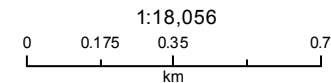
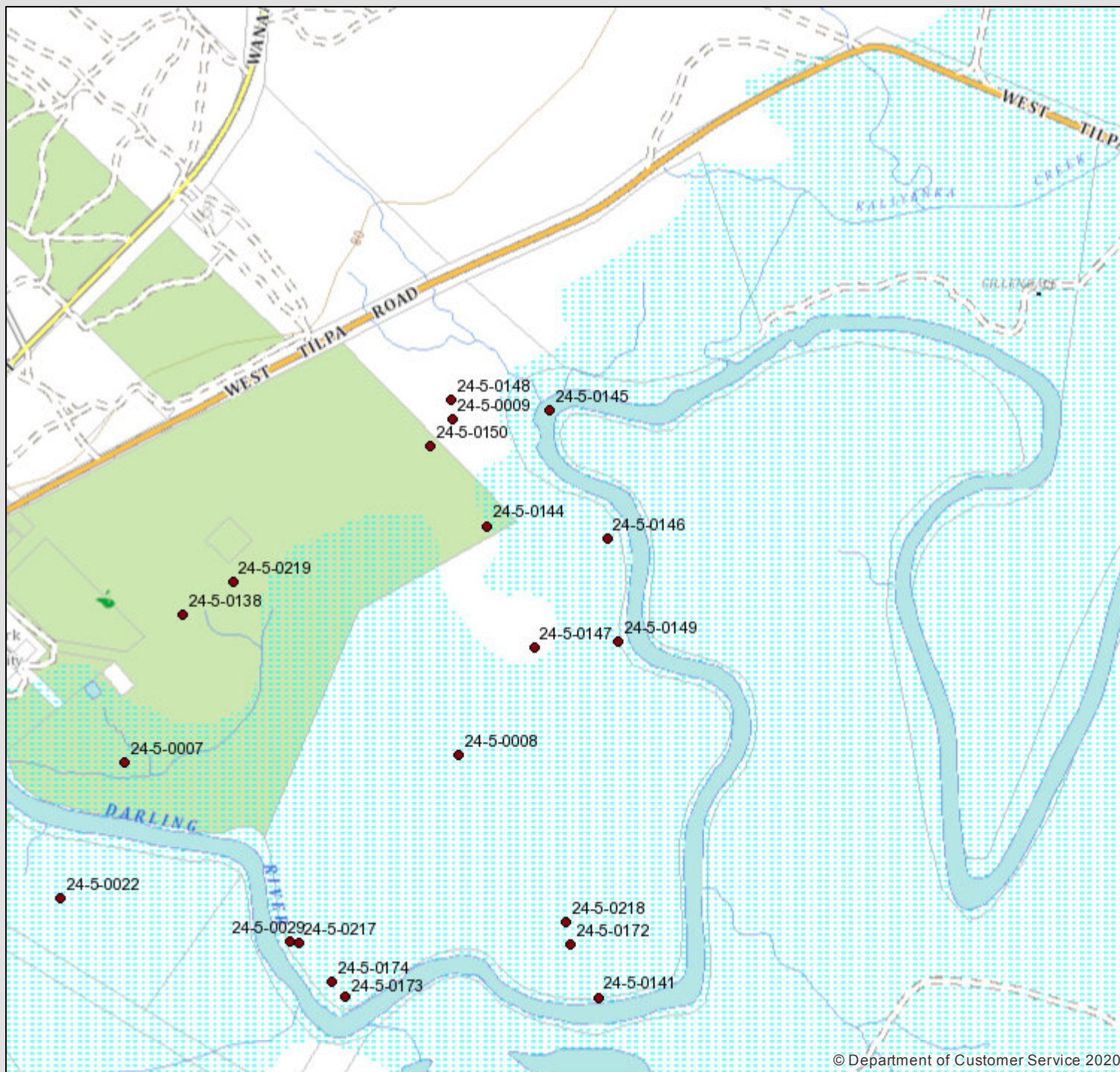


AHIMS Site Search



Legend:

- Aboriginal Sites



Disclaimer:

This map is not guaranteed to be free from error or omission. Therefore, the State of New South Wales and its employees disclaim liability for any act done or omission made on the information in the map and any consequences of such acts or omissions.

Source:

Information contained within this map has been sourced from Heritage NSW and NSW Spatial Services

Spatial Reference:

Geocentric Datum of Australia 1994 (GDA94)

Produced:

February 1, 2021

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Grant Title	Funding Body	Total Grant Funds	Expended 20-21	Amount Unexpended YTD
White Cliffs New Water Treatment Plant & Reticulation Network	Treasurer of NSW/Restart NSW	\$ 5,500,000.00	\$ 183,955.56	\$ 5,135,000.67
Stronger Country Communities Fund Rounding 2	Department of Premier And Cabinet	\$ 1,395,084.00	\$ 750,155.30	\$ 68,503.02
Wilcannia Waste Facility	NSW Environmental Trust	\$ 200,000.00		\$ 184,336.19
Menindee Waste Facility	NSW Environmental Trust	\$ 134,457.00		\$ 128,712.00
Invanhoe Waste Facility	NSW Environmental Trust	\$ 95,083.00		\$ 95,078.35
Aboriginal Communities Water And Sewerage Program	Department of Planning, Industry & Environment	\$ 709,130.00	\$ 27,679.65	\$ 592,777.08
Menindee Fish Hatchery Scoping Study	Department of Agriculture	\$ 127,402.00	\$ 93,480.00	\$ 33,922.00
Drought Communities Programme - Extension	Department of Planning, Industry & Environment	\$ 1,000,000.00	\$ 582,398.37	\$ 166,913.29
Wilcannia Township Gravity Sewer Scheme Scoping Study	Restart NSW	\$ 60,000.00	\$ -	-\$ 9,448.38
Drought Stimulus - Regional School Holiday Activities	Department of Planning, Industry & Environment	\$ 10,000.00	\$ 10,000.00	\$ -
Baaka Cultural Centre	Infrastructure NSW	\$ 3,500,000.00		\$ 3,500,000.00
Replacement of Wilcannia Water Treatment Plant	Department of Industry	\$ 3,500,000.00		\$ 3,500,000.00
Replacement of Ivanhoe Water Treatment Plant	Department of Industry	\$ 2,500,000.00		\$ 2,500,000.00
Roads to Recovery - Round 1	Department of Infrastructure, Regional Development and Cities	\$ 1,502,727.00		-\$ 132,823.62
Upgrade of Pooncarrie Road	Roads and Maritime Services	\$ 25,000,000.00	\$ 1,731,788.70	\$ 22,393,694.52
Stronger Country Communities Fund Round 3	Department of Premier And Cabinet	\$ 760,340.00	\$ 93,690.76	\$ 666,649.24
Regional Road Block Grant Assistance	Roads and Maritime Services	\$ 2,808,000.00	\$ 33,338.02	\$ 2,627,291.95
Local Roads and Community Infrastructure Program	Department of Infrastructure, Transport, Regional Development and Communications	\$ 1,701,818.00	\$ 346,370.58	\$ 1,355,447.42
Maari Ma Night Patrol and Wings Drop in Centre	Department of Planning, Industry & Environment	\$ 200,000.00		\$ 140,000.00
Baaka Curatorial Co-ordination Project	Regional NSW	\$ 15,000.00		\$ 15,000.00
DSP Council Stategic Planning	Department of Planning, Industry & Environment	\$ 220,000.00	\$ 147,418.76	\$ 72,581.24
DSP Council Capacity and Capability Building	Department of Planning, Industry & Environment	\$ 150,000.00	\$ 140,074.54	\$ 9,925.46
DSP Infrastructure / Employment Generation / Community Projects	Department of Planning, Industry & Environment	\$ 1,430,000.00	\$ 721,568.17	\$ 708,431.83
Menindee Rural Drought Emergency Funding Water Carting	Department of Planning, Industry & Environment	\$ 80,000.00	\$ 16,000.00	\$ 27,645.00
Wilcannia Showgrounds Stimulus Program	Department of Planning, Industry & Environment	\$ 130,000.00	\$ 106,436.33	\$ 23,563.67
Ivanhoe Multi Service Outlet Project	Department of Industry, Innovation & Science	\$ 450,000.00	\$ 87,770.08	\$ 362,229.92
Repair 2020/21 Project Funding	Transport for NSW	\$ 400,000.00	\$ 444,919.50	-\$ 305,041.09
Financial Assistant Grant Entitlement 2020/2021 - Local Roads	Local Government Grants Commission	\$ 1,648,446.00	\$ 1,699,125.00	-\$ 50,679.00
Financial Assistant Grant Entilement 2020/2021 - Non Roads	Local Government Grants Commission	\$ 4,353,450.00		\$ 4,353,450.00
BAAKA Curation/CoOrdination Project	Museums and Galleries NSW, State Library of NSW and Sydney University	\$ 90,000.00		\$ 90,000.00
Roads to Recovery 2020/21	Department of Infrastructure, Regional Development and Cities	\$ 1,500,000.00	\$ 1,730,350.31	-\$ 230,350.31
Baaka Corporation Establishment - Legal Cost	Regional NSW	\$ 25,000.00	\$ 10,043.65	\$ 14,956.35
Regional Road Block Grant 2020-2021	Transport for NSW	\$ 1,402,000.00	\$ 38,826.44	\$ 1,363,173.56
FWJO Toilet Facility Upgrades	Far West Joint Organisation	\$ 230,000.00	\$ 36,829.79	\$ 185,543.85
FWJO Tourism Infrastrucure Enhancement	Far West Joint Organisation	\$ 550,000.00	\$ 127.38	\$ 549,872.62
FWJO Tourism Technology	Far West Joint Organisation	\$ 220,000.00	\$ -	\$ 220,000.00
The Festival of Place - Summer Fund	Department of Planning, Industry & Environment	\$ 10,000.00		\$ 10,000.00
Regional NSW Planning Portal Grant	NSW Communities & Justice	\$ 50,000.00	\$ 8,400.00	\$ 41,600.00
		\$ 63,657,937.00	\$ 9,040,746.89	\$ 50,407,956.83



Operational Plan and Budget

2021 - 2022

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6. Local and Regional Governance	

The Integrated Planning and Reporting Framework

As part of the New South Wales Government's commitment to a strong and sustainable local government system, legislation was enacted in October 2009 that introduced a planning reporting tool for local government known as the Integrated Planning and Reporting (IP&R) framework.

The following diagram identifies the various components of the integrated planning and reporting framework and how they are linked to each other.

Documents in the IP&R Framework

STRATEGY/PLAN	PURPOSE	CURRENCY/ EXPIRY
Community Strategic Plan (CSP)	Peak plan providing public, private and non-government agencies, local community and other stakeholders with priority issues to address and goals for achievement in the longer term	10 years
Resourcing Strategy:	Strategy comprising three plans (see below) to ensure Council is able to adequately resource its ongoing activities and operations whilst working towards the CSP's long-term goals	
- Long Term Financial Plan	Plan documenting Council's projected income and expenditure and modelling to ensure long-term financial sustainability	10 years
- Asset Management Plan	Plan providing a comprehensive account of the service standards and maintenance requirements and schedules for all council assets.	10 years
- Workforce Management Plan	Plan identifying Council's anticipated human resource priorities and activities to meet the goals and targets of the Delivery Program	4 years
Delivery Program	Plan documenting Council activities, projects and initiatives during each Council term, to work towards the long-term goals and targets described in CSP	4 years
Operational Plan	Annual plan programming ongoing activities, projects and initiatives and budget to achieve Delivery Program goals and targets	1 year
Annual Report	Report documenting Council activities in relation to its statutory responsibilities and reporting on progress of projects and initiatives outlined in the Operational Plan	1 year

The following diagram identifies the various components of the IP&R framework and how they are linked to each other.



The Central Darling Shire Operational Plan and Budget

This This Operational Plan and Budget is renewed on an annual basis. It is structurally aligned with the Community Strategic Plan and Delivery Program and should be read in reference to these other plans.

It provides a detailed account of annual actions and planned expenditure that Council will undertake in working towards the long term goals in the Community Strategic Plan.

The Operational Plan also includes a detailed annual budget and financial statements, and an account of Council’s fees and charges to be set for the financial year.

Operational Plan

2021 - 2022

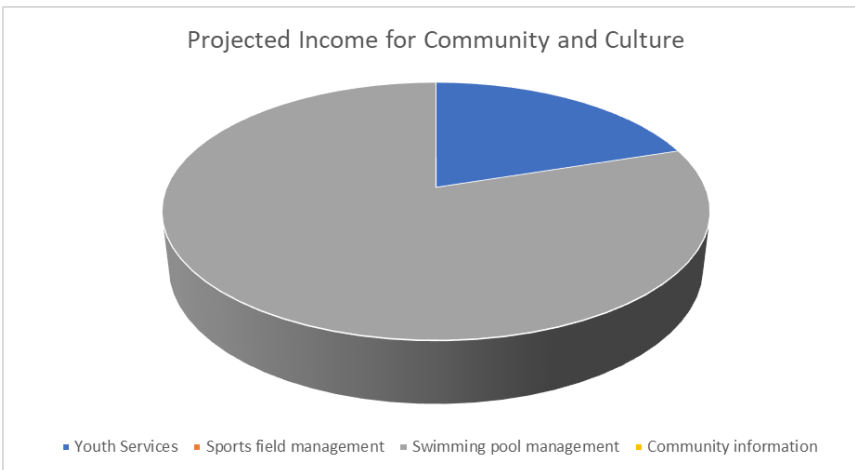
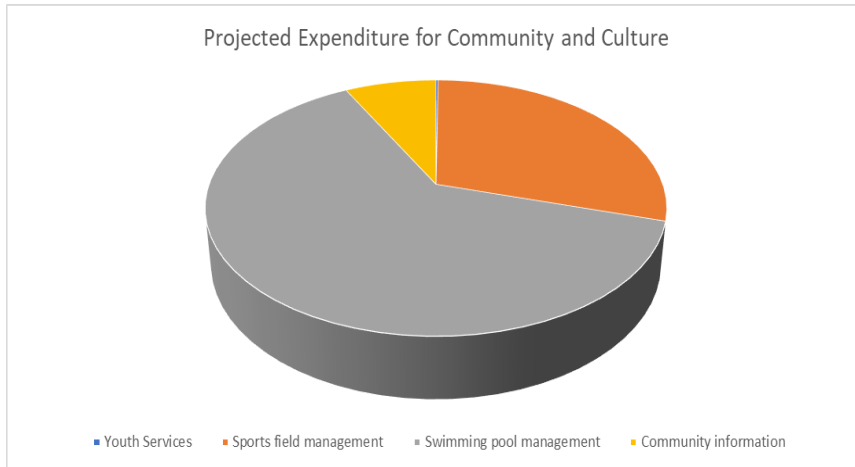
Focus Area 1: Community and Culture

Continuing Council Programs and Activities

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
1.1 Housing			
1.1.1 Issues identification and future planning		Director Shire Services General Manager	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address housing issues in the Shire. Advocate for additional Aboriginal housing Commence the review of house and the implementation of rural numbering system Advocate for small local maintenance contracts for government -owned housing to build job opportunities and local capacity
1.2 Services and facilities for children and young people			
1.2.1 Youth Services	\$1,000	General Manager	All funding received and allocated for youth services is expended in a timely manner and on appropriate programs and services.
1.3 Local sport and recreation			
1.3.1 Sports field management	\$161,500	Works Engineer	Sports fields in all towns are well maintained and safe to facilitate year-round access to community and other sporting activities. Nil public complaints regarding sports field management and maintenance

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
1.3.2 Swimming pool management	\$345,000	Environmental Engineer	<p>All public swimming pools within the Shire are safe and operational during scheduled opening periods.</p> <p>Pool water quality is regularly monitored and maintained.</p> <p>Nil public complaints regarding swimming pool management and maintenance</p>
1.4 Community events			
1.4.1 Future planning and budgeting		Finance Manager Director Business Services	<p>Complete the Community Strategic Plan and Delivery Program to commence future planning and budgeting for community events across the Shire.</p> <p>In collaboration with local groups, develop and support community events</p>
1.5 Other Activities			
1.5.1 Community information	\$42,000	Community Engagement Officer	<p>Information relevant to communities of the Shire is prepared and distributed in a timely manner.</p> <p>Publish and distribute monthly e-newsletter.</p> <p>Partner with local community to create a culture of ongoing community engagement</p>

RESOURCING: Community and Culture

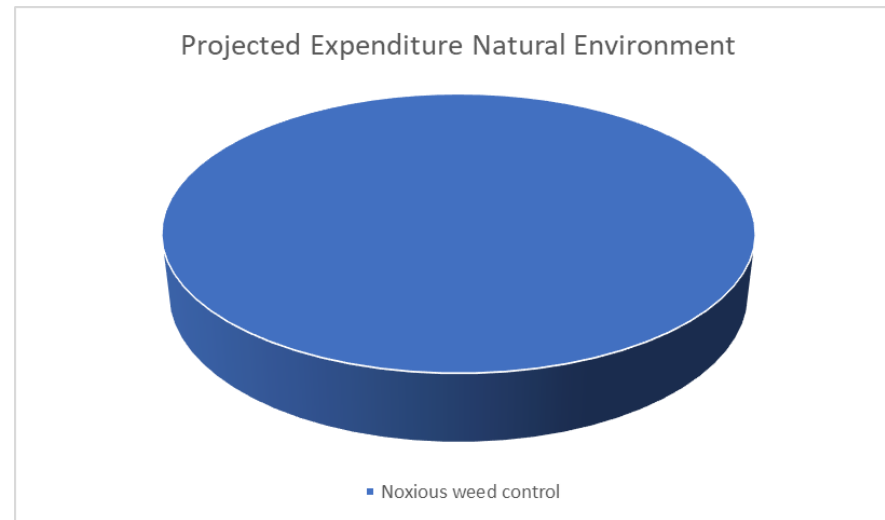


Focus Area 2: Natural Environment

Continuing Council Programs and Activities

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
2.1 The Baaka / Darling River, Menindee Lakes and Willandra Creek			
2.1.1 Issues identification and future planning		General Manager Administrator	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address relevant water issues in the Shire. Support the Construction of Wilcannia Weir Advocate for a connected and healthy lower Darling River Advocate for the listing of the Menindee Lakes as a RAMSAR site
2.2 Other Activities			
2.2.1 Noxious weed control	\$32,555	Environmental Engineer	Noxious weeds in public areas throughout the Shire are monitored and minimised. Liaison with the Local Land Service and adjoining LGAs is ongoing in reference to management of weeds and pest animals. Funding received for management of weeds and pest animals is expended appropriately.

RESOURCING - Natural Environment



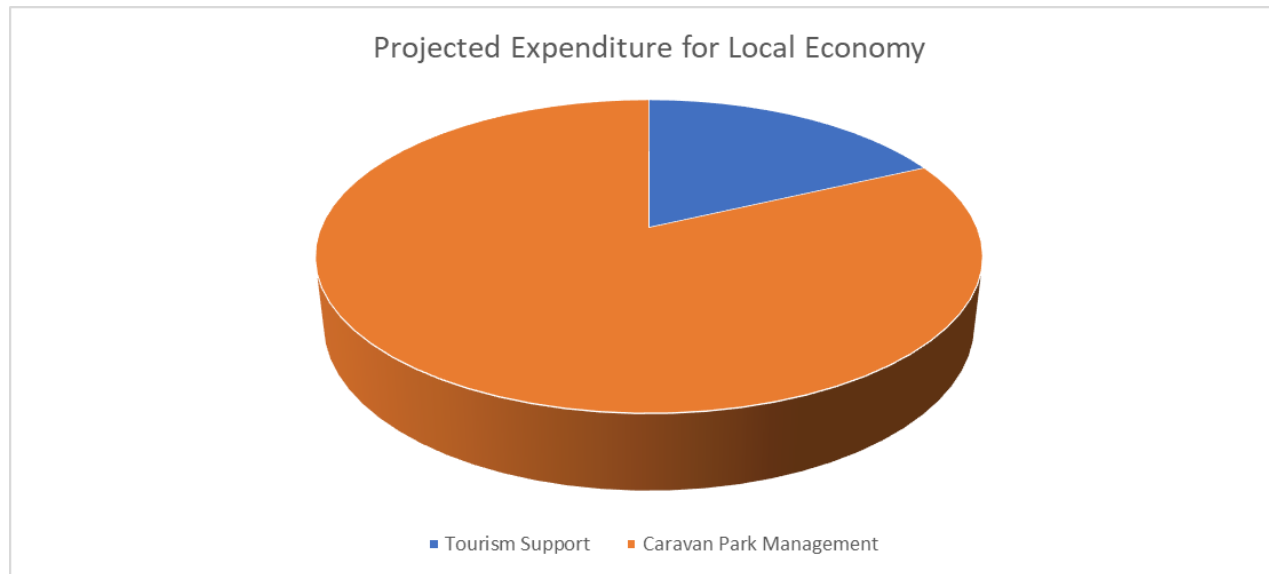
Focus Area 3: Local Economy

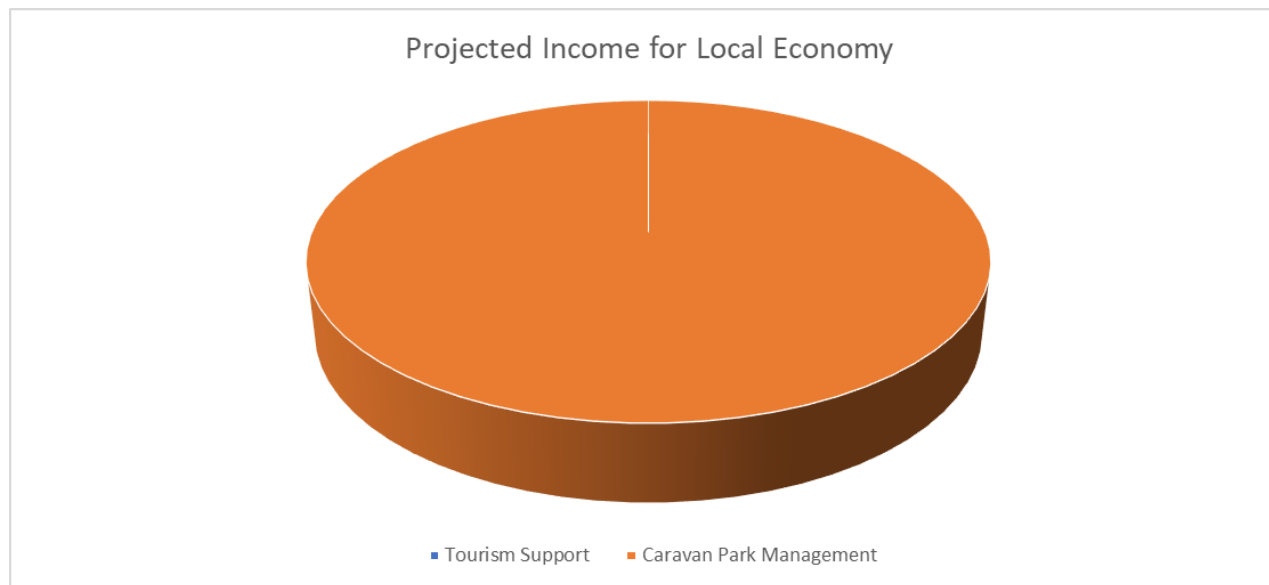
Continuing Council Programs and Activities

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
3.1 Employment			
3.1.1 Issues identification and future planning		General Manager	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address relevant employment issues in the Shire. Development of Menindee Native Fish Hatchery
3.2 Access to fresh produce and retail choices			
3.2.1 Issues identification and future planning		General Manager	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address relevant issues regarding retail options and access to fresh produce in the Shire.
3.3 Tourism			
3.3.1 Tourism Support	\$11,000	Director Business Services General Manager	All funds received for and allocated to tourism support services are expended on appropriate programs and services. Partner with Destination NSW to grown tourism Support the construction of Baaka Cultural Centre

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
3.3.2 Caravan Park Management	\$50,000	Deputy Director Shire Services	Caravan parks operated by the Council are well managed and maintained, open year-round and operated according to appropriate business plans. Nil public complaints regarding caravan park management and maintenance.
3.4 Agriculture			
3.4.1 Issues identification and future planning			Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address relevant agriculture issues in the Shire.

RESOURCING – Local Economy





Focus Area 4: Rural and Urban Land Use

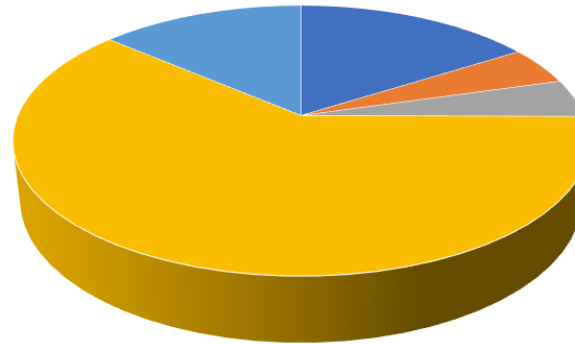
Continuing Council Programs and Activities

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
4.1 Land availability for housing			
4.1.1 Issues identification and future planning		General Manager Senior Planner	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to pursue relevant land availability opportunities in the Shire. Completion of Plan of Management for Council owned and land which is under Council care and control
4.2 Greening and beautification of towns			
4.2.1 Issues identification and future planning		Director Shire Services	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to identify opportunities for greening and beautification of towns in the Shire.
4.3 Other Activities			
4.3.1 Health and Building Compliance	\$17,000	Environmental Health Officer	All Council health and building compliance responsibilities are undertaken according to relevant schedules and legislation. Nil public complaints received in relation to compliance issues.
4.3.2 Development assessment	\$5,000	Senior Planner	All development applications assessed within statutory time limits.

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
4.3.3 Issue of Section 10.7 Certificates	\$5,000	Senior planner	All Section 10.7 (2 &5) certificates issued within stated timeframes.
4.3.4 Compliance (Ranger Services, Animal Control)	\$67,000	Environmental Engineer Ranger	Council's animal pound is managed according to required animal welfare standards. All public notifications regarding animal control are acted on in a timely manner. Nil public complaints regarding Council's management of issues surrounding domestic animal control.
4.3.5 Heritage preservation	\$15,000	Environmental Engineer Environmental Health Officer	Council maintains an inventory of local heritage buildings and environmental features. All funding received and allocated for heritage preservation is expended in a timely manner and on appropriate programs and services. Nil public complaints regarding Council's management of heritage preservation. Work in partnership with local aboriginal community to promote, protect and preserve history and heritage

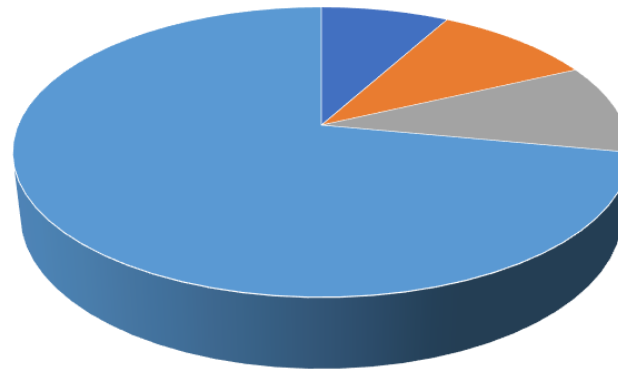
RESOURCING – Rural and Urban Land Use

Projected Expenditure for Rural and Urban Land Use



- Health and Building Compliance
- Issue of Section 149 Certificates
- Heritage preservation
- Development assessment
- Compliance (Ranger Services, Animal Control)

Projected Income for Rural and Urban Land Use



- Health and Building Compliance
- Issue of Section 149 Certificates
- Heritage preservation
- Development assessment
- Compliance (Ranger Services, Animal Control)

Focus Area 5: Infrastructure and Services

Continuing Council Programs and Activities

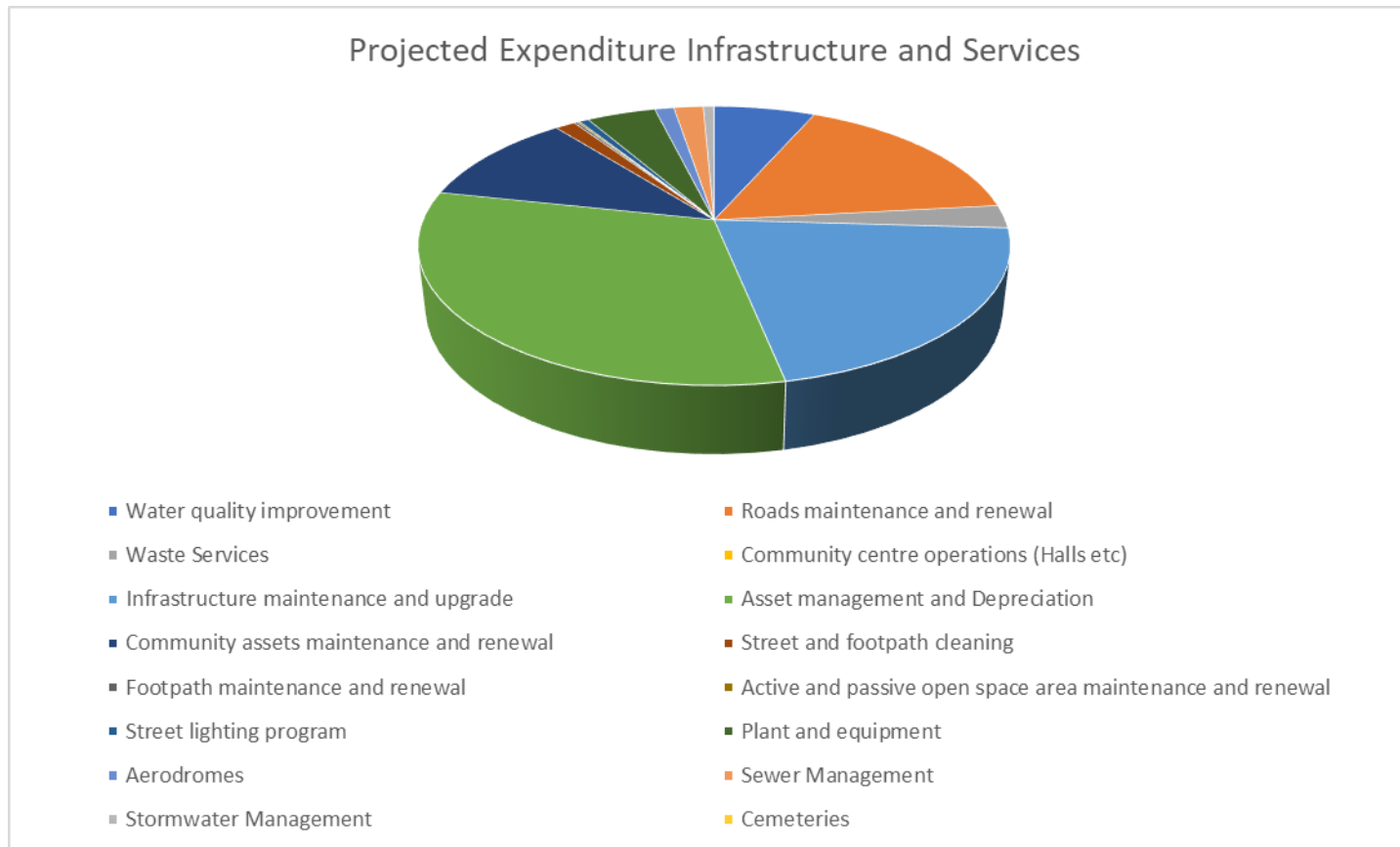
PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
5.1 Telecommunications and electricity infrastructure			
5.1.1 Issues identification and future planning		General Manager	Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address telecommunications and electricity infrastructure issues in the Shire.
5.2 Drinking water			
5.2.1 Water quality improvement	\$871,500	Director Shire Services Utility Engineer Senior Project Officer	Drinking water supply under Council's management in towns and villages in the Shire meets Australian Drinking Water Standards. All funding received and allocated for water quality improvement is expended in a timely manner and on appropriate programs and services.
5.3 Local and regional roads			
5.3.1 Roads maintenance and renewal	\$2,205,000	Director Shire Services Deputy Director Shire Services	A Roads Hierarchy and Service Levels plan is developed and maintained for the Shire. An annual schedule of road works is managed and delivered according to the Asset Management Plan.

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
		Senior Project Manager	All funding received and allocated for road maintenance and renewal is expended in a timely manner and according to the annual schedule of road works.
5.4 Waste management			
5.4.1 Waste Services	\$351,000	Deputy Director Shire Services Environmental Engineer	Management plans are developed and maintained for all landfill sites operated by Council. Nil public complaints regarding Council's management of landfill sites.
5.5 Local services			
5.5.1 Community centre operations (halls etc)	\$3,000	Administration Officers	Community centres and halls are safe and well maintained to facilitate year-round community access. Nil public complaints regarding Council's management of community centres and halls.
5.6 Other Activities			
5.6.1 Infrastructure maintenance and upgrade	\$2,755,000	Director Shire Services	Public infrastructure managed by council is maintained and upgraded according to Council's Asset Management Plan.
5.6.2 Asset management and Depreciation	\$4,179,000	Director Shire Services	Public assets managed by council are maintained according to Council's Asset Management Plan.
5.6.3			

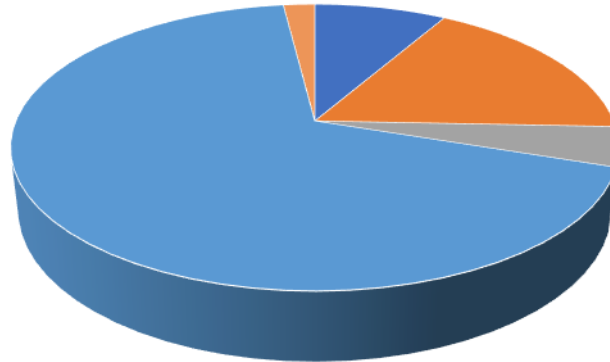
PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
Community assets maintenance and renewal	\$1,446,300	Deputy Director Shire Services	Community assets managed by council are maintained and renewed according to Council's Asset Management Plan.
5.6.4 Street and footpath cleaning	\$175,000	Deputy Director Shire Services	An annual schedule of street and footpath cleaning is managed and delivered according to the Asset Management Plan.
5.6.5 Footpath maintenance and renewal	\$30,000	Deputy Director Shire Services	Footpaths in all towns in the Shire are maintained and renewed according to Council's Asset Management Plan.
5.6.6 Active and passive open space area maintenance and renewal	\$20,000	Deputy Director Shire Services	Community assets managed by council are maintained and renewed according to Council's Asset Management Plan.
5.6.7 Street lighting program	\$80,000	Deputy Director Shire Services	Street lighting is maintained to ensure night time illumination of streets in towns within the Shire.
5.6.8 Plant and equipment	\$595,000	Deputy Director Shire Services	Plant and equipment owned and operated by Council managed to facilitate the safe and efficient conduct of all council works and responsibilities.
5.6.9 Aerodromes	\$16,000	Deputy Director Shire Services	All aerodromes operated by Council are managed and maintained to facilitate the safe ground operations of visiting aircraft.

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
5.6.10 Stormwater Management	\$90,000	Deputy Director Shire Services Senior Project Officer	Stormwater is managed in all towns in the Shire according to the Asset Management Plan. All funding received and allocated for stormwater management is expended in a timely manner and on appropriate works.
5.6.11 Sewer Management	\$253,000	Utility Engineer	Sewerage infrastructure is maintained to facilitate the disposal and treatment of domestic and commercial effluent.
5.6.12 Cemeteries	\$4,000	Director Business Services Environmental Engineer	Cemeteries operated by Council in all towns and localities are managed according to the Asset Management Plan to facilitate local interments as required. Cemeteries operated by Council have appropriate facilities and amenities for visitors. Nil public complaints regarding the management and maintenance of local cemeteries.

RESOURCING – Infrastructure and Services



Projected Income for Infrastructure and Services



- Water quality improvement
- Waste Services
- Infrastructure maintenance and upgrade
- Community assets maintenance and renewal
- Footpath maintenance and renewal
- Street lighting program
- Aerodromes
- Stormwater Management
- Roads maintenance and renewal
- Community centre operations (Halls etc)
- Asset management and Depreciation
- Street and footpath cleaning
- Active and passive open space area maintenance and renewal
- Plant and equipment
- Sewer Management
- Cemeteries

Focus Area 6: Local and Regional Governance

Continuing Council Programs and Activities

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
6.1 Shire governance			
6.1.1 Council and committee support	\$15,000	Director Business Services	<p>Appropriate support is provided to facilitate the efficient operation of council and committee meetings.</p> <p>All council and committee agendas and minutes are publicly available in a timely manner and according to legislative requirements.</p> <p>Nil public complaints regarding the operation of council or committee meetings and associated records.</p> <p>Facilitate meetings and support operations of the Local Emergency Management Committee</p>
6.1.2 Organisational planning and reporting	\$310,000	Director Business Services	Organisational planning and reporting is undertaken as per Integrated Planning and Reporting and other legislative requirements.
6.1.3 Community consultation and participation	\$42,000	General Manager	Community consultation and participation is conducted in a manner that is timely, inclusive and sensitive to local community and cultural needs.
6.1.4 Human resources management	\$10,000	HR Officer	Council's human resources planning and management is guided by the Workforce Management Plan and Human Resources Strategy.

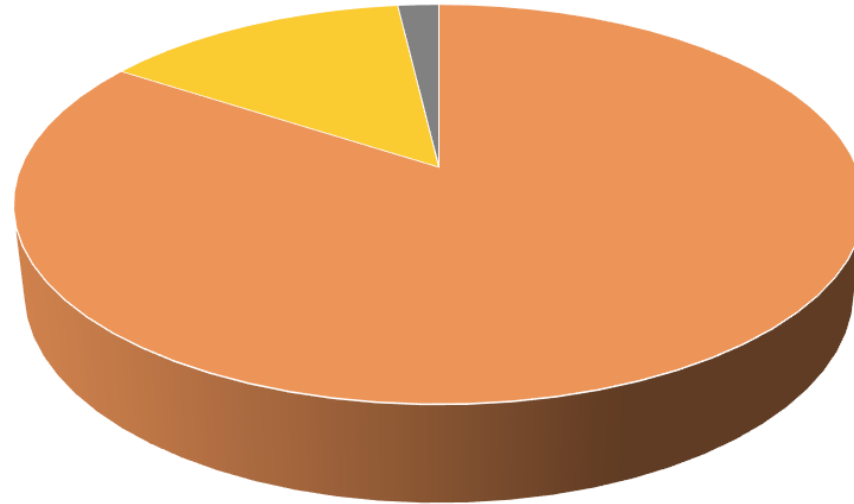
PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
6.1.5 Occupational health and safety	\$15,000	OH&S Officer	<p>Council has an active OH&S Management Plan.</p> <p>Council has an appointed OH&S Officer.</p> <p>All Council operations and activities are assessed and undertaken with reference to the OH&S Management Plan.</p> <p>All Council staff receive initial and ongoing training regarding their responsibilities in regard to workplace OH&S.</p>
6.1.6 Information technology services	\$190,000	Director Business Services	<p>Council's IT services and systems are structured and operated to ensure that all information stored and managed by Council is secure, and appropriately and reliable accessible.</p>
6.1.7 Document management Services	\$15,000	Director Business Services	<p>Council's document management systems are structured and operated to ensure that all documents stored and managed by Council are secure, and appropriately and reliable accessible.</p>
6.1.8 Governance	\$51,000	Director Business Services	<p>Governance of the Shire is managed efficiently, effectively and in accord with all relevant legislation and guidelines.</p>
6.1.9 Complaints handling	\$3,000	Director Business Services	<p>Public complaints received by council are managed in an effective, timely and responsive manner.</p> <p>Council manages public complaints according to adopted standards and protocols.</p>
6.1.10 Customer Services counter	\$2,000	Director Business Services	<p>Over-the-counter services are provided by Council in all Shire offices in a timely, accurate and efficient manner and according to legislative responsibilities.</p>

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
			Nil public complaints regarding the operation or delivery of Council's over-the-counter services.
6.1.11 Staff recruitment	\$20,000	General Manager	Staff are appropriately recruited and positions filled in a timely manner. Recruitment processes are managed with close reference to the Workforce Management Plan and Human Resources Strategy.
6.1.12 Facilities bookings	\$2,000	Director Business Services	Council's facilities booking systems enable ongoing community bookings of and access to public facilities and amenities operated by Council. Nil public complaints regarding the management of Council's facilities booking systems.
6.1.13 Auditing	\$60,000	Finance Manager	Council manages all audit functions and responsibilities in a timely, accurate manner and in accord with relevant legislation.
6.1.14 Financial management	\$50,000	Finance Manager	Council's finances and financial systems are managed sustainably and according to relevant legislation and the Long Term Financial Plan. Meet funding arrangements for Emergency Service Levy
6.1.15 Financial reporting	\$25,000	Finance Manager	Council's financial reporting is accurate and managed according to relevant legislation.
6.1.16 Rates	\$10,000	Finance Manager	Council's rating systems and structures are administered with fairness and equity towards all ratepayers. Council pro-actively manages all debt collection in relation to unpaid rates.

PROGRAM / ACTIVITY	EXPENDITURE 2021-22	RESPONSIBILITY	PERFORMANCE INDICATORS
6.1.17 General accounting services	\$40,000	Finance Manager	Council manages all general accounting activities and responsibilities with accuracy, transparency and in a manner that promotes financial sustainability.
6.1.18 Payroll	\$4,000	Finance Manager	Council's payroll functions and operations are managed in an accurate and timely manner.
6.1.19 Insurance	\$407,000	Director Business Services	Council's insurance policies are maintained according to all relevant legislation. Council seeks to obtain best value in renewal of all insurances. Council maintains valid certificates of currency for all insurances.
6.1.20 Risk management	\$40,000	Director Business Services	All risks to Council's activities and operations are identified and effectively managed and mitigated.
6.1.21 Post Office	\$170,300	Director Business Services	Council manages postal services throughout the Shire efficiently and effectively on behalf of Australia Post.
6.1.22 Council Employees	\$5,533,000	General Manager	Council manages its employees with close reference to the Workforce Management Plan and the Human Resources Strategy.
6.2 Aboriginal communities' decision-making and representation			
6.2.1 Issues identification and future planning			Complete the Community Strategic Plan and Advocacy Plan to identify agency responsibilities and actions to address issues surrounding Aboriginal communities' decision-making and representation in the Shire.

RESOURCING – Local and Regional Governance

Projected Income for Local and Regional Governance



- | | | |
|---------------------------------|---|--|
| ■ Council and committee support | ■ Organisational planning and reporting | ■ Community consultation and participation |
| ■ Human resources management | ■ Occupational health and safety | ■ Information technology services |
| ■ Document management Services | ■ Governance | ■ Complaints handling |
| ■ Customer Services counter | ■ Staff recruitment | ■ Facilities bookings |
| ■ Auditing | ■ Financial management | ■ Financial reporting |
| ■ Rates | ■ General accounting services | ■ Payroll |
| ■ Insurance | ■ Risk management | ■ Post Office |
| ■ Council Employees | | |

Statement of Revenue

Overview

The Statement of Revenue details how rates and annual charges are set, as well as fees and charges for use of Council facilities and services.

Ordinary Rates

Ordinary rates contribute to essential services such as the road network, street lighting, street cleaning, footpaths, parks, sport and recreation facilities, environmental planning and conservation, rangers, pest control, town planning and building control, community services, and much more.

The total amount of ordinary rates Council can charge is capped by legislation. The Independent Pricing and Regulatory Tribunal has approved a 2.0% rate peg for 2021-22 as the allowable increase on this capped amount.

This capped amount is effectively shared between all ratepayers according to the individual value and rating category of their property .

Under the Valuation of Land Act 1916 Council is required to use the most current land values when calculating ordinary and special rates. These values are provided by the NSW Valuer General (VG), the independent statutory authority responsible for determining land values in NSW. The latest values provided by the VG are being used for levying rates in and have a base date of 1 July 2019.

Council has a limited number of methods or structures available under the Local Government Act 1993 when setting ordinary rates as follows:

- Ad Valorem Rate only;
- Ad Valorem Rate which is subject to a minimum amount of the rate; or
- A Base Amount to which an ad valorem amount is added.

All available rate structures are primarily based on the unimproved land value of property. Council may also set different rates for different categories. These methods or structures can be used to move rate burden between different rate payer groups without changing the total amount of rates available to Council.

Historically Council has adopted a Base Amount plus Ad Valorem Rate structure. Application of a uniform Base Amount Rate provides for an equal and minimum contribution by all ratepayers to the base costs of running Council.

Categories

In accordance with s 514 of the Local Government Act 1993, all parcels of rateable land in Council’s area have been classified into one of the following categories of Ordinary rates:

Farmland s 515 of the Local Government Act 1993

Land is categorised as farmland if it is a parcel of rateable land valued as one assessment where its dominant use is for farming and which has a significant and substantial commercial purpose or character and is engaged in for the purpose of profit on a continuous or repetitive basis.

Rural residential land is not categorised farmland.

Residential s 516 of the Local Government Act 1993

Land is categorised as residential if it is a parcel of rateable land valued as one assessment and its dominant use is for residential accommodation or rural residential land or if it is vacant land it is zoned or otherwise designated for use under an environmental planning instrument for residential purposes.

Business s 518 of the Local Government Act 1993

Land is to be categorised as business if it cannot be categorised as farmland or residential. Caravan parks and manufactured home communities are to be categorised business.

The categorisation of all rateable land was determined as at 1 January 1994 with the issue of the rate notice in January 1994. New parcels of land created since that date have been categorised with the issue of subsequent rate notices. Where subsequent changes in categorisation have occurred, written notices to this effect have been issued in accordance with s 520 of the Local Government Act 1993.

Ordinary Rates 2021-22

Category	No. of Properties	Base Rate Amount	Base Rate Income	Rateable Land Values	Ad Valorem Rate in \$	Ad Valorem Rate Income	Total Ordinary Rate Income	Base Rate % of Total Income
Farmland	381	\$130.00	\$49,530	\$424,090,910	0.001003	\$425,363	\$474,893	10%
Residential	1,054	\$130.00	\$137,020	\$3,374,400	0.064774	\$218,573	\$355,593	39%
Business	134	\$130.00	\$17,420	\$523,660	0.058061	\$30,404	\$47,824	36%
Totals	1,569		\$203,970	\$427,988,970		\$674,341	\$878,311	

Annual Charges

In addition to ordinary rates, Council will levy annual charges for the following services in 2021-22:

Domestic waste management services – s496 of the Local Government Act 1993

Waste management services (non-domestic) – s501 of the Local Government Act 1993

Water supply services - s501 of the Local Government Act 1993

Sewerage services - s501 of the Local Government Act 1993

Domestic Waste Management Service Charges

Domestic Waste is defined in the Local Government Act 1993 as *“waste on domestic premises of a kind and quantity ordinarily generated on domestic premises and includes waste that may be recycled, but does not include sewage.”*

Council levies a domestic waste management service charge on all parcels of rateable land to which a domestic waste management service is available. This charge covers the cost of providing domestic waste collection services, whole of life cost for managing waste including the remediation of landfills.

Section 504 of the Local Government Act 1993 requires that the cost of providing Domestic Waste Management Services must be fully covered by the income derived from charges for these services.

Domestic Waste Service Charges Levied under Section 496 of the Local Government Act 1993	Charge Unit	2020-21 Charge	2021-22 Charge	No. of Properties/ Services	Forecast Income
Domestic Waste Management Availability Charge (previously known as an “Unoccupied” property charge)					
<u>Purpose:</u> Fund waste management facilities to meet potential future demands from vacant land. <u>Applies to:</u> All vacant parcels of rateable land within any of Council’s waste collection areas.	Per Property	\$300.00	\$306.00	214	\$65,484

Domestic Waste Management Service					
<p><u>Purpose:</u> Entitlement to a weekly collection of a 240 litre waste bin & free access to dispose of domestic waste at Council's Waste Management Facility in the town the property is located in.</p> <p><u>Applies to:</u> All properties within the Ivanhoe, Menindee or Wilcannia Council's waste collection areas, with an approval for a residential building.</p>	Per Property	\$633.00	\$646.00	573	\$370,158
Domestic Waste Management Service – Sunset Strip					
<p><u>Purpose:</u> Provide Sunset Strip residents with free access to the dispose of domestic waste at the Sunset Strip Waste Management Facility.</p> <p><u>Applies to:</u> All properties in Sunset Strip with an approval for a residential building.</p>	Per Property	\$76.00	\$78.00	135	\$19,530
Domestic Waste Management Service – White Cliffs					

<p><u>Purpose:</u> Provide residents of the White Cliffs township with free access to the dispose of domestic waste at the White Cliffs Waste Management Facility.</p> <p><u>Applies to:</u> All properties in Sunset Strip with an approval for a residential building.</p>	Per Property	\$62.00	\$64.00	196	\$12,544
Domestic Waste Management – Additional Bin Collection Services					
<p><u>Purpose:</u> Weekly collection of additional 240 litre waste bin (additional charge per bin).<u>Applies to:</u> All properties within the Wilcannia, Ivanhoe or Menindee Waste Collection areas where an additional Domestic Waste Collection service(s) has/have been requested and provided.</p>	Per Bin	\$633.00	\$646.00	64	\$41,344

Waste Management Charges – Non Domestic

Council levies a Waste Management Charge on all parcels of land from which non-domestic waste is generated. The service is not available for the disposal of industrial waste or hazardous materials.

This charge covers the costs attributable to the collection of non-domestic waste and the whole of life cost for managing non-domestic waste, including the remediation of landfills.

Waste Management Service Charges - Non Domestic Levied under Section 496 of the Local Government Act 1993	Charge Unit	2020-21 Charge	2021-22 Charge	No. of Properties/ Services	Forecast Income
Waste Management Service					
<u>Purpose:</u> Entitlement to a weekly collection of a 240 litre waste bin. <u>Applies to:</u> All properties within any of Council's waste collection areas where a Waste Collection service has been requested and provided.	Per Property	\$633.00	\$646.00	123	\$79,458
Waste Management Additional Bin					
<u>Purpose:</u> Entitlement to a weekly collection of additional 240 litre waste bins. <u>Applies to:</u> All properties within any of Council's waste collection areas where an additional Non Domestic Waste Collection service(s) has/have been requested and provided.	Per Bin	\$633.00	\$646.00	68	\$43,928

Water Supply Charges

In accordance with NSW Government guidelines, Council is required to adopt a pricing policy for water supply services and sewerage services delivery charges. Such a pricing policy requires that the cost of providing services in one area are funded from charges levied for those services in that area.

The price of this service should be set at a rate sufficient to enable the recovery of annual operating and maintenance costs and to enable a contribution to be made towards the cost of replacement of the infrastructure assets utilised in providing the service.

All rateable properties that are connected to, or within 225 metres of, Council’s water supply pipe, are subject to an annual water service charge.

Additional charges apply for each kilolitre of water used, as measured by individual water meters with Water Usage accounts issued on a quarterly basis.

Ivanhoe Water Supply Service

The service is provided to supply both filtered and raw water to residents in the township of Ivanhoe and a rural water supply.

Water Service Charges - Ivanhoe					
Service Charge Description	Charge Unit	2020-21 Charge	2021-22 Charge	No. of Services	Income
Filtered Water Connected	Per Connection	\$287.00	\$293.00	136	\$39,848
Non- Potable/Raw Water Connected	Per Connection	\$481.00	\$491.00	138	\$67,758
Filtered Water Availability	Per Property	\$215.00	\$219.00	41	\$8,979
Non Potable/Raw Water Availability	Per Property	\$215.00	\$219.00	41	\$8,979
Filtered Water Usage	Per Kilolitre (kL)	\$3.90	\$3.98		
Non Potable/Raw Water Usage – Rateable Properties	Per Kilolitre (kL)	\$1.70	\$1.73		

Filtered Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	\$4.70	\$4.79		
Non Potable/Raw Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	\$3.90	\$3.98		

Wilcannia Water Supply Service

The Service is provided to supply both filtered and raw water to residents in the township of Wilcannia and a rural water supply. Raw water connections to rateable properties are unmetered.

While a number of options are being explored, the current price structure is based on sourcing and treating water from existing bores and the Darling River.

In the event of severe water shortage, Rural users will no longer be connected to the town supply until such time as water supply has been increased. Rural users can obtain water by carting from the bore located at Warrawong Farm in Wilcannia.

Water Service Charges - Wilcannia					
Service Charge Description	Charge Unit	2020-21 Charge	2021-22 Charge	No. of Services	Income
Filtered Water Connected	Per Connection	\$246.00	\$251.00	269	\$67,519
Non- Potable/Raw Water Connected	Per Connection	\$967.00	\$986.00	246	\$242,556
Filtered Water Availability	Per Property	\$162.00	\$165.00	107	\$17,655
Non Potable/Raw Water Availability	Per Property	\$162.00	\$165.00	110	\$18,150
Filtered Water Usage	Per Kilolitre (kL)	\$3.50	\$3.57		

Non Potable/Raw Water Usage – Rateable Properties	Per Kilolitre (kL)	Not Applicable	Not Applicable		
Filtered Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	\$3.50	\$3.57		
Non Potable/Raw Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	\$3.50	\$3.57		

White Cliffs Water Supply Service

The service is provided to supply non-potable water to residents in the township of White Cliffs.

Council is working towards bringing the White Cliffs water supply up to a potable standard during 2021-22. Should these works be completed in the 2021-22 period, Water Supply Service charges set for non-potable supply will continue to apply for potable supply.

Water Service Charges – White Cliffs					
Service Charge Description	Charge Unit	2020-21 Charge	2021-22 Charge	No. of Services	Income
Filtered Water Connected	Per Connection	Not Applicable	\$926.00		
Non- Potable/Raw Water Connected	Per Connection	\$908.00	\$926.00	170	\$157,420
Filtered Water Availability	Per Property	Not Applicable	\$811.00		
Non Potable/Raw Water Availability	Per Property	\$795.00	\$811.00	32	\$25,952
Filtered Water Usage	Per Kilolitre (kL)	Not Applicable	\$3.88		

Non Potable/Raw Water Usage – Rateable Properties	Per Kilolitre (kL)	\$3.80	\$3.88		
Filtered Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	Not Applicable	\$3.88		
Non Potable/Raw Water Usage – Metered Non Rateable Properties	Per Kilolitre (kL)	\$3.80	\$3.88		

Sewerage Services

In accordance with NSW Government guidelines, Council is required to adopt a pricing policy for water supply services and sewerage services delivery charges. Such a pricing policy requires that the cost of providing services in one area are funded from charges levied for those services in that area.

Sewerage services are provided by Council only within the township of Wilcannia.

Sewerage Services - Wilcannia

The service is provided as a means of disposing of domestic strength effluent.

Sewerage Service Charges apply to all rateable properties that are either;

- connected to a Council sewer, or;
- within 75 metres of a Council sewer and from which sewage could be discharged to that Council sewer.

Where a property has more than two (2) connections to Council’s sewer, additional charges apply for each additional connection.

Service Charge Description	Unit Type	2020-21 Charge	2021-22 Charge	No. of Items	Income
Sewerage Service Charge	Per property – up to 2 connections	\$875.00	\$893.00	243	\$216,999
Sewerage Service Additional Charge	Per connection – more than 2 connections	\$301.00	\$307.00	158	\$48,506

Pensioner concessions

Council provides a rate reduction to eligible pensioners under the Local Government Act, of:

- 50% of the combined Ordinary Rate and Domestic Waste Management Service Charge, to a maximum of \$250 per annum;
- 50% of the Water Service Charge to a maximum of \$87.50 per annum; and
- 50% of the Sewerage Service Charge to a maximum of \$87.50 per annum

Where there is a change in eligibility, concessions are adjusted from the commencement of the quarter following the change in eligibility.

The NSW Government subsidises Council for 55% of the cost of pensioner concessions with Council bearing the remaining 45%.

There are approximately 140 eligible pensioners in the Central Darling Shire. The total value of pensioner concessions for 2021-22 will be approximately \$37,000 with the net cost to Council estimated at \$16,700.

Maximum Interest on Overdue Rates and Charges

In accordance with section 566(3) of the Act, it has been resolved by Council that the rate of interest payable on overdue rates and charges for the 2020-21 rating year will be 6% being the maximum rate prescribed by The Independent Pricing and Regulatory Tribunal under the regulations.

FINANCIAL STATEMENTS

Income and Expense Statement

Year ending 30 June 2022

	Budget 2019/20 \$'000	Budget 2020/21 \$'000	Budget 2021/22 \$'000
Income			
Rate Income	835	875	879
Annual Charges Income	1,468	1,423	1,553
User Charges & Fees	4,165	8,712	9,388
Interest & Investment Revenue	77	79	93
Other Revenues	324	331	382
Operating Grants	8,380	8,253	6,780
Capital Grants	2,750	15,450	16,084
Contributions	2,757	2,777	1,864
Total income from continuing operations	20,756	37,900	37,023
Expenditure			
Employee Benefits	4,808	5,425	5,533
Borrowing Costs	120	88	52
Materials & Contracts	7,169	9,146	8,437
Depreciation	4,342	3,960	4,139
Other Expenses	1,112	3,185	2,596
Bad Debts Write-off	-	-	-
Total expenses from continuing operations	17,551	21,804	20,757
Operating result form continuing operations	3,205	16,096	16,266
Net operating result before capital grants and contributions	455	646	182

Income from Continuing Operations Year ending 30 June 2022

	Budget 2019/20 \$'000	Budget 2020/21 \$'000	Budget 2021/22 \$'000
Income			
Rates			
Residential	339	347	356
Farmland	450	462	475
Business	46	47	48
Total Rates	835	857	879
Annual Charges Income			
Water Services	618	634	655
Sewer Services	244	249	266
Waste Services	606	515	632
Total Annual Charges	1,468	1,398	1,553
User Charges & Fees			
Water Supply Services	301	307	418
Sewerage Services	6	-	-
Planning & Building Regulation	16	33	25
Private Works	37	612	623
Caravan Parks	16	33	45
Cemeteries	5	8	9
Rent & Hire of Council Property	17	13	18
RMS	3,730	6,550	8,182

Swimming Pools	4	4	4
Waste Disposal Tipping Fees	31	24	52
Other	2	8	12
Total User Charges & Fees	4,165	7,592	9,388
Interest & Investment Revenue			
Overdue Rates	37	38	45
Interest on Investment	8	8	8
Water Fund Operations	28	29	32
Sewer Fund Operations	4	4	8
Total Interest & Investment Revenue	77	79	93
Other Revenues			
Rental Income Other Council Property	70	72	73
Commissions & Agency Fees	154	157	160
Insurance Claims Recovery	32	32	10
Micellaneous Sales	12	12	12
Sales General	54	55	125
Other	2	2	2
Total Other Revenues	324	331	382
Operating Grants			
FAGS - General	3,701	3,775	3,775
FAGS - Roads	1,580	1,612	1,612
Pensioner Rate Rebate	19	19	19
Bushfire & Emergency	167	125	125
Community Care	29	29	0
Community Centres	30	30	0

Heritage & Culture	17	18	17
Recreation & Culture	1	1	1
Roads to Recovery	1,286	1,127	1,125
Water & Sewer (Aboriginal W&S)	167	105	105
Youth	1	1	1
SCCF	1,382	0	0
Drought Stimulus		1,430	0
Total Operating Grants	8,380	8,271	6,780
Capital Grants			
Drought Relief	0	850	160
Drought Support	0	0	268
Building Better Regions Fund	0	0	517
SCCF	0	0	532
Safe & Secure	0	3,000	3,000
Local Roads & Community Infrastructure	0	0	807
Drought Stimulus	0	770	150
Pooncarie Road	0	8,000	8,000
Aerodromes	0	80	150
White Cliffs Water Treatment Plant	2,750	2,750	2,500
Total Capital Grants	2,750	15,450	16,084
Contributions			
Regional Road Block Funding	2,757	1,450	1,150
Far West Joint Organisation	0	0	714
Total Contributions	2,757	1,450	1,864
Total income from continuing operations	20,756	35,428	37,023

Expense from Continuing Operations Year ending 30 June 2022

	Budget 2019/20 \$'000	Budget 2020/21 \$'000	Budget 2021/22 \$'000
Expenditure			
Employee Benefits			
Salaries and Wages	4,203	4,803	4,906
Superannuation	399	456	466
Worker's compensation Insurance	154	114	116
Fringe Benefits Tax	52	52	45
	4,808	5,425	5,533
Borrowing Costs			
Interest on Loan	52	12	12
Interest Right of Use Assets	36	43	14
Tip Remediation	32	33	26
	120	88	52
Materials & Contracts			
Raw Materials and Consumables	6,727	7,930	5,994
Contractor Costs	417	1,191	2,416
Operating Leases	25	25	27
	7,169	9,146	8,437
Depreciation			
Right of Use Assets	258	258	250
Plant & Equipment	154	137	125
Buildings	843	843	852

	Other Structures	236	23	231
	Roads	2,077	1,911	1,899
	Stormwater Drainage	17	25	25
	Water Infrastructure	628	628	640
	Sewerage Infrastructure	86	86	87
	Landfill	43	49	30
		4,342	3,960	4,139
Other Expenses				
	Advertising	10	16	36
	Auditor's Remuneration	55	55	60
	Bank Charges	4	4	7
	NSW Rural Fire Service Levy	100	100	120
	Consultants	-	1,384	430
	Legal Expenses	35	60	101
	Donations & Contributions	21	25	10
	Electricity & Heating	164	314	287
	Insurance	387	344	518
	Printing & Stationery	32	25	51
	Subscriptions	166	182	265
	Telephone & Communications	87	116	170
	Training	30	181	92
	Valuation Fees	21	16	20
	Other	-	374	430
		1,112	3,195	2,596
Total expenses from continuing operations		17,551	21,814	20,757

Statement of Cash Flows

Year ending 30 June 2022

	Budget 2019/20 \$'000	Budget 2020/21 \$'000	Budget 2021/22 \$'000
Cash Flows from Operating Activities			
Receipts			
Rates & Annual Charges	2,104	1,839	2,432
User Charges & Fees	4,081	8,625	9,200
Investment and interest Revenue Received	77	79	93
Grants & Contributions	13,887	26,480	24,728
Payments			
Employee Benefits & Oncosts	(4,838)	(5,606)	(5,740)
Materials and Contracts	(7,921)	(11,430)	(10,371)
Borrowing Costs	(52)	(12)	(12)
Net Cash Provided by operating Activities	7,338	19,975	20,331

Cash Flows from Investing Activities			
Receipts			
Proceeds from sale of non-current assets	-	-	-
Payments			
Purchase of Assets	(6,632)	(19,596)	(20,956)
Net Cash Inflow (Outflow)	(6,632)	(19,596)	(20,956)
Cash Flows from Financing Activities			
Receipts			
Proceeds for Borrowing	-	-	-
Payments			
Loan repayments	(99)	(153)	(153)
Lease payments	(352)	(442)	(480)
Net Cash Inflow (Outflow)	(451)	(595)	(633)
Net Increase/(Decrease) in Cash and Cash Equivalents	255	(216)	(1,258)
Cash at Beginning of Year	4,214	3,830	7,775
Cash at End of Year	4,469	3,614	6,517

Capital Works Program Year ending 30 June 2022

Capital Works Area	Budget 2021/22	Asset Expenditure Type New '000	Renewal '000	Summary of Funding Source Grants '000	Operations '000
Roads					
Regional Roads					
Reseals	650,000		650,000	650,000	
Gravel resheets	500,000		500,000	500,000	
Initial Seals	8,000,000	8,000,000		8,000,000	
Local roads					
Roads to Recovery	1,125,000		1,125,000	1,125,000	
	10,275,000				
Water					
White Cliffs WTP and Retic	2,500,000	2,500,000		2,500,000	
Ivanhoe & Wilcannia WTP	3,000,000	3,000,000		3,000,000	
Valve Replacements	150,000	150,000			150,000
Smart Meters	50,000	50,000			50,000
	5,700,000				

Ancillary Works				
White Cliffs Footpaths	120,000		120,000	120,000
Street scape upgrades (Ivanhoe & white Cliffs)				
	154,000	154,000		154,000
Ivanhoe Paving	40,000		40,000	40,000
Streetlighting LED Upgarde	150,000	150,000		150,000
White Cliffs Public Toilet	10,000		10,000	10,000
Sunset Strip Public Toilet	64,189		64,189	64,189
Tilpa Public Toilet	119,792		119,792	119,792
Heritage Shops façade upgrades in all towns	100,000		100,000	100,000
White Cliffs Heritage Trail and information signage upgrade	10,000	10,000		10,000
All Towns - sign posting	25,000	25,000		25,000
Welcome to Country Town entrance signages	100,000	100,000		100,000
White Cliff Solar Thermal Farm	15,000	15,000		15,000
Wilcannia Post Office	199,873		199,873	199,873
Tourist Kiosk	50,000	50,000		50,000
Wilcannia Caravan Park	20,000		20,000	20,000
LRCI Open/Close Signage	300,000	300,000		300,000
LRCI Reid/Myers St Landscaping	132,669	132,669		132,669
LRCI Street Tree Planting	97,671	97,671		97,671

Cemeteries				
Wilcannia Plot Works	15,000	15,000		15,000
Parks and Sporting Facilities				
Wilcannia Skate Park	260,000	260,000	260,000	
Installation of Playgrounds ad minor upgrades	187,845		187,845	187,845
Installation of Children’s Adventure playground - Sunset Strip	85,000	85,000		85,000
Minor Community Playground upgrades	95,289	95,289		95,289
Aerodromes				
Wilcannia Reseal	257,000		257,000	150,000
	2,608,328			
Buildings				
44 Woore St	5,000		5,000	5,000
57 Woore St	25,000		25,000	25,000
47-49 Hood St	15,000		15,000	15,000
Reid Street chamber Refurbishment	20,000		20,000	20,000
Victory Park Caravan Park Residence	35,000		35,000	35,000
16 Ross St	20,000		20,000	20,000
Flats 1-6	16,000		16,000	16,000
Atco/ Enviro/ Storage	15,000		15,000	15,000

All Council houses	60,000		60,000	60,000
Locks and Keys	60,000		60,000	60,000
Community Hall upgrades (Wilcannia & Menindee)	18,400		18,400	18,400
LRCI W/C Hall Disable/Unisex Toilet	27,380		27,380	27,380
LRCI Wilcannia Post Office Residence	249,240		249,240	249,240
Ivanhoe MSO Building replacement	516,627		516,627	516,627
Transportable Accommodation Ivanhoe/Menindee	250,000		250,000	250,000
	1,332,647			
Plant & Equipment				
Jetpatcher - lease to own \$90k for 5 years	90,000	90,000		90,000
Skid Steer - Wilcannia	90,000	90,000		90,000
Skid Steer - Ivanhoe	90,000	90,000		90,000
Skid Steer - White Cliffs	90,000	90,000		90,000
Mobile Elevated Work Platform	120,000	120,000		120,000
Caravan	75,000	75,000		75,000
Mobile Toilets x 2	15,000	15,000		15,000
Jet/Pump Unit	95,000	95,000		95,000
	665,000			
Stormwater Management				

Outlet Replacements	75,000		75,000		75,000
Capital Grant Matching Fund	300,000	300,000			300,000
	20,955,975			19,072,974	1,883,000

Appendix 1

Fees and Charges

In accordance with Section 608 of the Local Government Act 1993 and other relevant legislation, Council charges and recovers approved fees and charges for any services it provides.

In cases where the amount of fees and charges for service is determined under another Act or regulatory body, Council's policy is not to determine an amount that is inconsistent with the amount determined under the other Act or regulatory body.

All of Council's fees and charges not subject to statutory control are reviewed on an annual basis prior to finalisation of Council's annual operational budget. In special circumstances, fees and charges can be reviewed and approved by Council in accordance with the Local Government Act and regulations.

Title of Fee Charge	Unit/ Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Hire of Council Facilities as Approved by Council Menindee Community Hall				
Discos, Parties, Presentations, Movies	Day or Night	\$280.00		\$280.00
Supper Room	Day or Night	\$95.00		\$95.00
Club Fundraising Discos-Seniors	Day or Night	\$125.00		\$125.00
Club Fundraising Discos-Juniors	Day or Night	\$65.00		\$65.00
Fundraising-Charities	Day or Night	\$85.00		\$85.00
Government Agencies	Day or Night	\$280.00		\$280.00
Meetings	Day or Night	\$60.00		\$60.00
Bond-Refundable if Hall is cleaned and left in a reasonable condition	Day or Night	\$270.00		\$270.00
Ivanhoe (Committee)				
Hall Hire	Day Rate	\$200.00		\$200.00
Hall Hire	Evening Rate	\$250.00		\$250.00
Bond-Refundable if Hall is cleaned and left in a reasonable condition	Day or Night	\$500.00		\$500.00

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
White Cliffs Community Hall (Committee)				
Hall Hire	Day or Night	\$110.00		\$110.00
Local Activities (Supper Room)	Day or Night	\$5.00		\$5.00
Local Events (Supper Room)	Day or Night	\$15.00		\$15.00
Supper Room Hire	Day or Night	\$25.00		\$25.00
Hire of Table and Chairs Rally's/Treks	Per Day	\$50.00 \$110.00		\$50.00 \$110.00
Tilpa Community Hall (Committee)				
Hall Hire	Day or Night	\$50.00		\$50.00
Community Centre Hire-Includes Hall and Kitchen	Day or Night	\$100.00		\$100.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Wilcannia Community Hall				
Discos, Parties, Presentations, Movies (Inc Kitchen)	Day or Night	\$280.00		\$280.00

Supper Room (Inc Kitchen)	Day or Night	\$95.00	\$95.00
Club Fundraising Discos-Seniors	Day or Night	\$125.00	\$125.00
Club Fundraising Discos-Juniors	Day or Night	\$65.00	\$65.00
Fundraising-Charities-Not For Profits	Day or Night	\$85.00	\$85.00
Meetings	Day or Night	\$65.00	\$65.00
Bond-Refundable if Hall is cleaned and left in a reasonable condition	Day or Night	\$270.00	\$270.00

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	2020/21 Charge Inc. GST
Swimming Pools			
Casual Hirers Fee (All Pools)	Each Event	\$60.00	\$60.00
Family Season Ticket	Season	\$100.00	\$100.00
Wilcannia	Per Person	Gold Coin	Gold Coin
Ivanhoe	Per Person	Gold Coin	Gold Coin
Menindee	Per Person	Gold Coin	Gold Coin
White Cliffs	Per Person	Gold Coin	Gold Coin
Other (Facilities)			
Hire of BBQ Trailer (Wilcannia Only, pick up from Council Depot) <i>Delivery/Pickup additional \$20 fee will be incurred</i>		\$65.00	\$65.00

Ovals/Parks/Reserves (Excluding not for profit & community events)	\$100.00 Bond	\$65.00		\$65.00
Hire of Wilcannia ATCO's	Per Person/Pe r Night	\$60.00		\$60.00
Hire of Projector for functions (In Council facilities)	\$100.00 Bond	\$30.00 Per Day	\$100.00 Bond	\$30.00 Per Day
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Rates				
Interest on Overdue Rates and Charges 1 July 2020 – 31 December 2020		7.5% p.a		0.0% p.a
Interest on Overdue Rates and Charges 1 January 2021 – 30 June 2021				7.0% p.a
Rate Enquiry Fee: (Written response to bona fide purchaser or owner)	Per Property	\$75.00		\$75.00
Section 603 Certificate		\$85.00		\$85.00
Returned or Dishonoured Payment Fee		\$45.00		\$45.00
Rates Administration/Refund Fee		\$20.00		\$20.00
Government Information (Public Access)				
Government Information (Public Access)	Fixed Act	\$30.00		\$30.00
Application Internal Review	Fixed Act	\$40.00		\$40.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Companion Animals Act (Dogs and Cats) Effective 1st July 1999				

NSW Office of Local Government (OLG) set the registration fees on an annual basis in July/August. The fees and charges will be update when this information is made available.

Lifetime Registration

Dog – Desexed (by relevant age)				\$60.00
Dog – Desexed (by relevant age eligible pensioner)				\$26.00
Dog – Desexed (sold by pound/shelter)				\$30.00
Dog – Not Desexed or Desexed (after relevant age)				\$216.00
Dog – Not Desexed (not recommended)				\$60.00
Dog – Not Desexed (recognised breeder)				\$60.00
Dog – Working or Assistance Animal				\$0.00
Cat – Desexed or Not Desexed				\$50.00
Cat – Eligible Pensioner				\$26.00
Cat – Desexed (sold by pound/shelter)				\$25.00
Cat – Not Desexed (not recommended)				\$50.00
Cat – Not Desexed (recognised breeder)				\$50.00

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
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Microchip & Implantation		\$45.00		\$45.00
Inspection of Dangerous dog facilities		\$150.00		\$150.00
Animal Detainment Fees				
Cat, Dog, Pig-Release Fee		\$22.00		\$22.00
Release Fee Second Offence		\$44.00		\$44.00
Maintenance/Sustenance Fee-Per Day		\$16.50		\$16.50
Goat, Sheep-Release Fee		\$16.50		\$16.50
Release Fee Second Offence		\$44.00		\$44.00
Maintenance/Sustenance Fee-Per Day		\$16.50		\$16.50
Horse, Cattle-Release Fee		\$66.00		\$66.00
Release Fee Second Offence		\$93.50		\$93.50
Maintenance/Sustenance Fee-Per Day		\$27.50		\$27.50

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Planning Certificates				
Planning Certificate 10.7 – Part 2 (Formerly 149 (2))		\$53.00		\$53.00
Requiring additional information Part 5 (Formerly 149 (5))		\$80.00		\$80.00
Certificate Under Section 735A		\$80.00		\$80.00
Certificate as to Orders 121ZP		\$40.00		\$40.00
Urgent Fee		\$75.00		\$75.00
Swimming Pool Inspections				
First Visit		\$150.00		\$150.00
Second Visit		\$100.00		\$100.00
Footway Restaurant Permit				
1 Table and 4 Chairs		\$60.00		\$60.00
Food Premises Inspection				
1st Inspection		\$60.00		\$60.00
Additional Inspection		\$80.00		\$80.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Domestic Waste Collection				
Replacement of lost or damaged Wheelie Bin	New Bin	\$105.00		\$105.00
	Second-Hand Bin	\$45.00		\$45.00
Public Cemeteries				
Grave Digging		\$450.00		\$450.00
Land for grave under right of burial		\$280.00		\$280.00
Surcharge for Grave Digging Out of Hours, Urgent, Out of Cemetery Grounds		\$220.00		\$220.00

For out of Cemetery Grounds Council will need to calculate transport costs.

Burial Ashes in pre-existing grave		\$450.00		\$450.00
Re-Opening and closing of Grave		\$450.00		\$450.00
Slab removal/replacement prior to re-opening and closing of grave		\$220.00		\$220.00
Weekend Surcharge for re-opening and closing		\$220.00		\$220.00
Plaque for Memorial Wall (Includes Purchase, Inscription & Installation)		\$150.00		\$150.00

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Water Supply				
Water Connection, Tapping fee only per service (standard meter)(Filtered & Raw)	(Min)	\$750.00		\$750.00
Water Reconnection to existing service per service		\$125.00		\$125.00
Water Reconnection after cut off for non-payment		\$145.00		\$145.00
Special meter reading or testing		\$60.00		\$60.00
Sewerage Services				
Connection to Effluent main Minimum includes \$700.00 pump & \$850.00 Labour **Connection fee as stated is the minimum fee applicable to a conduit length no greater than 10m. Additional charges will be incurred for conduit length in excess of 10m and be subject to a quotation.		\$1,580.00		\$1,580.00
Septic Tank and Chemical Closet				
Septic Tank, Chemical Closet and aerated water system Application		\$150.00		\$150.00
Septic Tank: Amended Application		\$25.00		\$25.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Building Certificates				
(Fixed by Statute) Per dwelling in building or in any other building on allotment				

Class 1 and/or 10 Building	Excluding GST	\$250.00		\$250.00
Classes 2-9 (not exceeding 200 sqm)		\$250.00		\$250.00
Exceeding 200sqm but less than 2000sqm		\$250 + \$0.50 /sqm over 200 sqm		\$250 + \$0.50 /sqm over 200 sqm
Exceeding 2000sqm		\$1,165 + \$0.075 /sqm>2,000sqm		\$1,165 + \$0.075 /sqm>2,000sqm
Additional Inspection		\$90.00		\$90.00
Occupation Certificate		\$90.00		\$90.00
Building Surveyor Certificate search of records> 2yrs Copy of Building Plans		\$60.00		\$60.00
Swimming Pool		\$200.00		\$200.00
Commercial Change of Use:		\$200.00		\$200.00
Bed & Breakfast		\$200.00		\$200.00
Activity Approvals		\$20.00		\$20.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	2020/21 Unit/Note	2020/21 Charge Inc. GST
Maintenance/Handywork/private works	Per Hour	\$60.00		\$60.00
Development Applications				
Basic Development Applications:				
Up to \$5000	Up to \$5000	\$110.00		\$110.00
\$170.00, plus an additional \$3 for each \$1,000 or part thereof of the by which the estimated cosy exceeds \$100,000.00	\$5,001 to \$50,000	\$170.00		\$170.00
\$352, plus an additional \$3.64 for each \$1,000 or part thereof by which the estimated cost exceeds \$50,000	\$50,001 to \$250,000	\$352.00		\$352.00

\$1,160 plus an additional \$2.34 for each \$1,000 or part thereof by which the estimated cost exceeds \$250,000	\$250,001 to \$500,000	\$1,160.00		\$1,160.00
\$1,745.00 plus an additional \$1.64 for each \$1,000 or part thereof by which the estimated costs exceeds \$500,000	\$500,001 to \$1,000,000	\$1,745.00		\$1,745.00
\$2,615 plus an additional \$1.44 for each \$1,000 or part thereof by which the estimated cost exceeds \$1,000,000	\$1,000,001 to \$10,000,000	\$2,615.00		\$2,615.00
\$15875 plus an additional \$1.19 for each \$1,000 or part thereof by which the estimated cost exceeds \$10,000,000	More than \$10,000,000	\$15,875.00		\$15,875.00
Erection of Dwelling House \$100,000 or less		\$455.00		\$455.00
		2019/20		2020/21
Title of Fee Charge	Unit/Note	Charge Inc. GST	Unit/Note	Charge Inc. GST
Application for Demolition		\$110.00		\$110.00
Development not involving a dwelling or subdivision		\$285.00		\$285.00
Subdivision-Opening a public road	+ \$65 additional lot	\$665.00		\$665.00
Subdivision-Not opening a public road	+ \$53 additional lot	\$330.00		\$330.00
Designated Development	Above other fees	\$920.00		\$920.00
Lodgement of Complying Development Certificate		\$2,220.00		\$2,220.00
Advertising Developments-Designated		\$1,105.00		\$1,105.00
Advertising Developments-Advertised, prohibited or under LEP/DCP		\$250.00		\$250.00
Development requiring Concurrence				

Integrated Development		\$250.00		\$250.00
Plan FIRST Fee (Over \$50,000)	\$0.64 per extra \$1,000			
Long Service Levy (Over \$25,000)	0.35% of value of works			

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/Note	2020/21 Charge Inc. GST
Constructions Certificate Application Fees				
Not Exceeding \$5,000		\$79.00		\$79.00
From \$5,001 to < \$250,000		\$40 + 0.43% of building cost.		\$40 + 0.43% of building cost.
More than \$250,000		\$490 + 0.12% of building cost.		\$490 + 0.12% of building cost.

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/Note	2020/21 Charge Inc. GST
Reinstatement Fees				
Road Opening (roads or footpaths)	service - unsealed	\$500.00		\$500.00
	service - sealed	\$750.00		\$750.00

Restoration of Road or Footpath	Minimum Charge/m	\$60.00		\$60.00
	Bitumen/m	\$90.00		\$90.00
	Concrete/m	\$130.00		\$130.00
Title of Fee Charge				
		2019/20	Unit/Note	2020/21
		Charge Inc.		Charge Inc.
		GST	te	GST
Caravan Park Tariffs				
White Cliffs Caravan Park				
Unpowered Campsite	Daily	\$15.00 \$5.00 per Additional Person	Daily	\$20.00 \$5.00 per Additional Person
Powered Site-Double	Daily	\$20.00 \$7.00 per Additional Person	Daily	\$25.00 \$7.00 per Additional Person
Cabins (Sleeps 4)	Daily	\$35.00	Daily	\$35.00
Shower Only	Per 5 Mins	\$1.00	Per 5 Mins	\$1.00
Victory Park Caravan Park (Wilcannia)				
Unpowered Campsite	Daily	\$15.00	Daily	\$15.00
Powered Site	Daily	\$25.00	Daily	\$25.00
Shower Only		\$5.00		\$5.00

Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Ivanhoe/Menindee/Wilcannia Waste Depot Fees				
Waste				
Council has determined to discontinue to charge gate fees for it's waste management facilities for domestic refuse. However, business, commercial and industrial waste will continue to attract fees for waste disposal at the waste management facilities.				
Truck/Bin/Trailer		\$50 up to 1m ³		\$50 up to 1m ³
Dumping of car bodies	Per Body	+ \$10 per m ³ over \$20.00		+ \$10 per m ³ over \$20.00
Septic Tank Contents	Per Septic Tank	\$40.00		\$40.00
Asbestos (plastic wrapped and labelled) Part thereof Asbestos	Per m ³ Prior Council Consent	\$350.00		\$350.00
Animal Carcass	Per Carcass	\$20.00		\$20.00
Title of Fee Charge	Unit/Note	2019/20 Charge Inc. GST	Unit/No te	2020/21 Charge Inc. GST
Tyres				
Motorbike / Car Tyre	Per Tyre	\$10.00	Per Tyre	\$10.00
Truck / Tractor Tyre	Per Tyre	\$20.00	Per Tyre	\$20.00

Ivanhoe Multi Service Outlet - Menindee Rural Transaction Centre - Wilcannia Local Post Office
Printing/Scanning

Scanning	Per Page	\$0.30		\$0.30
Printing-Black and white text	Per Page	\$0.40		\$0.40
	With Own Paper	\$0.15		\$0.15
Black and white text + graphics being less than 1/4 of page	Per Page	\$1.00		\$1.00
All other black and white graphics	Per Page	\$2.00		\$2.00
Coloured graphics (pictures)	1/2 Page	\$2.00		\$2.00
Coloured graphics (pictures)	Per Page	\$4.60		\$4.60
Coloured text and graphics with graphics being less than 1/4 of page	Per Page	\$1.60		\$1.60
photographic printing A4		\$4.60		\$4.60

Title of Fee Charge	Unit/Note	2019/20	Unit/Note	2020/21
		Charge Inc. GST		Charge Inc. GST
Photocopying/FAX Services				
Photocopying Black and White-A4 (Unassisted)	Per Page	\$0.40		\$0.40
Photocopying Colour-A4 (Wilcannia Only)	Per Page	\$4.80		\$4.80
Photocopying Black and White-A3 (Unassisted)	Per Page	\$0.40		\$0.40
FAX Transmission	Per Page	\$2.00		\$2.00
Receive	Per Page	\$0.40		\$0.40
Misc. Services				
Laminating A4		\$2.00		\$2.00
A3		\$4.00		\$4.00
Binding-Per A4 Book Binding	Up to 100 Sheets	\$2.60		\$2.60
	100-250 Sheets	\$3.60		\$3.60

Secretarial Assistance	250-500 Sheets	\$4.60		\$4.60
	Per Hour	\$40.00		\$40.00
	Per Day (8Hrs)	\$80.00		\$80.00
Title of Fee Charge				
Menindee Rural Transaction Centre - Ivanhoe Multi Service Outlet				
VENUE HIRE Meeting/Function room				
Room Only				
	Per Hour	\$20.00		\$20.00
	Per Day (8Hrs)	\$150.00		\$150.00
	Per Week (5 Days)	\$500.00		\$500.00
Computer/Internet in room	/hour + \$14.00 Setup	\$6.00		\$6.00
Data Projector	Per Day	\$30.00		\$30.00
PA System	Per Day	\$25.00		\$25.00
<i>Catering Contacts Available</i>				

Plant Hire Rates

(Includes Operator and GST)

Plant Item	Rate Per Hour	Rate Per Day or km
Backhoe/Loader	\$160.00	
Loader	\$160.00	
Excavator	\$120.00	
Forklift	\$80.00	
Lawnmowers – Ride On	\$60.00	
Mobile Toilets		\$60.00 / Day
Skid Steer Loaders	\$120.00	
Skid Steer Attachment	\$10.00	
Tractor 4WD	\$120.00	
Tractor Attachment	\$10.00	
Trucks – Light	\$80.00	\$0.85 / km

Trucks – Medium Rigid	\$120.00	\$0.85 / KM
Trailers – Standard		\$60.00 / Day
Car Trailer		\$100.00 / Day

ANNEXURE "A"

This and the following 26 pages comprise Annexure "A" referred to in the Lease between the Central Darling Shire Council as Lessor and Baaka Cultural Centre Wilcannia Aboriginal Corporation ICN 8560 as Lessee.

The Lessor and the Lessee hereby covenant and agree with each other as follows:

1 INTERPRETATION DEFINITIONS AND ADMINISTRATION

1.1 The Lessor warrants:

- (a) that the Premises is owned by the Lessor;
- (b) that the Lessor has power and authority under the LG Act to grant a lease of the Premises.

2 DEFINITIONS

In this Lease unless the contrary intention appears:

Business Day means any day which is not a Saturday, Sunday or Public Holiday in New South Wales;

Commencing Date means the date specified in Column 2 of Item 1 of Schedule 1;

Environment has the same meaning given to that term in the *Protection of the Environment Operations Act 1997*;

Environmental Law means any Law relating to the protection of the Environment;

EPA Act mean the Environmental Planning and Assessment Act 1979.

Terminating Date means the date on which the Term expires, as specified in Column 2 of Item 3 of Schedule 1;

Hazardous Substance means a substance that because of its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, flammability, or physical, chemical or infectious characteristics, may pose a hazard to property, human health or the environment when improperly treated, stored, disposed of or otherwise managed;

Improvements mean any structure or work of a permanent nature attached to the land;

Law includes the provisions of any statute, rule, regulation, proclamation, ordinance or by-law, present or future, whether state, federal or otherwise;

this Lease means this Lease Agreement including the Schedules, and all Annexures hereto;

LG Act means the Local Government Act 1993;

Local Council means the council established under the *Local Government Act 1993* for the Local Government Area in which the Premises are situated;

Minister means the Minister for the time being administering the *Local Government Act 1993*

Party means a party to this Lease;

Premises means the land and/or buildings described in Part 1 of Schedule 2;

Rent means the rent reserved under Clause 9 of this Lease;

Tenant Fixtures means any plant equipment fittings or improvements in the nature of fixtures brought onto the Premises by, on behalf of, or at the request of the Lessee;

Term means the period specified in Column 2 of Item 2 of Schedule 1;

Termination means a termination of this lease as a consequence of the expiration of the Term (or any extension thereof) or a termination under Clause 23.

3 CONSTRUCTION

3.1 Construction in accordance with this Clause

This Lease shall be construed in accordance with this clause unless the context requires otherwise.

3.1.1 Plurals

Words importing the singular include the plural and vice versa.

3.1.2 Genders

Words importing any gender include the other genders.

3.1.3 Persons

A reference to a person includes:

- (a) an individual, a firm, unincorporated association, corporation and a government or statutory body or authority; and
- (b) the legal personal representatives, successors and assigns of that person.

3.1.4 Headings

Headings (including any headings described as parts and sub-headings within clauses) wherever appearing shall be ignored in construing this Lease.

3.1.5 Clauses and Sub-clauses

- (a) A reference to a clause includes all sub-clauses, paragraphs, subparagraphs and other components which form part of the clause referred to.
- (b) A reference to a sub-clause includes any sub-paragraphs and other components of the sub-clause referred to.

3.1.6 Time

A reference to time is a reference to local time in Sydney.

3.1.7 **Money**

A reference to \$ or "dollars" is a reference to the lawful currency of Australia.

3.1.8 **Defined Terms**

If a word or phrase is defined cognate words and phrases have corresponding definitions. A defined term, unless inconsistent with the context of its use, is denoted by the appearance of that word using a capital letter at the beginning of that word.

3.1.9 **Writing**

A reference to writing includes any mode of representing or reproducing words in tangible and permanently visible form.

3.1.10 **Contra Preferentum**

No rules of construction shall apply to the disadvantage of any party responsible for preparation of this Lease or any part of it.

3.1.11 **Statutes**

A reference to a statute, legislation, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority.

3.1.12 **Lease**

A reference to this Lease shall include any extension or variation of this Lease.

3.1.13 **Priority**

If an inconsistency occurs between the provisions of this Lease and the provisions of a lease granted in accordance with this Lease, the provisions of this Lease shall prevail.

3.2 **Warranties and Undertakings**

(a) The Lessee warrants that it:

- (i) has relied only on its own inquiries about this Lease; and
- (ii) has not relied on any representation or warranty by the Lessor or any person acting or seeming to act on the Lessor's behalf.

(b) The Lessee must comply on time with undertakings given by or on behalf of the Lessee.

3.3 **Further assurances**

Each Party must do everything necessary to give full effect to this Lease.

3.4 **Relationship of Lessor and Lessee**

Nothing contained or implied in this Lease will be deemed or construed to create the relationship of partnership or of principal and agent or of joint venture between the Lessor and the Lessee. Specifically, the Parties understand and agree that neither the method of computation of Rent, nor any other provision, nor any acts of the Lessee and the Lessor or either of them will be deemed to create any relationship between them other than the relationship of Lessor and Lessee upon the terms and conditions only as provided in this Lease.

3.5 **Time to be of the essence**

Where in any provision of this Lease a party is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs

after the lapsing of a specified time, time shall be the essence of the contract in that regard.

4 SEVERABILITY

Any provision of this Lease, which is prohibited or unenforceable in any jurisdiction, shall as to such jurisdiction be ineffective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provisions in any other jurisdiction.

5 ESSENTIAL TERMS OF LEASE

The Lessor and the Lessee agree that the clauses specified in Column 2 of Item 15 of Schedule 1 are essential conditions of this Lease.

6 SECTIONS OF LEGISLATION NOT TO APPLY

6.1 The covenants and powers implied in every lease by virtue of Sections 84, 84A, 132, 133, 133A and 133B of the *Conveyancing Act 1919* do not apply or are not implied in this Lease and are expressly negated except in so far as the same or some part or parts of it are included in the covenants hereinafter contained. The employment in this Lease of any words in any of the forms of words contained in the first column of Part II of the Fourth Schedule to the *Conveyancing Act 1919* shall not imply any covenant under Section 86 of that Act.

6.2 Part 4 of the *Civil Liability Act 2002* does not apply to this Lease.

7 TERM OF LEASE

The Lessor grants to the Lessee a lease of the Premises for the Term specified in Column 2 of Item 2 of Schedule 1. The Term shall commence on the Commencing Date specified in Column 2 of Item 1 of Schedule 1.

8 PERMITTED USE

8.1 The Lessee will not use the Premises or allow the Premises to be used for any purpose other than the Permitted Use specified in Column 2 of Item 4 of Schedule 1.

8.2 Unless expressly permitted under a provision of this Lease, the Lessee will not reside on the Premises or permit any other person to reside on the Premises.

9 PAYMENT OF RENT

9.1 Definitions

For the purposes of this clause:

Base Annual Rent means:

- (a) the Initial Rent where the Rent has not been adjusted or redetermined in accordance with sub-clauses 9.3 or 9.4; or
- (b) in any other case - the Rent as last redetermined or adjusted in accordance with the provisions of sub-clauses 9.3 or 9.4;

Due Date means the date for payment of Rent under this Lease as is specified in Column 2 of Item 7 of Schedule 1 and thereafter each anniversary of that date;

Initial Rent means the Rent payable under this Lease in respect of the Premises as is specified in Column 2 of Item 5 of Schedule 1 expressed as an annual amount;

Market Rent means the Rent that would reasonably be expected to be paid for the Premises if it were offered for the same or a substantially similar use to which the Premises may be put under this lease and on similar terms and conditions;

Market Rent Review Date means the date specified in Column 2 of Item 8 of Schedule 1;

Rent means

- (a) the Base Annual Rent payable upon each Due Date less any Rent Rebate granted to the Lessee by the Lessor

Rent Adjustment means an adjustment of Rent made under sub-clause 9.3.

Rent Rebate means such amount as specified in Column 2 of Item 6 of Schedule 1 granted to the Lessee by the Lessor under Clause 9.5 and expressed either as an absolute dollar value or a percent of the Base Annual Rent.

9.2 Lessee to Pay Rent

The Lessee covenants with the Lessor that the Lessee will on the Commencing Date and thereafter during the whole of the Term on the Due Date pay the Rent to the Lessor in accordance with the provisions of this clause without demand free of exchange and without deduction whatsoever.

9.3 Calculation of Rent Adjustment

- (a) On each Anniversary of the Due Date the Rent will be adjusted in accordance with the following formula:

$$R = B \times \frac{C}{D}$$

where:

- R represents the Base Annual Rent following adjustment under this Clause;
 - B represents the Base Annual Rent before adjustment under this Clause;
 - C represents the Consumer Price Index number for the last quarter for which such a number was published before the due date; and
 - D represents the Consumer Price Index number for the last quarter of the last adjustment of rent for which such a number was published.
- (b) In this clause “Consumer Price Index number” in relation to a quarter, means the number for that quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.
 - (c) Any Rent adjusted under this sub-clause must be adjusted to the nearest whole dollar.
 - (d) An adjustment of Rent made under this clause shall take effect on its Due Date notwithstanding that any Rent notice to the Lessee is not issued until after that date.

9.4 **Market Rent Review**

- (a) In addition to the Rent adjustment provided for in clause 9.3 the Rent may, subject to the following provisions of this clause, be redetermined to an amount that is the market Rent on that date with effect on and from each Market Rent Review Date by the Lessor.
- (b) A redetermination of Rent for the purposes of sub-clause 9.4(a) will be taken to have been made on the Market Rent Review Date if it is made at any time within the period of six months before and up to six months after that Market Rent Review Date.
- (c) Where the Lessor does not redetermine the Rent as provided for in clause 9.4(a) it may subsequently redetermine the Rent at any time before the next Market Rent Review Date. No succeeding Market Rent Review Date will be postponed by reason of the operation of this clause.
- (d) An adjustment of Rent made under sub-clause 9.4(c) will take effect and be due and payable on the next due date following the date of issue of the notice of adjustment (or where the said due date and the date of issue of the notice of redetermination are the same, then that date) even if the Lessee wishes to dispute the redetermination.

9.5 **Rent Rebate for Charitable or Non Profit Organisations**

At the absolute discretion of the Lessor, the Lessor may determine that the Lessee is entitled to a Rent Rebate as specified in Column 2 of Item 6 of Schedule 1 on the basis that the Lessee is a recognised charitable or non-profit organisation.

10 **CONTINUING OBLIGATION**

The obligation of the Lessee to pay the Rent is a continuing one during the Term of this Lease and any extension of it and shall not abate in whole or in part or be affected by any cause whatsoever.

11 **NO REDUCTION IN RENT**

Subject to this Lease the Lessee will not without the written consent of the Lessor by any act, matter or deed or by failure or omission impair, reduce or diminish directly or indirectly the Rent required to be paid under this Lease. However, if at any time during the Lease:

- (a) some natural disaster or other serious event occurs which is beyond the reasonable control of the Lessee; and
- (b) as a result of the damage, the Lessee is not able to use the Premises in a reasonable manner,

the Lessee's obligations to pay Rent will abate to the extent proportional to the effect on the Lessee's ability to occupy and use the Premises until the Premises are restored to a condition in which the Lessee is able to conduct the Lessee's activities and/or occupy the Premises in a reasonable manner.

12 LESSEE TO PAY RATES

12.1 The Lessee will when the same become due for payment pay all (or in the first and last year of the Term the appropriate proportionate part) rates, taxes (including Land Tax),

assessments, duties, charges and fees whether municipal, local government, parliamentary or otherwise which are at any time during the currency of this Lease separately assessed and lawfully charged upon, imposed or levied in respect of the Lessee's use or occupation of the Premises to the extent referable to the Lessee's use or occupation of the Premises.

12.2 The Lessee will if required by the Lessor produce to the Lessor evidence for such payments within 10 business days after the respective due dates for payment and in case such rates, taxes, duties and fees so covenanted to be paid by the Lessee are not paid when they become due the Lessor may if it thinks fit pay the same and any such sum so paid may be recovered by the Lessor from the Lessee.

13 LESSEE TO PAY OTHER CHARGES

The Lessee will pay all other fees, charges and impositions not referred to in clause 12 for which it may properly be liable and which are at any time during the Term payable in respect of the Premises or on account of the use and occupation of the Premises by the Lessee.

14 LESSEE TO PAY FOR SERVICES

The Lessee will as and when the same become due for payment pay to the Lessor or to any other person or body authorised to supply the same all proper charges for gas, electricity, water or other services supplied to the Lessee or consumed in or on the Premises, by the Lessee.

15 LESSEE TO PAY COST OF WORK

Whenever the Lessee is required under this Lease to do or effect any act, matter, work or thing then the doing of such act matter or thing will unless this Lease otherwise provides be at the sole risk, cost and expense of the Lessee.

16 COSTS PAYABLE

16.1 Costs Payable to Lessor

Except where a law limits costs being incurred by a Lessee being recovered from the Lessor, the Lessee will pay in full the Lessor's reasonable legal costs, the fees of all consultants and all duties fees, charges and expenses incurred reasonably, properly and in good faith by the Lessor in consequence of or in connection with or incidental to:

- (a) the preparation, completion, stamping (if any) and registration of this Lease;
- (b) any variation of this Lease made otherwise than at the request of the Lessor;
- (c) any application for the consent of the Lessor and the Minister if applicable under this Lease;
- (d) any and every failure to comply, breach or default by the Lessee under this Lease;
- (e) the exercise or attempted exercise of any right power privilege authority or remedy of the Lessor under or by virtue of this Lease;

- (f) the examination of plans, drawings and specifications of any improvement erected or constructed or to be erected or constructed on the Premises by the Lessee and the inspection of it, in this case the costs to be mutually agreed;
- (g) any entry, inspection, examination, consultation or the like which discloses a breach by the Lessee of any provision of this Lease;
- (h) the Lessee requiring the Lessor to do any act, matter or thing under this Lease, unless otherwise provided for in this Lease, the Lessee will reimburse the Lessor for all reasonable costs and expenses incurred in complying with that requirement.

16.2 Costs payable by Lessor

The Lessor will pay its own direct and external consultants costs in relation to any rental redetermination matter without reimbursement from the Lessee.

17 INTEREST ON OVERDUE MONEYS

The Lessee will pay interest to the Lessor on any moneys due and payable under the Lease or on any judgment in favour of the Lessor in an action arising from the Lease until all outstanding moneys including interest are paid in full. The rate of interest applicable is the rate set by the Lessor's Bank for the time being as its benchmark rates for overdrafts of one hundred thousand dollars (\$100,000.00) or more. Interest will accrue and be calculated daily.

18 MANNER OF PAYMENT OF RENT AND OTHER MONEYS

The Rent and other moneys payable in accordance with this Lease must be paid to the address or bank account specified in Column 2 of Item 9 of Schedule 1 or to such other person or at such other address as the Lessor may from time to time direct by notice in writing served on the Lessee.

19 GOODS AND SERVICES TAX

- (a) For the purposes of this Lease, "GST", "taxable supply", "consideration" and "tax invoice" have the meanings given to those terms in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- (b) All payments to be made or other consideration to be provided under this Lease are GST exclusive unless otherwise expressly stated. If any payment or consideration to be made or provided by the Lessee to the Lessor is for a taxable supply under the Lease on which the Lessor must pay GST and the Lessor gives the Lessee a tax invoice, the Lessee must pay to the Lessor an amount equal to the GST payable (the "GST Amount") by the Lessor for that taxable supply upon receipt of that tax invoice.
- (c) The Parties agree that they are respectively liable to meet their own obligations under the GST Law. The GST Amount must not include any amount incurred in respect of penalty or interest or any other amounts payable by the Lessor as a result of default by the Lessor in complying with the GST Law.

19A LESSOR AS LAND OWNER AND CONSENT AUTHORITY

- (a) The Lessee acknowledges that the Lessor may also be the consent authority under the EPA Act for any development to be carried out on the Premises.
- (b) The Lessee expressly acknowledges that the Premises is currently classified as community land pursuant to the LG Act.
- (c) The Lessor will comply with all relevant provisions of the EPA Act and the LG Act in respect to any application for development consent made by or on behalf of the Lessee for development to be carried out on the Premises.
- (d) Any development application made by or on behalf of the Lessee is to strictly comply with any applicable Plan of Management made under the LG Act applying to the Premises.

20 SUBLEASING, ASSIGNMENT AND PARTING WITH POSSESSION

- 20.1 The Lessee may not sublet, assign this Lease or part with possession of the Premises or any part of them without the consent of the Lessor except in accordance with section 47C of the LG Act.
- 20.2 If the Lessee is a corporation, it will be treated as assigning this Lease, for the purposes of sub-clause 20.1, if the person or persons who beneficially own or control a majority of its voting shares at the commencement of this Lease cease to do so, except as a result of transmission on the death of a shareholder. This clause will not apply if the Lessee is a corporation, the voting shares of which are listed on a Stock Exchange in Australia.
- 20.3 The Lessee is to pay the Lessor's reasonable legal and other costs relating to considering and giving consent, including any costs which the landlord incurs in making inquiries as to the respectability, solvency, responsibility, stature, experience and capability of any proposed subtenant or assignee or the person to whom possession is to be transferred.
- 20.4 The Lessee may not mortgage or charge this Lease or any estate or interest in the leased Premises.

21 TERMINATION OF LEASE

- 21.1 Subject to Clauses 22 and 23 this Lease terminates on the date specified in Column 2 of Item 3 of Schedule 1.

22 DELETED

23 TERMINATION OF LEASE ON DEFAULT

- 23.1 The Lessor may end the Lease in the manner set out below in the following circumstances:
 - (a) if the Rent or any part of it or any other moneys owing to the Lessor under the Lease is or are in arrears for one month, whether formally demanded or not;
 - (b) if the Lessee breaches an essential condition of this Lease or any rule or regulation made under this Lease;

- (c) if defects notified under a provision of this Lease are not remedied within the time specified in the notice;
- (d) if the Lessee is a corporation and an order is made or a resolution is passed for its winding up except for reconstruction or amalgamation;
- (e) if the Lessee is a company and ceases or threatens to cease to carry on business or goes into liquidation, whether voluntary or otherwise, or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed;
- (f) if the Lessee is a company and is placed under official management under the corporations law or enters a composition or scheme of arrangement;
- (g) if the interest of the Lessee under this Lease is taken in execution;
- (h) if the Lessee or any person claiming through the Lessee conducts any business from the leased Premises after the Lessee has committed an act of bankruptcy.

23.2 In the circumstances set out in sub clause 23.1, the Lessor may end the Lease by:

- (a) notifying the Lessee that it is ending the Lease; or
- (b) re-entering the Premises, with force if necessary, and ejecting the Lessee and all other persons from the Premises and repossessing them; or
- (c) doing both.

23.3 If the Lessor ends this Lease under this clause, the Lessee will not be released from liability for any prior breach of this Lease and other remedies available to the Lessor to recover arrears of Rent or for breach of this Lease will not be prejudiced.

23.4 If the Lessor ends this Lease under this clause or under clause 22, it may remove the Lessee's property and store it at the Lessee's expense without being liable to the Lessee for trespass, detinue, conversion or negligence. After storing it for at least one month, the Lessor may sell or dispose of the property by auction or private sale. It may apply any proceeds of the auction or sale towards any arrears of Rent or other moneys or towards any loss or damage or towards the payment of storage and other expenses.

23.5 If the Lessor ends this Lease under this clause, it may, besides any other rights and remedies that it might have, recover from the Lessee damages for the loss of the benefit of the rest of this Lease.

24 ACCEPTANCE OF RENT NOT WAIVER

Demand for, or acceptance of Rent or any other moneys due under this Lease by the Lessor after forfeiture does not operate as a waiver of forfeiture.

25 HOLDING OVER BY LESSEE

- (a) On and from the Terminating Date of this Lease, the Lessee shall be entitled with the consent of the Lessor to remain in possession of the Premises on the following terms and conditions:

- (i) the Lessee shall become a monthly tenant of the Lessor at a monthly rental equivalent to one twelfth of the annual Rent payable at the time of expiration of this Lease;
 - (ii) the Lessee shall comply with and be bound by the terms and conditions of this Lease insofar as the terms and conditions are applicable, provided that the Lessor may from time to time by notice in writing served on the Lessee direct that any particular condition not apply or be amended in the manner set out in the notice.
- (b) The Lessor and the Lessee expressly agree that where any provision of this Lease confers any right, duty, power or obligation on a Party upon the expiration of this Lease and the Lessee is authorised to remain in possession of the Premises pursuant to a consent granted under this clause the emergence of the right, duty, power or obligation shall be postponed until such time as the Lessee ceases to be entitled to possession pursuant to this clause.
 - (c) The tenancy created by operation of this clause may be determined by the Lessor serving on the Lessee a notice to quit. The notice shall take effect at the expiration of the period of one month from the date of service of the notice or such further period as may be specified in the notice.
 - (d) The tenancy created by operation of this clause may be determined by the Lessee serving on the Lessor a notice stating that as from a date specified in the notice the tenancy is surrendered.

26 LESSEE TO YIELD UP

- 26.1 The Lessee will forthwith upon the expiry or determination of this Lease or any extension of it peaceably vacate the Premises at the Lessee's expense.
- 26.2 The Lessee must:
- (a) unless otherwise provided for in this Lease, remove the Tenant Fixtures and must remove any signs, names, advertisements, notices or hoardings erected, painted, displayed, affixed or exhibited upon, to or within the Premises by or on behalf of the Lessee (other than a notice displayed by the Lessor); and
 - (b) unless otherwise provided for in this Lease, rehabilitate the Premises, (to the extent to which it has been altered or affected by the Lessee's occupation and use of the Premises) as nearly as practicable to the original condition before the installation of the Tenant Fixtures to the reasonable satisfaction of the Lessor; and
 - (c) ensure that when it vacates the Premises, the Premises comply with any Environmental Law to the extent that it did so at the time of granting of this Lease; and
 - (d) leave the Premises in a clean and tidy condition.
- 26.3 Sub-clause 26.2 does not apply unless the Lessor permits the Lessee to carry out any works on the Premises reasonably required in order to comply with the clause.

27 ADDITIONS AND ALTERATIONS

The Lessee shall not carry out any works or make any additions or alterations to the Premises without first obtaining the written consent of the Lessor and any development

consent required under the EPA Act. Any additions or alterations consented to by the Lessor shall be carried out at the Lessee's expense and in a workmanlike manner.

28 MAINTENANCE OF PREMISES AND ENCLOSED AREAS

The Lessee will keep the Premises clean and tidy and in good order and condition.

29 LESSEE TO ERECT BARRICADES ETC.

Where the Premises or any part of the Premises become to the knowledge of the Lessee (or which ought reasonably to be in the knowledge of the Lessee) unsafe, hazardous or dangerous the Lessee will forthwith erect such warning signs, fences and barricades as may be necessary until the Premises are rendered safe.

30 LESSEE NOT TO REMOVE MATERIALS

- (a) The Lessee will not mine, remove, extract, dig up or excavate any sand, stone, gravel, clay, loam, shell or similar substance from, on or in the Premises or permit any other person to undertake such action without the prior consent in writing of the Lessor and the and subject to such conditions as the Lessor or the Minister may determine.
- (b) Sub clause 30(a) does not apply to any removal, digging up or excavation as may be necessary to construct or undertake any improvement authorised by or under this Lease provided that any such removal, digging up or excavation is undertaken in accordance with the requirements of that authorisation.
- (c) A failure by the Lessee to comply with any condition imposed pursuant to sub clause 30(a) constitutes a failure by the Lessee to comply with a provision or covenant of this Lease.

31 ADVERTISING

- (a) The Lessee must not permit to be displayed or placed on the Premises or any part of them any sign, advertisement or other notice without first obtaining the Lessor's written consent and, if required, obtaining development consent under the EPA Act, other than safety signs, in respect of which the Lessor's consent will not be required; and
- (b) The Lessor may at any time by notice in writing require the Lessee to discontinue to use any piece or mode of advertising to which the Lessor has granted consent under sub-clause 31(a) which in the opinion of the Lessor has ceased to be suitable or has become unsightly or objectionable and the Lessee on receipt of the notice must comply accordingly.

32 NOTIFICATION OF ACCIDENT

The Lessee will give to the Lessor prompt notice in writing of any serious accident to any person or accident to the Premises or serious defect at or to the Premises unless that defect or accident is capable of being and is promptly remedied by the Lessee.

33 RODENTS AND VERMIN

The Lessee will take all reasonable precautions to keep the Premises free of rodents, vermin, insects and pests and will in the event of failing to do so if required by the Lessor but at the cost of the Lessee employ from time to time a duly certified pest exterminator approved by the Lessor whose approval will not be unreasonably withheld. In performing its obligations pursuant to this clause the Lessee and any person acting on the Lessee's behalf will not use any substance or undertake any activity prohibited by any law.

34 LESSEE NOT TO BURN OFF

If applicable, the Lessee will not carry out any burning off on the Premises except with the prior consent of the Lessor in writing, which consent shall not be unreasonably withheld, and after compliance with the requirements of the *Rural Fires Act 1997*. Any consent granted in accordance with this condition shall be subject to such reasonable conditions as the Lessor may impose.

35 LESSEE NOT TO COMMIT NUISANCE ETC

The Lessee will not:

- (a) carry on or permit to be carried on at the Premises any noxious, nuisance or offensive trade or business; or
- (b) do or permit to be carried on at the Premises any act, matter or thing which results in nuisance damage or disturbance to the Lessor or owners or occupiers of adjoining or neighbouring lands or buildings; or
- (c) use the Premises for any illegal activity.

36 HAZARDOUS SUBSTANCES

The Lessee must not bring on to the Premises or keep any Hazardous Substance on the Premises without the prior consent of the Lessor, which consent shall not be unreasonably withheld.

37 RELICS

- (a) Unless authorised to do so by a permit under section 87 or a consent under section 90 of the *National Parks and Wildlife Act 1974* and subject to observance and compliance with any conditions imposed on the grant of such permit or consent the Lessee will not knowingly disturb, destroy, deface or damage any aboriginal relic or place or other item of archaeological significance within the Premises and will take reasonable precautions in drilling excavating or carrying out other operations or works on the Premises against any such disturbance, destruction, defacement or damage.
- (b) If the Lessee becomes aware of any aboriginal relic or place or other item of archaeological significance within the Premises the Lessee will within 24 hours notify the Lessor and the Chief Executive of the Office of Environment and Heritage of the existence of such relic, place or item.
- (c) The Lessee will not continue any operations or works on the Premises likely to interfere with or disturb any relic, place or item referred to in sub clause 37(b) without the approval of the Chief Executive of the Office of Environment and

Heritage and the Lessee will observe and comply with all reasonable requirements of the said Director-General in relation to carrying out the operations or works.

38 ARTEFACTS

All fossils, artefacts, coins, articles of value, articles of antiquity, structure and other remains or things of geological historical or archaeological interest discovered on or under the surface of the Premises shall be deemed to be the absolute property of the Lessor and the Lessee will as authorised by the Lessor watch or examine any excavations and the Lessee will take all reasonable precautions to prevent such articles or things being removed or damaged and will as soon as practicable after discovery thereof notify the Lessor of such discovery and carry out the Lessor's orders as to the delivery up to or disposal of such articles or things at the Lessor's expense.

39 OWNERSHIP AND REMOVAL OF IMPROVEMENTS AND TENANT FIXTURES

During the Term and any extension of it, ownership of Tenant Fixtures vests in the Lessee. Notwithstanding anything contained in this Lease, so long as any Rent or other moneys are due by the Lessee to the Lessor or if the Lessee has committed any breach of this Lease which has not been made good or remedied and whether the Lessee is still in possession or not, the Lessee shall not be entitled to remove any of the Tenant Fixtures, fittings or equipment from the leased property.

40 GENERAL REQUIREMENT TO REPAIR

Without prejudice to any specific obligations contained in this Lease the Lessee will to the satisfaction of the Lessor at all times keep the Premises in good repair and properly maintained in all respects.

41 BREAKAGES

The Lessee will immediately at the Lessee's expense make good any breakage defect or damage to the Premises (including but not limited to broken glass) or to any adjoining premises or to any facility or appurtenance of the Lessor occasioned by want of care, misuse or abuse on the part of the Lessee, the Lessee's agents, servants, invitees or licensees.

42 LESSOR'S RIGHT TO ENTER INSPECT AND REPAIR

The Lessor, the Lessor's agents, the Minister and the Minister's delegates may at all reasonable times upon giving to the Lessee reasonable notice (except in the case of emergency when no notice shall be required) and accompanied by the Lessee or an employee or agent of the Lessee enter upon the Premises and view the state of repair of the Premises and may serve upon the Lessee a notice in writing of any defect (the repair of which is the Lessee's obligation under this Lease to undertake) requiring the Lessee within two months to repair the same.

43 INDEMNITIES AND INSURANCE

Definition

For the purposes of clauses 44, 45, 46, 47, 48, 49, 57 and 58 –

Lessor means the Lessor, its agents, servants, employees and contractors.

Claim/s means actions, suits, claims, demands, proceedings, losses, damages, compensation, costs, legal costs, charges and expenses.

44 INDEMNITIES

44.1 Indemnity for use of Premises

- (a) The Lessee indemnifies and keeps indemnified the Lessor from and against all Claims whatsoever to which the Lessor shall or may be or become liable for or in respect of the Lessee's occupation operation and use of the Premises or for or in respect of all Claims of whatsoever nature or kind and howsoever arising (and whether to any property or to any person resulting in the destruction or damage of any property or the death or injury of any person) at or upon the Premises or originating on the Premises, although occurring or sustained outside the Premises, except to the extent that any such Claims:
- (i) arise from or are contributed to by the negligence or wilful act or omission on the part of the Lessor; or
 - (ii) arise from the occupation, operation or use of the Premises by any other occupier, or the acts of any person who has access to the Premises with the consent of another occupier, and the Lessor is adequately indemnified by that other occupier in respect of the relevant Claim or demand, and the Lessor will use its reasonable endeavours to ensure that an indemnity in or to the effect of this form is contained in any agreement with any other occupier of the Premises.

44.2 Indemnity Continues After Expiration of Lease

The obligations of the Lessee under this clause continue after the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination for the period limited by the Statute of Limitations.

44.3 Exclusion of Consequential Loss

Despite any other provision of this Lease, both Parties exclude, (and agree that they will have no rights against the other for) liability for consequential or indirect loss arising out of this Lease including (without limitation) in respect of loss of profits or loss of business. This clause does not apply in respect of wilful acts by either Party.

45 RELEASE OF LESSOR FROM LIABILITY

- (a) The Lessee shall occupy, use and keep the Premises at the risk of the Lessee and hereby releases to the full extent permitted by law the Lessor from all Claims resulting from any accident, damage or injury occurring therein (but excluding such Claims to the extent that such Claims arise out of the negligent or wilful acts omissions or default of the Lessor) and the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or personal property of the Lessee or any agent or servant of the Lessee or of any member of the public whilst in or upon the Premises (but excluding such Claims to the extent that such Claims arise out of the negligent acts or wilful omissions or default of the Lessor).
- (b) The obligations of the Lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination for which the

Lessee is responsible. Such obligation is to be governed by the Statute of Limitations.

46 NO LIABILITY FOR FAILURE OF SERVICES

The Lessor will not be under any liability for any loss, injury or damage sustained by the Lessee or any other person at any time as a result of or arising in any way out of the failure of the electricity, telephones, gas, water supply, sewerage, drainage or any other services or facilities provided by the Lessor or enjoyed by the Lessee in conjunction with the Premises or this Lease provided that such failure is not due to the negligent or wilful act or omission of the Lessor its servants or agents.

47 LESSEE NOT TO IMPOSE LIABILITY ON LESSOR

Subject to any other provision of this Lease, the Lessee will not without the written consent of the Lessor or Minister by any act, matter or deed or by failure or omission cause or permit to be imposed on the Lessor or Minister any liability of the Lessee under or by virtue of this Lease even though the Lessee is entitled to do so under any law present or future or otherwise.

48 INSURANCE - PUBLIC RISK

The Lessee will effect and maintain with a reputable and solvent insurer with respect to the Premises and the activities carried on in the Premises public risk insurance for an amount not less than the amount set out in Column 2 of Item 12 of Schedule 1 (or such other amount as the Lessor may from time to time reasonably require) as the amount payable in respect of liability arising out of any one single accident or event. The Lessor acknowledges that the Lessee may effect the public risk insurance pursuant to an insurance policy which is not specific as to the location of risk.

49 PROVISIONS FOR POLICIES

- (a) All insurance policies required to be effected by the Lessee pursuant to this Lease are specified in Schedule 3 - Special Conditions and shall be in place prior to occupying the Premises.
- (b) The Lessee will produce to the Lessor, once per calendar year or once per period of insurance (whichever first occurs), a certificate of insurance and/or a certificate of currency in respect of the insurance policies required to be effected by the Lessee pursuant to this Lease.
- (c) The Lessee will not at any time during the Term do any act or omit to do any act which it ought reasonably believe may render void or voidable any policy of insurance. If the Lessee does any act or fails to do any act whereby the rate of premium on such insurance shall be liable to be increased, the Lessee will obtain insurance cover for such increased risk and pay all additional premiums required on account of the additional risk caused by the use to which the Premises are put by the Lessee.
- (d) The Lessee will use all reasonable endeavours to ensure that full, true and particular information is given to the office or company with which the said insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect any such policy or policies of insurance or the payment of all or any moneys there under.

50 HAZARDOUS MATERIALS

The Lessor warrants that it has not received any notices pursuant to the *Contaminated Land Management Act 1997* (NSW).

51 QUIET ENJOYMENT

The Lessor warrants that subject to:

- (a) the Lessor's rights under this Lease;
- (b) the Lessee complying with its obligations under this Lease;

the Lessee may hold and occupy the Premises without undue interference by the Lessor.

52 APPROVAL BY THE LESSOR

- (a) This clause does not apply to a consent or approval under clause 20.
- (b) In any case where pursuant to this Lease the doing or executing of any act, matter or thing by the Lessee is dependent upon the approval or consent of the Lessor such approval or consent will not be effective unless given in writing and may be given or withheld (unless the context otherwise requires) by the Lessor and may be given subject to such conditions as the Lessor may determine unless otherwise provided in this Lease provided such consent or approval is not unreasonably withheld or such terms and conditions are not unreasonable.
- (c) Any failure by the Lessee to comply with a condition imposed by the Lessor pursuant to sub-clause 52(b) constitutes a failure by the Lessee to comply with a condition of this Lease.

53 OPINION OF THE LESSOR

Any opinion to be formed by the Lessor for the purposes of this Lease may be formed by the Lessor on such grounds and material as the Lessor determines to be sufficient. If the Lessor deems it necessary, such opinion will be formed after consultation with any New South Wales Government Department, the Local Council or other public authority or the Standards Association of Australia or any other body whose objects and functions are relevant. In forming any such opinion the Lessor is deemed to be exercising merely administrative functions.

54 LESSEE TO COMPLY WITH ALL COMMONWEALTH AND NSW STATE LAWS

- (a) The Lessee will comply with the requirements of all statutes, regulations or by-laws and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the Premises to the extent to which the Lessee is bound at law to comply with the same and nothing in this Lease affects this obligation.
- (b) The Lessee will forthwith on being served with a notice by the Lessor comply with any notice or direction served on the Lessor by a competent authority relating to the destruction of noxious animals or plants or pests or the carrying out of repairs alterations or works on or to the Premises.

55 LESSEE TO COMPLY WITH ENVIRONMENTAL LAWS

In relation to its use of the Premises, the Lessee must, during the Term, and in relation to the Premises:

- (a) comply with relevant Environmental Laws;
- (b) use its best endeavours to prevent a breach of any Environmental Law;
- (c) report any breach even if accidental; and
- (d) provide to the Lessor as soon as reasonably practicable details of notices received by or proceedings commenced against the Lessee pursuant to an Environmental Law:
 - (i) relating to a breach or alleged breach by the Lessee of an Environmental Law; or
 - (ii) requiring the Lessee to carry out works to decrease the affectation of the Premises by any Hazardous Substance.

56 LESSEE'S FAILURE TO COMPLY WITH STATUTORY REQUIREMENTS

Where the Lessee breaches any law in relation to its use of the Premises it is taken to breach a condition of this Lease, provided that:

- (a) the Lessee has been found guilty of the breach, and
- (b) the Lessor determines that the breach warrants the Termination of this Lease.

57 INDEMNITY FOR NON-COMPLIANCE WITH LEGISLATION

The Lessee indemnifies and keeps indemnified the Lessor from and against any Claims arising from the non-compliance by the Lessee with any New South Wales or Commonwealth legislation that may apply to the Lessee's use and occupation of the site and access thereto and the Lessee's operation of their business from the site and access thereto.

This clause shall not merge on the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination.

58 INDEMNITY FOR BREACH OF ENVIRONMENTAL LAW

Without prejudice to any other indemnity granted by this Lease, the Lessee indemnifies and keeps the Lessor indemnified against all Claims arising from a breach by the Lessee of any Environmental Law which breach is in relation to the Premises. This clause shall not merge on expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination.

59 PROCEDURE - DISPUTE RESOLUTION

- (a) In the event that the Lessor and the Lessee are in dispute regarding any matter relating to or arising under this Lease or in respect of any approvals or consents to be granted by the Lessor (except those approvals or consents where the Lessor has an obligation to act reasonably) to the Lessee hereunder, then either

the Lessor or the Lessee may give notice and particulars of such dispute to the other Party.

- (b) Where a notice of dispute is served pursuant to this clause the Parties agree to enter into informal negotiations to try and resolve the dispute in good faith and in an amicable manner.
- (c) If the dispute is not resolved informally within 21 days of service of written notice, the Parties may confer with a mutually agreed third party whose role will be to assist in the resolution of the dispute by mediation or expert appraisal of the dispute. The Parties agree to provide all information and assistance reasonably requested by such third party, including access to any accounting or other business records relating to or arising out of the Lease.
- (d) A third party appointed in accordance with this clause may decide in which proportions any fees will be borne by the respective Parties. In the absence of any such decision by the third party fees shall be borne equally by the Parties.
- (e) Neither Party shall be entitled to commence or maintain any proceedings in any court or tribunal until negotiations or mediations have taken place pursuant to this clause except where either Party seeks urgent interlocutory relief.
- (f) Either Party may at any time bring negotiations or mediation to an end by serving upon the other Party written notice stating that the dispute has failed to be resolved. Upon service of such notice both Parties shall be entitled to pursue any legal remedies available to them in relation to the dispute. This sub-clause does not in any way limit a mediator's power to apportion fees under sub-clause 59(d).
- (g) Notwithstanding the existence of a dispute being dealt with under this clause the Parties must, unless acting in accordance with an express provision of this Lease, continue to perform their obligations under this Lease.

60 NOTICES

60.1 Service of Notice on Lessee

Any notice served by the Lessor on the Lessee must be in writing and will be sufficiently served if:

- (a) served personally or left addressed to the Lessee at the address stated in Column 2 of Item 10 of Schedule 1 or such other address as the Lessee notifies in writing to the Lessor; or
- (b) sent by email to the Lessee's email address stated in Column 2 of Item 10 of Schedule 1 or such other address as the Lessee notifies in writing to the Lessor;
- (c) forwarded by prepaid security mail addressed to the Lessee at the address stated in Column 2 of Item 10 of Schedule 1

and every such notice must also be served on the Lessee's solicitors, as they may be nominated from time to time, or such other address as the Lessee's solicitors notify in writing to the Lessor, by any methods identified in clauses 60.1 (a) and (b).

60.2 Service of Notice on Lessor

Any notice served by the Lessee on the Lessor must be in writing and will be sufficiently served if:

- (a) served personally or left addressed to the Lessor at the address stated in Column 2 of Item 11 of Schedule 1 or such other address as the Lessor notifies in writing to the Lessee; or
- (b) sent by email to the Lessor's email address stated in Column 2 of Item 11 of Schedule 1 or such other address as the Lessor notifies in writing to the Lessee;
- (c) forwarded by prepaid security mail addressed to the Lessor at the address stated in Column 2 of Item 11 of Schedule 1

and every such notice must also be served on the Lessor's solicitors, as they may be nominated from time to time, or such other address as the Lessor's solicitors notify in writing to the Lessee, by any methods identified in clauses 60.1 (a) and (b).

60.3 Notices

- (a) Any notice served by the Lessor or the Lessee under this Lease will be effective if signed by a director or secretary or the solicitors for the Party giving the notice or any other person or persons nominated in writing from time to time respectively by the Lessor or by the Lessee to the other.
- (b) Any notice sent by prepaid security mail will be deemed to be served at the expiration of 2 Business Days after the date of posting.

61 NO MORATORIUM

Any present or future legislation which operates to vary obligations between the Lessee and the Lessor, except to the extent that such legislation is expressly accepted to apply to this Lease or that its exclusion is prohibited, is excluded from this Lease.

62 NO WAIVER

No waiver by a Party of any breach of any covenant obligation or provision in this Lease either express or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Lease contained or implied. None of the provisions of this Lease shall be taken either at law or in equity to have been varied waived discharged or released by a Party unless by express consent in writing.

63 NO MERGER

Nothing in this lease merges, postpones, extinguishes, lessens or otherwise prejudicially affects the rights and remedies of the Parties under this Lease or under any other agreement.

64 COUNTERPARTS

- (a) A Party may execute this lease by signing any counterpart.
- (b) All counterparts constitute one document when taken together.

65 CONTACT PERSON

The Lessor and the Lessee each must nominate a person to contact about matters arising under this Lease. The person so nominated is the person referred to in Column 2 of Items 13 and 14 of Schedule 1 or such other person as the Lessor nominates in writing to the Lessee and the Lessee nominates in writing to the Lessor from time to time.

66 APPLICABLE LAW

This Lease shall be construed and interpreted in accordance with the law of New South Wales.

67 NO HOLDING OUT

The Lessee will not in connection with the Premises or otherwise directly or indirectly hold out or not permit to be held out to any member of the public any statement, act, deed, matter or thing indicating that the Premises or the business conducted or operated thereon or any parts or parts thereof are or is being carried on or managed or supervised by the Lessor nor shall the Lessee act as or represent itself to be the servant or agent of the Lessor.

68 WHOLE AGREEMENT

- (a) The provisions contained in this Lease expressly or by statutory implication cover and comprise the whole of the agreement between the Parties.
- (b) No further or other provisions whether in respect of the Premises or otherwise will be deemed to be implied in this Lease or to arise between the Parties hereto by way of collateral or other agreement by reason or any promise representation warranty or undertaking given or made by any Party hereto to another on or prior to the execution of this Lease.
- (c) The existence of any such implication or collateral or other agreement is hereby negated.

69 SPECIAL CONDITIONS

The Special Conditions set out in Column 2 of Item 16 of Schedule 1 apply and form part of this Lease.

70 TERMINATION OF PRIOR LEASE

This Lease terminates and brings to an end the lease relating to the Premises entered into between the Parties which commenced on 1 July 2017.

SCHEDULE 1

Item	Clause	Column 1	Column 2
1	2	Commencing Date	[INSERT start date]
2	7	Term	Ten (10) years
3	21	Terminating Date	[INSERT end date]
4	8	Permitted Use	Cultural Centre
5	9	Initial Rent (to be paid by Lessee)	\$ 1.00 per annum excluding GST
6	9	Market Rent Rent Rebate (if any)	N/A N/A
7	9	Due Date	At Commencing Date
8	9	Market Rent Review Date	N/A
9	18	Address for Payment of Rent	Central Darling Shire Council 21 Reid Street Wilcannia NSW 2836
10	60	Lessee's address for Service of Notices	Baaka Cultural Centre Wilcannia Aboriginal Corporation ICN: 8560 Attention: Kate Hosking Phone: Email: Address: 44 Reid Street, Wilcannia NSW 2836 PO Box 124, Wilcannia NSW 2836
11	60	Lessor's address for Service of Notices	Central Darling Shire Council Attention: contact name Phone: Email: Address: PO Box 165 Wilcannia NSW 2836
12	48	Public Risk Insurance amount	\$20 Million

13	65	Lessor's Contact Person	<p>[insert Contact name]:</p> <p>Phone:</p> <p>Email:</p> <p>Address: PO Box 165 Wilcannia NSW 2836</p>
14	65	Lessee's Contact Person	<p>[insert Contact name]</p> <p>Phone</p> <p>Email:</p> <p>Address: 44 Reid Street, Wilcannia NSW 2836</p>
15	5	Essential Conditions	1.1, 1.2, 7, 8, 9, 11, 12, 20, 21, 27, 28, 40,44, 45, 47, 48, 49, 54, 56
16	69	Special Conditions	Nil.

End of Schedule 1

SCHEDULE 2

Part 1

Description of the Premises (leased area)

Whole Lot in Deposited Plan	1/13/759091
Area	1011 m2 (approx.)
Commencement Date	[insert]
Expiry Date	[insert]
Initial Rent	\$ 1.00 per annum
Plan	Plan attached and marked as "A"
Description of any structures	[insert]
Third Party Exclusive Area	N/A
Enclosed Area (where land is, or is intended to be fenced)	N/A

SCHEDULE 3

Special Conditions

Nil.

DRAFT

Dated this [INSERT DAY] day of [INSERT MONTH], [INSERT YEAR]

**EXECUTED BY Baaka Cultural
Centre Wilcannia Aboriginal
Corporation ICN 8560**

Signature

Print Name

Office Held

Signature of witness

Print name of witness

**EXECUTED BY Central Darling
Shire Council ABN 65 061 502 439**

Signature

Print Name

Office Held

Signature of witness

Print Name of witness

(Insert map of land)

DRAFT

ANNEXURE "A"

This and the following 26 pages comprise Annexure "A" referred to in the Lease between the Central Darling Shire Council as Lessor and Maari Ma Health Aboriginal Corporation as Lessee.

The Lessor and the Lessee hereby covenant and agree with each other as follows:

1 INTERPRETATION DEFINITIONS AND ADMINISTRATION

1.1 The Lessor warrants:

- (a) that the Premises is owned by the Lessor;
- (b) that the Lessor has power and authority under the LG Act to grant a lease of the Premises.

2 DEFINITIONS

In this Lease unless the contrary intention appears:

Business Day means any day which is not a Saturday, Sunday or Public Holiday in New South Wales;

Commencing Date means the date specified in Column 2 of Item 1 of Schedule 1;

Environment has the same meaning given to that term in the *Protection of the Environment Operations Act 1997*;

Environmental Law means any Law relating to the protection of the Environment;

EPA Act mean the Environmental Planning and Assessment Act 1979.

Terminating Date means the date on which the Term expires, as specified in Column 2 of Item 3 of Schedule 1;

Hazardous Substance means a substance that because of its quantity, concentration, acute or chronic toxic effects, carcinogenicity, teratogenicity, mutagenicity, corrosiveness, flammability, or physical, chemical or infectious characteristics, may pose a hazard to property, human health or the environment when improperly treated, stored, disposed of or otherwise managed;

Improvements mean any structure or work of a permanent nature attached to the land;

Law includes the provisions of any statute, rule, regulation, proclamation, ordinance or by-law, present or future, whether state, federal or otherwise;

this Lease means this Lease Agreement including the Schedules, and all Annexures hereto;

LG Act means the Local Government Act 1993;

Local Council means the council established under the *Local Government Act 1993* for the Local Government Area in which the Premises are situated;

Minister means the Minister for the time being administering the *Local Government Act 1993*

Party means a party to this Lease;

Premises means the land and/or buildings described in Part 1 of Schedule 2;

Rent means the rent reserved under Clause 9 of this Lease;

Tenant Fixtures means any plant equipment fittings or improvements in the nature of fixtures brought onto the Premises by, on behalf of, or at the request of the Lessee;

Term means the period specified in Column 2 of Item 2 of Schedule 1;

Termination means a termination of this lease as a consequence of the expiration of the Term (or any extension thereof) or a termination under Clause 23.

3 CONSTRUCTION

3.1 Construction in accordance with this Clause

This Lease shall be construed in accordance with this clause unless the context requires otherwise.

3.1.1 Plurals

Words importing the singular include the plural and vice versa.

3.1.2 Genders

Words importing any gender include the other genders.

3.1.3 Persons

A reference to a person includes:

- (a) an individual, a firm, unincorporated association, corporation and a government or statutory body or authority; and
- (b) the legal personal representatives, successors and assigns of that person.

3.1.4 Headings

Headings (including any headings described as parts and sub-headings within clauses) wherever appearing shall be ignored in construing this Lease.

3.1.5 Clauses and Sub-clauses

- (a) A reference to a clause includes all sub-clauses, paragraphs, subparagraphs and other components which form part of the clause referred to.
- (b) A reference to a sub-clause includes any sub-paragraphs and other components of the sub-clause referred to.

3.1.6 Time

A reference to time is a reference to local time in Sydney.

3.1.7 **Money**

A reference to \$ or "dollars" is a reference to the lawful currency of Australia.

3.1.8 **Defined Terms**

If a word or phrase is defined cognate words and phrases have corresponding definitions. A defined term, unless inconsistent with the context of its use, is denoted by the appearance of that word using a capital letter at the beginning of that word.

3.1.9 **Writing**

A reference to writing includes any mode of representing or reproducing words in tangible and permanently visible form.

3.1.10 **Contra Preferentum**

No rules of construction shall apply to the disadvantage of any party responsible for preparation of this Lease or any part of it.

3.1.11 **Statutes**

A reference to a statute, legislation, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them made by any legislative authority.

3.1.12 **Lease**

A reference to this Lease shall include any extension or variation of this Lease.

3.1.13 **Priority**

If an inconsistency occurs between the provisions of this Lease and the provisions of a lease granted in accordance with this Lease, the provisions of this Lease shall prevail.

3.2 **Warranties and Undertakings**

(a) The Lessee warrants that it:

- (i) has relied only on its own inquiries about this Lease; and
- (ii) has not relied on any representation or warranty by the Lessor or any person acting or seeming to act on the Lessor's behalf.

(b) The Lessee must comply on time with undertakings given by or on behalf of the Lessee.

3.3 **Further assurances**

Each Party must do everything necessary to give full effect to this Lease.

3.4 **Relationship of Lessor and Lessee**

Nothing contained or implied in this Lease will be deemed or construed to create the relationship of partnership or of principal and agent or of joint venture between the Lessor and the Lessee. Specifically, the Parties understand and agree that neither the method of computation of Rent, nor any other provision, nor any acts of the Lessee and the Lessor or either of them will be deemed to create any relationship between them other than the relationship of Lessor and Lessee upon the terms and conditions only as provided in this Lease.

3.5 **Time to be of the essence**

Where in any provision of this Lease a party is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs

after the lapsing of a specified time, time shall be the essence of the contract in that regard.

4 SEVERABILITY

Any provision of this Lease, which is prohibited or unenforceable in any jurisdiction, shall as to such jurisdiction be ineffective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provisions in any other jurisdiction.

5 ESSENTIAL TERMS OF LEASE

The Lessor and the Lessee agree that the clauses specified in Column 2 of Item 15 of Schedule 1 are essential conditions of this Lease.

6 SECTIONS OF LEGISLATION NOT TO APPLY

6.1 The covenants and powers implied in every lease by virtue of Sections 84, 84A, 132, 133, 133A and 133B of the *Conveyancing Act 1919* do not apply or are not implied in this Lease and are expressly negated except in so far as the same or some part or parts of it are included in the covenants hereinafter contained. The employment in this Lease of any words in any of the forms of words contained in the first column of Part II of the Fourth Schedule to the *Conveyancing Act 1919* shall not imply any covenant under Section 86 of that Act.

6.2 Part 4 of the *Civil Liability Act 2002* does not apply to this Lease.

7 TERM OF LEASE

The Lessor grants to the Lessee a lease of the Premises for the Term specified in Column 2 of Item 2 of Schedule 1. The Term shall commence on the Commencing Date specified in Column 2 of Item 1 of Schedule 1.

8 PERMITTED USE

8.1 The Lessee will not use the Premises or allow the Premises to be used for any purpose other than the Permitted Use specified in Column 2 of Item 4 of Schedule 1.

8.2 Unless expressly permitted under a provision of this Lease, the Lessee will not reside on the Premises or permit any other person to reside on the Premises.

9 PAYMENT OF RENT

9.1 Definitions

For the purposes of this clause:

Base Annual Rent means:

- (a) the Initial Rent where the Rent has not been adjusted or redetermined in accordance with sub-clauses 9.3 or 9.4; or
- (b) in any other case - the Rent as last redetermined or adjusted in accordance with the provisions of sub-clauses 9.3 or 9.4;

Due Date means the date for payment of Rent under this Lease as is specified in Column 2 of Item 7 of Schedule 1 and thereafter each anniversary of that date;

Initial Rent means the Rent payable under this Lease in respect of the Premises as is specified in Column 2 of Item 5 of Schedule 1 expressed as an annual amount;

Market Rent means the Rent that would reasonably be expected to be paid for the Premises if it were offered for the same or a substantially similar use to which the Premises may be put under this lease and on similar terms and conditions;

Market Rent Review Date means the date specified in Column 2 of Item 8 of Schedule 1;

Rent means

- (a) the Base Annual Rent payable upon each Due Date less any Rent Rebate granted to the Lessee by the Lessor

Rent Adjustment means an adjustment of Rent made under sub-clause 9.3.

Rent Rebate means such amount as specified in Column 2 of Item 6 of Schedule 1 granted to the Lessee by the Lessor under Clause 9.5 and expressed either as an absolute dollar value or a percent of the Base Annual Rent.

9.2 Lessee to Pay Rent

The Lessee covenants with the Lessor that the Lessee will on the Commencing Date and thereafter during the whole of the Term on the Due Date pay the Rent to the Lessor in accordance with the provisions of this clause without demand free of exchange and without deduction whatsoever.

9.3 Calculation of Rent Adjustment

- (a) On each Anniversary of the Due Date the Rent will be adjusted in accordance with the following formula:

$$R = B \times \frac{C}{D}$$

where:

- R represents the Base Annual Rent following adjustment under this Clause;
 - B represents the Base Annual Rent before adjustment under this Clause;
 - C represents the Consumer Price Index number for the last quarter for which such a number was published before the due date; and
 - D represents the Consumer Price Index number for the last quarter of the last adjustment of rent for which such a number was published.
- (b) In this clause “Consumer Price Index number” in relation to a quarter, means the number for that quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.
 - (c) Any Rent adjusted under this sub-clause must be adjusted to the nearest whole dollar.
 - (d) An adjustment of Rent made under this clause shall take effect on its Due Date notwithstanding that any Rent notice to the Lessee is not issued until after that date.

9.4 Market Rent Review

- (a) In addition to the Rent adjustment provided for in clause 9.3 the Rent may, subject to the following provisions of this clause, be redetermined to an amount that is the market Rent on that date with effect on and from each Market Rent Review Date by the Lessor.
- (b) A redetermination of Rent for the purposes of sub-clause 9.4(a) will be taken to have been made on the Market Rent Review Date if it is made at any time within the period of six months before and up to six months after that Market Rent Review Date.
- (c) Where the Lessor does not redetermine the Rent as provided for in clause 9.4(a) it may subsequently redetermine the Rent at any time before the next Market Rent Review Date. No succeeding Market Rent Review Date will be postponed by reason of the operation of this clause.
- (d) An adjustment of Rent made under sub-clause 9.4(c) will take effect and be due and payable on the next due date following the date of issue of the notice of adjustment (or where the said due date and the date of issue of the notice of redetermination are the same, then that date) even if the Lessee wishes to dispute the redetermination.

9.5 Rent Rebate for Charitable or Non Profit Organisations

At the absolute discretion of the Lessor, the Lessor may determine that the Lessee is entitled to a Rent Rebate as specified in Column 2 of Item 6 of Schedule 1 on the basis that the Lessee is a recognised charitable or non-profit organisation.

10 CONTINUING OBLIGATION

The obligation of the Lessee to pay the Rent is a continuing one during the Term of this Lease and any extension of it and shall not abate in whole or in part or be affected by any cause whatsoever.

11 NO REDUCTION IN RENT

Subject to this Lease the Lessee will not without the written consent of the Lessor by any act, matter or deed or by failure or omission impair, reduce or diminish directly or indirectly the Rent required to be paid under this Lease. However, if at any time during the Lease:

- (a) some natural disaster or other serious event occurs which is beyond the reasonable control of the Lessee; and
- (b) as a result of the damage, the Lessee is not able to use the Premises in a reasonable manner,

the Lessee's obligations to pay Rent will abate to the extent proportional to the effect on the Lessee's ability to occupy and use the Premises until the Premises are restored to a condition in which the Lessee is able to conduct the Lessee's activities and/or occupy the Premises in a reasonable manner.

12 LESSEE TO PAY RATES

- 12.1 The Lessee will when the same become due for payment pay all (or in the first and last year of the Term the appropriate proportionate part) rates, taxes (including Land Tax),

assessments, duties, charges and fees whether municipal, local government, parliamentary or otherwise which are at any time during the currency of this Lease separately assessed and lawfully charged upon, imposed or levied in respect of the Lessee's use or occupation of the Premises to the extent referable to the Lessee's use or occupation of the Premises.

- 12.2 The Lessee will if required by the Lessor produce to the Lessor evidence for such payments within 10 business days after the respective due dates for payment and in case such rates, taxes, duties and fees so covenanted to be paid by the Lessee are not paid when they become due the Lessor may if it thinks fit pay the same and any such sum so paid may be recovered by the Lessor from the Lessee.

13 LESSEE TO PAY OTHER CHARGES

The Lessee will pay all other fees, charges and impositions not referred to in clause 12 for which it may properly be liable and which are at any time during the Term payable in respect of the Premises or on account of the use and occupation of the Premises by the Lessee.

14 LESSEE TO PAY FOR SERVICES

The Lessee will as and when the same become due for payment pay to the Lessor or to any other person or body authorised to supply the same all proper charges for gas, electricity, water or other services supplied to the Lessee or consumed in or on the Premises, by the Lessee.

15 LESSEE TO PAY COST OF WORK

Whenever the Lessee is required under this Lease to do or effect any act, matter, work or thing then the doing of such act matter or thing will unless this Lease otherwise provides be at the sole risk, cost and expense of the Lessee.

16 COSTS PAYABLE

16.1 Costs Payable to Lessor

Except where a law limits costs being incurred by a Lessee being recovered from the Lessor, the Lessee will pay in full the Lessor's reasonable legal costs, the fees of all consultants and all duties fees, charges and expenses incurred reasonably, properly and in good faith by the Lessor in consequence of or in connection with or incidental to:

- (a) the preparation, completion, stamping (if any) and registration of this Lease;
- (b) any variation of this Lease made otherwise than at the request of the Lessor;
- (c) any application for the consent of the Lessor and the Minister if applicable under this Lease;
- (d) any and every failure to comply, breach or default by the Lessee under this Lease;
- (e) the exercise or attempted exercise of any right power privilege authority or remedy of the Lessor under or by virtue of this Lease;

- (f) the examination of plans, drawings and specifications of any improvement erected or constructed or to be erected or constructed on the Premises by the Lessee and the inspection of it, in this case the costs to be mutually agreed;
- (g) any entry, inspection, examination, consultation or the like which discloses a breach by the Lessee of any provision of this Lease;
- (h) the Lessee requiring the Lessor to do any act, matter or thing under this Lease, unless otherwise provided for in this Lease, the Lessee will reimburse the Lessor for all reasonable costs and expenses incurred in complying with that requirement.

16.2 Costs payable by Lessor

The Lessor will pay its own direct and external consultants costs in relation to any rental redetermination matter without reimbursement from the Lessee.

17 INTEREST ON OVERDUE MONEYS

The Lessee will pay interest to the Lessor on any moneys due and payable under the Lease or on any judgment in favour of the Lessor in an action arising from the Lease until all outstanding moneys including interest are paid in full. The rate of interest applicable is the rate set by the Lessor's Bank for the time being as its benchmark rates for overdrafts of one hundred thousand dollars (\$100,000.00) or more. Interest will accrue and be calculated daily.

18 MANNER OF PAYMENT OF RENT AND OTHER MONEYS

The Rent and other moneys payable in accordance with this Lease must be paid to the address or bank account specified in Column 2 of Item 9 of Schedule 1 or to such other person or at such other address as the Lessor may from time to time direct by notice in writing served on the Lessee.

19 GOODS AND SERVICES TAX

- (a) For the purposes of this Lease, "GST", "taxable supply", "consideration" and "tax invoice" have the meanings given to those terms in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).
- (b) All payments to be made or other consideration to be provided under this Lease are GST exclusive unless otherwise expressly stated. If any payment or consideration to be made or provided by the Lessee to the Lessor is for a taxable supply under the Lease on which the Lessor must pay GST and the Lessor gives the Lessee a tax invoice, the Lessee must pay to the Lessor an amount equal to the GST payable (the "GST Amount") by the Lessor for that taxable supply upon receipt of that tax invoice.
- (c) The Parties agree that they are respectively liable to meet their own obligations under the GST Law. The GST Amount must not include any amount incurred in respect of penalty or interest or any other amounts payable by the Lessor as a result of default by the Lessor in complying with the GST Law.

19A LESSOR AS LAND OWNER AND CONSENT AUTHORITY

- (a) The Lessee acknowledges that the Lessor may also be the consent authority under the EPA Act for any development to be carried out on the Premises.
- (b) The Lessee expressly acknowledges that the Premises is currently classified as community land pursuant to the LG Act.
- (c) The Lessor will comply with all relevant provisions of the EPA Act and the LG Act in respect to any application for development consent made by or on behalf of the Lessee for development to be carried out on the Premises.
- (d) Any development application made by or on behalf of the Lessee is to strictly comply with any applicable Plan of Management made under the LG Act applying to the Premises.

20 SUBLEASING, ASSIGNMENT AND PARTING WITH POSSESSION

- 20.1 The Lessee may not sublet, assign this Lease or part with possession of the Premises or any part of them without the consent of the Lessor except in accordance with section 47C of the LG Act.
- 20.2 If the Lessee is a corporation, it will be treated as assigning this Lease, for the purposes of sub-clause 20.1, if the person or persons who beneficially own or control a majority of its voting shares at the commencement of this Lease cease to do so, except as a result of transmission on the death of a shareholder. This clause will not apply if the Lessee is a corporation, the voting shares of which are listed on a Stock Exchange in Australia.
- 20.3 The Lessee is to pay the Lessor's reasonable legal and other costs relating to considering and giving consent, including any costs which the landlord incurs in making inquiries as to the respectability, solvency, responsibility, stature, experience and capability of any proposed subtenant or assignee or the person to whom possession is to be transferred.
- 20.4 The Lessee may not mortgage or charge this Lease or any estate or interest in the leased Premises.

21 TERMINATION OF LEASE

- 21.1 Subject to Clauses 22 and 23 this Lease terminates on the date specified in Column 2 of Item 3 of Schedule 1.

22 DELETED

23 TERMINATION OF LEASE ON DEFAULT

- 23.1 The Lessor may end the Lease in the manner set out below in the following circumstances:
 - (a) if the Rent or any part of it or any other moneys owing to the Lessor under the Lease is or are in arrears for one month, whether formally demanded or not;
 - (b) if the Lessee breaches an essential condition of this Lease or any rule or regulation made under this Lease;
 - (c) if defects notified under a provision of this Lease are not remedied within the time specified in the notice;

- (d) if the Lessee is a corporation and an order is made or a resolution is passed for its winding up except for reconstruction or amalgamation;
- (e) if the Lessee is a company and ceases or threatens to cease to carry on business or goes into liquidation, whether voluntary or otherwise, or is wound up or if a liquidator or receiver (in both cases whether provisional or otherwise) is appointed;
- (f) if the Lessee is a company and is placed under official management under the corporations law or enters a composition or scheme of arrangement;
- (g) if the interest of the Lessee under this Lease is taken in execution;
- (h) if the Lessee or any person claiming through the Lessee conducts any business from the leased Premises after the Lessee has committed an act of bankruptcy.

23.2 In the circumstances set out in sub clause 23.1, the Lessor may end the Lease by:

- (a) notifying the Lessee that it is ending the Lease; or
- (b) re-entering the Premises, with force if necessary, and ejecting the Lessee and all other persons from the Premises and repossessing them; or
- (c) doing both.

23.3 If the Lessor ends this Lease under this clause, the Lessee will not be released from liability for any prior breach of this Lease and other remedies available to the Lessor to recover arrears of Rent or for breach of this Lease will not be prejudiced.

23.4 If the Lessor ends this Lease under this clause or under clause 22, it may remove the Lessee's property and store it at the Lessee's expense without being liable to the Lessee for trespass, detinue, conversion or negligence. After storing it for at least one month, the Lessor may sell or dispose of the property by auction or private sale. It may apply any proceeds of the auction or sale towards any arrears of Rent or other moneys or towards any loss or damage or towards the payment of storage and other expenses.

23.5 If the Lessor ends this Lease under this clause, it may, besides any other rights and remedies that it might have, recover from the Lessee damages for the loss of the benefit of the rest of this Lease.

24 ACCEPTANCE OF RENT NOT WAIVER

Demand for, or acceptance of Rent or any other moneys due under this Lease by the Lessor after forfeiture does not operate as a waiver of forfeiture.

25 HOLDING OVER BY LESSEE

- (a) On and from the Terminating Date of this Lease, the Lessee shall be entitled with the consent of the Lessor to remain in possession of the Premises on the following terms and conditions:
 - (i) the Lessee shall become a monthly tenant of the Lessor at a monthly rental equivalent to one twelfth of the annual Rent payable at the time of expiration of this Lease;

- (ii) the Lessee shall comply with and be bound by the terms and conditions of this Lease insofar as the terms and conditions are applicable, provided that the Lessor may from time to time by notice in writing served on the Lessee direct that any particular condition not apply or be amended in the manner set out in the notice.
- (b) The Lessor and the Lessee expressly agree that where any provision of this Lease confers any right, duty, power or obligation on a Party upon the expiration of this Lease and the Lessee is authorised to remain in possession of the Premises pursuant to a consent granted under this clause the emergence of the right, duty, power or obligation shall be postponed until such time as the Lessee ceases to be entitled to possession pursuant to this clause.
- (c) The tenancy created by operation of this clause may be determined by the Lessor serving on the Lessee a notice to quit. The notice shall take effect at the expiration of the period of one month from the date of service of the notice or such further period as may be specified in the notice.
- (d) The tenancy created by operation of this clause may be determined by the Lessee serving on the Lessor a notice stating that as from a date specified in the notice the tenancy is surrendered.

26 LESSEE TO YIELD UP

- 26.1 The Lessee will forthwith upon the expiry or determination of this Lease or any extension of it peaceably vacate the Premises at the Lessee's expense.
- 26.2 The Lessee must:
- (a) unless otherwise provided for in this Lease, remove the Tenant Fixtures and must remove any signs, names, advertisements, notices or hoardings erected, painted, displayed, affixed or exhibited upon, to or within the Premises by or on behalf of the Lessee (other than a notice displayed by the Lessor); and
 - (b) unless otherwise provided for in this Lease, rehabilitate the Premises, (to the extent to which it has been altered or affected by the Lessee's occupation and use of the Premises) as nearly as practicable to the original condition before the installation of the Tenant Fixtures to the reasonable satisfaction of the Lessor; and
 - (c) ensure that when it vacates the Premises, the Premises comply with any Environmental Law to the extent that it did so at the time of granting of this Lease; and
 - (d) leave the Premises in a clean and tidy condition.
- 26.3 Sub-clause 26.2 does not apply unless the Lessor permits the Lessee to carry out any works on the Premises reasonably required in order to comply with the clause.

27 ADDITIONS AND ALTERATIONS

The Lessee shall not make carry out any works or make any additions or alterations to the Premises without first obtaining the written consent of the Lessor and any development consent required under the EPA Act. Any additions or alterations consented to by the Lessor shall be carried out at the Lessee's expense and in a workmanlike manner.

28 MAINTENANCE OF PREMISES AND ENCLOSED AREAS

The Lessee will keep the Premises clean and tidy and in good order and condition.

29 LESSEE TO ERECT BARRICADES ETC.

Where the Premises or any part of the Premises become to the knowledge of the Lessee (or which ought reasonably to be in the knowledge of the Lessee) unsafe, hazardous or dangerous the Lessee will forthwith erect such warning signs, fences and barricades as may be necessary until the Premises are rendered safe.

30 LESSEE NOT TO REMOVE MATERIALS

- (a) The Lessee will not mine, remove, extract, dig up or excavate any sand, stone, gravel, clay, loam, shell or similar substance from, on or in the Premises or permit any other person to undertake such action without the prior consent in writing of the Lessor and the and subject to such conditions as the Lessor or the Minister may determine.
- (b) Sub clause 30(a) does not apply to any removal, digging up or excavation as may be necessary to construct or undertake any improvement authorised by or under this Lease provided that any such removal, digging up or excavation is undertaken in accordance with the requirements of that authorisation.
- (c) A failure by the Lessee to comply with any condition imposed pursuant to sub clause 30(a) constitutes a failure by the Lessee to comply with a provision or covenant of this Lease.

31 ADVERTISING

- (a) The Lessee must not permit to be displayed or placed on the Premises or any part of them any sign, advertisement or other notice without first obtaining the Lessor's written consent and, if required, obtaining development consent under the EPA Act, other than safety signs, in respect of which the Lessor's consent will not be required; and
- (b) The Lessor may at any time by notice in writing require the Lessee to discontinue to use any piece or mode of advertising to which the Lessor has granted consent under sub-clause 31(a) which in the opinion of the Lessor has ceased to be suitable or has become unsightly or objectionable and the Lessee on receipt of the notice must comply accordingly.

32 NOTIFICATION OF ACCIDENT

The Lessee will give to the Lessor prompt notice in writing of any serious accident to any person or accident to the Premises or serious defect at or to the Premises unless that defect or accident is capable of being and is promptly remedied by the Lessee.

33 RODENTS AND VERMIN

The Lessee will take all reasonable precautions to keep the Premises free of rodents, vermin, insects and pests and will in the event of failing to do so if required by the Lessor but at the cost of the Lessee employ from time to time a duly certified pest exterminator approved by the Lessor whose approval will not be unreasonably withheld. In performing

its obligations pursuant to this clause the Lessee and any person acting on the Lessee's behalf will not use any substance or undertake any activity prohibited by any law.

34 LESSEE NOT TO BURN OFF

If applicable, the Lessee will not carry out any burning off on the Premises except with the prior consent of the Lessor in writing, which consent shall not be unreasonably withheld, and after compliance with the requirements of the *Rural Fires Act 1997*. Any consent granted in accordance with this condition shall be subject to such reasonable conditions as the Lessor may impose.

35 LESSEE NOT TO COMMIT NUISANCE ETC

The Lessee will not:

- (a) carry on or permit to be carried on at the Premises any noxious, nuisance or offensive trade or business; or
- (b) do or permit to be carried on at the Premises any act, matter or thing which results in nuisance damage or disturbance to the Lessor or owners or occupiers of adjoining or neighbouring lands or buildings; or
- (c) use the Premises for any illegal activity.

36 HAZARDOUS SUBSTANCES

The Lessee must not bring on to the Premises or keep any Hazardous Substance on the Premises without the prior consent of the Lessor, which consent shall not be unreasonably withheld.

37 RELICS

- (a) Unless authorised to do so by a permit under section 87 or a consent under section 90 of the *National Parks and Wildlife Act 1974* and subject to observance and compliance with any conditions imposed on the grant of such permit or consent the Lessee will not knowingly disturb, destroy, deface or damage any aboriginal relic or place or other item of archaeological significance within the Premises and will take reasonable precautions in drilling excavating or carrying out other operations or works on the Premises against any such disturbance, destruction, defacement or damage.
- (b) If the Lessee becomes aware of any aboriginal relic or place or other item of archaeological significance within the Premises the Lessee will within 24 hours notify the Lessor and the Chief Executive of the Office of Environment and Heritage of the existence of such relic, place or item.
- (c) The Lessee will not continue any operations or works on the Premises likely to interfere with or disturb any relic, place or item referred to in sub clause 37(b) without the approval of the Chief Executive of the Office of Environment and Heritage and the Lessee will observe and comply with all reasonable requirements of the said Director-General in relation to carrying out the operations or works.

38 ARTEFACTS

All fossils, artefacts, coins, articles of value, articles of antiquity, structure and other remains or things of geological historical or archaeological interest discovered on or under the surface of the Premises shall be deemed to be the absolute property of the Lessor and the Lessee will as authorised by the Lessor watch or examine any excavations and the Lessee will take all reasonable precautions to prevent such articles or things being removed or damaged and will as soon as practicable after discovery thereof notify the Lessor of such discovery and carry out the Lessor's orders as to the delivery up to or disposal of such articles or things at the Lessor's expense.

39 OWNERSHIP AND REMOVAL OF IMPROVEMENTS AND TENANT FIXTURES

During the Term and any extension of it, ownership of Tenant Fixtures vests in the Lessee. Notwithstanding anything contained in this Lease, so long as any Rent or other moneys are due by the Lessee to the Lessor or if the Lessee has committed any breach of this Lease which has not been made good or remedied and whether the Lessee is still in possession or not, the Lessee shall not be entitled to remove any of the Tenant Fixtures, fittings or equipment from the leased property.

40 GENERAL REQUIREMENT TO REPAIR

Without prejudice to any specific obligations contained in this Lease the Lessee will to the satisfaction of the Lessor at all times keep the Premises in good repair and properly maintained in all respects.

41 BREAKAGES

The Lessee will immediately at the Lessee's expense make good any breakage defect or damage to the Premises (including but not limited to broken glass) or to any adjoining premises or to any facility or appurtenance of the Lessor occasioned by want of care, misuse or abuse on the part of the Lessee, the Lessee's agents, servants, invitees or licensees.

42 LESSOR'S RIGHT TO ENTER INSPECT AND REPAIR

The Lessor, the Lessor's agents, the Minister and the Minister's delegates may at all reasonable times upon giving to the Lessee reasonable notice (except in the case of emergency when no notice shall be required) and accompanied by the Lessee or an employee or agent of the Lessee enter upon the Premises and view the state of repair of the Premises and may serve upon the Lessee a notice in writing of any defect (the repair of which is the Lessee's obligation under this Lease to undertake) requiring the Lessee within two months to repair the same.

43 INDEMNITIES AND INSURANCE

Definition

For the purposes of clauses 44, 45, 46, 47, 48, 49, 57 and 58 –

Lessor means the Lessor, its agents, servants, employees and contractors.

Claim/s means actions, suits, claims, demands, proceedings, losses, damages, compensation, costs, legal costs, charges and expenses.

44 INDEMNITIES

44.1 Indemnity for use of Premises

- (a) The Lessee indemnifies and keeps indemnified the Lessor from and against all Claims whatsoever to which the Lessor shall or may be or become liable for or in respect of the Lessee's occupation operation and use of the Premises or for or in respect of all Claims of whatsoever nature or kind and howsoever arising (and whether to any property or to any person resulting in the destruction or damage of any property or the death or injury of any person) at or upon the Premises or originating on the Premises, although occurring or sustained outside the Premises, except to the extent that any such Claims:
- (i) arise from or are contributed to by the negligence or wilful act or omission on the part of the Lessor; or
 - (ii) arise from the occupation, operation or use of the Premises by any other occupier, or the acts of any person who has access to the Premises with the consent of another occupier, and the Lessor is adequately indemnified by that other occupier in respect of the relevant Claim or demand, and the Lessor will use its reasonable endeavours to ensure that an indemnity in or to the effect of this form is contained in any agreement with any other occupier of the Premises.

44.2 Indemnity Continues After Expiration of Lease

The obligations of the Lessee under this clause continue after the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination for the period limited by the Statute of Limitations.

44.3 Exclusion of Consequential Loss

Despite any other provision of this Lease, both Parties exclude, (and agree that they will have no rights against the other for) liability for consequential or indirect loss arising out of this Lease including (without limitation) in respect of loss of profits or loss of business. This clause does not apply in respect of wilful acts by either Party.

45 RELEASE OF LESSOR FROM LIABILITY

- (a) The Lessee shall occupy, use and keep the Premises at the risk of the Lessee and hereby releases to the full extent permitted by law the Lessor from all Claims resulting from any accident, damage or injury occurring therein (but excluding such Claims to the extent that such Claims arise out of the negligent or wilful acts omissions or default of the Lessor) and the Lessor shall have no responsibility or liability for any loss of or damage to fixtures and/or personal property of the Lessee or any agent or servant of the Lessee or of any member of the public whilst in or upon the Premises (but excluding such Claims to the extent that such Claims arise out of the negligent acts or wilful omissions or default of the Lessor).
- (b) The obligations of the Lessee under this clause shall continue after the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination for which the Lessee is responsible. Such obligation is to be governed by the Statute of Limitations.

46 NO LIABILITY FOR FAILURE OF SERVICES

The Lessor will not be under any liability for any loss, injury or damage sustained by the Lessee or any other person at any time as a result of or arising in any way out of the failure

of the electricity, telephones, gas, water supply, sewerage, drainage or any other services or facilities provided by the Lessor or enjoyed by the Lessee in conjunction with the Premises or this Lease provided that such failure is not due to the negligent or wilful act or omission of the Lessor its servants or agents.

47 LESSEE NOT TO IMPOSE LIABILITY ON LESSOR

Subject to any other provision of this Lease, the Lessee will not without the written consent of the Lessor or Minister by any act, matter or deed or by failure or omission cause or permit to be imposed on the Lessor or Minister any liability of the Lessee under or by virtue of this Lease even though the Lessee is entitled to do so under any law present or future or otherwise.

48 INSURANCE - PUBLIC RISK

The Lessee will effect and maintain with a reputable and solvent insurer with respect to the Premises and the activities carried on in the Premises public risk insurance for an amount not less than the amount set out in Column 2 of Item 12 of Schedule 1 (or such other amount as the Lessor may from time to time reasonably require) as the amount payable in respect of liability arising out of any one single accident or event. The Lessor acknowledges that the Lessee may effect the public risk insurance pursuant to an insurance policy which is not specific as to the location of risk.

49 PROVISIONS FOR POLICIES

- (a) All insurance policies required to be effected by the Lessee pursuant to this Lease are specified in Schedule 3 - Special Conditions and shall be in place prior to occupying the Premises.
- (b) The Lessee will produce to the Lessor, once per calendar year or once per period of insurance (whichever first occurs), a certificate of insurance and/or a certificate of currency in respect of the insurance policies required to be effected by the Lessee pursuant to this Lease.
- (c) The Lessee will not at any time during the Term do any act or omit to do any act which it ought reasonably believe may render void or voidable any policy of insurance. If the Lessee does any act or fails to do any act whereby the rate of premium on such insurance shall be liable to be increased, the Lessee will obtain insurance cover for such increased risk and pay all additional premiums required on account of the additional risk caused by the use to which the Premises are put by the Lessee.
- (d) The Lessee will use all reasonable endeavours to ensure that full, true and particular information is given to the office or company with which the said insurances are effected of all matters and things the non-disclosure of which might in any way prejudice or affect any such policy or policies of insurance or the payment of all or any moneys there under.

50 HAZARDOUS MATERIALS

The Lessor warrants that it has not received any notices pursuant to the *Contaminated Land Management Act 1997* (NSW).

51 QUIET ENJOYMENT

The Lessor warrants that subject to:

- (a) the Lessor's rights under this Lease;
- (b) the Lessee complying with its obligations under this Lease;

the Lessee may hold and occupy the Premises without undue interference by the Lessor.

52 APPROVAL BY THE LESSOR

- (a) This clause does not apply to a consent or approval under clause 20.
- (b) In any case where pursuant to this Lease the doing or executing of any act, matter or thing by the Lessee is dependent upon the approval or consent of the Lessor such approval or consent will not be effective unless given in writing and may be given or withheld (unless the context otherwise requires) by the Lessor and may be given subject to such conditions as the Lessor may determine unless otherwise provided in this Lease provided such consent or approval is not unreasonably withheld or such terms and conditions are not unreasonable.
- (c) Any failure by the Lessee to comply with a condition imposed by the Lessor pursuant to sub-clause 52(b) constitutes a failure by the Lessee to comply with a condition of this Lease.

53 OPINION OF THE LESSOR

Any opinion to be formed by the Lessor for the purposes of this Lease may be formed by the Lessor on such grounds and material as the Lessor determines to be sufficient. If the Lessor deems it necessary, such opinion will be formed after consultation with any New South Wales Government Department, the Local Council or other public authority or the Standards Association of Australia or any other body whose objects and functions are relevant. In forming any such opinion the Lessor is deemed to be exercising merely administrative functions.

54 LESSEE TO COMPLY WITH ALL COMMONWEALTH AND NSW STATE LAWS

- (a) The Lessee will comply with the requirements of all statutes, regulations or by-laws and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the Premises to the extent to which the Lessee is bound at law to comply with the same and nothing in this Lease affects this obligation.
- (b) The Lessee will forthwith on being served with a notice by the Lessor comply with any notice or direction served on the Lessor by a competent authority relating to the destruction of noxious animals or plants or pests or the carrying out of repairs alterations or works on or to the Premises.

55 LESSEE TO COMPLY WITH ENVIRONMENTAL LAWS

In relation to its use of the Premises, the Lessee must, during the Term, and in relation to the Premises:

- (a) comply with relevant Environmental Laws;
- (b) use its best endeavours to prevent a breach of any Environmental Law;
- (c) report any breach even if accidental; and
- (d) provide to the Lessor as soon as reasonably practicable details of notices received by or proceedings commenced against the Lessee pursuant to an Environmental Law:
 - (i) relating to a breach or alleged breach by the Lessee of an Environmental Law; or
 - (ii) requiring the Lessee to carry out works to decrease the affectation of the Premises by any Hazardous Substance.

56 LESSEE'S FAILURE TO COMPLY WITH STATUTORY REQUIREMENTS

Where the Lessee breaches any law in relation to its use of the Premises it is taken to breach a condition of this Lease, provided that:

- (a) the Lessee has been found guilty of the breach, and
- (b) the Lessor determines that the breach warrants the Termination of this Lease.

57 INDEMNITY FOR NON-COMPLIANCE WITH LEGISLATION

The Lessee indemnifies and keeps indemnified the Lessor from and against any Claims arising from the non-compliance by the Lessee with any New South Wales or Commonwealth legislation that may apply to the Lessee's use and occupation of the site and access thereto and the Lessee's operation of their business from the site and access thereto.

This clause shall not merge on the expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination.

58 INDEMNITY FOR BREACH OF ENVIRONMENTAL LAW

Without prejudice to any other indemnity granted by this Lease, the Lessee indemnifies and keeps the Lessor indemnified against all Claims arising from a breach by the Lessee of any Environmental Law which breach is in relation to the Premises. This clause shall not merge on expiration or other determination of this Lease in respect of any act, deed, matter or thing happening before such expiration or determination.

59 PROCEDURE - DISPUTE RESOLUTION

- (a) In the event that the Lessor and the Lessee are in dispute regarding any matter relating to or arising under this Lease or in respect of any approvals or consents to be granted by the Lessor (except those approvals or consents where the Lessor has an obligation to act reasonably) to the Lessee hereunder, then either

the Lessor or the Lessee may give notice and particulars of such dispute to the other Party.

- (b) Where a notice of dispute is served pursuant to this clause the Parties agree to enter into informal negotiations to try and resolve the dispute in good faith and in an amicable manner.
- (c) If the dispute is not resolved informally within 21 days of service of written notice, the Parties may confer with a mutually agreed third party whose role will be to assist in the resolution of the dispute by mediation or expert appraisal of the dispute. The Parties agree to provide all information and assistance reasonably requested by such third party, including access to any accounting or other business records relating to or arising out of the Lease.
- (d) A third party appointed in accordance with this clause may decide in which proportions any fees will be borne by the respective Parties. In the absence of any such decision by the third party fees shall be borne equally by the Parties.
- (e) Neither Party shall be entitled to commence or maintain any proceedings in any court or tribunal until negotiations or mediations have taken place pursuant to this clause except where either Party seeks urgent interlocutory relief.
- (f) Either Party may at any time bring negotiations or mediation to an end by serving upon the other Party written notice stating that the dispute has failed to be resolved. Upon service of such notice both Parties shall be entitled to pursue any legal remedies available to them in relation to the dispute. This sub-clause does not in any way limit a mediator's power to apportion fees under sub-clause 59(d).
- (g) Notwithstanding the existence of a dispute being dealt with under this clause the Parties must, unless acting in accordance with an express provision of this Lease, continue to perform their obligations under this Lease.

60 NOTICES

60.1 Service of Notice on Lessee

Any notice served by the Lessor on the Lessee must be in writing and will be sufficiently served if:

- (a) served personally or left addressed to the Lessee at the address stated in Column 2 of Item 10 of Schedule 1 or such other address as the Lessee notifies in writing to the Lessor; or
- (b) sent by email to the Lessee's email address stated in Column 2 of Item 10 of Schedule 1 or such other address as the Lessee notifies in writing to the Lessor;
- (c) forwarded by prepaid security mail addressed to the Lessee at the address stated in Column 2 of Item 10 of Schedule 1

and every such notice must also be served on the Lessee's solicitors, as they may be nominated from time to time, or such other address as the Lessee's solicitors notify in writing to the Lessor, by any methods identified in clauses 60.1 (a) and (b).

60.2 Service of Notice on Lessor

Any notice served by the Lessee on the Lessor must be in writing and will be sufficiently served if:

- (a) served personally or left addressed to the Lessor at the address stated in Column 2 of Item 11 of Schedule 1 or such other address as the Lessor notifies in writing to the Lessee; or
- (b) sent by email to the Lessor's email address stated in Column 2 of Item 11 of Schedule 1 or such other address as the Lessor notifies in writing to the Lessee;
- (c) forwarded by prepaid security mail addressed to the Lessor at the address stated in Column 2 of Item 11 of Schedule 1

and every such notice must also be served on the Lessor's solicitors, as they may be nominated from time to time, or such other address as the Lessor's solicitors notify in writing to the Lessee, by any methods identified in clauses 60.1 (a) and (b).

60.3 Notices

- (a) Any notice served by the Lessor or the Lessee under this Lease will be effective if signed by a director or secretary or the solicitors for the Party giving the notice or any other person or persons nominated in writing from time to time respectively by the Lessor or by the Lessee to the other.
- (b) Any notice sent by prepaid security mail will be deemed to be served at the expiration of 2 Business Days after the date of posting.

61 NO MORATORIUM

Any present or future legislation which operates to vary obligations between the Lessee and the Lessor, except to the extent that such legislation is expressly accepted to apply to this Lease or that its exclusion is prohibited, is excluded from this Lease.

62 NO WAIVER

No waiver by a Party of any breach of any covenant obligation or provision in this Lease either express or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Lease contained or implied. None of the provisions of this Lease shall be taken either at law or in equity to have been varied waived discharged or released by a Party unless by express consent in writing.

63 NO MERGER

Nothing in this lease merges, postpones, extinguishes, lessens or otherwise prejudicially affects the rights and remedies of the Parties under this Lease or under any other agreement.

64 COUNTERPARTS

- (a) A Party may execute this lease by signing any counterpart.
- (b) All counterparts constitute one document when taken together.

65 CONTACT PERSON

The Lessor and the Lessee each must nominate a person to contact about matters arising under this Lease. The person so nominated is the person referred to in Column 2 of Items 13 and 14 of Schedule 1 or such other person as the Lessor nominates in writing to the Lessee and the Lessee nominates in writing to the Lessor from time to time.

66 APPLICABLE LAW

This Lease shall be construed and interpreted in accordance with the law of New South Wales.

67 NO HOLDING OUT

The Lessee will not in connection with the Premises or otherwise directly or indirectly hold out or not permit to be held out to any member of the public any statement, act, deed, matter or thing indicating that the Premises or the business conducted or operated thereon or any parts or parts thereof are or is being carried on or managed or supervised by the Lessor nor shall the Lessee act as or represent itself to be the servant or agent of the Lessor.

68 WHOLE AGREEMENT

- (a) The provisions contained in this Lease expressly or by statutory implication cover and comprise the whole of the agreement between the Parties.
- (b) No further or other provisions whether in respect of the Premises or otherwise will be deemed to be implied in this Lease or to arise between the Parties hereto by way of collateral or other agreement by reason or any promise representation warranty or undertaking given or made by any Party hereto to another on or prior to the execution of this Lease.
- (c) The existence of any such implication or collateral or other agreement is hereby negated.

69 SPECIAL CONDITIONS

The Special Conditions set out in Column 2 of Item 16 of Schedule 1 apply and form part of this Lease.

SCHEDULE 1

Item	Clause	Column 1	Column 2
1	2	Commencing Date	1 April 2021
2	7	Term	1 year
3	21	Terminating Date	1 April 2022
4	8	Permitted Use	Health Services Facility – Community Health Facility
5	9	Initial Rent (to be paid by Lessee)	\$ 100 per annum excluding GST
6	9	Market Rent Rent Rebate (if any)	\$100 per annum excluding GST Nil
7	9	Due Date	1 May 2021
8	9	Market Rent Review Date	N/A
9	18	Address for Payment of Rent [OPTIONAL] Electronic Funds Transfer details for payment of rent	Central Darling Shire Council Name of financial institution: Westpac BSB: 032-816 Acc no: 111914 Account in name of: Westpac Business One
10	60	Lessee's address for Service of Notices	Maari Ma Health Aboriginal Corporation ABN: 39056645930 Attention: Bob Davis (CEO) Phone: (08) 8082 9888 Email: bob.davies@maarima.com.au Address: 2 Oxide Street, Broken Hill NSW 2880
11	60	Lessor's address for Service of Notices	Central Darling Shire Council Attention: Bob Stewart Phone: 0429 915 900 (no sms) Email: stewartr@centraldarling.nsw.gov.au Address: PO Box 165 Wilcannia NSW 2836

12	48	Public Risk Insurance amount	\$20 Million
13	65	Lessor's Contact Person	Bob Stewart Phone: 0429 915 900 (no sms) Email: stewartr@centraldarling.nsw.gov.au Address: PO Box 165 Wilcannia NSW 2836
14	65	Lessee's Contact Person	Bob Davis (CEO) Phone: (08) 8082 9888 Email: bob.davies@maarima.com.au Address: 2 Oxide Street, Broken Hill NSW 2880
15	5	Essential Conditions	1.1, 1.2, 7, 8, 9, 11, 12, 20, 21, 27, 28, 40,44, 45, 47, 48, 49, 54, 56
16	69	Special Conditions	Nil.

End of Schedule 1

SCHEDULE 2

Part 1

Description of the Premises (leased area)

Whole Lot in Deposited Plan	Lots 2, 3 and 4 DP 1201089 and Lot 111 DP 1201028 Bonney Street, Wilcannia NSW 2836
Area	9,450 m2
Commencement Date	1 April 2021
Expiry Date	1 April 2022
Initial Rent	\$ 100 per annum.
Plan	Plan attached and marked as "A"
Description of any structures	Nil. To be constructed by Lessee.
Third Party Exclusive Area	N/A
Enclosed Area (where land is, or is intended to be fenced)	N/A

SCHEDULE 3

Special Conditions

Nil.

DRAFT

Dated this [INSERT DAY] day of [INSERT MONTH], [INSERT YEAR]

**EXECUTED BY Maari Ma Health
Aboriginal Corporation**

Signature

Print Name

Office Held

Signature of witness

Print name of witness

**EXECUTED BY Central Darling
Shire Council**

Signature

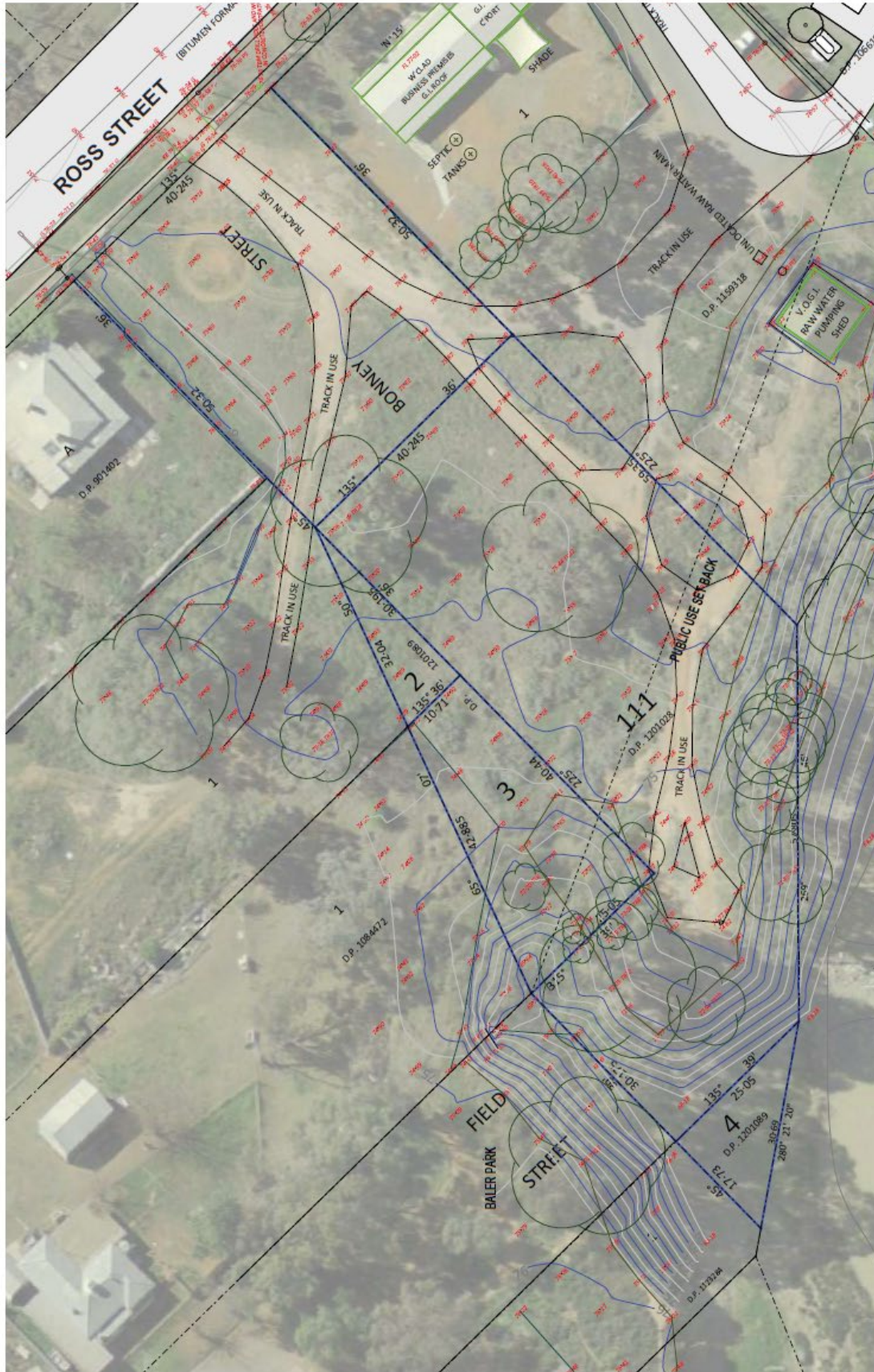
Print Name

Office Held

Signature of witness

Print Name of witness

"A"



MAARI MA WELLBEING CENTRE - WILCANNIA

EXISTING SURVEY

28.07.2020



Maari Ma Health Aboriginal Corporation

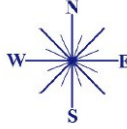
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CENTRAL DARLING SHIRE COUNCIL

CONSTITUED 1 MAY 1959
ABN: 65 061 502 439

E-MAIL: council@centraldarling.nsw.gov.au
WEBSITE: www.centraldarling.nsw.gov.au

PLEASE ADDRESS ALL
CORRESPONDENCE TO:
THE GENERAL MANAGER
PO BOX 165
WILCANNIA NSW 2836



PHONE: (08) 8083 8900
FAX: (08) 8091 5994

COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

PLAN OF MANAGEMENT – Lots 1, S13 and 4 DP759091, 44 Reid Street Wilcannia CENTRAL DARLING SHIRE COUNCIL

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL



Myers and Reid Street Wilcannia

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FIGURES and PHOTOGRAPHS

Cover photo: Photo of site

Figure 1 Map of Central Darling Shire Council area in NSW

Figure 2: Map of Central Darling Shire Council area showing major towns

No	Author	Version
1	Central Darling Shire Council	Draft POM – April 2021
2	Central Darling Shire Council	
3	Central Darling Shire Council	

1. PLAN OVERVIEW

1.1 PLAN OF MANAGEMENT FOR COMMUNITY LAND – General Community use – Community Culture Centre- Baaka Culture Centre – 44 Reid Street Wilcannia – Central Darling Shire Council.

1.1.1 What is the Plan of Management!

The *Local Government Act 1993* (the Act) requires a Plan of Management to be prepared for all public land that is classified as ‘community’ land under that Act.

This is a Plan of Management (PoM) prepared by Central Darling Shire Council defines the value, use, management practices and intent for the broad public purpose for which this land has been reserved or dedicated.

A Plan of Management is a management tool, developed by council in consultation with the community, outlining the land’s features, and clarifies how Council will manage, use or develop the land in the future. The Plan of Management guides a clear process for public land management.

Community land may include a wide variety of properties, ranging from general community use land (ie health clinic, community buildings, small recreation reserves to parks, and sportsgrounds.

The *Local Government Act 1993* requires that community land be categorised as; natural area, park, sportsground, area of cultural significance, or general community use. A Plan of Management (PoM) can be prepared for more than one parcel of land (Generic or Geographic) or for a single property significant or specific.

1.1.2 Need for the Plan of Management

The Management Plan is required in accordance with Section 36 of the *Local Government Act 1993*. The Plan of Management is to be consistent with the intended public purpose and management of the land.

The Plan of Management must comply with other guidelines, policies, and legal requirements which may apply to the land and provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of management provide information about the land and its users, and state what, why, how and by whom the values of a reserve are being managed. Plans of Management are statements about how a land is to be managed in line with its purpose.

The *Local Government Act 1993* (the ‘Act’) requires all Council-owned land to be classified as either ‘Community’ land or ‘Operational’ land. Land classified as ‘Community’ land is to be managed and used in accordance with an adopted Plan of Management.

The purpose of this Plan of Management is to ensure Central Darling Shire Councils strategic goals and vision as set out in the draft Central Darling Shire Community Strategic Plan 2020 and compliance with the *Local Government Act 1993*. The Plan of Management is to provide clear future development goals for the use and management of the community land.

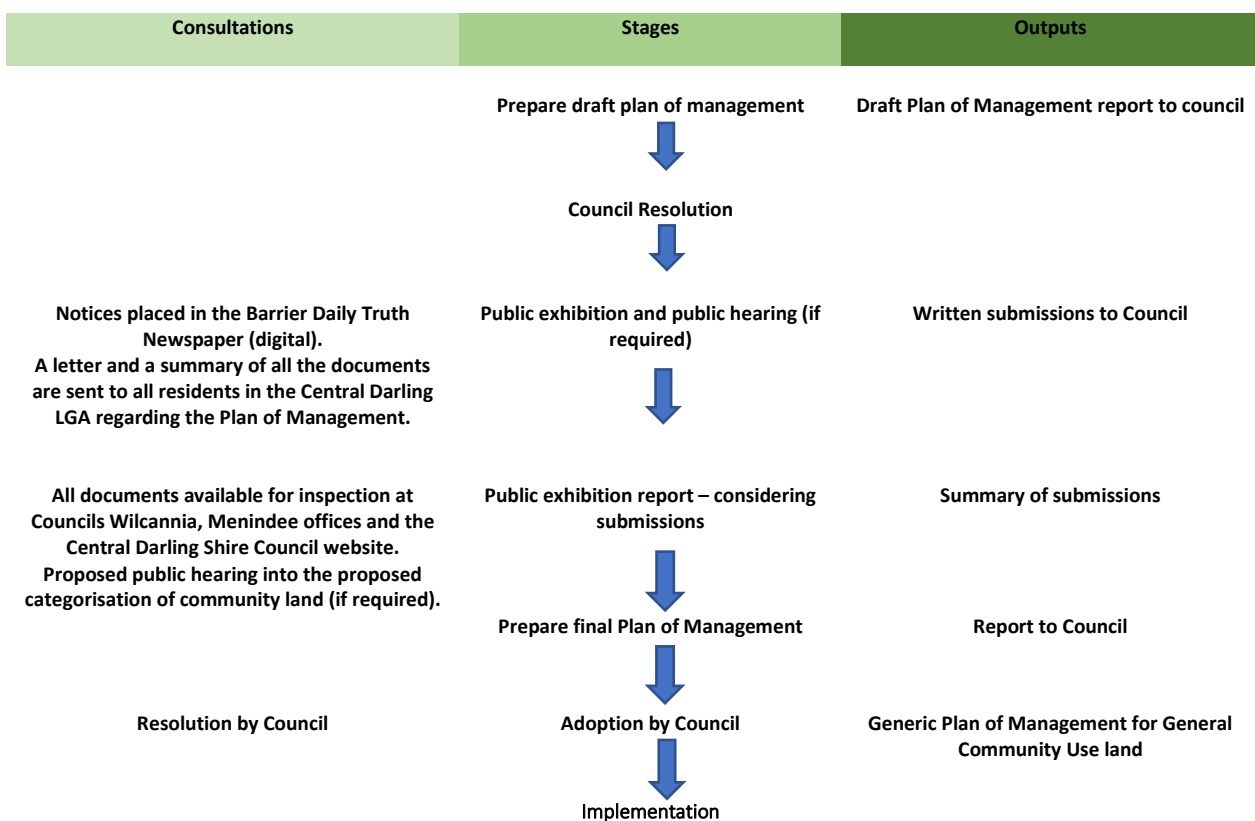
The land covered in this Plan of Management is located within the Central Darling Shire Local Government area within the townships of Wilcannia.

1.1.3 Process for preparing the Plan of Management

Public consultation required under the *Local Government Act 1993* to formally notify the community on the proposed Plan of Management.

“if the draft first plan of management results in the land being categorised by reference to categories assigned as provided by this section, the council manager will not be required to hold public hearings under section 40A of the Local Government Act 1993, but must give public notice of it as required by section 38 of that Act.”

If after public consultation there is no change to categorisation and no additional purpose needs to be added to the reserve, no additional ministerial consent is required and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.



1.1.4 Community Consultation

Community consultation and input is important to ensure a Plan of Management meets the needs of the local community. It also encourages an appreciation of the Council’s aims for management of public land.

Before Council can adopt a Plan of Management, it must be placed on public exhibition for at least 28 days. The period in which written submissions can be received is not less than 42 days from the first day of public exhibition. In addition, a public hearing must be held, in accordance with the requirements of Sections 40(A) and 47(G) of the Act if community land is intended to be either categorised or re - categorised.

1.1.5 Contents of the Plan of Management

Introduction –	Background of the Plan of Management, what is the document, why is there a need for the Plan of Management, the process of preparing the Plan of Management, community consultation.
Land description and planning –	Lists the lots covered by the Plan of Management
Legislative framework -	State Government Planning legislation and Local environmental plans
Basis of Management –	Categories of community land
Land uses –	Permissible uses and developments
Leases, licences –	Authorisation of leases, licences and other estates – casual hire etc.
Strategy and Action Plan –	Objectives, performance targets, assessment of performance.
Change and review of PoM–	Process of Review and updates to Plans of Management.
Appendices –	<p>Appendix A – Schedule of lots covered by the Plan of Management.</p> <p>Appendix B – Detailed property sheets for each lot listed in Appendix A. The sheets contain information required under the Act and additional information to facilitate the relationship between the council’s strategies and operational management.</p> <p>Appendix C – Maps of the land.</p>

1.1.6 Local Government Act requirements.

The following is a list of the requirements for the Plan of Management under the Local Government Act.

- The categorisation of community land is listed Appendix B, Section 4.
- Core Objectives for management of the land - Section 2
- Description of the condition of the land and any buildings or other improvements Appendix B
- Purposes for which the land and any such buildings or improvements will be permitted to be used Section 4.
- Purpose for which any further development of the land will be permitted Section 4.
- Description of the permitted uses or development on the lots. And authorisation of leases and licences over community land Section 5.
- Performance targets Section 5.
- Process for assessing achievement of objectives and performance targets Section 5.

1.2 VISIONS AND OBJECTIVES – CENTRAL DARLING SHIRE COUNCIL

In a broader context, Council community land lots are managed by the Central Darling Shire Council. The geographic location the subject property is within the towns of Wilcannia, provides an opportunity to consider a management structure with the capacity for resources to be shared with a view to achieving operational and financial efficiencies.

The management actions in this Plan of Management are formulated to address and achieve the following:

- Social equity – decision making that leads to greater physical, cultural and financial access in the delivery of services and facilities;
- Environmental quality – using only the resources that are required to deliver facilities and services and improving overall physical amenity while reducing detrimental impacts on natural assets;
- Economic prosperity - promoting the development of jobs, business improvement, tourism industry development and market growth in a sustainable manner; and
- Corporate governance – managing assets and resources in a way that is accountable, transparent, responsive, efficient and equitable and complies with all applicable legislation.

1.3 DATE OF ADOPTION OF PLAN OF MANAGEMENT FOR LAND USED FOR COMMUNITY USES

The Central Darling Shire Council Plan of Management for community land – general community use – community cultural centre , at Lot 1 Section 13 DP759091 44 Reid Street Wilcannia, has been prepared with the provisions of the *Local Government Act 1993*.

The Plan of Management is consistent with the public purpose for the land and the principles of *Local Government Act 1993* as well as other guidelines, policies, and legal requirements which may apply to the reserve such as the provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of Management are to be prepared in accordance with the *Local Government Act 1993* and adopted by the Council.

2. INTRODUCTION

2.1 CORPORATE OBJECTIVES – Overview of core objectives and purpose of community land categorised as general community use land for the Central Darling Shire Council local government area.

The location of the Central Darling Local Government Area (Central Darling LGA) is shown in Figure 1, it is situated in far-western NSW.

The Central Darling LGA is the largest local government area in NSW by spatial extent, comprising around 53,000 square kilometres, but with the smallest population, being 1,833 people according to the 2016 Australian Bureau of Statistics Census. Its low population density reflects its semi-arid nature. The main town within the Central Darling LGA is Wilcannia (Figure 2), centrally located within the local government area and having a population of around 745 people.

The Central Darling Shire Council (Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa area) is located in the country of the Paakantji, Barkindji and the Ngiyampaa people, the Council wish to acknowledge the traditional owners of the land.

The Aboriginal people have a unique place in our Australian society. The Central Darling area around Wilcannia was held by the Barkindji tribe (from barka meaning a river). Many of the Aboriginal people living in Wilcannia today belong to the Barkindji tribe.

Central Darling Shire Councils objectives for management of Community land lots are:

- Effective leadership in the Sportsgrounds land management
- Community development through involvement, participation, partnership, ownership and collaborative approach to assist in effecting management of the land
- Facilitation of maintenance services for the land
- Community ownership of community land uses land to encourage use and maintenance of the land
- Delivery of consistent, affordable and achievable maintenance services and maintained community facilities.

The Central Darling Shire Council recognises the importance of services to its communities in relation to its social and cultural development and general well-being.



Figure 1: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

2.2 LAND TO WHICH THIS PLAN APPLIES – PERMITTED LAND USES

The objective and intended outcomes of this Plan of Management for community land with the new category of General Community use land and nominate the use of the land for a community cultural centre for the allotment Lot 1 Section 13 DP759091 44 Reid Street Wilcannia.

Therefore, the Plan of Management for the council owned community land nominates a new category for the land being General Community use land and a new use for the land being community cultural centre.

The lots identified by this Plan of Management is in Appendix A.

The Property Information sheets for Lot 1 Section 13 DP759091 44 Reid Street Wilcannia is in Appendix B.

The land identification maps are in Appendix C.

Land that is not covered by this Plan of Management includes:

- Public open spaces and recreation facility assets within the local government area (LGA) which are owned or managed by other entities;
- Privately owned land, which is made available for public use;
- Roads that has been physically closed.

Below is a map of the towns of the Central Darling Shire Council local government area, the main towns are Tilpa, White Cliffs, Ivanhoe and Mossgiel, Wilcannia, Menindee and Sunset Strip.

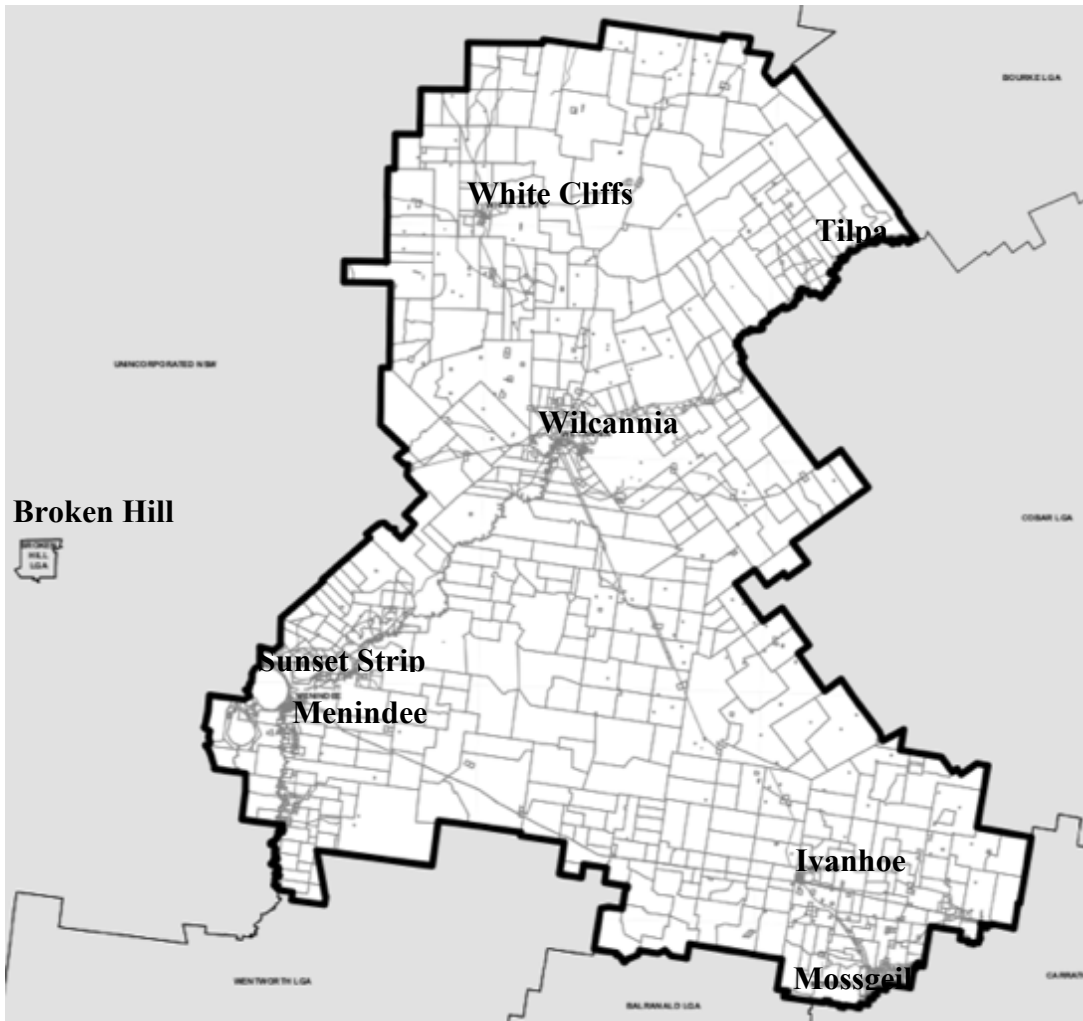


Figure 2: Location of Wilcannia, Broken Hill White Cliffs, Ivanhoe, Tilpa Mossgiel, Menindee and Sunset Strip within the Central Darling LGA (source: Central Darling Local Environmental Plan 2012 application map)

Categorisation –Community Land –General Community Use - Community Health Facility.

This Plan of Management is for the implementation of a new Land Category for the General Community use land - and for the new land use - Community Cultural Centre – Baaka Cultural Centre for Lot 1 Section 13 DP759091 44 Reid Street Wilcannia.

2.3 OWNER OF LAND OF THE LAND

The owner of the land Lot 1 Section 13 DP759091 44 Reid Street Wilcannia in this Plan of Management is the Central Darling Shire Council.

The manager of the land is the Central Darling Shire Council.

2.4 THE DEVELOPMENT OF COMMUNITY LAND LOTS

The land Lot 1 Section 13 DP759091 44 Reid Street Wilcannia which is owned and managed by the Central Darling Shire Council.

The new category for the council owned community land is – general community use.

¹The original use of the building known as the “Knox and Downs building” was as a large corner store in Wilcannia, it served the West Darling district as a major retail supplier of ‘everything’ from 1899.

The building was significantly damaged by a fire in 2002, with a few of the exterior walls retained (see photos below – Source Elizabeth Vines – Conservation and Adaptive reuse of heritage elements into aboriginal cultural centre.

The proposed use of a new building on the site (retention of the historic facades) is as a community cultural centre. The use of the new building for the Baaka Culture Centre is an acceptable land use within the category of general community use.



Photo 1: Current condition of building in 2019 (Source: Elizabeth Vines 2019)

¹ Source Elizabeth Vines – Knox and Downs Baaka Project – 44 Reid Street Wilcannia - Conservation and Adaptive reuse of heritage elements into aboriginal cultural centre.



Photo 2: Rear stone building (Source: Elizabeth Vines 2019)



Photo 3: Early photo from Reid Street – Source Elizabeth Vines 2019



Photo 4: Photo from 1950s of Knox and Downs building (Source: Elizabeth Vines 2019)



Photo 4: Photo prior to fire in 2002 of Knox and Downs building (Source: Elizabeth Vines 2019)

2.5 EQUITY OF ACCESS

The community land lots covered by this Plan of Management do not have restricted access to the proposed building. The lot is on flat land, therefore access is not restricted to people in Wheelchairs.

2.6 TYPE AND DISTRIBUTION OF FACILITIES

The subject lot has no facilities located on the land the lot is occupied by remaining exterior heritage listed walls of a previous commercial premises (store).

The proposed facility on the land is a community cultural centre (Community Baaka Cultural Centre). The proposed site plan is below. The Baaka Cultural Centre will be run by the Baaka Cultural Centre Wilcannia Aboriginal Corporation.

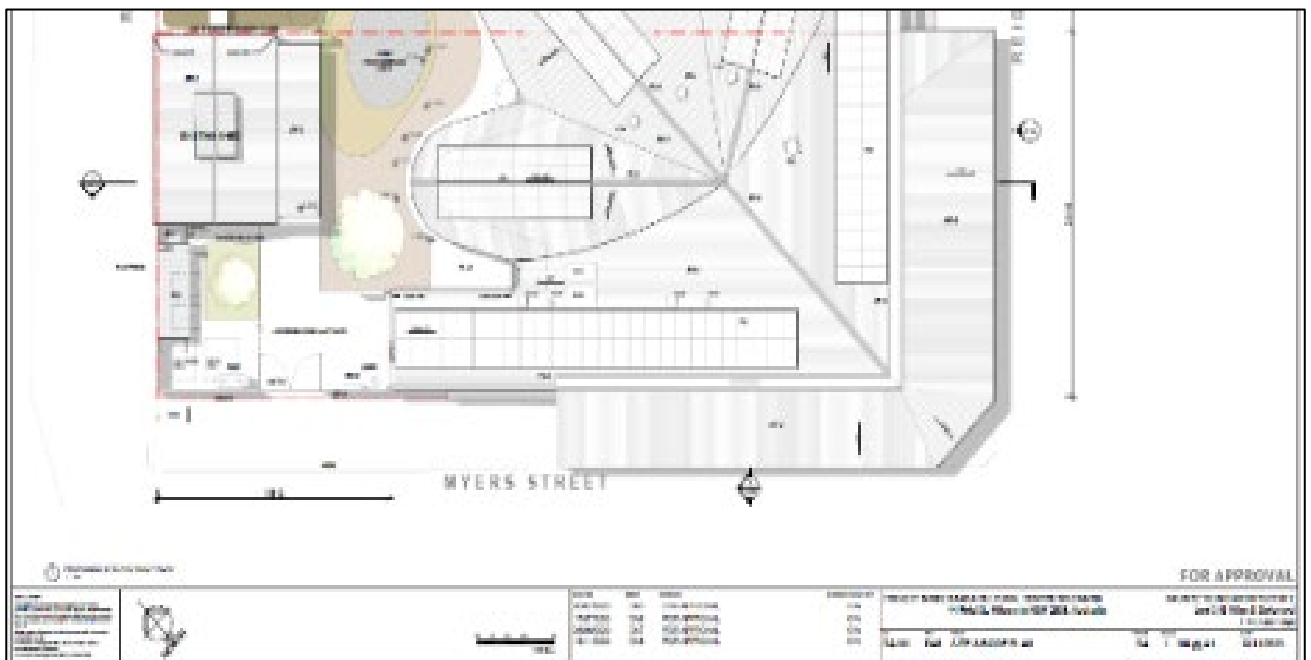


Figure 3: Site plan of new Baaka Cultural Centre at 44 Reid Street Wilcannia (Source Kaunitz Yeung Architecture 2021)

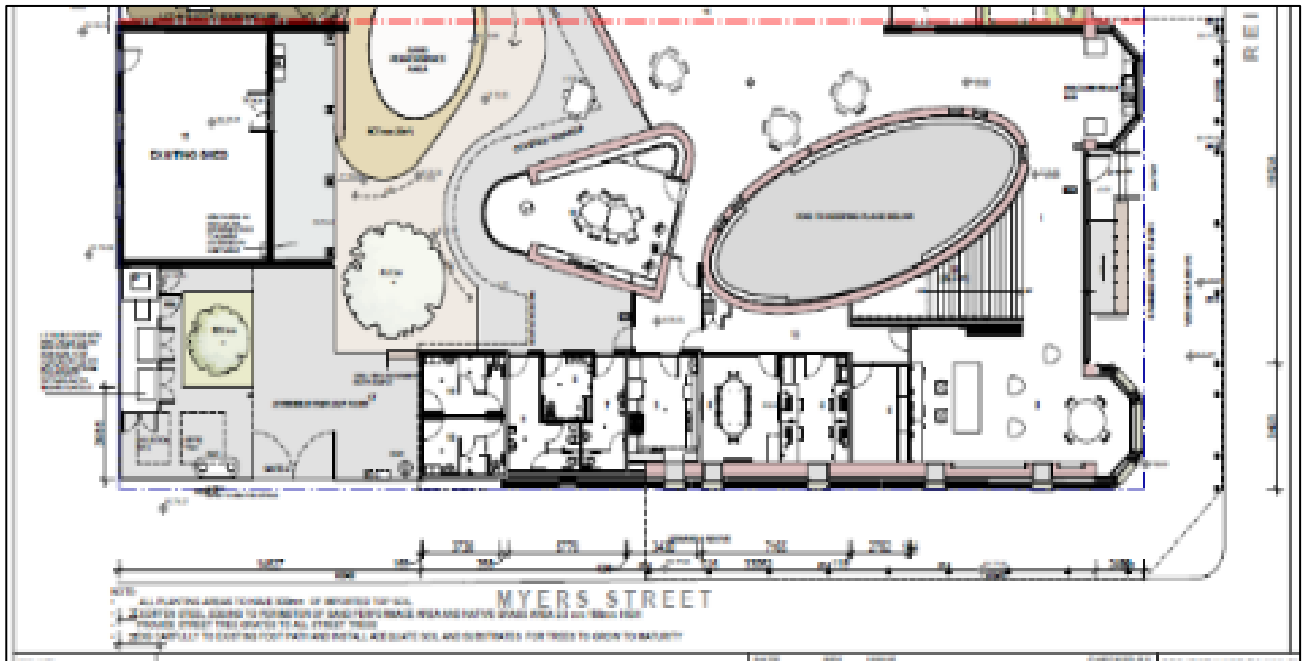


Figure 4: Ground floor plan of new Baaka Cultural Centre at 44 Reid Street Wilcannia (Source Kaunitz Yeung Architecture 2021)

2.7 IMPACT OF LOCAL RESIDENTS

The subject lot has currently no facilities for the local community. The proposed use of the new building is for the Baaka Culture Centre that will benefit the local Community and provide information and the history of area and promote the Aboriginal owners of the land promoting the Barkandji culture and people.

3. RELEVANT LEGISLATION, POLICIES AND PROCEDURES – OVERVIEW OF STATUTORY GUIDELINES THAT APPLY TO THE LAND.

Introduction

The management, operation and improvement of community land lots must take account of a range of statutory controls and policies. It is a fundamental requirement of this Plan of Management that the Land Manager will comply with the requirements of applicable legislation, regulations, approvals and policies.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993*. This Plan of Management provides a framework for the future management and improvement of the lots. Other legislation including environmental planning policies, regulations, guidelines and strategies also require consideration especially where any new development proposals are contemplated.

The land will therefore be used and managed in accordance with the following:

- The Plan of Management applying to the land;
- *Environmental Planning and Assessment Act 1979* and any planning instrument permitting the use of the land for a specified purpose or otherwise regulating the use of the land;

- *Local Government Act 1993*; and
- *Local Government (General) Regulation 2005*.

3.1 LOCAL GOVERNMENT ACT 1993

Local Government Act 1993

Local Government (General) Regulation 2005

While the *Local Government Act 1993* (LG Act) contains many provisions that have an impact on the management of the subject community land lots. Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Community land is land which is kept for use of the general public. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

The *Local Government Act 1993* requires all Council owned land to be classified as either “Operational” or “Community land”. Community land is defined as land that must be kept for the use of the general community, and must not be sold. Community land is required to be managed in accordance with a Plan of Management, and any other laws regulating the use of the land.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993*. The minimum requirements for a Plan of Management are set out under section 36(3) of the *Local Government Act 1993*.

A Plan of Management must identify the category of the land the objective and performance targets of the plan with respect to the land, the means by which Council proposes to assess its performance with respect to the plans objectives and performance targets, and may require the approval of the Council for the carrying out of any specified activity on the land.

The specific requirements for the Plan of Management from the *Local Government Act 1993 No 30* are as follows:

“Local Government Act 1993 No 30

Chapter 6 Part 2 Division 2 Section 36

36 Preparation of draft plans of management for community land

(1) A council must prepare a draft plan of management for community land.

(2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.

(3) A plan of management for community land must identify the following—

(a) the category of the land,

(b) the objectives and performance targets of the plan with respect to the land,

(c) the means by which the council proposes to achieve the plan’s objectives and performance targets,

(d) the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

(3A) A plan of management that applies to just one area of community land—

(a) must include a description of—

(i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and

(ii) the use of the land and any such buildings or improvements as at that date, and

(b) must—

- (i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and*
- (ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and*
- (iii) describe the scale and intensity of any such permitted use or development.”²*

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

The proposed category for the land is general community use.

A local council cannot grant an approval for an activity on dedicated or reserved lot under Part 1 of Chapter 7 (including Section 68) of the [Local Government Act 1993](#) that contravenes a plan of management for the land.

3.2 OTHER RELEVANT LEGISLATION AND STATUTORY CONTROLS – Environmental Planning and Assessment Act 1979 and other legislation

Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* establishes the statutory planning framework or basis for environmental and land use planning and the development consent process for the use and development of land within New South Wales.

Section 4.15 of Part 4 of the EP&A Act outlines the factors that must be considered when a Development Application is assessed. These include:

- Any environmental planning instrument;
- Any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified to the consent authority;
- Any development control plan;
- The Regulations;
- The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts on the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with the Act or the Regulations; and
- The public interest.

The EP&A Act has a range of other provisions that may take effect depending upon the nature of a development proposal and the issues that may be encountered.

Notwithstanding the provisions of Part 4 of the Act, a public authority may take the role of determining authority where a Plan of Management has been adopted.

Under Part 5 of the Act, a public authority is a "determining authority" for development that is permissible without consent and is being carried out by it or someone else on its behalf, this development is called an "activity".

Within Part 5, section 5.5 requires a determining authority to "examine and consider, to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity".

Typically, the section 5.5 duty is discharged by way of an assessment report known as a review of the environmental factors (REF). If the Part 5 planning pathway applies, Councils land managers would need to consider

² Local Government Act 1993 No 30 – 1 July 2020 – Clause 36 Preparation of draft plans of management for community land – source – www.legislation.nsw.gov.au.

all relevant environmental impacts, and set out ways in which it proposes to avoid and minimise adverse impacts on the environment. A REF may include matters such as impacts on the community, ecosystems, the environmental quality of a locality, pollution, safety and the cumulative environmental effect.

Native Title Act 1993 (Commonwealth)

Council is required to undertake steps to identify what affect any activity that they undertake on land will have on Native Title, what provisions of the *Native Title Act 1993* will validate the activity and what procedures should be taken in relation to a particular activity prior to its commencement. Council must receive written advice from its Native Title Manager in relation to certain activities and acts carried out on community and operational land.

Native title is the legal recognition of the individual or communal rights and interests which Aboriginal people have in land and water, where Aboriginal people have continued to exercise their rights and interests in accordance with traditional law and custom since before the British asserted sovereignty over Australia. Native title rights and interests are formally recognised under the *Native Title Act (1993)* (Commonwealth).

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the *Native Title Act 1993* by Council's Native Title Manager.

Prior to any works commencing in relation to this Plan of Management, the Native Title Manager will comply with the requirements of the Native Title Act. This includes determining if Native Title has been extinguished, working through the Future Acts regime and liaising with the relevant authority in relation to any existing agreements or Indigenous Land Use Agreements.

Aboriginal Land Rights Act 1983

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' Crown land. Generally, the Aboriginal Land Rights Act is directed at allowing Land Council's to claim upon community land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council should be mindful that any activity on community land is lawful in relation to the reserve purpose of the land, Council should ensure that the community land under its control is at all times lawfully used and occupied. When planning an activity of the land such as the issue of a lease or licence or any public works, Council should request a search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered the activity must be postponed until the claim is resolved. Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the *Aboriginal Land Rights Act 1983*.

Threatened Species Conservation Act 1995

Council has legislative responsibility under this Act to appropriately manage the threatened species populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

Relevant Environmental Planning Policies & Instruments

This Plan of Management does not over-rule existing legislation that also applies to the management of community land. Other legislation and policies to be considered in the management process include but are not limited to the:

*Public Works Act 1912, (as amended) Biodiversity Conservation Act 2016,
Local Land Services Act 2016,
Water Management Act 2000,
Clean Waters Act 1970,
Companion Animals Act 1998,
Rural Fires Act 1997,
Rural Fires Regulation 2002,
Noxious Weeds Act 1993,
Pesticides Act 1999,
The Protection of the Environment Operations Act 1997,
The Protection of the Environment Operations (Noise Control) Regulation 2008
Companion Animals Act 1998
Disability Discrimination Act 1992
Heritage Act 1977
Waste Minimisation Act 1995
Pesticides Act 1999 Retail Leases Act 1994
Biodiversity and Conservation Act 2016
Water Management Act 2000*
Council plans, strategies, policies, procedures and guidelines, generally, as amended.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides that certain types of works do not require development consent under Part 4 of the EP&A Act.

Clause 20 of the SEPP provides general requirements for exempt development. Clause 20A of SEPP (Infrastructure) provides that a range of minor works are “exempt development” when carried out on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include items such as pergolas, internal building alterations, car parking, fencing, firefighting equipment and landscaping.

Division 12 of the SEPP including provisions for exempt development and for development without consent on community land used for general community uses. Clause 65 (2) (d) of the Policy provides that development can be carried out without consent by the manager of the land if the development is for purposes of implementing a Plan of Management adopted. It should be noted that where this occurs, a review of environmental factors (REF) under Part 5 of the Act is usually undertaken.

Pursuant to the provisions of Clause 66 a number of additional works within community land used for general community uses may be undertaken as exempt development.

The provisions of this SEPP are relevant to the future implementation of this Plan of Management as well as to the Land Manager’s ongoing management of the reserved land.

Central Darling Local Environmental Plan 2012

The *Central Darling Local Environmental Plan 2012* (CDLEP2012) is the local environmental planning legislation that applies to the Central Darling Shire Council area.

The land use zone permits certain uses of the land, where the land use zone permits the current land use or activity on the land under the *Central Darling Local Environmental Plan 2012*.

The lots subject to this Plan of Management has the following land use zone:

Central Darling Local Environmental Plan 2012

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and **community uses** that serve the needs of people who live in, work in and visit the local area.
- To encourage **employment opportunities** in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage infrastructure that supports the viability of business centre precincts.
- To enable business development to occur while retaining the existing character of the local centre.

2 Permitted without consent

Environmental protection works; Home-based child care; Roads; Water reticulation systems

3 Permitted with consent

*Boarding houses; Centre-based child care facilities; **Commercial premises; Community facilities;** Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Camping grounds; Cemeteries; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Resource recovery facilities; Rural industries; Rural workers' dwellings; Sewage treatment plants; Vehicle body repair workshops; Waste disposal facilities; Water treatment facilities; Wharf or boating facilities

Heritage

The Central Darling Shire Council has carried out a number of heritage studies, and is currently amending the *Central Darling Local Environmental Plan 2012* to recognise the Heritage Conservation area of the Wilcannia town centre and additional heritage items within the Central Darling Shire Council area.

The inclusion of heritage significant items within the *Central Darling Local Environmental Plan 2012* provides a strong framework to protect these assets. This Plan of Management is intended to be consistent with the LEP framework, but to focus primarily on the nature and balance of use, management and care of the land as a whole.

The site at 44 Reid Street Wilcannia for the Baaka Cultural Centre is within the new Wilcannia Conservation Area and will be operated by the Baaka Cultural Centre Wilcannia Aboriginal Corporation. A Conservation and Adaptive Reuse of heritage elements into an Aboriginal Cultural Centre for the Knox and Downs heritage listed building for the Baaka Cultural Centre.

The following is an excerpt from a heritage report by Elizabeth Vines, OAM, Conservation Architect and Heritage Advisor for the Central Darling Shire,

³*“The site of the Knox and Downs Store is at the key intersection of Reid Street and Myer Street in the centre of Wilcannia in western NSW. The shop/store building on this site was originally a well detailed Victorian stone building with elaborate parapet, and encircling verandah supported on cast iron columns. The building dated from the 1890s, but in 2002 a fire severely damaged the building. The building had a large cellar, and this has cleaned out and then temporarily filled in for future excavation in the development.*

Prior to the 2002 fire, the store made an important streetscape contribution to the character of Wilcannia and was one of a group of buildings (including the Court House, Gaol, Post Office and Queens Head Hotel) that have survived relatively unchanged since their original construction in the 1890s. The fire left the verandah, front parapet and west side walls standing, but this was unstable and gradually the structure collapsed. The parapet was subsequently demolished due to its unstable condition, with a resultant loss of structural integrity and architectural detailing of the building. The building site has been a visual eyesore now for many years in Wilcannia and there has been a long time ambition to find a new use and clean up the negative impact that this has had on the main intersection of Wilcannia. The proposal for a cultural centre in this significant and highly visible location is a very welcome proposal for the town of Wilcannia.”

3.3 LAND COMPRISING OF HABITAT OF THREATENED OR ENDANGERED SPECIES – NATURAL ENVIRONMENT

For the purposes of this Plan of Management for this lots, no assessment for comprehensive ecological studies to assess the impact on threatened species or important ecological value, has been undertaken by Central Darling Shire Council.

Therefore, this Plan of Management does not cover any information on the following:

- a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or
- a wildlife corridor, is land to which this section applies, or
- habitat or threatened or endangered species.

in any of the community land used for general community use land, covered by this Plan of Management.

3.4 LAND COMPRISING SIGNIFICANT NATURAL FEATURES

For this Plan of Management there is no information additional information on the impact on land with significant natural features.

³ Elizabeth Vines, OAM, Conservation Architect and Heritage Advisor for the Central Darling Shire – Know and Downs, Baaka Project Reid Street Wilcannia – Conservation and Adaptive Reuse of Heritage Elements into the Aboriginal Cultural Centre – Heritage Impact Statement on Design Proposal. August 2020.

3.5 ABORIGINAL CULTURAL SIGNIFICANCE

The Central Darling Shire Council (Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa area) is located in the country of the Paakantji, Barkindji and the Ngiyampaa people, the Council wish to acknowledge the traditional owners of the land.

The Aboriginal people have a unique place in our Australian society. The Central Darling area around Wilcannia was held by the Barkindji tribe (from barka meaning a river). Many of the Aboriginal people living in Wilcannia today belong to the Barkindji tribe.

The *Central Darling Local Environmental Plan 2012* describes places of Aboriginal Heritage significance as:

An area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) *the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or*
- (b) *a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.*

The community land covered within this Plan of Management is not yet identified as having Aboriginal significance and have not been declared under section 84 of the *National Park and Wildlife Act 1974*, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management. This Baaka cultural Centre will be operated by the Baaka Cultural Centre Wilcannia Aboriginal Corporation to promote the local indigenous culture.

3.6 NON-INDIGENOUS CULTURAL SIGNIFICANCE

Captain Charles Sturt was the first European to map the Murrumbidgee River and the Murray River to its mouth in 1830. In 1835 Major Thomas Mitchell followed the Bogan and Darling Rivers down to Menindee. He named Mt Murchison on the Darling. Settlement commenced prior to 1850 along the Darling, but it was 1855 before the Central Darling runs were consolidated. Captain Francis Cadell's Steamer Albury entered the Darling on 27 January 1859 and reached Mt Murchison in 8 days. Later the name was changed to Wilcannia meaning 'a gap in the bank where flood waters escape'.

The township of Wilcannia was notified on 26 June 1866. In 1880 it had a population of 3000 with 13 hotels and was known as 'The Queen City of the West'. Wilcannia became one of the major ports of the Murray Darling system and the paddle steamer trade flourished for 70 years. In 1887 218 steamers and their barges unloaded stores weighing 36,170 tons, and 222 loaded wool and other produce weighing 26,552 tons at the port of Wilcannia. At one time there were 30 steamers loading or unloading. There were 90 steamers plying the Darling in 1890. The total distance from Wilcannia to Goolwa at the mouth of the Murray is 1110 river miles. Eventually rail and road transport killed the river boats and Wilcannia lost its former glory. Many fine buildings from the era remain in good condition making Wilcannia one of the best preserved historic towns in Australia.

The name 'White Cliffs' seems to have come from the smudgy white cliffs easily seen by passengers travelling the road from the river port of Wilcannia and the Mt Brown gold fields. From the first there were problems with lack of

water and extreme heat in summer. These conditions made for considerable hardship in the opal fields and led to the town's characteristic underground dwellings, not the first in Australia but the first on any opal field. Over 100 businesses catered to their needs. There were five places of worship, a public school whose first schoolmaster was the father of famous cricketer Bill (Tiger) O'Reilly, a convent, a hospital, two doctors, a pharmacy, seven stores, five pubs, five eating houses (one underground), five guest houses, four billiard rooms, four well stocked libraries, a local newspaper, four bands and four halls where dozens of clubs and societies met and where local and overseas companies entertained regularly.

At the turn of the century, a population of some 4,000 people lived in an incredible assortment of over 500 dwellings in the town as well as other homes up behind the mullock heaps.

Ivanhoe was originally situated on a well-used route across flat, western New South Wales between Wilcannia and both Balranald and Booligal. The town was a change station (where coach horses were changed) for Cobb & Co. by 1884. The arrival of the railway in 1925, and the completion of the line from Sydney to Broken Hill in 1927, was a definite boost to the town.

Menindee's history is full of colour and characters. It was 'discovered' by the aborigines of the Barkindji Tribe. Their fossilised skeletons remain in the dry sand dunes around the Menindee lakes and have provided some of the most prolific and consistently early remnants of human existence anywhere in the world. Thus far archaeologists have positive evidence of occupation dating back 26,000 years - not much younger than the now famous neighbouring site, Lake Mungo.

Various sites across the Central Darling Shire Council Local Government Area are currently subject to a planning proposal for additional heritage items and the new Wilcannia heritage conservation area.

The lot listed in this Plan of Management is included within the proposed Wilcannia heritage conservation zone. The lot is heritage listed within the Central Darling Local Environmental Plan 2012 as a local heritage item.

Wilcannia Knox and Downs Store 44 Reid Street Lot 1, Section 13, DP 759091 Local 120

Figure 5: Schedule 5 Environmental heritage- Central Darling Local Environmental Plan 2012 (Source NSW Legislation website 2021)

Existing Heritage Listings and Conservation Management Plan 2001

The Knox and Downs site is listed in the Central Darling Shire Local Environment Plan and scheduled as an item of Local Significance.

In 2007 a Conservation Management Plan was prepared for the site. The elements on the site identified as having heritage significance were as follows:

“3.2.1 External Elements

The surviving elements of original building fabric from the store are as follows:

- *The verandah columns, these are all Stewart & Harley cast iron elements from Adelaide.*
- *The surviving sandstone and brick of the building itself – on the west elevation.*

3.2.2 Internal Elements

There are no internal elements of significance which survive after the fire.

3.2.3 Site Elements

At the rear of the site, there is a stone outbuilding, which survives substantially intact.



Figure 5: Heritage map 006A (March 2021) showing subject site as I20 (Source NSW Legislation website 2021)

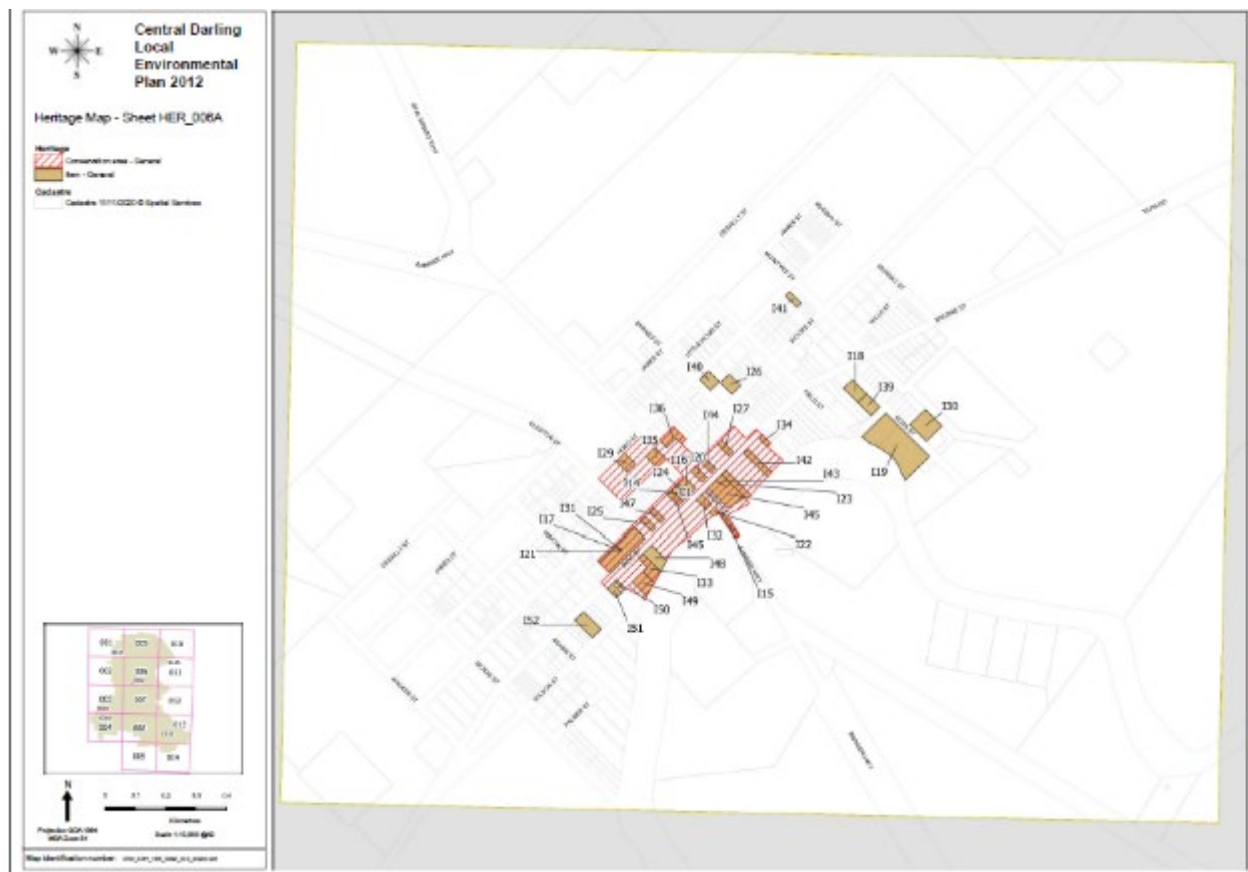


Figure 5: Proposed Heritage map 006A (March 2021) showing subject site as I20 and within the proposed Wilcannia Heritage Conservation area (Source Central Darling Shire Council 2021)

3.7 RECLASSIFICATION AND USE OF THE LAND

The subject community land may be sold to the Baaka Cultural Centre Wilcannia Aboriginal Corporation. For this action to occur a change in the classification from community land to operational land is required through a planning proposal to amend the *Central Darling Local Environmental Plan 2012*.

3.8 REVIEW OF THIS PLAN

The use and management of the community land is regulated by this Plan of Management. The guidelines and principles outlined in the plan are applicable at present, the Plan should be reviewed from time to time, to confirm its relevance. The review should take place within five (5) years of adoption of this plan.

However, this Plan of Management will only be in place until the land is reclassified from community land to operational land and then sold to the Baaka organisation.

3.9 COMMUNITY CONSULTATION

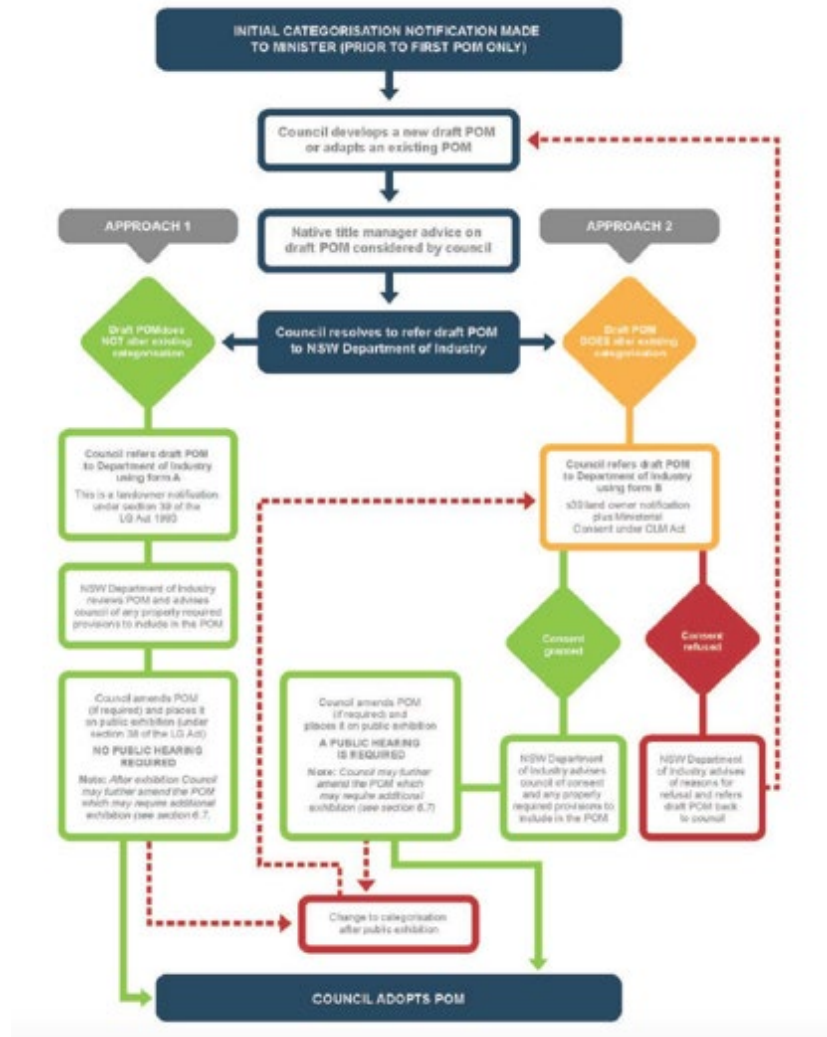
Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council. All stakeholders are given the opportunity to express their opinions and provide relevant information in relation to the planned management of the land.

As shown on the Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management.

The community engagement process requires assessment of the current use of the land and the proposed new category “General Community Use” and the proposed use being a “community cultural centre” and enjoyment of the land and how any proposed dealing or activity could impact this use or enjoyment.

The engagement process may occur at different levels and include provision of information, consultation or participation. Where engagement is undertaken it is a mandatory requirement that the outcomes of community engagement be considered in the decision- making process. The engagement process is detailed below.

As this Plan of Management is proposing a new category for the land – General Community Use as well as a new use of the land as a “community cultural centre” a public hearing is required before the Plan of Management and lease are recommended by Council to be made.



FLOWCHART FOR CONSULTATION AND APPROVAL OF AN INITIAL PLAN OF MANAGEMENT

If after public consultation and public hearing, there is no change to the proposed new categorisation of the land and there is no disagreement regarding the new purpose/ use of the land (from water supply to community health facility), then Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

The change in classification of the land from community land to operational land is part of the Planning proposal. This Plan of Management is for the new category – General Community use and for the use of the land to be changed from the gazetted use - water supply to community health facility.

Community consultation is an essential and integral part of the preparation process for the Plan of Management. Continuous review and incorporation of community attitudes, expectations and requirements into the ongoing management are important.

The following government agencies, groups and individuals were referenced as part of the Plan of Management consultation process:

- Adjoining landholders;
- Department of Planning, Industry and Environment;
- Office of Heritage;
- Central Darling Shire Council;
- Traditional Aboriginal land owners;
- Central Darling Shire residents;
- Barrier Daily Truth Newspaper.

EXHIBITION OF DRAFT PLAN OF MANAGEMENT

The draft Plan of Management must be placed on public exhibition with all submissions received and assessed. All necessary amendments to the draft Plan of Management must be made before submitting the final Plan of Management to the Minister for Crown Lands for approval.

The *Local Government Act 1993* requires that the draft Plan be placed on public display for not less than 28 days and must consider comments before adopting the Plan. The Plan of Management is also required to be put before a Public Hearing under the *Local Government Act 1993* as the land is being categorised as General Community use.

The draft Plan of Management was placed on public exhibition for 28 days, within the Barrier Daily Truth Newspaper detailing where and when the draft Plan of Management was on display and inviting submissions from interested parties.

During the exhibition period, the draft Plan of Management will be available for review at the Menindee Post Office, Ivanhoe Council office, Tilpa Community Centre, Central Darling Shire Council's Administration Office in Wilcannia, Department of Planning, Industry and Environment Office in Dubbo and on Central Darling Shire Council's website.

PLAN IMPLEMENTATION

Following adoption of the Plan by Council, Council is required to implement the Plan and not allow any operation or development which is not in accordance with or not permitted by the Plan. Alteration may occur after a period of five years if such alteration is required to keep abreast of the changing expectations and requirements of the community and to ensure the Plan of Management remains useful and relevant. A set of performance measures is provided in the Plan of Management to assist the assessment of progress and review of the Plan.

Furthermore, any ongoing works and maintenance program for the land will be outlined in the Plan of Management, must be based on a sound financial plan.

Individualised letters are to be sent to each adjoining land owner and the community outlining the content and purpose of the Plan of Management to the land.

There will also be advertisements in the Barrier Daily Truth, in the Wilcannia News, and in the relevant Council branches in Menindee and Ivanhoe.

Public notices will be placed on regularly used noticeboards across the Central Darling Local Government Area, including in White Cliffs. The Plan of Management will also be explained prominently on Council's website and Facebook page. It is intended that the notification provided a minimum of 28-day period for submissions to be received. A public hearing will be held at the end of the exhibition period in Wilcannia.

The material available for inspection in person or on Council’s website will include this Plan of Management and lease, intended for public viewing.

During the notification period, the relevant Council representative will be available to take enquiries and their telephone number, and a dedicated email address will be provided.

Submissions received will be collated and assessed at the completion of the notification period and will be taken into consideration.

4. BASIS OF MANAGEMENT - DEVELOPMENT, USE AND MAINTENANCE OF THE COMMUNITY LAND USED FOR GENERAL COMMUNITY USES

4.1 CATEGORISATION OF COMMUNITY LAND

Council who is the land manager must assign to all community land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

Section 36(4) of the Act requires Community land to be categorised (or broken down) into one of five categories as set out in the Act, which are:

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

Council managers must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to land where the land is subject to multiple reservations and or dedications.

This Plan of Management is for the category of the land to be General Community use land with a proposed new use as a community health facility.

The degree to which the land purpose or use relates to the assigned category of the land is important for ongoing management of the land as Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with the land.

The Native Title Act recognises the intent of the original reserve purpose of the land so that complying activity can be validated particularly under Section J of the *Native Title Act 1993*.

Council had requested that the initial categories of General Community Use, be applied to the land identified in appendix A of this plan, these are the closest categories to the reserve purpose(s) of the land identified in appendix A.

information data sheet on the Lots classified as Community use land is located in Appendix B.

Council is proposing a new category of General Community Use listed in the data sheets.

Activities on the land will need to reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government legislation including assessment of the activity under the *Native Title Act 1996*.

Use of the land for any activity is subject to application and approval. Assessment will consider compliance with the objectives and relationship to and impact upon the public purpose for the land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2005*. The core objectives for each category are set out in the *Local Government Act 1993*. The guidelines and core objectives for the general community uses and other categories are set out in Table 4.1.

Table 4.1 – Guidelines for and core objectives of community land categorised as General community use, Parks, Sportsgrounds and Natural Areas.

Category	Guidelines Local Government (General Regulation) 2005	Core objectives Local Government Act 1993
General Community Use	Land that may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public.	<ul style="list-style-type: none"> • to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public: • in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public. • in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).
Parks	Land which is, or proposed to be, improved by landscaping, gardens or the provision of non- sporting equipment and facilities, and for uses which are mainly passive or active recreational, social, educational and cultural pursuits that not unduly intrude on the peaceful enjoyment of the land by others.	<ul style="list-style-type: none"> • encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities. • provide for passive recreational activities or pastimes and for the casual playing of games. • improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.
Sportsgrounds	Land should be categorised as ‘Sportsground’ if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games.	<ul style="list-style-type: none"> • encourage, promote and facilitate recreational pursuits in the community involving active recreation involving organised sports and informal sporting activities and games. • ensure that such activities are managed having regard to any adverse impact on nearby residences.
Natural Areas	Land should be categorised as a natural area, if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland,	<ul style="list-style-type: none"> • to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area. • to maintain the land, or that feature or habitat, in its natural state and setting. • to provide for the restoration and regeneration of the land.

	<p>wetland, escarpment, watercourse or foreshore.</p>	<ul style="list-style-type: none"> • 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. • to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the Threatened Species Conservation Act 1995 or the Fisheries Management Act 1994 .
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Council must manage Community land in according to these core objectives. Any activities or uses of the land should be consistent with the core objectives for that category of land. Additional objectives, which support the above core objectives, are included in Section 7 Strategy and Action Plan.

4.2 OVERVIEW OF COUNCILS MANAGEMENT OF COMMUNITY LAND - DEVELOPMENT AND MAINTENANCE STRATEGY

The Central Darling Shire Council intends to manage its community land to meet the objectives set out in Table 4.1 and Section 7 of this Plan of Management report. The types of uses, and development which may take place is identified in Sections 5 and 6.

The Central Darling Shire Council has an annual budget for maintenance of community land used for general community uses and infrastructure and community facilities. The Council responds to maintenance on a regular basis, the work to council assets upon the community land and is financed under the Capital Works Program that is reviewed annually.

Infrastructure and facilities

The Central Darling Shire Council has an annual budget for maintenance of infrastructure and facilities. The Council maintains the community land used for general community uses, infrastructure and facilities. Ongoing maintenance of community land is on a regular basis or when the need arises.

4.3 GUIDING PRINCIPLES FOR LAND MANAGED UNDER THIS PLAN

Guiding principles derived from the Central Darling Shire Council Community Strategic Plan; '2017-27', which apply to park, sportsground, natural area and general community use land in the Shire, are:

Equity

Involving fairness in decision-making, prioritising and allocation of resources, particularly for those in need.

Access

Having fair access to services, resources and opportunities to improve quality of life.

Participation

The maximum opportunity to genuinely participate in decisions, which affect their lives.

Rights

Equal rights established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

4.4 KEY STRATEGIC DIRECTIONS

The key strategic directions and objectives of the Council's Community Strategic Plan which apply to general community use land are to:

- GOAL 1 A healthy and cohesive community, receiving recognition and supported by coordinated, appropriate and affordable services.

Goal Objectives

- Closer cooperation and cohesion between community groups
- Improved community services and facilities

- Goal 3 A protected and supported natural environment and a sustainable and well maintained built environment

Goal Objectives

- Collaborative approach to environmental management and protection
- Safe and reliable water supplies and road networks for Shire communities
- Improved infrastructure across the council area

- Goal 4 A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.

Goal Objectives

- Effective communication and consultation with the communities within the Central Darling Shire council area
- Efficient and effective services

Role of General Community use land

General Community use land perform many functions relating to the enhancement of the health and wellbeing of the community.

Some of the functions in the Central Darling Shire area are:

- provision of drainage reserves and access ways,
- provides formal and informal leisure and recreational activities,
- Recreational park/ sportsground/ showground and preschool/ childcare centre/ community and medical centres,
- Children’s play area, BBQ area.

Consequently, these areas play a pivotal role in promoting and developing dynamic communities with a strong sense of belonging.

Table 4.2

Management principles and objectives for land categorised as general community use land

Principle	Management Objective
General Community use land will be sustainable	<ul style="list-style-type: none"> • Sustainable general community use land enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. • They limit negative environmental, social and economic impacts. Sustainable general community use land planning and provision considers long term factors and has regard for future generations.
General Community use land will be multipurpose and flexible	<ul style="list-style-type: none"> • Multi-purpose general community use land enhance the wellbeing and life opportunities for diverse groups within the community. • They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
General Community use land will be accessible	<ul style="list-style-type: none"> • general community use land must be fully accessible to the entire community by being centrally located close to other essential services and transport links, physically accessible to people of all abilities, affordable as well as open and welcoming to people of all backgrounds.
General Community use land will be equitably located across the Shire	<ul style="list-style-type: none"> • general community use land must be within walking and cycling distance of resident’s homes or close to accessible and frequent public transport. This ensures that the whole community can enjoy the benefits of community spaces and programs. • general community use land will be safe and of high quality. • general community use land can enhance the safety and amenity of the local neighbourhood by providing increased activity and surveillance in the area. • They activate neighbourhoods and provide spaces for safe use at night and on weekends. Quality community facilities are of a standard and finish that is robust, durable and ‘built-to-last’.
General Community use land will promote a positive local identity	<ul style="list-style-type: none"> • The design of general community use land can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres, relating to and integrating with surrounding retail and other services.

Management principles and objectives

Community Land categorised as general community use land may consist of areas with an operational function that have not been classified as operational land. Properties included within this category fall into two types:

Type 1: includes access corridors, rights of way, and infrastructure and drainage reserves.

Type 2: includes buildings that fully cover the land or have a substantial presence upon the balance of the land. The buildings may function as multi-purpose community facilities or specialised single purpose facilities providing a range of services from libraries to cultural centres to childcare or a community health clinic.

The Council may grant easements for the provision of services over, or on the land provided that a Native Title assessment has been carried out by Council’s Native Title Manager and the provisions of the Local Government Act 1993 and the Crown Land Management Act 2016 have been complied with.

Management principles and objectives which apply to Community Land – General Community uses land and Built Facilities on that land are set out in Table 4.2.

5. LAND USES

5.1 PERMISSIBLE USES AND DEVELOPMENTS

The use and development of community land should be generally compatible with both the intended function of the land, and the wider community context and council encourages a range of uses of community land, and intends to facilitate uses, which increase the use of the land under Council management.

Council promotes the use of Community land by the wider community. Council is currently undertaking an ongoing upgrade to general community use land facilities throughout the Central Darling Shire. (for example, playground equipment, amenity blocks,). The facilities on Community land may change over time, reflecting the needs of the community.

The Plan of Management is aimed at encouraging the use of land however, Council remains the primary manager the land and the associated facilities, buildings and other community buildings. Council has an ongoing maintenance program and operates its facilities through staff, or community groups.

Table 5.1 Permissible uses of community land used for General Community use

Purpose Use	Development
General Community use land	
<ul style="list-style-type: none"> • Provides a location for, and supports, the gathering of groups for a range of general social, cultural or recreational purposes <p>Uses may include:</p> <ul style="list-style-type: none"> ▪ Community medical centre ▪ casual or informal recreational use 	<ul style="list-style-type: none"> ▪ Development for the purpose of a community medical centre, to assist with the ongoing health of the community; ▪ Development for the purposes of social, community, cultural, recreational activities, ▪ Landscaping and finishes, improving access, amenity and the visual character of the general community area ▪

<ul style="list-style-type: none"> ▪ meetings, (including for social, recreational, educational or cultural purposes) ▪ functions – community or cultural ▪ concerts, including all musical genres ▪ performances ▪ exhibitions – cultural - art ▪ workshops ▪ leisure or training classes ▪ designated group use entertainment facilities 	<ul style="list-style-type: none"> ▪ Development (particularly within buildings) for the purposes of addressing the needs of a particular group – cultural community centre.
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Future development and use of the community land will need to:

1. Meet legislative requirements.

The Land use zoning tables in the Central Darling Local Environmental Plan 2012 specifies the range of uses and activities that may be permitted on the land. A number of uses are also set out in the Regulations to the Local Government Act 1993.

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council’s Native Title Manager and the provisions of the *Local Government Act 1993* have been complied with.

2. Be consistent with the guidelines and core objectives of the community land category.

Under the *Local Government Act 1993* uses and development of community land must be consistent with the guidelines for categorisation and the core objectives of each category, and any other additional objectives the Council proposes to place on the community land categories (refer to Section 4).

3. Be consistent with relevant Council policies.

Relevant Council policies as at the date of adoption of this plan are set out in Section 3 (Legislative Framework). The goals and strategies outlined in these documents have been used to guide the outcomes of this Plan of Management.

The council’s policies will continue to develop after the preparation of this Plan of Management. Management of the Council’s assets, and their development, will take into account the policy framework at the relevant time.

Substantial upgrades and proposed new development will take into account a range of factors, including:

- This Plan of Management and the core objectives for the land;
- The planning controls for the land;
- The Councils adopted policies;
- The characteristics of the land affected, including existing and future use patterns.

Minor changes to Community land are regularly made on a routine basis, such as maintenance and upgrade of amenities and other council facilities, and damaged equipment is replaced.

5.2 Scale and intensity of land use

The scale and intensity of development and activities on Community land is to be generally compatible with the scale and anticipated use of the land. The scale and intensity of use will be consistent with the capacity of the land, and any development application relating to the land. Future development on the land will also take into consideration ongoing costs for maintenance and any impacts on the community and the natural environment.

The proposed use of the land at Lot 1 Section 13 DP759091 44 Reid Street Wilcannia, under this Plan of Management is for the a Community Cultural Centre – Baaka Cultural Centre and will be operated by the Baaka

Cultural Centre Wilcannia Aboriginal Corporation.. The historical use of the land was for commercial retail. The proposed development will cover at least 60% of the lot. This use is not a more intensive use than the historical use of the land (commercial retail shops).

5.3 Consent for Development and Leasing or Licencing of Community land Subject of this POM

Community land is generally reserved for a public purpose, and uses on the land must be compatible with or ancillary to that public purpose. Council consent is required for the making of a development application or the entering into a lease or licence agreement over community land.

5.4 Uses and agreements

The Central Darling Shire Council may enter into or create a range of leases, licences, other estates, management agreements, or booking arrangements, for the use the land or buildings on community land.

Each proposal will be reviewed to ensure it is compatible with the relevant land. The types of uses and agreements, which the Council considers appropriate.

Attached is the proposed lease for the land to be used for the Baaka Cultural Centre. The lease is between Central Darling Shire Council and the Baaka Cultural Centre Wilcannia Aboriginal Corporation.

5.5 Bookings and Events

Council is responsible for bookings of the community land in the local government area. However, is the lease ensures that the Baaka Cultural Centre Wilcannia Aboriginal Corporation.is responsible for the use and maintenance of the cultural centre, then the Baaka organisation would be responsible for bookings and events held at the building.

5.6 Permitted and prohibited activities on community land

The community land within this Plan of Management is under the category of land – General Community uses – and used for a Community Health Facility.

Authorised Activities

A range of works or activities may be undertaken either as exempt development or development without consent either under the provisions of SEPP (Infrastructure) 2007 or where a Plan of Management has been adopted. The following table lists a range of activities or works which may be undertaken within the various Central Darling Shire Council community land used for general community uses as allowed by this Plan of Management. The need for any approvals or environmental assessment should be determined prior to any works commencing.

Community uses – Community land	Works / Activity	Permitted works
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All Central Darling Shire council community land used general community use.	Roads	Requires approval from Central Darling Shire Council and land owner – Minister for Crown Lands
All Central Darling Shire council community land used general community use.	Parking Facilities	Requires approval from Central Darling Shire Council and land owner – Minister for Crown Lands
All Central Darling Shire council community land used general community use.	Utility Services	Requires approval from Central Darling Shire Council and land owner – Minister for Crown Lands
All Central Darling Shire council community land used general community use.	Stormwater Facilities	Requires approval from Central Darling Shire Council and land owner – Minister for Crown Lands
All Central Darling Shire council community land used general community use.	Garbage facilities / receptacles	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Pathways	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Fencing	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Landscaping including hard and soft landscaping. BBQ's, seating, shade shelters, tree planting	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Signage	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Routine Maintenance	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Environmental management works	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Emergency Maintenance	Requires approval from Central Darling Shire Council

5.7 SPECIFIC USE AREAS

The community land used for general community uses outlined within this Plan of Management is for the specific use as a community cultural centre. This use as a community facility – community cultural centre is permissible within the B2 Local Centre zone .

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To encourage infrastructure that supports the viability of business centre precincts.

- *To enable business development to occur while retaining the existing character of the local centre.*

2 Permitted without consent

Environmental protection works; Home-based child care; Roads; Water reticulation systems

3 Permitted with consent

*Boarding houses; Centre-based child care facilities; Commercial premises; **Community facilities**; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Light industries; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

5.8 SIGNAGE

The community land used for general community use within the Central Darling Shire Council area will permit with development approval (due to the building being a local heritage item, within a heritage conservation area) signage for the entry and directions to the general community building - community cultural centre.

5.9 PARKING

Parking for the new Community cultural Centre will be in compliance with the NSW RMS guidelines for car parking - Guide to Traffic Generating Developments. Version 2.2 October 2002.

5.10 PRINCIPLES FOR THE DEVELOPMENT ON ADJOINING LAND

The land surrounding the subject land is within the Wilcannia Local Centre zone. The existing building uses adjacent to the subject land and opposite the adjacent land are for commercial retail uses. The planning principles for development of the adjoining land are controlled by the planning controls set out in the *Central Darling Local Environmental Plan 2012*.

5.11 EXTENT AND FREQUENCY OF THE MAINTENANCE OF THE LAND

The Baaka Cultural Centre would be maintained by the Baaka Cultural Centre Wilcannia Aboriginal Corporation.

5.12 ROLE AND LEVEL OF ENGAGEMENT WITH VOLUNTEERS AND COMMUNITY GROUPS WITH INTEREST IN THE LAND

The proposed community cultural centre is for the use of the entire community living within the Central Darling Shire Council, and to attract and inform tourists of the cultural significance of the Baaka peoples land and culture. Communication and engagement with the local community people generally will be regularly pursued as the use of this centre is as a community cultural centre.

6. Leases, Licences and Other Estates

6.1 What are Leases, licences and other estates?

A lease is a contract between a land owner, and another entity, granting that entity a right to occupy an area for a specified period of time.

Central Darling Shire Council leases community land for the following:

- Justifiable reason for granting a lease, and the lease is consistent with the reserve purpose and the intended use of the land e.g. using a building or facilities within the park area.
- The lease/ occupant has made (or intends to make) a significant financial contribution to the asset as part of a lease agreement.
- There is a very strong link between the nature of the asset and the proposed tenant.

In addition, the *Local Government Act 1993* and *Local Government (General) Regulation 2005* specify some additional uses (e.g. public infrastructure) which are permitted, and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity. The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. Licences may be granted to formally recognise and endorse shared uses.

Short-term licences and bookings may be used to allow Council to program different uses of the land at different times.

The terms of the authorisation for a lease, licence or other estate should include Native Title assessment and validation under the *Native Title Act 1993* and should ensure the proper management and maintenance of the land and that the interests of Council and the public are protected.

The proposed lease is between the Central Darling Shire Council and the Baaka Cultural Centre Wilcannia Aboriginal Corporation for the use of the land for the Baaka cultural Centre. The initial lease will be for a period of 12 months.

6.2 Authorisation of Leases, Licences or Other Estates over Community Land

The *Local Government Act 1993* requires that any lease or licence of Community Land must be authorised by a Plan of Management. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years.

If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the *Local Government Act 1993* and Clause 119 of the *Local Government (General) Regulation 2005*.

Supporting occupations in the form of leases and licence agreements are indicated in the detailed information sheets in Appendix B.

This Plan of Management authorises existing leases and licence agreements until the end of their current term. The leased or licensed areas may be renewed or changed in future.

The leased or licensed areas may be reconfigured in the future to reflect changes in community needs. This Plan of Management authorises the Central Darling Shire Council to grant leases, licences or any other estates for community.

The proposed lease is between the Central Darling Shire Council and the Baaka Cultural Centre Wilcannia Aboriginal Corporation for the use of the land for the Baaka cultural Centre. The lease will be for a period of 12 months.

Table 6.1 Leases, Licences and other Estates

Type of Arrangement Authorised	Land and Facilities covered	Purposes for which long term leasing/licensing will be granted
Lease	Community land and buildings	<p>Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management and the capacity of the area to support the activity.</p> <ul style="list-style-type: none"> • Sympathetic, compatible uses may include: • Youth services such as child care or vacation care • aboriginal or local community health or medical practitioners associated with the relevant facility (e.g. nutrition, physiotherapy) • educational purposes, including libraries, education classes, workshops – use of facilities by local schools or youth organisations • <u>cultural purposes, including concerts, dramatic productions, and galleries</u> • recreational purposes, including fitness classes; dance classes, and games • sporting uses developed/operated by a private operator or rugby club. • kiosk, café and refreshment purposes during sporting events or horse gymkhana’s or horse trials and other sporting activities. • commercial retail uses associated with the facility (e.g. sale or hire of sports goods)
Licence		<p>Sympathetic, compatible uses including:</p> <ul style="list-style-type: none"> • social purposes (including child care, vacation care) • educational purposes, including libraries, education classes, workshops • recreational purposes, including rugby league games and training, fitness classes etc
Other Estates	Community land and buildings	<p>This Plan of Management allows Council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the <i>Local Government Act 1993</i>.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.</p>

The grant of a lease or licence is an important step in using community land, but there may be other requirements relevant to any proposed use. For example, development consent under the Environmental Planning and Assessment Act 1979.

The issue of any proposed lease, licence or other estate and any subsequent provisions of the lease, licence or other estate must be validated by the relevant provisions of the *Native Title Act 1993*.

6.3 Short Term Uses

Table 6.2 - Short Term Uses

Community land category	Purposes for which short term casual licences may be granted
General Community Use	<ul style="list-style-type: none"> Public speeches, meetings, seminars and presentations, including educational programs Functions (including commemorative functions, book launches, film releases, balls, and similar activities) Displays, exhibitions, fairs, and shows Events (including corporate functions, and community gatherings) Broadcasts associated with any event, concert, or public speech

Short term use agreement is not required as the Baaka Cultural Centre Wilcannia Aboriginal Corporation is signing a 12 month lease for the use of the land for the Baaka Cultural Centre.

7. Strategy and Action Plan

7.1 PLAN OF MANAGEMENT – OBJECTIVES AND PERFORMANCE TARGETS AND ASSESSMENT OF PERFORMANCE.

Section 36 of the Act requires that a Plan of Management for community land details:

- the means by which the council proposes to achieve the plan’s objectives and performance targets;
- the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets.

Table 7.1 Performance Targets

Objectives and performance targets of the plan with respect to the land s.36 (b)	Means by which Council proposes to achieve the plan’s objectives and performance targets s.36 (c)	Manner in which Council proposes to assess its performance with respect to the plan’s objectives and performance targets s.36 (d)

<i>Urban Context</i>		
To maintain the land Managed for general community use as vibrant and integral components in the visual and social fabric of the community.	<p>For general community use land, provide facilities and routes through these properties that maintain their role as attractive destinations and thoroughfares.</p> <p>Maintain and enhance general community use land as secure places in the locality through provision of upgraded lighting schemes.</p>	<p>Increased appreciation of the general community use property as measured by positive comments received by Council.</p> <p>Community consultation, including surveys of community facility users, to determine level of use and any community concerns. Surveys to be undertaken as required.</p> <p>Maintain records of public comments in relation to Sportsgrounds use by the community.</p> <p>Regularly review records to guide future directions.</p>
<i>Uses and Recreation</i>		
<p>To enhance opportunities for a balanced organised and unstructured recreational use of general community use land.</p> <p>To optimise public access to all areas of general community use land.</p>	<p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual land.</p> <p>Provide amenities to increase use and enjoyment of general community use land including toilets, change rooms and kiosk/café facilities.</p> <p>Undertake audit of facilities to identify compliance with the Council’s Inclusion (Disability) Access Plan.</p>	<p>Increased local use of general community use land land measured by survey and observation.</p>
<i>Community facilities</i>		
<p>Provide sustainable general community use land areas for a range of community, social, and other compatible activities.</p>	<p>Provide general community use land which are multipurpose and flexible to a range of appropriate uses.</p> <p>Ensure general community use land is universally accessible.</p> <p>Ensure general community use land is equitably and appropriately located across the Local government area.</p> <p>Ensure that general community use land is safe and of high quality.</p>	<p>Increased usage and visitation of general community use land as measured by bookings.</p> <p>Undertake general community use land user satisfaction surveys.</p> <p>Facility inspections and audits.</p>

	<p>Facilities provided and managed in consultation and partnership with user groups and the community.</p> <p>Ensure general community use land meet sustainable building requirements.</p>	
<i>Landscape Character</i>		
<p>To improve landscape character and visual quality of general community use land.</p>	<p>Establish replacement planting strategies for general community use land to ensure improvement to the current character and improved biodiversity outcomes.</p> <p>Develop a co-ordinated signage strategy for the property and its boundaries.</p>	<p>Increased appreciation of the property as measured by positive comments received by Council.</p> <p>Community consultation, including surveys of general community use land users, to determine level of use and any community concerns. Surveys to be undertaken as required.</p> <p>Maintain records of public comments in relation to properties.</p> <p>Regularly review records to guide future directions.</p>
<i>Built Form</i>		
<p>Buildings and structures to contribute to the general community use land amenity, facilitate a range of uses and have regard to environmental sustainable design, resource use and maintenance.</p>	<p>Building and structure design specifications to consider the general community use land character, expected use and environmental sustainability features.</p>	<p>Buildings provide positive contribution to the general community use land amenity and use.</p> <p>Positive comments by the general community use land user groups.</p>
<i>Cultural and Historical Significance</i>		
<p>Appreciation and interpretation of the heritage significance of the site in terms of both natural and cultural components.</p> <p>Dedicate a name for each general community use land property.</p>	<p>Undertake, when required, heritage and cultural assessment studies to identify cultural and heritage values for retention and interpretation.</p> <p>Incorporate historical information on property signage to instil understanding and appreciation of the site and the history it represents.</p> <p>Installation of public art and interpretation.</p>	<p>Retention and interpretation of heritage and cultural values provides increased appreciation of the property and its history as measured by property user surveys.</p>
<i>Total Asset Management – Land and Building Management, Maintenance and CAPEX</i>		

To provide professional, efficient management of general community use land.	Regular visitation and condition assessments.	Measured against contract KPIs. Internal business unit users, public and tenant surveys. Audits.
Provide professional management of all buildings and structures within the general community use land.	Regular visitation and condition assessments.	Measured against council's contract KPIs. Internal business unit users, public and tenant surveys.
To provide clean, well- maintained general community use properties. Reduce the occurrence of vandalism and graffiti, and repair promptly. Reduce the amount of littering and encourage recycling.	Maintenance programs carried out in accordance with maintenance specifications. Repair vandalism or graffiti within 24 hours where possible. Provide waste and recycling bins to cater for public use. Regular waste and recycling collection to minimise litter overflow. Remove litter overflow regularly.	Positive comments received by Council. Maintain records of public comments in relation the general community use land. Regularly review of register to guide future directions.
Asset Management Plans for each Council Managed general community use land.	Life cycle approach to management. Sustainable funding models. Service delivery.	Business systems measuring integrated asset management actions.
<i>Access and Circulation</i>		
To provide safe and improved access to all general community use land for pedestrians and cyclists. To ensure access to and within parks for people with disabilities.	General community use land property upgrades, refurbishments and/or improvement works to consider and include improvements to public access and ensure appropriate connections with surrounding developments. Proposed ramps, stairs and pathways to comply with relevant Council and BCA requirements consistent with Australian Standard AS 1428 and Council's Access DCP.	Increased local use of general community use land measured by survey and observation.
<i>Traffic and Parking</i>		
To ensure traffic and parking requirements provide a safe environment for general community	Ensure that the use of vehicles, when permitted in general community use land are regulated and do not affect	Reduced pedestrian, cyclist and vehicle conflicts.

<p>use land users and do not impact on the amenity of the properties.</p>	<p>the normal functioning of these properties.</p> <p>Installation of signage preventing vehicles from entering unauthorised areas.</p> <p>Where vehicles are permitted, provide clearly demarked vehicle movement areas and encourage safe driver behaviour. Provide access for emergency or service.</p>	<p>Improved public safety</p>
<p><i>Natural Environment</i></p>		
<p>To maintain and enhance the health of general community use land and natural areas ecology, including flora, fauna, wetland and watercourses.</p> <p>Maintain, protect and improve health of identified significant trees and surrounding street trees, and improve soil health.</p> <p>To ensure access is appropriately controlled to any environmentally sensitive areas</p>	<p>Develop and implement a native vegetation planting programme to provide additional habitat for local fauna.</p> <p>Environmentally sensitive areas identified and appropriate access control measures implemented.</p>	<p>Improved health of existing trees and successful establishment of new trees as measured by survey on a regular basis.</p> <p>Measurement and monitoring of created native vegetation and habitat.</p> <p>Water quality monitoring of wetland and watercourses.</p> <p>Compile and review list of environmentally sensitive areas and control measures regularly inspected.</p>
<p><i>Environmentally Sustainable Principles</i></p>		
<p>Management of general community use land and buildings to ensure best environmental management practises and principles having regard to environmental sustainable design, resource use and maintenance.</p>	<ul style="list-style-type: none"> • Energy efficiency • Water savings • Waste reduction • Natural heating and cooling • Sense of place and local identity 	<ul style="list-style-type: none"> • Measurement and verification savings plan. • Real time measurement. • Quarterly and Annual performance.
<p><i>Safety and Risk Management</i></p>		
<p>Provide safe general community use land.</p>	<p>Improvements to general community use land are to be designed and maintained in accordance with CPTED principles (Crime Prevention through Environmental Design) principles including:</p> <p>Passive surveillance</p> <p>Good sight lines</p> <p>Territorial reinforcement and space management</p>	<p>Works to be in accordance with relevant Australian Standards.</p> <p>Safe general community use land with no reported incidents.</p>

	<p>Lighting.</p> <p>Seek specialist assistance to review lighting and security for both day and night time use.</p> <p>Coordination with local police to identify and act on safety issues.</p>	
<i>Ownership and Tenure</i>		
To ensure that ownership, tenure and permitted use arrangements allow the widest possible community access to general community use land, and are orientated to mutually compatible recreational, sporting, community and other activities.	All future leases and licences to meet the requirements of the Local Government Act 1993, and Native Title Act 1993.	Type and extent of licencing and leasing as measured by record keeping, survey and observation.

7.2 OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN.

The Objectives and performance targets of the Plan of Management with respect to the community land used for general community uses are as stated in the following tables:

1. Regulatory compliance

To ensure the community use land used for general community use land comply with all applicable statutory requirements

Community Use	Strategy	Action
All community land used for general community use	<p>Health, Safety and Risk Management Objective:</p> <p>Continue to provide health, safety and risk management for the public and for staff involved in maintenance and management activities.</p>	<p>To provide and maintain facilities, in a manner, which minimises risk to community land used for general community use land users and staff and promotes a healthy lifestyle.</p> <p>Undertake ongoing comprehensive risk assessment of the community land used for general community use land on the basis of a structured WH&S Management Plan;</p> <p>Minimise public risk through the ongoing implementation of a risk management strategy; and</p> <p>Ensure all staff and management are appropriately trained.</p>

2. Business Management

To maintain a management and operational structure which ensures commercial viability, promotes timely and responsible decision-making and is responsive to the local economic framework and environmental, legal, social and technological imperatives.

Community Use	Strategy	Action
All community land used for general community use (not including vacant land).	Continue to maintain a process for an annual business planning and performance review.	Prepare an annual budget for the operation and improvement of the All Crown Reserve lots used for sportsgrounds where required (not for vacant land); Establish financial performance targets and undertake regular review of the operation of the All Crown Reserve lots used for sportsgrounds against targets, budget and other management objectives.
All community land used for general community use -not including vacant land.	Preserve the financial contribution the Crown Reserve lots used for sportsgrounds makes to the management of the local reserve system, the Crown estate and to the local community.	Establish and maintain market based fees and charges. Review and set fees and charges for all Crown Reserve community use land in line with a marketing plan on at least an annual basis (Part of Council Annual Report and Financial Statements).
All community land used for general community use -not including vacant land.	Market and promote the Crown Reserve lots used for sportsgrounds in a way that complements the Central Darling Shire Councils aim to promote more tourism for the area.	Prepare and implement marketing and promotional strategy.
All community land used for general community use -not including vacant land.	Provide competent day to day management.	Seek and engage competent and qualified contractors; Create, implement and maintain policies and procedures to ensure best practice for all aspects of the operation of the business and maintenance of the All Crown Reserve lots used for sportsgrounds within the Central Darling Shire Council area.
All community land used for general community use -not including vacant land.	Provide high levels of customer service and asset and business management.	Maintain a human resource management strategy which ensures appropriate qualifications and skills are available; and Identify, prepare and implement training programs.

3. Environmental Management

To ensure vegetation and the natural environmental features of the Central Darling Shire Council community land used for general community uses are managed in accordance with sound ecological principles and for the enjoyment of the local community and visitors.

Community Use – Crown Reserve Lot	Strategy	Action
All land used for general community uses land	Maintain environmental integrity.	Formulate and implement an Environmental Management Strategy to identify, minimise and manage the environmental impacts of the Land Manager’s activities on the environment by systematically integrating environmental management into daily operations, long- term planning and other quality management systems; Undertake an independent Review of Environmental Factors before proceeding with implementation of proposed improvements and development.
All land used for general community uses land	Promote and maintain the health of existing and proposed native vegetation at the lots used for general community uses land.	Preserve and protect existing native vegetation in the land use for sportsgrounds when undertaking improvements; Remove weeds and re-vegetate areas appropriate to land- use, design and management of facilities.
All land used for general community uses land	Improve and maintain environmental and visual amenity.	Provide additional landscaping and Implement a replacement planting program for any trees required to be removed.
All land used for general community uses land	Minimise disturbance to native vegetation.	Use appropriate siting for facilities and walkways; Carefully manage pedestrian and vehicle access and parking.
All land used for general community uses land	Implement effective catchment management to minimise impacts on water quality.	Implement erosion control measures, litter and silt traps and drainage line filters where required to control stormwater; Use chemicals in accordance with approved Land Manager and AS guidelines.
All land used for general community uses land	Manage coastal processes and climate change while allowing for natural occurrences.	Have due regard for the siting of infrastructure potentially impacted by climate change.

4. Sustainability

To ensure that principles of ecological and environmental sustainability are incorporated into the design and management of the facilities and infrastructure within the Community land used for general community use land with the ultimate goal that resources are used efficiently throughout their lifecycle and to meet the needs of the community.

Community Use – Crown Reserve Lot	Strategy	Action
Land used for general community uses land	Sustainable Development	Implement best practice approaches to achieving sustainable resource management.
Land used for general community uses land	source Sustainability	Promote sustainability in the design, construction and management of assets including use of low embodied energy materials, replaceable resources, plantation timbers, etc.
Land used for general community uses land	Reduce carbon footprint.	Progressively reduce dependence on high CO2 energy sources by acquiring electricity from renewable energy sources.
Land used for general community uses land	Minimise use of water and energy.	Manage resources with an emphasis on energy minimisation, water use minimisation, water harvesting and re-use, and responsible waste management

5. Facilities for Management

To optimise the recreational and tourism potential of the Central Darling Shire Council community land used for land used for general community uses that are consistent with the principles of ecological sustainability while improving lots used for community land used for general community use presentation and providing a range of recreation and communal facilities for the community and visitors.

Community Use	Strategy	Action
Land used for general community uses land	Provide facilities that reflect the quality of the location, land management priorities and current industry and market benchmarks.	Improve the Crown Reserve lots used for sportsgrounds and develop facilities to improve the community and visitor experiences.
Land used for general community uses land	Implement a staged development process that is achievable in terms of planning and financial constraints.	Undertake improvements to the lots used for sportsgrounds based on the Central Darling Shire Councils capacity to support the funding of the works.
Land used for general community uses land	Signage and lighting.	Ensure signage and lighting throughout the land used for sportsgrounds meets the safety needs of visitors and staff.

6. Accessibility

To design and develop facilities and accommodation that enable people with disabilities and others with restricted mobility to access and enjoy the full range of recreation opportunities provided in the Central Darling Shire Council community land used for general community use.

Community Use	Strategy	Action
All Crown Reserve lots used for sportsgrounds	Provide facilities that support equity of access.	Design and construct communal amenities, barbecue shelters and other communal facilities to address the relevant requirements of AS 1428 – Design for Access and Mobility; Where possible and practical construct pathways at grades and widths complying with the relevant requirements of AS 1428 – Design for Access and Mobility; Progressively improve accessibility to existing facilities.

7. Integrated Land Management

To promote and facilitate integrated management of the range of planning and regulatory issues associated with the use of the Central Darling Shire Council Crown Reserve lots used for sportsgrounds.

Community Use – Crown Reserve Lot	Strategy	Action
All Crown Reserve lots used for sportsgrounds on the river.	Implement the Plan of Management and relevant statutory requirements in an ongoing, cooperative and timely manner within the available resources.	Liaise with other local, regional and state authorities particularly where co-ordination of activities on adjoining lands is involved. Obtain all necessary approvals and consents as required by relevant legislation before undertaking works; and Continue liaison with Crown Lands in relation to new and emerging government policy that impacts on the management of reserved Crown land.
All Crown Reserve lots used for sportsgrounds	Maintain a continuing dialogue with the local community in relation to the management of the parts of the Reserve that are used by the public.	Liaise and co-operate with adjoining land management authorities including residents.

All Crown Reserve lots used for sportsgrounds	Protect and enhance Aboriginal cultural values in the Reserve	Comply with the requirements of the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW” before proceeding with improvement works; Identify and protect significant sites and consult with relevant groups and authorities prior to commencement of works on site; Ensure access to significant sites for Aboriginal use; Provide interpretation of significant sites where appropriate; and Maintain on-going consultation with local elders and NSW Heritage.
All Crown Reserve lots used for sportsgrounds	Protect and enhance European cultural and historic values in the Reserve	Identify and protect significant sites; and Provide appropriate interpretation of significant sites where desirable.

7.3 MEANS BY WHICH COUNCIL PROPOSES TO ACHIEVE THE PLANS OBJECTIVES AND PERFORMANCE TARGETS.

The Central Darling Shire Council will achieve the objectives and performance targets by undertaking an annual review of the objectives within the Plan of Management and undertaking reviews of the status and condition of the Central Darling Shire Council community land.

The annual management and maintenance of the Central Darling Shire Council community land used for General Community use land is covered in the Central Darling Shire Council annual budget and Operational Plan covering Maintenance for council infrastructure.

8. Changes and Review of Plan of Management

This Plan of Management for Council Managed community land will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. The main aim and goal for the management of the community Land used for general community uses is to maintain the community land used for general community uses in their current condition and reinforce the heritage nature of the Wilcannia land used for general community uses, that will form part of the heritage tourism trail within the Central Darling Shire area.

The performance of this Plan of Management will be reviewed on a regular basis to ensure the general community uses and buildings are well maintained and provide a safe environment for public enjoyment. Strategic reviews of this Plan of Management will occur at 5 and 10 year intervals.

This Plan provides a medium-term strategy for the management and improvement of community land used for general community uses within the Central Darling Shire Council area. Priorities for maintenance and infrastructure works and funding are to be addressed on an annual basis to meet development priorities and community needs.

Progress in relation to the implementation of the Plan of Management will be monitored by the Land Manager – Central Darling Shire Council.

The Plan of Management is consistent with the public purpose for the community land and the principles of community land management, as well as other guidelines, policies, and legal requirements which may apply to the land such as the provisions of environmental planning instruments.

The aim of this Plan of Management – community land used for general community uses is to outline that Central Darling Shire Council is the manager of the community land used for general community uses, the funding for maintenance and improvements is from the annual budget of the Central Darling Shire Council.

9 APPENDICES

9.1 Appendix A – Community land managed by Council.

9.2 Appendix B – Property Information sheets

9.3 Appendix C – Land Identification Maps – single and multiple category land.



Appendices

Appendix A – Community Land owned and managed by Council

Map Id.	Lot name	Management Type	Manager	Purpose Additional purposes	Legal Description Suburb	Proposed new Categorisation	Proposed use of land
1	-	Council Land Manager	Central Darling Shire Council		Lot 1 Section 13 DP759091 44 Reid Street Wilcannia Wilcannia. Parish Wilcannia County Young	General Community use	Community Cultural Centre

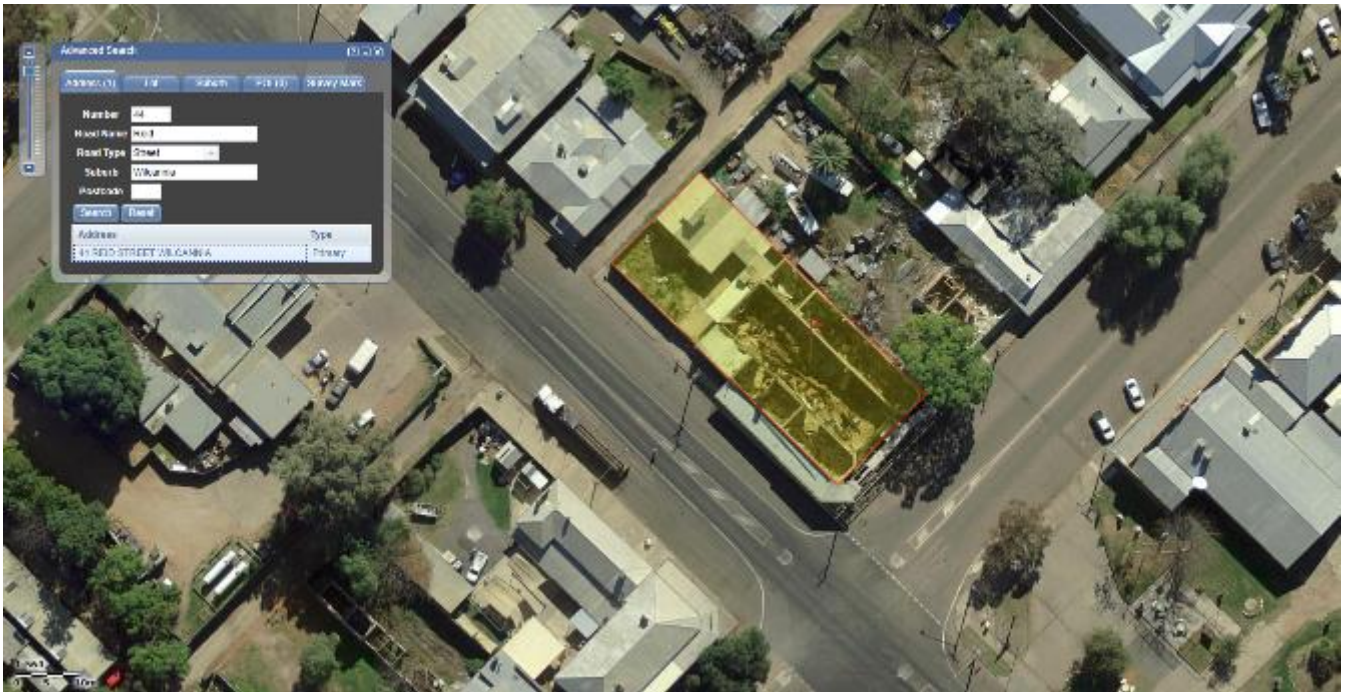
Appendix B - Property information sheets

Individual Property Detailed Information Sheets

Lot Information required	Land lot details and assessment
Name of Community land lot	Lot 1 Section 13 DP759091 44 Reid Street Wilcannia Wilcannia. Parish Wilcannia County Young
Legal Description (Lot, Section, DP):	Lot 1 Section 13 DP759091 44 Reid Street Wilcannia Wilcannia. Parish Wilcannia County Young
Map Ref:	1
Site Area:	1012m ²
Land Owner:	Central Darling Shire Council
LGA 1993 Classification:	Community Land
Central Darling Shire Council or Other Interests:	<ul style="list-style-type: none"> Limited title. Limitation pursuant to section 28T(4) of the <i>Real Property Act, 1900</i>. The boundaries of the land comprised herein have not been investigated by the Registrar General. The plan defining the land in this folio which was prepared for identification purposes. It is not a current plan in terms of section 7a of the <i>Conveyancing Act 1919</i>.
Property Type:	Business
Condition of the land and quality of buildings:	Partially demolished commercial retail premises with stone storage building at rear of site.
Heritage:	Local heritage significance item and within the proposed Wilcannia heritage conservation area.
Available facilities	<ul style="list-style-type: none"> Partially demolished commercial retail premises with stone storage building at rear of site..  <p>(Source Central Darling Shire Council September 2020)</p>  <p>(Source Central Darling Shire Council September 2020)</p>

New Categorisation	Community land – general community use – community cultural centre
Categorisation	Use – General Community use New use – Community cultural centre
Supporting Occupations	New lease
Native Title Land Claim	Native title extinguished on the land as it is free hold land.

Appendix C - Land Identification Maps: Single Category Land



Source: 6 maps view of lot at 44 Reid Street Wilcannia.



Source: Plan viewer excerpt of lot at 44 Reid Street Wilcannia.

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE
COUNCIL CHAMBERS, 21 REID STREET, WILCANNIA
ON THURSDAY, 22 APRIL 2021**

PRESENT: Administrator, Bob Stewart

IN ATTENDANCE: General Manager, Greg Hill
Director Shire Services, Reece Wilson
Acting Director Business Services, Carolyn Upston
Finance Manager, Kevin Smith
Senior Finance Officer, Gemma Dillon
Senior Planner, Glenda Dunn
Acting Rates Officer, Darryl Telfer

Present: One member of the community was in attendance.

OPENING OF MEETING

The meeting was declared open at 11.05am.

ACKNOWLEDGEMENT OF COUNTRY

An acknowledgement of the traditional custodians of the land was delivered by the Administrator, Bob Stewart.

APOLOGIES AND LEAVE OF ABSENCE

Nil

DISCLOSURES OF INTEREST

Pursuant to the Model Code of Conduct for Local Councils in NSW Councillors and Council staff are required to declare any pecuniary or non-pecuniary conflicts of interest.

Recommendation:

That the Disclosures of Interest – Pecuniary and Non–Pecuniary be received and noted.
No declarations were received.

CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING – 24 March 2021

Resolved

That the Minutes of the Ordinary Council Meeting held on 24 March be received and adopted subject to the following alterations:

- Item 9.1 / Minute Number 10.3.21 be changed to accurately reflect what is said in the video recording of the meeting;

- General Business Item 11.1 / Minute 17.03.21 that the verbal report provided by the Director Shires Services be summarised into the minutes from the video recording of the meeting.

Minute Number: 01.04.21

5.2 BUSINESS ARISING

Nil

MAYORAL (ADMINISTRATOR) MINUTE(S)

6.1 APRIL 2021 ADMINISTRATORS REPORT:

The Administrator acknowledged the visit by Her Excellency the Honourable Margaret Beazley AC QC, Governor of New South Wales to Wilcannia and White Cliffs where a reception was held and Council was represented by the Administrator and the General Manager.

The Administrator provided a brief verbal report on the meeting with stage agencies held in Dubbo on 13 April 2020

Upon request from the Administrator the General Manager provided a verbal update on Council's electronic Road Closure signage.

Resolved to

- 1. Receive and note the report and**
- 2. That the General Manager provide a separate report on all outstanding rates, fees, charges and any other debt to Council by fund; to the next meeting.**

Minute Number: 02.04.21

FINANCIAL REPORTS

7.1 GRANTS REGISTER RECONCILIATION

Resolved

- 1. Receive and adopt the report.**

Minute Number: 03.04.21

7.2 SALE OF LAND FOR UNPAID RATES AUCTION RESULTS

Resolved

1. Receive and note the report.
2. Note that monthly reports will be provided to Council until such time that the contracts of sales have been completed and the sale of processed finalised.

Minute Number: 04.04.21

7.3 CASH AND INVESTMENTS – NOVEMBER 2020

Resolved:

1. Receive and note the report.

Minute Number: 05.04.21

7.4 SMART WATER METERS, METER READING AND BILLING UPDATE

Resolved:

1. Receive and note the report.
2. Receive quarterly reports on water meter reading, billing and collections commencing in April 2021.

Minute Number: 06.04.21

GOVERNANCE REPORTS

8.1 POONCARIE ROAD CONSTRUCTION - INVESTIGATION OF IMPACTS AND HARM TO ABORIGINAL CULTURAL HERITAGE SITES

Resolved that:

1. Receive the report and
2. Adopt the 10 Recommendations detailed in the audit report;
3. The General Manager be delegated authority to represent Council at the meeting of stakeholders to be held in Menindee and work with them to address the report, and
4. The independent report on the project management and delivery be reported back to Council.

Minute Number: 07.04.21

8.2 ENGAGEMENT OF STAFF AND ORGANISATIONAL STRUCTURE

Resolved that:

- 1. Receive the report and note the potential employment of an Environmental Engineer and a subsequent increase in the wages budget.**
- 2. Receive further report on key human resources activities.**

Minute Number: 08.04.21

8.3 WEBSITE REDESIGN

Resolved that:

- 1. Receive the report;**
- 2. Council ratifies the decision to sign a one (1) year contract and acknowledges that funding will also be required in future budgets.**

Minute Number: 09.04.21

9. SHIRE SERVICES REPORTS

9.1 WATER AND SEWER UPDATE

Resolved that Council:

- 1. Receive and note the report.**

Minute Number: 10.04.21

9.2 SERVICE UPDATE

Resolved that Council:

- 1. Receive and note the report.**

Minute Number: 11.04.21

9.3 ROADS AND AERODROMES REPORT

Resolved that Council:

- 1. Receive and note the report.**

Minute Number: 12.04.21

9.4 PLAN OF MANAGEMENT FOR 44 REID STREET WILCANNIA – LOT 1, S13 DP759091

Resolved that Council:

- 1. Receive the report and note the information and endorse the exhibition of the Plan of Management for the new land use category – General Community use and the new use of the community cultural centre at Lot 1, S13 DP759091 – 44 Reid Street Wilcannia.**
- 2. Receive the report and note the information and endorse the exhibition of the new lease for the land at Lot 1, S13 DP759091 – 44 Reid Street Wilcannia for the use as the Baaka Cultural Centre.**
- 3. Resolve to hold a public hearing on the Plan of Management for the new land use category – General Community use, and the new use of land for a community cultural centre.**
- 4. Resolve to hold a public hearing on the new lease for the use of the land for the Baaka Cultural Centre.**
- 5. The public hearing will be held at council chambers at 21 Reid Street Wilcannia on 8 June 2021 at 6:30pm.**
- 6. The General Manager be authorised to arrange and vary the date of the meeting if required.**

Minute Number: 13.04.21

10. MEETING CLOSE

Resolved that:

The next meeting of Council will be held on Thursday 20 May 2021 in Wilcannia at 11.00am.

Minute Number: 14.04.21

There being no further business to discuss, the meeting was closed at 11.44am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Central Darling Shire Council held on Wednesday,

.....
ADMINISTRATOR

MAP OF WILCANNIA – VIEWING POINTS OF THE RIVER

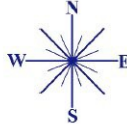


CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959
ABN: 65 061 502 439

E-MAIL: council@centraldarling.nsw.gov.au
WEBSITE: www.centraldarling.nsw.gov.au

PLEASE ADDRESS ALL
CORRESPONDENCE TO:
THE GENERAL MANAGER
PO BOX 165
WILCANNIA NSW 2836



PHONE: (08) 8083 8900
FAX: (08) 8091 5994

COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

PLAN OF MANAGEMENT –

**Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street
Wilcannia**

CENTRAL DARLING SHIRE COUNCIL

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL



Bonney Street Wilcannia 2010

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FIGURES and PHOTOGRAPHS

Cover photo: Photo of Lots 2,3 and 4 DEP 1201089 and lot 111 DP 1201028 Bonney Street Wilcannia

Figure 1 Map of Central Darling Shire Council area in NSW

Figure 2: Map of Central Darling Shire Council area showing major towns

Figure 3: Proposed site plan for Maari Ma Community health facility

Figure 4: Proposed elevations of Maari Ma Community health facility

Figure 5: Native Title land mapping showing extinguished native title land claim on the land.

Photo 1: Aerial photo of site.

Photo 2: Aerial photo of site.

Photo 3: Aerial photo of site.

Photo 4: Aerial photo of site.

No	Author	Version
1	Town planning Pty Ltd	Start POM – 7 February 2020
2	Town planning Pty Ltd	Draft Version A – 24 November 2020
3	Apex Law	Final Version 8 2 2021

1. PLAN OVERVIEW

1.1 PLAN OF MANAGEMENT FOR COMMUNITY LAND – General Community use - Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia – CENTRAL DARLING SHIRE COUNCIL LOCAL GOVERNMENT AREA.

1.1.1 What is the Plan of Management?

The Local Government Act 1993 (the Act) requires a Plan of Management to be prepared for all public land that is classified as 'community' land under that Act.

This Plan of Management (PoM) prepared by Central Darling Shire Council defines the value, use, management practices and intent for the broad public purpose for which this land has been reserved or dedicated.

A Plan of Management is a management tool, developed by council in consultation with the community, outlining the land's features, and clarifies how Council will manage, use or develop the land in the future. The Plan of Management guides a clear process for public land management.

Community land may include a wide variety of properties, ranging from general community use land (ie health clinic, community buildings, small recreation reserves to parks, and sportsgrounds).

The *Local Government Act 1993* requires that community land be categorised as; natural area, park, sportsground, area of cultural significance, or general community use. A Plan of Management (PoM) can be prepared for more than one parcel of land (Generic or Geographic) or for a single property significant or specific.

1.1.2 Need for the Plan of Management

The Management Plan is required in accordance with Section 36 of the *Local Government Act 1993*. The Plan of Management is to be consistent with the intended public purpose and management of the land. The Plan of Management must comply with other guidelines, policies, and legal requirements which may apply to the land and provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of management provide information about the land and its users, and state what, why, how and by whom the values of a reserve are being managed. Plans of Management are statements about how a land is to be managed in line with its purpose.

The *Local Government Act 1993* (the 'Act') requires all Council-owned land to be classified as either 'Community' land or 'Operational' land. Land classified as 'Community' land is to be managed and used in accordance with an adopted Plan of Management.

The purpose of this Plan of Management is to ensure Central Darling Shire Councils strategic goals and vision as set out in the draft Central Darling Shire Community Strategic Plan 2020 and compliance with the *Local Government Act 1993* are met. The Plan of Management is to provide clear future development goals for the use and management of the community land.

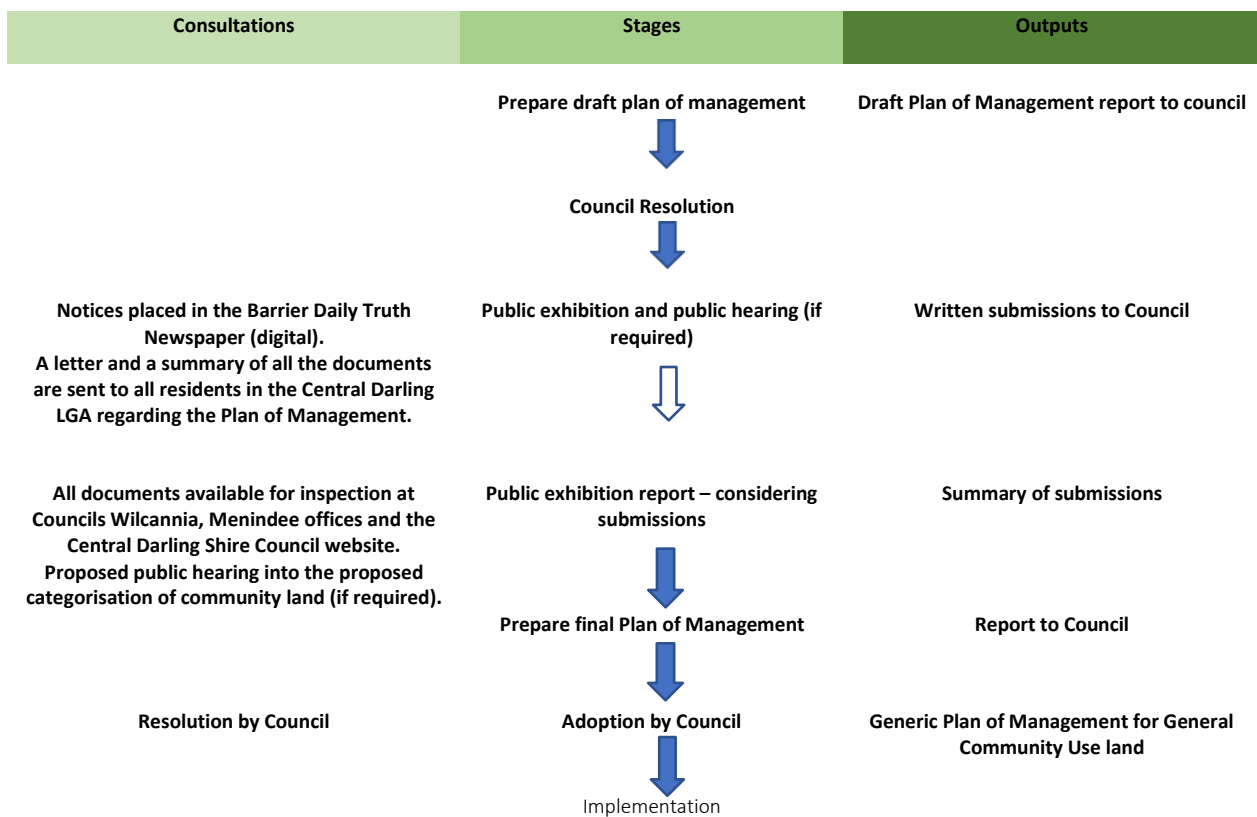
The land covered in this Plan (Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia) and is located within the Central Darling Shire Local Government area within the township of Wilcannia.

1.1.3 Process for preparing the Plan of Management

Public consultation required under the Local Government Act 1993 to formally notify the community on the proposed Plan of Management.

“if the draft first plan of management results in the land being categorised by reference to categories assigned as provided by this section, the council manager will not be required to hold public hearings under section 40A of the Local Government Act 1993, but must give public notice of it as required by section 38 of that Act.”

If after public consultation there is no change to the categorisation and no additional purpose needs to be added to the reserve, no additional consent is required and Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.



1.1.4 Community Consultation

Community consultation and input is important to ensure a Plan of Management meets the needs of the local community. It also encourages an appreciation of the Council’s aims for management of public land.

Before Council can adopt a Plan of Management, it must be placed on public exhibition for at least 28 days. The period in which written submissions can be received is not less than 42 days from the first day of public exhibition. In addition, a public hearing must be held, in accordance with the requirements of Sections 40A and 47G of the Act if community land is intended to be either categorised or re - categorised. This Plan of Management does not recategorize the land, it changes the type of community use of the land.

1.1.5 Contents of the Plan of Management

Introduction –	Background of the Plan of Management, what is the document, why is there a need for the Plan of Management, the process of preparing the Plan of Management, community consultation.
Land description and planning –	Lists the lots covered by the Plan of Management
Legislative framework -	State Government Planning legislation and Local environmental plans
Basis of Management –	Categories of community land
Land uses –	Permissible uses and developments
Leases, licences –	Authorisation of leases, licences and other estates – casual hire etc.
Strategy and Action Plan –	Objectives, performance targets, assessment of performance.
Change and review of PoM–	Process of Review and updates to Plans of Management.
Appendices –	<p>Appendix A – Schedule of lots covered by the Plan of Management.</p> <p>Appendix B – Detailed property sheets for each lot listed in Appendix A. The sheets contain information required under the Act and additional information to facilitate the relationship between the council’s strategies and operational management.</p> <p>Appendix C – Maps of the land.</p>

1.1.6 Local Government Act requirements.

The following is a list of the requirements for the Plan of Management under the Local Government Act.

- | | |
|--|------------------------|
| • The categorisation of community land is listed | Appendix B, Section 4. |
| • Core Objectives for management of the land - | Section 2 |
| • Description of the condition of the land and any buildings or other improvements | Appendix B |
| • Purposes for which the land and any such buildings or improvements will be permitted to be used | Section 4. |
| • Purpose for which any further development of the land will be permitted | Section 4. |
| • Description of the permitted uses or development on the lots. And authorisation of leases and licences over community land | Section 5. |
| • Performance targets | Section 5. |
| • Process for assessing achievement of objectives and performance targets | Section 5. |

1.2 VISIONS AND OBJECTIVES – CENTRAL DARLING SHIRE COUNCIL

In a broader context, Council community land lots are managed by the Central Darling Shire Council. The geographic location of the subject property (Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia) is within the town of Wilcannia, provides an opportunity to consider a management structure with the capacity for resources to be shared with a view to achieving operational and financial efficiencies.

The management actions in this Plan of Management are formulated to address and achieve the following:

- Social equity – decision making that leads to greater physical, cultural and financial access in the delivery of services and facilities;
- Environmental quality – using only the resources that are required to deliver facilities and services and improving overall physical amenity while reducing detrimental impacts on natural assets;
- Economic prosperity - promoting the development of jobs, business improvement, tourism industry development and market growth in a sustainable manner; and
- Corporate governance – managing assets and resources in a way that is accountable, transparent, responsive, efficient and equitable and complies with all applicable legislation.

1.3 DATE OF ADOPTION OF PLAN OF MANAGEMENT FOR LAND USED FOR COMMUNITY USES

The Central Darling Shire Council Plan of Management for community land being Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia, been prepared with the provisions of the *Local Government Act 1993*.

The Plan of Management is consistent with the public purpose for the land and the principles of the *Local Government Act 1993* as well as other guidelines, policies, and legal requirements which may apply to the reserve such as the provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of Management are to be prepared in accordance with the *Local Government Act 1993* and adopted by the Council.

Subject land of Plan of Management:

Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

2. INTRODUCTION

2.1 CORE OBJECTIVES – OVERVIEW OF CORE OBJECTIVES AND PURPOSE OF AREAS CATEGORISED AS GENERAL COMMUNITY USE FOR THE CENTRAL DARLING SHIRE COUNCIL LOCAL GOVERNMENT AREA

The location of the Central Darling Local Government Area (Central Darling LGA) is shown in Figure 1, it is situated in far-western NSW.

The Central Darling LGA is the largest local government area in NSW by spatial extent, comprising around 53,000 square kilometres, but with the smallest population, being 1,833 people according to the 2016 Australian Bureau of Statistics Census. Its low population density reflects its semi-arid nature. The main town within the Central Darling LGA is Wilcannia (Figure 2), centrally located within the local government area and having a population of around 745 people.

The Central Darling Shire Council (Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa area) is located in the country of the Paakantji, Barkindji and the Ngiyampaa people, the Council wish to acknowledge the traditional owners of the land.

The Aboriginal people have a unique place in our Australian society. The Central Darling area around Wilcannia was held by the Barkindji tribe (from barka meaning a river). Many of the Aboriginal people living in Wilcannia today belong to the Barkindji tribe.

Central Darling Shire Council's objectives for management of community land lots are:

- Effective leadership in the community land reserve management
- Community development through involvement, participation, partnership, ownership and collaborative approach to assist in effecting management of the land
- Facilitation of maintenance services for the land
- Community ownership of community land uses land to encourage use and maintenance of the land
- Delivery of consistent, affordable and achievable maintenance services and maintained community facilities.

The Central Darling Shire Council recognises the importance of services to its communities in relation to its social and cultural development and general well-being.



Figure 1: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

2.2 LAND TO WHICH THIS PLAN APPLIES – PERMITTED LAND USES

The objective and intended outcomes of this Plan of Management for this category of community land – Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is to change the permitted use of the community land from *water supply* to a *Health Services facility - community health facility* to serve the community of Wilcannia and the Local Government area of Central Darling Shire Council. The category of land will remain as general community use.

The lots identified by this Plan of Management is in Appendix A.

The Property Information sheets for Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is in Appendix B.

The land identification maps are in Appendix C.

Land that is not covered by this Plan of Management includes:

- Public open spaces and recreation facility assets within the local government area (LGA) which are owned or managed by other entities;
- Privately owned land, which is made available for public use;
- Roads that has been physically closed.

Below is a map of the towns of the Central Darling Shire Council local government area, the main towns are Tilpa, White Cliffs, Ivanhoe and Mossgiel, Wilcannia, Menindee and Sunset Strip.

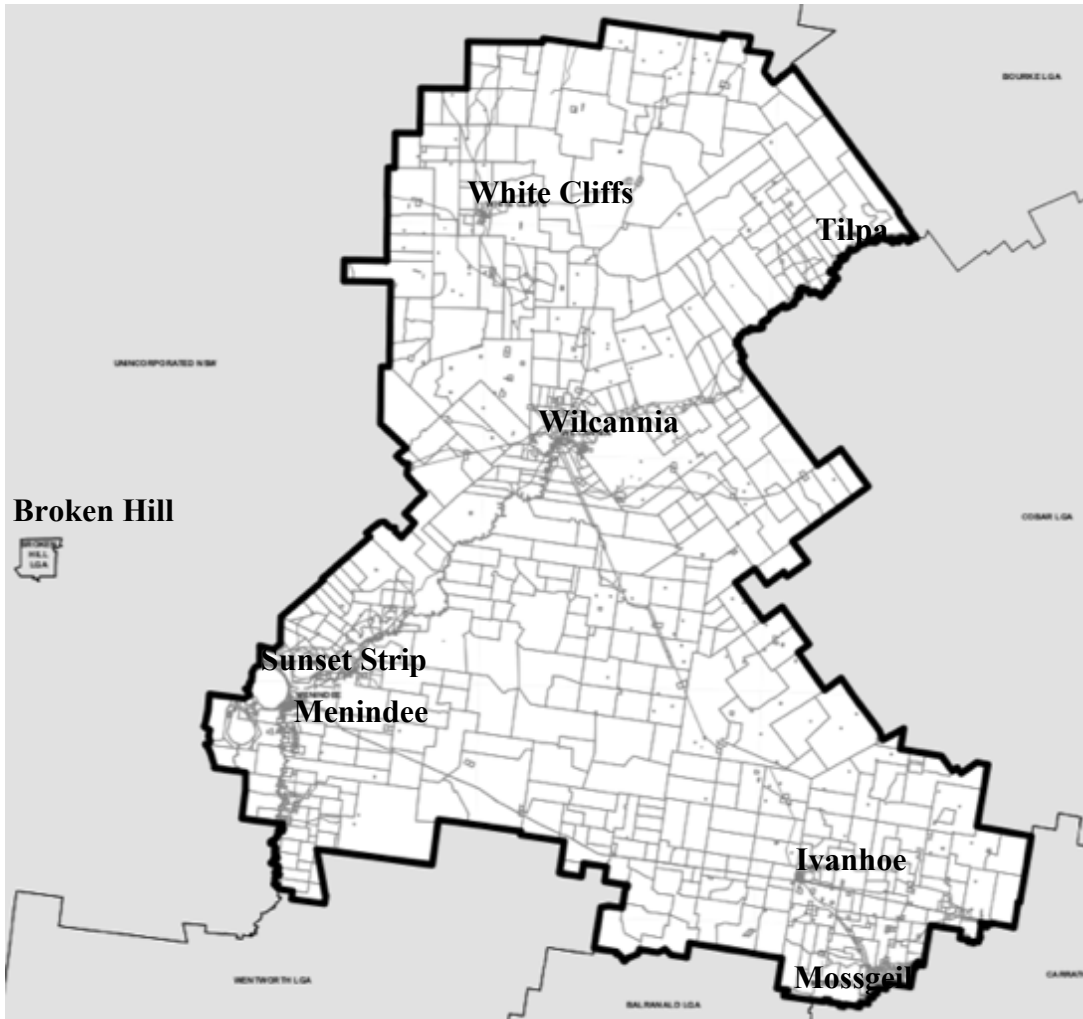


Figure 2: Location of Wilcannia, Broken Hill White Cliffs, Ivanhoe, Tilpa Mossgiel, Menindee and Sunset Strip within the Central Darling LGA (source: Central Darling Local Environmental Plan 2012 application map)

Categorisation – Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

The land will be categorised as general community use are for Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is Wilcannia within the Central Darling Local Government Area.

2.3 OWNER OF LAND OF THE LAND

The owner of the land Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia in this Plan of Management is the Central Darling Shire Council.

The manager of the land is the Central Darling Shire Council.

2.5 THE DEVELOPMENT OF COMMUNITY LAND LOTS

The land Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia are owned and managed by the Central Darling Shire Council.

The current use of the land is for general community use – water supply. The proposed development and use for this land will continue to be general community use but primarily be for the purpose of - *Health*



Photo 1: Aerial photo of site Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia (Source: Central Darling Shire Council September 2020)

Services facility - community health facility. as authorised by the Plan of Management and other applicable statutory provisions.

All buildings on the land will be permitted to be used for the purpose of a community health facility.

)



Photo 2: Aerial photo of site Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia looking at the Darling River edge of the lots (Source: Central Darling Shire Council September 2020)



Photo 3: Aerial photo of site Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia (Source: Central Darling Shire Council September 2020)



Photo 4: Aerial photo of site Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia at the edge of the Darling River (Source: Central Darling Shire Council September 2020)

2.6 EQUITY OF ACCESS

The community land lots covered by this Plan of Management do not have restricted access to the lots. All the lots are relatively flat; therefore, access is not restricted to people in wheelchairs. The only obstacle is where the soil is sandy and the steep inclines down to the Darling River edge.

2.7 TYPE AND DISTRIBUTION OF FACILITIES

The subject lots have no facilities located on the land; the lots are described as being vacant land.

The proposed development for the land is a *Health Services facility - community health facility* (Maari Ma Clinic and Well being Centre). The proposed site plan is below.

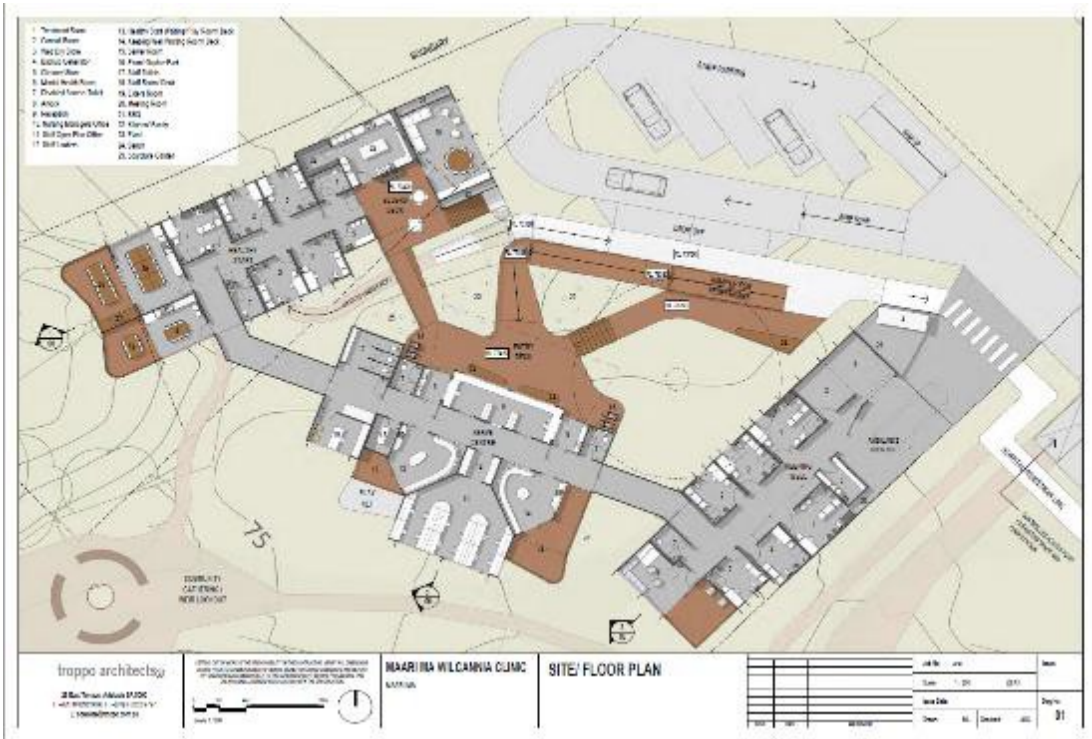


Figure 3: Location of Wilcannia, Broken Hill White Cliffs, Ivanhoe, Tilpa Mossgiel, Menindee

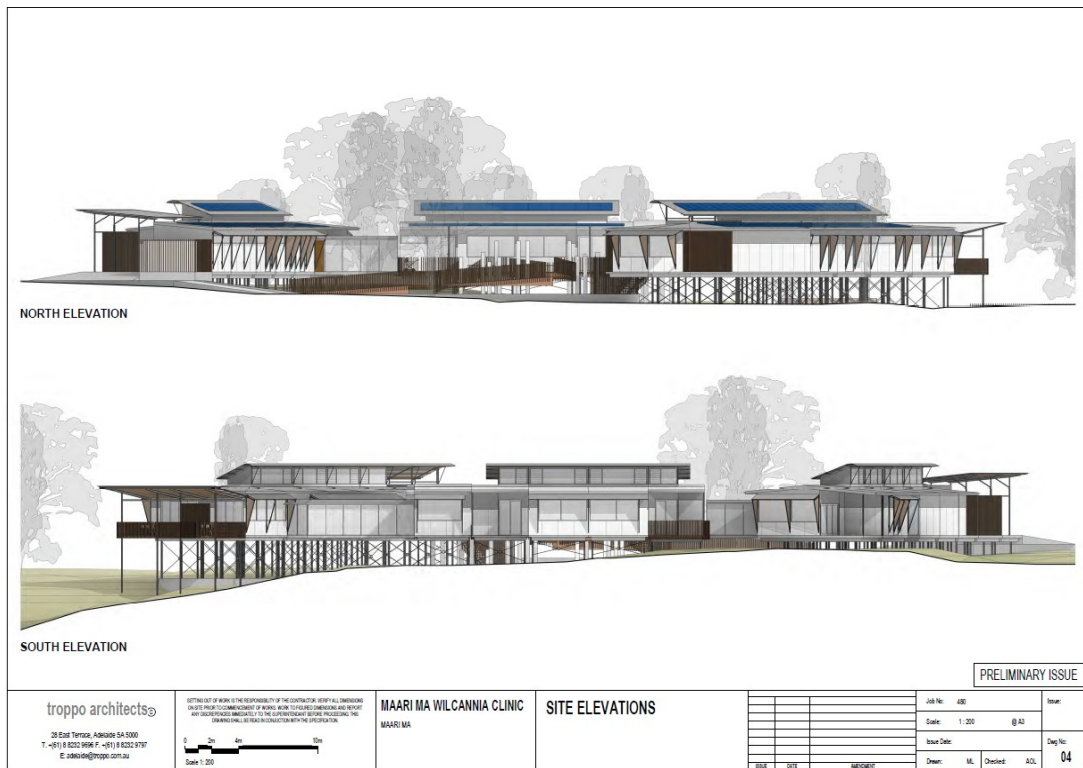


Figure 4: Location of Wilcannia, Broken Hill White Cliffs, Ivanhoe, Tilpa Mossgiel, Menindee

2.8 IMPACT OF LOCAL RESIDENTS

The subject lots do not provide any facilities for the local community other than a track down to the Darling River.

3. RELEVANT LEGISLATION, POLICIES AND PROCEDURES – OVERVIEW OF STATUTORY GUIDELINES THAT APPLY TO THE LAND.

Introduction

The management, operation and improvement of community land must take account of a range of statutory controls and policies. It is a fundamental requirement of this Plan of Management that the Land Manager will comply with the requirements of applicable legislation, regulations, approvals and policies.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993*. This Plan of Management provides a framework for the future management and improvement of the lots. Other legislation including environmental planning policies, regulations, guidelines and strategies also require consideration especially where any new development proposals are contemplated.

The land will therefore be used and managed in accordance with the following:

- The Plan of Management applying to the land;
- *Environmental Planning and Assessment Act 1979* and any planning instrument permitting the use of the land for a specified purpose or otherwise regulating the use of the land;
- *Local Government Act 1993*; and
- *Local Government (General) Regulation 2005*.

3.1 LOCAL GOVERNMENT ACT 1993

Local Government Act 1993

Local Government (General) Regulation 2005

The *Local Government Act 1993* (LG Act) contains many provisions that have an impact on the management of the subject community land. Under section 36(1) of the *Local Government Act 1993*, Plans of Management must be prepared for all community land. Clause 101(2) of the *Local Government General Regulation 2005* requires Council to have regard to the guidelines for categorisation of community land set out in Clauses 102 to 111 of that regulation.

The *Local Government Act 1993* requires all Council owned land to be classified as either Operational or Community land. Community land is required to be managed in accordance with a Plan of Management, and any other laws regulating the use of the land.

This Plan of Management has been prepared in accordance with the *Local Government Act 1993*. The minimum requirements for a Plan of Management are set out under section 36 of the *Local Government Act 1993*.

A Plan of Management must identify the category of the land, the objective and performance targets of the plan with respect to the land, the means by which Council proposes to assess its performance with respect to the plans

objectives and performance targets, and may require the approval of the Council for the carrying out of any specified activity on the land.

The specific requirements for the Plan of Management from the *Local Government Act 1993* are as follows:

“Local Government Act 1993 No 30

Chapter 6 Part 2 Division 2 Section 36

36 Preparation of draft plans of management for community land

(1) A council must prepare a draft plan of management for community land.

(2) A draft plan of management may apply to one or more areas of community land, except as provided by this Division.

(3) A plan of management for community land must identify the following—

(a) the category of the land,

(b) the objectives and performance targets of the plan with respect to the land,

(c) the means by which the council proposes to achieve the plan’s objectives and performance targets,

(d) the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets,

and may require the prior approval of the council to the carrying out of any specified activity on the land.

(3A) A plan of management that applies to just one area of community land—

(a) must include a description of—

(i) the condition of the land, and of any buildings or other improvements on the land, as at the date of adoption of the plan of management, and

(ii) the use of the land and any such buildings or improvements as at that date, and

(b) must—

(i) specify the purposes for which the land, and any such buildings or improvements, will be permitted to be used, and

(ii) specify the purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise, and

(iii) describe the scale and intensity of any such permitted use or development.”¹

Sections 36E – 36N of the *Local Government Act 1993* specifies the core objectives for the management of each category of community land.

A local council cannot grant an approval for an activity on dedicated or reserved lot under Part 1 of Chapter 7 (including Section 68) of the [Local Government Act 1993](#) that contravenes a plan of management for the land.

3.2 OTHER RELEVANT LEGISLATION AND STATUTORY CONTROLS – Environmental Planning and Assessment Act 1979 and other legislation

Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* establishes the statutory planning framework or basis for environmental and land use planning and the development consent process for the use and development of land within New South Wales.

Section 4.15 of Part 4 of the EP&A Act outlines the factors that must be considered when a development application is assessed. These include:

- Any environmental planning instrument;

¹ Local Government Act 1993 No 30 – 1 July 2020 – Clause 36 Preparation of draft plans of management for community land – source – www.legislation.nsw.gov.au.

- Any draft environmental planning instrument that has been placed on public exhibition and details of which have been notified to the consent authority;
- Any development control plan;
- The Regulations;
- The likely impacts of the development, including environmental impacts on both the natural and built environment, and social and economic impacts on the locality;
- The suitability of the site for the development;
- Any submissions made in accordance with the Act or the Regulations; and
- The public interest.

The EP&A Act has a range of other provisions that may take effect depending upon the nature of a development proposal and the issues that may be encountered.

Notwithstanding the provisions of Part 4 of the Act, a public authority may take the role of determining authority where a Plan of Management has been adopted.

Under Part 5 of the Act, a public authority is a "determining authority" for development that is permissible without consent and is being carried out by it or someone else on its behalf, this development is called an "activity". Within Part 5, section 5.5 requires a determining authority to "examine and consider, to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity".

Typically, the section 5.5 duty is discharged by way of an assessment report known as a review of the environmental factors (REF). If the Part 5 planning pathway applies, Council's land managers would need to consider all relevant environmental impacts, and set out ways in which it proposes to avoid and minimise adverse impacts on the environment. A REF may include matters such as impacts on the community, ecosystems, the environmental quality of a locality, pollution, safety and the cumulative environmental effect.

Native Title Act 1993 (Commonwealth)

Council is required to undertake steps to identify what affect any activity that they undertake on land will have on Native Title, what provisions of the Native Title Act will validate the activity and what procedures should be taken in relation to a particular activity prior to its commencement. Council must receive written advice from its Native Title Manager in relation to certain activities and acts carried out on community and operational land.

Native title is the legal recognition of the individual or communal rights and interests which Aboriginal people have in land and water, where Aboriginal people have continued to exercise their rights and interests in accordance with traditional law and custom since before the British asserted sovereignty over Australia. Native title rights and interests are formally recognised under the *Native Title Act (1993)* (Commonwealth).

All activities on the land must address the issue of native title. Whilst a successful claim for native title will lead to official recognition of native title rights, native title rights are considered to pre-date such recognition. Native title can therefore be relevant to activities carried out on the land even if no native title claim has been made or registered.

The native title process must be considered for each activity on the land and a native title assessment must be undertaken. Almost all activities and public works carried out on the land will affect native title and require validation of the future act procedures in Division 3 of the Native Title Act by Council's Native Title Manager.

Prior to any works commencing in relation to this Plan of Management, the Native Title Manager will comply with the requirements of the Native Title Act. This includes determining if Native Title has been extinguished, working

through the Future Acts regime, and liaising with the relevant authority in relation to any existing agreements or Indigenous Land Use Agreements.

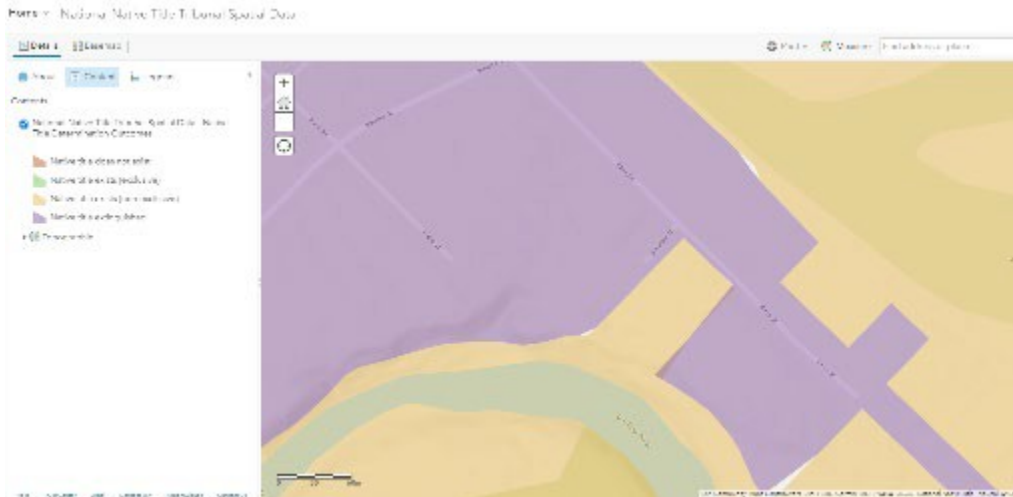


Figure 5- Extract from National Native Title Tribunal Spatial Data mapping showing that the lots at Bonney Street Wilcannia have had the Native title extinguished. (Source: National Native Title Tribunal spatial data mapping sourced 18 November 2020)

The above extract from the National Native Title Tribunal Spatial Data indicates that any Native Title Claim has been extinguished on these lots at Bonney Street Wilcannia.

Aboriginal Land Rights Act 1983

In New South Wales, Aboriginal Land Rights sits alongside native title and allows Aboriginal Land Council's to claim 'claimable' land. Generally, the Aboriginal Land Rights Act is directed at allowing Land Council's to claim upon community land that is unlawfully used or occupied. If a claim is successful, the freehold estate of the land is transferred to the Land Council.

Council should be mindful that any activity on community land is lawful in relation to the reserve purpose of the land, Council should ensure that the community land under its control is at all times lawfully used and occupied. When planning an activity of the land such as the issue of a lease or licence or any public works, Council should request a search to determine whether an Aboriginal Land Rights claim has been made in relation to the land. If a claim is registered the activity must be postponed until the claim is resolved. Strategies which allow Council to validly carry out a project or activity under the Native Title Act may not deal with project risks arising in relation to the Aboriginal Land Rights Act.

Threatened Species Conservation Act 1995

Council has legislative responsibility under this Act to appropriately manage the threatened species populations and Vulnerable or Endangered Ecological Communities and their habitats wherever they occur despite the categorisation of the land.

Where identified Council is bound by the Act to take any appropriate action necessary to implement measures and must not make decisions that are inconsistent with the provisions of any Threat Abatement or Recovery Plan.

Relevant Environmental Planning Policies & Instruments

This Plan of Management does not over-rule existing legislation that also applies to the management of community land. Other legislation and policies to be considered in the management process include but are not limited to the:

*Public Works Act 1912, (as amended) Biodiversity Conservation Act 2016,
Local Land Services Act 2016,
Water Management Act 2000,
Clean Waters Act 1970,
Companion Animals Act 1998,
Rural Fires Act 1997,
Rural Fires Regulation 2002,
Noxious Weeds Act 1993,
Pesticides Act 1999,
The Protection of the Environment Operations Act 1997,
The Protection of the Environment Operations (Noise Control) Regulation 2008
Companion Animals Act 1998
Disability Discrimination Act 1992
Heritage Act 1977
Waste Minimisation Act 1995
Pesticides Act 1999 Retail Leases Act 1994
Biodiversity and Conservation Act 2016
Water Management Act 2000*
Council plans, strategies, policies, procedures and guidelines, generally, as amended.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 provides that certain types of works do not require development consent under Part 4 of the EP&A Act.

Clause 20 of the SEPP provides general requirements for exempt development. Clause 20A of the SEPP provides that a range of minor works are “exempt development” when carried out on behalf of a public authority. These works are itemised in Schedule 1 of the SEPP and include items such as pergolas, internal building alterations, car parking, fencing, firefighting equipment and landscaping.

Division 12 of the SEPP including provisions for exempt development and for development without consent on community land used for general community uses. Clause 65 (2) (d) of the Policy provides that development can be carried out without consent by the manager of the land if the development is for purposes of implementing a Plan of Management adopted. It should be noted that where this occurs, a review of environmental factors (REF) under Part 5 of the Act is usually undertaken.

Pursuant to the provisions of Clause 66 of the SEPP a number of additional works within community land used for general community uses may be undertaken as exempt development.

The provisions of this SEPP are relevant to the future implementation of this Plan of Management as well as to the Land Manager’s ongoing management of the reserved land.

Central Darling Local Environmental Plan 2012

The *Central Darling Local Environmental Plan 2012* (CDLEP2012) is the local environmental planning legislation that applies to the Central Darling Shire Council area.

The land use zone permits certain uses of the land, where the land use zone does not permit the current land use or activity on the land a planning proposal to amend the *Central Darling Local Environmental Plan 2012* is required.

The lots subject to this Plan of Management has the following land use zone:

Central Darling Local Environmental Plan 2012

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To minimise land use conflict between land uses on land within the zone and land uses on land within adjoining zones.

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Electricity generating works; Entertainment facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Note: the proposed use of the land for “*Health Services facility - community health facility*” is not a prohibited use therefore, may be approved through the development application process to assess the merits of the health services facility – Maari Ma Community health clinic.

Heritage

The Central Darling Shire Council has carried out a number of heritage studies, and is currently amending the *Central Darling Local Environmental Plan 2012* to recognise the Heritage Conservation area of the Wilcannia town centre and additional heritage items within the Central Darling Shire Council area.

The inclusion of heritage significant items within the *Central Darling Local Environmental Plan 2012* provides a strong framework to protect these assets. This Plan of Management is intended to be consistent with the LEP framework, but to focus primarily on the nature and balance of use, management and care of the land as a whole.

In respect of Section 36D of the Local Government Act 1993, 'Community land comprising area of cultural significance' it is confirmed that no land contained within this Plan of Management contains any community land that is the subject of a resolution by the council that declares that, because of the presence on the land of any item that the council considers to be of Aboriginal, historical or cultural significance, the land is an area of cultural significance.

3.3 LAND COMPRISING OF HABITAT OF THREATENED OR ENDANGERED SPECIES – NATURAL ENVIRONMENT

For the purposes of this Plan of Management for these lots, no assessment or comprehensive ecological studies to assess the impact on threatened species or important ecological value, has been undertaken by Central Darling Shire Council.

However, a consultant has been engaged in relation to the proposed use of the site as a community health facility. The findings of this independent consultant report are as follows:

"Lots 2,3 & 4 DP 1201089 and Lot 111 DP 1201028 are located South West of the Bonney Street road reserve and consists of disturbed bush and 2 significant trees. Much of the site is low salt bush not much more than 1.0m – 1.5m high.

The site is highly modified and comprises vegetation that is disturbed, isolated with many introduced weed species. The current state of the site is unlikely to support flora or fauna species of conservation significance.

A desk top review of threatened ecological communities as listed under the Australian Governments Environment Protection and Biodiversity Act 1999 was undertaken. There are no listed ecological communities on or in proximity to this site. An additional review of the New South Wales Seed dataset similarly did not find any threatened ecological communities on the site.

Review of Atlas of Living Australia indicates no species of conservation significance on or adjacent to the site. However, when applying a 1km buffer, there was a Black Falcon sighting via eBird

Australia's database. This species uses tree lined watercourses and isolated woodlands and the development of this site is unlikely to impact on the quality or quantity of habitat available for this species. Riverfront vegetation. The existing vegetation along the riverbank is not proposed to be disturbed as is outside the site parcels.'

Therefore, this Plan of Management does not cover any information on the following:

- a known natural, geological, geomorphological, scenic or other feature that is considered by the council to warrant protection or special management considerations, or
- a wildlife corridor, is land to which this section applies, or
- habitat or threatened or endangered species.

in any of the community land, covered by this Plan of Management.

3.4 LAND COMPRISING SIGNIFICANT NATURAL FEATURES

For this Plan of Management there is no additional information on the impact on land with significant natural features. The current and future operations on this lot will not impact or compromise the significant natural feature that is the Darling River or any other significant natural feature within the Central Darling Shire Council area.

3.5 ABORIGINAL CULTURAL SIGNIFICANCE

The Central Darling Shire Council (Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa area) is located in the country of the Paakantji, Barkindji and the Ngiyampaa people, the Council wish to acknowledge the traditional owners of the land.

The Aboriginal people have a unique place in our Australian society. The Central Darling area around Wilcannia was held by the Barkindji tribe (from barka meaning a river). Many of the Aboriginal people living in Wilcannia today belong to the Barkindji tribe.

The Central Darling Local Environmental Plan 2012 describes places of Aboriginal Heritage significance as: An area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or*
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.*

The community land covered within this Plan of Management is not currently identified as having Aboriginal significance and have not been declared under section 84 of the National Park and Wildlife Act 1974, however, any areas of Aboriginal significance that may be discovered are covered by this Plan of Management.

3.6 NON-INDIGENOUS CULTURAL SIGNIFICANCE

Captain Charles Sturt was the first European to map the Murrumbidgee River and the Murray River to its mouth in 1830. In 1835 Major Thomas Mitchell followed the Bogan and Darling Rivers down to Menindee. He named Mt Murchison on the Darling. Settlement commenced prior to 1850 along the Darling, but it was 1855 before the Central Darling runs were consolidated. Captain Francis Cadell's Steamer Albury entered the Darling on 27 January 1859 and reached Mt Murchison in 8 days. Later the name was changed to Wilcannia meaning 'a gap in the bank where flood waters escape'.

The township of Wilcannia was notified on 26 June 1866. In 1880 it had a population of 3000 with 13 hotels and was known as 'The Queen City of the West'. Wilcannia became one of the major ports of the Murray Darling system and the paddle steamer trade flourished for 70 years. In 1887 218 steamers and their barges unloaded stores weighing 36,170 tons, and 222 loaded wool and other produce weighing 26,552 tons at the port of Wilcannia. At one time there were 30 steamers loading or unloading. There were 90 steamers plying the Darling in 1890. The total distance from Wilcannia to Goolwa at the mouth of the Murray is 1110 river miles. Eventually rail and road

transport killed the river boats and Wilcannia lost its former glory. Many fine buildings from the era remain in good condition making Wilcannia one of the best preserved historic towns in Australia.

The name 'White Cliffs' seems to have come from the smudgy white cliffs easily seen by passengers travelling the road from the river port of Wilcannia and the Mt Brown gold fields. From the first there were problems with lack of water and extreme heat in summer. These conditions made for considerable hardship in the opal fields and led to the town's characteristic underground dwellings, not the first in Australia but the first on any opal field. Over 100 businesses catered to their needs. There were five places of worship, a public school whose first schoolmaster was the father of famous cricketer Bill (Tiger) O'Reilly, a convent, a hospital, two doctors, a pharmacy, seven stores, five pubs, five eating houses (one underground), five guest houses, four billiard rooms, four well stocked libraries, a local newspaper, four bands and four halls where dozens of clubs and societies met and where local and overseas companies entertained regularly.

At the turn of the century, a population of some 4,000 people lived in an incredible assortment of over 500 dwellings in the town as well as other homes up behind the mullock heaps.

Ivanhoe was originally situated on a well-used route across flat, western New South Wales between Wilcannia and both Balranald and Booligal. The town was a change station (where coach horses were changed) for Cobb & Co. by 1884. The arrival of the railway in 1925, and the completion of the line from Sydney to Broken Hill in 1927, was a definite boost to the town.

Menindee's history is full of colour and characters. It was 'discovered' by the aborigines of the Barkindji Tribe. Their fossilised skeletons remain in the dry sand dunes around the Menindee lakes and have provided some of the most prolific and consistently early remnants of human existence anywhere in the world. Thus far archaeologists have positive evidence of occupation dating back 26,000 years - not much younger than the now famous neighbouring site, Lake Mungo.

Various sites across the Central Darling Shire Council Local Government Area are currently subject to a planning proposal for additional heritage items and a heritage conservation area.

The lots listed in this Plan of Management are not included within the proposed Wilcannia heritage conservation zone.

3.7 REVIEW OF THIS PLAN

The use and management of the community land is regulated by this Plan of Management. The guidelines and principles outlined in the plan are applicable at present, the Plan should be reviewed from time to time, to confirm its relevance. The review should take place within five (5) years of adoption of this plan.

However, this Plan of Management will only be in place until the land is reclassified from community land to operational land and then sold to the community medical clinic.

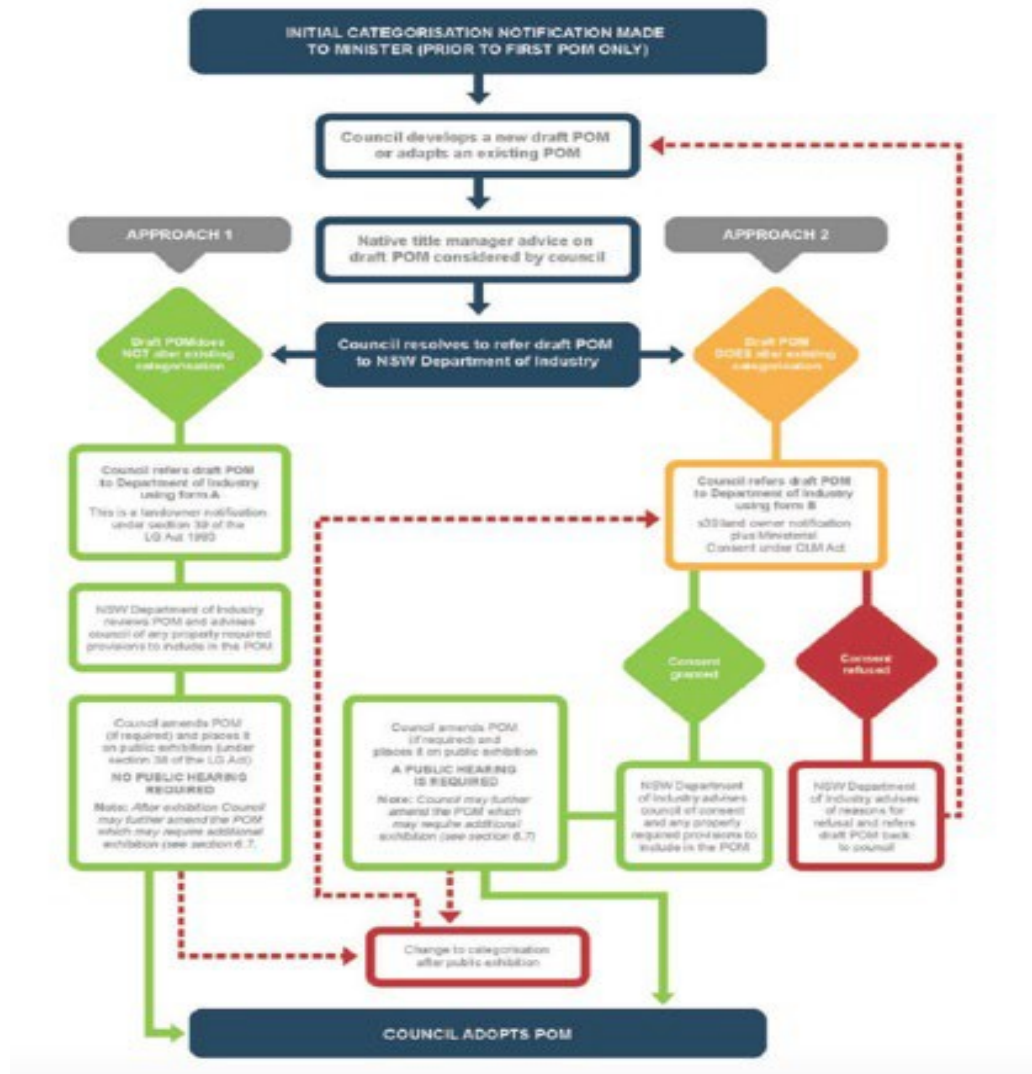
3.8 COMMUNITY CONSULTATION

Consultation with the community is an important part of the preparation of this Plan of Management. Consultation gives Council a better understanding of the range of local issues affecting the use and enjoyment of the land to which this Plan of Management applies and gives all sectors of the community the chance to have an input into the direction of policy development being undertaken by Council. All stakeholders are given the opportunity to express

their opinions and provide relevant information in relation to the planned management of the land.

As shown on the Flowchart for Consultation and Approval of an Initial Plan of Management, this process occurs prior to public exhibition and community consultation of the Plan of Management.

The community engagement process requires assessment of the current sportsgrounds and enjoyment of the land and how any proposed dealing or activity could impact this use or enjoyment. The engagement process may occur at different levels and include provision of information, consultation or participation. Where engagement is undertaken it is a mandatory requirement that the outcomes of community engagement be considered in the decision-making process. The engagement process is detailed below.



FLOWCHART FOR CONSULTATION AND APPROVAL OF AN INITIAL PLAN OF MANAGEMENT

If after public consultation there is no change to the categorisation of the land and there is no disagreement regarding the new purpose / use of the land (from water supply to community medical centre), then Council can proceed to adopt the Plan of Management as per the process outlined under Approach 1 of the Flowchart for Consultation and Approval of an Initial Plan of Management.

The change in categorisation from community land to operational land is part of the Planning proposal. This Plan of Management is for the proposed changes for the use of the land from water supply to community medical clinic.

Community consultation is an essential and integral part of the preparation process for the Plan of Management. Continuous review and incorporation of community attitudes, expectations and requirements into the ongoing management are important.

The following government agencies, groups and individuals were referenced as part of the Plan of Management consultation process:

- Adjoining landholders;
- NSW water;
- Department of Planning, Industry and Environment;
- Office of Heritage;
- Central Darling Shire Council;
- Traditional Aboriginal land owners;
- Central Darling Shire residents;
- Barrier Daily Truth Newspaper.

EXHIBITION OF DRAFT PLAN OF MANAGEMENT

The draft Plan of Management must be placed on public exhibition with all submissions received and assessed. All necessary amendments to the draft Plan of Management must be made before submitting the final Plan of Management to the Central Darling Shire Council for approval.

The Act requires that the draft Plan be placed on public display for not less than 28 days and must consider comments before adopting the Plan.

The draft Plan of Management will be placed on public exhibition for 28 days from when Central Darling Shire Council approves the exhibition period, within the Barrier Daily Truth Newspaper detailing where and when the draft Plan of Management is on display and inviting submissions from interested parties.

During the exhibition period, the draft Plan of Management will be available for review at the Menindee Post Office, Ivanhoe Council office, Tilpa Community Centre, Central Darling Shire Council's Administration Office in Wilcannia, and on Central Darling Shire Council's website.

PLAN IMPLEMENTATION

Following adoption of the Plan by the Council, the Council is required to implement the Plan and not allow any operation or development which is not in accordance with or not permitted by the Plan. Alteration may occur after a period of five years if such alteration is required to keep abreast of the changing expectations and requirements of the community and to ensure the Plan of Management remains useful and relevant. A set of performance measures is provided in the Plan of Management to assist the assessment of progress and review of the Plan.

Furthermore, any ongoing works and maintenance program for the land will be outlined in the Plan of Management, must be based on a sound financial plan.

Individualised letters are to be sent to each adjoining land owner and the community outlining the content and purpose of the Plan of Management to the land.

There will also be advertisements in the Barrier Daily Truth, in the Wilcannia News, and in the relevant Council branches in Menindee and Ivanhoe.

Public notices will be placed on regularly used noticeboards across the Central Darling Local Government Area, including in White Cliffs. The Plan of Management will also be explained prominently on Council's website and

Facebook page. It is intended that the notification provided a 28-day period for submissions to be received. A public community consultation meeting will be held within the first week of the exhibition period in Wilcannia. The material available for inspection in person or on Council's website will include this Plan of Management and also a summary document intended for public viewing with a clear summary of the Plan of Management.

During the notification period, the relevant Council representative will be available to take enquiries and their telephone number, and a dedicated email address will be provided.

Submissions received will be collated and assessed at the completion of the notification period and will be taken into consideration.

4. BASIS OF MANAGEMENT - DEVELOPMENT, USE AND MAINTENANCE OF THE COMMUNITY LAND USED FOR GENERAL COMMUNITY USES

4.1 CATEGORISATION OF COMMUNITY LAND

Council who is the land manager must assign to all community land under their management one or more initial categories of community land referred to in section 36 of the Local Government Act 1993.

Section 36(4) of the Act requires Community land to be categorised (or broken down) into one of five categories as set out in the Act, which are:

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

Council must assign a category that they consider to be most closely related to the purpose(s) that the land is dedicated or reserved. Multiple categories are assigned to land where the land is subject to multiple reservations and or dedications.

This Plan of Management is for community land used for general community use. The proposed type of community use is for a community health centre.

The degree to which the land purpose or use relates to the assigned category of the land is important for ongoing management of the land as Council must obtain Native Title Manager advice as to the validity of the activities that they wish to undertake on the land prior to dealing with the land.

The Native Title Act recognises the intent of the original purpose of the land so that complying activity can be validated particularly under Section J of the *Native Title Act 1993*.

Council had requested that the initial categories of general community use, be applied to the land identified in appendix A of this plan, these are the closest categories to the purpose(s) of the land identified in appendix A.

The information data sheet on the Lots classified as general community use land is located in Appendix B. Council does not propose to alter the categories listed in the data sheets.

Activities on the land will need to reflect the intent of the public purpose and will be assessed for compliance with relevant Local Government legislation including assessment of the activity under the *Native Title Act 1993*.

Use of the land for any activity is subject to application and approval. Assessment will consider compliance with the objectives and relationship to and impact upon the public purpose for the land.

The guidelines for categorisation of community land are set out in the *Local Government (General) Regulation 2005*. The core objectives for each category are set out in the *Local Government Act 1993*.

Council must manage community land in according to these core objectives. Any activities or uses of the land should be consistent with the core objectives for that category of land. Additional objectives, which support the above core objectives, are included in Section 7 Strategy and Action Plan.

4.2 OVERVIEW OF COUNCIL'S MANAGEMENT OF COMMUNITY LAND - DEVELOPMENT AND MAINTENANCE STRATEGY

The Central Darling Shire Council intends to manage its community use land to meet the objectives set out in Table 4.1 and Section 7 of this Plan of Management report. The types of uses, and development which may take place is identified in Sections 5 and 6.

The Central Darling Shire Council has an annual budget for maintenance of community land used for general community uses and infrastructure and community facilities. The Council responds to maintenance on a regular basis, the work to Council assets upon the community land and is financed under the Capital Works Program that is reviewed annually.

Infrastructure and facilities -The Central Darling Shire Council has an annual budget for maintenance of infrastructure and facilities. The Council maintains the community land used for community uses, infrastructure and facilities. Ongoing maintenance of community land is on a regular basis or when the need arises.

4.3 GUIDING PRINCIPLES FOR LAND MANAGED UNDER THIS PLAN

Guiding principles derived from the Central Darling Shire Council Community Strategic Plan; '2017-27', which apply to park, sportsground, natural area and general community use land in the Shire, are:

Equity

Involving fairness in decision-making, prioritising and allocation of resources, particularly for those in need.

Access

Having fair access to services, resources and opportunities to improve quality of life.

Participation

The maximum opportunity to genuinely participate in decisions, which affect their lives.

Rights

Equal rights established and promoted, with opportunities provided for people from diverse linguistic, cultural and religious backgrounds to participate in community life.

4.4 KEY STRATEGIC DIRECTIONS

The key strategic directions and objectives of the Council’s Community Strategic Plan which apply to general community use land are to:

- GOAL 1 A healthy and cohesive community, receiving recognition and supported by coordinated, appropriate and affordable services.

Goal Objectives

- Closer cooperation and cohesion between community groups
- Improved community services and facilities

- Goal 3 A protected and supported natural environment and a sustainable and well maintained built environment

Goal Objectives

- Collaborative approach to environmental management and protection
- Safe and reliable water supplies and road networks for Shire communities
- Improved infrastructure across the council area

- Goal 4 A consultative and professional Council providing relevant, attainable and efficient delivery of services as per the standards set by Council and providing community development and succession planning.

Goal Objectives

- Effective communication and consultation with the communities within the Central Darling Shire council area
- Efficient and effective services

Role of General Community Use land

General Community Use land perform many functions relating to the enhancement of the health and wellbeing of the community.

Some of the functions in the Central Darling Shire area are:

- provision of drainage reserves and access ways,
- provides formal and informal leisure and recreational activities,
- Recreational park/ sportsground/ showground and preschool/ childcare centre/ community and medical centres,
- Children’s play area, BBQ area.

Consequently, these areas play a pivotal role in promoting and developing dynamic communities with a strong sense of belonging.

Table 4.2

Management principles and objectives for land categorised as general community use land

Principle	Management Objective
General Community use land will be sustainable	<ul style="list-style-type: none"> • Sustainable general community use land enhance positive environmental, social, cultural and economic factors in terms of the built form, design, and uses. • They limit negative environmental, social and economic impacts. Sustainable general community use land planning and provision considers long term factors and has regard for future generations.

General Community use land will be multipurpose and flexible	<ul style="list-style-type: none"> • Multi-purpose general community use land enhance the wellbeing and life opportunities for diverse groups within the community. • They provide opportunities to interact and share mutually beneficial activities and experiences for everyone.
General Community use land will be accessible	<ul style="list-style-type: none"> • General community use land must be fully accessible to the entire community by being centrally located close to other essential services and transport links, physically accessible to people of all abilities, affordable as well as open and welcoming to people of all backgrounds.
General Community use land will be equitably located across the Shire	<ul style="list-style-type: none"> • General community use land must be within walking and cycling distance of resident’s homes or close to accessible and frequent public transport. This ensures that the whole community can enjoy the benefits of community spaces and programs. • General community use land will be safe and of high quality. • General community use land can enhance the safety and amenity of the local neighbourhood by providing increased activity and surveillance in the area. • They activate neighbourhoods and provide spaces for safe use at night and on weekends. Quality community facilities are of a standard and finish that is robust, durable and ‘built-to-last’.
General Community use land will promote a positive local identity	<ul style="list-style-type: none"> • The design of general community use land can provide opportunities for local community expression and for the distinctive characteristic of villages to be displayed. They can contribute to the vitality and viability of village centres, relating to and integrating with surrounding retail and other services.

Management principles and objectives

Community Land categorised as general community use may consist of areas with an operational function that have not been classified as operational land. Properties included within this category fall into two types:

Type 1: includes access corridors, rights of way, and infrastructure and drainage reserves.

Type 2: includes buildings that fully cover the land or have a substantial presence upon the balance of the land. The buildings may function as multi-purpose community facilities or specialised single purpose facilities providing a range of services from libraries to cultural centres to childcare or a community health clinic.

The Council may grant easements for the provision of services over, or on the land provided that a Native Title assessment has been carried out by Council’s Native Title Manager and the provisions of the Local Government Act 1993 have been complied with.

Management principles and objectives which apply to Community Land – General Community uses land and Built Facilities on that land are set out in Table 4.2.

5. LAND USES

5.1 PERMISSIBLE USES AND DEVELOPMENTS

The use and development of community land should be generally compatible with both the intended function of the land, and the wider community context and council encourages a range of uses of community land, and intends to facilitate uses, which increase the use of the land under Council management.

Council promotes the use of community land by the wider community. Council is currently undertaking an ongoing upgrade to general community use land facilities throughout the Central Darling Shire. (for example, playground equipment, amenity blocks,). The facilities on community land may change over time, reflecting the needs of the

This Plan of Management is aimed at encouraging the use of land however, Council remains the primary manager the land and the associated facilities, buildings and other community buildings. Council has an ongoing maintenance program and operates its facilities through staff, or community groups.

Table 5.1 Permissible uses of community land used for General Community Use

Purpose Use	Development
General Community use land	
<ul style="list-style-type: none"> • Provides a location for, and supports, the gathering of groups for a range of general social, cultural or recreational purposes <p>Uses may include:</p> <ul style="list-style-type: none"> ▪ Community medical centre ▪ casual or informal recreational use ▪ meetings, (including for social, recreational, educational or cultural purposes) ▪ functions 	<ul style="list-style-type: none"> ▪ Development for the purpose of a community medical centre, to assist with the ongoing health of the community; ▪ Development for the purposes of social, community, cultural, recreational activities, ▪ Landscaping and finishes, improving access, amenity and the visual character of the general community area
<ul style="list-style-type: none"> ▪ concerts, including all musical genres ▪ performances ▪ exhibitions ▪ workshops ▪ leisure or training classes ▪ designated group use entertainment facilities 	<ul style="list-style-type: none"> ▪ Development (particularly within buildings) for the purposes of addressing the needs of a particular group – health centre

Certain community land has multiple categories and land uses.

Future development and use of the community land will need to:

1. Meet legislative requirements.

The Land use zoning tables in the Central Darling Local Environmental Plan 2012 specifies the range of uses and activities that may be permitted on the land. A number of uses are also set out in the Regulations to the Local Government Act 1993.

Buildings and amenities may be provided where consistent with the need to facilitate the purpose of the land, provided that a Native Title assessment has been carried out by Council’s Native Title Manager and the provisions of the *Local Government Act 1993* have been complied with.

2. Be consistent with the guidelines and core objectives of the community land category.

Under the *Local Government Act 1993* uses and development of community land must be consistent with the guidelines for categorisation and the core objectives of each category, and any other additional objectives the Council proposes to place on the community land categories (refer to Section 4).

3. Be consistent with relevant Council policies.

Relevant Council policies as at the date of adoption of this plan are set out in Section 3 (Legislative Framework). The goals and strategies outlined in these documents have been used to guide the outcomes of this Plan of Management.

The council’s policies will continue to develop after the preparation of this Plan of Management. Management of the Council’s assets, and their development, will take into account the policy framework at the relevant time.

Substantial upgrades and proposed new development will take into account a range of factors, including:

- This Plan of Management and the core objectives for the land;
- The planning controls for the land;

- The Councils adopted policies;
- The characteristics of the land affected, including existing and future use patterns.

Minor changes to Community land are regularly made on a routine basis, such as maintenance and upgrade of amenities and other council facilities, and damaged equipment is replaced.

5.2 Scale and intensity of land use

The scale and intensity of development and activities on community land is to be generally compatible with the scale and anticipated use of the land. The scale and intensity of use will be consistent with the capacity of the land, and any development application relating to the land. Future development on the land will also take into consideration ongoing costs for maintenance and any impacts on the community and the natural environment.

The proposed use of the subject land Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is a change from the current stated use – water supply to the use of a community health centre.

5.3 Consent for Development and Leasing or Licencing of Community land subject of this POM

Community land is generally reserved for a public purpose, and uses on the land must be compatible with or ancillary to that public purpose. Council consent is required for the making of a development application or the entering into a lease or licence agreement over community land.

5.4 Uses and agreements

The Central Darling Shire Council may enter into or create a range of leases, licences, other estates, management agreements, or booking arrangements, for the use the land or buildings on community land.

Each proposal will be reviewed to ensure it is compatible with the relevant land and the types of uses and agreements, which the Council considers appropriate.

5.5 Bookings and Events

Council is responsible for bookings of the community land in the local government area.

5.6 Permitted and prohibited activities on community land

The community land within this Plan of Management is to be used for Community uses – a Community health centre.

Authorised Activities

A range of works or activities may be undertaken either as exempt development or development without consent either under the provisions of SEPP (Infrastructure) 2007 or where a Plan of Management has been adopted. The following table lists a range of activities or works which may be undertaken within the various Central Darling Shire Council community land used for general community uses as allowed by this Plan of Management. The need for any approvals or environmental assessment should be determined prior to any works commencing.

Community uses – Community land	Works / Activity	Permitted works
All Central Darling Shire council community land used general community use.	Roads	Requires approval from Central Darling Shire Council and landowner
All Central Darling Shire council community land used general community use.	Parking Facilities	Requires approval from Central Darling Shire Council and landowner.
All Central Darling Shire council community land used general community use.	Utility Services	Requires approval from Central Darling Shire Council and landowner.
All Central Darling Shire council community land used general community use.	Stormwater Facilities	Requires approval from Central Darling Shire Council and landowner.
All Central Darling Shire council community land used general community use.	Garbage facilities / receptacles	Requires approval from Central Darling Shire Council and landowner.
All Central Darling Shire council community land used general community use.	Pathways	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Fencing	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Landscaping including hard and soft landscaping. BBQ's, seating, shade shelters, tree planting	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Signage	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Routine Maintenance	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Environmental management works	Requires approval from Central Darling Shire Council
All Central Darling Shire council community land used general community use.	Emergency Maintenance	Requires approval from Central Darling Shire Council

5.7 SPECIFIC USE AREAS

The community land used for general community uses outlined within this Plan of Management is for the specific use as a community health centre.

5.8 SIGNAGE

The community land used for general community use within the Central Darling Shire Council area will allow signage for the entry and directions to the general community building - community health centre.

5.9 PARKING

Parking for the new Community health Centre will be in compliance with the NSW RMS guidelines for car parking - Guide to Traffic Generating Developments. Version 2.2 October 2002.

5.10 PRINCIPLES FOR THE DEVELOPMENT ON ADJOINING LAND

The adjacent land is for use for the General Wilcannia hospital, a community medical centre, commercial land, public streets, residential lots or undeveloped land. The planning principles for development of the adjoining land are controlled by the planning controls set out in the *Central Darling Local Environmental Plan 2012*.

5.11 EXTENT AND FREQUENCY OF THE MAINTENANCE OF THE LAND

The Central Darling Shire Council has an annual budget for maintenance of infrastructure and facilities for community and operational land. The Council maintains the community land used for general community uses, with the regular maintenance of the infrastructure and facilities and grounds.

5.12 ROLE AND LEVEL OF ENGAGEMENT WITH VOLUNTEERS AND COMMUNITY GROUPS WITH INTEREST IN THE LAND

The proposed community health centre is for the use of the entire community living within the Central Darling Shire Council. Communication and engagement with the local community people generally will be regularly pursued as the use of this centre is as a community health clinic.

6. LEASES, LICENCES AND OTHER ESTATES

6.1 What are Leases, licences and other estates?

A lease is a contract between a land owner, and another entity, granting that entity a right to occupy an area for a specified period of time.

Central Darling Shire Council leases community land for the following:

- Justifiable reason for granting a lease, and the lease is consistent with the purpose and the intended use of the land e.g. using a building or facilities within the park area.
- The lease/ occupant has made (or intends to make) a significant financial contribution to the asset as part of a lease agreement.
- There is a very strong link between the nature of the asset and the proposed tenant.

In addition, the *Local Government Act 1993* and *Local Government (General) Regulation 2005* specify some additional uses (e.g. public infrastructure) which are permitted, and which may be authorised by a lease or licence arrangement.

A licence allows occupation and a clear and transparent way of identifying the permitted activity. The main difference between a lease and licence is that a licence does not permit the sole, or exclusive, use of the area. Licences may be granted to formally recognise and endorse shared uses.

Short-term licences and bookings may be used to allow Council to program different uses of the land at different times.

The terms of the authorisation for a lease, licence or other estate should include Native Title assessment and validation under the *Native Title Act 1993* and should ensure the proper management and maintenance of the land and that the interests of Council and the public are protected.

6.2 Authorisation of Leases, Licences or Other Estates over Community Land

The *Local Government Act 1993* requires that any lease or licence of Community Land must be authorised by a Plan of Management. The lease or licence must be for purposes consistent with the categorisation and zoning of the land.

The maximum period for leases or licences on Community land permitted under the Act is 21 years.

If a lease or licence is anticipated, then public notice should be given in accordance with the requirements of the Act. Where a lease arrangement has been entered into with Council for community land, subleasing the land must be in accordance with the requirements of Section 47C of the *Local Government Act 1993* and Clause 119 of the *Local Government (General) Regulation 2005*.

Supporting occupations in the form of leases and licence agreements are indicated in the detailed information sheets in Appendix B.

The leased or licensed areas may be reconfigured in the future to reflect changes in community needs. This Plan of Management authorises the Central Darling Shire Council to grant leases, licences or any other estates for community health facility.

Table 6.1 Types of uses of community land that requires **Leases, Licences and other Estates**

Type of Arrangement Authorised	Land and Facilities covered	Purposes for which long term leasing/licensing will be granted
Lease	Community land and buildings	Any lease or licence proposal will be individually assessed and considered, including the community benefit, compatibility with this Plan of Management and the capacity of the area to support the activity.
		<ul style="list-style-type: none"> • Community health facility. • Youth services such as child care or vacation care • aboriginal or local community health or medical practitioners associated with the relevant facility (e.g. nutrition, physiotherapy) • educational purposes, including libraries, education classes, workshops – use of facilities by local schools or youth organisations • cultural purposes, including concerts, dramatic productions, and galleries • recreational purposes, including fitness classes; dance classes, and games • sporting uses developed/operated by a private operator or rugby club. • kiosk, café and refreshment purposes during sporting events or horse gymkhana's or horse trials and other sporting activities. • commercial retail uses associated with the facility (e.g. sale or hire of sports goods)

Licence		<p>Sympathetic, compatible uses including:</p> <ul style="list-style-type: none"> • social purposes (including childcare, vacation care) • Health, community health clinic, • educational purposes, including libraries, education classes, workshops • recreational purposes, including rugby league games and training, fitness classes etc
Other Estates	Community land and buildings	<p>This Plan of Management allows Council to grant ‘an estate’ over community land for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the <i>Local Government Act 1993</i>.</p> <p>Estates may also be granted across community land for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the community land to a facility of the Council or other public utility provider that is situated on community land.</p>

The grant of a lease or licence is an important step in using community land, but there may be other requirements relevant to any proposed use. For example, development consent under the Environmental Planning and Assessment Act 1979.

The issue of any proposed lease, licence or other estate and any subsequent provisions of the lease, licence or other estate must be validated by the relevant provisions of the *Native Title Act 1993*.

6.3 Short Term Uses

Table 6.2 - Short Term Uses

Community land category	Purposes for which short term casual licences may be granted
General Community Use	<ul style="list-style-type: none"> • Public speeches, meetings, seminars and presentations, including educational programs • Functions (including commemorative functions, book launches, film releases, balls, and similar activities) • Displays, exhibitions, fairs, and shows • Events (including corporate functions, and community gatherings) • Broadcasts associated with any event, concert, or public speech

Agreements for use of community land may be granted for events of short duration, which may be anything from a few hours to a few days.

The functions and events conducted at each particular location may vary significantly, in light of the facilities available in that location.

In assessing Community land categorised as being for general community use as a venue for any proposed event, the Central Darling Shire Council will require the following:

- the event should not result in physical damage to the building;
- where appropriate, the event should be made available to all sections of the community;

- the event should not result in a significant adverse impact on adjoining residents;
- organisers of the site should be responsible for cleaning up the site and repairing any damage that may occur.

Fees for short-term casual bookings will be charged in accordance with Council’s adopted Fees and Charges at the time. (available on Central Darling Shire Council Website within the Central Darling Shire Council - Operational Plan 2020- 2021.)

7. STRATEGY AND ACTION PLAN

7.1 PLAN OF MANAGEMENT – OBJECTIVES AND PERFORMANCE TARGETS AND ASSESSMENT OF PERFORMANCE.

Section 36 of the Act requires that a Plan of Management for community land details:

- the means by which the council proposes to achieve the plan’s objectives and performance targets;

the manner in which the council proposes to assess its performance with respect to the plan’s objectives and performance targets.

Table 7.1 Performance Targets

Objectives and performance targets of the plan with respect to the land s.36 (b)	Means by which Council proposes to achieve the plan’s objectives and performance targets s.36 (c)	Manner in which Council proposes to assess its performance with respect to the plan’s objectives and performance targets s.36 (d)
<i>Urban Context</i>		
To maintain the land managed for general community use as vibrant and integral components in the visual and social fabric of the community.	<p>For general community use land, provide facilities and routes through these properties that maintain their role as attractive destinations and thoroughfares.</p> <p>Maintain and enhance general community use land as secure places in the locality through provision of upgraded lighting schemes.</p>	<p>Increased appreciation of the general community use property as measured by positive comments received by Council.</p> <p>Community consultation, including surveys of community facility users, to determine level of use and any community concerns. Surveys to be undertaken as required.</p> <p>Maintain records of public comments in relation to Sportsgrounds use by the community.</p> <p>Regularly review records to guide future directions.</p>
<i>Uses and Recreation</i>		

<p>To enhance opportunities for a balanced organised and unstructured recreational use of general community use land. To optimise public access to all areas of general community use land.</p>	<p>Provide improved facilities for event usage so that these functions may be accommodated without adversely affecting the values and character of individual land. Provide amenities to increase use and enjoyment of general community use land including toilets, change rooms and kiosk/café facilities.</p> <p>Undertake audit of facilities to identify compliance with the Council’s Inclusion (Disability) Access Plan.</p>	<p>Increased local use of general community use land measured by survey and observation.</p>
<p><i>Community facilities</i></p>		
<p>Provide sustainable general community use land areas for a range of community, social, and other compatible activities.</p>	<p>Provide general community use land which are multipurpose and flexible to a range of appropriate uses.</p> <p>Ensure general community use land is universally accessible.</p>	<p>Increased usage and visitation of general community use land as measured by bookings.</p> <p>Undertake general community use land user satisfaction surveys.</p> <p>Facility inspections and audits.</p>
	<p>Ensure general community use land is equitably and appropriately located across the Local government area.</p> <p>Ensure that general community use land is safe and of high quality.</p> <p>Facilities provided and managed in consultation and partnership with user groups and the community.</p> <p>Ensure general community use land meet sustainable building requirements.</p>	
<p><i>Landscape Character</i></p>		
<p>To improve landscape character and visual quality of general community use land.</p>	<p>Establish replacement planting strategies for general community use land to ensure improvement to the current character and improved biodiversity outcomes.</p> <p>Develop a co-ordinated signage strategy for the property and its boundaries.</p>	<p>Increased appreciation of the property as measured by positive comments received by Council.</p> <p>Community consultation, including surveys of general community use land users, to determine level of use and any community concerns. Surveys to be undertaken as required.</p> <p>Maintain records of public comments in relation to properties.</p> <p>Regularly review records to guide future directions.</p>
<p><i>Built Form</i></p>		

Buildings and structures to contribute to the general community use land amenity, facilitate a range of uses and have regard to environmentally sustainable design, resource use and maintenance.	Building and structure design specifications to consider the general community use land character, expected use and environmental sustainability features.	Buildings provide positive contribution to the general community use land amenity and use. Positive comments by the general community use land user groups.
<i>Cultural and Historical Significance</i>		
Appreciation and interpretation of the heritage significance of the site in terms of both natural and cultural components. Dedicate a name for each general community use land property.	Undertake, when required, heritage and cultural assessment studies to identify cultural and heritage values for retention and interpretation. Incorporate historical information on property signage to instil understanding and appreciation of the site and the history it represents.	Retention and interpretation of heritage and cultural values provides increased appreciation of the property and its history as measured by property user surveys.
	Installation of public art and interpretation.	
<i>Total Asset Management – Land and Building Management, Maintenance and CAPEX</i>		
To provide professional, efficient management of general community use land.	Regular visitation and condition assessments.	Measured against contract KPIs. Internal business unit users, public and tenant surveys. Audits.
Provide professional management of all buildings and structures within the general community use land.	Regular visitation and condition assessments.	Measured against council’s contract KPIs. Internal business unit users, public and tenant surveys.
To provide clean, well- maintained general community use properties. Reduce the occurrence of vandalism and graffiti, and repair promptly. Reduce the amount of littering and encourage recycling.	Maintenance programs carried out in accordance with maintenance specifications. Repair vandalism or graffiti within 24 hours where possible. Provide waste and recycling bins to cater for public use. Regular waste and recycling collection to minimise litter overflow. Remove litter overflow regularly.	Positive comments received by Council. Maintain records of public comments in relation the general community use land. Regularly review of register to guide future directions.
Asset Management Plans for each Council Managed general community use land.	Life cycle approach to management. Sustainable funding models. Service delivery.	Business systems measuring integrated asset management actions.
<i>Access and Circulation</i>		

<p>To provide safe and improved access to all general community use land for pedestrians and cyclists.</p> <p>To ensure access to and within parks for people with disabilities.</p>	<p>General community use land property upgrades, refurbishments and/or improvement works to consider and include improvements to public access and ensure appropriate connections with surrounding developments.</p> <p>Proposed ramps, stairs and pathways to comply with relevant Council and BCA requirements consistent with Australian Standard AS 1428 and Council’s Access DCP.</p>	<p>Increased local use of general community use land measured by survey and observation.</p>
<p><i>Traffic and Parking</i></p>		
<p>To ensure traffic and parking requirements provide a safe environment for general community use land users and do not impact on the amenity of the properties.</p>	<p>Ensure that the use of vehicles, when permitted in general community use land are regulated and do not affect the normal functioning of these properties.</p> <p>Installation of signage preventing vehicles from entering unauthorised areas.</p> <p>Where vehicles are permitted, provide clearly demarked vehicle movement areas and encourage safe driver behaviour. Provide access for emergency or service.</p>	<p>Reduced pedestrian, cyclist and vehicle conflicts.</p> <p>Improved public safety</p>
<p><i>Natural Environment</i></p>		
<p>To maintain and enhance the health of general community use land and natural areas ecology, including flora, fauna, wetland and watercourses.</p> <p>Maintain, protect and improve health of identified significant trees and surrounding street trees, and improve soil health.</p> <p>To ensure access is appropriately controlled to any environmentally sensitive areas</p>	<p>Develop and implement a native vegetation planting programme to provide additional habitat for local fauna.</p> <p>Environmentally sensitive areas identified and appropriate access control measures implemented.</p>	<p>Improved health of existing trees and successful establishment of new trees as measured by survey on a regular basis.</p> <p>Measurement and monitoring of created native vegetation and habitat.</p> <p>Water quality monitoring of wetland and watercourses.</p> <p>Compile and review list of environmentally sensitive areas and control measures regularly inspected.</p>
<p><i>Environmentally Sustainable Principles</i></p>		
<p>Management of general community use land and buildings to ensure best environmental management practises and principles having regard to environmentally sustainable design, resource use and maintenance.</p>	<ul style="list-style-type: none"> • Energy efficiency • Water savings • Waste reduction • Natural heating and cooling • Sense of place and local identity 	<ul style="list-style-type: none"> • Measurement and verification savings plan. • Real time measurement. • Quarterly and Annual performance.
<p><i>Safety and Risk Management</i></p>		

Provide safe general community use land.	Improvements to general community use land are to be designed and maintained in accordance with CPTED principles (Crime Prevention through Environmental Design) principles including: Passive surveillance Good sight lines Territorial reinforcement and space management Lighting.	Works to be in accordance with relevant Australian Standards. Safe general community use land with no reported incidents.
	Seek specialist assistance to review lighting and security for both day and night time use. Coordination with local police to identify and act on safety issues.	
<i>Ownership and Tenure</i>		
To ensure that ownership, tenure and permitted use arrangements allow the widest possible community access to general community use land, and are orientated to mutually compatible recreational, sporting, community and other activities.	All future leases and licences to meet the requirements of the Local Government Act 1993, and Native Title Act 1993.	Type and extent of licencing and leasing as measured by record keeping, survey and observation.

7.2 OBJECTIVES AND PERFORMANCE TARGETS OF THE PLAN.

The objectives and performance targets of the Plan of Management with respect to the community land used for general community uses are as stated in the following tables:

1. Regulatory compliance

To ensure the community use land used for general community use land comply with all applicable statutory requirements

Community Use	Strategy	Action
All community land used for general community use	Health, Safety and Risk Management Objective: Continue to provide health, safety and risk management for the public and for staff involved in maintenance and management activities.	To provide and maintain facilities, in a manner, which minimises risk to community land used for general community use land users and staff and promotes a healthy lifestyle. Undertake ongoing comprehensive risk assessment of the community land used for general community use land on the basis of a structured WH&S Management Plan; Minimise public risk through the ongoing implementation of a risk management strategy; and Ensure all staff and management are appropriately trained.

2. Business Management

To maintain a management and operational structure which ensures commercial viability, promotes timely and responsible decision-making and is responsive to the local economic framework and environmental, legal, social and technological imperatives.

Community Use	Strategy	Action
All community land used for general community use (not including vacant land).	Continue to maintain a process for an annual business planning and performance review.	Prepare an annual budget for the operation and improvement of all community lands lots used for sportsgrounds where required (not for vacant land). Establish financial performance targets and undertake regular review of the operation of the community lands against targets, budget, and other management objectives.
All community land used for general community use -not including vacant land.	Preserve the financial contribution the community land	Establish and maintain market-based fees and charges. Review and set fees and charges for all community lands, community use land in line with a marketing plan on at least an annual basis (Part of Council Annual Report and Financial Statements).
All community land used for general community use -not including vacant land.	Market and promote the community land.	Prepare and implement marketing and promotional strategy.
All community land used for general community use -not including vacant land.	Provide competent day to day management.	Seek and engage competent and qualified contractors; Create, implement, and maintain policies and procedures to ensure best practice for all aspects of the operation of the business and maintenance of the community land.
All community land used for general community use -not including vacant land.	Provide high levels of customer service and asset and business management.	Maintain a human resource management strategy which ensures appropriate qualifications and skills are available; and Identify, prepare and implement training programs.

3. Environmental Management

To ensure vegetation and the natural environmental features of the Central Darling Shire Council community land used for general community uses are managed in accordance with sound ecological principles and for the enjoyment of the local community and visitors.

Community Use – Community land	Strategy	Action
All land used for general community uses	Maintain environmental integrity.	Formulate and implement an Environmental Management Strategy to identify, minimise and manage the environmental impacts of the Land Manager’s activities on the environment by systematically integrating environmental management into daily operations, long- term planning and other quality management systems; Undertake an independent Review of Environmental Factors before proceeding with implementation of proposed improvements and development.
All land used for general community uses	Promote and maintain the health of existing and proposed native vegetation at the lots used for general community uses land.	Preserve and protect existing native vegetation in the land use for sportsgrounds when undertaking improvements; Remove weeds and re-vegetate areas appropriate to land- use, design and management of facilities.
All land used for general community uses	Improve and maintain environmental and visual amenity.	Provide additional landscaping and Implement a replacement planting program for any trees required to be removed.
All land used for general community uses	Minimise disturbance to native vegetation.	Use appropriate siting for facilities and walkways; Carefully manage pedestrian and vehicle access and parking.
All land used for general community uses	Implement effective catchment management to minimise impacts on water quality.	Implement erosion control measures, litter and silt traps and drainage line filters where required to control stormwater; Use chemicals in accordance with approved Land Manager and AS guidelines.
All land used for general community uses	Manage coastal processes and climate change while allowing for natural occurrences.	Have due regard for the siting of infrastructure potentially impacted by climate change.

4. Sustainability

To ensure that principles of ecological and environmental sustainability are incorporated into the design and management of the facilities and infrastructure within the Community land used for general community use land with the ultimate goal that resources are used efficiently throughout their lifecycle and to meet the needs of the community.

Community Use – Community land	Strategy	Action
Land used for general community uses	Sustainable Development	Implement best practice approaches to achieving sustainable resource management.

Land used for general community uses	source Sustainability	Promote sustainability in the design, construction and management of assets including use of low embodied energy materials, replaceable resources, plantation timbers, etc.
Land used for general community uses	Reduce carbon footprint.	Progressively reduce dependence on high CO2 energy sources by acquiring electricity from renewable energy sources.
Land used for general community uses	Minimise use of water and energy.	Manage resources with an emphasis on energy minimisation, water use minimisation, water harvesting and re-use, and responsible waste management

5. Facilities for Management

To optimise the recreational and tourism potential of the Central Darling Shire Council community land used for land used for general community uses that are consistent with the principles of ecological sustainability while improving lots used for community land used for general community use presentation and providing a range of recreation and communal facilities for the community and visitors.

Community Use	Strategy	Action
Land used for general community uses	Provide facilities that reflect the quality of the location, land management priorities and current industry and market benchmarks.	Improve the community land uses and develop facilities to improve the community and visitor experiences.
Land used for general community uses	Implement a staged development process that is achievable in terms of planning and financial constraints.	Undertake improvements to the lots used for sportsgrounds based on the Central Darling Shire Councils capacity to support the funding of the works.
Land used for general community uses	Signage and lighting.	Ensure signage and lighting throughout the land used for sportsgrounds meets the safety needs of visitors and staff.

6. Accessibility

To design and develop facilities and accommodation that enable people with disabilities and others with restricted mobility to access and enjoy the full range of recreation opportunities provided in the Central Darling Shire Council community land used for general community use.

Community Use	Strategy	Action
All Community land	Provide facilities that support equity of access.	Design and construct communal amenities, barbecue shelters and other communal facilities to address the relevant requirements of AS 1428 – Design for Access and Mobility; Where possible and practical construct pathways at grades and widths complying with the relevant requirements of AS 1428 – Design for Access and Mobility; Progressively improve accessibility to existing facilities.

7. Integrated Land Management

To promote and facilitate integrated management of the range of planning and regulatory issues associated with the use of the Central Darling Shire Council Community land.

Community Use – Community land	Strategy	Action
All Community land lots on the river.	Implement the Plan of Management and relevant statutory requirements in an ongoing, cooperative, and timely manner within the available resources.	Liaise with other local, regional, and state authorities particularly where co-ordination of activities on adjoining lands is involved. Obtain all necessary approvals and consents as required by relevant legislation before undertaking works; and
All Community land	Maintain a continuing dialogue with the local community in relation to the management of the parts of the Reserve that are used by the public.	Liaise and co-operate with adjoining land management authorities including residents.
All Community land	Protect and enhance Aboriginal cultural values in the Reserve	Comply with the requirements of the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW” before proceeding with improvement works. Identify and protect significant sites and consult with relevant groups and authorities prior to commencement of works on site.
		Ensure access to significant sites for Aboriginal use. Provide interpretation of significant sites where appropriate; and Maintain on-going consultation with local elders and NSW Heritage.
All Community land	Protect and enhance European cultural and historic values in the Reserve	Identify and protect significant sites; and Provide appropriate interpretation of significant sites where desirable.

7.3 MEANS BY WHICH COUNCIL PROPOSES TO ACHIEVE THE PLANS OBJECTIVES AND PERFORMANCE TARGETS

The Central Darling Shire Council will achieve the objectives and performance targets by undertaking an annual review of the objectives within the Plan of Management and undertaking reviews of the status and condition of the Central Darling Shire Council Community land.

The annual management and maintenance of the Central Darling Shire Council Community land is covered in the Central Darling Shire Council annual budget and Operational Plan covering Maintenance for council infrastructure.

7.4 OPERATING COMMITTEES/ INCORPORATED BODIES

There are no operating committees or incorporated bodies involved in the management, funding or the maintenance of the Central Darling Shire Council community land, the management, funding and maintenance is covered in the Central Darling Shire Council (except for the Home care community medical centre that covers its own maintenance costs).

7.5 ALLOCATION AND MANAGEMENT OF COMMUNITY LAND

There is no allocation by council (the land manager) of community lots used for sportsgrounds to members of the community.

7.6 FEES AND CHARGES/ CONDITIONS OF HIRE

There are fees and charges for the community land for this Plan of Management. The fees and charges are located within the Central Darling Shire Council Operational Plan.

8. CHANGES AND REVIEW OF PLAN OF MANAGEMENT

This Plan of Management for Council Managed community land will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities.

The main aim and goal for the management of the community Land used for general community uses is to maintain the community land used for general community uses in their current condition and reinforce the heritage nature of the Wilcannia and Menindee land used for general community uses, that will form part of the heritage tourism trail within the Central Darling Shire area.

The performance of this Plan of Management will be reviewed on a regular basis to ensure the general community uses and buildings are well maintained and provide a safe environment for public enjoyment. Strategic reviews of this Plan of Management will occur at 5 and 10 year intervals.

This Plan provides a medium-term strategy for the management and improvement of community land used for general community uses within the Central Darling Shire Council area. Priorities for maintenance and infrastructure works and funding are to be addressed on an annual basis to meet development priorities and community needs.

Progress in relation to the implementation of the Plan of Management will be monitored by the Land Manager – Central Darling Shire Council.

The Plan of Management is consistent with the public purpose for the community land and the principles of community land management, as well as other guidelines, policies, and legal requirements which may apply to the land such as the provisions of environmental planning instruments.

The aim of this Plan of Management – community land used for general community uses is to outline that Central Darling Shire Council is the manager of the community land used for general community uses, the funding for maintenance and improvements is from the annual budget of the Central Darling Shire Council.

6 APPENDICES

6.1 Appendix A – Community land managed by Council.

6.2 Appendix B – Property Information sheets

6.3 Appendix C – Land Identification Maps – single and multiple category land.


Appendices

Appendix A – Community Land owned and managed by Council

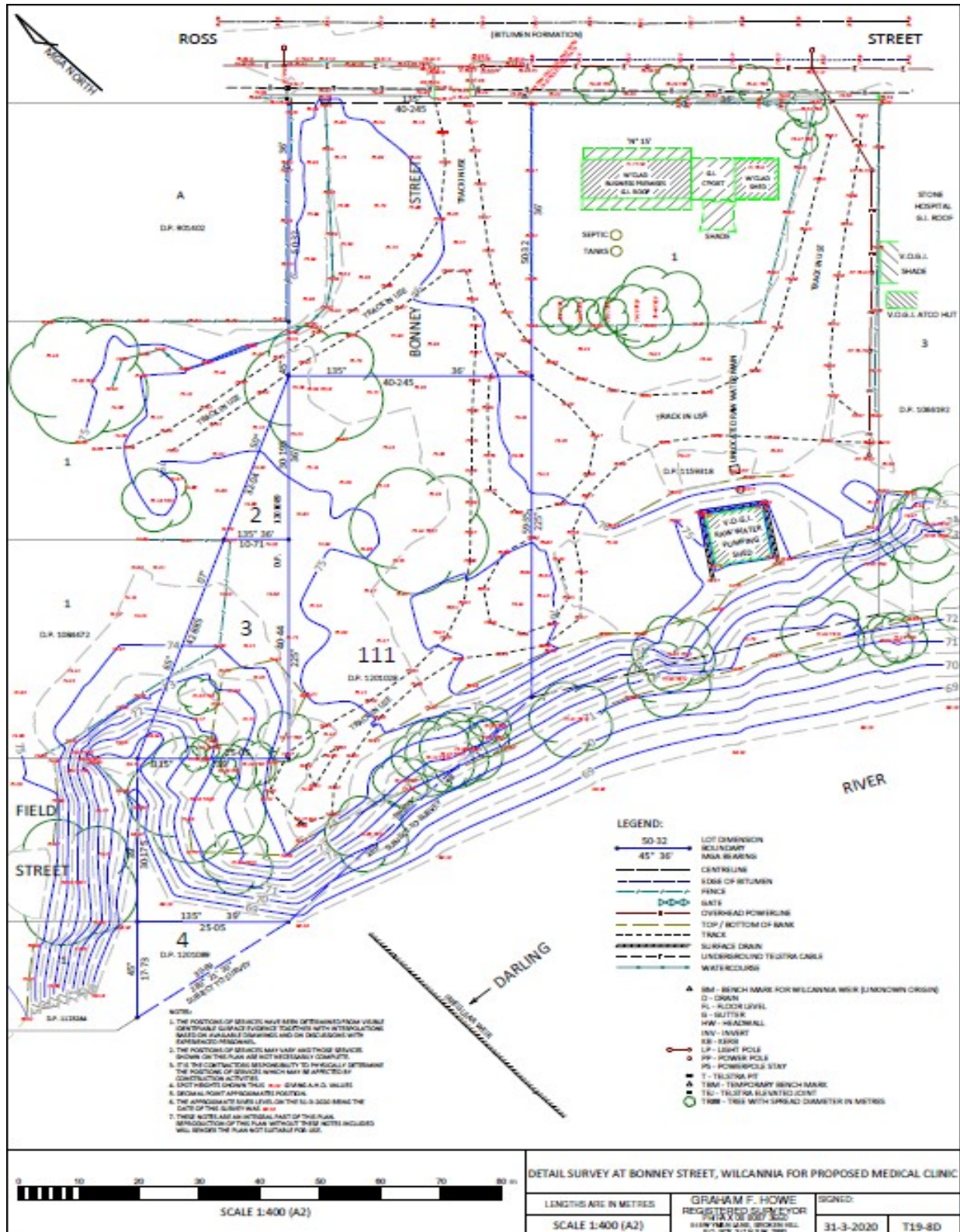
Map Id.	Reserve Name	Management Type	Manager	Purpose Additional purposes	Legal Description Suburb	Initial Categorisation	Gazette
1	-	Council Land Manager	Central Darling Shire Council	Water supply	Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia. Parish Wilcannia County Young	Water supply	

Appendix B - Property information sheets

Individual Property Detailed Information Sheets

Lot Information required	Land lot details and assessment
Name of Community land lot	Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.
Legal Description (Lot, Section, DP):	Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia. Parish Wilcannia County Young
Map Ref:	1
Site Area:	9,450m ²
Land Owner:	Central Darling Shire Council
LGA 1993 Classification:	Community Land
Central Darling Shire Council or Other Interests:	<ul style="list-style-type: none"> Limited title. Limitation pursuant to section 28T(4) of the <i>Real Property Act, 1900</i>. The boundaries of the land comprised herein have not been investigated by the Registrar General. The plan defining the land in this folio which was prepared for identification purposes. It is not a current plan in terms of section 7a of the <i>Conveyancing Act 1919</i>.
Property Type:	Water supply
Condition of the land and quality of buildings:	Vacant land
Heritage:	TBC heritage significance.
Available facilities	<ul style="list-style-type: none"> No facilities vacant land in natural state.  <p>Photo 4 – (Source Central Darling Shire Council September 2020)</p>
Categorisation	Community land – general community use - Water supply
Revised Categorisation	General Community use – community health clinic
Supporting Occupations	Lease for use of the land for a <i>community health facility</i>
Native Title Land Claim	There is not Native Title land Claim on the lots of Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia. Parish Wilcannia County Young

Appendix C - Land Identification Maps: Single Category Land



Planning Proposal

To reclassify four (4) allotments from Community to Operational land and discharge Council interests to facilitate the development of a health services facility, Bonney Street, Wilcannia

Amendment to Central Darling Local Environmental Plan 2012

Proposal

The planning proposal involves the reclassification of four (4) lots owned by Central Darling Shire Council from Community to Operational land, the discharging of Council interest to facilitate the disposal and consolidation of the land for the development of a health services facility. The land will retain the existing R1 General Residential zone and minimum lot size (800m²) provisions which currently apply under the Central Darling Local Environmental Plan 2012.

The land is owned by Central Darling Shire Council and is classified as Community land under the Local Government Act 1993. It is Council's intention to dispose of the allotments to Maari Ma Health Aboriginal Corporation and consolidate the allotments to facilitate the development of a health services facility on the land. Council also intends to dispose of any interests in the land. Concept plans of the health services facility – wellbeing centre that will be subject to Council consent are provided at **Attachment A**.

All lots are vacant and not currently utilised as formal public open space in Wilcannia.

The existing R1 General Residential zone permits a health services facility with consent, however the land needs to be reclassified to Operational land to allow Council to sell the land.

Site location and context

The subject land is described as Lots 2, 3 and 4 DP 1201089, Bonney Street, Wilcannia, and Lot 111 DP 1201028, Bonney Street Wilcannia. The total area of the land is approximately 5,085m². Refer to Locality Maps below.

The Certificate of Title of each parcel is provided as **Attachment B**. Details of each parcel are provided in **Attachment C**.

The sites are located to the east of the town centre of Wilcannia. Surrounding land is zoned R1 General Residential and adjoins the existing Wilcannia Hospital.

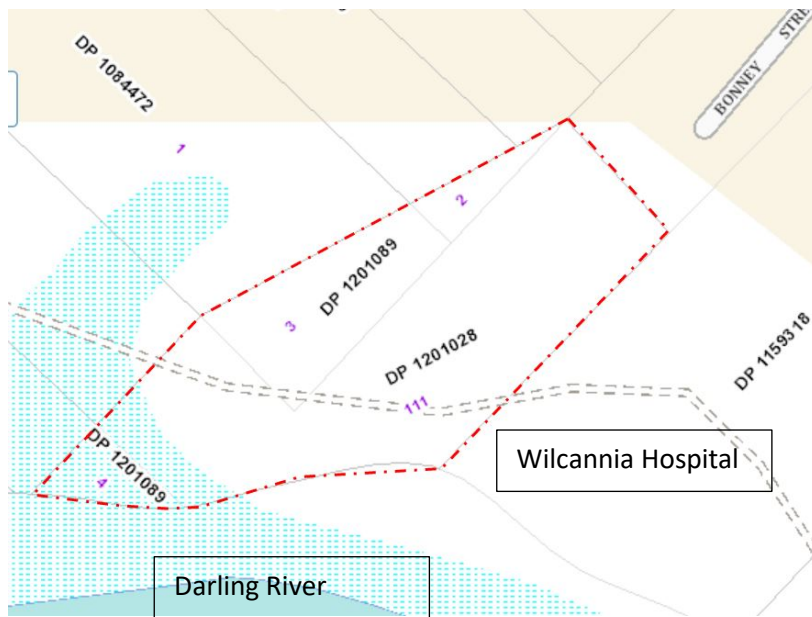
Lot 4 has frontage to the Darling River, however, is wholly contained within the R1 General Residential zone.

Locality Map – Wilcannia and subject land (not to scale)



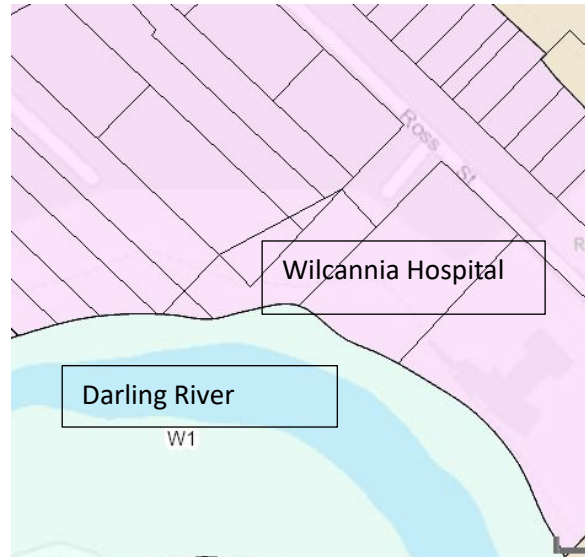
Source: Six Maps

Cadastral Information



Source:- SIX Maps

Subject land – Aerial photo - Source: Six Maps Current zoning – Source: NSW Planning portal



All lots are owned and managed by Council and are vacant as shown on the imagery above. The planning proposal seeks to reclassify the land from Community to Operational land, to allow the sale of the land and that is proposed to be developed as a health services facility.

Objectives and intended outcomes

The objective of this planning proposal is to reclassify the subject land from Community to Operational Land and discharge Council's interest in the land. Council is not proposing to change the zoning or minimum lot size provisions of subject lots.

Explanation of provisions

The reclassification of the lots from Community to Operational land will enable the lots to be disposed of by Council and to be developed for a health services facility.

The proposed provisions in the planning proposal will achieve the intended outcomes by listing the subject land in Schedule 4 Classification and reclassification of public land Part 2 Land classified, or reclassified, as operational land – interests changed of Central Darling LEP 2012.

No mapping changes are required.

Justification

Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The planning proposal has been prepared having regard to the Department's *Practice Note PN 16-001- Classification and reclassification of public land through a LEP*. The planning proposal is not the result of any strategic study or report. Health Services facility is a permissible use under the Central Darling LEP 2012. The proposal is a result of a development opportunity for a health services facility adjoining the existing hospital and to be able to sell the land a reclassification is required. This is the most suitable site for the development.

The land is strategically located near the Wilcannia Hospital and will be developed as an integral part and complementary to the facility. The health services facility will be access through the Wilcannia Hospital facility.

Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council's intention is to reclassify the subject land and discharge interests in the land with the objective to dispose the land. This site has been chosen as a result of community consultation. The planning proposal process is the best mechanism to allow Council to dispose of the land. The objective of the proposal to sell the land can only be achieved through an amendment to the Central Darling Local Environmental Plan 2012 via a planning proposal and approval of the Governor.

Relationship to strategic planning framework

Far West Regional Plan 2036

The proposal is consistent with the Far West Regional Plan. Direction 22 *Collaborate and partner with Aboriginal Communities* and Direction 23 *Improve Access to local health services, aged care and seniors housing* is directly applicable to the proposal. The Plan does not address the reclassification of land.

The proposal is directly consistent with Direction 22, as the reclassification of the land will allow Council to discharge the subject land to the Maari Ma Aboriginal Health Corporation for the development of the health services facility.

The proposal is directly consistent with Action 23.1 as the proposal will result in the development of a health services facility adjoining the existing hospital in Wilcannia, providing complimentary services for the community.

The site is small (5,085m²) and adjoins the town centre of Wilcannia and the existing hospital. The proposal is consistent with the Regional Plan as it will provide essential community health services to the town of Wilcannia and the Far West Region. The subject land can be better utilised by disposal by Council to facilitate the development of the health services facility.

There is no current strategic land use plan applicable to the reclassification of land in the

Consistency with relevant SEPPs

Refer to **Attachment D**.

Consistency with Section 9.1 Directions

Refer to **Attachment D**.

Local Land use Strategy

The Department endorsed Central Darling Strategy dated November 2012 applies to the land. The proposal is consistent with this strategy.

Environmental Social and economic impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal is not likely to adversely impact on critical habitats or threatened species, populations or ecological communities, or their habitats. The land is cleared and vacant. The proposal will result in the reclassification of the land from community to operational land, and be disposed of by Council, culminating in the construction of a health services facility. It will not permit development in any areas with critical habitats or threatened species, populations or ecological communities, or their habitats. The use of the land for a health service facility is permissible with Council consent now and the environmental, social and economic impacts will be considered at the development application stage.

Consultation with NSW Environment, Energy and Science will be undertaken in relation to biodiversity and flooding considerations.

Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. There are no likely negative environmental effects associated with the planning proposal. The proposed amendments are administrative in nature and unlikely to result in any environmental effects. Development applications based on the proposed changes to the Central Darling LEP 2012 will be subject to a detailed assessment, where the environmental effects are considered. While the site adjoins residential land to the west, north and east, there is potential for some land use conflict, in terms of noise and traffic during hours of operation once the health services facility has been completed. The proposed facility will be integral and compatible with the Wilcannia Hospital. This assessment will consider consistency with the desired future character of the neighbourhood at the development application stage.

The subject land is not identified as flood prone under the provisions of the Central Darling LEP 2012. However, there is informal information that indicates the site is flood prone. It is being proposed that the finished floor levels will be similar to the Wilcannia Hospital facility. This will be addressed through the development application process.

Has the planning proposal adequately addressed any social and economic impacts?

The social cost of this development is that the reclassification will limit the availability of Council owned lands, public reserves and open space that will be utilised by the broader community, however, the proposal will provide a much need new health facility for the community. The proposal will be positive in that it provides for the opportunity for a health services facility development integrated with the Wilcannia Hospital, another option for health care and employment opportunities during construction and ongoing operation.

Mapping

No mapping changes are required for this proposal. The current zoning and minimum lot size will be retained.

Community Consultation

As the proposal is a reclassification, a period of 28 days exhibition is proposed, in line with Council's Community Participation Plan. A public hearing will also be required as the land is proposed to be reclassified.

Agency Consultation

Agency consultation will be undertaken with Crown Lands, NSW Rural Fire Service, Environment, Energy and Science (biodiversity and flooding issues) and the Office of Local Government.

Project timeline

The proposal is expected to be finalised within 12 months of receiving a Gateway determination.

A draft timeline is provided below:

Action	Anticipated date
Gateway determination received	September 2020
Completion of technical information	October 2020
Agency consultation	October 2020
Public exhibition	October 2020
Consideration of submissions	November 2020
Public Hearing	December
Council meeting	February 2021
Submission for finalisation	March 2021

Additional time has been provided to account for any delays in the process and the NSW Governor's approval to change the interests in the subject land.

As Council is a landowner and has an interest in the proposal. For that reason Council is not requesting to be authorised to exercise plan making delegations in this instance.

Attachments

A – Proposed Development – concept plans by Troppo Architects

B – Certificates of Title for each parcel

C – Details of each parcel

D – SEPP and Section 9.1 Direction checklists.

A – Proposed Development – concept plans by Troppo Architects

B – Certificates of Title for each parcel

C – Details of each parcel

Lot 2 DP 1201089	
Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	161.71m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5013 FOL 188
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 3 DP 1201089	
Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	722.95m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5045 FOL 17
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 4 DP 1201289

Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	222.05m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	VOL 5483 FOL 167
Certificate of title provisions, restrictions on the land	NIL
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

Lot 111 DP 1201028

Property Owner	Central Darling Shire Council
Current classification	Community Land
Proposed classification	Operational Land
Title	Freehold
Public reserve	Yes
Zoning	R1 General Residential
Minimum Lot Size	800m ²
Area	3978.83m ²
Planning/Environmental constraints	Bushfire Prone Land – Vegetation Buffer
Background information and how acquired	FOLIO: 111/1201028
Certificate of title provisions, restrictions on the land	Boundaries of lot have not been investigated by Valuer General
Council interests	Yes
Is it proposed to discharge the land?	Yes
Current uses (authorised and unauthorised)	Vacant and undeveloped public open space
Strategic and Site Specific Merit issues	Not utilised as public open space

D – SEPP and Section 9.1 Direction checklists

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
1. Employment and Resources			
1.1 Business and Industrial Zones	N	N	
1.2 Rural Zones	N	N	
1.3 Mining, Petroleum Production and Extractive Industries	N	N	
1.4 Oyster Aquaculture	N	N	
1.5 Rural Lands	N	N	
2. Environment and Heritage			
2.1 Environment Protection Zones	N	N	
2.2 Coastal Protection	N	N	
2.3 Heritage Conservation	N	N	
2.4 Recreation Vehicle Areas	N	N	
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N	N	
2.6 Remediation of Contaminated Land	Y	Y	There is no known contamination of the subject land, or activities which may have resulted in land contamination. The proposal is therefore consistent with this Direction. Council will consider the potential contamination at development application stage.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	Y	Y	This Direction applies to the subject lots currently zoned for residential use (zone R1 General Residential). The proposal to reclassify the land will not increase the development potential of the subject lots as they were all created for development purposes.
3.2 Caravan Parks and Manufactured Home estates	N	N	
3.3 Home Occupations	N	N	

3.4 Integrating Land Use and Transport	N	N	
3.5 Development Near Regulated Airports and Defence Airfields	N	N	
3.6 Shooting Ranges	N	N	
3.7 Reduction in non-hosted short term rental accommodation period	N	N	
4. Hazard and Risk			
4.1 Acid Sulfate Soils	N	N	
4.2 Mine Subsidence and Unstable Land	N	N	
4.3 Flood Prone Land	N	Y	The subject land is not identified as flood prone under the provisions of the Central Darling LEP 2012 and the proposal is therefore consistent with this Direction. However, there is informal information that indicates the site may be flood prone. It is being proposed that the finished floor levels will be similar to the Wilcannia Hospital facility. This will be assessed at the development application stage.
4.4 Planning for Bushfire Protection	Y	Y	Lot 4 is identified as being Vegetation Category 3 of bushfire prone land. The reclassification of the land will not impact the bushfire safety risk of the land, and consultation will occur with the NSW Rural Fire Service prior to community consultation to satisfy this inconsistency.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N	N	
5.2 Sydney Drinking Water Catchments	N	N	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N	N	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N	N	

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N	N	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N	N	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N	N	
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	N	N	
5.9 North West Rail Link Corridor Strategy	N	N	
5.10 Implementation of Regional Plans	Y	Y	This Direction applies to the planning proposal as it relates to directions of the Far West Regional Plan. As previously described, the planning proposal is consistent with the directions of the Regional Plan. Therefore, the proposal is consistent with this Direction.
5.11 Development of Aboriginal Land Council land	N	N	
6. Local Plan Making			
6.1 Approval and Referral Requirements	N	N	
6.2 Reserving Land for Public Purposes	Y	Y	This Direction applies to the proposal as the objective is to reclassify the subject land from a public reserve to operational with the intention of selling the land for development purposes. The outcome of this proposal will reduce the availability of Council owned land for public purposes in Central Darling LGA. The planning proposal is inconsistent with this Direction however the Department can be satisfied that the inconsistency is of minor significance. The subject land is not required for open space as there is adequate useable open space available elsewhere in Central Darling LGA. Council will dispose of any interests

in the land as part of the reclassification.

6.3 Site Specific Provisions	N	N
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	N	N
7.2 Implementation of Greater Macarthur Land Release Investigation	N	N
7.3 Parramatta Road Corridor Urban Transformation Strategy	N	N
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N	N
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N	N
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N	N
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N	N
7.9 Implementation of Bayside West Precincts 2036 Plan	N	N

7.10 Implementation of Planning Principles for the Cooks Cove Precinct	N	N
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State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 1— Development Standards	N	N	
State Environmental Planning Policy No 19— Bushland in Urban Areas	N	N	
State Environmental Planning Policy No 21— Caravan Parks	N	N	
State Environmental Planning Policy No 33— Hazardous and Offensive Development	N	N	
State Environmental Planning Policy No 36— Manufactured Home Estates	N	N	
State Environmental Planning Policy No 44— Koala Habitat Protection	N	N	
State Environmental Planning Policy No 47— Moore Park Showground	N	N	
State Environmental Planning Policy No 50— Canal Estate Development	N	N	
State Environmental Planning Policy No 55— Remediation of Land	Y	Y	The subject land has not previously been used for primary production, and Council is of the view that there is limited potential for any contamination on the site. Council will consider this issue at the development application stage.
State Environmental Planning Policy No 64— Advertising and Signage	N	N	
State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development	N	N	
State Environmental Planning Policy No 70—	N	N	

Affordable Housing (Revised Schemes)		
State Environmental Planning Policy (Aboriginal Land) 2019	N	N
State Environmental Planning Policy (Affordable Rental Housing) 2009	N	N
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N	N
State Environmental Planning Policy (Coastal Management) 2018	N	N
State Environmental Planning Policy (Concurrences) 2018	N	N
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	N	N
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N	N
State Environmental Planning Policy (Gosford City Centre) 2018	N	N
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N	N
State Environmental Planning Policy (Infrastructure) 2007	N	N
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N	N
State Environmental Planning Policy (Kurnell Peninsula) 1989	N	N
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N	N

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N	N
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N	N
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N	N
State Environmental Planning Policy (State and Regional Development) 2011	N	N
State Environmental Planning Policy (State Significant Precincts) 2005	N	N
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N	N
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N	N
State Environmental Planning Policy (Three Ports) 2013	N	N
State Environmental Planning Policy (Urban Renewal) 2010	N	N
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N	N
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N	N
State Environmental Planning Policy (Western Sydney Parklands) 2009	N	N

40A & 40B Reid Street Wilcannia

Lot 1 DP 906421 and Lot B DP 312008



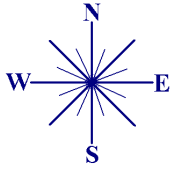
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40A & 40B Reid Street Wilcannia

Lot 1 DP 906421 and Lot B DP 312008



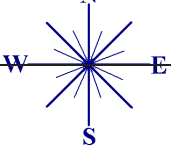
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PUBLIC HEARING REPORT

PLAN OF MANAGEMENT FOR NEW CATEGORY AND NEW USE FOR COMMUNITY LAND

DATE: 28 April 2021



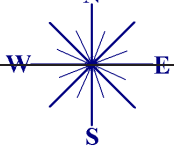
DESCRIPTION: Report on Public Hearing

This report has been prepared on behalf of Michael Williams.

Version	Date	Description
1.0	28/4/2021	Draft
2.0	29/4/2021	Approved

This document has been authorised by

Michael Williams
Date: 29 April 2021



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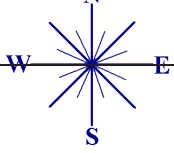
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1. Introduction

Michael Williams was invited by Central Darling Shire Council to independently chair a public hearing and prepare a public hearing report the Plan of Management and new lease for Council owned land 'Community' land. The Plan of Management for a new land category and new land use, for land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

The Plan of Management and lease was publicly exhibited from 25 February 2021 to 12 April 2021. There were a total of no written submissions received on the Plan of Management and lease.

There were no written submissions, however there were verbal submissions received during the Public hearing held on 28 April 2021.

This public hearing report has been prepared in accordance with Section 29 of the *Local Government Act 1993*.

2. Statutory Context

Public land is defined in the *Local Government Act 1993* as any land (including a public reserve) vested in Council, or under Council control. Public land is managed by Council under the *Local Government Act 1993* based on its classification.

Council is obligated under the *Local Government Act 1993* to classify land as either community land or operational land.

Community land is land that Council makes available for use by the general public, for example: a natural area (regeneration area, general community use land, parks, vacant land reserves or sportsground). This land cannot be sold, exchanged or disposed of by Council. It can be leased/licenced under certain conditions.

The *Local Government Act 1993* (the Act) requires a Plan of Management to be prepared for all public land that is classified as 'community' land under that Act.

This Plan of Management (PoM) prepared by Central Darling Shire Council defines the value, use, management practices and intent for the broad public purpose for which this land has been reserved or dedicated.

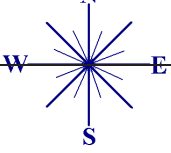
A Plan of Management is a management tool, developed by council in consultation with the community, outlining the land's features, and clarifies how Council will manage, use or develop the land in the future. The Plan of Management guides a clear process for public land management.

Community land may include a wide variety of properties, ranging from general community use land (ie health clinic, community buildings, small recreation reserves to parks, and sportsgrounds).

The *Local Government Act 1993* requires that community land be categorised as; natural area, park, sportsground, area of cultural significance, or general community use. A Plan of Management (PoM) can be prepared for more than one parcel of land (Generic or Geographic) or for a single property significant or specific.

The Management Plan is required in accordance with Section 36 of the *Local Government Act 1993*. The Plan of Management is to be consistent with the intended public purpose and management of the land.

- The Plan of Management must comply with other guidelines, policies, and legal requirements which may apply to the land and provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.



- Plans of management provide information about the land and its users, and state what, why, how and by whom the values of a reserve are being managed. Plans of Management are statements about how a land is to be managed in line with its purpose.

The *Local Government Act 1993* (the 'Act') requires all Council-owned land to be classified as either 'Community' land or 'Operational' land. Land classified as 'Community' land is to be managed and used in accordance with an adopted Plan of Management.

The purpose of this Plan of Management is to ensure Central Darling Shire Councils strategic goals and vision as set out in the draft Central Darling Shire Community Strategic Plan 2020 and compliance with the *Local Government Act 1993* are met. The Plan of Management is to provide clear future development goals for the use and management of the community land.

The land covered in this Plan and lease is Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia, and is located within the Central Darling Shire Local Government area within the township of Wilcannia.

Public exhibition and public hearing for a Plan of Management and lease

Before Council can adopt a Plan of Management and the new lease, the documents must be placed on public exhibition for at least 28 days.

The period in which written submissions can be received is not less than 42 days from the first day of public exhibition. In addition, a public hearing must be held, in accordance with the requirements of Sections 40A and 47G of the Act if community land is intended to be either categorised or re - categorised.

This Plan of Management provides a new category for the land, to the category of *general community use* of the land, therefore a public hearing is required.

47G Public hearings

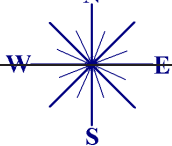
- (1) *In this section, public hearing means any public hearing required to be arranged under this Part.*
- (2) *The person presiding at a public hearing must not be:*
 - (a) *a councillor or employee of the council holding the public hearing, or*
 - (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*
- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.*

For the purposes of Section 47G of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*, Mr Michael Williams has not been an employee of Central Darling Shire Council within the last 5 years.

Further, Michael Williams has never been a Councillor at Central Darling Shire Council.

3 Subject Land (Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street, Wilcannia)

Council is currently preparing a Plan of Management for the Bonney Street lots in Wilcannia. This Plan of Management is to change the use of the Community land from "Water Supply" to "Community Health Facility" which will enable the site to be developed under a lease, for the Maari Ma Community Health Facility.



The Plan of Management being prepared for the lots on Bonney Street Wilcannia (for the Maari Ma community health facility) is the first of the Plans of Management for council owned “community land” (non crown land), that are required to be prepared under the *Local Government Act 1993* for all “community land”.

4. Ownership and Land Use

The land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is owned by Central Darling Shire Council. The proposed category for the council owned land is general community use, the new land use is changed from the gazetted use of “Water supply” to the land to be used for a community health facility.

The proposed lease is between the owner of the land “Central Darling Shire Council” and the Maari Ma Health Aboriginal Corporation.

5. Project Overview

The Central Darling Shire Council Plan of Management for community land being Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia, been prepared with the provisions of the *Local Government Act 1993*.

The Plan of Management is consistent with the public purpose for the land and the principles of the *Local Government Act 1993* as well as other guidelines, policies, and legal requirements which may apply to the reserve such as the provisions of environmental planning instruments for example a Local Environmental Plan (LEP) and development control plans (DCPs) made under the *Environmental Planning and Assessment Act 1979* and threatened species or native vegetation controls.

Plans of Management are to be prepared in accordance with the *Local Government Act 1993* and adopted by the Council.

Subject land of Plan of Management:

Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

6. Public Exhibition and Public Hearing

6.1 Public Exhibition

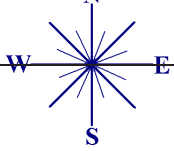
The Plan of Management for the new land category of general community use and the change of land use from water supply to community health facility for the council owned land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

The Plan of Management and lease was publicly exhibited from 25 February 2021 to 12 April 2021. There were no written submissions received on the Plan of Management and lease.

Council has advised that advertising and notification of the Plan of Management and the new lease was undertaken in accordance with the relevant legislative requirements under the *Local Government Act 1993*.

Interested parties were notified of the exhibition via:

- A notice posted on Council’s website
- Local newspaper
- Exhibited in Central Darling Shire Council offices.



There were no written submissions were received from the community during the exhibition notification period in relation to this particular Plan of Management and lease.

6.2 Public Hearing

Council arranged a public hearing for the proposed Plan of Management and new lease on **28 April 2021 at 7:35 pm Central Darling Shire** Council Chambers, 21 Reid Street Wilcannia.

Council placed the information on the proposed public hearing upon the on exhibition page of the Central Darling Shire Council website.

Central Darling Shire Council newsletter and councils facebook account.

Council confirmed that an advertisement was placed in the Broken Hill newspaper – Barrier Daily Truth and the Wilcannia newspaper for the Central Darling Shire Local Government Area advising of the public hearing in accordance with the relevant legislation.

The public hearing was conducted in accordance with Clause 29 of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

Plan of Management Bonney St Wilcannia

At Council's meeting of 24 February 2021, it was resolved to place the Plan of Management for Community land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028 Bonney Street Wilcannia on public exhibition.

A public hearing will be held on the Plan of Management on Wednesday, 28 April 2021 at 7.30pm in the Central Darling Shire Council Administration Centre to discuss the proposed Plan of Management.

[Plan of Management \(updated 12/3/21\)](#)
[Draft Lease](#)

Submissions on the Plan of Management have been extended and will now be received up to 5pm Monday 12 April 2021 and can be made to

The General Manager
Central Darling Shire Council
PO Box 165
WILCANNIA NSW 2836

Email council@centraldarling.nsw.gov.au

RECLASSIFICATION OF LAND FROM COMMUNITY TO OPERATIONAL

There will be a public hearing on Wednesday, 28 April 2021 at 6.30pm in the Central Darling Shire Council Administration Centre to discuss the planning proposal to reclassify the land from Community to Operational.

Information on the reclassification proposal can be found [here](#)

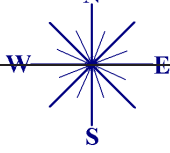
[Information on Public Hearings](#) - Office of Local Government

PUBLIC HEARING AGENDAS

Below are the agendas for the two public hearings to be held on Wednesday 28 April 2021

[Plan of Management](#)
[Reclassification of land](#)

Excerpt from Central Darling Shire Council website – exhibition page.23 4 2021



The public hearing was chaired by Mr Michael Williams.

The following Council staff attended:

- Greg Hill
- Reece Wilson
- Geoff Laan
- Glenda Dunn

13 members of the community attended the public hearing.

The public hearing followed the ensuing protocol:

- Welcome and introduction to the public hearing by the chairperson
- Brief overview of the project
- Plan of Management– a general overview
- Consultation requirements
- Overview of the site proposed for new land category (general community use) and change of gazetted land use of “water supply” to community health facility”.
- Concluding remarks and comments on next steps from chairperson
- The public hearing concluded at 8.35pm.

7. Community Public Hearing Submissions

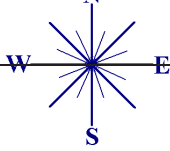
The public hearing was attended by 13 community members.

Eleven member gave a public verbal submission on the Plan of Management.

A copy of the minutes of the public hearing forms **Attachment 1**.

In the minutes, discussion on the site was documented including the answers of all the questions made by the community.

There was one question that required further investigation or follow up from the hearing. This was a question when the Plan of Management and lease went on exhibition on the council website. The response was that the Plan of Management and lease was exhibited on the council website from 25 February 2021.

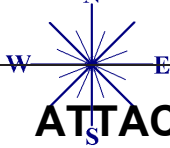


8 Conclusion and Recommendations

In conclusion, I have carefully considered the issues surrounding the Plan of Management and new lease for Council owned land "Community' land", at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia

Having regard to the issues raised within the public hearing by the community members that attended, it is my considered opinion that the plan of management and the lease for the land **should not be supported.**

Note: A copy of this report be made available to the public within four (4) business days in accordance with Section 47(G)(3) of the *Local Government Act 1993*.



ATTACHMENT 1:

PUBLIC HEARING – Plan of Management and lease for the land at Bonney Street Wilcannia

HEARING – 28 April 2021 – 7:30 – 8:30PM
COUNCIL CHAMBERS WILCANNIA

Minutes of Public Hearing 28 April 2021.

Hearing commenced at 7:40pm.

1. HEARING ATTENDEES

Mr Michael Williams - Chair

COUNCIL

Mr Greg Hill – General Manager Central Darling Shire Council

Mr Reece Wilson – Director Environmental Services

Mr Geoff Laan – Environmental Services

Ms Glenda Dunn – Senior Town Planner

COMMUNITY ATTENDEES

Mr Bill Elliott and Mrs Chris Elliott

Mr John Pineo

Mr Ron Plunkett

Mr Cary Duffield

Ms Monica Kerwin -Whyman

Mr Jason Gower

Mr Steve Gaggin

Mr Anthony Pease

Ms Trish Bell

Mr Bob Constantine

Ms Karin Donaldson

Ms Nieves Rivera

Mr Paul Brown

APOLOGIES

Nil

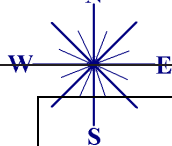
2. HEARING OPENED AND CHAIRED BY MR MICHAEL WILLIAMS

Mr Michael Williams opened the meeting, and gave a brief overview of the Plan of Management for land at Bonney Street Wilcannia.

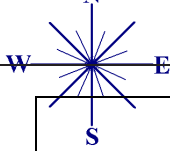
QUESTIONS AND SUBMISSIONS FROM THE COMMUNITY

Michael Williams opened the hearing to public comment and questions.

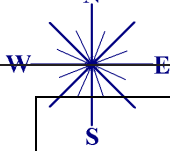
Name	Submission/ Comment
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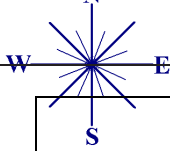
<p>Paul Brown</p>	<p>Question when Plan of Management went on exhibition. Response – The Plan of Management and lease went on exhibition on 25 February 2021.</p>
<p>Monica Kerwin -Whyman</p>	<p>Offended that meeting opened with acknowledgement that the meeting is on the traditional land owners Barkindji land. Not happy with the meeting describing the Barkindji land being owned by the Council. Monica stated that she was the only Barkindji person to attend the hearing, and left straight after this statement.</p>
<p>John Pineo</p>	<p>What happens to submissions from this public hearing. If Council has already made decision to undertake process, would the councils recommendation carry more weight. Response – The verbal submissions in these minutes will be attached to the end of the Public hearing report and submitted to council for further consideration on the Plan of Management and the lease.</p>
<p>R Plunkett</p>	<p>Plan of Management states the land is also being reclassified under a planning proposal. Response – Reference was made to the current planning proposal for the land within the Plan of Management. The Plan of Management has no impact on the Planning Proposal to be considered by the Minister of Planning. Each document is a separate matter under two different NSW Acts.</p>
<p>John Pineo</p>	<p>Question regarding Planning proposal and plan of management and which authority approves which document. Response – Plan of Management under the <i>Local Government Act 1993</i> may be approved by council. The Planning Proposal is under the <i>Environmental Planning and Assessment Act 1979</i> and is determined by the Minister of Planning and gazette by the NSW Governor.</p>
<p>.B Elliott</p>	<p>Why didn't Central Darling Shire Council ask the community regarding the use of the Bonney Street Site. Response – This is the reason for the public exhibition of the Plan of Management and the lease, to seek the community opinion on the use of the community land.</p>
<p>S Gaggin Maari Ma</p>	<p>Look at time frame for expending budget / government funding for improving services for medical facilities in Wilcannia. If Maari Ma doesn't show progress on the project the funding will disappear.</p>
<p>B Elliott</p>	<p>The submissions received so far do not support the Maari Ma proposal.</p>
<p>Paul Brown</p>	<p>Believes he was given late notice on the Plan of Management. Would like to make a verbal submission on the Plan of Management. He has also provided a written submission on the Plan of Management document the comments that he read out to be part of the verbal submission on the Plan of management. States that there is inconsistencies in the Plan of Management and small errors. It is a stop gap measure. Not happy with the diagrams, plans and mapping in the Plan of Management, he said they were all incorrect, particularly with the incorrect siting of the hospital. The Plan of Management used old plans of the project not the latest plans of the project. Would argue in council against the Plan of Management. Submit the document in comments for Plan of Management.</p>



	Response – The above objections are noted.
R Plunkett	Why was the plan of management not prepared prior to the Maari Ma submission for the use of the site. Why was the Maari Ma submission for grant funding on the Bonney Street site not notified to the community prior to the submission by Maari Ma for the grant funding.
S Gaggin Maari Ma	Funding applications were made every year, the grant was made for the funding of the Maari Ma health facility to be located on the Bonney Street site. As there is a tight time frame to start the project, and to meet the funding requirements, Maari Ma commenced consultation utilizing the engaged consultants including Troppo Architects as soon as they were able to, to safe guard the funding of the project.
C Elliott	Question to Troppo Architects on the future proofing Maari Ma project.
R Plunkett	Not against a Maari Ma Clinic, but not agreeable to the selected site at Bonney Street.
Paul Brown	Major projects are lenient with time frames for project funding. Paul Brown is willing to support the project, if on another site. There was another site in mind originally for the Maari Ma project. Paul Brown would like NSW health and Maari Ma to co ordinate on project.
S Gaggin	Difficulties dealing with NSW Health. Agree that the site is not ideal. It is a good spot on the river. There is currently a crisis in provision of medical personal. All rural areas have new medical facilities. Maari Ma needs a good facility with a great location to be able to attract medical staff to come and work out in Far West NSW. The chosen site is a draw card to get medical staff away from Sydney to work in Wilcannia.
Karin Donaldson	The Bonney St Site is a treasurable site for the town. It is the last bit of land in town that allows a view of the river. Environmentally the land should not be developed. The building is not attractive. Support Maari Ma health facilities in Wilcannia. Prefer the site beyond the nurses homes on Crown land. If Maari Ma continues with the site, it will result in loss of environmental land.
Cary Duffield Troppo Architects	Find it hard to understand why the comments against the use of the land for a medical facility. Looking at the primary users of the clinic they can view the water from the waiting room of the clinic. The design is suitable for the use.
Paul Brown	Bonney Street site is used by people to drive in and look at the river. Don't know how many of the patients would be able to look at the river from the clinic. The land is valuable piece of land to look at the river.
S Gaggin Maari Ma	The building is sited to allow view of the river. There is 12 Maari Ma staff and up to 30 patients in the Clinic. The waiting rooms and the consulting rooms look over the river. The Architects have provided good outlooks from the clinic over the river. There is a good view from the waiting room.



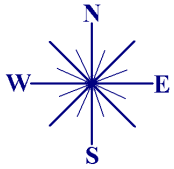
	The design has taken into consideration the retention of the vegetation on the site.
B Elliott	Has the community been consulted at the start of the process, Maari Ma would have saved a lot of money.
Paul Brown	The proposed land and site for the Maari Ma clinic goes right down to the river.
Maari Ma S Gaggin	There is going to be a walkway to the river in the design
K Donaldson	Many people cannot walk to the river, they can only drive to the river edge. The design did not show viewing of the river. There is a better site next to the nurses home. The site at Bonney Street is too precious to loose for the view of the river. Buildings impact on the enjoyment of the existing site.
C Elliott	To view the river the building will need to be higher to look over the vegetation to the river. Question on length of lease, is it a short term lease.
Council	Response - Lease is for 12 months as recommended by OLG.
S Gaggin	The building floor level must be above the 100 year flood level.
C Elliott	The hospital floor level is above the 100 year flood level.
Paul Brown	Why is the building being located on flood prone land.
Nieves Rivera	Like the building. The land at Bonney Street is too precious to be used for this project. The environment on the site is too important. A better use of the land is for a park. The site would be more appropriate to be used for patients from the hospital to view river. The land should remain community land used for a park.
Anthony Pease	Support the medical clinic by Maari Ma. The site for the clinic is not supported. It is serious collateral damage . Inaccuracy in management plan. What is the difference in Plan of Management and Planning Proposal. The Plan of Management does not take into account the previous submissions on the Planning proposal regarding viewing the weir. Non indigenous heritage and not in a heritage conservation area. Issue with proximity to heritage item being the hospital. Response - Plan of Management under the <i>Local Government Act 1993</i> may be approved by council. The Planning Proposal is under the <i>Environmental Planning and Assessment Act 1979</i> and is determined by the Minister of Planning and gazette by the NSW Governor.



Cary Duffield Troppo Architects

Issue with conflict and numbers whom agree with the proposal ie the 25 - 30 patients a day who would enjoy the view of the river. On a specialist clinic day maybe up to 60 patients a day.

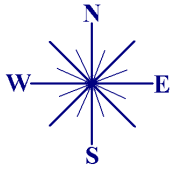
Meeting finished at 8:40pm



PUBLIC HEARING REPORT

**RECLASSIFICATION FROM
“COMMUNITY LAND” TO
“OPERATIONAL LAND”**

DATE: 28 April 2021



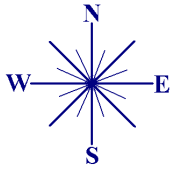
DESCRIPTION: Report on Public Hearing

This report has been prepared on behalf of Michael Williams.

Version	Date	Description
1.0	28/4/2021	Draft
2.0	29/4/2021	Approved

This document has been authorised by

Michael Williams
Date: 29 April 2021



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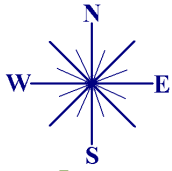
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1. Introduction

Michael Williams was invited by Central Darling Shire Council to independently chair a public hearing and prepare a public hearing report into the reclassification of a parcel of Council owned land from 'Community' land to 'Operational' for land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

The reclassification is part of a Planning Proposal that proposes to amend *Central Darling Local Environmental Plan 2012* (LEP).

The Planning Proposal was publicly exhibited from 4 November 2020 to 16 December 2020. There were a total of 17 submissions received on the planning proposal, covering written submissions and verbal submissions received at the Public hearing held on 4 December 2020.

A further public hearing relating to the proposed reclassification of land was conducted on **28 April 2021** and this public hearing report has been prepared in accordance with Section 29 of the *Local Government Act 1993*.

2. Statutory Context

Public land is defined in the *Local Government Act 1993* as any land (including a public reserve) vested in Council, or under Council control. Public land is managed by Council under the *Local Government Act 1993* based on its classification.

Council is obligated under the *Local Government Act 1993* to classify land as either community land or operational land.

Community land is land that Council makes available for use by the general public, for example: a natural area (regeneration area, general community use land, parks, vacant land reserves or sportsground. This land cannot be sold, exchanged or disposed of by Council. It can be leased/licenced under certain conditions.

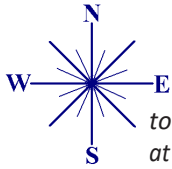
Operational land is land which facilitates the functions of Council, and may not be open to the general public, for example, Council's works depot, water treatment works, waste disposal facility, aerodrome, or a public drainage basin.

Classification or reclassification of public land may be undertaken pursuant to Section 27(1) of the *Local Government Act 1993* via a Local Environmental Plan (LEP) made under the *Environmental Planning and Assessment Act 1979* or pursuant to Section 27(2) of the *Local Government Act 1993* via a resolution of council.

Should Council resolve to reclassify community land to operational land via a LEP, a Council is required by Section 29 of *Local Government Act 1993* to convene a public hearing. Reclassification of land does not in itself affect any estate or interest a Council has in the land. Section 47G of the *Local Government Act 1993* provides in part as follows:

47G Public hearings

- (1) *In this section, public hearing means any public hearing required to be arranged under this Part.*
- (2) *The person presiding at a public hearing must not be:*
 - (a) *a councillor or employee of the council holding the public hearing, or*
 - (b) *a person who has been a councillor or employee of that council at any time during the 5 years before the date of his or her appointment.*
- (3) *Not later than 4 days after it has received a report from the person presiding at the public hearing as*



to the result of the hearing, the council must make a copy of the report available for inspection by the public at a location within the area of the council.

For the purposes of Section 47G of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*, Mr Michael Williams has not been an employee of Central Darling Shire Council within the last 5 years.

Further, Michael Williams has never been a Councillor at Central Darling Shire Council.

3 Subject Land (Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street, Wilcannia)

Council is currently preparing a Plan of Management for the Bonney Street lots in Wilcannia. This Plan of Management is to change the use of the Community land from “Water Supply” to “Community Health Facility” which will enable the site to be developed under a lease, for the Maari Ma Community Health Facility.

The Plan of Management being prepared for the lots on Bonney Street Wilcannia (for the Maari Ma community health facility) is the first of the Plans of Management for council owned “community land” (non crown land), that are required to be prepared under the *Local Government Act 1993* for all “community land”.

4. Ownership and Land Use

The land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is owned by Central Darling Shire Council. The proposed new category for the council owned land is general community use (under the *Local Government Act 1993*) and the new proposed use of the land is for a community health facility.

5. Project Overview

Over the last 12 months, Council staff have been progressing four (4) amendments to the *Central Darling Local Environmental Plan 2012*.

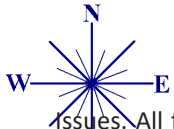
The planning proposal involves the reclassification of four (4) lots owned by Central Darling Shire Council from Community to Operational land, the discharging of Council interest to facilitate the disposal and consolidation of the land for the development of a health services facility. The land will retain the existing R1 General Residential zone and minimum lot size (800m²) provisions which currently apply under the *Central Darling Local Environmental Plan 2012*.

The land is owned by Central Darling Shire Council and is classified as Community land under the *Local Government Act 1993*. It is Council’s intention to dispose of the allotments to Maari Ma Health Aboriginal Corporation and consolidate the allotments to facilitate the development of a health services facility on the land.

The existing R1 General Residential zone permits a health services facility with consent, however the land needs to be reclassified to Operational land to allow Council to sell the land.

The amendments are progressed in a “Planning Proposal”, which is the term given to a report that details and justifies the LEP Amendment.

Council has now prepared four separate Planning Proposals, each one dealing with a separate suite of Planning



Issues. All four were placed on exhibition from 4 November with the reclassification of land being on exhibition until 4 December 2020, the other 3 (three planning proposals on exhibition until 16 December 2020, Council sought public comment through written and verbal submission on all four planning proposals.

The public hearing dealt with 1 of the 4 Planning Proposals – the public hearing is only required for the Planning Proposal for the “Public Land Reclassification”.

6. Public Exhibition and Public Hearing

6.1 Public Exhibition

The Planning Proposal (to reclassify Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia is owned by Central Darling Shire Council from community land to operational land) was publicly exhibited from 4 November 2020 until 4 December 2020.

Council has advised that advertising and notification of the proposal was undertaken in accordance with the relevant legislative requirements and Gateway Determination.

Interested parties were notified of the exhibition via:

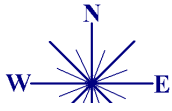
- A notice posted on Council’s website
- Local newspaper
- Exhibited in Central Darling Shire Council offices

Note: The Gateway Determination issued 6 October 2020 required consultation with the following public authorities.

The following agencies were consulted:

- Office of Environment and Heritage
- Department of Planning
- Department of Primary Industries
- Department of Primary Industries – Water
- Rural Fire Service.

17 submissions were received from the community or government agencies during the exhibition notification period in relation to this particular planning proposal.



**Planning,
Industry &
Environment**

IRF20/4283

Mr Greg Hill
General Manager
Central Darling Shire Council
PO Box 165
WILCANNIA NSW 2836

Dear Mr Hill

Planning proposal (PP_2020_CENTR_004_00) to amend Central Darling Local Environmental Plan 2012 - Reclassification of four (4) lots in Wilcannia from 'community' land to 'operational' land.

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify four (4) sites from 'community' land to 'operational' land.

As delegate of the Minister for Planning and Public Spaces, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land under the *Local Government Act, 1993*, and in accordance with the. Please also note the requirements of the Department's Practice Note *PN16-001 – Classification and reclassification of public land through a local environmental plan* including the need for the Practice Note to be publicly exhibited with the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within nine months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be forwarded to the Department of Planning and Environment (westernregion@planning.nsw.gov.au) 10 weeks prior to the projected publication date.

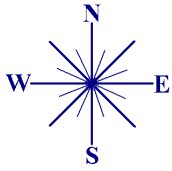
Should you have any further enquiries about this matter, I have arranged for Mr Tim Collins to assist you. Mr Collins can be contacted at the Department of Planning, Industry and Environment Western Region office on 5852 6806.

Yours sincerely

6.10.20

Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination



6.2 Public Hearing

Council arranged a public hearing for the proposed reclassification of the site on **28 April 2021 at 6:30 pm Central Darling Shire Council Chambers, 21 Reid Street Wilcannia.**

Council placed the information on the proposed public hearing upon the on exhibition page of the Central Darling Shire Council website.

Central Darling Shire Council newsletter and councils facebook account.

Council confirmed that an advertisement was placed in the Broken Hill newspaper – Barrier Daily Truth and the Wilcannia newspaper for the Central Darling Shire Local Government Area advising of the public hearing in accordance with the relevant legislation.

The public hearing was conducted in accordance with Clause 29 of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

Reclassification of land from Community to Operational

In accordance with Section 3.34(2)(c) of the Environment and Planning Assessment Act, 1979, submissions and comments are invited on the attached planning proposal which will make amendments the Central Darling Local Environment Plan 2012.

A public meeting will be held on Wednesday 28 April 2021 at 6.30pm at the Central Darling Shire Council offices, to allow community members to view and ask questions of the proposal. The meeting is anticipated to take one hour.

Submissions and comments will be received up to 5pm Monday, 12 April, 2021 and must be forwarded in writing to

The General Manager
Central Darling Shire Council
PO Box 165
WILCANNIA NSW 2836
email council@centraldarling.nsw.gov.au

[Planning-Proposal.pdf](#)

[Summary-of-Maari-Ma-Planning-Proposal.pdf](#)

[Gateway-determination.pdf](#)

[Wilcannia-Clinic-Site-plan.pdf](#)

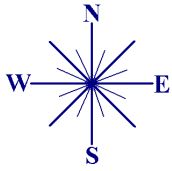
[Certified-Registered-survey-dwg-Bonney-Street-site.pdf](#)

[Gateway-approval-letter-to-Council.pdf](#)

[Maari-Ma-Wilcannia-Clinic-Draft-Architectural-drawings-November-2020.pdf](#)

[Office of Local Government Circular on Public Hearings](#)

Excerpt from Central Darling Shire Council website exhibition page.



The public hearing was chaired by Mr Michael Williams.

The following Council staff attended:

- Greg Hill
- Reece Wilson
- Geoff Laan
- Glenda Dunn

7 members of the community attended the public hearing.

The public hearing followed the ensuing protocol:

- Welcome and introduction to the public hearing by the chairperson
- Brief overview of the project
- Public Land Classifications – a general overview
- Consultation requirements
- Overview of the site proposed for reclassification
- Concluding remarks and comments on next steps from chairperson

- The public hearing concluded at 7.35pm.

7. Community Public Hearing Submissions

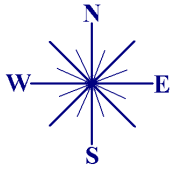
The public hearing was attended by 7 community members.

6 members of the community members gave a public verbal submission.

A copy of the minutes of the public hearing forms **Attachment 1**.

In the minutes, discussion on the planning proposal was documented, including answers to the questions made by the community.

There were no questions that required any further investigation or follow up from the hearing.



8 Conclusion and Recommendations

In conclusion, I have carefully considered the issues surrounding the reclassification of Council owned land from 'Community' land to 'Operational' for land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia.

Having regard to the issues raised within the public hearing by the community members that attended, it is my considered opinion the planning proposal to reclassify the land **should not be supported.**

Note: A copy of this report be made available to the public within four (4) business days in accordance with Section 47(G)(3) of the *Local Government Act 1993*.



ATTACHMENT 1:

PUBLIC HEARING – Planning Proposal to reclassify the land at Bonney Street Wilcannia

Hearing – 28 April 2021 – 6:30 – 7:30PM
COUNCIL CHAMBERS WILCANNIA

Minutes of Public Hearing 28 April 2021.

Meeting commenced at 6:30pm.

HEARING ATTENDEES

Mr Michael Williams – Chair

Council

Mr Greg Hill – General Manager Central Darling Shire Council

Mr Reece Wilson – Director Environmental Services

Mr Geoff Laan – Environmental Services

Ms Glenda Dunn – Senior Town Planner

COMMUNITY HEARING ATTENDEES

Mr Bill Elliott and Mrs Chris Elliott

Mr John Pineo

Mr Ron Plunkett

Mr Cary Duffield

Mr Jason Gower

Mr Steve Gaggin

Mr Paul Brown (late arrival)

APOLOGIES

Nil

1. HEARING OPENED AND CHAIRED BY MR MICHAEL WILLIAMS

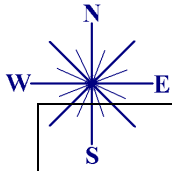
Mr Michael Williams opened the meeting, and gave a brief overview of the Planning Proposal for reclassification of the land at Bonney Street Wilcannia.

2. OVERVIEW OF THE PLANNING PROPOSAL TO RECLASSIFY THE LAND AT BONNEY STREET WILCANNIA

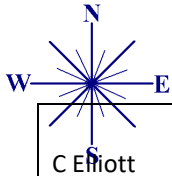
QUESTIONS AND SUBMISSIONS FROM THE COMMUNITY

Michael Williams opened the meeting to public comment and questions.

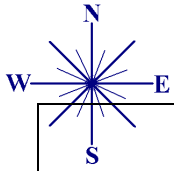
Name	Submission/ Comment
	Question on number of submissions.
C Elliott	Response – 17 submissions received both verbal and written from



	<p>previous exhibition (4 November 2020 to 4 December 2020). No written submissions received from the new exhibition of the planning proposal.</p>
R Plunkett	<p>Question on whether all the previous verbal and written submission were sent to Department of Planning.</p> <p>Response – yes all verbal and written submissions were submitted to the Department with the Planning Proposal in Submission Summary Report.</p>
C Elliot	<p>Would like to view all the submission in the submission summary that was sent to Department.</p> <p>Response - Yes we can provide a copy of the Submission Summary Report.</p>
B Elliot	<p>Question on what type and how long the lease was for with the Plan of Management.</p> <p>Response - minimum 12 month lease- community land lease, not a commercial lease.</p>
John Pineo	<p>Question on difference on Plan of Management and Planning Proposal.</p> <p>Response – Plan of Management is for the management of the land under the <i>Local Government Act 1993</i>, and the Planning Proposal is to reclassify the land through an amendment to the <i>Central Darling Local Environmental Plan 2012</i>, under the <i>Environmental Planning and Assessment Act 1979</i>.</p>
.B Elliot	<p>Motion - moved that all previous written and verbal submission from the previous public hearing again be taken into consideration for the Planning Proposal.</p> <p>Response – Yes all previous submissions will be taken into account.</p>
R Plunkett	<p>Question on Public hearing and four day requirement for report for public hearing on exhibition after the public hearing.</p> <p>Response – explained the requirements under the Local Government Act 1993</p> <p>Who is attending meeting from developer, Troppo Architects</p> <p>Response - Cary Dutton Architect Troppo Architects</p>
Cary Dutton Architect Troppo Architects	<p>Apologies. Happy to answer question regarding the planning proposal or the development proposal.</p>
C Elliott	<p>Development application shows minimal disruption to vegetation. Issue with disruption of access to river viewing. Issue with vegetation being removed from the site for the project.</p>
R Plunkett	<p>Question why the land is being reclassified. Disagree with reclassification of the land from community to operational land.</p>
C Elliott	<p>Disagree with reclassification of land from community land to operational land as it may be sold to a developer.</p>
R Plunkett	<p>Worried about the reclassification of land that may leave the land open to any use.</p>



C Elliott	Not against the medical facility. Prefer the facility at another site.
Paul Brown	<p>Plan of Management should have been in place before the whole process commenced.</p> <p>Issue with the Maari Ma organisation being offered land by council for the health facility.</p> <p>Documents incorrect showing hospital in the wrong position.</p> <p>Original document showed housing for independent seniors living.</p> <p>Document misleading for Plan of Management.</p> <p>Issue with description of Barkandji people description.</p> <p>Issue with Maari Ma funding.</p> <p>Another site closer to hospital should be considered.</p> <p>Why the Maari Ma health facility cannot be erected on the Crown Land which is adjacent to the hospital.</p> <p>Need to negotiate for a new site.</p> <p>Plan of Management showing the original plans from Troppo Architects.</p>
B Elliott	<p>Please register the discontent with the Planning Proposal to reclassify the land.</p> <p>Response – Community opinion is to be considered by Council.</p>
Paul Brown	<p>Put forward a motion to disagree with the planning proposal to reclassify the land.</p> <p>Response – Motion was supported by the majority the community attendees.</p>
R Plunkett	Still disagree with the reclassification of the land to sell the land.
C Elliott	<p>Question on lease in another area, where a health facility is being built on Crown land with a 30 year lease to the Department of Health NSW.</p> <p>Response – This is in another council jurisdiction, not relevant to this site.</p>
Cary Dutton Architect Troppo Architects	Consultation has been undertaken on the original proposal. Looked at other sites.
R Plunkett	<p>Did Troppo Architects look at the site next to the Golf Club.</p> <p>Did Troppo Architects look at car parking in front of hospital (heritage item)</p>
Cary Dutton Architect Troppo Architects	<p>Did review other sites with Maari Ma. After consultation the site at Bonney Street was selected.</p> <p>Car parking is now only on site and on the access road on Bonney Street.</p> <p>According to number of patrons the parking on site is sufficient, with more parking provided on Bonney Street.</p> <p>Met with many of the Wilcannia community within the consultation process.</p> <p>The residential living part of the project was removed from the project.</p>
C Elliott	Independent living units, why did Troppo Architects remove these from the proposed development.
Cary Duffield Troppo Architects	Removed independent living units and changed car parking after community consultation
Paul Brown	The Plan of Management should have been prepared prior to the Planning Proposal and before negotiations were commenced.



	Response – Plan of Management is not connected to the Planning Proposal under different legislation, with different outcomes for the site.
B Elliott	Who directed Troppo Architects to develop the proposal on the Bonney Street Site.
Paul Brown	Was it Maari Ma that directed Troppo Architects to the other site?
C Elliott	Is there enough room on the Bonney Street site to put other buildings on this site?
Cary Duffield Troppo Architects	Not sure about future development potential of the site.
S Gagin Maari Ma	For the Bonney Street site, the site can be extended towards the hospital, if more land is required. This would future proof the use of the land.

Meeting finished at 7:35pm

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 March 2021

It is my opinion that the Quarterly Budget Review Statement for Central Darling Shire Council for the quarter ended 31/03/21 indicates that Council's projected financial position at 30/6/21 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date: 13/05/21

Kevin Smith
Acting Responsible Accounting Officer

Central Darling Shire Council

Quarterly Budget Review Statement
for the period 01/01/21 to 31/03/21

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2021

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2020/21	Approved Changes				Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS					
Income										
Rates and Annual Charges	2,298				2,298			2,298	2,294	
User Charges and Fees	8,712			2,594	11,306	200	1	11,506	9,030	
Interest and Investment Revenues	78				78			78	67	
Other Revenues	331				331			331	258	
Grants & Contributions - Operating	11,029				11,029			11,029	7,722	
Grants & Contributions - Capital	15,450				15,450	(5,000)	2	10,450	10,397	
Net gain from disposal of assets	-				-			-	-	
Total Income from Continuing Operations	37,898	-	-	2,594	40,492	(4,800)		35,692	29,768	
Expenses										
Employee Costs	5,605			18	5,623			5,623	4,218	
Borrowing Costs	88				88			88	57	
Materials & Contracts	9,146			2,620	11,811	560	3	12,371	12,060	
Depreciation	3,960				3,960			3,960	2,970	
Other Expenses	3,013				3,013			3,013	2,341	
Total Expenses from Continuing Operations	21,812	-	-	2,638	24,495	560		25,055	21,646	
Net Operating Result from Continuing Operatio	16,086	-	-	(44)	15,997	(5,360)		10,637	8,122	
Net Operating Result from All Operations	16,086	-	-	(44)	15,997	(5,360)		10,637	8,122	
Net Operating Result before Capital Items	636	-	-	(45)	547	(360)		187	(2,275)	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Central Darling Shire Council

Quarterly Budget Review Statement
for the period 01/01/21 to 31/03/21

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 March 2021

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2020/21	Approved Changes			Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS					
Income									
Administration	5,373						5,373	2,990	
Public Order & Safety	247						247	326	
Community Services & Education	2,013						2,013	652	
Housing & Community Amenities	4,844						4,844	3,234	
Water Supplies	7,632				(5,000)	2	2,632	1,286	
Sewer Supplies	1,329						1,329	427	
Manufacturing & Construction	-						-	-	
Transport & Communication	15,414			2,594		1	18,208	19,923	
Economic Affairs	1,051						1,051	931	
Total Income from Continuing Operations	37,900	-	-	2,594	(4,800)		35,694	29,769	
Expenses									
Administration	3,959						4,572	3,340	
Public Order & Safety	536			45	460	3	536	355	
Community Services & Education	584						584	136	
Housing & Community Amenities	1,655						1,655	3,084	
Water Supplies	667						667	1,200	
Sewer Supplies	233						233	199	
Manufacturing & Construction	24						24	84	
Transport & Communication	12,826			2,530		3	15,456	11,863	
Economic Affairs	1,328						1,328	1,386	
Total Expenses from Continuing Operations	21,812	-	-	45	560		25,055	21,647	
Net Operating Result from Continuing Operatio	16,088	-	-	(45)	(5,360)		10,639	8,122	
Discontinued Operations - Surplus/(Deficit)							5,000		
Net Operating Result from All Operations	16,088	-	-	(45)	(360)		15,639	8,122	
Net Operating Result before Capital Items	636	(45)	(44)	(44)	(360)		187	(2,275)	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended xx/xx/xx and should be read in conjunction with the total QBRS report

Central Darling Shire Council

Quarterly Budget Review Statement
for the period 01/01/21 to 31/03/21

Capital Budget Review Statement

Budget review for the quarter ended 31 March 2021

Capital Budget - Council Consolidated

	Original Budget 2020/21	Approved Changes				Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than QBRs	Sep QBRs	Dec QBRs					
Capital Expenditure										
New Assets										
- Roads	8,000					8,000		8,000	2,464	
- Water Infrastructure	6,325					6,325	(5,000)	1,325	-	
- Sewerage Infrastructure	125					125		125	368	
- Outdoor Infrastructure	325					325		325	325	
- Plant & Equipment	575					575		575	64	
- Capital Grant Matching Fund	220					220		220	-	
Renewal Assets (Replacement)										
- Roads	2,577					2,577		2,577	396	
- Water Infrastructure	175					175		175	186	
- Outdoor Infrastructure	320					320		320	429	
- Buildings	806					806		806	37	
- Stormwater	48					48		48		
- Swimming Pools	100					100		100		
Total Capital Expenditure	19,596	-	-	-	-	19,596	(5,000)	14,596	4,269	
Capital Funding										
Rates & Other Untied Funding	1,569					1,569		1,569		
Grants & Contributions	18,027					18,027	(5,000)	13,027	6,388	
Total Capital Funding	19,596	-	-	-	-	19,596	(5,000)	14,596	6,388	
Net Capital Funding - Surplus/(Deficit)	(0)	-	-	-	-	(0)	-	(0)	2,119	

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

-
- 1 The plant and reticulation replacement program for the White Cliffs Water Treatment Plant project has now been postponed due to delays in the approval process from DPIE Water. This reasons for this delay form part of the Capital Works Progress report tabled at the February 2021 Council meeting. Grant funding reduced by \$5,000,000 for this year.
-
-
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Central Darling Shire Council

Quarterly Budget Review Statement
for the period 01/01/21 to 31/03/21

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 March 2021
Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2020/21	Approved Changes				Revised Budget 2020/21	Variations for this Mar Qtr	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS				
Externally Restricted ⁽¹⁾									
Specific purpose unexpended grants	-	-	-	-	-	-	-	339	
Pooncarie Road Project	1,000	-	-	-	1,000	-	1,000	6,268	
Water supplies	468	-	-	-	468	-	468	1,480	
Sewerage services	592	-	-	-	592	-	592	198	
Domestic waste management								508	
Total Externally Restricted	2,060	-	-	-	2,060	-	2,060	8,793	
⁽¹⁾ Funds that must be spent for a specific purpose									
Internally Restricted ⁽²⁾									
Employees Leave Entitlements	-	-	-	-	-	-	983	983	
Total Internally Restricted	-	-	-	-	-	-	983	983	
⁽²⁾ Funds that Council has earmarked for a specific purpose									
Unrestricted (ie. available after the above Restrictions)	1,539	-	-	-	1,539	(983)	556	74	
Total Cash & Investments	3,599	-	-	-	3,599	-	3,599	9,850	

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Not Applicable

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
The date of completion of this bank reconciliation is 31/03/21

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

\$ 000's

Cash at Bank (as per bank statements)		5,694
Investments on Hand		3,950
less: Unpresented Cheques	(Timing Difference)	19
add: Undeposited Funds	(Timing Difference)	187
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	
Reconciled Cash at Bank & Investments		9,850
Balance as per Review Statement:		9,850
Difference:		-

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

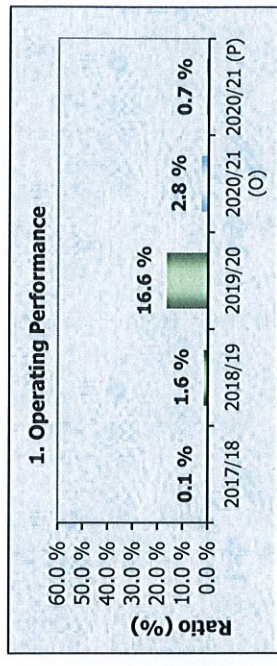
Budget review for the quarter ended 31 March 2021

(\$000's)	Current Projection		Original Budget	Actuals
	Amounts	Indicator		
	20/21	20/21	20/21	Prior Periods 19/20 18/19

NSW Local Government Industry Key Performance Indicators (OLG):

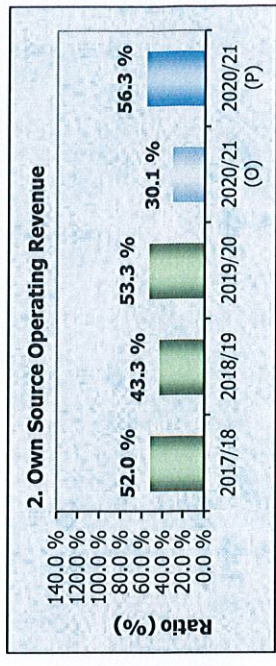
1. Operating Performance				
Operating Revenue (excl. Capital) - Operating Expenses	187	0.7 %	2.8 %	16.6 % 1.6 %
Operating Revenue (excl. Capital Grants & Contributions)	25242			

This ratio measures Council's achievement of containing operating expenditure within operating revenue. Benchmark is >0%



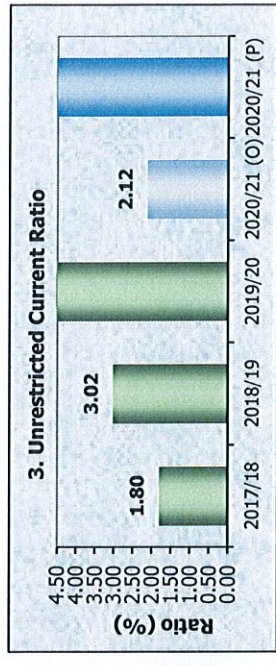
2. Own Source Operating Revenue				
Operating Revenue (excl. ALL Grants & Contributions)	14213	56.3 %	30.1 %	53.3 % 43.3 %
Total Operating Revenue (incl. Capital Grants & Cont)	25242			

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions. Benchmark is >60.00%



3. Unrestricted Current Ratio				
Current Assets less all External Restrictions	10229	4.71	2.12	6.04 3.02
Current Liabilities less Specific Purpose Liabilities	2172			

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council. Benchmark > 1.50%



Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 March 2021

(\$000's)	Current Projection		Original Budget	Actuals
	Amounts	Indicator		
	20/21	20/21	20/21	Prior Periods
				19/20
				18/19

NSW Local Government Industry Key Performance Indicators (OLG):

4. Debt Service Cover Ratio

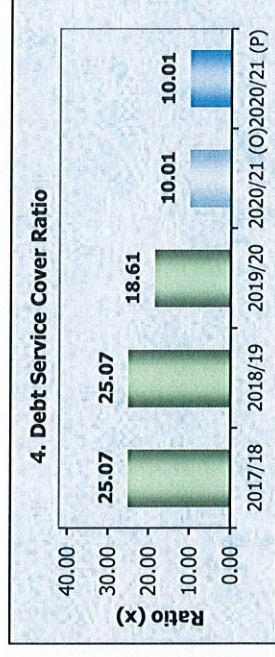
Operating Result before Interest & Dep. exp (EBITDA)	4684
Principal Repayments + Borrowing Interest Costs	468

18.61	25.07
-------	-------

10.01

10.01

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.
Benchmark >2.00



5. Rates, Annual Charges, Interest & Extra Charges Outstanding

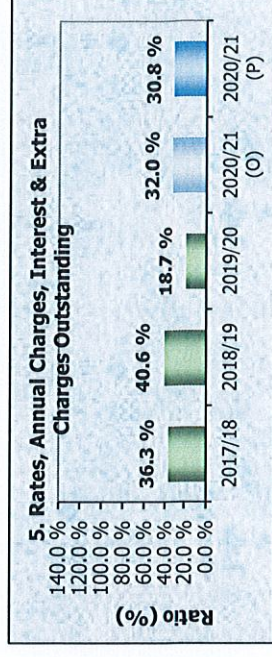
Rates, Annual & Extra Charges Outstanding	914
Rates, Annual & Extra Charges Collectible	2970

18.7 %	40.6 %
--------	--------

32.0 %

30.8 %

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.
Benchmark 10.00%



6. Cash Expense Cover Ratio

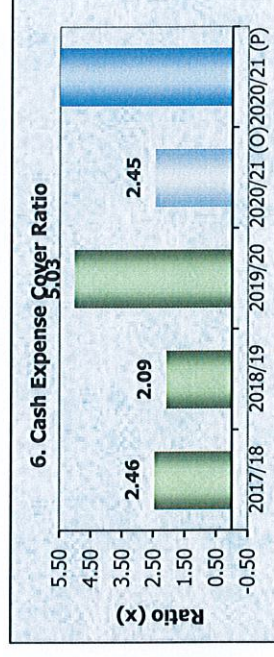
Current Year's Cash & Cash Equivalents (incl.Term Deposits)	12087
Operating & financing activities Cash Flow payments	1830

5.03	2.09
------	------

2.45

6.60

This liquidity ratio indicates the number of months a Council can continue paying for its immediate expenses without additional cash inflow.
Benchmark >3.00 months



**SUBMISSIONS RECEIVED FOR THE
PLAN OF MANAGEMENT
AND LEASE FOR LAND AT
BONNEY STREET WILCANNIA.**

Submission Summary

The exhibition of the Plan of Management and lease for the land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia was notified on the Central Darling Shire Council Website on 12 March 2021.

The Public hearing was held on 28 April 2021 and was notified on the 12 March 2021 upon the council website and advertised in the local newspapers.

The public hearing on 28 April 2021 was attended by 13 Wilcannia community members.

Eleven (11) members of the Wilcannia community that attended the public hearing gave a public verbal submission on the Plan of Management and lease.

A written submission was received in the public hearing covering both the Plan of Management and lease as well as the planning proposal for the Bonney Street Site in Wilcannia.

The submissions received verbally were from residents of Wilcannia and a representative of the Maari Ma organisation.

A written submission was received from a member of the community which covered both the planning proposal and the plan of management and lease.

To summarise, the comments received from residents of Wilcannia on the Plan of Management and lease were similar to the comments on the planning proposal to reclassify the land from community land to operational land.

The main issues raised by the members of the community that attended the public hearing was that in their “personal opinion” the site at Bonney Street Wilcannia was not favourable for the community health facility by the Maari Ma Aboriginal Health Corporation.

All members of the community that attended the Public Hearing stated that in “their opinion” another site was preferred for the Maari Ma Aboriginal Health - community health facility, somewhere else on Ross Street Wilcannia possibly on the Crown Land Reserve (part of the Golf course). The main reasons against the proposed building were that it would block the local people being able to drive their vehicles to the edge of the river to look at the river, the building works would damage to the riverine vegetation and the site was subject to flooding.

Note: Twenty late submissions were received from the Wilcannia Community, the submissions support the building of Maari Ma community health facility on the Bonney Street Wilcannia site.

Verbal submissions in public hearing

The Plan of Management and lease “was not supported” by residents of Wilcannia that attended the public hearing (13 people) for the following reasons:

- Land ownership – concern that the Maari Ma Aboriginal Health Corporation would in the future sell the site to another organisation and the use of the site would no longer

be for the Wilcannia local community. The preferred use of the land at Bonney Street Wilcannia was for a park.

- The Plan of Management for the new land category and new use of the land was not for the community benefit, but only for the benefit of the Maari Ma Aboriginal Health Corporation new community health facility.
- The Plan of Management mentioned the Planning Proposal to reclassify the land from community land to operational land so the land would be sold and not used for the Wilcannia Community.
- Concern with the stated 12 month short term lease, as the real intention is to reclassify the land and sell the land to the Maari Ma Aboriginal Health Corporation to construct the community health facility.
- Cultural – Bonney Street site is used as a viewing area for the weir and river by residents and tourists by car (important cultural connection to river by residents),
- Biodiversity - Issue with impact on riverine vegetation and wildlife of the proposed development,
- Environment – Issue with potential for localised flooding and impact on site biodiversity,
- Practicality - Personal opinion stated that a more suitable site exists on Ross Street Wilcannia within the Crown Reserve land.

PUBLIC HEARING – Plan of Management and lease for the land at Bonney Street Wilcannia

HEARING – 28 April 2021 – 7:30 – 8:30PM

COUNCIL CHAMBERS WILCANNIA

Minutes of Public Hearing 28 April 2021.

Michael Williams opened the hearing to public comment and questions.

Name	Submission/ Comment
Paul Brown	Question when Plan of Management went on exhibition. Response – The Plan of Management and lease went on exhibition on 25 February 2021.
Monica Kerwin -Whyman	Offended that meeting opened with acknowledgement that the meeting is on the traditional landowners of the Barkindji land. Not happy with the meeting describing the Barkindji land being owned by the Council. Monica stated that she was the only Barkindji person to attend the hearing and left straight after this statement.

John Pineo	<p>What happens to submissions from this public hearing.</p> <p>If Council has already made decision to undertake process, would the council's recommendation carry more weight.</p> <p>Response – The verbal submissions in these minutes will be attached to the end of the Public hearing report and submitted to council for further consideration on the Plan of Management and the lease.</p>
R Plunkett	<p>Plan of Management states the land is also being reclassified under a planning proposal.</p> <p>Response – Reference was made to the current planning proposal for the land within the Plan of Management. The Plan of Management has no impact on the Planning Proposal to be considered by the Minister of Planning. Each document is a separate matter under two different NSW Acts.</p>
John Pineo	<p>Question regarding Planning proposal and plan of management and which authority approves which document.</p> <p>Response – Plan of Management under the <i>Local Government Act 1993</i> may be approved by council. The Planning Proposal is under the <i>Environmental Planning and Assessment Act 1979</i> and is determined by the Minister of Planning and gazette by the NSW Governor.</p>
. B Elliott	<p>Why didn't Central Darling Shire Council ask the community regarding the use of the Bonney Street Site.</p> <p>Response – This is the reason for the public exhibition of the Plan of Management and the lease, to seek the community opinion on the use of the community land.</p>
S Gaggin Maari Ma	<p>Look at time frame for expending budget / government funding for improving services for medical facilities in Wilcannia. If Maari Ma doesn't show progress on the project the funding will disappear.</p>
B Elliott	<p>The submissions received so far do not support the Maari Ma proposal.</p>
Paul Brown	<p>Believes he was given late notice on the Plan of Management.</p> <p>Would like to make a verbal submission on the Plan of Management.</p> <p>He has also provided a written submission on the Plan of Management document the comments that he read out to be part of the verbal submission on the Plan of management.</p> <p>States that there are inconsistencies in the Plan of Management and small errors. It is a stop gap measure.</p>

	<p>Not happy with the diagrams, plans and mapping in the Plan of Management, he said they were all incorrect, particularly with the incorrect siting of the hospital.</p> <p>The Plan of Management used old plans of the project not the latest plans of the project.</p> <p>Would argue in council against the Plan of Management.</p> <p>Submit the document in comments for Plan of Management.</p> <p>Response – The above objections are noted.</p>
R Plunkett	<p>Why was the plan of management not prepared prior to the Maari Ma submission for the use of the site.</p> <p>Why was the Maari Ma submission for grant funding on the Bonney Street site not notified to the community prior to the submission by Maari Ma for the grant funding.</p>
S Gaggin Maari Ma	<p>Funding applications were made every year, the grant was made for the funding of the Maari Ma health facility to be located on the Bonney Street site.</p> <p>As there is a tight time frame to start the project, and to meet the funding requirements, Maari Ma commenced consultation utilizing the engaged consultants including Troppo Architects as soon as they were able to, to safeguard the funding of the project.</p>
C Elliott	<p>Question to Troppo Architects on the future proofing Maari Ma project.</p>
R Plunkett	<p>Not against a Maari Ma Clinic, but not agreeable to the selected site at Bonney Street.</p>
Paul Brown	<p>Major projects are lenient with time frames for project funding. Paul Brown is willing to support the project, if on another site.</p> <p>There was another site in mind originally for the Maari Ma project. Paul Brown would like NSW health and Maari Ma to coordinate on project.</p>
S Gaggin	<p>Difficulties dealing with NSW Health.</p> <p>Agree that the site is not ideal.</p> <p>It is a good spot on the river.</p> <p>There is currently a crisis in provision of medical personal.</p> <p>All rural areas have new medical facilities.</p> <p>Maari Ma needs a good facility with a great location to be able to attract medical staff to come and work out in Far West NSW.</p> <p>The chosen site is a draw card to get medical staff away from Sydney to work in Wilcannia.</p>

Karin Donaldson	<p>The Bonney St Site is a treasurable site for the town. It is the last bit of land in town that allows a view of the river. Environmentally the land should not be developed. The building is not attractive. Support Maari Ma health facilities in Wilcannia.</p> <p>Prefer the site beyond the nurses' homes on Crown land.</p> <p>If Maari Ma continues with the site, it will result in loss of environmental land.</p>
Cary Duffield Troppo Architects	<p>Find it hard to understand why the comments against the use of the land for a medical facility.</p> <p>Looking at the primary users of the clinic they can view the water from the waiting room of the clinic. The design is suitable for the use.</p>
Paul Brown	<p>Bonney Street site is used by people to drive in and look at the river.</p> <p>Don't know how many of the patients would be able to look at the river from the clinic.</p> <p>The land is valuable piece of land to look at the river.</p>
S Gaggin Maari Ma	<p>The building is sited to allow view of the river.</p> <p>There is 12 Maari Ma staff and up to 30 patients in the Clinic.</p> <p>The waiting rooms and the consulting rooms look over the river.</p> <p>The Architects have provided good outlooks from the clinic over the river.</p> <p>There is a good view from the waiting room.</p> <p>The design has taken into consideration the retention of the vegetation on the site.</p>
B Elliott	<p>Has the community been consulted at the start of the process, Maari Ma would have saved a lot of money.</p>
Paul Brown	<p>The proposed land and site for the Maari Ma clinic goes right down to the river.</p>
Maari Ma S Gaggin	<p>There is going to be a walkway to the river in the design</p>
K Donaldson	<p>Many people cannot walk to the river, they can only drive to the river edge.</p> <p>The design did not show viewing of the river.</p> <p>There is a better site next to the nurse's home.</p> <p>The site at Bonney Street is too precious to lose for the view of the river.</p> <p>Buildings impact on the enjoyment of the existing site.</p>
C Elliott	<p>To view the river the building will need to be higher to look over the vegetation to the river.</p>

	Question on length of lease, is it a short term lease.
Council	Response - Lease is for 12 months as recommended by OLG.
S Gaggin	The building floor level must be above the 100 year flood level.
C Elliott	The hospital floor level is above the 100 year flood level.
Paul Brown	Why is the building being located on flood prone land.
Nieves Rivera	<p>Like the building. The land at Bonney Street is too precious to be used for this project.</p> <p>The environment on the site is too important.</p> <p>A better use of the land is for a park.</p> <p>The site would be more appropriate to be used for patients from the hospital to view river.</p> <p>The land should remain community land used for a park.</p>
Anthony Pease	<p>Support the medical clinic by Maari Ma.</p> <p>The site for the clinic is not supported.</p> <p>It is serious collateral damage.</p> <p>Inaccuracy in management plan.</p> <p>What is the difference in Plan of Management and Planning Proposal.</p> <p>The Plan of Management does not consider the previous submissions on the Planning proposal regarding viewing the weir.</p> <p>Nonindigenous heritage and not in a heritage conservation area. Issue with proximity to heritage item being the hospital.</p> <p>Response - Plan of Management under the <i>Local Government Act 1993</i> may be approved by council. The Planning Proposal is under the <i>Environmental Planning and Assessment Act 1979</i> and is determined by the Minister of Planning and gazette by the NSW Governor.</p>
Cary Duffield Troppo Architects	Issue with conflict and numbers who agree with the proposal i.e., the 25 - 30 patients a day who would enjoy the view of the river. On a specialist clinic day maybe up to 60 patients a day.

Late submissions received supporting the building of the Maari Ma community health facility at Bonney Street Wilcannia.

Twenty (20) written submissions have been received from the Wilcannia local community supporting the reclassification of the land at Bonney Street Wilcannia from community to operational land to enable Maari Ma to building a new health and Wellbeing Centre.

Comment / submission number	Name	Submission/ Comment	Response
1	Jennelle King - Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
2	Colin King Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
3	Rhonda Hynch Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
4	Dorothy Williams Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
5	Anthony Schemlni Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
6	Melissa Kirby Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
7	Cyril Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
8	Rob A Bugmy Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.

9	Darcy Bales Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
10	Frances Dutton Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
11	Roger Whyman Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
12	A Sorohan Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
13	Dorothy Whilton Mission Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
14	Mark Whyman Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
15	Justin Harris Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
16	Brendon Adams Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
17	Tanika Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
18	Lasonya Dutton Wilcannia.	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
19	Elizabeth Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.

20	Norma Kennedy Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and wellbeing Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
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CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959
ABN: 65 061 502 439

E-MAIL: council@centraldarling.nsw.gov.au
WEBSITE: www.centraldarling.nsw.gov.au

PLEASE ADDRESS ALL
CORRESPONDENCE TO:
THE GENERAL MANAGER
PO BOX 165
WILCANNIA NSW 2836



PHONE: (08) 8083 8900
FAX: (08) 8091 5994

COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

SUBMISSION SUMMARY REPORT ON THE PLANNING PROPOSAL

To reclassify four (4) allotments from Community to Operational land and discharge Council interests to facilitate the development of a health services facility, Bonney Street, Wilcannia

Amendment to Central Darling Local Environmental Plan
2012

Original Version 12 December 2020

Version updated 14 May 2021

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Submission Summary Report May 2021

Overview of Submissions

Submission Summary Report on exhibition of the Planning proposal for reclassification of land at Bonney Street Wilcannia.

Exhibition November /Public Hearing – 1 December 2020

The Planning Proposal was exhibited from 4 November 2020 until 4 December 2020 on the Central Darling Shire Council website. The Public hearing for 1 December 2020 was also notified upon the Council website.

A number of submissions were received by Central Darling Shire Council the total number of verbal and written submission received is 17.

The number of verbal submissions received by Council at the Public hearing/ meeting on 1 December 2020 was 10 verbal comments/ submissions.

The number of written submissions received by Central Darling Council by 4 December 2020 is seven (7).

The submissions received verbally were from residents of Wilcannia and a representative of the Maari Ma organisation.

The written submission received is four (4) were from residents of Wilcannia and three (3) from NSW State Governments agencies.

The comments received from the residents of Wilcannia was that in their personal opinion the site at Bonney Street Wilcannia was not favourable and all supported selecting the Ross Street site.

In summary the proposal to reclassify the land from “Community land” to “Operation land “was not supported” for the following reasons:

- Cultural – Bonney Street site is used as a viewing area for the weir and river (important cultural connection to river by residents),
- Biodiversity - Issue with impact on riverine vegetation and wildlife,
- Environment – Issue with potential for localised flooding and impact on site biodiversity,
- Practicality - Opinion stated that a more suitable site exists on Ross Street Wilcannia.
- The New South Wales State agencies generally raised no issues with the planning proposal, however the Department of Environment NSW (DPIE) raised concerns in the development stage due to flood issues and impact on the river biodiversity.

Exhibition February/ March Public Hearing 28 April 2021

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The re-exhibition of the Planning Proposal to reclassify the land at Lots 2, 3 and 4 DP 1201089, and Lot 111 DP 1201028, Bonney Street Wilcannia was notified on the Central Darling Shire Council Website on 12 March 2021. The Public hearing was to be held on 28 April 2021 was also notified at this date on the council website and was advertised in the local newspapers.

A number of submissions were received verbally at the Public Hearing held on 28 April 2021.

The public hearing was attended by 7 community members.

6 members of the community gave a public verbal submission.

One written submission was received during the public hearing.

All the community submissions both verbal and written during the public hearing did not support the planning proposal to reclassify the land from community land to operational land.

Following the public hearing council has received further written submissions from the community and from the Maari Ma Aboriginal Health organization.

Comment

The Maari Ma organisation stated at the both public hearings that they had undertaken extensive consultation with the Wilcannia residents. This was confirmed by the residents at the public hearing.

Maari Ma also stated that alternative sites were investigated within the grounds of the current Wilcannia Hospital, however Far West Health was not in favour of this arrangement, as the proposed medical clinic required more land area than was available on the listed Heritage Item site of the Wilcannia Hospital.

The Bonney Street site was selected due to the proximity to the Wilcannia hospital and the fact that it was not a Crown Reserve lot, but community land owned by Central Darling Council.

Furthermore, the site was selected due to the ability of Maari Ma to purchase the land (after reclassification of the land from community land to operational land) and that the Native Title Land Claim had been extinguished on the Water supply community land lots. The finance for the new Community Health Facility for Maari Ma requires the ownership of the land.

Verbal submissions received during Public Hearing 28 April 2021

Name	Submission/ Comment
C Elliott	Question on number of submissions.

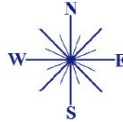
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	<p>Response – 17 submissions received both verbal and written from previous exhibition (4 November 2020 to 4 December 2020).</p> <p>No written submissions received from the new exhibition of the planning proposal.</p>
R Plunkett	<p>Question on whether all the previous verbal and written submission were sent to Department of Planning.</p> <p>Response – yes all verbal and written submissions were submitted to the Department with the Planning Proposal in Submission Summary Report.</p>
C Elliot	<p>Would like to view all the submission in the submission summary that was sent to Department.</p> <p>Response - Yes we can provide a copy of the Submission Summary Report.</p>
B Elliot	<p>Question on what type and how long the lease was for with the Plan of Management.</p> <p>Response - minimum 12 month lease- community land lease, not a commercial lease.</p>
John Pineo	<p>Question on difference on Plan of Management and Planning Proposal.</p> <p>Response – Plan of Management is for the management of the land under the <i>Local Government Act 1993</i>, and the Planning Proposal is to reclassify the land through an amendment to the <i>Central Darling Local Environmental Plan 2012</i>, under the <i>Environmental Planning and Assessment Act 1979</i>.</p>
.B Elliot	<p>Motion - moved that all previous written and verbal submission from the previous public hearing again be taken into consideration for the Planning Proposal.</p> <p>Response – Yes all previous submissions will be taken into account.</p>
R Plunkett	<p>Question on Public hearing and four day requirement for report for public hearing on exhibition after the public hearing.</p> <p>Response – explained the requirements under the Local Government Act 1993</p> <p>Who is attending meeting from developer, Troppo Architects</p> <p>Response - Cary Dutton Architect Troppo Architects</p>
Cary Dutton Architect Troppo Architects	<p>Apologies.</p> <p>Happy to answer question regarding the planning proposal or the development proposal.</p>
C Elliott	<p>Development application shows minimal disruption to vegetation. Issue with disruption of access to river viewing.</p> <p>Issue with vegetation being removed from the site for the project.</p>

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R Plunkett	Question why the land is being reclassified. Disagree with reclassification of the land from community to operational land.
C Elliott	Disagree with reclassification of land from community land to operational land as it may be sold to a developer.
R Plunkett	Worried about the reclassification of land that may leave the land open to any use.
C Elliott	Not against the medical facility. Prefer the facility at another site.
Paul Brown	Plan of Management should have been in place before the whole process commenced. Issue with the Maari Ma organisation being offered land by council for the health facility. Documents incorrect showing hospital in the wrong position. Original document showed housing for independent seniors living. Document misleading for Plan of Management. Issue with description of Barkandji people description. Issue with Maari Ma funding. Another site closer to hospital should be considered. Why the Maari Ma health facility cannot be erected on the Crown Land which is adjacent to the hospital. Need to negotiate for a new site.
B Elliott	Plan of Management showing the original plans from Troppo Architects. Please register the discontent with the Planning Proposal to reclassify the land. Response – Community opinion is to be considered by Council.
Paul Brown	Put forward a motion to disagree with the planning proposal to reclassify the land. Response – Motion was supported by the majority the community attendees.
R Plunkett	Still disagree with the reclassification of the land to sell the land.
C Elliott	Question on lease in another area, where a health facility is being built on Crown land with a 30 year lease to the Department of Health NSW. Response – This is in another council jurisdiction, not relevant to this site.
Cary Dutton Architect Troppo Architects	Consultation has been undertaken on the original proposal. Looked at other sites.

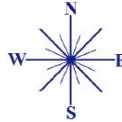
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R Plunkett	Did Troppo Architects look at the site next to the Golf Club. Did Troppo Architects look at car parking in front of hospital (heritage item)
Cary Dutton Architect Troppo Architects	Did review other sites with Maari Ma. After consultation the site at Bonney Street was selected. Car parking is now only on site and on the access road on Bonney Street. According to number of patrons the parking on site is sufficient, with more parking provided on Bonney Street. Met with many of the Wilcannia community within the consultation process. The residential living part of the project was removed from the project.
C Elliott	Independent living units, why did Troppo Architects remove these from the proposed development.
Cary Duffield Troppo Architects	Removed independent living units and changed car parking after community consultation
Paul Brown	The Plan of Management should have been prepared prior to the Planning Proposal and before negotiations were commenced. Response – Plan of Management is not connected to the Planning Proposal under different legislation, with different outcomes for the site.
B Elliott	Who directed Troppo Architects to develop the proposal on the Bonney Street Site.
Paul Brown	Was it Maari Ma that directed Troppo Architects to the other site?
C Elliott	Is there enough room on the Bonney Street site to put other buildings on this site?
Cary Duffield Troppo Architects	Not sure about future development potential of the site.
S Gagin Maari Ma	For the Bonney Street site, the site can be extended towards the hospital, if more land is required. This would future proof the use of the land.

Twenty (20) written submissions have been received from the Wilcannia local community supporting the reclassification of the land at Bonney Street Wilcannia from community to operational land to enable Maari Ma to building a new health and Wellbeing Centre.

Comment /	Name	Submission/ Comment	Response
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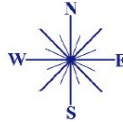
CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959
ABN: 65 061 502 439

E-MAIL: council@centraldarling.nsw.gov.au
WEBSITE: www.centraldarling.nsw.gov.au

PHONE: (08) 8083 8900
FAX: (08) 8091 5994

PLEASE ADDRESS ALL
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PO BOX 165
WILCANNIA NSW 2836



COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

submission number			
1	Jennelle King - Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
2	Colin King Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
3	Rhonda Hynch Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
4	Dorothy Williams Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
5	Anthony Schemlni Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
6	Melissa Kirby Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
7	Cyril Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
8	Rob A Bugmy Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
9	Darcy Bales Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.

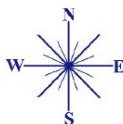
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10	Frances Dutton Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
11	Roger Whyman Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
12	A Sorohan Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
13	Dorothy Whilton Mission Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
14	Mark Whyman Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
15	Justin Harris Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
16	Brendon Adams Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
17	Tanika Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
18	Lasonya Dutton Wilcannia.	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.

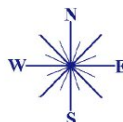
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19	Elizabeth Hunter Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.
20	Norma Kennedy Wilcannia	Supports the change of land use from Community use to operational use for the land at the end of Bonney Street, adjacent to the Darling/ Baaka River, so that Maari Ma can building a new health and well being Centre	Support the reclassification of land from community to operational land to enable the Maari Ma health centre to be built.

Verbal and Written submissions received at the Public Hearing - 1 December 2020

Summary of submissions received on 1 December 2020 at the public meeting and written submission received by 4 December 2020.

Comment / submission number	Name	Submission/ Comment	Response
1	Paul Brown-Verbal submission at Public hearing/ meeting- 1 December 2020	Comment on what type of consultation was undertaken by Maari Ma	The meeting was advised that public consultation process had been carried out with the community by the Maari Ma appointed Project Manager/ Architect.
2	Paul Brown-Verbal submission at Public hearing/ meeting- 1 December 2020	Not connected to Maari Ma organisation	
3	Paul Brown-Verbal submission at Public hearing/ meeting- 1 December 2020	The way this proposal was presented in June 2020 the scope was quite broad. It was to be a health clinic, the land was to be reclassified to be sold and had independent living units. The new proposal is for a Health Clinic.	Noted
4	Paul Brown-Verbal submission at Public hearing/ meeting- 1 December 2020	The Bonney Street land is used for community purpose as it is used by the local people, as a vantage point to view the river from their cars. This is the only place in Wilcannia where such a view can be achieved. The road and viewing area should be left vacant.	This is not a formalised and constructed road, rather an unmade track which has been used to gain access to the Riverbank for viewing purposes.
5	Paul Brown-Verbal submission at Public	There is no other direct access from the town to view the river. Paul Brown questions the fact that the Bonney Street lots are the best location for the health clinic.	The river can be viewed from a car at Victory Caravan park, and the end of Cleaton Street. There is potential for a viewing point to be incorporated

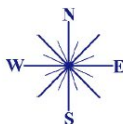
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	hearing/ meeting- 1 December 2020	<p>The only site assessed was the Bonney Street site. The Maari Ma organisation is trying to rush the project. Paul Brown has issue with the site location. Paul Brown was consulted by Maari Ma and the Architect with a model of the proposed clinic.</p> <p>Paul Brown identified Council being the body that nominated the site for the Maari Ma Clinic. The proposal is being put up as a “done deal” this is an issue , the design is not acceptable. The consultation with the Architect was specifically for the Bonney Street site.</p>	<p>with the construction of the new Wilcannia weir.</p> <p>Personal opinion regarding choice of Bonney Street Site. From the outset Maari Ma were insistent that any land they were to develop must be held by Maari Ma not a third party. Maari Ma were insistent that the location of the proposed health care clinic have a direct view of the river as it formed an important cultural connection with their clients. Maari Ma's organisation is time constrained by the funding sources. Personal opinion and comments on site and consultation. Central Darling Council was consulted on possible locations for the Maari Ma Clinic. The current design is conceptual at this stage.</p>
6	Paul Brown- Verbal submission at Public hearing/ meeting- 1 December 2020	<p>Question about the site at the end of Ross Street, Native Title on the land.</p>	<p>It would appear the National Native Title Tribunal mapping, illustrates that Native Title has been claimed on the land at the end of Ross Street and the land is part of a Crown Reserve subject to a Plan of Management.</p>
7	Paul Brown- Verbal submission at Public hearing/ meeting- 1 December 2020	<p>Refer to the Buronga site for the NSW Health facility for the New Health Clinic. This land has Native Title on the land. There has been no discussions about other sites. The health clinic is a good outcome, but not on the current Bonney Street Site.</p> <p>Native title is an issue.</p> <p>Discussion with consultants what if Maari Ma ceases to use the site? What happens to the building? Locking the site with one organisation is not a good outcome. The site is used to view the river by the community.</p>	<p>Comment by Paul Brown regarding another health clinic in another part of NSW. This is for information only. Personal comments on the future use of the Health Clinic.</p>
8	Karen Donaldson - Verbal submission at Public hearing/ meeting- 1 December 2020	<p>Agree with Paul Brown.</p> <p>It is an important piece of land to view the river in the town.</p> <p>IT is a beautiful piece of land, people drive down there to view the river.</p> <p>The health clinic can be located elsewhere, another site would be better.</p> <p>This site is a better use for the community as a piece of recreational land.</p> <p>The continued use to view the river is important.</p>	<p>Personal opinion on the current use of the land. Personal opinion on another site for the health. clinic.</p>
9	Chris Elliot - Verbal submission at Public hearing/ meeting- 1 December 2020	<p>Important piece of vegetation Blue gum, wattle, concerned the vegetation is being removed. Vegetation is very important for protection of the River.</p>	<p>Development could be conditioned to include retention of some native vegetation and a requirement to plant native vegetation.</p>

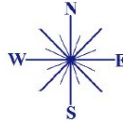
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10	Shirley Evan - Verbal submission at Public hearing/ meeting- 1 December 2020	The other site at Ross street is a better location. The current site is limited in size	Personal opinion.
11	Anthony Pease - Verbal submission at Public hearing/ meeting- 1 December 2020	Agree with previous speaker regarding lack of public access. Weekday and weekend use to view the river is important. Prefer the alternate site at Ross Street. The consultation with the Architect said the site was low lying. The problem is the flooding issue. There will be an ongoing problem with management of the site with the elevated building and the site subject to flooding. There may also be a problem with bushfire The Ross street site better for construction by using slab on ground.	Personal opinion on the current use of the land to view the river. Site constraints will be dealt at the development approval stage. Independent reports by professional accredited consultants will be required at development application stage.
12	Bill Elliot - Verbal submission at Public hearing/ meeting- 1 December 2020	Totally agree with previous speakers We believe the land is unsuitable as part of the site is the natural drainage channel to the river. The proposed development will restrict the access to fight fire on the river bank. The amount of fill required to put the building above the flood zone is too much for an Sensitive site adjacent to the river frontage. The proposed development will restrict access to the pumping station, Better to go to the Ross street site, no access or flooding problem, no parking problem. Native title claim on Ross Street. The police residents had Native title claim, then disappeared for housing for locals. No issue to remove the land title from Ross Street.	Site constraints will be addressed by Architects and Professional consultant reports at the development application stage. Site access will be addressed at development application stage. The Ross Street Site is a Crown Reserve and has been determined by the Federal Court to have a Native Title Claim by the Barkandki Traditional owners.
13	Steve Gagin - Verbal submission at Public hearing/ meeting- 1 December 2020	The original site was within the hospital ground. Not enough site within the hospital grounds Native Title issue on Ross Street site. Native Title is a big issue with other sites. Other sites were looked at. The Bonney Street site was the best location. Negotiations were held with Western Health for other potential sites on the hospital grounds. Bonney Street was the best site. Maari Ma has spent \$75,000 looking at this site.	Maari representative providing historic information on the choice of the Bonney Street Site. The Maari Ma organisation stated that they had undertaken extensive consultation with the Wilcannia residents. Maari Ma also stated that alternative sites were investigated within the grounds of the current Wilcannia Hospital, however Western Health was not in favour of this arrangement. The Bonney Street site was selected due to the proximity to the Wilcannia hospital and the fact that it was not a Crown Reserve, but community land owned by Central Darling Council. Furthermore the site was selected due to the ability of Maari Ma to purchase the land (after

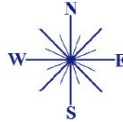
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			reclassification of the land from community land to operational land) and that the Native Title Land Claim had been extinguished on the lots
14	Paul Brown - Verbal submission at Public hearing/ meeting- 1 December 2020	Has Maari Ma ever looked into approached the Native title Claim on the Ross Street site and entered negotiations with the NTT regarding use of the site for the health clinic?	This is a matter for the Maari Ma organisation to address.
15	Anthony Peasy - Verbal submission at Public hearing/ meeting- 1 December 2020	Resolve the Native Title on the lots on Ross Street so Maari Ma can locate on that site.	This is a matter for the Maari Ma organisation to address.
16	Karen Donaldson - Verbal submission at Public hearing/ meeting- 1 December 2020	Disturbed about the assumption by Maari Ma that the land is not used by the community. Concerned about the lack of consultation by Maari Ma.	Personal comment on Maari Ma consultation with community
17	Louise Moriarty Written submission	Resident of Bonney Street. This little slice of untamed river is an anomaly in town, a sanctuary where the water is allowed to soak in unobstructed by manmade structures. So it was shocking to first hear about the development in the paper as if it was a foregone conclusion. I would image that for community land to be given over to another purpose, community consultation would be the first part of the process. I want to recognise that council has a lot of obligations and I believe they are good administrators but being aligned with the needs of the local community and the long term residents of this town does not seem to be councils strong suit.	Personal opinion. Maari Ma undertook the consultation with residents.
	Louise Moriarty - Written submission	That being said I have been watching the use of this community area. There is an irregular but constant flow of people observing and accessing the river from this stretch. The first thing I notice when the river starts to flow again is the laughter of children. Downstream from the weir is a favourite playground for the town's children. A safe low-lying piece of water for families and children to access memories and share fun and stories. This year the most joyous day of the year was when the water started flowing over the weir. Staff from the hospital and Maari Ma streamed out to witness the health of the town return. To see the people, celebrate the restoration of their beloved Barka. All vantage points from along this area were filled with people on foot and driving to witness life return to the community.	

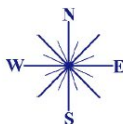
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	Louise Moriarty - written submission	<p>I often see Elders of the town do a drive by with family to check the pulse of the river from this vantage point. I am still hearing many people who believe the old weir will be maintained for historical purposes and expect that there still will be a low water level within walking distance of town for the kids to access.</p> <p>There are so many examples of people who will not be staying in town making decisions of what is most important. Even though often this is based on research of locals or their environment, giving process's the time they need would allow everyone to feel like their voice is heard. It would also mean that wisdom from both sides could be integrated into the plan.</p> <p>Some children got a drink from me the other day as they hauled a canoe back home. The pool of the weir being a perfect place to get a small vessel in and out.</p> <p>There is more than one regular fisherman whose favourite place to fish is from this piece of community land.</p>	Opinion on the use of the area for viewing the weir and reaching the river by local residents.
	Louise Moriarty - written submission	<p>Tourist and station owners also come to this lookout point on their drive up to the outdoor gallery or the golf club. The view of the bridge and the photo opportunity back towards the water gives them a feeling of finding a secret. For station holders and other locals, the inspection of the weir level and health of the river is easily accessible here from their car on a quick trip to town.</p> <p>Tourists staying at the town caravan park also like to look out to a natural scene. Not something developed and full of light pollution</p> <p>Then there are the bats, birds and animals that need the lack of light pollution as a corridor. Rivers are the natural corridor of many creatures. I regularly see micro bats, birds that hunt in the evening and a herd of kangaroos that live and graze in the shade of these trees. This herd has diminished significantly and still not recovered dying under these same trees during the drought.</p>	Identifying this area as a viewing area of the river and the weir, by residents and tourists. Any removal or interference with the vegetation or wildlife will be reviewed in an ecological consultant report as part of the development application process.
	Louise Moriarty - written submission	<p>Each windier and drier summer sees more big old trees come down and the health of the river decline. Species are not repopulating as they once did. Small areas of relief in microclimates such as the one in the gully are unique and protective habitats for flora and fauna. So much of the river has lost its floodplains to large scale agriculture and is destroyed by Hooved animals. A tiny unique microclimate exists adjacent to the proposed development site. There is a constant moisture in that gully. where many creatures are able to sustain some population in the driest times. There are very few safe places for any remaining populations near the river in our town. I know it seems insignificant, but we are a reflection of the larger ignorance of taking up all land for our species. The river is a vital corridor and needs places that are sanctuary from light and have natural soakage rather than fast drainage off manmade structures.</p>	Any removal or interference with the vegetation or wildlife on the Bonney Street lots will be reviewed and assessed in an ecological consultant report as part of the development application process.
	Louise Moriarty - written submission	<p>We have to leave some places for not just our community but the community of animals and spirits that live in harmony with our river.</p> <p>Lastly this is a massive river bend. No doubt over time we are looking at extreme weather events swinging back from drought to flood and all predictions say when those events when they come will be extreme. The erosion of the</p>	

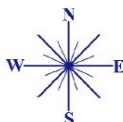
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		<p>riverbank from the last flood is obvious still. Each event will bring more erosion destabilising any sense of permanency along that bank that we short lived humans have. We need to be planting more trees, restoring more species. Trying to bring back any species we can. Such small blocks although they may be are a haven for seed stock. Especially in these sensitive areas where there are fewer and more monitored grazing animals. The length of the Darling river is a disaster zone it needs to become a wildlife corridor with an extended floodplain zone anywhere along its banks that we can restore. Leaving something for nature within our town would be a start.</p>	
	Louise Moriarty-written submission	<p>The river is undergoing so many changes, the Weir moving, population decline. Maari Ma's relationship with the hospital needs to be strengthened. In towns such as Wilcannia when you try and create too many services that specialise in the same things. That duplication is detrimental to the population.</p> <p>Oh yeh and final Bonney st as far as I heard was going to have a tram station back in the day. Maybe one day it will!</p> <p>I have so many reasons for decisions slowing down and being made with several generations in mind. The wisdom of locals needs to be taken into account. We need to be planting more endemic species around town not cutting them down. The river needs its layer of scrub and the big gums that once graced the entire length of its banks encouraged to grow back and replace the ones being blown down in the winds.</p>	Opinion on future actions on the site.
	Louise Moriarty - written submission	<p>It is nice for humans to have a view too, but I am more interested in the needs of the fish, insects, birds, mammals and planets, shrubs and trees that are left. Many species that we didn't even know the name of are gone. Those species that are left like us are going to need to work with nature not against it to survive. The more biodiversity we have along the river bank the less severe the dust storms, followed by floods, followed by blazing heat.</p> <p>When you watch footage of the tsunami's trees held on and held pieces of land intact where buildings just washed away. How much more do we have to disturb this river that is holding on for dear life?</p> <p>I believe there is another proposed site down the end of the street near the nurses' quarters which would mean no trees would need to be disturbed. I am not sure what the designation of this land is, but I don't see anyone using that end of the street local or people from away.</p>	The development process will require an ecological study to be done on the existing vegetation and wildlife. Opinion on location of Health Facility.
18	Ron Plunkett Written submission	<p>I wish to object to the reclassification of land in Bonney Street, to accommodate a health facility for Maari Ma.</p> <p>I have been a resident of the town for 16 years and live at 19-23 Bonney Street.</p> <p>""My main objection is that the river in Wilcannia is Sacred and access to It from Bonney Street has been available to our residents since the town was first promulgated. In fact, Edmund Resche called my home "Riverview" in the late 1800's, when this house was built.</p>	Town resident. Objection to Health Facility at Bonney Street Location due to historical use of the adjoining land at Bonney Street Wilcannia.
	Ron Plunkett Written submission	<p>I wish to object to the reclassification of land in Bonney Street, to accommodate a health facility for Maari Ma.</p>	Personal opinion on the use of the area for viewing the weir and reaching the river by local residents.

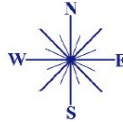
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		<p>I have been a resident of the town for 16 years and live at 19-23 Bonney Street.</p> <p>""My main objection is that the river in Wilcannia is Sacred and access to It from Bonney Street has been available to our residents since the town was first promulgated. In fact, Edmund Resche called my home "Riverview" in the late 1800's, when this house was built.</p> <p>Bonney Street not only has vehicular access to the river, it is a visual picture frame for people walking or driving to the Hospital. This frame allows people to admire the spacious view of the river, and enjoy the vista of spaciousness that is not blocked by buildings, just the raw beauty of the river trees in all their majesty, mystery and Sacredness.</p>	
	Ron Plunkett Written submission	<p>I believe that if the Health facility was built at the end of Ross Street, it would not only be cheaper to build, because of the foundations, but would be nearer and more accessible to the Hospital, than the Bonney Street site. Any problems with funding and land clearances, have been overcome in other areas, and I could not envisage it being a problem here.</p>	Personal opinion on alternate location for health facility at Ross Street.
19	NSW Heritage James Selwood	<p>Thank you for your request for comment on the Wilcannia Heritage Conservation Area.</p> <p>Heritage NSW encourages the identification and assessment of new heritage items and conservation areas for inclusion on Schedule 5 on Council Local Environmental Plans. Council should satisfy itself that the necessary assessments, notifications and due diligence have been completed.</p> <p>It is noted that the post office and residence, courthouse, maximum security prison and police station, and the Rich & Co Bond Store in Reid Street Wilcannia have been recommended for individual listing on the State Heritage Register. Should you wish to nominate these items please ensure they are submitted on the nomination form available on our website at: https://www.environment.nsw.gov.au/Heritage/listings/nominateshr.htm</p> <p>If you have any questions please contact Nicole Secomb, Heritage Programs Officer on 02 9873 8532 (Tues, Thurs, Fri) or via email at nicole.secomb@environment.nsw.gov.au.</p>	No comment on the Planning Proposal for the reclassification of land on Bonney Street Wilcannia..
20	EPA Craig Bretherton	<p>I refer to your letter dated 4 November 2020 to the Department of Planning, Industry and Environment seeking comment from the Environment Protection Authority (EPA) on four (4) proposed planning amendments to the Central Darling Local Environment Plan 2012.</p> <p>We note the proposed planning amendments are as follows.</p> <ul style="list-style-type: none"> • Reclassification of four (4) sites from "community to operational" land at Bonney Street Wilcannia; • Rezoning of land for the Wilcannia Water Treatment Plant; • Establishment of the Wilcannia Heritage Conservation area and add additional Heritage items; and • Add additional land uses to the land use table. <p>The EPA has reviewed each of the proposals and has no objection to the changes proposed.</p>	EPA has no objection to the Planning Proposal at Bonney Street Wilcannia

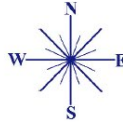
CENTRAL DARLING SHIRE COUNCIL

CONSTITUTED 1 MAY 1959
ABN: 65 061 502 439

E-MAIL: council@centraldarling.nsw.gov.au
WEBSITE: www.centraldarling.nsw.gov.au

PHONE: (08) 8083 8900
FAX: (08) 8091 5994

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PO BOX 165
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COUNCIL CHAMBERS
21 REID STREET
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		<p>If you have any further enquiries about this matter please contact me by telephoning 02 6969 0700 or by electronic mail at riverina.farwest@epa.nsw.gov.au.</p>	
21	<p>Samantha Wynn Senior Team Leader Planning North West Biodiversity, Conservation and Science Directorate</p>	<p>Community consultation and exhibition for comment for four planning proposals – Central Darling Shire Local Environmental Plan 2012</p> <p>Thank you for your e-mail dated 10 November 2020 to the Biodiversity, Conservation and Science Directorate (BCS) of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage) inviting comments on the following planning proposals:</p> <ol style="list-style-type: none"> 1. Reclassification of Council-owned land in Wilcannia from community to operational, for the purposes of establishing a healthcare centre. 2. Amendment to the land use tables in the Central Darling Local Environmental Plan (LEP) 2012 to rectify administrative errors, clarify permitted land uses for various crown reserves and legalise existing land uses. 3. Rezoning of the Wilcannia Water Treatment Plant site. 4. Amendment to the Central Darling LEP to establish the Wilcannia Heritage Conservation Area, include additional heritage items and make corrections to the existing heritage schedule. 	<p>No comment on other Planning Proposals, on Planning Proposal for reclassification of the land there are some issues to address.</p>
	<p>Samantha Wynn Senior Team Leader Planning North West Biodiversity, Conservation and Science Directorate</p>	<p>Please accept our apologies for the delay in our response. Based on the information provided, BCS has no specific comments to make on proposals two to four above. Regarding the reclassification of Council-owned land, BCS notes that:</p> <ul style="list-style-type: none"> • the site is adjacent to the Darling River and may include the associated riparian vegetation. • the current zoning already permits development on the subject land and no change to that zoning is proposed. • the current architectural designs for the proposed healthcare centre indicate that the buildings will be set back from the riparian vegetation. Some trees in the northern portion of the site appear to have been accommodated in the design. • the planning proposal states that ‘informal’ information indicates the site is flood prone. • further investigation of potential biodiversity and flooding impacts is proposed via the development assessment (DA) process. The LEP contains specific clauses applying to development on river front areas and flood liable land. 	<p>Department of Environment - Planning North West Biodiversity, Conservation and Science Directorate, comments are:</p> <p>Notes the location adjacent to the Darling river and the riparian vegetation.</p> <p>Notes that the current zoning permits the health facility. Comments that the current architectural designs for the healthcare facility setback the buildings from the riparian vegetation.</p> <p>However, notes that some trees and vegetation in the northern portion of the site will be impacted.</p> <p>Notes that the site is flood prone. Requires further investigation at development stage on the impact on the site’s biodiversity and flooding impacts.</p> <p>Requires that the appropriate assessment occurs at DA stage under the EPA Act 1979 in appropriate detail.</p>
	<p>Samantha Wynn Senior Team Leader Planning North West Biodiversity, Conservation and Science Directorate</p>	<p>We assume that the proposed healthcare centre development will consider the requirements under the Environmental Planning and Assessment Act 1979 and BCS’s areas of responsibility (i.e. natural conservation issues) in appropriate detail at the development assessment stage. We recommend the development assessment is informed by a formal flood study to evaluate the risk of flooding based on the 2019 Australian Rainfall Runoff Guideline. If subsequent information indicates that these areas within BCS’s responsibility require further investigation, BCS may provide future input. Please note that as of 1 July 2020 Aboriginal cultural heritage responsibilities previously performed by BCS have</p>	<p>The Department of Environment also requires a formal Flood study to evaluate flooding based on the 2019 Australian Rainfall Runoff Guideline. The Department of Environment may have further input at DA stage.</p>

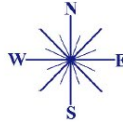
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		<p>been transferred to the Heritage Division of the Department of Premier and Cabinet. Any questions or requests for formal Aboriginal cultural heritage assessment requirements should be directed to heritagemailbox@environment.nsw.gov.au, phone (02) 9873 8500 or mail Heritage NSW, Department of Premier and Cabinet, Locked Bag 5020 Parramatta NSW 2124.</p>	
22	Chris and Bill Elliot written submission	<p>First, we wish to point out that we are not objecting to the construction of a new aboriginal health facility. If the organisation concerned has deemed a new facility is in the best interests of the local community then we are happy to endorse their decision. Our objection is to the proposed reclassification of what is now community land to operational land to allow for the ownership of that land to be transferred to a private organisation, with the unknown risks of future ownership transfers should the initial owner no longer require the site in question.</p> <p>We believe the land in question is unsuitable for the following reasons:</p> <ul style="list-style-type: none"> • A natural drainage area to the river and subject to waterlogging during a high river; • Would block off access to one of the few remaining publicly available Darling River vantage points, regularly used by locals taking less mobile members of the community to view the rising, falling or passing river and associated bird life; • Would severely restrict access by fire brigade in the event of fires in trees or on the river bank; 	<p>Objection to the reclassification of the land due to the following issues. Sale of land to private organisation. Issue with building in natural drainage area to river. Blocking the access to viewing area of weir by residents. Restrict access to river in case of a Bush fire event. Large amount of fill required to level out site. Restrict access to rear of Wilcannia hospital and pumping station. Concern on riverine vegetation.</p>
	Chris and Bill Elliot written submission	<ul style="list-style-type: none"> • The amount of preparation, (land fill), required appears to have been overlooked if expenditure is a factor; • Will restrict access to rear of hospital and to the pumping station for staff and emergency services; • Is one of the very few areas of remnant riverine vegetation still accessible to the public; • As remnant vegetation will the proposed site be subject to a Review of Environmental Factors (REF) or an Environmental Impact Statement (EIS) before any decision is made? <p>There is an alternative being the vacant block beside the old nurse's home, which has been used in the past and is not remnant vegetation. Although we do believe there is a native title claim on this area there are precedents to have access to this land available for aboriginal community uses.</p>	<p>Require an extensive environmental impact assessment report on the impact on the riverine vegetation. Personal opinion on alternative site.</p>
	Chris and Bill Elliot written submission	<p>This block:</p> <ul style="list-style-type: none"> • Requires minimal levelling; • No problems with access for users or emergency services; • Will not impede access to any other area; • Close proximity to the hospital; • Parking will be no problem • Large area allows for future expansion of the facility if the need arises; • Has no large eucalyptus trees that carry limb dropping risks, unlike the proposed site. <p>The police barracks, which were part of a project to give elderly residents independent living, were suddenly subject to a native title claim. We believe that claim is now waived as they are being converted to units for homeless locals. Therefore there should be no problem in waiving another plot of land subject to native title for the construction of a facility deemed essential for local aboriginal health issues.</p> <p>This initial decision seems to be a kneejerk reaction to a rather demanding request, based on "we need it in a hurry and this is what we demand" and has been facilitated by</p>	<p>Personal opinion on alternative site for health facility.</p>

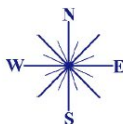
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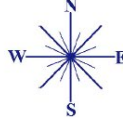
		the Council administration who, without undue disrespect, have not considered the long term use of the land in question by the community over generations and the long term impact of developing this site.	
23	Karen Donaldson written submission.	<p>I have lived in Wilcannia for forty years and I am a long-term patient of Maari Ma, so I was sympathetic when I heard that Maari Ma wants to build its own health facility here. It is certainly much needed.</p> <p>However, I am against the proposal to reclassify the 4 blocks in Bonney Street for this purpose, for the following reasons -</p> <ul style="list-style-type: none"> The site in question is the only area within the town where the riverside land is still in a fairly unspoilt state, with many native trees and shrubs. As such, it is an important piece of natural heritage for the town, which could be enhanced even more by plantings and clean-ups. There is a well-used car track through this area, leading to the only place in Wilcannia where elderly and disabled people can go by car close to the river bank. To my certain knowledge, many townspeople (not only the elderly and disabled) take advantage of this track to get a good view of the river, particularly when it is rising. I often go there myself, for just that reason - it's our only 'lookout'. As such, it's also a place that is potentially valuable for tourism. This site is anything but ideal for Maari Ma's purposes - the lay uneven of the land and its proximity to flood levels means that the building would have to be raised on posts, which would be problematic in a number of ways. The architects themselves didn't regard it as a good site. A good alternative site has been suggested by other town residents - next to the old nurses' quarters at the end of Ross Street. As a site, it has obvious advantages - it's flatter, higher ground, which would be easier in terms of design, construction and access. It is not a site that <p>has had particular local use, and it would seem that if there are Native Title claims on the area, there could be negotiation for this Aboriginal facility to build there.</p> <p>I would like to express my disappointment with both the Central Darling Shire Council and Maari Ma, for allowing this project to go as far as producing detailed architectural plans, before asking for community opinion about the site. It now seems as if we are simply being asked to rubber stamp a proposal which has been ill-considered, and would deprive the community of a treasured piece of community land without providing a facility of the quality we need.</p>	<p>Issue with proposed site impact on vegetation and wildlife. Bonney Street site is used to view the river. The site is uneven and subject to flooding. Personal opinion that the site at Ross Street is a better site..</p>
24	Paul Brown Issue		<p>Has all residents within the conservation area been made aware of the implications of the heritage conservation zone on ability to do works on the buildings.</p>

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			Need to do further consultation with residents on the conservation zone.
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