natural, built and recreational environment and is characteristic of the previous era. Any future development should consider this natural value.

#### **5.3.6 Historical Values**

Leighton Garden is valued as a place containing visual and social links to earlier times. There is a desire to identify, conserve and interpret areas of heritage significance.

Leighton Garden has an interesting social and infrastructure history with links to the establishment of the town and Moss Vale Railway Precinct.

### **5.4 Roles of the Area**

The main ‘role’ of Leighton Garden is to provide a popular local passive recreational resource and an opportunity for social interaction, particularly for the residents of the surrounding area.

### **5.5 Vision and Objectives for the Precinct**

A vision and objectives for management have been identified to guide and direct the management of the garden. These can also be considered as ‘guiding principles’ or ‘desired outcomes’ which define the expectations and directions for decision making in relation to the management and use of Leighton Garden.

#### **5.5.1 Vision for Management**

The vision for Leighton Garden ‘sits above’ the management objectives, providing the overall direction for the Plan of Management. It defines where Council and the community would like Leighton Garden to be in the future, and the direction that management activities (through the implementation of the Plan of Management) should take.

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## **Management Vision**

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*To recognise Leighton Garden as a “significant place” in Wingecarribee Shire Council’s open space system, ensuring protection and conservation of identified values through appropriate management, in a way which best meets the cultural, environmental, recreational and social needs of the present community and future generations.*

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### **5.5.2 Management Principles**

The following principles establish the direction the Wingecarribee Shire Council as the Land Managers will follow in implementing specific strategies to achieve the vision:

- Recognise, protect and enhance the understanding, protection and restoration of the natural landscape and ecological values of the Park;
- Permit a wide range of recreational opportunities compatible with the natural/physical, scenic and cultural features of the Park, in response to community needs;
- Encourage community “ownership” and use of the park
- Encourage and promote public use by providing a range of high quality, safe, accessible and enjoyable recreational and leisure facilities;
- To conserve, enhance, promote and interpret history of the Park and its significance to the local community;
- Adopt Crime Prevention Through Environmental Design and Safer by Design principles in managing the park to minimise vandalism and increase personal safety in the park.
- Protect and enhance the visual and social values of the Park;
- Provide opportunities for informal recreation and social interaction.
- Ensure continued free public access.

## 6.0 STRATEGIES AND ACTION PLANS

The following tables outline the direction for the management and development of the site. The tables have the following objectives:

- To formulate performance targets;
- To ensure consistency with core objectives for community land categories;
- To develop actions that will define the way that Council will achieve its performance targets;
- To provide a means of assessment, which is the way that Council measures its performance; and
- To assign priorities for each of the performance targets.

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

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

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



## 6.1 Management

**Table 10** *Proposed action plan for management*

No.	Performance Target	Means to Achieve (Action)	Priority	Performance Assessment	Responsibility
1	Relevant management units within Council are aware of the Plan of Management and its objectives.	Once approved ensure that all relevant sections of Council are aware of the PoM and their responsibility to conform to the objectives of the plan.	High	All sections of Council, interim and long term lessees that carry out works or occupy facilities in the park are aware of the Plan of Management and its requirements.	WSC
2	Improved promotion of the site and facilities available.	Develop a management and marketing strategy for the Park.	High	Management strategy developed and implemented.	WSC
3		Increase community awareness of the location of the Park and the recreational opportunities available.	High	Increase usage and community education.	WSC
4		Submit an application to Geographical Names Board to officially name the Park 'Leighton Garden'.	High	Park name approved and registered with the Geographical Names Board.	WSC

## 6.2 Heritage

**Table 11** *Proposed action plan for heritage*

No.	Performance Target	Means to Achieve (Action)	Priority	Performance Assessment	Responsibility
1	Development of heritage policies	Develop a Conservation Management Plan (CMP) for Leighton Garden incorporating Diamond Jubilee Park.	High	CMP developed and endorsed by Council and ARTC.	WSC
2		Incorporate Diamond Jubilee Fountain into the Heritage inventory for the site.	High	Diamond Jubilee Fountain incorporated into the Heritage inventory.	WSC
3		Develop an Interpretation Strategy and implement the recommended program.	High	Interpretation Strategy completed and the implementation strategy commenced.	WSC
4	Identification of Heritage significance	Prior to any physical work develop a Statement of Heritage Impact and implement the recommendations.	High	Statement of Heritage Impact completed and the implementation strategy commenced.	WSC

## 6.3 Recreation and Use

**Table 12** *Proposed action plan for recreation and use*

No.	Performance Target	Means to Achieve (Action)	Priority	Performance Assessment	Responsibility
1	Provide quality active and passive recreational facilities	Prepare construction drawings and detail plans for facility improvements to Leighton Garden as proposed in the Masterplan.	High	Drawings and detail plans completed.	WSC
2		Repaving the existing pathways, and extending the pathway as shown on the Masterplan.	High	Existing pathways upgraded and extended as per the Masterplan.	WSC
3		Redesign & reshape the landscape area as per the Masterplan.	High	Landscape area redesigned and constructed as per the Masterplan	WSC
4		Provide new landscaping area with sandstone edging to match the existing, as shown on the Masterplan.	High	New landscape area with sandstone edging constructed	WSC
5		Provide retaining walls wherever required to support new landscaping area as per Masterplan	High	New retaining walls provided.	WSC
6		Preserve and upgrade the pavilion (gazebo) using appropriate restoration techniques and methodology as defined by <i>The Burra Charter</i> .	High	Pavilion (gazebo) upgrade works completed.	WSC
7		Upgrade the existing lights within the Park to improve passive surveillance and safety.	Medium	Lights upgrade works completed and operational.	WSC
8		Design and install an entrance statement (interpretive and tourist signage) that compliments the character of the park.	Medium	Entrance statement implemented and all works completed	WSC

### 6.3 Recreation and Use (Contd.)

**Table 12** *Proposed action plan for recreation and use (cont.)*

No.	Performance Target	Means to Achieve (Action)	Priority	Performance Assessment	Responsibility
9		Upgrade and replace park furniture, picnic seating, bench seating as shown on the Masterplan	Medium	Park furniture replaced	WSC
10		Provide paved path and linkage between the Diamond Jubilee Park and Leighton Garden as shown on the Masterplan	Medium	Paved path and linkage provided	WSC
11		Enhance existing landscape area between the Moss Vale Railway Precinct and Leighton Garden to provide Screening.	Medium	Landscaping area enhanced to screen railway.	WSC
12		Upgrade existing public amenity to cater to future demand and community requirements.	Low	Public amenities facility upgraded.	WSC
13		Design and upgrade the drainage to the rear of the Park to ensure stormwater events are managed appropriately for the site usage.	Low	Drainage works completed.	WSC
14		Replace the existing steel rail fencing between the bus shelter and the taxi stand.	Low	Fence upgraded.	WSC



## 6.4 Access

**Table 13** *Proposed action plan for access*

No.	Performance Target	Means to Achieve (Action)	Priority	Performance Assessment	Responsibility
1	Provide opportunities to encourage sustainable community access and enjoyment.	Promotion of access to Leighton Garden facilities for all groups within the community	High	Increased number of visitors to Leighton Garden	WSC
2	Public access and use of community land is maintained and provided on a fair and equitable basis	a. Provide opportunities for all community groups to be involved in events and activities b. Ensure all permitted organised events comply with Council's policies and relevant legislation	High	Increased involvement in events and activities by different community groups  All events comply with Council policies and Legislation	WSC
3	Provide opportunities for people with disabilities to access Leighton Garden	a. Identify and provide wheelchair and disabled access in where it is feasible. b. Incorporate the requirements of Council's' equal access policy into future facility improvements (where applicable)	Medium	Increase in the number of people with disabilities visiting Leighton Garden  Future improvements comply with the equal access policy.	WSC

## 7.0 MASTER PLAN

The Masterplan for Leighton Garden has been developed as a result of community consultation and identifies numerous issues within the Reserve. Refer to Masterplan attached.

Components of the Masterplan may not occur for some years depending on funding. This Plan of Management recommends staging of the works; however, the staging is dependent on availability of funding, demand and use of the facilities and review of the needs assessment for the community and user groups of the park.



Figure 9 – Masterplan



- Landscape Notes**
- All landscaping areas to be fresh with grass.
  - All landscaping areas to have Sandstone edging to match existing.
  - All park furniture to be upgraded.
  - Existing paving to be replaced to match Diamond Jubilee Park.
  - The two central landscaping areas to be seasonally planted and all other landscaping areas to be designed in keeping with the park character.

- Masterplan Theme**
- Pedestrian traffic
  - Linkage between Diamond Jubilee and Leighton Gardens
  - Passive recreation & social usage
  - Picnic areas
  - Native and seasonal landscape areas
  - Interpretive tourist signage
  - Shade and screening trees
  - Stormwater drainage management
  - Park maintenance



ELEVATION ALONG ARGYLE STREET

**LEIGHTON GARDEN**  
Draft Masterplan  
Project Number: MMS18  
Date: 09/10/09  
Issue: E

**WINGCARRIBEE SHIRE COUNCIL**  
Scale: 1:250 @ A1

## 8.0 IMPLEMENTATION

### ***8.1 Implementation of this Plan of Management***

Implementation of the Plan will be monitored annually with the preparation of annual performance standards and capital works programs. Performance standards and works programs for administration and upgrading works are revised each year to meet allocated budgets and works priorities determined in Council's Management Plan.

Funding for management of the Reserve will be sought from a range of government, Council, corporate and community sources on an ongoing basis.

### ***8.2 Review of this Plan of Management***

This Plan of Management is intended to be reviewed and updated within ten years, (by 2020). It should be updated to reflect changing community and Council priorities and issues, incorporating changes in grants and funding, legislation or Council directions, and to recognise completed actions.

Review of this Plan of Management should also consider outcomes of periodic reviews of Council's strategic and operational plans. The Action Plan tables should be reviewed and revised yearly in accordance with Council's budgets, Capital Works Program and changing priorities.



## 9.0 APPENDIX

### ***9.1 Funding and Grant Sources***

#### ***Introduction***

There are a number of strategies used by Council to fund the implementation of this Plan of Management. Council generally utilises a number of funding sources to implement the proposed action plan.

#### ***9.1.1 Council Funding***

##### ***General***

Funding for construction of new facilities and upgrade of existing facilities is generally via the annual budgeting process, however projects (if the funding criteria is met) may be partly funded through State and Federal Government grant allocations, which may involve matching funding from Council.

Staging of works will need to occur because Council cannot meet the cost of every single item of work proposed at one time, due to other financial commitments throughout the Shire. Actions listed in the action plans have been prioritised, which will assist in developing works programs and annual budgets.

##### ***Environmental levy***

Funds raised from Council's environmental levy may be used for environmental open space projects.

##### ***Partnerships***

An opportunity exists to develop partnerships with community groups and interested people in relation to park improvements and ongoing management, such as regeneration of bushland areas.

##### ***Wingecarribee Shire Council's Section 94 Plan***

Council's Section 94 plan for its established areas, allow for Council to collect funds from new developments to be spend on embellishing local and district open space and community facilities.

### **9.1.2 Grant Funding**

A number of Commonwealth and State government grants are available to assist with capital works. While not exhaustive, the following gives an indication of the range of available grant programs through which improvements to the park consistent with its size, catchment and intended uses could be funded.

#### **Commonwealth Government**

##### **Regional and Local Community Infrastructure Program – Strategic Projects**

Part of the Economic Stimulus Plan, The commonwealth government has commenced a funding initiative for local government to build and renew local infrastructure such as community, centres, park and playgrounds, pool and sports facilities.

##### **Natural Heritage Trust Grants**

The commonwealth Government funds environmental and natural resource management programs, and particularly supports projects run in partnership between landholders, community groups and government.

##### **Australia Council for the Arts Grants**

The Australia Council is an arts advisory and funding body to the Commonwealth Government. It offers a diverse range of grants to individuals and organisations, through which it seeks to promote excellence in the arts and encourage cultural expression. Projects that are successful in achieving grants usually have a strong community focus in their aims and implementation.

##### *Community, Environment, Art and Design Fund (CEAD)*

CEAD supporting one off projects between communities, artists and designers in the planning and design of public open space.

##### **Public Art Program**

The NSW Government offers financial assistance for arts and cultural activities through Arts NSW. Grants of up to \$4,000 are available to assist in the commissioning of concept proposals by artists. Matching grants of up to \$20,000 are available for commissioning public art.

##### **Water for the Future Funding**

Offers grants to help local community organisations to save, recycle or improve the health of their local water resources. Grants are available for projects related to water saving and efficiency, water recycling, and water treatment to improve surface and groundwater health.

## State Government

### Environmental Trust Grants

The Environmental Trust is a State Government Trust established to support exceptional environmental projects. It is governed by the Environmental Trust Act 1998, and has been formed to provide grants and supervise their expenditure. A particular requirement of the Trust's programs is they encourage community involvement and input, making their purpose twofold - providing both educational and environmental benefits.

#### *The Environmental Education Program*

Provides resources to increase environmental awareness amongst individuals, communities and special interest groups.

#### *The Environmental Restoration and Rehabilitation Program*

This program funds projects which restore, protect, enhance and prevent further environmental degradation in natural environments. It requires applicants to include community involvement, cost efficiency and involve qualified people to achieve the restoration, and must broadly benefit the environment of NSW.

### NSW Department of Sport and Recreation

The Department of Sport and Recreation offers two levels of grants to local Councils – known as

- Capital Assistance Program.
- Regional Sports Facilities Program.
- International Sporting Events Program
- Sports Development Program

These programs provide funding for recreational infrastructure – both indoor and outdoor. In the past it has funded schemes as diverse as floodlighting, turf resurfacing, building upgrades and provision of other such sports facilities.

### NSW Community Relations Commission

- Community Development Grants Program

The Development Community Development Grant Program provides funding for long term benefits for the Community. Projects may include the promotion of cultural expression, enhancement of community development or capital based projects, development of community networks and structures and projects addressing critical issues relating to cultural diversity at a local level.

### Metropolitan Greenspace Program

Planning NSW provides funding under the Metropolitan Greenspace Program to help Councils plan and develop regionally significant open space areas. Improvements can include paths, interpretive signage, educational programs and natural heritage conservation works, including bush regeneration.

**Heritage Incentives Program**

The NSW Heritage Office provides funding to assist in the conservation works for items on the State Heritage Register.

**Heritage Study and Promotion Program**

The NSW Heritage Office provides funding for studies, interpretation and presentation, histories and other projects for heritage items in NSW.



## **9.2 Statutory Provisions**

In addition to the legislation and policy outlined within this Plan of Management, there are a number of local, regional, state and national legislative documents, plans and policies that relate to the management and protection of Leighton Garden. The main aspects of current legislation, plans and policy affecting the management and protection of Leighton Garden are outlined below:

### **Commonwealth Legislation**

#### ***Environment Protection and Biodiversity Conservation Act, 1999 (EPBC)***

The EPBC Act introduces an assessment and approvals system for actions that have a significant impact on matters of “national environmental significance” (NES), which include nationally threatened species and ecological communities. The Act has the potential to capture a wide range of activities, including land clearing activities, irrigation developments, water infrastructure projects (e.g. weirs and dams), certain urban developments, mineral exploration activities and many marine activities.

Endangered Ecological Communities in NSW affected by this legislation include Southern Highlands Shale Woodland (found within the Wingecarribee LGA), however the EPBC Act may list ecological communities not listed under the TSC Act.

### **State Legislation**

#### ***Local Government Act 1993***

The Local Government Act 1993 includes a range of requirements on the management and use of public land. Council owned land must be classified as either community or operational land.

Section 35 of the Act requires that community land is used and managed in accordance with the following:

- The Plan of Management applying to the land
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
- This Division

Section 38 of the Act requires that Council give public notice of a draft Plan of Management. The plan must be exhibited for at least 28 days with a submission period totally 42 days. Any relevant supplementary material must also be exhibited.

A public hearing is only required if the Plan of Management proposes that community land be re-categorised or categorised for the first time. Section 45 of the Act dictates what dealings a Council can have with community land, as follows:

- i. A Council has no power to sell, exchange or otherwise dispose of community land
- ii. A Council may grant a lease or licence of community land, but only in accordance with this Division
- iii. A Council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act

This section does not prevent a Council from selling, exchanging or otherwise disposing of Community Land for the purpose of enabling that land to become, or be added to, a Crown Reserve or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974.

Sections 46 and 47 of the Act provide clear guidelines for Council with respect to the granting of leases, licences and other estates on community land. This includes permissible uses, means of granting leases, licences and other estates, timeframes and subleases, development and dedication of community land as public road.

The Local Government Act 1993 also considers acts of vandalism in public places (eg. Injuring plants and animals or defacing property) and gives Councils the power to establish and enforce alcohol free zones.

### ***Environmental Planning & Assessment (EP & A) Act 1979***

This planning instrument applies to development and use of all land within Wingecarribee LGA. Under this instrument, any use or development proposed for an area must be consistent with the applicable zoning as outlined in this plan for that area.

In relation to Natural Areas, the Environmental Planning and Assessment (EP & A) Act aims to encourage the proper management, development and conservation of natural resources for the purpose of promoting the social and economic welfare of the community and a better environment. It also plans for the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities and their habitats.

Environment Assessments must be carried out for any proposed activity or development. Any change in the use of a land area requires a development application (DA) and environmental assessment of the proposed activity under Part 4 of the EP&A Act forms part of the DA. A review of environmental factors (REF) under Part 5 of the EP&A Act must also be written for those proposed activities that do not require development consent.

### ***Protection of Environment Operations Act 1997***

This legislation replaces the Clean Air Act 1961, Clean Waters Act 1970, Pollution Control Act 1970, Noise Control Act 1975, and the Environmental Offences and Penalties Act 1989. It is an offence for a person to discharge pollutants to waters unless they hold an environment protection license.

***Catchment Management Authorities Act 2003***

This legislation establishes catchment management authorities and has the following objectives:

- to establish authorities for the purpose of devolving operational, investment and decision-making natural resource functions to catchment levels;
- to provide for proper natural resource planning at a catchment level;
- to ensure that decisions about natural resources take into account appropriate catchment issues;
- to require decisions taken at a catchment level to take into account State-wide standards and to involve the Natural Resources Commission in catchment planning where appropriate;
- to involve communities in each catchment in decision making and to make best use of catchment knowledge and expertise;
- to ensure the proper management of natural resources in the social, economic and environmental interests of the State;
- to apply sound scientific knowledge to achieve a fully functioning and productive landscape;
- to provide a framework for financial assistance and incentives to landholders in connection with natural resource management.

***Fisheries Management Act 1994***

The primary purpose of this Act is to conserve, develop and share the fishery resources of the State for the benefit of present and future generations, with the following objectives:

- to conserve fish stocks and key fish habitats;
- to conserve threatened species, populations and ecological communities of fish and marine vegetation;
- to promote ecologically sustainable development, including the conservation of
- to promote viable commercial fishing and aquaculture industries;
- to promote quality recreational fishing opportunities;
- to appropriately share fisheries resources between the users of those resources;
- to provide social and economic benefits for the wider community of New South Wales.

***Noxious Weeds Act 1993***

Local Government is responsible for the application of the Noxious Weed Act administered by the Department of Primary Industries. Council is required enforce the control of State and locally declared noxious weeds on both private and public lands, and therefore

- must control declared noxious weeds on Council managed lands;
- must inspect and enforce control of declared noxious weeds on private land
- must be a member of a regional weed committee and produce regional plans to ensure funding from Department of Primary Industries

***Rural Fires Act 1997***

The objects of this Act are to provide:

- for the prevention, mitigation and suppression of bush and other fires in local government areas (or parts of areas) and other parts of the State constituted as rural fire districts, and
- for the co-ordination of bush fire fighting and bush fire prevention throughout the State, and
- for the protection of persons from injury or death, and property from damage, arising from fires, and
- for the protection of the environment by requiring certain activities referred to in the above paragraphs to be carried out having regard to the principles of ecologically sustainable development

***National Parks and Wildlife Act 1974***

This Act applies to both community and Crown land, and its protection and conservation principles in this Act are consistent with the core objectives for Natural Areas. It also aims to foster public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation. It provides protection and conservation powers for:

- habitat, ecosystems and ecosystem processes;
- biological diversity at the community, species and genetic levels;
- landforms of significance, including geological features and processes;
- landscapes and natural features of significance including wilderness and wild rivers
- places, objects and features of significance to Aboriginal people;
- places of social value to the people of New South Wales;
- places of historic, architectural or scientific significance

***Water Management Act 2001***

The purpose of this Act is to provide for the sustainable and integrated management of the water sources for the benefit of both present and future generations. This is achieved through:

- applying the principles of ecologically sustainable development;
- protecting, enhancing and restoring water sources, their associated ecosystems, ecological processes and biological diversity and their water quality;
- recognising and fostering the significant social and economic benefits to the State that result from the sustainable and efficient use of water, including:
  - i. benefits to the environment;
  - ii. benefits to urban communities, agriculture, fisheries, industry and recreation;
  - iii. benefits to culture and heritage;
  - iv. benefits to the Aboriginal people in relation to their spiritual, social, customary and economic use of land and water.

- recognising the role of the community, as a partner with government, in resolving issues relating to the management of water sources;
- providing for the orderly, efficient and equitable sharing of water from water sources;
- integrating the management of water sources with the management of other aspects of the environment, including the land, its soil, its native vegetation and its native fauna;
- encouraging the sharing of responsibility for the sustainable and efficient use of water between the Government and water users;
- encouraging best practice in the management and use of water.

### ***Threatened Species Conservation Act, 1995 (TSC Act)***

This Act aims to assist with the protection and recovery of threatened native flora and fauna species, populations and communities, as well as their habitats within NSW. It has significant implications for Council in relation to the management of native vegetation.

### ***NSW Biodiversity Strategy 1999***

The core objectives of the NSW Biodiversity Strategy are to:

- Ensure the survival and evolutionary development of species, populations and communities of plants, animals and microorganisms native to NSW.
- Strengthen management of biodiversity on a bioregional basis while using existing catchment level networks to focus on specific actions, including the integration of biodiversity conservation and natural resource management, consistent with the principles of ecologically sustainable development.
- Identify, prevent or attack at-source the threats to biodiversity through timely implementation of targeted actions.
- Build on the success of existing initiatives to develop a coordinated and cost-effective biodiversity conservation program involving the community, industry and all levels of government and ensure that the rights, knowledge and values of local and Aboriginal communities are properly recognised and reflected.
- Strengthen actions to inform, motivate and achieve the support of the community including local and Aboriginal communities, industry, State Government agencies and Local Government, in conserving biodiversity.
- Increase our understanding of the ecological systems and processes required to conserve biodiversity through scientific research, survey and monitoring, taking into account the knowledge and values of Aboriginal and local communities.

### ***NSW Heritage Act 1977***

The NSW Heritage Act 1977 aims to conserve the environmental and cultural heritage of NSW. Proposed changes affecting sites on the State Heritage Register, and the management of archaeological and maritime archaeological sites, are covered by this Act. The Heritage Act also applies in managing excavation that may affect archaeological relics.



## Local Plans and Policies

### *Wingecarribee Local Environmental Plan (LEP) 2010*

The Wingecarribee Local Environmental Plan (LEP) 2010 provides planning and land use controls to encourage ecologically sustainable development for all land in the LGA. These controls provide for protection and enhancement of the natural environment, particularly remnant bushland. Under this instrument, any use or development proposed for an area must be consistent with the applicable zoning as designated for that area.

Natural Areas are zoned as either:

- RE1 Public Recreation;
- RE2 Private Recreation;
- E1 National Parks and Nature Reserves;
- E2 Environmental Conservation; and
- E3 Environmental Management.

Development in areas with either of these zonings must be in accordance with a Plan of Management adopted under the Local Government Act 1993. However, areas with Environmental Protection Zoning have harsher development controls than Public Recreation Zoning.

### **Land Zoned RE1 Public Recreation**

The objectives for land zoned **RE1** are:

- (a) To enable land to be used for public open space or recreational purposes;
- (b) To provide a range of recreational settings and activities and compatible land uses;
- (c) To protect and enhance the natural environment for recreational purposes; and
- (d) To enable ancillary development that will encourage the enjoyment of land zoned for open space.

### **Land Zoned RE2 Private Recreation**

The objectives for land zoned **RE2** are:

- (a) To enable land to be used for private open space or recreational purposes;
- (b) To provide a range of recreational settings and activities and compatible land uses; and
- (c) To protect and enhance the natural environment for recreational purposes.

### **Land Zoned E1 National Parks and Nature Reserve**

The objectives for land zoned **E1** are:

- (a) To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- (b) To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- (c) To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

**Land Zoned E2 Environmental Conservation**

The objectives for land zoned **E2** are:

- (a) To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- (b) To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**Land Zoned E3 Environmental Management**

The objectives for land zoned **E3** are:

- (a) To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values;
- (b) To provide for a limited range of development that does not have an adverse effect on those values;
- (c) To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns;
- (d) To minimise the proliferation of buildings and other structures in these sensitive landscape areas;
- (e) To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas; and

To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability

***Wingecarribee Biodiversity Strategy Phase 1 2003***

This Plan of Management is to be implemented in conjunction with the Wingecarribee Biodiversity Strategy Phase 1 2003, which provides guidelines to direct Council's management of biodiversity. The overall aim is to:

‘To establish and implement measures to effectively conserve, protect, enhance and rehabilitate the biodiversity with the Shire’.

***Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs - Study 2004 and Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs - Study and Strategy – Review (November 2009)***

The plan provides a framework to guide the planning, development and management of Wingecarribee's open space systems in line with Council's strategic outcomes.

The overall purpose of Open Space, Recreation, Cultural and Community Needs Study is:

- To properly identify the existing and likely future community needs for open space, recreation, cultural and community facilities in Wingecarribee;
- To identify a strategic planning and management direction for an integrated and corporate approach to the provision of recreation, cultural and community activity opportunities, through public facilities and open space; and

To develop a policy framework for Council to provide quality recreation, cultural and community activity opportunities and environments that meets the needs of the Wingecarribee community.

### 9.3 References

Wingecarribee Shire Council Open Space and Recreation Facilities Section 94  
Contributions plans - 2007

Wingecarribee Social Plan – 2005 – 2010

Wingecarribee Shire Council Parks, Gardens & Reserves Management Plans (July 1995)

Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study,  
September, 2004

Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs - Study and  
Strategy – Review (November 2009)

Wingecarribee our Future – Strategic Plan, October 2002

Wingecarribee Local Environmental Plan 2010

State of the Environment Report 2008-2009

Wingecarribee Shire Council's Management Plan 2009-2012

Environmental Planning and Assessment Act 1979

Local Government Act 1993, as amended

Local Government Amendment (Community Land Management) Act 1998

Disability Discrimination Act 1992

Native Vegetation Conservation Act 1997

Recreation and sport planning and design, Jim Daly, 2000

Outdoor Recreation and Open Space, Planning Guidelines for Local Government, prepared by  
Manidis Roberts Consultants, 1992

Diamond Jubilee Park - Supervision of excavation work and relocation of the Queen Victoria  
Memorial Fountain, prepared by Linda Emery, August 2008

Department of Land and Water Conservation & Manidis Roberts Consultants. *Succeeding with  
Plans of Management*. 1996

Wingecarribee Biodiversity Strategy 2003

NSW Soil & Land Information System –NSW Department of Environment and Climate Change), [www.nratlas.nsw.gov.au](http://www.nratlas.nsw.gov.au), August 2009

Australian Soil Resource Information System, [www.asris.csiro.au](http://www.asris.csiro.au), August 2009.

Australian Government Bureau of Meteorology – [www.bom.gov.au](http://www.bom.gov.au), July 2009.

NSW Department of Lands – [www.six.nsw.gov.au](http://www.six.nsw.gov.au), May 2010

Geographical Names Board, [www.gnb.nsw.gov.au](http://www.gnb.nsw.gov.au), May 2010

NSW heritage Branch, [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au), September 2010



## ATTACHMENT A – Australian Climate Classification Groups

Köppen's scheme to classify world climates was devised in 1918 by Dr Wladimir Köppen of the University of Graz in Austria (Köppen 1931, Köppen and Geiger 1928, Köppen and Geiger 1930-39).

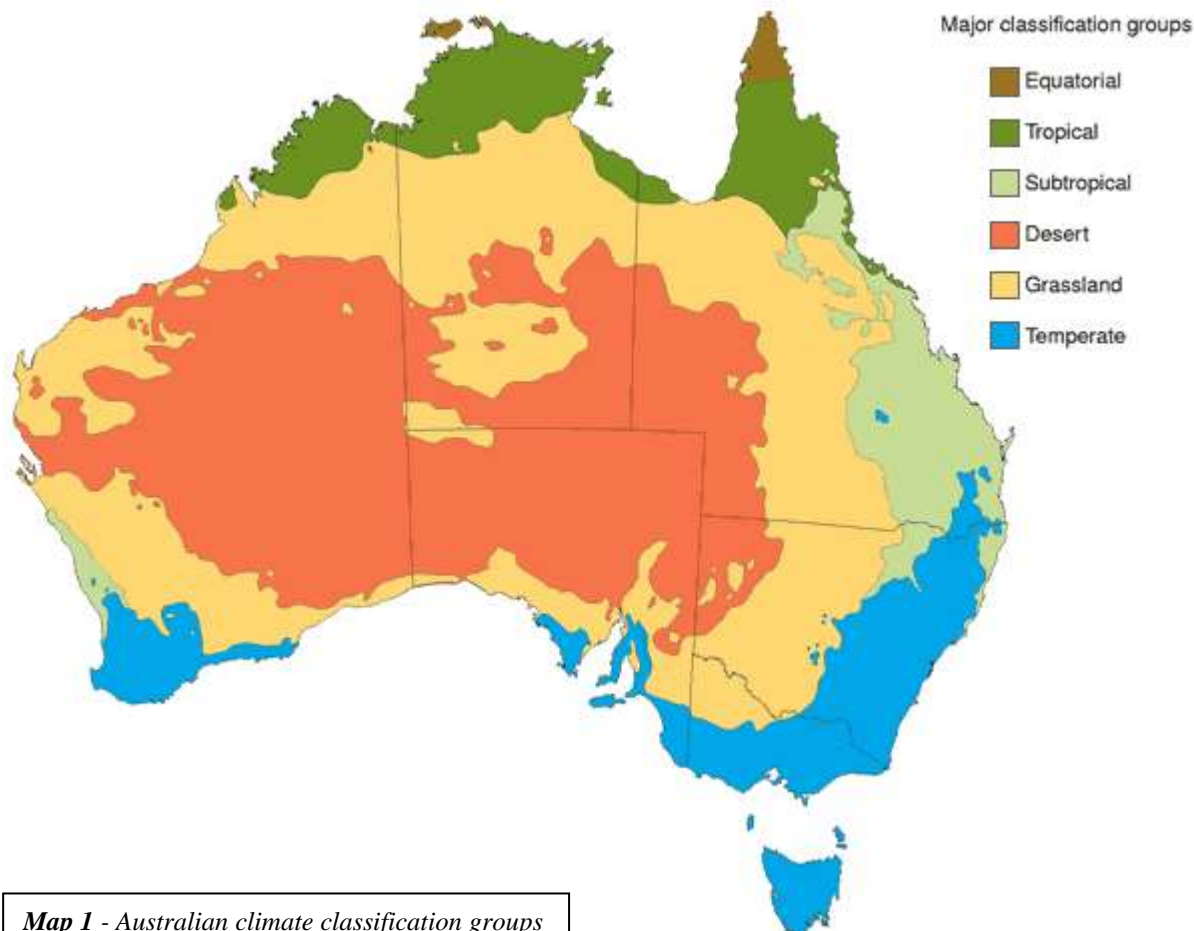
The Köppen classification is based on the concept that native vegetation is the best expression of climate, climate zone boundaries having been selected with vegetation limits in mind.

Köppen recognises five principal groups of world climates that are intended to correspond with five principal vegetation groups. These five climatic groups may be described as tropical rainy, dry, temperate rainy, cold snowy forest, and polar.

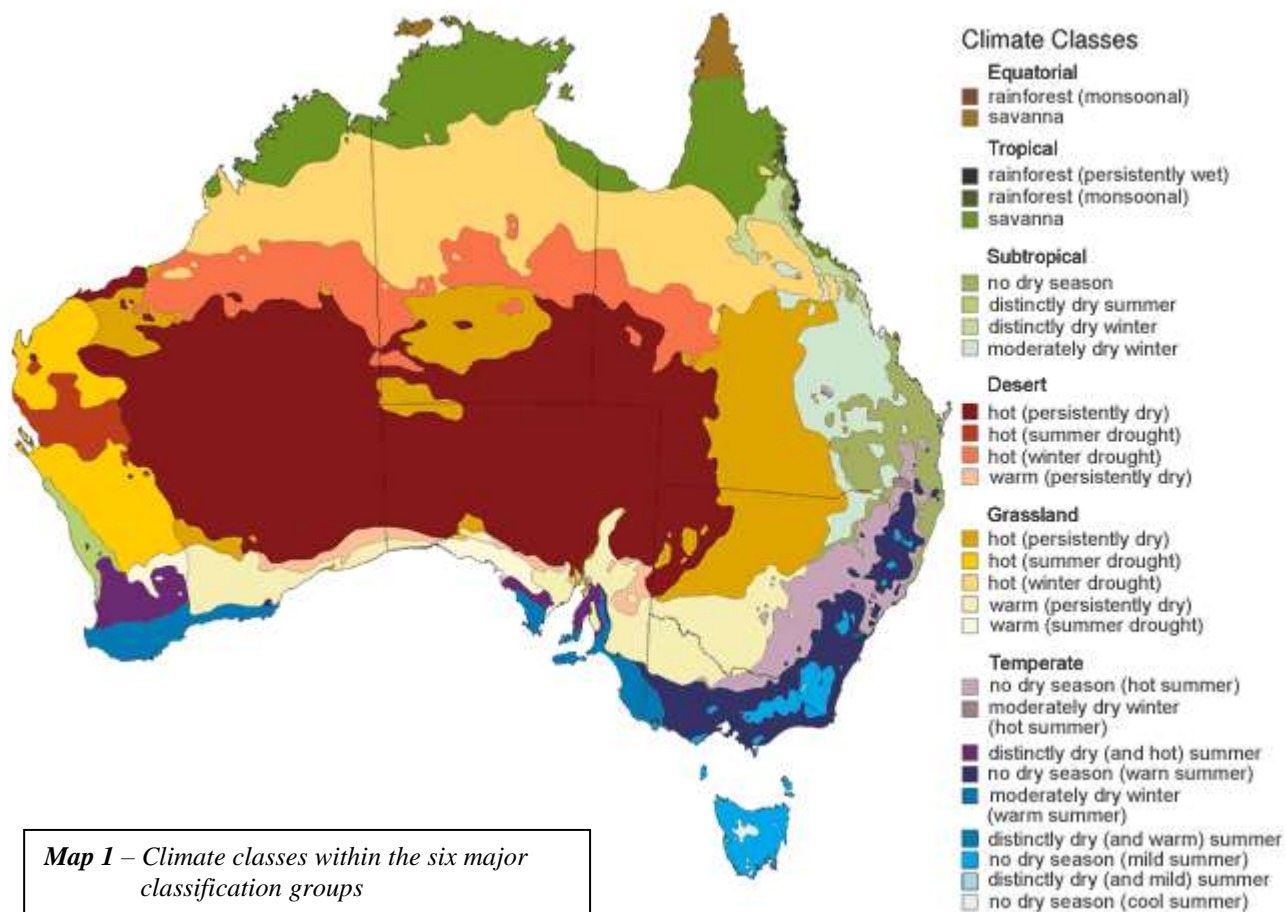
Each of these climates is further divided into sub-divisions based upon differences in the seasonal distribution of temperature and precipitation.

Under the Modified Köppen classification system provided by the Australian Government Bureau of Meteorology, the climate at Moss Vale would be described as no dry season (warm summer) Temperate, BoM (2009).

The first of the two maps below shows the six major Australian climate classification groups. The second map shows all the classes within the six major classification groups



*Map 1 - Australian climate classification groups*



Source: Australian Government Bureau of Meteorology – [www.bom.gov.au](http://www.bom.gov.au), July 2009.