

PLAN OF MANAGEMENT ALL NATIONS HILL BINGARA



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TABLE OF CONTENTS

EXECUTIVE SUMMARY	5
PART A - THE SITE	
1 INTRODUCTION	7
1.1 History	8
1.2 The Site	13
2 LEGAL FRAMEWORK	14
2.1 Public Land	14
2.2 What is a Plan of Management?	14
2.3 Types of Plans	15
2.4 Relationship with Other Plans	16
2.5 Categorisation and Objectives	16
3 SITE DESCRIPTION	17
3.1 Land Parcels	17
3.2 Ownership and Management	17
4 PLANNING INSTRUMENTS AND POLICIES	20
4.1 Land Zoning	20
4.2 State Environmental Planning Policies	21
4.3 Council Policies, Strategies and Plans	22
4.4 Biodiversity	23
4.5 Native Vegetation	23
4.6 Flood Planning	24
4.7 Aboriginal Significance	24
4.8 Heritage Significance	24
4.9 Bush Fire Planning	26
4.10 Operating Approvals	26
5 THE PHYSICAL ENVIRONMENT	27
5.1 Topography, Geology and Soils	27
5.2 Native Vegetation	29
6 CURRENT USES	32
7 ASSESSMENT AND MANAGEMENT	33
7.1 Assessment of Infrastructure	33
7.2 Assessment of Management Requirements	36
7.3 Consultation and Future Use Options	36
PART B - THE PLAN	
8 A VISION FOR THE ALL NATIONS HILL	38
9 OBJECTIVES, CLASSIFICATION AND CATEGORY OF LAND	40
9.1 Area of Cultural Significance	40
9.2 Park	41
10 DEVELOPMENT AND MANAGEMENT OF ANH	43
10.1 ANH Management	43
10.2 Permitted Uses and Activities at ANH	44
10.3 Leases, Licences and other Estates	46
10.4 Other Approvals	49
10.5 Allocation	49

10.6	Fees	49
10.7	Communication in the Management of ANH	50
10.8	Easements	50
10.9	Development at ANH.....	50
10.10	Development of New and Improvement of Existing Facilities	51
10.11	Maintenance of Facilities	53
10.12	Signage	53
11	FINANCIAL SUSTAINABILITY	55
12	IMPLEMENTATION PLAN	56
13	CONSULTATION DURING THE PREPARATION OF THIS PLAN.....	59
14	APPENDICES	60
15	REFERENCES	61

TABLE OF FIGURES

Figure 1 – Location.....	7
Figure 2 - Early images of activity on All Nations Gold Mine.....	12
Figure 3 - Land subject to this Plan of Management	17
Figure 4 - Planning Zones.....	20
Figure 5 - LEP Heritage Plan	25
Figure 6 - Bushfire Hazard Plan.....	26
Figure 7 - All Nations Hill Surface Geology	27
Figure 8 - Extract from Plan of Portion 288	28
Figure 9 - Exposed Soil Profiles	29
Figure 10 - Native vegetation at All Nations Hill.....	30
Figure 11 - Native tree plantings	30
Figure 12 - Assets.....	31
Figure 13 - Assets.....	32
Figure 14 - Assets.....	33
Figure 15 - Assets.....	34
Figure 16 - Assets - Signage	34
Figure 17 - Assets.....	35
Figure 18 - Assets.....	35
Figure 19 - Land Categories	39
Figure 20 - Development at ANH.....	52

The Gwydir Shire Council acknowledges the strength, resilience and capacity of the Gomeroi people of this land.

EXECUTIVE SUMMARY

A Plan of Management (POM) is required to be prepared for public land which is owned and/or managed by a Council and classified as *community land* under the *Local Government Act 1993*. A POM on community land is a document that provides for and directs the use and management of that land. It describes the current purposes and uses of the community lands and their values, assigns them to one or more categories and sets out objectives and performance targets for active land management and use.

All Nations Hill (ANH) at Bingara consists of Crown land which is owned by the State of New South Wales for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Managers, under Division 3.4 of the *Crown Land Management Act 2016* (CLM Act).

ANH is classified as *community land* under the *Local Government Act 1993* (LG Act). Gwydir Shire Council (Council) now manages all community land (Crown or Council-owned land), under one portfolio.

Community land is categorised under the LG Act as either park, sportsground, general community use, natural area or area of cultural significance. The land at ANH has been categorised in this POM, as:

- Area of Cultural Significance
- Park

The intention of this POM is to provide Council with a framework that enables decisions in regard to ANH to be made on an informed, consistent and equitable basis. The POM meets all of the requirements of the LG Act.

A description of this land as it exists on ANH is provided. The history, past and current uses, the built and natural assets and their condition, emerging trends, constraints and influences have been considered in this POM. Appropriate management objectives and actions, as well as an effective management structure and communication strategy for successful implementation are key outcomes provided by the POM.

In terms of ANH's development into the future, this POM draws on general directions of Council's existing plans and strategies, including its Community Strategic Plan¹ and Bingara Town Strategy² as well as the directions of statutory planning processes such as the Gwydir Shire Local Environmental Plan³ and other relevant state policies and legislation.

This POM foreshadows a stronger embracement of ANH at the southern section of Bingara township, as an important component of the foundation and settlement of Bingara, acknowledging the important mining history of the area as well as the recreational, educational, and environmental services it provides. The POM also capitalises on the opportunities of a modest growth in local population, matched by the trend of increased visitation by people from other areas, interested in experiencing the historical, social, environmental and unique cultural values of the Bingara township and its area.

¹ Michelle Carpenter, *Macquarie University student number 43601723*.

² Bingara Town Strategy (2011): *Gwydir Shire Council July 2011*.

³ *Gwydir Local Environmental Plan (2013): NSW Legislation*.

The moderate changes to the management of ANH proposed by this POM are also supported by physical information gathered on site during the drafting of the plan, from a communication process involving nominated community members and Council staff, and from a review of extensive historical documentation of the history of ANH.

The future functions and management of ANH are captured by the following proposed vision statement:

**“All Nations Hill – A Showcase of
Bingara’s Gold Mining Past”**

The POM is presented in two principal sections being:

- The site description (A) covering the physical attributes, the legal framework, and the constraints of the site.
- The fundamental components of the Plan (B) which describes what is planned for the site’s future.

PART A – THE SITE

1 INTRODUCTION

Bingara is a town on the Gwydir River in the New England Region of northern New South Wales, 449 kilometers from Sydney and 141 kilometers north of Tamworth. The town is the administrative centre for the Gwydir Shire Council, which was created in 2003.

Commencing in the Northern Tablelands, the Gwydir River passes through the Bingara township, before flowing westward to the plains and the township of Moree, forming one of the major catchments of the Murray Darling Basin. A renowned mixed farming area, Bingara and district also has a rich mining history.



Figure 1 – Location

The land comprising ANH, an abandoned gold mine with historical significance to the Bingara area, is located on Crown land near the southern boundaries of the residential area of the town. The site of ANH is a hill, accessed off Maitland Street (Bingara’s main street, also the road south to Barraba),

turning into Brainard Street to the west, then into Hill Street to the south. Figure 1 shows the location of ANH.

1.1 History

The First Inhabitants

Prior to the arrival of Europeans in the Bingara area, the local Aboriginal people (the Kamillaroi⁴) had hunted, fished and camped in the area for thousands of years. The Kamillaroi lands occupied the area from the Hunter River catchment northward into southern Queensland, and west of the Great Divide and upper northern NSW slopes to the western plains and Warrumbungle Mountains. The ancestor or patron god of the Kamillaroi people, was *Baiame* who came from the sky to create rivers, mountains and forests, giving the people the laws of life, traditions and song.⁵

Small and large marsupials provided an easy and plentiful food source for the Kamillaroi, complemented by birds, fish and vegetative food such as fruits, berries, grasses and yams. To facilitate hunting and food supply, they used fire to create new growth and open forest and grassland.⁶ Distinct male and female roles were evident in society, males being the hunters of larger animals, while women gathered yams and fruit, and raised the children.⁷

European Settlement

On May 20, 1827, Explorer and Botanist Allan Cunningham (1791-1839), leading a party of six convicts, reached the Gwydir River where Bingara now stands. Cunningham was therefore the first officially recorded European to visit the area, although it is likely that some white occupation had preceded his visit.⁸

After Cunningham completed his trip to the Darling Downs in Queensland, his favourable reports on the area saw an influx of pastoralists, and by 1850, over a dozen properties had been settled in the Bingara district. These pioneers mainly came from the Hunter Valley, first generation Australian born, and had the reputation of being smart rural based businessmen with good bush skills.⁹ An example is the Hall family who took up and developed “Bingera Run” as a cattle station between 1836 and 1873.

However, it was the discovery of gold between 1851¹⁰ and 1852, which saw settlements commence at Bingara¹¹ and Upper Bingara. Prospectors flocked to the area, interest in mining growing when

⁴ Also known as *Kamilaroi*, *Gamilaraay*, *Gomeroi* and *Gamilaroay*.

⁵ Gamilaraay from *Wikipedia: Gamilaraay - Wikipedia*

⁶ Page 16 “Bingera Run” by Bert Howard 2009.

⁷ Kamillaroi – A National Identity website by Michelle Carpenter, *Macquarie University student number 43601723*.

⁸ Cunningham’s diary did note evidence of cattle, and a roughly constructed hut in the vicinity, possibly by convicts who had escaped the established coastal settlements of the colony.

⁹ In “Bingera Run” by Bert Howard, 2009.

¹⁰ On July 30, 1851, the *Maitland Mercury* newspaper reported that gold had been discovered by A. Williams at *Keera Station* near Bingara. Subsequent discoveries also occurred at *Cobbada* on *Bingera Run*.

¹¹ Bingara became a municipality in 1890 just after the spelling of “Bingera” changed to “Bingara” to avoid confusion with the small Queensland town of the same name.

copper and then diamonds were discovered in the 1880s. At that time, Bingara was the largest producer of diamonds in Australia.

Gold Prospecting in the Area

Although the Bingara Gold Fields are these days the preserve of the casual fossicker, Bingara and its people owe much to the influence of gold mining over the past 170 years both in monetary and cultural terms.¹² Gold mining commenced with the exploration of alluvial materials of the creeks and flats, which then extended to include reef mining. Both sources resulted in some early and handsome pays, but the Bingara Gold Fields were also marred by many disappointments for the early prospectors.

The first report of gold made to the Maitland Gold Committee was made by Ebenezer Hall (from the same Hall family mentioned above) in August 1851. He claimed to have found a nugget in Cobidah (now *Cobbadah*) Creek.¹³ This find was first investigated with negative results by the then Crown Lands Commissioner (Warialda based) Richard Bligh, who initially considered the wrong creek. Bligh finally got it right in a follow-up investigation the following year, as evidenced in his letter to the Chief Commissioner of Crown Lands:

Sir

I do myself the honour to appraise you, that having returned to my district I have at once proceeded to examine into an alleged discovery of gold on Bingera Creek, in this district, and am happy to be able to report that no doubt now remains on my mind as to the fact of a remunerative Gold Field having been at length discovered in the district of Gwydir.

Under the authority of the Chief Commissioner, the issuing of licences commenced with the issuing to Bligh of a Gold Licence book to use at his discretion, with the stipulation that commensurate fees should be strictly enforced. The Bingara Gold Field was officially acknowledged as an open field, in subsequent correspondence between the Commissioners on 19 July 1852 by which time “forty persons including women and children” were working the ground. However, the Bingara Gold Field was officially proclaimed on 2 February 1853. This proclamation further energised one of New England region’s richest gold fields, as prospectors quickly established numerous other rich alluvial deposits ranging from Gouron Gouron Creek, Upper Bingara to Bobby Whitlow northwards of the Bingara township.

In the 1870’s, reef mining also commenced in earnest, with mixed results. The first arose from an alluvial digging which ended up as a shaft below a gully in the Upper Bingara area. It was called *Bendigo* and although having a rich early life, did not continue for too long afterwards. The *Black Reef* shaft was worked in a similar time, but little information can be found as to the precise locations of both Bendigo Reef, and Black Reef, except that the latter was located on Black Reef Creek.¹⁴

¹² Extract from the Foreword by Bob Brown Geologist New South Wales Department of Mineral Resources, to the book: *Bingara’s Golden Past: A Brief History of Gold Mining in Bingara (1995)* authored by John A. Hume and reprinted by Bingara District Historical Society in 2022.

¹³ From *Bingara’s Golden Past: A Brief History of Gold Mining in Bingara (1995)* authored by John A. Hume and reprinted by Bingara District Historical Society in 2022 (page 7).

¹⁴ From *Bingara’s Golden Past: A Brief History of Gold Mining in Bingara (1995)* authored by John A. Hume and reprinted by Bingara District Historical Society in 2022 (page 22).

Further gold bearing reefs were discovered in the area, and as many mine shafts were dug. These included *The Star of Bingera* (located at the head of Baldwins Gully southeast of Bingara township), *The Doctors Reef* (at the head of Spring Creek, southeast of the township), *The Golden Gate* (on the western slope of the main Bingara Range) and *The Caledonian Reef* (north of the township and the Gwydir River). The gold in these claims was associated with quartz which, with the appropriate equipment, could be relatively easily raised and crushed for its ore, although the absence of such mechanisation was often found to be a significant constraint to successful reef mining. Mining of the quartz-based materials therefore, was generally of mixed success and short term.

The Ballarat, associated with different geology, a serpentinite ridge running down off the tablelands near Upper Bingara, provided that area's most highly productive series of shafts all commencing operations in the early 1880s. Production there had peaked by the mid-1880s, after which yields declined significantly, although several low scale claims were held and worked there up until 1948.¹⁵

However, because it was worked commercially well into the middle of last century, its visually prominent location, and its impact on the shaping of Bingara township, the most commonly acknowledged and significant reef mine in the Bingara area was the *All Nations* gold mine - the subject of this POM.

All Nations Hill

The All Nations Gold Mine was named in acknowledgement of the multicultural spectrum of miners who worked there, inspired by the potential riches it offered. Overlooking the Bingara township from the south, the mine and the reef on which it was established, traverses quartz infused slate beds and has a general north and south strike.

The All Nations Gold Mine was first worked in about 1860 by Goldring and party, then abandoned shortly afterwards as being unpayable, after being sunk to 21 metres. The ore body was considered large although the grade was low, and by 1881 it was considered that the reef would pay well if adequate crushing equipment were available. Wearne and party by 1887 had sunk the shaft on the All Nations reef to about 40 metres, although lack of equipment again marred progress of successful gold extraction from the low yielding ore. For instance, the proprietors at the time had not succeeded in establishing a stamper battery on site, machinery which would otherwise crush the ore bearing materials enabling separation of the gold component.

The following history of a continued effort by a range of syndicates and companies in striving for success at All Nations Hill is made available from the 1888 report by William Anderson: "*The Geology of the Bingara and Barraba Gold-Field*"¹⁶

- 1889 – The Bingara Gold Mining Company (Limited) purchased and reopened all of the *All Nations* reef by sinking an additional shaft to over 40 m, striking the reef in several places, and showing a fair gold yield.
- 1890 – The reef was extended to 60 m following the sloping quartz, with tunnels on two levels.

¹⁵ From *Bingara's Golden Past: A Brief History of Gold Mining in Bingara (1995)* authored by John A. Hume and reprinted by Bingara District Historical Society in 2022 (pages 22-30).

¹⁶ As reported in the publication, From *Bingara's Golden Past: A Brief History of Gold Mining in Bingara (1995)* authored by John A. Hume and reprinted by Bingara District Historical Society in 2022 (page 31- 33).

A 10-Stamper Battery was obtained and placed nearby and was in full swing.¹⁷

- 1891 – Returns did not clear expenses, and work was again suspended.
- 1899 – Innuendos of gross mismanagement were made as the mine passed into the hands of a local syndicate buoyed by the notion that if the mine became profitable, it would find permanent employment for many people and prove beneficial to the Bingara township.
- 1900 – Yield assessments conducted at Cockle Creek (near Lake Macquarie) were not encouraging enough to justify continuation of mining by the current lessee.
- 1906 – A syndicate from Scone acquired the mine with an improved vision for future mechanisation and therefore minimising losses during the crushing process. Improved yield from a small reef provided some encouragement. However, following further assessment, the lode was found not sufficiently rich to warrant installation of extensive new plant, and operations were abandoned by mid-1907.
- The *All Nations* mine sat abandoned until 1935, when it was dewatered by another local syndicate and at 75 m depth, a drive was continued in a southerly direction along the reef. Gold assays from that point appeared somewhat favourable.
- 1938 – The Bingara Gold Mines Ltd. conducted further explorations and assays at depth, revealing a potential yield of 30,000 tons of ore, yielding 23 grams per ton. Then, in 1940, 1,000 tons of ore were raised actually yielding approximately 4,500 grams.
- 1948 – Development work failed to locate a continuation of the ore bodies and operations ceased in July of that year, as the company wound up. The period 1938 to 1948, considered to be the Golden Era of the All Nations Gold Mine, yielded a total of 13,027 grams of gold. Although some interests in the mine have been maintained, it has not been mined since the 1948 closure. A 1965 NSW Department of Mines report on the All Nations mine site, concluded:

“Due to the narrow patchy nature of the gold mineralisation, further exploration is not considered to be warranted until the price of gold rises substantially.”

- The legacy of the All Nations Gold Mine to the town of Bingara is now expressed through the history and opportunities provided to the town of Bingara and its community. ANH is an ever-present reminder of the old boom days of gold mining in the district. The site specifically, has significant tourist benefits, especially considering the very good condition of the Stamper Battery installed on site in 1890 and used up until 1948. Most similar pieces of equipment on historic Australian gold fields have been destroyed for their value in metal, particularly during the last world war.

Figure 2 shows historical images depicting periods within the Golden Era of the ANH gold mine.

¹⁷ The battery was a double-bank Californian type stamper made in Castlemaine Victoria by Thompson and Company. The stamper battery remains on-site today.



Figure 2 - Early images of activity on All Nations Gold Mine
The Stamper Battery was located within the housing building on the right of the left photo.

All Nations Hill Reserve

The administrative history impacted on the site of ANH Reserve at Bingara:

- Part of Reserve No:381 on account of Gold and other Public Purposes notified 21 August 1874.
- Part of Traveling Stock Reserves notified in 5 Jan 1875 (TSR 352b) and 9 February 1875 (TSR 546).
- ANH was part of 10 acres surveyed as Portion 46 and proposed to be dedicated as a site for Hospital on 28 January 1880. This proposal was later abandoned when a more suitable site was measured.
- The Bingara Gold Field which includes ANH proclaimed on 12 March 1892.
- Portion GL 156 of eight acres was created and a Gold Lease was applied for in 1895 by Miller and Co. By 1896 the Gold Lease was held by John Ewan Palmer with the requirement to employ four men for the first 3 years of the lease and eight men for the remainder of the term. This lease was cancelled in April 1899 for non-fulfillment of these labour requirements.
- Travelling Stock Reserve which includes the area of ANH was notified 15 July 1899. On 21 December 1900, the same area was notified under the *Mining Act* (see Figure 4).
- The area was shown to be Reserved from Alienation for Mining or Mining Purposes on 5 May 1926.

- Special lease 1951 -3 Bingara was issued by the then Department of Lands to the Council of the Shire of Bingara over Portion 288 for the Purpose of Grazing and Sheep and Cattle Yards, effective for the period 19 November 1953 to 21 December 1960.

On 1 May 1981, part of Portion 288 was reserved by the Crown for the purpose of *the Preservation of Historical Sites and Buildings*. On that day, the Government Gazette depicts an area of 4,760 square metres as being reserved for that purpose. The Council of the Shire of Bingara was appointed trustee of the Crown Reserve 94632. This appointment is current. For the purposes of the CLM Act Gwydir Shire Council is Crown land manager for R.94632.

The current identifier, Lot 15 DP 821211 was created as part of the road acquisition process for the relocation of Cobbadah Road in 1991.

1.2 The Site

The site of ANH is located on a small rise at the end of Hill Street on the southern outskirts of Bingara township, one kilometre from its central business district. Elevation is 325 metres ASL, a maximum of some 50 metres higher than the township providing a good vantage for viewing of the town to the north as well as all other directions. The site occupies a crest with slopes mainly to the west and north.

Access

Vehicular and pedestrian access is provided mainly via Hill Street. An unsealed section of Hill Street extends past the site to the south exiting back onto the Barraba Road, mainly used for service vehicles and pedestrians. Informal (also unsealed) access to ANH, is also provided from the west via Riddell Street which turns eastward at the western foot slope of the hill.

Activities and Uses

Visitors are attracted to ANH initially by its well promoted Historical Gold Mine theme, however on arrival, the expansive vistas of the unique northwestern slope landscapes, particularly to the west and north, are a bonus for the visitor. A sheltered picnic area with benches and a nearby water supply enable the focus spot for tourists and as a walking and exercising destination for local residents and a place to chat and recover. ANH is also one of only two areas in or near the town where dogs may be walked unleashed, with conditions.

However, the key attraction to ANH is the well maintained and presented historical Stamper Battery. In conjunction with its historical surrounds, the Stamper Battery represents a unique example of working machinery in hard rock mines of the day. It is a must-see for visitors who leave the site with an enhanced knowledge of the history of gold mining in the area, complete with its successes and disappointments.

Camping/overnighting is not permitted on site and night visitations are not encouraged.

This POM has been prepared to meet the requirements of the LG Act. In doing so, it achieves a balanced, responsible and ecologically sustainable use of the land at the site of ANH, ensuring that it addresses the needs of the local neighbourhood, the broader community and the environment.

2 LEGAL FRAMEWORK

2.1 Public Land

ANH is on Crown land, owned by the State of New South Wales, managed by Council for the benefit of all persons. Local Government Authorities manage Crown land on behalf of the State, as Crown Land Manager, under Division 3.4 of the CLM Act, which provides that Council should manage the land under the LG Act.

Under the LG Act, all public lands must be classified as either community or operational land.

The purpose of the classification of Public land is to clearly delineate which land should be kept for use by the general public (community) and which land need not be kept for that purpose (operational). The major consequence of the classification is that it determines the ease or difficulty by which the land may be alienated by sale, lease or other means. Community land would ordinarily comprise land such as a sportsground, hall, public park, historical site etc.,¹⁸ Operational land would consist of land which facilitates carrying out of a public service, such as works depots, or land held as a temporary asset or investment.

Community land:

- cannot be sold.
- cannot be leased, licensed or any other estate granted over the land for more than 21 years.
- must have a POM prepared for it.

2.2 What is a Plan of Management?

The LG Act requires that in the development of a POM, Council consider the views of the community in identifying the important features of the land and determining how the land will be managed, used, or developed. Until a POM for community land is adopted, the nature and use of the land cannot be changed. Otherwise, the POM must be revised.

In its management of the Crown land of ANH, Council will also undertake the required process as per Section 36 of the LG Act and Section 3.23 of the CLM Act.

Specifically, the LG Act requires that a POM must identify the:

- category of the land.
- objectives and performance targets with respect to the land.
- means by which the council proposes to achieve the Plan's objectives and performance targets.
- manner in which the council proposes to assess the objectives and performance targets.

¹⁸ See the note to Chapter 6, Part 2 of the LG Act.

- condition of the land, and any buildings or other improvements on the land, as at the adoption of the Plan.
- use of the land and any such buildings or improvements as at adoption.
- purposes for which the land, and any such buildings or improvements, will be allowed to be used.
- purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.
- scale and intensity of any such permitted use or development.

Similarly, the CLM Act requires that Crown land be managed to meet the Crown Management Principles. This includes:

- environmental protection principles be observed in relation to the management and administration of Crown land.
- the natural resources of Crown land (including water, soil, flora, fauna and scenic quality) be conserved wherever possible.
- public use and enjoyment of appropriate Crown land be encouraged.
- where appropriate, multiple use of Crown land be encouraged.
- where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained in perpetuity.
- Crown land be occupied, used, sold, leased, licensed or otherwise dealt with in the best interests of the State consistent with the above principles.

2.3 Types of Plans

The LG Act allows a POM to cover one or multiple parcels of land.

Where multiple parcels of land are covered in one plan (Generic Plans), the LG Act specifically states what needs to be included. Where a POM covers one parcel or related parcels of land (Specific Plans), like this plan, there is greater detail on what has to be prescribed in the Plan. A Generic Plan sets the framework of how the land is to be managed. A Specific Plan clearly outlines precise management proposals.

POMs for community land are periodically reviewed to enable changing social, economic and ecological conditions to be taken into account and consequently amendments to the plan may occur. This will be the first POM for ANH completed in accordance with the requirements of the LG Act.

2.4 Relationship with Other Plans

The majority of community land within the Gwydir Shire Local Government Area will be subject to the *Community Land Plan of Management* which provides an overarching strategy and consistent management approach for community land parcels.

This POM is one of a set of specific POMs for Council which will include:

- Myall Creek Memorial Site
- Bingara Riverside Reserve

2.5 Categorisation and Objectives

As required by legislation for the purposes of the POM, community land is categorised as one of the following:

- Natural Area
 - Bushland
 - Wetland
 - Watercourse
 - Escarpment
 - Foreshore
- Sportsground
- Park
- Area of Cultural Significance
- General Community Use

Once categorised, community land is also subject to specified objectives which are outlined in the LG Act and in **Appendix 1**.

ANH, shown in Figure 3, has been previously classified community land, with the initial categorisation being for Area of Cultural Significance and Park.¹⁹

¹⁹ Council resolution of 14 October 2021 and as endorsed by the then Department of Planning and Environment 10 May, 2022.

3 SITE DESCRIPTION

3.1 Land Parcels

The land subject to this POM, is Reserve 94632, being part Lot 15 in Deposited Plan (DP) 821211, and is located on a ridge adjacent to the southern outskirts of the township of Bingara, immediately west of Hill Street at its highest point.

The total planning area covered by this POM is 4,760 square metres.

Figure 3 shows the land subject to this POM (edged in red).



Figure 3 - Land subject to this Plan of Management

3.2 Ownership and Management

ANH is Crown land owned by the State of New South Wales. On 1 May 1981, the current Reservation R. 94632 was created for the purpose of *the Preservation of Historical Sites and Buildings*. Gwydir Shire Council was appointed as reserve trust manager *Crown Lands Act 1989* on the same day. Following the introduction of the CLM Act Council is now Crown land manager of ANH.

All assets on ANH are owned by the State of New South Wales.

Native Title

Crown land in Australia is subject to Native title under the *Native Title Act 1993* (Commonwealth). 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.

Some examples of acts²⁰ which may affect Native title on Crown land or Crown reserves managed by Council include:

- the construction of new buildings and other facilities such as toilet blocks, walking tracks, picnic shelters, barbecues and pontoons etc.
- the construction of extensions to existing buildings.
- the construction of new roads or tracks.
- installation of infrastructure such as powerlines, sewerage pipes, etc.
- the issue of a lease or licence.
- the undertaking of major earthworks.

When proposing any act that may affect Native title on Crown land or Crown reserves the act must be authorised through Part 2 Division 3 of the *Native Title Act 1993 (Cwlth)*.

ANH is subject to Native Title Claim (NSD 37/2019) filed by the Gomeri People with the Federal Court of Australia on 20 December 2011.

Aboriginal Land Rights

The *Aboriginal Land Rights Act 1983* (ALRA) seeks to compensate Aboriginal peoples for past dispossession, dislocation and loss of land in NSW. The lodgment of an aboriginal land claim (ALC) under Section 36 of the ALRA, over Crown land creates an inchoate interest in the land for the claimant pending determination of the claim. The Department of Planning, Housing and Infrastructure – Crown lands advises that, if the land is subject to an undetermined ALC, any works, development or tenures authorised by the POM should not go ahead if:

²⁰ An *act* is defined in Section 226 of the Native Title Act 1993 (Cwlth). An *act affecting native title* is defined in Section 227 of the Native title Act 1993 (Cwlth).

- the proposed activity could prevent the land being transferred to an ALC claimant in the event that an undetermined claim is granted.
- the proposed activity could impact or change the physical/environmental condition of the land, unless:
 - the council manager has obtained written consent from the claimant Aboriginal Land Council to carry out the proposed work or activity, and/or
 - the council manager has obtained a written statement from the Aboriginal Land Council confirming that the subject land is withdrawn (in whole or partial) from the land claim.
- the proposed activity is a lease to be registered on title unless the council manager has obtained written consent from the claimant Aboriginal Land Council.

4 PLANNING INSTRUMENTS AND POLICIES

4.1 Land Zoning

Under the *Gwydir Local Environmental Plan 2013*²¹ (LEP), the whole of ANH is zoned RE1 – Public Recreation (See Figure 4).

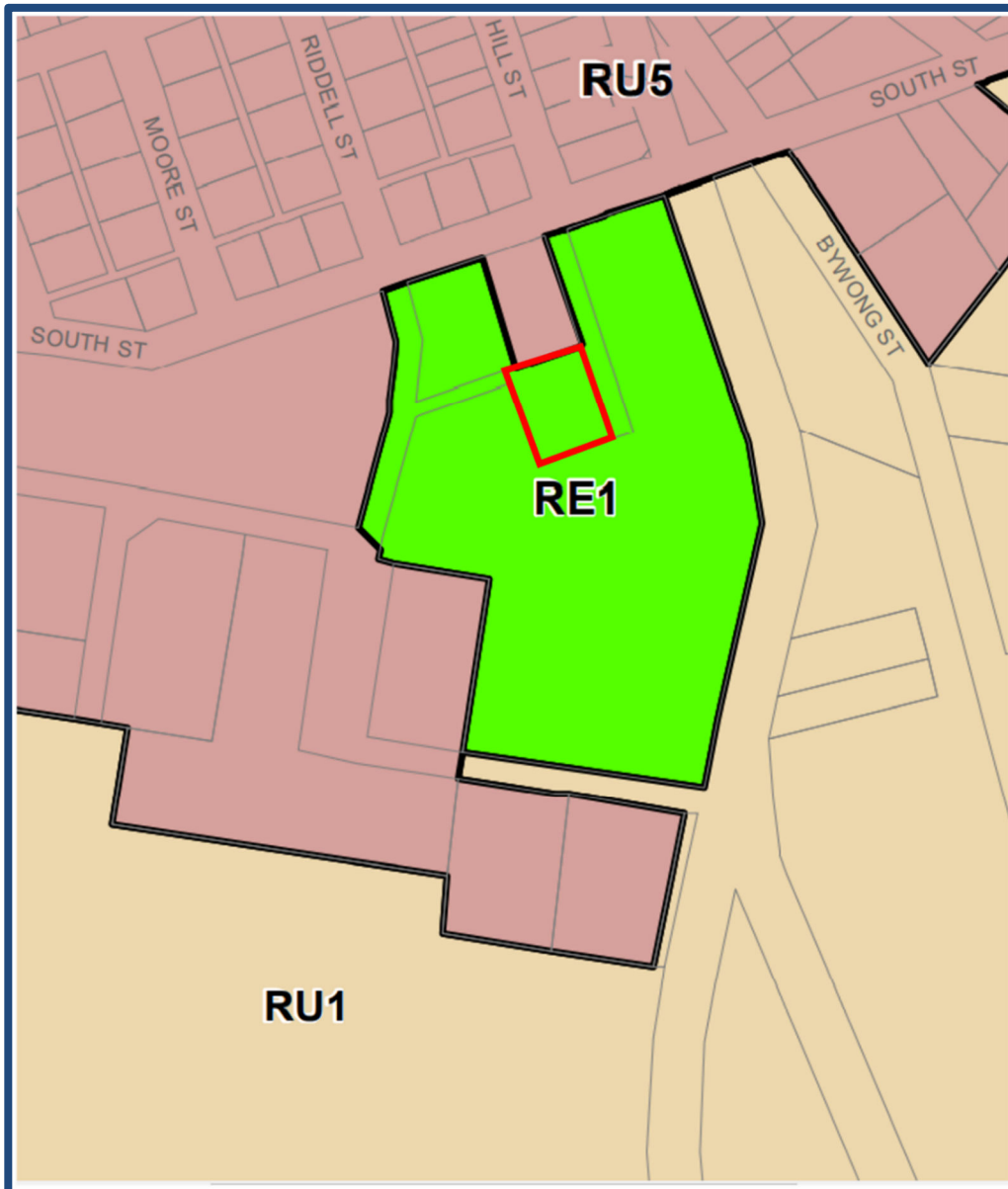


Figure 4 - Planning Zones

ANH is surrounded by the following zoned areas:

- RU5 – Village (to the north, and west)

²¹ *Gwydir Local Environmental Plan 2013* - NSW Legislation.

- RU1 - Primary Production (to the south and east)

The Objectives for RE1 land described within the LEP, are:

- to enable land to be used for public open space or recreational purposes.
- to provide a range of recreational settings and activities and compatible land uses.
- to protect and enhance the natural environment for recreational purposes.

Activities permitted without consent for land zoned RE1 are shown as:

- building Identification signs
- environmental protection works
- roads

Activities permitted with consent for land zoned RE1 are shown as:

- aquaculture
- boat launching ramps
- business identification signs
- camping grounds
- car parks
- caravan parks
- community facilities
- eco-tourist facilities
- entertainment facilities
- environmental facilities
- function centres
- heliports
- information and education facilities
- kiosks
- markets
- recreation areas
- recreation facilities (indoor)
- recreation facilities (major)
- recreation facilities (outdoor)
- take-away food and drink premises
- water recreation structures
- water supply systems

The following activities are prohibited:

- any developments other than those permitted with consent are prohibited on this land.

4.2 State Environmental Planning Policies

ANH is subject to the State Environmental Planning Policies. Important amongst these in the development of ANH is the *State Environmental Planning Policy (Transport and Infrastructure) 2021* or the T&I SEPP.

Section 2.74 of the T&I SEPP provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a POM adopted for the land in accordance with the LG Act.

All other impacting State Environmental Planning Policies are listed below. Those that are considered more relevant to the future of ANH and this POM are underlined and briefly described in **Appendix 2**:

- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Housing) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy (Resources & Energy) 2021
- State Environmental Planning Policy (Primary Production) 2021
- State Environmental Planning Policy (Industry and Employment) 2021
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development

4.3 Council Policies, Strategies and Plans

In addition to state planning policies and the directions of the LEP, Council has developed a number of plans and general policies which have either direct or indirect relevance to planning, management and maintenance of community land, more specifically, ANH.²² Of particular relevance:

- **Community Strategic Plan 2017-2027** – Spanning a period of ten years, the Community Strategic Plan is the highest level of plan prepared by Gwydir Shire Council and the community. As a living document and a roadmap to the future, it belongs to the community, and reflects the community’s main priorities and future aspirations. As well as capturing Council’s vision and mission, it also promotes the vision and goals created by the community through the consultation process. This strategy also summarises an evolving listing of aspirations and achievements within the Shire.
- **Community Engagement Strategy 2015** – Any process that involves the community in problem solving or decision making, uses community input to make better decisions. This strategy matches Council’s goals to capture input and provide information back to the community. It identifies all stakeholders including external partners and sets out the methods for engagement.

²² Full details of Council’s relevant policies and plans as listed above can be found at Council’s website at www.gwydir.nsw.gov.au.

- **Bingara Town Strategy 2010** – This strategy aims to provide vision and direction for Bingara for both the long and short term. The strategy aims to future-proof Bingara from changes affecting both the local and the global neighbourhood. It achieves this through the acknowledgment of the town’s unique history, its agriculture, culture, and its warm and creative community.
- **Long Term Financial Plan 2015/2016 – 2024-2025** – As a decision-making tool, this financial plan is an important part of council’s strategic planning process. This is the point where long-term community aspirations and goals are tested against financial realities.
- **Workforce Management Plan 2017-2021** – Gwydir Shire Council Workforce Management Plan is part of the planning and reporting framework for local government. It forms part of the Resourcing Strategy, which aims to meet the priorities in the Gwydir Shire Council Community Strategic Plan. The plan enables the ongoing recruitment and retention of staff with the appropriate values, attitudes and knowledge to support the changing work environment while strengthening relationships with businesses and other community partners to deliver services efficiently and to a high standard.
- **Asset Management Plan 2011** – The programs and services the Council selects must be carefully designed and delivered to equitably and cost effectively advance the well-being of the Shire’s people. This asset management plan covers the infrastructure assets that serve the Gwydir Shire Council plant and equipment needs via a comprehensive process to ensure delivery of services from infrastructure is provided in a financially sustainable manner.

4.4 Biodiversity

Under the LG Act, Council has obligations for conservation issues as determined by the *Biodiversity Conservation Act 2016* and the *Fisheries Management Act 1994*. There are no areas of outstanding biodiversity value, biodiversity certified land or biobanking agreement land associated with ANH as per the *Biodiversity Conservation Act 2016*. The LEP does not contain any references to significant biodiversity issues present at ANH. This may be a consequence of a paucity of biodiversity investigation and knowledge rather than an absence of such features. Any proposed impacts to biodiversity values, including threatened species and ecological communities and their habitats requires proper consideration in accordance with the applying legislation.

4.5 Native Vegetation

Land zoned RE1 is covered by the State Government’s native vegetation laws aimed at protecting the biodiversity values of trees and other vegetation in non-rural areas of NSW and is included within the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*²³ and also considered within the *Biodiversity Conservation Act 2016*. Any clearing of native vegetation requires consideration and possible authorisation under these policies.

²³ Part 2.3(1)(b) of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

4.6 Flood Planning

The site of ANH is not impacted by flooding.

4.7 Aboriginal Significance

ANH is subject to a Native Title Application under the Commonwealth *Native Title Act 1993* by the Gomeroi People.

A search of the *NSW Government's Office of Environment and Heritage AHIMS Web Services* did not reveal that:

- aboriginal sites are recorded in or near ANH.
- aboriginal places have been declared in or near ANH.

ANH does not contain any items listed in the LEP as being of known aboriginal archaeological sites, nor places of indigenous heritage significance.

Any construction undertaken by Council will need to meet the cultural heritage requirements of the *National Parks and Wildlife Act 1974*. As such, proposed disturbance or modification of the undeveloped areas of ANH may require a site-specific assessment of Aboriginal cultural features or values.

4.8 Heritage Significance

The objectives of heritage designations in the LEP are:

- to conserve the environmental heritage of Gwydir.
- to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.
- to conserve archaeological sites.
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

The LEP indicates that the area which includes the All Nations Hill is of Local Heritage Significance (Item Number 1006: *Bingara Stamper*, gazetted 30 August 2013). See Figure 6.

Any developments or alterations on or to this item, will require advice from the consent authority, Council, and may require consent.

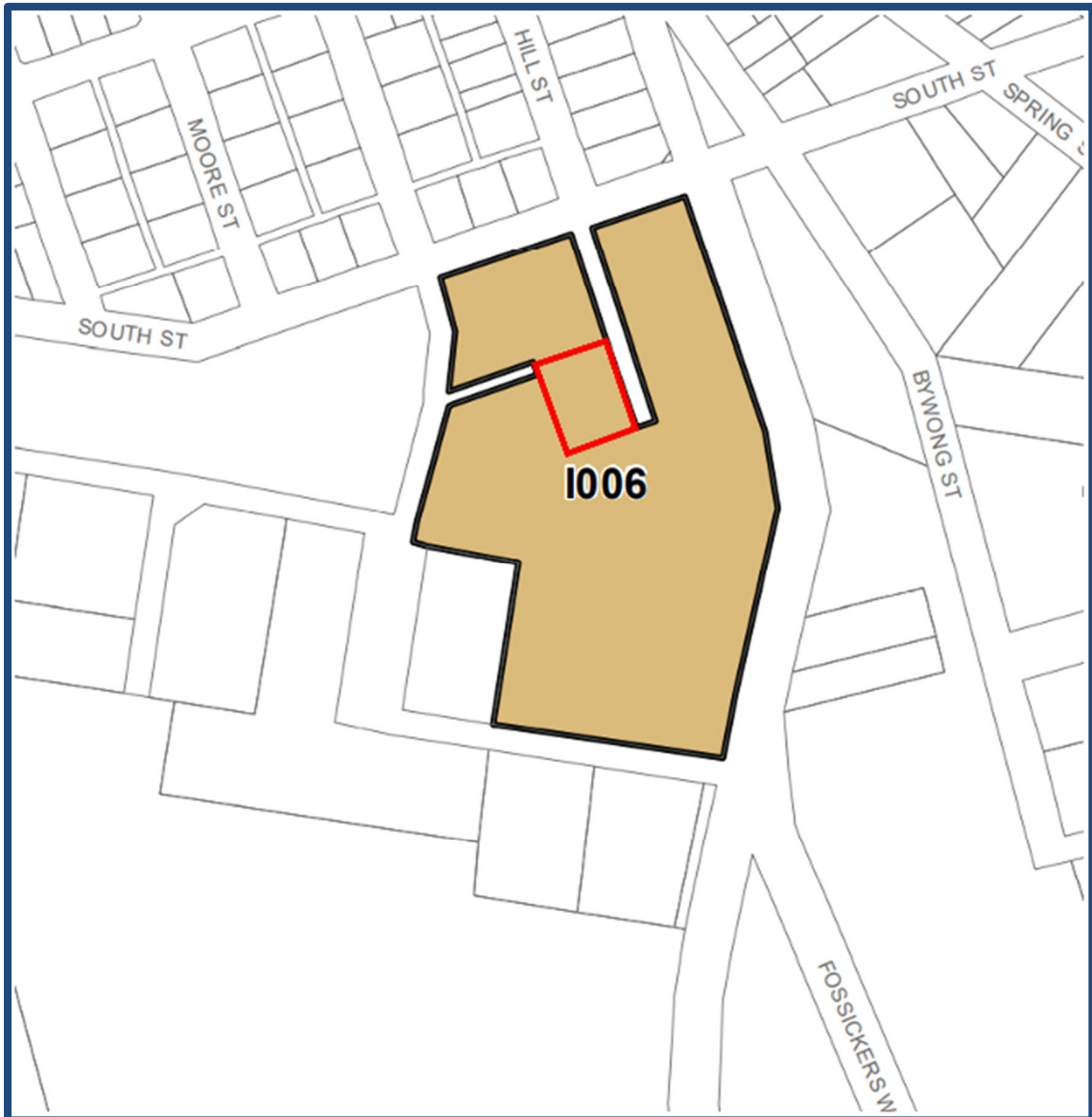


Figure 5 - LEP Heritage Plan
Heritage significance Item Number 1006 (fawn shading) includes Lot 15, All Nations Hill (red boundary).

4.9 Bush Fire Planning

Bushfire prone is defined as an area of land that supports a bush fire or is likely to be subject to bush fire attack, as designated on a bush fire prone land map.²⁴

The LEP indicates that ANH contains a small area of Category 1 Bushfire Hazard just within the southern boundary (shown in pink on Figure 6). Category 1 is considered the highest risk for bushfire (red on map), likely to be highly combustible vegetative materials and capable of forming fully developed fires including heavy ember production, and its management requires a 100 m buffer. The remainder of the site is Category 2 (yellow on map), considered a lower bushfire risk than Category 1, and should be provided a 30 m buffer.

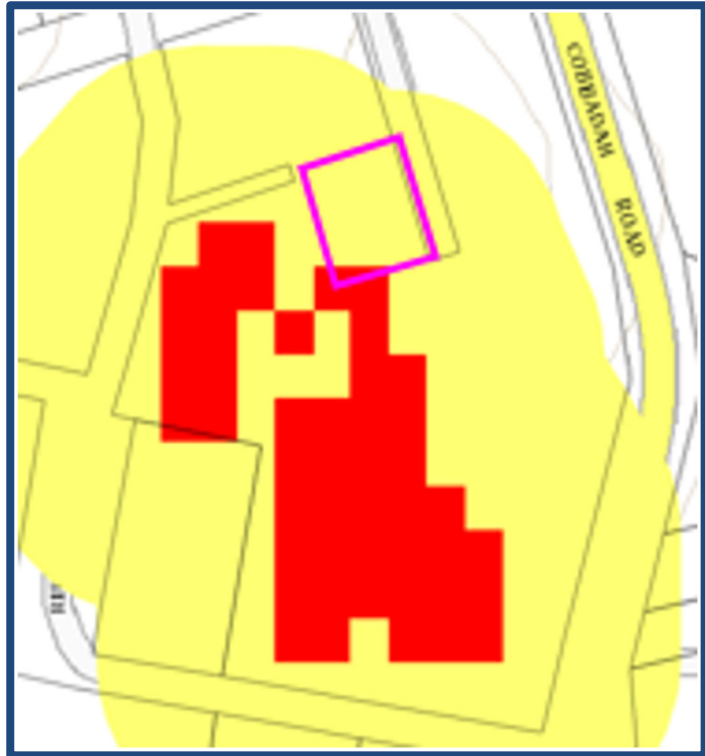


Figure 6 - Bushfire Hazard Plan

4.10 Operating Approvals

ANH has no operating approvals issued under the LG Act.

²⁴ Guide for Bush Fire Prone Land Mapping Version 5b November 2015: *NSW Rural Fire Services*.

5 THE PHYSICAL ENVIRONMENT

5.1 Topography, Geology and Soils

Landform

The landform at the site of ANH is the crest of a long ridge which generally runs from the south, northwards towards Hill Street. It has mainly a northerly and westerly aspect with views typical of NSW North Western Slopes. The slopes and distant mountain views beyond the Bingara Lookout to the north east and east, step up into the higher terrains of the Northern Tablelands.

Drainage from the site of ANH is south west towards Riddell Street and then crossing the Barraba Road towards Halls Creek (approximately 20 metres lower). Towards the northwest, runoff follows diffuse pathways towards the western extremities of the town where it crosses the Narrabri Road, the western streetscape of Bingara, Racecourse, Golf Course, and finally exiting into the Gwydir River some two kilometres distant.

Geology and Soils

The surface geology at ANH consists mainly of well weathered metamorphosed siltstones, mudstones, slates and shales (See Figure 7). Veins of quartz may also be evident in the weathered materials.



Figure 7 - All Nations Hill Surface Geology

This geology has produced a range of generally shallow gravelly skeletal soils. An early surveyor's plan (1953) covering the site of ANH refers to the area as "Gravelly Ridge" (Figure 8).

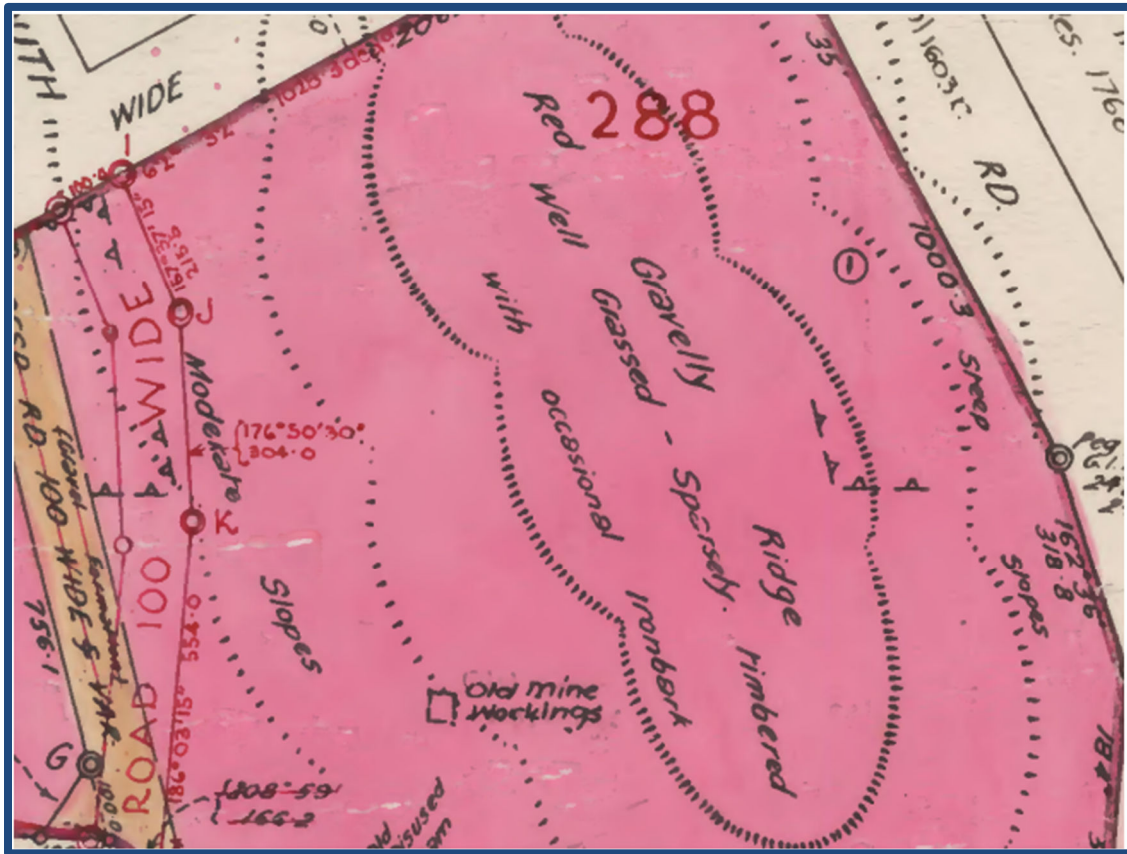


Figure 8 - Extract from Plan of Portion 288
The plan describes the physiography of the ridge which supports the All Nations Hill.

Where slopes are gentle to gradual (less than three percent) and some weathering depths are maintained in-situ, soils are clayey at depth with loamy to clay loam topsoils (0-15 cm). These are referred to as *Dermosols*.²⁵ They generally have reddish/brownish/yellowish clayey subsoils and at ANH, because of their gravel content and open porous structure, are reasonably well drained, with a slightly acid to neutral soils reaction trend.

Where slopes are steeper, they tend to be eroded either geologically, or from man induced disturbance which has occurred over the ANH site. Here soils are shallow (less than 30 cm to weathered rock), lacking textures contrast characteristics. These soils mainly occur as *Rudosols*.

Figure 9 shows two images of shallow soils (*Dermosols*) typical of ANH. (Note the gravelly skeletal nature with some evidence of reddish clay formation at depth.)

²⁵ Isbell R.F 1996: The Australian Soil Classification, Revised Edition.



Figure 9 - Exposed Soil Profiles
Exposed soil profiles (typical range) are shallow stony, with various degrees of profile differentiation with depth.

Overall, the site of ANH has experienced much disturbance in the past mainly due to the destructive nature of the mining which occurred there, and it is rare to find examples of natural soil profiles.

5.2 Native Vegetation

The natural vegetation of ANH has been greatly disturbed over the past 170 years, however the remnants which still exist, at least partially depict the original vegetation form belonging to the Grassy Woodlands structure of the Nandewar Bioregion²⁶ of northwestern NSW. The note on the early surveyor's plan (Figure 8) states the ridge which includes the area of ANH is: "... well grassed-sparsely timbered with occasional ironbark".

Figure 10 shows a recent strong recruitment of Silver Leaved Ironbark (*Eucalyptus melanophloia*) growing within a small section of ANH (within its western and southwestern boundary, beyond the mowed section). Isolated Wilga (*Geijera parviflora*) also occurs there in the understory, as does a thick ground cover of native grass species.

²⁶ The Nandewar Bioregion lies in northern NSW and across the Queensland border, bounded by the North Coast, New England and Brigalow bioregions. This bioregion is characterised by box woodlands. In addition to the range of box species (including White Box -*E. albens*), other species in Nandewar Bioregion include a range of Ironbark species, native pine species (*Callitris sp*) and understory species including Wilga (*Geijera parviflora*).



Figure 10 - Native vegetation at All Nations Hill

Plantings of a range of native trees, many endemic, have been part of general site enhancement in recent years (see foreground of left photo, Figure 11), which extends into the park-like setting (beyond the eastern boundary), providing improved aesthetics and shade for visitors to ANH as well as some habitat for biodiversity.



Figure 11 - Native tree plantings

Native trees have been planted on the grounds of ANH, extending into the rest area beyond the eastern boundary.

In ecological terms, the remnant native vegetation of ANH makes a moderate contribution to the ecological significance of the immediate area by providing habitat for native fauna, especially bird species. Its ecological significance, however, is elevated in that the ridge on which ANH is located,

represents a small yet important node close to a managed corridor of existing remnant and recently planted native vegetation which connects biodiversity values across the Bingara town and beyond. An enhancement of these values is being nurtured by Council²⁷, responding to the objectives of the Living Classroom initiative (see Bingara Town Strategy²⁸) and its extension, the Bingara Gardens Interpretative Agricultural Park. Through education and demonstration, natural on-farm values are integrated with food production in a future model for agriculture. The role of remnant vegetation is valued and enhanced, within this model.



*Figure 12 - Assets
The reconditioned Stamper Battery installed in 1890.*

²⁷ This project is also being assisted by contributions from Willoughby Council, and the North West Local Land Services (Warialda).

²⁸ Bingara Town Strategy (2011): *Gwydir Shire Council*.

6 CURRENT USES

ANH is a popular and valuable venue for the community and visitors to the Bingara district. It is used in the following ways:

- historical reflection and education
- viewing unique landscapes including rural and natural features
- resting, relaxation in the shade – a good stopover for the weary traveler
- picnicking
- walking and exercising
- dog leash-free area for exercising pets
- filming and photography

It is noted that camping is not permitted on ANH.



*Figure 13 - Assets
Metal enclosure fencing erected on the perimeter of the Stamper Battery site.*

There are no current leases or licences on ANH.

7 ASSESSMENT AND MANAGEMENT

7.1 Assessment of Infrastructure

The range of constructed assets within the boundary of ANH are shown in Figures 12-18, and include:

- the reconditioned historic Stamper Battery installed in 1890, with metal enclosure fencing
- the picnic shelter with seating and benches
- a water supply (underground poly pipe) and tap
- unsealed vehicular roads²⁹
- concrete shaft cappings, foundations for infrastructure
- signage
- landscaping including lawn and established native trees
- single waste station



Figure 14 - Assets
Sheltered picnic area with seating, benches and concrete slab floor.

²⁹ A small area of the sealed extension of Hall Street (the turning circle) protrudes into the (north-eastern) boundary of ANH.



Figure 15 - Assets
Inside the sheltered picnic area.



Figure 16 - Assets - Signage



*Figure 17 - Assets
Various concrete mine shaft cappings or pads for infrastructure demonstrate the history of mining at All Nations Hill.*



*Figure 18 - Assets
A water supply system has been installed at All Nations Hill and Waste station (right).*

Table 1 provides a listing of ANH's assets, each with an indicative condition rating (1-5) which guides maintenance requirements.

Table 1 - Condition of Assets at All Nations Hill Gwydir (July 2022)

ASSET	Cond.	ASSET	Cond.
Stamper Battery	2	Vehicular access (gravel)	3
Picnic Shelter	2	Educational/directional signage	2
Fences (stamper battery enclosure)	1	Waste station	2
Landscaping/lawn/trees	3	Water supply/tap	2

1. **Very Good** - Excellent overall condition
2. **Good** - Very good overall – early stages of deterioration – normal maintenance, minor repairs
3. **Fair** - Condition deterioration obvious, serviceability affected, significant maintenance required
4. **Poor** - Serviceability heavily impacted, maintenance cost high and significant renewal/major maintenance
5. **Very Poor** - Severe serviceability problems, immediate rehabilitation, requires over 50% asset renewal

7.2 Assessment of Management Requirements

The assets of ANH are basic, responding to the reserve size, location and function. There are no major maintenance issues other than routine, and overall, condition is fair to good.

The major asset is the majestically poised Stamper Battery which has been well restored with the support of the NSW Government, Council and Bingara Lions Club. Fencing around the Stamper Battery is adequate ensuring it remains secure and in good condition, however, normal weathering processes will require vigilance regarding regular maintenance. A permanent shelter by way of a skillion over the stamper may be an appropriate consideration to reduce maintenance requirements.

The other major asset, the picnic shelter, provides for visitors, requiring routine maintenance, particularly relating to its wooden components (painting and replacement as required).

The gravel vehicular track is used by visitors to gain close access to the well signposted stamper battery, and as a turning circle (between the shelter and the stamper) particularly for vehicles with vans and campers in tow. This track also permits access to the site from the west via Riddell Street. Moderate to steep slopes on this unsealed road surface requires consideration of the impacts of drainage during wet conditions, and erosion and general damage to the track.

7.3 Consultation and Future Use Options

This POM was drafted following consultation with:

- key Council staff
- members of the business community and local residents

Consultation identified the following additional requirements for new works and services:

- consider sealing gravel road component to avoid bogginess, washouts³⁰ or alternatively remove vehicular access beyond the current bitumen cul-de-sac.
- parking area to be allocated and designated with signage.
- redesign components within the picnic shelter to allow easy access and use by disabled visitors (eg. benches). Also, a “lip” between the concrete slab and the ground surface has developed, making it difficult for wheelchair access.
- solar lighting for casual use of shelter.
- road from the west (via Riddell Street) to the site in need of repairs due to erosion.³¹
- requires improved signage which actually tells the history/story of the mine and the stamper (1860-1948) – an information board, improved marketing of the site.
- hand washing facilities are absent - could be installed in conjunction with the new plumbing and water supply.

During the discussion regarding extra major facilities such as a BBQ setting, permanent night lighting and an amenities block, it was considered that the addition of such facilities were **not necessary or desirable** as the encouragement of visitations to ANH should consider the comfort and privacy of local residents as a priority. Night usage of ANH, for example, would be inconsistent with the prime attraction of the learning experience the site provides, based on sight lines and views, and reading and interpreting educational signage in daylight hours. After hours usage of ANH should generally be discouraged. It is noted that camping is not currently permitted at ANH.

³⁰ The main access to ANH from the Bingara side, is Hill Street which adjoins the eastern boundary. Access from the west via Riddell Street is located mainly outside the ANH northern boundary.

³¹ This area is outside the boundary of the ANH site.

PART B – THE PLAN

8 A VISION FOR THE ALL NATIONS HILL

A series of planning statements developed by Council build the directions for the future of the Gwydir Local Government Area. For instance, Council’s own vision is.³²

“To be the recognised leader in Local Government through continuous learning and sustainability”

And Council’s mission is:

“To ensure that the Council’s long-term role is viable and sustainable by meeting the needs of our residents in a responsible caring way, attract sustainable development while maintaining the traditional rural values, character and culture of our people”

Council worked towards this Mission during the process of developing its Community Strategic Plan which invites input from the community. The Gwydir Shire community vision is simple, yet embracing:

“Many Hands Make a Community”

This community vision is an acknowledgement that help and support across the shire is at least in-part, derived from a collaborative approach to the future. In particular, this has been the case in the development of the Bingara Town Strategy³³ which impacts on the future of Bingara, and the Crown land of ANH. The Bingara Town Strategy, articulates its own vision, which:

“seeks to build on the strengths of the town and district..... and to preserve and enhance those things our community values”

These statements, each created for varying purposes across the region, are linked by the area’s nature and environment, its landscape, its history, its economic capability and opportunity, its people, and through Council, the governance that prevails to guide the future. Flow-on economics and the value of tourism to the town and district, stimulated by a unique environment and history such as that demonstrated at ANH, is very much part of the future of Bingara.

³² Gwydir Shire Council *Community Strategic Plan 2017-2027*.

³³ Bingara Town Strategy (2011): *Gwydir Shire Council* July 2011.

The proposed vision statement for the management of ANH, capitalises on the area’s environment, community and history, and the economic opportunity brought to the town by tourism:

“All Nations Hill – A Showcase of Bingara’s Gold Mining Past”



Figure 19 - Land Categories

9 OBJECTIVES, CLASSIFICATION AND CATEGORY OF LAND

ANH is classified as community land under the LG Act as amended by the *Local Government Amendment (Community Land Management) Act 1998*.

Under Section 36 (4), all community land must be categorised as one of the following categories:

- Natural Area - (further categorised as either Bushland, Wetland, Escarpment, Foreshore, Watercourse)
- Sportsground
- Park
- Area of Cultural Significance; or
- General Community Use.

The Core Objectives for all community land categories vary according to the categorisation of the land. All objectives are defined in Sections 36E to 36N of the LG Act and also appear in **Appendix 1**, of this POM.

In accordance with the guidelines set out in the *Local Government (General) Regulation 2021* and Practice Note 1: Public Land Management (Department of Local Government Amended 2000) and the derived management directions and planning principles presented above, land at ANH should be categorised (see Figure 19) as:

- **Area of Cultural Significance, and**
- **Park**

9.1 Area of Cultural Significance

Relevant Core Objectives for management of community land categorised as an **Area of Cultural Significance** are to retain and enhance the cultural significance of the area (namely its Aboriginal, aesthetic, archaeological, historical, technical, research or social significance) for past, present or future generations by the active use of conservation methods.

Those conservation methods may include any or all of the following methods:

- a. the continuous protective care and maintenance of the physical material of the land, buildings or of the context and setting of the area of cultural significance.
- b. the restoration of the land and buildings, that is, the returning of the existing physical material of the land and buildings to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

- c. the reconstruction of the land and buildings, that is, the returning of the land and buildings as nearly as possible to a known earlier state.
- d. the adaptive reuse of the land and buildings, that is, the enhancement or reinforcement of the cultural significance of the land and buildings by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact).
- e. the preservation of the land and buildings, that is, the maintenance of the physical material of the land or buildings in its existing state and the retardation of deterioration of the land and buildings.

This categorisation acknowledges heritage value of gold mining in the district, well demonstrated near the Bingara township, at ANH.

Description and Location

The Area of Cultural Significance category occupies a section in the centre of R.94632 (shaded yellow on Figure 19), including the site of the Stamper Battery and associated works, and signage.

Management Objective

Management of the historical precinct within the Area of Cultural Significance Category (the Stamper Battery and immediate surrounds) will focus on acknowledgement of the significance and the historical events which occurred at the site of ANH, by demonstration through appropriate signage and access. This will consider the maintenance and where possible, improvements of all historical assets as appropriate.

9.2 Park

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

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

Description and Location

The area categorised as Park occupies the remainder of R.94632, (shaded blue on Figure 19), consisting of the area of the picnic shelter, lawns and landscaping (including tree planting), driveways, tracks/parking area, waste station, watering system and signage.

Management Objective

Management of the area categorised as Park will embrace modifications to existing assets designed to encourage greater usage and also meet the demands of increases in visitation, as well as an additional work designed to improve protection against weathering of the Stamper Battery asset.

The management of the area of native vegetation nearby will include standard practices for maintaining and enhancing natural values. This will generally be passive management, precluding any major intervention other than management of ground cover levels, protection of tree regrowth where it occurs, weed control and bushfire protection works.

All environmental values will require management in accordance with policy and legislation. No works are to occur without obtaining the required approvals under all applying biodiversity and environmental legislation which may require appropriate creation of environmental impact offsets.

10 DEVELOPMENT AND MANAGEMENT OF ANH

10.1 ANH Management

Council reserves the right to control the use of community land including ANH.

Council intends to:

- create opportunities for community consultation and participation in the planning and development as required.
- consider and attempt to balance the need for community recreation facilities with the impact development that such sites will have on local residents.
- provide an efficient method and process for approval of all agreed improvements and developments which meet the needs of a growing community.
- consider access to recreational facilities for all users.
- ensure all formal use of ANH is authorised through appropriate documentation.
- allow casual informal use consistent with Council's policies and procedures.
- consider how use of the site can provide funding for the maintenance of facilities for ANH.
- recognise that the ongoing viability of ANH is dependent on the ongoing viability for ANH visitors.
- facilitate a system whereby enquiries and complaints from the public can be efficiently and promptly dealt with.

Council will issue leases and licences as described in Section 10.3

Restrictions on Use and Development

When proposing any act that may affect Native title on Crown land the act must be authorised through Part 2 Division 3 of the *Native Title Act 1993 (Cwlth)*.

Management Structure

Council manages ANH directly.

10.2 Permitted Uses and Activities at ANH

Access by the public will be permitted and encouraged at ANH, subject to signage and usage protocols established by Council.

Permissible Uses

Table 2 lists the permissible uses on the land, across all categories considered in this POM, subject to Council assessment, approvals and booking/hire systems, with their scale and intensity.

Table 2 - Permissible Uses

Use	Scale	Intensity
Access roads	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Amenities	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Alternate energy technology	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Art and cultural classes and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to any Hire Agreement, Tenure and/or Development Application conditions for a specific event
Business Operations related to reserve purpose	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Car parking	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Children's programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement
Community events (fundraising/charity events, special events)	Limited to the hours the facility is booked Agreement via tenure or hire agreement	7 days a week, 8.00am – 10.00pm
Drainage and irrigation	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Education Services	Limited to the physical constraints of the facility	24 hours a day, 7 days a week subject to Tenure or Hire Agreement
Emergency use	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Filming and photography (commercial, amateur)	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week subject to Tenure
Landscaping	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Maintenance buildings and infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Mobile food vendors	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement
Passive recreation	Limited to the physical constraints of the facility and/or to the requirements of the activity	7 days a week, sunrise – 10.00pm
Paths	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Playing of a musical instrument, or singing, for fee or reward	Limited to the physical constraints of the facility	Operating hours subject to Tenure or Hire Agreement

Use	Scale	Intensity
Private events (i.e., weddings, birthdays)	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement
Public performance or education	Limited to the physical constraints of the facility and/or to the requirements of the activity	Operating hours subject to Tenure or Hire Agreement
Public utility infrastructure	Limited to the physical constraints of the facility	24 hours a day, 7 days a week
Remediation works	Subject to noise, workplace health and safety and relevant legislation	24 hours a day, 7 days a week
Shade structures	Limited to the physical constraints of the facility and/or to the requirements of the activity	24 hours a day, 7 days a week
Sponsorship signage (temporary)	As per Section 11.12	24 hours a day, 7 days a week
Telecommunication facilities	Subject to relevant legislation	24 hours a day, 7 days a week
Temporary structures (i.e., marquees, tents, stages)	Limited to the physical constraints of the facility	Temporary structures (no pegs, weighted only)
Youth programs and events	Limited to the physical constraints of the facility and/or to the requirements of the activity	8.00am – 10.00 pm, 7 days a week subject to Tenure or Hire Agreement

It is an express provision of this POM that Council shall provide from time to time as circumstances may require the construction and maintenance of utility services, provision and maintenance of vehicular access ways and the granting of easements.

10.3 Leases, Licences and other Estates

For this section, please see the Explanation of Terms³⁴ set out below.

Council may allow use of community land by a casual user for any permissible use (see Section 11.2). However, Council may require a form of authorisation for a permissible use to be undertaken.

The authorisation in a POM gives ‘in principle’ support for activities, uses and developments consistent with the objectives for land categorisation to proceed to development assessment under the *Environmental Planning and Assessment Act 1979*, if required.

This POM does not in itself imply or grant consent for activities, uses or developments. Any proposed uses and developments which are consistent with this POM must still be referred for development consent and where required, be advertised widely for information and invitation to comment. Any subsequent application for development consent would be supported by and assessed against this POM.

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 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 licensed for periods of more than five years if public notice is given according to the requirements of Sections 47 and 47A of the LG Act.

³⁴ Explanation of Terms

Tenure	A lease, licence or other estate issued by Council in accordance with Section 46 of the LG Act or Section 2.20 of the CLM Act.
Hire Agreement	An estate issued by Council.
Holder	The company, organisation, individual or group of individuals who have been issued with a Tenure.
Hirer	The company, organisation, individual or group of individuals who have been issued with a Hire Agreement.
Regular hirer	A hirer who regularly uses the GRR through a Hire Agreement or has an ongoing Hire Agreement.
Singular hirer	A Hirer who has a Hire Agreement as a once off or irregularly.
Casual user	A person or group of people using the GRR for passive recreation, non-commercial purposes without a Tenure or Hire Agreement.
User	The collective term for a holder, hirer and casual user.

Leases

A lease will be generally required where exclusive use or control of all or part of community land is desirable for effective management. A lease may also be required when the scale of investment in facilities, necessity for security measures, or where the relationship between a holder and facilities on community land justifies such security of tenure.

Leases issued by Council will require:

- that subleases or any other supplementary tenures can only be issued by the Holders with the approval of Council, and consistent with Section 47C of the LG Act.
- responsibilities for maintenance of the facility will be as indicated in the lease.
- all leases will be negotiated in a manner that provides quality outcomes to the community.

Licences

Licences allow multiple and non-exclusive use of an area. A licence may be required where intermittent or short-term use or control of all or part of the community land is proposed. A number of licences for different holders can apply to the same area at the same time, provided there is no conflict of interest.

Hire Agreements

An agreement for use of the land subject to this POM may be issued by Council for any purpose listed below, subject to the approval of Council. A hire agreement may be issued to a regular hirer or a singular hirer for formal use. Any legal requirements as determined by Council will include the requirement for adequate public liability insurance cover.

Purposes for which Tenures may be issued

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 Table 2
- for purposes consistent with ANH's:
 - categorisation (see Section 10.1), and
 - zoning (see Section 4.1) under Section 46 of the LG Act, and

- reserve purpose of Preservation of Historical Sites and Buildings 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 being:

- | | |
|--|--|
| a. access through a reserve | n. hiring of equipment |
| b. advertising | o. holiday accommodation |
| c. camping using a tent, caravan or otherwise | p. markets |
| d. catering | q. meetings |
| e. community, training or education | r. military exercises |
| f. emergency occupation | s. mooring of boats to wharves or other structures |
| g. entertainment | t. sales |
| h. environmental protection conservation or restoration or environmental studies | u. shows |
| i. equestrian events | v. site investigations |
| j. exhibitions | w. sporting and organised recreational activities |
| k. filming (as defined in the LG Act) | x. stabling of horses |
| l. functions | y. storage. |
| m. grazing | |

Council may grant a lease, licence or other estate in respect of community land for:

- a purpose prescribed by Section 36I as
 - a core objective of the categorisation of the land and subject to being consistent with ANH purpose; or
 - for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to Public Recreation and Community Purposes.

A tenure or hire agreement on Crown land may impact native title rights and interests. Apart from the tenure/hire agreements authorised above³⁵, which are valid acts under Section 24JA of the *Native Title Act 1993*, any use agreement issued on Crown land must be issued in accordance with the future act provisions of the *Native Title Act 1993* and in accordance with Part 8 of the CLM Act 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.

Council at any time in the future, reserves the right to prohibit the taking or consumption of alcohol on ANH. This will be indicated by conspicuously displayed signs in accordance with Section 632 and Section 670 of the *Local Government Act, 1993* (as amended).

³⁵ This does not include Business Operations, Commercial Premises, Advertising (Business) or Storage (Business).

Direction of Funds

Income produced from ANH will be retained for use on ANH.

10.4 Other Approvals

An approval to occupy land or facilities for a specific purpose does not remove the need to obtain approval under other legislation. These approvals may include:

- a liquor licence
- to engage in a trade or business
- to direct or procure a theatrical, musical or other entertainment for the public
- to construct a temporary enclosure for the purpose of entertainment
- to play a musical instrument or sing for fee or reward
- to set up, operate or use a loudspeaker or sound amplifying device
- to deliver a public address or hold a religious service or public meeting with the use of a loudspeaker
- to install or operate amusement devices
- to operate a caravan park or camping ground
- to use a standing vehicle or any article for the purpose of selling any article in a public place.

10.5 Allocation

ANH will continue to be used by a variety of user groups and individuals for purposes previously noted. Council will endeavor to generate greater utilisation of ANH for community purpose and other activities consistent with ANH's purpose.

10.6 Fees

Council applies fees for the use of Council reserves.

The fees associated with the hiring of Council reserves for major events, concerts, functions etc., are detailed in Council's Fees and Charges Policy on Council's website. Council's fee structure is reviewed on an annual basis.

Where ANH is to be hired for a purpose not within Council's Fees and Charges Policy, the fee will be set by Council.

10.7 Communication in the Management of ANH

Communication between Council and users is important for the success of this POM. Council will establish and maintain clear lines of communication with reserve users through appropriate signage.

10.8 Easements

Council reserves the right to grant easements as required for utilities and access, bearing in mind the impact of such easements on the site.

The granting of easements over Crown land will be subject to the provisions of the Native Title Act 1993 and Division 8.7 of the *Crown Land Management Act 2016*.

10.9 Development at ANH

Under this POM, Council reserves the right to control the use of all land categorised at ANH as Area of Cultural Significance and Park.

Council approval is required prior to any development or improvement made to community land.³⁶

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.³⁷

To facilitate the establishment of the new and restored infrastructure, Council may issue tenders to design and establish new facilities, additional car parks, access roads, land development and landscaping, and installation of associated and required facilities at ANH.

³⁶ Section 2.74 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* provides that development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the *Local Government Act 1993* (see Appendix 2).

³⁷ The term approval refers to approval as Crown land manager of the land rather than consent under the *Environmental Planning and Assessment Act 1979*.

Council will also:

- consider how use of the site can provide funding for the maintenance of the facilities at ANH to reduce costs to Council and employ human services as required.
- issue leases and licences for appropriate activities at ANH as described in Section 10.3.
- create opportunities for community consultation and participation in the planning and development at ANH as required.

Native Title

Where it is proposed to construct or establish a public work³⁸ on reserved or dedicated Crown land, where Native title is not extinguished, prior to approval Council will notify and give an opportunity for comment from any representative Aboriginal/Torres Strait Islander bodies, registered Native title bodies corporate and registered Native title claimants in relation to the land or waters covered by the reservation or lease as required under the *Native Title Act 1993*.

Where a proposed update of a Capital Works Program, Facilities Asset Management Plan or any other plan is the approving documentation for a public work on Crown land, that approval will not be given unless the requirements of the *Native Title Act 1993* have been addressed including the notification and opportunity to comment noted above.

10.10 Development of New and Improvement of Existing Facilities

It is proposed to install new and improved facilities (see Figure 20) including the following:

- Install skillion roof to further protect the historic Stamper Battery asset.
- Install hand washing facility in conjunction with installed water supply.
- Close off the gravel/earth access from Riddell Street.³⁹ Restore /revegetate area and apply rock bollards to restrict further vehicular access.

³⁸ A public work is defined as:

(a) any of the following that is constructed or established by or on behalf of the Crown, or a local government body or other statutory authority of the Crown, in any of its capacities:

(i) a building, or other structure (including a memorial), that is a fixture; or
(ii) a road, railway or bridge; or
(iia) where the expression is used in or for the purposes of Division 2 or 2A of Part 2--a stock-route; or
(iii) a well, or bore, for obtaining water; or
(iv) any major earthworks; or

(b) a building that is constructed with the authority of the Crown, other than on a lease.

Major earthworks are defined as:

earthworks (other than in the course of mining) whose construction causes major disturbance to the land, or to the bed or subsoil under waters.

³⁹ Only the far extension of Riddell Street is located within the boundary of ANH. Suggest seal whole upper section of Riddell Street.

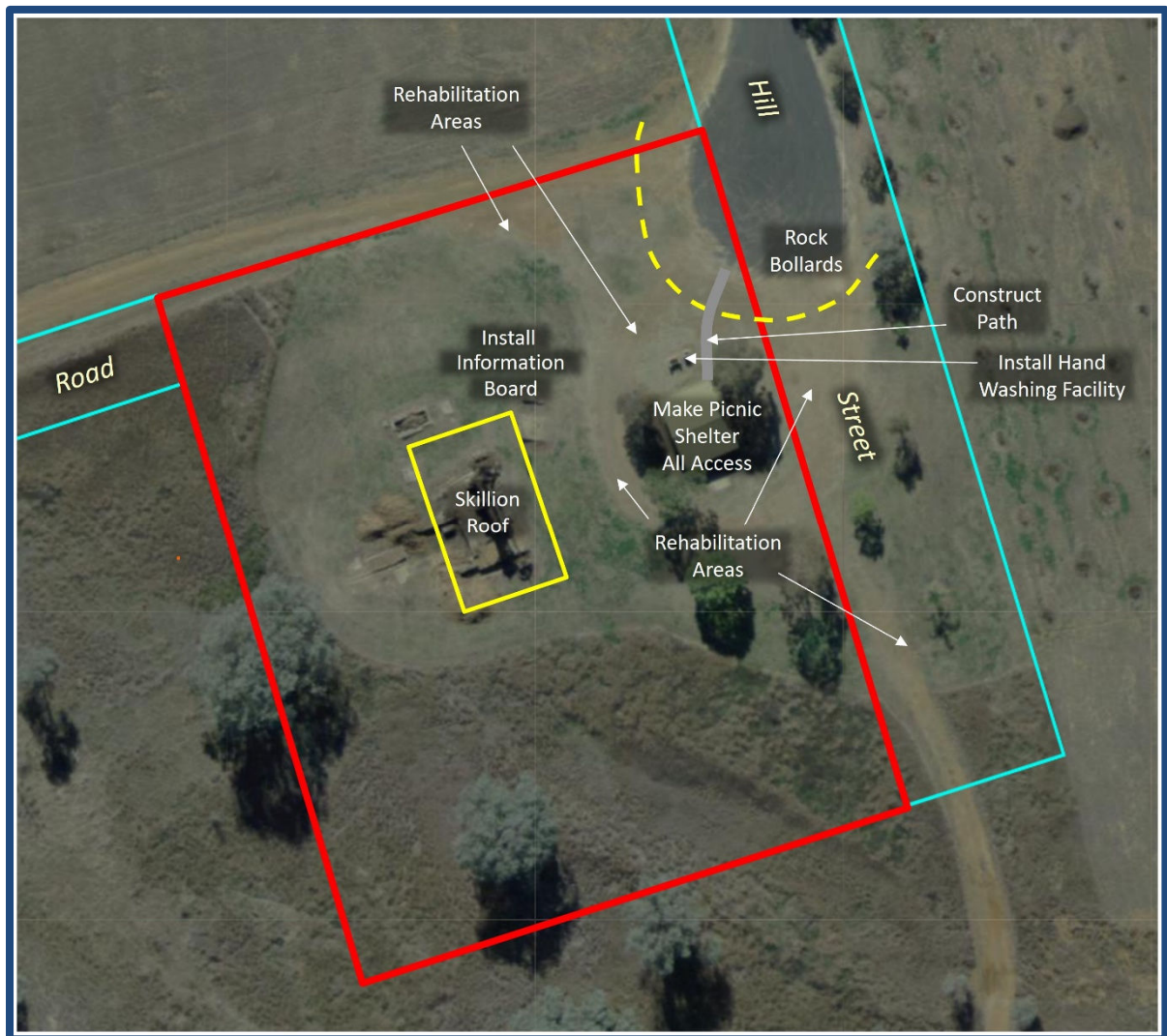


Figure 20 - Development at ANH

- Rehabilitate and revegetate the turning circle section of gravel track which extends between the Stamper Battery and picnic shelter. Place rock bollard to avoid further vehicular use of that section.⁴⁰
- Rehabilitate and revegetate any further areas which are currently bare and void of vegetation, especially the area immediately north and west of the picnic shelter.
- Redesign components of the picnic shelter to allow easier access and use by disabled visitors, avoiding any benches and other blockages to easy use by wheelchairs.
- Level and seal ground surface around the slab of the picnic shelter also allowing easy wheelchair access.
- Install solar lighting for casual use of shelter to enable some illumination around shelter early evening hours only.

⁴⁰ Note that if a turning area for vehicles in tow of vans/trailer is required, suggest this occur outside the area of ANH site as a sealed extension of Hill Street, possibly utilising the area between the planted trees near the ridge to the east.

- Install new signage which tells the history/story of the mine and the Stamper Battery (1860-1948) – an information board.

Council approval is required prior to any development or improvement made to community land.

All major developments and improvements to be funded (solely or partially) by Council will be subject to Council approval.

10.11 Maintenance of Facilities

In accordance with the maintenance schedule of its asset management plans, building management plans and grounds management plans, and to measured targets within available resources, Council will ensure the facilities on ANH are maintained to an appropriate standard.

Council will:

- conduct essential repairs and maintenance to all facilities.⁴¹
- undertake monitoring of the condition of structures on ANH by appropriately qualified monitors⁴² and ensure effective maintenance procedures are in place.
- prepare a safety audit of the site and repair or replace any areas that may impact on public safety.
- ensure the efficient and conservative use of water, pesticides, herbicides and fertilisers across ANH where required.
- ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish.
- continue monitoring for issues of compliance and general site amenity.
- maintain existing track network within (and surrounding) ANH.
- ensure site is managed in accordance with relevant approved Bushfire Management Plan.

10.12 Signage

Council uses signs to regulate the activities carried out on community land and to provide educational information so as to provide a safe and enjoyable place for passive and active recreational pursuits.

Whilst signs are a crucial source of information, they have a significant impact on the aesthetics of a reserve such ANH. All signs must:

⁴¹ Includes restitution of all assets which suffered flood damage during the floods of September-October 2022. Also, essential landscape repairs including desilting, key stream bank repairs, de- snagging in accordance with legislation, etc.

⁴² In the case of the Stamper this may require an engineer experienced in maintenance of heritage structures.

- meet a design standard and be approved by Council.
- be sympathetic to their environment in their design, construction and location.
- be placed in accordance with *State Environmental Planning Policy (Industry and Employment) 2021* or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Note that for issues of safety signage, Council uses the *Statewide Mutual Best Practice Manual – Signs as Remote Supervision*.

Where a sign requires development consent,⁴³ Council must approve as owner, the lodging of a Development Application prior to assessment by Council in accordance with Schedule 5 Assessment Criteria of the I&E SEPP.

Where a sign does not require development consent, Council must approve the sign before erection.

All Council signs erected under Section 632 of the *Local Government Act*, plus reserve name signs and traffic and safety signs, are permissible.

Proposed Signage

Council will ensure the following signage is on ANH:

- directional signage for the purposes of guiding the community to required infrastructure and services.
- signage for safety purposes including speed limitations and evacuation procedures.

⁴³ Development consent is not required if the sign is to be erected for the purposes of implementing this POM.

11 FINANCIAL SUSTAINABILITY

Income may be sourced from the following:

- **Council's General Revenue Fund (in accordance with annual operational budgets):** Where ANH is being used for informal casual use, Council will contribute to the maintenance and development of Infrastructure.
- **Section 7.11 (Environmental Planning and Assessment Act 1979) contributions specifically collected for community land:** This component occurs as developer's contributions for the general use of community land for community well-being.
- **User pays for minor infrastructure works associated with nominated facilities:** This occurs through fund raising by the relevant body including entry fees and sales.
- **Community contributions by way of sponsorships and community group projects** (eg., service clubs such as Rotary, Lions Club, Local Land Services, Willoughby City Council etc): This occurs through grants either sourced externally, and/or contributed locally by the group (eg., for the purposes of environmental works, landscaping works, facilities such as shelters and seating, social and intellectual well-being etc. and other improvements).
- **Grant and loan funding from either Commonwealth or State Governments:** The implementation of the management structure will allow primary users to apply for funds from a number of government bodies with the concurrence of Council. Council may also apply for these funds. Funding opportunities exist from government programs including the Crown Reserves Improvement Fund managed by the Department of Planning, Housing and Infrastructure – Crown lands.
- **Income from commercial operations:** Where tenures are involved, ticket and product sales etc., income will arise as per details in the revenue-split in the corresponding agreement.

In order to address the outstanding and future maintenance requirements at ANH, and permit any required new developments as proposed in this POM, it is important that all income which is generated from ANH be returned to ANH, and that this should be clearly demonstrated in Council's financial statements. Ensuring appropriate rental and fees for formal use of the site will assist in the maintenance of specialised infrastructure.

12 IMPLEMENTATION PLAN

Table 3 sets out a number of actions which enable the identified Management Strategies and Performance Targets within ANH. These actions are the means of achieving the objectives of the POM. A clear indication of how the completion of the aims will be assessed is also provided in the table under Performance Evaluation.

Table 3 - Implementation Table

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
AREA OF CULTURAL SIGNIFICANCE			
To retain and enhance the cultural significance of the area (including its historical, technical, research or social significance) for past, present or future generations by the active use of conservation methods.	<p>A. Implement the required continuous protective care and maintenance of the physical material of the land, namely its aesthetic, historical, technical or research of social significance for past, present or future generations by the active use of conservation methods.</p> <p>B. Complete the required restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state.</p> <p>C. Complete required reconstruction of the land that is, the returning of the land as nearly as possible to a known earlier state.</p> <p>D. Implement adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses that involve no change to the land's cultural significance.</p> <p>E. Preserve the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.</p> <p>NOTE: "land" includes a reference to any buildings erected on the land.</p>	<ol style="list-style-type: none"> 1. Install skillion roof to further protect the historic Stamper Battery asset. 2. Install new signage which tells the history/story of the mine and the stamper (1860-1948) – an information board. 3. Conduct essential repairs and maintenance to all assets. 4. undertake monitoring of the condition of structures on ANH by appropriately qualified monitors and ensure effective maintenance procedures are in place. 5. Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. <ol style="list-style-type: none"> 1. Ensure appropriate management of all vegetated land in accordance with Council's work schedules. 2. Council officers to continue monitoring for issues of compliance and general site amenity. 3. Ensure regular collection of rubbish and elevate compliance activities against illegal dumping of rubbish. 4. Install (further) appropriate signage as required. 	<ul style="list-style-type: none"> • New works installed effectively and appropriately (skillion, signage). • Historical structures show no significant deterioration. • Land areas appropriately tidy and well managed, aesthetics maintained. • Maintenance conducted in timely fashion, no outstanding maintenance issues. • No issues caused by poor safety standards involving public use of the Area of Cultural Significance. • Rubbish removed in timely fashion. • Aesthetic and environmental qualities improved through strategic establishment of trees and shrubs. • No major issues of damage through vandalism of park amenity. • Invasive weeds well controlled. • Signage is clear, appropriately designed and unobtrusive.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
PARK			
To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and	A. Ensure the management of the Park category land allows for ready access by people and visual connectivity to open space.	<ol style="list-style-type: none"> 1. Erect signage in accordance with Schedule 5 I&E SEPP and approved by Council. 2. Ensure appropriate slashing/mowing of all grounds in the Park area. 3. Prepare a safety audit of the site and repair or replace any areas that may impact on public safety. 	<ul style="list-style-type: none"> • Park area managed in accordance with stipulated legislative requirements. • Signage is clear and unobtrusive. • Park is well used by a range of user groups. • No issues caused by poor safety standards involving public use of the Park area.
To provide for passive recreational activities or pastimes and for the casual playing of games, and	B. Maintain the amenity and quality of the existing Park settings and facilities.	<ol style="list-style-type: none"> 4. Monitor the condition of structures and ensure effective maintenance procedures are in place. 5. Council officers to continue monitoring for issues of compliance and general site amenity. 6. Conduct essential repairs and maintenance to all facilities, as required. 7. Conduct further strategic native tree planting where necessary and possible to improve aesthetics, amenity. 8. Manage Bushfire Hazard in accordance with local Bushfire Management Plan. 9. Ensure appropriate slashing/mowing of open areas. 10. Ensure regular collection of rubbish. 	<ul style="list-style-type: none"> • Park users comment favorably, no negative reports. • Grounds well managed, landscaped. • Maintenance conducted in timely fashion, no outstanding maintenance issues. • Rubbish removed in timely fashion. • Aesthetic and environmental qualities improved through strategic establishment of trees and shrubs. • No major issues of damage and abuse to park amenity. • Invasive weeds well controlled.

Management Objectives	Management Strategies	Actions	Performance Evaluation (how they will be assessed)
<p>To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.</p>	<p>C. Upgrade and improve the existing Park infrastructure.</p>	<ol style="list-style-type: none"> 11. Install hand washing facility in conjunction with installed water supply. 12. Close off the gravel/earth access from Riddell Street. Restore /revegetate area and apply rock bollards to restrict further vehicular access. 13. Rehabilitate and revegetate the turning circle section of gravel track which extends between the Stamper Battery and picnic shelter. Place rock bollard to avoid further vehicular use of that section.⁴⁴ 14. Rehabilitate and revegetate any further areas which are currently bare and void of vegetation, especially the area immediately north and west of the picnic shelter. 15. Redesign the picnic shelter to allow easy access and use by disabled visitors, avoiding any benches and other blockages which may impede wheelchair access. 16. Level and seal around the slab of the picnic shelter also allowing easy wheelchair access. 17. Install solar lighting for casual use of shelter. 	<ul style="list-style-type: none"> • Facilities upgraded according to works plans, to cost, and are well utilised by visitors. • Park is landscaped, attractive and well maintained. • Disabled access issues addressed and working. • Road and track maintenance issues reduced.

⁴⁴ Note that if a turning area for vehicles in tow of vans/trailers is required, this can occur outside the area of ANH site as a sealed extension of Hill Street, possibly utilising the area between the planted trees near the ridge to the east.

13 CONSULTATION DURING THE PREPARATION OF THIS PLAN

Community consultation is an important source of information necessary to provide an effective POM for community land and is a requirement under Section 38 of the LG Act. As such, Council is committed to the principles and activities within the participating community which guide Council's decision-making processes. Such participation creates the opportunity for interested parties to become actively involved in the development of a plan which reflects the needs, opinions and priorities of people using ANH.

Section 38 of the LG Act requires that:

- Council must give public notice of a draft POM.
- The period of public exhibition of the draft plan must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to Council.
- Council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

This POM was placed on public exhibition from [XX/XX/XXXX to XX/XX/XXXX], in accordance with the requirements of Section 38 of the LGA.

A total of [XX] submissions were received. Council considered these submissions before adopting the POM. In accordance with Section 39 of the LGA, prior to being placed on public exhibition, the draft POM was referred to the Department of Planning, Housing and Infrastructure – Crown lands, as representative of the State of New South Wales, which is the owner of the Reserve. Council has included in the plan any provisions that have been required by the Department of Planning, Housing and Infrastructure – Crown lands.

In accordance with Section 70B of the *Crown Land Management Regulation 2018* Council will obtain consent of the Minister administering the CLM Act prior to adopting this POM (see **Appendix 3**).

Notice was provided to the Minister for Lands and Water in accordance with Section 39 of the LG Act. The consent of the Minister for Lands and Water is required under clause 70B of the *Crown Land Management Regulation 2018*.

Prior to adoption, notice was given to the Chief Executive of the Office of Environment and Heritage as required under Section 36D(3)(d) of the *Local Government Act 1993*.

14 APPENDICES

1. Core Objectives for Categories of Community Land
2. Relevant State Environmental Planning Policies
3. Key steps in preparing the first POM for Crown Reserves.

15 REFERENCES

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Appendix 1

CORE OBJECTIVES FOR CATEGORIES OF COMMUNITY LAND (*Local Government Act 1993*):

36E Core objectives for management of community land categorised as a natural area

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 *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*.

36F Core objectives for management of community land categorised as a sportsground

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

- a. to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and
- b. to ensure that such activities are managed having regard to any adverse impact on nearby residences.

36G Core objectives for management of community land categorised as a park

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

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

36H Core objectives for management of community land categorised as an area of cultural significance

1. The core objectives for management of community land categorised as an area of cultural significance are to retain and enhance the cultural significance of the area (namely its Aboriginal,

aesthetic, archaeological, historical, technical or research or social significance) for past, present or future generations by the active use of conservation methods.

2. Those conservation methods may include any or all of the following methods:
 - a. the continuous protective care and maintenance of the physical material of the land or of the context and setting of the area of cultural significance.
 - b. the restoration of the land, that is, the returning of the existing physical material of the land to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
 - c. the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state.
 - d. the adaptive reuse of the land, that is, the enhancement or reinforcement of the cultural significance of the land by the introduction of sympathetic alterations or additions to allow compatible uses (that is, uses that involve no changes to the cultural significance of the physical material of the area, or uses that involve changes that are substantially reversible or changes that require a minimum impact).
 - e. the preservation of the land, that is, the maintenance of the physical material of the land in its existing state and the retardation of deterioration of the land.
3. A reference in subsection (2) to land includes a reference to any buildings erected on the land.

36I Core objectives for management of 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:

- a. in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and
- b. 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).

36J Core objectives for management of community land categorised as 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 micro-organisms) 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
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- d. to minimising or mitigating any disturbance caused by human intrusion, and 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.

36K Core objectives for management of community land categorised as wetland

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

- a. 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
- b. to restore and regenerate degraded wetlands, and
- c. to facilitate community education in relation to wetlands, and the community use of wetlands, without compromising the ecological values of wetlands.

36L Core objectives for management of community land categorised as an escarpment

The core objectives for management of community land categorised as an escarpment are:

- a. to protect any important geological, geomorphological or scenic features of the escarpment, and
- b. to facilitate safe community use and enjoyment of the escarpment.

36M Core objectives for management of community land categorised as a watercourse

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

- a. to manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and
- b. to manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and
- c. to restore degraded watercourses, and
- d. to promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

36N Core objectives for management of community land categorised as foreshore

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

- a. 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 foreshore's role as a transition area,
and
- b. to facilitate the ecologically sustainable use of the foreshore, and to mitigate impact on the foreshore by community use.

Appendix 2

STATE ENVIRONMENTAL PLANNING POLICIES WHICH ARE RELEVANT TO ANH

State Environmental Planning Policy (Transport and Infrastructure) 2021

The *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&I SEPP) commenced in New South Wales on 1 March 2022 consolidating 4 earlier SEPPs focused on employment and advertising. The T&I SEPP focuses on:

- Infrastructure containing planning rules and controls for infrastructure in NSW, such as for hospitals, roads, railways, emergency services, water supply and electricity delivery.

The T&I SEPP provides that certain types of works do not require development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Section 2.20 of the T&I SEPP provides that a range of works are “exempt development” when carried out for or on behalf of a public authority (including Gwydir Shire Council). These works are itemised in Schedule 1 of the SEPP and include paths and ramps for disabled access, fencing, firefighting emergency equipment, small decks, prefabricated sheds of up to 30m² in area, retaining walls up to 2m in height, landscaping including paving and access tracks, minor external and internal alterations to buildings, open car parks (size is not specified) and demolition of buildings covering an area of up to 100m².

Section 2.74 of the T&I SEPP further provides that Development for any purpose may be carried out without consent on Crown managed land, by or on behalf of a Crown land manager of the land if the development is for the purposes of implementing a plan of management adopted for the land in accordance with the LG Act. Further, any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

- a. development for any of the following purposes:
 - i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges
 - ii. recreation areas and recreation facilities (outdoor), but not including grandstands
 - iii. visitor information centres, information boards and other information facilities
 - iv. lighting, if light spill and artificial sky glow is minimised in accordance with the lighting for roads and public spaces standard
 - v. landscaping, including landscape structures or features (such as artwork) and irrigation systems
 - vi. amenities for people using the reserve, including toilets and change rooms
 - vii. food preparation and related facilities for people using the reserve
 - viii. maintenance depot
 - ix. portable lifeguard towers.
- b. environmental management works

- c. demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).
- Educational establishments and childcare facilities containing planning for child-care centres, schools, TAFEs and Universities.
 - Major infrastructure corridors containing planning controls and reserve land for the protection of the three North South Rail Line, South West Rail Link extension and Western Sydney Freight Line corridors.
 - Three Ports containing the land-use planning and assessment framework for Port Botany, Port Kembla and the Port of Newcastle.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP Exempt) provides that certain types of works do not require development consent under Part 4 of the EP&A Act. The General Exempt Development Code is set out in Division 1 of the SEPP Exempt, providing the limitations and conditions of the exemptions. They include:

- access ramps
- advertising and signage
- aerials, antennae and communication dishes
- air-conditioning units
- animal shelters
- aviaries
- awnings, blinds and canopies
- balconies, decks, patios, rotundas, terraces and verandahs
- barbecues and other outdoor cooking structures
- bollards
- charity bins and recycling bins
- earthworks, retaining walls and structural support
- fences
- flagpoles
- footpaths, pathways and paving
- fowl and poultry houses
- garbage bin storage enclosure
- hot water systems
- landscaping structures
- minor building alterations
- mobile food and drink outlets
- playground equipment
- screen enclosures
- sculptures and artworks
- temporary uses and structures
- waste storage containers

Section 1-16 of Division 2 of the SEPP Exempt provides the General Requirements for exempt development.

State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* (R&H SEPP) commenced in New South Wales on 1 March 2022 consolidating three earlier SEPPs focused on employment and advertising. The R&H SEPP focuses on:

- Coastal management for land use planning within the coastal zone consistent with the *Coastal Management Act 2016* and defines the coastal zone and establishes state-level planning priorities and development controls to guide decision-making for development within the coastal zone.

The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016*, including the management objectives for each coastal management area, by:

- a. managing development in the coastal zone and protecting the environmental assets of the coast, and
 - b. establishing a framework for land use planning to guide decision-making in the coastal zone, and
 - c. mapping the four coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the *Coastal Management Act 2016*.
- the management of Hazardous and offensive development.
 - the provision of a state-wide planning framework for the remediation of contaminated land and to minimise the risk of harm.

State Environmental Planning Policy (Industry and Employment) 2021

The *State Environmental Planning Policy (Industry and Employment) 2021* (I&E SEPP) commenced in New South Wales on 1 March 2022 consolidating two earlier SEPPs focused on employment and advertising. The I&E SEPP focuses on:

- Western Sydney employment area' contains planning rules and controls for the employment land within the Western Sydney
- Advertising and signage ensuring that signage (including advertising):
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high-quality design and finish.
- to regulate signage (but not content) under Part 4 of the Act, and
- to provide time-limited consents for the display of certain advertisements, and

- to regulate the display of advertisements in transport corridors, and
- to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (B&C SEPP) commenced in New South Wales on 1 March 2022 consolidating 11 earlier SEPPs focused on biodiversity and conservation. The B&C SEPP focuses on:

- Vegetation in non-rural areas containing planning rules and controls relating to the clearing of native vegetation in NSW on land zoned for urban and environmental purposes.
- Koala habitat protection:
 - across NSW core rural zones of RU1, RU2 and RU3 except within the Greater Sydney and Central Coast areas, and
 - within Metropolitan Sydney and the Central Coast and applies to all zones except RU1, RU2 and RU3.
- Environmental planning and assessment along the Murray River.
- Bushland in urban areas containing provisions to protect and preserve bushland within public open space zones and reservations.
- Prohibition of canal estate development.
- Water quality objectives in the Sydney drinking water catchment.
- Protect the environment of the Hawkesbury–Nepean River system.
- Management and improvement of environmental outcomes for Sydney Harbour and its tributaries.
- Management and promotion of integrated catchment management policies along the Georges River and its tributaries.
- Protection, conservation and management of the Willandra Lakes Region World Heritage Property.

Appendix 3

KEY STEPS IN PREPARING THE FIRST POM FOR CROWN RESERVES.

(From Page 5 – Developing plans of management for community land Crown reserves - NSW Department of Planning, Industry and Environment.)

