

# **HAZEL ROWBOTHAM RESERVE**

(FISHERMANS PARADISE)

## **PLAN OF MANAGEMENT**



**COMMUNITY LAND PLAN NO.10**

**JUNE 2002**

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## **1. INTRODUCTION**

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The management of open space and recreation areas (parks and reserves) is one of the most important functions of any Council. However, prior to 1993 there were few specific guidelines describing the way in which this land should be managed.

The Local Government Act 1993 introduced new requirements on all Councils to ensure Council owned land is managed appropriately and that the community is actively involved in decisions affecting the management and use of Council owned land.

### **1.1 The Local Government Act 1993**

The Local Government Act 1993, herein referred to as the Act, required Council to take and maintain an inventory of all land owned by Council. This land was then to be classified as either:

1. Community Land, or
2. Operational Land

Community Land was defined for the purposes of the Act to be that land which is set aside for community use, such as parks, sportsgrounds, beaches, community centres and walking tracks. Development and use of this land is subject to strict controls set out in the Act and described in Appendix One. In addition to these controls, any land identified as Community Land during the classification process must be governed by a Plan of Management.

Conversely, Operational Land comprises that land which serves a commercial or operational function (eg. a depot or car park), or land which is being retained for commercial or strategic reasons. The range of controls which apply to Community Land do not apply to the use and management of Operational Land.

In 1998, the Local Government Act 1993 was amended with respect to Community Land. This amendment resulted in the Local Government Amendment (Community Land Management) Act 1998 and subsequently the Local Government (General) Amendment (Community Land Management) Regulation 1999.

Whilst the original Act required Councils to categorise all Community Land as either sportsground, park, natural area or general community use and to prepare a Plan of Management for all Community Land, no further guidelines were provided to assist with the categorisation or management process. The Act, as amended in 1998 has provided Councils with guidelines to ensure all community land is appropriately categorised and managed in accordance with identified management objectives, described in the Act as core objectives.

Community Land must now be categorised as one, or more, of the following:

- Sportsground,
- Park,
- General Community Use,
- Area of Cultural Significance, or
- Natural Area

Natural Areas must be further categorised as:

- Foreshore,
- Bushland,
- Wetland,
- Escarpment, or
- Watercourse.

## **1.2 What is a Plan of Management?**

A Plan of Management is a document which guides the management of particular categories, or specific areas, of Community Land.

The management orientation of Council's Parks and Recreation Unit is guided by the dominant community values for community land. Identified management issues are considered against stated values, and objectives are then developed to remedy issues of concern.

This Plan of Management expands upon this theme and in so doing, develops a range of strategies and actions to assist with the improved management of Hazel Rowbotham Reserve.

The Plan of Management may be generic (ie. covering more than one area of Community Land) or specific (covering one area only). The Hazel Rowbotham Reserve Plan of Management is a specific area Plan of Management.

A Plan of Management that applies to just one area of community land:

(a) must include a description of:

- (i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the Plan of Management, and
- (ii) the use of the land and any such buildings or improvements as at that date, and

(b) must:

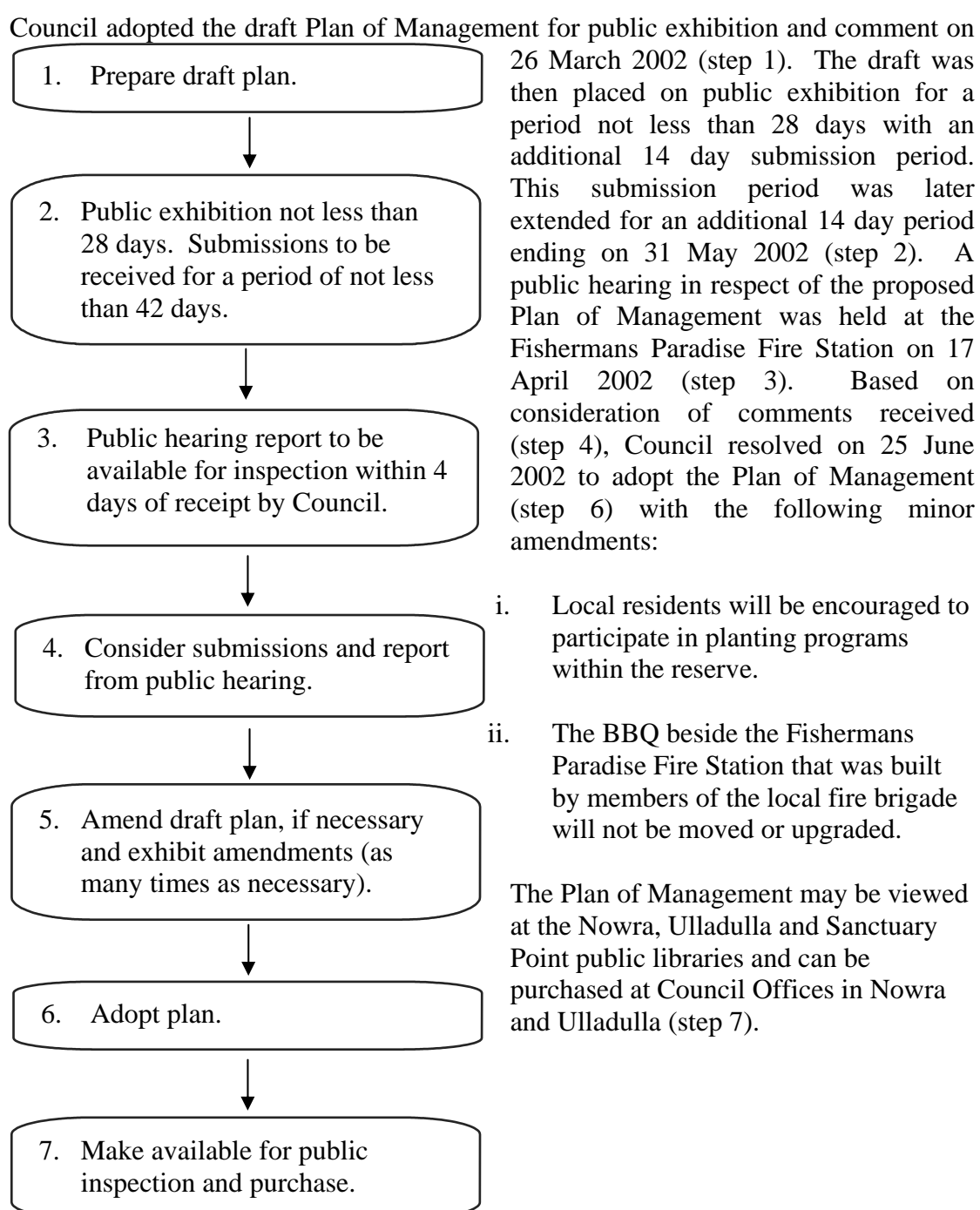
- (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and
- (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and
- (iii) describe the scale and intensity of any such permitted use or development

In addition to these requirements, this Plan of Management identifies:

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

### 1.3 The Plan of Management Process

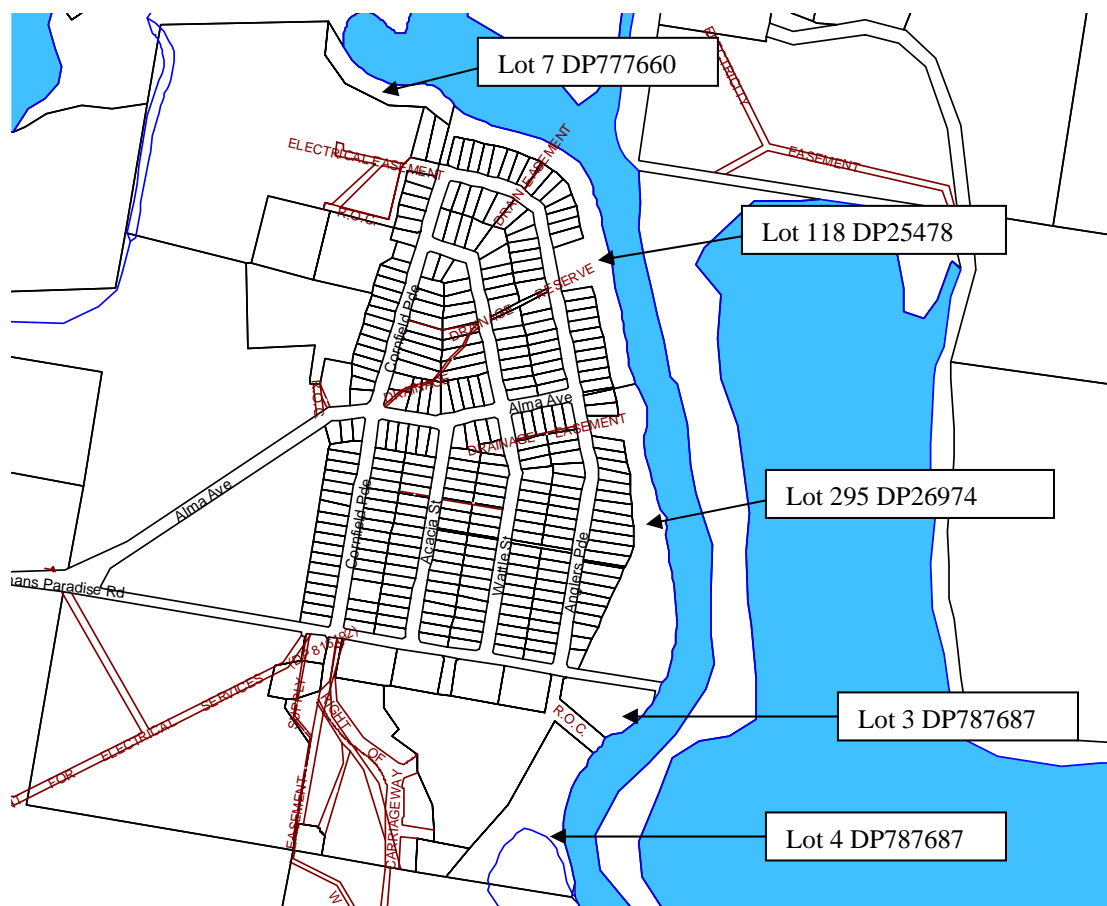
This plan has been prepared in accordance with the process specified in the Local Government Act 1993 and amendments. The process is summarised in the diagram below.



## 1.4 Land to Which this Plan Applies

This Plan of Management applies to five lots adjacent to Conjola Creek at Fishermans Paradise as shown in Figure 1 and described in Table 1.

*Figure 1 - Properties forming Hazel Rowbotham Reserve*



The following table provides information on the five parcels of land which combine to form Hazel Rowbotham Reserve. Also included in the table are the management categories for each parcel of land. Further information regarding the management categories is contained in Section 2 of this Plan.

**Table 1 – Land Information, Hazel Rowbotham Reserve**

<b>Property</b>	<b>Street</b>	<b>Size</b>	<b>Category</b>
Lot 7 DP777660	Cornfield Pde	6,777 m <sup>2</sup>	Natural Area - Wetland
Lot 118 DP25478	Anglers Pde	2.01ha	Natural Area Foreshore/General Community Use
Lot 295 DP26974	Anglers Pde	2.98ha	Natural Area - Foreshore/General Community Use
Lot 3 DP787687	Fishermans Paradise Rd	6,602 m <sup>2</sup>	Natural Area – Foreshore
Lot 4 DP787687	Fishermans Paradise Rd	1.65ha	Natural Area - Wetland

The area shown in Figure 1 marked as R.O.C. (between Lot 3 DP787687 and Lot 4 DP787687) is privately owned land to which Council has negotiated a ‘Right of Carriageway’ to allow community access from the north to the southern portion of the reserve.

## **1.5 Community Consultation**

Effective community consultation and community input is essential to ensure that a Plan of Management meets the needs of the local community and has the support of the local community at the implementation stage.

In January 2000, a public meeting was held to discuss the categorisation of the reserve, with Council proposing to re-categorise part of Lot 118 DP25478 (the area around the fire station) and part of Lot 295 DP26974 (the area around the boat ramp) from Natural Area – Bushland to General Community Use. Lot 3 DP787687 and the remaining areas in Lot 118 DP25478 and Lot 295 DP26974 were re-categorised from Natural Area – Bushland to Natural Area – Foreshore. Lot 7 DP777660 and Lot 4 DP787687 were also re-categorised from Natural Area – Bushland to Natural Area - Wetland. Various presentations to the public hearing and subsequent submissions from the community were made at this time, with a range of concerns raised for the future development and protection of the reserve.

Since that time, Council has been dealing with a range of issues regarding open space and recreation opportunities in Fishermans Paradise, in particular trying to balance the contrasting views in the community with regard to the future of the reserve to ensure that it is managed in a manner which is both environmentally and socially sustainable.

In developing this Plan of Management Council has referred to the results of a community survey, correspondence and notes taken from various public meetings and forums.

The draft Hazel Rowbotham Reserve Plan of Management was presented to Council and exhibited for a period of 28 days with an additional 28 day submission period provided. Council then considered all comments received regarding the draft prior to adoption of the final plan.

## 2. BASIS FOR MANAGEMENT

Management of community land in the Shoalhaven requires consideration and integration of a number of factors. These include the core objectives as specified in the Local Government Act 1993 and amendments, identified community values and needs, and the range of legislation and policy which has been developed at Federal, State and local level to guide land use and management.

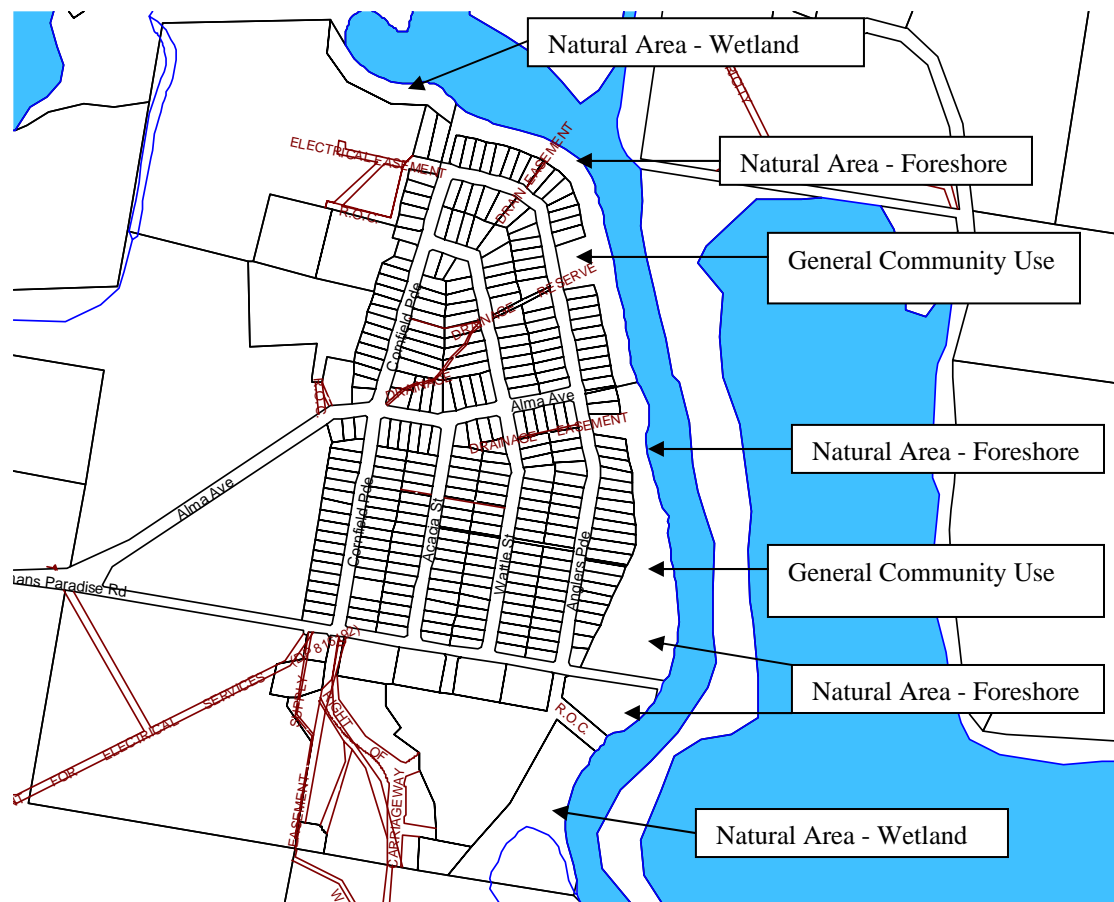
### 2.1 Land Categories

As discussed earlier, the Local Government Act requires Councils to give each parcel of community land a category or categories and provides guidelines as to how land should be categorised and managed.

A multi-category approach to the management of Hazel Rowbotham Reserve was used, given that the reserve is characterised by a range of unique attributes and management issues which cannot be adequately addressed through the use of a single management category.

Figure 2 shows the management categories for Hazel Rowbotham Reserve.

**Figure 2 - Management Categories**



### ***2.1.1 Natural Area***

Land should be categorised as a natural area under section 36(4) of the Act if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore under section 36(5) of the Act.

Note: Section 36A of the Act provides that community land that has been declared a critical habitat under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 must be categorised as a natural area.

Section 36B of the Act provides that community land all or part of which is directly affected by a recovery plan or threat abatement plan under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 must be categorised as a natural area.

Section 36C of the Act provides that community land that is the site of a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or that is the site of a wildlife corridor, must be categorised as a natural area.

### ***2.1.2 Natural Area – Wetland***

Land that is categorised as a natural area should be further categorised as wetland under section 36(5) of the Act if the land includes marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a waterbody that is inundated cyclically, intermittently or permanently with fresh, brackish or salt water, whether slow moving or stationary.

### ***2.1.3 Natural Area – Foreshore***

Land that is categorised as a natural area should be further categorised as foreshore under section 36(5) of the Act if the land is situated on the water's edge and forms a transition zone between the aquatic and terrestrial environment.

### ***2.1.4 General Community Use***

Land should be categorised as General Community Use if the land:

- (a) may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- (b) is not required to be categorised as a Natural Area and does not satisfy the guidelines for categorisation as a Natural Area, a Sportsground, a Park or an Area of Cultural Significance.



## **2.2 Core Objectives**

The Local Government Act, in an effort to ensure the appropriate and sustainable management of Community Land, identified core objectives for each category of Community Land. The core objectives for each category for Hazel Rowbotham Reserve are provided below.

### **2.2.1 Core Objectives for Community Land Categorised as Natural Area**

The Core Objectives for management of community land categorised as a natural area are:

- NA1 To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- NA2 To maintain the land, or that feature or habitat, in its natural state and setting, and
- NA3 To provide for restoration and regeneration of the land, and
- NA4 To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- NA5 To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994.

### **2.2.2 Core Objectives for Community Land Sub-Categorised as Wetland**

The Core Objectives for management of community land categorised as wetland are:

- W1 To protect the biodiversity and ecological values of wetlands, with particular reference to their hydrological environment (including water quality and water flow), and to the flora, fauna and habitat values of the wetlands, and
- W2 To restore and regenerate degraded wetlands, and
- W3 To facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological value of wetlands.

### **2.2.3 Core Objectives for Community Land Sub-Categorised as Foreshore**

The Core Objectives for management of community land categorised as foreshore are:

- F1 To maintain the foreshore as a transition area between the aquatic and the terrestrial environment, and to protect and enhance all functions associated with the foreshores role as a transition area, and
- F2 To facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

#### ***2.2.4 Core Objectives for Community Land Categorised as General Community Use***

The core objectives for management of Community Land categorised as General Community Use are to promote encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).

### ***2.3 Community Values***

Adequate consideration of community values is essential when developing a Plan of Management. Community values are the attributes which make something (eg. a reserve) important to the community as a whole. Values tend to change little over time and to be broad in nature.

An understanding of the values of Hazel Rowbotham Reserve to the local community has been established through representations to Council regarding the purchase, classification and categorisation of the reserve and through a community survey sent to all ratepayers of Fishermans Paradise in mid 2001.

Out of approximately 270 community surveys sent, 79 responses were received (a 29% response rate). The values identified by respondents are presented in priority order.

#### **2.3.1 Environmental Values**

The natural environmental values of Fishermans Paradise are enjoyed and appreciated by most residents. The environmental values encompass the reserve's natural beauty and scenic qualities, habitat for native wildlife and the biodiversity of species. As well as this, the value of the reserve in protecting the water quality of Lake Conjola and Conjola Creek is acknowledged.

#### ***2.3.2 Open Space Values***

Providing open space and a break from the "urban" environment is one of the most important functions of Hazel Rowbotham Reserve. In suggesting this, it is assumed that residents want development on the reserve limited to that which provides for the basic social, environmental and recreation needs of the community. Retaining views to the creek and beyond is also important to many residents.

### **2.3.3 Recreational Values**

Given that Fishermans Paradise is reasonably isolated from other villages in the Shoalhaven, Hazel Rowbotham Reserve is relied upon to supply unstructured outdoor recreation opportunities within the village. The value of the reserve in providing recreation opportunities was noted by people of all ages. Older residents tended to express a personal need for passive recreation opportunities such as a safe walking route and seating to allow for nature appreciation. The needs of younger residents were represented through requests for the provision of skate and cycle facilities.

### **2.3.4 Social Values**

As the only public space within Fishermans Paradise, Hazel Rowbotham Reserve plays an important role in the social functioning of the village eg. events at the fire station or picnic area and incidental social interaction along the reserve.

Providing opportunities for social interaction, such as seating and picnic facilities, dedicated youth spaces and community spaces are all of importance to maintain social interaction opportunities.

### **2.3.5 Tourism Values**

Whilst some survey responses considered tourism in the area, this is not seen as a value which is of particular importance to the management of this reserve. This is consistent with the level of tourist facilities in the area which are low key and not highly promoted.

## **2.4 Legislative and Policy Framework**

In addition to the requirements of the Local Government Act 1993 and Amendments, this Plan of Management must comply with all other relevant legislation and policy, across all three levels of government.

Examples of other legislation and policy which must be taken into account include the Environment Protection & Biodiversity Conservation Act 1999, the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies, Coastal Policy, Crown Lands Act 1989, Native Vegetation Conservation Act 1997, Shoalhaven Local Environment Plan 1985 (Described in Appendix 2) and Leases Licences and Other Estates (Described in Appendix 2).

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### **3. MANAGEMENT FRAMEWORK**

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#### **3.1 Physical Characteristics of the Reserve**

Hazel Rowbotham Reserve is a linear reserve which runs adjacent to Conjola Creek leading in to Lake Conjola at the southern end.

The reserve has an approximate area of 7ha and is approximately 1.3 kilometres in length and varies from 20 metres at its narrowest width to 100 metres at the widest point.

##### **3.1.1 Flora**

A total of 120 flora species were identified during the flora survey of the reserve and these are listed by both their scientific and common names in Appendix Four.

Predominately there are two vegetation communities occurring in the Reserve. These are described below.

##### **Bangalay Open Forest**

###### Structure

This is an open forest to a height of about 15-20 metres with a fairly dense understorey consisting of shrubs and vines.

###### Occurrence

This community occurs across the bulk of the reserve between Cornfield Parade in the north and the right-of-carriageway south of the boat ramp. The open forest is found within a narrow band between the village of Fishermans Paradise eastwards to the waters of Lake Conjola.

###### Description

The canopy consists of associations between Bangalay, Grey Ironbark, Turpentine and Rough-barked Apple. Characteristic understorey species include Sweet Pittosporum, Black Wattle, Austral Indigo, Monkey Rope, Wombat Berry, Native Cherry and Everlasting. Dominant groundcover species include Bracken, Blady Grass, Native Raspberry, Spiny-headed Mat-rush, Wiry Panic and Carpet Grass. The vegetation along the extreme fringes of the lake includes species usually associated with wetland communities such as Swamp Oak, Red-fruited Saw-sedge, Sea Rush and Bare Twig Rush.

###### Condition

This community is highly disturbed north of the boat ramp, where private properties adjoin the reserve. Nearly all of the native understorey and groundcover vegetation has been removed in this area with many weed species predominating in these vegetation strata. The open forest is in far better condition south of the boat ramp where human incursions have not been so excessive.

## **Swamp Oak Forest**

### Structure

This is a complex of related communities, but it is mainly a forest to a height of 10 metres with a sedgeland understorey in the reserve.

### Occurrence

This community occurs in the far south of the reserve and comprises part of wetland and some adjoining parts of the reserve to the north of this wetland where it grades into the Bangalay Open Forest.

### Description

The canopy consists of pure stands of Swamp Oak. Sedgeland species along the saline edge of the estuary include Common Reed, Sea Rush and Austral Seablite. Further from the foreshore where freshwater conditions occur, species such as Bare Twig-rush, Creeping Cotula, Sea Celery, Lobelia and Swamp Paperbark occur.

### Condition

This community is in very good condition overall, with disturbances restricted to the right-of-carriageway and areas where uncontrolled access by humans has lead to trampling and erosion.

The Swamp Oak Forest in the southern part of the reserve may arguably be classified as the endangered Sydney Freshwater Wetlands ecological community in the Sydney Basin Bioregion.

The reserve contains seven of the species listed in the Final Determination of the NSW Scientific Committee for this community. This determination indicates that not all of the species listed as occurring in the community may be present. A number of the dominants are present, but it is not clear whether the community at Fishermans Paradise occurs on sand or alluvium.

### **3.1.2 Fauna**

The fauna habitats present in and adjacent to the reserve are those generally associated with Bangalay Open Forest and Swamp Oak communities, wetlands, lakes and foreshores.

There are foraging resources in the form of flowering trees and shrubs for birds and arboreal mammals. There is some well-developed understorey and groundcover vegetation that could provide foraging and sheltering resources for terrestrial fauna.

The wetlands provide suitable habitat for water fowl and amphibians, as does the lake itself.

The vegetation in the reserve also contains some dead and living trees with hollows that could provide denning, roosting, and nesting sites for arboreal mammals, birds and microchiropteran bats. However, there are very few mature senescing trees on the site and the hollows present appeared to be small.

It is important to note that the quality of these habitats is severely degraded throughout the parts of the reserve adjoining the village. The main areas of intact habitats are in the forest vegetation and wetlands in the southern part of the reserve. Habitat interconnections occur to the north and south through wetlands and to the east into Lake Conjola.

Fauna surveys and opportunistic observations during the site inspection detected a total of 41 faunal species inhabiting the site and these are listed in Appendix Five. Two amphibians, one reptile, thirty-five birds and three mammals were detected.

The wetlands and adjacent wet areas could provide suitable habitat for the Green and Golden Bell Frog, Australasian Bittern, Black Bittern and Black-necked Stork. However, the Australasian Bittern, Black Bittern and Black-necked Stork have not been recorded in the southern Shoalhaven to date.

The foreshores could provide suitable habitats for the Pied Oystercatcher.

The forested areas could provide suitable prey habitat for the Powerful Owl, Masked Owl and Barking Owl, but the trees did not seem to contain hollows large enough to be used for breeding by these threatened species.

The hollow-bearing trees on the site could provide suitable roosting habitat for the East Coast Freetail Bat, Greater Broad-nosed Bat, Large-footed Myotis and Eastern False Pipistrelle.

### **3.1.3 Access**

Formal vehicular access to Hazel Rowbotham Reserve is limited. A short access road has been constructed from Anglers Parade to the boat ramp at the southern end of the reserve. This access way has recently been sealed to reduce the impact of stormwater runoff/sedimentation on Conjola Creek and the lake. A car parking area has been established adjacent to the boat ramp. Vehicular access is also provided directly from Anglers Parade to the fire station for emergency vehicles and within the central area of the reserve for maintenance purposes. Vehicles other than maintenance and emergency vehicles are not permitted to use any area within the reserve with the exception of established access and parking sites.

At various points along Anglers Parade access to the reserve is available between residential blocks. These access points need to be clearly identified and maintained to guarantee public access and prevent alienation of public land.

Access within the reserve is for pedestrian and non-motorised vehicles (eg. BMX bikes) only. Use of trail bikes or similar is not permitted.

### **3.1.4 Foreshore Stability and Erosion**

Current research and local observation have concluded that the presence of indigenous foreshore vegetation is integral to the long-term stability of foreshores. The roots of plants act to bind soil and the above-ground parts of plants absorb wave energy from wind chop and boat wakes.

The stability of the Hazel Rowbotham Reserve foreshore varies markedly depending on the level of foreshore degradation. This is shown in Figures 3 and 4. Figure 3 shows the foreshore in a well vegetated section of the reserve, which is used regularly by humans, where the vegetation is ensuring the stability of the bank and the threat of erosion is being well contained. Figure 4 shows a denuded area of the reserve, also used regularly by humans, where the bank is clearly eroding.

The re-establishment of vegetation (through re-vegetation and/or regeneration) is essential in ensuring the protection of the Hazel Rowbotham Reserve foreshore/wetland. In order to ensure that this revegetation does not significantly impede views, planting of low growing species will be given priority.

***Figure 3 - Well vegetated section of the reserve***



***Figure 4 - Shows a denuded area of the reserve***





### ***3.1.5 Stormwater and Drainage***

One of the most important functions of Hazel Rowbotham Reserve is its protection of the Conjola Creek/Lake Conjola estuary system. The Lake Conjola Estuary Management Plan (1999) identified a need to protect Lake Conjola from the impacts of urban and recreational development around the lake, and to reduce sediment and nutrient loads entering the lake.

Stormwater and drainage lines traverse the reserve at a number of points and are both open and piped. Open drainage lines are currently overgrown in parts and heavily weed infested. There is a need to rehabilitate these drainage lines to ensure a free flow of water into the creek and to ensure that appropriate pollution control measures are observed. Piped drainage lines have been observed along the reserve, coming from the rear of residential properties. In some cases there is evidence of subsidence around these lines and erosion has occurred on the creek bank at the discharge point. There is a need to ensure that these drains are managed in such a way as to have the minimum impact on the reserve and the water quality of Conjola Creek and Lake Conjola.

The protection of Conjola Creek and Lake Conjola will be achieved through the establishment of foreshore vegetation, improved stormwater management and increasing the public awareness of the threats to Lake Conjola and opportunities to minimise the impacts of urban development and recreational use.

### ***3.1.6 Existing Development***

At present, Hazel Rowbotham Reserve has been developed to include a range of community and recreational facilities. These include the boat ramp, bush fire station, playground, multi-purpose recreation court, picnic facilities, bush shelter and community notice board.

The current level of development on Hazel Rowbotham Reserve is shown on the following page in Figure 5.

## **3.2 Development on and Usage of Hazel Rowbotham Reserve**

Hazel Rowbotham Reserve receives a high level of usage from residents of Fishermans Paradise, as it is the only public space within the village. This has resulted in a variety of conflicts regarding the most appropriate use of the reserve

### ***3.2.1 Fire Station***

The fire station at Fishermans Paradise was constructed in the early 1980's to provide bush fire fighting facilities for the village and surrounding rural area. At present, the fire station is also used as a community meeting place and for local events.

The fire station is managed by the Fishermans Paradise Volunteer Rural Fire Brigade and it is proposed that this management regime and usage will continue as it provides the greatest benefit to residents of the village.

### **3.2.2 Multi-Purpose Recreation Court**

In 1998 Council constructed the multi-purpose recreation court after numerous requests from the community to provide some form of recreational facility for younger residents of the village. Following construction, members of the local community reinforced the dirt batter adjacent to the western side of the court with concrete to provide additional skate boarding opportunities.

The concreting of this batter slope was not approved within the Development Consent for the court and was subsequently removed by Council.

In November 1999 Council approved a Development Application to concrete the batter slope. This Plan of Management will authorise this work to be undertaken, subject to the conditions provided in the Development Consent.

### **3.2.3 Playground and ancillary picnic facilities**

A small playground and picnic facilities have been developed in the area of the fire station and multi-purpose recreation court. The playground provides outdoor recreational opportunities for young children in the village, whilst the ancillary picnic facilities provide an area for adults to supervise children at play and an area for community members to meet and socialise.

It is not proposed to extend or further develop the playground or picnic area. The playground equipment will be monitored to ensure it meets safety standards and will be maintained with similar equipment as required, and provided for in the Shoalhaven Parks Playground Strategy. Picnic facilities are and will continue to be maintained in accordance with the Parks Service Level Agreement.

### **3.2.4 Boat Launching and Storage**

Boating is one of the most popular recreational activities catered for in Fishermans Paradise. To facilitate boat launching, a single boat ramp was constructed in the southern area of the reserve to provide access into Lake Conjola. This boat ramp was assessed in 1998 when Council's Waterways Infrastructure Strategy was being developed. The assessment determined that the ramp was in average condition and had a daily launching capacity of 15 boats. To facilitate better use and management of the boat ramp and reduce sedimentation of the adjacent waterway, the car park adjacent to the boat ramp has been sealed.

In the area in the foreground of Figure 6 the creek bank shows signs of use to access the creek for the purpose of boat launching, fishing and/or swimming. The soil in this area is heavily compacted and no vegetation is present. Development of a "launching/landing" is proposed to protect this area of the foreshore, with native vegetation established around the platform to reduce the likelihood of further erosion and degradation.

**Figure 6 - Creek bank shows signs of use to access the creek**



Along much of Lot 118 and Lot 295 is evidence of unauthorised boat launching and storage facilities. In areas where the native foreshore vegetation is stable, the storage of boats on the foreshore does not pose a significant issue. However, where foreshore vegetation has been removed and mown grass extends to the waters edge, the storage and launching of boats along the foreshore is contributing to erosion of the bank.

To manage this issue, Council is proposing to re-establish foreshore vegetation in mown areas and to work with residents to:

- Remove unused boats from the foreshore
- Rationalise and formalise boat launching ramps to ensure they are safe and easily accessible to users

Once the above work has been completed, Council will monitor the foreshore to determine if these erosion control methods have been successful. Depending on the results of this monitoring, Council will work with the community to develop alternative solutions to the issue of boat launching and storage.

### **3.2.5 Walking**

Given that Hazel Rowbotham Reserve is a linear reserve adjacent to a waterway, the opportunity for walking for both fitness and pleasure is enjoyed regularly by residents and visitors alike.

Where appropriate raised boardwalks or similar shall also be constructed over drainage channels which traverse the reserve.

It is acknowledged that walking of dogs is a popular pastime for users of this reserve. Hazel Rowbotham Reserve is not a designated dog off leash area. All dogs on this reserve should be on a leash and under the control of a responsible person. Dog faeces should be removed from the reserve.

### **3.2.6 BMX Riding**

BMX riding in Hazel Rowbotham Reserve has recently become a management issue, as access to private land has recently been lost. Considerable community consultation has been undertaken and a local group formed to progress the establishment of a BMX circuit in the relatively cleared area to the south of the boat ramp. The proposed location of the circuit is shown on the Landscape Concept Plan (shown in Figure 7).

The BMX circuit will be designed as a local facility only, with a small number of jumps and clear riding opportunities. The circuit will not be promoted outside of the village and motorised vehicles such as trail-bikes will not be permitted to use the facility.

### **3.2.7 Encroachments**

Encroachments occur when local residents use the reserve for private purposes, such as to extend gardens, barbeque areas and the like. Sometimes this occurs through extending fencing beyond the actual boundary of a property, by planting gardens within the reserve and/or by mowing beyond property boundaries. Using public land for storage or access is also an encroachment. The effect of this is to restrict public access over public land; and/or to create a feeling of trespassing, even when on public land; or to limit the amount of public land available for the community to enjoy.

It is Council's intention to remove existing encroachments (with the exception of boat storage and launching facilities which are dealt with separately). This will include removal of exotic vegetation planted on the reserve, clearing and signposting of access ways into the reserve and removal of structures such as sinks which have been located on the reserve.

### **3.2.8 Rubbish Dumping**

Natural Areas are frequently used as a place to dump garden clippings and other rubbish. The dumping of these items causes a variety of problems, most particularly the growth of weed species.

Weeds tend to out-compete, outgrow and smother native vegetation and destroy the habitat of fauna that is dependent on the native vegetation. Weeds also stop the replacement of canopy trees and destroy the understorey resulting in a simplification of the ecosystem and a reduction in biodiversity. Dumped weeds further invade natural areas via creek lines and track networks causing degradation beyond the immediate area in which rubbish is dumped.

Due to the relative isolation of natural areas, much large scale rubbish dumping also occurs. For example, Natural Areas are used to dump cars, household goods and industrial rubbish. There is a need for a continuing education program on the impact of dumping rubbish in natural areas. Additionally, there is a growing need for bush regeneration activities which remove weed species (including non-local native plant species) from Natural Area reserves and replace these, where necessary, with local native species.

Council is committed to the prosecution of those persons found dumping rubbish in Natural Areas.

## **3.3 Purposes for Which the Reserve may be Developed**

The Landscape Concept Plan (Figure 7) depicts the proposed level and nature of development planned for Lot 118 DP25478 and the majority of Lot 295 DP26974 located within this reserve. Discussion of the developments shown on this plan is provided in the above sections. This plan is provided as a concept only and as required, the community will be consulted with regard to the detail and exact location of facilities.

While the Landscape Concept Plan does not visually represent Lot 7 DP777660, Lot 3 DP787687, Lot 4 DP787687 and a small southern section of Lot 295 DP26974, it is intended that the management of these areas will be guided by Natural Area Core Objectives as stated in the Action Plan (Section 4).

## **3.4 Purposes for Which the Reserve may be Used**

Council intends that Hazel Rowbotham Reserve be developed and maintained consistent with the management of objectives of the Local Government Act and to meet the stated needs of the majority of the community as articulated in the community consultation. The Landscape Concept Plan has been developed to better provide for the anticipated use, in both peak and off-peak seasons.

Periodically, individuals or organisations wishing to hire the reserve for short periods may approach Council. Council may, giving due consideration to the environmental sensitivity and scenic location of this reserve, grant permits for the reserve to be used for the following purposes/types of purposes:

- A public performance (that is, a theatrical, musical or other entertainment for the amusement of the public)
- Playing of a musical instrument, or singing, for fee or reward
- Engaging in a trade or business
- Delivering a public address
- Commercial photographic sessions
- Picnics and private celebrations such as weddings and family gatherings (50 + people)
- Filming for cinema or television

In addition to the above mentioned purposes, Council may consider the granting of a lease or licence for occupation of Hazel Rowbotham Reserve in a manner consistent with the requirements of the Local Government Act 1993. These are provided in full in Appendix Three.

Any lease or licence granted for use of the site will only be given after an assessment of likely environmental impacts of the proposed use has been undertaken.

### **3.5 Community Involvement in Plan Implementation**

A high degree of community involvement is now required to implement this plan. This will drive Council's resources further and will have the added benefit of engendering community spirit and pride of place.

Council has supported the formation of a locally based Bushcare Group. The purpose of the group is to organise volunteer assistance in the management of the reserve. Weed removal, track maintenance and revegetation are all areas where the group could be usefully involved. Registration is required in order to ensure that the work that community members undertake is authorised and that volunteers are covered for insurance purposes. Council's Bushcare Co-ordinator has agreed a scope of works with the local Bushcare group and may vary that scope of works over time as conditions change.

People wishing to work in the reserve should approach Council for registration as part of such a group.

Implementation of this Plan is discussed further in Section 4.

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## 4. ACTION PLAN

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Proper identification of management issues is required in order to develop management objectives and strategies which will promote appropriate management, and to counter potential or actual negative impacts on the reserve.

The Local Government Act requires the Plan of Management to identify objectives and performance targets for the subject land, including specific actions and assessment criteria. Shoalhaven City Council has also defined approximate time frames and responsibilities for the achievement of these objectives.

The action plan that follows sets out a range of management objectives aimed at addressing and ultimately remedying issues of concern.

Issues, objectives, targets, priorities and responsibilities are presented in the form of a matrix. The following explanations will be useful to understand the matrix.

ST	Short Term	1-2 years
MT	Medium Term	3-4 years
LT	Long Term	5+ years
O	Ongoing	
C	Commenced	
CT	Completed	

ACM	Asset Construction & Maintenance
CCS	Corporate and Community Services
CS	City Services
PS	Planning Services
DS	Development Services

**In some cases actions will assist Council to meet more than one objective. For ease of reference, each action has been included only once.**

Council will have met the objectives of the Plan of Management if all the targets identified are met, within the allocated time frame.

Implementation of this Plan of Management will be reviewed on an annual basis, with a complete review of the plan as required.

<b>Natural Areas Core Objective 1: To conserve biodiversity and maintain ecosystem function in respect of the land, or the feature of habitat in respect of which the land is categorised as a natural area</b>				
<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To protect native animals on the reserve	Continued presence of local populations of native animals	Provide and protect suitable habitat for native animals known to be present in the area through protection and establishment of endemic vegetation communities	Areas revegetated as shown in Landscape Concept Plan	O – CS/Community

<b>Natural Areas Core Objective 2: To maintain the land, or that feature or habitat, in its natural state and setting</b>				
<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To protect existing native vegetation growing beside Conjola Creek	Native vegetation protected and continuing to establish	Prevent removal of existing native vegetation in the area shown in Landscape Concept Plan.	Retention of existing native vegetation.	O – CS/CCS
		Remove weeds and exotic vegetation from the reserve	Weeds present in no more than 10% of riparian vegetation and exotic vegetation removed	O – CS/Community
		Encourage residents and visitors to not dump rubbish and garden refuse in the reserve through community education and enforcement	No dumping of rubbish	O – CS/CCS



<b>Natural Areas Core Objective 3: To provide for restoration and regeneration of the land</b>				
<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To revegetate parts of the reserve as described on the Landscape Concept Plan	Identified areas of the reserve revegetated	Encourage local residents to work with approved Bushcare Group(s) to work on improvement/maintenance tasks under Council direction	Bushcare group(s) formed and working to re-vegetate identified areas	ST – CS/Community
		Encourage local residents to be involved in revegetating those areas shown in Landscape Concept Plan that require revegetation	Revegetation work undertaken as detailed in the Landscape Concept Plan	ST – CS/Community
To reduce the incidence of erosion within the reserve	Improved water quality in Conjola Creek	Investigate erosion and subsidence of reserve land where drainage lines run from residential properties to creek	Improve, consolidate or remove unnecessary drainage lines that run from resident properties to the creek	ST/MT – CS
		Clear drainage channels of weed infestations and establish riparian vegetation along channels	Drainage channels cleared to allow free flow of water and riparian vegetation established	MT/O – CS/Community
To provide for the safety of all reserve users	No reported incidents or accidents arising from legitimate use of the reserve	Maintain the reserve and reserve infrastructure in accordance with the Parks Service Level Agreement and relevant Council policies	Reserve maintained in accordance with Council's established standards	O – CS/AC&M

<b>Natural Areas Core Objective 4: To provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion</b>				
<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To provide for appropriate access to Conjola Creek	Safe and environmentally sensitive access points to Conjola established	Create a launching/landing deck as shown on Landscape Concept Plan	Launching/landing deck constructed	LT – CS
		Provide boat-launching points along the creek as indicated in Landscape Concept Plan	Boat launching points rationalised and formalised	MT – CS
To provide appropriate access to and within the reserve	Access to and within the reserve provided as outlined in the Landscape Concept Plan	Restrict unauthorised vehicular access within the Reserve	Vehicle barriers installed	ST – CS
To provide facilities for users of the reserve which meet local needs and are sensitive to the environment of the reserve	All user facilities provided as shown in the Landscape Concept Plan	Maintain existing park furniture, & amenities in a manner consistent with the relevant Service Level Agreement	Agreed Service Level Agreement standards met	O – CS/ACM
To minimise impacts from the use of the reserve on the banks and water quality of Lake Conjola	No further erosion of the creek bank and water quality maintained or improved	Rationalise and formalise access points to the Creek as indicated in the Landscape Concept Plan	Access provided as indicated on Landscape Concept Plan	MT – CS
	The integrity of foreshore vegetation is maintained	Revegetate breaches in foreshore vegetation	Foreshore buffer is intact	O – CS/Community

<b>Natural Areas Core Objective 5: To assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994</b>
There are no Recovery Plans or Threat Abatement Plans developed for the area

**General Community Use Core Objective 1: To promote encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public**

<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To extend recreational opportunities for young people in the village	Additional recreational opportunities provided as shown on Landscape Concept Plan	Concrete existing batter slope to connect with multi-purpose recreation court as shown on Landscape Concept Plan	Batter slope concreted	ST – CS
		Develop a small BMX circuit as shown on Landscape Concept Plan	BMX circuit developed	ST/MT – CS/Community
To provide picnic facilities to meet the needs of the local community	Picnic facilities required to meet the needs of the local community	Maintain existing picnic facilities in a manner consistent with the relevant Service Level Agreement	Agreed Service Level Agreement standards met	O – CS/ACM
To provide a safe playground for use by local children	Playground equipment meets Australian Safety standards	Regularly inspect playground equipment to ensure compliance with Australian standards and repair as necessary	Australian Standards met	O – CS/ACM
To ensure structures on the reserve are well maintained and provide for the safety of users	Built structures are safe and used appropriately by members of the community	Maintain built structures (fire station, bus shelter, community noticeboard) in accordance with agreed management and maintenance procedures	Agreed Service Level Agreement and management/maintenance standards met	O – CS/ACM/Community

<b>General Community Use Core Objective 2: To promote encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</b>				
<b>Objective</b>	<b>Performance Target</b>	<b>Means of Achievement (Action)</b>	<b>Manner of Assessment (Performance Indicator)</b>	<b>Timeframe &amp; Responsibility</b>
To ensure that leases, licences and other estates are only granted if they are consistent with the Local Government Act and other relevant legislation and policy	Granting of any lease or licence is consistent with the Local Government Act and other relevant legislation and policy	Develop a summary checklist to ensure all applications comply with the relevant sections of the Local Government Act and other relevant legislation and policy	Checklist developed and utilised for all applications	ST – CS/CCS
To ensure that easements over community land are granted in accordance with the Local Government Act and other relevant legislation and policy	All requests for easements over community land are reviewed on merit and granted in accordance with the Local Government Act and other relevant legislation and policy	Develop a summary checklist to ensure all applications comply with the relevant sections of the Local Government Act and other relevant legislation and policy	Checklist developed and utilised for all applications	ST – CS/CCS

## **LIST OF RELEVANT DATES AND AMENDMENTS**

Amendment Number	Adopted For Exhibition	Exhibited	Adopted	Notes
Adopted Plan	26 March 2002	4 April 2002 – 31 May 2002	25 June 2002	

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# **HAZEL ROWBOTHAM RESERVE**

(FISHERMANS PARADISE)

## **PLAN OF MANAGEMENT**



**COMMUNITY LAND PLAN NO.10**

**JUNE 2002**



## **APPENDIX ONE - LEGISLATIVE & POLICY FRAMEWORK**

The management of Community Land requires compliance with existing government legislation & policy. The main aspects of current legislation and policy affecting the management of Community Land are outlined below:

### **The 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 Land or Operational Land.

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

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

Section 38 of the Act requires that Council give public notice of a draft Plan of Management. The plan must be exhibited for at least 28 days with a submission period totally 42 days. Any relevant supplementary material must also be exhibited. A public hearing is only required if the Plan of Management proposes that Community Land be re-categorised.

Section 45 of the Act dictates the dealings a Council can have in community land, as follows.

- (1) A Council has no power to sell, exchange or otherwise dispose of Community Land
- (2) A Council may grant a lease or licence of community land, but only in accordance with this Division
- (3) A Council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act
- (4) This section does not prevent a Council from selling, exchanging or otherwise disposing of Community Land for the purpose of enabling that land to become, or be added to, a Crown Reserve or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974.

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

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

## **The Fisheries Management Act, 1994**

Under Section 205 of the Act, the Minister's consent is required for any cutting, removal, damage or destruction of mangroves, seagrasses or any other prescribed marine vegetation on public land.

## **Native Vegetation Conservation Act 1997**

This Act replaces SEPP 46 and incorporates native vegetation clearing controls previously contained in SEPP 46, the Soil Conservation Act 1938, the Western Lands Act 1901, the Crown Lands (Continued Tenures) Act 1989 and the Forestry Act 1916. The Act provides for the development of Regional Vegetation Management Plans by community based Regional Vegetation Committees. Among other things, the plan will highlight areas where the condition of native vegetation should be improved and recommend areas that should be revegetated.

Section 7 provides that a person shall not ringbark, cut down, poison, top lop, remove, injure or otherwise destroy any tree or cause such to be done on any protected land in or within 20 metres of the bed or bank of any part of a river, stream, lake, lagoon or swamp, etc, without prior approval from the Department of Land and Water Conservation.

Protected lands which are identified as prescribed streams in the Shoalhaven are:

- \* Clyde River and 8 tributaries
- \* Coonemia Creek
- \* Croobyar Creek
- \* Crookhaven River
- \* Currumbene Creek
- \* Parma creek
- \* Shoalhaven River and 28 tributaries including
- \* Kangaroo river
- \* Brogers Creek
- \* Broughton Creek
- \* Yalwal Creek
- \* Wandandian Creek

## **National Parks and Wildlife Act, 1974 (as amended)**

The National Parks and Wildlife Act, Part 8A, 118A states that:

- (1) "A person must not buy, sell, or have in possession or control any threatened species or endangered population."
- (2) "A person must not pick any threatened species, population or ecological community, being a plant."

A number of plants & animals, that are not threatened are also protected by the National Parks & wildlife Act.

This applies on community land as well as National Park or Crown land.

## **Threatened Species Conservation Act 1995**

The objectives of this Act are:

- a) *To conserve biological diversity and promote ecologically sustainable development.*
- b) **To prevent the extinction and promote the recovery of threatened species, populations and ecological communities**
- c) *To protect the critical habitat of those threatened species, populations and ecological communities that are endangered*
- d) *To eliminate or manage certain processes that threaten the survival of evolutionary development of threatened species, populations and ecological communities.*
- e) *To ensure that the impact of any action affecting threatened species, populations and ecological communities is properly assessed.*
- f) *To encourage the conservation of threatened species, populations and ecological communities by the adoption of measures involving co-operative management.*

Species Impact Assessments must be written for all proposed new work that is 'likely to significantly affect threatened species, populations or ecological communities or their habitats'.

## **Rural Fires Act 1997**

Section 63(1) states:

"It is the duty of a Public Authority to take the notified steps (if any) and any other practicable steps to prevent the occurrence of bush fires on, and to minimise the spread of a bush fire on or from:

- (a) any land vested in or under its control or management, or
- (b) any highway, road, street, land or thoroughfare, the maintenance of which is charged to the authority."

One of the objects of the Rural Fire Act is to provide "for the protection of the environment by requiring certain activities to be carried out having regard to the priorities of ecologically sustainable development described in Section 6(2) of the Protect of Environment Administration Act 1991"

## **NSW Environmental Planning & Assessment Act 1979**

The EP&A Act has the following objectives:

- 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

- 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.

### ***Zoning***

Any land use proposed for an area must be consistent with the zoning that is applied to the land by Council's Local Environment Plan.

### ***Environmental assessment***

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

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

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

### **Crown Lands Act, 1989**

Many of the Crown reserves managed by Council have been categorised, for management purposes, as Natural Area. The Crown lands Act requires that Council, in managing this land, must observe environmental protection principles; conserve natural resources (including water, soil, flora, fauna and scenic quality) wherever possible; encourage, where appropriate, multiple use, including public use and enjoyment; and where appropriate, sustain, in perpetuity, the land and its resources. Council must manage the land in the best interests of the people of New South Wales.

### **Rivers and Foreshores Improvement Act 1948**

Work to which this Act extends is any work for the purpose of:

- (a) the removal of dead or growing timber, or other vegetation or aquatic plants, or of silt, shingle, soil, sand, gravel, stone, rock or other matter or thing whatsoever, from the bed, banks or foreshore of any tidal water or coastal lake or lagoon, or from the water or bed or banks of a river or from any adjoining, adjacent or nearby lands
- (b) changing/preventing change of course of river
- (c) preventing erosion of river bed/banks or adjoining/adjacent/nearby lands
- (d) preventing siltation of course of river from work on bed, banks
- (e) preventing flooding
- (f) deepening, widening, straightening, improving course of river
- (g) preventing erosion of lands by tidal waters or by the waters of any coastal lake or lagoon

River includes any stream, estuary etc.

The Constructing Authority is the Dept. of Public Works. They may require Council to contribute to the cost of some work.

### ***Part 3A Protection of Rivers and Lakes***

Protected land – the bank, bed or shore of protected waters; note more that 40m from top of the bank or shore of protected waters; material deposited on or under the above mentioned land.

Protected waters – a river, lake (assoc. with river), coastal lake or lagoon (include. any permanent/temp. channel between a coastal lake or lagoon & the sea).

A permit is required to excavate on, in, under protected land; remove material from protected land; do anything which obstructs/detrimentally affects flow of protected waters (or is likely to do so).

This does not apply to Council. However if the Constructing Authority believes that work conducted by/for Council has

- (a) damaged or detrimentally affected or is likely to damage or detrimentally affect protected land, or
- (b) caused or is likely to cause, whether directly or indirectly, protected waters to contain their course

then they may require Council to undertake specified works in a specified time.

### **Environment Protection and Biodiversity Conservation Act 1999**

This Act provides protection for matters which are considered to be of national environmental significance (NES). Specifically:

- World Heritage properties
- RAMSAR wetlands
- Nationally threatened species and communities
- Internationally protected migratory species
- Commonwealth areas
- Nuclear actions

The EPBC Act establishes a new legislative framework to protect and conserve nationally important aspects of the environment and to conserve biodiversity.

The Act is triggered only if there is a direct action (on-ground) involved, if there is an effect on an NES matter and if the impact is significant.

Should the Act be triggered, all State Government approvals are firstly required before the matter is referred to the Federal Government for final approval.

### **NSW Coastal Policy 1997**

The overriding vision of the 1997 Coastal Policy is the ecological sustainability of the NSW coast. The natural environment of the coastal zone must be protected, rehabilitated, and improved whilst providing for ecologically sustainable development and use of resources, including appropriate public access and use.

## **NSW Wetlands Management Policy 1996**

The NSW Wetlands Policy encourages the management of wetlands so as to halt or, where possible, reverse: loss of wetland vegetation; declining water quality; declining natural productivity; loss of biological diversity; and declining natural flood mitigation.

## **Shoalhaven City Council Recreation Strategy (1999)**

Council adopted a Recreation Strategy in late 1999 which aims to

*“Improve the quality of life in the Shoalhaven by creating a diversity of recreation opportunities whilst protecting and enhancing the natural and built environment”*

The Recreation Strategy identifies a range of actions to meet this goal, based on the following:

The provision of recreation facilities, programs and services is to:

- (a) be based upon an assessment of current and future needs
- (b) be realistic in terms of Council’s (and the community’s) ability to operate and maintain them
- (c) ensure the achievement of equity of opportunity for all individuals and groups within the city, regardless of age, ability, ethnicity or economic capacity
- (d) avoid unnecessary duplication of opportunities
- (e) be based upon efficiency, quality and continuous improvement principles and approaches
- (f) be based upon meaningful community consultation
- (g) incorporate resource sustainability practices and principles
- (h) incorporate best practice risk management processes to reduce public risk
- (i) include the encouragement and support of community and commercial initiatives in the provision and management of recreation opportunities

## **Shoalhaven City Council Policy for the Provision of Local Skateboard Facilities (1999)**

Council adopted a policy in late 1999 to assist local communities in the development of local skateboard facilities.

This policy states that

- (a) a needs assessment will be undertaken by Council before Council commits support to the project,
- (b) Council will only contribute 50% of the cost of the facility (up to \$40,000),
- (c) allocation of resources depends on annual budget allocations,
- (d) in-kind donations will not be accepted for construction
- (e) a total project cost must be determined (this is to include the cost of landscaping, signage, shade, garbage bins and the like.

APPENDIX TWO - SECTION 54C OF SHOALHAVEN CITY  
COUNCIL LOCAL ENVIRONMENTAL PLAN 1985  
(AS AMENDED)

Notwithstanding clause 9, development consent is not required for:

- (a) the erection or installation of bins, bus shelters, fencing, lighting (excluding of sportsgrounds), minor shelters, park and street furniture, seats or viewing platforms (not exceeding 25m<sup>2</sup> in area); or
- (b) the erection in public parks, recreation areas and reserves of barbeques, buildings or structures for the purpose of bridges, boardwalks or staircases, picnic tables or playground equipment; or
- (c) the erection or installation of goal posts, sight screens and similar ancillary sporting structures on sporting or playing facilities (excluding grandstands, dressing sheds and the like); or
- (d) the construction of pedestrian paths and cycleways; or
- (e) the erection or installation of signs (including name, directional, interpretive and regulatory warning signs in parks, foreshores and natural areas),

by or on behalf of the Council

## APPENDIX THREE – LEASES, LICENCES AND OTHER ESTATES

### **[s 45] What dealings can Council have in community land?**

45 (1) [No power to sell] A council has no power to sell, exchange or otherwise dispose of community land.

(2) [Lease or licence] A council may grant a lease or licence of community land, but only in accordance with this Division.

[subs (2) am Act of 1998 s 3 and sch 1]

(3) [Grants] A council may grant any other estate in community land to the extent permitted by this Division or under the provisions of another Act.

Note: The word estate has a meaning. See the Interpretation Act of 1987, Section 21 (1)

[Note Insrt Act 140 of 1998 s 3 and sch 1]

[subs (3) subst Act 140 of 1998 s 3 and sch 1]

(4) [Reserved or dedicated land] This section does not prevent a council from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to be come, or be added to, land that is reserved or dedicated under National Parks and Wildlife Act 1974.

[subs (4) insrt Act 44 of 1994 s2 and sch 2]

### **[s 46] Leases, licences and other estates in respect of community land - generally**

46 (1) [Requirements] A lease, licence or other estate in respect of community land:

- (a) may be granted for the provision of public utilities and work associated with or ancillary to public utilities, or
- (b) may be granted, in accordance with express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate:
  - (i) for the purpose prescribed by subsection (4), or for the purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned, or
  - (ii) for a purpose prescribed by the regulations, if the plan of management applies to several areas of community land, or
  - (iii) for a short-term, casual purpose prescribed by the regulations, or
  - (iv) for a residential purpose in relation to housing owned by the council, or
  - (v) for the purpose of providing pipes, conduits or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider that is situated on the community land, but may not otherwise be granted.



(2) [Limitation on purpose] Despite subsection (1), a lease, or licence or other estate in respect of community land may be granted for a purpose mentioned in subsection(1)(b) only if the purpose for which it is granted is consistent with the core objectives, as prescribed in this part of its categorisation.

(3) [Time limit] A council must not grant a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21 years.

(4) [Prescribed purposes] The following purposes are prescribed for the purposes of subsection (1)(b)(I):

(a) the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current future needs within the local community and of the wider public in relation to any of the following:

(i) public recreation

(ii) the physical, cultural, social and intellectual welfare or development of persons,

(b) the provision of public roads

(5) [Purposes included] Purposes prescribed by subsection (4) in relation to the matters mentioned in subsection (4) (a) (ii) included, but are not limited to maternity welfare centres, infant welfare centres, kindergartens, nurseries, child care centres, family day-care centres, surf life saving clubs, restaurants or refreshment kiosks.

(6) [Void] A plan of management is void to the extent that it purports to authorise the grant of a lease, licence or other estate in contravention of this section.

**[s 46A] Means of granting leases, licences and other estates.**

46A (1)[By tender] A plan of management is to specify, in relation to the community land to which it applies, any purpose for which a lease, licence or other estate may be granted only by tender in accordance with Division 1 of Part3.

(2) [No preclusions] Nothing in this section precludes a council from applying a tender process in respect of the grant of any particular lease, licence or estate.

(3) [Over 5 year term] A lease or licence for a term exceeding 5 years may be granted only by tender in accordance with Division 1 of Part3, unless it is granted to a non-profit organisation.

[s 46A insrt Act 140 of 1998 s 3 and sch 1 ]

**[s 47] Leases, licences and other estates in respect of community land - terms greater than 5 years**

- 47 (1) [Notice] If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must :
- (a) give public notice of the proposal; and
  - (b) exhibit notice of the proposal on the land to which the proposal relates; and
  - (c) give notice of the proposal to such persons as appear to own or occupy the land adjoining the community land, and
  - (d) give notice of the proposal to any other person, appearing to the council to be the owner, occupier of land in the vicinity of the community land, if in the opinion of the council the land is subject to the proposal is likely to form the primary focus of the person's enjoyment of the land.

[subs (2) am Act 140 of 1998 s 3 and sch 1]

- (2) [Contents of notice] A notice of the proposal must include:
- information sufficient to identify the community land concerned
  - the purpose for which the land will be used under the proposed lease, licence or other estate
  - the term of the proposed lease, licence or other estate ( including particulars of any option for renewal)
  - the name of the person to whom it is proposed to grant the lease, licence or other estate (if known)
  - a statement that submissions in writing may be made to council concerning the proposal within a period, not less than 28 days, specified in the notice.

[subs (1) am Act 140 of 1998 s 3 and sch1]

- (3) [Submissions] Any person may make a submission in writing to the council during the period specified for the purpose of the notice.

- (4) [Consideration of submissions] Before granting the lease, licence, or other estate the council must consider all submissions duly made to it.

- (5) [Minister's consent] If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister's consent.

[subs (5) am Act 140 of 1998 s 3 and sch 1]

- (6) [Application for consent] If the council applies for the Minister's consent, it must forward with it's application

- a copy of the plan of management of the land
- details of all objections received and a statement setting out, for each objection the council's decision and the reasons for it decision
- a statement setting out the all the facts concerning the proposal to grant the lease, licence or other estate
- a copy of the newspaper notice of the proposal

- a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to the community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

[subs (6) am Act 140 of 1998 s 3 and sch 1]

(7) [Director's report] On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such a period as the Minister specifies.

(8) [Terms and Conditions] After considering the application and any report of the Director of Planning, the Minister, if satisfied that:

- (a) subsections (1), (2) and (6) have been complied with, and
- (b) such consent would not contravene section 46, and
- (c) in all circumstances, it is desirable to grant consent

may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

[subs (8) subsrt Act 140 of 1998 s 3 and sch 1]

(9) [Statement of reasons] On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to, the granting of a lease, licence or other estate in accordance with subsection (8)

[subs (9) insrt Act 140 of 1998 s 3 and sch ]

(10) [Option for renewal] For the purpose of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:

- (a) would suffer disadvantage or penalty if the same or similar lease, licence or other estate were not to be granted, for a further term, after the expiry date of the current lease, licence or other estate, or
- (b) would enjoy an advantage or benefit if the same or similar lease, licence or other estate were to be so granted,

is taken to confer an option for renewal for a term equal to the further term.

**[s47A] Leases, licences and other estates in respect of community land - terms of 5 years or less**

47A (1) [Applications] This section applies to a lease, licence or other estate in respect of community land granted for a period that ( including any period for which the lease, licence or other estate could be renewed by the exercise of an option) does not exceed 5 years, other than a lease, licence or other estate exempted by the regulations.

(2) [Applicable provisions] If a council proposes to grant a lease, licence or other estate to which this section applies:

- (a) the proposal must be notified and exhibited in the manner prescribed by section 47, and

- (b) the provisions of section 47(3) and (4) apply to the proposal, and
- (c) on receipt by the council of a written request from the Minister, the proposal is referred to the Minister, who is to determine whether or not the provisions of section 47(5) - (9) are to apply to the proposal

(3) [Ministerial determination] If the Minister, under subsection (2) (c), determines that the provisions of section 47(5) - (9) are to apply to the proposal:

- (a) the Council, the Minister and the Director of Planning are to deal with the proposal in accordance with the provisions of section 47(1)-(8), and
- (b) section 47(9) has effect with respect to the Minister's consent.

[s 47A insrt Act 140 of 1998 s 3 and sch 1]

#### **[ s 47B] Lease or licence in respect of natural area**

47B (1) [Restrictions] A lease, licence or other estate must not be granted, in respect of community land categorised as a natural area:

- (a) to authorise the erection or use of a building or structure that is not a building or structure of the kind prescribed by this section, or the regulations, or
- (b) to authorise the erection or use of a building or structure that is not for a purpose prescribed by this section or the regulations

(2) [Void] A lease, licence or instrument granting any other estate is void to the extent that its provisions are inconsistent with this section

(3) [Erection] In this section, erection of a building or structure includes rebuilding or replacement of a building or structure

(4) [Prescribed subs (1)(a)] The following purposes are prescribed for the purposes of subsection (1)(a):

- (a) walkways,
- (b) pathways,
- (c) bridges
- (d) causeways
- (e) observation platforms
- (f) signs.

(5) [Prescribed subs (1)(b)] The following purposes are prescribed for the purposes of subsection (1)(b):

- (a) information kiosks,
- (b) refreshment kiosks (but not restaurants),
- (c) work sheds or storage sites required in connection with the maintenance of the land,
- (d) toilets or restrooms.

[s47B insrt Act 140 of 1998 s 3 and Sch 1]

#### **[S 47C] Sublease of Community Land**

(1) [Further Restrictions] In addition to any restrictions created by the lease, community land that is the subject of a lease cannot be sublet for a purpose other than:

- (a) the purpose for which, as notified under Section 47(2), the land was to be used under the lease, or
  - (b) a purpose prescribed by the regulations.
- (2) [Void] A lease is void to the extent that its provisions are inconsistent with this section.

[s47C insrt Act 140 of 1998 s 3 and Sch 1]

#### **[S 47D] Occupation of Community Land Otherwise than by Lease or Licence**

- (1) [Prohibition] The exclusive occupation or exclusive use by any person of community land otherwise than in accordance with:
- (a) a lease, licence or estate to which Section 47 or 47A applies, or
  - (b) a sublease or other title directly or indirectly derived from the holder of such a lease, licence or estate,
- is prohibited.
- (2) [Application] This section does not apply to:
- (a) the occupation or use of part of the site for a senior citizens centre or home or community care facility by a duly appointed manager of the centre, or
  - (b) the occupation or use of community land by persons, and in circumstances, prescribed by the regulations.

[s47D insrt Act 140 of 1998 s 3 and Sch 1]

## **APPENDIX FOUR –**

### **PLANT SPECIES IDENTIFIED AT HAZEL ROWBOTHAM RESERVE, FISHERMANS PARADISE**

(\*denotes introduced species)

SCIENTIFIC NAME	COMMON NAME
<i>Acacia baileyana</i> *	Cootamundra Wattle
<i>Acacia implexa</i>	Hickory
<i>Acacia irrorata</i>	Green Wattle
<i>Acacia longifolia</i>	Sydney Golden Wattle
<i>Acacia mabelliae</i>	Mabel's Wattle
<i>Acacia mearnsii</i>	Black Wattle
<i>Acacia parramattensis</i>	A wattle
<i>Acmena smithii</i>	Lilly Pilly
<i>Adiantum aethiopicum</i>	Maidenhair Fern
<i>Aloe sp</i> *	Aloe Vera
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Anthoxanthum odoratum</i> *	Sweet Vernal Grass
<i>Apium prostratum</i>	Sea Celery
<i>Baeckea virgata</i>	Tall Baeckea
<i>Baemea juncea</i>	Bare Twig-rush
<i>Bidens pilosa</i> *	Cobbler's Pegs

<i>Billardiera scandens</i>	Apple Berry
<i>Brachychiton populneus</i>	Kurrajong
<i>Breynia oblongifolia</i>	Coffee Bush
<i>Bryophyllum delagoense</i> *	Mother of Millions
<i>Calochlaena dubia</i>	Soft Bracken
<i>Cassytha pubescens</i>	Devil's Twine
<i>Casuarina glauca</i>	Swamp Oak
<i>Centella asiatica</i>	Indian Pennywort
<i>Clematis aristata</i>	Old Man's Beard
<i>Conyza albida</i> *	Tall Fleabane
<i>Cotoneaster sp</i> *	Cotoneaster
<i>Cotula coronopifolia</i> *	Water Buttons
<i>Cymbidium suave</i>	Snake Flower
<i>Cynodon dactylon</i>	Couch
<i>Desmodium varians</i>	Variable Tick-trefoil
<i>Dianella caerulea</i>	Paroo Lily
<i>Diosma sp</i> *	Diosma
<i>Doodia aspera</i>	Prickly Rasp Fern
<i>Elaeocarpus reticulatus</i>	Blueberry Ash
<i>Entolasia marginata</i>	Bordered Panic
<i>Entolasia stricta</i>	Wiry Panic
<i>Eucalyptus botryoides</i>	Bangalay
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus saligna/botryoides</i>	Blue Gum/Bangalay Hybrid
<i>Eustrephus latifolius</i>	Wombat Berry
<i>Exocarpos cupressiformis</i>	Native Cherry
<i>Ficus macrophylla</i>	Moreton Bay Fig
<i>Gahnia sieberana</i>	Red-fruited Saw-sedge
<i>Geitonoplesium cymosum</i>	Scrambling Lily
<i>Geranium solanderi</i>	Cutleaf Cranesbill
<i>Glycine microphylla</i>	Love Creeper
<i>Glycine tabacina</i>	Love Creeper
<i>Gonocarpus teucrioides</i>	Germander Raspwort
<i>Goodenia ovata</i>	Hop Goodenia
<i>Hibbertia aspera</i>	Rough Guinea-flower
<i>Hibbertia scandens</i>	Trailing Guinea-flower
<i>Holchus lanatus</i> *	Yorkshire Fog
<i>Hydrocotyle peduncularis</i>	Pennywort
<i>Hypochaeris radicata</i> *	Flatweed
<i>Imperata cylindrica</i>	Blady Grass
<i>Indigophera australis</i>	Austral Indigo
<i>Ipomoea indica</i> *	Morning Glory
<i>Juncus kraussii</i>	Sea Rush
<i>Juncus usitatus</i>	Common Rush

**Table 2 cont.**

SCIENTIFIC NAME	COMMON NAME
<i>Kennedia rubicinda</i>	Dusky Coral Pea
<i>Leptinella longipes</i>	Creeping Cotula
<i>Lilium formosanum</i> *	Formosan Lily
<i>Lobelia alata</i>	Lobelia
<i>Lolium perenne</i> *	Perennial Ryegrass
<i>Lomandra confertifolia</i>	A mat-rush
<i>Lomandra longifolia</i>	Spiny-headed Mat-rush
<i>Lonicera japonica</i> *	Japanese Honeysuckle
<i>Macrozamia communis</i>	Burrawang
<i>Melaleuca ericifolia</i>	Swamp Paperbark
<i>Melaleuca linariifolia</i>	Narrow-leaved Paperbark
<i>Monstera deliciosa</i> *	Monstera
<i>Nephrolepis cordifolia</i> *	Fishbone Fern
<i>Notelaea longifolia</i>	Mock Olive
<i>Oplismenus aemulus</i>	Basket Grass
<i>Oxalis debilis</i>	Lilac Oxalis
<i>Ozothamnus diosmifolium</i>	Everlasting
<i>Pandorea pandorana</i>	Wonga-wonga Vine
<i>Parsonsia straminea</i>	Monkey Rope
<i>Paspalum dilatatum</i> *	Paspalum
<i>Passiflora subpeltata</i> *	Passionfruit
<i>Pelargonium australe</i>	Native Geranium
<i>Pellaea falcata</i>	Sickle Fern
<i>Pennisetum clandestinum</i> *	Kikuyu
<i>Persoonia linearis</i>	Narrow-leaved Geebung
<i>Phragmites australis</i>	Common Reed
<i>Phytolacca octandra</i> *	Inkweed
<i>Pinus radiata</i> *	Radiata Pine
<i>Pinus sp 1</i> *	A pine
<i>Pinus sp 2</i>	Norfolk Island Pine
<i>Pittosporum undulatum</i>	Sweet Pittosporum
<i>Plantago lanceolata</i> *	Lamb's Tongue
<i>Platycerium bifurcatum</i>	Elk Horn
<i>Podocarpus spinulosus</i>	Plum Pine
<i>Pratia purpurascens</i>	Whiteroot
<i>Prostanthera violacea</i>	Violet Mint-bush
<i>Protasparagus aethiopicus</i>	Asparagus Fern
<i>Pteridium esculentum</i>	Bracken
<i>Ranunculus sp</i> *	A daisy
<i>Rubus fruticosus</i> *	Blackberry
<i>Rubus parviflorus</i>	Native Raspberry
<i>Samolus repens</i>	Creeping Brookweed
<i>Schellhammera undulata</i>	Tiny Violet
<i>Senecio milkanioides</i> *	Cape Ivy *
<i>Smilax glycyphylla</i>	Native Sarsaparilla
<i>Solanum mauritianum</i> *	Tobacco Bush
<i>Solanum nigrum</i> *	Blackberry Nightshade
<i>Sonchus asper</i> *	Sowthistle
<i>Sonchus sp</i> *	Sowthistle
<i>Stenotaphrum secundatum</i> *	Buffalo Grass
<i>Stephania japonica</i>	Snake Vine
<i>Suaeda australis</i>	Austral Seablite
<i>Syncarpia glomulifera</i>	Turpentine
<i>Taraxacum officinale</i> *	Dandelion
<i>Thunbergia alata</i> *	Black-eyed Susan
<i>Tradescantia albiflora</i> *	Wandering Jew
<i>Trifolium repens</i> *	Clover
<i>Verbena incisa</i> *	Purpletop
<i>Viola hederacea</i>	Native violet
<i>Wahlenbergia gracilllis</i>	Native Bluebell
<i>Watsonia meriana</i> *	Wild Watsonia

## APPENDIX FIVE –

### FAUNA SPECIES IDENTIFIED ON THE SITE

(\* denotes introduced species)

CATEGORY	COMMON NAME	SCIENTIFIC NAME	DETECTION METHOD
Amphibians	Bleating Tree Frog	<i>Litoria dentata</i>	Call recognition
	Common Eastern Froglet	<i>Crinia signifera</i>	Call recognition
Reptiles	Delicate Skink	<i>Lampropholis delicata</i>	Direct observation
Birds	Australian King Parrot	<i>Alisterus scapularis</i>	Call recognition
	Australian Magpie	<i>Gymnorhina tibicen</i>	Call recognition
	Australian Raven	<i>Corvus coronoides</i>	Call recognition
	Beautiful Firetail	<i>Stagonopleura bella</i>	Direct observation
	Black-faced Cuckoo-shrike	<i>Coracina novaehollandiae</i>	Call recognition
	Common Bronzewing	<i>Phaps chalcoptera</i>	Call recognition
	Common Koel	<i>Eudynamys scolopacea</i>	Call recognition
	Common Mynah *	<i>Acridotheres tristis</i>	Direct observation
	Crested Pigeon	<i>Ocyphaps lophotes</i>	Direct observation
	Crimson Rosella	<i>Platycercus elegans</i>	Call recognition
	Eastern Spinebill	<i>Acanthorhynchus tenuirostris</i>	Call recognition
	Eastern Whipbird	<i>Psophodes olivaceus</i>	Call recognition
	Fan-tailed Cuckoo	<i>Cacomantis flabelliformis</i>	Call recognition
	Galah	<i>Cacatua roseicapilla</i>	Direct observation
	Grey Fantail	<i>Rhipidura fuliginosa</i>	Call recognition
	Grey Shrike-thrush	<i>Colluricincla harmonica</i>	Call recognition
	Laughing Kookaburra	<i>Dacelo novaehollandiae</i>	Call recognition
	Lewin's Honeyeater	<i>Meliphaga lewinii</i>	Call recognition
	Little Wattlebird	<i>Anthochaera chrysoptera</i>	Direct observation
	Magpie-lark	<i>Grallina cyanoleuca</i>	Call recognition
	Masked Lapwing	<i>Vanellus miles</i>	Direct observation
	New Holland Honeyeater	<i>Phylidonyris novaehollandiae</i>	Direct observation
	Noisy Friarbird	<i>Philemon corniculatus</i>	Call recognition
	Pallid Cuckoo	<i>Cuculus pallidus</i>	Call recognition
	Pied Currawong	<i>Strepera grallina</i>	Call recognition
	Rainbow Lorikeet	<i>Trichoglossus haematodus</i>	Call recognition
	Red Wattlebird	<i>Anthochaera carunculata</i>	Call recognition
	Scarlet Honeyeater	<i>Myzomela sanguinolenta</i>	Direct observation
	Speckled Warbler	<i>Chthonicola sagittata</i>	Call recognition
	Striated Thornbill	<i>Acanthiza lineata</i>	Call recognition
	Sulphur-crested Cockatoo	<i>Calyptorhynchus galerita</i>	Call recognition
	Superb Fairy-wren	<i>Malurus cyaneus</i>	Direct observation
	Willie Wagtail	<i>Rhipidura leucophrys</i>	Direct observation
	Wonga Pigeon	<i>Leucosarcia melanoleuca</i>	Call recognition
	Yellow-faced Honeyeater	<i>Lichenostomus chrysops</i>	Direct observation
Mammals	Dog	<i>Canis familiaris</i>	Call recognition
	Eastern Grey Kangaroo	<i>Macropus giganteus</i>	Scat identification
	Swamp Wallaby	<i>Wallabia bicolor</i>	Scat identification