

Protecting our Natural Environment

MUDGEE COMMON

PLAN OF MANAGEMENT

15 March 2023

MID-WESTERN REGIONAL COUNCIL

OPERATIONS





Acknowledgements

Mudgee Common Plan of Management version 1- Mark Lyndon, Town Planner Mid-Western Regional Council Tracey Kane, Open Spaces Coordinator Mid-Western Regional Council

Applied Ecology Pty Limited

Council is proud to acknowledge and respect the Wiradjuri people as the Traditional Custodians of the Mudgee Area and to pay respect to the elders past, present and emerging.

THIS DOCUMENT WAS INITIALLY PREPARED BY CASSANDRA LINEY, ENVIRONMENT COORDINATOR FOR MID-WESTERN REGIONAL COUNCIL.

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1. Executive Summary

The subject land is identified as Lot 7304 in DP 1151583, described as Reserve 120019, 58 Common Road, Mudgee, NSW 2850. The subject site is 110ha in area, is located to the west of Mudgee and is adjacent to the Avisford Nature Reserve.

Reserve 120019 for the purpose of Public Recreation was notified in the Government Gazette on 23 January 1987. The Mudgee Recreation (R120019) Trust was established by Government Gazette on 14 December 1990 (s92(1) CLA) and The Council of the Shire of Mudgee was appointed to manage the affairs of the Trust on 14 December 1990.

Although known as Mudgee Common, the land is not a Common for the purposes of the Commons Management Act 1989. Following the introduction of the Crown Land Management Act 2016 (CLM Act) Council is crown land manager of Reserve 120019. Under Division 3.4 of the CLM Act, Crown land that is managed by a Council crown land manager is to be treated as Community Land for the purposes of the Local Government Act 1993 (LG Act). Section 35 of the LG Act requires Community Land to be used and managed in accordance with a Plan of Management.

Access to the site is provided by the existing unsealed road known as Common Road, which adjoins Bellevue Road. A locked gate prevents unauthorised vehicles from entering the site. The area is densely vegetated with native and some non-native species. The local mountain bike riders have developed a number of trails throughout the site.

It should be noted that there are other users of the site aside from mountain bike riders. These include walkers and birdwatchers amongst others. The purpose of this plan is to provide direction for the future use and development of Mudgee Common. The proposed development of the trails is detailed in the appendices of this report.

It should be noted that the use of the Common for riding motorcycles and 4WDs is prohibited.

Land uses adjoining the subject area include National Parks and Nature reserves to the west, and urban release areas to the north, the town of Mudgee to the east and further privately owned E3 zoned land to the south.

In September 2015 Council engaged Applied Ecology to undertake an ecological assessment of the Mudgee Common after receiving reports in October 2014 that the threatened species *Swainsona recta* was discovered. In October 2020 Council engaged The Environmental Factor to resurvey the threatened species numbers, as of October 2020 there were 1750 *Swainsona recta* records and 1054 *Swainsona sericea* records.

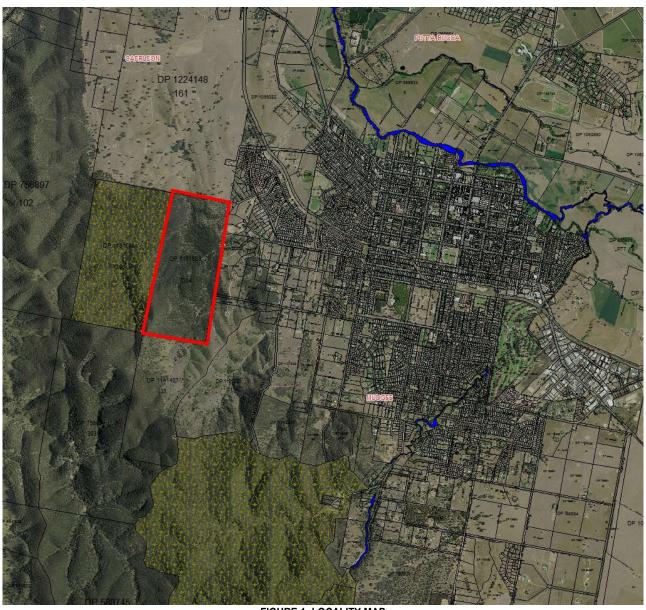


FIGURE 1- LOCALITY MAP

2. Relevant Legislation

2.1 Crown Land Management Act 2016

The land is owned by the State of NSW and is subject to the provisions of the Crown Land Management Act 2016 (CLM Act). Reserve 120019 for the purpose of Public Recreation was notified in the Government Gazette on 23 January 1987. The Mudgee Recreation (R120019) Trust was established by Government Gazette on 14 December 1990 (s92(1) CLA) and The Council of the Shire of Mudgee was appointed to manage the affairs of the Trust on 14 December 1990. Following various legislative changes in the management of Crown land, and changes in the areas and names of local government authorities Mid-Western Regional Council is now Crown land manager of Reserve 120019 for the purposes of the CLM Act.

Division 3.4 of the CLM Act provides that Crown land, managed by a Council crown land manager, is to be treated as Community Land for the purposes of the Local Government Act 1993 (LG Act). Section 35 of the LG Act requires Community Land to be used and managed in accordance with a Plan of Management. Section 3.23 of the CLM Act provides for the preparation and adoption of Plans of Management on Crown land. This POM alters the initial categorisation assigned under section 3.23(2) of the CLM Act. Consent of the Minister administering the CLM Act for the adoption of this POM is required under Section 70B of the Crown Land Management Regulation 2018.

2.2 Local Government Act 1993

In accordance with the provisions set out in the LG Act and accompanying Regulations, Mudgee Common should be classified into the following category of Community Land:

Natural Area – Bushland

The core objectives for management of Community Land categorised as bushland are:

- (a) to ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and microorganisms) of the land and other ecological values of the land, and
- (b) to protect the aesthetic, heritage, recreational, educational and scientific values of the land, and
- (c) to promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and
- (d) to restore degraded bushland, and
- (e) to protect existing landforms such as natural drainage lines, watercourses and foreshores, and
- (f) to retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and
- (g) to protect bushland as a natural stabiliser of the soil surface

The LG Act further specifies the core objectives for areas of this classification. The core objectives for management of Community Land categorised as a natural area are:

- a) 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
- b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- c) to provide for the restoration and regeneration of the land, and
- d) 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
- e) 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.

The LG Act provides that tenures (leases, licences, or any other estates) or easements may be granted over all or part of Community Land.

Tenures may be held by:

- community organisations and sporting clubs, or
- by private/commercial organisations or
- individuals providing facilities and/or services for public use.

The maximum period for leases and licences on Community Land allowable under the LG Act is 30 years (with the consent of the Minister for Local Government for a period over 21 years) for purposes consistent with the categorisation and core objectives of the particular area of Community Land.

Community Land may only be leased or licenced for periods of more than 5 years if public notice is given according to the requirements of Sections 47 and 47A of the LG Act.

2.3 Mid-Western Regional Local Environmental Plan 2012

The land is zoned E3 Environmental Management pursuant to the LEP 2012. The trails are classified as an outdoor recreation facility which is a permissible land use within the zone.

The objectives of the E3 zone are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values
- To provide for a limited range of development that does not have an adverse effect on those values.
- To manage development within the water supply catchment lands of Windamere and Burrendong Dams, to conserve and enhance the district's water resources.

The land is already being used for mountain biking and bushwalking and many trails have already been established. Any proposed works to the existing trails beyond their current footprint that may be required in the future will be subject to a Review of Environmental Factors under Part 5 of the Environmental Planning & Assessment Act 1979 and meet current Australian Mountain Bike Trail Guidelines.

2.4 State Environmental Planning Policy (Infrastructure) 2007

Development for the purpose of an outdoor recreation facility is development permitted without consent on a public reserve under clause 65 of the SEPP if the work is carried out by or on behalf of Council. This, however, does not exempt Council from carrying out an environmental assessment under Part 5 of the Environmental Planning and Assessment Act 1979.

2.5 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) establishes the legislative framework for the conservation of threatened species, populations and ecological communities of plants and animals in NSW. It also aims to improve the identification, conservation and recovery of threatened species and reduce the threats faced by those species.

Any maintenance of existing trails will need to ensure there is minimal additional disturbance to adjacent vegetation and known threatened species and communities. Awareness of threatened species locations is essential prior to any trail maintenance works.

3. Map of Site

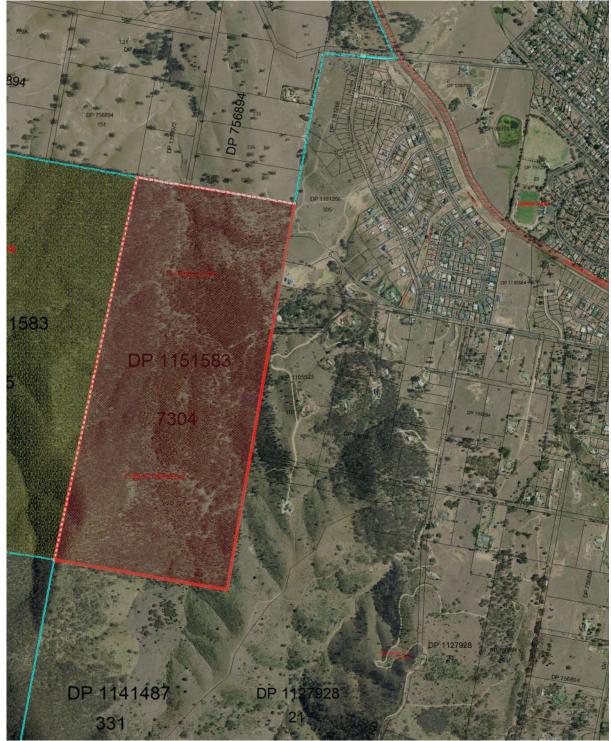


FIGURE 2- MAP

4. Environment

4.1 Surrounding Land Uses

The land to the west of the site is a National Parks owned Nature Reserve, the land to the north and east is used for residential purposes and the land to the south it privately owned land zoned E3 Environmental Management.

Fencing and/or signage will need to be placed on any track on the western side of the Reserve that may encroach into Avisford Nature Reserve. NPWS has placed signage on the fire trail at the north-western corner, and at other access points, highlighting to users that they are now entering Avisford Nature Reserve and stating the allowed activities within the reserve.

4.2 Vegetation surveys

Boundaries of vegetation communities were mapped by Applied Ecology in 2015 using a handheld GPS during traverses of the site. Most of the site had White Box Woodland present in a range of conditions.

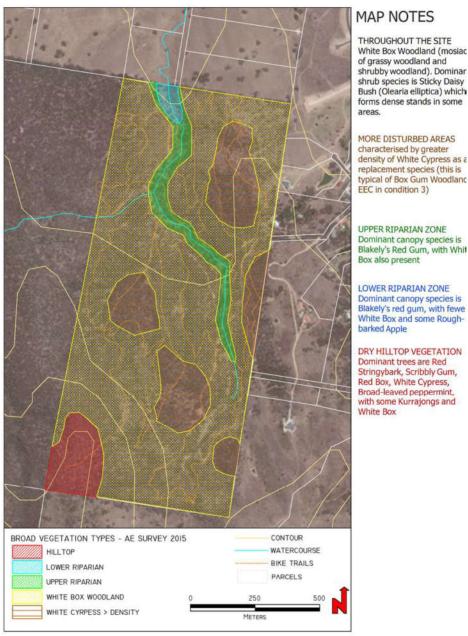


FIGURE 3- VEGETATION MAP (APPLIED ACOLOGY 2015)

4.3 Targeted Threatened Species surveys

Applied Ecology undertook targeted searches for threatened species in the area where these species were previously reported and a search 5m either side of existing trails. The Environmental Factor undertook another survey in 2020 with a search 10m either side of existing trails.

These results show that the use of the common for mountain bike riding and general community use is not negatively impacting the *swainsona* population.

Numbers of Swainsona spp plants recorded at the Common

| SPECIES | AE 2015 SURVEY | EF 2020 SURVEY |
|-------------------|----------------|----------------|
| Swainsona recta | 1313 | 1750 |
| Swainsona sericea | 464 | 1054 |

Threatened species maps are attached as Appendix C.

Swainsona recta was recorded from a range of habitats, including under White Cypress Pine trees in comparatively sparse groundcover that comprised a mixture of grasses and herbs/forbs. More often, however, the species was recorded in open White Box Woodland with a grassy understorey.



Figure 4- Swainsona recta under White Cypress Pine

4.4 Flora

The site is extensively vegetated with mostly dry sclerophyll forest. The major vegetation community within the reserve was classified as White Box Cypress Pine community.

Flora surveys were conducted in September 2015 by Applied Ecology. A total of 94 species of native plants were recorded on site during the survey (Appendix A). This included 2 species of *Swainsona* listed under the then Biodiversity Conservation Act 2016. A further 13 species of introduced plants were recorded, of which 6 are listed as noxious weeds in Mid-Western Region.

4.5 Fauna

The reserve is home to a variety of fauna species, some of which are considered threatened species.

Bird surveys

A total of 56 species were reported, including 33 recorded by Applied Ecology and 45 recorded by surveyors from E-Bird (full list in Appendix B). The diversity of avian fauna reflects the size and quality of the reserve.

Other fauna surveys

A number of native and introduced mammals were recorded on site, and several reptiles were also recorded (Appendix B). The Red Fox and European Hare are introduced species that are resident in the site, while dogs are regular visitors with walkers.

4.6 Waterways

There is a third order drainage line running through the Common, which meets the Cudgegong River 3km to the north-east. No trail works except minor trail maintenance can be undertaken across this drainage line.

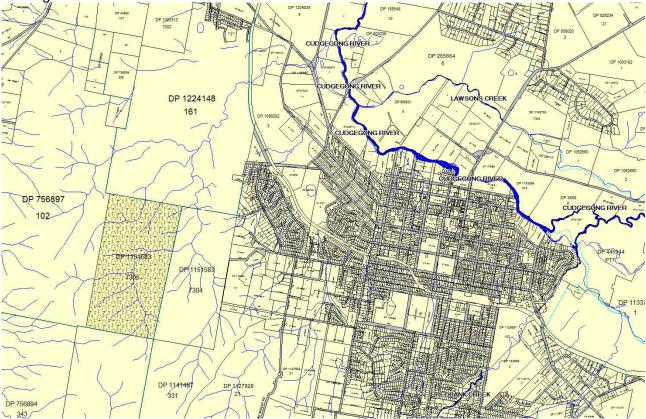


FIGURE 5- DRAINAGE

4.7 Aboriginal Heritage

The Avisford Nature Reserve and Mudgee Common lie within the traditional lands of the Wiradjuri people. The Plan of Management for the adjacent Avisford Nature Reserve mentions that a significant Aboriginal Camping Site exists somewhere near the western boundary of the Common.

The proposed use of the site for mountain bike riding and bushwalking will involve minimal ground disturbance of the site. It is therefore unlikely that the existing use of the site will have any adverse impacts on heritage items.

4.8 Natural Hazards

The site is bush fire prone, and it is important that safe operational access and egress is available for emergency services and for people using the Reserve. The NSW Rural Fire Service's document 'Planning for Bush Fire Protection 2019' (PBP 2019) applies to all development on bush fire prone land. The NSW Rural Fire Service was consulted in the preparation of this document and no objections were raised.

The road into the Common is a public road maintained by Council. The road has a carriageway width of approximately 3.5m. An access driveway midway along the road provides opportunity for a passing bay. Maintenance of the access road to the entrance of the Common will need to be maintained to satisfy the requirements for PBP 2019.

5. Management of Reserve

5.1 Ownership of the reserve

The land is owned by the State of NSW and is subject to the provisions of the CLM Act. Reserve 120019 for the purpose of Public Recreation was notified in the Government Gazette on 23 January 1987. The Mudgee Recreation (R120019) Trust was established by Government Gazette on 14 December 1990 under s92(1) Crown Lands Act 1989 and The Council of the Shire of Mudgee was appointed to manage the affairs of the Trust on 14 December 1990. Following various legislative changes in the management of Crown land, and changes in the areas and names of local government authorities Mid-Western Regional Council is now Crown land manager of Reserve 120019 for the purposes of the CLM Act.

The land is subject to native title claim under the Commonwealth Native Title Act 1993 (NT Act) by Warrabinga-Wiradjuri People. On Crown land native title rights and interests must be considered unless:

- Native title has been extinguished; or
- Native title has been surrendered; or
- Determined by a court to no longer exist.

A tenure on Crown land may impact native title rights and interests. Any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NT Act and in accordance with Part 8 of the CLM Act unless Native title is extinguished.

5.2 Objectives of the Plan

The objectives of this plan are as follows:

- To identify appropriate recreation uses within the Reserve;
- To set out the rules and obligations for users of the Reserve;
- To identify the obligations of Mid-Western Regional Council as the Crown land manager of the Reserve;
- To ensure the protection of the Reserve's environmental characteristics through the formalisation of bike tracks and the closure of unauthorised tracks;
- Protection of the threatened species identified.

5.3 Permissible Uses

One of the objectives of this plan of management is to set out the appropriate uses of the Reserve and ensure that inappropriate uses do not occur. The following uses are permitted to a scale and intensity that will not significantly impact the *Swainsona plants* or any EEC within the Reserve.

Recognised uses of the Reserve:

- Land Management and Conservation
 - Land rehabilitation (including tree planting and riparian restoration)
 - Nature conservation and environmental protection (including threatened species)
 - Aboriginal and European heritage protection and conservation
 - Bushfire control
 - Weed control –include spraying of weeds in alignment with the Biosecurity Act and the Pesticide Notification Act
 - Feral animal control
 - Soil conservation

- Noise, water and air pollution control

Recreation

- Birdwatching
- Walking and jogging on designated paths
- Bicycle riding on designated paths
- Horse riding on designated paths
- On-lead dog walking
- Picnicking
- Photography
- Tourism, Film Making, Education, Community Purposes and Services
 - Filming
 - Emergency occupation
 - Guided tours
 - Outdoor class sessions for school groups
 - Environmental themed courses, classes and training days
 - Commemorative events

Infrastructure

- Walking and bike tracks
- Bollards to mark and guard environmentally sensitive heritage and environmental items/values
- Signage

Additional Land Uses/Activities

 Other activities or land uses approved by Council, subject to their compatibility with this PoM.

5.4 Undesirable Uses

The following activities will not be permitted:

- Cattle and sheep grazing
- Motorcycle, quad bike and 4WD driving
- Unauthorised vehicle movements off designated tracks
- Hunting for consumption or recreational purposes using any form of hunting method
- Lighting of fires
- Harvesting of firewood
- Destruction of fauna habitat without appropriate assessment and impact mitigation measures
- Vegetation removal without appropriate assessment and impact mitigation measures
- Introducing exotic pest plants or animals of any kind
- Unauthorised herbicide usage Any spraying works require prior permission from Council and be undertaken by qualified person(s). Work needs to be undertaken in conjunction with Council's Pesticide Notification Act and environmental legislation. Qualifications, spray records and any relevant paperwork can be requested by Council at any time.
- Quarrying or mining
- Cropping
- Exotic plantations or gardens
- Unauthorised functions, events or parties
- Unauthorised track upgrades and/or extensions
- Construction of unauthorised new tracks

5.5 Rules and obligations of Users

Signage is provided at the entrance to the Reserve and around the designated cycle track that sets out the rules. The rules are as follows:

- Cyclists give way to bush walkers;
- Cyclists and walkers are only to use the designated cycle tracks as depicted in this plan;
- Cyclists and walkers are not to impact the Swainsona plants.

Riders of the track network do so at their own risk, Council takes no responsibility for the safety of riders.

5.6 Operational Management

Council manages the Mudgee Common as required under the CLM Act and the LG Act. Council is responsible in regard to the use of the Reserve and to environmental management such as threatened species conservation (with DPIE), bushfire hazard reduction (with the RFS), weed and pest management, and maintenance of the access to the site.

Ongoing maintenance of the trails will not be carried out by Mid-Western Regional Council. Maintenance of trails will be subject to a licence to occupy agreement between Council and the Mudgee Region MTB Inc (Mountain Bike Club), which endorses the Club's ability to use the Reserve and requires the Club to assist Council in the Reserve's management in particular track maintenance.

The Mountain Bike Club will be responsible for repair to damaged tracks or infrastructure within the Common after an event and for the removal of rubbish generated by any Club organised event.

For the day-to-day use of the Reserve, liability will come under Council's parks and reserves public liability insurance. For organised events, the event holder will need to provide Council with a copy of their public liability insurance.

5.7 Track Management

This plan outlines formalisation of existing tracks and redundant tracks to be rehabilitated, see Appendix D.

Formalising the trail network throughout the site will ensure that environmental damage is minimised. This should achieve the balance of preserving and protecting the environmentally sensitive features of the site whilst also ensuring the public can enjoy using the land.

General maintenance of the existing track network is to be undertaken by the Mountain Bike Club under the following conditions (also outlined in the MOU):

- The Bike Club must advise Council prior to any maintenance works being undertaken
- Maintenance works is to be limited to the existing trail footprint of formalised named tracks
- Where tracks intersect through threatened species populations the track cannot exceed 50cm or the current footprint if the existing footprint is already >50cm.
- Maintenance is undertaken with hand tools and equipment only (no machinery unless approved by Council)
- The Bike Club must have current liability insurance and provide a copy to Council
- At the beginning of each track maintenance day each participant must be present to a toolbox talk regarding the environmentally sensitive nature of the Reserve and the restrictions around the size of tracks
- All participants at maintenance days must be a current member of the Bike Club
- At least one participant at every maintenance day must have attended a *Swainsona* identification session

- On ground maintenance works on tracks intersecting Swainsona populations can only occur during months in which the Swainsona plants are dormant (January-June)
- No trees greater than 100mm DBH will be permitted to be removed for trail maintenance without written permission from Council
- Groundcover disturbance must be kept to a minimum during any maintenance

Any proposed upgrade works to existing tracks which are beyond general maintenance (this includes proposals to widen tracks, install jumps or other trail features, realign tracks, remove vegetation etc.) must meet the following conditions:

- No impact on threatened species populations
- Provide Council with a detailed plan of works in writing and justification of works
- Must be suitable for pedestrians
- If any contractors will be engaged, they must undertake Council's WHS induction and a specific on-site induction and provide Council with copies of relevant insurances
- Details of any machinery / plant necessary must be provided to Council. Plant greater than a bobcat size is prohibited.
- Track work will be done to meet the standards set by the International Mountain Bicycling Association (IMBA) and AusCycling
- A Review of Environmental Factors will be required for any new proposed track upgrades

Council reserves the right to refuse proposals for track upgrades if the upgrades do not align with environmental conservation objectives.

All existing tracks except for the "smuggler black diamond" track must be dual pedestrian / bike tracks. Bike riders must give way to pedestrians.

The "smuggler black diamond" track is for advanced bike riders only, no pedestrian access. Users of this track must comply with experience and PPE requirements outlined on the signage at the start of the track. Riders must only enter the track from the designated start point. Riders use this track at their own risk.

5.8 Car Parking and Access

Access to the site is via Common Road, which intersects with Bellevue Rd approximately 250m from the entry gate. Common Road is sealed for the first 50m and unsealed for the remaining 200m to the front gate.

The current parking arrangement is informal with few cars able to be parked at a time. Currently some of the users of the trails are local mountain bike riders who ride from home to the Common, however a lot of users do drive to the entrance and park their cars on the road in front of the main gate. This has not caused any known problems previously; however, it may make it difficult for a vehicle to execute a U-turn and visitation numbers are increasing.

Council has proposed for that part of Common Road, immediately adjacent to the Reserve, be formalised for the parking of up to 10 vehicles. These works may be undertaken by Council or a contractor on behalf of Council when funding becomes available.

5.9 Events

Club Events

The Mountain Bike Club hold club events throughout the year for members such as social rides and training days. Parking during these smaller Club events would generally generate no more than 12 vehicles, with many of the local riders choosing to ride their bikes from home.

All attendees of these events must be current members of the Mountain Bike Club.

The Common must remain open to other members of the public during these times and riders are still obliged to give way to pedestrians.

The Mountain Bike Club is to notify Council prior to staging club events on the Mudgee Common.

Major events

Council approval is required to hold major events (that being any competition or organised event greater than 30 riders). The Mountain Bike Club have indicated that they would like to attract large cycling events to the area in the future.

The current parking arrangement is not satisfactory to cater for the number of cars these events are likely to produce. Parking arrangement during major events has the potential to have an impact on the adjoining residents. A Traffic Management Plan will need to be prepared at full cost to the proponent of the event and will be the subject of assessment by Council staff to ensure that parking arrangements have minimal impacts on surrounding properties. Additional parking can be accommodated along the side of Bellevue Road all the way up to the end of the cul-de-sac as well as the overflow parking on the corner of Bellevue Road and Common Road.

Council and all local emergency services agencies must be notified of any major event at least 6 weeks prior to the event taking place. An event specific emergency management plan must be provided with this notification.

The Mountain Bike Club are to provide Council with the intended tracks that will be used for the event. The Common will be closed to the public during these events and signage must be placed at the entrance of the Common advising the public of the closure at least 6 weeks prior to the event.

The general public must also be notified of all major events through means which include all major event signage, social media, and letter drops so as not to impact on local residents.

5.10 Signage

There is currently a sign at the front gate prohibiting motorbikes from using the site, as well as prohibiting the use of the site for hunting and trapping. There is no evidence to suggest that the site has been used for hunting or trapping, however the riding of motorbikes has been previously noted on the site.

A large sign has been installed near the entrance with a map of the trail and ride direction as well as rules of the trails. Colour coded trail markers with grades and trails names are placed at strategic points to help guide users along the trail network. Additional signage may be placed along Common Road to direct users to the Common entrance and ensure that users do not end up trespassing on private land or leaving designated tracks.

Interpretative signage has been placed at the front gate with information about the *Swainsona* species, their importance, how to identify them, and a warning to not disturb them.

Additional permanent signage is permitted at the discretion of Council. Proposed permanent signs by the Mountain Bike Club must be approved by Council.

5.11 Leases, Licences and other Estates

In accordance with Section 46A of the LG Act, a Plan of Management for Community Land is to specify and authorise any purpose for which a lease, licence or other estate may be granted over Community Land during the life of a POM.

This POM authorises a tenure to be issued:

- for any permissible use in Section 5.3.
- for purposes consistent with the Reserve's:
 - categorisation (see Section 2.2), and
 - zoning (see Section 2.3) under Section 46 of the LG Act, and
 - reserve purpose of Public Recreation as required under the CLM Act

However, the CLM Act allows that Council may also issue short term licences (for a period of less than one year) consistent with Section 2.20 of the CLM Act. This section provides that licences may be issued, inconsistent with the reservation purpose, for prescribed purposes currently being¹:

- (a) access through a reserve
- (b) advertising
- (c) camping using a tent, caravan or otherwise
- (d) catering
- (e) community, training or education
- (f) emergency occupation
- (g) entertainment
- (h) environmental protection conservation or restoration or environmental studies
- (i) equestrian events
- (j) exhibitions
- (k) filming (as defined in the Local Government Act 1993)
- (I) functions

- (m) grazing
- (n) hiring of equipment
- (o) holiday accommodation
- (p) markets
- (q) meetings
- (r) military exercises
- (s) mooring of boats to wharves or other structures
- (t) sales
- (u) shows
- (v) site investigations
- (w) sporting and organised recreational activities
- (x) stabling of horses
- (y) storage.

This Plan of Management expressly authorises² the following tenures:

(a) A licence to Mudgee Region MTB Inc for mountain bike events and track management.

A tenure or hire agreement on Crown land may impact native title rights and interests. Apart from the tenure/hire agreements expressly authorised above, which are valid acts under Section 24JA of the NT Act, any use agreement issued on Crown land must be issued in accordance with the future act provisions of the NT Act and in accordance with Part 8 of the CLM 2016 unless native title is extinguished. For Crown land which is not excluded land this will require written advice from one of Council's native title managers that it complies with any applicable provisions of the native title legislation.

Crown Land Management Regulation Section 31.

² Express Authorisation in Section 46 (1)(b) of the LG Act permits tenures to be granted in accordance with and subject to such provisions of a Plan of Management.

5.12 Management of Threatened Species and Communities

Through the formalisation of the Common track network it is anticipated that ongoing disturbance to the threatened species and communities will be reduced, this is because currently the network is unclear and sporadic consequently the Reserve users often venture off of the trails which disturbs the vegetation.

5.12.1 Swainsona species

Swainsona recta is listed as Endangered under the BC Act and listed as Endangered under the national Environment Protection and Biodiversity Conservation (EPBC) Act 1999. Swainsona sericea is listed as Vulnerable under the BC Act and is not listed under the EPBC Act.

According to the NSW Department of Planning, Industry and Environment National Recovery Plan for Small Purple-pea (Swainsona recta), the future recovery actions for this species relevant to this site include:

- Undertake surveys in vicinity of recorded sites
- Monitor all known sites
- Weed control
- Negotiate improved management and/or formal protection of sites
- Investigate potential sites suitable for enrichment planting or re-establishment of Small Purplepea populations and undertake translocation projects
- Increase community awareness and involvement in the Small Purple-pea recovery effort

The Department of Planning and Environment will monitor the population within the Reserve and is the administering body for the BC Act which determines penalties for harming threatened species.

Throughout the process of surveying and recording the *Swainsona* plants and the ongoing consultation between the Mountain Bike Club and Council there has been a substantial increase in the concern and interest in the protection of the plants by members of the Club, neighbours and other members of the community. These community members have since been undertaking additional citizen science to identify the *Swainsona* plants in other areas of the Reserve and neighbouring lands. Through the formalisation of tracks, additional consultation and installation of the interpretative signage more community members will be engaged in the involvement of the recovery effort.

Furthermore, by Council formally adopting the Management Plan and acknowledging the trail network it commits to the protection and monitoring of the *Swainsona* plants.

Note that the numbers of the threatened *Swainsona* plants recorded in the 2020 Environmental Factor survey was 2804. However, this is based on a survey of a 10m buffer along existing trails and previously recorded populations, therefore the total number of individuals across the entire Reserve is expected to be higher. Likewise, the Common adjoins Avisford Nature Reserve which has not been surveyed for these species, it is predicted that additional individuals would occur within the National Park.

Specific management actions for this site are:

- Limit on ground maintenance works to months in which the *Swainsona* plants are dormant (January-June)
- Barricade areas of the higher densities of threatened *Swainsona* plants
- Installation of interpretative signage for the threatened species
- In areas with known threatened *Swainsona* plants present trails will be limited 50cm in width or the current footprint
- Ongoing control of weeds by Mid-Western Regional Council is recommended to be undertaken in the months in which the *Swainsona* plants are dormant

5.12.2 Ecological Community

Parts of the Mudgee Common site are consistent with White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland Critically Endangered Ecological Community (EEC). This Community is listed as a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999 and is listed as Endangered Ecological Community under the BC Act.

Specific management actions for this site are:

- No trucks or heavy plant equipment larger than a bobcat will be permitted within the Reserve to undertake approved track works
- No machinery will be permitted for any other track maintenance works
- No trees greater than 100mm DBH will be permitted to be removed for trail maintenance without Council approval
- Groundcover disturbance will be kept to a minimum during any maintenance or construction activities
- A Review of Environmental Factors will be required for any new proposed track upgrades (beyond the current footprint)

5.13 General management

Weeds and Invasive Pests

Council will conduct routine weed and invasive pest inspection as part of its normal biosecurity weeds inspection program. Ongoing environmental management will be dependent on funding becoming available through Council's Delivery Program and Operational Plan and/or external grant funding.

Control of weeds by is recommended to be undertaken in the months in which the *Swainsona* plants are dormant (January-June). Control of other pests by is recommended to be undertaken within the appropriate seasons or times which favour control and do not compromise other environmental and safety contingencies.

Fencing

When funding becomes available Council will undertake a review of the boundary fence condition and replace or repair the fence where necessary.

5.14 Future Works

Public works that facilitate the permissible uses described in Section 5.3 are authorised under this Plan of Management.

Prior to any public work being approved the requirements of the NT Act, and in particular to the notification and opportunity to comment requirements under Section 24JB or Section 24KA, will be addressed.

Any works or maintenance proposed by organisations such as the Mountain Bike Club will need to be approved by Council. A Review of Environmental Factors (REF) must be completed prior to any construction or upgrade activities; this is a requirement under part 5 of the *Environmental Planning and Assessment Act 1979*. Within the REF factors such as impacts to flora and fauna, erosion, noise, waste production and the cumulative impacts must all be addressed, and mitigation measures outlined.

5.15 Performance Targets

| OBJECTIVE | STRATEGY | PERFORMANCE INDICATOR |
|--|---|--|
| To identify appropriate recreation uses within the Reserve; To set out the rules and obligations for users of the Reserve | Uses of the Common are restricted to those listed in section 5.3 of this PoM Signage displaying appropriate use of the land is installed. Any MOU of other form of estate restricts usage of the Common to those listed in section 5.3. Undertake site inspections consistent with Council's asset management policy | Community feedback indicates high level of satisfaction regarding recreational and other community activities, facilities and settings on GCU land Local community participate in joint programs of protection, care and maintenance of key assets/reserves (eg community halls) |
| To identify the obligations of Mid- Western Regional Council as the Crown land manager of the Reserve; | MOU between Council and the Mudgee Bike Club to clearly delineate the responsibilities of Parties in relation to the use of the common New signage preventing unauthorised access Undertake site inspections consistent with Council's tenure management policy | MOU or tenure in place Community feedback indicates high level of satisfaction regarding recreational and other community activities, facilities and settings |
| Ensure the protection of the Reserve's environmental characteristics through the formalisation of bike tracks and the closure of unauthorised tracks Protection of the threatened species identified Ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and microorganisms) of the land and other ecological values of the land, and Protect the aesthetic, heritage, recreational, educational and scientific values of the land Promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion Restore degraded bushland Protect existing landforms such as natural drainage lines, watercourses and foreshores Retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term Protect bushland as a natural stabiliser of the soil surface | Formallisation of the trail network within the Common Removal of any illegal structures on the land Maintenance and development of existing trails to be minimise additional disturbance to adjacent vegetation and known threatened species and communities Fencing and/or signage need to be placed on any track on the western side of the Reserve that may encroach into Avisford Nature Reserve Limit on ground works (maintenance or capital) to months in which the Swainsona plants are dormant (January-June) Barricade areas of the higher densities of threatened Swainsona plants Installation of interpretative signage for the threatened species Weed Control to be undertaken in months where Swainsona plants are dormant No trucks or heavy plant equipment larger than a bobcat will be permitted within the Reserve to undertake trail maintenance/ construction No trees greater than 100mm DBH will be permitted to be removed for trail maintenance/ construction Groundcover disturbance will be kept to a minimum during any maintenance or construction activities A Review of Environmental Factors will be required for any works beyonf current footprint Undertake recommended activities for the protection of Swainsona recta and sericea | A trail network plan is in place and approved by Council Appropriate directional and restrictive signage in place Communities of the Swainsona plants and high-quality EECs are maintained and enhanced within the Common. DPIE des not issue infringement notices in relation to the Biodiversity Conservation Act 2016 requirements |

References

Applied Ecology Pty Ltd. (2015). Ecological Assessment of the Common Reserve Mudgee.

Department of Environment, Climate Change and Water NSW. 2010. National Recovery Plan for White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland. Department of Environment, Climate Change and Water NSW, Sydney.

NSW Office of Environment and Heritage (2012). National Recovery Plan for Small Purple-pea (Swainsona recta). Hurstville, NSW.

World Trail Pty Ltd. (2013). Mudgee Common Mountain Bike Trail Concept Plan.

Appendix A- Flora species list

| SPECIES NAME | COMMON NAME | HABIT |
|---|-----------------------------|--------------------|
| Acacia dealbata | Silver Wattle | tall shrub |
| Acacia decora | Western Golden Wattle | shrub |
| Acacia penninervis | Hickory Wattle | tall shrub |
| Acacia spectabilis | Mudgee Wattle | shrub |
| Acacia ulicifolia | Prickly Moses | small shrub |
| Acacia verniciflua | Varnish Wattle | shrub |
| Acacia vestita | T | small shrub |
| Acaena ovata | Sheep's Burr | herb |
| Actinotus helianthi | Flannel flower | herb |
| Ajuga australis | Austral Bugle | herb |
| Allocasuarina gymnanthera | I December 1 April 1 | tree |
| Angophora floribunda | Rough-barked Apple | tree |
| Aristida ramosa | Wire Grass | grass |
| Austrostipa scabra | Rough Speargrass | grass |
| Boronia angustisepala | Narrow-leaved Boronia | small shrub |
| Bossiaea obcordata | Spiny Bossiaea | small shrub |
| Brachychiton populacus | Redleg Grass | grass |
| Brachychiton populneus | Kurrajong Cut loof Doing | tree |
| Brachyscome angustifolia Bulbine bulbosa | Cut-leaf Daisy | herb |
| | Leek Orchid Blackthorn | herb tall shrub |
| Bursaria spinosa | | |
| Callitris glaucophylla Calocephalus lacteus | White Cypress | tree |
| Calotis cuneifolia | Plue Purr Deiev | herb |
| | Blue Burr Daisy | herb |
| Carex appressa Cassinia aculeata | Tall Sedge | graminoid shrub |
| | Common Dogwood | shrub |
| Cassinia quinquefaria | Common Sneezeweed | herb |
| Centipeda cunninghamii Chielanthes sieberi | Poison Rock Fern | fern |
| Chrysocephalum | Yellow Buttons | herb |
| apiculatum/semipapposum complex | Tellow Buttoris | TIELD |
| Craspedia variabilis | Common Billy Buttons | herb |
| Cyanicula caerulea | Blue Fairy, Blue Caladenia | herb |
| Cymbonotus lawsonianus | Bears Ears | herb |
| Cymbonogon refractus | Barbed Wire Grass | grass |
| Daucus glochidiatus | Native Carrot | herb |
| Dichanthium sericeum | Queensland Blue Grass | grass |
| Dichondra repens | Kidney Weed | herb |
| Digitaria diffusa | Umbrella Grass | grass |
| Dillwynia phylicoides | Variable Parrot Pea | small shrub |
| Diuris lineata? | Donkey orchid | herb |
| Dodonaea viscosa | Hopbush | shrub |
| Drosera peltata | Pale Sundew | herb |
| Einadia polygonoides | Fish Bones | herb |
| Eragrostis brownii | Brown's Lovegrass | grass |
| Erodium crinitum | Blue Storksbill | herb |
| Eucalyptus albens | White Box | tree |
| Eucalyptus blakelyi | Blakely's Red Gum | tree |
| Eucalyptus macrorhyncha | Red Stringybark | tree |
| Eucalyptus polyanthemos | Red Box | tree |
| Eucalyptus rossii | Scribbly Gum | tree |
| Exocarpus cupressiformis | Cherry Ballart | tree |
| Geranium solanderi | Australian Cranesbill | herb |
| Glycine clandestina | Lesser Love Creeper | vine |
| Goodenia hederacea | Forest Goodenia | herb |
| Hardenbergia violacea | False Sarsparilla | vine |
| Hibbertia diffusa | Wedge Guinea Flower | herb |
| Hibbertia linearis | Narrow-leaved Guinea Flower | small shrub |
| Hydrocotyle laxiflora | Stinking Pennywort | herb |
| Hypericum gramineum | Lesser St Johns Wort | herb |

| SPECIES NAME | COMMON NAME | HABIT |
|------------------------------------|----------------------------|-------------|
| Linum marginale | Native Flax | herb |
| Lissanthe strigosa | Peach Heath | small shrub |
| Lomandra bracteata | Tufted Matrush | graminoid |
| Lomandra confertifolia ssp pallida | Matrush | graminoid |
| Lomandra longifolia | Spiny Matrush | graminoid |
| Lomandra multiflora | Many-flowered Matrush | graminoid |
| Lythrum hyssopifolia | Hyssop Loosestrife | herb |
| Microlaena stipoides | Weeping Meadow Grass | grass |
| Myoporum montanum | Western Boobialla | tall shrub |
| Olearia elliptica | Sticky Daisy Bush | shrub |
| Oxalis perennans | Soursob | herb |
| Ozothamnus diosmifolius | Pill Flower, White Dogwood | shrub |
| Panicum effusum | Hairy Panic | grass |
| Petalochilus carneus | Pink Fingers | herb |
| Petalochilus catenatus | White Fingers | herb |
| Plantago gaudichaudii | Narrow Plantain | herb |
| Poa sieberiana | Snow Grass | grass |
| Podolepis neglecta | Copper Wire Daisy | herb |
| Pterostylis parviflora? | Greenhood Orchid | herb |
| Ranunculus lappaceus | Common Buttercup | herb |
| Rytidosperma caespitosum | Wallaby Grass | grass |
| Senecio diaschides | Groundsel Bush | small shrub |
| Sigesbeckia australiensis | Indian Weed | herb |
| Solanum prinophyllum | Forest Nightshade | herb |
| Solenogyne bellioides | | herb |
| Stackhousia monogyna | Creamy Candles | herb |
| Swainsona galegifolia | Smooth Darling Pea | herb |
| Swainsona recta | Small Purple Pea | herb |
| Swainsona sericea | Silky Swainson-Pea | herb |
| Thysanotus tuberosus | Fringe Lily | herb |
| Urtica incisa | Stinging Nettle | herb |
| Wahlenbergia communis | Tufted Bluebell | herb |
| Wurmbea dioica ssp dioica | Early Nancy | herb |
| Xanthorrhoea johnsonii | Johnson's Grass Tree | shrub |
| Xerochrysum bracteatum | Golden Everlasting | herb |

Introduced flora species recorded at the Common, Mudgee during recent surveys

| SPECIES NAME | COMMON NAME | NOXIOUS |
|------------------------------------|-------------------|---------|
| Arctotheca calendula | Cape Daisy | · |
| Cineraria lyratiformis | Cineraria | Y |
| Conyza bonariensis | Fleabane | |
| Dactylus glomeratus | Cocksfoot | |
| Echium plantagineum | Patersons Curse | |
| Ehrharta erecta | Panic Veldt Grass | |
| Fumaria bastardi | Bastards Fumitory | |
| Hypericum perforatum | St Johns Wort | Y |
| Nassella trichotoma | Serrated Tussock | Y |
| Opuntia stricta | Prickly Pear | Y |
| Rubus fruticosus aggregate species | Blackberry | Y |
| Senecio madagascariensis | Fireweed | Y |
| Sonchus oleraceus | Milk Thistle | · |

Appendix B- Fauna species list

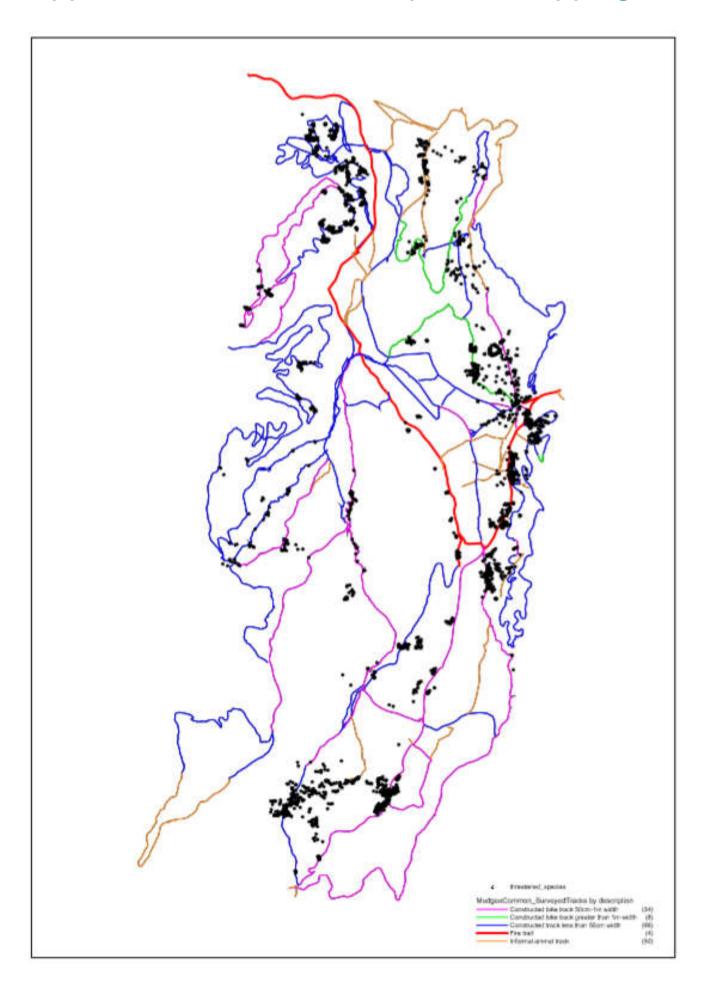
Results of bird surveys in The Common Reserve between September 2014 and September 2015

| COMMON NAME | SPECIES NAME |
|----------------------------|--|
| Australian King Parrot | Alisterus scapularis |
| Australian Magpie | Cracticus tibicen |
| Australian Raven | Corvus coronoides |
| Black-faced Cuckoo-shrike | Coracina novaehollandiae |
| Brown Falcon | Falco berigora |
| Brown Thornbill | Acanthiza pusilla |
| Brown Treecreeper * | Climacteris picumnus |
| Brown-headed Honeyeater | Melithreptus brevirostris |
| Buff-rumped Thornbill | Acanthiza reguloides |
| Common Bronzewing | Phaps chalcoptera |
| Common Starling | Sturnus vulgaris |
| Crested Pigeon | Ocyphaps lophotes |
| Crimson Rosella | Platycercus elegans |
| Double-barred Finch | Taeniopygia bichenovii |
| Eastern Rosella | Platycercus eximius |
| Eastern Spinebill | Acanthorhynchus tenuirostris |
| Eastern Yellow Robin | Eopsaltria australis |
| Galah | Eolophus roseicapilla |
| Golden Whistler | Pachycephala pectoralis |
| Grey Butcherbird | Cracticus torquatus |
| Grey Fantail | Rhipidura fuliginosa |
| Grey Shrikethrush | Colluricincla harmonica |
| Laughing Kookaburra | Dacelo novaeguineae |
| Lewins Honeyeater | Meliphaga lewinii |
| Magpie Lark | Grallina cyanoleuca |
| Musk Lorikeet | Glossopsitta concinna |
| Noisy Friarbird | Philemon corniculatus |
| Noisy Miner | Manorina melanocephala |
| Pacific Koel | Eudynamys orientalis |
| Pied Butcherbird | Cracticus nigrogularis |
| Pied Currawong | Strepera graculina |
| Red Wattlebird | Anthochaera carunculata |
| Red-browed Finch | Neochmia temporalis |
| Rufous Flycatcher | Rhipidura rufifrons |
| Rufous Whistler | Pachycephala rufiventris |
| Shining Bronze-cuckoo | Chrysococcyx lucidus |
| Silvereye | Zosterops lateralis |
| Speckled Warbler | Pyrrholaemus sagittatus |
| Spotted Pardalote | Pardalotus punctatus |
| Striated Pardalote | Pardalotus striatus |
| Striated Thornbill | Acanthiza lineata |
| Sulphur-crested Cockatoo | Cacatua galerita |
| Superb Fairy Wren | Malurus cyaneus |
| Wedge-tailed Eagle | Aquila audax |
| Weebill | Smicrornis brevirostris |
| Welcome Swallow | Hirundo neoxena |
| White-browed Scrubwren | Sericornis frontalis |
| White-cheeked Honeyeater | Phylidonyris niger |
| White-eared Honeyeater | Nesoptilotis leucotis |
| White-naped Honeyeater | Melithreptus lunatus |
| White-throated Treecreeper | Cormobates leucophaea |
| White-winged Chough | Corcorax melanorhamphos |
| Willy Wagtail | Rhipidura leucophrys |
| | |
| Yellow Thornbill | Acanthiza nana |
| | Acanthiza nana Lichenostomus chrysops |

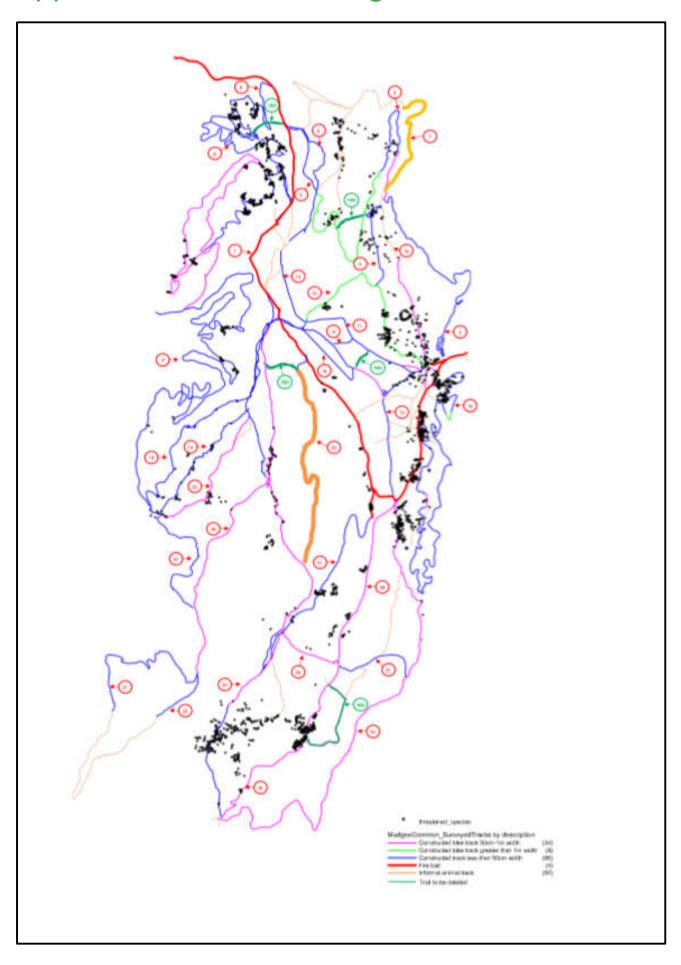
Mammals and reptiles recorded during recent surveys at Mudgee Common, September 2015

| COMMON NAME | SPECIES NAME |
|------------------------------|------------------------------|
| MAMMALS | · |
| Domestic Dog | Canis lupus familiaris |
| Eastern Grey Kangaroo | Macropus giganteus |
| Euro | Macropus robustus erubescens |
| European Brown Hare | Lepus europaeus |
| Red Fox | Vulpes vulpes |
| Short-beaked Echidna | Tachyglossus aculeatus |
| Swamp Wallaby | Wallabia bicolor |
| REPTILES | |
| Delicate Skink | Lampropholis delicata |
| Eastern Water Skink | Eulamprus quoyii |
| Lace Monitor | Varanus varius |
| Nobbi Dragon | Diporiphora nobbi |
| Pale-flecked Garden Sunskink | Lampropholis guichenoti |

Appendix C- Threatened Species Mapping



Appendix D- Track Management Plan



Track Maintenance Plan

| Track number | Track name | Length | Difficulty rating | Average width | Track signed | Overall condition | Features | Issues | Maintenance required | Priority |
|-----------------|--------------------|--------|-------------------|---------------|--------------|-------------------|---|---|---|----------|
| 1 | Fire trail | 1.8 | Green | 4.000 | No | Excellent | Fire road | Nil | Nil | Low |
| 2 | Elevator | .602 | Green | 1.000 | Yes | Average | Professionally built, small jumps and berms | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. | High |
| 3 | Rustys return | .432 | Green | 1.000 | Yes | Average | Hand built | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 4 | Budgie smuggler | 0.660 | Double black | 2.000 | No | Good | Professionally built.large jumps, large gaps and berms | Erosion on unfinished section of the trail | Complete the build of the trail | High |
| 5 | Slinky | .458 | Blue | 0.600 | No | Average | Hand built . Flowing flat camber decent | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 6 | The bolder | .120 | Blue | 0.600 | No | Average | Hand built rocky parallel creek run | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 7 | Blink | .302 | Blue | 0.600 | Yes | Average | Professionally built part, small jumps and berms | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 8 | Yeah gnar | 1.100 | Blue | 1.000 | Yes | Average | Hand built, small jumps and berms, log rolls and small drops | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 9 | Barking mad | 1.300 | Blue | 1.000 | Yes | Average | Professionally built, small jumps and berms, log rolls and larger drops | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 10 | Slinky | 0.836 | Blue | 0.600 | No | Average | Hand built | Long grass and saplings | Sides of trail to be brush cutting. | Low |

| | | | | | | | | overhanging trail | Some drainage issues | |
|----|-----------------|---------------|--------------|-------|-----|---------|---|---|---|-----|
| 11 | Rock lobster | 0.359 | Green | 0.600 | No | Average | Hand built, small jumps and berms, rocky feature | Nil | Nil | Low |
| 12 | Lobster tail | 0.391 | Green | 0.600 | No | Average | Link track, hand built | Erosion close to the creek | Sides of trail to be brush cut. Some drainage issues | Low |
| 13 | Mayhem | 0.621 | Green | 0.600 | No | Average | Link track, hand built | Erosion close to the creek | Sides of trail to be brush cut. Some drainage issues | Low |
| 14 | No trail, pote | ential mappir | ng error | | | | | | | |
| 15 | Ridge line | 0.528 | Green | 0.600 | No | Average | Link track, hand built | Erosion close to the creek | Sides of trail to be brush cut. Some drainage issues | Low |
| 16 | Termites | 1.3 | Green | 0.600 | Yes | Average | Hand built, small jumps and berms, | Erosion close to the creek | Sides of trail to be brush cutting. Some drainage issues | Med |
| 17 | Coolah | 1.600 | Green | 0.600 | Yes | Average | Climb trail | Long grass and saplings overhanging trail | Sides of trail to be brush cutting. Some drainage issues | Low |
| 18 | 1/4 pounder | .315 | Blue / black | 0.600 | Yes | Average | Hand built, gap jumps and berms, off camber section | Erosion close to the creek | Plan to relocate the lower section out of the creek and rehab | Med |
| 19 | The entrance | 0.332 | Blue | 0.600 | Yes | Good | Hand built, small jumps and berms, | Some water laying on track | Small amount off drainage | Low |
| 20 | Morewood gully | 0.354 | Blue | 0.600 | Yes | Average | Hand built, small jumps and berms, | Nil | Nil | Low |
| 21 | Ant hill | 1.128 | Black | 0.600 | Yes | Average | Jumps, berms, drops, rock gardens | Nil | Nil | Low |
| 22 | Betya cant | .857 | Black | 0.300 | No | Good | Large drops and jumps. Rock sections | Some parts eroded | To install erosion control / drainage | Low |

| 23 | Mushrooms | 0.800 | Blue | 0.600 | Yes | Average | Small jumps, berms, | Nil | Nil | Low |
|----|-----------------------------|-----------|-----------------|-------|-----|---------|--|-----|---|-----|
| 24 | Dk express | 0.320 | Double black | 0.300 | No | Average | Jumps, berms, drops, rock gardens | Nil | Nil | Low |
| 25 | Bill the steam shovel | | Black | 0.300 | No | Average | Drops and jumps | Nil | General maintenance | Low |
| 26 | The tank | Old trail | | | | • | | | • | • |
| 27 | Johnys track | 0.280 | Green | 0.600 | No | Average | Link track | Nil | Nil | Low |
| 28 | Pea dodger link | 0.527 | Green | 4.000 | No | Good | Fire road | Nil | Nil | Low |
| 29 | Pea dodger (climb) | 0.314 | Green | 0.100 | No | Good | Fire road | Nil | Nil | Low |
| 30 | Butcher | 1.1 | Blue | 0.600 | Yes | Average | Professionally built part hand built, small jumps and berms | Nil | Sides of trail to be brush cutting. Some drainage issues | Med |
| 31 | Toad stools | 0.815 | Blue | 0.600 | Yes | Average | Small jumps, berms, | Nil | Nil | Low |