

Memorial Hill Shrine of Remembrance
Area of Cultural Significance



**Plan of
Management**
Community Land

Document Control

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1 Plan Introduction

1.1 Overview

This document is for a Plan of Management for Shrine of Remembrance Precinct of Memorial Hill, comprises approximately 1.2ha and is situated on part of Reserve 79131, which is Crown Land. The remainder of Reserve 79131 is Park with associated facilities such as public amenities, picnic areas, memorial walking paths and a playground. The Park section of reserve does not form part of this Plan of Management.

Council is required to prepare plans of management for all Community Land in accordance with the Local Government Act 1993. For Crown Land managed by Council, Section 3.23 of the Crown Land Management Act 2016 requires the preparation of plans of management, as if they were Community Land under the Local Government Act 1993.

The Parkes Shire Plan of Management for the Monument Precinct of Memorial Hill has been prepared in accordance with Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 to provide clear direction as to the use, improvement and management of Council managed land and facilities and framework for Council to follow in relation to the on-going administration and management of Community Land, including the issuing of any leases, licenses, permits or approvals over the land.

The suite of documents for Parkes Shire Plan of Management for Community Land, including the Monument Precinct of Memorial Park, is intended to be

placed on public exhibition for community comment and consideration of issues prior to the finalisation of the Plan for adoption by Council.

Once adopted, the Parkes Shire Plan of Management for Community Land will be reviewed as part of Council's Integrated Planning and Reporting Framework, including the preparation of works programs and budgets.

1.2 Guiding Principles for Plans of Management

This Plan of Management is for Crown land, this Plan of Management has been prepared in accordance with the Principles of Crown Land Management pursuant to Section 1.4 of the Crown Land Management Act.

Namely:

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

1.3 Aim of Plan

The aim of the Parkes Shire Plan of Management for Community Land is to provide a Plan of Management that complies with relevant legislation, standards and policies applying to various categories of Community Land, including the Local Government Act 1993 and the Crown Lands Management Act 2016.

The objectives of the Plans of Management are:

- To ensure there are opportunities for the community to contribute to the development and implementation of this plan.
- To form a component of Council's strategic land management plan and to be consistent with other Council plans of management.

1.4 Plan of Management Structure

The Local Government Act defines five categories of community land:

- Park – for areas primarily used for passive recreation.
- Sportsground – for areas where the primary use is for active recreation involving organised sports or the playing of outdoor games.
- General community use – for all areas where the primary purpose relates to public recreation and the physical, cultural, social, and intellectual welfare or development of members of the public. This includes venues such as community halls, scout and guide halls, and libraries.
- Cultural significance – for areas with Aboriginal, aesthetic, archaeological, historical, technical, research or social significance.
- Natural area – for all areas that play an important role in the area's ecology. This category is further subdivided into bushland, escarpment, foreshore, watercourse and wetland categories.

This document is intended to be used as a guide for Council's decision making in relation to Community Land owned by Crown Land and managed by Council.

1.5 What is a Plan of Management?

The management of community land is governed by the categorisation of the land, its purpose, and the core objectives of the relevant category of community. Council may then apply more specific management objectives to community land, though these must be compatible with the core objectives for the land.

The guidelines for categorisation of community land are set out in the Local Government (General) Regulation 2021. The core objectives for each category are set out in the Local Government Act 1993. The guidelines and core objectives for the Area of Cultural Significance category are set out in this plan of management.

Community land is valued for its important role in the social, intellectual, spiritual and physical enrichment of residents, workers, and visitors to the Parkes Shire area.

The intrinsic value of community land is also recognised, as is the important role this land plays in biodiversity conservation and ecosystem function.

1.6 How is a Plan of Management Made?

Parkes Shire Council encourages a wide range of uses of community land and intends to facilitate uses which increase the activation of its land, where appropriate. Within buildings, swimming pools, and recreational and sporting facilities in particular, Parkes Shire Council intends to permit and encourage a broad range of appropriate activities.

A Plan of Management outlines how Community Land is to be used, improved and managed. It consolidates information about the land and its users and clearly states what, why, how and by whom the values of the land will be managed. A plan of management considers the purpose for the reserve as well as other guidelines, policies and legal requirements that may apply.

Division 2 of Part 2 of Chapter 6 of the Local Government Act 1993 sets out the process for making a Plan of Management. The main steps that a Council must follow before it adopts a Plan of Management are shown in Figure 1:

Figure 1 - Process for preparing a Plan of Management for council-managed Crown Reserves

Step 1	Key Tasks
Step 1 Drafting the POM	<ul style="list-style-type: none"> The POM must meet all the minimum requirements outlined in section 36(3) of the LG Act and identify the owner of the land Any activities (including tenure or development) to be undertaken on the reserve must be expressly authorised in the POM to be lawfully authorised. Council must obtain written advice from a qualified native title manager that the POM and the activities under the POM comply with the NT Act.
Step 2 Notifying the landowner and seeking Minister's consent to adopt	<ul style="list-style-type: none"> The department as the landowner is to be notified of the draft POM prior to public exhibition of the POM under s.39 of the LG Act. Council is also required to seek the Minister's written consent to adopt the draft POM (Under clause 70B of the CLM Regulation). The Minister's consent can be sought at the same time as notifying the landowner (the department) of the draft POM. Note: In certain circumstances, Council may only be provided with consent to proceed to public exhibition. Following public exhibition, Council will be required to re-submit the draft POM for a final review where Minister's consent to adopt the draft POM will be provided.
Step 3 Community Consultation	<ul style="list-style-type: none"> Councils are required to publicly notify and exhibit POM under section 38 of the LG Act. Councils are not required to hold a public hearing from Crown land under section 40A of the LG Act (exemption under clause 70A of the CLM Regulation)
Step 4 Adopting a POM	<ul style="list-style-type: none"> If there are any significant changes to the draft POM following public exhibition (or in circumstances when consent to adopt was not previously provided), council must seek the Minister's consent to adopt the POM. A council resolution of a POM that covers Crown land should note that the POM and minutes of the council resolution should be forwarded to the department (council.clm@crowmland.nsw.gov.au) for record purposes.

2 Memorial Hill Shrine of Remembrance Precinct

2.1 Land Details


Overview	
Reserve No(s).	R79131
Ownership	Crown
Management Type	Council CLM
Council	Parkes Shire Council
Reserve Name	Memorial Hill
Reserve Purpose	Public Recreation
Description	Part Lot 2 Section 44 DP 758827, Parish of Currajong County Ashburnham
Gazetted	30 November 1956
Condition of land	Established carpark area and gardens
Structure	Shrine of Remembrance
Purpose	War Memorial Services especially Anzac Day. Tourism Attraction being the tallest peak in Parkes.

A map showing the land incorporated under Reserve 79131 is included to the right of page, which includes the Memorial Hill Shrine of Remembrance.



Map Legend

1. Memorial Hill / War Memorial
2. Site access (Bushman Street)
3. Bitumen internal access roads
4. Car parking area
5. Picnic furniture
6. Walking paths
7. Remnant vegetation / landscaping
8. Playground
9. Amenities building
10. Peace Wall and Rotary Arboretum

 Memorial Hill Shrine of Remembrance Precinct, being land to which this Plan of Management applies.

2.2 Shrine of Remembrance Precinct Specifics

The Shrine of Remembrance is a clock tower which commemorates those who died in service or were killed in action in the various conflicts in which Australia has been involved.

It is a 33m high reinforced concrete tower surrounded by a light.

A War Memorial on the site was first considered in 1922, concept designed in 1927, contract awarded for the construction in 1939, with the onset of World War II suspending construction until 1949. The dedication of the Shrine of Remembrance took place on 22 November 1953.

The topography of the land around the Shrine of Remembrance Precinct is an elevated position in the Parkes township. The site is accessible via a one-way single lane bitumen sealed road, which leads to a bitumen sealed carpark, The Shrine of Remembrance, a gun and seating.

The Shrine is well maintained and beautifully landscaped and provides 360° vistas across the town and surrounds.

The memorial walk associated with The Shrine features individual nooks representing each major theatre of conflict and they are planted with shrubs and vegetation representative of each area.



2.3 Basis of Management

Land Classification

Community

Land Categorisation

Area of Cultural Significance at the Shrine of Remembrance Precinct and Remainder of area is Park.

-  Park
-  Area of Cultural Significance



2.4 Core Objectives of Management

Area of Cultural Significance land is defined in clause 105 of the LG (General) Regulation 2021 as land that is an area of aboriginal, aesthetic, archaeological, historical, technical or social significance.

The core objectives for community land categorised as Area of Cultural Significance, as outlined in Section 36H of the LG Act, are to:

- 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.
- Those conservation methods may include any or all of the following methods–
 - 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,
 - 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,

- the reconstruction of the land, that is, the returning of the land as nearly as possible to a known earlier state,
- 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),
- 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.
- A reference in subsection (2) to land includes a reference to any buildings erected on the land.

2.5 Restrictions on Management of the Land

Council is the Crown land manager of the Crown reserve/s described in this plan of management in accordance with the legislation and conditions imposed by the Minister administering the Crown Land Management Act 2016. The use of the land described in this plan of management must:

- be consistent with the purpose for which the land was dedicated or reserved
- consider native title rights and interests and be consistent with the provisions of the Commonwealth Native Title Act 1993
- consider the inchoate interests of Aboriginal people where an undetermined Aboriginal Land Claim exists
- consider and not be in conflict with any interests and rights granted under the Crown Land Management Act 2016
- consider any interests held on title.

2.6 Current Lease

Parkes Shire Council is the curator of the Shrine of Remembrance Precinct of Memorial Hill within Reserve 79131, being Lot 2, Section 44 DP 758827.

Memorial Hill provides the best vantage point for magnificent views over Parkes and the surrounding farmlands. It is the most visible landmark in town, with its 33-metre high Shrine of Remembrance standing tall over Parkes.

It is undoubtedly the most significant symbol of wartime history in Parkes and attracts many visitors each year to pay their respects to fallen soldiers, and enjoy the serenity of the surrounding area.

The beautiful Remembrance Walk and the Theatres of War Gardens commemorates those who have served in conflicts in which Australia has been involved.

The walk contains a garden designed to create a one dimensional space of conflict regions of the world where Australia has been represented. The walk also contains an honour roll of men from Parkes and District who lie buried in foreign countries.

Vehicle access to the top is available during daylight hours only. Pedestrian access is unlimited.

2.7 Authorisation of Leases and Licenses

There are no leases or licences on the Shrine of Remembrance Precinct at Memorial Hill.

A lease is normally issued where exclusive control of all or part of an area by a user is proposed. In all other instances, a licence or short-term licence or hire agreement will be issued.

The lease or licence is granted and notified in accordance with the provision of the Local Government Act 1993 or the Local Government (General) Regulation 2021.

This plan of management expressly authorises the issue of leases, licences and other estates over the land covered by this plan of management provided that:

- The purpose is consistent with the purpose for which it was dedicated or reserved.
- The purpose is consistent with the core objectives for the category of the land
- The lease, licence or other estate is for a permitted purpose listed in the Local Government Act 1993 or the Local Government (General) Regulation 2021
- The issue of the lease or licence or other estate and the provisions of the lease, licence or other estate can be validated by the provisions of the Native Title Act 1993 (Cth)

- Where the land is subject to a claim under the Aboriginal Land Rights Act 1983 the issue of any lease, licence or other estate will not prevent the land from being transferred in the event the claim is granted
- The lease, licence or other estate is granted ad notified in accordance with the provisions of the Local Government Act 1993 or the Local Government (General) Regulation 2021
- The issue of the lease, licence or other estate will not materially harm the use of the land for any of the purposes for which it was dedicated or reserved.

The following table further identifies the purposes for which leases and licences may be issued over the reserve identified in this plan of management, and the maximum duration of leases, licences and other estates.

Type of tenure arrangement	Maximum term	Purpose for which tenure may be granted
Short-term licence	1 month	<ul style="list-style-type: none"> scientific studies and surveys or similar bicycle/boat hire or similar temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Other estates	1 month	<ul style="list-style-type: none"> This PoM allows the council to grant 'an estate' over community land for the provision of public utilities and works associated with or ancillary to public utilities and provision of services, or connections for premises adjoining the community land to a facility of the council or public utility provider on the community land in accordance with the LG Act.

2.8 Area of Cultural Significance Permissible Use for the Shrine of Remembrance Precinct

Purpose / Use	Development to facilitate uses, such as
<ul style="list-style-type: none"> • Providing a location for relaxation and passive informal recreation • Walking and cycling • Community gatherings for associated War Memorial activities. 	<ul style="list-style-type: none"> • Toilets • Picnic tables • BBQs • Sheltered seating areas • Lighting • Low-impact carparks • Low-impact walking trails • Interpretive signage • Water saving initiatives such as rain gardens, swales and sediment traps • Energy-saving initiatives such as solar lights and solar panels • Bridges • Observation platforms, signs • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional and regulatory signage

3 Policy Context

NSW legislation and various standards and policies provide guidance on the management of Community Land owned or managed by Local Government Authorities.

The governing legislation for the management of Community Land is the Local Government Act 1993, which provides Councils with a specific approach and framework to the classification and management of Community Land held in their control. Crown Land held in the care and control of a Council is also required to be managed under a Plan of Management, as if it were public land under the Local Government Act 1993.

Consideration of other legislation is a factor when creating Plans of Management for Community Land, including the Native Title Act 1993, Aboriginal Land Rights Act 1983 and the National Parks and Wildlife Act 1974 in relation to protection of Indigenous artefacts and land-use. Plans of Management must also not override other legislation and environmental planning instruments, such as the Parkes Local Environmental Plan 2012.

A more detailed description of the key legislation and policy framework is provided in this section.

3.1 Local Government Act 1993

Section 35 of the Local Government Act 1993 (LG Act) requires all Community Land in the Parkes Shire to be used and managed in accordance with a plan of management as well as any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

Under section 36(1) of the LG Act, Plans of Management must be prepared for all Community Land. The minimum requirements for a Plan of Management are set out under section 36(3) of the LG Act, as follows:

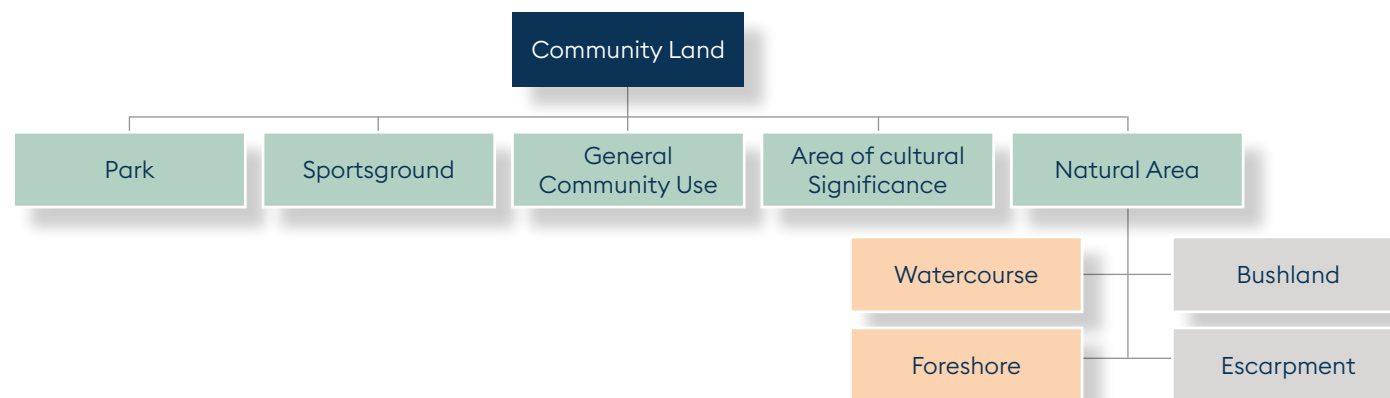
- Category of the land.

- Objectives and performance targets of the plan with respect to the land.
- The means by which Council proposes to assess its performance with respect to the plans objectives and performance targets.

Section 36 of the Local Government Act 1993 requires that plans of management must identify the categories for which the land is to be used.

Figure 2 provides a broad description of categories.

Some community land may comprise multiple categories, such as Memorial Hill in Parkes, which is an area of Area of Cultural Significance and Park.



3.2 Crown Land Management Act 2016

The Crown Land Management Act 2016 (CLM Act) commenced on 1 July 2018, consolidating eight pieces of legislation into one Act. The CLM Act introduced significant changes to the management of Crown land by Local Government Authorities. Councils are now required to manage their dedicated or reserved land as if it were public land under the LG Act. Section 3.23(6) of the CLM Act requires Council Crown Land Managers to adopt a Plan of Management for any Crown reserve for which it is appointed Crown Land Manager. Division 3.6 of the CLM Act deals with the requirements that Council must meet in relation to Plans of Management.

3.3 Commonwealth Native Title 1993 & NSW Aboriginal Land Rights 1983.

When planning activities (such as granting lease, licence or structures) on crown reserves, the Council must comply with the requirements of the Commonwealth Native Title Act 1993 and have regard for any existing claims made on the land under the NSW Aboriginal Land Rights Act 1983.

It is the role of Council's Native Title Manager to provide written advice in certain circumstances to advise if the proposed activities and dealings are valid under the Native Title Act 1993.

4 Community Vision and Corporate Objectives

Community Land is highly valued by the Parkes Shire community. The vision and objectives for Community Land is linked to Council's strategic planning initiatives and programme, which is detailed in this section.

4.1 Parkes Shire Community Strategic Plan

In recent community engagement processes, the Parkes Shire Council and community members have come together to determine the vision for the Parkes Shire and to map-out the framework for achieving this vision.

The Parkes Shire Community Strategic Plan (CSP) establishes that Parkes Shire will be as per the following diagram.

The performance outcomes of these four themes will be measured in Section 5 of this document.



5 Performance Management

The performance of Community Land is strongly linked to Council's Integrated Planning and Reporting framework, including Council's 4 Year Delivery Programs and 1 Year Operational Plans.

The following section explains the Performance Goals of Council's Delivery Program, and details how they will be achieved and measured.

5.1 Theme - Community

The objectives of the Theme Community are:

- Our community is safe, active and healthy
- Our community is liveable, growing and connected
- Our community is creative, proud and has a strong sense of belonging
- Our community is inclusive and accessible for people with disability.

Link to Community Strategic Plan	Value	Performance Goal	Means of Achievement	Measurement
<p>Deliver and support events, festivals and celebrations that promote engaged citizenship and foster community pride.</p>	<p>Community Engagement: Residents in the vicinity of Community Land, particularly the Shrine of Remembrance Precinct, whilst they may experience the benefits of close proximity to that facility, may also experience negative impacts arising from inappropriate use, overspill lighting, noise, litter, traffic and parking.</p>	<ul style="list-style-type: none"> To ensure activities are managed having regard to any adverse impact on nearby residences. To restrict access to the site to daylight hours only 	<ul style="list-style-type: none"> Landscaping providing a visual screen. Regular maintenance. Communication of activities with adjoining residents. Gates locked at sunset 	<ul style="list-style-type: none"> Reduced reporting to Council concerning nuisance resulting from land use. Reduced reporting to Council concerning nuisance resulting from land use Nil vandalism at the site.

5.2 Theme - Economy

The objectives of the Theme Economy are:

- Our Shire is an attractive destination to live, work, visit and invest.
- Our economy leverages smart technology, data and innovation to solve complex problems.
- Our economy is supported by well planned and safe transport infrastructure.
- Our economy provides diverse employment pathways and education and training opportunities.

Link to Community Strategic Plan	Value	Performance Goal	Means of Achievement	Measurement
Ensure local and regional roads are safe, well-constructed and maintained.	Traffic and Parking Road network should allow for access to adequate parking on site, or nearby as public parking. Existing parking facilities should be maintained and upgraded on the basis of need.	<ul style="list-style-type: none"> • Facilitate use of the through adequate provision of on-site parking. This includes provision for disabled and emergency parking. 	<ul style="list-style-type: none"> • On-site parking provided that satisfies normal level of usage for the site. 	<ul style="list-style-type: none"> • Nil complaints concerning traffic and parking.

5.3 Theme - Environment

The objectives of the Theme Environment are:

- Our natural environment is preserved and enhanced for current and future generations.
- Our built environment is functional, sustainable and meets the needs of our growing community.
- Our community reduces, reuses and recycles waste.
- Our utilities are well planned and efficiently managed.

Link to Community Strategic Plan	Value	Performance Goal	Means of Achievement	Measurement
Promote recycling, reusing and waste reduction	Waste Management Litter and general waste generated by the Shrine of Remembrance use requires safe and efficient disposal. General waste rubbish bins are provided,	<ul style="list-style-type: none"> • Educate community on the nature of waste generation 	<ul style="list-style-type: none"> • Reduce litter through provision of adequate volume waste receptacles, appropriate siting and/or signage as required. 	<ul style="list-style-type: none"> • Reduction in complaint reports to Council concerning litter. • Reduced littering identified by Council staff.

5.4 Theme - Leadership

The objectives of the Theme Leadership are:

- Our local government is open, accountable and representative.
- Our local government is sustainable and plans for the future.
- Our local government is contemporary, effective and efficient.

Legislative Direction

Local Government Act 1993, Chapter 6, Part 2 Division 2, Core objectives for management of community land.

Chapter 6, Part 2, Division 2 Section 36H (Areas 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

Performance Goal

- Areas and structures of cultural significance are maintained to the relevant standard.
- Vandalism Mitigation

Means of Achievement

- Appropriate allocation of funding for asset management.
- Proactive inspections of facilities and removal of vandalism.
- Installation of vandal-proof equipment
- Locking of road access gates during evening hours.

Measurement

- Maintenance Records
- Weekly reporting of vandalism.

Link to Community Strategic Plan	Value	Performance Goal	Means of Achievement	Measurement
Develop and implement an asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to ensure inter-generational equity.	Maintenance and Improvement of Community Land Maintenance and improvements of Community Land are captured in Council's Asset Management Plans and inspected and resourced appropriately.	<ul style="list-style-type: none"> Land maintenance meets community expectations. 	<ul style="list-style-type: none"> Maintenance Schedule for each site 	<ul style="list-style-type: none"> Maintenance Records for land.
		<ul style="list-style-type: none"> Land is available for a variety of activities to meet the needs of key users and the community. 	<ul style="list-style-type: none"> The diversity of the facilities at each site caters for the variety of activities. 	<ul style="list-style-type: none"> Customer Feedback
		<ul style="list-style-type: none"> Priority projects are delivered to meet the needs of key users and community groups. 	<ul style="list-style-type: none"> Priority projects identified through consultation with the community 	<ul style="list-style-type: none"> Projects delivered.

6 Approvals

Nothing in a Plan of Management negates the need for Council to obtain approvals for development proposals, permits, leases and licences as required under various legislation applying in the Parkes Shire.

7 Reference Documents

- Parkes Shire Community Strategic Plan
- Parkes Shire Delivery Plan
- Local Government Act 1993
- Crown Land Management Act 2016
- National Parks & Wildlife Act 1974
- Native Title Act (Cth) 1993
- Aboriginal Land Rights Act 1983
- Department of Local Government Practice Note 1 – Public Land Management Revised 2000.
- Parkes Local Environmental Plan 2012

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