

# Plan of Management



## **Alexandra Square**

**Adopted November 2012**



Making the Shire a better place in which to live

# **Alexandra Square**

## **Plan of Management**

**August 2012**

Prepared by Wingecarribee Shire Council

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## Foreword

The *Local Government Act 1993* requires that Council has in place a Plan of Management (PoM) 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 is under Council's care and control. In the instance of Alexandra Square, Wingecarribee Shire Council is nominated as custodian under the Deed of Trust No.1241 (Vol. 740 Folio 168).

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 1 January 1999. This Plan has been prepared to reflect the needs of:

- Council as managers of the land
- Local residents 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 14 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 is 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.

## Public Hearing Land Categorisation

In accordance with *Section 40A* of the *Local Government Act 1999* a Public Hearing of Alexandra Square was held at Mittagong RSL Club on 9 July 2012.

Accordingly this Plan of Management has identified the following category: Park.

## Acknowledgements

This Plan of Management has been prepared by Wingecarribee Shire Council's Strategic and Community Development Branch, with contributions from Council's Assets, Operations, Environmental Sustainability and Information Technology Branches.

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 Plan is sincerely appreciated.

This includes:

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Michael Bligh – Landscape Architect

Dr Leah Day – Historian

# EXECUTIVE SUMMARY

## Introduction

This Plan of Management provides the framework for managing Alexandra Square. Designated as a Significant Area by Wingecarribee Shire Council, this reserve is highly valued for its heritage by the local community and visitors alike.

This Plan of Management provides a comprehensive framework for the management of all activities within the Alexandra Square.

This Plan takes a values based approach to land Planning and management, by identifying the Square's role, purpose and key values so that these may be protected and enhanced.

Alexandra Square's recent history has shown that it's unique qualities, its Declaration of Trust, proximity to structures of high heritage value, environmental sensitivity and susceptibility to changing uses are all defining criteria for the way in which this land must be managed. Issues will change over time but the values with which this community land is held are unique and potentially more enduring. However, these values can be easily lost, damaged or diminished and it is important to ensure their protection for enjoyment and for future generations. 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 extensive consultation has significantly improved the understanding of these values and issues amongst stakeholders and the broader community. Several issues such as the existence of a Declaration of Trust, increasing confusion of the impact of the Declaration of Trust, development proposals, have come to dominate the public discourse, which were identified during the course of public consultation and are identified as follows:

## Governance

*To provide clarity surrounding the governance of Alexandra Square for all members of the community:*

- Requirements of the Declaration of Trust
- Council responsibility as Trustee of Alexandra Square
- Development constraints in relation to Declaration of Trust

## Access and parking

*To provide suitable access to and within the precinct for all members of the community regardless of age or physical ability:*

- Improved access to the Square
- Use of universal design principles (UDP) to promote access
- Removal of existing unformed on-site car park
- Circulation access throughout the Square (pedestrian corridors)

**Development**

*To provide a clear and concise framework for guiding the redevelopment and continued enhancement of facilities within the precinct:*

- Removal of existing building structures except the historic Rotunda
- Develop passive open space
- Improve the public amenity
- Improved facility of off-leash dog area
- Enhance the identification of the Square for visitors
- Improvements to the Square infrastructure based on accompanying Master Plan

**Safety**

*To reduce the potential for conflict, injury, and anti-social behaviour while enhancing safety, appearance and comfort within and around the precinct:*

- The existing vacant building is currently subject to incidents of anti-social behaviour
- Implement safer by design principles
- Adequate maintenance program for the established trees

**Recreation and Use**

*To provide areas for community activities including active recreation without unduly compromising of the precinct's heritage significance, passive space, and visual appreciation:*

- Improve visual amenity
- Develop passive recreation space
- Develop informal active recreation space
- Provide infrastructure to encourage community use
- Allow for future development based on identified recreational need

**Natural Environment**

*To protect and enhance the natural character of the community space through the establishment of natural systems the use of local providence species and environmentally sound management practices:*

- Protect and enhance natural landscape character
- Create a balance between its environmental significance, and sustainability and physical activity and community use
- Efficient and effective responses to destruction of natural environment
- Adequate maintenance program

**Heritage**

*To conserve, enhance, promote and interpret Aboriginal, European and non-European history of the precinct and its significance to the local community:*

- To provide certainty surrounding the appropriate uses of Square
- Repatriate heritage amenity
- Efficient and effective management responses to destruction of heritage structures



***Social***

*To increase opportunities for social and community interaction:*

- Design principles promote greater degree of aesthetic influence within the precinct
- Design principles promote greater degree of connectivity with Lake Alexandra Provision of facilities that cater for companion animals
- To link proposed facilities with existing or future community events and activities

***Educational***

*To recognise the precinct as an outdoor classroom and teaching resource for leisure and recreation, creative art, ecological and the local European historical and Aboriginal heritage:*

- Increased understanding of ecological resources, education and training opportunities
- Enhancement of facilities that cater for educational and teaching opportunities
- To provide opportunities for increased use by local education facilities

The summary of principles described in this Plan emerged through the course of community engagement and consultative activities and identified potential values which were discussed and used in the development of the management strategies and desired outcomes. The strategies and desired outcomes form the basis by which Alexandra Square's values can be managed and protected. Performance measures and priorities for action have been assigned accordingly. The Master Plan identifies the physical location and relationships of proposed actions within a single visual framework.

**Basis for management**

Reflecting community values expressed through community consultation, the Plan defines the Square's purpose and values in the context of being a Significant Area and Community Land. The following key values were identified as part of the development of this Plan of Management:

- Community values
- Health and wellbeing values
- Recreational values
- Social values
- Educational values
- Historical and Cultural significant landscapes
- Natural values

These values are affected, and in some case 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 Alexandra Square's identified role, purpose and values.



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

*To recognise Alexandra Square 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 environmental, recreational and educational, social and heritage needs of the present community and future generations.*

### **Management Principles**

In accordance with this vision statement for Alexandra Square, the Plan of Management establishes a set of management principles which will determine the direction Wingecarribee Shire Council, as the Trustee of the land, will follow in implementing the specific strategies, are summarised as follows:

- Ensure continued free public access.
- Provide opportunities for informal recreation and social interaction.
- Encourage and promote public use by providing a range of high quality, safe, accessible and enjoyable facilities.
- Permit a range of opportunities compatible with the natural, physical, scenic and heritage features in response to community needs.
- Encourage community ownership and use.
- Recognise protect and enhance the understanding, protection and restoration of the ecological values.
- Adopt Crime Prevention through Environmental Design and Safer by Design Principles in managing Alexandra Square to minimise vandalism and increase personal safety.

### **Action Plan**

The principles used in the development of the management strategies or desired outcomes and form the basis by which values can be managed and protected on a sustainable basis. Performance measure and priorities for action have been assigned accordingly.

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# 1. INTRODUCTION

## 1.1 What is Community Land

Wingecarribee Shire Council owns and manages a variety of land. All the land that Council owns or manages is called public land under the *Local Government Act 1993*

The types of land excepted from this process are:

- A common;
- Land pertaining to Crown Lands Act 1989
- 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 land** is land that Council’s may deal with in a relatively unfettered manner – it can be leased or licensed, managed or even sold without the restrictions that apply to community land. Operational land is land that the council may regard as temporary asset or as an investment, or intends to use in a way that would 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 Council’s must prepare a Plan of Management to set out the directions and practices council intends to follow to manage the land. Council’s may not sell community land unless it is reclassified as Operational Land, and Council’s are not allowed to enter in to any leases or licenses (other than short term casual uses) unless the Plan of Management authorises the agreement. Council’s 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 in order to define the suitable uses and development (**refer to categorisation of community land**).

Guidelines are provided in the *Local Government (General) Regulation 1999*, to help Council’s categorise the community land, and core objectives are provided in the *Local Government Act 1993*.

## 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 Master Plan that shows the proposed 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 the Council be classified as either Community 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 Council's must prepare a Plan of Management for all Community Land, 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 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.

An adopted Plan of Management supersedes any other existing Plan of Management prepared for community land.

### ***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 land, the inclusion of core and other objectives, the development of performance targets, identification of the means to achieve the targets (the action) and the methods used to assess the success of the performance targets.

The Plan of Management is a Council commitment to the use and management of the land. It provides both directions for 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.

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

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

Alexandra Square has been a point of contention for the community of Mittagong since the cessation of activities by the Mittagong Bowling Club in 2004. Since this time Alexandra Square has fallen into considerable disrepair with a number of competing interest groups vying to utilise the existing facilities for a range of community based activities. It is anticipated that Alexandra Square when returned to its original purpose of a **Public Recreation Reserve** will contribute substantially to the beauty, character and charm of the local area, and reflect the tranquil, rural and open surroundings experienced by the local residents and visitors to the town.

Alexandra Square is located within a prominent location within Mittagong and aims to be the focal point for public recreation in the area.

Alexandra Square provides passive recreational opportunities within a Public Recreation Reserve. Alexandra Square provides a unique opportunity within the Highlands to develop a significant local resource into a regional destination location.

Alexandra Square is significant because:

- It's location within close proximity to the business and commercial centre
- It has remained in Trust as a Public Recreation reserve since 1885
- Offers visitors a unique and diverse range of passive recreational opportunities
- Was previously a popular and suitable venue for passive recreation
- Is well used as an off-leash dog area



Figure 1 - The Extent of Alexandra Square Covered in this Plan of Management



## ***1.6 Purpose of the Plan of Management***

This Plan of Management has been prepared by Wingecarribee Shire Council under the provision of the *Local Government Act 1993*, as amended which requires Council to prepare a Plan of Management for all land under the Council's ownership or care and control classified as Community Land.

This Plan of Management aims to provide clear, concise and practical framework for the management of Alexandra Square. It aims to be performance orientated 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 value 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 the sustainable management.

The primary purpose for this Plan is to provide the community, users and Wingecarribee Shire Council with a clear statement of the future use and management of Alexandra Square.

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 Local Government area.

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.

The Plan of Management will cover the development and management actions of the land for community ownership, 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 the 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 Landscape Master Plan

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

### **1.7.2. Local Government Act 1993**

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 the Plan of Management for Alexandra Square 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 and a detailed site analysis including a site survey.

The second phase covers the 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 Concept Plan. The final phase covers the exhibition, review of public submissions and council adoption of the Plan.

The development of a Plan of Management may be divided within four (4) phases as illustrated below in **Figure 2**.

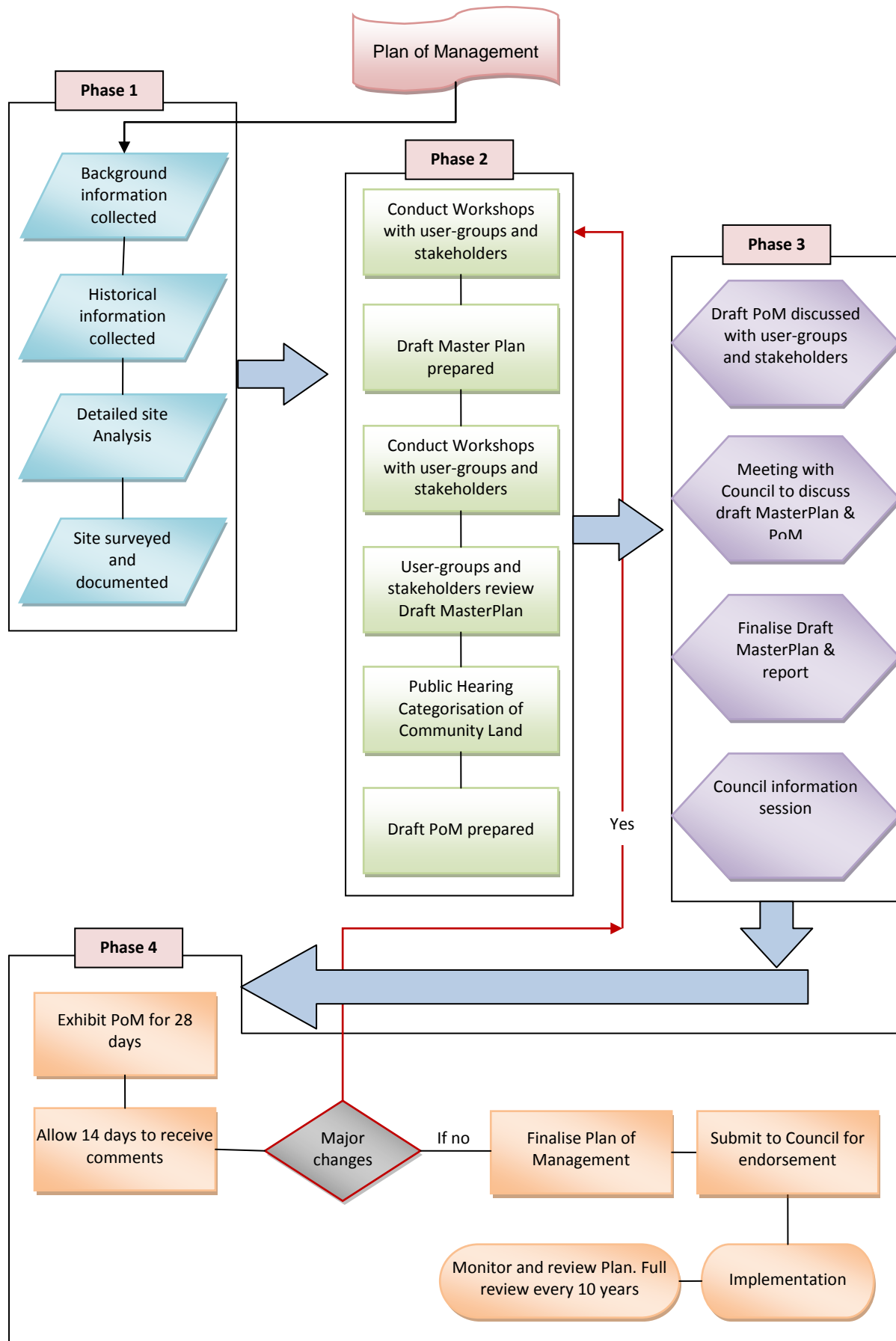


Figure 2 – Plan of Management Process Flowchart

### 1.7.3. Community Consultation

Wingecarribee Shire Council actively seeks the involvement of the community in the preparation of its Plans of Management to ensure the Plans address community desires, values and needs and to ensure they comply with the *Local Government Act 1993* and the *1998 Amendments*. The main advantages of involving the community in the process are that it:

- Creates a sense of ownership
- Encourages the community to provide local knowledge on the site, and
- Advises and keeps the community informed

Community consultation is a vital component in the preparation of this Plan of Management as well as in the public exhibition/submission period following the release of the Draft. The purpose of this community consultation is to identify the values attached to this community land being a Public Recreation Reserve and to provide a forum in which to collect and understand related community issues.

### 1.7.4. Methods of Communication

Due to the public interest generated by this site and given the passive recreational opportunity Alexandra Square provides across the Shire, the consultation process was divided into two distinct phases.

The first phase represented On-site Intercept Surveys, Business and Residential Surveys while the second phase involved a consultation workshop with 1100 Notification Letters posted to residents in Mittagong, 700 flyers distributed, 400 survey's supplied to local business and community service locations, as well as, Newspaper Notifications over three consecutive weeks.

Date	Method of Consultation	Location
15/6/2012	Intercept survey	On-site
22/6 /2012	Intercept survey	On-site
26/6 /2012	Business Survey and Resident Survey	Mittagong
28/6 /2012	Intercept survey	On-site
2/7-19/7 2012	Online Survey Live	<a href="http://www.wsc.nsw.gov.au">www.wsc.nsw.gov.au</a>
6/7/2012	Business Survey and Resident Survey	Mittagong
9/7/2012	Community Workshop	Mittagong

**Table 1 - Method of Consultation**

## Survey Summary

Project	Alexandra Square
Survey period	2 <sup>nd</sup> July 2012 to 18 <sup>th</sup> July 2012
Residential postings	1,100
Residential letterbox	700
Business, libraries, etc.	400
Online Survey response	11 respondents
Printed survey received	131 respondents
Total response rate	6.45%

Description	Response	Rating	Respondents (Total %age)
<b>No of Submissions</b> 142		High Low	
Question 7. Preferred Activities	Informal Ball games	<b>High</b> Low	<b>81 (57)</b> 61 (43)
	Exercise Space	High <b>Low</b>	51 (36) <b>91 (64)</b>
	Companion Animal space	<b>High</b> Low	<b>91 (64)</b> 51 (36)
	Community events	High <b>Low</b>	60 (42) <b>82 (58)</b>
	Passive space	<b>High</b> Low	<b>103 (72)</b> 39 (28)
	Place to sit and relax	<b>High</b> Low	<b>103 (72)</b> 39 (28)
	Informal meeting place	<b>High</b> Low	<b>86 (61)</b> 56 (39)
	Place for remembering the past	High <b>Low</b>	31 (22) <b>111(78)</b>
	Special Events	High <b>Low</b>	50 (35) <b>92 (65)</b>
	Playgrounds	High <b>Low</b>	62 (44) <b>80 (56)</b>
	Natural setting	High <b>Low</b>	42 (30) <b>100 (70)</b>

**Table 2 Results of consultation (Qn 7 preferred use)**

### **1.7.5. Management Issues**

Issues have the potential to challenge the core objectives of the community values that form the basis of how Alexandra Square should be managed. Based on workshops conducted and community feedback the following is a summary of the issues identified:

#### **1.7.5.1. Governance**

*To provide clarity surrounding the governance of Alexandra Square for all members of the community.*

- Requirements of the Declaration of Trust
- Council responsibility as Trustee of Alexandra Square
- Development constraints in relation to Declaration of Trust

#### **1.7.5.2. Access and Parking**

*To provide suitable access to and within the precinct for all members of the community regardless of age or physical ability.*

- Improved access to the Square
- Use of universal design principles (UDP) to promote access
- Removal of existing unformed on-site car park
- Inhibit vehicle access to area except on-street parking (authorised vehicle excepted)
- Circulation access throughout Square (pedestrian corridors)

#### **1.7.5.3. Development**

*To provide a clear and concise framework for guiding the redevelopment and continued enhancement of facilities within the precinct.*

- Removal of existing building structures except the historic Rotunda
- Develop passive open space
- Improve the public amenity
- Improved facility of off-leash dog area
- Enhance the identification of the Square for visitors
- Improvements to the Square infrastructure based on Master Plan accompanying PoM

#### **1.7.5.4. Safety**

*To reduce the potential for conflict, injury, and anti-social behaviour while enhancing safety, appearance and comfort within and around the precinct.*

- Removal of existing building structures except the historic Rotunda
- Implement safer by design principles
- Improved passive surveillance
- Improve storm water drainage
- Adequate maintenance program

#### **1.7.5.5. Recreation and Use**

*To provide areas for organised and informal active recreation without undue compromising of the precincts cultural significance, passive space, and visual appreciation.*

- Develop passive recreation space
- Develop informal recreation space
- Improve visual amenity
- Coordinate maintenance of existing facilities
- Strategic Planned upgrade of facilities based on identified community need

#### **1.7.5.6. Natural Environment**

*To protect and enhance the natural character of the community space through the establishment of natural systems the use of local providence species and environmentally sound management practices.*

- Protect and enhance natural landscape character
- Create a balance between cultural significance, rejuvenation and physical activity
- Efficient and effective responses to destruction of natural environment

#### **1.7.5.7. Heritage**

*To conserve, enhance, promote and interpret Aboriginal, European and non-European history of the precinct and its significance to the local community.*

- To provide clarity surrounding appropriate uses of Square
- Efficient and effective management responses to destruction of heritage areas

#### **1.7.5.8. Social**

*To increase opportunities for social and community interaction.*

- Enhanced coordination of access for informal active and passive uses
- Provision of facilities that cater for small to large groups
- Provision of facilities that cater for companion animals
- Design principles promote greater degree of connectivity with Lake Alexandra
- To link proposed facilities with future community events and activities

#### **1.7.5.9. Educational**

*To recognise the precinct as an outdoor classroom and teaching resource for leisure and recreation, creative art, ecological and the local European historical and Aboriginal heritage.*

- Increased understanding of ecological resources, education and training opportunities
- Establishment of links between precinct stakeholders and educational services
- Enhancement of facilities that cater for educational and teaching opportunities
- To provide opportunities for increased use by local education facilities



### 1.7.6. What is included in this Plan of Management

The Plan of management can be divided in to two sections:

Section	What is Covered
Introduction	Background to POM, community consultation and management issues
Description of community land	History, Facilities, uses and physical description
Legislative and statutory requirements	State Government Planning legislation, local Planning context
Community Land Legislation	Land categorisation, core objectives, leases and licenses
Basis for Management	Council's strategic direction, community values, role, visions, management objectives
Strategies and Action Plans	Strategies and actions to resolve management issues
Master Plan	Concept Master Plan developed as a result of community consultation
Implementation and Review	Implementation review and monitoring of the Plan
Appendix	Funding and statutory provisions

**Table 3 - Structure of WSC Plans of Management**

Requirements of the *Local Government Act 1993* for the contents of a Plan of Management and where they can be found in this Plan are listed in **Table 3**.

<b>Requirement of the Local Government Act 1993</b>	<b>How this Plan satisfies the Act</b>
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 achievements 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 of any such buildings or other improvements on the land as at the date of adoption of the Plan of Management	Section 2
The purpose for which the land and any such buildings or improvements will be permitted to be used	Section 2, 3
The purpose for which any such building or development of the land will be permitted, whether under lease or license 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 License or other estates in respect of community land	Section 4

**Table 4 - Local Government Act 1993 Requirements**

## 2. DESCRIPTION OF ALEXANDRA SQUARE

The Southern Highlands lie to the south west of Sydney on top of the escarpment overlooking the South Coast. It is known for its rich history and picturesque towns, as well as its genteel lifestyle.

Alexandra Square is located in the township of Mittagong within the Southern Highlands of New South Wales. Mittagong is the third largest town in the Southern Highlands and is viewed as the ‘Gateway’ to the Southern Highlands. Mittagong is situated on the old Hume Highway in a valley between Mount Alexandra to the North and Mount Gibraltar to the South. Mittagong is situated between Bowral the commercial centre of the Highlands, encompassing retail outlets, boutiques, café’s, restaurants and other businesses and the smaller Northern Rural Villages. Mittagong is characterised by an emerging industrial and commercial centre for the Southern Highlands. Mittagong is in close proximity to a number of significant local tourist attractions including:

- Lake Alexandra
- Mount Gibraltar Endangered Ecological Community
- Mount Alexandra Reserve
- Winifred West Park

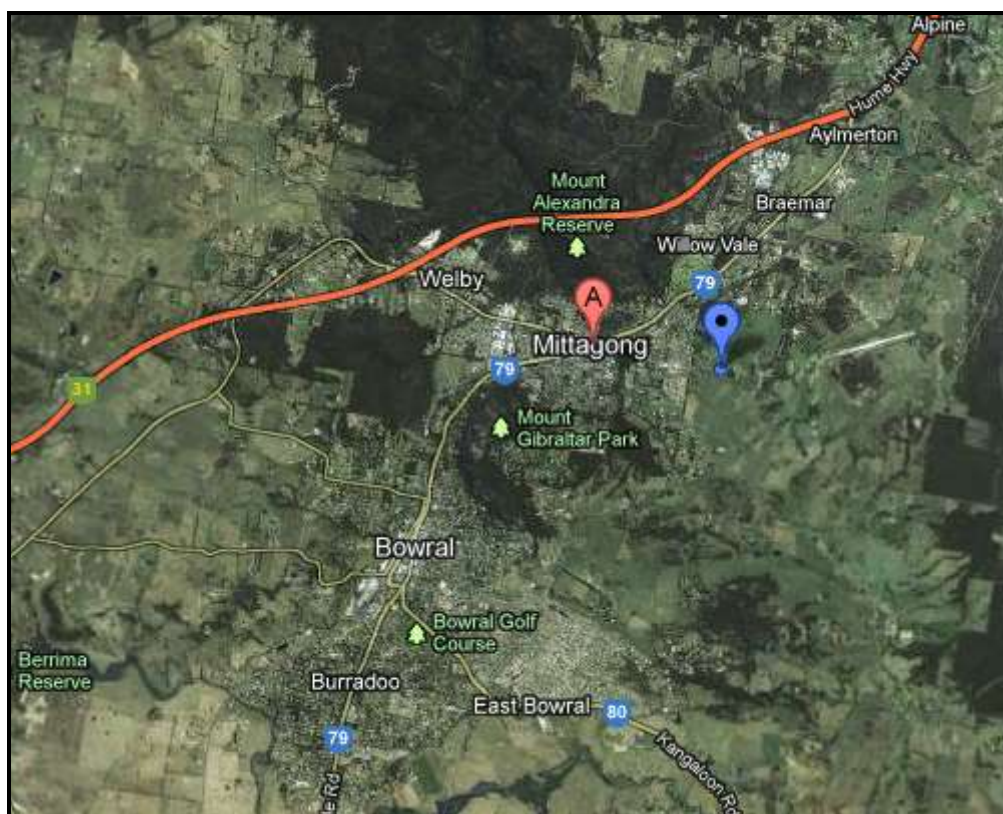


Figure 3 - Custom Aerial View – Mittagong locality



Mittagong is located approximately 7 kilometres North East of Bowral and is 15 kilometres from Moss Vale. Alexandra Square is located just 500m from Mittagong Railway Station. Alexandra Square sits within a prominent location within Mittagong and the Gateway to the Southern Highlands.

Alexandra Square lies within a residential area in close proximity to a number of outstanding open space and recreational resources such as Lake Alexandra, Mount Alexandra Reserve and Winifred West Park.



**Figure 4 - Custom Aerial View – Alexandra Square, Mittagong – and Key Sites in Close Proximity**

This Plan of Management establishes the long term management framework to protect, restore and enhance the public recreation reserve and associated flora and fauna, heritage and cultural values and to create a quality destination location for residents and visitors.

## 2.1. *Significance of Alexandra Square*



**Figure 5 - Significance of Alexandra Square**

Alexandra Square contributes substantially to the beauty, character and charm of the local area, and reflects the tranquil surroundings experienced by the local residents and visitors to the Shire. Alexandra Square is centrally located within Mittagong and has been a point of contention for the community since the closure of the former Mittagong Bowling and Recreation Club in 2004.

Due to its central location the vast amount of space it occupies and the heritage and cultural significance of the site, a variety of active and passive activities can be developed without unduly compromising its environmental and heritage values. The Square provides an opportunity to develop a significant local Public Recreation Reserve.

Alexandra Square is significant because:

- Of its vital link to Mittagong's heritage
- Of its central location within the township of Mittagong
- Of its is of suitable size for a regional significant Public Recreation Reserve
- Provides a suitable environment for off-leash dog facilities
- Is in close proximity to existing recreational resources such as Lake Alexandra



### 2.1.1. Square Name

The Alexandra Square's passive recreation reserve was unofficially named by the declaration of Trust in September 1885. The Alexandra square is not currently listed by the *Geographical Names Board*.

### 2.1.2. Land Ownership

The parcels of land subject to this Plan of Management are held under Trust by the community of Mittagong and entrusted to Wingecarribee Shire Council.

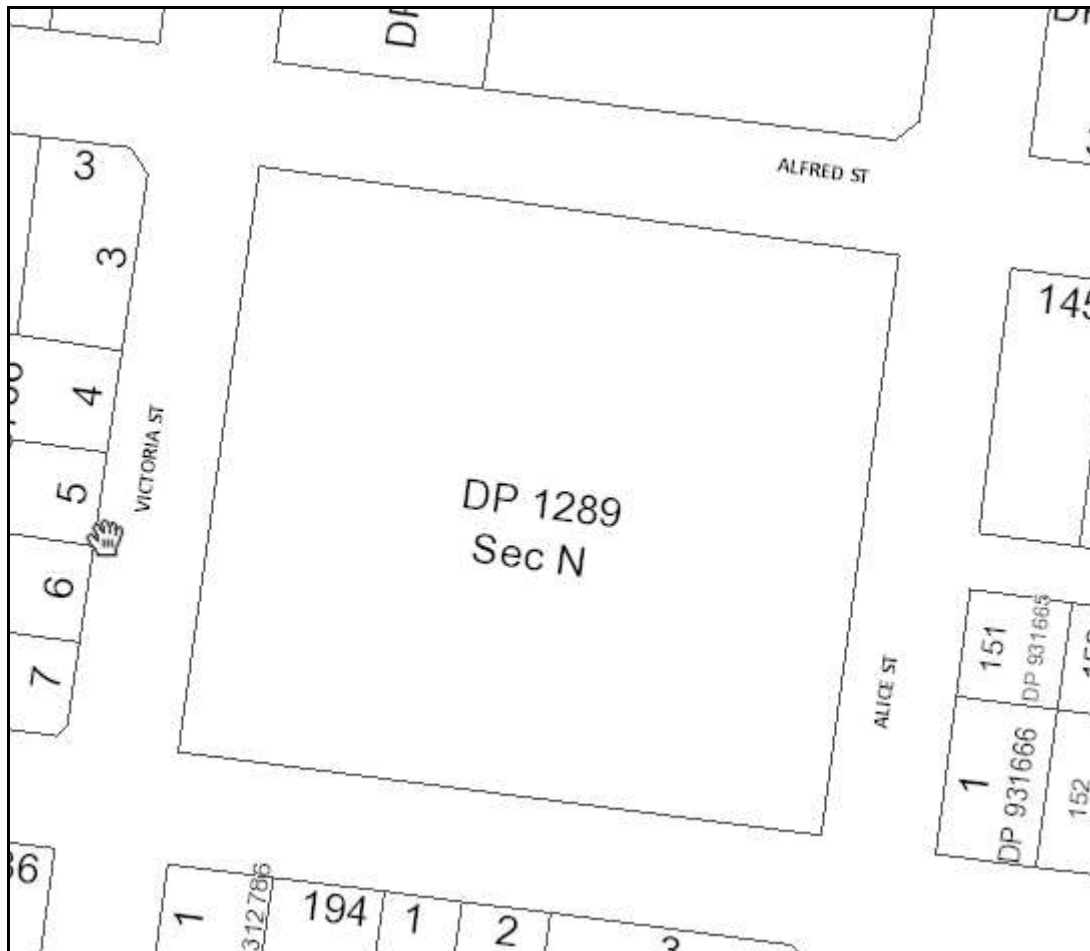


Figure 6 – Land Ownership

### 2.1.3. Community Land

Alexandra Square is situated on land entrusted to Wingecarribee Shire Council, and is classified as Community Land under the *Local Government Act 1993*. Wingecarribee Shire Council manages the community land within the Wingecarribee Shire Local Government Area.

### 2.1.4. Declaration of Trust

A Deed of Trust is currently in place for Alexandra Square:



### Figure 7 – Certificate of Title



**DECLARATION OF TRUST**

By

**JOHN WHITE & ors.**

As to Reserve at Mittagong

Known as “Alexandra Square”

Dated 4.3.1885

**No.1241**

Want Johnson &amp; Co.

**To-all-to-whom these presents shall come John White** of Mittagong in the Colony of New South Wales Railway Inspector **Edward Gerald Larkins** of Mittagong aforesaid Sub-Manager of the Fitzroy Iron Mines **John Wright** of Mittagong aforesaid Chemist **John Mealing** of Mittagong aforesaid Cordial Manufacturer **Thomas Viles** of Mittagong aforesaid Saddler **John Joseph Ruane** of Mittagong aforesaid Storekeeper **AND John Napier** of Mittagong aforesaid Tailor

**SEND GREETING --- WHEREAS** by a Memorandum of Transfer under the Real Property Act bearing date the fourth day of March 1885 **ALL THAT** Piece of land situate in County of Camden and Parish of Colo at Mittagong being part of the land comprised in Certificate of Title dated 3 July 1884 Reg. No. Vol. 702 Fol. 55 and being the whole of Section N on the Plan deposited in the Land Titles Office of Sydney numbered 1289 which piece of land is known as “**Alexandra Square**” was transferred by the Mittagong Land Company Limited to the said **John White Edward Gerald Larkins John Wright John Mealing Thomas Viles John Joseph Ruane** and **John Napier** (hereinafter called the said Trustees) as joint tenants **NOW know Ye** that the said Trustees do and each of them doth hereby acknowledge that the said piece of land was so transferred by the said Mittagong Land Company Limited to them as Trustees for the purposes hereinafter mentioned the said piece of land being held by them and so to be held by the survivors and survivor of them or the heirs or assigns of the survivors of them or other the Trustees or Trustee for the time being thereof **UPON TRUST** for the inhabitants of the Village of Mittagong as a **PUBLIC RECREATION RESERVE**

**AND** the said Trustees do and each of them doth hereby for himself and his heirs wholly absolutely and utterly disclaim all Estate right title interest claim and demand whatsoever both at Law and in Equity in and upon or out of or concerning the same hereditaments other than as aforesaid **AND Each of them** the said Trustees doth hereby for himself his heirs executors and administrators **COVENANT** promise...

...**AND Declare that** in case of any of them the said Trustees or any New Trustee appointed as herein provided shall die the surviving Trustee shall appoint a New Trustee in the place and stead of the one so dying and the said piece of land shall thereupon be transferred to the said New Trustee jointly with such surviving Trustees **AND that** in case of the said Trustees or any New Trustee appointed as herein provided shall remove from the District of Mittagong to such a distance as in the opinion of his co-Trustees prevented him from properly performing his duties as a Trustee or in case any of the said Trustees or any new Trustee appointed as herein provided shall desire to retire from or refuse or become incapable to act as a Trustee then the other Trustees for the time being shall appoint a New Trustee in the place and stead of the Trustee so removing or desiring to retire from or refusing or becoming incapable to act as a Trustee and the said piece of land shall thereupon be transferred to the New Trustee jointly with the continuing Trustees that when and so soon as the Village of Mittagong aforesaid shall become a Municipality duly incorporated under the Municipalities Act (or any then subsisting statutory amendment thereof with a Council capable of holding lands they the said Trustees or the survivors or survivor of them or other the Trustees for the time being of the said piece of land will transfer the same to the Municipal Council of Mittagong as a Recreation Reserve for such Municipality.

**AND that** until that time they the said Trustees and the survivors or survivor of them or other the Trustees for the time being shall and will manage the said parcel of land as such Public Recreation Reserve as aforesaid and will with such sum or sums of money as may from time to time be collected by Public Subscription or otherwise and handed to them for that...

...**Purpose** lay out fence level Plan and otherwise improve the same.

**IN Witness whereof** the said parties these presents have hereunto set their hands and seals the day fourth day of March one thousand eight hundred and eighty five.

**Signed Sealed and Delivered by the**

said **John White**  
in the presence of  
W R Hudspeth

By the said **Edward Gerald Larkins**  
in the presence of  
W R Hudspeth

By the said **John Wright**  
in the presence of  
W R Hudspeth

By the said **John Mealing**  
in the presence of  
W R Hudspeth

By the said **Thomas Viles**  
in the presence of  
W R Hudspeth

By the said **John Napier**  
in the presence of  
W R Hudspeth

of  
Mittagong

in the presence of  
W R Hudspeth  
Mittagong

By the said **John Joseph Ruane**

### 2.1.5. Leases and Licenses in Alexandra Square

There is no lease or license over Alexandra Square

### Property Description

<b>Features</b>	Lot 1 of Section N Deposited Plan 1289 at Mittagong, Parish of Mittagong, County of Camden
<b>Total Area (ha)</b>	1.335 hectares comprising: Former Bowling clubhouse, greens and surround = 6,837 sqm with a cartilage of 6,513 sqm
<b>Trustee</b>	Wingecarribee Shire Council o behalf of the community of Mittagong
<b>Certificate of Title:</b>	Volume 740 Folio 168 There is no Caveat registered on the Title
<b>Zoning</b>	RE1 Recreation
<b>Classification</b>	Community
<b>Categorisation</b>	Park
<b>Leases</b>	No
<b>Licenses</b>	No
<b>Easements</b>	No

Table 5 Property Description

### 2.1.6. Key Stakeholders in Alexandra Square

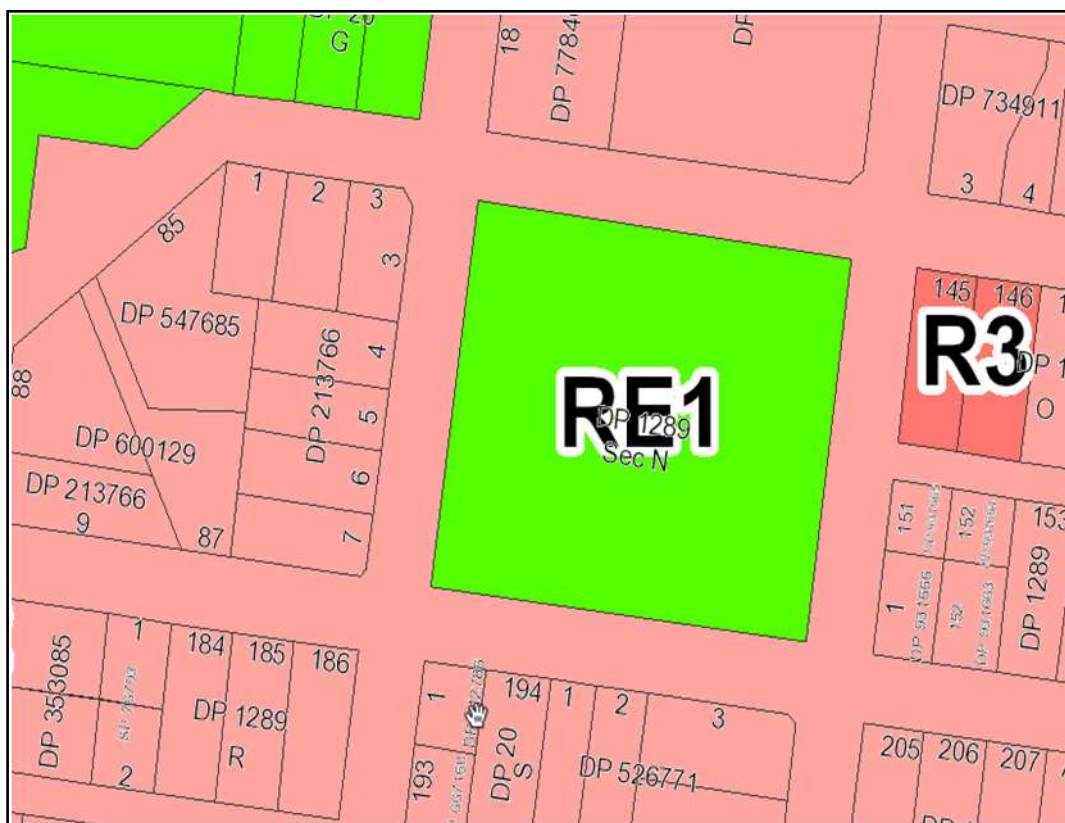
Organisation	Responsibility
Wingecarribee Shire Council	Land owner Trustee Management Consent Authority Maintenance

Table 6 - Key Stakeholders

## Zoning Plan

The current Local Environment Plan for Wingecarribee Shire Council is Wingecarribee LEP. 2010 under the LEP 2010, Alexandra Square is zoned RE1 Public Recreation as illustrated in the following:

- RE1 – Public Recreation



**Figure 8 -Alexandra Square – Public Recreation 1**

## 2.2. History of the Area

### 2.2.1. A Brief History of Mittagong

*Mittagong's Picturesque History* - Leah Day & Tim McCartney.

The township of Mittagong, New South Wales, set in a valley between Mount Gibraltar and Mount Alexandra, is one of the oldest settlements in Australia. The first known reference to the name Mittagong occurs in Surveyor-General John Oxley's field book 119 dated 16 June 1816, when he noted a round hill. Later in 1818, he referred to a tent at Mittagong. The meaning of the name itself has not been defined. There have been several references to its meaning, including, mountain, gong and native dogs. The small aboriginal population of the Berrima district referred to the word 'One' as meaning Mittagong. Lower Mittagong as it is known today was first surveyed in 1821 and the district opened up to settlers, following scanty exploration of the area by a convict named John Wilson in 1798. Mittagong in the 1800s was made up of several small hamlets, including lower and upper Mittagong, Nattai, Livingstone, Mittagong, Fitzroy, Gainsborough and New Sheffield. When the railway station opened in 1867 it was officially known as Mittagong and the post office adopted the name in 1875. Historians and others have claimed that William Chalker was the first settler of Mittagong. However, no evidence has been

identified to prove or disprove this. Other pioneer settlers included William Walker, John Gollidge, William Stabler, James Were and the innkeeper, George Cutter.



**Figure 9 - New Sheffield**

William Charker (nee Chalker) was the government principal overseer of stock at Cawdor, near Camden in early 1800s. Charker obtained a permit to graze cattle on the Mittagong range on 10 May 1821, and then led stockman John Dogherty a free man, and Martin Maher, a prisoner, to tend their cattle there. By 1822 Dogherty had left Mittagong and was replaced by Robert Pitt, thus it could be said that these servants of Charker, although living in primitive conditions could well have been two of the earliest inhabitants of Mittagong.

Charker who lived at South Creek and died in 1823, was never issued with a land grant at Mittagong. The most conclusive answer at this point upon the documentation researched indicated that George Cutter must be ranked as the founding settler of Mittagong. Why? Because the first known inn established at Mittagong was that of Cutter's, and no details of any other early settler or building can be found.

Mittagong's history in the mid 1800s is centred around the development of the first ironworks in the colony. The works provided employment, the establishment of a new town known as New Sheffield, and promoted other supporting industries and services. Although the works did not survive, the town itself did. The great land sales of 1865 and 1884 when the land owned by the ironworks was sold and later developed by business people and individuals, ensured the formation of Mittagong. Other industries followed the ironworks, including that of Brazenall's iron foundries; an attempted iron works resurgence by Daniel Flood, with the Ironworks site being also used for Chalkers Eucalyptus enterprise's. The establishment of the Fitz Roy Iron



Works at Nattai opposite today's Mittagong RSL club in 1848 by several businessmen namely John Thomas Neale, Thomas Holmes, Thomas Tipple Smith and William Tipple Smith inaugurated iron smelting in Australia. Despite the attempts of these pioneering and visionary gentlemen, and many others over the years, the ironworks were not destined to succeed. However, their significant efforts played an important part in the development of Mittagong.

One of the last known efforts to resurrect the works was that by, Daniel Flood. Newspaper reports in the early 1900s refer to Floods successful efforts to revive the iron industry at Mittagong. Floods years of struggles to revitalise iron making began as early as 1904, when he was injured with a man named Burke demolishing the inside of the furnace at the at the *Fitz Roy Ironworks*. During December 1906 it was noted that machinery had recently been erected in the Iron Mines paddock. The *Robertson Advocate* in July 1910 stated that Flood had erected buildings and machinery and was about to start converting raw materials into pig iron by a new process. Other foundry work was to be undertaken as well. The following month, after six years of research and experiments developing his patent, Flood successfully conducted a trial of his process for the treatment of iron ore.

By late 1910, Flood and his partner, were involved in purchasing more efficient machinery. They bought a larger horse power boiler to replace the smaller one in existence, and cabled England for a blowing engine for the new smelting Plant. It was anticipated that the iron works would be fully functional by December of that year. Despite a tremendous attempt, Floods iron works did not appear to prosper.

### **2.2.2. A Brief History of Alexandra Square**

Alexandra Square is located on Victoria Street in Mittagong and takes up a block bounded by Alice, Edward and Alfred Streets. It is opposite a primary School and close to Lake Alexandra Reserve. Alexandra Square enjoys exceptional heritage status as a historic landscape within the *Wingecarribee Heritage Inventory*. It is the first park established in Mittagong and features historic Plantings and the oldest standing Rotunda in the Southern Highlands. The Rotunda is a rare architectural design.

In 1864 the Fitz Roy Iron Works Company (established 1848) resolved to develop 100 acres of land as a company town. By 1865 the unique design of the subdivision included three acres reserved for public recreation and known as Alexandra Square. Following the failure of the Ironworks business, the land was sold to John Frazer in 1872 who became the founding director of the *Mittagong Land Company* established in 1883. By 1884 the land had been subdivided and lots auctioned for housing. On 3 July 1884 the *Mittagong Land Company* was issued with a Certificate of Title to Alexandra Square and in 1885 it set up a trust transferring the newly acquired square to seven trustees who on behalf of the inhabitants of the village of Mittagong and would manage Alexandra Square as a Public Recreation Reserve until such time that the village of Mittagong became a municipality. Mittagong Municipal council was gazetted on 24 July 1889. These councillors became the Trustees of the Alexandra Square Trust with responsibility to manage and improve Alexandra Square under the terms of the Trust. The band Rotunda was opened in 1891.

The Mittagong Municipal Council as it was then known changed its name to Mittagong Shire Council in 1981 was amalgamated with Bowral Municipal Council and the former Wingecarribee Shire Council to form the current Wingecarribee Shire Council (WSC). Wingecarribee Shire Council assumed the role of the Trustee for Alexandra Square

The *Mittagong Bowling and Recreation Club* was opened on the site in 1960, and the building was extended in 1971. Following some years of declining patronage, the Club closed in 2004. Since that time there have been a number of proposals to utilise the former Bowling Club premises and these have attracted comment from the an interested community. A number of community based incorporated and unincorporated groups have made representation to council and the Department of Justice and Attorney Generals in relation to these proposals and in order to clarify permissible use of the land in accordance with the terms of the trust. Council has also sought legal advice from several legal counsels as well as the *Department of Justice and Attorney Generals*.

On 4 June 2010, and in response to community representations the *Director General* of the *Department of Justice and Attorney General* advised Council of its obligations as a Trustee.

**“To use the land, including that on which the building was erected, for the purpose of the Trust, namely as a public recreation reserve”.**

### **2.2.3. Key Historical Dates**

#### **Key Historical Facts**

- 1864 - Promise by Fitzroy Iron Works to give reserve to the community
- 1885 - Land transferred to community
- 1891 - Band Rotunda completed
- 1892 - Arbor Day community celebration
- 1919 - Mittagong Municipal Council tries to sell site
- 1923 - Community prevents Mittagong Municipal Council selling site
- 1960 - Mittagong Bowling and Recreation Club opened
- 2004 - Bowling club goes into liquidation
- 2005 - Community meeting to confirm site must remain as community land

#### **Key Legal Issues**

- 1885 - Declaration of Trust placed on gifted land
- 1891 - Mittagong Municipal Council appointed Trustees
- 1919 - Mittagong Municipal Council advised legally cannot sell site
- 1950 - Department of Lands search reveals Trust
- 1954 - Mittagong Shire Council advised of its legal and moral obligation under the Trust
- 2004 - Wingecarribee Shire Council presented with copy of Declaration of Trust
- 2006 - Attorney General provides Council with legal advice on terms of the Trust and its options
- 2009 - Council resolves to retain Declaration of Trust on land, to demolish existing building and return Alexandra Square to parkland



### **2.3. Physical Characteristics**

Alexandra Square is located in close proximity to the Mittagong (Parry Dr) meteorological stations 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, (mild to warm summers and cool winters).

Taking an approximate average of meteorological data provided by Mittagong (Hume Highway) Alexandra Square would experience:

- Mean daily maximum summer temperature 22°C
- Mean daily minimum winter temperature of 4° C
- Mean annual rainfall of approximately 906mm
- Wet days per month 3-5 days
- Mean wind speed at 9am 10-11km/h

Mittagong has moderate year round temperatures with average maximum summer temperature of 22.0 degrees. The average winter daytime temperature is 12 degrees, dropping to an average of 2 degrees at night.

The annual median rainfall was found to be 906mm with the highest rainfall being experienced in June. The average annual humidity was found to be 77%, with the maximum average humidity being experienced in the same period (May/June).

The annual average wind speed was found to be 10 to 11km/h, with the maximum average wind speed recorded in August and September.

#### **2.3.1. Landform and Topography**

The Southern Highlands form part of the Woronora Plateau. In geological terms they form the southern edge of the Hawkesbury sandstone of the Sydney basin, which in turn is part of the Sydney Gunnedah Bowen basin.

Underlying geology of the region is the Wiannamatta Group of Triassic sedimentary rocks, predominately shale overlain by the tertiary volcanic basalts. The fringes and surrounds are Hawkesbury sandstone, mostly coarse grained quartz cemented sandstone, which actually underlie the Wiannamatta Group.

Essentially the Wingecarribee region is a plateau. It averages 700m (above sea level) and is largely flat to undulating in some areas steeply dissected by rivers.

Alexandra Square has a visibly flat topography within the site boundary. Its topography makes the site an ideal passive recreation reserve with aesthetically pleasing vistas provided by the surrounding geological features of the Mount Alexandra Reserve and Lake Alexandra.

### 2.3.2. 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 Alexandra Square is typically Acidic Eutrophic Brown Dermosol (ASC) and Yellow Earth (GSG).

This type of soil is characterised as highly permeable, well-drained soils with silty loamy texture and strongly acid (pH 6.5).

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 5th November 1998, collected from a batter in Mittagong (based on the sampling map provided online).

#### Picture – NSW Soil and land Information system – NSW DECC

Site Location:	Mittagong Bowling and Recreation Club
Map Reference:	MGA Grid Reference : Easting 266756, Northing 6185646 BURRAGORANG (8929) 1:100,000 sheet
Profile Details:	Mittagong Bowling and Recreation Club Survey, Profile 9, collected by Susannah Power on May 13, 1998
Physiography:	hillslope and used for improved pasture . Slope 8 % (measured) , aspect south west, local relief very low (9-30 m) , aspect south west , run-on is low , run-off is low
Vegetation/Land Use:	extensive clearing at the site used for improved pasture logged native forest, volun./native pasture, improved pasture in the general area
Surface description	expected to be loose when dry ground cover is 80%
Layer 00.00 00.14 A1 Horizon	1 silty clay loam with strong pedality ( polyhedral 2 - 5 mm , rough-faced peds ) , field -pH is 5 . Coarse fragments are not evident , pans are not evident . Segregations are m not evident , not evident
Layer 00.14 00.34 B2 Horizon	2 clay with strong pedality ( polyhedral 2 - 5 mm , rough-faced peds ) , field pH is 5.5 . - Coarse fragments are not evident , pans are not evident . Segregations are not m evident , not evident
Layer 00.34 00.81 B3 Horizon	3 clay with moderate pedality ( polyhedral 2 - 5 mm , rough-faced peds ) , field pH is - 5.5 . Coarse fragments are ironstone , coarse gravel (20-60 mm) , and charcoal , fine m gravel (2-6 mm) , pans are not evident . Segregations are not evident , not evident

**Figure 10 - Soil Analysis (DECC)**

## **2.4. *Character***

Alexandra Square occupies a prominent position within Mittagong. Due to its location Alexandra Square is visible from the surrounding areas, and offers views of high scenic quality in a tranquil setting within a town environment.

Alexandra Square is bordered by residential buildings and contains large open grassed areas surrounding the existing structure which is suitable for open space and passive recreational pursuits.

Due to the nature of the topography, clear views extend throughout the site. The locations and heritage context provide an important visual amenity to the surrounding residences and visitors to the Southern Highlands.

### **2.4.1. Access and Circulation**

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

### **2.4.2. Access to the Square**

The Square is easily accessible by foot, bicycle, private vehicle and buses and is bounded by Alfred, Alice Edward and Victoria Streets Mittagong

### **2.4.3. Pedestrians**

There is no significant boundary structure ensuring access can be made along the course of Alexandra Square's borders.

### **2.4.4. Vehicles**

Current access for vehicles by the main entry Alice Street there is designated parking within Alexandra Square

There is no established need for the provision of unsupervised vehicle access throughout the Square.

## **2.5. *Circulation within the Square***

### **2.5.1. Pedestrians**

The existing pedestrian access and movement through Alexandra Square's is through an informal pedestrian paths and desire lines.

The proposed Master Plan will continue to provide pedestrian movement throughout Alexandra Square through informal pedestrian paths and desire lines, to maintain the character and function of Alexandra Square and ensure the significance of the Square is not altered.

## 2.6. *Character Facilities*

Alexandra Square and surrounding area incorporates a heritage amenity as well as features for passive recreation. There is significant scope for the provision of further facilities.

The existing facilities in Alexandra square, and their use and conditions are set out and shown below

### 2.6.1. **Current Facilities**

The existing facilities for Alexandra Square there use and condition appear in the Table



**Figure 11 - External View Bowling & Recreation Club**



**Figure 12 - Fibre Cement Green Gutters & Internal Main Hall – Poor Condition**



**Figure 13 - Mens & Ladies Toilets - Fibre Cement Wall & Ceiling Panels**



**Figure 14 – Non-compliant Heating System**



**Figure 15 - Green Vinyl Floot Tiles**



**Figure 16 - Fibre Cement Used As Packing on Piers**







**Figure 17 - Electrical Backing Board & Cement Lined Electrical Cabinet**

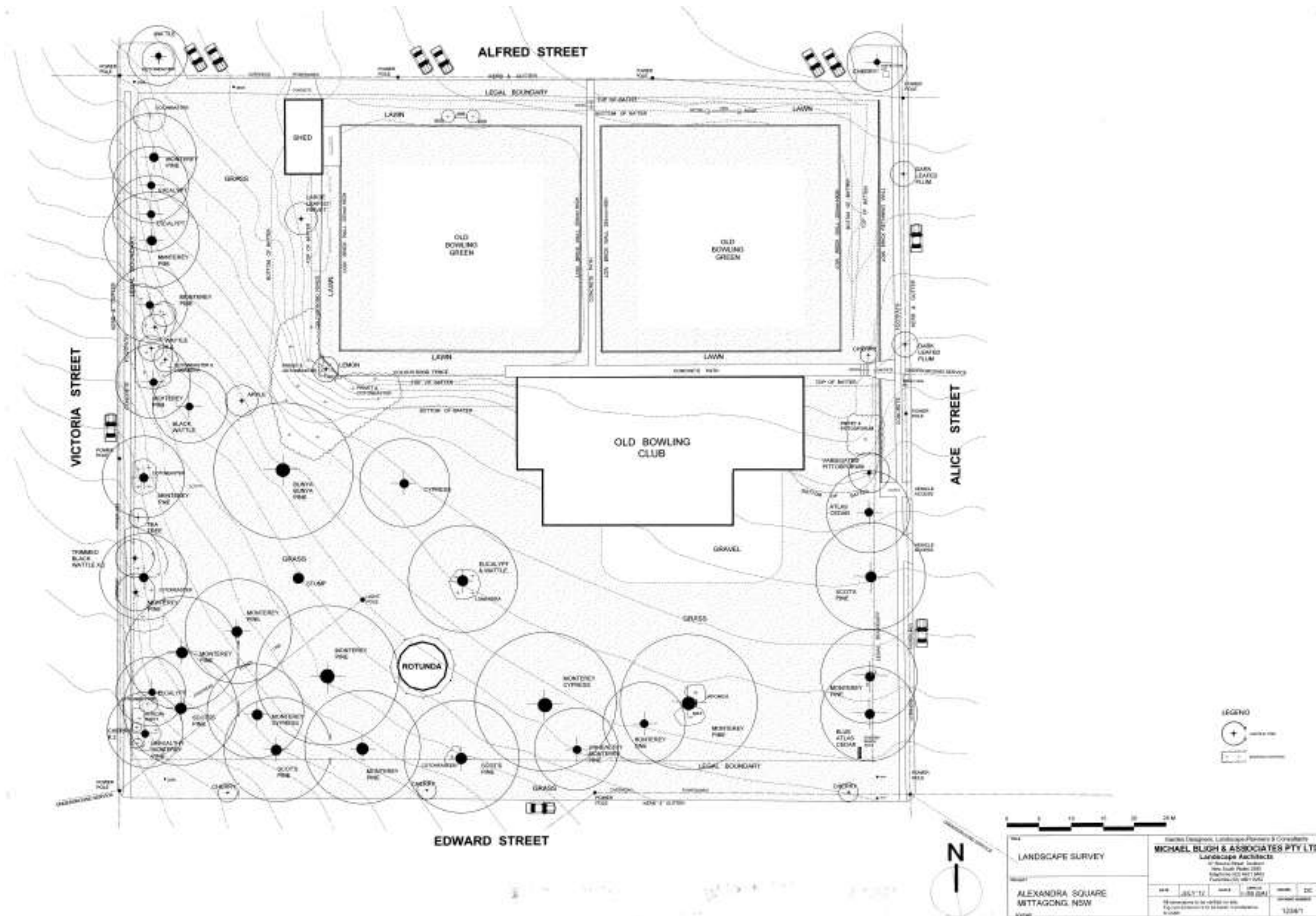


Figure 18 - Alexandra Square Layout

## 2.7. Condition Assessment

Area Description	Facility	Condition
Entrance Gate and Statement		Poor
Access Road		Poor
Formal car park		Poor
Children's playground		Removed
Existing Bowling and Recreation Club facility		Poor
Precinct Boundary Fence		Poor
Sporting Fields Boundary fence		Poor
Sporting Fields - drainage		Poor
Sporting Fields – grass cover		Poor
Flood Lighting		Fair
BBQ Facility		Removed
Storage shed		Good
Rotunda		Good
<p>Key</p> <p>Excellent – assets are in ‘as new’ condition and require little maintenance or upgrade</p> <p>Good – assets are well maintained for their age but require on-going maintenance</p> <p>Fair – assets are suitable for their current use but need repairs, renovations or upgrades</p> <p>Poor – assets are in poor condition and require maintenance to make serviceable</p>		

Table 7 - Condition Assessment

## 2.8. Use of Alexandra Square

### 2.8.1. Introduction

Alexandra Square is a **Public Recreation Reserve** characterised with the surrounding heritage area incorporating facilities and features for active and passive recreation. There is significant scope for the provision of further facilities.

It is envisaged that the open space and associated facilities will cater for passive recreation and leisure pursuits, users of Alexandra Square will be informal groups and individuals , a range of community groups, social groups, interest groups, social groups, schools, and local residents throughout the shire and visitors, community groups, and associations from outside the area.

The provision, accessibility and quality of open space are one factor that guides and influences an individual's recreational preferences. Alexandra Square provides a variety of unstructured recreational opportunities. Council's aim is to promote an active and progressive lifestyle for the community of Wingecarribee by fostering and developing public recreation reserves for resident and visitors to the Highlands.

### 2.8.2. Dog Leash Free Area

Alexandra Square is partly a designated off leash dog area. Council is required to provide a balance for the off leash area and the open recreation space.

Dogs are permitted to run off the leash within the allocated area but must still be under the owner control (i.e. Obey voice commands).

During the consultation process various options for a fenced off leash area were reviewed and the area south of the former bowling greens would provide the preferred option.



The Master Plan accompanying this Plan of Management is a result of community consultation and provides a well balanced recreational space, which may be used by all members of the community within the shire.

### **2.8.3. Informal Activities**

Informal uses of the Square include:

- Sitting, walking, running, walking dog (on-leash)
- Picnic and family gatherings
- Informal games and activities
- Social gatherings (sports groups , social groups, interest groups)
- Off leash companion animal activities
- Children's play activities
- Creative pursuits – photography, drawing, painting
- Fitness activities

### **2.8.4. Organised Use**

Organised use permitted under consent

- Community events (formal celebrations e.g. Christmas, Easter, Community Fun days)
- School functions
- Filming and photography
- Corporate functions
- Educational events
- Any community activity deemed appropriate under a resolution of Council

### **2.8.5. Prohibited Uses**

Prohibited activities not permissible camping and open fires

- Flying model aircraft
- Riding of motor bikes, electric scooters, mopeds
- Driving of vehicles
- Riding of horses
- Practicing of golf
- Shooting firearms

### 3. COUNCILS OVERALL PLANNING FRAMEWORK

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), Council's must prepare and adopt Plans of Management for all Community Land. A Plan may apply to one or more area of Community Land, providing all the Act's requirements are fulfilled.

The Act states that the Plan must identify the following:

- The category of land;
- The objective and performance targets of the Plan with respect to the land
- The means by which council proposes to achieve the Plans objectives and performance targets
- The manner in which council proposes to assess its performance with respect to the Plans objectives and performance targets.

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

- Include a description of:
  - The condition of the land, and of any buildings or improvements as at the date of adoption of the Plan of Management; and
  - The use of the land and any building or improvements as at that date, and
- Must:
  - Specify the purpose for which the land, and any such buildings or improvements will be permitted to be used; and
  - Specify the purposes for which any further development of the land will be permitted, whether under lease or license or otherwise, and
  - Describe the scale and intensity of any such permitted use or development

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

- 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 1993*, as amended.

### **3.3. Leases or Licenses on Community Land**

There are no leases or licenses issued on this land.

#### **3.3.1. Granting a lease or license on Community Land**

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

The *Local Government Act 1993*, as amended allows council to grant leases and licenses over all or part of Community Land. The use of land under a Lease or License must be compatible with the *Local Environment Plan 2010* or Council requirements and provide benefits and services or facilities for the users of the land. Terms and conditions of the Lease or License should reflect the interests of Council and the public and ensure proper management and maintenance.

#### **3.3.2. Conditions of Granting a Lease or License**

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

- The lease or license must not be granted for a period of greater than 30 years
- A lease or license for a period of 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 license

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 of the proposal is likely to form the primary focus of the persons enjoyment of the Community Land

#### **3.3.3. Events exempt from Lease or License**

##### **Casual Uses**

Casual uses of a public reserve for an event of no more than three (3) consecutive days will not be required to arrange a formal lease or license 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 building or structures
- There is no interference with other users,
- Council obtains proof of suitable insurances

- The organiser 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 Environment Plan 2010
- Wingecarribee Open Space, Recreation, Cultural and Community Facilities Needs Study 2004
- Wingecarribee Shire Council Open Space and Recreation Facilities section 94 contributions Plans (July 1993)
- Wingecarribee Community Strategic Plan 2031+

### ***3.5. Other Relevant Legislation and Policies***

The Plan must also be in accordance with the provisions contained within relevant legislation and policy guidelines.

## 4. LEGISLATION RELATING TO ALEXANDRA SQUARE

### 4.1. *Council's Role in Managing Alexandra Square*

Alexandra Square is classified as Community Land. All public land under the care and control of Council 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 council 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 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
- 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 that is used or is 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 described as an area of Aboriginal, aesthetic, archaeological, historical, and technical or research or social significance.

#### 4.2.5. Natural Area

Land to which, whether or not in an undisturbed state, possesses a significant geological feature, geomorphologic 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.

#### **4.2.6. Natural Area: Bushland**

Land that contains primarily native vegetation and vegetation that is:

The natural vegetation or the remainder of the natural vegetation of that land; or

- Are still representative of the structure and/or floristic of the natural vegetation in the locality

#### **4.2.7. Natural Area Wetland**

Land that includes marshes, mangroves, swamps, billabongs, backwaters sedgeland, wet meadows, or wet heathlands that form a body of water that is cyclical, intermittently or permanently with fresh, brackish or saltwater, whether slow moving or stationary.

#### **4.2.8. Natural Area Watercourse**

Land described as:

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

#### **4.2.9. Natural Area Foreshore**

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

#### **4.2.10. Natural Area: Escarpment**

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

### ***4.3. Categorisation of Land with Alexandra Square***

The *Local Government Act* requires community land to be categorized. A combination of categories may be used for the one parcel of land. *Under section 36 (4) of the Local Government Act 1993*, Alexandra Square is categorized as follows: ***Park***

#### **4.3.1. Land Categorisation**

To comply with section 40A of the Local Government Act 1993 a Public Hearing on the Categorisation of the site was held at Mittagong RSL Club on Monday 9 July 2012.

The notice of the public hearing was advertised in the Southern highlands News on 20 and 27 June and 4 July 2012. Neighbour Notification Letters were posted to 1100 residents with 700 invitations letter box dropped throughout the local area. Micris Management Services were commissioned to chair the meeting. A subsequent report is attached and will be presented to Council to adopt the recommendations.





Figure 19 - Categorisation Plan

#### 4.4. Core Objectives

The following section outlines Council's objectives for the future management of Alexandra Square. 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 1993* with those of the Council and the community.

The *Local Government Act 1993* and *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 the 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 categorized as Park are:

- To encourage promote and facilitate recreation, cultural social and educational pastimes and activities.
- To provide for passive recreational activities or pastimes and for the casual playing of games, and;

- 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/License*

This Plan of Management does not expressly authorise Council to enter into a lease, license or other estate with any organisation as noted in the table below:

Facility	Activity	Purpose	Agreement	Max permissible Term
Public open space	Public recreation	Public recreation Reserve	N/A	N/A
Amenities Building	Public recreation	Public Recreation Reserve	N/A	N/A
Bowling Green	Public recreation	Public Recreation Reserve	N/A	N/A

Table 8 - Leases & Licenses

#### 4.6. *Easements*

This Plan of Management expressly authorises the granting of easements over the land that is **not** affected by endangered communities for the purpose of providing pipes, conduit or other connections under the surface of the ground. This is limited to easements that connect premises adjoining Community Land to existing water sewer, drainage or electricity facility of Council or other public utility provider that is situated on Community Land, where there is no reasonable alternative.

The granting of easement above, on or under the surface of Community Land or to land that is not community land is not within the authority of this Plan of Management. This includes but is not limited to:

- piping to a natural watercourse
- piping to a facility through community land to a facility on land under private ownership
- private access vehicular or pedestrian

#### 4.7. *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 any activity to proceed to the development assessment stage. This Plan does not grant consent. Any proposed developments which are consistent with the Plan are still subject to the normal development consent processes of Council.

## 5. BASIS FOR MANAGEMENT

For the effective ongoing maintenance of the Alexandra Square precinct Council needs to consider the precinct's characteristics, current condition and its 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 of Alexandra Square.

In addition to the community values and management issues associated with Community Land effective management of Alexandra Square requires the consideration and incorporation of a multitude of legislative and policy requirements for Community Land. In managing Alexandra Square, Council must comply with the core objectives for General Community Use, and Park (refer 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 the 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. *Wingecarribee Community Strategic Plan 2031+* outlines the Council's and Community's Vision and Mission Statement for the future.

Wingecarribee 2031+ our future our choice is the blueprint for the future of the Southern Highlands. It represents the vision, aspirations, goals, priorities and challenges for our community. The purpose of Wingecarribee 2031+ is to:

- Describe the vision and goals the community has for the shire
- Outline the strategies to achieve this vision and goals
- Provide a long term focus for decision making and resource allocation
- Provide a basis for measuring our progress
- Provide an opportunity for community participation in decision making
- Address social, economic, environmental and civic leadership issues

W2031, as developed by the community, will be maintained and implemented by council on behalf of the Wingecarribee local government area. It is a Plan for the future of the shire and will be a guide for other levels of government, private business and non-government agencies.

This Plan signifies a change in the way Planning by council and the community is developed and implemented. Developing 2031+ has created an opportunity to work together to deliver outcomes that benefit everyone.

*The Community Strategic Plan 2031+ Vision is:*

In 2031 we will be.....

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

**5.1.1. Management vision**

*To recognize Alexandra square 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 environmental, recreational educational and social needs of the present community and future generations*

**5.1.2. Management Principles**

The following principles establish the direction of the Wingecarribee Shire council as the landowners 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 Square
- Permit a wide range of passive recreational activities compatible with the natural/physical scenic and cultural features of the Square, in response to community needs
- Encourage community ownership and use of the Square
- Encourage and promote public use by providing a range of high quality safe, accessible and enjoyable passive leisure and recreational opportunities
- Adopt Crime Prevention by Environmental Design and Safer by Design Principles in managing the Square to minimize vandalism and increase personal safety in the Square
- Protect and enhance the visual and social values of the square
- Provide opportunities for informal recreation and social interaction
- Ensure continues free public access

## 6. STRATEGIES and ACTION PLANS

The strategies to resolve the management issues are consistent with the Community Values from section 5 and to implement the Master Plan are presented in the following tables. 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 defines the way that Council will achieve its performance targets
- To provide a means of assessment, which is the way that Council measures it's performance; and
- To assign priorities for each of the performance targets

The responsibilities abbreviations are as follows:

- WSC - Wingecarribee Shire council

Within this action Plan, each has been given a priority, which can be linked to the following timeframe:

- High - commenced within 3-4years
- 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.

Number	Performance Target	Mean to achieve (Action)	Priority	Performance Assessment	Responsibility
1	Provide quality public recreation reserve	Removal of existing built facilities	High	Existing vacant building demolished except Rotunda	WSC
2		Entrance statement south/north	High	All works completed entrance statement implemented	WSC
3		Upgrade and finish boundary fence	High	Boundary fence upgrade completed	WSC
4		Restoration of Band Rotunda	High	Rotunda restored	WSC
5		Landscaping and tree Planting	Medium	Landscaping improvements and tree Planting completed	WSC
6		Off-Leash Dog Facilities	High	Construction and upgrades completed	WSC
7		Provide Square furniture	Medium	new Square furniture installed	WSC
8	Provide opportunities to encourage sustainable community access and enjoyment	a) Promotion of access for all groups within the community b) Ensure all permitted organised events comply with Council's policies and relevant legislation	Ongoing Ongoing	Increased number of visitors to Square All events comply with council policies and legislation	WSC



9	Public access and use of community land is maintained and provided on a fair and equitable basis	a) Promotion of access to the active recreation space for all groups within the community	Ongoing Ongoing	Increased involvement in events and activities by different community groups	WSC
10	Provide opportunities to access for all levels of mobility	a) Identify and provide wheelchair and disability access where it is feasible b) Incorporate the requirements of Council's equal access policy into the future facility improvements (where applicable)	High Ongoing	Increase in the number of people with mobility issues accessing the Square precinct Future improvements comply with the equal access policy	WSC
11	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	Ongoing	All sections of council, interim and long term lessees that carry out works or occupy facilities in the Square are aware of the Plan of Management and its requirements	WSC
12	Improved promotion of the site and facilities	Develop a maintenance Management strategy for the Square	Ongoing	Management strategy developed and implemented	WSC
13		Increase community awareness of the location of the Square and recreational facilities available	Ongoing	Increase usage and community education	WSC

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14		Develop an asset management Plan for the site	High	Asset Management Plan developed and implemented	WSC
15		Conduct regular safety audits assessing the area for personal safety risks	Ongoing	Safety audits conducted documented and improvements made if required	WSC

**Table 9 - Action Plan**

## 7. MASTER PLAN

The Master Plan for Alexandra Square has been developed as a result of community consultation and identifies numerous issues within the Public Recreation Reserve. Refer to Master Plan attached.

Components of the Master Plan 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 Alexandra Square.







## 8. IMPLEMENTATION AND REVIEW

### ***8.1. Implementation of the Plan of Management***

Implementation of this Plan will be monitored annually with the preparation of an annual 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 Square 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 (10) years (by 2022). It should be updated reflecting the changing community and Council priorities and issues incorporating changes in grants and funding, legislation or Council direction 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 annually in accordance with Council's budget; capital works program and changing priorities

## 9. 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 through the annual budgeting process, however projects (if funding criteria met) may be partly funded through state and Federal Government grant allocations, which may involve matching funding from Council

The staged delivery of works will need to occur because Council cannot meet the cost of each single item of works proposed at any 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 *Environment Levy* may be used for open space projects *Environment Levy Funding* can be utilised to enhance environmental management matters beyond what is required under legislation such as EAC ground truthing and vertebrate pest management

##### **Partnerships**

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

##### **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 spent on enhancing local and district open space and community facilities

#### **9.1.2. Grant Funding**

A number of Federal 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 Square consistent with its size, catchment and intended uses could be funded.

##### **Federal Government**

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

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

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**Australian Council for the Arts Grants**

The Australian Council is an arts advisory and funding body to the Federal Government. It offers a diverse range of grants to individuals and organisations, through which it seeks to promote excellence in the arts and to 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 designers in the Planning and design of public open space.

**Water for the Future Funding**

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

**9.1.3. NSW State Government****Public Art Program**

The NSW Government offers financial assistance for arts and cultural activities through *Arts NSW*. Grants of up to \$4,000.00 are available to assist in the commissioning of concept proposals by artists. Matching grants of up to \$20,000.00 are available for commissioning public art

**Environmental Trust Grants**

The Environmental Trust is a State Government Trust established to support exceptional environment 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 program is to encourage community involvement and input making their purpose twofold – providing both educational and environmental benefits.

**The Environmental Education Program**

The EEP provides resources to increase the awareness amongst individual, 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 involve qualified people to achieve the restoration that must broadly benefit the environment of New South Wales

**NSW Department of Arts, Sport and Recreation**

The *Department of Sport and Recreational* offers two levels of grants to local Council's known as:

- Capital Assistance Program
- Regional Sports Facilities Program
- Sports Development Program

These programs provide funding for recreational infrastructure – both indoor and outdoor in the past these programs have funded schemes as diverse as floodlighting, turf resurfacing, building upgrades and the provision of other such sporting facilities.

## **NSW Community Relations Commission**

### **Community Development Grants Program**

The *Community Development Grants program* provides funding for long term benefits for the community. Project's may include the promotion of cultural expression enhancement of community development or capital based projects, developing of community networks and structures and projects addressing critical issues relating to cultural diversity at a local level.

### **Metropolitan Greenspace Program**

*Planning New South Wales* provides funding under the *Metropolitan Greenspace Program* to assist Council's Plan and develop regionally significant open space areas. Improvements may include paths, interpretive signage, educational programs and natural heritage conservation works including bush regeneration.

## 10. 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, policies that relate to the management and protection of David Wood Playing Fields. The main aspects of current legislation, Plans and policy affecting the management and protection of Alexandra Square as outlined below.

### 10.1. Federal Legislation

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

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

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

### 10.2. 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. This Plan of Management must be exhibited for at least 28 days with a submission period totalling 42 days. Any relevant supplementary material must also be exhibited.

A Public Hearing is only required if the Plan of Management proposes to re –categorise the land or categorise for the first time. *Section 45* of the Act dictates what dealings a Council can have with community land, as follows:

- A Council has no power to sell, exchange or otherwise dispose of community land
- A Council may grant a lease or license of community land, but only in accordance with this division

- 
- A Council may grant any other estate in community land to the extent permitted by this division or under the [provision s of another Act

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

*Section 46 and 47 of the Act* provide clear guidelines for Council with respect to the granting of lease or licenses and other estates on community land. This includes permissible uses means of granting leases, license and other estates, timeframes, subleases, development and dedication of community land as a public road.

The *Local Government Act 1993* also considers acts of vandalism in public places (e.g. injuring Plants and animals and defacing properties) and gives Council's the power to establish and enforce alcohol free zones.

### **Environmental Planning & Assessment Act 1997**

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 area the *Environmental Planning and Assessment 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.

Environmental assessment must be carried out for any proposed activity or development. Any change in the use of the 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 the proposed activities that do not require *Development Consent*.

### **Protection of Environment Operation Act**

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 the *Catchment Management Authorities* and has the following objectives:

- To establish authorities for the purpose of devolving operational, investment and decision-making natural resource function 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; and
  - To provide a framework for financial assistance and incentives to landholders in connection with natural resource management

### **Noxious Weeds Act 1993**

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

- Must control declared noxious weeds on Council managed lands
- Must inspect and enforce control of declared noxious weeds on private land; and
- 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
- The coordination of bush fire fighting and bush fire prevention throughout the State
- The protections of persons from injury or death, and property from damage, arising from fires; and
- 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 Land and Crown Land. 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; and
  - Places of historic architectural or scientific significance

### **Waste Management Act 2001**

The purpose of the 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:
  - Benefits to the environment
  - Benefits to urban communities, agriculture, fisheries, industry and recreation
  - Benefits to culture and heritage
  - Benefits to the indigenous community in relation to their spiritual, social, customary, and
  - Economic use of land and water
- Recognising the role of the community, as a partner of 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 it's soil it's native vegetation and native fauna
- Encouraging the sharing of responsibility for the sustainable and efficient use of water between the government and water users; and
- 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 New South Wales. It has significant implications for council in relation to the management of native vegetation.

### **NSW Biodiversity Study 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 New South Wales
- Strengthen management of the biodiversity on a bioregional basis while utilising 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 State government agencies and Local Government, in conserving biodiversity; and
- Strengthen actions to inform, motivate and achieve the support of the community including local and indigenous communities, industry, state government agencies and local government in conserving biodiversity; and
- Increase our knowledge and understanding of the ecological systems and processes required to conserve biodiversity through scientific research, survey and monitoring, taking into account the knowledge and values on aboriginal and local communities

### **NSW Heritage Act 1977**

The *NSW Heritage Act 1977* aims to conserve the environmental and cultural heritage of New South Wales. 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.

## **10.3. Local Plan and Policies**

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

The *Wingecarribee Local Environment 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
- E3 Environmental Management

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

### **Land Zoned RE1 Public recreation**

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

- To enable land to be used for public open space or recreational purposes
- To provide a range of recreational setting and activities and compatible land uses

- 
- To protect and enhance the natural environment for recreational purposes
  - 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:

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

### ***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 which 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 of the shire'.*

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

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

The overall purpose of Open Space Recreation Cultural and Community needs 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 activities through public facilities and open space, and
- To develop a policy framework for Council to provide quality recreation, cultural and community activity opportunities and environment that meets the needs of the Wingecarribee community

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## 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 (BoM), 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

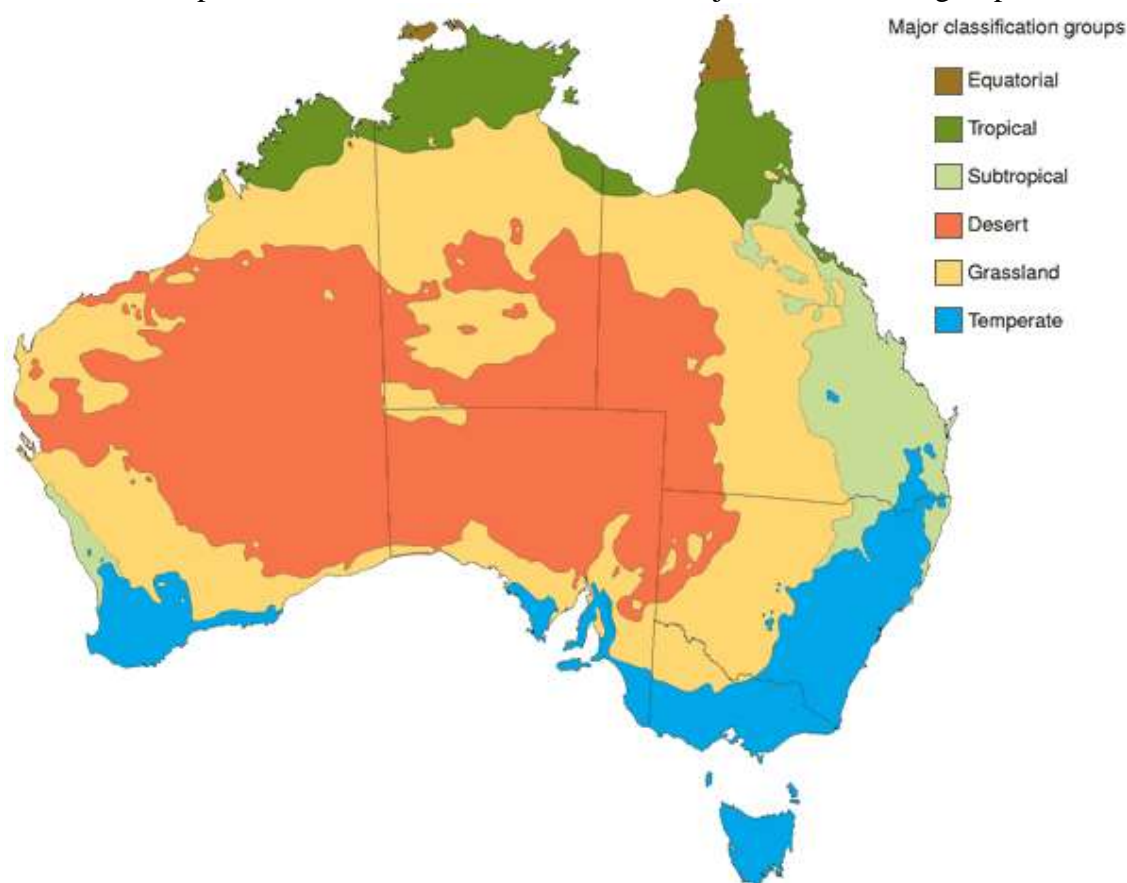


Figure 21 = Australian Climate Classification Group

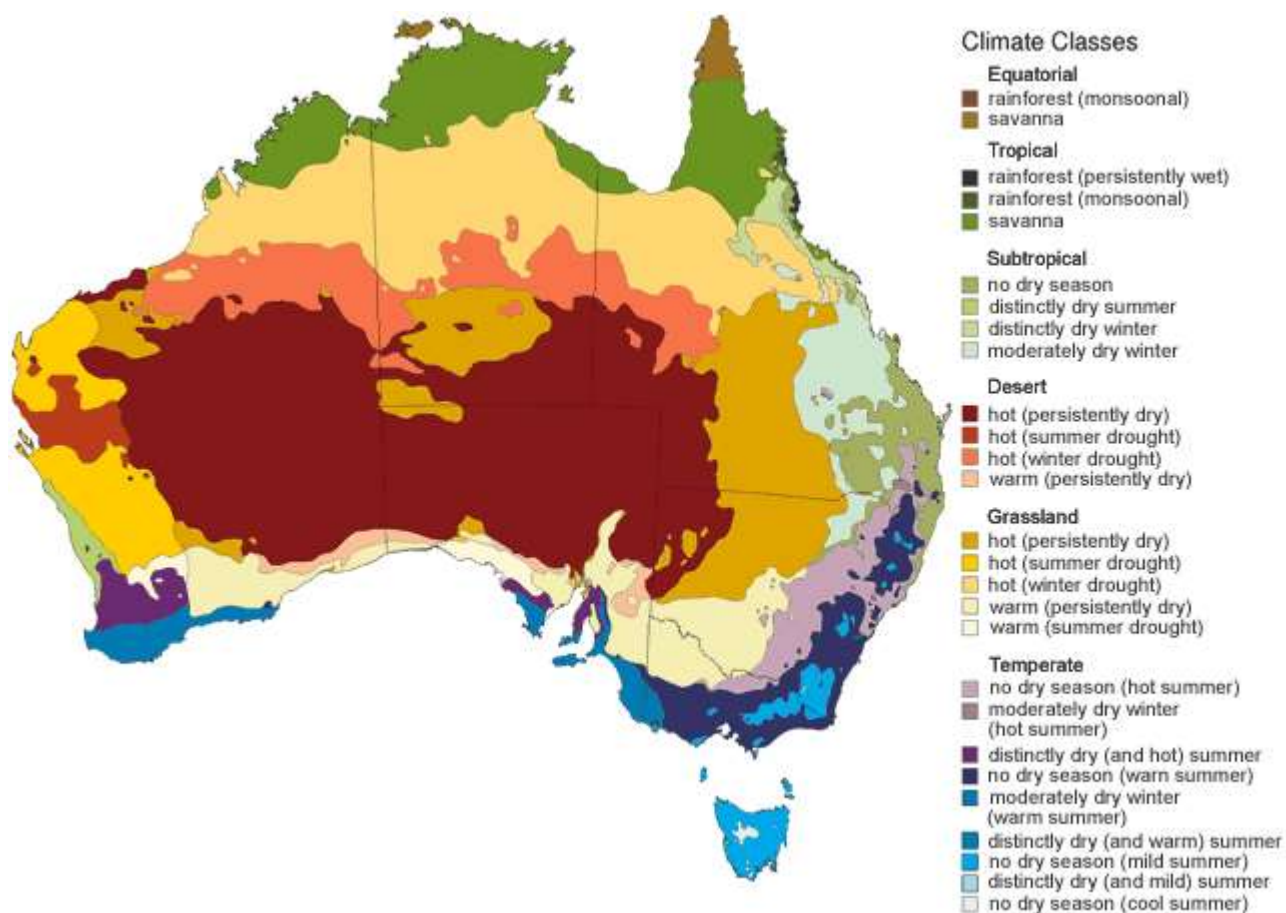


Figure 20 - Climate classes within the six major classification groups

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