

HILLTOPS COUNCIL
2019

BLACKGUARD GULLY MASTER PLAN

DRAFT

Tait Network

Revision Number	Revision Date	Details	Authorised
E	14.02.2019	Draft for Council Review	Richmond Henty
F	15.02.2019	Draft for Council Review	Obelia Tait

ACKNOWLEDGMENT OF COUNTRY

Hilltops Council is Wiradjuri country. Hilltops Council acknowledges the Wiradjuri people as the traditional custodians of the Hilltops region. The Wiradjuri people have an integral relationship with the land around the Young township, holding a wealth of knowledge about local resources and culture.

Hilltops Council acknowledges and respects the aboriginal and Torres Strait Islander people, their continuing culture and the contribution they make to the life of Young and this region.

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MAYOR'S FOREWORD



MAYOR BRIAN INGRAM

Young has an incredibly rich gold mining history and across our landscape you will find evidence of alluvial gold mining sites including the State Heritage listed Blackguard Gully on the eastern approach to Young. Council has invested funding into unlocking the potential of Blackguard Gully as a destination for both locals and visitors. Bringing Blackguard Gully to life will focus on sharing and acknowledging the Wiradjuri, European and Chinese heritage significance of the site whilst highlighting the site's natural beauty and conserving its archaeological value.

Over the years there has been intermittent investment and use of Blackguard Gully, however, it is largely under-utilised because it is unsafe and offers no amenities. The works at Blackguard Gully will be delivered in stages and will focus on providing appropriate amenities to access the site safely and will include parking, toilets, landscaping, signage, interpretative pathways and picnic facilities.

Council would like to thank those members of the working group and community who have contributed to the development of this Master Plan to date. This is an incredibly exciting project for Hilltops and I look forward to seeing Blackguard Gully become a destination for all to enjoy.

An aerial photograph of a rural landscape. The scene is dominated by a large, dense area of trees and shrubs in the center. To the left, there are several houses and buildings, some with grey roofs. A road or path runs through the area. In the upper right, there is a large, dark, irregularly shaped pond. The overall color palette is a mix of greens, browns, and greys.

PLACE PROPOSITION

*Discovery, Settlement,
Hope and Anguish:
Stories brought together
and re-imagined*

PURPOSE

This Master Plan has been created to guide and inform the development of the Blackguard Gully reserve for the next twenty years. It celebrates the history and heritage of Blackguard Gully as a site of national significance, established in the context of the Young township and the Hilltops region as a site to be preserved and shared with both local residents and visitors.

The Master Plan highlights opportunities to invite users to visit and spend time in the space. It suggests ways to better connect the site with the town centre and promote it as a key destination for regional visitors. It is informed by precedent documents and studies, including a Site Investigation Report and community consultation sessions.

The intention of this Master Plan is to present a road map toward delivering on the vision for Blackguard Gully that has been formulated with members of the community. This Master Plan presents a phased approach of works that seeks to realise all community aspirations for the site. It is intended that this Master Plan is an adaptable document and should be reviewed every five years.

VISION

Blackguard Gully played an integral role in the shaping of the Young township and the migration history of Australia. The vision for Blackguard Gully, developed through the ideas and aspirations of the community, is to create a place where the layers of history are recognised, understood and celebrated.

This vision seeks to position Blackguard Gully as an educational and tourism destination for the region, a recreational asset for locals and visitors, and a community meeting place. Blackguard Gully is a place to understand our history and appreciate the thriving legacy of Young as it is today.

A place to learn, be inspired, and connect.

PLACE VALUES

NARRATIVE

A place that tells the stories of the past and translates them for future generations and new audiences in a respectful and progressive manner.

LANDSCAPE

A place that explores the remnants of history, showcasing how human intervention has shaped the landscape and working towards remediating, protecting and enhancing its unique features.

DESTINATION

An engaging and comfortable place that offers visitors a variety of activities, stimulus and respite opportunities.

ACCESS

A safe and accessible place for the community, residents and visitors of all ages and mobility's, providing an inviting rest stop and linked active travel destination from the town centre.



THE SITE

CONTEXT

Blackguard Gully is bound by Whiteman Avenue and Victoria Street, with traffic moving past the site to and from the town centre. It is adjacent to the Young Waste Transfer Station, Jack Howard Reserve and privately held pastoral grazing land.

The site is currently used as an unauthorised recreation ground for dirt bikes and four-wheel drives. Much of the site has been damaged by heavy erosion, and the carving of the ground plane, due to use as sluicing races, dams and puddling mills, makes sections of the site unsafe to traverse by foot.

Garibaldi Gully runs north-east of the site, spilling into Victoria Creek which runs through the pondage in the northern boundary of the site, now used as a town reserve. The pondage flows to the west as Victoria Creek and continues as Blackguard Gully until Burrangong Creek which flows through the centre of the Young township.

HISTORY

Blackguard Gully is located within the country of the Wiradjuri people. Meaning 'people of the three rivers', Wiradjuri are the largest language group in NSW (Christison 2018) occupying the land between the Macquarie, Lachlan and Murrumbidgee rivers. The Wiradjuri people have an integral relationship with the land around the Young township, holding a wealth of knowledge about local resources including raw materials and food sources (Christison 2018).

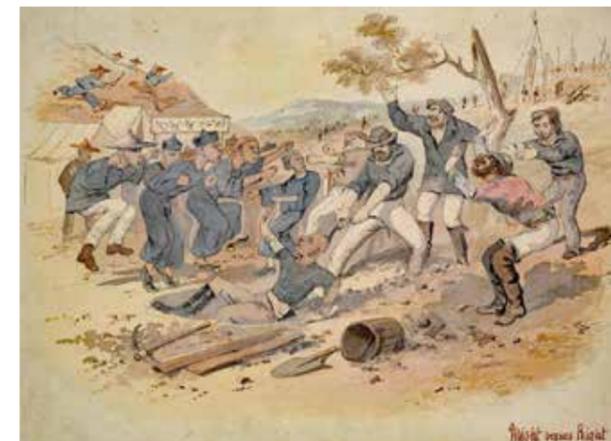
Blackguard Gully is located approximately 2.3km south-west of the town centre of Young NSW, within the Hilltops Council. The site, approximately 77,283m², is a former gold mining camp and is listed on the NSW State Heritage register.

Early European settlement in the Young district is thought to have succeeded largely as a consequence of the co-operative relationship between local Aboriginal people and early settlers. James White, who arrived in the district in 1826 investigating the region for sheep grazing, seemingly negotiated possession of the land with a leader of the local Burrowmunditory people who was given the name 'Cobborn Jackie' (Musgrave 1984 in Christison 2018). Cobborn Jackie chose the site of White's Burrangong homestead and guided his relationship with the local Aboriginal people (Musgrave 1984 in Christison 2018). Blackguard Gully was part of White's Burrangong pastoral run and the region around Burrangong became known as Lambing Flat.

The discovery of gold at Lambing Flat in 1860 led to an increase in settlers and recognition of a settlement. The area of alluvial gold was found to be extensive, covering 320km². Miners flocked from other goldfields and by October 1860 1,500 men were working the area (NHO 1996:141 in Christison 2018). The Lambing Flat Post Office opened on March 1st 1861 and a few months later the areas of Lambing Flat and Burrangong were renamed Young, after the Governor Sir John Young. A town plan was laid out, followed quickly by the first land sales.

During the 1860 gold rush one gully on the eastern side of Victoria Hill became the haunt of "shanty-keepers and bad characters". For this reason it became known as Blackguard Gully (Christison 2018). The following is from Lambing Flat Riots: The Real Story of Blackguard Gully in The Dubbo Liberal and Macquarie Advocate, 27 February 1895:

A few parties were camped on the unnamed creek, and after supper a tall slab-sided New Englander strolled over to one of the camp fires to ask whereabouts the township lay, the only person visible was a short thick dumpy Irishman with brilliant red hair in such an advanced stage of drunkenness that he had been unable to follow his mates to the shanty a little lower down the creek. To the inquiry of the stranger as to what the place was called he replied with the tipsy gravity of intoxication and the ready wit of his country "Thish is Blackguard Gully, and Blackguard Gully is the town of all operations." When next day the travellers found their way in to the stores in the main street to replace supplies, exhausted by their journey, they were asked where they were camped, and replying in all simplicity "Blackguard Gully," the name was at once adopted...



By 1861 the Burrangong goldfields covered an area of 20 miles (32 km) by 10 miles (16.5 km). It was regarded as the richest and most populous goldfields in the state with 470,000 ounces of gold sent by escort from the fields. More miners meant more competition and poor returns on the goldfield exacerbated resentment of the Chinese miners working this part of the field. In addition, the Chinese miners worked in groups or teams with a “boss”. This enabled them to be much more productive than the European miners, who often worked as individuals or in pairs.

Tensions between European and Chinese settlers culminated in a series of anti-Chinese riots. Occurring in January, June and July 1861, what came to be known as the ‘Lambing Flat riots’ are the most notorious and widely documented acts of violence in the history of Australian gold mining. Chinese miners were expelled from their encampments in Blackguard Gully, their tents burnt and their sites/titles taken over (Kimberley Webber 2004 in Blackguard Gully Heritage Listing).

In a bid to diffuse tensions and avoid further violence Premier Charles Cowper visited Young on the 2nd March 1861 (Bayley 1977:27 in Blackguard Gully Heritage Listing). Following his visit, Chinese miners on the Burrangong goldfields were restricted to Blackguard Gully (Holland ND in Blackguard Gully Heritage Listing).

On 30 June 1861 there was a call among the European miners to ‘Roll Up’ and expel the Chinese from the goldfields (Blackguard Gully Heritage Listing), with around 2000 men marching from Tipperary Gully to Blackguard Gully carrying a flag with the words ‘Roll-up, Roll-up, No Chinese’ (Blackguard Gully Heritage Listing). What followed on the 14th July 1861 is now recorded as the worst violence against Chinese miners in Australia. It is estimated that 250 Chinese miners were gravely injured (although these numbers may well be under-estimated) and almost all of their belongings destroyed. The Riot Act *Great Britain 1714* was read on miners to disperse the group and is the only official reading of the Riot Act in NSW history (Blackguard Gully Heritage Listing). These anti-Chinese sentiments led to the Colonial Government passing restrictive legislation on Chinese migration.

Despite the threat of retaliation, one of the earliest squatters in the district, James Roberts and his family, offered refuge to nearly 2000 displaced Chinese miners, providing food, tents and blankets for two weeks until troopers told the miners that they could move on or return to the diggings (Kinsela 2013).

The influx of immigrants from the gold rush created the conditions for Young to become the thriving community it is today. Those miners who stayed established market gardens, stores and other enterprises. The town that once supported the miners continued to prosper and with the continuing influx of migrants from around the world Young has established itself as the main centre for the district.

Today, Young cherishes its unique and colourful history. The Lambing Flat Festival celebrates the contribution of the Chinese to Australia and the region. A focus on the revitalisation of Blackguard Gully is testament to the community’s acceptance of the events at Blackguard Gully and a desire to acknowledge and celebrate their place in the development and history of Young.

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HERITAGE AND LANDSCAPE

LEGEND

	SITE BOUNDARY		EXISTING FOOTBRIDGE
	EXISTING GULLY / SLUICING RACE		TOILET STRUCTURE AND TANK TO BE REMOVED
	EXISTING TRACK		GOLD TRAIL SIGNAGE TO BE REMOVED
	EXISTING TOP OF EMBANKMENT		EXISTING RAMP
	PUDDLING MILL RUINS		AREAS FOR ECOLOGICAL RESTORATION
	REINTERPRETED PUDDLING MILL		AREAS OF PROMINENT MI STRUCTURE FOR CONSERVATION AND INTERPRETATION
	EXISTING POND		AREAS OF EROSION FOR LANDSCAPE STABILISATION
	SLUICING DAM		AREAS FOR WATER QUAL RESTORATION
	AGRICULTURAL DAM		

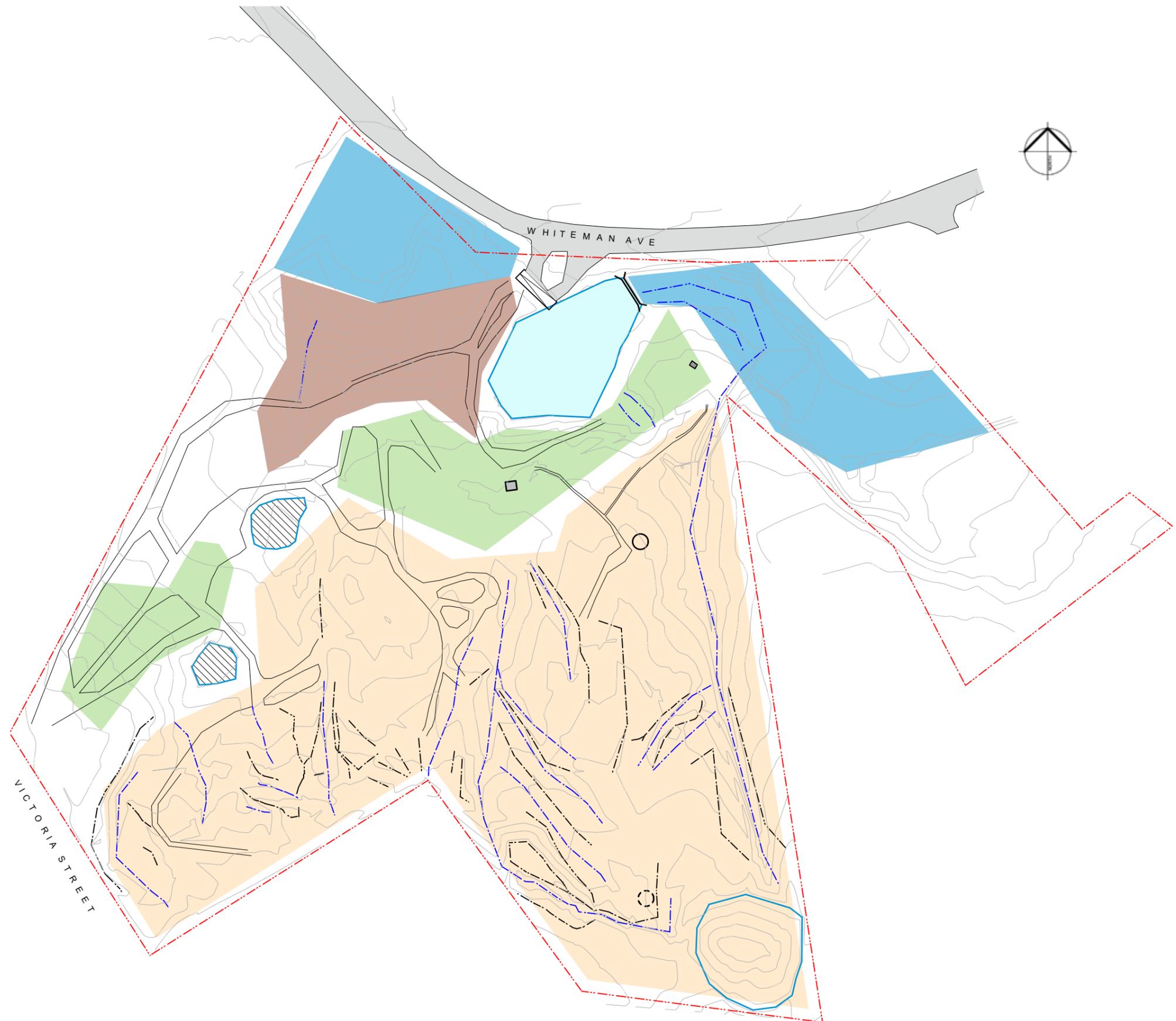
HERITAGE

In 2009 Blackguard Gully was listed on the NSW State Heritage Register as a site of historical significance for its association with the Chinese who camped and mined in the area in the early 1860s. Blackguard Gully is also considered a site of State cultural significance to the people of Young and NSW as the site of some of the worst riots in Australia, and the forerunner to some of Australia's strictest immigration policies. The preservation of Blackguard Gully as a reserve has meant it is possible to gain an understanding of the use of the site as a Chinese Camp, its relation to the European camp at Tipperary and the distance covered by those who marched on 30 June 1861 to expel the Chinese workers.

Despite its Heritage status Blackguard Gully is in need of remediation and upkeep to not only preserve but highlight the stories of place and ensure their lessons are passed down to new generations and new audiences of visitors.

REFERENCES

Blackguard Gully Heritage Listing <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5044825>



SITE INVESTIGATION

A Site Investigation Report was commissioned by Hilltops Council in 2018 to contribute to the development of this Master Plan and the Plan of Management for Blackguard Gully. The Site Investigation Report documents existing site conditions and services to understand key aspects of the site, as well as noting conservation and passive recreation consistent with the Conservation Management Plan (CMP) of 2016.

Key learnings from the Site Investigation Report listed below have informed the context of this Master Plan and its interpretation of opportunities on site:

A varied and changing nature of the terrain and its inherent rugged beauty.

Unique historical associations and opportunity to tell the migration story of the region and formation story of the Young township.

Opportunity to improve and expand pedestrian arrival to the site.

Need to improve the stability of ground plane.

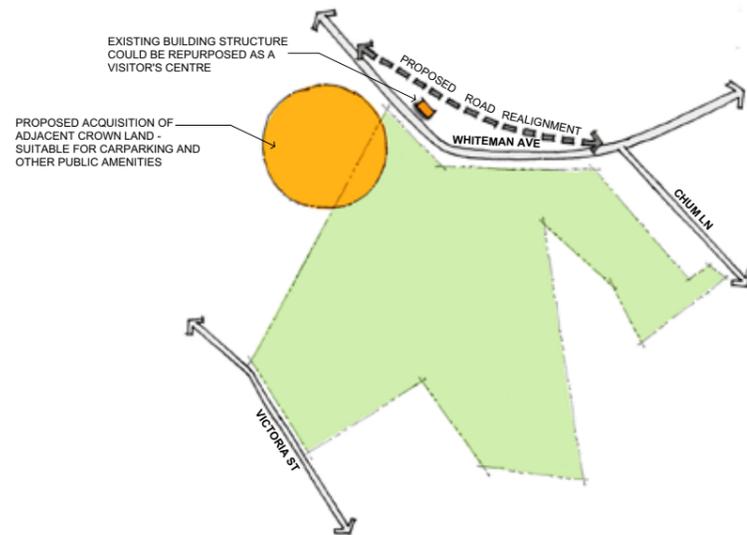
Consequences of erosion creating unsafe areas for pedestrian activity.

High need of landscape rehabilitation and planting to prevent further erosion.

Need to shift current use away from damaging activities that are contributing to erosion.

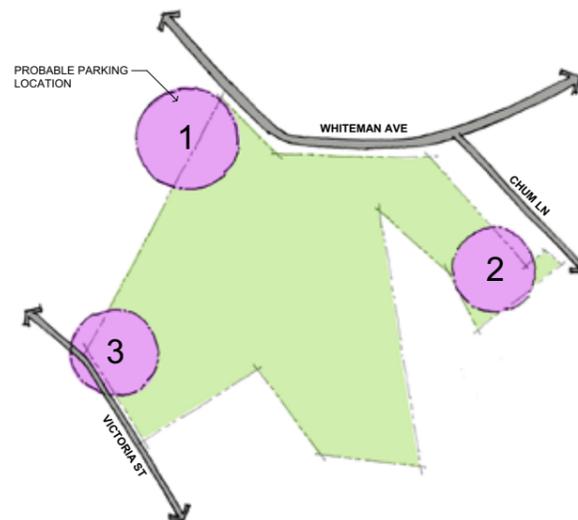
Deliverables required to be flood ready.

SITE INVESTIGATIONS



PROVISION OF AMENITIES
RE-ALIGNMENT OF WHITEMAN AVE TO INCLUDE ADJACENT EXISTING BUILDING AS A POSSIBLE VISITOR'S CENTRE

ACQUISITION OF ADJACENT CROWN LAND ON THE WESTERN SIDE OF THE SITE ALONG VICTORIA CREEK WILL PROVIDE OPPORTUNITY FOR CARPARKING AND OTHER PUBLIC AMENITIES.



CARPARKING
MULTIPLE CARPARKING OPTIONS:
- ALONG WHITEMAN AVE
- THROUGH CHUM LANE
- ALONG VICTORIA STREET

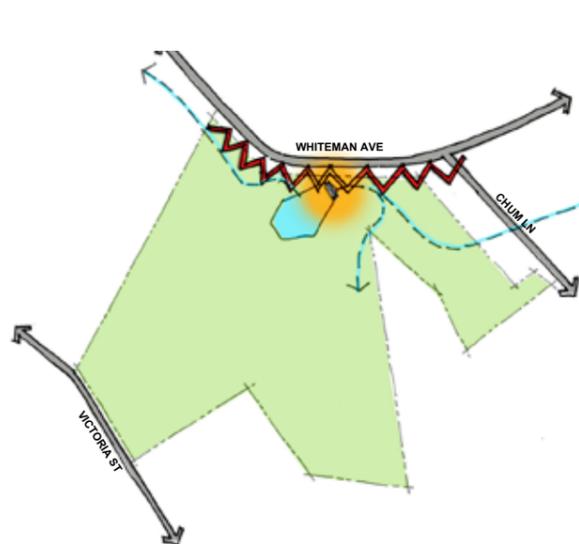


ACCESSIBILITY
MULTIPLE ACCESS POINTS; THROUGH WHITEMAN AVE, VICTORIA ST AND CHUM LN.



HISTORY
REMNANTS FROM THE SITE'S MINING HISTORY SUCH AS SLUICING RACES, PUDDLING MILLS, PONDS, DAMS AND OTHER EXISTING STRUCTURES COULD HELP FRAME THE REHABILITATION OF THE SITE.

POSSIBILITY OF DIFFERENT ZONES & COMPATIBLE USES MAY ARISE ALONG THE PROCESS.

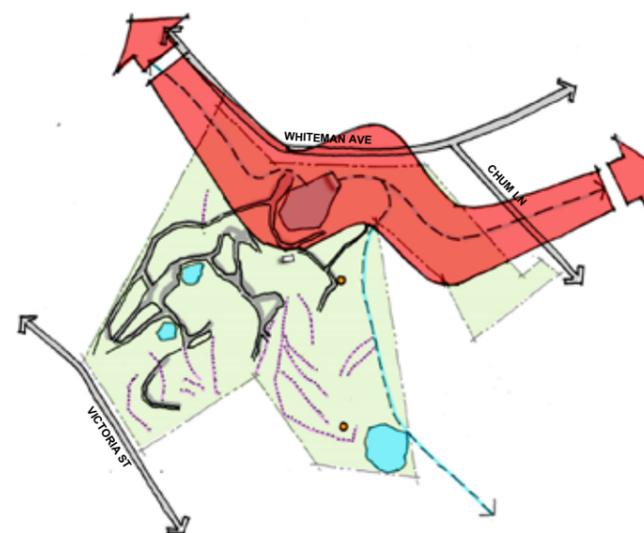


ACCESS AND ARRIVAL
WHITEMAN AVENUE WITH ITS CURVED GEOMETRY IS CONSIDERABLY CLOSE ALONG THE NORTHERN PART OF THE SITE, HENCE, SAFE ACCESS FROM THIS ROAD IS A CHALLENGE.

THE ARRIVAL SEQUENCE OFF WHITEMAN AVE. REQUIRES MORE THOUGHT TO MAKE IT PLEASANT.



EROSION
SOUTHWEST PART OF THE SITE SHOWS SIGNS OF EROSION DUE TO 4X4 AND BIKING ACTIVITY. THIS AREA COULD BE RESTORED TO RETAIN THE ORIGINAL CHARACTER OF THE AREA.



FLOODING
WITH REMNANTS OF SLUICING RACES AND GULLIES, FLOODING MAY POSE A ISSUE WITHIN THE SITE.

WITH REFERENCE TO THE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR THE TOWN OF YOUNG, NORTHERN MOST PART OF THE SITE ALONG VICTORIA GULLY IS WITHIN > 1.00 M. INDICATIVE FLOODING DEPTH.



DILAPIDATED VEGETATION
AREAS OF THE SITE'S VEGETATION APPEARED TO BE DILAPIDATED.



KARR'S REEF GOLD MINE YACKANDANDAH



LITHGOW BLAST FURNACE HERITAGE SITE



KARR'S REEF GOLD MINE YACKANDANDAH



MALDON HISTORIC RESERVE

PRECEDENTS

The following precedent cases and documents were used as background material to provide inspiration and a greater understanding of the potential for transformation of the Blackguard Gully site. Key takeaways such as heritage fact sheets, website material, interpretive signage, memorial structures and cultural activities were contextualised for this Master Plan where relevant.

KARR'S REEF GOLD MINE YACKANDANDAH

Yackandandah and the Valley of Gold is a series of sub-surface mines that started in the 1850s. A tour operator offers guided tours of one of the mines. The site also offers interesting relics from the mining era.

LITHGOW BLAST FURNACE HERITAGE SITE

Lithgow Blast Furnace Heritage Site offers the visitor a rich visual history lesson, showing relics of the blast furnace mixed with interpretive artwork and signage. The tourist development aims to promote cultural heritage tourism by incorporating the Blast Furnace site into a heritage trail linking other key heritage sites in Lithgow, including Eskbank House, Eskbank Station and the State Mine.

MALDON HISTORIC RESERVE

Maldon Historic Reserve exposes visitors to numerous relics from the gold mining era including abandoned shafts and tunnels, mullock heaps, quartz roasting kilns, stone walls, chimneys and machinery, as well as the box and ironbark forests used as a resource in the mining camps. They offer a comprehensive information sheet that is available to download from the Parks Victoria website.

WHROO HISTORIC RESERVE VICTORIA

This site is similar to the Maldon Historic Reserve in that it offers visitors exposure to gold mining relics. The site is much larger than Maldon and has marked trails, an information centre and picnic area with basic facilities.

HERITAGE INTERPRETATION POLICY AND INTERPRETING HERITAGE PLACES AND ITEMS GUIDELINES NSW GOVERNMENT DEPARTMENT OF PLANNING

These documents provide guidance on sustaining and protecting the heritage of NSW.

THE CHANGING SHAPE OF AUSTRALIA'S IMMIGRATION POLICY, IMMIGRATION STORIES, IMMIGRATION PLACE AUSTRALIA, AUSTRALIA'S MIGRATION STORIES, NATIONAL MUSEUM AUSTRALIA

Varied documents and websites on migration stories, the effects of migration and the changing nature of our society provide content and ideas on the delivery of sensitive material.

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EXISTING SITE

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  CONTOURS - 1M
-  EXISTING GULLY / SLUICING RACE
-  EXISTING TRACK
-  EXISTING TOP OF EMBANKMENT
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  EXISTING FOOTBRIDGE
-  TOILET STRUCTURE AND SEPTIC TANK TO BE REMOVED
-  GOLD TRAIL SIGNAGE TO BE REMOVED
-  EXISTING RAMP



Community consultation was undertaken at the Young office of Hilltops Council in December 2018 to capture community opinion and suggestions for development of Blackguard Gully. Stakeholders were invited to participate in workshops and encouraged to make comment and offer reflections on the Hilltops Council Facebook page.



OBSERVATION AND COMMUNITY ENGAGEMENT

ENGAGEMENT

The importance of utilising local expertise in understanding the story of Blackguard Gully and its many stakeholders was recognised early in the Master Plan process. A collection of experts and interested parties were convened to workshop ideas to better appreciate the long and complicated history of the site, to discuss opportunities and share the differing lenses through which each stakeholder viewed the site. These included Hilltops Councillors and representatives from Destination Southern NSW, the Department of Environment and Heritage, the Young Multicultural Group, the Young Community Citizens Group and the Blackguard Gully working group. These sessions provided invaluable knowledge that has significantly informed the process and proposed outcomes of this Master Plan.

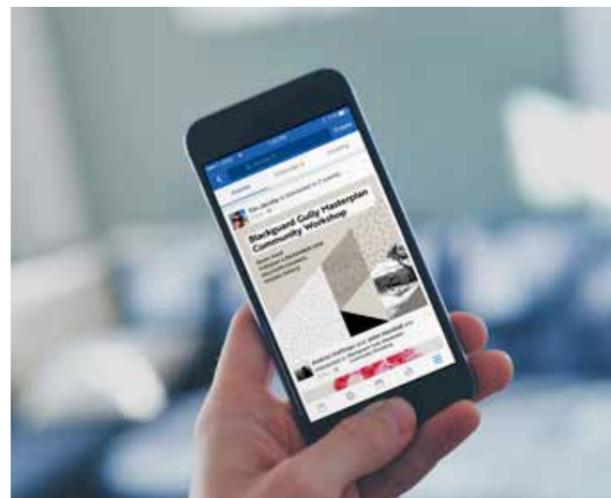
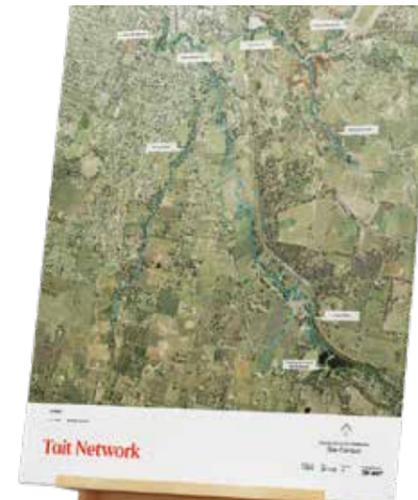
The community was engaged via traditional and electronic media channels to both alert and invite citizens to contribute.

Hilltops Council engaged the Young Local Aboriginal Land Council Cultural and Heritage Consultants, whose expertise and understanding of the area and the site's significance has been taken into consideration as a crucial element in shaping a responsive and appropriate proposal for Blackguard Gully.

LEARNINGS

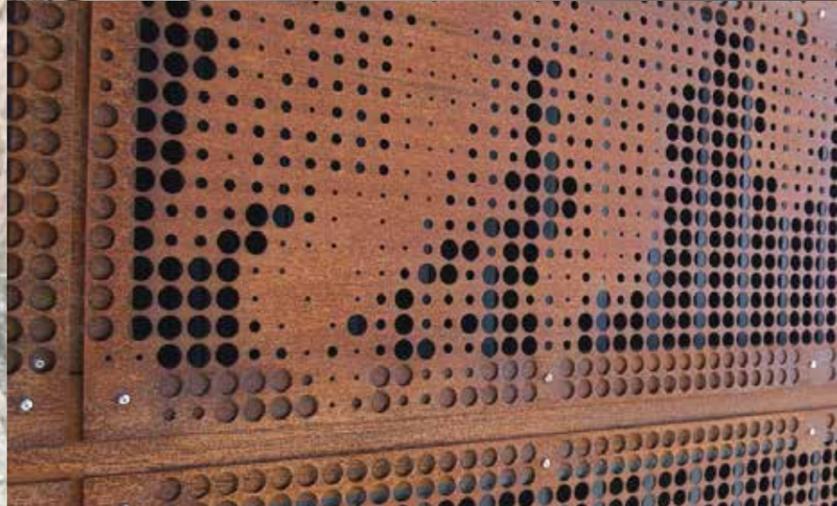
Through consultation the below key takeaways and themes of action were identified to inform the Master Plan and development approach:

- There is no one clear narrative of the site with the 'migration story' taking different meanings for different groups;
- There is doubt as to whether the site is able to attract visitor numbers unless linked with other significant sites in the area;
- There is a low level of knowledge and awareness of the story and historical significance, possibly contributing to low levels of interest. The process of rejuvenation may create higher interest through greater knowledge sharing;
- The story of the site must be presented in a balanced and appropriate fashion;
- Chinese media interest is an opportunity the community would like to harness.





MATERIALS PALETTE



APPROACH

APPROACH

The following principles were agreed to inform the development process and ensure Outcomes are achieved in line with Council and Community expectations and the Plan of Management:

LIGHT TOUCH

Construction will be designed for minimal touch to the existing landscape and located only within suitable areas.

RESPECT

The design of infrastructure will respect the sites past and present history.

MATERIALS

Design will utilise a robust material pallet that reflects the harsh climate.

CONSERVATION

A conservation strategy will be implemented to preserve and enhance both the waterway and landscape long term.

REVITALISATION

A revitalisation strategy will be implemented to improve the amenity of sections deemed suitable for development.

OUTCOMES

OUTCOMES

Seven themes were developed from key consultation learnings to guide the activation of site. For each theme a series of goal oriented actions are presented to help stage development and work to meet the Master Plan vision:

IDENTITY

Affirm a unique identity for the Gully and the Township at large.

HERITAGE

Retain and conserve cultural histories.

DESTINATION

Invite people to pause and reflect.

RECREATION

Create a space to enjoy the landscape and each other.

ACCESS

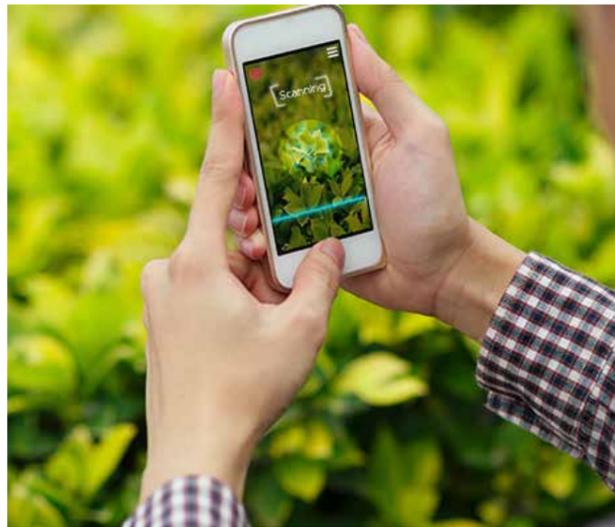
Design for all.

INFRASTRUCTURE

Build for longevity and comfort.

BIODIVERSITY

Regenerate the land.



IDENTITY

Affirm a unique identify for the Gully and the Township at large

- Bring to light the people and faces of history through narrative storytelling using interpretive and sensory signage, with Chinese language capability
- Explore Augmented Reality (AR) and Virtual Reality (VR) as immersive storytelling
- Introduce sensory experiences such as audio or textured signage to engage all ages
- Create opportunities and collaborations for art installations that celebrate the stories of the past, present and future and tie understanding of place with the connection to water
- Develop a looped path network to draw people through site as a tool to capture the audience and share stories of place



HERITAGE

Retain and conserve cultural histories

- Establish a conservation management plan of in situ mining operations and apparatus
- Introduce creative interpretive signage that enhances understanding of the heritage status of the site
- Link the site with proposed Museum destination as a combined experience
- Create a place that is safe and attracts positive behaviours



DESTINATION

Invite people to pause and reflect

- Provide recreational facilities that cater for groups and large audiences
- Signpost car park access from Whiteman Avenue in both directions
- Install wayfinding signage to the site from the town centre for both active travellers and motor vehicle drivers
- Create a unique brand for the site with a website to house detailed stories and narratives, incorporate Chinese language translations
- Promote the site through regional marketing and the Young Tourist Information Centre
- Position the site as a key destination of historical significance and introduce an education strategy to bring school groups and tours
- Provide a shelter suitable for hosting presentations and talks on site
- Position a kiosk/shop in proximity to the carpark to stock both food and drink and disseminate information or audio visual aids to visitors and tour groups



RECREATION:

Create a space to enjoy the landscape and each other

- Use technological and sensory tools to enhance story telling and provide an interactive means of learning and engaging with history
- Provide toilet and BBQ facilities to encourage family group recreation
- Provide a range of seating options including benches, grassed areas and seating with arms and backs to cater for all mobility's, located throughout the site to provide moments of rest and reflection
- Provide inward facing prospects and views as respite from the surrounding functions and traffic



ACCESS

Design for all

- Provide an accessible path network that links amenities on site, such as car parking, toilets and picnic facilities
- Install wayfinding signage with other key destinations in the town centre and directional signage indicating access via the Burrangong Creek active travel network
- Provide clear sight lines and passive surveillance throughout the park by clustering heavy use with thoroughfares
- Provide both security and ambient lighting along the path network



INFRASTRUCTURE

Build for longevity and comfort

- Provide privacy fencing to adjoining properties, use planting to provide screening where appropriate
- Provide a formal path network of various grades and materials to enable controlled access through the site, paths in sensitive areas will be raised to avoid impact and construction disturbance
- Upgrade toilet facilities with investigation of composting toilet facilities to minimise earthworks and reduce impact of construction
- Provide picnic area and facilities for comfortable recreation
- Provide both security and ambient solar lighting throughout the site
- Design parking facilities for different types of vehicles, including coaches, campervans and trailers
- Provide secure and covered bicycle parking for those arriving via the Burrangong Creek active travel loop



BIODIVERSITY

Regenerate the land

- Establish a conservation group to manage the ecological restoration of the landscape and waterway as guided by the CMP
- Initiate a Landcare program for weed identification and eradication through natural methods
- Foster community bonds to establish a sense of ownership for the site through opportunities to view and interact with the landscape and waterway
- Introduce initiatives such as community planting days to stabilise the soil and enhance amenity and habitat
- Establish a biodiversity walk led by a local custodian
- Highlight and enable bird watching throughout the site
- Revegetate in accordance with the ecological community native to the area
- Stabilise river banks from further collapse through vegetation control
- Thicken edge planting by creating layered boundaries that secure the site, enforce change of use for excluded activities and boost habitat
- Fence to exclude vehicles
- End the practice of fossicking

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- Superb Parrot, n.d., wildlife photograph, <<https://www.difficultbirds.com/superb-parrot/>>
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THE PROPOSITION

The following Master Plan Proposal illustrates how the Outcomes are realised on the site and visualisations help capture the possible futures for Blackguard Gully.

THE MASTER PLAN PROPOSAL

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  EXISTING TRACK
-  BOUNDARY FENCING
-  HANDRAIL ALONG PATH
-  REMOVABLE BOLLARDS
-  ROCK BOLLARDS
-  SOLAR LIGHTS
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING FOOTBRIDGE
-  EXISTING RAMP
-  CONNECTION TO EXISTING PATH NETWORK
-  PATH TYPE 1: GRAVEL
-  PATH TYPE 2: RAISED FRP DECKING
-  SCREEN PLANTING
-  DESTINATION SIGNAGE
-  DIRECTIONAL SIGNAGE FOR VICTORIA ST. EN
-  SENSORY SIGNAGE FOR SITE FEATURES
-  AREAS OF PROMINENT MINING STRUCTURE
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  ARTWORK



- FUTURE PARKING
- DIRECTIONAL SIGNAGE FOR VICTORIA ST. ENTRY
- REMOVABLE BOLLARDS FOR LIMITED ACCESS
- WHITEMAN AVE PEDESTRIAN ENTRY
- UPGRADED PEDESTRIAN FOOTBRIDGE, WIDENED TO 1.6M
- BOUNDARY FENCING
- EXISTING PATHWAY
- POND LOOKOUT
- COVERED BBQ FACILITIES
- COVERED PICNIC FACILITIES AND EDUCATION
- NATURE PLAY AREA ENCLOSED BY PATHWAYS
- RAISED PATHWAY FOR SITE EXPLORATION
- SLUICING RACE LOOKOUT POINTS WITH SIGNAGE AND HANDRAILS
- CONSERVATION OF SLUICING SYSTEM
- SCREEN PLANTING

- TOILET FACILITIES
- SOLAR LIGHTS ALONG PATH
- PICNIC AREA
- KIOSK AND SHOP
- FENCING & REMOVABLE BOLLARDS FOR LIMITED ACCESS
- VICTORIA STREET PEDESTRIAN ENTRY
- FUTURE PARKING
- BUS PARKING
- DESTINATION SIGNAGE
- CARPARK
- BOUNDARY FENCING
- SCREEN PLANTING

VICTORIA STREET

WHITEMAN AVE

RECREATION

Create a space to enjoy the landscape and each other





DESTINATION

*Invite people to pause
and reflect*

INFRASTRUCTURE

Build for longevity and comfort



HERITAGE

*Draw people through the site
and share stories of place*



LANDSCAPE SCREENING



UNDERSTOREY PLANTING

SLOPE OF GROUNDPLANE VARIES

MID-STOREY PLANTING

UNDERSTOREY PLANTING



THEMEDA AUSTRALIS



HARDENBERGIA FALSE
SARSAPARILLA



MICROLAENA STIPOIDES



POA SIEBERIANA

MID-STOREY PLANTING



DICHELACHNE
CRINITA



DIANELLA REVOLUTA



KUNZEA PARVIFOLIA

UPPER-STOREY PLANTING



CALLISTEMON VIMALIS

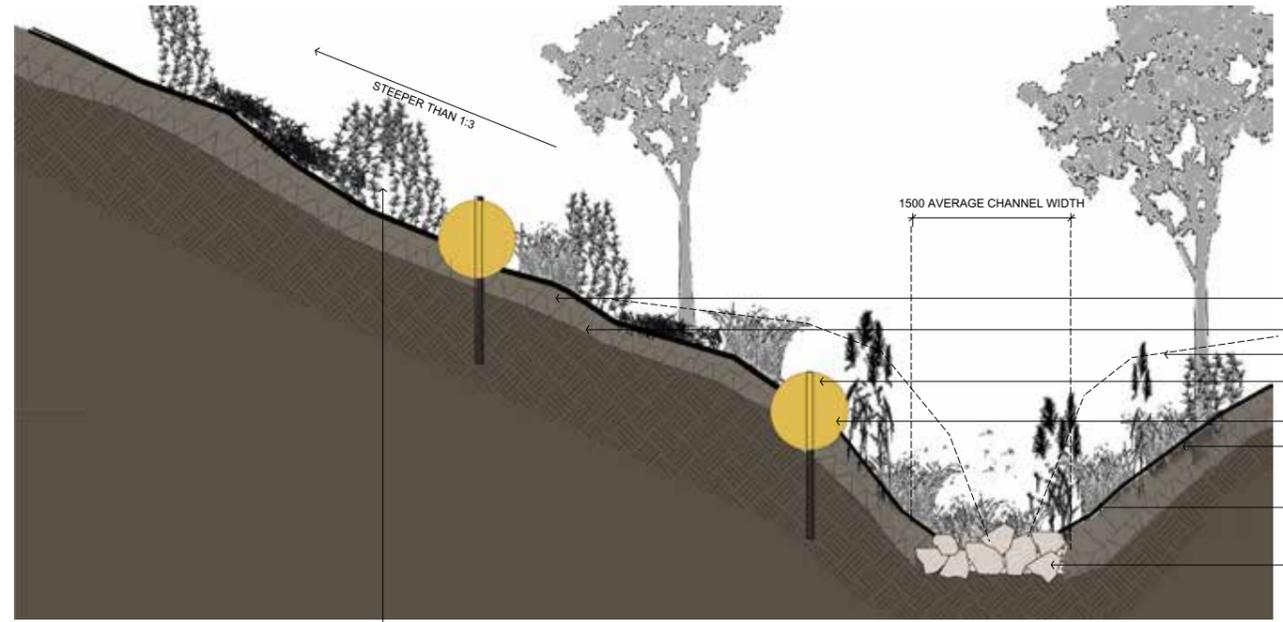


ACACIA BAILEYANA

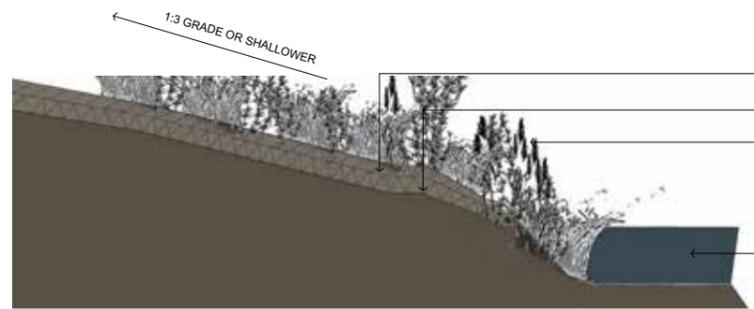


ALLOCASUARINA VERTI-
CILLATA

LANDSCAPE EROSION CONTROL



RIPARIAN AND EROSION STABILISING PLANTING



- 200MM CULTIVATED TOPSOIL
- 300MM CULTIVATED EARTH
- RIPARIAN/EROSION STABILISING PLANTING
- INDICATIVE WATER LEVEL



JUNCUS CARREX



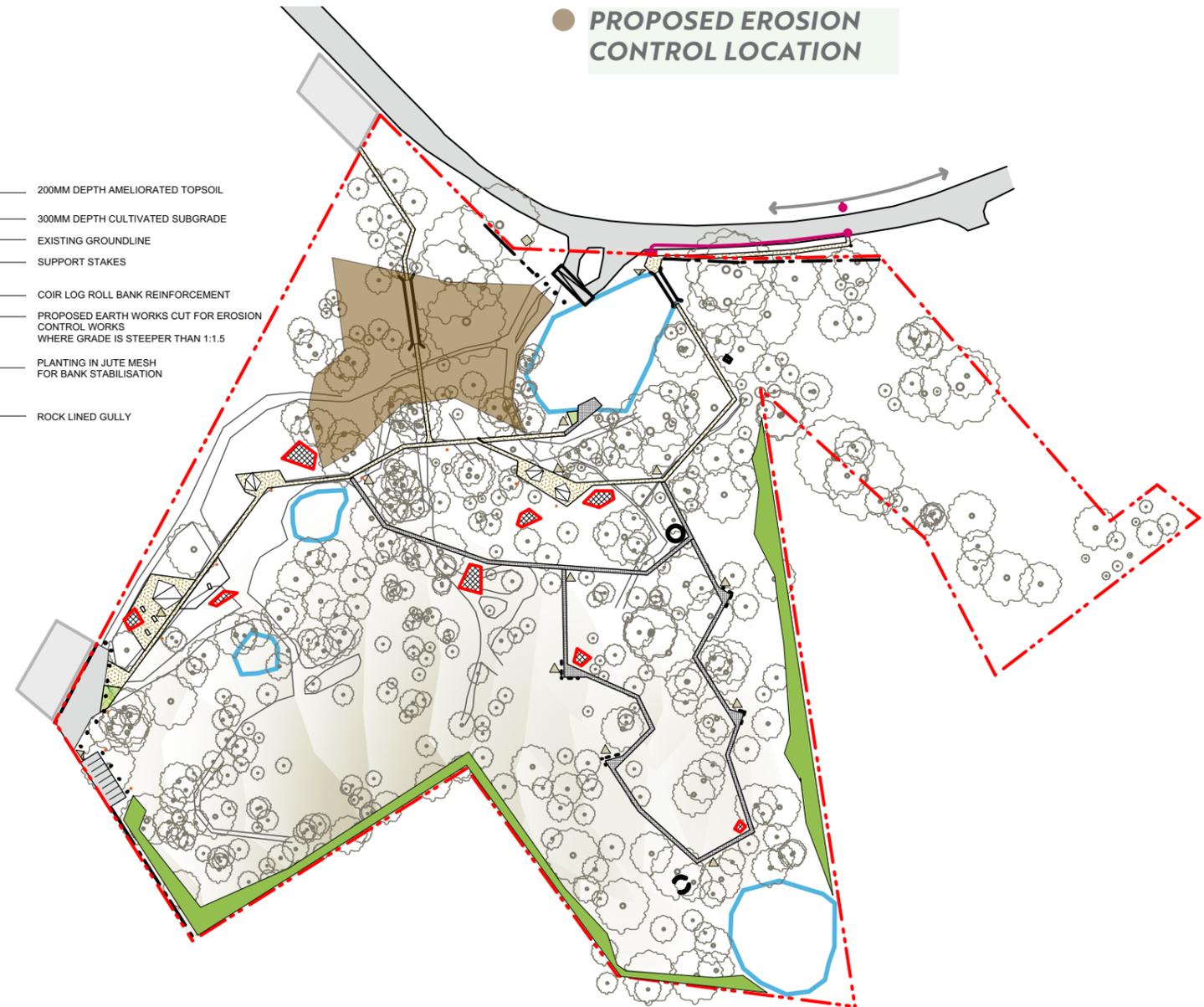
LOMANDRA LONGIFOLIA



CAREX BICHENOVIANA



COIR LOGS AND JUTE EROSION MATTING



PROPOSED EROSION CONTROL LOCATION

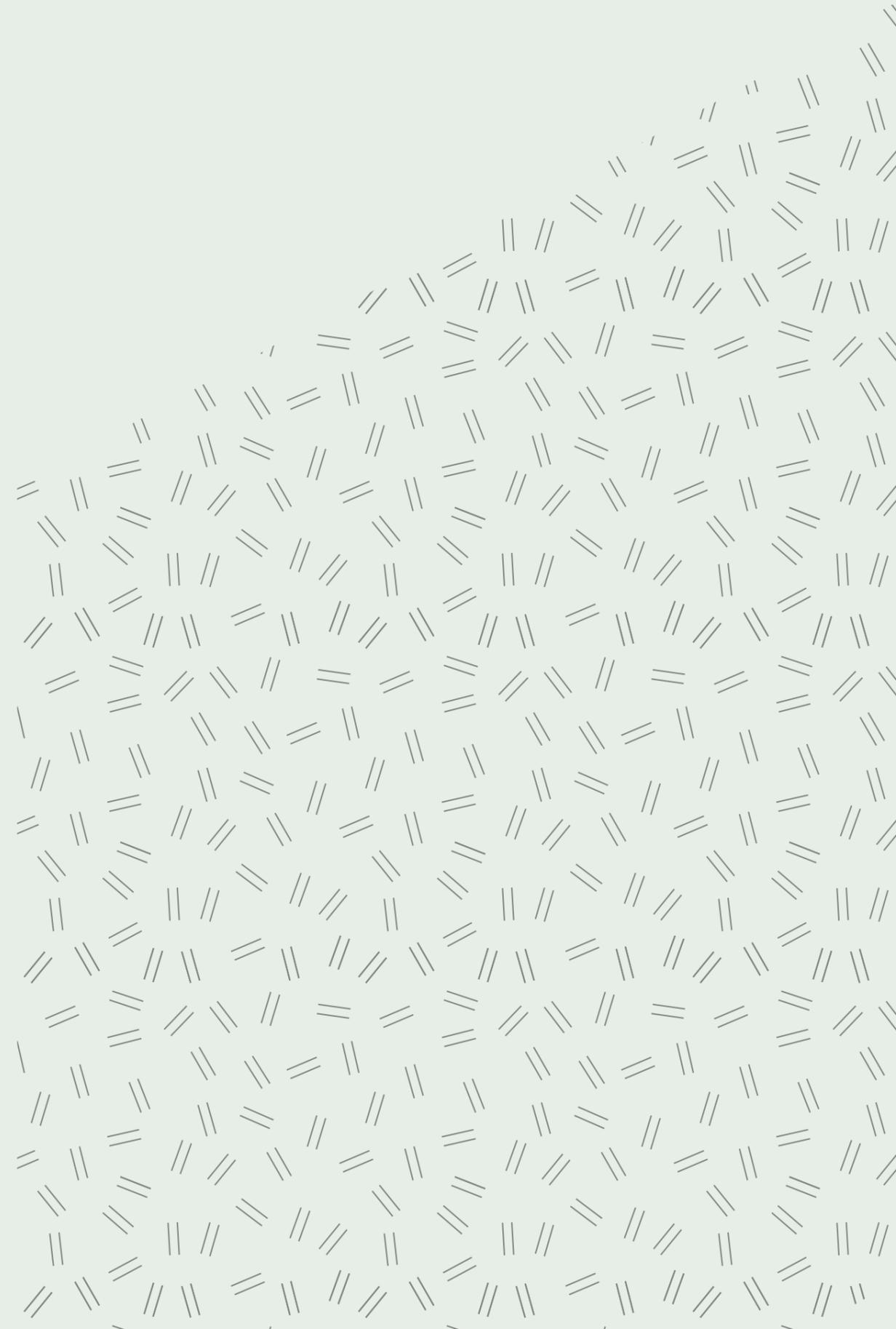
DELIVERY

It is anticipated that the Outcomes set down in the Blackguard Gully Master Plan will be delivered through a staged approach to development. The Staging will be dependent on funding availability. Stage 1 will be delivered in the 2020 financial year with funding made available through the Stronger Communities Fund as part of the amalgamation of Hilltops Council. It focuses on the essential items and planning required to begin the transformation with later stages focused on enhancing the experience of users.

A Preliminary Order of Probable Cost has been prepared to provide an understanding of the costs associated with the proposed Master Plan. The costing includes only capital works costs and does not include items operational in nature such as marketing, community groups, augmented reality and the like. The figures provided do not include preliminaries, margins, professional fees and design and construction contingencies.

The items proposed in Stage 2 and Stage 3 are intended as a guide only. They should guide development priorities and future budget bids. Stage 3 can be delivered at any time, as indeed could the items operational in nature, subject to available funding.

It is expected that the Master Plan will be updated on a five year basis to review progress against the stages and Outcomes in meeting the vision of the Master Plan. Priorities and associated costings can be updated at each review.



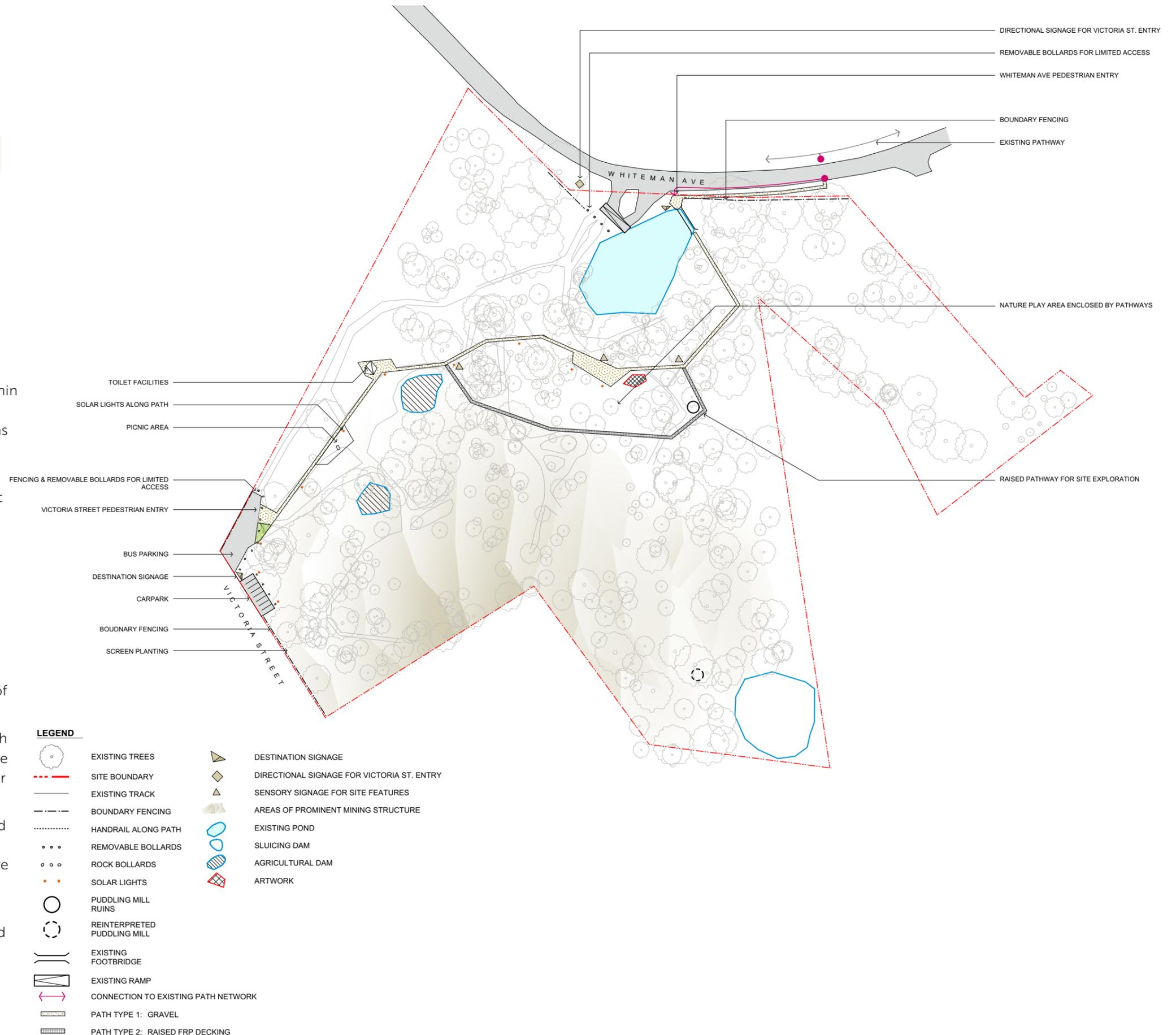
STAGE 1 PROPOSAL

STAGE 1

Stage 1: Establishment and safety

Stage 1 considers the scope of works possible within the allocated budget of \$500,000. It prioritises further investigative works and management plans that will become essential baselines for future infrastructure development.

- Encourage rest stops with the addition of toilet facilities and the development of the first carpark;
- Impose temporary bollards to educate the community on the change in use and restrict motorised access, with bollards to be replaced overtime with thick and layered planting as a natural barrier to restrict motorised access;
- Implement the first phase of interpretive and interactive signage with stories and narratives of the space told through a sensory experience;
- Establish landcare group to conduct a thorough species survey and seed collection of the native ecological community to inform later stages for regenerative planting and restoration works;
- Build a series of formal pathways to control and manage foot traffic through the site to protect sensitive areas and provide a link with the active travel network along Burrangong Creek;
- Deliver bicycle parking facilities for a seamless journey from the Young township to Blackguard Gully along the Burrangong Creek active travel network;
- Take initial action to stabilise eroded creek banks.



STAGE 2 PROPOSAL

STAGE 2

Stage 2: Comfort and narrative

Stage 2 considers the scope of works possible within a further allocation of \$750,000. It seeks to improve visitor experience and enhance the destination quality of the space through improved accessibility, linkages with other sites of significance and construction of key amenities.

- Encourage family recreation with picnic amenities;
- Upgrade the pedestrian footbridge in line with current accessibility standards;
- Launch marketing material and website content;
- Enhance the amenity of the space with security and ambient lighting in congregation areas and along paths;
- Design a viewing platform with space for presentations and talks catering to large groups;
- Develop an education strategy and content to promote the site as a regional destination for school tours and tour groups;
- Continue erosion control, re-vegetation and thickening the edges with planted barriers;
- Construct a kiosk shop as the point of contact for visitors to collect information and aids and to provide additional amenity of food and beverages.

LEGEND

	EXISTING TREES
	SITE BOUNDARY
	HANDRAIL ALONG PATH
	PUDDLING MILL RUINS
	REINTERPRETED PUDDLING MILL
	EXISTING FOOTBRIDGE
	EXISTING RAMP
	PATH TYPE 1: GRAVEL
	PATH TYPE 2: RAISED FRP DECKING
	SCREEN PLANTING
	SENSORY SIGNAGE FOR SITE FEATURES
	AREAS OF PROMINENT MINING STRUCTURE
	EXISTING POND
	SLUICING DAM



STAGE 3

Stage 3: Promotion and building on successes

Stage 3 considers the scope of works possible within a final round of funding. It prioritises the promotion of Blackguard Gully as a regional destination and education hub and adds to the narratives of site through further storytelling and accompanying digital documentation.

- Introduce AV and VR component of the signage and education strategy;
- National promotion of the education strategy and circulation among State education actors.

GOVERNANCE AND FRAMEWORK

Blackguard Gully has a strong Governance Framework as a NSW State Heritage listed site. Numerous government agencies, both State and local, and community groups and stakeholder cohorts have shared a vision for the site and will also have a hand in its management including:

- Hilltops Council
- Blackguard Gully Working Group
- Young Community and Residents Association
- NSW Office of Environment and Heritage
- Heritage Council NSW
- Destination NSW
- Landcare Australia
- Young Local Aboriginal Lands Council
- NSW Department of Education
- Young Tourism Section 355 Committee
- Young and District Multicultural Association
- Young Historical Society

Guided by a suit of supportive documentation including the Conservation Management Plan, Plan of Management, and Site Investigation Report these parties will draw on the documentation set out in this Master Plan to help facilitate and maintain action towards transforming Blackguard Gully as a place to learn, be inspired and connect.

The vision for Blackguard Gully as set down in this document will provide confidence to decision makers that they are working within the remit of the local community.

Key elements of the Master Plans governance framework going forward are:

- Build strategic partnerships with local businesses, community groups and education providers interested in sharing knowledge of and or utilising the space.
- Implement a systemic audit program to provide consistent and ongoing data as to the activation of the space.
- Ensure continued communication and interaction with the Blackguard Gully Working Group and the broader community to help foster and spread self ownership of the space among the Young community.

PLAN OF MANAGEMENT

The plan of management provides direction and continuity for the planning, resource management, maintenance, operation and programming of community land. The plan enables management to proceed in an efficient and sustainable manner, helps reconcile competing interests, identifies priorities for the allocation of available resources and facilitates public understanding.

Young: Parks, Reserves and Sporting Grounds Management Plan Version 4 1 June 2017 currently classifies Blackguard Gully as 'maintained park reserves'. It is proposed to amend this classification to add the classification of 'cultural significance' to reflect the heritage significance of the site and Conservation Management Plan and Master Plan objectives.

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 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), to provide for the restoration and regeneration of the land, and 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.

Responsibility for management, and estimated ongoing costs for management deal with:

- Security and monitoring of the precinct
- Management of pedestrian and vehicle access, including visitor safety
- Weed control and removal of rubbish
- Promotion of Blackguard Gully as a resource for visitors and tourists
- Maintenance and ongoing upgrades associated with the works undertaken and outlined in the Master Plan.

CONSERVATION MANAGEMENT PLAN

The Conservation Management Plan (CMP), completed in 2016 and recently updated in December 2018, was commissioned by Hilltops Council to guide the future management of the site in accordance with its designation in the NSW State Heritage Register. It documents the history of the site, both thematic and archaeological and provides Constraints and Opportunities for the site to conserve its unique history and features.

HILLTOPS COUNCIL
2019

BLACKGUARD GULLY MASTER PLAN

SUPPORTING DRAWINGS

DRAFT

Tait Network

CONTENTS

SK-010 MATERIALS PALETTE

SK-011 EXISTING SITE

SK-012 HERITAGE & LANDSCAPE

SK-013 SKETCH MASTERPLAN

SK-014 FUTURE CONNECTIONS

SK-015 TOILET FACILITIES PLAN AND ELEVATION

SK-016 TOILET FACILITIES PERSPECTIVE

SK-017 BBQ FACILITIES PLAN AND ELEVATION

SK-018 BBQ FACILITIES PERSPECTIVE

SK-019 WALKWAY, HANDRAIL & SIGNAGE PERSPECTIVE

SK-020 BRIDGE PERSPECTIVE

SK-021 INFRASTRUCTURE

SK-022 INFRASTRUCTURE

SK-023 INFRASTRUCTURE

SK-024 STAGE 1 MASTERPLAN

SK-025 STAGE 2 MASTERPLAN

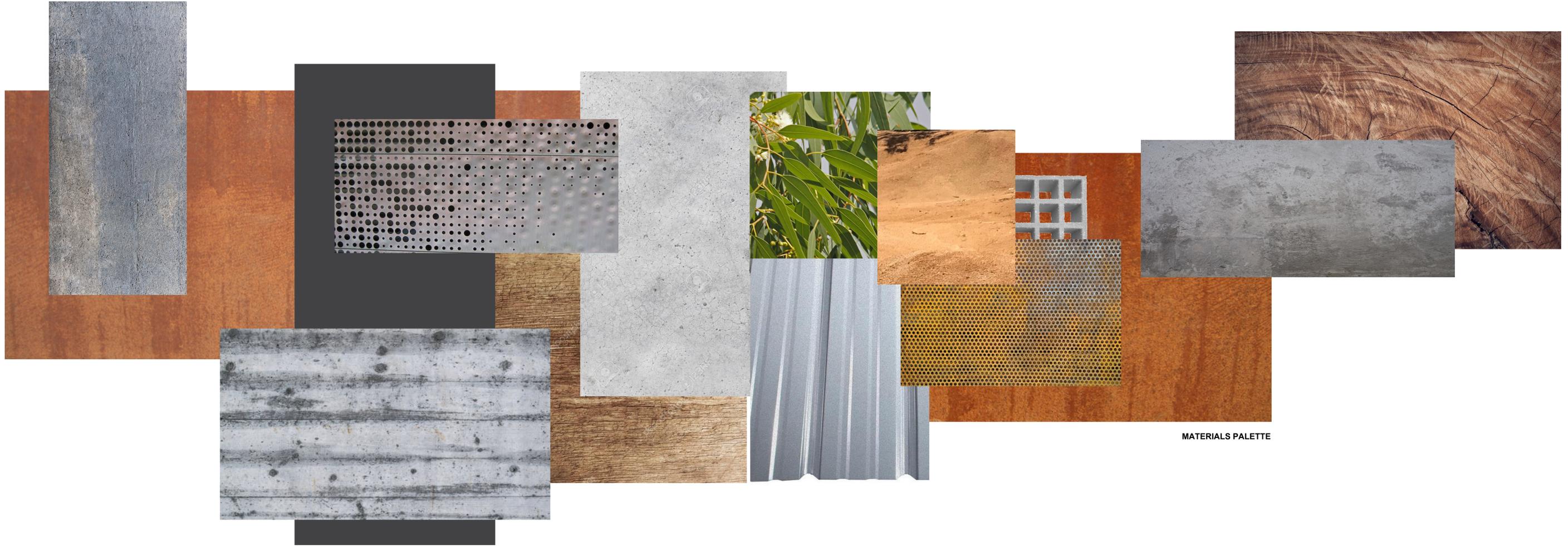
SK-026 LANDSCAPE - SCREENING

SK-027 LANDSCAPE - EROSION CONTROL

SK-028 STRUCTURES – KIOSK

SK-029 KIOSK PERSPECTIVE

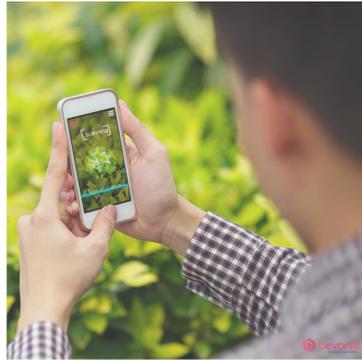




MATERIALS PALETTE

INFRASTRUCTURE

SIGNAGE



PATHWAYS



FENCING/BOLLARD



INFRASTRUCTURE: PICNIC, BBQ, TOILETS, CARPARKING



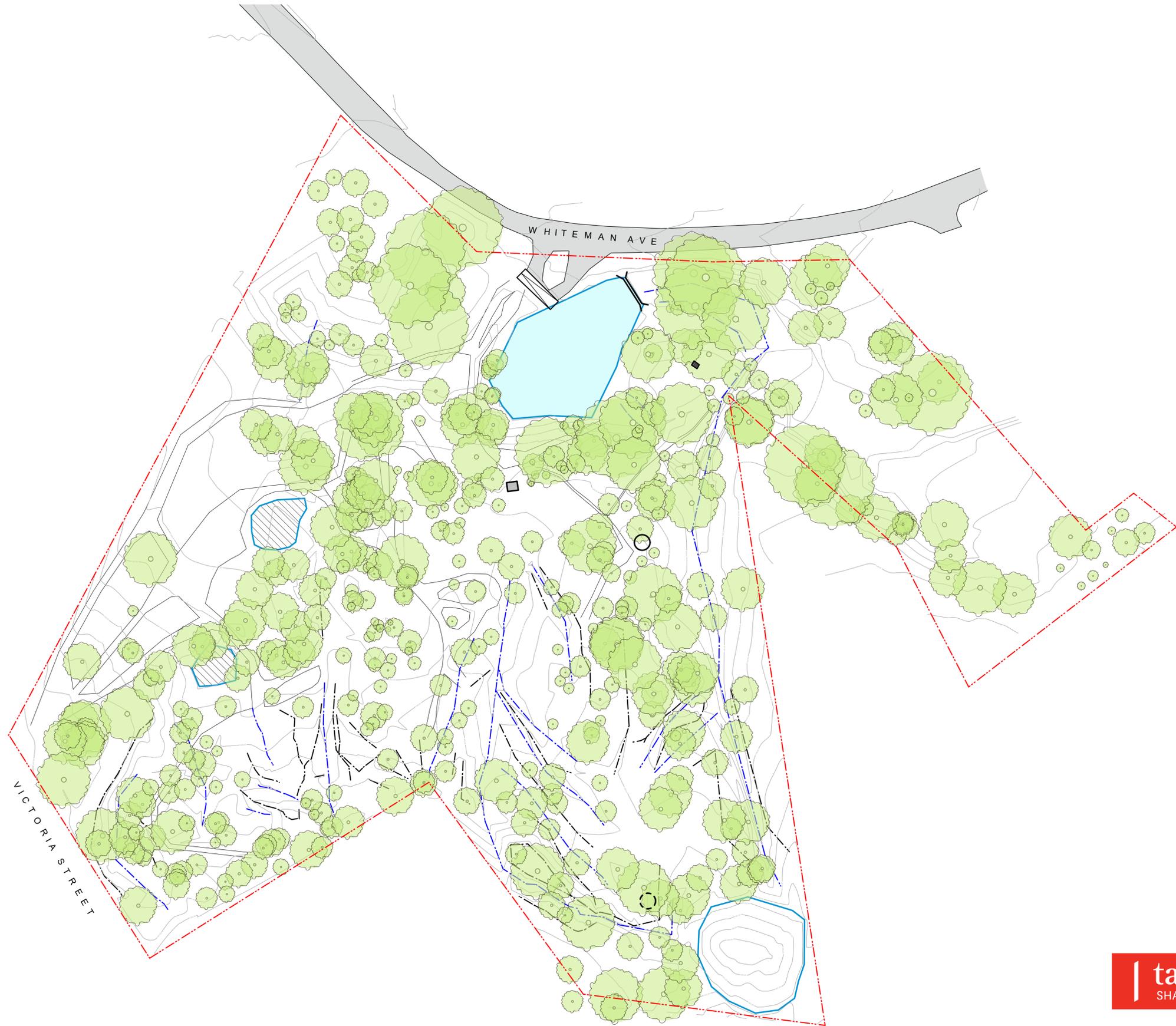
LIGHTING/SEATING



Blackguard Gully Masterplan
Materials Palette

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  CONTOURS - 1M
-  EXISTING GULLY / SLUICING RACE
-  EXISTING TRACK
-  EXISTING TOP OF EMBANKMENT
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  EXISTING FOOTBRIDGE
-  TOILET STRUCTURE AND SEPTIC TANK TO BE REMOVED
-  GOLD TRAIL SIGNAGE TO BE REMOVED
-  EXISTING RAMP



Blackguard Gully Masterplan

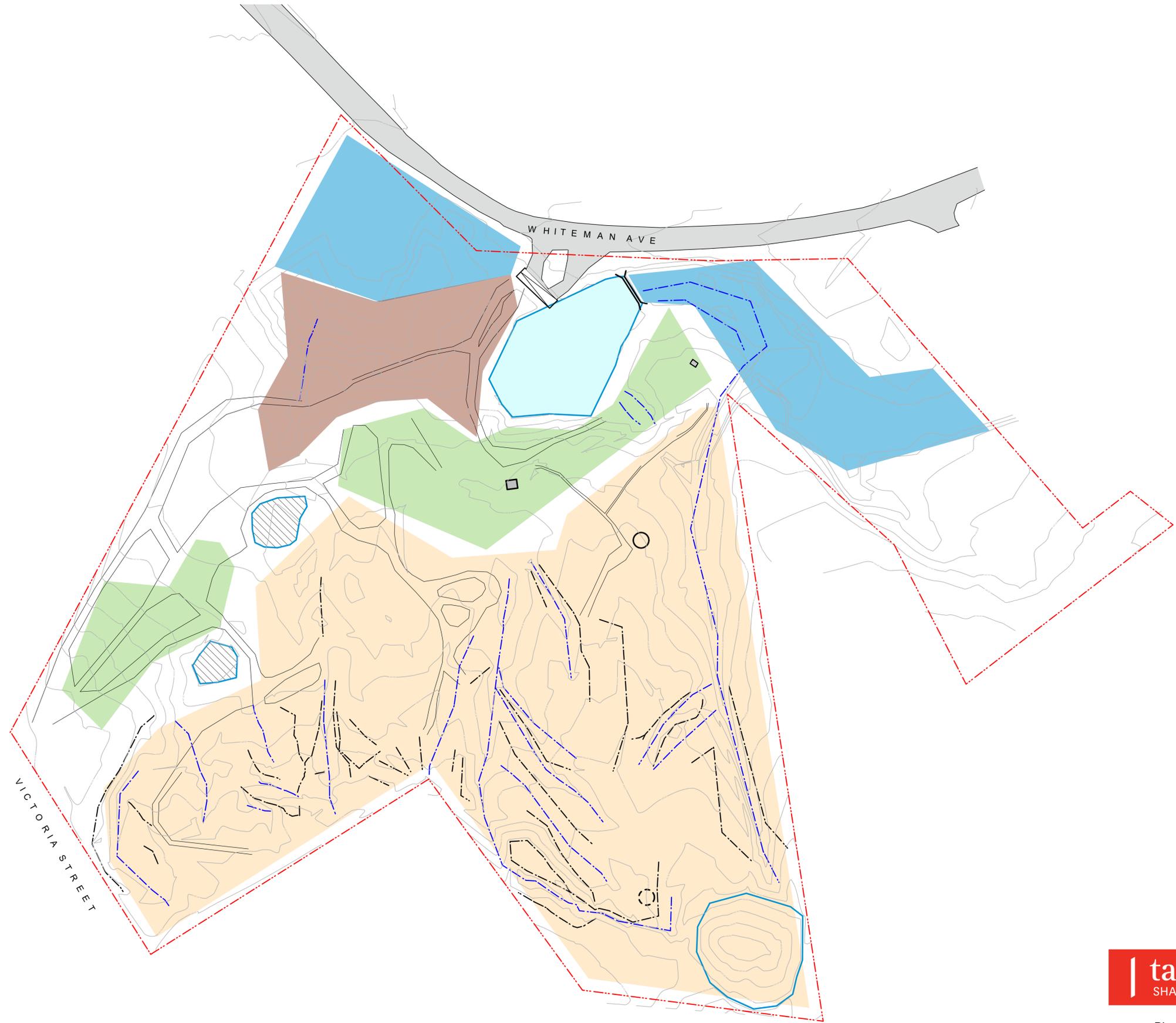
Existing Site

Scale at A1	Date	Revision	Drawing Number
1:800	14/2/19	B	SK-011



LEGEND

-  SITE BOUNDARY
-  EXISTING GULLY / SLUICING RACE
-  EXISTING TRACK
-  EXISTING TOP OF EMBANKMENT
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  EXISTING FOOTBRIDGE
-  TOILET STRUCTURE AND SEPTIC TANK TO BE REMOVED
-  GOLD TRAIL SIGNAGE TO BE REMOVED
-  EXISTING RAMP
-  AREAS FOR ECOLOGICAL RESTORATION
-  AREAS OF PROMINENT MINING STRUCTURE FOR CONSERVATION AND INTERPRETATION
-  AREAS OF EROSION FOR LANDSCAPE STABILISATION
-  AREAS FOR WATER QUALITY RESTORATION



Blackguard Gully Masterplan

Heritage & Landscape

Scale at A1	Date	Revision	Drawing Number
1:800	14/2/19	B	SK-012

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  EXISTING TRACK
-  BOUNDARY FENCING
-  HANDRAIL ALONG PATH
-  REMOVABLE BOLLARDS
-  ROCK BOLLARDS
-  SOLAR LIGHTS
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING FOOTBRIDGE
-  EXISTING RAMP
-  CONNECTION TO EXISTING PATH NETWORK
-  PATH TYPE 1: GRAVEL
-  PATH TYPE 2: RAISED FRP DECKING
-  SCREEN PLANTING
-  DESTINATION SIGNAGE
-  DIRECTIONAL SIGNAGE FOR VICTORIA ST. ENTRY
-  SENSORY SIGNAGE FOR SITE FEATURES
-  AREAS OF PROMINENT MINING STRUCTURE
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  ARTWORK



- FUTURE PARKING
- DIRECTIONAL SIGNAGE FOR VICTORIA ST. ENTRY
- REMOVABLE BOLLARDS FOR LIMITED ACCESS
- WHITEMAN AVE PEDESTRIAN ENTRY
- UPGRADED PEDESTRIAN FOOTBRIDGE, WIDENED TO 1.6M
- BOUNDARY FENCING
- EXISTING PATHWAY
- POND LOOKOUT
- COVERED BBQ FACILITIES
- COVERED PICNIC FACILITIES AND EDUCATION
- NATURE PLAY AREA ENCLOSED BY PATHWAYS
- RAISED PATHWAY FOR SITE EXPLORATION
- SLUICING RACE LOOKOUT POINTS WITH SIGNAGE AND HANDRAILS
- CONSERVATION OF SLUICING SYSTEM
- SCREEN PLANTING

- TOILET FACILITIES
- SOLAR LIGHTS ALONG PATH
- PICNIC AREA
- KIOSK AND SHOP
- FENCING & REMOVABLE BOLLARDS FOR LIMITED ACCESS
- VICTORIA STREET PEDESTRIAN ENTRY
- FUTURE PARKING
- BUS PARKING
- DESTINATION SIGNAGE
- CARPARK
- BOUNDARY FENCING
- SCREEN PLANTING

REFER TO SK-024 AND SK-025 FOR STAGING PANS



Blackguard Gully Masterplan

Sketch Masterplan

Scale at A1 1:800 Date 14/2/19 Revision C Drawing Number SK-013

LEGEND

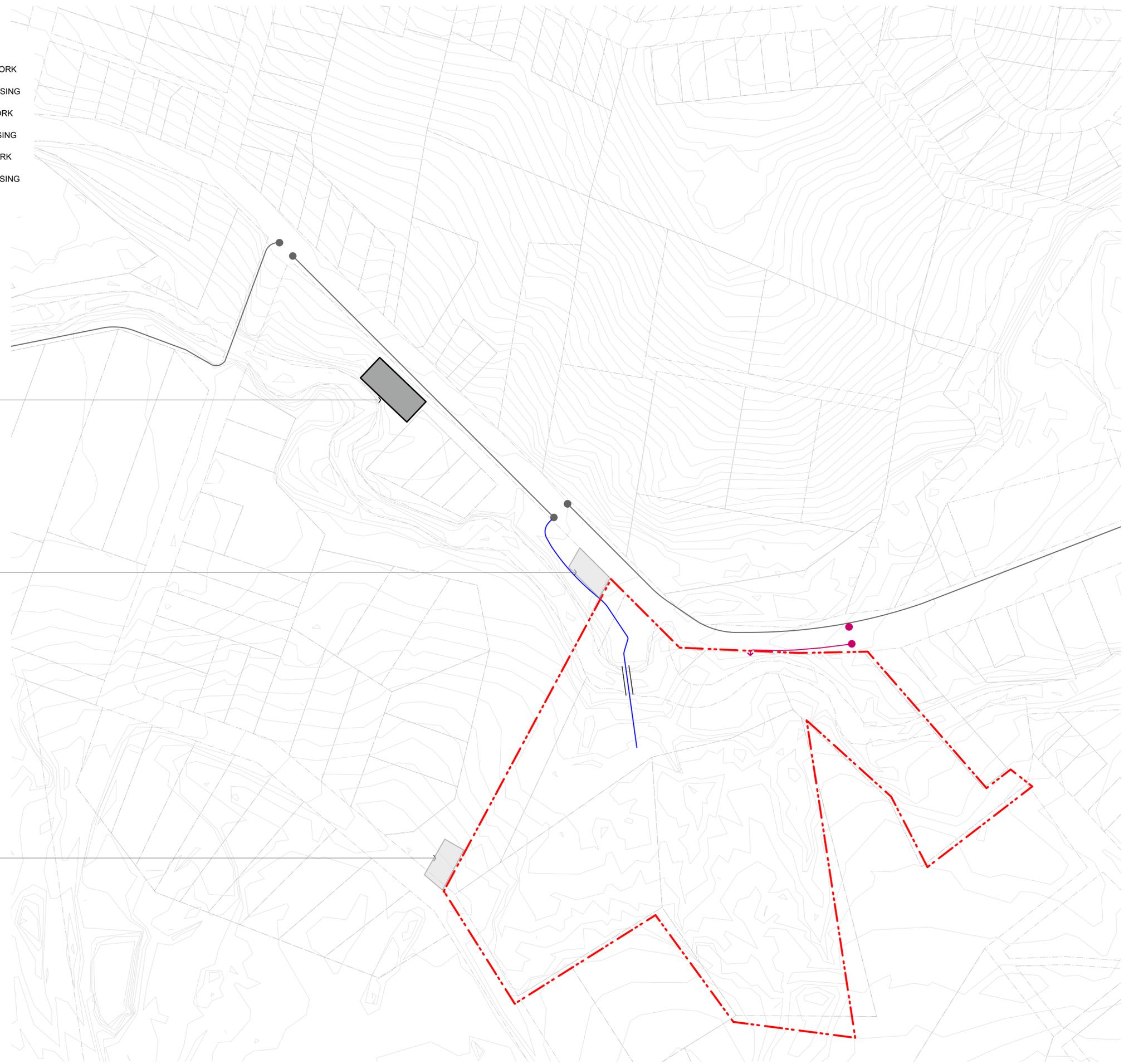
- - - SITE BOUNDARY
- EXISTING PATH NETWORK
- ● EXISTING ROAD CROSSING
- STAGE 1 PATH NETWORK
- ● STAGE 1 ROAD CROSSING
- FUTURE PATH NETWORK
- = = FUTURE CREEK CROSSING



POSSIBLE NEW MUSEUM

CAR PARK

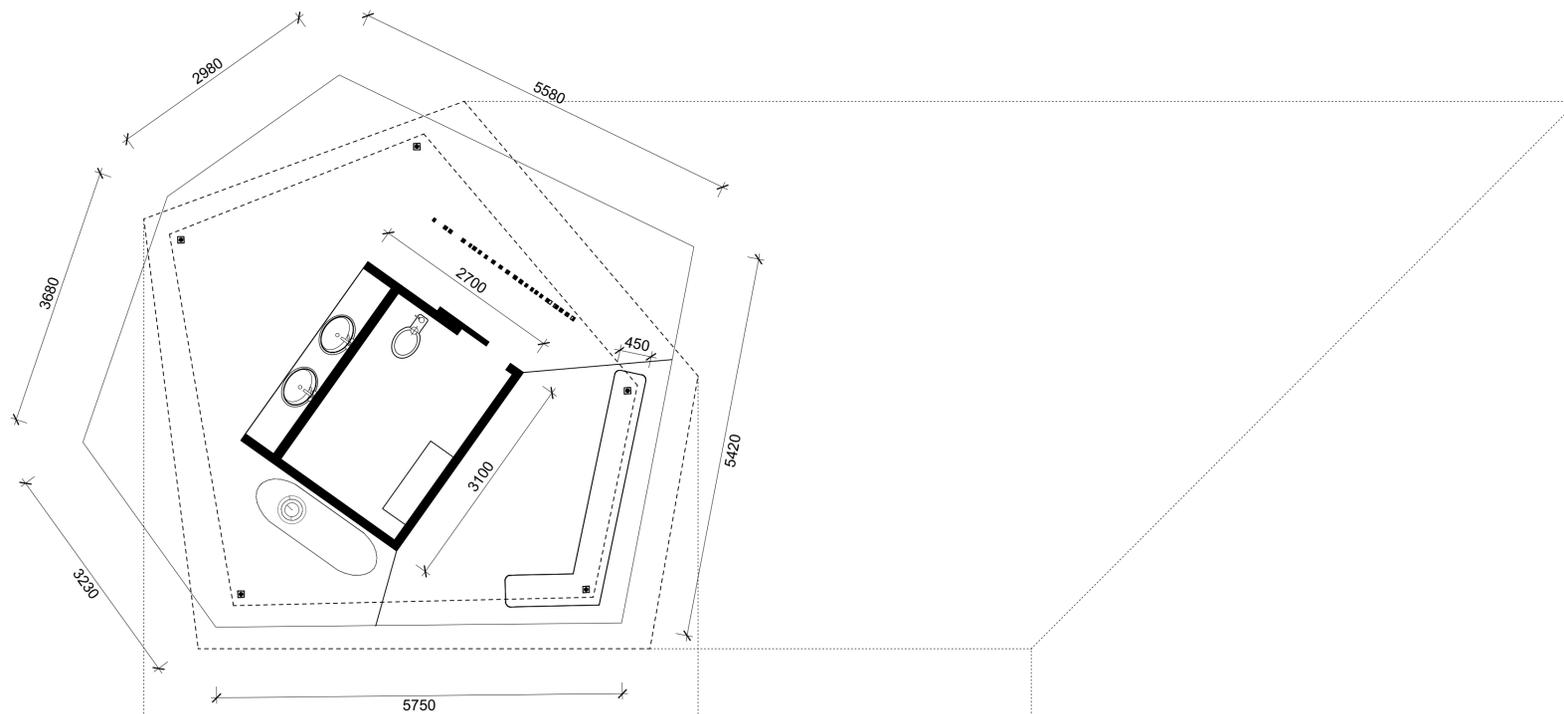
CAR PARK



Blackguard Gully Masterplan

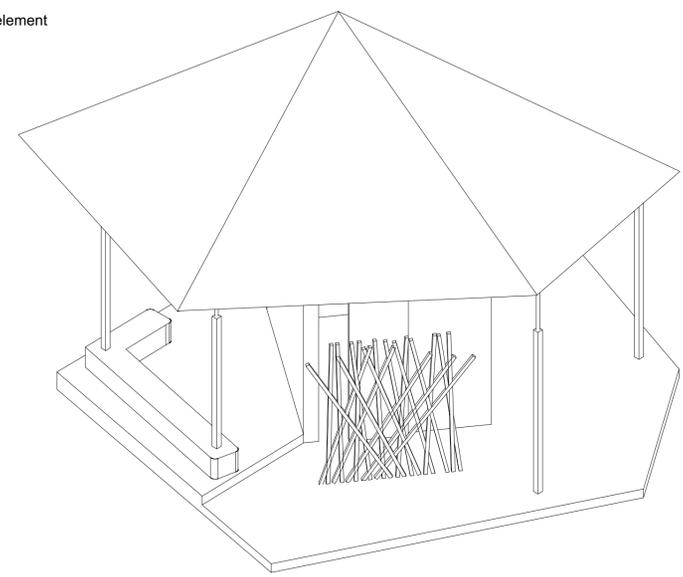
Future Offsite Works

Scale at A1	Date	Revision	Drawing Number
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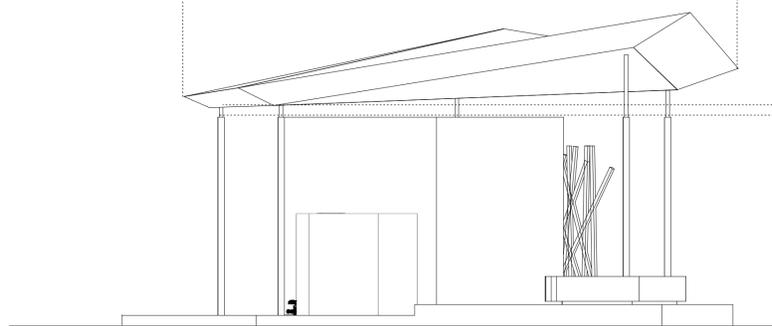


1 Toilet Facilities Plan
 scale at A1 1:50
 scale at A3 1:100

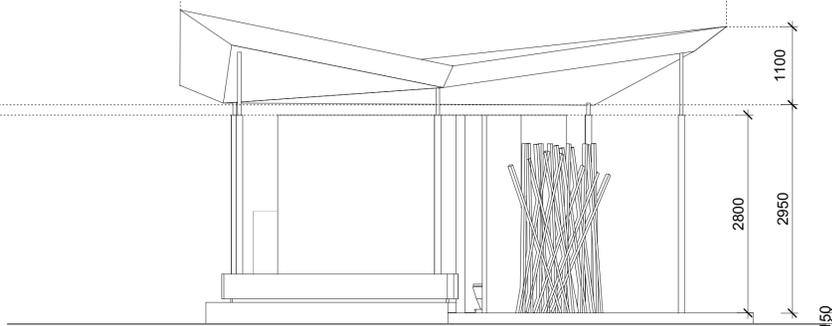
- Materials**
- Core 10 steel roof and columns
 - Matte black steel square hollow section posts for screening element
 - Matte black steel sheeting to timber sliding door
 - 2000L Slimline steel water tank with zincalume finish
 - Concrete block walling in stacked bond pattern
 - Concrete slab/seating cast insitu with class 2 finish
 - Seating to match materials palette refer to SK-10



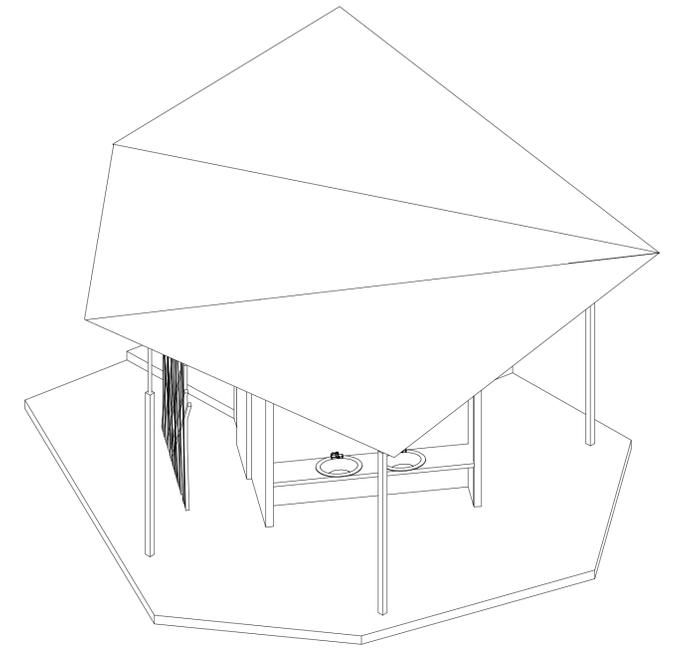
4 Toilet Facilities Right Rear Isometric
 scale at A1 1:50
 scale at A3 1:100



2 Toilet Facilities Front Elevation
 scale at A1 1:50
 scale at A3 1:100



3 Toilet Facilities Side Elevation
 scale at A1 1:50
 scale at A3 1:100

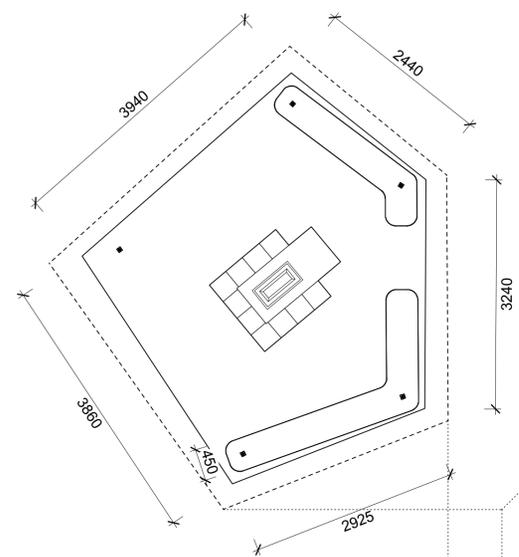
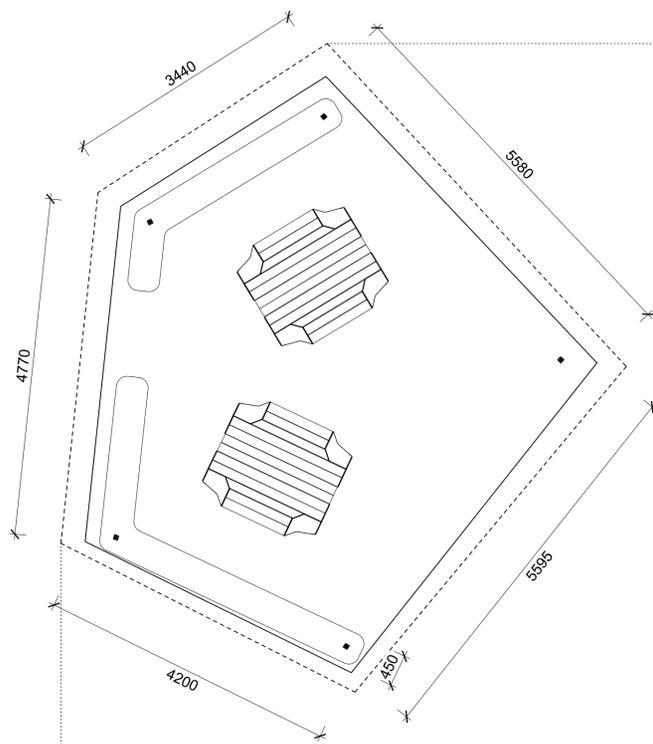


5 Toilet Facilities Left Rear Isometric
 scale at A1 1:50
 scale at A3 1:100



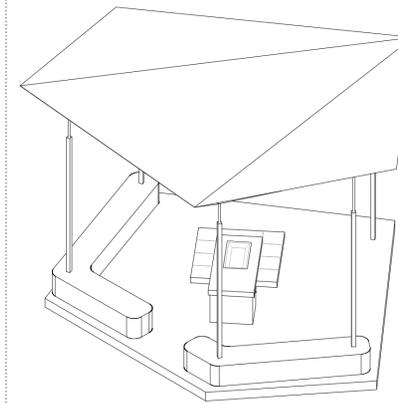
Blackguard Gully Masterplan
Toilet Facilities
 Plan & Elevations



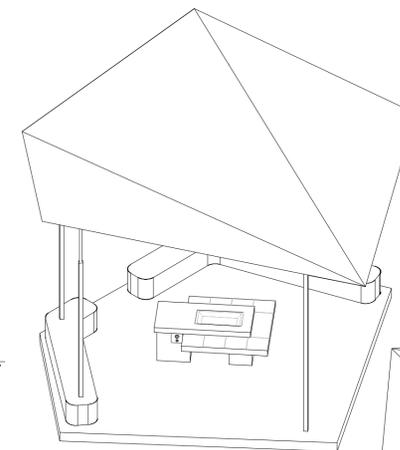
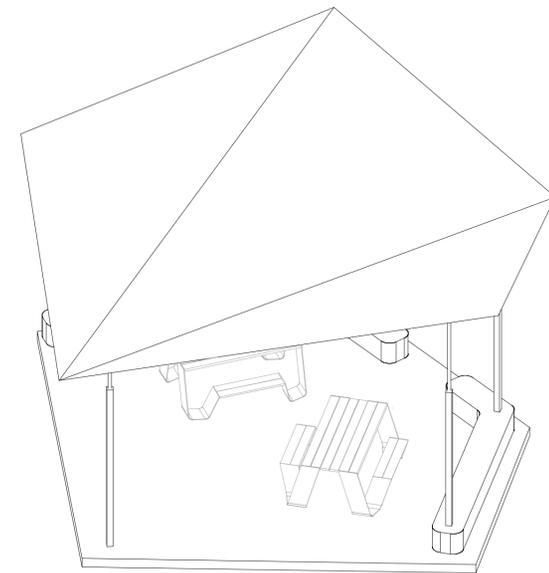


1 Education & BBQ Facilities Plan
 scale at A1 1:50
 scale at A3 1:100

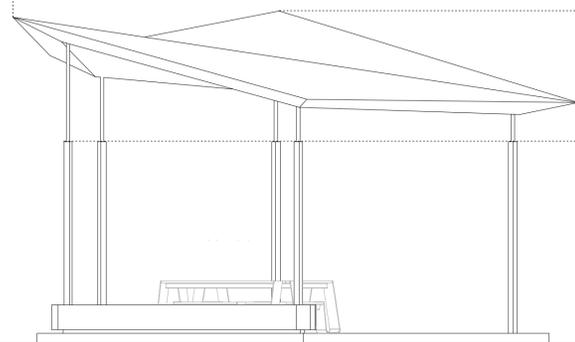
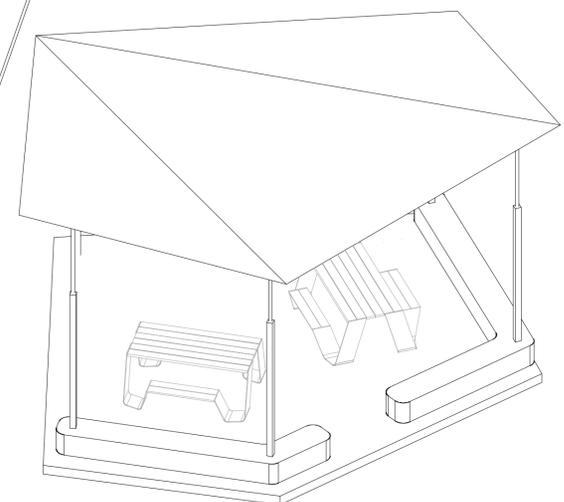
Materials
 Core 10 steel roof and columns
 Concrete slab/seating cast insitu with class 2 finish
 Seating and BBQ fittings to match materials palette refer to SK-10



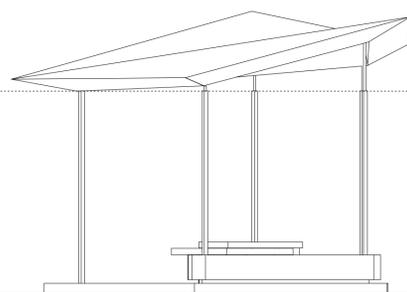
4 Education & BBQ Facilities Right Rear isometric
 scale at A1 1:50
 scale at A3 1:100



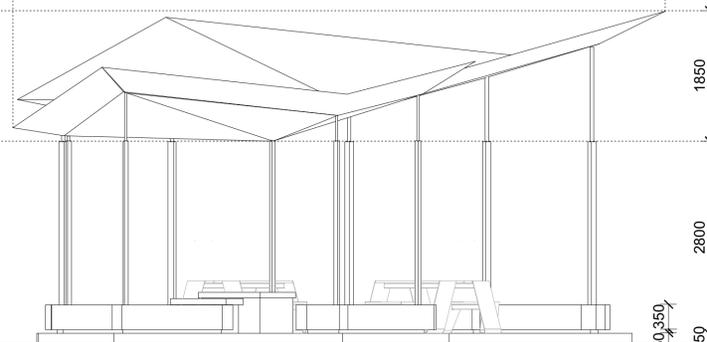
5 Education & BBQ Facilities Left Rear Isometric
 scale at A1 1:50
 scale at A3 1:100



2 Education & BBQ Facilities Front Elevation
 scale at A1 1:50
 scale at A3 1:100



3 Education & BBQ Facilities Side Elevation
 scale at A1 1:50
 scale at A3 1:100



Blackguard Gully Masterplan
BBQ Facilities
 Plan & Elevations





Blackguard Gully Masterplan
**Walkway, Handrail, &
Signage Perspective**

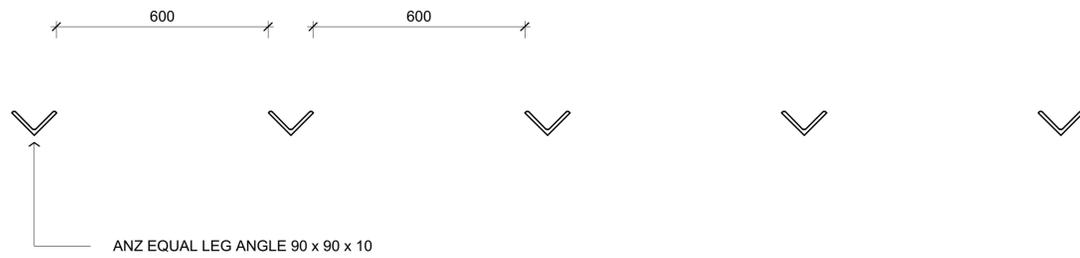
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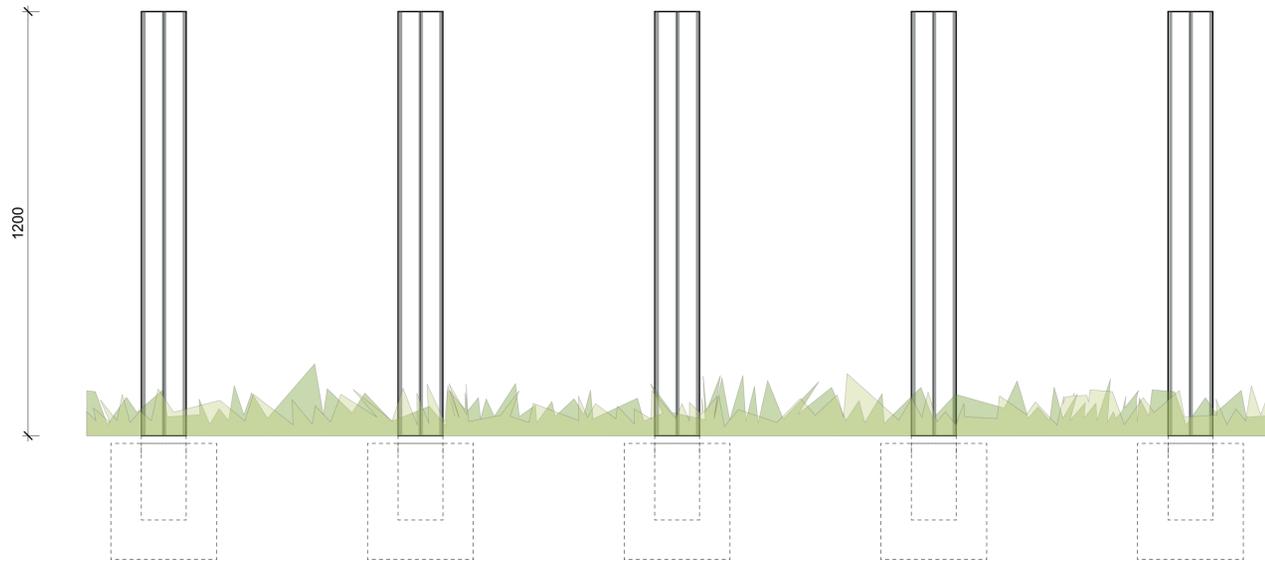
Blackguard Gully Masterplan

Bridge Perspective

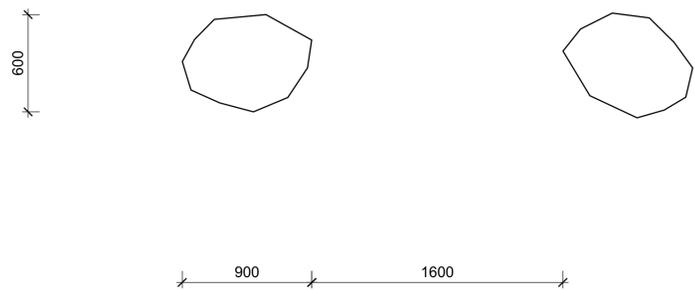
Scale at A1	Date	Revision	Drawing Number
n.t.s	14/2/19	B	SK-020



1 Boundary Fence Typical Plan
 scale at A1 1:10
 scale at A3 1:20



2 Boundary Fence Typical Elevation
 scale at A1 1:10
 scale at A3 1:20



3 Rock Bollards Fixed
 scale at A1 1:10
 scale at A3 1:20



4 Bollards Collapsible
 scale at A1 1:10
 scale at A3 1:



1 | BBQ
 scale at A1 1:n.L.s
 scale at A3 1:



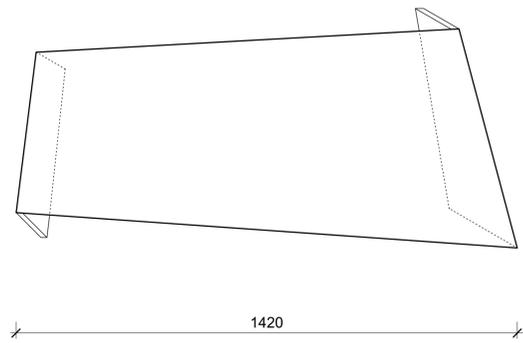
2 | Lighting AST-1784 Light Asten Solar
 scale at A1 1:n.L.s
 scale at A3 1:



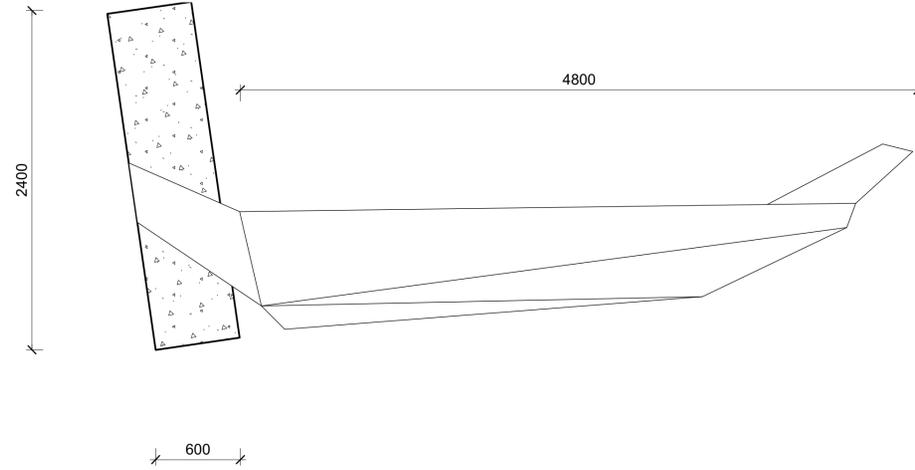
3 | Seat
 scale at A1 1:n.L.s
 scale at A3 1:



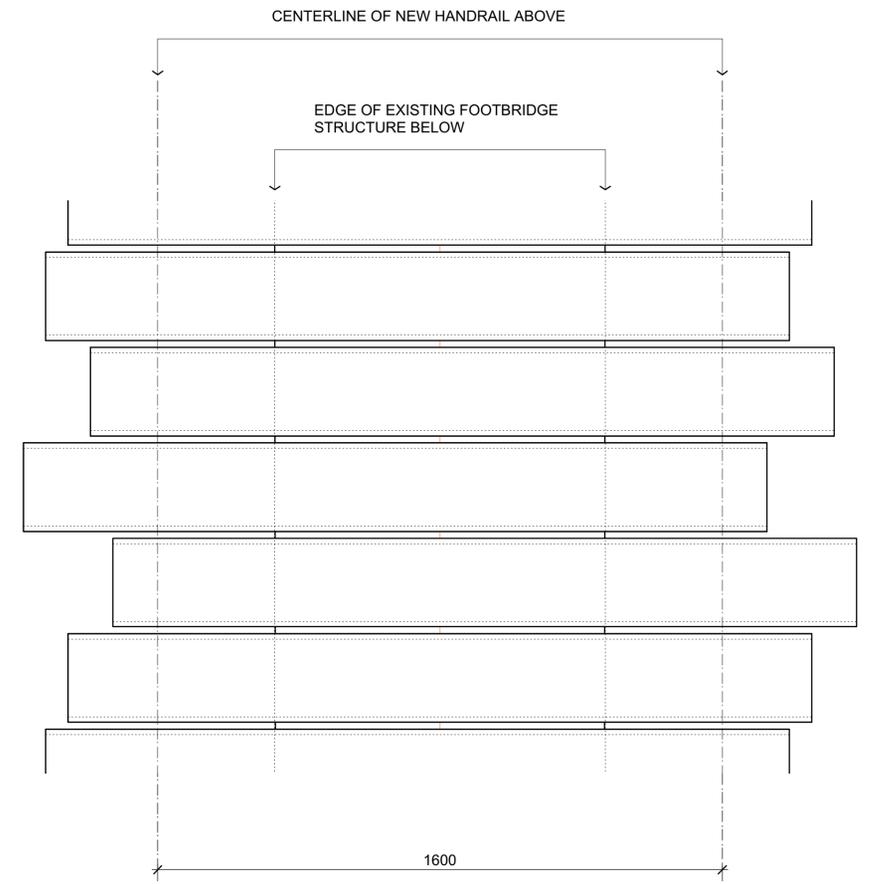
4 | Bench
 scale at A1 1:n.L.s
 scale at A3 1:



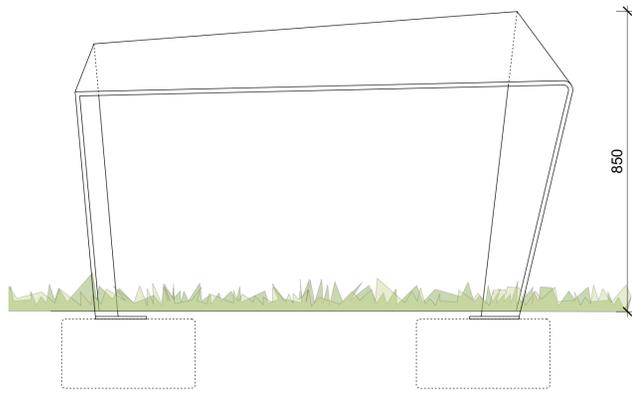
1 Signage Type 1 Plan
 scale at A1 1:10
 scale at A3 1:20



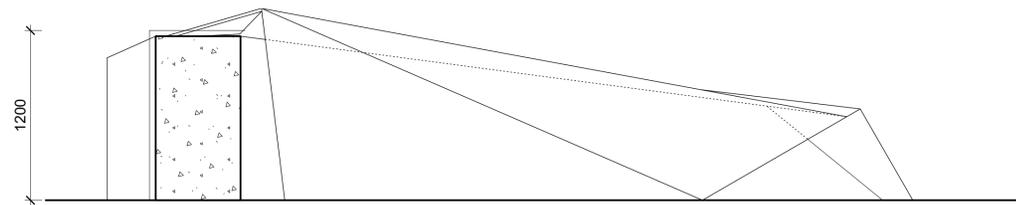
3 Signage Type 2 Plan
 scale at A1 1:50
 scale at A3 1:100



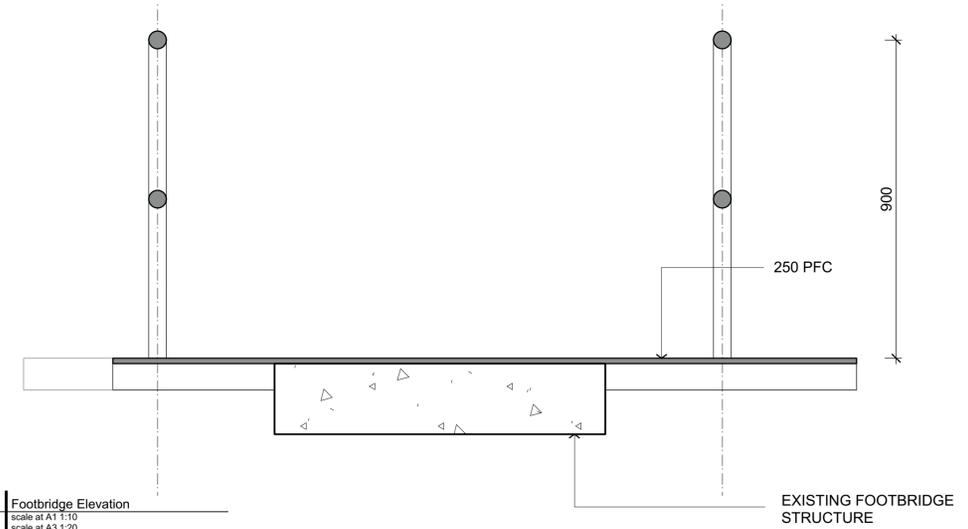
5 Footbridge Plan
 scale at A1 1:10
 scale at A3 1:20



2 Signage Type 1 Elevation
 scale at A1 1:10
 scale at A3 1:20



4 Signage Type 2 Elevation
 scale at A1 1:50
 scale at A3 1:100



6 Footbridge Elevation
 scale at A1 1:10
 scale at A3 1:20



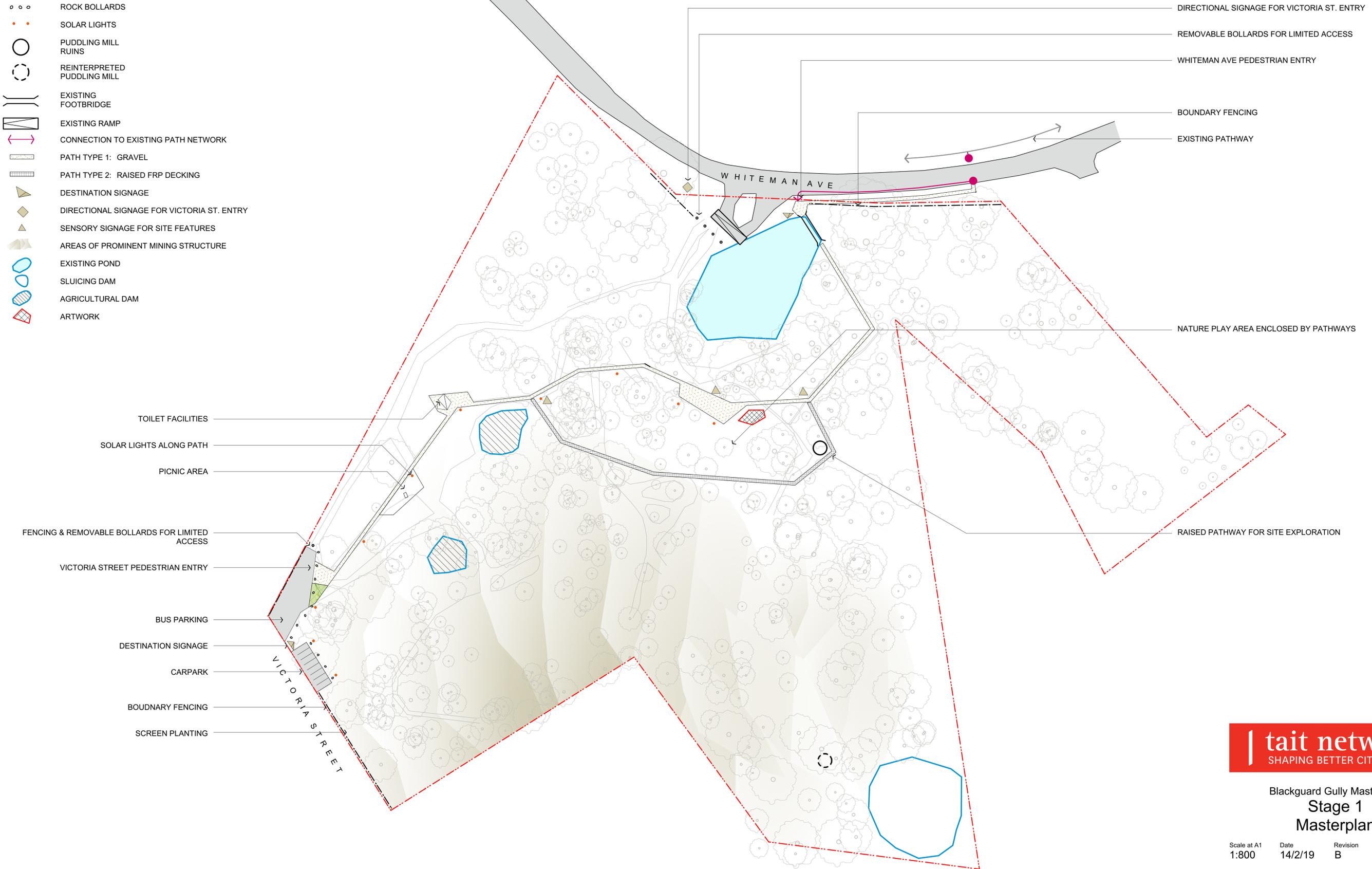
Blackguard Gully Masterplan

Infrastructure

Scale at A1 VARIES Date 14/2/19 Revision B Drawing Number SK-023

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  EXISTING TRACK
-  BOUNDARY FENCING
-  HANDRAIL ALONG PATH
-  REMOVABLE BOLLARDS
-  ROCK BOLLARDS
-  SOLAR LIGHTS
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING FOOTBRIDGE
-  EXISTING RAMP
-  CONNECTION TO EXISTING PATH NETWORK
-  PATH TYPE 1: GRAVEL
-  PATH TYPE 2: RAISED FRP DECKING
-  DESTINATION SIGNAGE
-  DIRECTIONAL SIGNAGE FOR VICTORIA ST. ENTRY
-  SENSORY SIGNAGE FOR SITE FEATURES
-  AREAS OF PROMINENT MINING STRUCTURE
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  ARTWORK



Blackguard Gully Masterplan
Stage 1
Masterplan

Scale at A1 1:800 Date 14/2/19 Revision B Drawing Number **SK-024**

LEGEND

-  EXISTING TREES
-  SITE BOUNDARY
-  HANDRAIL ALONG PATH
-  PUDDLING MILL RUINS
-  REINTERPRETED PUDDLING MILL
-  EXISTING FOOTBRIDGE
-  EXISTING RAMP
-  PATH TYPE 1: GRAVEL
-  PATH TYPE 2: RAISED FRP DECKING
-  SCREEN PLANTING
-  SENSORY SIGNAGE FOR SITE FEATURES
-  AREAS OF PROMINENT MINING STRUCTURE
-  EXISTING POND
-  SLUICING DAM
-  AGRICULTURAL DAM
-  ARTWORK



Blackguard Gully Masterplan
Stage 2
Masterplan

Scale at A1 1:800	Date 14/2/19	Revision B	Drawing Number SK-025
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1 | Screen Planting Section
 scale at A1 1:50
 scale at A3 1:100

SLOPE OF GROUNDPLANE VARIES

UNDERSTOREY PLANTING

MID-STOREY PLANTING

PROPOSED SCREENING LOCATIONS



1:5000

NEIGHBOURING LAND/PROPERTY

BOUNDARY FENCE LINE

UPPER STOREY PLANTING



CALLISTEMON VIMINALIS



ACACIA BAILEYANA



ALLOCASUARINA VERTICILLATA



THEMEDA AUSTRALIS

HARDENBERGIA FALSE SARSAPARILLA



DICHELACHNE CRINITA

KUNZEA PARVIFOLIA



MICROLAENA STIPOIDES

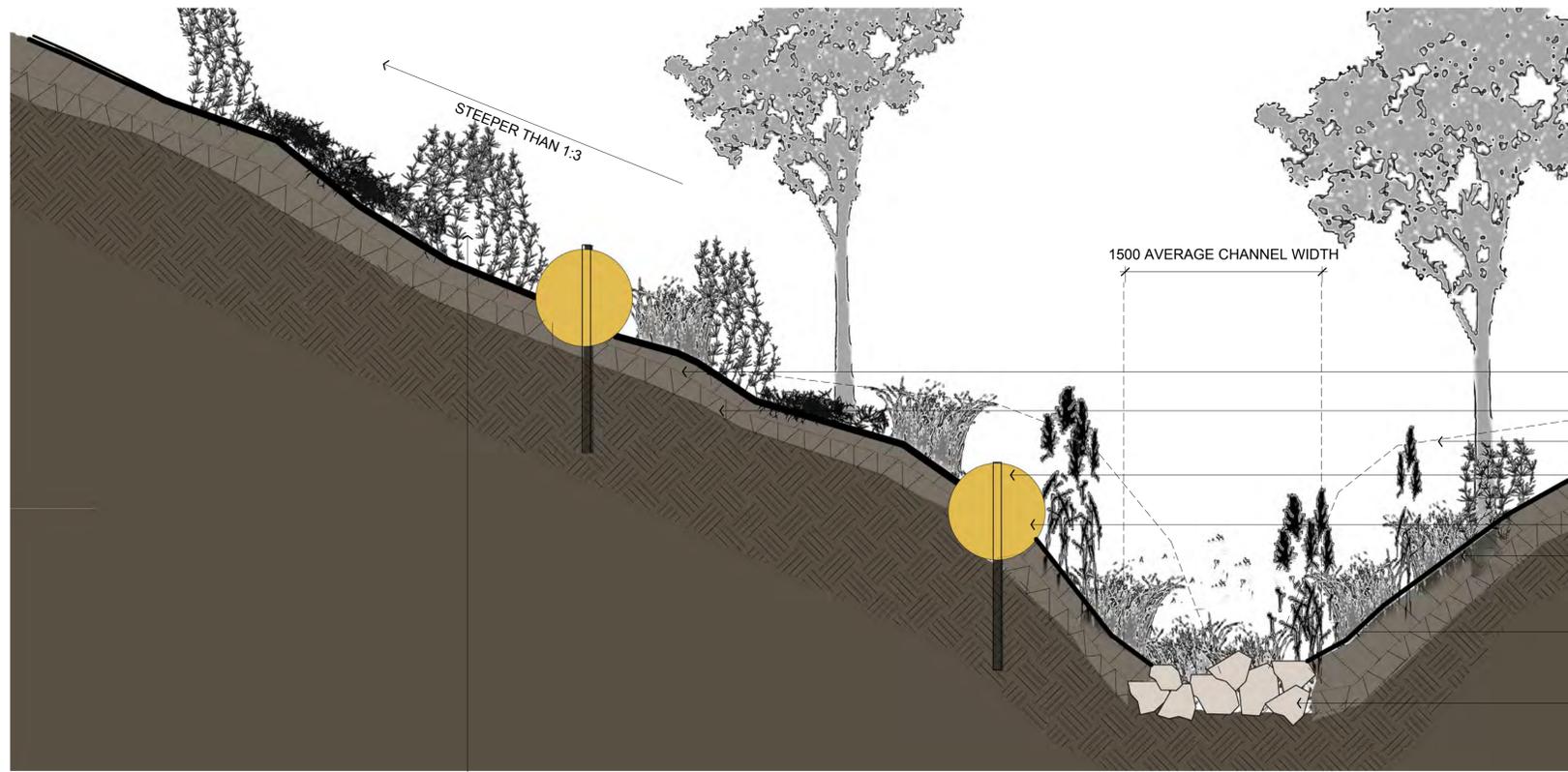
POA SIEBERIANA



DIANELLA REVOLUTA



Blackguard Gully Masterplan
 Landscape Screening



- 200MM DEPTH AMELIORATED TOPSOIL
- 300MM DEPTH CULTIVATED SUBGRADE
- EXISTING GROUNDLINE
- SUPPORT STAKES
- COIR LOG ROLL BANK REINFORCEMENT
- PROPOSED EARTH WORKS CUT FOR EROSION CONTROL WORKS WHERE GRADE IS STEEPER THAN 1:1.5
- PLANTING IN JUTE MESH FOR BANK STABILISATION
- ROCK LINED GULLY

RIPARIAN AND EROSION STABILISING PLANTING



1:5000

1 Typical Steep Bank & Gully Erosion Section
scale at A1 1:25
scale at A3 1:50



JUNCUS CARREX



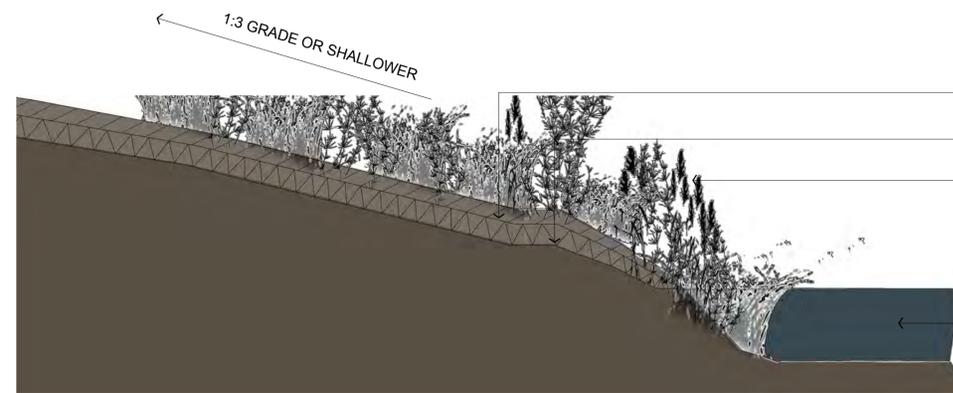
LOMANDRA LONGIFOLIA



CAREX BICHENOVIANA



COIR LOGS AND JUTE EROSION MATTING

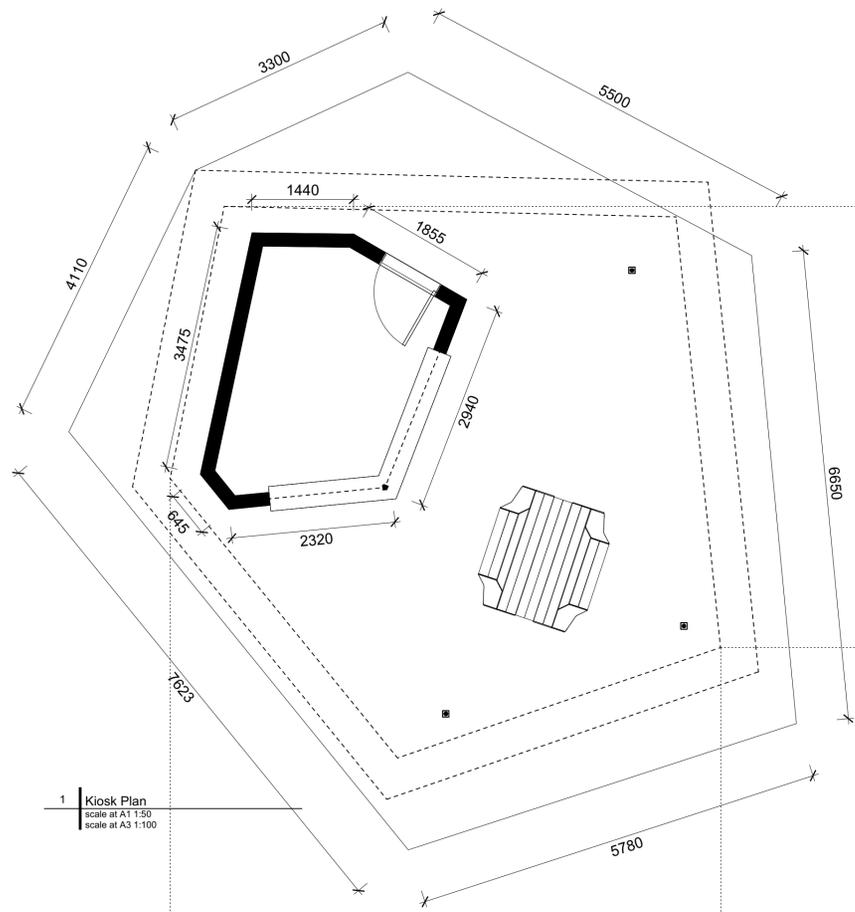


- 200MM CULTIVATED TOPSOIL
- 300MM CULTIVATED EARTH
- RIPARIAN/EROSION STABILISING PLANTING
- INDICATIVE WATER LEVEL

2 Typical Eroded Bank Section
scale at A1 1:50
scale at A3 1:100

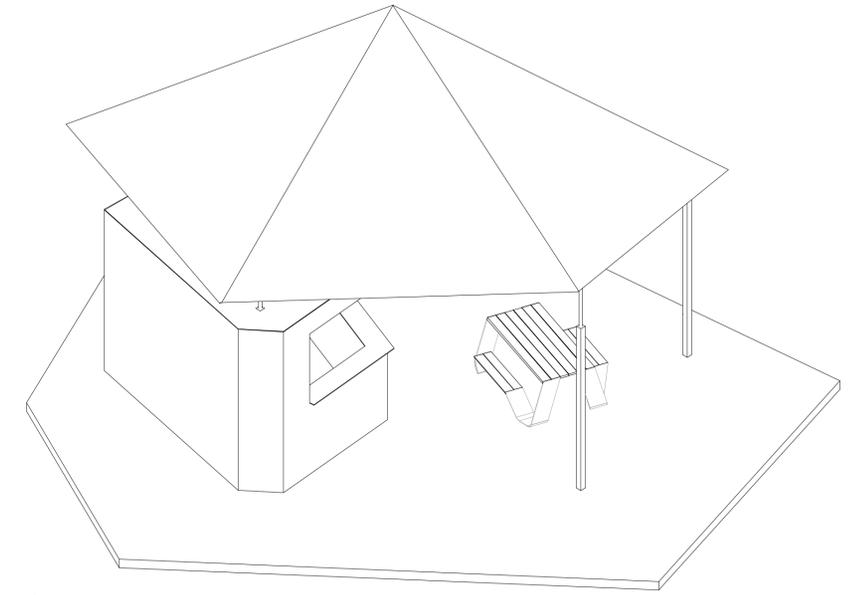


Blackguard Gully Masterplan
Landscape Erosion Control

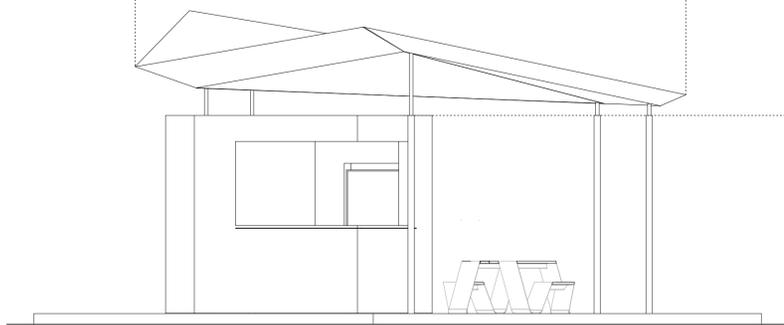


1 Kiosk Plan
scale at A1 1:50
scale at A3 1:100

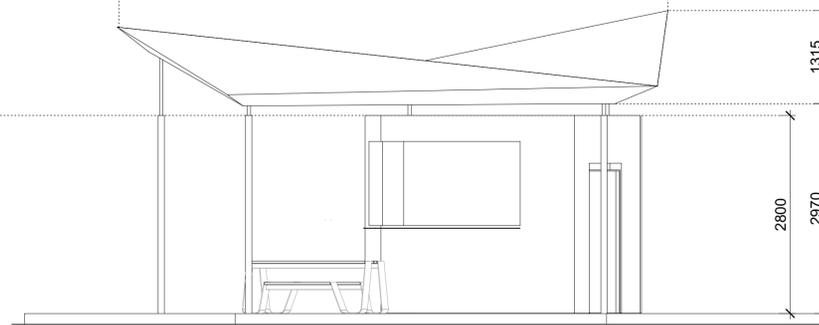
Materials
 Core 10 steel roof and columns
 Matte black steel sheeting to timber sliding door
 Concrete block walling in stacked bond pattern
 Matte black steel sheeting flush door
 Matte black steel roller shutters in kiosk
 Seating to match materials palette refer to SK-10



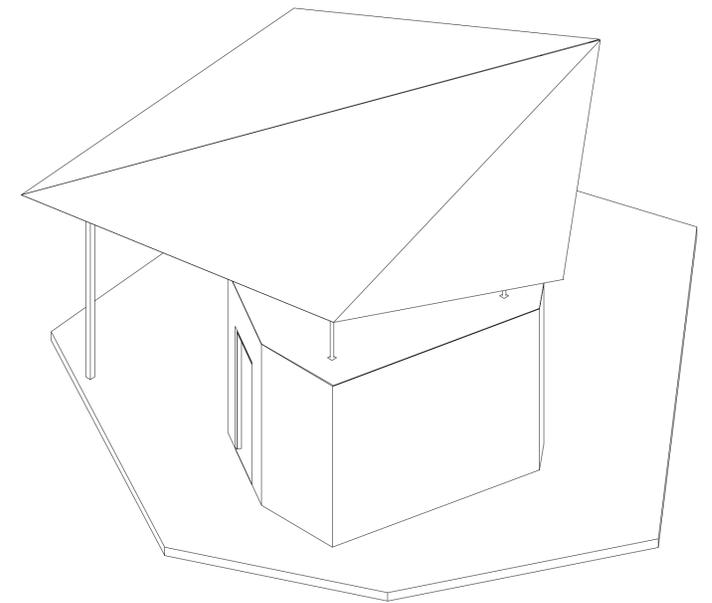
4 Kiosk Right Rear Isometric
scale at A1 1:50
scale at A3 1:100



2 Kiosk Front Elevation
scale at A1 1:50
scale at A3 1:100



3 Kiosk Side Elevation
scale at A1 1:50
scale at A3 1:100



5 Kiosk Left Rear Isometric
scale at A1 1:50
scale at A3 1:100



Blackguard Gully Masterplan
**Kiosk Plans
 & Elevations**

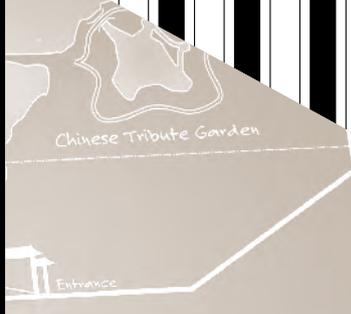
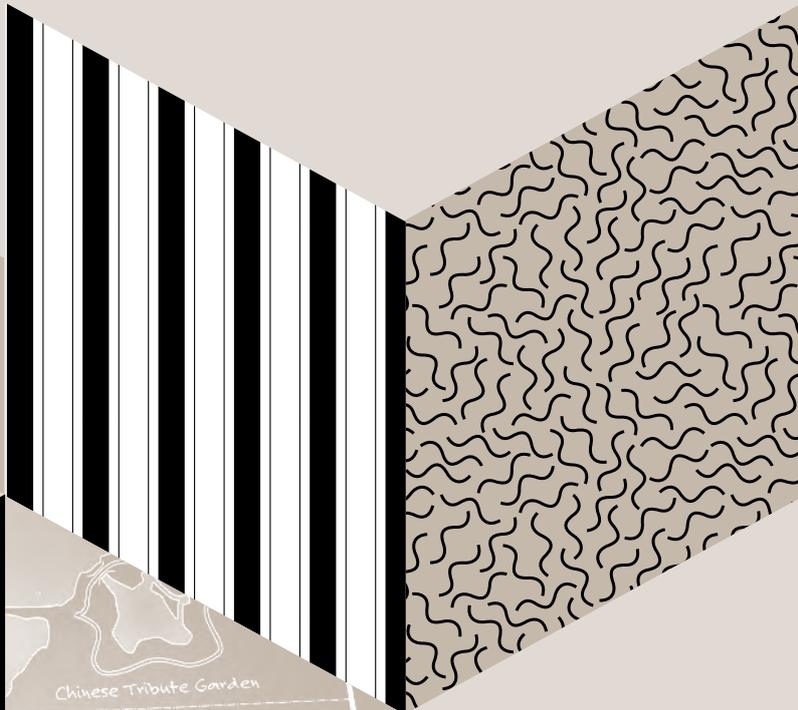


Blackguard Gully Masterplan Site Investigation Report

HILLTOPS COUNCIL
BOOROWA, HARDEN
YOUNG NSW
2018



uses for the town
of Young Pa
in Young
ns.



tait
network.

in a rather
railway water
the first town

There has been subsequent
enlargement of the capacity of
Chinaman's Dam by Council.
Young Shire Council, formed
in 1980 now oversee the use
and development of
Chinaman's Dam.



Contents

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OPPORTUNITIES	11
CONSTRAINTS	11
CHALLENGES	11
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This Site Investigation Report has been prepared by Tait Network on behalf of the Hilltops Council as part of a larger scope of works.

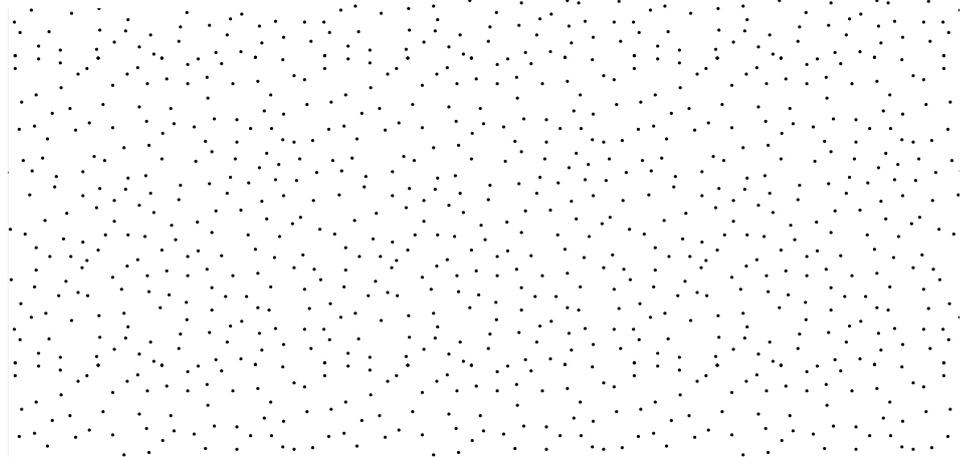
Executive Summary

Blackguard Gully is a reserve located in the township of Young, NSW. Hilltops Council has commissioned this Site Investigation Report contributing to the development of a Masterplan and Plan of Management for Blackguard Gully.

This Site Investigation Report documents findings of our review of existing site conditions and services to understand key aspects of the site, as well as conservation and passive recreation consistent with the Conservation Management Plan (CMP).

The review identified eleven key elements that have the potential to both positively and negatively impact the Masterplan and the interpretation of the site:

- Changing nature of the terrain and inherent rugged beauty;
- There is significant opportunity within the interpretation of the site to tell the migration story, possibly with the use of technology and digital representations;
- A hazardous pedestrian entrance to the site off Whiteman Avenue;
- The opportunity to include stories and ideas from the multicultural association and other interested parties within the concepts of the Masterplan;
- Poor stability of ground plane along walking trails;
- Significant erosion on site, providing unsafe areas for pedestrian activity;
- High demand for rehabilitation of damaged areas due to erosion;
- Need to change perception of current use as a site for four-wheel driving and BMX biking;
- Fossicking contributing to erosion;
- Areas likely to be affected by flooding;
- Demands for planting to prevent further erosion.



THE BLACKGUARD GULLY RESERVE OCCUPIES A PARCEL OF LAND IN YOUNG, NSW, BOUND BY WHITEMAN AVENUE AND VICTORIA STREET. THE SITE, APPROXIMATELY 77,283M² IN AREA, IS LISTED ON THE NSW STATE HERITAGE REGISTER.



Introduction

The Blackguard Gully Reserve occupies a parcel of land in Young, NSW, bound by Whiteman Avenue and Victoria Street. The site, approximately 77,283m² in area, is listed on the NSW State Heritage Register.

Scope of Works

This Site Investigation Report has been prepared by Tait Network on behalf of the Hilltops Council as part of a larger scope of works. Tait Network has been commissioned by the Hilltops Council to prepare a Masterplan and a Plan of Management for Blackguard Gully, in conjunction with extensive consultation with the Young community, as well as design workshops with the Hilltops Council, and the Community Working Group.

Following the approval of these documents, Tait Network will assist Council with project management and the implementation of the first phase of elements for the Masterplan. \$500,000 has been allocated for the first phase of works at Blackguard Gully. The thirteen elements listed in the RFT to be included in the masterplan are as follows:

- Upgraded toilet facilities in an appropriate location and the removal of existing toilet facilities and septic tank;
- Provision of parking facilities and measures to limit the capacity for vehicles to access the site;
- Installation of picnic facilities which may also serve as an outdoor education booth/viewing platform;
- Provision of appropriate pedestrian access from both Victoria Street and Whiteman Avenue;
- Upgrade of pedestrian footbridge;
- Conservation and interpretation of the surviving ground sluicing system and its infrastructure including the puddling mills, sluicing races and sluicing dams;
- Establishment of a series of pathways throughout the precinct that allow visitors to explore the site without traversing archaeological sites and ruins;
- Removal of steel fencing and where appropriate the installation of new fencing;
- Minimisation of soil erosion and other associated environmental works including weed removal and landscaping;

- Provision of screening plantings to obscure the view of the Victoria Street Waste Facility;
- Appropriate lighting of the carpark, picnic area and interpretive pathways using solar power;
- Development of a suite of marketing products related to the promotion of Blackguard Gully including on the development of an identifiable logo/brand (and accompanying style guide), interpretative onsite informational and directional signage, a basic website and content library with site specific images and stories for sharing on social channels; and
- Relocation and or removal of existing signage.

Methodology

The project methodology can be summarised as follows:

- A review of applicable statutory planning instruments, including:
 - The existing Plan of Management.
 - Environmental Planning and Assessment Act 1979 NO. 203.
- A review of applicable strategic plans, in particular:
 - Conservation Management Plan: Blackguard Gully.
- A review of other precedents that directly address the context of the site, being:
 - Lithgow Blast Furnace;
 - Chinese Tribute Gardens;
 - Golden Gully at Hillend;
 - Karr's Reef Gold Mine Yackandandah;
 - Maldon Historic Reserve Victoria;
 - Whroo Historic Reserve Victoria.
- Site visit;
- Inception Meeting and discussions with community working group;
- A review of Masterplan objectives for the site; and
- An exploration of site opportunities and constraints for future development.

THIS TIMELINE RECORDS TAKEN FROM THE CMP SHOWS THE LAND USE HISTORY OF BLACKGUARD GULLY IN THE CONTEXT OF THE LAMBING FLAT GOLD RUSH AND SUBSEQUENT RELATED EVENTS TO PRESENT DAY.

1820

Surveyor Meehan explored the county between Tarlo and Grage Gullen.

1824

Hume and Hovell explored the county between Yass Plains and Port Phillip

1826

James White settled on Burrangong Creek.

1860

Gold discovered on White's lambing flat.

1861

Anti-Chinese riots drove Chinese miners from the gold field. The vicinity of Lambing Flat and Burrangong was named Young in April and Town of First land sale in Young.

1865

The initial gold rush had virtually finished.

1870

Large scale ground sluicing actively commenced in various area of the Burrangong Goldfield.

1874

Patrick Fitzgibbon acquired free hold title to blocks lining the Blackguard Gully watercourse.

1877

Mining practice in the Burrangong Goldfield described as "primitive and slovenly".

1811

Lyons and Fitzgibbon were using the government boring machine on their claim on Victoria Hill.

1882

Borough of Young incorporated.

1887

Gough and Company developed extensive sluicing infrastructure on Victoria Hill above Blackguard Gully.

1888

Victoria Hill Sluicing Gold Mining Company, Young, Limited established to sluice the area between Blackguard Gully and Sawpit Gullies.

1889

Burrangong Creek watercourse reserved from sale as Crown Land.

1891

Irish immigrant Patrick Fitzgibbon acquired mining leases on Victoria Hill.

1895

Death of Patrick Fitzgibbon.

1897

Fitzgibbon's freehold land and leases taken up by William O'Connell.

1917

Death of William O'Connell.

1919

William O'Connell's land transferred to Margaret and Maurice O'Connell.

1922

O'Connell mining leases cancelled.

1924

Burrangong Creek watercourse and Blackguard Gully dedicated as public reserve.

1954

Margaret O'Connell's lease dedicated as a Reserve for future public requirements.

1955

The southern section of Margaret O'Connell's lease taken up by B.J. & E.M. Morris.

1992

Development of Young Chinese Tribute Gardens commenced at Chinaman's Dam.

2009

Blackguard Gully listed on the NSW State Heritage Register

ABOUT THE GOLD TRAILS

In an extraordinary period from 1861 onwards, people rushed to make their fortunes on a series of goldfields that were discovered in NSW.

The new finds significantly impacted the early agricultural towns and villages. New settlements were established to service thousands of prospectors and miners who came and went. Many came from Australia and overseas to win the gold, many set up businesses to feed and supply the miners, while some chose to stay.

Today, the golden heritage vein underpins the story of nearly every major town and village across central and south-west NSW. Every goldfield has its own trail to follow - every goldmining family their own story to tell.

Follow the GOLD TRAILS and discover for yourself, the heritage stories underpinning the towns, villages and landscapes of NSW. Here the stories of those who won the gold and those who stole the gold, are brought to life by communities committed to preserving and sharing their heritage.

History

To be read in conjunction with Blackguard Gully, Young – Conservation Management Plan.

Blackguard Gully is located within the country of the Wiradjuri people. The Wiradjuri people had an integral relationship with the land, holding a wealth of knowledge about local resources including raw materials, as well as food sources such as fish and shellfish within the district rivers, plants, tubers and nuts, yam daisies, wattle-seeds, orchid tubers, and larger game such as possums, kangaroos and emus. Many tribes of the Wiradjuri people were affected by two waves of the small pox epidemic occurring during 1790s and the 1830s. When European settlers moved in and occupied the prime grazing land along the river corridors, some Aboriginal people lived on the fringes of these settlements, while others were pushed out to marginal lands.

In the 1820s, the Blackguard Gully site was utilised by James White as part of the Burrangong pastoral run. In 1860, gold was discovered in Burrangong Creek and brought about a major gold rush, attracting immigrant miners from China, Germany and Ireland. Successful gold mining on site became increasingly difficult and eventuated in organised groups of miners orchestrating the Lambing Flat riots, a series of anti-Chinese demonstrations occurring in January, June and July 1861. These acts are the most widely known and documented acts of violence in the history of Australian gold rushes. A large portion of Blackguard Gully was allocated to the Chinese miners in recognition of the suffering experienced during these attacks.

The gold rush subsided in 1862, and Blackguard Gully and surrounding areas were operated by various groups of Irish miners using ground sluicing methods. This practise continued well into the 20th century. The heavily sluiced alluvial gold mining areas have been listed on the NSW State Heritage register.



**BLACKGUARD GULLY IS LOCATED
APPROXIMATELY 2.3KM SOUTH-WEST
OF THE TOWN CENTRE IN YOUNG, NSW.**



Existing Conditions Analysis

To be read in conjunction with Blackguard Gully, Young – Conservation Management Plan, Attachment 1: Blackguard Gully Drawing Set, and Attachment 2: Blackguard Gully – Dial Before You Dig Documents.

Site Context

Blackguard Gully is located approximately 2.3km south-west of the town centre in Young, NSW. The subject site is bound by Whiteman Avenue to the north of the site and Victoria Street to the south-west. The Young Waste Transfer Station sits to the south-west of the site, Jack Howard reserve sits north-west of the site, and the remainder of the site is surrounded by privately owned, pastoral land.

Garibaldi Gully runs north-east of the site, terminating into Victoria Creek which runs north-west of the site and through the pondage located within the northern boundary of the site. The pondage flows to the west of the site as Victoria Creek and also runs down west through the site as Blackguard Gully.

Land Custodianship

Blackguard Gully currently occupies several parcels of land, defined as:

- Crown Land DP 1160640;
- Part Lot 7316 DP 1160640;
- Part Lot 7048 DP 1001285;
- Part Lot 7317 DP 1160640;
- Part Lot 7313 DP 1160640;
- Lot 2524 DP 46320;
- Part Lot 7314 DP 1160640;
- Lot 304 DP 754611;
- Part Lot 7315 DP 1160640;
- Part Lot 7054 DP 96182.

The land custodianship falls under Crown Land, however the site is under the Hilltops Council's care and control. As part of the Land Negotiation Program (LNP), under the new Crown Lands Management Act, the Hilltops Council are seeking to acquire the land. The following parties have expressed an interest in its acquisition:

- The NSW Aboriginal Land Council;
- The Hilltops Council;
- The Young Local Aboriginal Lands Council.

Existing Site Conditions

The site occupies an area of approximately 77,283m² (7.28 hectares). The frontage to Whiteman Avenue is approximately 221m long and approximately 95m long to Victoria Street. The subject site's width varies from a minimum of 121m in the north to approximately 292m in the south. The site currently comprises of:

- Blackguard Gully sign;
- Remnant interpretive numbers;
- Gold Trails interpretive signage;
- Concrete ramp;
- Victoria Gully and Blackguard Gully watercourses and dam;
- Access tracks;
- Sluicing channels;
- Brick toilet block;
- Two sluicing dams;
- Septic tank;
- Two puddling mills;
- Tubular steel fencing and gates.
- A concrete pedestrian bridge;



TOPOGRAPHY

Blackguard Gully is undulating because of its rich history as an alluvial mining site. The carving of the ground plane occurred due to use for sluicing races, dams and puddling mills. Currently used as an unauthorised recreation ground for dirt bikes and four-wheel drives, much of the site has been damaged by heavy erosion, leaving parts of the surface unsafe to traverse by foot. The current landscape is most reminiscent of the site in the 1920s, after it had been mined by Irish families. The lowest point of the site is at 441m above sea level and the highest point is at 451m, showing a general slope of 2% across the entire site.



FLOODPLAIN STUDY

With reference to The Town of Young: Flood Plain Risk Management Study and Plan, the north of the site is shown to flood to indicative depths ranging from 0.05 to over 1m. There is a peak flow location point to the north-west of the site coming from Victoria Gully, causing depths of over 1m around the pondage to the north of the site. This will result in certain amenities having to be positioned above the 1 in 100-year flood level. The south of the site had not been surveyed and did not form part of the flood study flooding concerns.



VEGETATION

The eastern section of the site is heavily infested with weeds and there is some native plant regrowth occurring such as various Eucalypt varieties and Hakea. Heavy vegetation growth has been noted to inhibit erosion, particularly along the two most easterly sluicing races. Invasive species noted within this area include:

- Fire Thorn – pyrocantha;
- Hawthorn – cretageous;
- Privet;
- Cotoneaster;
- Briar rose;
- Box;
- Elms;
- Prunus;
- Celtis australis;
- Sifton bush.



ACCESS

Vehicular access to the site is currently provided by a main gravel access road from Whiteman Avenue and a secondary gravel access road from Victoria Street. There are no provisions for vehicular parking currently provided on site. It has been observed that ad-hoc vehicular parking generally occurs on the verge on both sides of Whiteman Avenue.



ADDRESS

The existing address for the site is Whiteman Avenue, Young, Hilltops Council, New South Wales, Australia.

EXISTING SERVICES AND EASEMENTS

The site is well supported with existing in-ground services, poles, free standing pillars, cable joining pits, footway access chambers, constructed cable, and trenches. The majority of services are located around the perimeter of the site.



NOISE

The site is located in an area surrounded predominantly by open space and large parcels of privately-owned pastoral land which may generate some noise on site. The main source of noise comes from the traffic on Whiteman Avenue, the main thoroughfare into Young. The pondage creates a natural pedestrian break from Whiteman Avenue, reducing the amount of noise penetrating the site through separation. Victoria Road interfaces the south-western boundary of the site; however, as a quiet dirt road, emits no noise concerns to the site.

MICROCLIMATE

The following graph outlines the average monthly temperatures on record from 1965 to 1991. The mean maximum daily temperature is 31 degrees in January and the mean minimum daily temperature drops to 1.3 degrees in July. The highest rainfall occurs in June at 62.6mm.

The following Wind Rose shows the annual wind speed and direction within Young over an annual period. The majority of wind comes from the south at 15.05%. This consists of 13.54% light wind, 1.28% gentle wind and 0.21% moderate wind.

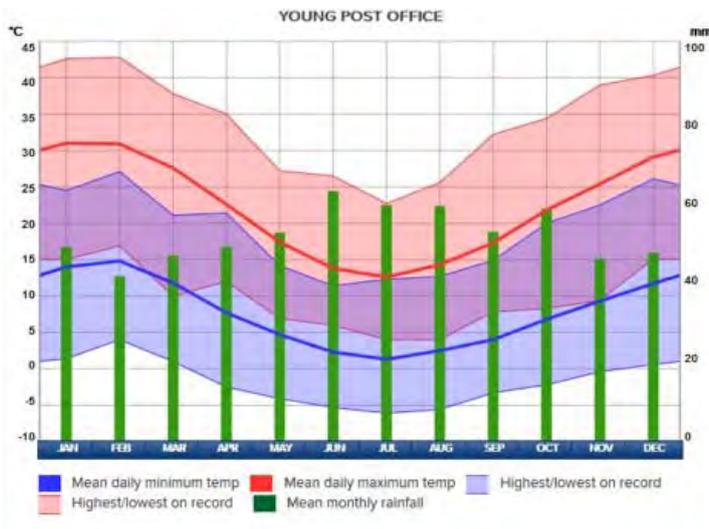


IMAGE 1. Sourced from: <http://www.weatherzone.com.au/climate/station.jsp?lt=site&lc=73056>

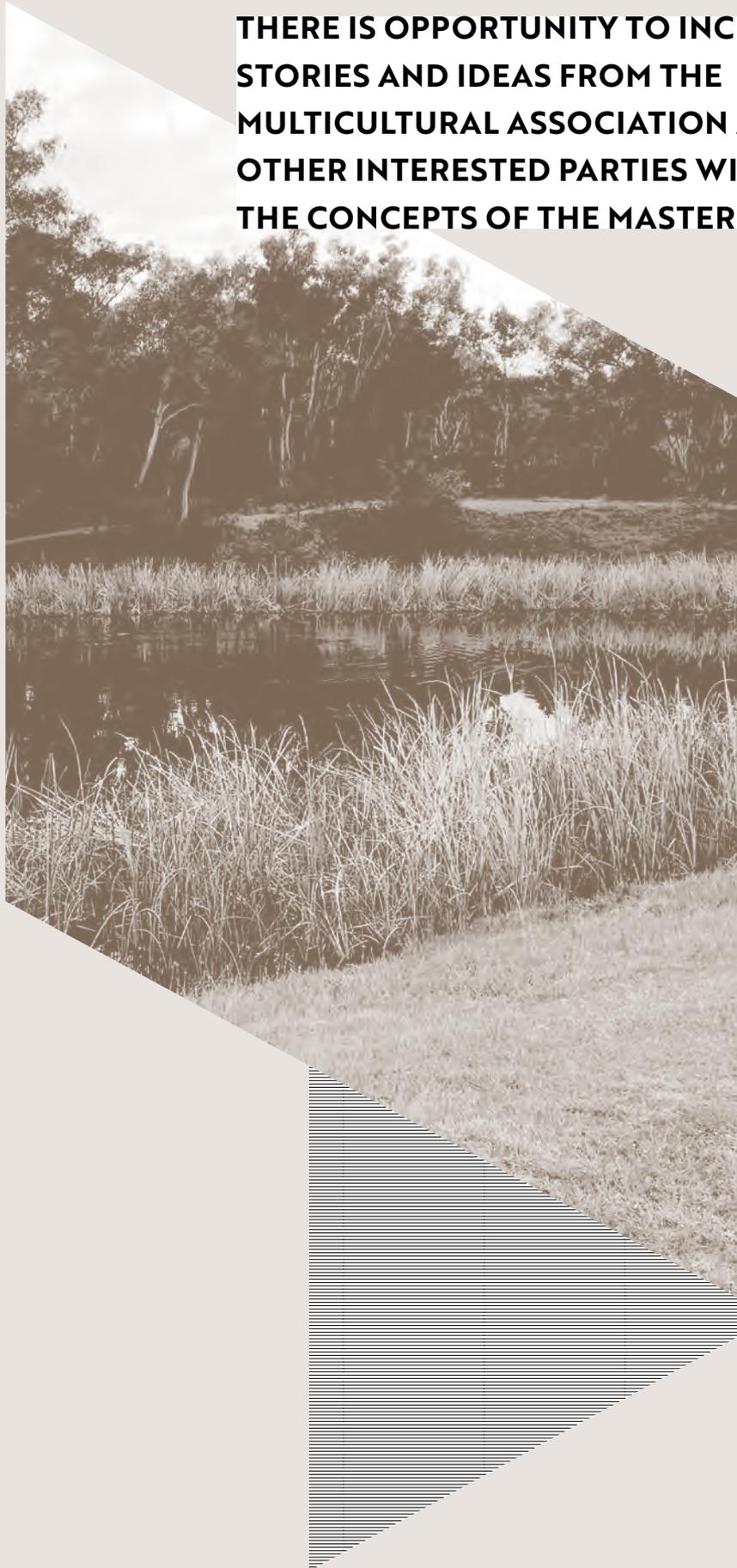
IMAGE 2. Sourced from: <https://wind.willyweather.com.au/nsw/central-tablelands/young.html>

ADJACENT BLOCKS

The following table outlines development in proximity to the subject site.

PROPERTY DESCRIPTION	USE	CUSTODIANSHIP
7313 DP 1160640	Open space	Crown Land – Hilltops Council seeking to acquire through LNP
7314	Open space	Crown Land – Hilltops Council seeking to acquire through LNP
7315	Jack Howard Reserve	Crown Land – Hilltops Council seeking to acquire through LNP
702 DP 754611	Privately owned pastoral land	
305 DP 632471	Privately owned pastoral land	
2525	Privately owned residential block	
2526 DP 725465	Privately owned pastoral land	

**THERE IS OPPORTUNITY TO INCLUDE
STORIES AND IDEAS FROM THE
MULTICULTURAL ASSOCIATION AND
OTHER INTERESTED PARTIES WITHIN
THE CONCEPTS OF THE MASTERPLAN**



Opportunities, Constraints, and Challenges

A number of Opportunities, Constraints and Challenges were identified in a site analysis, in line with the Conservation Management Plan. They are identified graphically in the Blackguard Gully Drawing Set, Tait Network, SK-003 and SK-004 and are summarized as follows.

To be read in conjunction with Attachment 2: Blackguard Gully Drawing Set.

Opportunities

- The changing nature of the terrain and inherent rugged beauty;
- Proximity of the site to the centre of Young;
- Street frontage onto one of the main entry roads into and out of Young;
- Remnants from the past mining activity such as sluicing races, puddling mills, ponds and other remains may help in site interpretation;
- The site is part of the larger integrated tourism infrastructure of the Young Region such as the Chinese Tribute Gardens and the Burrangong Creek Corridor;
- There is future opportunity to realign Whiteman Avenue, improving visual access and pedestrian safety;
- The acquisition of Crown Land to the north-west of the site may provide a suitable location for car parking;
- There is significant opportunity within the interpretation of the site to tell the migration story, possibly with the use of technology and digital representations;
- Provision of artwork to act as interpretations for the site and provide an understanding of all heritage items (archaeological, built, cultural and indigenous);
- The introduction of a new information centre or information booths;
- The opportunity to include stories and ideas from the multicultural association and other interested parties within the concepts of the Masterplan;
- Utilisation of Chum Lane or Victoria Street for parking;
- The opportunity to relocate existing amenities;
- Provision of end-of-trip cycle facilities;
- Opportunity to better reveal the shaping of the ground plane;
- The provision of ground cover, understory vegetation and tree canopies linked to erosion and climate control;

- The use of locally sourced materials from the Young region;
- The opportunity to provide different zones and uses for different parts of the site; and
- There is an opportunity to provide adaptive reuse of the site where appropriate.

Constraints

- The undulating terrain creates difficulty for access within the site, particularly disabled access;
- There is a significant amount of dilapidated vegetation on site;
- The existing access off Whiteman Avenue is hazardous for pedestrians;
- The location of the existing concrete pedestrian bridge is problematic for parking and accessibility purposes;
- The stabilisation of ground plane along walking trails;
- There are difficulties in containing pedestrians to the walking track.

Challenges

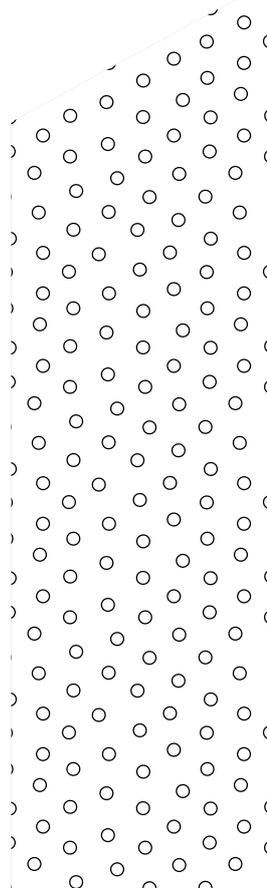
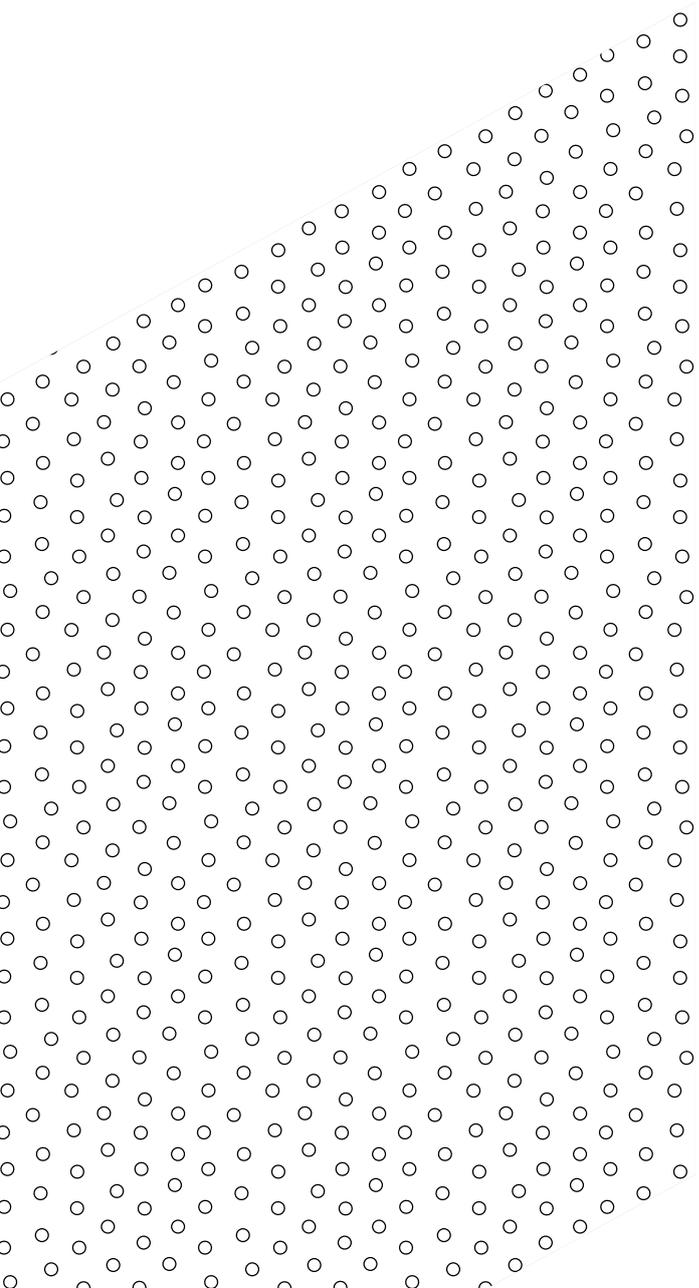
- The rehabilitation of damaged areas on site due to erosion;
- Changing the perception around the use of the site for four-wheel drives and BMX biking;
- Fossicking is currently allowed on site;
- Identification of areas on site likely to be affected by flooding and contamination;
- Traffic and parking considerations;
- Unusable areas such as the dam and heritage items;
- The level of pest and exotic plant species;
- Planting on site to prevent further erosion;
- There is a significant amount of erosion on site, providing unsafe areas for pedestrian activity; and
- Accessibility of all users due to the levels and undulating terrain.

Conclusion

These opportunities, constraints and challenges will be further discussed and developed at stakeholder workshops held on Tuesday, 4th of December at the Hilltops Council Chambers. The Hilltops Council will invite small groups of interested parties to input on the initial site findings, which will be used to shape the key concepts of the Blackguard Gully Masterplan.

Appendices

1. **Blackguard Gully Drawing Set, Tait Network**
2. **Blackguard Gully – Dial Before You Dig Data**





--- SITE BOUNDARY
77,283 m² SITE AREA (APPROXIMATE)



Blackguard Gully Masterplan
Site Investigation
Aerial Photography

Scale at A1	Date	Revision	Drawing Number
1:1000	21/11/18	B	SK-001



BOUNDARY NOT DEFINED. LINE OF EXISTING FENCE ADOPTED

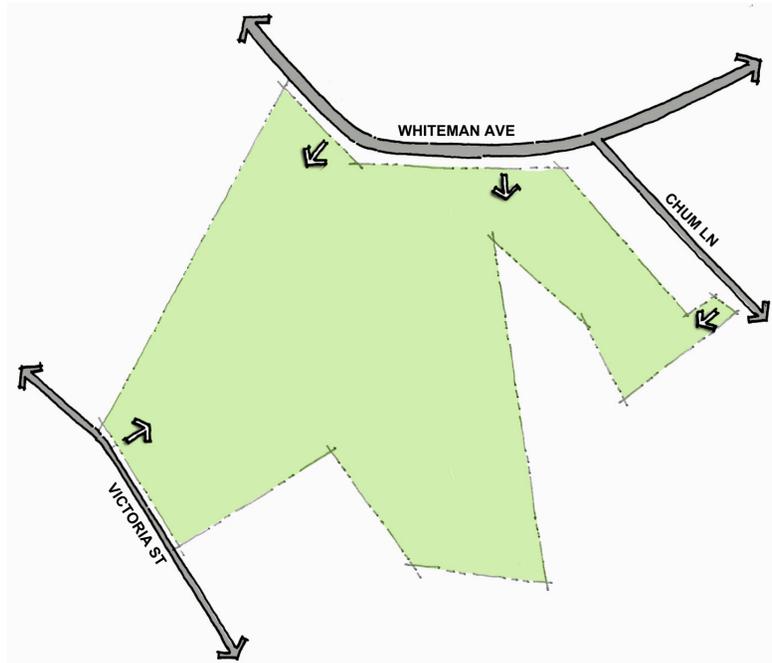
- - - SITE BOUNDARY
- - - EXISTING GULLY / SLUICING RACE
- EXISTING TRACK
- - - EXISTING TOP OF EMBANKMENT
- PUDDLING MILL RUINS
- EXISTING POND
- SLUICING DAM
- | | EXISTING FOOTBRIDGE
- TOILET STRUCTURE AND SEPTIC TANK
- GOLD TRAIL SIGNAGE
- EXISTING POLE
- - - EXISTING FENCE
- EXISTING RAMP
- - - UNDERGROUND GAS NETWORK
- - - TELECOM

NOTE:
EXISTING UTILITIES AND SERVICES DATA ARE ACQUIRED FROM "DIAL BEFORE YOU DIG".

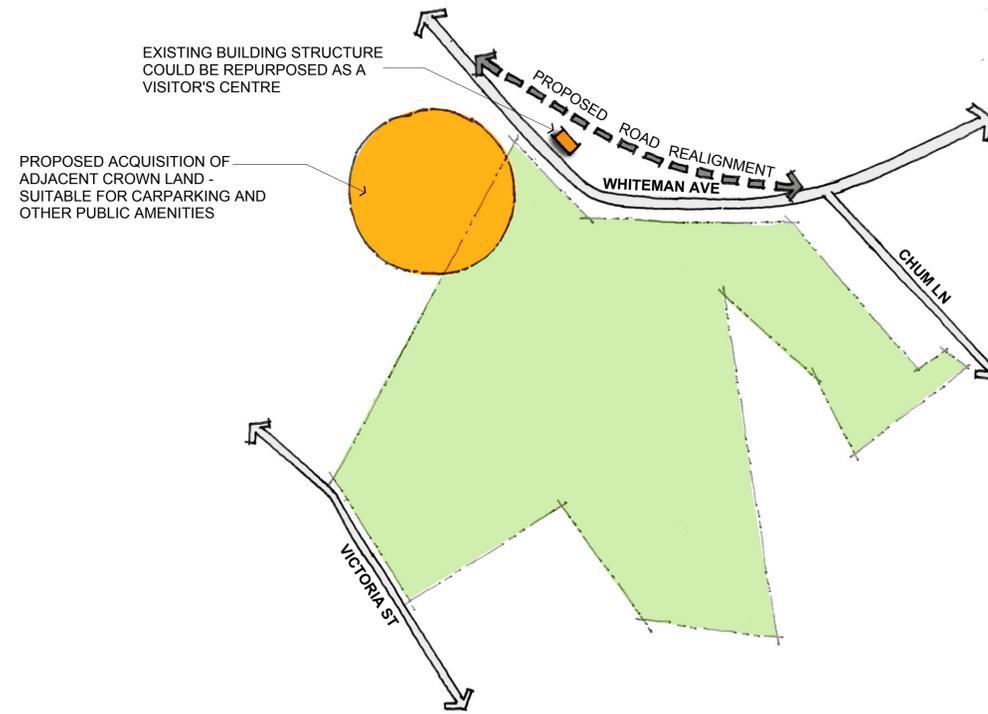


Blackguard Gully Masterplan Site Investigation Existing Context

Scale at A1 1:1000	Date 21/11/18	Revision B	Drawing Number SK-002
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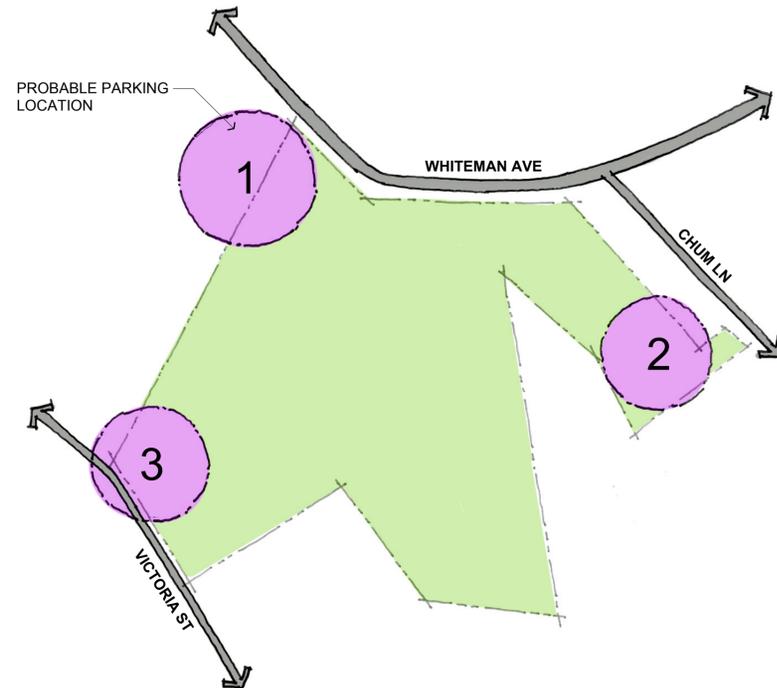


ACCESSIBILITY
MULTIPLE ACCESS POINTS; THROUGH WHITEMAN AVE, VICTORIA ST AND CHUM LN.

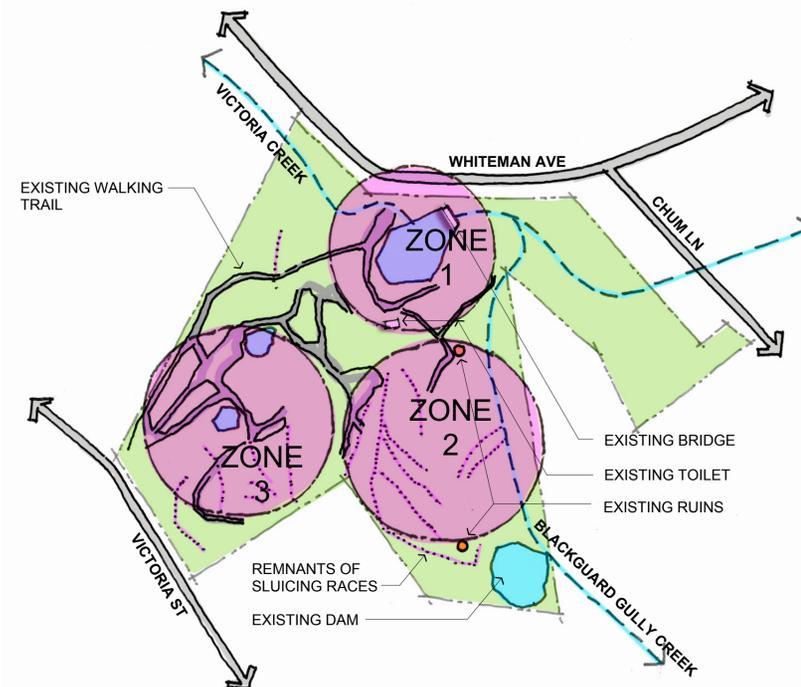


PROVISION OF AMENITIES
RE-ALIGNMENT OF WHITEMAN AVE TO INCLUDE ADJACENT EXISTING BUILDING AS A POSSIBLE VISITOR'S CENTRE

ACQUISITION OF ADJACENT CROWN LAND ON THE WESTERN SIDE OF THE SITE ALONG VICTORIA CREEK WILL PROVE OPPORTUNITY FOR CARPARKING AND OTHER PUBLIC AMENITIES.

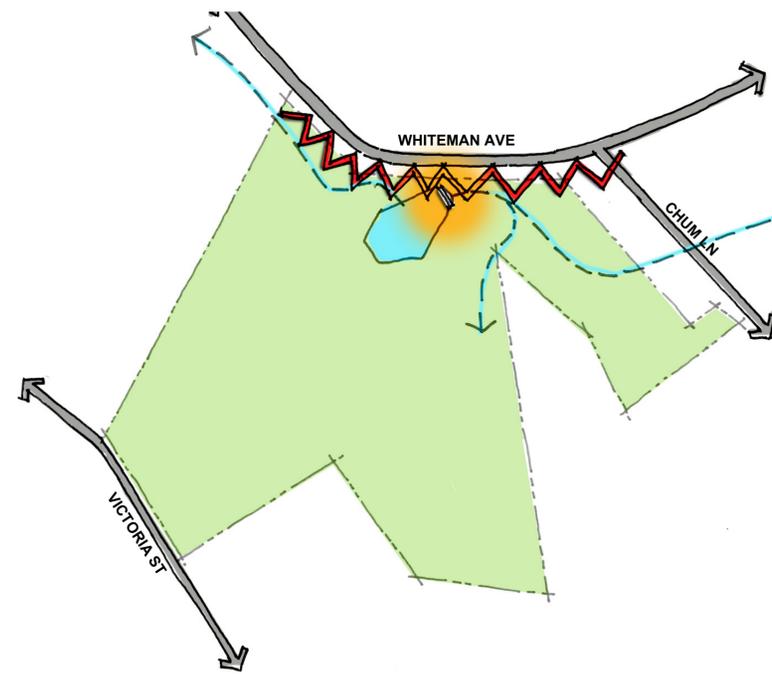


CARPARKING
MULTIPLE CARPARKING OPTIONS:
- ALONG WHITEMAN AVE
- THROUGH CHUM LANE
- ALONG VICTORIA STREET



HISTORY
REMNANTS FROM THE SITE'S MINING HISTORY SUCH AS SLUICING RACES, PUDDLING MILLS, PONDS, DAMS AND OTHER EXISTING STRUCTURES COULD HELP FRAME THE REHABILITATION OF THE SITE.

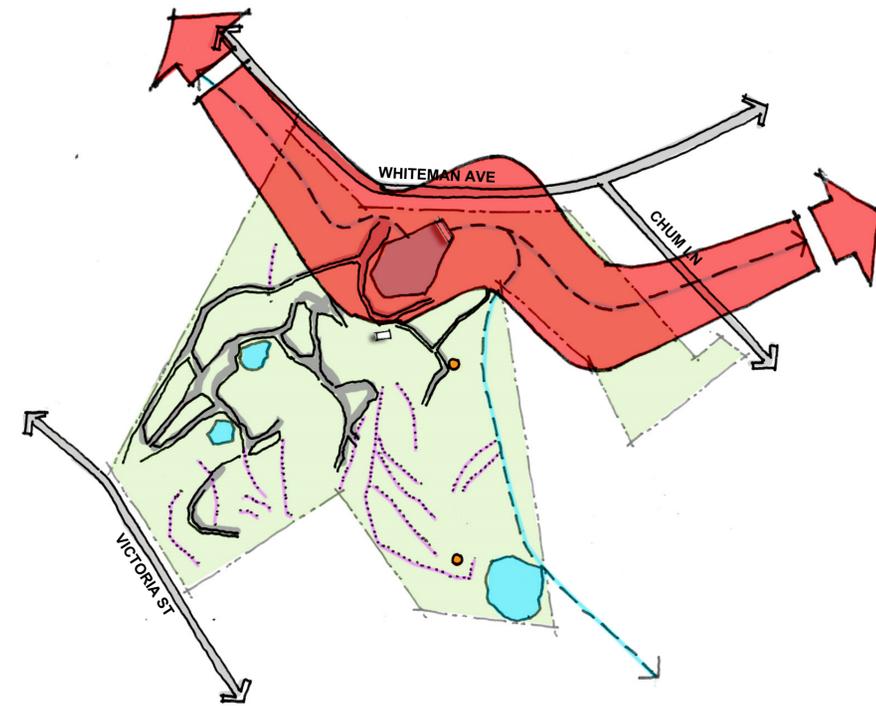
POSSIBILITY OF DIFFERENT ZONES & COMPATIBLE USES MAY ARISE ALONG THE PROCESS.



ACCESS AND ARRIVAL

WHITEMAN AVENUE WITH ITS CURVED GEOMETRY IS CONSIDERABLY CLOSE ALONG THE NORTHERN PART OF THE SITE, HENCE, SAFE ACCESS FROM THIS ROAD IS A CHALLENGE.

THE ARRIVAL SEQUENCE OFF WHITEMAN AVE. REQUIRES MORE THOUGHT TO MAKE IT PLEASANT.



FLOODING

WITH REMNANTS OF SLUICING RACES AND GULLIES, FLOODING MAY POSE A ISSUE WITHIN THE SITE.

WITH REFERENCE TO THE FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN FOR THE TOWN OF YOUNG, NORTHERN MOST PART OF THE SITE ALONG VICTORIA GULLY IS WITHIN > 1.00 M. INDICATIVE FLOODING DEPTH.



EROSION

SOUTHWEST PART OF THE SITE SHOWS SIGNS OF EROSION DUE TO 4X4 AND BIKING ACTIVITY. THIS AREA COULD BE RESTORED TO RETAIN THE ORIGINAL CHARACTER OF THE AREA.



DILAPIDATED VEGETATION

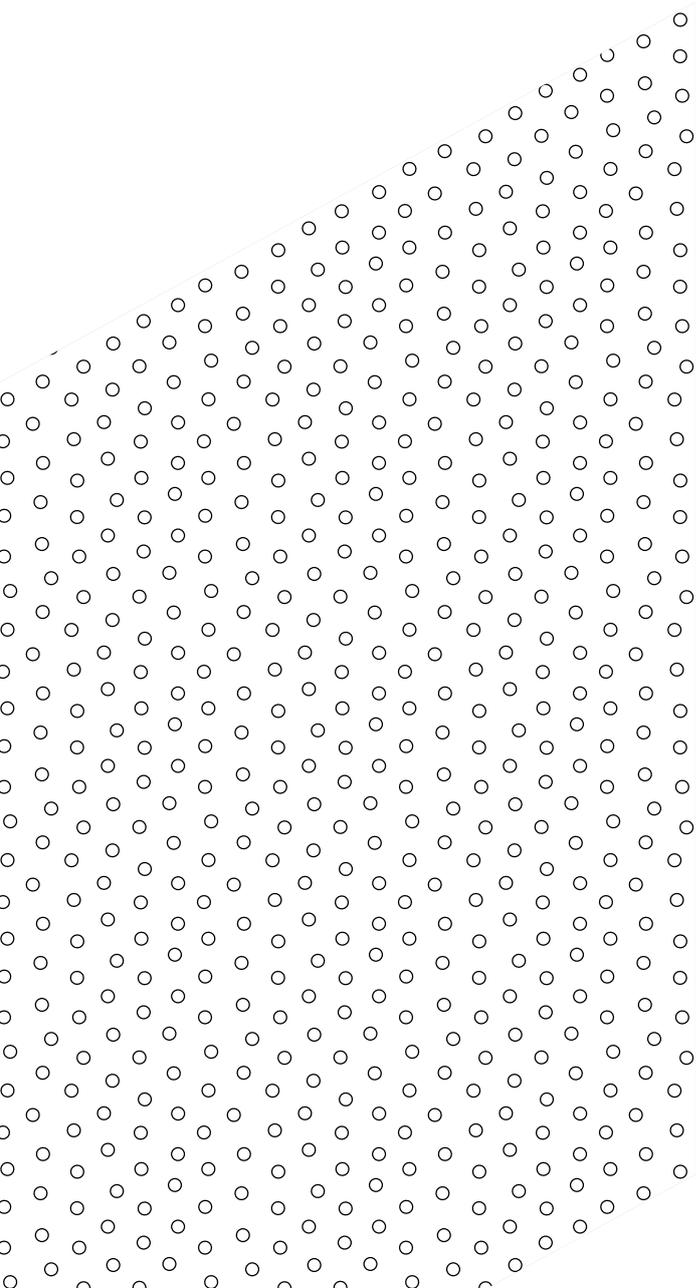
AREAS OF THE SITE'S VEGETATION APPEARED TO BE DILAPIDATED.



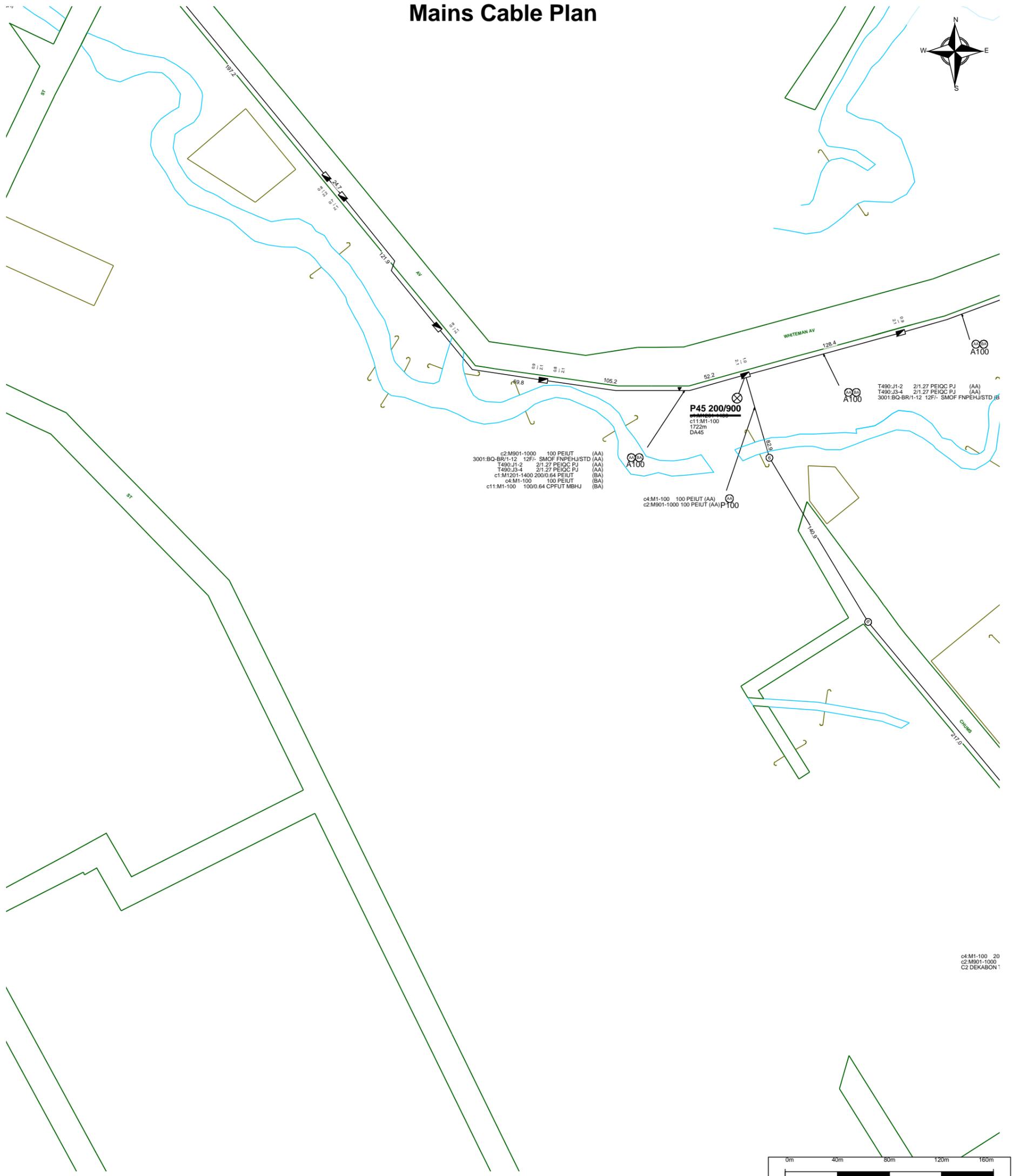
Blackguard Gully Masterplan
Site Investigation
Constraints

Appendices

2. Blackguard Gully – Dial Before You Dig Data *(full image set available on request)*



Mains Cable Plan



c2:M901-1000 100 PEIUT (AA)
 3001:BQ-BR/1-12 12F: SMOF FNPEHJSTD (AA)
 T490-J1-2 2/1.27 PEIQC PJ (AA)
 T490-J3-4 2/1.27 PEIQC PJ (AA)
 c1:M1201-1400 200/0.64 PEIUT (BA)
 c4:M1-100 100 PEIUT (BA)
 c11:M1-100 100/0.64 CPFUT MBHJ (BA)

P45 200/900
 c11:M1-100
 1722m
 DA45
 c4:M1-100 100 PEIUT (AA)
 c2:M901-1000 100 PEIUT (AA) P100

T490-J1-2 2/1.27 PEIQC PJ (AA)
 T490-J3-4 2/1.27 PEIQC PJ (AA)
 3001:BQ-BR/1-12 12F: SMOF FNPEHJSTD (BA)



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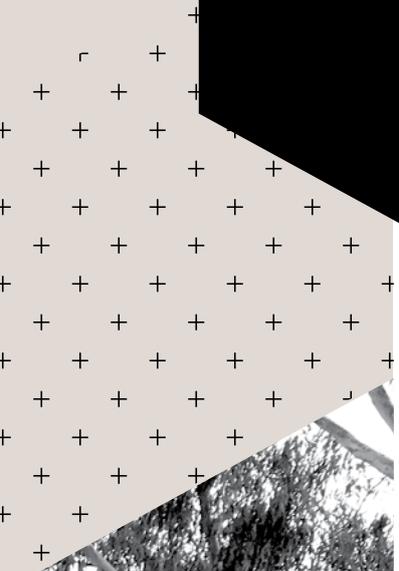
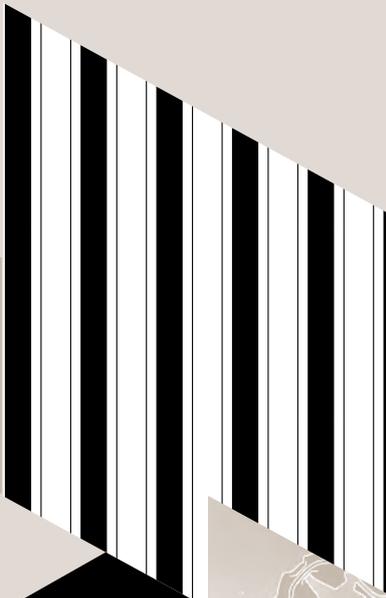
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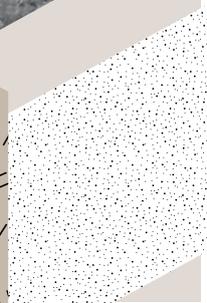


uses for the town
of Young pa
Young
s.



in a rather
railway water
the first town

There has been subsequent
enlargement of the capacity of
Chinaman's Dam by Council.
Young Shire Council, formed
in 1980 now oversee the use
and development of
Chinaman's Dam.



Conservation Management Plan Blackguard Gully

Whiteman Avenue, Young NSW 2594



Gold Trails interpretive signage on Blackguard Gully.

Prepared by:

Ray Christison MPHA



PO Box 3020

Bowenfels NSW 2790

For

Hilltops Council

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Appendix A The Burra Charter

Appendix B	Standard Exemptions for Works Requiring Heritage Council Approval
Appendix C	Abacus (Suànán) Centre Action Plan
Appendix D	Approvals for works flowchart
Appendix E	Fossicking: A guide to fossicking in New South Wales

1. Introduction

1.1 Outline of tasks required to be undertaken in brief

A section of Blackguard Gully between Whiteman Avenue and Victoria Street, Young was included in the New South Wales State Heritage Register (SHR) on 13 March 2009 (Listing Number 01775). The listing includes the provision of Standard Exemptions for works gazetted for most sites included on the SHR. These Standard Exemptions are included as **Appendix B** to this Conservation Management Plan (CMP).

An additional exemption allows the following:

Gold panning and fossicking. Purposes of grazing cattle limited to the area outlined with the heavy black line shown on the plan HC 2182.

The site is currently controlled by Hilltops Council. The Council has determined to prepare a Conservation Management Plan (CMP) to guide the future management of the part of Blackguard Gully included in the SHR.

The Conservation Management Plan is required to:

- Provide an understanding of all heritage items on the site (archaeological, built, cultural and indigenous) through investigation of its historical and geographical context, its history, fabric, research potential, and importance to the community
- Include a statement of significance based on the existing assessments undertaken for listing on the State Heritage Register.
- Develop a conservation policy, arising out of the statement of heritage significance, to guide current and future owners of the items on the continued and future use of the site and its ongoing maintenance.
- Constraints and opportunities are to be examined.
- Prepare an archaeological zoning plan for the site.
- Recommend how the heritage items can best be managed bearing in mind those responsible and interested in its ongoing conservation. It is to include proposals to review the conservation management plan and maintenance requirements.
- Identify areas where interpretation could occur and provide guidelines for such future initiatives.
- Identify areas in which the following facilities can be developed;
 - Visitor parking,
 - Interpretive pathways,
 - Picnic facilities and amenities,
 - An interpretive and research centre associated with the migration history of Young and New South Wales.

1.2 Definition of study area

The SHR listing for Blackguard Gully is described as covering the following properties:

- Crown Land DP 1160640
- Lot 7314 DP 1160640
- Lot 7315 DP 1160640
- Lot 7316 DP 1160640
- Lot 7317 DP 1160640
- Lot 2524 DP 46320
- Lot 304 DP 754611



State Heritage Register - SHR:01775 - Plan: 2182

Blackguard Gully

Whiteman Avenue, Young

Gazettal Date: 13/03/2009

0 60 120 180 240 Meters

Scale: 1:4,000 @A4
Datum/Projection: GCS GDA 1994

-  SHR Curtilage
-  Land Parcels
-  Railways
-  Roads
-  LGAs
-  Suburbs

Figure 1.1: Identification of the curtilage of the State Heritage Register listing of Blackguard Gully. (Heritage Branch, Office of Environment & Heritage)

Blackguard Gully is one of three gullies that converge near the eastern end of the Town of Young. At this point it joins Victoria Gully and Garibaldi Gully. The three gullies saw intensive alluvial mining activity from 1860 onwards.

1.3 Methodology

This CMP was prepared in accordance with a brief prepared by Young Shire Council. Consultation and investigations have been undertaken with local stakeholders, including:

- Craig Filmer, Director Planning, Environmental and Strategic Services, Young Shire Council.
- Hugh Jackson, Asset Planning Officer Parks & Gardens, Young Shire Council.
- Young Shire Council Blackguard Gully Committee (Abacus Centre Working Party).

An administrative review was undertaken by Tanya Cullen, Town Planner, Young Shire Council.

The CMP has been guided by:

- *NSW Heritage Manual, 1999*
- *The Burra Charter, 1999*
- *Assessing Heritage Significance, 2000*
- *Model Brief for the Preparation of a Conservation Management Plan*
- *A Suggested Table of Contents for a Conservation Management Plan that can be endorsed by the NSW Heritage Council*

The following actions were undertaken:

1. Preparation of a Thematic History based on the Thematic History prepared as part of the Young Shire Community Based Heritage Study 2008.
2. Site survey to identify the key landscape features undertaken on 23 November 2015.
3. Description of the place, including identification of key features and their condition.
4. Review of significance based on the condition of the area and comparative analysis with similar sites in New South Wales.
5. Discussion of constraints and opportunities associated with management of the significance of the place.

1.4 Limitations

Sections of the precinct, particularly along the eastern gold races, were heavily overgrown with holly and blackberry, very difficult to access. This severely limited investigation of these areas.

1.5 Identification of authors

This report was written by Ray Christison BA (Hons.) MPHA, heritage consultant of High Ground Consulting, Lithgow.

1.6 Acknowledgements

This Conservation Management Plan has been prepared with the support and assistance of a number of persons, including:

- Brian James, Young and District Historical Society,
- Members of the Young Shire Council Blackguard Gully Committee;
 - Councillor Brian Mullany, Young Shire Council.
 - Craig Filmer, Director Planning Environment & Strategic Services, Young Shire Council.
 - Russell Healy, Chairman, Australian Rutile Pty Ltd.
- Jennifer Christison, High Ground Consulting.

We would also like to acknowledge the Office of Environment and Heritage who provided funding for this project under the NSW Heritage Grants Program.

2. Documentary Evidence

2.1 Thematic History

This thematic history has been adapted from the Thematic History of Young Shire prepared by Ray Christison in 2008. Additional research on mining in Blackguard Gully was undertaken by Ray Christison.

2.1.1 Introduction – key themes

Blackguard Gully is located within the country of the Wiradjuri people and in the 1820s it became part of the Burrangong pastoral run taken up by James White. The discovery of gold in Burrangong Creek in 1860 sparked a major gold rush, drawing hopeful prospectors of various nationalities. As the rush developed organised groups of miners, struggling to make a living in the difficult conditions, committed the most widely known and documented acts of violence against Chinese miners in the history of the Australian gold rushes. These attacks occurred in January 1861. Much of the Blackguard Gully area was subsequently allocated to Chinese miners who experienced a second series of attacks in June and July 1861. After the gold rush subsided in 1862 Blackguard Gully and its surrounds were worked by various groups of Irish miners using ground sluicing methods. Ground sluicing activity by Irish immigrant families continued well into the 20th century. The section of Blackguard Gully listed on the NSW State Heritage Register is typical of heavily sluiced alluvial gold mining areas.

Key historic themes relevant to Blackguard Gully are:

- Aboriginal cultures and interactions with other cultures,
- Ethnic influences,
- Migration,
- Environment: cultural landscape,
- Mining,
- Law and order.

2.1.2 Timeline

This timeline records the land use history of Blackguard Gully in the context of the Lambing Flat Gold Rush and subsequent related events.

- 1820** Surveyor Meehan explored the country between Tarlo and Grabben Gullen.
- 1824** Hume and Hovell explored the country between Yass Plains and Port Phillip.
- 1826** James White settled on Burrangong Creek.
- 1860** Gold discovered on White's lambing flat.
Courts of petty sessions established at Lambing Flat and Stoney Creek.
- 1861** Anti-Chinese riots in January drove Chinese miners from the gold field.
Blackguard Gully allocated for Chinese miners in February.
Rioting on 30 June 1861 was largely focused on Blackguard Gully.
The vicinity of Lambing Flat and Burrangong was named Young in April and Town of Young laid out by government surveyors.
First land sale in Young.
First Court House constructed. This was destroyed by fire in the July riots
Protesting miners stormed the police camp on Camp Hill in July.
- 1865** The initial gold rush had virtually finished.

- 1870** Large scale ground sluicing activity commenced in various areas of the Burrangong Goldfield.
- 1874** Patrick Fitzgibbon acquired freehold title to blocks lining the Blackguard Gully watercourse.
- 1877** Mining practices in the Burrangong Goldfield described as “primitive and slovenly”.
- 1881** Lyons & Fitzgibbon were using the government boring machine on their claim on Victoria Hill.
- 1882** Borough of Young incorporated.
- 1887** Gough & Company developed extensive sluicing infrastructure on Victoria Hill above Blackguard Gully.
Gough & Company began operating as Burrangong Steam Sluicing Company.
- 1888** Victoria Hill Sluicing Gold-Mining Company, Young, Limited established to sluice the area between Blackguard and Sawpit Gullies.
- 1889** Burrangong Creek watercourse reserved from sale as Crown Land.
- 1891** Irish immigrant Patrick Fitzgibbon acquired mining leases on Victoria Hill.
- 1895** Death of Patrick Fitzgibbon.
- 1897** Fitzgibbon’s freehold land and leases taken up by William O’Connell.
- 1917** Death of William O’Connell.
- 1919** William O’Connell’s lands transferred to Margaret and Maurice O’Connell.
- 1922** O’Connell mining leases cancelled.
- 1924** Burrangong Creek watercourse and Blackguard Gully dedicated as a public reserve.
Part of new public reserve leased to Margaret O’Connell nee Fitzgibbon.
- 1954** Margaret O’Connell’s lease dedicated as a Reserve for Future Public Requirements.
- 1955** The southern section of Margaret O’Connell’s lease taken up by B.J. & E.M. Morris.
- 1992** Development of Young Chinese Tribute Gardens commenced at Chinaman’s Dam.
- 2009** Blackguard Gully listed on the NSW State Heritage Register.

2.1.3 Summary history of each Lot included within the SHR boundary

The following table includes a summary of previous dealings for each Lot included within the State Heritage Register listing.

Property description		Property history
Crown Land	DP 1160640	Part of watercourse reserved from sale or lease 24 April 1889.
		Reserve for Public Recreation R56863 dedicated 22 February 1924.
Part Lot 7048	DP 1001285	Part of watercourse reserved from sale or lease 24 April 1889.
		Reserve for Public Recreation R56863 dedicated 22 February 1924.
Part Lot 7313	DP 1160640	Part of Reserve for Public Recreation notified 14 March 1924.
Part Lot 7314	DP 1160640	Part of Gold Lease G.L.73. (Circa 1891)
		Part of Reserve for Public Recreation notified 14 March 1924.
Part Lot 7315	DP 1160640	Part of Gold Lease G.L.73. (Circa 1891)

Property description		Property history
		Part of Reserve for Public Recreation notified 14 March 1924.
Part Lot 7316	DP 1160640	Part of watercourse reserved from sale or lease 24 April 1889.
		Reserve for Public Recreation R56863 dedicated 22 February 1924.
Part Lot 7317	DP 1160640	Part of R20801 for Crossing notified 26 May 1894.
Lot 2524	DP 46320	Part of land leased to Patrick Fitzgibbon, including dam. (Circa 1891)
		Part of Special Lease 24.34 to Margaret O’Connell. (1924)
		Reserve R78368 for future public requirements notified 28 May 1954.
		Part of Special Lease 55.83 revoked 24 February 1956.
Lot 304	DP 754611	Part of Gold Lease G.L.73. (Circa 1891)
		Part of Reserve for Public Recreation notified 14 March 1924.
		Declared under Pastures Protection Board control 27 October 1922. Control extended 29 November 1929 and again on 13 January 1933.
Part Lot 7054	DP 96182	Part of watercourse reserved from sale or lease 24 April 1889.
		Part of Gold Lease G.L.73. (Circa 1891)
		Reserve for Public Recreation R56863 dedicated 22 February 1924.
		Part of Reserve for Public Recreation notified 14 March 1924.

2.1.4 Aboriginal Cultures and Interactions with other Cultures

The study area sits within the vast traditional lands of the Wiradjuri people. Aboriginal culture maintained complex relationships between the people and the land that sustained Aboriginal society for millennia.

The inextricable bond between life and land is a fundamental premise of Aboriginal existence. All features of the landscape, and all life within it, were created during a creation period by ancestral creatures; some human, some animal, some neither. This period ... is present in the landscape itself, and the stories and relationships form an integral part of the traditional law that guides all life. This relationship to the land extends to an in-depth knowledge of the incredible wealth of resources available in the local area, including foodstuffs and raw materials for tool and implement manufacture.¹

The original people of the Young district appear to have ranged over a wide span of countryside and maintained links with groups in neighbouring regions. The rivers of the district provided a plentiful source of:

... shellfish and fish ... and the plants, tubers and nuts of the country between the rivers provided seasonal food: there were yam daisies in spring summer and

¹ Fox, P., 1996. *Warrumbungle National Park*. p.48

autumn, wattle-seeds in July and August, orchid tubers in August and September. Larger game such as possums, kangaroos and emus were captured by groups of hunters to make up a varied and nutritious diet.²

The Wiradjuri people have continued to retain a strong sense of identity despite persistent and repeated historical attempts to destroy them as a people. The loss of societal cohesion and impact of disease among Aboriginal people has been recorded in a number of places. As early as the 1790s, well before any Europeans ventured into the region, a small pox epidemic spread along traditional trade routes. A second epidemic occurred in the 1830s.

With no immunity to the virus, tribes were decimated. As the disease moved inland through the Wiradjuri region river system into South Australia it was interpreted as the result of the powerful magic of distant tribes who had unleashed the terrifying power of the Rainbow Serpent. ... in the Wiradjuri region these times remained vivid for generations as a time of death. Fifty years later, the old people recalled how the sickness "Followed down the rivers ... Burying bodies was no longer attempted and the atmosphere became tainted with decomposing bodies."³

As Europeans moved into the region they took up the prime grazing land along the river corridors and Aboriginal people were pushed onto marginal lands. Others lived on the fringes of European settlements 'out of curiosity or from whence they could participate in reciprocal exchanges'⁴. Interactions with groups such as these were recorded by early settlers, including James White's niece Sarah Musgrave.

According to Sarah Musgrave thousands of Aboriginal people occupied the Young district at various times. She recounts some observed aspects of their lives, including preparation for a major feast where wallabies, kangaroo rats, paddy melons, possums and birds were cooked:

... in rude ovens made in the ground. Holes were dug out into which coals and hot ashes were raked from a big fire that had been made close by. The animals were put intact into the holes, and more hot ashes were raked in on top of them, the holes afterwards being filled up with ashes and dirt. By this process, the animals cooked quickly, and when taken out, they were skinned, opened up, cleaned, and then eaten.⁵

Musgrave also noted some Aboriginal ceremonial practices, including elaborate corroborees held at Burrangong and adulthood ceremonies held at a bora ground located in the vicinity of the existing town of Wyalong⁶.

Early settlement in the district by Europeans appears to have succeeded largely as the consequence of a co-operative relationship between local Aboriginal people and early settlers. On entering the district James White apparently negotiated possession of the land with a leader of the local Burrowmunditory people who was given the name 'Coborn Jackie'⁷. According to Musgrave Coborn Jackie chose the site of White's Burrangong homestead⁸ and guided his relationship with the local Aboriginal people. Coborn Jackie and others also surveyed the routes of roads constructed by White to connect Burrangong to

² NSW Heritage Office, 1996. *Regional Histories*. p.132

³ Kabaila, P., 1996. *Wiradjuri Places. The Lachlan River Basin*. p.10

⁴ Kabaila, P., 1996. *Wiradjuri Places. The Lachlan River Basin*. p.10

⁵ Musgrave, S., 1984. *The Way Back*. p.15

⁶ Musgrave, S., 1984. *The Way Back*. p.20

⁷ Musgrave, S., 1984. *The Way Back*. p.2

⁸ Musgrave, S., 1984. *The Way Back*. p.3

other nearby localities⁹. Groups of Aboriginal men also regularly applied their skills to cut and transport slabs of bark used for roofing by the Europeans¹⁰.

This relationship appears to have been tempered by some distrust. Sarah Musgrave, White's biographer, noted that the Aboriginal people were 'afraid of firearms'. She wrote that 'They knew no god but were always careful not to displease the devil'¹¹. Her comments illustrate a relationship that appears to have been based on a mixture of kindness and harshness typical of many colonial relationships.

In response to a situation of escalating violence on this and other frontiers of the colony Governor Gipps established the Native Police in 1839. Originally intended to protect all interests this force was allowed:

... to operate to protect settlers. White officers in charge of Aboriginal troopers, had substantial independence of the local magistracies and operated in accordance with the tradition of the punitive expedition, which was common enough in establishing colonies.¹²

Members of the Native Police often misused their position to visit atrocities against the other Aboriginal people. Sarah Musgrave recounted one incident in which an innocent Aboriginal man was speared to death by a group under the command of a Native Police officer known as 'Commissioner' Bobby. This crime was perpetrated by Bobby after an unsuccessful expedition to capture the Namoi-based perpetrators of a kidnapping raid¹³.

During the 19th century Aboriginal people were increasingly employed on pastoral stations working in shearing, droving, mustering, crutching, boundary riding, fencing, clearing and domestic work. During the gold rushes Aboriginal people provided much of the reliable labour on many properties. As the European population of New South Wales increased a system of Aboriginal reserves was put in place to provide living places for Aboriginal people. In 1909 the New South Wales government was empowered to take direct control of Aboriginal reserves under the provisions of the NSW Aborigines Protection Act. According to Faith Bandler this legislation:

... was an Act that denied equality to the Aboriginal people, that made them second-class citizens. It meant that their lives could be dominated by station managers, that their homes could be entered by police, that if a friend asked them to share a quiet drink they could be arrested and gaoled.¹⁴

The provisions of the Aborigines Protection Act included a ban on the supply or consumption of alcohol. This ban lasted until the 1960s and was one of many small injustices that created resentment among the Aboriginal community.

In western areas of the state many Aboriginal people moved between the smaller reserves following seasonal work. The development of stone fruit industries around Young attracted seasonal Aboriginal labour from various areas, including the Erambie Mission at Cowra. Reliable workers were engaged on an ongoing basis and many worked in family units. Prune pickers employed at 'Clonnel', Maimuru in the 1960s were one such family unit¹⁵. During

⁹ Musgrave, S., 1984. *The Way Back*. p.9

¹⁰ Musgrave, S., 1984. *The Way Back*. p.15

¹¹ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.17

¹² Rowley, C.D., 1978. *The Destruction of Aboriginal Society*. p.39

¹³ Musgrave, S., 1984. *The Way Back*. pp.18-19

¹⁴ Bandler, F & Fox, L. (eds), 1983. *The Time was Ripe*.

¹⁵ Information supplied by Maree Lamb, February 2008.

the 1950s the official policy of governments changed from protection to assimilation. From this time Aboriginal people moved away from government reserves and into towns.

2.1.5 Ethnic Influences

The variety of ethnic groups, which have occupied or passed through the Young district have left little concrete evidence of their interaction with the place. A number of people of non-English speaking background have had a remarkable impact on the economic development of the area. Outstanding among these is the economic influence of Croatian born Nicole Jasprizza and Italian Carlo Marina in the development of the fruit growing industry. Also prominent is the role of the cohort of German migrants who, after the 1860s gold rushes, played an important role in the development of commerce within the town of Young.

German miners were prominent among those who travelled to the Lambing Flat gold rush. Many stayed and built businesses that have left an impact on the town of Young. Young's Chinese Tribute Gardens are built around a dam originally constructed in the 1860s by Hermann and Johann Tiedemann and others to provide water for the Victoria Hill sluicing claim.

Perhaps the most significant evidence of ethnic influence in Young lies in the substantial buildings created by the Catholic Church under the oversight of the Reverend Father Hennessy. St Mary's Catholic Church and the complex of buildings surrounding it stand as a testament to the solidarity and faith of the district's Roman Catholic community, which was largely drawn from Irish stock.

The Chinese community has had an ongoing influence on the character of Young and its surrounds. The legacy of the old mining era includes the notoriety of the anti-Chinese riots of 1861 as symbolised in the 'Roll Up' flag. The ruins of Chinese single-jian dwellings, a style of vernacular building over 1,000 years old, have been recorded on various rural properties around the Young district. Following World War II Australian Chinese people tended to move from market gardening to café operation as a source of income¹⁶. A number of Chinese cafés and restaurants exist in Young. In a bizarre irony the most notably Chinese site in Young, Chinaman's Dam, was actually constructed by German gold miners. This site later became associated with Chinese market gardening and is now the location of an ornate Chinese garden.

Other ethnic influences are covered in **Section 2.1.6 Migration**.

2.1.6 Migration

The first migrations of Europeans into the Young region occurred from the 1820s. James White is the district's most celebrated pioneer settler. By the 1830s squatters were moving mobs of sheep and cattle from the Sydney through the Goulburn and Yass districts.

Much of the large-scale immigration of the 19th and 20th centuries was generated by wars, rebellions and economic distress in various parts of the world. In the 1840s and 1850s upheavals of various kinds affected Central Europe, including Germany, Italy and Ireland, and China was thrown into chaos by the Taiping Rebellion. It is not surprising that many of the people who ventured their fortunes on the Lambing Flat goldfields were from these places.

Chinese workers were present in some parts of the New South Wales as early as the 1830s. The cessation of transportation of convicts in the 1840s created a shortage of cheap labour in New South Wales. This led to an increase in the numbers of Chinese people arriving as

¹⁶ Williams, M., 1999. *Chinese Settlement in NSW a thematic history*. p.10

indentured labourers to work as shepherds and irrigation experts. It appears that all of these workers came from Fujian province and some may have been kidnapped from their home villages.¹⁷ Sarah Musgrave was quite shocked by the appearance of four Chinese men at Curraburrama Station west of Young some time around 1852. At the time she was unaware that there was 'such a person in the whole of Australia'. These men were evidently fugitives from Thomas Icely's property at Mudgee.¹⁸

The gold rushes of the 1850s and 1860s led to increased immigration from many parts of the world, with many coming from southern China in organised groups. In New South Wales the most prominent of these was the Yee Hing Brotherhood. This secret, triad-like organisation grew out of the disruption of the Tai Ping rebellion. This rebellion threw China into turmoil from about 1850. The Yee Hing organised groups of miners to come to Australia under a credit-ticket system.

*Under this system, individuals secured credit for their passage through personal contacts in their local communities or through supportive merchant houses, often against the security of property. Workers repaid their loans with interest over time.*¹⁹

It was the role of societies such as the Yee Hing to ensure that debts were repaid by the immigrants once they arrived in Australia²⁰. The Yee Hing operated from a base of local groups in regional communities. It eventually formed the Yee Hing Company and, in 1911, formed the Chinese Masonic Society²¹.

Wilton notes that 'by 1861 there were approximately 13,000 Chinese in New South Wales with 12,200 in the mining districts'²². When the Lambing Flat rush commenced in 1860 Chinese men flocked to these diggings in large numbers²³.

Lambing Flat became the scene of one of the most notorious interactions between European and Chinese miners (refer to **Section 2.1.9 Law and Order**). Events on the Lambing Flat field in 1861 have been linked closely with the passage of The Chinese Immigration Restriction Act²⁴. Although repealed in 1867²⁵ this act has been recognised as one of the cornerstones of the later White Australia Policy.

Chinese miners were not the only distinctive ethnic group on the gold field. Contemporary accounts record large groups of Irish and German miners present in the area. Mark Hammond's memoir of the Burrangong gold field included descriptions of the territorial behaviour of some groups of Irish miners. Hammond took up a claim at the foot of Chance Gully in the midst of an area dominated by 'Donegallers':

I soon found the reason for the excess of ground being left unchallenged. Those in possession were all Donegallers who carried terror with them wherever they went. ... The reasons the Donegallers appeared to be unfriendly to the natives (Australian born miners) I have never heard explained. It is my own opinion that they envied them their popularity as horsemen, cricketers, dancers and in all kinds of sports, and in particular the greater attention paid to them by the Australian girls. In all these

¹⁷ Williams, M., 1999. *Chinese Settlement in NSW a thematic history*. p.4

¹⁸ Musgrave, S., 1984. *The Way Back*. p.44

¹⁹ Fitzgerald, J., 2007. *Big White Lie*. p.62

²⁰ Fitzgerald, J., 2007. *Big White Lie*. p.64

²¹ Fitzgerald, J., 2007. *Big White Lie*. pp.81-82

²² Wilton, J., 2004. *Golden threads*. p.12

²³ Wilton, J., 2004. *Golden threads*. p.12

²⁴ McGregor, H. & J., 1999. *Roll Up*. p.106.

²⁵ Williams, M., 1999. *Chinese Settlement in NSW a thematic history*. p.31

*the Donegallers had to take a back seat, and this made them both sullen and spiteful.*²⁶

Immigrants from other places would also have an impact on the district. Carlo Marina, an Italian, former member of Garibaldi's revolutionary army of 1848 and prisoner of the Austrians and Germans, set up a butchery in Main Street, Young in 1860 and subsequently 'became a renowned pioneer fruit grower and orchardist'²⁷. Nicole Jasprizza, an immigrant from the Austro-Hungarian Empire, is remembered as having established the commercial cherry orcharding industry in the district.

Germans were a significant cohort of the gold miners drawn to Lambing Flat in the early 1860s. Many of these miners stayed in the district to become active and influential members of the business community and contributed to the development of the local economy. Among these were Hermann and Johann Tiedemann who, with others, established the Victoria Hill sluicing claim in the 1860s and constructed the reservoir now known as Chinaman's Dam.

After the gold rush era great effort was put into clearing large tracts of land to foster pasture growth. Gangs of Chinese labourers were employed across the west to ringbark trees and carry out the three to four years of sucker bashing required to ensure no regrowth occurred. These gangs travelled from property to property, generally camping near a source of water.²⁸

Restrictions on land ownership by immigrants from China encouraged their pursuit of opportunities not dependent upon access to land and established a long association with retail and commercial enterprise. This trend was reinforced by a narrowing of employment opportunities for Chinese people after 1901 that saw a 'dramatic collapse of the NSW rural (Chinese) population in the early years of the 20th century'²⁹. In the late 19th and early 20th centuries some Chinese migrants established 'stores and other businesses to supply ... customers throughout' New South Wales³⁰.

Many Chinese immigrants established market gardens that provided a valuable service to the European residents of the district. In her history of the Chinese in New South Wales Janis Wilton quoted the recollections of Young district resident Lyster Holland:

*... after the gold pegged out, a lot of these Chinese stayed in the district. They had shops here in town. ... every district had a Chinaman garden. Anywhere there was a dam or creek where they could get a bit of water, and they worked damned hard. They lived there under stressful conditions, living in little huts. I remember old Jimmy, an old neighbour of ours, a Chinaman, had his garden there and he'd load his cart overnight, before daylight in the morning walked his horse to go round all the farms, round the sawmills, round the road gangs, round the shearing sheds, and round the villages. 'Cause in those days people didn't have water to grow much vegetables, and these Chinamen they'd provide us with veg. They were our main supplier of vegetables ... they were a great asset to the district.*³¹

Other Chinese settlers established retail businesses in Young. Accounts of the 1861 riots indicate that Chinese traders were active in the town at this stage. Others settled in the town later in the 19th century and operated a variety of businesses. The law required that

²⁶ Hammond, M., 1988. *Remembered With Pride*. pp.76-77

²⁷ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.95

²⁸ Buxton, G., 1967. *The Riverina 1861-1891 An Australian Regional Study*, pp.247-248

²⁹ Williams, M., 1999. *Chinese Settlement in NSW a thematic history*. p.36

³⁰ Williams, M., 1999. *Chinese Settlement in NSW a thematic history*. p.20

³¹ Wilton, J., 2004. *Golden threads*. pp.29-30

they be naturalised before they could officially own and operate a business. Park Yuk and Con Lee were two Chinese storekeepers who applied for naturalisation. Park Yuk had arrived in New South Wales from Canton in 1864 and applied for naturalisation in 1873. At that time he was trading as a storekeeper at Young.³² Con Lee had arrived in New South Wales in 1857 at the age of 18. He was working as a storekeeper in Young when he applied for naturalisation in 1882.³³ On Lee & Co was a major retailer in Young in 1875 and this company held a large parcel of shares in Young Cooperative Roller Flour Mill³⁴.

Young also hosted a relatively large Jewish community who arrived during the gold rushes. Lazarus Cohen arrived in Young in 1860 and was followed by others including the Meyers/Myers family and the Isaacs family. David Isaacs Myer was the son of Rabbi David Myer Isaacs, a renowned orator and the first Rabbi in England to deliver his sermons in English. David lived at Young in the 1860s where he worked for 'The Miner and General Advertiser'. An able journalist and powerful orator, he served as secretary of the Burrangong Race Club and founded the Burrangong Amateur Dramatic Society. He was also President of the Burrangong Prospecting Association and the Diggers' Mutual Society. In 1861 David organised a committee for the relief of the 'Victims of the Recent Murderous Outrage'. He was also 'active in pressing for better police protection of gold transports and for better roads in the area'.³⁵

The Anglo-Celtic population of the area grew after certainty was applied to land titles from the late 1830s and station owners began to move into the district with their families. As development and trade increased people moved from other parts of New South Wales. Moves towards closer settlement ensured that this inward movement of population continued well into the 1950s. Free selection and later soldier settlement saw people moving into the area from other farming areas that were undergoing rural restructuring.

2.1.7 Environment: Cultural Landscape

The Hilltops LGA contains a number of cultural landscapes that represent varying phases of the development of the economy and communities of the shire. Three types of landscape represent important aspects of the local economy. These are:

- Remnant landscapes of alluvial gold mining,
- Pastoral landscapes,
- Fruit growing landscapes.

Blackguard Gully contains a typical remnant landscape of alluvial gold mining. Such landscapes are difficult to interpret. The general characteristics of these landscapes are described below.

It is often assumed by the casual observer that landscapes such as Blackguard Gully or the Krebs Lane gold diggings are the product of a single event or movement. This conception is commonly and often falsely applied to former mining landscapes. In 1991 Ritchie identified the problem presented to archaeologists in reading these areas:

Those who are familiar with the mining history of specific regions will be aware of ... examples of alluvial or hardrock mining sites which at first glance appear to be one interconnected contemporaneous system but in reality were not the product of single

³² Chinese Naturalisation Database – Certificate No: 085 Park Yuk

³³ Chinese Naturalisation Database – Certificate No: 035 Con Lee

³⁴ Starrs, C., 1988. *Gold Drop*. p.51

³⁵ Bergman, G., 1982. 'Jacob Myer Isaacs'. p.244

*events or of one party's activities. Rather they evolved as a result of a succession of mining operations on the same claim.*³⁶

A number of archaeological studies of long-lived alluvial gold mining areas have sought to describe the evidence of various types of gold mining activity.



Figure 2.1: Listed alluvial gold mining sites around Young mentioned in the description of alluvial mining typologies.

During the early 1990s Susan Lawrence undertook a detailed study of the alluvial workings at Dolly's Creek southeast of Ballarat in Victoria. This area had been worked from 1857³⁷. During field surveys Lawrence and her associates recorded 'hundreds of shafts ... together with water races, dams, sluices and fireplaces'³⁸. Like many other alluvial goldfields this area had been worked over an extended period of time with varying and increasingly sophisticated mining methods. These methods, and associated archaeological evidence, were described by Lawrence as follows:

Mullocky or hummocky ground – 1857 to 1860s

Mullocky ground results from shallow sinkings where a number of shafts are sunk in close proximity and the paydirt is washed nearby in a cradle or sluice box. ...

*Generally this landscape is characteristic of the earliest phase of mining where the richest ground can be worked at a profit in a relatively inefficient manner.*³⁹

Mullocky or hummocky ground is visible on high ground of the Little Spring Creek diggings near Krebs Lane in Young.

Sluicing (ground sluicing) – 1861 to c.1874

At Dolly's Creek it was demonstrated that sluicing post-dated earlier shaft sinking. Lawrence noted that 'later sluicing of such (hummocky) ground is often successful

³⁶ Ritchie, N., 1991. 'Is There an Optimum System? The Recording and Assessment of Historic Mining Sites.' p.39

³⁷ Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community.* p.77

³⁸ Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community.* p.73

³⁹ Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community.* p.78

because of pockets of unexcavated wash dirt left between shafts and because of lost gold in the tailings⁴⁰. Sluices tended to cut through earlier worked hummocky ground⁴¹. Blackguard Gully, Krebs Lane gold diggings and the banks of Milkman's Creek on the western outskirts of Young show evidence of ground sluicing activity.

Hydraulic sluicing – late 1870s to 1890s

Hydraulic sluicing was introduced from California in the late 1870s. This process is described as 'voracious: the strip mining of the nineteenth century, it destroyed everything in its path'⁴². Hydraulic sluicing could also leave remnants of previous alluvial workings in exposed ground. The lower sections of the Little Spring Creek gold diggings in Krebs Lane demonstrate the dramatic impact of hydraulic sluicing on the landscape.

Archaeologist Barry McGowan has undertaken extensive study of the Shoalhaven River goldfields and has used his experience in this region to define a typology of alluvial gold mining. The Shoalhaven goldfields were worked in four major phases of activity as follows:

- Phase 1: 1869 to about 1875
- Phase 2: 1888 to 1896
- Phase 3: 1907 to about 1911⁴³
- Phase 4: 1930s⁴⁴

Mining in this area included some reef mining but largely consisted of alluvial mining. McGowan has described six types of evidence of alluvial mining represented on the Shoalhaven goldfield.

Type A: Heavily scoured creek beds and banks

This type generally represents pan and cradle working along watercourses. It comprises scoured creeks surrounded by shallow shafts or 'rounded piles and hummocks of wash dirt and soil'⁴⁵ and includes the mullocky ground described by Lawrence.

Type B: Shallow surfacing

Evidence of this type of working consists of 'auriferous dirt stripped to bedrock ... at a very shallow level.' These areas have been 'sometimes worked by common sluicing' where possible.⁴⁶ The landscapes of Krebs Lane and Blackguard Gully show evidence of shallow surfacing

Type C: Paddocking

This method of alluvial mining was generally applied where the alluvial wash was boulder free. It consisted of '... a method of working a small area of alluvium by the excavation of the whole mass leaving a large pit.'⁴⁷

Type D: Tailing mounds

'... elongated mounds of river worn stone, piled there after working of the face and floor of the diggings.' Stones stacked in this way were often, although not always,

⁴⁰ Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community*. pp.78-79

⁴¹ Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community*. p.79

⁴² Lawrence, S., 2000. *Dolly's Creek: An Archaeology of a Victorian Goldfields Community*. p.87

⁴³ McGowan, B., 1992. 'Aspects of Gold Mining and Mining Communities in the Shoalhaven Area of New South Wales: An Archaeological and Historical Study.' pp.46-48

⁴⁴ McGowan, B., 1992. 'Aspects of Gold Mining and Mining Communities in the Shoalhaven Area of New South Wales: An Archaeological and Historical Study.' p.43

⁴⁵ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.34

⁴⁶ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.35

⁴⁷ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.36

used to line the sides of races or small dams. They could also be arranged to act as sluices or hold sluice boxes. These types of mounds can either be piled randomly (Type D1) or stacked very neatly (Type D2).⁴⁸

Type E: Narrow trench-like shafts

These narrow shafts, otherwise known as drift shafts, 'are characteristic of high level auriferous drifts'. They were worked with pan and cradle.⁴⁹ Remnants of these types of workings are visible at Krebs Lane. These shafts can either be rectangular (Type E) or round (Type E2)⁵⁰.

Type F: Drift tunnels cut into the face of the workings

These 'occurred primarily in common sluicing claims where it was impractical to get at the wash by any other means.'⁵¹

2.1.8 Mining

Aboriginal people were engaged in mining for centuries before the European occupation of Australia. Minerals were extracted to make stone tools and in some places ochres and clays were also mined. Minerals commonly used for toolmaking were quartz, silcrete, flint, obsidian, chalcedony and quartzite⁵². Many of these minerals were traded over long distances.

Young experienced a major gold rush when alluvial gold was discovered at Lambing Flat on Burrangong Station in 1860. According to Thomas White gold was first discovered "by a man called Portuguese Dick" and a stock keeper named Mick Sheedy⁵³. The area of alluvial gold was soon found to be extensive, some 20 by 16 square kilometres. Miners flocked from other goldfields and by October 1860 1,500 men were working the area. By April 1861 this had grown to 10,000.⁵⁴ This goldfield was the site of one of the most notorious incidents of the Australian gold rushes. The Lambing Flat anti-Chinese riots of 1861 led directly to the Colonial government passing Chinese immigration restriction legislation. (Refer to **Section 2.1.6 Migration** and **Section 2.1.9 Law and Order.**)

The Lambing Flat gold field was an almost exclusively alluvial field with no substantial reef gold being found. Alluvial gold mining, in which quantities of gold are found in the silt of ancient river beds, required little capital investment and was classically referred to as 'poor man's diggings'. Alluvial gold rushes attracted large numbers of small prospectors who tried their luck then moved on to other rushes.

Arriving at a new field these miners, often working in pairs or family groups, pegged out claims ten feet (approximately 3 metres) square 'on any promising spot that was not already pegged'⁵⁵.

The first job was to sink a hole – about four feet square. In a two-man party one worked below, digging and filling buckets. The other hauled up the buckets on a rope or, with less effort, by windlass, and tipped the mullock onto an ever-growing heap. When the hole eventually 'bottomed' the man below carefully shovelled up the wash dirt and sent it to the top. With his Bowie knife he scraped along small ridges and crevices in the bed of the rock for in them much of the gold could be

⁴⁸ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.36

⁴⁹ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.37

⁵⁰ McGowan, B., 2003. 'The archaeology of Chinese alluvial mining in Australia.' p.16

⁵¹ McGowan, B., 1996. 'The Typology and Techniques of Alluvial Mining.' p.37

⁵² Mulvaney, J. & Kamminga, J., 1999. *Prehistory of Australia*, pp.213-214

⁵³ "101 Not Out", *The Grenfell Record and Lachlan District Advertiser*. 8 February 1918

⁵⁴ NSW Heritage Office, 1996. *Regional Histories*. p.141

⁵⁵ McGregor, H.&K., 1999. *Roll Up*. p.22

deposited. On a one or two man claim the 'washing stuff' was stock piled. Saturday was the usual 'washing-up' day.⁵⁶

The rush petered out fairly quickly with many prospectors moving on to new rushes at Forbes in 1861, Grenfell in 1866 and other rushes in New Zealand.

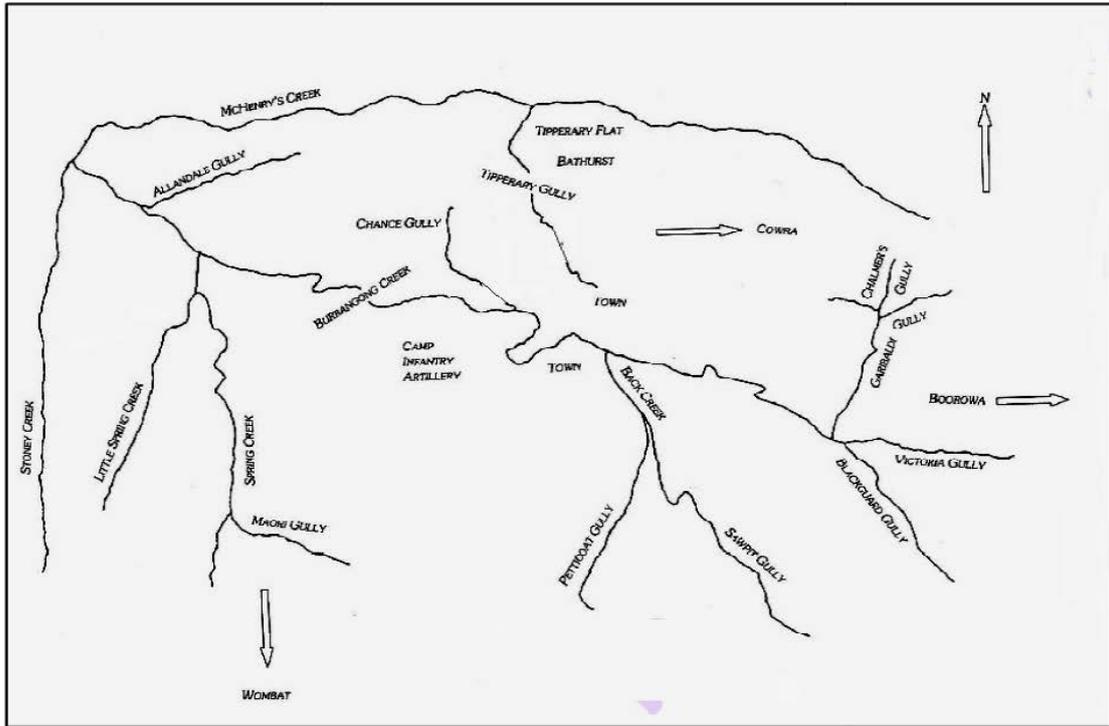


Figure 2.2: The Laming Flat (Young) Gold Field in 1862. (Laming Flat Folk Museum)

An historical summary of the development of the Burrangong goldfield included in the Department of Mines Annual Report for 1882 noted that:

As early as the years 1862 and 1863 a few shafts were bottomed with payable, or even rich prospects of gold; but owing to heavy water, soaked drifts, the small shafts, and the poor appliances used by the individual miner in those days, the water could not be overcome, hence the shafts fell in and the claims were abandoned.⁵⁷

More capital-intensive reef mining commenced in the area in 1862, with an ore-crushing mill being erected at Chance Gully in the north of the field.⁵⁸ As Bayley noted in his history of Young, by 1864:

The number working had diminished and the amount of gold won was steadily decreasing. The gold found on the field was always fine with no nuggets and the need for more water for sluicing became more pressing as the gold became harder to find. Gold sent by escort in 1861 was 109,879 ounces and in 1862 reached its peak of 124,648 ounces. It then decreased by half each year until by August, 1865 it was reported that 'Burrangong as a goldfield was on its last legs' ...⁵⁹

Some desultory mining activity continued throughout the remainder of the 1860s. In a second gold boom that occurred in 1870 two companies were formed to carry out larger scale alluvial mining operations. The Belmore Gold Mining Company worked Burrangong

⁵⁶ McGregor, H.&K., 1999. *Roll Up*. p.23

⁵⁷ Osborne, I., 1975. Annual Report Compilation. Young Division – Cootamundra Sheet 1887-1975. p.11

⁵⁸ NSW Heritage Office, 1996. *Regional Histories*. p.141

⁵⁹ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.38

Creek and the Telegraph Gold Mining Company worked Oppossum Flat ‘one mile below the junction of Main and Spring Creeks’. Mining activity was heavily dependent on the availability of surface water and tended to drop off during dry periods.

By the mid 1870s Mining Wardens and Registrars were reporting that most mining was undertaken as a part-time operation, with those engaged in the activity taking up other occupations to support themselves and their families. Some Chinese miners were eking out an existence fossicking in the old alluvial fields.

In 1877 J.R. Edwards, Mining Registrar for the Young Division, described local mining methods in most derogatory terms, claiming that these practices resulted in the loss of much valuable ore.

*... gold is extracted in the most primitive and slovenly manner, the earth being thrown into a race or ground-slucice, and the water allowed to rush over it, the gravity of the gold being wholly trusted to prevent its being washed away. When the water is turned off or ceases to run, the residuum is collected, cradled and panned off.*⁶⁰

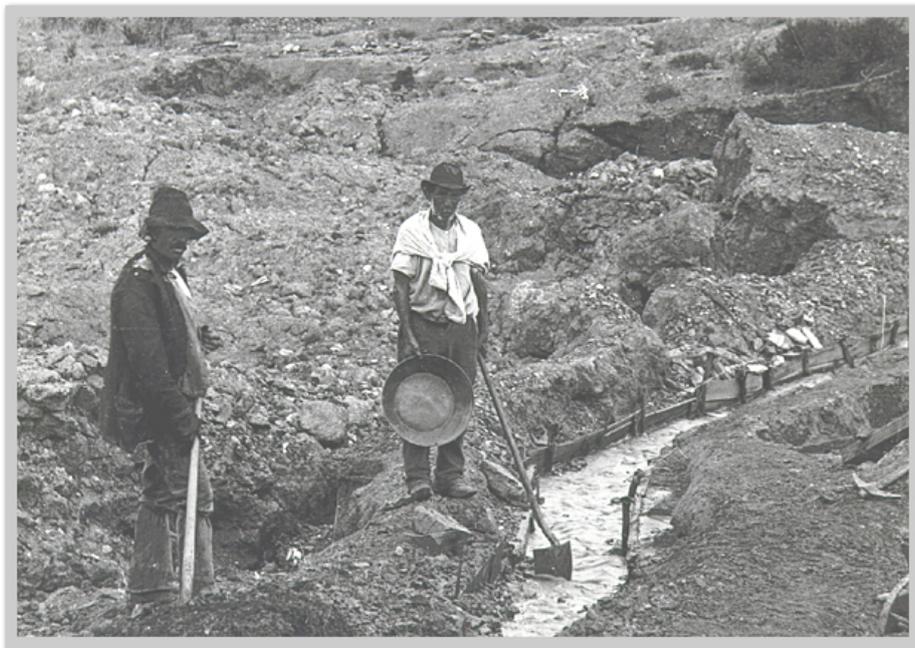


Plate 2.1: Ground sluicing in the Victorian goldfields in the 1880s. Shovels of sludge were thrown in the sluice, allowing the heavier gold to settle in catches at the base of the channel.

(Dept of Economic Development, Jobs, Transport & Resources, Victoria [Online])

http://www.energyandresources.vic.gov.au/about-us/publications/virtual-exhibition/gold-diggers/gold-diggers-gallery/large?result_page=6

By the early 1880s a number of small partnerships were undertaking sluicing operations with varying degrees of success. The Burrangong Gold Mining and Prospecting Company undertook underground exploration ‘three miles north-west of Young’ in 1883⁶¹, opening an 80 metre tunnel through solid granite⁶². Around 1885 investors from the Victorian goldfields with experience in working alluvial fields injected new energy into mining operations. The North Burrangong Company and South Burrangong Company were formed and failed in the same decade. The Burrangong Steam Sluicing Company was formed in 1887 to carry out sluicing operations in Burrangong Creek and some sluicing was undertaken at Victoria Hill

⁶⁰ Department of Mines Annual Report 1877. pp.126-127

⁶¹ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. pp.39-40

⁶² Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.239

(refer to **Section 2.1.8.1 Mining in Blackguard Gully**). The ‘Day Dawn Gold Mining Company was active in 1892’.⁶³

As in other parts of New South Wales the economic depression of the 1890s led to a resumption of small scale gold mining activity. The colonial government encouraged unemployed men to prospect for gold and many left Sydney to seek a meagre living on the colony’s otherwise abandoned gold fields. In 1895 men were prospecting on Spring Creek and by mid-May of that year 300 miners were working on Tout’s Rush at Irish Jack’s Creek. This increase in activity encouraged investment in larger ventures and the South Burrangong Gold Mine was re-opened in 1895.⁶⁴ This operation closed in 1896⁶⁵. In 1896 a partnership of local business people, including George Cranfield, formed the Garibaldi Gold Mining Company. This company acquired a lease at Stoney Creek ‘six miles (nearly 10km) south-west of Young’⁶⁶. It had failed by 1897⁶⁷.

By the end of the 1890s two companies were formed to undertake gold dredging in Burrangong Creek. These were the Travers Jones Gold Dredging and Sluicing Company and the Burrangong Gold Dredging and Sluicing Company.⁶⁸ The latter company floated a large steam dredge, ‘The Burrangong’, on a purpose-built dredge pond constructed on a tributary of the creek 3.2 kilometres west of Young⁶⁹. Steam dredges were introduced in the late 19th century to process large volumes of low yielding alluvial wash. They raised the wash from the floor of the pond ‘by continuous buckets or suction pipe’, and passed it through screens, jigs and sluice boxes to recover gold⁷⁰. After some early success this venture failed in 1903. Another venture tried to revive dredging in 1906 but this also failed.⁷¹

There were some unsuccessful attempts to revive gold mining during the Great Depression of the 1930s under New South Wales Government unemployment relief programmes⁷².

2.1.8.1 Mining in Blackguard Gully

During the 1860 gold rush one gully on the eastern side of Victoria Hill near the eastern end of the goldfield became the haunt of “shanty-keepers and bad characters”. For this reason it became known as Blackguard Gully.⁷³ According to Ross Maroney many travellers had been held-up in the area⁷⁴. It is logical that this area would attract those intent on seeking advantage from new arrivals as it was the first part of the Lambing Flat Gold Field reached by those travelling from Boorowa. During the first rushes of 1860-1861 hopeful miners were drawn from goldfields south and east of Lambing Flat and entered the area through Boorowa and Murringo.

A possibly apocryphal account published in the Dubbo Daily Liberal in 1895 described the origins of the name Blackguard Gully as follows:

Shortly before the Christmas of 1860 a party of diggers from Mount Welsh on the Rocky River, New England found their way ... to the newly discovered gold field. ... The New England party ... camped on a creek on the Meringo (sic) road, about three miles out from the embryo township of box bark and calico shanties and tents. A few parties were camped on the unnamed creek, and after supper a tall slab-sided New

⁶³ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.40

⁶⁴ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.239

⁶⁵ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.247

⁶⁶ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.245

⁶⁷ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.246

⁶⁸ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.267-268

⁶⁹ Forbes, W., 2003. *Bow Bells to Burrowa Street*. p.288

⁷⁰ Pearson, M & McGowan, B., 2000. *Mining Heritage Places Assessment Manual*, p.93

⁷¹ Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.40

⁷² Bayley, W., 1977. *Rich Earth. History of Young New South Wales*. p.40

⁷³ “101 Not Out”, *The Grenfell Record and Lachlan District Advertiser*. 8 February 1918

⁷⁴ Maroney, R., Undated. *A Short History of the Lambing Flat Gold Rush 1860-1861*. p.7

Englander strolled over to one of the camp fires to ask, where abouts the township lay, the only person visible was a short thick dumpy Irishman with brilliant red hair, in such an advanced stage of drunkenness that he had been unable to follow his mates to the shanty a little lower down the creek. To the inquiry of the stranger as to what the place was called he replied with the tipsy gravity of intoxication and the ready wit of his country "Thish is Blackguard Gully, and Blackguard Gully is the town of all operations." When next day the travellers found their way in to the stores in the main street to replace supplies exhausted by their journey, they were asked where they were camped, and replying in all simplicity "Blackguard Gully," the name was at once adopted and became as historic as Peg Leg at Bendigo, the Devil's Hole at Meroo, or Hill End at Tambaroora. A party of Germans having struck a run of very fair alluvial wash running up from Blackguard, as it came later on to be called, and some New Zealanders from Wanganui having "dropped on it right" just above them in about twenty foot sinking, a small rush took place, but as the area of payable ground was very limited there was never more than about twenty claims.⁷⁵

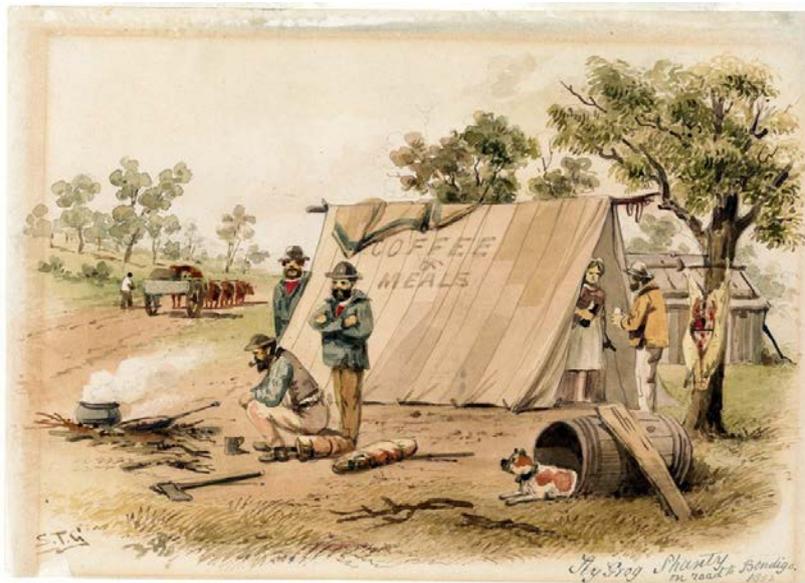


Plate 2.2: A sly grog shanty in the Victorian goldfields illustrated by S.T. Gill. This is typical of the establishments that greeted miners arriving at Blackguard Gully. (State Library of Victoria)

In his account of the gold rush Ross Maroney recorded that Commissioner Dixon had placed Chinese miners in this area 'to keep them separate from the Europeans'. When news spread that a party of Chinese miners had obtained 80 ounces of gold "from the bottom of their shaft Europeans rushed in to stake their own claims."⁷⁶

According to contemporary accounts claims on the rich Victoria Hill section of the goldfield were heavily contested with allocated areas limited to "ten square feet per man" (approximately three square metres). "The sinking was from seven to thirteen feet (2m to 4m); these claims were worked out in three weeks; and from £300 to £400 a man netted."⁷⁷ The intense competition generated by these conditions exacerbated resentment of the Chinese miners working this part of the field. A memoir written for the Dubbo Daily Liberal in 1895 made it clear that, in Blackguard Gully, disputes over water increased the potential for violent conflict.⁷⁸ Blackguard Gully was one of the localities in which systematic violence

⁷⁵ "Lambing Flat Riots. The Real Story of Blackguard Gully", *The Dubbo Liberal and Macquarie Advocate*. 27 February 1895

⁷⁶ Maroney, R., Undated. *A Short History of the Lambing Flat Gold Rush 1860-1861*. p.7

⁷⁷ "Mining News. Burrangong or Lambing Flat", *Evening News (Sydney)*. 19 April 1870

⁷⁸ "Lambing Flat Riots. The Real Story of Blackguard Gully", *The Dubbo Liberal and Macquarie Advocate*. 27 February 1895

was visited on Chinese prospectors. According to Thomas White “a lot of Chinamen were murdered in Blackguard Gully”⁷⁹.

After the initial rioting of February 1861 (refer **Section 2.1.9 Law and Order**) Colonial Premier Cowper ordered that part of Blackguard Gully be allocated to Chinese miners. Much of the anti-Chinese violence that occurred in June 1861 was focused on Blackguard Gully and Victoria Hill.

Like other parts of the goldfield Blackguard Gully was the scene of desultory mining activity throughout the 1860s. Mining Registrars’ reports of the 1870s and early 1880s make no mention of mining activity in the Blackguard Gully area, although mining was continuing on other parts of the field. It is possible that ground sluicing had commenced in the Blackguard Gully area in 1870. A report on mining on Victoria Hill published in 1887 indicated that mining claims in the gully had been “originally taken up in 1870 and worked by water races”⁸⁰. It is highly likely that that these water races belonged to Irish Immigrant Patrick Fitzgibbon.

Patrick Fitzgibbon, a native of Tipperary, Ireland, arrived in Lambing Flat during the initial gold rush and continued alluvial mining for the remainder of his life. Greville’s Post Office Directory of 1872 listed Patrick as a farmer living at Victoria Hill, Young⁸¹. From around 1874 Fitzgibbon took up a number of mining tenements in Blackguard Gully “in the vicinity of Victoria Hill” and obtained freehold title to portions surrounding the leasehold area of Blackguard Gully. Fitzgibbon’s freehold land included blocks along the southern side of Victoria Gully. One long sluicing race was constructed from a dam located at least 700 metres up Victoria Gully to Blackguard Gully⁸².

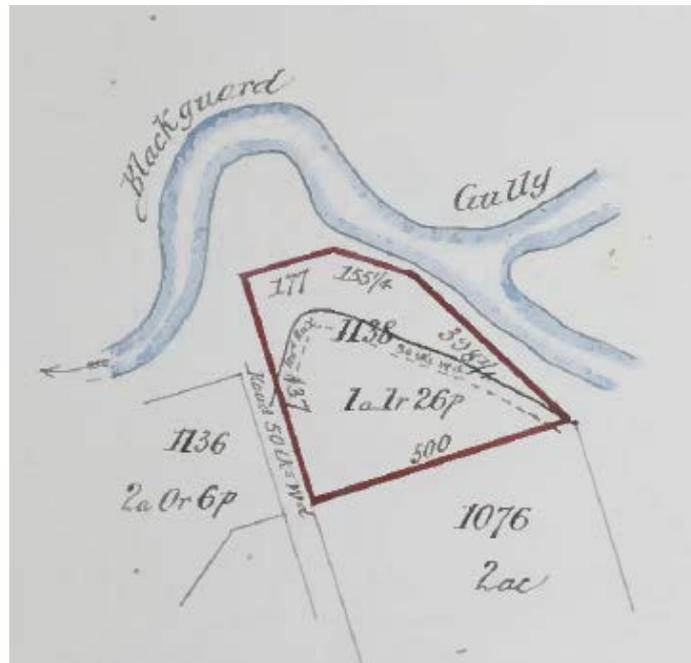


Figure 2.3: Plan of Portion 1138 on Victoria Gully purchased by Patrick Fitzgibbon in 1889. This plan clearly shows a race carrying water from the higher levels of Victoria Gully to the sluicing area in Blackguard Gully. Adjoining Portions 1135, 1136 & 1137 were offered for sale in July & August 1888 (Cootamundra Herald 11 August 1888). This race was possibly constructed in the 1870s and was shown on title deeds until at least 1970. (Grant Upon Purchase of Improved Crown Lands Volume 927 Folio 30)

⁷⁹ “101 Not Out”, *The Grenfell Record and Lachlan District Advertiser*. 8 February 1918

⁸⁰ “Australian Town and Country Journal 3 September 1887

⁸¹ Greville’s Post Office Directory 1872.[Online] <http://archiver.rootsweb.ancestry.com/th/read/GENANZ/2003-01/1042107762>

⁸² Grant Upon Purchase of Improved Crown Lands Volume 927 Folio 30, Certificate of Title Volume 11477 Folio 137

Newspaper reports published around this time noted that Fitzgibbon “owns and lives near a large dam, a short distance out of town”⁸³. From around 1881 Fitzgibbon began to take out mortgages on his freehold property with the Bank of New South Wales.⁸⁴ The Department of Mines Annual Report for 1881 noted that “Messrs. Lyons and Fitzgibbons” were preparing to use the government boring machine allocated to Young on their claim at Victoria Hill⁸⁵. It is assumed that Fitzgibbon had mortgaged his properties to construct ground sluicing infrastructure within his mining leases.

On 18 August 1887 John George Gough and party started sluicing in their claim on Victoria Hill.

*The claims covers about 14 acres, the dirt averaging about 8ft. in depth. Water is raised by a Tangye pump from a dam. It is raised about 40ft. and carried about 2,000ft. to the present workings, and by means of races brought back again to the dam, where it is filtered previous to being used again. Dirt taken from any portion of the claim gives excellent prospects.*⁸⁶

John George Gough had come to the Lambing Flat gold diggings with his widowed father in 1860. Only 13 when his father died in 1861 Gough started prospecting for gold on his own and worked on various fields around the region. During the 1870s he began working as a builder and began contracting in his own right. He was responsible for the construction of some of Young’s grand buildings, including the Court House and Railway Station. Gough was elected to the NSW Legislative Assembly in 1889 and served as MLA for Young until 1894.⁸⁷ From around 1889 until 1897 he was Managing Director of the South Burrangong Gold Mining Company, which was working deep leads in another part of the goldfield.

Department of Mines reports from 1887 indicate that:

*On Victoria Hill, Messrs Gough & Company have placed a steam engine on their claim, of 18 acres, for pumping water from a level lower than their workings. The water is conveyed through 1,500 feet of box-race, and the same length of 4-inch piping. Only one pick employed, yet during the past five weeks’ labour 45 oz. of pure gold have been obtained.*⁸⁸

The Gough & Company operation was also referred to as the Burrangong Steam Sluicing Company. Reports on the company’s activities indicate that it was employing hydraulic sluicing methods, using a six-inch water jet⁸⁹.

In 1888 the Victoria Hill Sluicing Gold-Mining Company, Young, Limited was floated with a capital of £20,000 by John Gough and others to “develop an area of twenty acres now being profitably operated upon with limited sluicing machinery”. This area was described as “a low ridge between Sawpit and Blackguard Gullies, two of the main tributaries of Burrangong Creek”. The Directors listed in the prospectus included:

- Managing Director John George Gough, contractor, Young,

⁸³ “The Bunyip Again”, *Evening News (Sydney)*. 14 August 1875

⁸⁴ Grant Upon Purchase of Improved Crown Lands Volume 173 Folio 6

⁸⁵ Department of Mines Annual Report 1881. p.52

⁸⁶ Sydney Morning Herald 19 August 1887

<https://www.parliament.nsw.gov.au/prod/parliament/members.nsf/1fb6ebed995667c2ca256ea100825164/b3ed18d239331c5bca256e30007ff862?OpenDocument>

⁸⁷ “Mr J.G. Gough. M.L.A. for Young”, *Australian Town & Country Journal* 2 March 1889; Mr John George Gough (1848-1907) [Online]

<https://www.parliament.nsw.gov.au/prod/parliament/members.nsf/1fb6ebed995667c2ca256ea100825164/b3ed18d239331c5bca256e30007ff862?OpenDocument>

⁸⁸ Department of Mines Annual Report 1887. p.65

⁸⁹ *Australian Town and Country Journal* 10 December 1887

- Provisional Directors
 - John Ahearn, railway contractor, Sydney,
 - James Angus, railway contractor, Sydney,
 - Edward Taylor J.P., grazier, Young,
 - George Fishburn, railway contractor, Sydney,
 - John Forsyth J.P., merchant, Young.

The company's Legal Manager and Broker was A. Armstrong of 70 Pitt Street, Sydney.⁹⁰ Like Gough, Edward Taylor had worked on the Lambing Flat Gold diggings during the first gold rush. Taylor, a tough and independent man, was prospecting on Burrangong Creek in 1861 when anti-Chinese rioting began. Despite attempts at coercion by fellow diggers he refused to take any action against Chinese miners. After the riots Edward moved to McHenry's Creek where he "started dairying and butchering". By the 1880s he was farming land on McHenry's Creek north of Young, was actively involved in civic affairs and had been a member of the Young Railway Committee.⁹¹

The Victoria Hill Sluicing Gold-Mining Company's prospectus was accompanied by a report prepared by Robert Matteson Vaughn M.P., who "had many years' experience in California and in the principal alluvial fields of the colony". Vaughn described the proposed mining area as follows:

The claim is situated about three-quarters of a mile easterly from the town, upon a low ridge between Sawpit and Blackguard Gullies, two of the main branches of Burrangong Creek, which was worked for alluvial gold many years ago, and was then known as the Lambing Flat Goldfield, being one of the richest alluvial deposits ever worked in New South Wales. The property consists of 20 acres of granitic alluvial deposit, varying from 4ft. to 20ft. in depth, or an average of 12ft. over the whole area, resting upon a soft granite bed-rock, which, I may state, is peculiarly favourable for retaining gold, and calculated to facilitate ground-sluicing operations.

Prospects were taken in my presence by panning from the surface to the bedrock, and good sluicing prospects obtained from all of them, and, from my experience in mining of this description, I have no doubt that when a sufficient stream of water is brought upon the ground to work it in an efficient manner, the result will justify the high opinion the public and yourselves have formed of the value of your property.

About three acres of this ground has been superficially worked in the early days of the goldfield by sinking and driving. The whole of this will pay well for sluicing, as only the richest wash dirt was then taken out, leaving the pillars and headings in the ground. In confirmation of this, I may state that I saw a dwt. of gold washed out of one dish of washdirt taken from a piece of unworked ground in this part of the claim. ...

The present working plant consists of a 22h.p. Cornish boiler and steam pump, with cylinder 12in. diameter and 24in. stroke, with 1500ft. of 4in. wrought iron gas piping laid from pump to the claim, all new and in good working order. The tail-race is about 1400ft. in length, cut to a depth of an average of 14ft., and boxed in with sawn timber; by extending this as the workings progress the whole of the ground can be worked through this race.

There are six reservoirs now constructed, and water rights secured to each. I would

⁹⁰ Sydney Morning Herald 22 March 1888

⁹¹ "Mr Edward Taylor J.P. of Young (A character sketch by 'Indaba')", Australian Town & Country Journal 19 July 1905

recommend the construction of two others, one in Petticoat Gully and another in Sawpit Gully; if this were done and two of the existing ones raised upon there would be a sufficient supply of water conserved for a bigger plant for the whole of the year; in any case there is an abundant supply of underground water at the pumping station, which can be made available by sinking a sump or well-hole ; and by building a retaining dam across the creek below the pump the used water may be allowed "to settle, and then be returned to the pumping dam for re-use".

Water, during the winter months, might be supplied by gravitation by cutting a water-race about one and a half miles in length, with 500ft. of galvanised iron fluming, and 60ft. of 18in. cast-iron pipes. This can be done at a cost of about £150.

The facilities for clearance of tailings are complete from the natural position of the claim; and the creek bed lying considerably lower than the claim, affords ample outlet for the clearance, even if required within half the time estimated to sluice the whole area. I would, however, recommend that a pump, large enough to supply three sluice-heads of water, be substituted for the present one, and an additional steam boiler, if necessary, with 9in. delivery pipe. If this were done, I have no doubt your property will give a handsome return for the outlay.

The infrastructure described by Vaughn appears to be the same as the infrastructure described on Messrs. Gough & Company's lease in the 1887 Department of Mines Annual Report. These workings were most likely to have been located just west of Patrick Fitzgibbon's claims on Blackguard Gully.

According to the report provided for 1888 by Mining Warden S. Robinson "the Victoria Hill Sluicing Company, known as Gough's claim, for one man working fifty days has given 60oz. of gold". Operations were suspended in late 1888 "owing to the drought"⁹² and there is no mention of the Victoria Hill Sluicing Company in the Mines Department Annual Report for 1889.

It appears that Patrick Fitzgibbon, owner of substantial freehold title around Blackguard Gully, took up the leases vacated by the Victoria Hill Sluicing Company from around 1891. In February 1895 he was appointed as a Trustee of the Young Commons⁹³ (now the Young Showground). Patrick shot himself in April 1895 and, with a coroner's finding of suicide, the Roman Catholic Church refused him burial in consecrated ground⁹⁴. Fr. Jerome Kennedy of Albury, Roman Catholic Clergyman and John English, grazier of Young had been appointed executors of his will⁹⁵, and took control of his freehold land. Following the discharge of a mortgage the property was transferred to Fitzgibbon's son-in-law William Thomas O'Connell.⁹⁶

Patrick Fitzgibbon's leases were also taken up by William Thomas O'Connell around the same time. O'Connell, a native of County Clare, Ireland had come to New South Wales after having lived for some years in Cape Colony. He arrived in Lambing Flat "shortly after gold was discovered" and "worked several claims, principally at Tipperary Gully and Victoria Hill – where he afterwards acquired a fair sized area of land and made his home". He married Patrick Fitzgibbon's daughter Margaret and the couple raised 10 children.⁹⁷ In 1897 William O'Connell acquired Conditional Purchases of five blocks located in Victoria Gully east of the

⁹² Department of Mines Annual Report 1888, pp.78, 79

⁹³ NSW Government Gazette 15 February 1895-1004

⁹⁴ The Evening News (Sydney) 26 April 1895

⁹⁵ NSW Government Gazette No. 359 8 May 1896-2

⁹⁶ Grant Upon Purchase of Improved Crown Lands Volume 173 Folio 6

⁹⁷ "A Pioneer's Death – Mr. W. T. O'Connell", *Young Witness* 28 September 1917

One of the claims is a water race about 300 yards long from the dam in Blackguard Gully to Garribaldi (sic) Gully Creek; another a tail race about the same length and the third a sluicing claim of about 2 acres.

There was also a sluice dam on Victoria Hill. A shortage of water had made it almost impossible for Margaret and Maurice O'Connell to work the claims. They had also experienced great difficulty in maintaining dams and races. At various times sluice boxes and pumps were vandalised, and races blocked by carriers making roadways to cart sand from the creek. In 1921 miners named Murphy had cleaned out their dam further up the creek and spoil from this operation had blocked Patrick Fitzgibbon's old races, making it impossible to work his former claims. Following an application made by Margaret's son James O'Connell the leases were declared forfeit on 30 November 1922.¹⁰⁰

On 4 March 1924 Patrick Fitzgibbon's former leases in Blackguard Gully were declared as a Reserve for Public Recreation. Despite this Margaret O'Connell obtained occupancy of a large section of the gully area under Special Licence SpL 24.34. This was gazetted on 30 January 1925. Margaret O'Connell's lease covered the existing Lot 2524 DP 46320, and parts of Lots 1 and 2 DP 632471. It contained four dams and associated infrastructure. Margaret died at her home on Victoria Hill in December 1942, having been directly associated with the Burrangong Goldfields since 1860¹⁰¹.

In 1923 Young Municipal Council discussed the possibility of constructing a dam in Blackguard Gully to develop public baths. This plan was quickly abandoned as the Council did not have the resources to undertake such a project.¹⁰²

In 1955 the southern section of the area previously held by Margaret O'Connell under Special Lease SpL 24.34 was leased to B.M. and E.J. Morris under SpL 55.80¹⁰³. The area was identified in some reports as a water reserve and on 24 February 1956 the creek line of Blackguard Gully, including Fitzgibbons' dams, was dedicated as a Reserve for Future Public Requirements.¹⁰⁴

2.1.9 Law and Order

A number of events and historical associations have given prominence to Young in the story of Australia. The Lambing Flat anti-Chinese riots are perhaps the most notorious of these. Contemporary accounts of the gold rush in Young record the activities of gangs of 'rowdies' and sly grog sellers. An initial absence of official law enforcement on the gold fields led to the creation of a 'Vigilance Committee' comprised of 'well-disposed persons'. The members of this committee set about tearing down shanties and smashing kegs of illegal liquor.¹⁰⁵

These events occurred just after the arrival of the first police contingent in the district in December 1860. This party consisted of eight mounted police and two detectives under the command of Captain Zouch. Zouch and Gold Commissioner Dickson established a government Camp on the site of the present Young High School. A police barracks and 'a very solid lock-up' were constructed on this site.¹⁰⁶

¹⁰⁰ "Old Mining Claims – Dispute in Warden's Court", *Young Witness* 2 December 1922

¹⁰¹ "Link With Bushranging Days", *West Wyalong Advocate* 24 December 1942

¹⁰² "Blackguard Gully – Site for Public Baths", *Young Witness* 4 October 1923

¹⁰³ Parish of Young County of Monteaagle 1958

¹⁰⁴ Young and Environs – Parish Map 1933

¹⁰⁵ McGregor, H. & J., 1999. *Roll-Up*. p.20

¹⁰⁶ McGregor, H.&K., 1999. *Roll Up*. p.16

Mark Hammond described in detail the activities of the ‘Donegallers’ who seemed to be present on a number of the New South Wales gold fields and ‘carried terror with them wherever they went’¹⁰⁷. According to Hammond:

*They moved about at night in gangs, and if they had a set on anyone they would single him out for an attack. ... One night they marched down to the residence of Crisp, the banker, a man who had refused them credit. He was in bed. They broke into the place, pulled him out and left him for dead, with a broken jawbone, from which he never properly recovered.*¹⁰⁸

2.1.9.1 The Riots

Much has been written and conjectured about the Lambing Flat riots. A number of eyewitness accounts exist of events associated with the riots and tension and conflict between European and Chinese miners has been documented on other alluvial goldfields. Conflict came early to Lambing Flat when miners of European origin broke up the camp of a group of Chinese prospectors in November 1860. This appears to have been an isolated violent incident and organised agitation against the Chinese did not occur until early 1861.¹⁰⁹ Numbers of miners increased dramatically and by January 1861 European miners felt sufficiently threatened by the numbers of Chinese miners arriving to call a meeting ‘to consider whether this is an European diggings or a Mongolian territory’¹¹⁰.

The meeting, held near Golden Point on Sunday 27 January 1861, was attended by fifteen hundred diggers. Commissioner Dickson was also present with ‘seven troopers and detectives Carns and Scarlett. The meeting was chaired by Charles Allen who stated that: “All we want is to get rid of the Chinamen as quietly as possible”. J.B. Stewart, originally a weaver from Paisley in Scotland, gave a rousing and at times provocative speech in which he advocated expulsion of the Chinese from the field. At the same time he stated: “But, gentlemen, I would strongly advise you to keep within the bounds of the law and commit no breach of the peace”.¹¹¹

Regardless of this and the cautionary words of Commissioner Dixon the diggers chose to take the law into their own hands.¹¹² Mark Hammond regretfully described the actions of diggers in February 1861:

*... the miners ... rushed the Chinese camp at Oppossum Flat, and there brutally ill-used them. Without a minute’s notice they had to gather together whatever they could; their tents and stores were set fire to; their windlasses pitched into the shafts; and they themselves were driven before a howling mob like a flock of sheep. What the Chinese were unable to carry away, others did, who remained behind to plunder. They were followed by the miners through the town and up Blackguard Gully, and there for miles on the road to Burrawa. The rioters only returned from the hunt when the shades of evening began to come over them.*¹¹³

He also described the ill-treatment of sick Chinese miners and the plunder of their possessions¹¹⁴. Many of the Chinese hunted from the field took refuge Burrangong, Currawong and Wambanumba stations. Lambing Flat remained in an agitated state for some weeks and Captain Zouch arrived with 15 extra mounted troopers to reinforce the

¹⁰⁷ Hammond, M., 1988. *Remembered With Pride*. p.76

¹⁰⁸ Hammond, M., 1988. *Remembered With Pride*. p.82

¹⁰⁹ McGregor, H. & J., 1999. *Roll Up*. p.38

¹¹⁰ McGregor, H. & J., 1999. *Roll Up*. p.39

¹¹¹ McGregor, H. & J., 1999. *Roll Up*. pp.39-40

¹¹² Hammond, M., 1988. *Remembered With Pride*. pp.71-72

¹¹³ Hammond, M., 1988. *Remembered With Pride*. p.72

¹¹⁴ Hammond, M., 1988. *Remembered With Pride*. p.72

police already on the diggings¹¹⁵. The miners gathered over 3,000 signatures for a petition seeking exclusion of the Chinese from Lambing Flat. This was given to Commissioner Cloete who forwarded it to Sydney. Two days after the presentation of the petition on 12 February 1861 the colonial Parliament considered a Bill to regulate Chinese immigration.¹¹⁶

Later in February, at a meeting held in Tom Walsh's store, about 80 miners formed the Miners Protective League for 'the mutual protection of ... lives and property' and to address miners' grievances. J.B. Stewart as elected president and Charles Allen secretary. Meetings were held at Spring Creek and Stoney Creek to recruit members and the League published a manifesto of demands in March 1861. Members of the league, including James Torpy cautioned the government against allowing the Chinese to return.¹¹⁷

The government decided at the same time that Chinese miners should be allowed to return to the goldfield as, under the law, they had equal rights to the Europeans to prospect for gold. Commissioner Cloete decided to allow the Chinese to return to a section of Blackguard Gully. As Chinese miners began to return to Lambing Flat hysteria began to mount within the European community. A brawl developed between Europeans and Chinese in Blackguard Gully. When police arrived they arrested 'fourteen or fifteen alleged rioters – all Europeans', and gathered 'some witnesses – all Chinese'. In response to the arrests European miners gathered in mobs and paraded through the streets of Young. It was estimated that up to 6,000 men, many of them armed, were involved in sporadic hooliganism and attempts to intimidate the police.¹¹⁸

In response the colonial government, fearing a breakdown in law and order, 'decided to dispatch a body of troops to the scene. A force of 120 men of the 12th Regiment of Foot, 43 artillerymen with two 12pound howitzers and 21 mounted police left Sydney in ten chartered omnibuses on 25 February 1861. This force was commanded by Captain Atkinson.¹¹⁹ Premier Cowper and John Robertson also travelled to Lambing Flat to enquire into the miners' grievances and attempt to resolve the situation¹²⁰.

Prior to the arrival of the military Cowper held a number of meetings with the miners and the leaders of their League and he was generally very well received. Despite his oratory they were not moved in their opposition to the presence of Chinese miners on the field. Before his departure he instructed Gold Commissioner Cloete 'to have a furrow ploughed around the richer areas of the field'. The Chinese were prohibited from crossing this furrow. One half of Blackguard Gully was made available to the Chinese miners.¹²¹ The field generally quietened and the military were withdrawn on 23 May 1861¹²².

The situation was generally quiet until news arrived on Lambing Flat that a large group of Chinese miners at Native Dog Creek near Canowindra had attacked some Europeans who were trespassing on their claims. On 30 June 1861 a roll up of 1,000 to 2,000 miners, incensed by a further rumour that 'fifteen hundred Mongolians had landed in Sydney, and armed with sticks, pick handles and guns, gathered to act against the Chinese. This mob moved towards Victoria Hill and Back Creek, destroying Chinese property in its path and severely beating many of the Chinese miners in the area.¹²³

¹¹⁵ McGregor, H. & J., 1999. *Roll Up*. p.44

¹¹⁶ McGregor, H. & J., 1999. *Roll Up*. p.45

¹¹⁷ McGregor, H. & J., 1999. *Roll Up*. pp.47-48

¹¹⁸ McGregor, H. & J., 1999. *Roll Up*. pp.48-49

¹¹⁹ McGregor, H. & J., 1999. *Roll Up*. pp.52-53

¹²⁰ McGregor, H. & J., 1999. *Roll Up*. p.54

¹²¹ McGregor, H. & J., 1999. *Roll Up*. p.64

¹²² McGregor, H. & J., 1999. *Roll Up*. p.66

¹²³ McGregor, H. & J., 1999. *Roll Up*. pp.67-68

Initially the police did little to quell the violence but, following orders to arrest ‘everyone of the ringleaders ... who could be apprehended’, arrested three men on Sunday 14 July. Late in the day a mob gathered in Tipperary Gully and the members of a brass band rounded up to lead up to 1,000 incensed miners towards the police camp on the southern side of Burrangong Creek.¹²⁴ The miners, variously armed with ‘shot guns, horse pistols, revolvers, rifles, long knives’ and sticks¹²⁵, carried before them the famous ‘Roll Up’ banner. The large mob reached the police camp in rain and gathering darkness and their leaders asked for the release of the three prisoners.

After Captain Zouch refused the miners’ demand they rushed the police camp where Commissioner Griffen and police troopers had formed a protective line in front of the police lockup. According to some reports Griffen read the Riot Act as the crowd approached. The police fired above the advancing mob and in consequence two men were killed.¹²⁶ These were ‘William Lupton, a miner and a Punch and Judy showman’ who was struck by a stray bullet¹²⁷.

Most of the crowd dispersed while some miners stayed behind logs and trees on the slopes of the hill and traded desultory fire with the police. This exchange went on for about two hours in very dark and wet conditions before the rioters finally withdrew. Three police and some miners were wounded in the exchanges.¹²⁸

With only 50 officers and a number of special constables, and in the face of ongoing threats, Zouch felt vulnerable in his position. After sending a gold escort to Sydney he withdrew most of the police to Yass to await further orders. In the absence of the police miners’ leader William Spicer encouraged the maintenance of law and order, threatening to punish looting by death. A miners’ militia of up to 400 men was formed and a Vigilance Committee established to police the town.¹²⁹

The government, fearing further unrest, dispatched as many police and military personnel from Sydney as it could muster. This contingent consisted of 112 men of the 12th Regiment of Foot under the command of Captain Wilkie, 60 sailors, marines and a field piece from HMS Fawn and additional foot police. They arrived on 31 July and order was restored to the gold field.¹³⁰

2.2 Ability to Demonstrate

This section seeks to identify the elements of Blackguard Gully that can be directly related to identified historical themes. Identifying the relationship of elements of the site to these themes assists in determining the way in which they contribute to the cultural heritage significance of the place. and assists with decision-making regarding management. A more complete understanding of the historic themes can be obtained by referring to **Section 2.1 Thematic History**. A number of features have no direct association with the historic themes.

Property Element	Representative of Historical Theme			
	Aboriginal cultures & interactions with other cultures	Ethnic Influences/ Migration	Environment: Cultural Landscape/ Mining	Law and Order

¹²⁴ McGregor, H. & J., 1999. *Roll Up*. pp.76-78

¹²⁵ Hammond, M., 1988. *Remembered With Pride*. p.78

¹²⁶ McGregor, H. & J., 1999. *Roll Up*. p.78

¹²⁷ Hammond, M., 1988. *Remembered With Pride*. p.79

¹²⁸ McGregor, H. & J., 1999. *Roll Up*. pp.79-80

¹²⁹ McGregor, H. & J., 1999. *Roll Up*. pp.80-86

¹³⁰ McGregor, H. & J., 1999. *Roll Up*. pp.91-96

Property Element	Representative of Historical Theme			
	Aboriginal cultures & interactions with other cultures	Ethnic Influences/ Migration	Environment: Cultural Landscape/ Mining	Law and Order
Victoria Gully & Blackguard Gully watercourse				
Blackguard Gully sign				
Gold Trails interpretive signage				
Pondage (former sludge dam)			X	
Concrete pedestrian bridge				
Victoria Gully watercourse			X	
Remnant interpretive numbers				
Concrete ramp				
Access roadway				
Sluicing dams (Lot 4524 DP 46320)				
Sluicing Dam No.1 – earthen wall			X	
Sluicing Dam No.1 - basin			X	
Sluicing Dam No.2 – earthen wall			X	
Sluicing Dam No.2 – basin			X	
Vegetation – native species				
Vegetation – invasive species				
Sluicing races (Lot 4524 DP 46320)				
Sluicing race 1.1			X	
Sluicing race 1.2			X	
Sluicing race 1.3			X	
Tubular steel fencing & gates				
Brick toilet block				
Septic tank				
Puddling Mills (Lot 4524 DP 46320)				
Puddling mill (Sluicing Dam No.1) - ditch			X	
Puddling mill (Sluicing Dam No.1) - wooden ditch retaining structure				
Puddling mill (Sluicing Dam No.1) – wooden mill structure				
Puddling mill (Sluicing Dam No.2) – ditch & mound			X	
Gold Lease GL73				
Broken, hummocky ground			X	
Water race remnants			X	
Sluicing dam			X	
Granite outcrops			X	
Access road				

3. Physical Evidence

3.1 Introduction

Blackguard Gully is located on the southern side of Victoria Gully and east of Sawpit Gully. The area included in the SHR contains the remains of an extensive ground sluicing operation, including the following features:

- Victoria Gully and Blackguard Gully watercourses and dam,
- Mullocky or hummocky ground located on Lot 2524 DP 46320 and Lot 304 DP 754611,
- Sluicing channels located on Lot 2524 DP 46320 and Lot 304 DP 754611,
- Two sluicing dams located on Lot 2524 DP 46320,

The archaeological features present within the SHR precinct were part of a far more extensive system of dams and races that extended at least 500 metres up Blackguard Gully and about 550 metres up Victoria Gully. This system connected properties either owned or leased by Patrick Fitzgibbon and his son-in-law William O’Connell, and may have been developed from the early 1870s. A separate water race appears to have traversed the western section of Lot 304 DP 754611, which was formerly Gold Lease GL73.

The SHR precinct also contains the remains of two pug mills, one of which was reconstructed to demonstrate one aspect of early alluvial mining techniques. The reconstructed pug mill is located on Lot 2524 DP 46320.

The elements of the site are described in the following sections. The condition of each element is defined in accordance with the following table.

Condition	Definition
Sound	Complete, stable and structurally intact. The element appears to be in a condition to sustain its current function for some time to come.
Fair condition for age	Displays a level of deterioration commensurate with the time it has been in use. Although not pristine it maintains a reasonable level of structural integrity.
Poor condition	Heavily weathered or deteriorated. This may mean element is close to failing or has become detached from other elements.

3.2 Victoria Gully & Blackguard Gully watercourse

The main entry to the SHR area is from Whiteman Avenue and signage for the Blackguard Gully site is located the roadside. An extended area of rough road shoulder is available for parking. A concrete pedestrian bridge carries visitors across the pondage sitting at the confluence of Victoria and Blackguard Gullies. This pondage may have been a sludge dam associated with sluicing operations on Victoria Hill and Blackguard Gully. It is possibly the location considered for development of a public baths in 1923. An access roadway runs along the western side of the SHR area. This roadway is used by Council vehicles drawing water from the pondage. This roadway also runs through the site to Victoria Lane.



Plate 3.1: View south from Whiteman Avenue towards the reserve. (November 2015)



Plate 3.2: View southwest along the western side of the reserve. (November 2015)



Plate 3.3: Concrete bridge linking Whiteman Avenue to the reserve. (November 2015)



Plate 3.4: Pondage at the confluence of Blackguard & Victoria Gullies looking west from below Sluicing Dam No.2. This may have been a sludge dam associated with the Fitzgibbon & O'Connell sluicing operations. Whiteman Avenue is on the right. (October 2013)

Plate 3.5: The main picnic area looking southeast from the concrete pedestrian bridge. A numbered disc from a previous interpretation regime is attached to the tree on the right.



Plate 3.6: Gold Trails interpretive sign above the confluence of Blackguard, Victoria & Garibaldi Gullies (March 2014)



Plate 3.7: View east along the Victoria Gully watercourse. This creekline is heavily overgrown with bulrushes, grasses and other plants.

Feature	Condition
Blackguard Gully sign	This sign is in fair condition for its age.
Gold Trails interpretive signage	This sign is sound.
Pondage (former sludge dam)	This pondage holds water and appears to be generally sound.
Concrete pedestrian bridge	The bridge appears to be complete. Its structural integrity should be assessed regularly by a qualified civil engineer.
Victoria Gully watercourse	This watercourse is choked with grasses & reeds.
Remnant interpretive numbers	These markers are in fair condition for their age.
Concrete ramp	This ramp is used by Council trucks drawing water from Blackguard Gully. It appears to be sound.
Access roadway	An unsealed roadway provides vehicular access to the concrete ramp and to Victoria Street. It is eroded but in fair condition.

3.3 Main sluicing dams & associated races (Lot 4524 DP 46320)

The eastern side of the SHR listed precinct covers Lot 4524 DP 46320. This block contains the remains of sluicing infrastructure, including two sluicing dams and at least three sluicing races that were noted by Margaret O’Connell when describing her leases in 1922. The channels would have directed water for ground sluicing. Ritchie and Hooker have described ground sluicing as follows:

... a basic method of alluvial mining whereby auriferous (gold bearing) terrace margins were broken down by directing low pressure water over them (free running water diverted from a headrace) to assist their breaking up with bar and pick. The dislodged material was then sluiced, ie directed through channels to sluice-boxes in which the gold was trapped in riffles.

Riffles were “bars or cleats on the bottom of a ... sluice-box or tail-race for catching alluvial gold”.¹³¹

The sluicing infrastructure in Blackguard Gully is directed towards the pondage located at the convergence of the creek lines forming Blackguard, Victoria and Garibaldi Gullies (refer to **Section 3.2**). In 1922 Margaret O’Connell described her lease in the following terms:

*One of the claims is a water race about 300 yards long from the dam in Blackguard Gully to Garibaldi (sic) Gully Creek; another a tail race about the same length and the third a sluicing claim of about 2 acres.*¹³²

The 2 acre sluicing claim referred to appears to be Gold Lease GL73, which lay over the western side of the SHR listed precinct. Two sluicing dams are clearly shown on the 1933 Parish Map of Young. Historical records confirm that sluicing activities were undertaken in Blackguard Gully from about 1870 until the 1930s. Gold Lease GL73 is described in **Section 3.4**.

The eastern section of the SHR area is heavily infested with weeds and there is some native plant regrowth occurring. Invasive species noted within this area include:

¹³¹ Ritchie, N. & Hooker, R., 1997. “An Archaeologist’s Guide to Mining Terminology”. (pp.6,8)

¹³² “Old Mining Claims – Dispute in Warden’s Court”, *Young Witness* 2 December 1922

- Fire Thorn –pyrocantha,
- Hawthorn – cretageous,
- Privet,
- Cotoneaster,
- Briar rose
- Box,
- Elms,
- Prunus,
- celtis australis.



Figure 3.1: Aerial view showing the possible layout of sluing infrastructure described in 1922 and 1933. (SixMaps)

The area also hosts Sifton Bush. This native plant a considered an invasive weed on pastureland but is an excellent species for regeneration of bushland. Other native species include:

- Various varieties of eucalypts,
- hakea.

It appears that the heavy vegetation growth has inhibited erosion, particularly along the two most easterly sluing races.

3.3.1 Sluicing dams

Two sluicing dams are located within the eastern section of the SHR area. These have been identified as follows:

- **Sluicing Dam No.1** – This dam is located at the southern end of the SHR area. It is the largest dam located within the precinct. The main feature of the dam is a large earthen wall. The dam was identified by Margaret O’Connell in 1922 and appears to have been constructed in the 19th century. Historical parish maps indicate that this dam was fed from the following sources;
 - Pondages located further upstream in Blackguard Gully, and
 - Through a series of races from a dam located on property on Victoria Gully owned by Patrick Fitzgibbon.

- **Sluicing Dam No.2** – This dam is located at the northern end of the network of races leading from Sluicing Dam No.1. It consists of an earthen wall retained by timber baulks and appears to have been constructed to provide water to a puddling mill.



Plate 3.8: View east across Sluicing Dam No.1. (23 November 2015)



Plates 3.9 & 3.10: View east & west along the wall of Sluicing Dam No.1. (23 November 2015)

Plate 3.11: Sluicing Dam No.2 viewed from the north. (23 November 2015)





Plate 3.12: Timber baulks retaining the northern face of Sluicing Dam No.2. (23 November 2015)



Plates 3.13 & 3.14: Track crossing the top of Sluicing Dam No.2. (23 November 2015)

Sluicing dams (Lot 4524 DP 46320)	
Feature	Condition
Sluicing Dam No.1 – earthen wall	This wall appears to be generally sound. The western end has been breached. The centre of the wall has been worn down by dirt bikes & 4x4 vehicles.
Sluicing Dam No.1 - basin	The basin is quite clearly defined and currently holds a small volume of water. A burnt out motor vehicle has been dumped in the basin. It appears to be in fair condition.
Sluicing Dam No.2 – earthen wall	This appears to be generally sound.
Sluicing Dam No.2 – basin	This appears to be intact but is heavily overgrown. It appears to be in fair condition.
Vegetation – native species	These occur throughout the site. They are assisting to maintain soil stability.
Vegetation – invasive species	These occur throughout the site & are particularly prominent in hollows. They are assisting to maintain soil stability.

3.3.2 Sluicing races

Three sluicing races have been identified in the eastern section of the SHR precinct. All are located within Lot 2524 DP46320. The course of these races is shown in **Figure 3.1**. These have been identified as follows:

- **Sluicing race 1.1** – This is possibly the 300 yard race identified by Margaret O’Connell in 1922. It runs from the eastern side of Sluicing Dam No.1 and connects

to both Sluicing Dam 2 and the Victoria Gully watercourse. This is the most clearly defined race and appears to have stabilised by a combination of plant infestations and its relative inaccessibility. This race is quite deep and there is evidence that over time it has operated on at least five levels. It is highly likely that this is the oldest operational race within the precinct.

- **Sluicing race 1.2** – This race appears to follow the original Blackguard Gully watercourse from the western end of Sluicing Dam No.1. It leads to the pondage located at the northern end of the site. This race has been eroded and damaged by motor vehicles.
- **Sluicing race 1.3** – This race follows the western side of Lot 4524 DP 46320. It leads from the western end of Sluicing Dam No.1 to the pondage located at the northern end of the site. It is the most heavily degraded of the three races on this block.



Plate 3.15: View north along Sluicing Race 1.1 from the wall of Sluicing Dam No.1.
(23 November 2015)



Plates 3.16 & 3.17: A bend in Sluicing Race 1.1 retains steps indicating the various levels at which the sluice has been worked.



Plate 3.18: A section of Sluicing Race 1.1 near Sluicing Dam No.2. (23 November 2015)



Plate 3.19: Branch of Sluicing Race 1.1 leading north to Sluicing Dam No.2. (23 November 2015)



Plate 3.20: The northern end of Sluicing Race 1.1. (23 November 2015)

Plate 3.21: View north along the line of Sluicing Race 1.2. (23 November 2015)



Plate 3.22: View south along the line of Sluicing Race 1.2. (23 November 2015)

Plate 3.23: View south near the head of Sluicing Race 1.3. The wall of Sluicing Dam No.1 is in the background. (23 November 2015)





Plate 3.24: View north along the line of Sluicing Race 1.3. (23 November 2015)



Plate 3.25: The northern end of Sluicing Race 1.3. (23 November 2015)



Plate 3.26: Toilet block, septic tank & fencing located near the northern end of Sluicing Race 1.3. (23 November 2015)

Sluicing races (Lot 4524 DP 46320)	
Feature	Condition
Sluicing race 1.1	This is the most intact of the gold races located within the precinct. Steps in some walls indicate that the race was worked at various levels over an extended period of time. The lower sections of this race are heavily overgrown. Rubbish has been dumped into the southern end of the race. It varies from sound to fair condition.
Sluicing race 1.2	This race has been eroded, and heavily damaged by trail bikes and off road vehicles. It is in poor condition.
Sluicing race 1.3	The upper sections of this race are heavily eroded, and the remainder has been severely damaged by trail bikes and off road vehicles. It is in poor condition.
Tubular steel fencing & gates	These are generally sound but incomplete.
Brick toilet block	This block is partially demolished and in poor condition.
Septic tank	This appears to be complete.

3.3.3 Puddling mills

The remains of two puddling mills are located within Lot 4524 DP 46320. One is located below the wall of Sluicing Dam No.1 and the other is located above Sluicing Dam No.2. A replica puddling mill was constructed on the Sluicing Dam No.1 site in the 1990s to provide demonstrations of puddling for visitors to the site. The structure was intact in 2008 but has deteriorated greatly in the intervening years. Evidence of the puddling dam near Sluicing Dam No.2 consists of trenches only.

Puddling mills were used to “agitate gold-bearing gravel to get rid of heavy clay, which is washed away in water”. A puddling mill

*... consists of a circular trough excavated in the ground around which a horse drags a pair of rakes which stir up auriferous gravels placed in the trench and cause adhering clay to be washed off. ... the rakes in a puddler are pivoted at a central point, obliging the horse to walk continuously around the perimeter of the puddling trench.*¹³³



Plate 3.27: The replica puddling mill near Sluicing Dam No.1 photographed in 2008.

¹³³ Ritchie, N. & Hooker, R., 1997. “An Archaeologist’s Guide to Mining Terminology”. (p.7)



Plate 3.28: The replica puddling mill site on 23 November 2015.



Plate 3.29: Site of the puddling mill near Sluicing Dam No.2. (23 November 2015)

Puddling Mills (Lot 4524 DP46320)	
Feature	Condition
Puddling mill (Sluicing Dam No.1) – ditch	The ditch is clearly defined and retained by a wooden structure. It is in fair condition.
Puddling mill (Sluicing Dam No.1) - wooden ditch retaining structure	Fair condition.
Puddling mill (Sluicing Dam No.1) – wooden mill structure	The wooden structure is relatively complete but in poor condition. It is in a total state of collapse.
Puddling mill (Sluicing Dam No.2) – ditch & mound	The ditch and mound are clearly defined. It is in fair condition.

3.4 Gold Lease GL73

The former Gold Lease GL73 is located within Lot 304 DP 754611 and Lot 7315 DP 1160640. Historical parish maps indicate that GL73 contained a sluicing race leading to a dam located towards its northern end. This race and dam are shown in Figure 3.1. The area appears to have been sluiced continuously between the 1860s and 1930s. The site is heavily degraded, having been eroded and also severely disturbed by trail bikes and off road vehicles. An access road runs along the north-western boundary of the site.



Plate 3.30: View north across the former Gold Lease GL73. (23 November 2015)



Plate 3.31: View north along the path of the sluicing race towards the sluicing dam. (23 November 2015)



Plates 3.32 & 3.33: Views north towards the sluicing dam. (23 November 2015)



Plate 3.34: View south-west along the road on the western boundary connecting Whiteman Avenue to Victoria Street. (23 November 2015)



Plate 3.35: Views north-east along the road on the western boundary connecting Whiteman Avenue to Victoria Street. The sluicing dam is on the right. (23 November 2015)



Plate 3.36: Eroded Blackguard Gully showing the exposed underlying granite at the northern end of GL73. (23 November 2015)

Gold Lease GL73	
Feature	Condition
Broken, hummocky ground	The site is covered by eroded and hummocky ground. This ground is in fair to poor condition.
Water race remnants	The former water race is heavily degraded. It appears to be represented by little more than a drainage ditch. It is in poor condition.
Sluicing dam	This dam is clearly defined in the landscape and currently retains water. It is in fair condition.
Granite outcrops	These outcrops appear sound. They represent the extreme depth to which the northern end of the lease has been worked.
Access road	This road runs along the north-western boundary of the site and appears to be relatively sound.

3.5 Archaeological potential

The Blackguard Gully SHR precinct is a heavily degraded alluvial gold mining area that contains elements of two related ground sluicing systems. The area was initially mined during the early 1860s using the gold rush practices of shaft sinking, panning and paddocking. The historical record indicates that, during the gold rush, it was worked by European and Chinese prospectors.

From about 1865 Blackguard, Victoria and Garibaldi Gully complex was mostly mined by small, family-based syndicates employing fairly primitive ground sluicing methods. This regime of mining was interrupted in the late 1880s when the Victoria Hill Ground Sluicing Company commenced a more sophisticated mining regime. This was short-lived and by the early 1890s the entire area had been taken over by long-time gold miner Patrick Fitzgibbon. Fitzgibbon, his daughter Margaret and son-in-law William O'Connell and their children continued to work the lower end of Blackguard Gully until the 1930s.

Since the 1930s the place has lain idle as it has no value for farming or grazing. It has been used as a dumping ground and a testing area for off-road driving enthusiasts. These activities and occasional flooding have led to high levels of site disruption and erosion. Regardless of this degradation the landscape can be interpreted by a trained eye and attempts have been made in the past to interpret the remaining evidence of alluvial mining. The eastern section of the precinct is the most inaccessible and hence the most intact.

The archaeological potential of the precinct has been assessed as follows (This assessment is based on the description of the precinct included in **Section 3.2**, **Section 3.3** and **Section 3.4**):

- Crown Land DP 1160640 – low archaeological potential.
- Part Lot 7048 DP 1001285 – low archaeological potential.
- Part Lot 7313 DP 1160640 – low archaeological potential.
- Part Lot 7314 DP 1160640 – low archaeological potential.
- Part Lot 7315 DP 1160640 – low archaeological potential.
- Part Lot 7316 DP 1160640 – low archaeological potential.
- Part Lot 7317 DP 1160640 – low archaeological potential.
- Lot 2524 DP 46320
 - Eastern side of block – moderate to high archaeological potential.
 - Western side of block – moderate archaeological potential.
- Lot 304 DP 754611 – low archaeological potential.
- Part Lot 7054 DP 96182 – low archaeological potential.

3.5.1 Archaeological zoning plan

The following archaeological zoning plans were developed on the basis of site recordings undertaken by Ray Christison.



Figure 3.2: Archaeological zoning plan – moderate to high archaeological potential.



Figure 3.3: Archaeological zoning plan – moderate archaeological potential.



Figure 3.4: Archaeological zoning plan – low archaeological potential.

4. Assessment of Cultural Significance

4.1 Comparative analysis

4.1.1 Evidence of alluvial gold mining

This comparative analysis seeks to identify the comparative significance of Blackguard Gully as a relic of alluvial gold mining. In their comprehensive study of the history and heritage of mining sites in New South Wales Pearson and McGowan made a number general observations regarding the relict landscapes of alluvial gold mining based on their own field observations. They identified what they regarded as the best examples of various methods of alluvial mining as follows:

- **Paddock**ing – “Perhaps the best examples of this technique were at Araluen in the 1860s and 1870s. These workings were extensive.”
- **Hydraulic Sluicing** – “One of the best examples of this type of working was on the Spring Creek Jacqua field in the early 1890s. ... At Croker’s Mint on the Shoalhaven River a steam powered pump raised water through a 33m shaft and 45m long tunnel to the workings. Also on the Shoalhaven River, the Limekiln workings included a 38.6 km water race, with between 13 to 16 km of branch races and two service dams at the workings.”¹³⁴

These are wonderful exemplars of alluvial gold mining activity in New South Wales. Other landscapes recorded by the author, including Golden Gully on the Tambaroora-Hill End goldfield and Krebs Lane (Little Spring Creek) workings in Young are excellent examples of overlying alluvial mining landscapes. Both represent the various stages of alluvial mining activity and the application of evolving technologies.

In a research project undertaken for the University of New England in 2013 Christian Fielder summarised the conundrum facing anyone seeking to research archaeological evidence of 19th century goldmining methods. In his introduction Fielder noted:

Goldmining methods used during the nineteenth century in New South Wales have attracted relatively little archaeological research or interest. Academic study in Australian gold mining activity has traditionally focused on the social and economic similarities and differences between the gold rushes of California and Victoria (Goodman 1994, pp.10-14). The Lambing Flat riots in 1861 for example, are often the only single focus of historical research relating to gold mining in New South Wales (McGowan 2001, p.ii).¹³⁵

Analysis of alluvial gold mining sites for the purpose of heritage listing is often compromised by an obsession with mining activity that occurred during the gold rush era of the 1850s and 1860s. These analyses often dismiss the impact of ongoing subsistence mining that was a feature of all goldfields from the 1870s until well after World War II. A number of archaeologists have undertaken area and regional studies that have provided useful typologies for comparing alluvial mining sites. These typologies have been summarised in **Section 2.17 Environment: Cultural Landscape**. Preparation of a useful comparative analysis is only possible if these typologies can be applied to all sites being analysed.

¹³⁴ Pearson, M. & McGowan, B., Undated. *Mining Sites in NSW: History and Heritage*. (pp.109-111)

¹³⁵ Fielder, C., 2013. *Scarred History: An observation of extant physical features relating to alluvial gold mining activity remaining at Little Spring Creek Goldfield, Young, NSW*. (p.5)

The author has personally studied and recorded four different alluvial gold mining sites. The typologies available in **Section 2.1.7** have been applied to each of these sites to prepare a comparative analysis. The subject sites are:

- Blackguard Gully, Young – SHR 01775, Young Shire LEP I82
- Golden Gully and Archway, Tambaroora - SHR 00614
- Krebs Lane (Spring Creek) Gold Diggings, Young – Young Shire LEP I91
- Milkman's Gully Gold Diggings, Young.

Each of these places is briefly described in the following sections as a basis for a comparative analysis. Additional analysis is based on the extensive studies of the Shoalhaven Goldfields undertaken by Pearson and McGowan.

4.1.1.1 Blackguard Gully

The Young Shire Community Based Heritage Study, 2008 identified the significance of the Blackguard Gully alluvial mining area as follows:

Blackguard Gully is a remaining element of the extensive alluvial workings that were the result of the 1860s gold rushes and subsequent hydraulic sluicing activity. The gully also saw the disturbances of February 1861 and was subsequently the area to which Chinese miners were restricted. The Blackguard Gully Gold Diggings are representative of the extensive gold workings that were developed around Young in the mid to late 19th century. The site has state historical and technical/research significance, rarity and representativeness. It also has a moderate level of integrity.

A more in depth analysis of the history of this area undertaken as part of the preparation of this CMP has confirmed that the area was extensively modified by ground sluicing from the mid 1860s until at least the late 1930s.

4.1.1.2 Golden Gully and Archway, Tambaroora SHR 00614

Golden Gully is the only place listed on the SHR as an alluvial mining archaeological site. The statement of significance for Golden Gully and Archway included with the SHR listing is:

Golden Gully and Archway is a major site on the Hill End-Tambaroora goldfield where large scale alluvial fossicking was undertaken by European and Chinese miners. The gully is evidence of the onset of the 1851 goldrush. It displays the difference between European and Chinese mining techniques during the 19th century. In particular the eroded gully has exposed the square European shafts and the round Chinese shafts in a dramatic and unique landscape. (Heritage Office file notes 1983)¹³⁶

This statement of significance appears to come from an incomplete understanding of the history and typology of Golden Gully. The listed area represents a small section of the former alluvial workings that stretched from the Village of Hill End to Tambaroora. A 2007 Landscape Management Plan for Golden Gully prepared on behalf of the Department of Environment and Climate Change defined the cultural heritage significance of the place as follows:

Golden Gully is a surviving remnant from the gold mining booms of the 1850s and 1870s. Its continued use as a source of alluvial gold through to the 1980s provides evidence of the ongoing resilience of Hill End and its survival through a series of mining booms and downturns. Golden Gully has associations with several families of

¹³⁶ Golden Gully and Archway [Online]

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045503>

the Hill End district including Ellis and Goodwin families, residing in Hill End over several generations. The gully retains many original landscape features and a distinctive and characteristic eroded landscape. It is representative of the lives of families who comprised the community of Hill End over an extended period, including the Chinese. The place has the potential to inform on the development of gold mining communities in the 19th and 20th centuries. As an element of the landscape of Hill End and its location within the Hill End Historic Site Golden Gully has the opportunity to be conserved into the future.¹³⁷

Golden Gully contains dramatic evidence of various phases of alluvial gold mining. Two quite distinct areas of the gully complex provide varying perspectives on this evidence (refer to the typology of alluvial gold mining places included in **Section 2.17 Environment: Cultural Landscape**):

1. Distinctively eroded main gully (Golden Gully) and side gully (Clynes Gully) (Type A & B) with evidence of previous alluvial mining activity;
 - a. Round and square edged vertical shafts (Type E),
 - b. Horizontal tunnels (drifts) (Type F) into gold-bearing conglomerate layers,
 - c. Straight runs within the main gully that may have originated from ground and hydraulic sluicing and further accentuated by on-going scouring, and resultant earthen formations of arches, spires, pipes, tailings and scree slopes.
2. Upper levels on either side of the gullies, where parts of the top edge are being held together by mature trees and their roots. This level is pockmarked with;
 - a. Mullocky ground from washing paydirt (Type A),
 - b. Open vertical shafts (Type E),
 - c. Depressed areas indicating collapsed shafts and shallow surfacing, between 1 and 5 metres across (Type A B & E),
 - d. Long and circular channels between 2 and 10 metres wide used for sluicing, paddocking and puddling (Type A, B, C & D).

4.1.1.3 Gold Diggings, Krebs Lane (Little Spring Creek), Young

The Young Shire Community Based Heritage Study, 2008 identified the significance of the Krebs Lane Gold Diggings as follows:

The Krebs Lane Gold Diggings are a remaining element of the extensive alluvial workings that were the result of the 1860s gold rushes and subsequent hydraulic sluicing activity. The site represents the various phases of alluvial gold mining that were undertaken in Young. The site has state historical and technical/research significance, rarity and representativeness. It also has a high level of integrity.

The Krebs Lane Gold Diggings, located on Little Spring Creek, contains evidence of three periods of alluvial gold mining that are represented by three landscape elements. The Krebs Lane area represents an extensively scoured landscape. (refer to **Section 2.17 Environment: Cultural Landscape**) This scouring is the result of pan and cradle working (Type A), surfacing (Type B) and shaft (Type E) and drift mining (Type F), accentuated by modern hydraulic sluicing. The western edge of the site along Krebs Lane contains numerous depressions and remnants of mullock heaps (Type A). The central and eastern sections of the site have been heavily sluiced. Much of this part of the site has been cleared of alluvium and shows evidence of hydraulic sluicing. Areas of shelving on the face between the mullocky ground and hydraulic sluicing area suggests that parts of the area were worked using ground sluicing in the 1860s and 1870s. Ground sluicing, also referred to as common sluicing, involved directing flows of water through a known gold-bearing site to remove alluvium. This practice

¹³⁷ Paskin, R., 2007. Landscape Management Plan Golden Gully. p.39

was superseded by hydraulic sluicing.



Plate 4.1: A view over the Krebs Lane (Little Spring Creek) mining area showing the results of hydraulic sluicing. (Ray Christison 2007)

4.1.1.4 Milkmans Gully Gold Diggings, Burrangong Hall Road, Young

The Young Shire Community Based Heritage Study, 2008 identified the significance of the Milkmans Gully Gold Diggings as follows:

The Milkmans Gully Gold Diggings represent an incomplete archaeological record of a former alluvial gold mining landscape that appears to have been worked using common sluicing techniques. They are a remaining element of the extensive alluvial workings that were the result of the 1860s gold rushes and subsequent sluicing activity. The site has local historical and technical/research significance, rarity and representativeness. It also has a moderate level of integrity.



Plate 4.2: Remnant water race following the bank of Milkmans Gully (Dairyman's Gully), Young. (Ray Christison 2008)

Milkmans Creek flows from south of Temora Road to join Burrangong Creek near the site of the old Burrangong settlement. It is joined just south of Temora Road by Dairyman's Creek. Water races appear to have been constructed along either side of Milkmans Creek from Dairyman's Creek to Burrangong Creek. There is also evidence of a possible water storage

having been constructed along the creek line below the confluence with Dairymans Creek. There is evidence in some places along both sides of the creek that suggests box sluices may have been serviced by the water races. Sections of the creek bed close to the box sluice locations also contain mullock heaps that appear to confirm the location of the sluices. Water races are present at the upper and lower levels of the creek banks suggesting that ground sluicing and box sluicing may have been carried out along the creek line. There is substantial evidence of paddocking (Type C) and some shaft (Type E) and drift shaft (Type F) mining activity along Burrangong Creek near its confluence with Milkmaids Creek, and in the ground on the western side of Burrangong Hall Road. (Refer to **Section 2.17 Environment: Cultural Landscape**)

Comparative Schedule of Alluvial Gold Mining types

Alluvial Mining Type		Blackguard Gully	Golden Gully	Krebs Lane (Spring Creek)	Milkmaids Creek
Type	Description				
A	Heavily scoured creek beds & banks	X	X	X	
B	Shallow surfacing	X	X	X	
C	Paddocking		X	X	X
D	Tailing mounds		X		
E	Narrow trench-like shafts		X	X	X
F	Drift tunnels cut into the face of the workings		X	X	X
Evidence of ground sluicing		X	X	X	X
Evidence of hydraulic sluicing			X	X	

* Definition of the above typology is included in **Section 2.17 Environment: Cultural Landscape**

4.1.2 Evidence of Chinese ethnic influence

In a paper published by the Australasian Society for Historical Archaeology in 2003 Barry McGowan defined the principal characteristics defining the archaeology of Chinese alluvial mining in Australia. In this paper McGowan noted:

*In all instances ... the mode of working, and the implements used, that is pan and cradle, short sluice or tom, water wheel or Californian pump, were similar. The European and Chinese sites are, therefore, for the most part theoretically indistinguishable, though there are several characteristics that may help the process of cultural identification.*¹³⁸

The characteristics identified by McGowan are:

1. “Elongated mounds of water worn stone piled up after working the face or floor of the diggings”. These are associated with Type D alluvial workings - tailing mounds. Numerous examples of such workings have been identified on the Mongarlowe, North Araluen, Shoalhaven and Kiandra goldfields.
2. Round shafts (associated with Type E workings – narrow trench like shafts). There is a substantial body of myth regarding the association of round shafts with Chinese mining practice. This typically refers to Chinese superstitions and appears to stem from prejudices handed down from the gold rush era. Academic study has identified that round shafts may be more typical of Chinese mining practice for the following reasons;
 - a. Chinese use of hoes and baskets as digging implements. European miners

¹³⁸ McGowan, B., 2003. “The archaeology of Chinese alluvial mining in Australia”. (p.11)

- tended to use pick and shovel,
- b. Skills in well sinking brought to the goldfields by many Chinese miners and their sponsors.
3. The presence of hut sites with low stone walls.¹³⁹ Examples of the Chinese Single Jian dwelling have been recorded extensively at Kiandra and at least one example has been recorded at Tubbul in the Hilltops LGA. Anecdotal evidence indicates that other Single Jian dwelling sites may occur in the Wombat area of Harden Shire.

None of these specific markers of Chinese ethnicity has been identified within the Blackguard Gully SHR listing boundary.

4.1.3 Summary of findings from Comparative Analysis

The comparative analysis undertaken in **Section 4.1.1** and **Section 4.1.2** of this report can be summarised as follows:

1. Blackguard Gully has less evidence of the alluvial gold mining techniques adopted by individual prospectors than other alluvial gold mining areas analysed by the author. This indicates that Blackguard Gully contains little evidence of techniques that were commonly used in the gold rushes of the 1850s and 1860s.
2. Blackguard Gully contains no discernible evidence of Chinese alluvial mining or Chinese domestic arrangements.

4.2 Statement of Significance

NSW Heritage Assessment Criteria

Criterion (a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
Criterion (d)	An item has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
Criterion (e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).
Criterion (g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • Cultural or natural places; or • Cultural or natural environments (or a class of the local area's <ul style="list-style-type: none"> • Cultural or natural places; or • Cultural or natural environments.)

4.2.1 Existing statements of significance

The following statement of significance accompanies the 2009 SHR Listing for Blackguard Gully:

Blackguard Gully is of historical significance as the site of one of the worst riots against Chinese miners in Australian history. In late 1860 and early 1861 there were several attacks on Chinese miners. On 30 June 1861 some 3000 Europeans marched

¹³⁹ McGowan, B., 2003. "The archaeology of Chinese alluvial mining in Australia". (p.11-17)

against Chinese miners on Lambing Flat goldfields, attacking their two main camps at Blackguard Gully and Back Creek. They carried a flag with the words 'Roll-up Roll-up No Chinese', which is now on display in the Lambing Flat Folk Museum. The riot led to the passing of legislation to restrict access to goldfields to aliens and to refuse miners' rights to aliens. The violence of these riots resulted in the government responding to community concern by passing a Chinese Immigration Restriction Act and at an Intercolonial Conference held in 1880 and 1881 uniform restrictive immigration laws were adopted. The march of the Europeans through the town on 30 June 1861 and the later declaration of the Riot Act were of immense significance to the history of the town of Young. In 1861 Lambing Flat had its name changed to Young.

Blackguard Gully is associated with the Chinese who camped in the area in the early 1860s and who mined for gold at Lambing Flat. The events of the time are also remembered by the town of Young today with Lambing Flat Festival in April, which includes a re-enactment of the 'Roll Up' and reading of the Riot Act.

It has potential to yield archaeological information on the use of the site in the 1860s and beyond. Although many gold fields experienced protests against the Chinese, Lambing Flat was unique in the level of organisation of the riots, the purpose made flag that was carried, and the fact that the site of the riot survives as a public space (Blackguard Gully).

This statement of significance is accompanied by the following caveat:

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

The statement of significance prepared for the Young Shire Community Based Heritage Study is as follows:

Blackguard Gully is a remaining element of the extensive alluvial workings that were the result of the 1860s gold rushes and subsequent hydraulic sluicing activity. The gully also saw the disturbances of February 1861 and was subsequently the area to which Chinese miners were restricted. The Blackguard Gully Gold Diggings are representative of the extensive gold workings that were developed around Young in the mid to late 19th century. The site has state historical and technical/research significance, rarity and representativeness. It also has a moderate level of integrity.

4.2.2 Revised statement of significance

The following revised statement of significance has been prepared on the basis of additional historical and archaeological investigation of the site.

Criterion	Significance	Reasons
Historical significance Criterion (a)	State	Blackguard Gully is of historical significance as the site of one of the worst riots against Chinese miners in Australian history. In late 1860 and early 1861 there were several attacks on Chinese miners. Following initial disturbances the place was set aside as an area for Chinese miners. On 30 June 1861 some 3000 Europeans marched against Chinese miners on Lambing Flat goldfields, attacking their two main camps at Blackguard Gully and Back Creek. They carried a flag with the words 'Roll-up Roll-up No Chinese', which is now on display in the

Criterion	Significance	Reasons
		Lambing Flat Folk Museum. The riot led to the passing of legislation to restrict access to goldfields to aliens and to refuse miners' rights to aliens. The violence of these riots resulted in the government responding to community concern by passing a Chinese Immigration Restriction Act and at an Inter-colonial Conference held in 1880 and 1881 uniform restrictive immigration laws were adopted. The march of the Europeans through the town on 30 June 1861 and the later declaration of the Riot Act were of immense significance to the history of the town of Young. In 1861 Lambing Flat had its name changed to Young.
Historical association significance Criterion (b)	State	The place has associations with miners of various nationalities who prospected here in the 1860s. It also has direct associations with the events of 30 June 1861 that saw a high level of organised violence against Chinese miners. From the 1870s the place was principally associated with Irish immigrant miners Patrick Fitzgibbons, William O'Connell and Margaret O'Connell. The place also has associations with Young district miner John George Gough MLA.
Aesthetic significance Criterion (c)	-	-
Social significance Criterion (d)	Local	Blackguard Gully is a recreation reserve and fossicking area visited by many local residents. It has local social significance.
Technical/ Research significance Criterion (e)	State	Blackguard Gully was mined continuously from 1860 until at least 1930. The landscape contains a quite coherent ground sluicing system and has the potential to provide information on site formation processes affecting alluvial gold mining areas worked by these methods.
Rarity Criterion (f)	State	Although many gold fields experienced protests against the Chinese, Lambing Flat was unique in the level of organisation of the riots, the purpose made flag that was carried, and the fact that the site of the first riot survives as a public space.
Representativeness Criterion (g)	State	The place is representative of alluvial mining areas worked during the gold rushes of the 1850s and 1860s, and subsequently worked by ground sluicing. It is also the place at which the most organised violence was perpetrated by European miners against Chinese miners and is representative of the interracial violence that became endemic on the Australian goldfields in the 1850s and 1860s.
Integrity Criterion (h)		The place has been heavily modified since the 1870s but retains a moderate to high degree of integrity as a late 19 th century alluvial gold mining landscape.

Summary statement of significance

Blackguard Gully is of historical significance as the site of one of the worst riots against Chinese miners in Australian history. The violence of these riots resulted in the government responding to community concern by passing a Chinese Immigration Restriction Act, and at an Intercolonial Conference held in 1880 and 1881 uniform restrictive immigration laws were adopted. The place also has associations with miners of various nationalities who prospected here in the 1860s. It also has direct associations with the events of 30 June 1861 that saw a high level of organised violence against Chinese miners. From the 1870s the place was principally associated with Irish immigrant miners Patrick Fitzgibbons, William O'Connell and Margaret O'Connell. The place also has associations with Young district miner John George Gough MLA. It has social significance as a recreation reserve and fossicking area visited by many local residents. The landscape of Blackguard Gully contains a quite coherent ground sluicing system and has the potential to provide information on site

formation processes affecting alluvial gold mining areas worked by these methods. Although many gold fields experienced protests against the Chinese, Lambing Flat was unique in the level of organisation of the riots, the purpose made flag that was carried, and the fact that the site of first the riot survives as a public space. The place is representative of alluvial mining areas worked during the gold rushes of the 1850s and 1860s, and subsequently worked by sluicing. The place has been heavily modified since the 1870s but retains high degree of integrity as a relic of late 19th century alluvial gold mining.

4.3 Gradings of significance

The grading of significance of each element of the property has been assessed in accordance with its integrity, interpretations of its relationship to the identified historic themes, and its relationship with other features.

Gradings of significance have been assessed using NSW Heritage Office criteria contained in the NSW Heritage Manual update Assessing Heritage Significance. According to this publication;

Different components of a place make a different relative contribution to its heritage value. Loss of integrity or condition may diminish significance¹⁴⁰.

The Western Australia State Heritage Office defines integrity as follows:

Integrity is a measure of the likely long-term viability or sustainability of the values identified, or the ability of the place to restore itself or be restored, and the time frame for any restorative process.¹⁴¹

Gradings of significance reflect the relative contribution of an item or its components to the significance of the whole. The NSW Heritage Manual update Assessing Heritage Significance identifies gradings of significance as follows:

Gradings of Significance

Grading	Justification	Status
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness. Item can be interpreted relatively easily.	Fulfils criteria for local or State listing.
High	High degree of original fabric. Demonstrates a key element of the item’s significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing.
Moderate	Altered or modified elements. Elements with little heritage value, but which will contribute to the overall significance of the item.	Fulfils criteria for local or State listing.
Little	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing.
Intrusive	Damaging to the item’s heritage significance.	Does not fulfil criteria for local or State listing.

¹⁴⁰ NSW Heritage Office, 2001. Assessing heritage significance. p.11

¹⁴¹ State Heritage Office Western Australia. The Assessment Criteria for Cultural Heritage Significance.

Gradings of significance of the elements of Blackguard Gully SHR precinct have been determined in accordance with the following criteria:

- Original elements are generally regarded to have an exceptional or high grading of significance depending on condition and integrity.
- Gradings of significance of elements that have been compromised by ongoing modifications, storm damage, weathering or vandalism have been allocated according to the condition and integrity of each element.
- More recent elements or elements that have been heavily compromised have been identified as having little significance.

Blackguard Gully	Grading of Significance				
	Excep-tional	High	Moderate	Little	Intrusive
Victoria Gully & Blackguard Gully watercourse					
Blackguard Gully sign				X	
Gold Trails interpretive signage				X	
Pondage (former sludge dam)			X		
Concrete pedestrian bridge				X	
Victoria Gully watercourse			X		
Remnant interpretive numbers				X	
Concrete ramp					X
Access roadway					X
Sluicing dams (Lot 4524 DP 46320)					
Sluicing Dam No.1 – earthen wall		X			
Sluicing Dam No.1 – basin		X			
Sluicing Dam No.2 – earthen wall		X			
Sluicing Dam No.2 – basin		X			
Vegetation – native species				X	
Vegetation – invasive species				X	
Sluicing races (Lot 4524 DP 46320)					
Sluicing race 1.1		X			
Sluicing race 1.2			X		
Sluicing race 1.3			X		
Tubular steel fencing & gates				X	
Brick toilet block					X
Septic tank					X
Puddling Mills (Lot 4524 DP 46320)					
Puddling mill (Sluicing Dam No.1) – ditch			X		
Puddling mill (Sluicing Dam No.1) - wooden ditch retaining structure				X	
Puddling mill (Sluicing Dam No.1) – wooden mill structure				X	
Puddling mill (Sluicing Dam No.2) – ditch & mound			X		
Gold Lease GL73					
Broken, hummocky ground				X	
Water race remnants				X	
Sluicing dam			X		
Granite outcrops			X		

Blackguard Gully	Grading of Significance				
	Exceptional	High	Moderate	Little	Intrusive
Access road					X

5. Constraints and opportunities

5.1 Constraints and opportunities arising from statement of significance

Blackguard Gully is listed on the NSW State Heritage Register. The place has been assessed as having state historical, historical association, and technical/research significance, representativeness and rarity.

The cultural heritage significance of Blackguard Gully derives from three principal sources:

1. The associations of the place with the Lambing Flat Gold Rush of 1860-1861, the segregation of Chinese miners that occurred here and the savage anti-Chinese rioting of January and July 1861.
2. The association of the place with the development of Australian immigration policy in the late 19th century.
3. Surviving physical evidence of late 19th century ground sluicing demonstrating important elements of a coherent alluvial mining system.

These three distinct sources of significance demand different priorities in terms of ongoing management of the place. These priorities are as follows:

1. **Management of historical associations** – Historical associations should be managed through development of;
 - a. Comprehensive in-situ interpretations of the stories relevant to the site, including a virtual guided tour,
 - b. Web and print based publications providing a clear and comprehensive appraisal of the importance of the place in Australian migration history,
 - c. An interpretive centre or facility located near the site.
2. **Management of significant physical evidence** – The physical evidence of the extensive ground sluicing must be managed by;
 - a. Restricting access by motor vehicles and motorcycles,
 - b. Managing the site to minimise further damage to this infrastructure,
 - c. Clearly interpreting the layout and significance of the ground sluicing system.

Strategies and policies for managing these aspects of significance are included in **Section 7 Conservation Policies & Guidelines**.

5.2 Statutory and non-statutory listings

5.2.1 NSW State Heritage Register

The place is currently listed on the State Heritage Register. This listing imposes specific obligations on the owners and managers of the property, including the following:

- **Approval to alter the property**
Certain types of works require approval from the Heritage Council of NSW. A series of standard exemptions is available under the NSW Heritage Act. Recommended standard exemptions are listed in **Appendix B** of this Conservation Management Plan. Works not listed in the Conservation Management Plan that go beyond maintenance will require separate approval.
- **Minimum standards of maintenance and repair**

The NSW Heritage Act requires that items listed on the NSW Heritage Register be maintained to a reasonable standard. This is a legal obligation placed on the owners of a listed property.

- **Sale of the property**

A Section 167 certificate is required to accompany the sale of a property listed on the NSW State Heritage Register.

Benefits of State Heritage Register listing include:

Funding for conservation works

Funding is available to private owners of properties listed on the State Heritage Register. Grant programs are announced annually.

5.2.2 Young LEP Heritage Schedule

The place is listed on the Heritage Schedule (Schedule 5) of the Young Local Environmental Plan 2011. The following provisions apply to items listed on this schedule:

5.10 Heritage Conservation

(2) Requirement for consent: Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
- (ii) an Aboriginal object,
- (iii) a building, work, relic or tree within a heritage conservation area,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

5.2.3 Young Shire Council Aboriginal Heritage Study, 2014

The Young Shire Council Aboriginal Heritage Study was undertaken in 2014. This study identified numerous watercourses within the Young Shire as having potential Aboriginal cultural heritage significance. These watercourses were identified in a series of Cultural Landscape Maps that were included as Appendix 5 to the report on this study.

The Victoria Creek, Blackguard Gully, Sawpit Gully complex was not identified by this study as an area of significance. Regardless of this it is recommended that future developments within the Blackguard Gully SHR listing be made subject to the consultation process included Section 5.5 of the Young Shire Aboriginal Heritage Study.

5.3 Responsibility for management

Blackguard Gully is Crown Land and Hilltops Council is responsible for managing the place as a public reserve. An opportunity exists to improve a number of aspects the management of the place, including implementation this Conservation Management Plan:

- Management of public access to the site, including;
 - Development of a public car park,
 - Development of accessible pathways and viewing areas,
 - Provision of amenities for visitors.
- Ongoing management of vegetation, including weed control.

Relevant issues are defined below:

1. Development of a landscape management plan.
2. Development of an interpretive and research centre (Abacus Centre).
3. Communication of this CMP.

5.3.1 Development of a landscape management plan

The landscape of Blackguard Gully is currently in an unkempt condition with deposits of rubbish, soil erosion, vehicle damage and dumped rubbish prevalent.

Heritage Council Standard Exemptions applied to the site to undertake Landscape Maintenance (Standard Exemption 12) provide Hilltops Council with the ability take a more active role in landscape management.

Standard Exemption 12 allows;

- a. Weeding, pest control etc,
- b. Pruning to control, improve shape or remove dead and dangerous material,
- c. Removal of dead and dying trees,
- d. Tree surgery.

Hilltops Council should develop and implement a landscape management plan for the place consistent with the requirements of Standard Exemption 12 and this CMP.

5.3.2 Development of a visitor carpark

There is currently no formal car park for the Blackguard Gully precinct. The existing informal car park located on the southern shoulder of Whiteman Avenue is dangerous for vehicles and pedestrians. It also creates potential hazards for vehicles approaching the single lane road bridge over Garibaldi Gully.

There is an urgent need to develop a safe and accessible carpark associated with the precinct. The most suitable locations appear to be as follows:

- Victoria Street alignment of Lot 304 DP 754611.
- Park located on Whiteman Avenue on the western side of Garibaldi Gully. This would require the development of a pedestrian access across Garibaldi Gully.



Figure 5.1: Plan showing existing formal carpark & proposed carpark locations.

5.3.3 Development of the proposed Abacus Centre

At the time of the development of this CMP Young Shire Council was considering the development of a centre to interpret the migration history of Young. The Vision Statement for this project is as follows:

To create a world class interpretive, research and recreational centre that engages visitors in the story of Australian agricultural and rural settlement, within the context of the 1861 Gold Rush at Lambing Flat, and the unfolding story of immigration from all parts of the world.

A copy of the Action Plan for this development is included as **Appendix C**.

The centre is proposed to be located either:

- Within a suitable section of the Blackguard Gully SHR curtilage, or
- On a site adjacent to the Blackguard Gully SHR precinct.

One objective of this CMP was to identify areas of low archaeological potential that may be appropriate for a development such as the Abacus (Suànpán) Centre.

Analysis of the archaeological potential of the precinct indicates that the higher ground of Lot 304 DP 754611 may be suitable for the development of an interpretive centre. This section has a frontage to Victoria Street and overlooks much of the precinct. Alternately Council could consider the purchase of adjoining blocks on Victoria Street to host the proposed centre.

5.3.4 Communication

The requirements of this Conservation Management Plan must be clearly communicated to all stakeholders. Stakeholders include:

- Hilltops Council staff, in the following areas;
 - Planning, Environment & Strategic Services,

- Operations,
- Utility Service.
- Department of Primary Industries – Lands.

5.4 Fossicking area

Blackguard Gully is currently designated as a fossicking area. A Site Specific Exemption under the Heritage Act 1977 allowing “gold panning and fossicking” was gazetted on 13 March 2009.

Fossickers accessing the SHR precinct regularly dig holes in the bases of former sluicing dams and races. This is quite intrusive and, if continued, could result in the destruction of areas of high or moderate archaeological potential.

It is considered that the appropriate regulatory changes should be made to:

- Remove the Site Specific Exemption allowing fossicking, or restrict this to places of low archaeological potential, or
- Prohibit fossicking with the curtilage of the SHR.

Alternately the relevant regulations regarding fossicking should be strictly enforced within the precinct by Hilltops Council. The guidelines for fossicking in New South Wales are included as **Appendix E**.

6. Development of conservation policy

Conservation policies are required to guide the ongoing management of the cultural heritage significance of the place, including its fabric and setting.

Blackguard Gully is unique. This uniqueness is largely derived from the fact that part of the gully was specifically allocated Chinese gold miners in February 1861 and this area was the focus of the vicious attacks on Chinese miners that occurred on 30 June 1861. The civil unrest that surrounded these events has been recognised as the most organised anti-Chinese rioting in the Australian goldfields.

Regardless of this historical significance the landscape of the SHR listed section of the gully has been heavily modified by ground sluicing activity and reflects little, if anything, of the events of the initial gold rushes or anti-Chinese riots. The existing landscape is a good representative example of an alluvial area that has been heavily sluiced over an extended period and its accessibility makes it an ideal place for interpretation.

The policies in **Section 7** of this Conservation Management Plan have been developed to ensure that the cultural heritage values of the place and its fabric are managed in a way that is consistent with a NSW State Heritage Register listing of the place. Policies were developed after review of appropriate planning documents and discussions with stakeholders.

In development of conservation policies the following issues have been considered:

- The need to protect the remaining evidence of alluvial goldmining.
- The need to properly manage areas with high or moderate archaeological potential are not disturbed.
- The need to develop an ongoing management regime for the place.
- Management of access and visitation to minimise negative impacts on the place.
- Management of the setting of the place.
- The possible future need for services and amenities such as lighting and toilet facilities.
- The possibility of developing the Abacus Centre within the SHR curtilage.

7. Conservation policies and guidelines

7.1 Definitions

The following Burra Charter (**Appendix A**) definitions apply to terms used in these conservation policies and guidelines:

7.1.1 *Place* means site, area land landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views.

7.1.2 *Cultural significance* means aesthetic, historic, scientific social or spiritual value for past, present or future generations.

7.1.3 *Fabric* means all the physical material of the *place* including components, fixtures, contents, and objects.

7.1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*

7.1.5 *Maintenance* means the continuous protective care of the *fabric* and *setting* of a *place*, and is to be distinguished from repair. Repair involves *restoration* or *reconstruction*.

7.1.6 *Preservation* means maintaining the *fabric* of a *place* in its existing state and retarding deterioration.

7.1.7 *Restoration* means returning the existing *fabric* of a *place* to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

7.1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material into the *fabric*.

7.1.9 *Adaptation* means modifying a *place* to suit the existing use or proposed use.

7.1.10 *Use* means the functions of a place, as well as the activities and practices that may occur at the *place*.

7.1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such use involves no, or minimal, impact on *cultural significance*.

7.1.12 *Setting* means the area around a *place*, which may include the visual catchment.

7.1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.

7.1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.

7.1.15 *Associations* means the special connections that exist between people and a *place*.

7.1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses.

7.1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

7.2 Policies

The following conservation policies provide principles for the ongoing management of the Blackguard Gully SHR precinct.

7.2.1 Management of Aboriginal cultural significance

The Wiradjuri community of Young, represented by the Young Local Aboriginal Land Council (LALC), are stakeholders in the management and interpretation of Blackguard Gully. The following policies must be addressed in relation to managing Aboriginal cultural heritage within the precinct:

1. A separate Aboriginal Cultural Site Assessment must be undertaken to determine connections to the Aboriginal story of the place.
2. The Young LALC must be consulted in relation to any works proposed for the Blackguard Gully precinct.

7.2.2 Fabric

Significant fabric of the landscape should be conserved in the following ways:

- **Fabric with exceptional or high gradings of significance** - The *fabric* of the landscape identified as having exceptional or high gradings of significance (refer to **Section 4.3**) must be *conserved* and should not be damaged or interfered with.
- **Fabric with moderate grading of significance** - The *fabric* of the landscape identified as having a moderate grading of significance (refer to **Section 4.3**) should be conserved but may be modified in accordance with the requirements of **Section 7.4**.
- **Fabric with little or intrusive gradings of significance** - The *fabric* of the landscape identified as having little or intrusive gradings of significance (refer to **Section 4.3**) may be modified or removed.
- **New work** - Any new work must not damage, or interfere with, existing *fabric* considered to have exceptional or high gradings of significance.
- **Areas with high or moderate archaeological potential** – Areas of the *place* and its *setting* that are considered to have high or moderate archaeological potential must not be disturbed without relevant approvals under the Heritage Act 1977.

The Heritage Council of NSW **Standard Exemptions for Works Requiring Heritage Council Approval** were applied to Blackguard Gully on 5 September 2008. These are included as **Appendix B** to this document.

7.2.3 Management of the precinct

Hilltops Council is responsible for the management of the Blackguard Gully precinct and its surviving archaeological features. Hilltops Council should, at the earliest opportunity, develop a Plan of Management for the precinct covering the following matters:

- Responsibility for management,
- Security and monitoring of the precinct,
- Control of access by recreational vehicles,
- Development of a formal car park for persons visiting the site,
- Development of amenities for persons visiting the site,

- Management of pedestrian access,
- Weed control,
- Removal of rubbish,
- Minimisation of soil erosion.

7.2.4 Access

Management of access will be a significant issue to be covered by a Plan of Management. This is outlined in **Section 7.2.2**. All access must be planned to consider the following issues:

- Conservation of the significant fabric of the precinct.
- Visitor safety.
- Compliance with relevant legislation and standards.

A risk assessment of all proposed access and pathway arrangements should be undertaken. This should focus on the safety of public access and potential threats to the significant fabric of the precinct.

7.2.5 Setting

The setting of the place should be conserved in the following ways:

- Preserving the remnant ground sluicing systems and their associated landscape features.
- Maintaining visual links between the various elements of the site.
- Developing screening plantings along the southern side of Victoria Street to obscure views to the Hilltops Council Waste Management Facility.

7.2.6 Installation of services & amenities

Increasing visitation may require the installation of basic services such as a toilet and amenities in the form of a picnic shelter or covered seating. Such a building could serve as an outdoor educational centre. An electricity supply for lighting or other purposes could be provided by a solar panel array mounted onto the roof of any new structure. A composting toilet could possibly be installed.

Any new structures or services must be located within areas of low archaeological potential identified in **Section 3.5**.

7.2.7 Management of archaeological features

Where possible all present archaeological features should be retained in situ and future works planned to ensure minimal disturbance to the site. The following general principles should apply to management of archaeological features:

- If future are undertaken in areas of high archaeological potential (refer to **Section 3.9**), the appropriate excavation permit should be obtained under Section 60 of the NSW Heritage Act 1977 prior to the commencement of those works.
- In those areas with moderate archaeological potential (refer to **Section 3.9**), works involving ground disturbance should be monitored by a qualified archaeologist and resources made available for adequate recording. The monitoring program should apply during the initial stages of construction, including during bulk excavation works and the digging of service, footing and pier trenches.
- Where possible all present archaeological features should be retained in situ and future works planned to ensure minimal disturbance to the site.

- It is highly unlikely that any Aboriginal artefacts or deposits likely to contain Aboriginal artefacts will be identified during archaeological investigation or otherwise. If this occurs it will be reported to the Director General of the Office of Environment & Heritage (National Parks & Wildlife Service) and the relevant permits should be obtained under section 91 of the National Parks and Wildlife Service Act 1974.

7.2.8 Fossicking

In accordance with the recommendations of Section 5.4 the following actions should be taken:

- Remove the Site Specific Exemption allowing fossicking, or restrict this to places of low archaeological potential, or
- Prohibit fossicking with the curtilage of the SHR.

This will require action by the following agencies:

- Department of Industry & Investment NSW,
- Heritage Council of NSW.

If fossicking is allowed to continue within the precinct the regulations regarding this activity should be strictly enforced.

7.2.9 Approvals

This Conservation Management Plan provides guidance for management of the precinct and makes specific recommendations regarding works. Regardless of this, additional approvals will be required in the following circumstances:

- Specific works covered by Standard Exemptions for Works Requiring Heritage Council Approval. (Refer to **Appendix B**),
- New construction,
- Modification of existing structures,
- Works that involve ground disturbance.

A decision-making flowchart is included as **Appendix D**.

7.2.10 Documentation of changes

All changes to the precinct, including *restoration, reconstruction or adaptation*, are to be fully documented in accordance with the requirements of the Burra Charter. The Burra Charter is included as **Appendix A**.

7.2.11 Review of the Conservation Management Plan

This Conservation Management Plan must be reviewed by a heritage professional in five years. The review should include:

- Assessment of the condition of all mining systems, archaeological features and landscape features.
- Assessment of any remedial works undertaken in accordance with the recommendations of this Conservation Management Plan.
- Assessment of the adequacy of policies and guidelines for management of the place.
- Identification of the need for new management approaches in the light of changed circumstances.

7.3 Recommendations regarding management of fabric

7.3.1 Victoria Gully & Blackguard Gully Watercourse

This area currently forms the entry to the precinct. It has been heavily modified and has been assessed as having low archaeological potential. Current parking and access arrangements are inadequate and works are required to improve public access and safety.

Works must be undertaken in accordance with the requirements of the Burra Charter and the NSW Heritage Branch Maintenance Series.

Victoria Gully & Blackguard Gully Watercourse	
Precinct element	Recommendation
Blackguard Gully sign	This sign can be replaced with signage developed according to a Blackguard Gully precinct style guide.
Gold Trails interpretive signage	This may be retained or relocated to a new entry point for the precinct.
Pondage (former sludge dam)	May be retained or modified as required.
Concrete pedestrian bridge	May be retained or replaced as required.
Victoria Gully watercourse	This watercourse should be kept free of rubbish & invasive weeds.
Remnant interpretive numbers	These may be retained or removed as required.
Concrete ramp	May be retained, removed or replaced as required.
Access roadway	This roadway should provide permanent access to the concrete ramp only. The roadway through the precinct to Victoria Street should be gated or blocked to prevent through traffic.

7.3.2 Main sluicing dams & associated races (Lot 4524 DP 46320)

Lot 4524 DP 46320 contains the most complete ground sluicing system contained within the precinct and has the highest level of significance. The archaeological potential of the block has been assessed as follows (refer to **Section 3.2**):

- Eastern side - high archaeological potential,
- Western side – moderate archaeological potential.

This part of the precinct should be managed in a way that ensures the conservation of the surviving ground sluicing system and its infrastructure. Works must be undertaken in accordance with the requirements of the Burra Charter and the NSW Heritage Branch Maintenance Series.

Main sluicing dams & associated races (Lot 4523 DP 46320)	
Precinct element	Recommendation
Sluicing dams	
Sluicing Dam No.1 – earthen wall	Must be conserved. Should be interpreted.
Sluicing Dam No.1 – basin	Must be conserved & dumped rubbish removed. Should be interpreted.
Sluicing Dam No.2 – earthen wall	Must be conserved. Should be interpreted.
Sluicing Dam No.2 – basin	Must be conserved. Should be interpreted.
Vegetation – native species	May be retained to stabilise the sluicing races.
Vegetation – invasive species	May be retained to stabilise the sluicing races. Noxious plants should be poisoned.

Main sluicing dams & associated races (Lot 4523 DP 46320)	
Precinct element	Recommendation
Sluicing races	
Sluicing race 1.1	Must be conserved. Should be interpreted. Plant growth should be retained. Noxious plants should be poisoned.
Sluicing race 1.2	Must be conserved. Should be interpreted. Plant growth should be retained. Noxious plants should be poisoned.
Sluicing race 1.3	Must be conserved. Should be interpreted.
Tubular steel fencing & gates	May be retained, removed or replaced as required.
Brick toilet block	Should be removed. Suitable amenities should be constructed in a place with lower archaeological potential.
Septic tank	Should be removed. Suitable amenities should be constructed in a place with lower archaeological potential.
Puddling mills	
Puddling mill (Sluicing Dam No.1) – ditch	This ditch must be conserved. Should be interpreted.
Puddling mill (Sluicing Dam No.1) - wooden ditch retaining structure	May be retained or replaced as required.
Puddling mill (Sluicing Dam No.1) – wooden mill structure	May be retained or replaced as required.
Puddling mill (Sluicing Dam No.2) – ditch & mound	Must be conserved. Should be interpreted.

7.3.3 Gold Lease GL73

The former Gold Lease GL73 contains some evidence of ground sluicing system that has been compromised by off road vehicles, flooding and erosion. This area has been assessed as having low archaeological potential (refer to **Section 3.2**).

This part of the precinct should be managed in a way that ensures the conservation of the surviving ground sluicing system infrastructure. Works must be undertaken in accordance with the requirements of the Burra Charter and the NSW Heritage Branch Maintenance Series.

Gold Lease GL73	
Precinct element	Recommendation
Broken, hummocky ground	Should generally be conserved. Sections of this area may be suitable for development of car parking and new structures.
Water race remnants	Should be conserved & interpreted.
Sluicing dam	Should be conserved & interpreted.
Granite outcrops	Should be conserved & interpreted.
Access road	The roadway through the precinct to Victoria Street should be gated or blocked to prevent through traffic.

7.4 Conservation Action Plan

The following is a summary of conservation actions identified in **Sections 7.2** and **7.3**, and **Section 8** of this CMP.

Conservation Action			
Action		Description	Agency responsible for action
No.	Action		
1.	Formally adopt the CMP	Adopt the CMP and implement its recommendations.	Hilltops Council
2.	Undertake an Aboriginal site	Undertake a site assessment in consultation with the Young LALC.	Hilltops Council

Conservation Action			
Action		Description	Agency responsible for action
No.	Action		
	assessment		
3.	Prepare a Plan of Management for the Blackguard Gully Precinct	Prepare & implement Plan of Management as recommended in Section 7.2.2.	Hilltops Council
4.	Restrict motor vehicle access to the precinct	Establish physical barriers and signage to prevent uncontrolled vehicle access.	Hilltops Council
5.	Revoke access to fossicking	Clearly define areas suitable for fossicking or revoke the right to fossick within the precinct. (Refer Section 7.2.7)	Department of Industry & Investment NSW Heritage Council of NSW
6.	Prepare risk assessments	Risk assessments should be prepared for visitation to the precinct.	Hilltops Council
7.	Develop alternate parking and pedestrian access	Alternate parking and pedestrian access to be developed in accordance with the recommendations of Section 5.3.2.	Hilltops Council
8.	Plan conservation works	Plan works for stabilisation & conservation of all features in accordance with recommendations contained in Section 7.3.	Hilltops Council
9.	Plan and install in situ interpretations	Plan and install interpretations as proposed in Section 8.	Hilltops Council

8. Interpretation

This section provides a brief outline of potential interpretation strategies that could be applied to the Blackguard Gully precinct. Such strategies should include:

- Develop a logo specific to the interpretation of the site,
- Development of escorted tours of the site,
- Design and installation of on-site interpretive signage,
- Erection of a new shelter structure to host interpretive and educational activities.
- Development of a web site and use of social media to share stories of Blackguard Gully.

In situ interpretations could be styled to complement the existing Gold Trails signage.

8.1 Interpretation themes

The following interpretation themes should be used to guide the development of information sharing activities:

1. The traditional owners of the land.
2. The Lambing Flat gold rush.
3. Conflict on the gold field – the Chinese miners
4. Alluvial mining methods.
5. Ground sluicing by the Fitzgibbon and O’Connell families – the Irish miners

8.2 Development of interpretive pathways

Interpretation should be planned to ensure that visitors obtain quality information on the historical context and archaeology of Blackguard Gully.

Interpretation planning should establish a series of “pathways” through the precinct that encourage visitors to explore both the residual mining landscape and the process of ground sluicing. Tracks could be designed to provide clear views of, but avoid traversing, archaeological sites and ruins.

8.3 Site based interpretations

Robust, well-designed signage should be developed to assist with providing an understanding of the story of Blackguard Gully. Such signs could be designed to speak to each of the interpretive themes identified in **Section 8.1**.

National Parks and Wildlife standard signage is quite appropriate for use in outdoor and isolated settings such as Blackguard Gully. Locally designed signage consistent with the style of the current Gold Trails signage would also be most appropriate. Example of current Gold Trails signage are shown below.



Plate 8.1: Gold Trails interpretive sign for Blackguard Gully located on the Whiteman Avenue frontage of the precinct.



Plate 8.2: Gold Trails interpretive sign located between Sluicing Race 1.1 & Sluicing Dam No.2.

8.4 Development of interpretations

It is suggested that interpretations be developed in two phases. These are as follows:

Phase 1 – Development of an interpretive platform.

Phase 2 – Development of interpretive pathways.

Each phase is described below.

8.4.1 Development of an interpretive platform

Proposals to develop parking and access from Victoria Street (refer to **Section 5.3.2 Development of a visitor carpark**) creates an opportunity to develop an interpretive platform on the high side of the Blackguard Gully SHR precinct. This platform could incorporate the following features:

- Visitor picnic shelter,
- Interpretive panels providing the following;
 - Overview of the physical features of the site,
 - Overview of the history of the place, including the anti-Chinese riots and its subsequent history as a ground sluicing area.

8.4.2 Development of an interpretive pathway

An interpretive pathway could ideally follow Sluice Race 1.2 between Sluicing Dam No.1 and Sluicing Dam No.2. This should be illustrated with a plan showing the relationship of the dams and races with each other, and with the larger sluicing system developed by Patrick Fitzgibbon and William O'Connell.

Interpretive points along this trail could include:

- **Eastern end of Sluicing Dam No.1** – Overview of sluicing dam and Sluice Race 1.1, including interpretation of the varying levels of Sluice Race 1.1.
- **Puddling Mill below Sluicing Dam No.1** – Interpretation of puddling.
- **Sluice Race 1.2** – Overview of the system of races and dams on the Fitzgibbon/O'Connell leases.
- **Sluicing Dam No.2** – Interpretation of ground sluicing and puddling. History of the Fitzgibbon and O'Connell families, and their association with the place.

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THE BURRA CHARTER

The Australia ICOMOS Charter for
Places of Cultural Significance 2013



Australia ICOMOS Incorporated
International Council on Monuments and Sites

ICOMOS

ICOMOS (International Council on Monuments and Sites) is a non-governmental professional organisation formed in 1965, with headquarters in Paris. ICOMOS is primarily concerned with the philosophy, terminology, methodology and techniques of cultural heritage conservation. It is closely linked to UNESCO, particularly in its role under the World Heritage Convention 1972 as UNESCO's principal adviser on cultural matters related to World Heritage. The 11,000 members of ICOMOS include architects, town planners, demographers, archaeologists, geographers, historians, conservators, anthropologists, scientists, engineers and heritage administrators. Members in the 103 countries belonging to ICOMOS are formed into National Committees and participate in a range of conservation projects, research work, intercultural exchanges and cooperative activities. ICOMOS also has 27 International Scientific Committees that focus on particular aspects of the conservation field. ICOMOS members meet triennially in a General Assembly.

Australia ICOMOS

The Australian National Committee of ICOMOS (Australia ICOMOS) was formed in 1976. It elects an Executive Committee of 15 members, which is responsible for carrying out national programs and participating in decisions of ICOMOS as an international organisation. It provides expert advice as required by ICOMOS, especially in its relationship with the World Heritage Committee. Australia ICOMOS acts as a national and international link between public authorities, institutions and individuals involved in the study and conservation of all places of cultural significance. Australia ICOMOS members participate in a range of conservation activities including site visits, training, conferences and meetings.

Revision of the Burra Charter

The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 1999.

Following a review this version was adopted by Australia ICOMOS in October 2013.

The review process included replacement of the 1988 Guidelines to the Burra Charter with Practice Notes which are available at: australia.icomos.org

Australia ICOMOS documents are periodically reviewed and we welcome any comments.

Citing the Burra Charter

The full reference is *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Initial textual references should be in the form of the *Australia ICOMOS Burra Charter, 2013* and later references in the short form (*Burra Charter*).

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The Burra Charter consists of the Preamble, Articles, Explanatory Notes and the flow chart.

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The Burra Charter

(The Australia ICOMOS Charter for Places of Cultural Significance, 2013)

Preamble

Considering the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1964), and the Resolutions of the 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the Burra Charter was adopted by Australia ICOMOS (the Australian National Committee of ICOMOS) on 19 August 1979 at Burra, South Australia. Revisions were adopted on 23 February 1981, 23 April 1988, 26 November 1999 and 31 October 2013.

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places), and is based on the knowledge and experience of Australia ICOMOS members.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility.

Who is the Charter for?

The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Using the Charter

The Charter should be read as a whole. Many articles are interdependent.

The Charter consists of:

- Definitions Article 1
- Conservation Principles Articles 2–13
- Conservation Processes Articles 14–25
- Conservation Practices Articles 26–34
- The Burra Charter Process flow chart.

The key concepts are included in the Conservation Principles section and these are further developed in the Conservation Processes and Conservation Practice sections. The flow chart explains the Burra Charter Process (Article 6) and is an integral part of

the Charter. Explanatory Notes also form part of the Charter.

The Charter is self-contained, but aspects of its use and application are further explained, in a series of Australia ICOMOS Practice Notes, in *The Illustrated Burra Charter*, and in other guiding documents available from the Australia ICOMOS web site: australia.icomos.org.

What places does the Charter apply to?

The Charter can be applied to all types of places of cultural significance including natural, Indigenous and historic places with cultural values.

The standards of other organisations may also be relevant. These include the *Australian Natural Heritage Charter*, *Ask First: a guide to respecting Indigenous heritage places and values* and *Significance 2.0: a guide to assessing the significance of collections*.

National and international charters and other doctrine may be relevant. See australia.icomos.org.

Why conserve?

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records, that are important expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations in accordance with the principle of inter-generational equity.

The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Articles

Article 1. Definitions

For the purposes of this Charter:

- 1.1 *Place* means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.
- 1.2 *Cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the *place* itself, its *fabric*, *setting*, *use*, *associations*, *meanings*, *records*, *related places* and *related objects*.

Places may have a range of values for different individuals or groups.
- 1.3 *Fabric* means all the physical material of the *place* including elements, fixtures, contents and objects.
- 1.4 *Conservation* means all the processes of looking after a *place* so as to retain its *cultural significance*.
- 1.5 *Maintenance* means the continuous protective care of a *place*, and its *setting*.

Maintenance is to be distinguished from repair which involves *restoration* or *reconstruction*.
- 1.6 *Preservation* means maintaining a *place* in its existing state and retarding deterioration.
- 1.7 *Restoration* means returning a *place* to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material.
- 1.8 *Reconstruction* means returning a *place* to a known earlier state and is distinguished from *restoration* by the introduction of new material.
- 1.9 *Adaptation* means changing a *place* to suit the existing *use* or a proposed use.
- 1.10 *Use* means the functions of a *place*, including the activities and traditional and customary practices that may occur at the place or are dependent on the place.

Explanatory Notes

Place has a broad scope and includes natural and cultural features. Place can be large or small: for example, a memorial, a tree, an individual building or group of buildings, the location of an historical event, an urban area or town, a cultural landscape, a garden, an industrial plant, a shipwreck, a site with in situ remains, a stone arrangement, a road or travel route, a community meeting place, a site with spiritual or religious connections.

The term cultural significance is synonymous with cultural heritage significance and cultural heritage value.

Cultural significance may change over time and with use.

Understanding of cultural significance may change as a result of new information.

Fabric includes building interiors and sub-surface remains, as well as excavated material.

Natural elements of a place may also constitute fabric. For example the rocks that signify a Dreaming place.

Fabric may define spaces and views and these may be part of the significance of the place.

See also Article 14.

Examples of protective care include:

- maintenance – regular inspection and cleaning of a place, e.g. mowing and pruning in a garden;
- repair involving restoration – returning dislodged or relocated fabric to its original location e.g. loose roof gutters on a building or displaced rocks in a stone bora ring;
- repair involving reconstruction – replacing decayed fabric with new fabric

It is recognised that all places and their elements change over time at varying rates.

New material may include recycled material salvaged from other places. This should not be to the detriment of any place of cultural significance.

Use includes for example cultural practices commonly associated with Indigenous peoples such as ceremonies, hunting and fishing, and fulfillment of traditional obligations. Exercising a right of access may be a use.

Articles

- 1.11 *Compatible use* means a *use* which respects the *cultural significance* of a *place*. Such a use involves no, or minimal, impact on cultural significance.
- 1.12 *Setting* means the immediate and extended environment of a *place* that is part of or contributes to its *cultural significance* and distinctive character.
- 1.13 *Related place* means a *place* that contributes to the *cultural significance* of another place.
- 1.14 *Related object* means an object that contributes to the *cultural significance* of a *place* but is not at the place.
- 1.15 *Associations* mean the connections that exist between people and a *place*.
- 1.16 *Meanings* denote what a *place* signifies, indicates, evokes or expresses to people.
- 1.17 *Interpretation* means all the ways of presenting the *cultural significance* of a *place*.

Conservation Principles

Article 2. Conservation and management

- 2.1 *Places of cultural significance* should be conserved.
- 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
- 2.3 *Conservation* is an integral part of good management of *places of cultural significance*.
- 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

Article 3. Cautious approach

- 3.1 *Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but as little as possible.
- 3.2 Changes to a *place* should not distort the physical or other evidence it provides, nor be based on conjecture.

Article 4. Knowledge, skills and techniques

- 4.1 *Conservation* should make use of all the knowledge, skills and disciplines which can contribute to the study and care of the *place*.

Explanatory Notes

Setting may include: structures, spaces, land, water and sky; the visual setting including views to and from the place, and along a cultural route; and other sensory aspects of the setting such as smells and sounds. Setting may also include historical and contemporary relationships, such as use and activities, social and spiritual practices, and relationships with other places, both tangible and intangible.

Objects at a place are encompassed by the definition of place, and may or may not contribute to its cultural significance.

Associations may include social or spiritual values and cultural responsibilities for a place.

Meanings generally relate to intangible dimensions such as symbolic qualities and memories.

Interpretation may be a combination of the treatment of the fabric (e.g. maintenance, restoration, reconstruction); the use of and activities at the place; and the use of introduced explanatory material.

The traces of additions, alterations and earlier treatments to the fabric of a place are evidence of its history and uses which may be part of its significance. Conservation action should assist and not impede their understanding.

Articles

- 4.2 Traditional techniques and materials are preferred for the *conservation* of significant *fabric*. In some circumstances modern techniques and materials which offer substantial conservation benefits may be appropriate.

Article 5. Values

- 5.1 *Conservation* of a *place* should identify and take into consideration all aspects of cultural and natural significance without unwarranted emphasis on any one value at the expense of others.
- 5.2 Relative degrees of *cultural significance* may lead to different *conservation* actions at a place.

Article 6. Burra Charter Process

- 6.1 The *cultural significance* of a *place* and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy. This is the Burra Charter Process.
- 6.2 Policy for managing a *place* must be based on an understanding of its *cultural significance*.
- 6.3 Policy development should also include consideration of other factors affecting the future of a *place* such as the owner's needs, resources, external constraints and its physical condition.
- 6.4 In developing an effective policy, different ways to retain *cultural significance* and address other factors may need to be explored.
- 6.5 Changes in circumstances, or new information or perspectives, may require reiteration of part or all of the Burra Charter Process.

Article 7. Use

- 7.1 Where the *use* of a *place* is of *cultural significance* it should be retained.
- 7.2 A *place* should have a *compatible use*.

Explanatory Notes

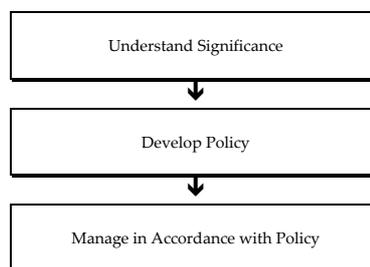
The use of modern materials and techniques must be supported by firm scientific evidence or by a body of experience.

Conservation of places with natural significance is explained in the Australian Natural Heritage Charter. This Charter defines natural significance to mean the importance of ecosystems, biodiversity and geodiversity for their existence value or for present or future generations, in terms of their scientific, social, aesthetic and life-support value.

In some cultures, natural and cultural values are indivisible.

A cautious approach is needed, as understanding of cultural significance may change. This article should not be used to justify actions which do not retain cultural significance.

The Burra Charter Process, or sequence of investigations, decisions and actions, is illustrated below and in more detail in the accompanying flow chart which forms part of the Charter.



Options considered may include a range of uses and changes (e.g. adaptation) to a place.

The policy should identify a use or combination of uses or constraints on uses that retain the cultural significance of the place. New use of a place should involve minimal change to significant fabric and use; should respect associations and meanings; and where appropriate should provide for continuation of activities and practices which contribute to the cultural significance of the place.

Articles

Article 8. Setting

Conservation requires the retention of an appropriate *setting*. This includes retention of the visual and sensory setting, as well as the retention of spiritual and other cultural relationships that contribute to the *cultural significance* of the *place*.

New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate.

Article 9. Location

- 9.1 The physical location of a *place* is part of its *cultural significance*. A building, work or other element of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- 9.2 Some buildings, works or other elements of *places* were designed to be readily removable or already have a history of relocation. Provided such buildings, works or other elements do not have significant links with their present location, removal may be appropriate.
- 9.3 If any building, work or other element is moved, it should be moved to an appropriate location and given an appropriate *use*. Such action should not be to the detriment of any *place* of *cultural significance*.

Article 10. Contents

Contents, fixtures and objects which contribute to the *cultural significance* of a *place* should be retained at that place. Their removal is unacceptable unless it is: the sole means of ensuring their security and *preservation*; on a temporary basis for treatment or exhibition; for cultural reasons; for health and safety; or to protect the place. Such contents, fixtures and objects should be returned where circumstances permit and it is culturally appropriate.

Article 11. Related places and objects

The contribution which *related places* and *related objects* make to the *cultural significance* of the *place* should be retained.

Article 12. Participation

Conservation, *interpretation* and management of a *place* should provide for the participation of people for whom the place has significant *associations* and *meanings*, or who have social, spiritual or other cultural responsibilities for the place.

Article 13. Co-existence of cultural values

Co-existence of cultural values should always be recognised, respected and encouraged. This is especially important in cases where they conflict.

Explanatory Notes

Setting is explained in Article 1.12.

For example, the repatriation (returning) of an object or element to a place may be important to Indigenous cultures, and may be essential to the retention of its cultural significance.

Article 28 covers the circumstances where significant fabric might be disturbed, for example, during archaeological excavation.

Article 33 deals with significant fabric that has been removed from a place.

For some places, conflicting cultural values may affect policy development and management decisions. In Article 13, the term cultural values refers to those beliefs which are important to a cultural group, including but not limited to political, religious, spiritual and moral beliefs. This is broader than values associated with cultural significance.

Conservation Processes

Article 14. Conservation processes

Conservation may, according to circumstance, include the processes of: retention or reintroduction of a *use*; retention of *associations* and *meanings*; *maintenance*, *preservation*, *restoration*, *reconstruction*, *adaptation* and *interpretation*; and will commonly include a combination of more than one of these. Conservation may also include retention of the contribution that *related places* and *related objects* make to the *cultural significance* of a *place*.

Article 15. Change

15.1 Change may be necessary to retain *cultural significance*, but is undesirable where it reduces cultural significance. The amount of change to a *place* and its *use* should be guided by the *cultural significance* of the *place* and its appropriate *interpretation*.

15.2 Changes which reduce *cultural significance* should be reversible, and be reversed when circumstances permit.

15.3 Demolition of significant *fabric* of a *place* is generally not acceptable. However, in some cases minor demolition may be appropriate as part of *conservation*. Removed significant fabric should be reinstated when circumstances permit.

15.4 The contributions of all aspects of *cultural significance* of a *place* should be respected. If a *place* includes *fabric*, *uses*, *associations* or *meanings* of different periods, or different aspects of cultural significance, emphasising or interpreting one period or aspect at the expense of another can only be justified when what is left out, removed or diminished is of slight cultural significance and that which is emphasised or interpreted is of much greater cultural significance.

Article 16. Maintenance

Maintenance is fundamental to *conservation*. Maintenance should be undertaken where *fabric* is of *cultural significance* and its maintenance is necessary to retain that *cultural significance*.

Article 17. Preservation

Preservation is appropriate where the existing *fabric* or its condition constitutes evidence of *cultural significance*, or where insufficient evidence is available to allow other *conservation* processes to be carried out.

Conservation normally seeks to slow deterioration unless the significance of the place dictates otherwise. There may be circumstances where no action is required to achieve conservation.

When change is being considered, including for a temporary use, a range of options should be explored to seek the option which minimises any reduction to its cultural significance.

It may be appropriate to change a place where this reflects a change in cultural meanings or practices at the place, but the significance of the place should always be respected.

Reversible changes should be considered temporary. Non-reversible change should only be used as a last resort and should not prevent future conservation action.

Maintaining a place may be important to the fulfilment of traditional laws and customs in some Indigenous communities and other cultural groups.

Preservation protects fabric without obscuring evidence of its construction and use. The process should always be applied:

- where the evidence of the fabric is of such significance that it should not be altered; or
- where insufficient investigation has been carried out to permit policy decisions to be taken in accord with Articles 26 to 28.

New work (e.g. stabilisation) may be carried out in association with preservation when its purpose is the physical protection of the fabric and when it is consistent with Article 22.

Articles

Article 18. Restoration and reconstruction

Restoration and *reconstruction* should reveal culturally significant aspects of the *place*.

Article 19. Restoration

Restoration is appropriate only if there is sufficient evidence of an earlier state of the *fabric*.

Article 20. Reconstruction

20.1 *Reconstruction* is appropriate only where a *place* is incomplete through damage or alteration, and only where there is sufficient evidence to reproduce an earlier state of the *fabric*. In some cases, reconstruction may also be appropriate as part of a *use* or practice that retains the *cultural significance* of the place.

20.2 *Reconstruction* should be identifiable on close inspection or through additional *interpretation*.

Article 21. Adaptation

21.1 *Adaptation* is acceptable only where the adaptation has minimal impact on the *cultural significance* of the *place*.

21.2 *Adaptation* should involve minimal change to significant *fabric*, achieved only after considering alternatives.

Article 22. New work

22.1 New work such as additions or other changes to the *place* may be acceptable where it respects and does not distort or obscure the *cultural significance* of the place, or detract from its *interpretation* and appreciation.

22.2 New work should be readily identifiable as such, but must respect and have minimal impact on the *cultural significance* of the *place*.

Article 23. Retaining or reintroducing use

Retaining, modifying or reintroducing a significant *use* may be appropriate and preferred forms of *conservation*.

Article 24. Retaining associations and meanings

24.1 Significant *associations* between people and a *place* should be respected, retained and not obscured. Opportunities for the *interpretation*, commemoration and celebration of these associations should be investigated and implemented.

24.2 Significant *meanings*, including spiritual values, of a *place* should be respected. Opportunities for the continuation or revival of these meanings should be investigated and implemented.

Explanatory Notes

Places with social or spiritual value may warrant reconstruction, even though very little may remain (e.g. only building footings or tree stumps following fire, flood or storm). The requirement for sufficient evidence to reproduce an earlier state still applies.

Adaptation may involve additions to the place, the introduction of new services, or a new use, or changes to safeguard the place. Adaptation of a place for a new use is often referred to as 'adaptive re-use' and should be consistent with Article 7.2.

New work should respect the significance of a place through consideration of its siting, bulk, form, scale, character, colour, texture and material. Imitation should generally be avoided.

New work should be consistent with Articles 3, 5, 8, 15, 21 and 22.1.

These may require changes to significant fabric but they should be minimised. In some cases, continuing a significant use, activity or practice may involve substantial new work.

For many places associations will be linked to aspects of use, including activities and practices.

Some associations and meanings may not be apparent and will require research.

Articles

Article 25. Interpretation

The *cultural significance* of many *places* is not readily apparent, and should be explained by *interpretation*. Interpretation should enhance understanding and engagement, and be culturally appropriate.

Conservation Practice

Article 26. Applying the Burra Charter Process

26.1 Work on a *place* should be preceded by studies to understand the place which should include analysis of physical, documentary, oral and other evidence, drawing on appropriate knowledge, skills and disciplines.

26.2 Written statements of *cultural significance* and policy for the *place* should be prepared, justified and accompanied by supporting evidence. The statements of significance and policy should be incorporated into a management plan for the place.

26.3 Groups and individuals with *associations* with the *place* as well as those involved in its management should be provided with opportunities to contribute to and participate in identifying and understanding the *cultural significance* of the place. Where appropriate they should also have opportunities to participate in its *conservation* and management.

26.4 Statements of *cultural significance* and policy for the *place* should be periodically reviewed, and actions and their consequences monitored to ensure continuing appropriateness and effectiveness.

Article 27. Managing change

27.1 The impact of proposed changes, including incremental changes, on the *cultural significance* of a *place* should be assessed with reference to the statement of significance and the policy for managing the place. It may be necessary to modify proposed changes to better retain cultural significance.

27.2 Existing *fabric*, *use*, *associations* and *meanings* should be adequately recorded before and after any changes are made to the *place*.

Article 28. Disturbance of fabric

28.1 Disturbance of significant *fabric* for study, or to obtain evidence, should be minimised. Study of a *place* by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the *conservation* of the place, or to obtain important evidence about to be lost or made inaccessible.

Explanatory Notes

In some circumstances any form of interpretation may be culturally inappropriate.

The results of studies should be kept up to date, regularly reviewed and revised as necessary.

Policy should address all relevant issues, e.g. use, interpretation, management and change.

A management plan is a useful document for recording the Burra Charter Process, i.e. the steps in planning for and managing a place of cultural significance (Article 6.1 and flow chart). Such plans are often called conservation management plans and sometimes have other names.

The management plan may deal with other matters related to the management of the place.

Monitor actions taken in case there are also unintended consequences.

Articles

28.2 Investigation of a *place* which requires disturbance of the *fabric*, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigation should be based on important research questions which have potential to substantially add to knowledge, which cannot be answered in other ways and which minimises disturbance of significant fabric.

Article 29. Responsibility

The organisations and individuals responsible for management and decisions should be named and specific responsibility taken for each decision.

Article 30. Direction, supervision and implementation

Competent direction and supervision should be maintained at all stages, and any changes should be implemented by people with appropriate knowledge and skills.

Article 31. Keeping a log

New evidence may come to light while implementing policy or a plan for a *place*. Other factors may arise and require new decisions. A log of new evidence and additional decisions should be kept.

Article 32. Records

32.1 The records associated with the *conservation* of a *place* should be placed in a permanent archive and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

32.2 Records about the history of a *place* should be protected and made publicly available, subject to requirements of security and privacy, and where this is culturally appropriate.

Article 33. Removed fabric

Significant *fabric* which has been removed from a *place* including contents, fixtures and objects, should be catalogued, and protected in accordance with its *cultural significance*.

Where possible and culturally appropriate, removed significant fabric including contents, fixtures and objects, should be kept at the place.

Article 34. Resources

Adequate resources should be provided for *conservation*.

Words in italics are defined in Article 1.

Explanatory Notes

New decisions should respect and have minimal impact on the cultural significance of the place.

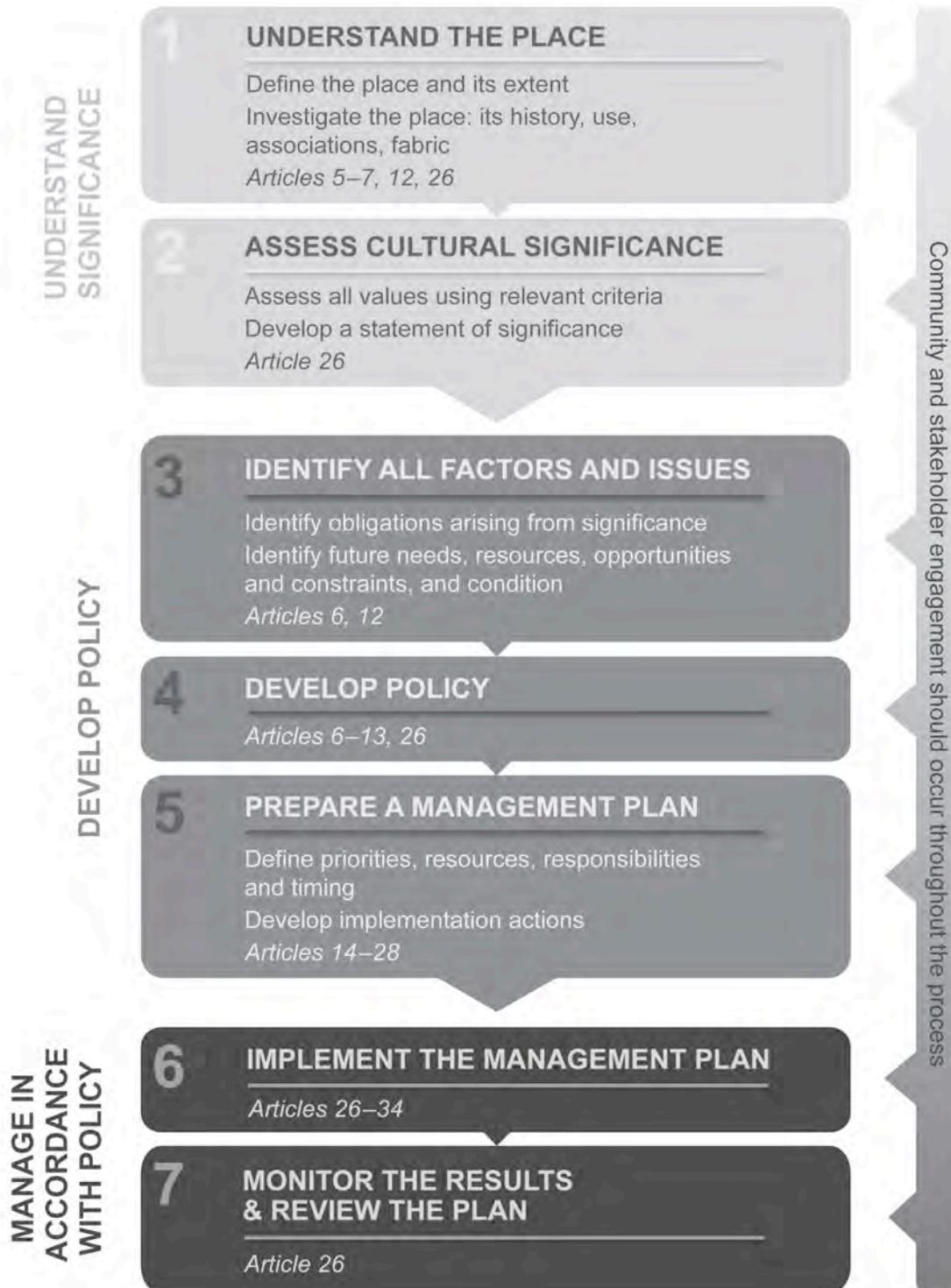
The best conservation often involves the least work and can be inexpensive.

The Burra Charter Process

Steps in planning for and managing a place of cultural significance

The Burra Charter should be read as a whole.

Key articles relevant to each step are shown in the boxes. Article 6 summarises the Burra Charter Process.



HERITAGE INFORMATION SERIES

STANDARD EXEMPTIONS FOR WORKS REQUIRING HERITAGE COUNCIL APPROVAL

Heritage Council



of New South Wales

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INTRODUCTION

In NSW important items of our environmental heritage are listed on the State Heritage Register. Any changes to those items should respect and retain those qualities and characteristics that make the heritage place special.

Any major works proposed for **State Heritage Register items** therefore need to be assessed and approved by the Heritage Council to ensure that the heritage significance of the item will not be adversely affected.

However, the assessment process can waste the time and resources of both the owner and the Heritage Council if the works are only minor in nature and will have minimal impact on the heritage significance of the place. The Heritage Act allows the Minister for Planning, on the recommendation of the Heritage Council, **to grant exemptions for certain activities** which would otherwise require approval under the NSW Heritage Act.

There are two types of exemptions which can apply to a heritage item listed on the State Heritage Register:

1. **standard exemptions** for all items on the State Heritage Register. Typical activities that are exempted include building maintenance, minor repairs, alterations to certain interiors or areas and change of use.
2. **site specific exemptions** for a particular heritage item can be approved by the Minister on the recommendation of the Heritage Council.

These guidelines have been prepared to inform owners and managers of heritage items listed on the State Heritage Register about the standard exemptions. They also explain how to develop site specific exemptions for a heritage item.

The State Heritage Register

Heritage places and items of particular importance to the people of New South Wales are listed on the State Heritage Register. The Register was created in April 1999 by amendments to the *Heritage Act 1977*.

The key to listing on the State Heritage Register is the level of significance. Only those heritage items which are of **state significance in NSW** are listed on the State Heritage Register.

To check whether an item is listed on the register, check the online heritage database on the homepage of the Heritage Branch, Department of Planning:

www.heritage.nsw.gov.au

This online database lists all statutorily protected items in NSW. It may be accessed from the homepage, via the Listings tab, then Heritage databases.

WHY HAVE STANDARD EXEMPTIONS?

The standard exemptions apply to all items listed on the State Heritage Register. These exemptions came into force on 5 September, 2008. They replace all previous standard exemptions.

The current exemptions replace those gazetted on 4 April 2006 and as amended 28 April 2006. They relate to a broad range of minor development and will result in a more streamlined approval process.

The purpose of the standard exemptions is to clarify for owners, the Heritage Branch and local councils what kind of maintenance and minor works can be undertaken without needing Heritage Council approval. This ensures that owners are not required to make unnecessary applications for minor maintenance and repair.

The Heritage Council has prepared guidelines to help owners and managers to interpret and apply the standard exemptions. Those guidelines were first published in 2004 and have been incorporated into this document.

HOW WILL EXEMPTIONS ALREADY IN PLACE BE AFFECTED BY THE NEW STANDARD EXEMPTIONS?

1. **Standard Exemptions:** The new standard exemptions replace all existing standard exemptions.
2. **Site Specific Exemptions:** Some heritage items have site specific exemptions for works other than those in the standard list. Site specific exemptions will continue to remain in force.

WHAT OTHER APPROVALS ARE NECESSARY TO DO WORK ON A HERITAGE ITEM?

The exemptions only reduce the need to obtain approval from the Heritage Council, under section 60 of the Heritage Act, to carry out works to a heritage item listed on the State Heritage Register. You should check with your local council for information on additional development and building approvals, and with the Heritage Branch for other approvals which may be required under the Heritage Act, such as an Excavation Permit.

HOW TO RELATE THE STANDARD EXEMPTION CLAUSES TO YOUR HERITAGE ITEM

The standard exemption clauses can be grouped under two headings:

- maintenance and repairs;
- alterations.

Clauses have been kept as concise as possible to avoid ambiguities. The terminology used is consistent with the Australia ICOMOS *Burra Charter*. Australia ICOMOS is the Australian Chapter of International Council on Monuments and Sites, a UNESCO-affiliated international organisation of conservation specialists. The *Burra Charter* is a nationally accepted standard for assessing and managing change to heritage items.

Before you develop firm proposals for changes to the heritage item, take the following actions:

- [1.] Check the boundaries of the item to which the State Heritage Register listing applies;
- [2.] Check the exemptions which apply to your heritage item;
- [3.] Read these explanatory notes to ensure that the work you propose is exempted, and check if prior Heritage Council notification and endorsement is required before the works are commenced;
- [4.] If the work is not exempted, apply to the Heritage Council for approval under section 60 of the Heritage Act;
- [5.] Check with the local council concerning other approvals that may be required;
- [6.] Check with the Heritage Branch if the work you propose involves the disturbance of relics more than 50 years old.

SCHEDULE OF STANDARD EXEMPTIONS

HERITAGE ACT, 1977

NOTICE OF ORDER UNDER SECTION 57(2) OF THE HERITAGE ACT, 1977

I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:

- 1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and**
- 2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.**

**FRANK SARTOR
Minister for Planning
Sydney, 11 July 2008**

SCHEDULE OF EXEMPTIONS TO SUBSECTION 57(1) OF THE

HERITAGE ACT 1977

MADE UNDER SUBSECTION 57(2)

GENERAL CONDITIONS

1. These general conditions apply to all of the following Exemptions.
2. Anything done pursuant to the following Exemptions must be carried out in accordance with relevant Guidelines issued by the Heritage Branch including *“The Maintenance of Heritage Assets: A Practical Guide” 1998, “Movable Heritage Principles” 2000 and “The Heritage Council Policy on Managing Change to Heritage Items”*.
3. The following Standard Exemptions do not apply to anything affecting objects, places, items or sites of heritage significance to Aboriginal people or which affect traditional access by Aboriginal people.
4. The Director, and Managers employed by the Heritage Branch,- Department of Planning; the Executive Director, Tenant and Asset Management Services, employed by the Sydney Harbour Foreshore Authority; the Executive Director Culture & Heritage employed by the Department of Environment and Climate Change and the General Manager, Sustainability employed by the Sydney Water Corporation may perform any of the functions of the Director-General of the Department of Planning (Director-General) under these exemptions.

The authorisation to the Executive Director, Tenant and Asset Management Services of the Sydney Harbour Foreshore Authority is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director, Tenant and Asset Management Services.

The authorisation to the Executive Director Culture & Heritage of the Department of Environment and Climate Change is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is satisfied, must not be carried out by the Executive Director Culture & Heritage.

The authorisation to the General Manager, Sustainability employed by the Sydney Water Corporation is restricted to land for which it is the delegated approval body under section 169 of the Heritage Act, and the preparation and submission of information required to demonstrate that compliance with the criteria contained in these exemptions is

satisfied, must not be carried out by the General Manager, Sustainability.

5. In these Exemptions, words shall be given the same meaning as in the *Heritage Act 1977* (“the Act”) unless the contrary intention appears from the context of the exemption.
6. Anything done pursuant to the following Exemptions must be specified, supervised and carried out by people with knowledge, skills and experience appropriate to the work.

Guidelines

In addition to the above guidelines listed in paragraph two, the Heritage Council adopted further guidelines on 7 April 2004 (revised 2009) for use in interpreting and applying the standard exemptions.

If it is unclear whether proposed development satisfies the requirements of these exemptions, an application will be required under section 60 of the Heritage Act.

STANDARD EXEMPTION 1: MAINTENANCE AND CLEANING

1. The following maintenance and cleaning does not require approval under subsection 57(1) of the Act:
 - (a) the maintenance of an item to retain its condition or operation without the removal of or damage to the existing fabric or the introduction of new materials;
 - (b) cleaning including the removal of surface deposits, organic growths or graffiti by the use of low pressure water (less than 100 psi at the surface being cleaned) and neutral detergents and mild brushing and scrubbing.

NOTE 1: Traditional finishes such as oils and waxes must continue to be used for timber surfaces rather than modern alternative protective coatings such as polyurethane or acrylic which may seal the surface and can cause damage.

NOTE 2: Surface patina which has developed on the fabric may be an important part of the item's significance and if so needs to be preserved during maintenance and cleaning.

Guidelines

Maintenance is distinguished from repairs, restoration and reconstruction as it does not involve the removal of or damage to existing fabric or the introduction of new materials. It is a continuing process of protective care. Typical maintenance activity includes:

- *the removal of vegetation and litter from gutters and drainage systems;*
- *resecuring and tightening fixings of loose elements of building fabric;*
- *lubricating equipment and services which have moving parts;*
- *the application of protective coatings such as limewash, polish, oils and waxes to surfaces which have previously had such coatings applied; and*
- *cleaning by the removal of surface deposits using methods other than aggressive mechanical or chemical techniques such as high pressure, high temperature or strong solvents which may affect the substrate.*

This standard exemption applies to the maintenance of all types of heritage items including buildings, works, landscapes, cemeteries and movable heritage. Reference should be made to other relevant standard exemptions (#12, 14 and 17) for particular types of items.

STANDARD EXEMPTION 2: REPAIRS

1. 1. Repair to an item which is of the type described in (a) or (b) below does not require approval under subsection 57(1) of the Act:

- (a) the replacement of services such as cabling, plumbing, wiring and fire services that uses existing service routes, cavities or voids or replaces existing surface mounted services and does not involve damage to or the removal of significant fabric;
- (b) the repair (such as refixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing and does not involve damage to or the removal of significant fabric.

NOTE 1: Repairs must be based on the principle of doing as little as possible and only as much as is necessary to retain and protect the element. Therefore replacement must only occur as a last resort where the major part of an element has decayed beyond further maintenance.

NOTE 2: Any new materials used for repair must not exacerbate the decay of existing fabric due to chemical incompatibility, obscure existing fabric or limit access to existing fabric for future maintenance.

NOTE 3: Repair must maximise protection and retention of fabric and include the conservation of existing detailing, such as vents, capping, chimneys, carving, decoration or glazing.

Guidelines

This standard exemption is not intended to allow the cumulative replacement of large amounts or a high proportion of the fabric of an item. If replacement of large amounts of fabric is necessary, an application will be required to be submitted under s. 60 of the Heritage Act. If there is uncertainty about whether the proposed extent of repair is exempt from approval, advice should be sought from the Heritage Branch, Department of Planning.

Repairs should have detailed specifications and carried out by licensed tradespeople with experience in the conservation of heritage buildings. It is essential that the composition of elements of the fabric such renders, mortars, timber species and metal types remain the same to assist with matching appearance and avoiding chemical incompatibility.

Repair may involve reconstruction which means returning an item to a known earlier state. This may involve the use of new or recycled materials.

Reconstruction must satisfy a four-part test to qualify for exemption from approval:

- 1. The nature of the earlier state being reconstructed must be known. Where there is conjecture about the earlier state of the fabric or where it is proposed to change the appearance, material or method of fixing of the fabric an application under s.60 of the Heritage Act will be required.*
- 2. The replacement fabric must be matching in appearance and method of fixing. The use of salvaged or recycled fabric can be a valuable resource in matching appearance in preference to the use of new fabric which may appear obtrusive. However the damage to other heritage buildings by the salvaging of fabric for reuse is unacceptable. Salvaged materials must be judiciously sourced so as not to encourage secondary damage to other heritage resources. The use of artificial ageing techniques to assist the matching of new with original fabric is only advocated where there is an obtrusive mismatch of materials which negatively impacts on the heritage significance of the item. Ideally, new and original fabric should be subtly discernable on close examination to assist interpretation of the history of change to the building.*
- 3. The fabric being replaced must be beyond further maintenance. The replacement of fabric may only occur where fabric is missing or it is so damaged or deteriorated that it is beyond further maintenance. In many cases the judgement about the level of deterioration and the effectiveness of further maintenance will require the advice of a person who is suitably experienced in similar heritage conservation projects. If it is unclear that the fabric is beyond further maintenance, its replacement will require the submission of an application under s. 60 of the Heritage Act.*
- 4. Significant fabric must not be damaged or removed. In all cases of repair, the damage or removal of significant fabric is not permitted without approval. Significant fabric is that which contributes to the heritage significance of the item. The identification of the level of significance of fabric will usually require the advice of a person who is suitably experienced in similar heritage conservation projects. The damage or removal of significant fabric will require the submission of an application under s. 60 of the Heritage Act.*

New material used in repairs should where possible be date stamped in a location which is not conspicuous but is legible on close examination. Archival recording of removed and replacement fabric is advocated and should be used in interpretive displays where practicable.

STANDARD EXEMPTION 3: PAINTING

1. **Painting does not require approval under subsection 57(1) of the Act if the painting:**
 - (a) **does not involve the disturbance or removal of earlier paint layers other than that which has failed by chalking, flaking, peeling or blistering;**
 - (b) **involves over-coating with an appropriate surface as an isolating layer to provide a means of protection for significant earlier layers or to provide a stable basis for repainting; and**
 - (c) **employs the same colour scheme and paint type as an earlier scheme if they are appropriate to the substrate and do not endanger the survival of earlier paint layers.**
2. **Painting which employs a different colour scheme and paint type from an earlier scheme does not require approval under subsection 57(1) of the Act, provided that:**
 - (a) **the Director-General is satisfied that the proposed colour scheme, paint type, details of surface preparation and paint removal will not adversely affect the heritage significance of the item; and**
 - (b) **the person proposing to undertake the painting has received a notice advising that the Director-General is satisfied.**
3. **A person proposing to undertake repainting of the kind described in paragraph 2 must write to the Director-General and describe the proposed colour scheme, paint type, details of surface preparation and paint removal involved in the repainting. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) the Director-General shall notify the applicant.**

NOTE: Preference should be given to the re-establishment of historically significant paint schemes of the item that are appropriate to the significance of the building.

Guidelines

Painting of surfaces which have not previously been painted such as face brickwork, stone, concrete or galvanised iron is likely to adversely affect the heritage significance of the item and is not exempt from approval under this standard exemption. Likewise, the stripping of paint coatings which were intended to be protective may expose the substrate to damage and cause the loss of the historical record and significance of the building. In cases where surface preparation has revealed significant historic paint layers, repainting should facilitate the interpretation of the evolution of the building by displaying appropriately located sample patches of historic paint schemes. This

information should also be examined if it is proposed to recreate earlier finishes or paint schemes.

Paint removal of failed layers to achieve a stable base for repainting is exempt from approval but intervention should be minimised to avoid the loss of the significant historical record. Where old paint layers are sound they should be left undisturbed. The removal of paint with a high content of lead or other hazardous materials requires considerable care and use of experienced tradespeople as its disturbance can create health hazards. If the removal of such paint layers will adversely affect the heritage significance of the item, an application will be required under section 60 of the Heritage Act.

Reference should be made to The Maintenance Series, NSW Heritage Branch, particularly Information Sheets 6.2 Removing Paint from Old Buildings, 7.2 Paint Finishes and 7.3 Basic Limewash which are available online at www.heritage.nsw.gov.au.

STANDARD EXEMPTION 4: EXCAVATION

- 1. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a), (b) or (c) have been met and the person proposing to undertake the excavation or disturbance of land has received a notice advising that the Director-General is satisfied that:**
 - (a) an archaeological assessment, zoning plan or management plan has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or**
 - (b) the excavation or disturbance of land will have a minor impact on archaeological relics including the testing of land to verify the existence of relics without destroying or removing them; or**
 - (c) a statement describing the proposed excavation demonstrates that evidence relating to the history or nature of the site, such as its level of disturbance, indicates that the site has little or no archaeological research potential.**

- 2. Excavation or disturbance of land of the kind specified below does not require approval under subsection 57(1) of the Act:**
 - (a) the excavation or disturbance of land is for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;**
 - (b) the excavation or disturbance of land is to carry out inspections or emergency maintenance or repair on underground utility services and due care is taken to avoid effects on any other relics;**
 - (c) the excavation or disturbance of land is to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;**
 - (d) the excavation or disturbance of land is to maintain or repair the foundations of an existing building which will not affect any associated relics;**
 - (e) the excavation or disturbance of land is to expose survey marks for use in conducting a land survey**

- 3. A person proposing to excavate or disturb land in the manner described in paragraph 1 must write to the Director-General and describe the proposed excavation or disturbance of land and set out why it satisfies the criteria set out in paragraph 1. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1 (a), (b) or (c) the Director-General shall notify the applicant.**

NOTE 1: Any excavation with the potential to affect Aboriginal objects must be referred to the Director-General of the Department of Environment and Climate Change.

NOTE 2: If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Department of Environment and Climate Change is to be informed in accordance with section 91 of the National Parks and Wildlife Act, 1974.

NOTE 3: This exemption does not allow the removal of State significant relics.

NOTE 4: Where substantial intact archaeological relics of State or local significance, not identified in the archaeological assessment, zoning plan, management plan or statement required by this exemption, are unexpectedly discovered during excavation, work must cease in the affected area and the Heritage Council must be notified in writing in accordance with section 146 of the Act. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area.

NOTE 5: Archaeological research potential of a site is the extent to which further study of relics which are likely to be found is expected to contribute to improved knowledge about NSW history which is not demonstrated by other sites or archaeological resources.

STANDARD EXEMPTION 5: RESTORATION

- 1. Restoration of an item by returning significant fabric to a known earlier location without the introduction of new material does not require approval under subsection 57(1) of the Act.**
- 2. The following restoration does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the restoration has received a notice advising that the Director-General is satisfied:**
 - (a) the restoration of an item without the introduction of new material (except for fixings) to reveal a known earlier configuration by removing accretions or reassembling existing components which does not adversely affect the heritage significance of the item.**
- 3. A person proposing to undertake restoration of the kind described in paragraph 2 must write to the Director-General and set out why there is a need for restoration to be undertaken and the proposed material and method of restoration. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a), the Director-General shall notify the applicant.**

Guidelines

Restoration in accordance with clause 1 of this standard exemption does not involve the removal of fabric and only relates to the return of fabric which has been removed to storage or has been dislodged from its original location.

STANDARD EXEMPTION 6: DEVELOPMENT ENDORSED BY THE HERITAGE COUNCIL OR DIRECTOR-GENERAL

- 1. Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under subsection 57(1) of the Act.**
- 2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.**

Guidelines

This standard exemption does not exempt development that is consistent with a conservation policy or strategy contained in an endorsed conservation management plan or interim conservation management strategy other than development that is specifically identified as exempt development in that conservation plan or strategy.

STANDARD EXEMPTION 7: MINOR ACTIVITIES WITH LITTLE OR NO ADVERSE IMPACT ON HERITAGE SIGNIFICANCE

- 1. Anything which in the opinion of the Director-General is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57(1) of the Act.**
- 2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.**

Guidelines

This standard exemption has the potential to relate to a wide range of minor development. In determining whether a proposed development is minor the Director may have regard to the context of the particular heritage item such as its size and setting. For instance a development may be considered to be minor in the context of Prospect Reservoir's 1200ha curtilage whereas a similar proposal affecting an item on a smaller site may not be considered to be minor.

In order to assess whether a proposal has an adverse affect on heritage significance it is necessary to submit a clear and concise statement of the item's heritage significance and an assessment of whether a proposal impacts on that significance.

STANDARD EXEMPTION 8: NON-SIGNIFICANT FABRIC

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:
 - (a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.
2. A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Director-General shall notify the applicant.

Guidelines

In order to assess the level of significance of fabric it is necessary to submit a clear and concise statement of the item's heritage significance and to grade the fabric of the place in accordance with its association with or impact on that significance. It may not always be concluded that more recent fabric is of less or no heritage significance.

STANDARD EXEMPTION 9: CHANGE OF USE

1. The change of use of an item or its curtilage or the commencement of an additional or temporary use does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to undertake the change of use has received a notice advising that the Director-General is satisfied:
 - (a) the use does not involve the alteration of the fabric, layout or setting of the item or the carrying out of development other than that permitted by other standard or site specific exemptions; and
 - (b) the use does not involve the cessation of the primary use for which the building was erected, a later significant use or the loss of significant associations with the item by current users;
2. A person proposing to change the use of an item or its curtilage or to commence an additional or temporary use of an item or its curtilage in the manner described in paragraph 1 must write to the Director-General and describe the changes proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) and (b), the Director-General shall notify the applicant.

Guidelines

For the purposes of this standard exemption any change of use which is inconsistent with specific conditions of any previous approval or consent such as hours of operation or nature of conduct of an activity requires approval under section 57(1) or the modification of an approval under section 65A of the Heritage Act.

STANDARD EXEMPTION 10: NEW BUILDINGS

1. Subdivision under the *Strata Scheme (Freehold Development) Act* or *Strata Scheme (Leasehold Development) Act* of the interior of a building that has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57(1) of the Act.
2. Alteration to the interior of a building which has been constructed since the listing of the item on the State Heritage Register or the publication of an interim heritage order in the Gazette which applies to the land does not require approval under subsection 57(1) of the Act.

Guidelines

Subdivision to which clause 1 of this standard exemption applies must not subdivide the curtilage of the exterior of a building other than approved car spaces. A strata plan which otherwise proposes the subdivision of the curtilage of a heritage item requires approval under section 57(1) of the Heritage Act.

For the purposes of clause 2 of this standard exemption, alterations to the interior of a building:

- *do not include internal alterations to additions to buildings which existed prior to the listing of the site on the State Heritage Register or publication of the interim heritage order;*
- *must not affect the external appearance of the building such as by balcony enclosure or window screening; and*
- *must not be inconsistent with any specific conditions of a previous approval.*

Such alterations require approval under section 57(1) of the Heritage Act.

STANDARD EXEMPTION 11: TEMPORARY STRUCTURES

- 1. The erection of temporary structures does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) have been met and the person proposing to erect the structure has received a notice advising that the Director-General is satisfied:**
 - (a) the structure will be erected within and used for a maximum period of 4 weeks after which it will be removed within a period of 2 days and not erected again within a period of 6 months; and**
 - (b) the structure is not to be located where it could damage or endanger significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items.**
- 2. A person proposing to erect a structure of the kind described in paragraph 1 must write to the Director-General and set out the nature of the structure, the use for the structure and how long it will remain in place and the next occasion on which it is anticipated that the structure will be erected. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraphs 1(a) and 1(b) the Director-General shall notify the applicant.**

Guidelines

The cumulative impact of the multiple use of this standard exemption will be considered by the Director in the assessment of the simultaneous construction of a number of temporary structures or a succession of temporary structures which may have a prolonged adverse impact on heritage significance of the item.

STANDARD EXEMPTION 12: LANDSCAPE MAINTENANCE

1. **Landscape maintenance which is of the type described below does not require approval under subsection 57(1) of the Act:**
 - (a) **weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features;**
 - (b) **pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material), not exceeding 10% of the canopy of a tree within a period of 2 years;**
 - (c) **pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years;**
 - (d) **removal of dead or dying trees which are to be replaced by trees of the same species in the same location; or**
 - (e) **tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.**

2. **A person proposing to undertake landscape maintenance in the manner described in paragraph 1(b) 1(c) or 1(d) must write to the Director-General and describe the maintenance proposed and provide certification by a qualified or experienced arborist, horticulturist or tree surgeon that the maintenance is necessary for the tree's health or for public safety. If the Director-General is satisfied that the proposed maintenance meets these criteria, the Director-General shall notify the applicant.**

NOTE 1: In relation to cemeteries, landscape features include monuments, grave markers, grave surrounds, fencing, path edging and the like.

NOTE 2: Other standard exemptions may apply to landscape maintenance such as #4 Excavation and #6 Development endorsed by the Heritage Council; and #7 Minor works with no adverse heritage impact.

Guidelines

Landscape features and gardens can be of heritage significance in their own right. They are often vital to the curtilage of a heritage item and fundamental to the setting of other (eg; built or archaeological) heritage items and important to the appreciation of their heritage significance. Landscape setting is by its nature evolving and often requires more regular maintenance than other elements of heritage fabric. Horticultural advice may be required to ensure a regime of maintenance appropriate to the retention of the heritage significance of a place.

General advice about landscape maintenance is provided by The Maintenance of Heritage Assets: A Practical Guide Information Sheet 9.1 Heritage Gardens and Grounds, printed versions available from the Heritage Branch, Department of Planning.

General advice about heritage gardens is also available on the Heritage Branch website at: http://www.heritage.nsw.gov.au/06_subnav_10.htm and at: www.gardenhistorysociety.org.au.

STANDARD EXEMPTION 13: SIGNAGE

1. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act:
 - (a) temporary signage which is located behind or on the glass surface of a shop window which is not internally illuminated or flashing and is to be removed within eight weeks; or
 - (b) a real estate sign indicating that the place is for auction, sale or letting and related particulars and which is removed within 10 days of the sale or letting of the place;
2. The erection of signage which is of the types described in (a) or (b) below does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) and (b) respectively have been met and the person proposing to erect it has received a notice advising that the Director-General is satisfied:
 - (a) the erection of non-illuminated signage for the sole purpose of providing information to assist in the interpretation of the heritage significance of the item and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage or obstruct significant views of and from heritage items; or
 - (b) signage which is in the form of a flag or banner associated with a building used for a purpose which requires such form of promotion such as a theatre or gallery, which is displayed for a maximum period of eight weeks and which will not adversely affect significant fabric including landscape or archaeological features of its curtilage;
3. A person proposing to erect signage of the kind described in paragraph 2 must write to the Director-General and describe the nature and purpose of the advertising or signage. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 2(a) or 2(b), the Director-General shall notify the applicant.
4. Signage of the kind described in paragraphs 1 and 2 must:
 - (a) not conceal or involve the removal of signage which has an integral relationship with the significance of the item;
 - (b) be located and be of a suitable size so as not to obscure or damage significant fabric of the item;
 - (c) be able to be later removed without causing damage to the significant fabric of the item; and
 - (d) reuse existing fixing points or insert fixings within existing joints without damage to adjacent masonry.

Guidelines

In addition to the requirements of clause 4 of the standard exemptions, signage may be controlled by development control plans or signage policies prepared by the relevant local council. The operation of the standard exemptions do not affect the requirements for consent by local councils or the need to satisfy any signage policies which may have been adopted by them.

Additional forms of signage not addressed by this standard exemption may not require approval under section 57(1) of the Heritage Act if they satisfy the requirements of other standard exemptions such as Standard Exemption 7 (Minor Activities with no Adverse Impact on Heritage Significance) or Standard Exemption 8 (Non-significant Fabric).

Signage in accordance with clause 2(a) of the standard exemption for the purpose of assisting the interpretation of heritage significance:

- requires approval under section 57(1) of the Heritage Act if additional information is provided which is unrelated to heritage interpretation such as commercial promotion or sponsorship; and*
- must be in accordance with Interpreting Heritage Places and Items published by the Heritage Council and available online.*

STANDARD EXEMPTION 14: BURIAL SITES AND CEMETERIES

1. Development on land within a burial site or cemetery which is of the type described in (a), (b) or (c) below does not require approval under subsection 57(1) of the Act:

- (a) the creation of a new grave;
- (b) the erection of monuments or grave markers in a place of consistent character, including materials, size and form, which will not be in conflict with the character of the place; or
- (c) an excavation or disturbance of land for the purpose of carrying out conservation or repair of monuments or grave markers;

provided that there will be no disturbance to human remains, to relics in the form of grave goods, associated landscape features or to a place of Aboriginal heritage significance.

2. A person proposing to carry out development in the manner described in paragraph 1(b) or (c) must write to the Director-General and describe the development proposed. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.

3. This exemption does not apply to the erection of above-ground chambers, columbaria or vaults, or the designation of additional areas to be used as a burial place.

NOTE 1: Other standard exemptions apply to the maintenance, cleaning and repair of burial sites and cemeteries.

Guidelines

In addition to burial remains and artefacts, above ground cemetery elements may include headstones, footstones and other burial markers or monuments and associated elements such as grave kerbing, iron grave railings, grave furniture, enclosures and plantings. It is important that cemeteries listed on the State Heritage Register have a conservation policy or conservation management plan endorsed by the Heritage Council and that it records the history and significant fabric of the place with policies for conservation, relocation and the erection of new monuments and grave markers.

Additional advice about the management of heritage cemeteries is provided in:

- *Cemeteries: Guidelines for their Care and Conservation, Heritage Council of NSW and Department of Planning, 1992;*
- *Skeletal Remains, NSW Heritage Council, 1998;*
- *Guidelines for Cemetery Conservation, National Trust of Australia (NSW), 2002.*

STANDARD EXEMPTION 15: COMPLIANCE WITH MINIMUM STANDARDS AND ORDERS

1. Development which is required for the purpose of compliance with the minimum standards set out in Part 3 of the *Heritage Regulation 1999* or an order issued under either:
 - (a) section 120 of the *Heritage Act 1977* regarding minimum standards of maintenance and repair; or
 - (b) section 121S of the *Environmental Planning and Assessment Act 1979* regarding an order which is consistent with a submission by the Heritage Council under subsection 121S(6) of that Act;does not require approval under subsection 57(1) of the Act.

Guidelines

This standard exemption is intended to facilitate and expedite compliance with orders and minimum standards of maintenance and repair.

The Minimum Standards of Maintenance and Repair replaced the “wilful neglect” provisions of the Heritage Act in 1999. The minimum standards are contained in Part 3 of the Heritage Regulation 2005 and are reproduced in the Heritage Information Series published by the Heritage Branch, Department of Planning. The minimum standards only apply to items listed on the State Heritage Register and relate to:

- *weather protection;*
- *fire prevention and protection;*
- *security; and*
- *essential maintenance and repair to prevent serious or irreparable damage.*

Maintenance and repair which exceed the minimum standards in the Regulation may be exempt from approval under other standard exemptions (refer to #1 and #2).

Orders under s.121S(6) of the EP&A Act are those given by a council or other consent authority in relation to an item listed on the State Heritage Register, land to which an interim heritage order applies or a heritage item listed under an environmental planning instrument. Orders must not be given in relation to items listed on the State Heritage Register or land to which an interim heritage order relates unless the consent authority has given notice of it to the Heritage Council and considered any submission made by it.

STANDARD EXEMPTION 16: SAFETY AND SECURITY

1. The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) or (b) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:
 - (a) the erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the item including landscape or archaeological features of its curtilage; or
 - (b) development, including emergency stabilisation, necessary to secure safety where a building or work or part of a building or work has been irreparably damaged or destabilised and poses a safety risk to its users or the public.
2. A person proposing to undertake development of the kind described in paragraph 1 must write to the Director-General and describe the development and, if it is of the kind set out in 1(b), provide certification from a structural engineer having experience with heritage items confirming the necessity for the development with regard to the criteria set out in 1(b) and any adverse impact on significant fabric. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a) or (b), the Director-General shall notify the applicant.

Guidelines

Development exempt under this standard exemption must be for the temporary or emergency securing of safety for users or the public. Permanent upgrading of site or building security may be exempt under other standard exemptions such as #7 (Minor Activities with little or no Adverse Impact on Heritage Significance) or #8 (Non-significant Fabric). Development described in 1(b) of this exemption is intended to apply in circumstances where there has been damage caused by a sudden change in circumstances of the building such as a catastrophic event, rather than safety risks which may arise from ongoing neglect of maintenance.

Emergency maintenance and repairs such as required following a storm event may be exempt under other standard exemptions such as #1 (Maintenance and Cleaning) and #2 (Repairs). More intrusive means of upgrading security which may damage significant fabric will require the submission of an application under section 60 of the Heritage Act.

Development in accordance with this exemption must be undertaken with minimal intervention to significant fabric.

STANDARD EXEMPTION 17: MOVABLE HERITAGE ITEMS

1. The temporary relocation of movable heritage items, including contents, fixtures and objects, to ensure their security, maintenance and preservation, for conservation or exhibition, to ensure health or safety, the need for a controlled environment for those heritage items, or to protect the place, and which are to be returned to their present location within six months, does not require approval under subsection 57(1) of the Act.
2. A person proposing to relocate a movable heritage item as set out in paragraph 1 must advise the Director-General in writing of the proposed location and the reasons for its relocation. If the Director-General is satisfied that the temporary relocation meets the criteria set out in paragraph 1 the Director-General shall notify the applicant.

Guidelines

Movable heritage items or objects which are listed on the State Heritage Register must be specifically referred to in the gazetted listing. Unless specifically listed, the movable content of buildings such as furniture, paintings and other decoration is not movable heritage for the purposes of the Heritage Act which triggers approval requirements to “move, damage or destroy it”.

The permanent relocation of an item of movable heritage such as listed ships or railway rolling stock will require the submission of an application under section 60 of the Heritage Act.

Additional advice regarding movable heritage is provided by:

- *Objects in Their Place: An Introduction to Movable Heritage, NSW Heritage Council, 1999; and*
- *Movable Heritage Principles, NSW Heritage Council and Ministry for the Arts, 1999.*

END

Appendix C
Abacus (Suànpán) Centre
Blackguard Gully
– Action Plan

Vision

To create a world class interpretive, research and recreational centre that engages visitors in the story of Australian agricultural and rural settlement, within the context of the 1861 Gold Rush at Lambing Flat, and the unfolding story of immigration from all parts of the world.

Concept

Abacus is to be a large centre with architectural merit that houses a research centre for the study of Chinese migration to Australia, and Australian migration history generally. It is also to be a place for interpreting people stories relevant to the development of Young and its surrounds. The primary focus of the centre will be on the experience of Chinese people who have sought to make a home in Australia.

Stories are intended to reflect a shared history of settlement and migration. The following general themes are to be considered:

- The Chinese experience of migration to Australia in the 19th century told through the lens of the Lambing Flat incident.
- The experience of Aboriginal people.
- Law and order in a new country.
- Ongoing migration to Young, including stories of all immigrant groups;
 - Where are we from and what brought us here?
 - The contribution of Germans and other Central Europeans,
 - The contemporary experience of Young's Lebanese community.

Interpretations and resources will be in English and Mandarin.

Abacus will be linked to the centre of Young and the Chinese Tribute Gardens by dedicated shared pathways that provide access for pedestrians, cyclists and persons on mobility devices.

Possible stakeholder groups/project partners

It is important to identify possible stakeholders and key project partners who can advocate on behalf of the project, provide expertise and facilitate future development. These may include, but are not limited to:

- Government;
 - Australian and New South Wales Governments.
 - Chinese government.
 - Other governments with an interest in the migration history of Young.
- Tertiary institutions;
 - University of Sydney
 - Australian National University
 - Charles Sturt University
- Tourism peak bodies and tourism stakeholders;
 - Government tourism networks,
 - Regional tourism operators,

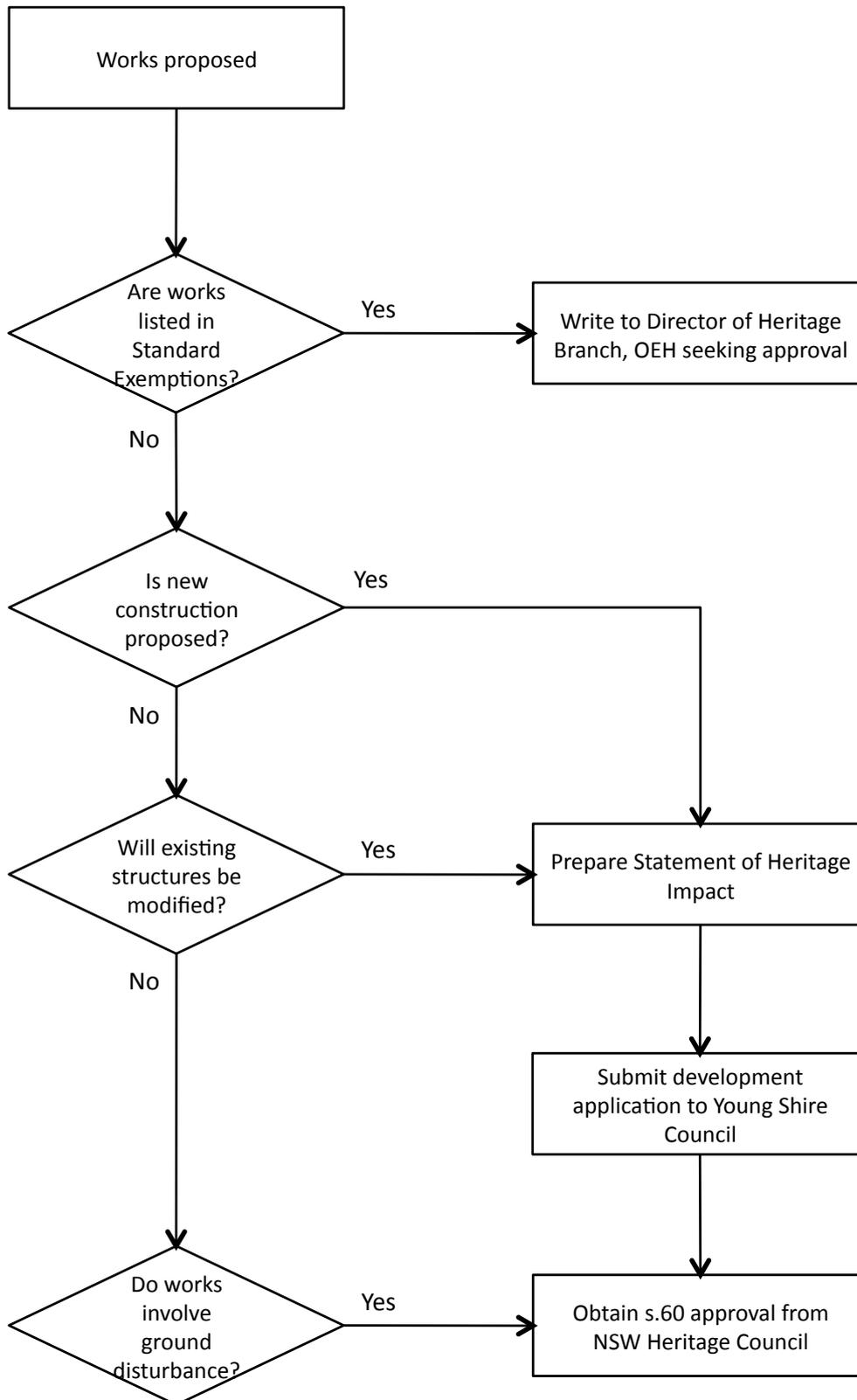
Abacus (Suànpán) Centre, Blackguard Gully – Action Plan

- Tourism infrastructure managers.
- Key museums interpreting similar stories;
 - National Museum of Australia.
 - Australian National Maritime Museum.
 - Golden Dragon Museum (Dai Gum San), Bendigo.
- Chinese Heritage Association.

Action Plan

The following actions should be considered and undertaken within the 2015-2016 Financial Year:

1. Identify key stakeholders.
2. Identify funding sources, including funding opportunities for developing concept and business plans.
3. Prepare a Conservation Management Plan for the Blackguard Gully State Heritage Register listed area, including identification of places of high archaeological potential and possible areas for infrastructure development.
4. Identify the key interpretive themes for the Abacus Centre.
5. Develop a clear concept plan for the Abacus Centre.
6. Prepare a business case for the Abacus Centre, including a formal business plan that can be used to market the concept to politicians, business leaders and bureaucrats.
7. Identify a site for the development of the centre, and investigate all relevant planning and servicing issues.





Industry &
Investment

Fossicking:

A guide to fossicking in New South Wales



Guidelines for Fossicking

Fossicking is the small scale search for and collection of, minerals, gemstones or mineral bearing material from the surface (or by digging from the surface) with hand-held implements. This activity may only be undertaken for recreational, tourist or educational purposes.

Fossicking offers an opportunity to discover the beauty and diversity of this state's mineral wealth. It combines leisure, pleasure and 'treasure' all in one. Best of all, no licence is required under the *Mining Act 1992*.

However, some basic rules must be followed.

In these guidelines the NSW Department of Industry and Investment is referred to as Industry & Investment NSW.

What legislation governs fossicking in NSW?

The main provisions that apply to fossicking are Section 12 of the *Mining Act 1992* and Clause 12 of the *Mining Regulation 2010* ([link](#)).

Other relevant legislation

As a fossicker you must ensure that you comply with all relevant legislation.

Other Acts that apply to fossicking include: the *Forestry Act 1916*, *Native Title Act 1993* (*Commonwealth*), *Fisheries Management Act 1994*, *National Parks and Wildlife Act 1974* (in relation to Aboriginal cultural heritage), *Water Management Act 2000* and *Protection of the Environment Operations Act 1997*.

See below for further information on the *Forestry Act 1916* and the *Fisheries Management Act 1994*.

If you require further information about the *National Parks and Wildlife Act 1974*, *Water Management Act 2000* and the *Protection of the Environment Operations Act 1997* ([links](#)) you should contact the Department of Environment, Climate Change and Water.

What techniques can be used for fossicking?

Fossicking on land or waters that may be subject to native title is restricted by the terms of the *Native Title Act 1993* (*Commonwealth*). Land subject to native title can be taken to be any land other than freehold land, land held under perpetual Western Lands leases and some specific leasehold and reserved lands.

Fossicking can be done on land or waters subject to native title using hand held implements, which include picks, shovels, hammers, sieves, shakers and gold pans. However, regardless of the implements used, no excavation is permitted.

On land or waters that are **not** subject to native title, fossicking is not restricted to hand held implements, but power-operated equipment cannot be used for the purpose of surface disturbance, excavation or processing.

Metal detectors can be used in fossicking activities on any land where fossicking is permitted.

What techniques cannot be used for fossicking?

Neither explosives nor dredges can be used in fossicking.

Power-operated equipment cannot be used on land or in waters for surface disturbance, excavation or processing. Power operated equipment includes mechanical, hydraulic, pneumatic, battery and electrical equipment or machinery.

Where can fossicking take place?

As a general rule, fossicking in accordance with the legislation can take place on any land, provided that permission is obtained from the landowner or land manager, except in National Parks where fossicking is prohibited.

Note: To fossick in State forests you need permission from Forests NSW, in the form of a special purpose permit.

What consents/permissions do I need?

- for private land – the permission of the landholder;
- for Crown land that is managed, controlled or under trusteeship - the permission of the trustee or manager of that public or local authority. To fossick on these lands the consent of the appropriate authority (e.g. Land and Property Management Authority, Forests NSW, local council, Livestock Health and Pest Authorities, Trustees of Commons) is required. Information about the ownership or status of land can be obtained from local councils or the Land and Property Management Authority. You can contact Forests NSW (a division of Industry & Investment NSW) for information about State forest land;
- for land held under a lease, licence or permissive occupancy under the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1900* - the permission of the lessee, licensee or occupant. Information about the ownership and status of land may be sought from local councils or the Land and Property Management Authority;

- for land that is covered by an exploration licence, assessment lease, mining lease, mineral claim or opal prospecting licence under the *Mining Act 1992* – the permission of the titleholder. However, permission is not required from the holder of an exploration licence where the licence is affected by a Fossicking District. Information regarding the location of titles and fossicking districts can be obtained from Industry & Investment NSW's Maitland, Orange and Lightning Ridge offices or by searching the TASMap facility:
<http://www.minerals.nsw.gov.au/tasmap/>;
- where native title rights and interests in land or waters have been determined to exist under the Commonwealth's *Native Title Act 1993* - the permission of the relevant registered native title body. For information about registered native title claims in NSW go to:
<http://www.nntt.gov.au/Native-Title-In-Australia/Pages/ACT-New-South-Wales.aspx>.

Fossickers must comply with any conditions or requirements of the landholder. These could include, for example, which tracks to use, which paddocks to avoid, the use of gates, or periods of access.

Note: A landholder cannot permit the carrying out of activities that are prohibited under the *Mining Act 1992*, the *Mining Regulation 2010* or under other legislation.

Who owns fossicked gems and minerals?

Any publicly owned mineral that is recovered in the course of lawful fossicking becomes the property of the person who found it at the time it is removed from the land on which it was found.

Where minerals are privately owned, ownership of those minerals needs to be agreed between the fossicker and the landholder.

How much can I take?

Fossicking is limited to taking no more than the amounts prescribed in the *Mining Regulation 2009* during any single period of 48 hours. This includes 10 kg of mineral-bearing material, 5 kg of minerals (other than gold or gemstones), 50 grams of gold (or 5 nuggets of 10 grams or greater) or 100 grams of gemstones. Gemstones refer to Group 6 and Group 7 minerals listed in Schedule 2 of the *Mining Regulation 2010* and include diamond, sapphire, ruby, corundum and opal.

Other restrictions on fossicking

The *Mining Regulation 2010* also prohibits:

- the damage or removal of any bushrock.
- the disturbance of more than 1 cubic metre of any soil, rock or other material during any single period of 48 hours.

How should I leave a fossicking site?

Any fossicking site must be left in a clean and tidy condition. If you have disturbed the site you need to restore it as close as possible to its pre-disturbed condition. Soil, rock or other material that has been excavated must be replaced before you make any further excavations. You must remove all refuse, including bottles, cans, etc from the site.

What happens if I breach fossicking requirements?

If you do not comply with the requirements of the [Mining Act 1992](#) and the [Mining Regulation 2010](#) ([link](#)), you are liable to a penalty of up to \$5,500 on conviction for each breach.

For fossicking activities in waterways that result in breaches of the *Fisheries Management Act 1994*, you may incur on-the-spot fines or court-awarded penalties of up to \$110,000 for individuals or up to \$220,000 for corporations on conviction, as well as having to pay for aquatic habitat restoration works.

Please refer to 'How do I protect waterways when I fossick?' below to ensure you comply with the *Fisheries Management Act 1994*.

Personal Protection/Safety

While fossicking you should be aware of personal safety.

The following list highlights some potential safety risks, although it is not an exhaustive list of possible risks or the measures that could be taken to avoid them.

- Appropriate clothing, including a broad-rimmed hat and/or a jumper or raincoat.
- An appropriate sun-protection cream.
- Appropriate eye protection, e.g. goggles or safety glasses when smashing rocks.
- Appropriate/protective sturdy footwear. Good soles provide a sound grip and can help prevent you from slipping. Open footwear, such as sandals, is not appropriate.
- Appropriate hand protection. Gloves help protect your hands.
- Take extreme care when fossicking near old mine workings or pits, and do not enter these sites.
- Avoid visiting isolated areas alone. Always let someone know of your plans.
- An adequate supply of water.
- A basic knowledge of first aid.
- Be aware of logging trucks and other heavy vehicles on some State forest roads.

Note: Personal safety (and the safety of others who might be impacted by fossicking activities) is the responsibility of the persons undertaking fossicking. Industry & Investment NSW is not responsible for the safety of people who are engaged in or impacted by fossicking activities.

How do I protect waterways when I fossick?

If you fossick, you must take steps to protect the environment, in particular any waterway (including the bank of the waterway) that is likely to be habitat for native fish.

Sediments may be extracted in freshwater areas for the purpose of fossicking. Gemstones and alluvial gold collect in crevices in stream beds and in gravel bars on the insides of stream bends. These may be recovered by panning, but it is more common for the gem-seeker to use sieves made especially for this purpose.

Disturbance to the bed of the waterway and in-stream washing and sorting of materials collected to extract the gemstones can result in direct impacts on aquatic habitats or indirect impacts such as siltation and smothering of in-stream gravel beds and aquatic vegetation. Siltation also reduces water quality for in-stream fauna and can affect the gills of fish, causing respiratory distress or disease.

The *Fisheries Management Act 1994* regulates a range of activities including those that harm the habitat of native fish (including threatened species of fish) and recreational fishing. Following the guidelines and avoiding the activities listed below will assist you in complying with this Act:

- removing or disturbing any material that is important habitat for fish (including threatened species of fish) from the bed or banks of a waterway including woody debris (snags) greater than 3m in length, large cobbles, rocks or boulders (greater than 500mm in diameter) or aquatic vegetation; or
- placing or reshaping any material across a waterway that may obstruct the free passage of fish.

If you wish to undertake recreational fishing while fossicking, please ensure you comply with the fishing regulations as summarised in the [Freshwater Fishing Guide](#) (link).

You should avoid disturbing mud, clay or fine silt that causes significant turbidity in a waterway, as this could lead to a breach of the *Protection of the Environment Operations Act 1997*.

Fossicking in NSW State forests

State forests are administered by Forests NSW. People wishing to fossick in a State forest must obtain a special purpose permit (link to <http://www.dpi.nsw.gov.au/forests/permits>).

Fossicking is not permitted in the following areas in State forests:

- flora or timber reserves;
- areas zoned Forest Management Zone 1; and
- any areas held under lease under the *Crown Lands (Continued Tenures) Act*, without the consent of the landholder.

Native title has not been extinguished in most State forests. Therefore in most cases excavation is not allowed.

Where Native Title rights and interests have been determined under the Commonwealth's *Native Title Act 1993* to exist in State forests, for example under an Indigenous Land Use Agreement, the fossicking permit applicant is required to consult with the relevant registered native title body before a permit can be issued by Forests NSW. This is particularly the case for fossicking activity in Forests NSW North East Region. Applicants should first contact the North East Region on (02) 6652 0111 on the need for consultation if seeking a permit in this Region.

Permits will not be issued for areas of State forests closed for harvesting, fire fighting or when the forest is officially closed due to extreme weather conditions.

Permits are usually issued for a 12 month period and incur a fee.

Permit holders must:

- a) ensure that the site of any fossicking is left in a clean and tidy condition and that any permitted excavation is filled in before making any further excavations; and
- b) indemnify Forests NSW against claims brought by any person against Forests NSW resulting from any activity carried out by the permit holder.

While fossicking you must not interfere with the rights of other legitimate forest users such as campers, swimmers, hunters or those with permits for organised recreational and research activities. Information about events in State forests can be obtained from Forests NSW. Fossickers must not interfere with and should heed the directions of Forests NSW staff or contactors.

Fossickers should note that some State Forests are open for conservation hunting. To obtain information on these forests visit the Game Council at the following link (*link to <http://www.gamecouncil.nsw.gov.au/>*).

Who do I contact about fossicking in State forests?

Special purpose permits for fossicking are administered by Forests NSW regional offices. Information about regional offices can be obtained from <http://www.dpi.nsw.gov.au/aboutus/about/office> (*link*) or by calling 1300 655 687.

Fossicking in Lightning Ridge and White Cliffs

The basic fossicking requirements apply to fossicking in Lightning Ridge, including the requirement to obtain the titleholder's consent to fossick in an area subject to an Opal Prospecting Licence (OPL) granted under division 2, part 10 of the *Mining Act 1992* or Mineral Claim granted under part 9 of the *Mining Act 1992* (insert *links*) at Lightning Ridge.

OPLs and mineral claims are handled by the Lightning Ridge office of Industry & Investment NSW. The office is located at the NSW Miners Association Building, Lot 60 Morilla Street, Lightning Ridge, telephone: 6829 9200. Staff from that office can tell you if there is an OPL or a mineral claim on a particular parcel of land.

Legislative provisions under the *Mining Act 1992* and the *Mining Regulation 2010*

Mining Act 1992

Section 12 of the *Mining Act 1992* states that:

- (1) For the purposes of this or any other Act or law, it is declared that fossicking is a lawful activity.
- (2) Subsection (1):
 - (a) does not affect any other Act or law that prohibits, regulates or restricts fossicking or that has the effect of prohibiting, regulating or restricting fossicking and, in particular, does not make fossicking a lawful authority or lawful excuse for the purposes of any such Act or law, and
 - (b) does not confer on any person a right of entry on to land (other than land prescribed by subsection (2A)) for fossicking purposes.

(2A) For the purposes of subsection (2)(b), the prescribed land is Crown land (within the meaning of the *Crown Lands Act 1989*):

(a) that is not held under a lease, licence or permissive occupancy under the *Crown Lands Act 1989*, the *Crown Lands (Continued Tenures) Act 1989* or the *Western Lands Act 1901*, and

(b) that is not under the management or control of a trustee or a public or local authority.

(3) Any publicly owned mineral that is recovered in the course of lawful fossicking becomes the property of the person by whom it is found at the time it is severed from the land on which it is found.

(4) A person must not carry out fossicking on any land the subject of an authority, mineral claim or opal prospecting licence except with the consent of the holder of the authority, claim or licence.

Maximum penalty: 50 penalty units.

(5) Subsection (4) does not apply to the carrying out of fossicking on land the subject of an exploration licence if the land is within a fossicking district.

(6) A person must not carry out fossicking on any land that is, or in waters that are, the subject of an approved determination of native title under the Commonwealth *Native Title Act* to the effect that native title exists, except with the consent of the relevant registered native title body corporate with respect to that native title.

Maximum penalty: 50 penalty units.

Mining Regulation 2010

Clause 12 of the *Mining Regulation 2010* states that:

(1) Any soil, rock or other material that is disturbed in the course of work carried out for the purpose of fossicking for minerals must:

(a) be removed and stockpiled separately, and

(b) after completion of the work, be replaced in order to reconstruct the original soil profile.

Maximum penalty: 50 penalty units.

(2) A person must not carry out work that includes any of the following activities for the purpose of fossicking:

(a) the use of any equipment other than hand-held implements on any land or waters that are subject to native title,

(b) the excavation or clearing of any land or waters that are subject to native title,

- (c) the use of power-operated equipment for the purpose of surface disturbance, excavation or on-site processing on any land,
- (d) the use of explosives on any land,
- (e) the damage or removal of any bushrock,
- (f) the removal of more than the prescribed amount of material from any land during any single period of 48 hours,
- (g) the disturbance of more than 1 cubic metre of any soil, rock or other material during any single period of 48 hours.

Maximum penalty: 50 penalty units.

Note. The language of part of this subclause mirrors the language of part of section 24LA (Low impact future acts) of the *Native Title Act 1993* of the Commonwealth. That section refers, in part, to an act (in relation to particular land or waters) that does not consist of, authorise or otherwise involve "the excavation or clearing of any of the land or waters" or "mining (other than fossicking by using hand-held implements)".

(3) In this clause:

gemstone means a Group 6 or Group 7 mineral.

Note. Group 6 and Group 7 minerals are listed in Schedule 2.

power-operated equipment means any equipment powered by mechanical or electrical means.

prescribed amount, in relation to material, means:

- (a) 10 kilograms of mineral-bearing material (other than the material referred to in paragraphs (b)–(e)), or
- (b) 5 kilograms of minerals (other than gold or gemstones), or
- (c) 50 grams of gold (except where found as nuggets of 10 grams or greater), or
- (d) 5 nuggets of 10 grams or greater of gold, or
- (e) 100 grams of gemstones.



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