

Report of Environment to the Ordinary Meeting of Council held on Monday 18 September 2017

EN1 - Plan of Management for the Upper Nepean State Conservation Area

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Plan of Management for the Upper Nepean State Conservation Area

31172

TRIM 9725

EXECUTIVE SUMMARY

- The purpose of this report is to provide an overview of the draft Plan of Management for the Upper Nepean State Conservation Area and draft submission prepared by Council on this document.
- This report recommends that Council endorse the submission prepared by Staff on the draft Plan.
- This report recommends that Council write to the National Parks and Wildlife Service to:
 - Welcome the preparation of the draft Plan and provide in-principle support.
 - Request discussions with National Parks and Wildlife Service Staff over the following issues associated with the linkage between the State Conservation Area and the Nepean-Bargo River Gorge:
 - The possible expansion of the SCA and possible future gazetted sections of sections of the Nepean-Bargo River Gorge as a National Park.
 - The management of koala populations and associated habitat within a broader context encompassing both the SCA and the Nepean-Bargo River Gorge in conjunction with Council.

REPORT

Background Information

The Upper Nepean State Conservation Area (the SCA), has an area of approximately 25,000 ha, and is located within the Wollondilly and Wingecarribee Local Government Areas (LGA). The SCA is located in an area roughly to the south of Wilton and to the east of the Hume Freeway (Attachment 1: Map 1). It is owned and managed by the National Parks and Wildlife Service (NPWS).

The SCA forms part of the protected Drinking Catchment Area, managed by DPI Water (formerly known as the Sydney Catchment Authority), in association with the NPWS. Recreation facilities and vehicle access is excluded from the Park except under certain circumstances including access by utilities and scientific research under this management framework. Mining operations are permitted within SCA under the provisions of Section 31 of the *National Parks and Wildlife Act 1974*.

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The SCA has significant biodiversity values that include a significant koala population and 34 different vegetation communities (including seven threatened ecological communities) it also has significant landscape and heritage (both Aboriginal and European) values. A key feature/value of relevance to Council is the linkage it provides with the adjoining Nepean-River Bargo Gorge (known as the Bargo Gorge Landscape Area) as well as further west to the Greater Blue Mountains World Heritage Area (GBMWH).

Council does not have any direct responsibilities relevant to the on-going management of the SCA. However, it does have land management responsibilities in regard to road maintenance, pest management and compliance activities on certain adjoining land of indirect relevance to the SCA. In addition, Council also has care and control responsibilities over an area of Crown Land adjoining the northern boundary of the SCA (depicted as Area A on Map 2 Attachment 2). This Map also shows a number of Crown Land allotments adjoining the western boundary of the SCA where Council does not have care and control responsibilities.

A draft Plan of Management for the Upper Nepean SCA has been placed on public exhibition by the NPWS until Monday 25 September 2017. The draft Plan can be viewed on the website of the NPWS at <http://www.environment.nsw.gov.au/publications/parks/upper-nepean-state-conservation-area-plan-management.htm>.

The draft Plan

The draft Plan is based on a Template utilised by the NPWS for the preparation of Plans of Managements. The structure of the document in accordance with this Template is comprised of the policy and legislation framework, Specific Directions values of the SCA, threats to these values, as well as operational related issues. It also contains an implementation schedule detailing all proposed management actions and priority for their implementation which is presented in Attachment 3.

Submission on the exhibited draft Plan

- (i) Overview of the draft Plan

A review by Staff identified that the draft Plan refers to all current known issues associated with the SCA. This report therefore recommends that Council welcome the preparation of the draft Plan and provide in-principle support.

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However, the review also identified that the draft Plan had inconsistencies with Council's adopted position regarding protection and management of koala habitat and the Bargo Landscape Area, as well as the carrying out of any mining operations in Drinking Water Catchment Areas. It also identified recommended improvements in regard to the protection of biodiversity and weed management of relevance to the draft Plan. The location of this Gorge (Bargo River Gorge), in relation to the SCA is presented in Map 2 (Attachment 2). The preparation of a submission by Council was consequently identified as being warranted and is presented in Attachment 4.

The draft Plan was distributed to members of Council's Minerals and Energy Resources, Environment and Waste Management Advisory Committee (MEREW) for comment. The submission attached to this report incorporates comments received from members of this Committee.

(ii) Key issues raised by the draft Plan.

(a) Linkage of the SCA with the Bargo Gorge

Land ownership issues

The northern extremity of the SCA adjoins the eastern extremity of the Bargo Gorge Landscape area in the vicinity of Pheasants Nest as shown on Map 2. The land directly adjoining the Gorge is largely comprised of Crown Land that is currently owned by the Department of Lands (depicted as Area A on this Map). Council resolved at its meeting on 20 February 2017 in relation to this matter:

"That Council write to the State Ministers expressing and confirming Council's support for the establishment of Bargo-Nepean River National Park."

The NPWS response to this resolution was, in essence, that the gazettal could not occur at this stage due to mining interests and an outstanding Aboriginal land claim. This reply did however also state that "a *Conservation Assessment Report regarding the possible establishment of a National Park (for this Area), is nearing completion*".

The draft submission provides the following recommended amendments to the draft Plan in relation to this matter:

- The draft Plan be amended to include an action to investigate the future establishment of sections of the Bargo Landscape Area as a National Park, (subject to the resolving of constraints regarding this matter provided by the OEH).

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- An existing action in the draft Plan be modified to refer to investigating the expansion of the SCA to include at least the eastern portion of the Bargo Landscape Area as an interim arrangement pending the future gazettal of this Area as a National Park.

In addition, this report recommends that Council resolve to request discussions with NPWS Staff over the issue of possible expansion of the SCA and possible future gazettal sections of the Bargo Landscape Area as a National Park.

Pedestrian access related issues

Council's Economic Development and Tourism Team Leader has identified sections of the Bargo Landscape Conservation Area as being potentially suitable for a long-distance walking trail potentially extending to Tahmoor or Bargo. Environmental Officers support such a concept in principle subject to sufficient environmental assessment and safeguards and adequate design and maintenance. Such a walking trail could extend to the Crown Land under Council's Care and Control directly to the north of the SCA, (depicted as Area A on Map 2).

The draft Plan is not considered to specifically prohibit pedestrian access within the SCA. The document does state in this regard that Water NSW will only allow access for individuals or groups who can show their proposed activity meets criteria including "access is for an activity that cannot be carried out elsewhere". This statement can be interpreted as indicating the future extension of the walking trail into parts of the SCA being unlikely to be approved.

However, it is considered appropriate for discussions to be held with NPWS regarding this matter as well as the potential for a picnic area style destination with information on the SCA to be installed near its boundary with the Crown Reserve referred to above. The provision of such a destination has consistencies with an action in the draft Plan which states to the effect that information on the natural, cultural and water quality values of the SCA at certain locations be considered. The addressing of this matter would occur as part of the recommendation of this report to seek discussions with NPWS staff over linkage issues between the SCA and the Bargo Landscape Area.

(b) *Protection and management of koala habitat*

Surveys, mapping and monitoring carried out by Staff as part of the Wollondilly Koala Project has identified the Bargo Landscape Area as a highly significant corridor for the movement of koalas.

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The draft Plan is considered by Staff to have adequately described the significant number of koala sightings within the SCA and its importance in providing a linkage in the koala habitat corridor. However, as a general comment, the description is not considered to have been adequately transferred to the 'desired outcome' and 'Management response' sections regarding this matter in the draft Plan:

The draft submission consequently provides the following recommendations in relation to this matter:

- The draft Plan be amended to include a specific management priority to the effect 'Maintain and enhance the function of the SCA as significant linkage in the koala habitat corridor between the Water Catchment Areas in the east and the Bargo Landscape Area and GBMWA to the west'.
- The draft Plan be amended to include an additional action to monitor the populations of koalas and their movement both within the SCA and to adjoining bushland areas.
- The draft Plan be amended to include an action based on the current issue "*It is vital to maintain habitat linkages to other parks and special areas lands*" which has a specific reference to the protection of koala habitat in a landscape context.

(c) Potential undertaking of mining in the Water Catchment Area

No underground mining activity has occurred to date within the boundaries of the SCA. However, granted leases for coal mining and licences for coal and petroleum exploration cover the SCA. This matter has consistency with the following resolution of Council at its meeting of 16 June 2014, in relation to coal seam gas in catchment areas:

Wollondilly Shire Council joins with Griffith and Wollongong Councils in their action to lobby Federal Government to ban CSG in our drinking water areas.

The draft submission recognises that the issuing, approving and regulation of mining activities is outside the responsibilities of the NPWS and that the draft Plan contains actions regarding this matter. However, the draft submission requests that the NPWS consider adopting a position similar to that of Council.

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The SCA, in relation to this matter, contains a number of upland swamps which have significant natural values. The new legislative framework enacted on 25 August 2017 by the NSW Government includes the Policy Framework for Biodiversity Offsets for Upland Swamps and Associated Threatened Species. Council's submission on this framework requested suitably qualified independent advice that the Policy will not result in adverse outcomes to the values and functions of any upland swamp from underground mining operations. The draft submission refers to this position of Council and request that it be noted and considered by the NPWS.

(iii) Other issues and recommendations of the draft Plan.

The draft submission also provides additional comments and recommended amendments in relation of aspects of the draft Plan relevant to Council's activities and responsibilities within the vicinity of the SCA. Key comments and recommendations of the draft submission in this regard are:

- The draft Plan be updated to reflect the new biodiversity framework introduced by the NSW Government on 25 August 2017.
- The actions in relation to the protection of biodiversity be expanded to refer to both threatened and non-threatened ecological communities.
- Council be notified of any instances of aquatic weeds detected by the NPWS given the existence of a number of waterways downstream of the SCA.
- Investigate the expansion of the draft Plan to expand the description of cultural significance to a landscape context in association with Aboriginal significance within a landscape context.
- The action "*Prepare and implement annual fire management work schedules in accordance with the fire management strategy and in consultation with Water NSW*" be expanded to also refer to Wollondilly and Wingecarribee Shire Councils.

Consultation

Consultation with the following Council sections has occurred during the preparation of the attached submission:

- Compliance Services in regard to compliance programs on land in the vicinity of the SCA
- Economic Development in regard to issues associated with the nature of tourism potential of the Bargo Landscape Area and potential linkage with the SCA
- Environmental Services in regard to the protection of koala habitat and other environmental issues
- Property Services in regard to the care and control responsibilities of Crown Land adjoining sections of the western boundary of the SCA.

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Conclusion

The Upper Nepean State Conservation Area has high biodiversity, aesthetic and cultural values including a significant population of koalas. The SCA also has a linkage with the Nepean- Bargo River Gorge to which Council has resolved to support the establishment of a National Park.

This report recommends that Council welcome the preparation of a draft Plan of Management for the State Conservation Area and provide broad support to the document. However, the report has identified a number of recommended amendments detailed in the attached submission to enhance consistency with Council's adopted position and the concerns of the local community.

Financial Implications

This matter has no financial impact on Council's adopted budget or forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Location map of the Upper Nepean State Conservation Area (Map 1)
2. Map showing the location of the SCA in relation to the Nepean- Bargo River Gorge (Map 2)
3. Implementation Schedule of the draft Plan of Management
4. Draft submission on the draft Plan of Management

RECOMMENDATION

1. That Council endorse the draft submission prepared by Staff on the draft Plan of Management.
2. That Council write to the National Parks and Wildlife Service to:
 - Welcome the preparation of the draft Plan and provide in-principle support.
 - Request discussions with National Parks and Wildlife Service Staff over the following issues associated with the linkage between the State Conservation Area and the Nepean-Bargo River Gorge:
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