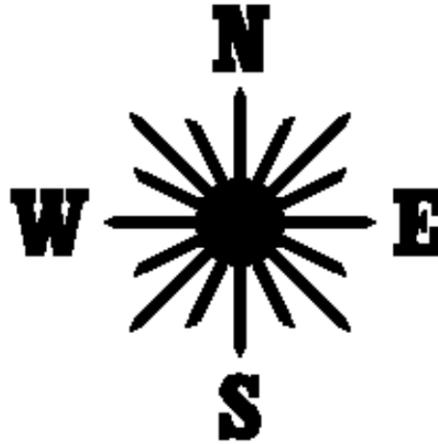


CENTRAL DARLING



SHIRE COUNCIL

ORDINARY COUNCIL MEETING

BUSINESS PAPER

26 FEBRUARY 2020

The Meeting will be held at 9.00am in the
Council Chambers, 21 Reid Street, Wilcannia.

MISSION STATEMENT

To promote the Central Darling Shire area by encouraging development through effective leadership, community involvement and facilitation of services.

RECORDING AND WEBCAST OF COUNCIL MEETINGS

Council meetings are recorded and webcast on Council's website, your attendance and/or input may be recorded and publicly broadcast.

PUBLIC RECORDING PROHIBITED WITHOUT COUNCIL AUTHORITY

A person may only use a recording device, including audio and visual recording and any device capable of recording speech, to record a Council meeting by the resolution of the Council.

A person may be expelled from a Council meeting for having used a recording device without consent.

PHOTOGRAPHY PROHIBITED WITHOUT PERMISSION

Photography is not permitted at a Council meeting without the consent of the General Manager.

PUBLIC FORUM - EXTRACT FROM THE CODE OF MEETING PRACTICE POLICY

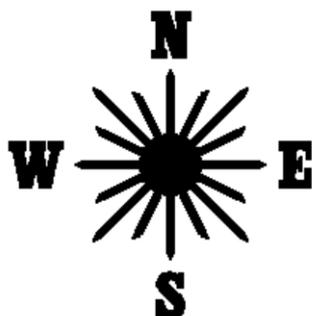
1. The Council may hold a public forum prior to each ordinary meeting of the Council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary Council meetings and meetings of Committees of the Council.
2. Public forums are to be chaired by the Mayor or their nominee.
3. To speak at a public forum, a person must first make an application to the Council in the approved form. Applications to speak at the public forum must be received by same day 8.50am before the date on which the public forum is to be held, and must identify the item of business on the agenda of the Council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
4. A person may apply to speak on no more than two (2) items of business on the agenda of the Council meeting.
5. Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
6. The General Manager or their delegate may refuse an application to speak at a public forum. The General Manager or their delegate must give reasons in writing for a decision to refuse an application.
7. No more than three (3) speakers are to be permitted to speak 'for' or 'against' each item of business on the agenda for the Council meeting.
8. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may request the speakers to

nominate from among themselves the persons who are to address the Council on the item of business. If the speakers are not able to agree on whom to nominate to address the Council, the General Manager or their delegate is to determine who will address the Council at the public forum.

9. If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the General Manager or their delegate may, in consultation with the Mayor or the Mayor's nominated Chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the Council to hear a fuller range of views on the relevant item of business.
10. Approved speakers at the public forum are to register with the Council any written, visual or audio material to be presented in support of their address to the Council at the public forum, and to identify any equipment needs no more than three (3) days before the public forum. The General Manager or their delegate may refuse to allow such material to be presented.
11. The General Manager or their delegate is to determine the order of speakers at the public forum.
12. Each speaker will be allowed five (5) minutes to address the Council. This time is to be strictly enforced by the Chairperson.
13. Speakers at public forums must not digress from the item on the agenda of the Council meeting they have applied to address the Council on. If a speaker digresses to irrelevant matters, the Chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the Chairperson, the speaker will not be further heard.
14. A Councillor (including the Chairperson) may, through the Chairperson, ask questions of a speaker following their address at a public forum. Questions put to a speaker must be direct, succinct and without argument.
15. Speakers are under no obligation to answer a question put under Clause 4.14. Answers by the speaker, to each question are to be limited to three (3) minutes.
16. Speakers at public forums cannot ask questions of the Council, Councillors or Council staff.
17. The General Manager or their nominee may, with the concurrence of the Chairperson, address the Council for up to three (3) minutes in response to an address to the Council at a public forum after the address and any subsequent questions and answers have been finalised.
18. Where an address made at a public forum raises matters that require further consideration by Council staff, the General Manager may recommend that the Council defer consideration of the matter pending the preparation of a further report on the matters.
19. When addressing the Council, speakers at public forums must comply with this code and all other relevant Council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the Council's Code of Conduct or making other potentially defamatory statements.

20. If the Chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in Clause 4.19, the Chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the Chairperson's request, the Chairperson may immediately require the person to stop speaking.
21. Clause 4.20 does not limit the ability of the Chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 14 of this code.
22. Where a speaker engages in conduct of the type referred to in Clause 4.19, the General Manager or their delegate may refuse further applications from that person to speak at public forums for such a period as the General Manager or their delegate considers appropriate.
23. Councillors (including the Mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of an address at a public forum, in the same way that they are required to do so at a Council or Committee meeting. The Council is to maintain a written record of all conflict of interest declarations made at public forums and how the conflict of interest was managed by the Councillor who made the declaration.

CENTRAL DARLING



SHIRE COUNCIL

ORDINARY COUNCIL MEETING

Wednesday, 26 February 2020
9.00am
Council Chambers
21 Reid Street, Wilcannia

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1. OPENING OF MEETING

The Council Meeting will be declared open by the Mayor/Administrator.

2. ACKNOWLEDGEMENT OF COUNTRY

We would like to acknowledge the traditional custodians of this land and pay respects to Elders past and present.

3. APOLOGIES AND LEAVE OF ABSENCE

- Nil

Attachments:

1. <list attachments>

4. 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.

5. CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING – 17 December 2019

Recommendation:

1. That the Minutes of the Ordinary Council Meeting held on 17 December be received and confirmed as an accurate record.

Attachments:

1. [Ordinary Meeting Minutes 17 December 2019](#)

5.2 BUSINESS ARISING

Nil

6. MAYORAL (ADMINISTRATOR) MINUTE(S)

6.1 ADMINISTRATOR REPORT

RECOMMENDATION:

That Council will:

- 1. Receive and note the report.**

REPORT:

REPORT AUTHOR: ADMINISTRATOR
RESPONSIBLE DIRECTOR: GENERAL MANAGER

Good rains in Queensland meant that several tributaries of the Darling River experienced significant flood events. The NSW Water Minister called her Queensland counterpart to place embargoes for the harvesting of water to permit flows into the Darling. I supported this call to give the best chance of flows into the Darling. Not surprisingly Queensland did not respond.

It should be noted that the NSW Minister pre-emptively placed an embargo on NSW landholders with extraction licences from taking low level flows and floodplain harvesting.

The weather event also meant that NSW rivers received falls that led to significant flows and predicted flows could reach Lake Weatherill at Menindee. To the surprise of many, the Minister lifted the embargo to permit floodplain harvesting which caused outrage in the community after so many years of no flow in the Darling.

I immediately contacted the Ministers office to seek an explanation as it appeared that unrestricted harvesting could mean that little water would reach the mid basin. It was confirmed that only certain sub-catchments would be permitted to harvest to protect infrastructure. This was not clear in the original press statement and it was subsequently corrected by amendment to the Order.

I also contacted the MDA Association and a telephone hook-up was held on Thursday between member Councils too discuss the matter. A letter from the Association will be forwarded to the Minister expressing disappointment and poor communication around the decision that caused considerable and unnecessary anxiety in the community. Council on behalf of its community will also write to the Minister.

The issue highlights the need for the state to finalise the Water Sharing plans so that there are open and transparent rules and processes in place around decision. Council has maintained that a connected Darling River to meet human and cultural needs must take priority over irrigation extraction.

7. FINANCIAL REPORTS

7.1 CASH AND INVESTMENTS – DECEMBER 2019

REPORT AUTHOR: MANAGER FINANCE
RESPONSIBLE DIRECTOR: DIRECTOR OF BUSINESS SERVICES

REPORT AUTHOR: MANAGER FINANCE
RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's cash and investments as at 31 December 2019.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:

In accordance with Clause 212 of the *Local Government (General) Regulations 2005*, a monthly report setting out details of all money that Council has invested under Section 625 of the *Local Government Act 1993* is required to be submitted to Council.

Cash and Investment Accounts

Cash & 11am Accounts	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Westpac 11am	\$1,000,000.00	\$3,400,000.00	(\$2,400,000.00)	0.10%	\$180.02	\$2,099.60
Operating Account	\$233,388.53	\$210,138.59	+\$23,249.94	0.01%	\$2.16	\$57.86
Clearing Account	\$NIL	\$17,127.74	(\$17,127.74)			
Total Cash at Bank as at 31 December 2019					\$1,233,388.53	

Restrictions

Restriction Type	Restriction Amount
Internal	\$260,000
External	\$1,565,000
Total Restrictions as at 30 November 2019	
\$1,825,000	

Loan Accounts

Loan Account	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Garbage Trucks	\$382,006.01	\$394,221.68	(\$12,215.67)	3.66%	\$1,230.32	\$8,056.31
Total Loan Liability as at 31 December 2019						\$382,006.01

Attachments

Nil

7.2 CASH AND INVESTMENTS – JANUARY 2020

REPORT AUTHOR: MANAGER FINANCE
RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES

EXECUTIVE SUMMARY:

This report is to provide a summary of Council's cash and investments as at 31 January 2020.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:

In accordance with Clause 212 of the *Local Government (General) Regulations 2005*, a monthly report setting out details of all money that Council has invested under Section 625 of the *Local Government Act 1993* is required to be submitted to Council.

Cash and Investment Accounts

Cash & 11am Accounts	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Westpac 11am	\$620,000	\$1,000,000.00	(\$380,000.00)	0.10%	\$68.90	\$2,168.50
Operating Account	2,487,855.84	\$233,388.53	+\$2,254,467.31	0.01%	\$31.01	\$88.87
Clearing Account	\$16,213.76	\$NIL	+\$16,213.76			
Total Cash at Bank as at 31 January 2020					\$3,124,069.60	

Restrictions

Restriction Type	Restriction Amount	
Internal	\$260,000	
External	\$1,565,000	
Total Restrictions as at 30 November 2019		\$1,825,000

Loan Accounts

Loan Account	Current Month	Last Month	Movement	Interest Rate	Current Month Interest	YTD Interest
Garbage Trucks	\$369,586.65	\$382,006.01	(\$12,419.36)	3.66%	\$1,152.30	\$9,208.61
Total Loan Liability as at 31 January 2020						\$369,586.65

Attachments

Nil

7.3 REPORT PROGRESS TOWARDS SALE OF LAND FOR UNPAID RATES AND OTHER DEBT RECOVERY MEASURES

REPORT AUTHOR: ACTING RATES OFFICER
RESPONSIBLE DIRECTOR: DIRECTOR BUSINESS SERVICES

EXECUTIVE SUMMARY:

Council has previously received a report on outstanding unpaid rates and charges owing to Council and has recognised the need to address this issue. This report serves to inform Council of steps taken to date and proposed through the remainder of the 2019-20 financial period and beyond, to manage down the value of overdue rates and charges. In particular, this report sets out a proposal to proceed with a sale of land for unpaid rates early in the 2020-21 financial year.

RECOMMENDATION:

That Council will:

- 2. Receive the report**
- 3. Note the actions to date and proposed future actions**

BACKGROUND:

Section 713 of the Local Government Act 1993 provides that Council may sell land by public auction where rates and charges remain unpaid for a period of five (5) years or longer.

At the Ordinary Council Meeting held on 27 November 2019 Council resolved to adopt the Debt Recovery Policy. Council had previously resolved to adopt the Economic Hardship Policy at the Ordinary Meeting held on 23 October 2019.

REPORT:

The position in relation to the large overdue rates and charges ratios has been well documented.

In effort to arrest this situation, in February 2018, Council issued approximately 217 letters of demand for overdue rates and charges. This process was facilitated through Council's Debt Recovery Service Provider (DRSP) Executive Collections, which firm is/was capable of pursuing recovery beyond the letter of demand stage if required.

Approximately 65 of these matters were subsequently satisfied by way of full payment of the overdue amounts demanded or through payment arrangements.

The remaining matters have been individually reviewed in the past few months to determine the most effective options to recover or otherwise resolve.

From this review some 130 properties were identified as being more than five years in arrears and therefore eligible for sale for unpaid rates, with that option considered to offer the only avenue for Council to follow for the large majority.

Of note is the large number of owners who are either unlocatable or known/believed to be deceased without heirs. Of the remainder, efforts have been and will continue to be made to contact owners directly in effort to obtain full payment of overdue rates and charges, or to have substantial lump sum reductions made in the short term with sustainable payment

arrangements agreed to for the balance. A number of owners have already entered into payment arrangements and, whilst more matters will be resolved prior to Council receiving a report seeking approval to proceed to sale, it is believed that many owners will simply not have the financial capacity to address their individual arrears position and may possibly even be unable or unwilling to manage payments sufficient to cover their recurring rates and charges responsibilities.

Through this process of contacting owners, several have made applications for relief under Council's Economic Hardship Policy and it is expected at least several others will apply. Staff have identified that the existing Economic Hardship Application lacked questions that would draw out the necessary information about individual owner's capacity to pay either arrears or ongoing rates and charges. Accordingly, a revised application form has been prepared and is now in use as per Attachment 1 to this report.

Due to the high number of properties eligible to be sold for unpaid rates, the workloads involved are beyond the capacity of existing staff resources. As such Council has sought expressions of interest from three (3) DRSPs to facilitate the process in such a way that Council retains an overview of the process and control of key decisions along the way whilst being supported by an appropriately qualified, experienced and capable service provider to handle the volumes of work and the legal and technical aspects of a sale of land process.

As the cost of this process was estimated at less than \$150,000, in accordance with Council's Procurement Policy, in December 2019 expressions were sought from three (3) DRSPs that are approved and listed by Local Government Procurement (LGP) including Council's existing DRSP, Executive Collections.

Having received written proposals, the General Manger has selected Outstanding Collections (Aust) Pty Limited to facilitate the sale of land process on behalf of Council.

As discussed earlier in this report, Council staff will maintain an overview of the process and retain decision making powers regarding a number of key elements, under guidance of Outstanding Collections (Aust) Pty Limited, including:

- Execution of certificates in accordance with S 713 (3) of the LGA
- Selection of a agents and auctioneers
- Determining the place and date that auctions will be held
- Determining the method of adverting NB: Must include publication in the NSW Government Gazette
- Setting of reserve prices
- Approval or rejection of payment arrangements

In principle decisions have already been made by staff regarding key decisions, including that auctions should be held locally, possibly at the Shire's three (3) main centres of Wilcannia, Ivanhoe and Menindee.

It is now expected that Council will receive a report at its Ordinary Meeting on 25 March 2020 recommending the sale of land rates and charges remain unpaid for a period of five (5) years or longer and where it has been determined by staff that recovery of rates through other means is not viable.

There are a number of properties which are not expected to attract any buyer interest or bids at auction or have any prospect of sale by private treaty subsequent to auction. It is appropriate to flag at this point that it will be in Council's best interest to acquire such properties, notwithstanding that there may be no identified use for these within any current

Council policy or plan of management. In Council's ownership, the properties will become exempt from rates and charges with the benefit derived being that no further rates arrears will accrue.

S 716(3) provides that Council may purchase land at auction but not by private treaty. At an appropriate time prior to auction (possibly June 2020), Council will receive a report recommending that the General Manager being authorised to bid at auction, on behalf of Council, for any properties which otherwise fail to sell at auction and for which there is little or no prospect of a sale by private treaty subsequent to auction.

Timeline of the sale of land process

The following table sets out the high-level timeline of the proposed sale of land process.

25 March 2020	Report recommending the sale of land to be made to Council's Ordinary meeting. Proposed auction dates and locations will be included in this report.
25/26 March 2020	Signing of certificates in accordance with S 713 (3) of the LGA
April 2020	Interested parties notified and advertising of auction dates and locations.
June 2020	Report to Council seeking approval for the General Manager to purchase at auction.
July 2020	Auctions held.
September 2020	Settlement of sales.
Monthly	Progress reports or briefings to be provided to Council.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

No direct link however the sale of land process underpins Council's financial sustainability through the collection of overdue rates and charges, crystallisation of existing arrears and bringing to account existing bad debt exposures. The process is also expected to provide a foundation for future debt collection strategies through increased public awareness of the importance of contributing to the community through the timely payment of rates and charges.

Delivery Outcome

None except as explained at the above paragraph.

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Nil	Nil
Environmental	Nil	No environmental impacts
Economic	Improve cashflow Crystallise Bad Debt exposure	Nil
Governance	Nil	Nil

Financial and Resource Implications:

There will be costs incurred through the sale of land process that will not be recoverable from many individual land sales due to rates, charges and costs of sale exceeding the expected net sale proceeds.

An initial assessment suggests an increase in Council's Doubtful Debt exposure of \$595,000 (from \$630,000 to \$1,225,000) will be necessary to cover these potential losses.

Additionally, a budget provision for the estimated expenditure of \$167,000 in conducting the proposed sale of land process is required. To cover the potential cost of Council acquiring land at auction, it is appropriate to make a further budget provision of \$147,000 for this expenditure, including conveyancing costs.

These items are addressed in the Quarterly Budget Review for the period ended 31 December 2019.

Policy, Legal and Statutory Implications:

- Local Government Act 1993
- Procurement Policy

Risk Management – Business Risk/Work Health and Safety/Public:

The sale of land process is a key component for reducing existing and future business risk through the improvement of Council's cash flow.

It can be expected that some adverse and possibly threatening responses may be forthcoming from ratepayers whose land is identified for and subsequently put to auction. This risk can be largely managed through the engagement of the DRSP who has a proven track record in managing sale of land processes. Additionally, this risk can be mitigated through positive communications into the community explaining that payment of rates and charges is both a legislative responsibility and a means through which community members can contribute to the betterment of the community as a whole.

OPTIONS:

None that are viable or that would address the ongoing and growing outstanding rates position.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition

The proposed sale of land has been discussed internally with the key stakeholders.

External Exhibition

The proposed sale of land process will be advertised in the NSW Government Gazette (as required under the Local Government Act 1993) and appropriate local media and on Council's website.

Additionally, direct communications with affected ratepayers will occur in the coming months (where such direct contact is possible).

Financial and Resource Implications:

Monitoring of the Quarterly Budget Review enables timely financial management.

Policy, Legal and Statutory Implications:

Clause 203 (1) of the Local Government (General) Regulation 2005 requires Council's Responsible Accounting Officer to prepare and submit a quarterly budget review statement to the governing body of Council.

Risk Management – Business Risk/Work Health and Safety/Public:

Quarterly reporting allows Council to keep informed of the progress of the budget to actual income and costs.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Nil

Attachments

[3. Quarter 2 – Quarterly Business Review Statement](#)

7.5 AMENDMENT TO THE FEES AND CHARGES – WHITE CLIFFS OPAL PIONEER CARAVAN PARK

REPORT AUTHOR: DIRECTOR BUSINESS SERVICES
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of this report is to provide Council with information relating to increasing fees and charges associated with White Cliffs Opal Pioneer Caravan Park.

RECOMMENDATION:

That Council will:

- 1. Receive and adopt the draft changes to the current fees and charges and place these changes on Public Exhibition for a period of 28 days;**
- 2. Report to Council following completion of the Public Consultation Period on all submissions.**

BACKGROUND:

The White Cliffs Opal Pioneer Reserve Caravan Park is operated by a s355 committee of Council.

The existing Fees and Charges have not been reviewed for some years.

The committee at its January 2020 Annual General Meeting discussed the option to increase the fees to be in line with the Victory Park Caravan Park and a regular increase.

The proposed changes to the adopted fees and charges are tabled below:

Fee	Unit	2019/20 Charge	Unit	Proposed
Unpowered Campsite	Daily	\$15.00	Daily	\$20.00
		\$5.00 per Additional Person		\$5.00 per Additional Person
Power Site	Daily	\$20.00	Daily	\$25.00
		\$7.00 per Additional Person		\$5.00 per Additional Person

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

GOAL: 4 A consultative and professional Council providing relevant, attainable and efficient delivery of services

Delivery Outcome

OBJECTIVE: 4.2 Efficient and effective services

SUSTAINABILITY ASSESSMENT:

Financial and Resource Implications:

Increased revenue for the White Cliffs Opal Pioneer Reserve Caravan Park.

Policy, Legal and Statutory Implications:

Section 502 of the Local Government Act 1993.

Risk Management – Business Risk/Work Health and Safety/Public:

Ensures the appropriate fees are charged for the provisions of goods and services.

OPTIONS:

Nil

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Public Exhibition of Draft Fees for a period of 28 Days.

Consultation with the White Cliffs Community Association, Section 355 Committee

Attachments

4. [Minutes of the White Cliffs Community Association - Annual General Meeting January 2020](#)

8. GOVERNANCE REPORTS

8.1 PUBLIC CONSULTATION FOR NO SMOKING POLICY

REPORT AUTHOR: GENERAL MANAGER
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of this report is to seek the endorsement for the public consultation of the No Smoking Policy.

RECOMMENDATION:

That Council will:

- 1. Receive the report; and**
- 2. Resolve to publicly exhibit the No Smoking Policy for 28 days.**

BACKGROUND:

This policy applies to all Council premises and public spaces where Council workers and others may work or be potentially put at risk from harmful effects of smoking.

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017
- Smoke Free Environment Act 2000
- Guidance materials from NSW Health for the management of smoke free workplace environment

REPORT:

Central Darling Shire Council

- is committed to providing employees with a safe, healthy and supportive environment in which to work.
- recognises that the health and wellbeing of our employees are important.
- is committed to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged.
- safeguard employees, customers and visitors from the harmful effects of tobacco smoke.
- provide smoking cessation support to employees wanting to stop smoking.
- this policy reinforces CDSC's commitment to reducing the harm caused by tobacco smoke in public places.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

GOAL 1: Enhanced Public Order and Safety

Delivery Outcome

OBJECTIVE 1.1: Closer cooperation and cohesion between community groups.

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Promote a smoke free environment throughout the Shire liaising with appropriate local health services.	
Environmental	Tobacco products negatively impact and damage our environment . Cigarette butts are not just a nuisance, they are toxic waste. They contain chemicals that contaminate our waterways and ground soil and harm our wildlife. Discarded lit cigarettes can cause fires, which can damage homes and land.	
Economic	Smoking costs Australia close to \$137 billion. Intangible costs of smoking – including lost quality of life from living with a serious illness – are estimated to be almost \$118 billion per year. A smoke-free workplace not only improves the health of those who smoke, but will increase productivity, decrease absenteeism and protect employees from being exposed to second-hand smoke.	
Governance	This policy sets out how the Central Darling Shire council principles that guide the Councils Management of smoking by employees, contractors and visitors to the Council. This includes the requirement to comply with Federal and State legislation as well as NSW Local Government by-laws and policies.	

Financial and Resource Implications:

There are no financial implications in adopting the No Smoking Policy. However, there may be financial impact when Council comes to implement the No Smoking Zones in depots.

Policy, Legal and Statutory Implications:

The No Smoking Policy is be placed on public exhibition for a period of 28 days in accordance to the *Local Government Act 1993*, Section 160. Council then consider any community comment before considering the adoption of the proposed Policy within 42 days of ceasing public consultation.

Risk Management – Business Risk/Work Health and Safety/Public:

The purpose for the Policy is to work in conjunction with local associations No Smoking Policies. Tobacco smoking is a leading cause of death and illness in NSW. Tobacco smoking harms almost every organ in the body.

Employers have to protect their workers from carcinogens and other hazards. Introduction of a No Smoking Policy can also enhance productivity and reduce absenteeism of both smokers and non-smokers.

OPTIONS:

A Smoke-Free workplace is a potential option.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition

Discussion will be held at MANEX level as to how this will impact them and their staff.

External Exhibition

The No Smoking Policy to be placed on public exhibition following the September Council meeting for a period of 28 days.

Attachments

[5. No Smoking Policy](#)

8.2 PUBLIC CONSULTATION FOR ALCOHOL AND OTHER DRUGS POLICY

REPORT AUTHOR:	GENERAL MANAGER
RESPONSIBLE DIRECTOR:	GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of this report is to seek the endorsement for the public consultation of the Alcohol and Other Drugs Policy

RECOMMENDATION:

That Council will:

1. **Receive the report; and**
2. **Resolve to publicly exhibit the Alcohol and Other Drugs Policy for 28 days.**

BACKGROUND:

As Council is aware, staff are undertaking a review to remove, introduce, replace and update policies which are outdated, not applicable or covered by legislation.

As part of this ongoing improvement, Council is introducing a Alcohol and Other Drugs Policy.

REPORT:

The objectives of the Alcohol and Other Drugs Policy is to provide a framework to minimising the harm to members of the Council workforce and the wider community associated with the use of alcohol and other drugs and to provide the community with a responsible model of behaviour. CDSC recognises that the inappropriate use of alcohol and other drugs can adversely affect workplace safety, performance, working relationships and can significantly contribute to absenteeism and reduced moral.

While carrying out this responsibility, Council will:

- Treat all people fairly and consistently under this Policy;
- Treat all matters under this Policy confidentially; and
- Treat people with respect and sensitivity in considering their circumstances.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

GOAL 1: Enhanced Public Order and Safety by promoting and in conjunction with other agencies, promote development of alcohol and other drugs that focus on healthier and safer worksites and communities.

Delivery Outcome

OBJECTIVE 4.3: Skilled and Informed Councillors and Staff

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Promote good safety culture throughout the Shire in supporting staff through training	
Environmental		No environmental impacts.
Economic	Reduce absenteeism and improve production	
Governance	Promote best practice which is seen to be transparent and fair when dealing with staff.	

Financial and Resource Implications:

The implementation of the Alcohol and Other Drugs Policy is funded by an annual Government Work Health and Safety Grant.

Policy, Legal and Statutory Implications:

The Alcohol and Other Drug Policy be placed on public exhibition for a period of 28 days in accordance to the *Local Government Act 1993*, Section 160. Council then consider any community comment before considering the adoption of the proposed Policy within 42 days of ceasing public consultation.

Risk Management – Business Risk/Work Health and Safety/Public:

The purpose for the Policy is to apply alcohol and drug screening to all Central Darling Shire Council Mangers, Directors, Engineers, workers, office staff, volunteers, work experience persons, contractors, sub-contractors, their employees and delegates of Council.

This policy also applies to pre-employment screening of potential employees.

OPTIONS:

There are no alternative options.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:**Internal Exhibition**

Discussion will be held at MANEX level as to how this will impact them and their staff.

External Exhibition

The Alcohol and Other Drug Policy to be placed on public exhibition following the February Council meeting for a period of 28 days.

Attachments

6. [Draft Alcohol and Other Drugs Policy](#)

8.3 DUAL NAMING THE DARLING RIVER AS BAAKA

REPORT AUTHOR:	GENERAL MANAGER
RESPONSIBLE DIRECTOR:	GENERAL MANAGER

EXECUTIVE SUMMARY:

The purpose of this report is to inform Council and decide whether to endorse dual naming the Darling River as Baaka.

RECOMMENDATION:

That Council will:

1. **Receive the report**

2. That a letter be sent to Geographical Names Board (GNB). The letter will address Council position and raise issues about the dual naming Darling River as “Baaka” with the following comments:
3. Council supports dual naming
4. Council is concerned of the proposed name “Baaka” to be used and request Geographical Names Board to further investigate if the accuracy and the definition is correct.
5. Geographical Names Board to investigate by public consultation what section of the Darling River to be dual named.
6. Geographical Names Board continue to keep Council informed on further progress in the dual naming the Darling River.

BACKGROUND:

The Geographical Names Board was seeking community comment on a proposal by the Barkindji Native Title Group Aboriginal Corporation to dual name the Darling River as Baaka. The Board accepting submissions between 18 December 2019 to 28 January 2020.

Advertisements by Geographical Names Board seeking community comment were placed in the Koori Mail, Bourke Western Herald, Broken Hill Barrier Daily Truth and the Sunraysia Daily. A media release was sent to these publications as well as to Broken Hill ABC radio, 2WEB radio, 2BH Broken Hill radio, Wilcannia FM and Wilcannia News. This was supported with information published on the Geographical Names Board website and an online portal to make submissions. Flyers seeking feedback on the proposal were sent to Bourke Shire Council, Central Darling Shire Council and Wentworth Shire Council, to be distributed in community. Correspondence was sent to the following stakeholders seeking feedback on the proposal: Bourke Shire Council, Central Darling Shire Council, Wentworth Shire Council, National Parks and Wildlife Services, Nulla Nulla Local Aboriginal Land Council (LALC), Dareton LALC, Menindee LALC and Wilcannia LALC.

Since June 2001, the NSW government has supported a dual naming policy for geographical features and cultural sites. Where a feature has a non-Aboriginal name, an Aboriginal name can be assigned. This will sit alongside the non-Aboriginal name, each part having equal status. Assigning a place name under the Geographical Names Act 1966 does not impact other legislation or change rights or responsibilities of the feature.

REPORT:

Since closing of public comment, Council was fortunate to receive from Geographical Names Board the submission and details made by individuals. Council has been asked this information remains confidential and only be used by Council in determining our position for the dual naming.

In total, Geographical Names Board received 74 submissions:

- 54 were in support for dual naming the Darling River as Baaka
- 20 in objected the dual naming the Darling River as Baaka

There were 10 submission identified from Central Darling Shire Council, 5 were for dual naming and 5 against dual naming. Most likely, there are property owners not being residents in the shire or previous residents that would have submitted their comments “either for or against” the dual naming, which cannot be identified.

From all the comments received, there were several comments that particularly noticeable and was repeated. The Indigenous place naming such as the Baaka Darling River is imperative for both Indigenous and non-Indigenous people of Australia. However, in the past few decades, the name Baaka has more so become relevant to European culture. There is

different spelling and meanings for river (Baaka vs Paaka) and some confusion around Barkendji and Paakantji names. The Geographical Names Board is suggesting that the entire length of the Darling River be dual named. There is considerable commentary in the submissions where the dual naming should start and finish along the Darling River.

Australian Bureau of Statistics indicates just under half of Central Darling Shire Council identify themselves aboriginal (1,833-725). Wilcannia’s population of 745 consist of 409 who identify themselves aboriginal. Menindee population of 551 consist of 188 who identify themselves as aboriginal.

Whilst there is considerable support for dual naming, there’s several matters that the Geographical Names Board will need to further consider- where will the dual naming start and end, the correct name to be used, and its definition reflects the cultural meaning for the river.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

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

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.

Delivery Outcome

OBJECTIVE 1.3-Enhanced community spirit, cultural and arts awareness and pride

OBJECTIVE 4.1-Effective communication and consultation with Shire communities

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Promoting culture awareness throughout the Shire.	Nil
Environmental	Nil	No Environmental impacts
Economic	Nil	Nil
Governance	Promote best practice which is seen to be transparent and fair when dealing with residents and businesses.	Nil

Financial and Resource Implications:

There are no financial implications.

Policy, Legal and Statutory Implications:

No legislative implications.

Risk Management – Business Risk/Work Health and Safety/Public:

No immediate risk known

OPTIONS:

Final decision for dual naming Darling River as Baaka will not be Council's.

COUNCIL SEAL REQUIRED:

No

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition

Not required

External Exhibition

Assisted Geographical Names Board with distribution of flyers

Attachments

- [7. Flyer - Have you say on a proposal to dual name the Darling River as Baaka](#)

8.4 CORRESPONDENCE RECEIVED TABLED FOR INFORMATION

REPORT AUTHOR:	GENERAL MANAGER
RESPONSIBLE DIRECTOR:	GENERAL MANAGER

EXECUTIVE SUMMARY:

Recent correspondence received by the General Manager has been tabled as public information.

RECOMMENDATION:

That Council will:

- 1. Receive and note the report**

REPORT:

David Littleproud MP -Establishment of Fish Hatchery at Menindee, Council has advised that funds up to \$100,000 to enable the Native Fish Hatchery Working Group to undertake a Scoping Study. A Request for Quote (RFQ) has since been prepared by the Working Party and sent out to potential consultants for their response.

Drought Communities Programme- Water Security Projects for Central Darling Shire Council; application has been successful. Council will receive \$1m to undertake a variety of projects throughout the Shire:

- \$150,000-Minor Community Projects and Grants valued up to \$15k
- \$150,000- Street Lighting LED upgrades to all towns
- \$250,000 -Tilpa Village Bore, (drilling, pump, electrical & pipeline)

- \$50,000 -Wilcannia Pump Station inlet pumps electrical upgrade
- \$75,000 -Wilcannia Sewer Pump Stations electrical upgrade
- \$325,000-Installation of 5 Bores throughout the Shire for the supply of water for road construction

All projects will need to be completed by 31 December 2020. A media release will be prepared and sent out to all media outlets following February Council meeting advising the minor community projects and grants are now available, valued up to \$15k.

Visionstream- Critical Communications Enhancement Program in Central Darling Shire LGA. The correspondence provides Council with a status update on the detailed design of specific radiocommunications sites. Visionstream is acting on behalf of the NSW Telco Authority in respect to the detailed design of the Critical Communications Enhancement Program (CCEP) across the NSW Western Region, for the design to enhance Government Radio Network (GRN). Six (6) sites have been proposed to be upgraded /installed as part of the enhancement of GRN in the Shire and another six (6) to be confirmed later.

Letter from the Barkandji Native Title Group Aboriginal Corporation to Minister for Water, Property and Housing, The Hon M.J Pavey MP. The letter is a result of motion carried from River Forum meeting held at Menindee that *“there be no further negotiations around the Sustainable Diversion Limits (SDL) project until there are guaranteed operational flows back to the Darling Baaka River”*

Attachments

8. [David Littleproud MP - Establishment of Fish Hatchery at Menindee](#)
9. [Drought Communities Programme - Water Security Projects for Central Darling Shire Council](#)
10. [Visionstream - Critical Communications Enhancement Program in Central Darling Shire LGA](#)
11. [Barkandji letter to Minister Pavey](#)

8.5 MEETINGS AND WORKSHOPS ATTENDED BY THE GENERAL MANAGER

REPORT AUTHOR: GENERAL MANAGER
RESPONSIBLE DIRECTOR: GENERAL MANAGER

EXECUTIVE SUMMARY:

The information provided is meetings and workshops which the General Manager has attended up to February’s Council meeting. The report excludes staff meetings and other confidential discussions that the General Manager has been involved.

RECOMMENDATION:

That Council will:

1. **Receive and note the report**

REPORT:

Friday 8 January -	Worked from Menindee Office
Monday 13 January -	White Cliffs Community Association AGM
Tuesday 14 January -	Wilcannia Weir- (Land Zoning discussions) Industry NSW (Teleconference)- Ivanhoe and Wilcannia Water Treatment Plants Funding
Wednesday 15 January -	Wilcannia Men's Hub Office of Sport NSW, Mark Norton (Wilcannia) Menindee Water User Group AGM
Thursday 16 January -	Worked from Ivanhoe Office
Monday 20 January -	Designation NSW (Teleconference) Media Campaign
Tuesday 21 January -	Transport NSW (Teleconference) Pooncarie Road Indigenous Involvement Water NSW (Teleconference) – water issues at Menindee
Thursday 23 January -	Roy Butler MP & Menindee Water User Group - water security for Menindee
Thursday 23 January -	Office of Local Government visit to Wilcannia
Friday 24 January -	Far West Joint Organisation Board Meeting (Teleconference) David Clarke (Wilcannia) – raising concern of social issues Department of Premier and Cabinet (Teleconference)
Sunday 26 January -	Australia Day Awards Presentation -Ivanhoe and White Cliffs
Tuesday 28 January -	Menindee Regional Tourism Association meeting
Wednesday 29 January -	Menindee Native Fish Hatchery Working Group meeting Public Works Advisory NSW (Teleconference)- White Cliffs Water Treatment Plant
Tuesday 4 February -	West Darling Arts (Wilcannia) Infrastructure NSW (Teleconference)- White Cliffs Water Treatment Plants
Friday 7 February -	Barkandji Healthy Country Plan Workshop (Wilcannia)
Monday 10 February -	Barkandji PCB Health of the River System Forum #2 (Menindee)
Wednesday 12 February -	Ivanhoe Correctional Centre Closure site visit

- Thursday 13 February -** Baaka Project Control Meeting (Wilcannia)
- Friday 14 February -** Far West Joint Organisation Tourism Committee Meeting (Teleconference)
- Monday 17 February -** RDA Far West Committee Meeting (Broken Hill)
- Tuesday 18 February -** Menindee Small Business Development discussion
- Wednesday 19 February -** SDL Menindee Lakes (Pooncarie)
- Thursday 20 February -** meeting with Office of Local Government (Wilcannia)
Central Darling Shire Council Local Traffic Committee (Wilcannia)
- Monday 24 February -** Designation NSW (Teleconference) Media Campaign
- Tuesday 25 February -** Wilcannia Weir Project-Brenan O'Neil (Wilcannia)

Attachments

Nil

9. CORPORATE SERVICES REPORTS

10. SHIRE SERVICES REPORTS

10.1 2019 PROPOSED PLANNING PROPOSALS TO AMEND THE CENTRAL DARLING LOCAL ENVIRONMENT PLAN 2012 PROJECT – PROJECT REPORT

REPORT AUTHOR: INSPECTIONS OFFICE / EHO
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is for Council to become informed of the current progress and time frames for the planning proposals to amend the Central Darling Local Environmental Plan 2012 – Progress Report for February 2020.

RECOMMENDATION:

That Council will:

- 1. Receive the three planning proposals.**
- 2. Acknowledge the progress of the three planning proposals to amend the Central Darling Local Environmental Plan 2012.**
- 3. Forward the planning proposals to the Department of Planning requesting a Gateway determination in accordance with Sections 3.33 and 3.34 of the Environmental Planning and Assessment Act 1979.**
- 4. Request that the Minister for Planning, Industry and Environment exercise the plan making powers under Section 3.34 of the Environmental Planning and Assessment Act 1979 to amend the Central Darling Local Environmental Plan 2012.**
- 5. Acknowledge that the planning proposal for the Wilcannia Heritage Conservation Area and additional heritage items be sent to the Department of Planning, Industry and Environment requesting Gateway Approval.**
- 6. Acknowledge that the planning proposal for the rezoning of land from residential (R1 zone) to infrastructure (SP1 zone) for the Wilcannia Water Supply treatment facility will be submitted to the Department of Planning, Industry and Environment requesting Gateway approval.**
- 7. Acknowledge that the Planning Proposal to amend the Central Darling Local Environmental Plan 2012, for changes to the Land Use table in relation to Crown Reserve Lots will be submitted to the Department of Planning, Industry and Environment requesting Gateway approval.**
- 8. Acknowledge that the Planning Proposals will be submitted to Council and then to the Department for Gateway Approval in late February 2020.**

The time frames for the completion of the Planning Proposals and reporting the projects to Council and submission for Gateway determination is dependent on the response and approval from the Department of Planning, Industry and Environment and Heritage NSW.

BACKGROUND:

Central Darling Shire Council endorsed MB Town Planning Pty Ltd to commence the Heritage Conservation Planning Proposal on 27 July 2018. The rezoning of the land for the Wilcannia Water Treatment Facility planning proposal was commenced on 17 July 2019. The planning proposal for amending the Central Darling Local Environmental Plan 2012 land use table is a result of the Crown Reserve Plan of Management project, this amendment is to correct errors and enable the legal use of the Crown Reserves lots as community land or other land uses.

The three planning proposals are:

1. planning proposal to amend the Central Darling Local Environmental Plan 2012 for the proposed Wilcannia Heritage Conservation Area – and additional heritage items.
2. planning proposal to allow for the replacement of the Wilcannia Water Treatment Plant by rezoning the land R1 General Residential zone to Zone SP2 Infrastructure.
3. planning proposal to amend the Central Darling Local Environmental Plan 2012 is a result of the issues identified with certain lots by the Crown Reserves Plan of Management Project. The planning proposal to amend the CDLEP 2012 commenced 27 July 2019.

REPORT:

Project Timeframe

Planning Proposal 1- Planning Proposal to amend the Central Darling Local Environmental Plan 2012 for the proposed Wilcannia Heritage Conservation Area – and additional heritage items.

- Project commenced **27 July 2018**.
- First Draft of Planning Proposal sent to Central Darling Shire Council- **28 August 2018** for review.
- Recommended project - **12 July 2019**.
- Summary of Draft Planning proposal sent to Department of Planning, Industry and Environment- **17 July 2019**.
- Obtained agreement to continue with the three Draft Planning Proposal Reports from Department of Planning, Industry and Environment – **July 2019**.
- Draft Planning Proposal Heritage Conservation area and additional Heritage Items sent to Department of Planning, Industry and Environment for review - **14 August 2019**.
- Draft Planning Proposal sent to NSW Heritage for review and comments - **15 August 2019**.
- Response received from NSW Heritage advised that their comments would be delayed until - **18 October 2019**.
- Response received from NSW Heritage regarding required consultation and approval to be requested from Property NSW and Department of Justice (Attorney General) for the proposed State listing of Heritage items – Wilcannia prison and police station and Court house - **18 October 2019**.
- NSW Heritage assessment officer Nicole Secombe requesting an updated Heritage planning proposal to review and comment upon - **19 November 2019**.
- Follow up discussion with NSW Heritage on progress of Planning Proposal - **2 December 2019**.
- Response from Attorney General's office regarding the proposed State Heritage listing of the Police Station and Court house - **21 January 2020**.
- Report to Council with draft planning proposal - **February 2020**.
- Submit the planning proposal to the Department of Planning, Industry and Environment for a Gateway determination - **February 2020**.

Planning Proposal 2 - Planning Proposal to amend the Central Darling Local Environmental Plan 2012 for the rezoning of 16– 34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure.

- Summary of Draft Planning proposal sent to Department of Planning, Industry and Environment - **17 July 2019**.
- Project commenced - **27 July 2018**.
- First Draft of Planning Proposal sent to Central Darling Shire Council -**28 August 2018** for review.
- Recommended project - **12 July 2019**.
- Draft Planning Proposal sent to Department of Planning Industry and Environment for review - **14 August 2019**.
- Decision by Department of Planning, Industry and Environment to align this planning proposal with the other two planning proposals, for the change in zoning for the Wilcannia Water Treatment plant and to amend the land use table regarding the Crown Reserve Lots (planning proposals 2 and 3) **August 2019**.
- Report to Council with draft planning proposal - **February 2020**.
- Submit the planning proposal the Department of Planning, Industry and Environment for a Gateway determination - **February 2020**.

Planning Proposal 3 - Planning Proposal to amend the Central Darling Local Environmental Plan 2012 for amendments to the Land Use table in relation to Crown Reserve Lots.

- Summary of Draft Planning proposal sent to Department of Planning, Industry and Environment - **17 July 2019**.
- Project commenced - **12 September 2019**.
- Project delayed due to changes to land category for Crown Reserve Lots (Part of the Crown Reserves Plan of Management Project) **September/ October 2019**.
- Confirmation from Department of Planning Industry and Environment - **15 November 2019** to have a separate Planning Report for this amendment to the Central Darling Local Environmental Plan.
- Draft Planning Proposal submitted to Council – **20 December 2019**.
- Report to Council with draft planning proposal - **February 2020**.
- Submit the draft planning proposal the Department of Planning, Industry and Environment for a Gateway determination - **February 2020**.

Note: The Planning Proposal for the amendment to the Land Use table was delayed due to the various changes to the Crown Reserve Plans of Management Project deliverables.

STAGE DATE

To be determined following the assessment of the planning proposal by Council and the determination of the gateway process.

The anticipated project timeline for all three planning proposals is as follows, whilst noting that is it only an estimate and depends on factors outside of the control of the proponent:

- | | |
|--|---------------------|
| • Submit draft planning proposals for review | 20 December 2019. |
| • Report to Council | February 2020 |
| • Request Gateway determination | February/March 2020 |
| • Receive gateway determination | April 2020 |
| • Public exhibition | May 2020 |

- Consider submissions and make final report June 2020
- Submission to Planning for Parliamentary Counsel July/ August 2020
- Planning proposal is made August 2020

a) Policy Implications

The Crown Reserve Plan of Management project has resulted in the planning proposal to modify the land use table by adding the current land uses to the Central Darling Local Environmental Plan 2012 (CDLEP 2012). This amendment is due to the current and historic use of various Crown Reserve Lots being a prohibited land use within the current Central Darling Local Environmental Plan 2012.

The amendment to the land use table of the Central Darling Local Environmental Plan 2012 is to correct errors in the land use table when the CDLEP 2012 was made in 2012.

b) Financial Implications

Planning Proposal – Wilcannia Conservation Area

Project estimated budget \$10,710.00 for Stage 1 preparation of planning proposal and submission to the Department of Planning and Heritage NSW.

Stage 1 – completed
 Stage 2 – commenced
 Stage 3 – Not commenced

50% Deposit paid 18 November 2019

Planning Proposal – Water Treatment Facility and amendment to the land use table

Project estimated budget \$14,910.00.

Stage 1 – completed
 Stage 2 – commenced
 Stage 3 – Not commenced

50% Deposit paid 23 September 2019

c) Legal Implications

Approval for the proposed addition of the Wilcannia Heritage Conservation Area must be obtained from landowners. This is in addition to consultation with the NSW Aboriginal Land Council to determine if any of the land is affected by “Native Title Land Claim”. This is to avoid future legal issues with the Wilcannia Conservation Area affecting the subject lots in the proposed heritage conservation areas.

d) Community Consultation

Following the approval through the Local Environmental Plan Gateway process at the Department of Planning, Industry and Environment, the community consultation /exhibition of the planning proposals will commence for a period of 28 days. (April/ May 2020).

Attachments

[12. planning proposal to amend the Central Darling Local Environmental Plan 2012 for the proposed Wilcannia Heritage Conservation Area – and additional heritage](#)

items.

13. planning proposal to allow for the replacement of the Wilcannia Water Treatment Plant by rezoning the lot from R1 General Residential zone to Zone SP2 Infrastructure.

14. Planning proposal is to amend the Central Darling Local Environmental Plan 2012 (CDLEP2012) to clarify permitted land uses for various Crown Reserves within the Central Darling Local Government area. And to rectify administrative error within the Local Environmental Plan permitted land uses within certain land use zones.

10.2 2019 CDSC LOCAL STRATEGIC PLANNING STATEMENT – PROGRESS REPORT

REPORT AUTHOR: INSPECTIONS OFFICER/ EHO
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is for Council to consider the 2019 CDSC Local Strategic Planning Statement and pending approval place the LSPS on public exhibition for a period of 28 days.

RECOMMENDATION:

That Council will:

- 1. Receive the report**
- 2. Council consider the LSPS, and if concurrence place the LSPS on Public Exhibition for comment for a period of 28 days.**
- 3. After consideration of any submissions received during the public consultation period, Council amend if deemed necessary, and ultimately the LSPS at the following Council meeting in April.**

BACKGROUND:

CDSC has received valuable assistance in the preparation of the CDSC LSPS from the NSW Department of Planning, Industry and Environment commencing from the 26th June 2019.

REPORT:

CDSC LSPS Chronology of Preparation

March 2018 – Amendments to the Environmental Planning and Assessment Act 1979, introducing new requirements for Councils to make a Local Strategic Planning Statement.

- 20-year vision for land use in the local area
- Special Characteristics which contribute to local identity
- Shared community values to be maintained and enhanced
- How growth and change will be managed into the future

8th February 2019 – NSW Department of Planning, Industry and Environment put out sample guidelines to how Local Governments could develop a LSPS.

26th June 2019 – Representatives from the NSW Department of Planning, Industry and Environment, visited Wilcannia to assist with the gathering of information aimed at assisting the CDSC to prepare a LSPS.

23rd July 2019 – Meeting between NSW Department of Planning, Industry and Environment and CDSC staff to discuss a draft LSPS prepared on the behalf of CDSC by DPE.

3rd December 2019 – Final draft CDSC LSPS document sent to Council following inclusion of relevant comments.

LINKS TO THE COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM AND OPERATIONAL PLAN:

Community Strategic Plan Outcome

GOAL 2: A strong regional economy supported by developing industries, strong businesses and increased employment

GOAL 3: A protected and supported natural environment and a sustainable and well-maintained built environment.

Delivery Outcome

OBJECTIVE: 2.1 Expansion of industries and growth in businesses

OBJECTIVE: 2.2 Employment growth

OBJECTIVE: 3.4 Improved infrastructure across the Shire

SUSTAINABILITY ASSESSMENT:

	Positive	Negative
Social	Consultation and community involvement	Nil
Environmental	Nil	Nil
Economic	Increase in economic growth through creation of business opportunities	Nil
Governance	Provides sound and robust governance throughout the Shire	Nil

Financial and Resource Implications:

The Local Strategic Planning Statement was prepared by the NSW Department of Planning Industries and Environment at no cost to Council. There may be future financial implications as part of the furtherment and implementation of the LSPS.

Policy, Legal and Statutory Implications:

In March 2018 changes were made to the Environmental Planning and Assessment act requiring Local Governments to prepare a LSPS

Risk Management – Business Risk/Work Health and Safety/Public:

NIL

OPTIONS:

NIL

COUNCIL SEAL REQUIRED:

NO

COMMUNITY ENGAGEMENT AND COMMUNICATION:

Internal Exhibition

To Council for consideration and comment

External Exhibition

Pending Councils approval of the LSPS (with or without amendment) that the document be publicly advertised for a period of no less than 28 days.

Attachments

[15. Draft Local Strategic Planning Statement](#)

10.3 2019 CROWN RESERVES PLAN OF MANAGEMENT PROJECT – PROGRESS REPORT

REPORT AUTHOR:	INSPECTIONS OFFICER/ EHO
RESPONSIBLE DIRECTOR:	DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to inform Council of the current progress of the Crown Reserves Plan of Management Project.

RECOMMENDATION:

That Council:

- 7. Receives the report**
- 8. Acknowledges the progress of the Crown Reserve Plan of Management Project.**
- 9. Acknowledges that Stage 2 of the Crown Reserve Plan of Management of the Project has commenced.**
- 10. Acknowledges that the community/public consultation period will occur when the Plans of Management for the Crown Reserves have been approved by Council and the Department of Planning, Industry and Environment – Council Crown Land Management Team. The public consultation is Stage 3 of the Crown Reserve Plan of Management Project.**
- 11. The time frames for the completion of the Crown Reserve Plan of Management Project will be dependent on the response and approval from the Department of Planning, Industry and Environment – Council Crown Land Management Team.**

BACKGROUND:

Central Darling Shire Council received funding from the Council Crown Land Management Team - NSW Department of Local Government in December 2018.

Town Planning Consultants – MB Town Planning Pty Ltd were appointed on 14 May 2019 to undertake the Crown Reserve Plan of Management project by Central Darling Shire Council.

REPORT:

Project Timeframe

Stage 1 – Submission of spreadsheets, visual survey and record of the current status of Crown Reserves. This stage was completed **November 2019**.

Work included the following:

- Site visit to Central Darling Shire Council Local Government Area – Wilcannia, Menindee, Ivanhoe, White Cliffs and Tilpa - **19 May 2019 – 24 May 2019**.
- Preparation of the four spreadsheets which covered the following:
 - survey of lots,
 - list of the dedicated uses and the current use of each lot,
 - status of each site,
 - clarification of the current lease or licence status of the subject lots,
 - resolution of the issues of lot boundaries, multiple uses, uses that are not permissible on land, and
 - clarification of the status of any native title claim on the crown reserve lots – **May/ June 2019**.
- Further site visits to cover issues not addressed in first site visit to the towns of Wilcannia, Ivanhoe, Mossgiel and Emmdale – **11 August 2019 – 16 August 2019**.
- Further clarification of the status of the native title claims on Crown Reserve lots – not yet completed by Native Title Land Claim Manager.
- Investigation of the lease and licence status of Crown Reserve lots.
- Completion of the site survey.
- Submission of Stage 1- spreadsheets which includes four spreadsheets for the four land use types (Community uses, Parks, A Natural Area and Sportsgrounds) to Department of Planning, Industry and Environment - Council Crown Land Management Team - **11 September 2019**.
- Request by the Department of Planning, Industry and Environment - Council Crown Land Management Team for a different format and land category for Stage 1 spreadsheets- **19 September 2019**.
- Resubmission of the revised spreadsheets to the Department of Planning, Industry and Environment - Council Crown Land Management Team - **2 October 2019**.
- Request by the Department of Planning, Industry and Environment - Council Crown Land Management Team for the spreadsheets to be separated into the Crown Reserve Lots categories of “Operational Land” and “Community Land” - **22 October 2019**.
- Resubmission of the revised spreadsheets with the Crown Reserve Lots divided into “Proposed Operational Land lots “and Community Land lots to Department of Planning, Industry and Environment - Council Crown Land Management Team – **29 October 2019**.
- Request by the Department of Planning, Industry and Environment - Council Crown Land Management Team for the spreadsheets for the Crown Reserve Lots for Community land be modified with additional lots - **30 October 2019**.
- Submission of the revised Community Land (32 lots) spreadsheets to Department of Planning, Industry and Environment - Council Crown Land Management Team – **4 November 2019**.
- Acknowledgement of the receipt of the revised spreadsheets for Stage 1 and the request to the change in category of various Crown Reserve Lots (38) to “operational land” by the Department of Planning, Industry and Environment - Council Crown Land Management Team” – **6 November 2019**.
- Department of Planning, Industry and Environment - Council Crown Land Management Team advised that the confirmation of the Stage 1 spreadsheets would not occur until 30 January 2020 due to the number of council submissions. However, Council can commence the Stage 2 Plans of Management, though Crown Reserve Lots in each category cannot be confirmed until 30 January 2020 - **18 November 2019**.

Proposed time frames for the Crown Reserves Plan of Management Project:

Stage 2 – Preparation of the Crown Reserves Plan of Management Reports

1. Preparation of the draft Crown Reserves Plan of Management reports for the remaining categories of community land types – Natural Land, Parks, Sports Grounds and Community Uses. Commenced 30 November 2019 – drafts to be completed by **1 March 2020**
2. Department of Planning, Industry and Environment - Council Crown Land Management Team advised that an approval for Stage 1 Crown Reserves Plan of Management will be received approximately by the **30 January 2020**.
3. Council is required to endorse the Crown Reserve Plan of Management reports prior to submission to the Department of Planning, Industry and Environment - Council Crown Land Management Team.
4. Finalisation of the Crown Reserve Plan of Management Reports by **30 March 2020** (dependent on approval being received by **30 January 2020** for Stage 1 Spreadsheets from the Department of Planning, Industry and Environment - Council Crown Land Management Team).
5. Submission of the Crown Reserve Plan of Management Reports to the Department of Planning, Industry and Environment - Council Crown Land Management Team for approval. (**April / May 2020**).

Stage 3 – Public Consultation

6. Community consultation/exhibition will be commenced following approval of the Stage 2 Crown Reserves Plan of Management Reports by the Department of Planning, Industry and Environment - Council Crown Land Management Team. (**May/June 2020**).
7. Submission of the updated Plans of Management Reports to the Department of Planning, Industry and Environment Council Crown Land Management Team for approval by Minister (**July 2020**).

Note: The proposed above time frames are dependent, on the timely response from the Department of Planning, Industry and Environment - Council Crown Land Management Team

a) Policy Implications

The Crown Reserve Plan of Management Project has necessitated the preparation of a planning proposal to modify the land use table by adding the current land uses to the Central Darling Local Environmental Plan 2012 (CDLEP 2012). This amendment is due to the current and historic use of various Crown Reserve Lots being a prohibited land use within the current Central Darling Local Environmental Plan 2012.

The amendment to the land use table of the Central Darling Local Environmental Plan 2012 is to correct errors in the land use table when the CDLEP 2012 was made in 2012.

b) Financial Implications

Stage 1 - Complete
Total budget - \$23,450.00 + GST

Stage 2 - Ongoing
Total budget - \$47,000.00 + GST

Amount expended to date - \$23,500.00 + GST.

Current progress invoice - \$11,750.00 + GST

Remaining amount for Stage 2 = \$11,750.00 + GST

Stage 3 – Not yet commenced.

Proposed total budget - \$31,440.00 + GST

Other financial implications are:

Planning Proposal to add additional land uses to the Central Darling Local Environmental Plan 2012.

The financial implications of the proposed change to various Crown Reserve Lots from Community Land to becoming Operational Land is not yet evaluated. However, there may be financial implications in the future to Council.

c) Legal Implications

Where the lot is a Crown Land Reserve, the issue of native title land claim is being addressed by the Council Crown Reserve Land Management Team at the Department of Planning, Industry and Environment. The Central Darling Shire Council Native Title Land Claim Manager is to complete an assessment of all lots affected by the proposed amendment to the Crown Reserve Land Plan of Management Project to determine whether the affected lots also require approval from the Aboriginal Land Council.

d) Community Consultation

Following the approval of the Stage 2 Crown Reserves Plan of Management Reports by the Department of Planning, Industry and Environment - Council Crown Land Management Team, community consultation /exhibition of Plans of Management will be commenced for a period of 28 days. (**May/ June 2020**).

Attachments

1. NIL

10.4 ROADS AND AERODROMES REPORT

REPORT AUTHOR: Roads and Assets Engineer
RESPONSIBLE DIRECTOR: Director Shire Services

EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on road and aerodrome maintenance, capital works and expenditure on all road asset classes within the Central Darling Local Government Area.

RECOMMENDATION:

That Council will:

1. Receive and note the report

REPORT:

State Roads

Council are engaged by Roads and Maritime Services (RMS) to maintain the State Highway network within the Shire boundaries. The two State Highways are the Barrier Highway and the Cobb Highway.

Council are engaged under contract conditions specified under the Routine Maintenance Council Contract (RMCC). The contract details routine works required to be completed throughout the year and capital works which are supplied to Council via a Works Order (WO).

2019/20 RMCC Routine Maintenance preliminary allocation is: \$552,500

Expenditure: \$339,112

Pre-paid: \$453,235.49

Completed: 61%

Remaining Budget to Expend: \$213,388

2019/20 RMCC Works Orders allocation to date is \$7,659,044. Eighteen Works Orders have been received this financial year.

1. HW21 Bushley gravel pit 1 and rehabilitation works: \$188,350
2. HW21 Bushley gravel pit 3 and rehabilitation works: \$440,000
3. HW21 Monivae gravel pit 1 source gravel: \$600,000
4. HW21 Baden Park Initial Seal fencing works: \$70,000
5. HW21 Monivae Pipe/ Fencing: \$86,190
6. HW21 Teryawynia Bore Tank Fence Removal 1& 2: \$13,215
7. HW21 Grid fencing/ Gates delivered Rick Gates: \$9,401.22
8. HW21 Slamannon South Initial Seal: \$1,429,249
9. HW21 Yelta Initial Seal: \$3,239,682
10. HW8 Moira Plains Culverts: \$138,378
11. HW8 Heavy Patching: \$147,452
12. HW8 Resealing: \$509,965
13. HW21 Re-sheeting & Grid Repair: 98,882
14. HW8 Emergency Incident: \$9,777
15. HW21 Bushley Pit Access Road: \$149,240
16. HW8 Emergency Incident: \$13,989
17. HW21 Slamannon/ Bost Bleeding: \$35,301
18. HW21 Monivae Pit 2: \$480,000

Two Works Orders issued last financial year will be completed this year and are included below for information

Works Description	Original Budget	% Expended	Remaining budget
RMCC Routine	\$552,500	61%	\$213,388

WO 2018-19			
Water Supply Works (including Variation)	\$97,281	100%	\$0
Gypsum Mine North IS Project (including Variation)	\$2,732,814	100%	\$0
WO 2019-20	\$7,659,045	50%	\$3,856,206

Regional Roads

Council maintains 790km of Regional Roads throughout the Shire.

2019/20 Regional Road Block Grant amount (including traffic and supplementary components) is \$2,808,000. Council recently received correspondence from RMS advising that payments will now be made biannually in July 2019 and January 2020. This advice is attached for information.

2019/20 Regional Roads Repair Program was successful with \$400,000 being 50% of the project costs. The remaining 50% is being sourced from the Regional Roads Block Grant which is reflected in the table below

Works Description	Original Budget	% Expended	Remaining Budget
Regional Road Block Grant	\$2,408,000	42%	\$1,395,635
Regional Roads Repair Program	\$800,000	0%	\$800,000

Local Roads

Council maintains 1600km of Local Roads throughout the Shire.

2019/20 budget allocation to Local road operational works is \$1,480,000. This is funded from the Financial Assistance Grant – Local Roads Component.

2019/20 Roads to Recovery (R2R) allocation is \$1,286,250. Three capital improvement projects will be delivered this year.

Recent correspondence from the Department of Infrastructure has identified a further allocation of \$216,477 as part of the Governments drought package. Following asset condition assessments and review of water availability a further project has been added to complete

approximately 6km of vertical alignment adjustment to SR20 Baden Park Road. The works will elevate flood prone areas to mitigate rainfall events and enable Council to open the road sooner, enabling equity of access to property owners and the travelling public.

Works Description	Original Budget	% Expended	Remaining Budget
Local Roads Component (FAG)	\$1,480,000	67%	\$482,986
Mandalay Road Reconstruction (R2R)	\$660,000	82%	\$120,992
Hood Street Reconstruction (R2R)	\$320,000	98%	\$7,232
Tilpa Tongo Road, Paroo Crossings (R2R)	\$306,250	6%	\$289,398
Baden Park Road Build Ups	\$216,477	0%	\$216,477

Aerodromes

Council maintains 6 aerodromes throughout the Shire; Wilcannia, Menindee, Ivanhoe, White Cliffs, Tilpa and Emmdale.

The Royal Flying Doctor Services (RFDS) initiated the registration process in 2018 to enable 3 of Council's aerodromes to be registered in accordance with the CASA regulations. Wilcannia, Ivanhoe and White Cliffs received modest infrastructure improvements to enable the process to be completed. Pursuant to the agreement between Council and the RFDS, the licensing costs will be borne by the RFDS for a 3-year period.

Works Description	Original Budget	% Expended	Remaining Budget
Aerodromes	\$124,000	34%	\$82,371

Attachments

16. Road Maintenance Program February 2020

10.5 WATER AND SEWER UPDATE

REPORT AUTHOR: PROJECTS ENGINEER
RESPONSIBLE DIRECTOR: DIRECTOR SHIRE SERVICES

EXECUTIVE SUMMARY:

The purpose of this report is to provide an update on water and sewer maintenance, capital works and expenditure on all assets within the Central Darling Local Government Area.

RECOMMENDATION:

That Council will:

1. **Receive and note the report.**

REPORT:

Water & Sewerage Maintenance:

- Wilcannia's potable water supply is currently sourced from the Union Bend Bore Field. Level 4 Water Restrictions were implemented 09 December 2019. The likely supply limit for the Wilcannia Weir Pool for supply of raw water needs of Wilcannia is 2 months. Level 4 water restrictions remain in place. Notwithstanding the recent rainfall event (February 2020) is estimated to result in between 30,000-50,000 ML total volume flow between 10-20 March 2020.
- White Cliffs town water supply is sourced from Wakefield Tank. Current supply without further rain is expected to last through to November 2020. No significant rainfall or runoff occurred during the February 2020 event.
- Ivanhoe town water supply is currently being sourced from Morrisons Tank. Recent Willandra Creek flows has enabled Council to continue pumping operations and "top up" Morrisons Tank. Morrison's Tank capacity is 450 megalitres, town storage dam 50 megalitres. Remaining supply at capacity is estimated up to two years. No water restrictions in place.

Works Description	Original Budget	% Expended	Remaining Budget
Wilcannia Water	\$329,000	81%	\$76,652
Wilcannia Sewer	\$185,000	34%	\$122,938
White Cliffs Water	\$155,500	47%	\$81,995
Ivanhoe Water	\$312,000	57%	\$134,138

Aboriginal Communities R&M	\$105,865	0%	\$105,865
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Water and Sewer Capital Works

Restart Program (RNSW 827) - White Cliffs Water Supply Augmentation

The White Cliffs Water Treatment Plant Specification has been completed and submitted to Manager Water & Sewerage, Water Utilities Water Group, Department of Planning, Industry and Environment (DPIE) Supply Augmentation for Section 60, *Local Government Act 1993* Approval which is a pre-requisite to going to tender.

The White Cliffs WTP Request For Tender (RFT) technical documentation has been completed and the ancillary contract documentation is currently being finalised.

Public Works Advisory (PWA) have been engaged to undertake management of the tendering process. The White Cliffs WTP RFT was issued on 4th December 2019 and close on 26 February 2020 following an extension of time of 3 weeks.

The White Cliffs Water Supply Rising Main and Reticulation draft plans have been received and are being reviewed by staff. The program for issuance of the White Cliffs Water Supply Rising Main and Reticulation RFT is expected by late February 2020.

Capital funding up to \$5.5 Million has been approved and the current deadline for completion is 30 September 2021. Council were granted extension of time to complete the project due to unforeseen delays in the preconstruction phase.

Restart Program (RNSW 1869) Safe and Secure Program - Wilcannia Sewer Augmentation

Public Works Advisory (PWA) have been engaged to undertake a scoping study concerning Wilcannia's sewerage reticulation network and sewerage treatment works.

The final draft of the Wilcannia Sewer Augmentation scoping study, completed by Public Works Advisory, was submitted to Council for consideration on 6th September 2019.

The scoping study will provide key recommendations with respect to sewerage collection and transportation options and further assessment of sewerage treatment capacity.

The completed Wilcannia Sewerage Scoping Study has been forwarded to DPIE and Restart NSW their consideration and Section 60 Approval to enable the project planning to continue.

Capital funding is subject to further funding application by Council and assessment by the DPIE Review Panel.

Restart Program (RNSW 1869) Wilcannia and Ivanhoe New Water Treatment Plants

Council engaged City Water Technology (CWT) to progress the determination of the preferred water treatment chain and capacity for new WTPs at Wilcannia and Ivanhoe based on the Advanced Treatment Concept Report completed by PWA. CWTs engagement included negotiation on Council's behalf with Department of Industry - Water with respect technical issues.

A key outcome of this negotiation process is the difficulty proceeding without further operational data of the existing plants at Wilcannia and Ivanhoe. In particular the limited data

prevents determination of proposed treatment plant capacities with any confidence. In this regard a Water Loss Management Plan completed by Detection Services provides a sound range of options and recommendations. A key recommendation to install a smart metering program has been actioned.

The key action required in the short term is the enhanced collection of data, scrutiny and interrogation of water loss in general and finalisation of the Integrated Water Cycle Management (IWCM) Plan to enable projected treatment capacity of new WTPs at Wilcannia and Ivanhoe with confidence sufficient to gain Section 60 approval.

Notwithstanding the need for further data collection the Wilcannia and Ivanhoe Concept Reports will be completed in accordance with CWT analysis for a single reticulation network. In this regard the estimated WTP capacities for Wilcannia and Ivanhoe are 2.0 ML/day and 1.3 ML/day respectively.

Council has been offered capital funding for new WTPs at Wilcannia and Ivanhoe to the value of \$3.5 Million and \$2.5 Million respectively. \$100,000 has been sought in the first instance to complete necessary preconstruction works and confirm WTP capacities.

A business case is currently being prepared for each project and will be submitted in due course.

Works Description	Original Budget	% Expended	Remaining Budget
White Cliffs WTP and Retic	\$5,500,000	1%	\$5,425,831
Wilcannia Sewer Scoping Study	\$60,000	100%	\$0
Wilcannia and Ivanhoe WTP Scoping Study	\$100,000	92%	\$8,753

Attachment

Nil

11. MINUTES OF COMMITTEE MEETINGS

12. MENINDEE FISH HATCHERY MEETING

Attachment

[17. Menindee Fish Hatchery Meeting Minutes 29 January 2020](#)

12. CONFIDENTIAL MATTERS

13. MEETING CLOSE

The Council Meeting will be declared closed by the Mayor/Administrator.

The next meeting of Council will be held on Wednesday, 25 March 2020 in Wilcannia at 9.00am.

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE
COUNCIL CHAMBERS, 21 REID STREET, WILCANNIA
ON TUESDAY, 17 DECEMBER 2019.**

PRESENT: Administrator, Bob Stewart

IN ATTENDANCE: General Manager, Greg Hill
Director Shire Services, Reece Wilson
Director Business Services, Jacob Philp
Manager Finance, Kevin Smith
Inspections Officer, Geoff Laan
Risk & Work Health Safety Officer, Sharon Brock
Administration, Sharon Leslie
Member of Public, Bill Elliott

1. OPENING OF MEETING

The meeting was declared open at 9.00am.

2. ACKNOWLEDGEMENT OF COUNTRY

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

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DISCLOSURES OF INTEREST

Resolved

1. That the Disclosures of Interest – Pecuniary and Non – Pecuniary be received and noted.

5. CONFIRMATION OF MINUTES

5.1 ORDINARY MEETING – 27 November 2019

Resolved

1. That the Minutes of the Ordinary Council Meeting held on 27 November 2019 be received and confirmed as an accurate record.

Minute Number: 01-12-19

5.2 BUSINESS ARISING

Nil Reports

6. MAYORAL (ADMINISTRATOR) MINUTE(S)

6.1 ADMINISTRATORS REPORT

Resolved

1. Receive and note the report.
2. The General Manager tabled the following correspondence:
 - Leon Taylor, Executive Director CSNSW Infrastructure advising the closure date is August 2020. After this date, a small number of staff will remain onsite to complete final decommissioning activities. Council has recently provided a submission to the State Government regarding the closure and that repurposing options must be practical and sustainable for the long-term investments, not short-term lease arrangements. This will ensure long term economics and social investments into the Ivanhoe Community and build community capacity. If a solution for repurposing the facility has not been found, Council urges that State Government to keep the facility open until a feasible solution has been found and a contract arrangement has been put in place.
 - The Geographical Names Board is seeking comment from the Central Darling Shire Council on a proposal by the Barkinji Native Title Group Aboriginal Corporation to dual name the Darling River as Baaka, accepting submissions from 18 December 2019 to 28 January 2020. Council is not able to comment about naming until consultation has been completed. Council supports any consultation done by The Geographical Names Board and would like to receive prior to Februarys Council meeting, community comments about proposal to dual naming the Darling River as Baaka, as well, details about the consultation process.

Minute Number: 02-12-19

7. FINANCIAL REPORTS

7.1 CASH AND INVESTMENTS-NOVEMBER 2019

Resolved

1. Receive and note the report.

Minute Number: 03-12-19

7.2 PRESENTATION OF THE 2018/19 ANNUAL FINANCIAL STATEMENTS

Resolved

1. Receive and note the report; and
2. Formally present the 2018-2019 Audited Annual Financial Statements and Audit reports to the public in accordance with Section 418 and 419 of the Local Government Act:
3. Note that the 2018-19 Annual Report has been updated based on the finalised Audited Annual Financial Statements.

Minute Number: 04-12-19

8. GOVERNANCE REPORTS

8.1 DROUGHT COMMUNITIES PROGRAMME EXTENSION

Resolved

1. Receive and note the report; and
2. That Council resolves that the following projects be submitted to Drought Committees Programme Extension for funding:
 - \$150,000 – Minor Community Projects and Grants valued up to \$15K
 - \$150,000 – Street Lighting LED upgrades to all towns
 - \$250,000 – Tilpa Village Bore, (drilling, pump, electrical & pipeline)
 - \$50,000 – Wilcannia Pump Station inlet pumps electrical upgrade
 - \$75,000 – Wilcannia Sewer Pump Stations electrical upgrade
 - \$325,000 – Installation of 5 Bores throughout the Shire for the supply of water for road construction

Minute Number: 05-12-19

8.2 RECENT CORRESPONDENCE RECEIVED THAT MAY BE A MATTER OF INTEREST

Resolved

1. **Receive and note the report.**

Minute Number: 06-12-19

8.3 ESTABLISHMENT OF PANEL OF CONDUCT REVIEWERS

Resolved

1. Receive and note the report; and
2. That the following thirteen organisations be appointed to serve on Councils Code of Conduct Review Panel for a period of four years from the date of resolution by Council;
 - Strategic Risk Solution
 - O'Connell Group
 - Centium Group Pty Ltd
 - VCA Services Pty Ltd
 - Nemesis Consultancy Group
 - WEIR Consulting
 - Australian Workplace Training & Investigation

- Train Reaction Pty Ltd
- Workdynamic Australia
- Winton Consulting
- Penulbury Workplace Law Solutions
- BAL Lawyers
- McCollough Robertson

Minute Number: 07-12-19

9. CORPORATE SERVICES REPORTS

Nil

10. SHIRE SERVICES REPORTS

10.1 2019 CROWN RESERVES PLAN OF MANAGEMENT PROJECT-OPERATIONAL LAND LOTS AND CROWN RESERVES PLAN OF MANAGEMENT PROJECT-PROGRESS REPORT

Resolved

1. Receive and note the report; and
2. That Council acknowledge the receipt of the letter (3 December 2019) from the Crown Lands Management Team confirming the Crown Reserve Lots approved to be changed from community land classification to operational land.
3. Stage 2 of the Project has commenced where the remaining Crown Reserve Lots categorised as Community Land, will have Plans of Management prepared.
4. The time frames for the completion of the Crown Reserve Plan of Management Project is dependent on the response and approval from the Department of Planning, Industry and Environment – Council Crown Land Management Team, approving the information provided on the Crown Reserve Lots Categorised as community land (expected 30 January 2020).

Minute Number: 08-12-19

10.2 WATER AND SEWER UPDATE

Resolved

1. **Receive and note the report.**

Minute Number: 09-12-19

10.3 SERVICES UPDATE

Resolved

1. Receive and note the report.

Minute Number: 10-12-19

10.4 ROADS AND AERODROMES REPORT

Resolved

1. Receive and note the report.

Minute Number 11-12-19

10.5 ENVIRONMENTAL SERVICES UPDATE

Resolved

1. Receive and note the report.

Minute Number 12-12-19

11. MINUTES OF COMMITTEE MEETINGS

Nil

12. CONFIDENTIAL MATTERS

12.1 AUSTRALIA DAY AWARDS NOMINATIONS 2020

Resolved

1. Receive and note the report; and
2. That Council Award the following persons/events for the 2020 Australia Day Awards on behalf of the Central Darling Shire Council, with the announcement to be embargoed until Friday 24 January 2020.

Members of the public left the Council Chamber at 9.27am.

Minute Number: 13-12-19

The Council Chamber was reopened to the public at 9.29am.

13. MEETING CLOSE

There being no further business to discuss, the meeting was closed at 9.30 am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Central Darling Shire Council held on Tuesday, 17 December 2019.

.....
ADMINISTRATOR

DRAFT

CENTRAL DARLING SHIRE COUNCIL

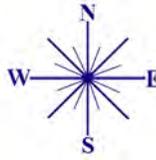
CONSTITUTED 1 MAY 1959

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
 CORRESPONDENCE TO:
 THE GENERAL MANAGER
 P. O. BOX 165
 WILCANNIA NSW 2836



COUNCIL CHAMBERS
 21 REID STREET
 WILCANNIA NSW 2836

APPLICATION FOR ECONOMIC HARDSHIP ASSISTANCE

SECTION 1 - APPLICANT	
Applicant	I, _____ (Full name)
	of _____ (Residential Address)
	apply for rate hardship relief on the basis of financial hardship.
	Phone Number(s) _____
	Email _____
	Mailing Address _____
SECTION 2 – PROPERTY DETAILS	
Assessment	Council Assessment Number (from your rates or water notice)

Description	Property address
	The property for which I am claiming has been my sole/principal place of living since/...../.....
SECTION 3 – APPLICATION	
Application	This application is for hardship rate relief for the whole or part of the year commencing 1 July 20 . . .
	What is the cause of hardship (e.g. unemployment, illness)

How long have you been experiencing hardship?	

APPLICATION FOR ECONOMIC HARDSHIP ASSISTANCE

SECTION 6 – PROPERTY OCCUPANCY INFORMATION

How many dependants do you support?	Number
	Ages
Are there people living at the property other than you and your spouse?	Number of adults
If yes, please state the number of adults and children (under 16)	Number of children (under 16)

SECTION 7 – INCOME AND EXPENDITURE

Income		Weekly Income
	My net weekly income received in dollars and cents from all sources of income is:	\$
	Sources of income include:	
	Wages	\$
	Pensions and Benefits	\$
	Compensation, superannuation, insurance or retirement benefits	\$
	Income of other residents of the property	\$
	Interest from Banks, Credit Unions, Building Societies or other investments	\$
	Other income sources	\$
Expenditure		Weekly Amount
	My weekly outgoings and expenses are	
	Home Loan/Rent	\$
	Other mortgages	\$
	Personal loans/Hire Purchase	\$
	Credit Cards	\$
	Electricity	\$
	Telephone	\$
	Gas	\$
	Health/Medical costs	\$
	Council rates/water charges	\$
	Food/Household Supplies	\$
	Other outgoings	\$
	Total Weekly Outgoings	\$
Income less Expenditure		\$

APPLICATION FOR ECONOMIC HARDSHIP ASSISTANCE

SECTION 8 – STATEMENT OF ASSETS AND LIABILITIES		
Assets	Details	Current Value
Property – land and buildings (addresses)		\$
		\$
		\$
Furniture & Household effects		\$
Motor Vehicles (make, model, registration number)		\$
		\$
		\$
		\$
Other vehicles – caravans, trailers etc (make, model, registration number)		\$
		\$
		\$
Tools and Equipment		\$
Livestock		\$
Business(es) - business name, ABN, location, other owners		\$
Bank, Credit Union, Building Society Accounts (name/branch)		\$
		\$
		\$
Superannuation		\$
Shares		\$
Loans to other people – names/addresses		\$
Other Assets		\$
Total Asset Value		\$

APPLICATION FOR ECONOMIC HARDSHIP ASSISTANCE

SECTION 8 – STATEMENT OF ASSETS AND LIABILITIES - continued

Liabilities	Details	Amount Owning
Mortgage(s) (property address and name/address of mortgagee/lender)		\$
		\$
		\$
Car loans		\$
Lease/Hire Purchase		\$
Personal Loans		\$
Credit/Store Cards		\$
Council Rates and Charges (Council name and property address)		\$
Electricity, Gas, Telephone		\$
Business Loans		\$
Other debts		\$
Total Liabilities		\$
ASSETS less LIABILITIES		\$

SECTION 9 – EVIDENCE

Please attach to this application written evidence supporting the hardship application from one or more of the following:

- the ratepayers bank or accountant
- a recognised financial counsellor such as a member of the Financial Counsellors Association of NSW
<http://www.fcan.com.au/>
- a Statutory Declaration from a person familiar with the applicant's hardship status to provide Central Darling Shire Council with a clear unbiased assessment of the applicant's hardship status such as a carer or power of attorney

Central Darling Shire Council may request additional information to confirm the applicant's hardship status if deemed necessary.

SECTION 10 – INFORMATION FOR APPLICANTS

Council will accept this application for further consideration only if all information sought is provided by you. Please attached any additional information that you believe may support your application.

Please indicate preferred repayment frequency	Weekly <input type="checkbox"/>	Fortnightly <input type="checkbox"/>	Monthly <input type="checkbox"/>
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SECTION 11 – DECLARATION

I hereby declare that the information provided in this application is true and correct.

Signature

.....

Date / /

Central Darling Shire Council

Quarterly Budget Review Statement
for the period 01/10/19 to 31/12/19

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

31 December 2019

It is my opinion that the Quarterly Budget Review Statement for Central Darling Shire Council for the quarter ended 31/12/19 indicates that Council's projected financial position at 30/6/20 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Jacob Philp
Responsible Accounting Officer

date: 19-02-2020

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2019

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2019/20	Approved Changes					Revised Budget 2019/20	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRS	Sep QBRS	Dec QBRS	Mar QBRS					
Income											
Rates and Annual Charges	2,303					2,303			2,303	2,242	
User Charges and Fees	4,165					4,165	3,492	1	7,657	6,069	
Interest and Investment Revenues	77					77			77	54	
Other Revenues	324					324			324	176	
Grants & Contributions - Operating	11,137					11,137			11,137	3,952	
Grants & Contributions - Capital	2,750			816		3,566	900	2	4,466	70	
Net gain from disposal of assets	-					-			-	-	
Total Income from Continuing Operations	20,756	-	-	816	-	-	4,392		25,964	12,563	
Expenses											
Employee Costs	4,838					4,838			4,838	2,679	
Borrowing Costs	120					120			120	51	
Materials & Contracts	7,259					7,259	3,003	3	10,262	6,919	
Depreciation	4,342					4,342			4,342	2,171	
Other Expenses	992					992			992	513	
Net Loss from disposal of assets	-					-			-	-	
Total Expenses from Continuing Operations	17,551	-	-	-	-	-	3,003		20,554	12,333	
Net Operating Result from Continuing Operation	3,205	-	-	816	-	-	1,389		5,410	230	
Net Operating Result from All Operations	3,205	-	-	816	-	-	1,389		5,410	230	
Net Operating Result before Capital Items	455	-	-	-	-	-	489		944	160	

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2019

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2019/20	Approved Changes					Revised Budget 2019/20	Variations for this Dec Qtr		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Other than by QBRs	Sep QBRs	Dec QBRs	Mar QBRs						
Capital Expenditure												
New Assets												
- Water	2,840						2,840	225	1		3,065	133
- Buildings	15						15				15	
- Plant & Equipment	395						395				395	166
- Swimming Pools	65						65				65	59
- Waste Management							-				-	
- Capital Grant Matching Fund	300						300				300	
Renewal Assets (Replacement)												
- Roads	2,686			1,016			3,702				3,702	830
- Water	90						90				90	
- Outdoor Infrastructure	97						97	193	2		290	290
- Buildings	227						227	112	3		339	339
- Cemeteries	15						15				15	
- Stormwater	48						48				48	
- Sewerage												21
- Swimming Pools	130						130				130	114
Total Capital Expenditure	6,908	-	-	1,016	-	-	7,924	530			8,454	1,952
Capital Funding												
Rates & Other Untied Funding	1,472			400			1,872	530			2,402	477
Grants & Contributions	5,436			616			6,052				6,052	1,475
Total Capital Funding	6,908	-	-	1,016	-	-	7,924	530			8,454	1,952
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-	-	-	-			-	-

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

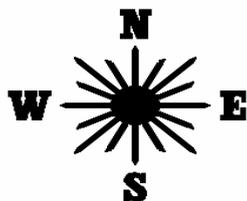
1 Additional water projects to be funded by Drought relief funding

2 Additional building projects funded by SCCF funding

3 Additional outdoor infrastructure projects funded from SCCF funding.

September Quarter Adjustment

400k Regional Road Block, 400k Regional Roads Repair Program
216k Roads to Recovery Drought Assistance Allocation



Central Darling Shire Council

Title of Policy	No Smoking Policy
Responsible Officer	General Manager
TRIM Reference:	
Date Approved:	
Minute Number:	
Authorised By:	
Review Date:	

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1 PURPOSE

Environmental Tobacco Smoke (ETS) is well known to be harmful to health, and research indicates that there is no safe level of exposure. Long-term exposure to ETS can cause serious health problems, including Heart Disease and Lung Cancer.

Having a No-Smoking Policy can help you protect the health of employees by reducing the risk of tobacco-related health problems. It also means Central Darling Shire Council (CDSC) complies with their legal obligations.

CDSC has a duty to provide a safe working environment for employees. The *Work Health and Safety Act 2012* aims to protect workers and other persons against harm to their health, safety and welfare through the elimination or minimisation of risks'. In addition, the *Public Health Act 1997* bans smoking in enclosed places and workplaces.

2 BACKGROUND AND RELATED LEGISLATION

- Work Health and Safety Act 2011 (NSW)
- Work Health and Safety Regulation 2017
- Smoke Free Environment Act 2000
- Guidance materials from NSW Health for the management of smoke free workplace environment

3 SCOPE

This Policy applies to all Council premises and public spaces where Council workers and others may work or be potentially put at risk from harmful effects of smoking.

4 DEFINITIONS

To assist in interpretation, the following definitions apply:

Terms	Definition
Passive Smoking (also known as secondary effect smoking)	Second-hand smoke is sometimes referred to as Environmental Tobacco smoke. It is a combination of the smoke exhaled by the smoker and the smoke that comes from the end of an ignited smoking product (e.g. cigarette, cigar, pipe etc.) Passive smoking is known to cause health issues for people in the surrounding area to the smoker and is a risk to health and safety.
Smoke	Inhaling from, holding or otherwise have control of an ignited smoking product.
Smoke Free Zones	Areas where smoking is prohibited under the <i>Smoke Free Environment Act 2000</i> . These Include: <ul style="list-style-type: none">• Public Swimming Pools.• Outdoor dining areas.• Within 4 metres of the pedestrian access point to and within a public (Council) building.• All Council plant, vehicles and all other enclosed workplaces.• Areas within 10 metres of all children's playground equipment.• Areas within 10 metres of all playing fields, sports grounds, grandstands, amenities blocks, canteens and other built structures at sporting reserves.• Public transport stops and stations.
Worker	Any person(s) doing work for Council including but not limited to Employees, Contractors, Councillors, Volunteers, Trainees, Apprentices, Work Experience Students.
Outdoor Workplace	An outdoor workplace shall be defined as an area within ten (10) meters of another staff member or member of the public. This also included 10 meters from any opening into a building or air conditioning duct.

5 MISSION STATEMENT

Central Darling Shire Council

- is committed to providing employees with a safe, healthy and supportive environment in which to work.
- recognises that the health and wellbeing of our employees is important.
- is committed to providing a supportive workplace culture where healthy lifestyle choices are valued and encouraged.
- safeguard employees, customers and visitors from the harmful effects of tobacco smoke.
- provide smoking cessation support to employees wanting to stop smoking.
- this policy reinforces CDSC 's commitment to reducing the harm caused by tobacco smoke.

6 POLICY NON-COMPLIANCE

- all employees and other persons are expected to comply with the requirements of this policy.
- disciplinary action may be required for repeated offences or if the alleged smoking behaviour constitutes serious misconduct.
- disciplinary action will take the form of Council's disciplinary procedures for Code of Conduct breaches or where a worker has repeatedly failed to respond to warnings about their work performance or work conduct.

7 EXPECTATIONS OF DIRECTORS/ ENGINEERS/SUPERVISORS

Directors/Supervisors/Engineers are expected to;

- be responsible for monitoring compliance with this policy.
- will reinforce Occupational Health and Safety obligations, and the health effects of passive smoking on co-workers.
- ensure smokers use the designated smoking area at all times.
- smoke only in the designated smoke areas.

8 EXPECTATIONS OF EMPLOYEES

Employees are expected to:

- participate in the implementation of this Policy.
- smoke only in the designated smoking areas.
- participate in CDSC Induction including adhering to the stringent controls on smoking.
- comply with the requirements of this policy.
- inform those entering the worksite of this policy.
- request that any visitors, customers or contractors smoking on site extinguish their cigarette.
- report to managers any instances of exposure to environmental tobacco smoke.

9 COMMUNICATION

CDSC will ensure that:

- all employees receive a copy of this policy during the induction process.
- this policy is easily accessible by all members of the organization.
- employees are informed when activity aligns with this policy.
- employees are empowered to actively contribute and provide feedback to this policy.
- employees are notified of all changes to this policy.

10 MONITORING AND REVIEW

CDSC will review this policy annually. Effectiveness of the policy will be assessed through:

- feedback from Employees, the Consultative Committee and Management
- review of the Policy by Management and Committee to determine if all objectives have been met
- level of employee engagement

11 ASSISTANCE TO SMOKERS ADJUSTING TO THE POLICY

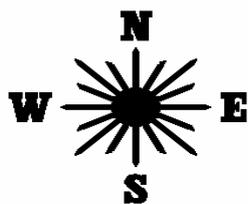
CDSC recognises the difficulties facing employees who smoke, and will provide the following support to employees to assist them in dealing with the effects of nicotine withdrawal:

- CDSC respects the right of smokers to smoke, however, CDSC will support smokers if they wish to stop smoking.
- the employee will be informed of the smoking cessation or withdrawal management support available for employees, and how to access these resources.

12 RESOURCES FOR FACTS ON SMOKING AND HOW TO QUIT

The following online links provide useful information on tobacco smoking, its health risks and guidance on how to quit smoking:

<u>Title</u>	<u>Source</u>
Smoking – Tobacco Facts	Cancer Council of New South Wales website – http://www.cancercouncil.com.au/reduce-risks/smoking/
The health dangers of smoking	Cancer Institute of NSW – iCanQuit website – http://www.icanquit.com.au/health/your-health/health-dangers-of-smoking
Quit Smoking	Cancer Council of Australia website – http://www.cancer.org.au/preventing-cancer/reduce-your-risk/quit-smoking.html
Why Quit?	Quitline – Department of Health – Australian Government website – http://quitnow.gov.au/internet/quitnow/publishing.nsf/Content/why-quit-lp
How to Quit	Department of Health – New South Wales Government website – http://www.quitnow.gov.au/internet/quitnow/publishing.nsf/Content/how-to-quit-lp



Central Darling Shire Council

Title of Policy	Alcohol and Other Drug Policy - Draft
Responsible Officer	General Manager
TRIM Reference:	
Date Approved:	
Minute Number:	
Authorised By:	
Review Date:	

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1 LEGISLATIVE REQUIREMENTS

General employer/worker obligations in relation to workplace occupational health and safety laws exist under

- *The Work Health and Safety Act 2011 (NSW), and*
- *The Work Health and Safety Regulations 2011 (NSW)*
- *Drug and Alcohol Treatment Act 2007*
- *Drug and Alcohol Treatment Regulation 2007*

All workers and especially who drive motor vehicles and operate machinery for work including when travelling to and from work must obey applicable road safety laws, including those relating to prescribed concentrations levels for alcohol and other drugs. For further information in relation to prescribed concentration levels refer to:

- *The Road Transport (Safety and Traffic Management) Act 1999 (NSW) and*
- *The Road Transport (safety and Traffic Management Regulation 1999 (NSW)*

Depending on the work environment, employers may have a positive legal obligation to conduct alcohol and other drugs testing in the workplace. Workplace procedures for managing risks in relation to alcohol and other drugs use must reflect these obligations if they apply. Examples include:

- *The Rail Safety Act 2008 (NSW), and*
- *The Rail Safety (Drug and Alcohol Testing) Regulation 2008 (NSW)*
- *Civil Aviation Act 1988 (Commonwealth), and*
- *Civil Aviation Safety Regulations 1998 (Commonwealth)*

Other References

AS3547:1997 – *Breath alcohol testing devices for personal use*

AS4760:2019– *Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.*

2 DRUG AND ALCOHOL PRESCRIBED LIMITS

CDSC Drug and Alcohol prescribed limit table

Prescribed Limit Table

Alcohol	Prescribed Limit up to but not exceeding
Alcohol	Zero alcohol limit for all: Learner drivers or riders. ... Under 0.02 applies to: Drivers of vehicles of "gross vehicle mass" greater than 13.9 tonnes. ... Under 0.05 applies to: All other licences (including overseas and interstate licence holders) not subject to a 0.02 or zero limit .
Legal Drugs	A level up to but not exceeding: <ol style="list-style-type: none"> 1. The cut-off level identified in AS/NZS 4760 for oral fluid (saliva) testing; or 2. The permissible level if the drug were used strictly in accordance with either the manufacturer's recommended dosage rate or the prescription given by a registered medical practitioner; or 3. The limit legally permissible for the duty required to be performed
Illegal Drugs	A level up to but not exceeding: <ol style="list-style-type: none"> 1. The cut-off level identified in AS/NZS 4760 for oral fluid (saliva testing);

3 OVERVIEW

Central Darling Shire Council (CDSC) is committed to minimising the harm to members of the Council workforce and the wider community associated with the use of alcohol and other drugs and to provide the community with a responsible model of behaviour. CDSC recognises that the inappropriate use of alcohol and other drugs can adversely affect workplace safety, performance, working relationships and can significantly contribute to absenteeism and reduced moral.

4 SCOPE

This policy applies to all Central Darling Shire Council Mangers, Directors, Engineers, workers, office staff, volunteers, work experience persons, contractors, sub-contractors, their employees and delegates of Council.

This policy also applies to pre-employment screening of potential employees returning a negative reading.

5 APPLICATION

This policy will apply to all Central Darling Shire Council persons (listed above) and must be adhered to at: all Council workplaces and other places where individuals covered by the policy may be working or representing Council.

For example, when visiting a customer, client or supplier, field work, road work, and offices

The exceptions to this general policy are as follows:

Employees representing Council in circumstances where it is appropriate to consume alcohol such as social functions approved by Council management

Consumption of alcohol permitted by this policy must always be within legal limits and appropriate standards of behaviour must always be maintained. Where work-related social or business functions involve the consumption of alcohol, appropriate management of the situation must take place.

6 DEFINITION OF TERMS

Term	Meaning
Alcohol	Liquor as defined in the <i>Liquor Act 2007</i> A beverage which at 20° Celsius, contains more than 1.15% ethanol by volume, or Anything that is not a beverage but, for the purposes of sale, is held out to be beer or spirits, or Any other substance prescribed by the <i>Regulations</i> as liquor
PCBU	The <i>WHS Act</i> places the primary duty of care and various other duties and obligations on a 'person conducting a business or undertaking' (PCBU). the meaning of a PCBU is set out in section 5 of the <i>WHS Act</i> . this is a broad concept used to capture all types of modern working arrangements a person may be an organisation or an individual.
Worker	A worker is anyone who carries out work for a PCBU, such as: <ul style="list-style-type: none">• an employee• a contractor or sub-contractor• an employee of a contractor or sub-contractor• an employee of a labour hire company• an apprentice or trainee• a student gaining work experience• an outworker• a volunteer.
Drugs	Any illegal drug, prescription, over the counter pharmacy

	medication or synthetic drugs, as defined below, that has the potential to adversely impact on safety at work
Illegal Drugs	<ul style="list-style-type: none"> • Any drug prohibited by Australian state, Territory or Federal law or any other laws (including foreign and international laws) to which Council is subject or which apply to the work performed at or for Council. • Prescription or pharmacy drugs (as defined below) which are used without the necessary prescription, or for non-medical purposes. • Any synthetic drug (whether prohibited by law or not), being a psychoactive herbal and or chemical product which, when consumed, mimics the effects of a prohibited drug
Person/Employee	Anyone who is a Council employee, including Management and is deemed to be affected by drugs or alcohol during their working hours
Prescription Drugs	Lawful drugs which are prescribed by a medical practitioner for a diagnosed medical purpose and issued by a pharmacist.
Pharmacy Drugs	Drugs which are lawfully available at Australian pharmacies without a prescription and are required for a legitimate medical purpose.
Random Testing	A structured program for randomly testing Council employees, volunteers, work experience, contractors, third party and others working for Council across the workforce in accordance with <i>Australian Standards</i> .
Reasonable Cause testing for drugs or alcohol	Where an authorised officer forms the belief that an employee shows signs of being affected by alcohol or drugs.

7 POLICY STATEMENT

Council has a duty of care and is committed to the health and safety of all Council employees:

Council does not permit workers to consume, distribute or be under the influence of alcohol or drugs during work hours or whilst in the workplace. In addition, the possession of illegal drugs in the workplace is not permitted.

8 EXCEPTIONS

In recognition that the availability of alcohol often occurs as a component of hospitality. The following events have a general exemption from this policy:

Council events that have included the provision and consumption of alcohol as part of the approved event plan for all attendees. This includes events such as the staff Christmas Party.

Exceptions for the consumption of alcohol outside of CDSC Policy and Procedure require application to, and approval by, the General Manager, as outlined in the procedures to this policy. Any approval to consume alcohol will be accompanied by conditions.

Smoking is not permitted at any of Council' workplaces including vehicles, except in specifically designated areas.

Where a Council employee is taking prescription or pharmacy drugs for medical purposes,

the Council employee will not breach this policy by attending work, if the Council employee:

Takes the prescription and pharmacy drugs in accordance with the instructions of their medical practitioner and normal directions applying to the use of those drugs: ensures they can perform their work effectively, competently and safely

Completes a self-assessment of the impact of consumption of alcohol with prescription and pharmacy drugs and they limit consumption accordingly

Checks with their medical practitioner about the effect of the drug on their ability to safely perform their normal work duties.

If a Council employee's ability to perform work competency, efficiently and safely may be affected, the Council employee must obtain this advice in writing from the medical practitioner, or pharmacist, and provide it to the manager or supervisor before undertaking their work.

9 TESTING

Council will maintain its focus on eliminating the unacceptable risks that excessive alcohol use and drug abuse brings to a work place through a legally enforceable non invasive alcohol and drug testing regime and the provision of appropriate education and availability of support services.

Council will use suitable qualified and experienced testing technicians to monitor alcohol and drug levels in its work places through the following testing processes:

a) Frequent, random or blanket testing of all direct council workers including office staff and managers.

b) Blanket Testing

This type of testing may occur where all Direct Council workers will be tested.

c) Incident Testing

Only Supervisors/Gangers, Directors and the General Manager may authorise Incident Testing and this applies to all Council Workers.

The type of testing may occur where there is an incident involving:

- Injury to a Council worker
- Injury to a member of the public
- Damage to Council property
- Damage to other property
- Near miss accident

d) Reasonable cause testing

Only Supervisors/Gangers, Directors and the General Manager may authorise Cause Testing and this applies to all Council Workers.

This type of testing will occur where there are reasonable grounds to suspect that a Council worker is affected by ingestion or effects of drugs or alcohol. Criterion that may lead to reasonable cause testing includes, but is not limited to

- Excessive lateness
- Absences often on Monday, Friday or in conjunction with holidays
- Emotional instability – outbursts, anger, aggression

- Changes in personality
- Changes in appearance – clothing, hair, personal hygiene
- Less energy
- Involvement in various minor accidents
- Defensive when confronted about behaviour
- Dizziness
- Slurred Speech
- Hangovers
- Red or bloodshot eyes, or dilated pupils;
- Smells of alcohol or marijuana;
- Acts contrary to their normal behaviour;
- Is not behaving in a professional and competent manner and in accordance with Council standards and Code of Conduct;
- Otherwise appears to be impaired or affected by drugs or alcohol

Refusal to participate in compulsory testing programs will constitute a breach of this policy. Refusal will be treated as a positive return.

10 AFFECTED PERFORMANCE

Employees and other workers have a responsibility to be fit for duty and to perform their work in a safe and responsible manner. They must ensure that their work performance is not affected to the extent that the risk of injury to themselves or others is increased as a result of the consumption of alcohol and drugs, whether consumed at a Council site or elsewhere.

If Council becomes aware that an individual's work performance is affected as a result of drugs or alcohol, then Council will remove that individual from any position involving risk to themselves or others.

The affected individual must cease working.

- The individual will be sent to their home in suitable transport to recover.
- Time not worked shall be taken as normal leave entitlements
- The incident will be documented, and disciplinary action implemented
- If the individual is not an employee of Council, then no payment will be made for the time not worked
- The employee shall be counselled upon return to work.
- The employee shall undergo testing prior to commencing work

11 GENERAL

It is proposed that this policy will operate at all levels throughout the Council.

It should be noted that this policy is not concerned with social drinking or the taking of drugs for medical purposes but rather with the illness of alcohol or other drug abuse. The concern is limited to those instances of alcohol and drug dependence, which affect the job performance and safety of the individual and other workers of Council.

This policy is designed to achieve restoration of a satisfactory level of worker health and job performance for those workers acknowledging and addressing their individual problems and to establish disciplinary procedures to deal with those individuals who seek to disregard such concerns.

Alcohol and drug dependence is defined as an illness in which a person's consumption of any alcoholic beverage or drug abuse definitely and repeatedly interferes with the

employee's health and/or job performance. The illness is treatable and with appropriate treatment, a satisfactory level of job performance and health can be re-attained. Treatment will be at the cost of the employee.

12 RESPONSIBILITIES

The General Manager accepts overall responsibility for the effective management of workplace health, safety and welfare by endorsing and fully supporting the alcohol and other drugs policy and its associated procedures for all Council workers, contractors, volunteers and visitors.

13 ENGINEERS AND GANGERS

Engineers and Gangers are responsible, within the scope of their authority, for ensuring that:

- The objectives of this policy are integrated into work practices;
- The tasks required for the successful implementation of the alcohol and other drugs procedures are undertaken;
- Adequate training, information, instruction and supervision are provided so that staff are aware of the requirements for being 'fit for work';
- Contractors, volunteers and visitors are made aware of the requirements for being 'fit for work';
- Immediate and appropriate steps are taken to investigate and take procedural action when a 'fitness for work' issue is identified;
- All accidents/incidents and near misses are properly reported and recorded. An investigation will be carried out to determine causal factors.

14 ON-SITE SUPERVISORS AND DIRECTORS

On-site supervisors, Directors are responsible, within the scope of their authority, for ensuring that:

- All employees under their control are aware of and comply with the provisions of this policy and that the
- Policy and procedures are applied fairly and consistently;
- The General Manager and Risk Work Health and Safety Officer are supported with the implementation of this policy and associated procedures;
- Protection of privacy interests of those tested;
- Assessing whether a person is fit for work;
- Taking prompt and appropriate action to address fitness for work issues;
- No workers commence or continue duties if the worker appears to be affected by alcohol, illegal or legal drugs or other substances which may reasonably be considered to lead to a safety risk or an inability to fulfil the requirements of the position or are not fit to work.

15 WORKERS

Each person, whether worker, contractor, volunteer or works experience person is accountable for:

- Ensuring that they are fit for work. That they are not adversely affected by alcohol and other drugs which cause concerns about their fitness for work.
- They must raise any concerns about another person's fitness for work with that person and their onsite supervisor or officer; notifying their onsite supervisor or officer of any situation in which this policy may apply or has been breached.

16 THE CONSULTATIVE/ HEALTH AND SAFETY COMMITTEE

The Consultative/Workplace Health and Safety Committee has a duty to:

- Promote fulfilment of this policy's objectives;
- Support the successful implementation of the risk management program;
- Facilitate consultation of health and safety matters;
- Encourage cooperation with agreed health and safety measures and objectives;
- Immediately report to management any issue which may affect workplace health and safety;
- Participate and cooperate in workplace investigations into accidents, incidents or near misses where required.

17 FACTORS WHICH SHOULD BE CONSIDERED

Persons who are ill, stressed, on medication, have past personal history, shift work and deadlines;

Previous incidences;

Implement the control measures identified and recorded according to an agreed time frame

18 POSSIBLE CONTROL MEASURES

- Confidential notification system for person on legal medications;
- Provision of employee assistance program (EAP);
- Approach worker under the influence;
- Remove/change worker from high risk job;
- Develop counselling procedures through a series of interviews;
- Introduce testing for certain workers – highest risk operations first;
- Provision of information, instruction, training and supervision;
- Formally record the process;
- Review annually and formally record;

These lists are not exhaustive and other factors and measures may need to be considered.

REFERRAL PROGRAM

Employees who suspect that they or their work mates may have an early alcohol or drug abuse problem are encouraged to seek diagnosis and treatment.

They will receive the same consideration and opportunity to undertake treatment as is presently extended to employees suffering from other illnesses.

Contact should be made initially with your Risk Work Health and Safety Officer in matters of this nature. Confidentiality of records will be maintained.

Referral for treatment and requests for treatment will not jeopardise the job security of the individual.

The decision to request diagnosis and accept rehabilitation treatment for an alcohol or other drug problem is a personal responsibility of the individual and it is at the individual's expense.

Neither supervisors nor union representatives have the qualifications to diagnose an alcohol, drug or other problems. Therefore, referral for diagnosis and treatment will be based on job performance only. Once satisfactory work performance and health have been restored and maintained the matter will be at an end as far as Council is concerned.

Nothing in the request for diagnosis or rehabilitation is to be interpreted as constituting a

waiver of management's responsibility to maintain discipline or the right to take disciplinary measures disciplinary action.

While Council is willing to participate with employees in rehabilitation programmes to return work performance and workers health to satisfactory standards it has a responsibility, as does the employee, under the *WHS Act* to maintain a safe working environment.

As such, several actions constitute serious breaches of disciplinary and *WHS Standards* as to require immediate action:

- a) Any employee/person undertaking the operation of a Council vehicle or plant found to have in excess of the prescribed concentration of alcohol in their bloodstream or to have operated a vehicle under the influence of an illegal drug shall be subject to disciplinary procedures of the Central Darling Shire Council *Code of Conduct* and *WHS Policy*.
- b) Any employee/person found to be consuming alcohol in a Council workplace during normal working hours except at a recognised social event shall be dismissed
- c) Any employee/person found to be using an illegal drug in a Council workplace during working hours shall be dismissed.
- d) In addition, any employee/person found to be in possession of illegal drugs or alcohol in a Council workplace during working hours shall be dismissed.

While Council acknowledges it has a role in the rehabilitation of its employees it should also be stressed that a more major concern exists, this being the safety and wellbeing of all other Council employees in the workplace and members of the public.

19 REPORTING OF SUSPECTED ALCOHOL OR DRUG USE

Any staff member suspecting a fellow worker to be adversely affected by alcohol or drugs shall immediately notify their on-site supervisor/ganger.

On site supervisor/ganger

On site supervisors/gangers are required to immediately investigate a report received from a staff member, or if they themselves suspect any worker is adversely affected by alcohol or drugs.

The onsite supervisor/ganger shall ask the staff member if he/she is possibly under the influence. If the staff member replies in the affirmative, the staff member will be immediately directed to cease operating any plant he/she may be in control of. The supervisor will organise for the transport of the worker to his/her place of residence.

If the employee is uncooperative and the supervisor/ganger still suspects the employee is under the influence, the supervisor/ganger will inform his/her Director, in the meantime, the ganger will instruct the staff member to desist from working or operating plant.

If the job is within a reasonable distance the worker will be taken to their residence.

If the worker complies and this is the first breach of the policy, then a disciplinary letter will be issued, and a copy will be placed in the affected worker's personal file.

If the worker disagrees that he/she is under the influence, the worker shall be sent home.

Breaches of Procedure

The following acts or actions are considered a breach of this procedure:

- The use, sale transfer or possession of illegal drugs whilst at Council work places or during working hours.
- Council is obligated to notify the NSW Police of any activity involving the sale or transfer of illicit drugs.
- Reporting to or being at work under the influence of alcohol exceeding the limits set for driving a vehicle, operating plant and machinery.
- Under the influence of illicit/illegal drugs
- Under the influent of prescription/pharmaceutical drugs which affect the ability to undertake any duties in a safe manner.
- Returning a positive test result from a blanket, random, critical incident or cause drug and/or a positive alcohol test exceeding the limits set for driving a vehicle, operating plant or cycling on public roads.

Any breach shall result in disciplinary action.

Workers breaching the Drug and Alcohol Policy will undergo additional random testing over a 12-month period.

Workers breaching the Drug and Alcohol Policy with repeat offences x 2 within a 12-month period, shall be issued a show cause letter.

HAVE YOUR SAY ON A PROPOSAL TO DUAL NAME THE **DARLING RIVER AS BAAKA**

The Geographical Names Board is seeking community comment on a proposal by the Barkindji Native Title Group Aboriginal Corporation to dual name the Darling River as Baaka.

The Board will be accepting submissions from **18 December 2019** to **28 January 2020**. During this period we welcome you to lodge your feedback on the proposed name, including the spelling and extent.

Since June 2001, the NSW government has supported a dual naming policy for geographical features and cultural sites. Where a feature has a non-Aboriginal name, an Aboriginal name can be assigned. This will sit alongside the non-Aboriginal name, each part having equal status.

Assigning a place name under the Geographical Names Act 1966 does not impact other legislation or change rights or responsibilities of the feature.

Comments on the proposal can be lodged on the Geographical Names Board website at:

https://www.gnb.nsw.gov.au/place_naming/current_proposals

or via email at **SS-GNB@customerservice.nsw.gov.au**

For further information contact:

Geographical Names Board NSW

(02) 6332 8214

SS-GNB@customerservice.nsw.gov.au



The Hon. David Littleproud MP

**Minister for Water Resources, Drought, Rural Finance,
Natural Disaster and Emergency Management
Federal Member for Maranoa**

Ref: MS19-001753

15 JAN 2020

Mr Greg Hill
General Manager
Central Darling Shire Council
PO Box 165
WILCANNIA NSW 2836

Via email: greg.hill@centraldarling.nsw.gov.au

Dear Mr Hill

I refer to the Australian Government's commitment to establish a fish hatchery at Menindee and to the submission from the Menindee Native Fish Hatchery Working Group for funding for a scoping study for such a facility. I also note a recent email exchange between Mr Derek Hardman and Mr Gerald Quayle of the Barkandji Native Title Group Aboriginal Corporation (BNTGAC) and yourself which was copied to me.

As you are aware, the establishment of native fish hatcheries at Menindee and St George are a key part of the government's response to the fish deaths in the Murray–Darling Basin in late 2018 and early 2019. The government's response includes more than \$88 million in initiatives to assist recovery and build resilience in the river system and includes actions to improve fish passage, improve connectivity between the north and south of the Basin, and to enhance river management and compliance.

I am pleased to advise that I have decided to provide up to \$100,000 (including GST) to the Central Darling Shire Council to enable the Working Group to undertake the scoping study. I note that the Working Group operates under the auspices of the Central Darling Shire Council.

My decision to fund the CDSC and the Working Group's scoping study is on the basis that the Working Group engages with the BNTGAC in the study. I consider that the successful establishment of a hatchery at Menindee will only occur if the Barkandji and the broader Menindee and lower Darling communities work in a constructive and cooperative manner.

I expect that decisions in relation to the future ownership, management and ongoing operations of the hatchery will be informed by the scoping study and I urge both groups to cooperate and progress the scoping study as soon as practicable.

As outlined in the submission, the proposed study is expected to address appropriate ownership, governance and operational arrangements for the hatchery, and options to make the hatchery financially viable. It is also to address a range of technical, environmental, culturally sensitive issues, community consultation process and opportunities to partner with universities, commercial bodies and government agencies.

Officers from the Department of Agriculture will be in contact with you to establish a funding agreement with the CDSC.

I look forward to receiving the scoping study and progressing the establishment of the hatchery at Menindee. I have written in similar terms to Mr Derek Hardman, Chief Executive Officer of the BNTGAC and have copied this letter to the Member for Parkes, the Hon. Mark Coulton MP.

Yours sincerely



DAVID LITTLEPROUD MP

cc The Hon. Mark Coulton MP, Minister for Regional Services, Decentralisation and Local Government

Greg Hill

From: Drought Communities Programme <DCP@industry.gov.au>
Sent: Wednesday, 29 January 2020 10:36 AM
To: Greg Hill
Cc: Drought Communities Programme
Subject: Decision DCP000502 Central Darling Shire Council - Drought Communities Programme - Extension [SEC=UNCLASSIFIED]

Dear Greg,

Re: DCP000502 Water Security Projects for Central Darling Shire Council

Congratulations, your application for the Drought Communities Programme - Extension has been successful.

Please do not make any public announcements regarding this offer of grant funding until such time as the Minister has made an announcement or two weeks from today, whichever comes first.

The offer of grant funding is subject to a funding agreement being executed between you and the Commonwealth of Australia. We will notify you once an agreement is ready for you to review and accept via the online portal.

Please feel free to contact me if you have any questions.

Regards,

Olympia

Olympia Hollis

Program Management and Delivery
AusIndustry – Support for Business

Phone: 02 0007 1000
GPO Box 2013 Canberra, ACT 2601



Business

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UNCLASSIFIED



20 January 2020

Greg Hill
General Manager
Central Darling Shire Council
Via email: council@centraldarling.nsw.gov.au

Critical Communications Enhancement Program in Central Darling Shire LGA

Dear Mr Hill,

Visionstream is acting on behalf of the NSW Telco Authority in respect to the detailed design of the Critical Communications Enhancement Program (CCEP) across the NSW Western Region.

The CCEP will consolidate the large number of separate radio communication assets owned and operated by NSW Government agencies to enhance the existing Government Radio Network. This will include works to upgrade and/or install radiocommunications infrastructure across the Central Darling Shire Local Government Area.

This letter provides Central Darling Shire Council with a status update on the detailed design of specific radiocommunications sites further to previous correspondence dated 25 November 2020. Visionstream will continue to keep Council informed of its progress.

If you have any questions regarding the attached, please feel free to contact me on the details provided below. Otherwise, I trust this information is useful and keeps Council updated on the program.

Kind regards,

A handwritten signature in blue ink, appearing to read "Russell Carman".

Russell Carman
Town Planner
Visionstream Australia Pty Ltd
(03) 8547 6037
russell.carman@visionstream.com.au

CRITICAL COMMUNICATIONS ENHANCEMENT PROGRAM

WESTERN DETAILED DESIGN

Proposed sites in the Central Darling Shire LGA

The information provided below has been prepared to keep you informed of the Critical Communications Enhancement Program's (CCEP) development activity within the Central Darling government area (LGA).

Under provisions of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP), the works associated with the CCEP will be classed as either **Exempt Development** (clause 116 of ISEPP) or **Development Without Consent** (clause 114(1) of ISEPP). Clause 114(1) states that "*Development for the purposes of telecommunications facilities (including radio facilities) may be carried out by a public authority without consent on any land.*"

Where a new tower or mast is proposed, impacted stakeholders will be formally notified pursuant to clause 114(2)(a) of ISEPP.

1. Overview of proposed sites

In February 2018, the NSW Telco Authority provided advice regarding the preliminary design of the enhanced Government Radio Network (GRN) in the Council LGA.

This preliminary design has now been validated, with six (6) sites now proposed to be upgraded / installed as part of the enhanced GRN and the remaining six (6) to be confirmed.

Sites where Central Darling Shire Council is an infrastructure and/or land owner, Visionstream will continue to liaise with Council regarding property and planning activity for these assets.

The attached map shows all sites proposed within the LGA.

2. Exempt Development

No facilities proposed within the LGA meet the exempt development criteria specified in the ISEPP.

3. Development Without Consent

The six (6) sites proposed for upgrade within the Council LGA that will be carried out under the provision of clause 114(1) of ISEPP.

The NSW Telco Authority is the determining authority for the proposals for the purposes of Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (as defined by section 110 of the EP&A Act).

As part of this planning pathway, the NSW Telco Authority will examine and consider to the fullest extent possible all matters affecting or likely to affect the environment by reason of its activities. This will be documented within a Review of Environmental Factors (REF).

In developing the proposed sites and in accordance with clauses 13-15 of ISEPP, Visionstream would consult with Council if the proposal has the potential to impact on council-related infrastructure or services, local heritage or flood liable land.

Consultation would also be undertaken with the Council where the proposal involves a new tower or mast installation (clause 114(2) of ISEPP). This would include a formal notification to the Council and to owners/occupiers of land adjoining the proposal site, with the NSW Telco Authority and Visionstream considering all responses received within 21 days of the Notice. This activity is undertaken before any construction work proceeds.

4. Consultation with Central Darling Shire Council Shire Council

Date of Correspondence	Validation advice
25 November 2019	Ivanhoe (80011395); Menindee (11470)
20 January 2020	Ivanhoe North (35619); Mac Cullochs Range (80501122); Tilpa (11236); Wonga Lilli (80501107)

5. Details of Proposals

Provided overleaf is detail on the proposed sites and associated works planned in the Council LGA.

Critical Communications Enhancement Program

Proposed sites and associated works planned in Central Darling Shire LGA

ACMA ID	SITE NAME	Street Address	Lot / DP	Land Owner	Description of Proposal	Planning Pathway
80011395	Ivanhoe	Balranald Road, Ivanhoe NSW 2878	Lot 1 / DP74502	Private land owner	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of a new 100m guyed mast; • installation of equipment on the new NSW TA guyed mast, including one (1) dipole array antenna and two (2) parabolic antennas; • installation of equipment within a new equipment shelter; • installation of feeder cables within a new cable ladder; • installation of a new unsealed access track; and • installation of underground sub-mains power cabling. 	Review of Environmental Factors

ACMA ID	SITE NAME	Street Address	Lot / DP	Land Owner	Description of Proposal	Planning Pathway
35619	Ivanhoe North	Springdale Property NW of Ivanhoe, via Cobb Highway, Ivanhoe NSW 2878	Lot 6492 / DP761320	Crown Lands	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of equipment on the existing Essential Energy 65m guyed mast; • installation of equipment on the Essential Energy guyed mast, including one (1) dipole array antenna and one (1) parabolic antenna; • installation of equipment within a new equipment shelter with built-in generator; • installation of new solar panels on a new solar array frame above the equipment shelter; and • installation of a new compound adjacent to the Essential Energy compound and removal of the existing fence. 	Minor Works Review of Consistency Factors (Program) and Consistency Assessment
80501122	Mac Cullochs Range	Australian Inland Energy Site, Barrier Highway, Wilcannia NSW 2836	Lot 4869 / DP769126	Crown Lands	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of a new 50m guyed mast; • installation of equipment on the new NSWTA guyed mast, including one (1) dipole array antenna and one (1) parabolic antenna; • installation of equipment within a new equipment shelter; • installation of feeder cables within a new cable ladder; • installation of a new unsealed access track; • installation of underground sub-mains power cabling; and • installation of a new fenced compound. 	Review of Environmental Factors

ACMA ID	SITE NAME	Street Address	Lot / DP	Land Owner	Description of Proposal	Planning Pathway
11470	Menindee	Menindee Police Station, 36 Yartla St, Menindee NSW 2879	Lot 8 / 16 / DP758669	Property NSW	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of a new equipment shelter within a compound extension; • installation of equipment on the NSW Police Force (NSWPF) lattice tower, including one (1) dipole array antenna and one (1) parabolic dish antenna; • installation of feeder cables within a new cable ladder; • installation of a new access point and driveway crossover; • installation of fencing between the compound extension and the new access point; and • installation of underground sub-mains power cabling. 	Minor Works Review of Environmental Factors (Program) and Consistency Assessment
11246	Tilpa	Nargoos Station, Thoolabool Trig via Tilpa-Tonga Road, Tilpa NSW 2840	Lot 977 / DP762177	Crown Lands	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of equipment on the Essential Energy 40m guyed mast, including one (1) dipole array antenna and one (1) parabolic antenna; • installation of a new equipment shelter with built-in generator; • installation of feeder cables within a new cable ladder; • installation of new solar panels on a new solar array frame above the equipment shelter; and • installation of a new fenced compound. 	Minor Works Review of Environmental Factors (Program) and Consistency Assessment

ACMA ID	SITE NAME	Street Address	Lot / DP	Land Owner	Description of Proposal	Planning Pathway
80501102	Wonga Lilli	Wilcannia- Wanaaring Road, Wilcannia NSW 2836	Lot 4869 / DP769126	Crown Lands	<p>The proposal comprises:</p> <ul style="list-style-type: none"> • installation of a new 65m lattice tower; • installation of equipment on the new NSWTA lattice tower, including one (1) dipole array antenna and two (2) parabolic antennas; • installation of a new equipment shelter; • installation of feeder cables within a new cable ladder; • installation of underground sub-mains power cabling; and • installation of a new fenced compound. 	Review of Environmental Factors

Advice on the planning pathway is to be confirmed for the following sites in the Central Darling Shire LGA:

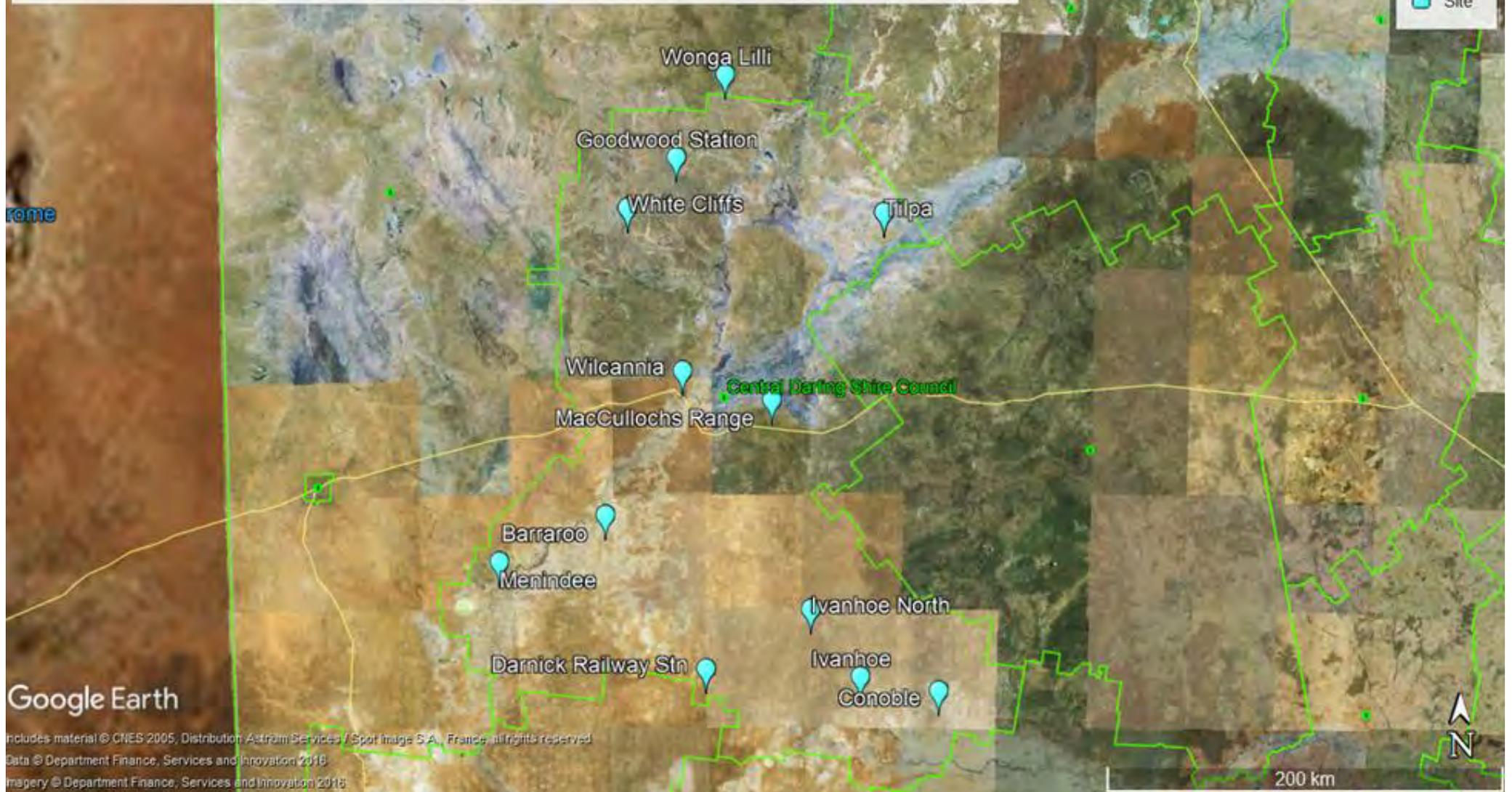
- White Cliffs (ACMA 501108)
- Darnick Railway Station (ACMA 54720)
- Conoble (ACMA 35626)
- Goodwood Station (ACMA 53879)
- Barraroo (501104)
- Wilcannia (80011164)

NSW Telco Authority

Critical Communications Enhancement Program (CCEP) sites within the Central Darling Shire Council local government area (LGA)

Legend

- LGA
- Site





Barkandji Native Title Group
Aboriginal Corporation
RNTBC

ABN 54115703880

The Hon. M.J Pavey, MP.
Minister for Water, Property and Housing
GPO Box 5341
SYDNEY NSW 2001
oxley@parliament.nsw.gov.au

cc:

1. The Hon Keith Pitt MP

Minister for Resources, Water and Northern Australia
Keith.Pitt.MP@aph.gov.au

2. Mr Phillip Glyde

Chief Executive
Murray Darling Basin Authority
phillip.glyde@mdba.gov.au

11 February 2020

Minister Pavey

On Monday 10th February the second Health of the River forum was held in Menindee facilitated by the National Indigenous Australians Agency (Western NSW) in partnership with the Barkandji Native Title Group Aboriginal Corporation (BNTGAC)

In attendance were over 50 local community stakeholders keen to progress strategies and support resources to rebuild healthy rivers for the Murray Darling Basin.

In discussing the Sustainable Diversion Limit (SDL) project, the meeting carried a motion that there be no further negotiation around SDL project until there are guaranteed operational flows back to the Darling Baaka River.

The BNTGAC ask that you consider and support this motion.

Yours sincerely

Derek Hardman

Chief Executive Officer

Barkandji Native Title Group Aboriginal Corporation
Registered Native Title Prescribed Body Corporate

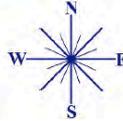
27 South Street, Broken Hill, NSW, 2880
Email: barkandjiceo@gmail.com
Mobile 0437832620

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
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PO BOX 165
WILCANNIA NSW 2836



PHONE: (08) 8083 8900
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COUNCIL CHAMBERS
21 REID STREET
WILCANNIA NSW 2836

PLANNING PROPOSAL FOR AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL

Proposed amendments to establish the Wilcannia Heritage Conservation Area; include additional heritage items; and make corrections to existing heritage schedule



Wilcannia streetscape photos from McDougall & Vines (2017)

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C.	White Cliffs Solar Power Station Nomination Report 2006
D.	Maps
E.	Stakeholder consultation documents
F.	Council resolution

1. INTRODUCTION - OBJECTIVES AND INTENDED OUTCOMES

This is a planning proposal prepared by Central Darling Shire Council for submission to the NSW Department of Planning and Environment pursuant to Section 3.33 of the *NSW Environmental Planning and Assessment Act, 1979*.

This planning proposal is for amendments to be made to *Central Darling Local Environmental Plan 2012* (CDLEP2012) relating to European and general community heritage. Those amendments would establish the Wilcannia Heritage Conservation Area; add additional heritage items to the heritage schedule; and make minor corrections to the existing heritage schedule.

This planning proposal follows from the completion of the *Wilcannia, NSW Community Based Heritage Survey 2017* (the heritage survey) (Annexure A), by McDougall & Vines, Conservation and Heritage Consultants. At its 28 February 2018 meeting Central Darling Shire Council resolved to alter CDLEP2012 in accordance with the recommendations within that heritage survey (Annexure F).

The heritage survey identifies a number of structures within the Central Darling Local Government Area as having heritage significance worthy of listing. It also identifies the proposed Wilcannia Heritage Conservation Area as being worthy of inclusion. This planning proposal therefore proposes to include those matters within CDLEP2012.

In addition to reflecting the heritage survey, there are a small number of errors within the existing heritage schedule (Schedule 5) of CDLEP2012. To ensure that the planning proposal has the appropriate authority, this planning proposal will be presented to Central Darling Shire Council for any further resolution prior to submission.

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument) and guidelines published by the Department of Planning and Environment (DP&E), including A guide to preparing planning proposals and A guide to preparing local environmental plans.

This planning proposal relates only to those matters to be amended in the Central Darling Local Environmental Plan 2012.

1.0 DESCRIPTION OF THE SITE AND LOCALITY

Central Darling Shire Council proposes to make amendments to *Central Darling Local Environmental Plan 2012* that will:

- Establish the Wilcannia Heritage Conservation Area;
- Include additional heritage items; and
- Make corrections to the existing heritage schedule.

This planning proposal explains and justifies those proposed amendments.

Concurrently with this planning proposal, several existing heritage items are being proposed to be nominated for listing on the *State Heritage Register* under the *NSW Heritage Act, 1977*.

This planning proposal follows from the completion of the *Wilcannia, NSW Community Based Heritage Survey 2017* (the heritage survey) by McDougall & Vines, Conservation and Heritage Consultants (Annexure A); from the *White Cliffs Solar Power Station Nomination Report 2006* (Annexure C); and from the subsequent 28 February 2018 resolution of Central Darling Shire Council to alter its Local Environmental Plan (Annexure F).

Implementation of the Planning Proposal will contribute to the achievement of Goal 3 of the *Central Darling Shire – Community Strategic Plan 2017-27* (CSP), which is to achieve a “protected and supported natural environment and well-maintained built environment”. It will contribute to the achievement of that goal by protecting additional heritage items that are of European and general community significance, whilst allowing for alterations and additions to listed structures where warranted so as to ensure that they can be successfully used. It will also protect and enhance the proposed Wilcannia Heritage Conservation Area, which is of general community significance.

The resultant protection and enhancement of items of European and general community heritage significance will complement the existing protection of Aboriginal heritage through relevant provisions of CDLEP2012 and Part 6 of the *NSW National Parks and Wildlife Act, 1974*. Furthermore, a separate study of Aboriginal heritage is being carried out.

The proposed heritage protection and enhancement provisions will also contribute to the achievement of CSP Goal 1 (a healthy and cohesive community) and Goal 2 (a strong regional economy).

Pursuant to Section 3.8 of the *NSW Environmental Planning and Assessment Act, 1979*, the planning proposal will give effect to the *Far West Regional Plan 2036* of the NSW Department of Planning and Environment. Most particularly, the Planning Proposal gives effect to Goal 2 (exceptional semi-arid rangelands), Direction 19 (conserve and adaptively re-use European heritage assets), Action 19.2 by reflecting the outcomes of the heritage survey.

1.1 STATUTORY AND STRATEGIC PLANNING CONTEXT

Central Darling Local Government Area

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

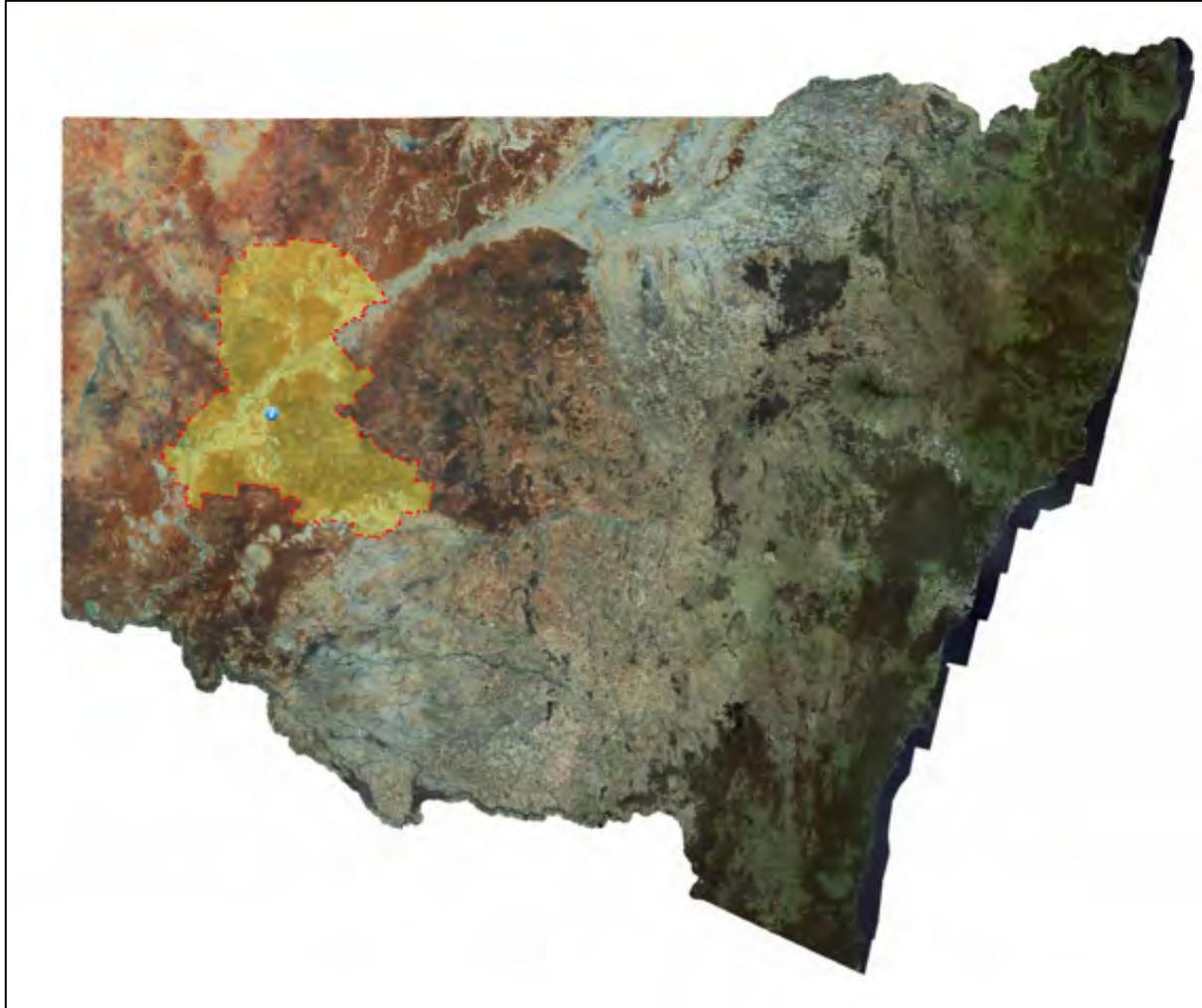


Figure 1: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

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 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, which is centrally located within the local government area and has a population of around 745. White Cliffs is located 72 kilometres to the north of Wilcannia, with a population of around 148. The town of Menindee is located 151 kilometres to the southwest of Wilcannia, with a population of around 551. The town of Ivanhoe is situated 183 kilometres to the southeast of Wilcannia, with a population of around 196.

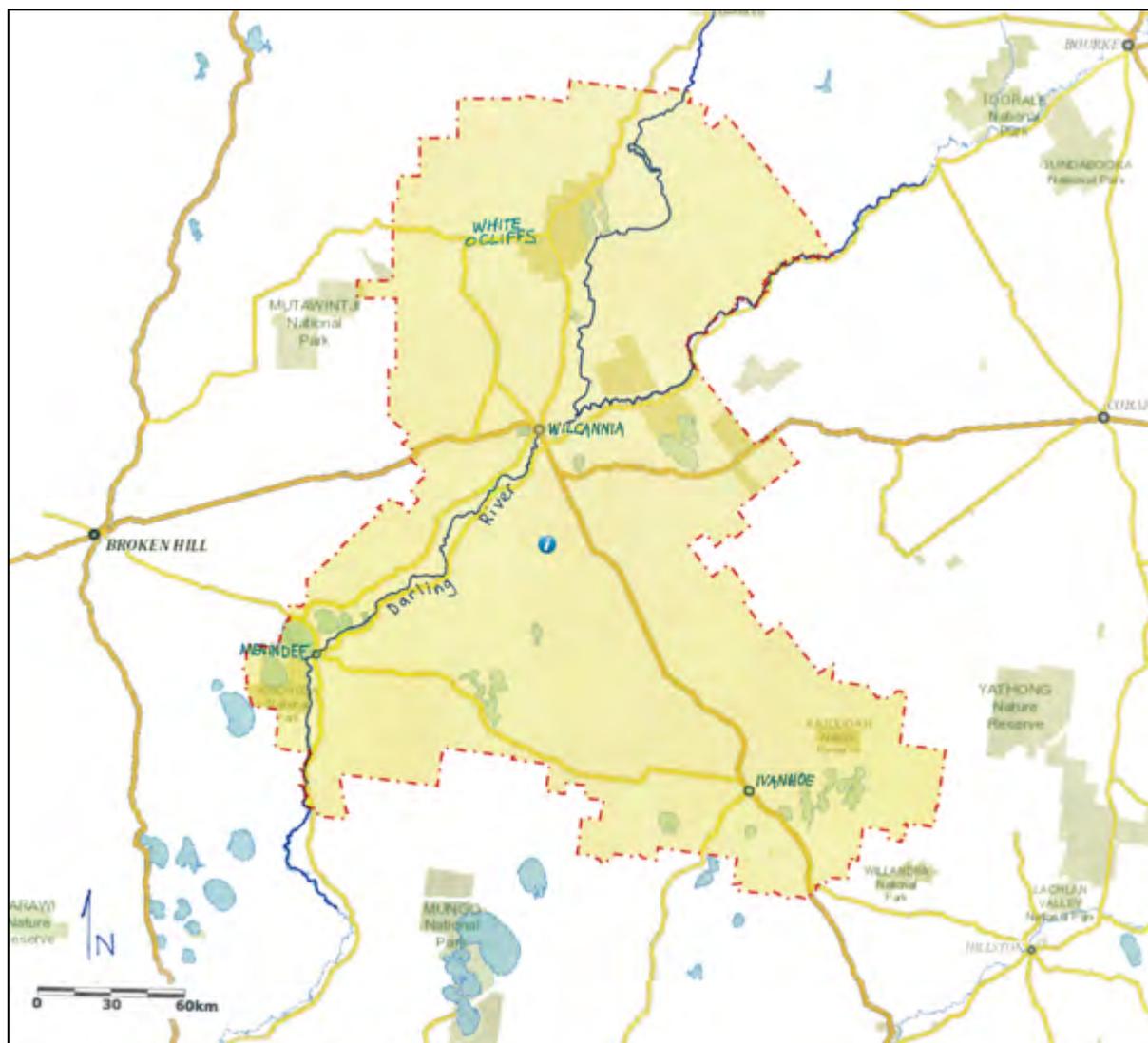


Figure 2: Location of towns and the Darling River within the Central Darling LGA (marked up from Six Maps)

The nearest substantial town to the Central Darling LGA is Broken Hill, a 198 kilometre west of Wilcannia. Wilcannia is around 712 kilometres northeast of Adelaide South Australia, and is around 950 kilometres west of Sydney, being connected to both cities by the Barrier Highway.

The Central Darling LGA is traversed by the Darling River system. The land uses that depend on the Darling River are horticultural uses around the town of Menindee (where the Darling River forms an intermittent lake system), large sheep grazing properties, opal mining near to the town of White Cliffs and seasonal tourism.

The Central Darling LGA is home to indigenous people including the Paakantji people and the Ngiyampaa people. Indigenous people are around 38 percent of the population.

The population of the Central Darling LGA has been declining with the current population of 1,833. The Central Darling LGA is affected by social and economic issues due to the remote location in far west NSW and the major issue of poor water security. Other issues are low employment levels and infrastructure maintenance challenges. However, the residents of the Central Darling LGA enjoy their remote location that provides a unique way of life.

Wilcannia is located on the north-western side of the Darling River. The Central Darling Shire is headquartered in Wilcannia. Wilcannia is a major service centre and resting place for travellers along the Barrier Highway.

Wilcannia

Wilcannia is substantially on the north western side of the Darling River (Figure 3). The Central Darling Shire main office is located in Wilcannia. Wilcannia also serves as a service centre for the smaller outlying towns and is a rest stop for seasonal travellers along the Barrier Highway.



Figure 3: Plan of Wilcannia (Source: Six Maps)

As set out in the survey report, Wilcannia was proclaimed in 1866 and, from the 1870s to the 1890s it became the third largest river port in Australia and boasted 13 hotels. Its significance was further boosted by the discovery of precious metals, gemstones and other minerals in the region. From the early 1900s onwards the economic importance of Wilcannia was lessened, substantially due to changing transport technologies and infrastructure reducing the importance of river transport.

Some structures remain from the time of Wilcannia's greatest importance, as does the town's grid layout. The main street is Reid Street. There is a cemetery around 1.5 kilometre to the southwest. That cemetery is affected by the planning proposal.

LOCALITIES OUTSIDE OF WILCANNIA

White Cliffs is a small town to the north west of Wilcannia with a history of opal mining, with small amount of current opal mining activity. Due to the high summer temperatures, (average 30 – 40 degrees Celsius) a large percentage of White Cliffs inhabitants live in dwellings built underground. There is two motels accommodating tourists drawn by the town’s remoteness and unique outback character, one of the hotels is situated underground. White Cliffs is also home to the White Cliffs Solar Power Station, located in the southern part of the town (Figure 4). That White Cliffs solar power station is no longer operational.



Figure 4: White Cliffs map, marked up to show the indicative location of the White Cliffs Solar Power Station (Source: Google maps 2019)

Menindee is a small town on the Menindee Lake system three hours south west of Wilcannia and one and a half hours south east of Broken Hill. Menindee is situated within a shallow natural and manmade lake system that previously supported various horticultural and tourist activities. Part of Menindee lakes hosted areas of holiday houses adjacent to the manmade part of the lake system.

Ivanhoe is a small service town south east of Wilcannia on the Bruce Highway. Both Menindee and Ivanhoe are on the 1918 railway line that connects Sydney and Adelaide which the Outback explorer train to Broken Hill stopping once a week (the Indian pacific train passes through Ivanhoe and Menindee but does not stop).

Located approximately 50 kilometres east of Menindee on the Menindee Ivanhoe Road is the large grazing property (444 square kilometre) “Big Amp” (Figure 5). The grazing property possesses a historic windmill dating from 1932 (which is subject to this planning proposal).



Figure 5: Location of "Big Ampi", highlighted in yellow (Base source: Six Maps)

1.2 Objectives and Intended outcomes

This planning proposal by Central Darling Shire Council is for submission to the New South Wales Department of Planning and Environment pursuant to Section 3.33 of the *NSW Environmental Planning and Assessment Act, 1979*.

The objectives and intended outcomes are to list specified buildings and structures within the Central Darling Local Government Area as heritage items; to create the Wilcannia Heritage Conservation Area; and to undertake specified minor corrections to existing Schedule 5.

Central Darling Shire Council proposes to make amendments to *Central Darling Local Environmental Plan 2012* that will:

- Establish the Wilcannia Heritage Conservation Area;
- Include additional heritage items; and
- Make corrections to the existing heritage schedule.

PART 2. EXPLANATION OF PROVISIONS FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

Part 3 of the Environmental Planning & Assessment Act facilitates the making and amendments to Local planning instruments.

Section 3, Division 3.1 of the Act relates to strategic planning. Section 3.8(2) provides that, in preparing a planning proposal, the planning proposal authority is to give effect to any district strategic plan applying to the local government area to which the planning proposal relates or, if there is no district strategic plan, to any regional strategic plan applying to the region of which the local government area is part. In that regard, there is no district strategic plan for the Central Darling Local Government Area and the relevant regional strategic plan is the *Far West Regional Plan 2036* (FWRP2036). There is now a draft Local Strategic Planning Statement

for the Central Darling Shire Council. The way in which the planning proposal gives effect to FWRP2036 is set out further below.

Section 3.13 of the Act allows the making of an environmental planning instrument for the purposes of achieving the objects of the Act. That can include an instrument that amends an existing instrument, such as the existing Central Darling Local Environmental Plan 2012 (DCLEP 2012).

The objects of the Act are set out in Section 1.3 and include, amongst other things:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and the amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The present planning proposal involves all of those objects and directly involves object (f) through protection of the heritage significance of structures and of the proposed heritage conservation area. That will assist in achieving object (a), because protection of heritage significance is considered to provide important social, psychological and social benefits. It will also assist in achieving object (c), because the appropriate identification of structures of heritage significance, and the exclusion of structures that are not of heritage significance, is part of an orderly land use planning process. Care needs to be taken to ensure that object (d) is not thwarted, such as by ensuring that someone is not prevented by heritage considerations from using a building for housing where appropriate. That is achieved through the development assessment process, where heritage values are balanced against other considerations.

The development assessment process also involves achieving objects (g) and (h). Heritage conservation must involve community participation to be worthwhile and effective in accordance with object (j), and there has already been such community participation in the course of undertaking the heritage survey. In accordance with object (i), the NSW Department of Environment and Heritage will be involved in a separate but related proposal to list some structures on the State Heritage Register and will also potentially be called upon to provide funding and expertise in heritage protection, but as a separate process to the current planning proposal. Other objects are indirectly related to the current planning proposal.

Section 3.14 relates to the contents of environmental planning instruments and includes (amongst other things) "(a) protecting, improving or utilising to the best advantage the environment". The protection of heritage items and the establishment of a heritage conservation area are consistent with that matter.

Section 3.20 relates to the standardisation of environmental planning instruments and provides for a process whereby the *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument) is to be used. CDLEP2012 is in the form of the Standard Instrument. Section 3.20(6) provides that the instrument may be amended by another amending instrument. The planning proposal involves the addition of heritage items and a heritage conservation to schedule 5. The heritage provisions of CDLEP2012 (clause 5.10), which affect items and a heritage conservation area listed in schedule 5, are compulsory, standard provisions.

Part 3, Division 4 of the Act relates to local environmental plans, which are a type of environmental planning instrument. Under Section 3.31, a “local plan making authority” may make a local environmental plan for its local government area. That “local plan making authority” in this instance is Central Darling Shire Council. Under section 3.34, Central Darling Shire Council is also a “planning proposal authority”.

Under section 3.33, before making a local environmental plan, the planning proposal authority is required to prepare “a document that explains the intended effect of the proposed instrument and sets out the justification for the making of the proposed instrument”, being the planning proposal. It must include:

- (a) a statement of the objectives or the intended outcomes of the proposed instrument,*
- (b) an explanation of the provisions that are to be included in the proposed instrument,*
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) details of the community consultation that is to occur before the making of the proposed instrument.*

The Planning Secretary may issue requirements in respect to the preparation of a planning proposal. No such requirements have been issued at this time. Central Darling Shire Council does not have a strategic planning statement at this time.

Item (a) above is addressed in part 3 of this planning proposal. Item (b) above is addressed in part 4 of this planning proposal. Item (c) is addressed in part 5 of this planning proposal. Item (d) is addressed in part 6 and Appendix C of this planning proposal. Item (e) is addressed in part 7 of this planning proposal.

Far West Regional Plan 2036

Far West Regional Plan 20136 (FWRP2036) is the strategic plan for the Central Darling LGA. The purpose of CDLEP2012 and amending instruments such as presently proposed is to give effect to FWRP2036.

The Far West Region is shown in Figure 6 and includes seven local government areas and the unincorporated area of far western NSW. The Central Darling LGA is centrally located within that region. It covers 323,477 square kilometres, which comprises 40 percent of NSW.

The vision for the Far West Region identifies that its economy is diversified and includes agriculture (including traditional sheep grazing for meat and wool but also including new sectors such as kangaroo and goat farming for meat), mining (particularly around Broken Hill), renewable energy generation, and tourism related to Aboriginal culture and outback experiences. Cultural heritage is recognised as part of tourism and also as enriching the lives of residents of the region.

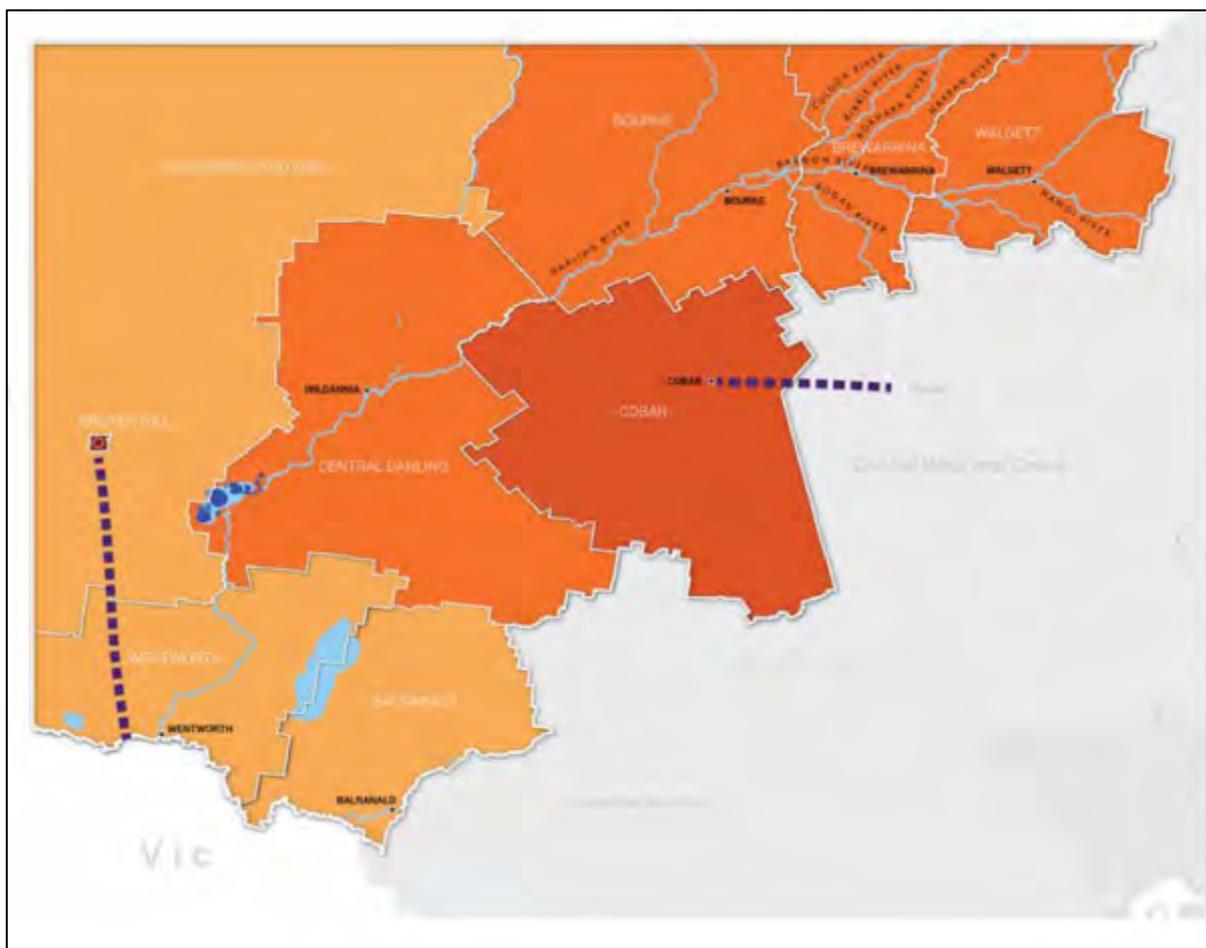


Figure 6: Map of the Far West Region within NSW, covered by the Far West Regional Plan (Source: Draft Far West Regional Plan Report – Department of Planning and Environment 2016).

There are goals arising from that vision, being:

1. “A diverse economy with efficient transport and infrastructure networks.
2. Exceptional semi-arid rangelands traversed by the Barwon-Darling River.
3. Strong and connected communities.”¹

Protection of heritage can be relevant to Goal 1 because heritage can enhance tourism. Protection of heritage can also be relevant to Goal 2 because it can foster community identity and psychological well-being for residents, which helps to strengthen and connect communities.

For the purposes of the FWRP2036, Wilcannia is identified as a “centre”, compared to Broken Hill which is a “strategic centre”. Wilcannia is the only “centre” identified within the Central Darling LGA.

In further commentary about “Places and Heritage”, the FWRP2036 recognises that tourism is “connected to the backdrop of the outback, important sites to Aboriginal people and areas that influenced Australia’s colonial history”. In that commentary, the importance is recognised of Aboriginal sites, that are estimated to be the oldest human made structures on earth. CDLEP2012 does not specifically identify Aboriginal heritage items but it does include provisions that protect heritage items that are identified through other legislation, in particular the *NSW National Parks and Wildlife Act, 1974*.

As a comment on the FWRP2036, it is appropriate to briefly consider the categories of Aboriginal and European heritage. There may be post-colonisation heritage items that are significant to Aboriginal people and those may be protected through environmental planning instruments. Post-colonisation heritage items can be significant to Aboriginal people as part of the broader community.

¹ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

This planning proposal is focussed upon post-colonisation buildings, normally referred to as European heritage. It also includes two structures that are relatively modern and, whilst considered as European heritage, it is noted that as Australia becomes more multicultural it becomes less appropriate to regard structures built during that period as “European heritage” when they become of heritage significance. It is noted that a separate study of Aboriginal heritage in the Central Darling Local Government Area is being carried out.

Associated with each of the goals are “directions”.

In relation to “goal 1”, direction 4 is to diversify energy supply through renewable energy generation. The proposal to list the White Cliffs Solar Power Station as a heritage item is relevant to that direction. The proposed listing will not affect actual renewable energy generation because the plant is no longer operational. However, the listing will assist in recognising the history of renewable energy generation and will indirectly assist in promoting the renewable energy sector.

Also in relation to “goal 1” is “promote tourism opportunities”. The proposed listings will assist in achieving that goal.

In relation to “goal 2”, direction 19 is to conserve and adaptively reuse European heritage assets. It includes recognition of the tourism benefits of such reuse and conservation and specifically refers to the Wilcannia Hospital and Courthouse as being notably significant. The commentary identifies the need for protection of heritage, but also identifies the need to removing barriers to adaptive reuse. Direction 19 includes the following actions:

- “19.1 Increase heritage protection and revitalise main streets and town centres through community education and development incentives in local plans.*
- 19.2 Prepare, review and update heritage studies in consultation with the community to recognise and conserve heritage assets and items and include in appropriate local planning controls.*
- 19.3 ...*
- 19.4 Consult with the Heritage Division of the Office of Environment and Heritage when assessing applications for land use changes, new developments or expanding uses within or near heritage items.*
- 19.5 Map and protect heritage items (including archaeology) from land use conflicts arising from inappropriate and incompatible surrounding land uses, including from cumulative impacts of development.”²*

The heritage survey has been carried out in consultation with affected property owners and interested parties, directly implementing direction 19.2. The present planning proposal is to directly implement direction 19.1. Consistently with direction 19.4, the Heritage Branch will be consulted during exhibition of the planning proposal, in addition to consultation that has occurred to date. The present proposal also involves mapping heritage items. Of particular relevance to objective 19.5 is the proposed listing of the Big Ampy wind generated pump, which involves mapping of that item within the Big Ampy property so that land use conflicts can be managed without burdening the whole property with a heritage listing that would potentially interfere with the operations within that property.

In relation to “goal 3”, none of the directions are directly relevant to the planning proposal. There are housing and healthy built environment directions that are obliquely relevant, insofar as consideration is required of whether heritage listings may pose challenges for adaptive reuse for housing in some instances, or such as whether heritage listings may impede disability access arrangements into public buildings. However, those matters are able to be addressed on a case-by-case basis through the normal development assessment process and do not warrant a decision not to list significant buildings as heritage items.

² Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

Relevant State environmental planning policies

State Environmental Planning Policy 55 – Remediation of land may affect properties that would be affected by the planning proposal because the properties may potentially have been contaminated by past activities.

Clause 6(1) of the Policy provides as follows:

In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Clause 6(2) goes on to require formal preliminary investigation in specified circumstances in which specified land is to be included in a zone.

Listing of a building on the heritage schedule under CDLEP2012 means that under clause 5.10(10) there is the potential for the land to be used for a purpose that would not otherwise be permitted, as an incentive for the owners of heritage items. Nonetheless, that potential broadening of permitted uses does not amount to the inclusion of land in a particular zone – no change of zoning is proposed. As such, there is no requirement for any contamination issues to be resolved as part of the planning proposal. Any contamination issues may be addressed as part of any development application where that matter is relevant.

State Environmental Planning Policy (Affordable Rental Housing) 2009 includes certain provisions relating to complying development, including for secondary dwellings and group homes in certain cases. Such complying development options are not available for properties that are a heritage item. Implementation of the planning proposal will therefore limit those complying development options for the affected properties. Given that appropriate development will continue to be permitted, but subject to a development application, it is not considered that the proposal will impose an unreasonable impost or prevent reasonable proposals for secondary dwellings or group homes.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies to “BASIX affected development” but does not apply to “BASIX excluded development”. “BASIX excluded development” includes alterations, enlargements or extensions to a building listed on the State Heritage Register. Although it is intended that specified heritage items in Wilcannia are included on the State Heritage Register, that will be through the *Heritage Act 1977* and does not form part of the present planning proposal. In relation to other heritage items, BASIX still applies, albeit that BASIX requirements that conflict with heritage requirements may be the subject of an “alternative assessment”. There are no significant implications arising from the planning proposal of relevance to BASIX requirements.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 allows specified works within the boundaries of an existing school to be “development without consent”. In the case of demolition, that does not apply to a heritage item. The present planning proposal includes a correction to the heritage schedule in relation to Wilcannia Central School, involving identification of the correct lots within which heritage significant fabric is located. For that part of the school property, demolition will not be allowed as “development without consent”, whilst for the part of the school incorrectly identified that development may potentially become “development without consent”. That is not an unreasonable outcome. Under that same State policy there are similar exclusions for demolition as exempt development. Complying development in general (including under the SEPP) is not allowed for heritage items (except in specified circumstances for State-listed heritage items). Again, the outcome will not be unreasonable and will ensure the appropriate buildings at the school are State-listed.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 includes provisions that allow specified development to be exempt or complying development. It also includes a provision relating to exempt development generally that excludes heritage items from being able to be the subject of a complying development certificate, excepting for certain exclusions for State listed heritage items. Properties within a heritage conservation area are excluded in some cases from being able to be the subject of exempt or complying development. Affected properties will still be able to be the subject of development applications and the outcome is not considered to be unreasonable on balance.

State Environmental Planning Policy (Infrastructure) 2007 allows certain types of infrastructure development to be exempt or complying development or to be “development without consent”. Those provisions apply differently to heritage items in some cases. That outcome is acceptable on balance.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 allows for certain activities to be exempt development but excludes heritage items and conservation areas from those provisions. The proposed heritage items are not on properties where mining is likely to occur. In the case of Big Ampy, it is appropriate that the heritage listing is limited to the specific item so as to ensure that such listing does not interfere with any provisions that would benefit that property under the State policy.

Ministerial directions

This planning proposal must address whether the implementation of the planning proposal will comply with ministerial directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

Part 1 of the directions relates to employment and resources.

Part 1.1 of the directions relates to business and industrial zones. It applies where a planning proposal will affect any existing business or industrial zone. As explained further below, the proposal will affect some properties in Wilcannia that are zoned B2 Local Centre. The proposal will not affect properties within any other business or industrial zone.

For the properties affected by Part 1.1 (the business zoned properties), the planning proposal must (a) give effect to the objectives of the direction; (b) retain the areas of existing business or industrial zones; (c) not reduce the total potential floor space area for employment uses and related public services in business zones; (d) ...; and (e) ensure that proposed new employment areas... . The planning proposal does not alter the area of business zones and does not change the available gross floor area. The objectives are (in summary) (a) encourage employment growth; (b) protect employment land; and (c) support the viability of identified centres. The proposal gives effect to those objectives by enhancing the attractiveness and identity of Wilcannia which will encourage tourism and enhance business activity. The proposal will therefore comply with the directions in Part 1.1.

Part 1.2 of the directions relates to rural zones. It applies where a planning proposal will affect land in an existing or proposed rural zone.

The direction is applicable to the planning proposal because the planning proposal affects the following sites:

- Big Ampy, which is zoned RU1 Primary Production;
- the Wilcannia Cemetery, which is also zoned RU1 Primary Production; and
- the White Cliffs Solar Power Station, which is zoned RU5 Village.

The relevant direction is that the planning proposal must not rezone the land to business, residential, industrial or other specified uses. The planning proposal complies with that direction.

Part 1.3 of the directions relates to mining, petroleum production and extractive industries. It seeks to ensure that land is not rezoned in a way that will compromise the potential extraction of minerals and the like. The direction applies where a planning proposal would prohibit the extraction of minerals or the like or restrict such activities by permitting a form of development that would be incompatible with those activities. The direction is not applicable because the planning proposal would not permit any different land use to the land uses that are already permitted.

Part 1.4 of the directions relates to rural lands. It applies to any planning proposal that seeks to change zone boundaries for rural or environment protection zone lands or to change the minimum lot size for such lands. The direction does not apply to the planning proposal.

Part 2 of the directions relates to environment and heritage.

Part 2.1 of the direction relates to environment protection zones. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the extent of existing environment protection zones. The direction does not have to be complied with for matters of minor significance. In that regard, the proposal does not affect existing environment protection zones and is of minor significance. The direction therefore does not apply to the planning proposal.

Part 2.2 of the direction relates to coastal management and is not applicable.

Part 2.3 relates to heritage conservation. Its objective is to conserve items, areas and places of environmental heritage significance and indigenous heritage significance. The direction is that a planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act, 1974*, and
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The direction further provides that a planning proposal may be inconsistent with the direction if the relevant planning authority can satisfy the Director-General or relevant officer that (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land or the provisions of the planning proposal that are inconsistent are of minor significance.

In that regard, the planning proposal is inconsistent with the direction to the extent that it does not involve the identification and protection of specifically Aboriginal heritage. The planning proposal relates to post-colonisation buildings and structures of European or general community significance. That is because the impetus behind the heritage survey has been to protect the identified post-colonisation structures. CDLEP2012 includes provisions relating to Aboriginal heritage. Indigenous heritage significance of the local government area is also protected by provisions within the *National Parks and Wildlife Act, 1974*. Furthermore, a separate study of Aboriginal heritage is being carried out. It is therefore unnecessary for the planning proposal to further address that matter as part of the present planning proposal.

The planning proposal otherwise complies with and achieves the objectives of the direction.

Part 2.4 relates to recreation vehicle areas and is not relevant to the planning proposal. Part 2.5 relates to a different area and is not applicable.

Part 3 relates to housing, infrastructure and urban development.

Part 3.1 relates to residential zones. It affects planning proposals that will affect land within a residential zone. The planning proposal will affect land zoned R1 General Residential and it therefore affects the planning proposal. The direction is that a planning proposal must include provisions that facilitate housing diversity and other specified housing outcomes. The direction is not applicable where the provisions that are inconsistent are of minor significance. In that regard, the planning proposal will not significantly affect housing outcomes and the direction does not have to be complied with.

Part 3.2 relates to caravan parks and manufactured home estates and does not affect the planning proposal.

Part 3.3 relates to home occupations. The planning proposal does not affect home occupation provisions and the direction is not relevant to the planning proposal.

Part 3.4 relates to integration of land use and transport. The planning proposal does not involve any significant inconsistency with that direction.

Part 3.5 relates to development near licensed aerodromes. It is noted that the wind-generator at Big Ampy is near an airstrip on that property. However, that airstrip is not licensed and therefore the direction is not relevant to the planning proposal.

Part 3.6 relates to shooting ranges. The planning proposal will not affect any shooting range.

Part 4 relates to hazard and risk.

Part 4.1 relates to acid sulfate soils. The planning proposal does not affect any classified acid sulfate soil land.

Part 4.2 relates to mine subsidence and unstable land. White Cliffs is affected by opal mining leases, which does not relate to any mine subsidence districts but is subject to mine stability controls within CDLPE2012. The White Cliffs Solar Power Station is not affected land stability considerations. The White Cliffs Solar Power Station is not within the areas identified on the CDLPE2012 *Dugout Areas Map*, excepting that one of the lots that contains the power station is, for a miniscule portion, within that area but is completely removed from the power station (Figure 7). No other areas proposed for heritage listing are affected by mine instability or subsidence.

Part 4.3 relates to flood prone land and restricts specified rezoning within flood prone areas. The planning proposal does not change permissible land uses and any inconsistencies with the direction are of minor significance.

Part 4.4 relates to planning for bushfire protection. The direction affects the proposal because some of the properties that are proposed to be heritage listed or to be within a conservation area are bushfire prone land. The direction requires that there be consultation with the NSW Rural Fire Service and that *Planning for Bushfire Protection* is taken into consideration. The planning proposal may only be progressed if the proponent can satisfy the Director-General or relevant officer that Council has obtained written advice from the Commissioner of the NSW Rural Fire Service that the NSW Rural Fire Service does not object to the planning proposal. This planning proposal will be forwarded to the Commissioner of the NSW Rural Fire Service and they will be asked to confirm that the NSW Rural Fire Service does not object to the planning proposal. Advice to that effect will be obtained before the planning proposal is forwarded to the Director-General.

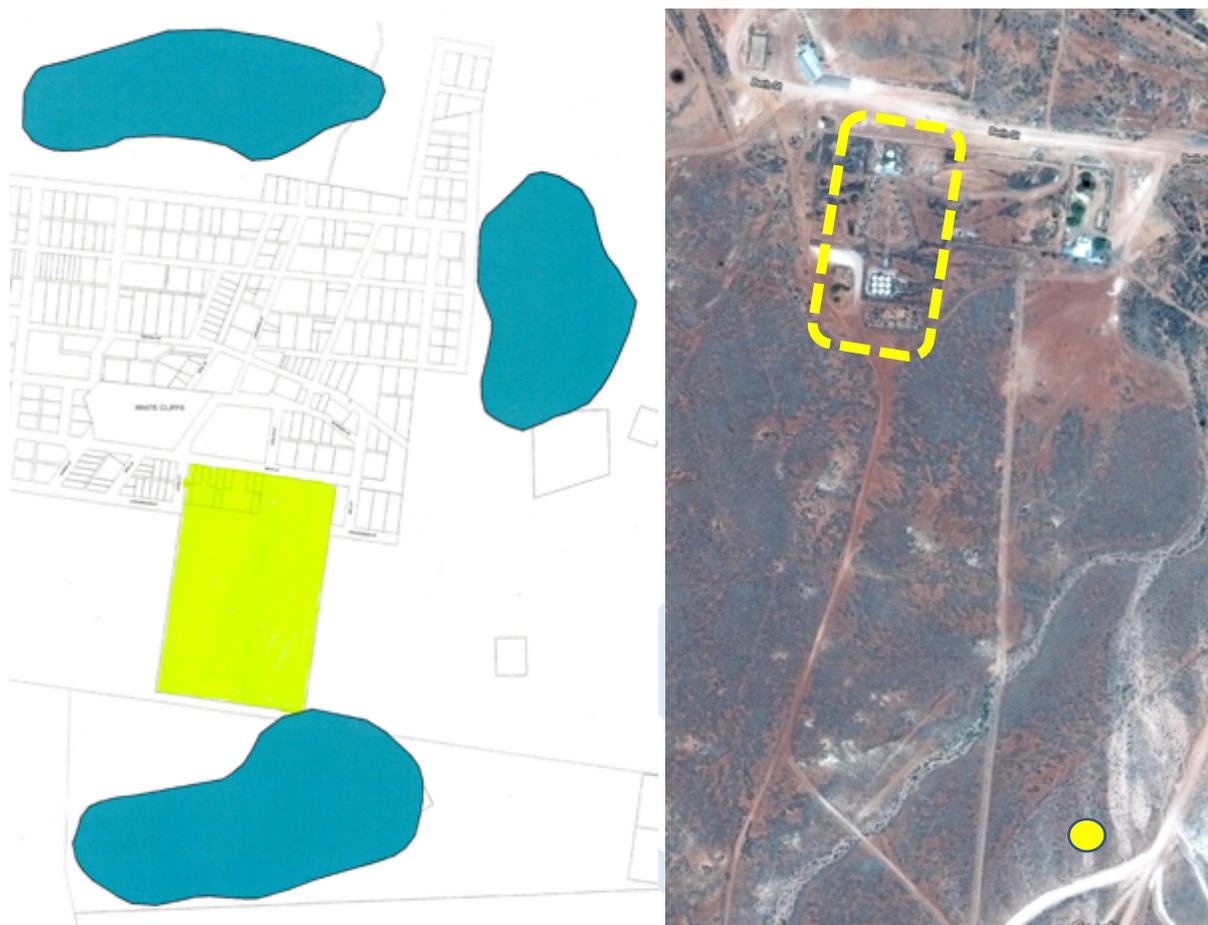


Figure 7: Site of proposed heritage listing of White Cliffs Solar Power Station within the CDLEP2012 Dugout Areas Map (left) and location of intrusion of one lot into dugout areas map relative – indicated by a yellow dot, relative to the location of power station infrastructure – indicated within the yellow border (right)

Part 5 relates to regional plan for specified areas and does not affect the planning proposal.

Part 6 relates to local plan making.

Part 6.1 relates to approval and referral requirements and provides that a planning proposal must minimise the reliance upon concurrence authorities and restricts the use of designated development categories. The planning proposal does not involve development requiring concurrence and does not introduce any new category of designated development. The planning proposal is therefore consistent with that direction.

Part 6.2 relates to the reservation of land for public purposes and is not applicable.

Part 6.3 relates to site specific provisions. The planning proposal does not include such provisions.

Part 7 relates to metropolitan planning and is not relevant to the planning proposal.

Local planning controls

The planning proposal involves creating the (currently proposed) Wilcannia Heritage Conservation Area; adding sites and specified buildings and structures to the heritage schedule; and making some minor corrections to the existing heritage schedule.

The properties that are proposed to be listed as heritage items are zoned either R1 General Residential, RU5 Village, RU1 Primary Production or W1 Natural Waterways.

Extracts from the *Land Use Table* for those zones are:

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

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

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To retain and facilitate expansion and redevelopment of the existing central business districts of Menindee and Ivanhoe and to further strengthen the core commercial functions of those areas.
- To ensure that development retains and enhances the existing village character.

2 Permitted without consent

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

3 Permitted with consent

Centre-based child care facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Marinas; Mooring pens; Moorings; Open cut mining; Roadside stalls; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities

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; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; 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; 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

Zone W1 Natural Waterways

1 Objectives of zone

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*

2 Permitted without consent

Nil

3 Permitted with consent

Airstrips; Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Heliports; Information and education facilities; Jetties; Mooring pens; Moorings; Recreation areas; Research stations; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

It is appropriate to consider whether any of the current uses of properties that would be affected by the planning proposal are occupied by non-conforming uses, being uses that are prohibited in the zone in which they are located.

In that regard, it is noted that “electricity generating works” are prohibited within the RU5 Village zone within which the White Cliffs Solar Power Station is located. However, that prohibition is set aside by *State Environmental Planning Policy (Infrastructure) 2007*, and in particular clause 34, which permits such electricity generating works with consent.

The uses of 66-68 Reid Street and of 70-72 Reid Street would be defined as “public administration buildings” and are prohibited within the R1 General Residential zone within which they are located. The R1 zone is not a prescribed zone for the purpose of provisions within *State Environmental Planning Policy (Infrastructure) 2007* that relate to public administration buildings and therefore those provisions do not overcome that prohibition. However, the prohibition is overcome by clause 5.12, which permits the continued use of existing buildings of the Crown.

There do not appear to be any other current non-conforming uses. It is beyond the scope of this planning proposal to determine that matter with certainty.

Clause 5.10 of CDLEP2012 provides the following:

“Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Central Darling,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

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

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

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

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

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

(e) erecting a building on land:

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

(f) subdividing land:

- (i) on which a heritage item is located or that is within a heritage conservation area, or*

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

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

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

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance

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

(5) Heritage assessment

The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

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

(6) Heritage conservation management plans

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

(7) Archaeological sites

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

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.”³

For the purposes of those heritage provisions, the following definitions within the CDLEP2012 Dictionary are relevant:

“Aboriginal object means any deposit, object or other material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Aboriginal place of heritage significance means 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

³ Central Darling Local Environmental Plan 2012 – Legislation NSW website – 2019.

(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.

Note.

The term may include (but is not limited to) places that are declared under section 84 of the [National Parks and Wildlife Act 1974](#) to be Aboriginal places for the purposes of that Act.

heritage conservation area means an area of land of heritage significance:

- (a) shown on the [Heritage Map](#) as a heritage conservation area, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Public Service agency responsible to the Minister administering the [Heritage Act 1977](#) that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note.

An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the [Central Darling Local Environmental Plan 2012 Heritage Map](#).

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.”⁴

There are a series of *Heritage Map* maps forming part of CDLEP2012. Those maps affected by the planning proposal are reproduced in Appendix D, along with proposed changes to those maps. It is appropriate to take note that the definition of “heritage item” does not relate to how it is shown on the heritage map. For example, if the proponent wishes for only part of a site to be affected as a heritage item but the address and real property description are provided in the heritage schedule, then it is necessary for the description in Schedule 5 to appropriately specify the part of the property that is affected. For example, co-ordinates could be given and a specified distance from that co-ordinate point could be provided in the description within Schedule 5. Alternatively, the description could refer to the map.

Schedule 5 is structured as a list under headings “Locality”, “Item name”, “Address”, “Property description”, “significance” (whether local or State) and a unique item number. The significance of a heritage item cannot be changed from local to State merely by amending CDLEP2012. To be State listed, the heritage item has to be

⁴ Central Darling Local Environmental Plan 2012 – Legislation NSW website – 2019.

listed on the State Heritage Register through the *NSW Heritage Act, 1977*. Some existing heritage items are proposed to be forwarded for State listing concurrently with the planning proposal. When that listing takes place (if it takes place) the NSW Department of Planning will be advised and a change to Schedule 5 to reflect that change will occur without the need for a full planning proposal process, under Section 3.22 of the Act.

There are presently 36 heritage items within Schedule 5 and there are no conservation areas.

There are provisions within CDLEP2012 that affect properties that are proposed to become heritage items or to be within the proposed *Wilcannia Heritage Conservation Area*, in addition to the zoning provisions set out above and in addition to the heritage provisions within clause 5.10. It is unnecessary as part of this planning proposal to set out each and every such provision. The provisions that would typically be of key relevance to the development potential of the properties in question are maximum permissible building height and maximum floor space ratio. However, such provisions are not applicable under CDLEP2012. The scale and density of any proposed development are subject to a merit assessment when an application is made.

There is no Central Darling Development Control Plan and there is no other relevant Development Control Plan.

THE PROPOSED PROVISIONS

The proposed inclusions as heritage items in Schedule 5 of CDLEP2012 (in addition to the existing heritage items) are (numbering provided is pending numbering to be determined at a later stage in the planning proposal process):

Item number	Locality	Item name	Address	Property description
37	Menindee	Comet wind turbine pump	Part 14,860 Ivanhoe-Menindee Road	Part Lot 4642, DP762609, being within 50 metres of coordinates (coordinates to be supplied prior to implementation of planning proposal)
38	White Cliffs	Solar Power Station	Beth Street, White Cliffs	Lot 102, DP611504; Lot 101, DP838308; Lot 15, Section 2, DP759084; Lot 20, Section 2, DP759084; Lot 11, Section 2, DP759084; Lot 1, Section 2, DP759084; Lot 2, Section 2, DP759084; Lot 4, Section 2, DP759084; Lot 6, Section 2, DP759084; Lot 9, Section 2, DP759084; Lot 10, Section 2, DP759084
39	Wilcannia	House, former brewery residence	19-23 Bonney Street	Lot A, DP901402
40	Wilcannia	House	26-30 Byrnes Street	Lot 10, Section 28, DP759091
41	Wilcannia	House	15-17 Hood Street	Lot A, DP419309
42	Wilcannia	Former commercial bank	25 Reid Street	Lot 19, Section 3, DP759091

Item number	Locality	Item name	Address	Property description
43	Wilcannia	CDEP Building	39 Reid Street	Lot 3, DP580065
44	Wilcannia	Row of shops	40A, 40B and 40C Reid Street	Lot 1, DP906421; Lot B, DP 312008; Lot A, DP312008
45	Wilcannia	Portable steam engine (added to existing item name "Old wharf and winch")	41-43 Reid Street	Lot 32, DP580065
46	Wilcannia	Shop and house	54 Reid Street	Lot 6, Section 14, DP759091
47	Wilcannia	Auto repair workshop	60 Reid Street	Lot 3, Section 14, DP759091
48	Wilcannia	Former Court House Hotel	65-67 Reid Street	Lot 5, Section 2, DP759091
49	Wilcannia	House "Riversleigh"	69 Reid Street	Lot 1, DP369615
50	Wilcannia	Sandstone house	81 Reid Street	Lot 3, DP301856
51	Wilcannia	Sandstone house	83 Reid Street	Lot 2, DP301856; Lot 1, DP301856
52	Wilcannia	Attached cottages	93-99 Reid Street	Lot 1, DP906277; Lot 983994
53	Wilcannia	Steam engines (added to existing item name "water tower")	Part 6-8 Ross Street	Part 7308, DP1179888 (refer to map)
54	Wilcannia	Cemetery	West Wilcannia Road	Lot1, DP1114450; Lot 7327 DP1181235; Lot 1, DP1181250; Lot 1, DP1105883; Lot 7326, DP1181235; Lot 1, DP1105881; Lot 1, DP110854; Lot 1, DP1105882

Table 1 – List of Heritage items

- 66-68 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- the Cleaton Street road reserve between Reid Street and the north western side of Reid Lane;
- 64 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 62 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 60 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 58 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 56 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 54 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 52 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 50 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 48 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 46 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- Baker Park and the part of the Reid Street road reserve adjacent to it;
- 49-63 Reid Street and the part of the Reid Street road reserve and the Barrier Highway road reserve adjacent to that property;
- 45 Reid Street and the part of the Barrier Highway road reserve adjacent to that property;
- the Barrier Highway and Myers Street road reserve areas between the south eastern side of Reid Street and the north eastern side of Reid Lane;
- The Barrier Highway roadway and footway including the bridge structures located thereon where it traverses the Darling River, as defined by the land presently zoned W1 Natural Waterways;
- 41-43 Reid Street and the part of the Reid Street road reserve in front of that property;
- 39 Reid Street and the part of the Reid Street road reserve in front of that property;
- 37 Reid Street and the part of the Reid Street road reserve in front of that property;
- 35 Reid Street and the part of the Reid Street road reserve in front of that property;
- 33 Reid Street and the part of the Reid Street road reserve in front of that property;
- 27-31 Reid Street and the part of the Reid Street road reserve in front of that property;
- 25 Reid Street and the part of the Reid Street road reserve in front of that property;
- 1-3 Byrnes Street and the part of the Byrnes Street road reserve adjacent to that property;
- 5-7 Byrnes Street and the part of the Byrnes Street road reserve adjacent to that property;
- 9 Byrnes Street and the part of the Reid Street and Byrnes Street road reserves adjacent to that property;
- 21 Reid Street;
- the part of 19 Reid Street between 2-6 Byrnes Street and 21 Reid Street; 2-6 Byrnes Street;
- 26 Reid Street and the part of Reid Lane adjacent to that property;
- 30 Reid Street and the part of Reid Lane adjacent to that property;
- 32 Reid Street and the part of Reid Lane adjacent to that property;
- 34 Reid Street and the part of Reid Lane adjacent to that property;
- 38 Reid Street and the part of Reid Lane adjacent to that property;
- 40A Reid Street and the part of Reid Lane adjacent to that property;
- 40B Reid Street and the part of Reid Lane adjacent to that property;
- 40C Reid Street and the part of Reid Lane adjacent to that property;
- 42 Reid Street and the part of Reid Lane adjacent to that property;
- 44 Reid Street and the part of Reid Lane adjacent to that property;
- 16 Myers Street and the part of the Myers Street road reserve in front of that property;
- 18 Myers Street and the part of the Myers Street road reserve in front of that property;
- 20 Myers Street and the part of the Myers Street and Woore Street road reserves adjacent to that property;
- 22 Myers Street and the part of the Myers Street road reserve in front of that property;
- 24 Myers Street and the part of the Myers Street road reserve in front of that property and the part of the laneway road reserve adjacent to the north western side of that property;
- 80-86 Woore Street and the part of the Woore Street road reserve adjacent to that property;
- 88 Woore Street and the part of the Woore Street road reserve adjacent to that property;

- 90-98 Woore Street and the part of the Woore Street road reserve adjacent to that property and the part of the Cleaton Street road reserve adjacent to that property and the part of the Hood Street road reserve adjacent to that property; and the part of 76-92 Hood Street (Burke Park) indicated in Figure 10, being along a line perpendicular to the south eastern side of the DeSailly Street road reserve.

In order to facilitate the inclusion of the Wilcannia Conservation Area within Schedule 5 it would be necessary to include a new heading for the list of Heritage Items by inserting “Part 1 Heritage Items” above the existing list. There would then be a new heading below that list, being “Part 2 Heritage Conservation Areas”. Below that list would be the following text:

<i>Description</i>	<i>Identification on Heritage Map</i>	<i>Significance</i>
<i>Wilcannia</i>	<i>Shown by a heavy red outline and hatched and marked “C1”</i>	<i>Local</i>

The map shown in Annexure D as “Wilcannia Heritage Conservation Area” but reproduced to be in accordance with NSW Department of Planning drafting requirements, would be included within the CDLEP2012 maps.

The minor corrections that would be undertaken to Schedule 5 of CDLEP2012 are:

- The current listing, being:

Wilcannia Memorial: World War I Baker Park Lot 3, Section 59, DP759091

would be deleted and would be replaced by:

Wilcannia Memorial: World War I Baker Park Lot 7301, DP1177652

That is in order to provide the property description for where the existing memorial is actually located.

- The current listing, being:

Wilcannia Old Wharf and winch Adjacent to bridge Lot 32, DP580065

would be deleted and would be changed to:

Wilcannia Old Wharf and winch 41-43 Reid Street Lot 32, DP580065 and portable steam engine

It would have its address changed to 41-43 Reid Street and the proposed new listing on that property would include the description Old Wharf and winch. That is because the street address properly correlates to the real property description currently included in Schedule 5 and should therefore be used. It is noted that the actual Old Wharf and winch might not be precisely within Lot 32 and may instead be partially within Crown Land adjacent to the river. However, it is not considered necessary to specify the precise location within CDLEP2012 because the listing appropriately signals the significance of the item (which is under repair or reconstruction consideration).

- The current listing, being:

Wilcannia Two sandstone houses 8-10 Myers Street Lot 4, DP1128425

would be deleted and would be replaced by:

Wilcannia Two sandstone houses 24 Myers Street Lot 4, DP1128425

That is because there is no “8-10 Myers Street, Wilcannia” and because the property with the given description of Lot 4, DP1128425 is at 24 Myers Street

- The current listing, being:

Wilcannia Old Wilcannia Central School 77-79 Hood Street Lot 8, DP1128425

would be deleted and would be replaced by:

Wilcannia Old Wilcannia Central School 90-98 Woore Street Lots 9-10, DP1128425

That is because the current lot description is not where the original school building is located (Figure 12). The original school is located within Lot 10, although it is also appropriate to list Lot 9 as that will ensure appropriate management of the curtilage of the original school building.

PART 3 - JUSTIFICATION FOR THE PROPOSED AMENDMENTS

3.0 – DEMONSTRATE JUSTIFICATION FOR THE PLANNING PROPOSAL

The proposal is justified by the *Wilcannia, NSW Community Based Heritage Survey, 2017* by McDougall & Vines, Conservation and Heritage Consultants 2017 (the Heritage Survey); and by the *Nomination Report: Australian Historic Engineering Plaquing Program. A Historic Engineering Marker (HEM) for White Cliffs Solar Power Station (1981)*, by Chris Dalitz, 2006 (the Nomination Report).

Summary of findings of the Heritage Survey, and associated planning proposal actions

The heritage survey was carried out by Elizabeth Vines of McDougall & Vines, Conservation and Heritage Consultants. A summary of Ms Vines' relevant experience is provided in Appendix B, wherein it is demonstrated that Ms Vines' is a highly qualified heritage expert.

The heritage survey has involved a community-based approach, wherein the knowledge of members of the Wilcannia community was drawn upon by Ms Vines along with evidence from visual inspection and from historical information sources as set out in the heritage survey. Local historian Chris Elliot also made a substantial contribution to the heritage survey.

At this stage state heritage inventory datasheets have not been prepared for each proposed heritage item. Those will be prepared during the assessment of the planning proposal.

The heritage survey builds upon the previous heritage survey undertaken by Godden Mackay Logan Pty Ltd, being *Central Darling Shire Cultural Resource and Tourism Study 1996* and the *Wilcannia, NSW, Main Street and Town Centre Interpretation Report*, November 2010.

The heritage survey identifies the following themes arising from the relationship between places in Wilcannia and its historical context:

- Developing local and regional economies – the growth of river and other transport in Wilcannia and the region, based on expansion of pastoralism and mining.
- Building settlements, town and cities – building the township of Wilcannia – public and commercial buildings, housing and accommodation.
- Governing – law and order, State and local government administration in Wilcannia, with associated buildings and complexes.
- Developing cultural life – Developing Wilcannia's cultural life, leisure and social institutions for the local community and notable residents.

The heritage survey identifies heritage items on the basis of places being:

- *A place or places of outstanding value on either a local, State or national level that may have one or a range of values including historical, architectural, aesthetic, scientific or social values and that may be rare or representative of a type;*
- *A place that demonstrates the development of Wilcannia and relates to the State's historic themes;*
- *An element or elements of a place that warrant retention even though the remainder of a place does not have particular heritage value, including archaeological elements or landscape items.*

Criteria for heritage significance are identified as including:

- Association with people, events or phases of history of great importance;
- Rarity;
- Unusual technical skill in construction;
- Excellence as an example of a valuable group of items.

The heritage survey identifies the following buildings as warranting listing on the State heritage register, being places that are already listed heritage items:

- Post office and residence at 45 Reid Street
- Courthouse at 66-68 Reid Street
- Maximum security prison and police station at 70-72 Reid Street
- Rich & Co Bond Store at 71 Reid Street.

That listing process will be pursued separately to this planning proposal, under the *NSW Heritage Act, 1977*.

The items proposed for listing set out in Part 4 of this planning proposal are set out in the heritage survey as being recommended for listing, excepting that the proposed listing of the White Cliffs Solar Power Station arises from a separate document.

The proposed Wilcannia Heritage Conservation Area is described in the heritage survey and is consistent with the proposed Wilcannia Heritage Conservation Area. The heritage survey describes the conservation area as the "Reid Street Heritage Conservation Area". However, the conservation area may appropriately describe as the Wilcannia Heritage Conservation Area as there is no potential other heritage conservation area within Wilcannia.

The Wilcannia Heritage Conservation Area will include some buildings that are already listed as heritage items; some that are proposed to be listed as heritage items under the current planning proposal; some that are neither current nor proposed heritage items but that are contributory to the significance of the conservation area; and some that are neutral in their contribution to the significance of the conservation area.

As set out in the heritage survey, the Wilcannia Conservation Area should be established because it is significant for its streetscape character and is of value due to the collective nature of the buildings and elements in the area, which demonstrate the themes identified above. Furthermore, those elements give the area a special sense of place arising not only from the buildings but from their reasons for those buildings having been constructed in their particular locations and how all of those buildings form part of a place narrative that reflects evolving economic and social conditions. It is relevant to note that not only the individual properties but also the road reserve areas form part of the conservation area and consideration will be required of the impacts of road and drainage works and tree planting schemes on the significance of the conservation area.

The proposed Wilcannia Heritage Conservation Area takes in the bridge over the Darling River; the old wharf area; the concentration of historic buildings along Reid Street and Myers Street; important public buildings; and the public open space adjacent to the Barrier Highway/Myers Street which provides viewing opportunities and an open space context to the historic Anglican Church and school building.

A summary of the justification for each of the proposed listings arising from the heritage survey is as follows:

25 Reid Street, Wilcannia

Early sandstone building approx. 1870.

"This small simple former bank building is a rare surviving early structure in the Central Darling Shire. It has strong associations with the historic spread of banking facilities within the region".



Photo 1: 25 Reid Street Wilcannia – former Bank Building 1870 (Source: mb Town planning 2019)

39 Reid Street, Wilcannia

CDEP Building (former West Darling Transport) approx. 1940.

“This building is one of a small number of Inter War buildings deriving its detailing from Art Deco/Modern design and reflects the growth of Wilcannia at this time”.



Photo 2: 39 Reid Street Wilcannia – CDEP Building 1940 (Source: Google maps 2018)

40 Reid Street, Wilcannia

Row of shops Late 19th Century

“This row of six attached small shops is associated with the growth of Wilcannia in the late 19th Century”.



Photo 3: 40 Reid Street Wilcannia – Row of 6 attached shops 1890's (Source: Google maps 2018)

41-43 Reid Street, Wilcannia

Portable steam engine

“This example of a portable steam engine reflects the significance of these machines in the development of agriculture and extended settlement in the Western Rivers region”.

Note: The property is a Council-owned park and therefore the location of this moveable structure on that land does not pose any unreasonable burden to any private property owner.



Photo 4: 41 – 43 Reid Street Wilcannia – portable steam engine in Park area (Source: MB Townplanning 2019)

54 Reid Street, Wilcannia

Shop and house – major re-presentation in 2010 of approx. 1918.

“This small shop is one of a number constructed in timber and corrugated iron, probably in 1918. It reflects the more modest premises of many shopkeepers at this time – in contrast to the more substantial stone structures elsewhere in the Wilcannia township”.



Photo 5: 54 Reid Street Wilcannia – Small shop and house 1918 (Source: Google maps streetview 2019)

60 Reid Street, Wilcannia

Wilcannia Auto Repairs inter-War construction

“This building is one of a small number of Inter War buildings deriving its detailing from Art Deco/Moderne design, and reflects the growth of Wilcannia at that time.



Photo 6: 60 Reid Street Wilcannia – Wilcannia Auto Repairs 1930's (Source: Google maps street view 2019)

65-67 Reid Street, Wilcannia

Former Court House Hotel latter 19th Century

“The former Court House Hotel is one of a number of hotels in the township which first traded in the 1860s as Wilcannia developed as a River Port. It reflects the importance of the town at that time and the provisions of facilities for residents and visitors to Wilcannia”.



Photo 7: 65- 67 Reid Street Wilcannia – Forer Court House Hotel (Source: MB Townplanning 2019)

73 Reid Street, Wilcannia (officially 69 Reid Street – to be identified in schedule by lot and DP), Behind 73 Reid Street, Wilcannia (officially 69 Reid Street – to be identified in schedule by lot and DP)

Old Fuel Store late 19th Century and House late 19th or early 20th Century

“This building is associated with the commercial activities of the Knox and Downs retail company, an important part of the economic development of Wilcannia and the Western NSW region during the late 19th and early 20th centuries”. “An important early residence in Wilcannia, built of local stone. It also has landmark qualities being visible from the other side of the river. It reflects early living conditions and lifestyle qualities on the river”.



Current view (showing verandah which was completed in early 2016)



2010 photo prior to erection of verandah

Photo 8: 69 (73) Reid Street Wilcannia – Old Fuel Store and residence behind (Source: MB Townplanning 2019)

81-83 Reid Street, Wilcannia (each property to be separately listed)

Sandstone houses 1880-1890

“An important pair of early stone residences in Wilcannia, built of local materials, which reflects early living conditions and lifestyle on the river. The houses are an important streetscape element in Reid Street”.



Photo 9: 81 – 83 Reid Street Wilcannia – Two stone dwellings 1880 (Source: MB Townplanning 2019)

93-99 Reid Street, Wilcannia

Attached cottages latter 19th Century

“This small residence is indicative of the type of accommodation constructed in Wilcannia in the 1870s and 1880s by/for working men and women of lower socio-economic status, and essential to understanding the history of the town’s development”.



Photo 10: 93 – 99 Reid Street Wilcannia – Small workers residence 1880 (Source: McDougall Vines Heritage Community Survey 2017)

26-30 Byrnes Street, Wilcannia

House 1883

“This is one of a number of similar substantial stone houses in Wilcannia, dating from the c1880s and reflecting the growth of the town’s economy at that time. It is associated with the Catholic Church and the provision of church education facilities”.

19-21 Hood Street, Wilcannia (officially 15-17 Hood Street)

House approx. 1880

“This is one of a number of similar substantial stone houses in Wilcannia, dating from the c1880s and reflecting the growth of the town’s economy at that time”.

The house is in a deteriorated condition. Whilst it may be challenging to retain the building, the property owner has not objected to its listing. If the property is listed, but if a subsequent dilapidation survey finds retention to be impracticable, the listing would not necessarily prevent appropriate demolition of the building (with consent).

Wilcannia Central School, 93 Hood Street (officially 90-98 Woore Street)

School 1875

“This 1875 school building reflects the provision of public education in Wilcannia and the early spread of education facilities in the region”.



Photo 11: 33 Hood Street Wilcannia – Wilcannia Central School (McDougall Vines Heritage Community Survey 2017 and Google Street view 2019))

Wilcannia Cemetery, Menindee Road (officially West Wilcannia Road)

Cemetery

“As the main public cemetery in the Central Darling Shire, the Wilcannia Cemetery is significant as the location of burials from the earliest days of settlement – both of European and aboriginal people”.



Photo 12: Wilcannia Cemetery (Source: MB Townplanning 2019)

6-8 Ross Street, Wilcannia

Steam engines (description to be added to existing water tower description of the same property)

“The examples of portable steam engines reflect the significance of these machines in the development of agriculture and extended settlement in the Western Rivers region”.

19-23 Ross Street, Wilcannia (officially 19-23 Bonney Street)

House approx. 1875-1880

“This is one of the more significant houses in Wilcannia due to its size, form and brick construction, and reflects the type of dwelling constructed by the entrepreneurial settler in Wilcannia in the 1880s”.

14860 Ivanhoe-Menindee Road, Menindee (Big Amp) (co-ordinates to be confirmed and 50 metre radius to be applied)

Windmill 1932

“Located on the Menindee-Ivanhoe road this windmill is a reminder of the pastoral history in semi-arid rangelands and Australia’s engineering past. The structure has considerable engineering significance and rarity value. It is also a remarkable landmark along this outback road”.



Photo 20: Big Ampy Windmill (source: MB Townplanning 2019) and (by Capt James Boland 2017)

Summary of the finding of the Nomination Report 2006

The nomination report relates to the White Cliffs Solar Power Station, at Beth Street, White Cliffs (to be identified by real property descriptions of the relevant lots).

The White Cliffs Solar Power Station was constructed in 1981 and was the subject of a major upgrade in 1997. The design and construction was led by Australian National University researchers, particularly Professor Stephen Kaneff, and by an Australian National University-related company.

It started generating electricity in 1982 using two different technologies and was arguably the first commercial solar power station in the world.

The facility ceased the generation of electricity in January 2005 and was, at least at the time of preparation of the nomination report in 2006, in an operable condition but with dishes locked to prevent damage.

The property is now owned by Central Darling Council and is in a locked-up condition.

Deriving from the Nomination Report, a summarised statement of significance is:

Historic:

The item reflects the historic achievement as the first solar power station in Australia and arguably the first commercial solar power station in the world.

Associational:

The item is strongly associated with the now Late Professor Stephen Kaneff, who established the field of solar energy research at the Australian National University.

Technical achievement:

The item demonstrates achievements in solar thermal power technology and in solar energy generation generally. The item is significant in demonstrating a range of aspects of solar technology.

Social:

Not applicable.

Informational:

The item provides great potential for those with an interest in the history of solar energy technology to understand how this technology was under development

	during its pioneering phase. It also provides educational opportunities.
Rarity:	The item is unique as the first solar power station in Australia and arguably the first commercial solar power station in the world.
Demonstrative:	The item does not demonstrate a class of places.
The listing of the heritage item may assist in creating an impetus for site to become an interpretative facility.	

PART 4. PROPOSED CHANGES TO THE CDLEP MAPPING

The proposed maps are set out in Annexure D, including the existing heritage maps and an illustration of the proposed amendments, including mapping of the proposed new heritage items and of the proposed Wilcannia Heritage Conservation Area.

The proposed maps will form the basis of preparation of maps in compliance with NSW Department of Planning and Environment standards as part of the implementation of the planning proposal.

PART 5. COMMUNITY CONSULTATION

Central Darling Shire Council has been engaged with heritage conservation over many years, with a particular impetus in 1996 with the carrying out of the *Central Darling Shire Cultural Resource and Tourism Study* and a 1998 heritage study by Godden Mackay Logan. That led to the listing of heritage items in the now repealed *Central Darling Local Environmental Plan 2004*.

Council established a heritage advisory service in 2007 and created the *Wilcannia Conservation Guidelines* in 2008. In 2010 Council adopted the Main Street and Town Centre Interpretation Report and in 2012 Council adopted the Conservation Management Plan. Since then various individual conservation management plans have been prepared for individual properties in Wilcannia.

Local community members are actively involved in heritage conservation projects. Council accesses \$7,500- per year under the NSW Government's Heritage Grants Program and contributes \$15,000- per year, which together forms the Local Heritage Fund which has been used for repair of stonework and similar projects. Local community members are also actively pursuing a project to recreate the old wharf where there are remains on the riverbank adjacent to the bridge.

The heritage survey that forms the basis of the present planning proposal arose from the *Three Year Heritage Strategy 2014-17*. Funding was established in 2016 and much of the survey work was carried out during the period between August and October 2016. The survey received media coverage at that time, including by the ABC in August 2016 (see Annexure E). A public meeting was notified, with advertising for the public meeting in the *Barrier Daily Truth*, in the *Wilcannia News* and on public noticeboards in Wilcannia, and the meeting was held on 13 October 2016 at 5:30pm at the Wilcannia Golf Club. A copy of the advertising material for the meeting is in Annexure E.

Comments received at the public meeting were taken into consideration in the preparation of the heritage survey, and there was consultation as required up until the draft heritage survey was placed on public notification for a 28 day period finishing on 31 August 2017. The public notification included advertising in the *Barrier Daily Truth*, in the *Wilcannia News* and on noticeboards.

A summary of written (including emailed) submissions received is:

- Correspondences from one of the owners of 69 Reid Street regarding the appropriate street number referencing for that property and for the various buildings on that property. Additionally, that

correspondent has provided corrections regarding the naming and information about 69 Reid Street. Additionally, that correspondent seeks that attention is given to the retention and/or protection of original kerbing and guttering;

- Correspondence from the owner of 24-26 Myers Street seeking that the current heritage listing with the wrong street numbering is corrected. Additionally, various corrections were made and additional data sources were assessed based upon information provided by that correspondent;
- Correspondence from a member of the Desailly family, which is a family associated with Wilcannia. The correspondent notes that a member of the Desailly family married Edward Dickens (the youngest son of author Charles Dickens) and that Edward Dickens lived in Wilcannia. The correspondent seeks recognition of Edward Dickens' involvement with Wilcannia. The correspondent raises concern about being unable to locate historical rate books, which would show more historical information. The correspondent identifies some corrections which have been made.

Council, at its 27 September 2017 Ordinary Meeting, resolved to adopt the heritage survey subject to further minor editing and consultation with the heritage advisor.

Council, at its 25 October 2017 meeting and following further consultation with the heritage advisor, resolved to undertake additional consultation, involving public notification of Council's intent to list the proposed heritage items; public notification of Council's intent to create the Wilcannia Heritage Conservation Area; and also resolved to pursue funding opportunities for specified restoration and information management projects. Additionally, at that meeting it was reported that the owner of Big Ampy had contacted Council's heritage advisor seeking recognition of the windmill on that property.

Further consultation was carried out, ending in December 2017, including letters to individual property owners affected by proposed heritage listings. The general notification was advertised in the *Barrier Daily Truth*, in the Wilcannia News and on noticeboards in Wilcannia. It included an explanation of the proposed Wilcannia Heritage Conservation Area and of the proposed heritage items. No responses were received in response to that further consultation. However, representations were subsequently made by *Friends of White Cliffs Solar Power Station* seeking inclusion of the White Cliffs Solar Power Station, based upon past nominations for it to be a heritage item.

Council, at its 28 February 2018 meeting, took into consideration the further consultation and further advice from Council's heritage consultant and resolved to make the present planning proposal (Annexure F). Council also resolved to undertake further consultation with owners of properties that are proposed to be State listed, two of which are owned by State government agencies, one of which is owned by Council and the other of which is privately owned. The State government agencies have not replied whilst the private owner has written to raise no objection. The letters regarding proposed State listings were sent on 9 May 2018. A copy of the letter sent is out in Annexure E.

It is intended for the planning proposal to be notified by letter to the owners of all properties that are proposed to become heritage listed (except where that owner is Council); and to the owners of all properties that are proposed to be located within the Wilcannia Heritage Conservation Area. Individualised letters are to be sent to each proposed heritage listed property to explain that their property is proposed to be heritage listed and explaining how that will affect that property. A separate letter will be sent to owners of properties within the proposed Wilcannia Heritage Conservation Area (so that some property owners will receive a letter about each proposal). 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 planning proposal 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 planning proposal and also a summary document intended for public viewing, with clear mapping, a clear summary of each proposed heritage item, a clear map of the proposed conservation area, and a clear explanation of what a heritage item is and of what a heritage conservation area is and the implications for each. The heritage survey and the report concerning White Cliffs Solar Power Station will be provided in an online form and for inspection in person.

In the material sent to owners of affected heritage properties there will be a clear description of their particular proposed heritage listing and of what heritage listing means. In the letters set concerning the heritage conservation area there will be a clear map and a clear explanation of what inclusion in the heritage conservation area means.

NSW Environment & Heritage will be notified of the Planning Proposal. All other government departments identified by the NSW Department of Planning as warranting notification will be notified.

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.

PART 6. PROJECT TIMELINE

To be determined following the assessment of the planning proposal by council and the determination of the gateway process.

The anticipated project timeline is as follows, whilst noting that it is only an estimate and depends on factors outside of the control of the proponent:

Report to Council:	January/ February 2020
Request gateway determination:	February March 2020
Receive gateway determination:	March/ April 2020
Public exhibition:	May 2020
Consider submissions and make final report:	June 2020
Submission to Planning NSW for Parliamentary Counsel:	July 2020
Planning proposal is made:	July/ August 2020

PART 7. SUMMARY

This planning proposal demonstrates why it is appropriate to list the various heritage items identified, establish the Wilcannia Heritage Conservation Area and make minor corrections to the existing heritage schedule.

Implementation of the planning proposal will achieve relevant goals of the Central Darling Shire Community Strategic Plan and of the Far West Regional Plan 2036. The proposal will allow the protection of important parts of the post-Colonisation heritage of Wilcannia and will also protect two important, more modern engineering heritage items in the surrounding rangelands. The proposed heritage protections will help to promote community well-being and will also help to support tourism opportunities.

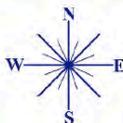
It is therefore considered that the planning proposal is worthy of support.

CENTRAL DARLING SHIRE COUNCIL

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21 REID STREET
WILCANNIA NSW 2836

PLANNING PROPOSAL FOR AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL

Proposed amendments to the Central Darling Local Environmental Plan 2012 to rezone 16– 34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure.



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ANNEXURES

- Annexure A: Safe and Secure Water Program Expression of Interest application form
- Annexure B: Proposed Land Use Zone Map Amendment

No	Author	Version
1	MB Town planning Pty Ltd	Version A - 20 February 2019
2	MB Town planning Pty Ltd	Version B – 12 July 2019
3	MB Town planning Pty Ltd	Version C – 20 December 2019

1. INTRODUCTION - OBJECTIVES AND INTENDED OUTCOMES

The Central Darling Local Government Area is the largest LGA in NSW by spatial extent, comprising around 53,000 square kilometres, with the smallest population, being 1,833. Its population density is due to the semi-arid climate. The main town within the Central Darling LGA is Wilcannia, centrally located within the local government area and having a population of around 745 people.

This planning proposal by Central Darling Shire Council is for submission to the New South Wales Department of Planning and Environment pursuant to Section 3.33 of the *NSW Environmental Planning and Assessment Act, 1979*.

The Planning Proposal is for amendments to be made to *Central Darling Local Environmental Plan 2012* (CDLEP2012) clarify and rezone land used for Infrastructure as SP2 Infrastructure land use zone. This planning proposal is to rezone 16-34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems).

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument) and guidelines published by the Department of Planning and Environment (DP&E), including A guide to preparing planning proposals and A guide to preparing local environmental plans.

This planning proposal relates only to those matters to be amended in the Central Darling Local Environmental Plan 2012.

1.0 DESCRIPTION OF THE SITE AND LOCALITY

The planning proposal applies to land within Wilcannia town area with street address of 16-34 Hood Street, Wilcannia, and the legal description of Lot 1, DP807546 (Figure 1). The site has a rectangular configuration of dimensions 201.42 metres by 106.52 metres. The subject site has an area of 2.146 hectares. There are no easements on the site.

The site currently has two water treatment tanks, two office/ administration buildings and a shed. There are various other structures on the site for the water treatment process and communications systems (satellite dishes).



Photo 1: Photograph of Wilcannia Water Treatment Plant, taken from Hood Street (source: MB Town planning 2019)

The site - Wilcannia water treatment Plant

The subject site is owned by Central Darling Shire Council and is developed for the Wilcannia Water Treatment Plant (Wilcannia WTP) (Figures 2 & 3).

The construction of the Wilcannia WTP was completed in 1985 and commissioned in the same year. Water is pumped from the Darling River to a raw water reservoir. The town has a dual water supply, raw (untreated) water is reticulated throughout the town for outdoor use. The raw water also gravitates through the treatment plant to produce potable (drinking) water for indoor use.

The treatment process consists of the addition of a flocculent to settle out suspended soils. Metered amounts of a mild soda are added to control the Ph (alkalinity). The water then passes through a sand filter, is chlorinated to control bacteria then pumped into the filtered water reservoir. Samples of the potable water are regularly tested to ensure compliance with Australian drinking water standards.



Figure 1: Map of Wilcannia showing location of water treatment plant (source: Six Maps)- water treatment plant is marked with star



Photo 2: Photograph of Wilcannia WTP, taken from Hood Street (source: Google Maps)

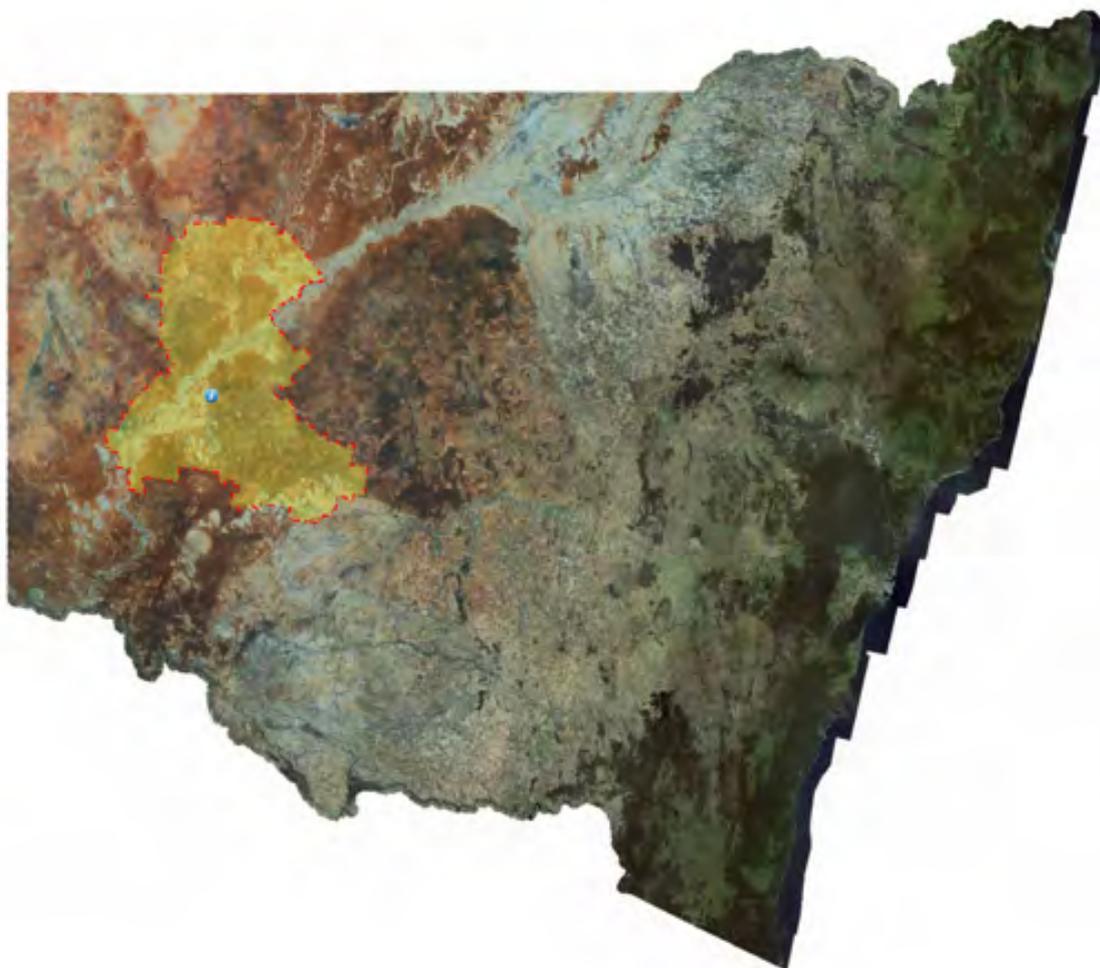


Figure 2: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

The Central Darling LGA is traversed by the Darling River system, which helps support some horticultural uses around Menindee (where the Darling River forms an intermittent lake system). The Central Darling LGA is characterised by large sheep grazing properties, opal mining near to White Cliffs and seasonal tourism.

The Central Darling LGA is home to indigenous people including the Paakantji people and the Ngiyampaa people. Indigenous people are around 38 percent of the population.

The population of the Central Darling LGA has been declining with the current population of 1,833. The Central Darling LGA is affected by social and economic issues due to the remote location in far west NSW and the major issue of poor water security. Other issues are low employment levels and infrastructure maintenance challenges. However, the residents of the Central Darling LGA enjoy their remote location that provides a unique way of life.

Wilcannia is located on the north-western side of the Darling River. The Central Darling Shire is headquartered in Wilcannia. Wilcannia is a major service centre and resting place for travellers along the Barrier Highway.

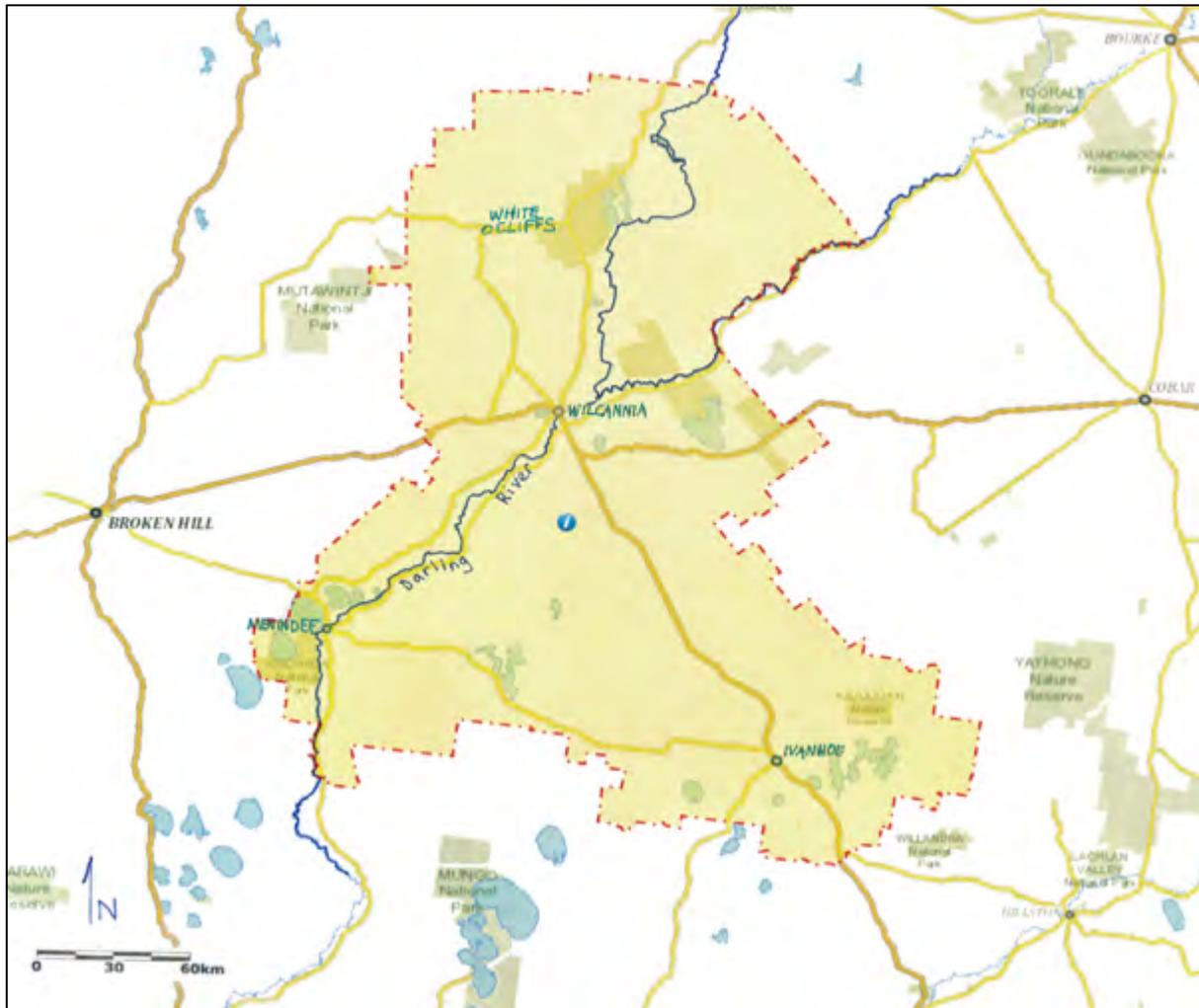


Figure 3: Location of Wilcannia, Broken Hill and the Darling River within the Central Darling LGA (source: Six Maps)

1.2 Objectives and Intended outcomes

The objective and intended outcome of this planning proposal is to amend the Central Darling Local Environmental Plan 2012 (CDLEP2012) to rezone 16-34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems). This will require an amendment to the CDLEP2012 Land Zoning Map (*Sheet LZN_006A*) as addressed in the following document.

The Water Treatment Plant is located on land zoned for R1 General Residential in the CDLEP2012. As detailed above, water treatment facilities are currently a prohibited use in the R1 General Residential zone.



Figure 4: Extract from CDLEP2012 Land Zoning Map (Sheet LZN_006A) showing subject site marked with a star.

PART 2. EXPLANATION OF PROVISIONS FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

Part 3 of the Environmental Planning & Assessment Act facilitates the making and amendments to Local planning instruments.

Section 3, Division 3.1 of the Act relates to strategic planning. Section 3.8(2) provides that, in preparing a planning proposal, the planning proposal authority is to give effect to any district strategic plan applying to the local government area to which the planning proposal relates or, if there is no district strategic plan, to any regional strategic plan applying to the region of which the local government area is part. In that regard, there is no district strategic plan for the Central Darling Local Government Area and the relevant regional strategic plan is the *Far West Regional Plan 2036* (FWRP2036). There is now a draft Local Strategic Planning Statement for the Central Darling Shire Council. The way in which the planning proposal gives effect to FWRP2036 is set out further below.

Section 3.13 of the Act allows the making of an environmental planning instrument for the purposes of achieving the objects of the Act. That can include an instrument that amends an existing instrument, such as the existing CDLEP2012.

The objects of the Act are set out in Section 1.3 and include, amongst other things:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and the amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

(i) to promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State,

(j) to provide increased opportunity for community participation in environmental planning and assessment.

The present planning proposal directly achieves object (c) to promote the orderly and economic use and development of the land. This is because the subject site is currently developed for the Wilcannia WTP but is zoned for R1 General Residential.

Section 3.14 relates to the contents of environmental planning instruments and allows an environmental planning instrument to (amongst other things) make provision for:

- (a) protecting, improving or utilising, to the best advantage, the environment
- (b) controlling (whether by the imposing of development standards or otherwise) development

The planning proposal to rezone the subject site from R1 General Residential to SP2 Infrastructure (Water Supply Systems) is consistent with Section 3.14 clauses (a) and (b).

Section 3.20 relates to the standardisation of environmental planning instruments and provides for a process whereby the *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument) is to be used. CDLEP2012 is in the form of the Standard Instrument. Section 3.20(6) provides that the instrument may be amended by another amending instrument. The planning proposal involves the rezoning of the subject site in the CDLEP2012 Land Zoning Map (Sheet LZN_006A) from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems).

Part 3, Division 3.4 of the Act relates to local environmental plans, which are a type of environmental planning instrument. Under Section 3.31, a “local plan making authority” may make a local environmental plan for its local government area. That “local plan making authority” in this instance is Central Darling Shire Council. Under section 3.34, Central Darling Shire Council is also a “planning proposal authority”.

Under Section 3.33, before making a local environmental plan, the planning proposal authority is required to prepare “a document that explains the intended effect of the proposed instrument and sets out the justification for the making of the proposed instrument”, being the planning proposal. It must include:

- (a) a statement of the objectives or the intended outcomes of the proposed instrument,*
- (b) an explanation of the provisions that are to be included in the proposed instrument,*
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) details of the community consultation that is to occur before the making of the proposed instrument.*

The Planning Secretary may issue requirements in respect to the preparation of a planning proposal. No such requirements have been issued at this time. Central Darling Shire Council does not have a strategic planning statement at this time.

Item (a) above is addressed in part 4 of this planning proposal. Item (b) above is addressed in part 5 of this planning proposal. Item (c) is addressed in part 6 of this planning proposal. Item (d) is addressed in part 7 and Annexure B of this planning proposal. Item (e) is addressed in part 8 of this planning proposal.

Far West Regional Plan 2036

Far West Regional Plan 2036 is the relevant strategic plan for the Central Darling LGA. The purpose of Central Darling Local Environmental Plan 2012 and amending instruments such as presently proposed is to give effect to **Far West Regional Plan 2036**.

The Far West Region is shown in Figure 6 and includes seven local government areas and the unincorporated area of far western NSW. The Central Darling LGA is centrally located within that region. It covers 323,477 square kilometres, which comprises 40 percent of NSW.

For the purposes of the FWRP2036, Wilcannia is identified as a “centre”, compared to Broken Hill which is a “strategic centre”. Wilcannia is the only “centre” identified within the Central Darling LGA.

The NSW Government’s vision for the Far West Region is to create “...a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities.”¹

There are goals arising from that vision, being:

- *“Goal 1 - A diverse economy with efficient transport and infrastructure networks*
- *Goal 2 - Exceptional semi-arid rangelands traversed by the Barwon-Darling River*
- *Goal 3 - Strong and connected communities”²*

The planning proposal to rezone the site of the Wilcannia WTP from Zone R1 General Residential to Zone SP2 Infrastructure (Water Supply Systems) is particularly relevant to the first and third goals.

In commentary about management of water resources under the goal 1 - direction 9, the FWRP2036 recognises that

“The availability of water and the security of its supply is critical for the region. Water is a key input for agriculture and mining, as well as for community sustainability.”³

The focus of the plan is mainly on the coordinated approach to water resource management across environmental, industrial and residential uses, as follows:

“The focus for the future is to appropriately locate, monitor and manage development to protect the security of the region’s water supplies.”⁴

In commentary about management of water resources under the goal 3 - direction 20, the FWRP2036 relates to the management and conservation of water resources for communities. The commentary recognises that water supply is critical for communities and to support development and industry growth. Furthermore, it outlines the responsibilities for water supply and sewerage services, as follows:

“At the local level, water supply and sewerage services are provided by councils...These services operate within guidelines issued by the Department of Industry to secure drinking water supplies for country towns and to assist regional water utilities to meet standards for water supply and sewerage services.”⁵

In commentary about management of water resources under goal 3 - direction 24, of the FWRP2036 relates to healthy built environments and specifies that:

¹ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

² Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

³ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

⁴ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

⁵ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

“Councils need to promote water sensitive urban design techniques to improve water use planning and supply, and water security. Wastewater can be re-used on parks, gardens and reserves, or to supplement agricultural uses. The Far West can become a leader in applying water sensitive design techniques.”⁶

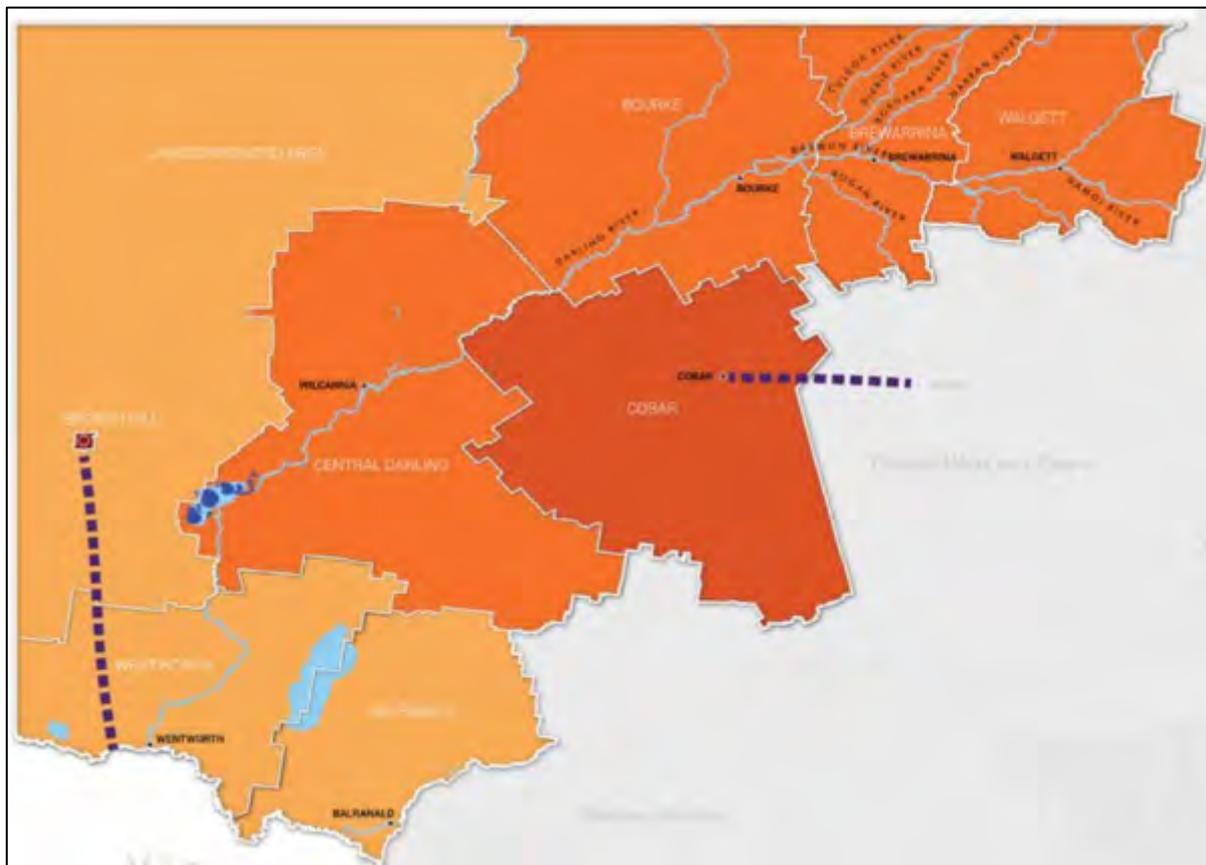


Figure 5: Far West Regional water resources Plan - Far West Regional Plan 2036 (source: New South Wales Department of Planning and Environment Website 2019)

RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW by improving regulatory certainty and efficiency. The Infrastructure SEPP has specific planning provisions and development controls for different types of infrastructure including water supply systems.

Part 3, Division 24 of the Infrastructure SEPP relates to water supply systems and clause 124 specifies that the terms water reticulation system, water storage facility, water supply system and water treatment facility have the same meanings as in the standard Instrument. The definitions of water supply system and water treatment facility in the Standard Instrument are as follows:

“water supply system means any of the following:

⁶ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.”⁷

Standard Instrument – Principal Local Environmental Plan

The Standard Instrument - Principal Local Environmental Plan (Standard Instrument) sets out thirty-five standard zones for councils to use when preparing local environmental plans (LEPs) for their local government area. This includes Zone SP2 Infrastructure, with the following zone objectives:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

LEP practice note PN 11-002 provides an overview of the general purpose of each zone. It states that the general purpose of the SP2 Infrastructure zone is for infrastructure land that is highly unlikely to be used for a different purpose in the future. It further specifies that the Standard Instrument definition for the primary use must be applied to the Land Use Zoning map annotation. This is clarified in LEP PN 10-001 Zoning for Infrastructure in LEPs, as set out below.

LEP Practice Note (PN 10-001) Zoning for Infrastructure in LEPs

The purpose of this practice note is to provide guidance to councils on zoning public infrastructure in standard instrument local environmental plans. It also updates the information provided for Special Purpose ‘SP’ zones, including SP2 Infrastructure.

The practice note specifies that prior to zoning infrastructure land in new LEPs, the following steps should be taken:

“Prior to zoning infrastructure land in new LEPs, the following steps should first be taken:

- Identify whether the **infrastructure type** is covered in the Infrastructure SEPP, including facilities whether the SEPP provisions are associated with public or private infrastructure.
- Identify whether the infrastructure is **currently operating** or is no longer used; whether the land is intended for other future infrastructure purposes or whether the land is now considered to be **surplus public land**.

The Infrastructure SEPP identifies the prescribed zones for various types of infrastructure. This should act as a guide when determining the choice of zone for particular uses. ⁸

In regard to the above, the infrastructure type is covered in the Infrastructure SEPP as a water treatment facility and it is currently operating.

Principle 4.2 –of the Practice Note specifies that the land uses in zones Special Purpose Zones should be annotated on the Land Zoning Map. This annotation should use the infrastructure categories contained in the Infrastructure SEPP or the Standard Instrument dictionary, rather than the specific type of infrastructure. It

⁷ State Environmental Planning Policy (Exempt and Complying Development) 2008 – sourced from Legislation website NSW 2019)

⁸ LEP PN 10-001 Zoning for Infrastructure in LEPs - Department of Planning, Industry and Environment website – 2019.

goes on to clarify that for water treatment facilities the infrastructure category to be used on the land zoning map is water supply system (Figure 7).

Infrastructure categories to be used on land zoning maps *	Examples of infrastructure type
Air transport facility	airports, heliport
Correctional centre	prisons, remand centre, detention centre
Educational establishment	high school, primary school, TAFE, university
Health services facility	hospitals, medical centres
Waste or resource management facility	landfill, waste transfer station, waste depot
Water supply system	dams, reservoirs, water treatment facilities

Figure 7: Infrastructure categories to be used on land zoning maps (Source: LEP Practice Note – PN 10-001, Principle 4.1)

Ministerial directions

Ministerial directions are issued under Section 9.1 of the Environmental Planning and Assessment Act (formerly Section 117 Directions). Local councils must follow these Directions when preparing planning proposals for new LEPs. The Directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.
- Metropolitan planning

This planning proposal must address whether the implementation of the planning proposal will comply with Ministerial Directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

The Ministerial Directions relevant to this planning proposal are discussed below.

Part 1 of the directions relates to employment and resources.

Part 1.1 of the directions relates to business and industrial zones. It applies where a planning proposal will affect any existing business or industrial zone. The planning proposal does not affect any business or industrial zones.

Part 1.2 of the directions relates to rural zones. It applies where a planning proposal will affect land in an existing or proposed rural zone. The land is not a rural zone so does not relevant to the planning proposal.

Part 1.3 of the directions relates to mining, petroleum production and extractive industries. It seeks to ensure that land is not rezoned in a way that will compromise the potential extraction of minerals and the like. The direction applies where a planning proposal would prohibit the extraction of minerals or the like or restrict

such activities by permitting a form of development that would be incompatible with those activities. The direction is not applicable because the planning proposal would not permit any different land use to the land uses that are already permitted.

Part 1.4 of the directions relates to rural lands. It applies to any planning proposal that seeks to change zone boundaries for rural or environment protection zone lands or to change the minimum lot size for such lands. The direction does not apply to the planning proposal.

Part 2 of the directions relates to environment and heritage.

Part 2.1 of the direction relates to environment protection zones. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the extent of existing environment protection zones. The direction does not have to be complied with for matters of minor significance. In that regard, the proposal does not affect existing environment protection zones and is of minor significance. The direction therefore does not apply to the planning proposal.

Part 2.2 of the direction relates to coastal management and is not applicable.

Part 2.3 relates to heritage conservation. Its objective is to conserve items, areas and places of environmental heritage significance and indigenous heritage significance. The planning proposal does not affect any land that is of environmental or indigenous heritage significance of an item, and area, object or a place conserved by an environmental planning instrument, legislation or regulations. The planning proposal only makes the current use – Water treatment facility permissible on the land.

The planning proposal complies with and achieves the objectives of the direction.

Part 2.4 relates to recreation vehicle areas and is not relevant to the planning proposal.

Part 2.5 relates to a different area and is not applicable.

Housing, infrastructure and urban development:

Part 3.1 relates to residential zones. This direction applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone. The planning proposal will affect land zoned R1 General Residential and it therefore relevant to the planning proposal. However, the direction is not applicable where the provisions that are inconsistent are of minor significance. In that regard, the planning proposal will not significantly affect housing outcomes as the subject site is already developed for the Wilcannia WTP. The planning proposal is not removing land from the CDLEP2012 that would otherwise be available for housing.

Hazard and risk:

Part 4.1 relates to acid sulfate soils. The planning proposal does not affect any classified acid sulfate soil land.

Part 4.2 relates to mine subsidence and unstable land. The subject site is not affected by mine instability or subsidence.

Part 4.3 relates to flood prone land and restricts specified rezonings within flood prone areas. The subject site is not affected by flood prone land.

Part 4.4 relates to planning for bushfire protection. The subject site is not bushfire prone land.

Local plan making:

Part 6.1 relates to approval and referral requirements and provides that a planning proposal must minimise the reliance upon concurrence authorities and restricts the use of designated development categories. The planning proposal does not involve development requiring concurrence and does not introduce any new category of designated development. The planning proposal is therefore consistent with that direction.

Part 6.2 relates to the reservation of land for public purposes and is not applicable.

Part 6.3 relates to site specific provisions. The planning proposal does not include such provisions.

Central Darling Local Environmental Plan 2012

The proposal is considered consistent with the clause 1.2(2)(d) of the Central Darling Local Environmental Plan 2012 (CDLEP2012) which aims to “to minimise land use conflict.” This is because the existing use of the site for the WTP conflicts with the zoning of the site for R1 (General Residential). The purpose of the planning proposal therefore, is to regularise the zoning of the subject site for SP2 Infrastructure, for a water supply system use.

The objectives of Zone R1 General Residential follow:

- *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.*

Water treatment facilities are prohibited in this zone.

The objectives of Zone SP2 Infrastructure follow:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Water treatment facilities are permitted with consent in the SP2 Infrastructure zone if the purpose is shown on the Land Zoning Map. This includes any development that is ordinarily incidental or ancillary to development for that purpose.

There are no further provisions of the CDLEP2012 of particular relevance to the planning proposal.

There is no Central Darling Development Control Plan and there is no other relevant Development Control Plan.

The Proposed Provisions

The proposed outcome will be achieved by the rezoning of the land, as follows:

Land Use	Street address	Lot & DP	Current zoning	Proposed zoning
Water treatment facility	16-34 Hood Street, Wilcannia	Lot 1, DP807546	R1 General Residential	SP2 Infrastructure (Water Supply Systems)

PART 3 - JUSTIFICATION FOR THE PROPOSED AMENDMENTS

3.0 – DEMONSTRATE JUSTIFICATION FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

In February 2018 Central Darling Shire Council prepared an expression of interest (EOI) application to the NSW Government for funding under the Safe and Secure Water Program (Annexure A). The EOI was for funding to replace the Wilcannia WTP. The EOI was submitted as the existing Wilcannia WTP constructed in 1986 is reaching the end of its service life. The submission explained the reasons why the WTP needs replacement, as follows:

The Wilcannia WTP is aging and cannot reliably produce drinking water that meets the Australian Drinking Water Guidelines (ADWG) on a continuous basis. The current plant is costing the Central Darling Shire

Council significant funds in ongoing maintenance and repairs and without an upgrade, has the potential for failure which could result in public health issues for the community of Wilcannia.

The Council has been invited by the NSW Government to submit a detailed application for the funding.

As outlined in Part 5 above, the CDLEP2012 prohibits water treatment facilities within Zone R1 General Residential. However, the proposed rezoning to SP2 Infrastructure will allow for the replacement of the Wilcannia WTP on the subject site.

The EOI application provides information on the benefits that the replacement WTP will provide for the council, the community and the plant employees, as follows:

- *Consistently produce treated water that is safe to drink & protects public health*

The Wilcannia water supply is exposed to the following threats that could lead to the treated water quality not meeting the requirements as set out in Council's Drinking Water Management Plan.

- Algal Blooms and associated taste, odours and toxins due to stagnation of water in the weir pool.

- High colour and turbidity in the raw water extracted from the weir pool which is exacerbated during extreme wet weather events and prolonged dry periods.

A new plant would be designed to consistently meet the Critical Control Point (CCP) targets and produce water that is safe to drink even during these events that lead to adverse raw water quality.

- *Improved reliability and ensures continuous water supply to the community*

The age and condition of the existing plant equipment means that the equipment has reached the end of its useful life. As the plant is manually operated it cannot reliably meet the CCP targets and produce water that is safe to drink. As a result, there is a greater reliance on manual operation requiring highly skilled operators that are difficult to attract in this remote regional area.

A new plant will be built to the improved design standards with the latest and modern equipment and control system and will be fully automated, requiring less operator intervention. This will significantly improve the quality of water produced and reliability of the plant.

- *Regulatory Requirement – Provides a safe workplace for Council staff*

The Work Health and Safety Act aims to secure the health and safety of workers and workplaces by protecting workers and other persons against harm to their health, safety and welfare through the elimination, or minimisation of risks arising from work. According to the Act Council has a 'primary duty of care' to ensure the health and safety of its workers. Operation of the current plant involves substantial manual handling and operational housekeeping. There are several work health and safety risks to operational staff at the plant and Council would be failing in its primary duty of care stated in the Act. A new plant would be designed to eliminate or mitigate all WHS risks to operating staff and provide a substantial improvement in workplace health and safety.

- *Operational cost reduction*

There are ongoing failures and breakdowns which require repairs. There is also the need for additional staffing to ensure WHS compliance and safety. Construction of a new plant will reduce these costs substantially presenting a significant saving to Council and the ratepayers.

Depending on the technology selected, a new plant can result in significant reductions in operating costs. A new WTP will operate more efficiently potentially resulting in lower electricity requirements. This represents a significant saving to Central Darling Shire Council.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes; or is there a better way?

The planning proposal is the best means of achieving the objective, as the subject site is already developed for the Water Treatment Plant (WTP). The WTP was built on the site in 1985 and has been operational since that time. Relocating the WTP to a new site would mean that the infrastructure connections for the incoming raw water and outgoing treated water to the town's reticulated system would need to be replaced.

In addition, there is no shortage of housing land in Wilcannia and the rezoning of the subject site from Zone R1 General Residential to SP2 Infrastructure will not impact upon land for housing supply.

Section B – Relationship to strategic planning framework

3. Is the proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Far West Regional Plan 2036 (FWRP2036) is the regional plan for the Central Darling LGA. The relevant sections of the FWRP2036 are discussed in Part 3.0 of this report - Statutory and strategic planning context.

4. Is the proposal consistent with a council's local strategy or other local strategic plan?

There is no local strategy or local strategic plan for Central Darling LGA or the town of Wilcannia.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) is relevant to the proposal. Division 24 of the Infrastructure SEPP relates to water supply systems. The relevant sections of Division 24 are discussed in Part 3.0 of this report - Statutory and strategic planning context.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Ministerial Directions are addressed in Part 3.0 of this report - Statutory and strategic planning context.

Section C – Environmental, social and economic impact

7. 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?

The planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely negative environmental planning effects as a result of this planning proposal. The positive impacts on the environment can be summarised, as follows:

The new WTP at Wilcannia achieve the following outcomes:

- consistently produce water that meets the relevant guidelines and requirements
- appropriately treat the wastewater from the plant and reduce the impact to the environment

These outcomes are described in detail in Section A(1) above.

9. Has the planning proposal adequately addressed any social and economic effects?

The social and economic benefits of the planning proposal are addressed in Section A(1) above. The new WTP at Wilcannia achieve the following outcomes:

- operate reliably
- be fully automated and have less reliance on operator intervention
- be able to meet the service levels for the water supply scheme
- address all work health and safety issues and provide a safe workplace for council staff

These outcomes are described in detail in Section A above.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal is for new public infrastructure. An EOI application (Annexure A) has been made to the NSW Government's Safe and Secure Water Program to fund this infrastructure project.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Central Darling Shire Council has engaged MB Town Planning to prepare the draft planning proposal for the gateway determination. To MB Town Planning's knowledge, there has been no consultation at this stage with State and Commonwealth public authorities.

PART 4. PROPOSED CHANGES TO THE CDLEP MAPPING

Draft mapping has been provided (Annexure B) as part of this proposal to detail the proposed amendment to the Central Darling Local Environmental Plan 2012 Land Zoning Map (Sheet LZN_006A).

The draft mapping will form the basis for the preparation of the amended Land Use Zoning Map as part of the implementation of the planning proposal.

PART 5. COMMUNITY CONSULTATION

The gateway determination will confirm the public consultation to be undertaken for the planning proposal. It is proposed that the community consultation would include the following:

- Public notices in the local newspaper that circulates in the area affected by the planning proposal.
- Displays at the Council administration building and on the council's website.
- Written notification to affected and adjacent property owners where practical.

During the community consultation period, the relevant council representative would be available to take enquiries and their contact details would be provided.

Submissions received will be collated and assessed at the completion of the community consultation and will be taken into consideration.

PART 6. PROJECT TIMELINE

To be determined following the assessment of the planning proposal by council and the determination of the gateway process.

The suggested project timeline is as follows, whilst noting that it is only an estimate and depends on factors outside of the control of the proponent:

Report to Council:	January/ February 2020
Request gateway determination:	February March 2020
Receive gateway determination:	March/ April 2020
Public exhibition:	May 2020
Consider submissions and make final report:	June 2020
Submission to Planning NSW for Parliamentary Counsel:	July 2020
Planning proposal is made:	July/ August 2020

PART 7. SUMMARY

This planning proposal requests the rezoning of 16–34 Hood Street, Wilcannia from Zone R1 General Residential to Zone SP2 Infrastructure.

The proposed rezoning will allow for the replacement of the Wilcannia WTP on the subject site. The existing R1 General Residential zone prohibits the use of the site for water treatment facilities. The subject site therefore, cannot be redeveloped for a new water treatment plan without the rezoning of the site to Zone SP2 Infrastructure.

The Wilcannia WTP is ageing and cannot reliably produce drinking water that meets the Australian Drinking Water Guidelines (ADWG) on a continuous basis. The current plant is costing the Central Darling Shire Council significant funds in ongoing maintenance and repairs, and without an upgrade has the potential for failure which could result in public health issues for the community.

A new WTP at Wilcannia can achieve the following outcomes:

- consistently produce water that meets the relevant guidelines and requirements
- appropriately treat the wastewater from the plant and reduce the impact to the environment
- operate reliably
- be fully automated and have less reliance on operator intervention
- be able to meet the service levels for the water supply scheme
- address all work health and safety issues and provide a safe workplace for council staff

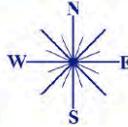
For the reasons outlined above and presented in detail in this report, the planning proposal should be supported.

CENTRAL DARLING SHIRE COUNCIL

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PLANNING PROPOSAL FOR AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

LOCAL GOVERNMENT AREA: THE CENTRAL DARLING SHIRE COUNCIL

Proposed amendments to the Central Darling Local Environmental Plan 2012 to amend the land use table



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Figure 1	Location of Central Darling LGA within NSW
Figure 2:	Location of Wilcannia and Darling River within the Central Darling LGA
Figure 3:	Land application map of Central Darling LGA from <i>Central Darling Local Environmental Plan 2012</i>
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Figure 5:	Land zoning map of Wilcannia from <i>Central Darling Local Environmental Plan 2012</i>
Figure 6:	Google map of Wilcannia

TABLES

Table 1:	Crown reserve lots identified within the Crown Reserve Plan of Management Project that require the current use of the land to be added to the land use table of Central Darling Local Environmental Plan 2012.
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ANNEXURES

Annexure A:	Comprehensive Planning Proposal for to amend the Central Darling Local Environmental Plan 2012 land use table. This report includes - assessment against State Environment Planning Policies and - assessment against Section 9.1 Local Planning Directions.
Annexure B:	Crown Reserve Management Plan reports and spreadsheets.
Annexure C:	Council Report and Minute (xxx 2020)

No	Author	Version
1	MB Town planning Pty Ltd	Version A – 20 November 2019
2	MB Town planning Pty Ltd	Version B – 20 December 2019

1. INTRODUCTION - OBJECTIVES AND INTENDED OUTCOMES

This is a planning proposal prepared by Central Darling Shire Council for submission to the NSW Department of Planning and Environment pursuant to Section 3.33 of the *NSW Environmental Planning and Assessment Act, 1979*.

Proposed amendments to The Central Darling Local Environmental Plan 2012 (Amendment No (#)).

The Planning Proposal is to amend the Central Darling Local Environmental Plan 2012 (CDLEP2012) to clarify permitted land uses for various Crown Reserves within the Central Darling Local Government area. And to rectify administrative errors within the Local Environmental Plan permitted land uses within certain land use zones.

The subject land is located within Central Darling Shire Local Government area within the townships of Wilcannia, Menindee, Tilpa, Ivanhoe and White Cliffs.

1.0 DESCRIPTION OF THE SITE AND LOCALITY

The planning proposal applies to land within the towns of Wilcannia, Menindee, Tilpa, Ivanhoe and White Cliffs. The issue to be resolved under the planning proposal relates to the existing land uses on a number of lots being prohibited within the land use zone. This for various crown reserve lots and other lots across the Central Darling Shire Local Government Area. This issue has been identified during the Crown Reserves Plan of Management Project directed by the Department of Primary Industries within the larger Department of Environment, Primary Industries and Environment.

The planning proposal directly seeks to clarify and correctly identify the land use within the current land use zone. This is deemed necessary by Central Darling Shire Council due to any works on these sites currently requiring justification by the use of existing use rights and in certain cases using the State Environmental Planning Policy (Infrastructure), to support development to these affected lots.

The planning proposal to amend the Central Darling Local Environmental Plan 2012 land use table is viewed as the most efficient way to regularise the current land use and facilitate any future works to the subject sites (Rubbish / waste disposal facilities, Community Centres, Air transport facilities, car parks, public administration buildings, commercial premises etc).

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (the Act), the Standard Instrument – Principal Local Environmental Plan (Standard Instrument) and guidelines published by the Department of Planning and Environment (DP&E), including A guide to preparing planning proposals and A guide to preparing local environmental plans.

This planning proposal relates only to those matters to be amended in the Central Darling Local Environmental Plan 2012.

The objective and intended outcome is to legalise the current land use and enable any future development on the affected lots, to be permitted with consent under the Central Darling Local Environmental Plan 2012 land use table.

1.1 STATUTORY AND STRATEGIC PLANNING CONTEXT

Central Darling Local Government Area

The location of the Central Darling Local Government Area (Central Darling LGA) is shown in Figure 4. It is 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 5), centrally located within the local government area and having a population of around 745 people.

The nearest substantial town to the Central Darling LGA is Broken Hill (Figure 5), a 198 kilometre (2 hours) road distance west of Wilcannia. Wilcannia is around 712 kilometres northeast of Adelaide and is around 950 kilometres west of Sydney, being connected to both cities by the Barrier Highway.



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

The Central Darling LGA is traversed by the Darling River system, which helps support some horticultural uses around Menindee (where the Darling River forms an intermittent lake system). The Central Darling LGA is characterised by large sheep grazing properties, opal mining near to White Cliffs and seasonal tourism.

The Central Darling LGA is home to indigenous people including the Paakantji people and the Ngiyampaa people. Indigenous people are around 38 percent of the population.

The population of the Central Darling LGA has been declining with the current population of 1,833. The Central Darling LGA is affected by social and economic issues due to the remote location in far west NSW and the major issue of poor water security. Other issues are low employment levels and infrastructure maintenance challenges. However, the residents of the Central Darling LGA enjoy their remote location that provides a unique way of life.

Wilcannia is located on the north-western side of the Darling River. The Central Darling Shire is headquartered in Wilcannia. Wilcannia is a major service centre and resting place for travellers along the Barrier Highway.

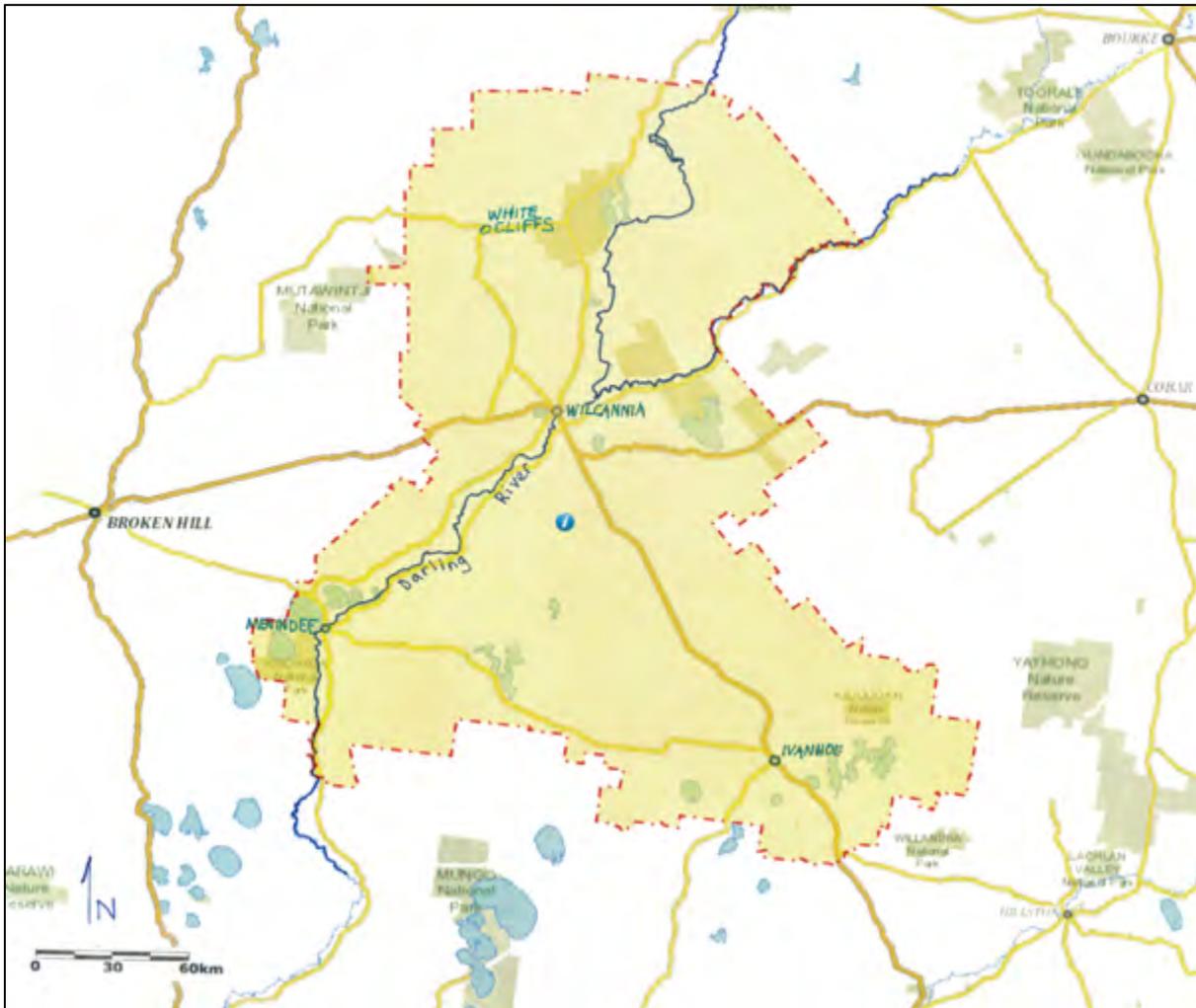


Figure 2: Location of Wilcannia, Broken Hill and the Darling River within the Central Darling LGA (source: Six Maps)

1.2 Objectives and Intended outcomes

The objective and intended outcomes of this planning proposal is to amend the Central Darling Local Environmental Plan 2012 (CDLEP2012) to resolve an issue with various crown reserve lots and other lots across the Central Darling Shire Council area where the historic and current land use is a prohibited land use within the CDLEP 2012. This issue has been identified during the Crown Reserves Plan of Management Project directed by the Department of Primary Industries within the larger Department of Environment, Primary Industries and Environment.

The planning proposal seeks to clarify and correctly identify the land use within the current land use zone. This is deemed necessary by Council due to any works on these sites currently requiring development assessment by the use of existing use rights and in certain cases using the State Environmental Planning Policy (Infrastructure), to support proposed development to these affected lots.

The intention of the planning proposal is to amend the Central Darling Local Environmental Plan 2012 land use table to regularise the current land uses and facilitate any future works to the subject sites (Rubbish / waste disposal facilities, Community Centres, Air transport facilities, car parks, public administration buildings, commercial premises etc). The amendment will enable a more efficient approval of works to council facilities and operational land where they are located on a crown reserve lot.

The additional amendments to the Central Darling Local Environmental Plan 2012 (CDLEP2012) are to correct errors in the land use zones where the existing uses were omitted in the making of the CDLEP2012. This change is to

facilitate the existing use of the buildings and the land, particularly in the Wilcannia town centre and its immediate surrounds.

The addition of Educational establishments and child care facilities to the be a permitted land use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school.

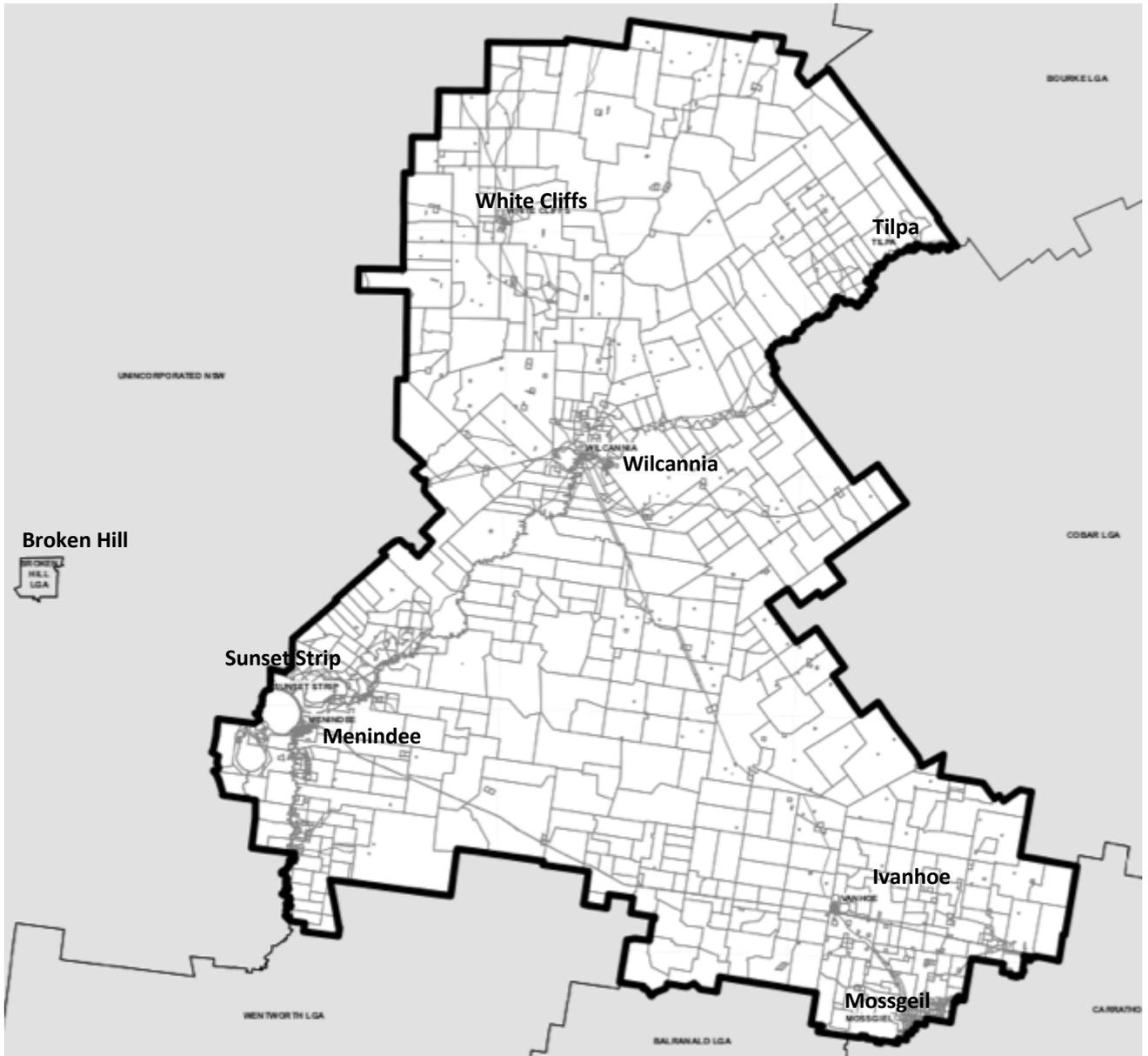


Figure 3: Location of Wilcannia, Broken Hill White Cliffs, Ivanhoe, Tilpa Mossgeil, Menindee and Sunset Strip within the Central Darling LGA (source: Central Darling Local Environmental Plan 2012 application map)

PART 2. EXPLANATION OF PROVISIONS FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012 FOR THE PROPOSED AMENDMENTS TO THE CENTRAL DARLING LOCAL ENVIRONMENTAL PLAN 2012

Part 3 of the Environmental Planning & Assessment Act facilitates the making and amendments to Local planning instruments.

Section 3, Division 3.1 of the Act relates to strategic planning. Section 3.8(2) provides that, in preparing a planning proposal, the planning proposal authority is to give effect to any district strategic plan applying to the local government area to which the planning proposal relates or, if there is no district strategic plan, to any regional strategic plan applying to the region of which the local government area is part. In that regard, there is no district strategic plan for the Central Darling Local Government Area and the relevant regional strategic plan is the *Far West Regional Plan 2036* (FWRP2036). There is now a draft Local Strategic Planning Statement for the Central Darling Shire Council. The way in which the planning proposal gives effect to FWRP2036 is set out further below.

Section 3.13 of the Act allows the making of an environmental planning instrument for the purposes of achieving the objects of the Act. That can include an instrument that amends an existing instrument, such as the existing CDLEP2012.

The objects of the Act are set out in Section 1.3 and include, amongst other things:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and the amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of responsibility for environmental planning and assessment between different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

The planning proposal directly achieves object (a) and (c) to social and economic welfare of the community and a better environment by the proper management, development and conservation of the New South Wales natural and other resources and to promote the orderly and economic use and development of the land.

The proposed change to the land use table promotes a better social and economic benefit for the community as legalising the subject sites both historic and current use enables better management of the land. Currently the use of the subject Crown Reserve lots and other lots are prohibited under the Central Darling Local Environmental Plan 2012, the proposed amendment corrects this error and reduces the time taken to approve any development on the affected lots by making the current use of the lots permissible in the land use zone.

Section 3.14 relates to the contents of environmental planning instruments and allows an environmental planning instrument to (amongst other things) make provision for:

- (a) protecting, improving or utilising, to the best advantage, the environment*

(b) controlling (whether by the imposing of development standards or otherwise) development

The planning proposal to amend the land use table is consistent with Section 3.14 clauses (a) and (b).

Section 3.20 relates to the standardisation of environmental planning instruments and provides for a process whereby the *Standard Instrument – Principal Local Environmental Plan* (the Standard Instrument) is to be used. CDLEP2012 is in the form of the Standard Instrument.

Section 3.20(6) provides that the instrument may be amended by another amending instrument. This is deemed necessary by Central Darling Shire Council due to any works on these sites currently requiring development assessment by the use of existing use rights and in certain cases using the State Environmental Planning Policy (Infrastructure), to support proposed development to these affected lots.

Part 3, Division 3.4 of the Act relates to local environmental plans, which are a type of environmental planning instrument. Under Section 3.31, a “local plan making authority” may make a local environmental plan for its local government area. That “local plan making authority” in this instance is Central Darling Shire Council. Under section 3.34, Central Darling Shire Council is also a “planning proposal authority”.

Under Section 3.33, before making a local environmental plan, the planning proposal authority is required to prepare “a document that explains the intended effect of the proposed instrument and sets out the justification for the making of the proposed instrument”, being the planning proposal. It must include:

- (a) a statement of the objectives or the intended outcomes of the proposed instrument,*
- (b) an explanation of the provisions that are to be included in the proposed instrument,*
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),*
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
- (e) details of the community consultation that is to occur before the making of the proposed instrument.*

The Planning Secretary may issue requirements in respect to the preparation of a planning proposal. No such requirements have been issued at this time. Central Darling Shire Council does not have a strategic planning statement at this time.

The above items are addressed in further parts of this planning proposal.

Far West Regional Plan 2036

Far West Regional Plan 2036 is the relevant strategic plan for the Central Darling LGA. The purpose of Central Darling Local Environmental Plan 2012 and amending instruments such as presently proposed is to give effect to **Far West Regional Plan 2036**.

The Far West Region is shown in Figure 4 and includes seven local government areas and the unincorporated area of far western NSW. The Central Darling LGA is centrally located within that region. It covers 323,477 square kilometres, which comprises 40 percent of NSW.

For the purposes of the FWRP2036, Wilcannia is identified as a “centre”, compared to Broken Hill which is a “strategic centre”. Wilcannia is the only “centre” identified within the Central Darling LGA.

The NSW Government’s vision for the Far West Region is to create “...a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities.”

There are goals arising from that vision, being:

- *Goal 1 - A diverse economy with efficient transport and infrastructure networks*
- *Goal 2 - Exceptional semi-arid rangelands traversed by the Barwon-Darling River*
- *Goal 3 - Strong and connected communities*

The planning proposal to amend the Central Darling Local Environmental Plan 2012 is supported by the first and aims to achieve the third goal.

In commentary about amending the land use table within the Central Darling Local Environmental Plan 2012 under the goal 1 - direction 5, Promote tourism opportunities the FWRP2036 recognises that

“Domestic visitors to outback NSW have increased in recent years, mainly due to an increase in popularity for camping/driving holidays in the more remote parts of Australia, the growing number of ‘grey nomads’, improved mobility and a general appreciation of the unique landscape.

Tourism opportunities that help to extend the length of time that visitors spend in the region need to be further explored. They could include a focus on the region’s organic and native produce, natural landscape and scientific and paleo-archaeological-focused tourism around the region’s Aboriginal heritage.

Tourism can generate employment and business growth that contributes to better economic outcomes for Aboriginal communities.

Heritage trails

Heritage trails can combine the attraction of significant heritage items with the remote outback experience. A Far West Sculpture Trail encompassing four major sites is being proposed to increase tourism to the Far West.¹⁵ Two of the sites, at Broken Hill and Mutawintji, are already in place, and planning is under way for a further two sites at White Cliffs and Wilcannia.”¹

One of the lots subject to the additional land use is the historic Wilcannia waste disposal facility (tip) this facility and the surrounding lots (subject to the planning proposal) have been used as a rubbish tip or land fill from the 1870s onwards. This rubbish tip attracts heritage bottle collectors and other archaeology tourist who are also attracted the heritage buildings within Wilcannia town centre.

In commentary about amending the land use table within the Central Darling Local Environmental Plan 2012 under the goal 1 - direction 10, Enhance the productivity of employment lands, the FWRP2036 recognises that:

“Councils have indicated there is a sufficient supply of employment and industrial land across the region to meet projected demand over the next 20 years.³² In some cases, however, this land may not be adequately located, zoned or serviced. Councils will need to provide a sufficient supply of this land, protect it from incompatible land uses, and identify infrastructure requirements in their planning strategies and local plans to support economic growth.

Clustering commercial activities in centres creates a more vibrant and sustainable main street and a focus for community activities. The NSW Government’s preference is to locate retail activity in existing centres to capitalise on infrastructure and strengthen the role and function of these areas. Strengthening commercial centres will:

- *attract retail and other supporting commercial infrastructure;*
- *strengthen the local economy;*
- *make the best use of existing infrastructure and services (including public transport and community facilities);*
- *facilitate tourism and visitors; and*
- *enhance the value of public space and consider net community benefit.*

Actions

10.6 Accommodate future commercial and retail activity in existing commercial centres, unless there is a demonstrated need and positive social and economic benefits for the community.

10.7 Require proposals for new retail developments to demonstrate how they:

¹ Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

- *respond to retail supply and demand needs;*
- *respond to innovation in the retail sector;*
- *maximise the use of existing infrastructure (including public transport and community facilities) commensurate with the scale of the proposal; and*
- *enhance the value of public places.*²

Various lots within the immediate surrounds of the Wilcannia town centre are existing commercial and even public administration buildings the use of these buildings as commercial retail, business or commercial offices is currently prohibited in the R1 Residential Zone. The lots where the additional uses to the R1 General Residential Zone is required is to enable the use of the current Car Parks, Commercial premises, function centres, public administration buildings, Registered clubs and water treatment facilities and tourist and visitor accommodation (to cover the various existing hotels/ motels in the R1 zone.

This addition above land uses to the permitted with consent in the General Residential R1 zone will assist in the further development of these properties in the immediate surrounds of the Wilcannia Town Centre by rectifying this error in the original Central Darling Local Environmental Plan 2012. This will change is to facilitate future growth in the Wilcannia commercial area and surrounds, which will also promote the economic growth of the area and create more jobs for the local and aboriginal community in Wilcannia. The pre-school in Burke park is a vitally important facility for the whole Wilcannia community.

The addition of Educational establishments and childcare facilities as a permitted use in the Public Recreation zone RE1, enables lawful work to the preschool where the use is a permitted use within the zone (this assists in future funding projects for the pre-school from the State Government).

In commentary about amendment to the land use zones under the goal 3 - direction 25 the FWRP2036 relates to Protect Cultural heritage, as follows:

The region's rich Aboriginal and European cultural heritage is integral to the identity and character of the Far West. Aboriginal cultural heritage includes places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It relates to the connection and sense of belonging that Aboriginal people have with the landscape and each other.

*Many buildings from the early settlement of towns are heritage-listed and include religious buildings, institutional buildings and railway stations. The entire town of Broken Hill is on the National Heritage List for its significant role in Australia's mining industry and national development, and the planning, design and landscaping of the town, as well as its iconic isolation in the desert.*⁵²

Development can have a cumulative impact on both Aboriginal cultural heritage values and historic places. Protecting and preserving heritage at the strategic planning stage will provide greater certainty for all stakeholders in the development assessment process.

The additional land uses to be added to the General Residential R1 zone around the Wilcannia town centre contain various local heritage items and some proposed state heritage items and part of this area is proposed as the Wilcannia heritage conservation area (refer to the heritage conservation area planning proposal). The proposed amendment to legalise the historic and current use of the buildings on the various lots within the immediate surrounds of the Wilcannia town centre will enhance the heritage potential of the buildings and assist in the protection of Wilcannia historical past. This will promote pride in the community and facilitate heritage tourism which will assist all the people of Wilcannia.

The addition of Educational establishments and childcare facilities to the be a permitted land use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school. The pre-

² Far West Regional Plan 2036 – Department of Planning and Environment. 2017. Accessed Website Department of Planning, Industry and Environment December 2019.

school works in conjunction with the Wilcannia public school on the opposite side of Hood Street. The pre-school is vital for the town of Wilcannia, and the preschool is a historic and dedicated use of part of Burke Park.

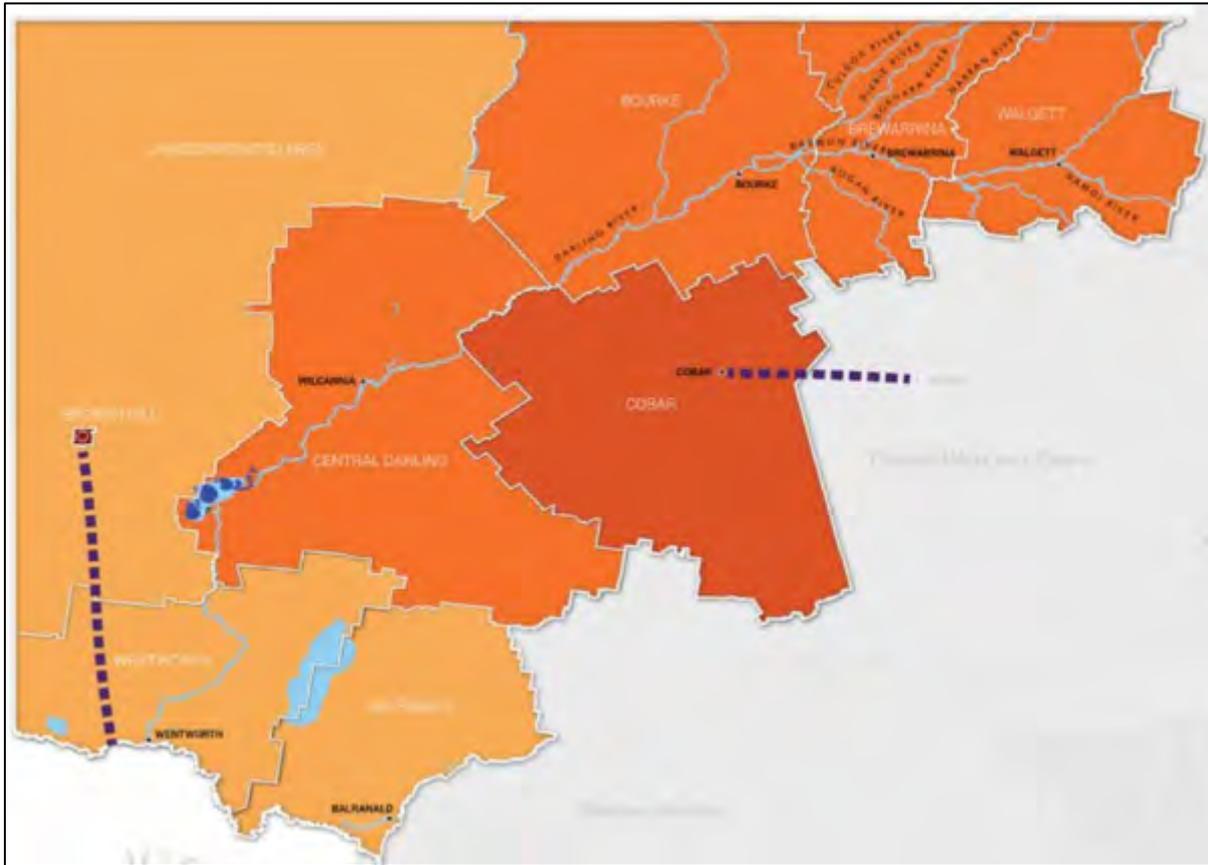


Figure 4: Far West Regional water resources Plan - Far West Regional Plan 2036 (source: New South Wales Department of Planning and Environment Website 2019)

RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW by improving regulatory certainty and efficiency. The Infrastructure SEPP has specific planning provisions and development controls for different types of infrastructure.

Part 3, Division 10A of the Infrastructure SEPP relates to Operational land (this is dependent on the Crown Lands Plan of Management approval of certain Crown Reserve Lots becoming Operational land, Division 14 Public administration buildings and buildings of the Crown (this covers the Government buildings that are using existing use rights for use and any changes to the heritage building), and Division 23 Waste or resource management facilities. The Infrastructure SEPP is currently enabling the use of the all the Central Darling Shire Waste Disposal facilities as their current use is prohibited in the RU1 Primary Production land that they are located upon. The addition of waste disposal facility to the RU1 zone will enable the guaranteed use and upgrades of these facilities by council without the reliance on the Infrastructure SEPP.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Relevant State environmental planning policies

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) was introduced to facilitate the delivery of schools and childcare facilities in one document, across NSW by improving regulatory certainty and efficiency. The Education SEPP has specific planning provisions and development controls for different types of Educational establishments and childcare facilities under different planning approval pathways under the NSW Planning system.

Part 3 Early education and care facilities – specific development controls provide development standard for the construction and operation of childcare facilities.

The addition of educational establishments and childcare facilities to be permissible with consent on RE1 Public recreation land, removes the restriction placed on the development from the following clauses for the Education SEPP.

“16 Additional uses of certain State land permitted

(1) In this clause, **prescribed State land** means State land that is—

- (a) not zoned for conservation purposes under an environmental planning instrument, and
- (b) not a forestry area within the meaning of the *Forestry Act 2012*, and
- (c) not reserved under the *National Parks and Wildlife Act 1974*, and

(d) not reserved under the *Crown Lands Act 1989* for a public purpose that, in the opinion of the relevant planning panel, is an environmental protection or nature conservation purpose.”³

“(7) In this clause, a reference to land **zoned for conservation purposes** means land in any of the following land use zones—

- (a) Zone RE1 Public Recreation,**
- (b) Zone E1 National Parks and Nature Reserves,
- (c) Zone E2 Environmental Conservation,
- (d) Zone W1 Natural Waterways.”⁴

Standard Instrument – Principal Local Environmental Plan

The Standard Instrument - Principal Local Environmental Plan (Standard Instrument) sets out thirty-five standard zones for councils to use when preparing local environmental plans (LEPs) for their local government area.

This includes Zone RU1 Primary Production, with the following zone objectives:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

LEP practice note PN 11-002 provides an overview of the general purpose of each zone. It states that that the general purpose of the RU1 Primary Production zone is for the following:

This zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive

³ *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) – NSW Legislation Website 2019.*

⁴ *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP) – NSW Legislation Website 2019.*

industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non-urban land. The zone is allocated to land where the principal function is primary production.

However, the zoning of all non-urban land surrounding the Wilcannia town centre is all zoned RU1 Primary Production regarding the historical or current use of the land. To minimise changes to Central Darling Local Environmental Plan 2012 mapping the addition of land uses to the RU1 Primary Production and R1 General Residential Zone is seen as the most efficient way to legalise the current use of various affected lots across the Central Darling Local Government Area.

The addition of Educational establishments and childcare facilities to the be a permitted land use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school.

LEP Practice Note (PN 10-002) Preparing LEPs using the Standard Instrument: standard zones

The purpose of this practice note is to provide guidance to councils on zoning in standard instrument local environmental plans.

The practice note specifies that zones for the new LEPs should:

“The core zone objectives are used to clarify the role and function of the zone. There are one or more core objectives for development in each zone.

The Land Use Table in the Standard Instrument mandates certain permitted and prohibited land uses in certain zones. For each zone, mandated uses may be set out under:

- *Item 2 (Permitted without consent)*
- *Item 3 (Permitted with consent)*
- *Item 4 (Prohibited).*

*An **open zone** is one where a broad variety of land use can be considered. When developing the Land Use Table for an open zone, councils should:*

- *specifically list any mandated or other uses that may be undertaken without consent under Item 2;*
- *specifically list any mandated or other land uses as prohibited under Item 4 ‘Prohibited’; and*
- *specifically list any mandated or other uses in Item 3 to achieve the zone objectives. In addition, insert the words ‘Any development not specified in Item 2 or 4.’*

This ‘open’ approach allows greater flexibility. For example, the High-Density Residential zone and some Business zones could be considered ‘open’ providing for a mix of commercial, residential, tourist and visitor and recreational activities.

The open approach minimises the need to undertake ‘spot rezoning’s’ or other ad hoc LEP amendments to permit additional acceptable uses that were not anticipated during the initial LEP preparation. In addition, councils can maximise the flexibility in nominating permissible land uses by using ‘group’ terms rather than listing only some of the development types from within that group (e.g. ‘commercial premises,’ ‘residential accommodation,’ ‘tourist and visitor accommodation’).⁵

⁵ LEP Practice Note (PN 10-002) Preparing LEPs using the Standard Instrument: standard zones – Department of Planning, Industry and Environment website – 2019.

From the above “open approach” the addition of Car Parks, Commercial premises, function centres, public administration buildings, Registered clubs and water treatment facilities and tourist and visitor accommodation within the R1 General Residential Zone will cover the existing uses within the surrounding area of the Wilcannia Town Centre and encourage future redevelopment opportunities within the town.

The addition of the waste disposal facility to the RU1 zone is to enable the rubbish tip in each of the main towns of the Central Darling Council to operate in a legal manner.

The additions to the Central Darling Local Environmental Plan 2012 though not completely in keeping with the general objectives of the RU1 Primary Production and R1 General Residential zones the addition to the RU1 zone of the Waste disposal facility aligns with the fourth objective of the zone “ *To minimise conflict between land uses within this zone and land uses within adjoining zones*” as the change legalises a historic and important use of the land in each of the towns.

The additions to the R1 General Residential zone also minimise conflict of land uses, by legalising the historic use of the land which in turn will provide future benefits to the town by expanding the commercial uses in the township, therefore potential job opportunities for the residents of Wilcannia.

The addition of Educational establishments and childcare facilities to the be a permitted land use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school.

Ministerial directions

Ministerial directions are issued under Section 9.1 of the Environmental Planning and Assessment Act (formerly Section 117 Directions). Local councils must follow these Directions when preparing planning proposals for new LEPS. The Directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.
- Metropolitan planning

This planning proposal must address whether the implementation of the planning proposal will comply with Ministerial Directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

This planning proposal must address whether the implementation of the planning proposal will comply with ministerial directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

Part 1 of the directions relates to employment and resources.

Part 1.1 of the directions relates to business and industrial zones. It applies where a planning proposal will affect any existing business or industrial zone. The planning proposal does not affect any business or industrial zones. The proposed amendments will however expand the commercial properties available within Wilcannia which will assist in the promotion of employment. The proposal will not affect properties within any other business or industrial zones.

For the properties affected by Part 1.1 (the properties that are currently commercial businesses will now be permissible uses in the residential zone where they are located). the planning proposal must (a) give effect to the objectives of the direction; (b) retain the areas of existing business or industrial zones; (c) not reduce the total potential floor space area for employment uses and related public services in business zones; (d) ...; and (e) ensure that proposed new employment areas.

The planning proposal does not alter the area of business zones, however, the addition of commercial uses as being permissible in the R1 general residential zone in Wilcannia expands the available gross floor area for commercial businesses.

The objectives are (in summary) (a) encourage employment growth; (b) protect employment land; and (c) support the viability of identified centres. The proposal gives effect to those objectives by increasing the amount of land that permits commercial business on the perimeter of the town centre. The proposal will therefore comply with the directions in Part 1.1.

Part 1.2 of the directions relates to rural zones. It applies where a planning proposal will affect land in an existing or proposed rural zone.

The direction is applicable to the planning proposal because the planning proposal affects the following sites:

- Wilcannia, Ivanhoe, Menindee, Sunset, White Cliffs and Tilpa Waste disposal facilities, which are currently non permitted uses within the RU1 Primary Production.

The planning proposal legitimises the current and historical use of these sites for waste disposal facilities, this land has never been used for primary production purposes. Therefore, the planning proposal complies with the Ministerial directions.

The relevant direction is that the planning proposal must not rezone the land to business, residential, industrial or other specified uses. The planning proposal complies with that direction.

Part 1.3 of the directions relates to mining, petroleum production and extractive industries. It seeks to ensure that land is not rezoned in a way that will compromise the potential extraction of minerals and the like. The direction applies where a planning proposal would prohibit the extraction of minerals or the like or restrict such activities by permitting a form of development that would be incompatible with those activities. The direction is not applicable because the planning proposal would not permit any different land use to the land uses that are already permitted.

Part 1.4 of the directions relates to rural lands. It applies to any planning proposal that seeks to change zone boundaries for rural or environment protection zone lands or to change the minimum lot size for such lands. The direction does not apply to the planning proposal.

“1.5 Rural Lands Objective

(1) The objectives of this direction are to:

- (a) protect the agricultural production value of rural land,*
- (b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,*
- (d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,*
- (e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land*
- (f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.*

What a relevant planning authority must do if this direction applies

(4) A planning proposal to which clauses 3(a) or 3(b) apply must:

- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement*
- (b) consider the significance of agriculture and primary production to the State and rural communities*
- (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources*
- (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions*

- (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities*
- (f) support farmers in exercising their right to farm*
- (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses*
- (h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land*
- (i) consider the social, economic and environmental interests of the community.*

(5) A planning proposal to which clause 3(b) applies must demonstrate that it:

is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains where it is for rural residential purposes:

i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres

ii. is necessary taking account of existing and future demand and supply of rural residential land.

Note: *where a planning authority seeks to vary an existing minimum lot size within a rural or environment protection zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.*⁶

The addition of the waste disposal facility to the RU1 zone is to enable the rubbish tip in each of the main towns of the Central Darling Council to operate in a legal manner. Furthermore, the additions to the RU1 Primary Production of the Waste disposal facility aligns with objective 4(g) the zone to minimise fragmentation of rural land and reduce risk of land use conflict between residential uses and other rural land use as the sites are currently used as waste disposal facilities, they are on the edge of the residential areas and don't affect the surrounding RU1 agricultural use of the land.

Part 2 of the directions relates to environment and heritage.

Part 2.1 of the direction relates to environment protection zones. It provides that a planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas and must not reduce the extent of existing environment protection zones. The direction does not have to be complied with for matters of minor significance. In that regard, the proposal does not affect existing environment protection zones and is of minor significance. The direction therefore does not apply to the planning proposal.

Part 2.2 of the direction relates to coastal management and is not applicable.

Part 2.3 relates to heritage conservation. Its objective is to conserve items, areas and places of environmental heritage significance and indigenous heritage significance. The direction is that a planning proposal must contain provisions that facilitate the conservation of:

- (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*

⁶ Ministerial Directions issued under Section 9.1 of the Act - Accessed Website Department of Planning, Industry and Environment December 2019.

- (b) Aboriginal objects or Aboriginal places that are protected under the *National Parks and Wildlife Act, 1974, and*
- (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

The direction further provides that a planning proposal may be inconsistent with the direction if the relevant planning authority can satisfy the Director-General or relevant officer that (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land or the provisions of the planning proposal that are inconsistent are of minor significance.

The planning proposal does not affect any land that is of environmental or indigenous heritage significance of an item, and area, object or a place conserved by a environmental planning instrument, legislation or regulations. The planning proposal only makes the current use permissible on the land.

The planning proposal complies with and achieves the objectives of the direction.

Part 2.4 relates to recreation vehicle areas and is not relevant to the planning proposal.

Part 2.5 relates to a different area and is not applicable.

Housing, infrastructure and urban development:

Part 3.1 relates to residential zones. This direction applies when a planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone. The planning proposal will affect land zoned R1 General Residential and it therefore relevant to the planning proposal. However, the direction is not applicable where the provisions that are inconsistent are of minor significance. In that regard, the planning proposal will not significantly affect housing outcomes as the subject sites are currently used for the purpose (ie car park, commercial premises, public administration building and *tourist and visitor accommodation, therefor there will be no impact on the housing for Wilcannia town centre.* The planning proposal is not removing land from the CDLEP2012 that would otherwise be available for housing.

The addition of Educational establishments and childcare facilities to the be a permitted land use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school.

Hazard and risk:

Part 4.1 relates to acid sulfate soils.

The planning proposal does not affect any classified acid sulfate soil land.

Part 4.2 relates to mine subsidence and unstable land.

The subject sites are not affected by mine instability or subsidence.

Part 4.3 relates to flood prone land and restricts specified rezoning's within flood prone areas.

The subject sites are not affected by flood prone land.

Part 4.4 relates to planning for bushfire protection.

The subject sites are not bushfire prone land.

Local plan making:

Part 6.1 relates to approval and referral requirements and provides that a planning proposal must minimise the reliance upon concurrence authorities and restricts the use of designated development categories.

The planning proposal does involve development – listed as designated Development under the Environmental Planning and Assessment Regulation 2000, in Schedule 3 item 32 - Waste management facilities or works. However, this use (Waste disposal facility – Rubbish Tip) is an historic and existing use for the land in question in the Central Darling Shire Local Government area. The Waste disposal facilities have historic use of the subject land for the towns of Wilcannia, Menindee, White Cliffs and Ivanhoe. As these facilities are on Crown Reserve Lots and

have historic and dedicated uses for this purpose, it is considered unnecessary to seek concurrence on the crown reserve lots historically dedicated for this use as a waste disposal facility. The planning proposal is therefore consistent with that direction.

Part 6.2 relates to the reservation of land for public purposes and is not applicable.

Part 6.3 relates to site specific provisions. The planning proposal does not include such provisions.

Central Darling Local Environmental Plan 2012

The proposal is considered consistent with the clause 1.2(2)(d) of the Central Darling Local Environmental Plan 2012 (CDLEP2012) which aims to “to minimise land use conflict.” This is because the existing use of the sites for the waste disposal facilities and other operational land uses currently conflicts with the permitted land use in the zone. As stated previously the current CDLEP 2012 prohibits the current / historic use of various crown reserve lots across the LGA and various existing lots adjacent to the Wilcannia town centre. The purpose of the planning proposal, therefore, is to regularise the land use within the relevant land use zones to ensure the current land use is not a prohibited use within the zone.

The addition of the waste disposal facility to the RU1 zone is to enable the rubbish tip in each of the main towns of the Central Darling Council to operate in a legal manner.

The additions to the land use table of the Central Darling Local Environmental Plan 2012, are generally compatible with the objectives of the RU1 Primary Production and R1 General Residential zones. The addition to the RU1 zone of the Waste disposal facility aligns with the fourth objective of the zone “*To minimise conflict between land uses within this zone and land uses within adjoining zones*” as the change legalises a historic and important use of the land in each of the towns. The additions to the R1 General Residential zone also minimises conflict of land uses, by legalising the historic use of the land which in turn will provide future benefits to the town by expanding the amount of available land for commercial uses in the township, therefore potential job opportunities for the residents of Wilcannia.

The addition of Educational establishments and childcare facilities to the be a permitted use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre-school.

There are no further provisions of the CDLEP2012 of particular relevance to the planning proposal.

There is no Central Darling Development Control Plan and there is no other relevant Development Control Plan.

The two land use zones where the additional uses are to be added are RU1 Primary Production and RE1 Public Recreation Zone (extract from the Central Darling Local Environmental Plan 2012) are as follows:

Central Darling Local Environmental Plan 2012

[Land Use Table Zone RU1](#)

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres;

Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Freight transport facilities; Heavy industrial storage establishments; Heavy industries; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Sewerage systems; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited
Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water recycling facilities; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

Central Darling Local Environmental Plan 2012

[Land Use Table Zone RU5](#)

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To retain and facilitate expansion and redevelopment of the existing central business districts of Menindee and Ivanhoe and to further strengthen the core commercial functions of those areas.
- To ensure that development retains and enhances the existing village character.

2 Permitted without consent

Environmental protection works; Home-based childcare; Home occupations; Roads; Water reticulation systems

3 Permitted with consent

Centre-based childcare facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; **Air transport facilities**; Airstrips; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Roadside stalls; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities

The Proposed Provisions

The proposed outcome will be achieved by the rezoning of the land, the affect Crown Reserve lots are listed in the tables below.

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category Justification	Lot & DP	Current zoning
90899	Rubbish Depot/ Waste Disposal Facility. 16/9/1977	Justification for the Category - Community land / Rubbish Depot/ Waste Disposal Facility. Fenced waste disposal facility, this area has been used as a rubbish depot since 1880.	Lot 107 DP 820452	RU1 Primary Production Requires an addition of waste disposal facility added to the Central Darling Local Environmental Plan 2012 as a Waste Disposal facility is currently not a permitted use on the land.



Lot 107 DP 820452. Yellow area is lot in question other areas are part of regeneration lots and sanitary depot/ Septic tank pump. Fenced area of current waste disposal facility for Wilcannia – (6 maps).



Lot 107 DP 820452. Fenced area of current waste disposal facility for Wilcannia (Source MbTown planning 2019)

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category Justification	Lot & DP	Current zoning
90900	Sanitary Depot Wilcannia Septic Tank Pump Out Reserve Trust 16/9/1977	<p><u>Category.</u> Justification for the Category - Community land / sanitary Depot.</p> <p>New use of area</p> <p><u>Category.</u> Community land/ waste disposal facility.</p> <p>Septic tank pumps out no longer required. This area is now absorbed into the waste disposal facility.</p> <p>Fenced waste disposal facility, this area has been used as a rubbish depot since 1880.</p>	<p>Lot 108 DP 820452</p> <p>Other lots included in the total area.</p>	<p>RU1 Primary Production</p> <p>Requires an addition of waste disposal facility added to LEP for a rubbish depot to be a permitted use on the land.</p>



Lot 108 DP 820452. Yellow area is lot in question (sanitary Depot) other areas are part of regeneration lots and rubbish depot. Fenced area of current waste disposal facility for Wilcannia – (6 maps).



Lot 108 DP 820452. Fenced area of current waste disposal facility for Wilcannia (Source MbTown planning 2019)

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category Justification	Lot & DP	Current zoning
630016	Public Recreation 19/7/1881 Sturt Park	Justification for the Category - Community land / Public Recreation Current use Part of site is now in the Wilcannia Waste disposal facility Category – Community land/ regeneration natural site. Category 1- Community land/ Waste Disposal facility- Rubbish Depot.	Lot 83 DP 757463	RU1 Primary Production zone Waste Disposal facilities are not currently a permitted use on this land. Requires change to land use table in LEP.

		Undeveloped land next to tip/ Part of fenced tip area. Tip extension area.		
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Lot 83 DP 757463. Sturt park no longer park area now part of Wilcannia Waste Disposal facility (fenced rubbish depot area outlined in red line) – (6 maps).

Draft



Lot 83 DP 757463. Sturt park no longer park area now part of Wilcannia Waste Disposal facility (fenced rubbish depot area outlined in red line). Waste disposal facility / rubbish depot (Source MbTown planning 2019)

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category Justification	Lot & DP	Current zoning
87409	Regeneration Area 26/9/1969	Justification for the Category - Community land / regeneration Area Current use - Community land/ Regeneration Area natural area. Issue that part of the regeneration land is now a fenced part of the Wilcannia Waste Disposal facility.	Lot 7316, DP 1181235	RU 1 Primary Production Subject to Planning proposal to enable waste disposal facility on RU1 Primary Production zoned lot.



Lot 7316, DP 1181235 - highlighted in yellow - Wilcannia Regeneration Area – current use of southern part of lot is fenced part of Wilcannia Waste disposal facility– (6 maps).



Lot 7305 DP 1179888, – Wilcannia Regeneration Area current use of southern part of lot is fenced part of Wilcannia Waste disposal facility (Source MbTown planning 2019)

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category Justification	Lot & DP	Current zoning
630012	Community Purposes; Public Park; Showground/ 6/5/1960 Burke Park	Justification for the Category - Community land / Community Purposes; Public Park; Showground In original dedication 6 May 1960 Part of the lot uses for Little Darlings Childcare Centre (Corner of Hood and Cleaton Streets Wilcannia. Part of lot building with Preschool.	Lot 90 DP 757463 Part Lot 90 (preschool)	RU1 Primary Production/ RE1 Public recreation. Education establishments is not a permitted use on RE1 land. This part of the site is subject to a planning proposal to allow the additional use in the RE1 zone.



Lot 90 DP 757463 Part Lot 90 (preschool). Red outlined area is for Burke Park - Community Purposes; Public Park; Showground and the small square is the Pre School – (6 maps).





Lot 90 DP 757463 Part Lot 90 (preschool). Red outlined area is for Burke Park - Community Purposes; Public Park; Showground and the small square is the Pre School (Source MbTown planning 2019)

Reserve number	Dedicated Purpose / Land Use	Assigned Categorisation/ actual category/ <u>Justification</u>	Lot & DP	Current zoning
88701	Public Recreation	<p>Justification - Original classification - Community land / a Park (public recreation)</p> <p>Dedicated use – Community Hall Reserve</p> <p>Actual use</p> <p>Community land/ a park and Community land/ general community uses.</p> <p>This additional classification is due to the additional uses on the land being a Community hall, Rural Fire Service Shed and equipment, Children’s playground/ park.</p> <p>Royal Flying Doctor Service Administration and equipment building.</p>	<p>Lots -6882 DP 48661</p> <p>Tilpa Tonga Road</p>	<p>RU1 Primary Production</p> <p>RU5 Village zone does not permit of Air transport facilities.</p> <p>Yes community hall and public recreation areas and Emergency services land - RFS building and water tanks.</p> <p>The additional building belongs to the Royal Flying Doctors Service and they are planning to put an additional building therefore we have to add an additional use to the RU5 Village zone of airport.</p>



Lots 6882 DP 48661



Lots 6881-6882 DP 48661. tilpa



Tilpa park – (Source – MB Townplanning 2019)

Tilpa Community Centre – community buildings with the Rural Fire Service shed and Royal Flying Doctor Service building.

Table 1: Crown reserve lots identified within the Crown Reserve Plan of Management Project that require the current use of the land to be added to the land use table of Central Darling Local Environmental Plan 2012.

Amendments to the Central Darling Local Environmental Plan to rectify administrative errors within the land use table.

The following changes to the Central Darling Local Environmental Plan 2012 are required.

The addition to “Permitted with Consent” in the R1 General Residential Zone – Car Parks, Commercial premises, function centres, public administration buildings, Registered clubs and water treatment facilities and tourist and visitor accommodation (to cover the various existing hotels/ motels in the R1 zone).

The addition of Educational establishments and Child care facilities to the be a permitted use to the Public Recreation zone RE1 is to formalise the historic and dedicated use of part of Burke Park for a pre school.

The justification for this amendment is that these uses are existing uses within the Wilcannia Township. This modification to the Local Environmental Plan establishes long term existing uses as permitted with consent as opposed to be prohibited in the zone.

This amendment to the Local Environmental Plan is to rectify errors in the initial Local Environmental Plan.

Other additions to 2. Permitted with consent in the R1 zone is:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

Central Darling Local Environmental Plan 2012

[Land Use Table Zone R1](#)

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.

Land Use Table Zone RE1

Zone RE1 Public Recreation

1 Objectives of zone

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

2 Permitted without consent

Environmental protection works; Roads; Water reticulation systems

3 Permitted with consent

Aquaculture; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Community facilities; Environmental facilities; Flood mitigation works; Heliports; Information and education facilities; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Water recreation structures; Water recycling facilities; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3



Figure 5: Land Zoning Map (Central Darling Local Environmental Plan 2012) Wilcannia Town Centre. Aqua blue zoning (B2) represents Local Centre, the predominant purple zoning (R1) represents General Residential, the dark purple and light purple zoning (IN1 & IN2) represents General and Light Industrial and the dark and light green zoning (RE1 & RE2) represent public and private recreation. (Source: NSW Legislation website - Central Darling Local Environmental Plan 2012).

The stars indicate the land use of the sites (Central Darling Shire Council and Wilcannia Golf Club Ltd.) that are the current and historical land use for the sites and are not currently a permitted use under the current zoning of the Central Darling Local Environmental Plan 2012.

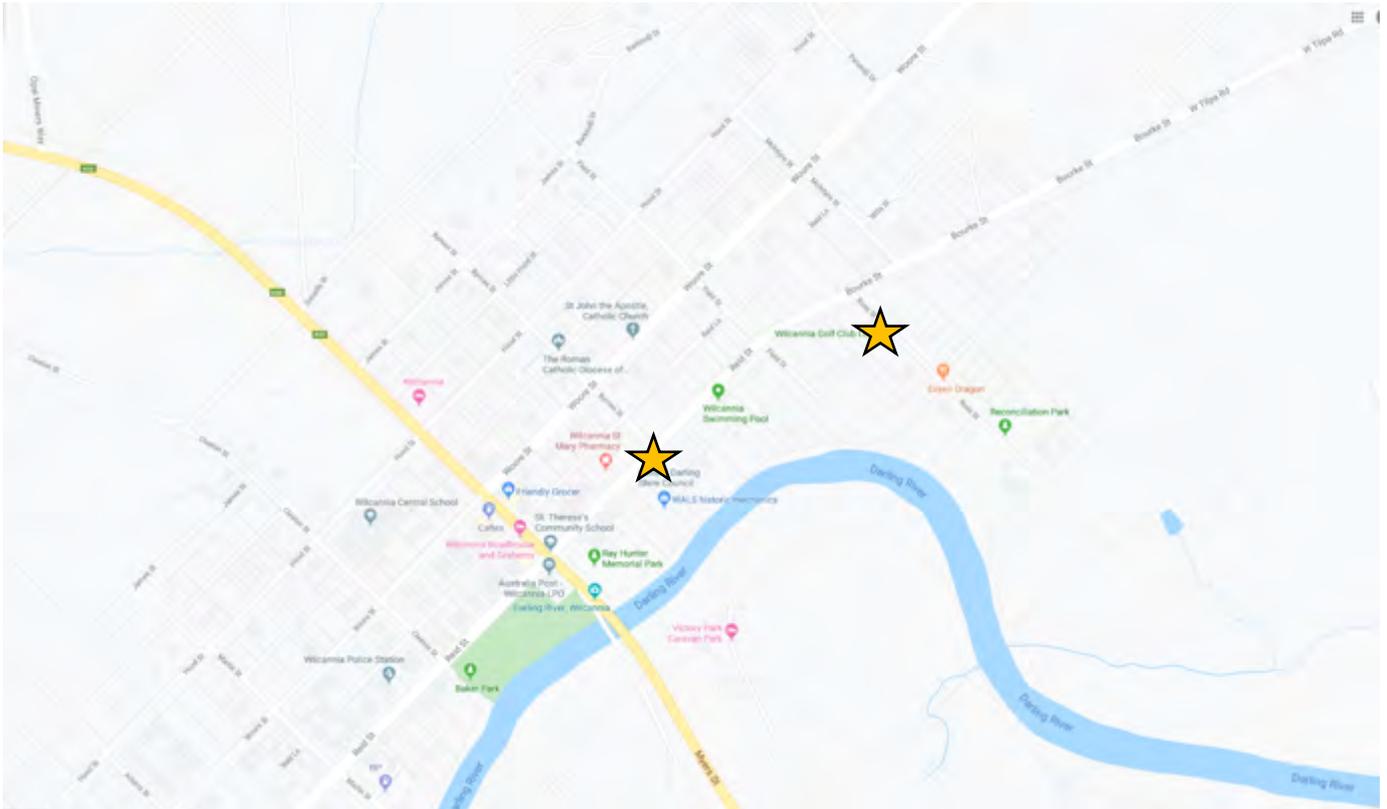


Figure 6: Wilcannia Town Centre Google Maps, the stars indicate the land use of the sites (Central Darling Shire Council and Wilcannia Golf Club Ltd) that are the current and historical land use for the sites and are not currently a permitted use under the current zoning of the *Central Darling Local Environmental Plan 2012*. (Source Google Maps 2019).

PART 3 - JUSTIFICATION FOR THE PROPOSED AMENDMENTS

3.0 – DEMONSTRATE JUSTIFICATION FOR THE PLANNING PROPOSAL

Justification for the proposal

- Is the planning proposal a result of any strategic study or report?

Yes, the Crown Reserves Plan of Management Project directed and funded by the New South Wales Department of Primary Industry, which is the Government Department responsible for Crown Reserve land in New South Wales.

Is the planning proposal the best means of achieving the objectives or intended outcomes; or is there a better way?

The planning proposal is the best means of achieving the objective, as the subject sites are currently being used as Waste Disposal facilities, Air transport facilities, Community facilities and a childcare centre. The formalising the Central Darling Local Environmental Plan 2012 land use table will ensure future works on these sites do not encounter planning prohibitions with future development of the site. The proposed additions to the land use table will lead to a clearer direction on the future use of the subject land.

- Is the planning proposal the best means of achieving the objectives or intended outcomes; or is there a better way?

The planning proposal is the best means of achieving the objective, as the subject sites are in current use as Waste Disposal facilities, Air transport facilities, Community facilities and a childcare centre; the planning proposal formalises the historic and current use of these sites and will facilitate future expansion of the uses if required. The

current prohibition of the existing and historic use of the sites was an oversight or lapse made when the Central Darling Local Environmental Plan 2012 was gazetted in 2012.

The addition of more land uses into the RU1 Primary Production zone, the RE1 Public Recreation zone, the RU5 Village zone, and the R1 General Residential zone is the most efficient and time efficient method for legalising the current use of the relevant sites around the towns in the Central Darling Shire Council LGA.

The changing of the actual zone would create the requirement for many lots/sites to be spot rezoned, this may not be of benefit at this time (due to additional research and investigation plus the change in councils mapping).

The most efficient planning method is through this planning proposal which adds additional land uses to the R1 General Residential zone, RU1 Primary production, RE1 Public recreation and RU5 Village zones. This does change the current land use zoning, or the Local Environmental Planning maps; this is the preferred outcome for the community of each town within the Central Darling Shire Council.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes.

Far West Regional Plan 2036

Far West Regional Plan 2036 is the relevant strategic plan for the Central Darling LGA. The purpose of Central Darling Local Environmental Plan 2012 and amending instruments such as presently proposed is to give effect to Far West Regional Plan 2036.

The NSW Government's vision for the Far West Region is to create "...a diverse economy, supported by the right infrastructure, an exceptional natural environment and resilient communities."

There are goals arising from that vision, being:

- Goal 1 - A diverse economy with efficient transport and infrastructure networks
- Goal 2 - Exceptional semi-arid rangelands traversed by the Barwon-Darling River
- Goal 3 - Strong and connected communities

The planning proposal to add additional uses to RU5 Village, R1 General Residential, RE1 Public Recreation and RU1 Primary Production Zones is viewed as the most effective way of regularising the current land use and to facilitate future use of the sites.

Relevant State environmental planning policies

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) was introduced to facilitate the delivery of infrastructure across NSW by improving regulatory certainty and efficiency. The Infrastructure SEPP has specific planning provisions and development controls for different types of infrastructure including Waste Disposal and Air transport facilities.

Standard Instrument – Principal Local Environmental Plan

The Standard Instrument - Principal Local Environmental Plan (Standard Instrument) sets out thirty-five standard zones for councils to use when preparing local environmental plans (LEPs) for their local government area. This includes RU5 Village, R1 General Residential, RE1 Public Recreation and RU1 Primary Production Zones. These zones are the zones identified to have additional land uses added to the land use table to permit the current use of the land within these zones.

Ministerial directions

Ministerial directions are issued under Section 9.1 of the Environmental Planning and Assessment Act (formerly Section 117 Directions). Local councils must follow these Directions when preparing planning proposals for new LEPS. The Directions cover the following broad categories:

- employment and resources
- environment and heritage
- housing, infrastructure and urban development
- hazard and risk
- regional planning
- local plan making.
- Metropolitan planning

This planning proposal must address whether the implementation of the planning proposal will comply with Ministerial Directions issued under Section 9.1 of the Act, or under the equivalent former provisions (formerly Section 117 Directions).

Part 1 of the directions relates to employment and resources.

The proposed amendments will however expand the commercial properties available within Wilcannia which will assist in the promotion of employment. The proposal will not affect properties within any other business or industrial zones.

Part 1.2 of the directions relates to rural zones. The planning proposal legitimises the current and historical use of these sites for waste disposal facilities, this land has never been used for primary production purposes. Therefore, the planning proposal complies with the Ministerial directions.

Part 1.3 of the directions relates to mining, petroleum production and extractive industries. The direction is not applicable because the planning proposal would not permit any different land use to the land uses that are already permitted.

Part 1.4 of the directions relates to rural lands. It applies to any planning proposal that seeks to change zone boundaries for rural or environment protection zone lands or to change the minimum lot size for such lands. As the planning proposal adds an additional land use to cover the existing use of the land as Waste disposal facilities. Therefore, the planning proposal is consistent with the directions.

Part 2 of the directions relates to environment and heritage.

Part 2.1 of the direction relates to environment protection zones. The proposal does not affect existing environment protection zones and is of minor significance. The direction therefore does not apply to the planning proposal.

Part 2.2 of the direction relates to coastal management and is not applicable.

Part 2.3 relates to heritage conservation. The planning proposal only makes the current use permissible on the land.

The planning proposal complies with and achieves the objectives of the direction.

Part 2.4 relates to recreation vehicle areas and is not relevant to the planning proposal. Part 2.5 relates to a different area and is not applicable.

Part 3 relates to housing, infrastructure and urban development.

Part 3.1 relates to residential zones. The planning proposal enables the current long-established commercial buildings and businesses to be a permitted use in the residential zone. This proposal does not reduce the amount of residential land within Wilcannia.

Part 3.2 relates to caravan parks and manufactured home estates and does not affect the planning proposal.

Part 3.3 relates to home occupations. The planning proposal does not affect home occupation provisions and the direction is not relevant to the planning proposal.

Part 3.4 relates to integration of land use and transport. The planning proposal does not involve any significant inconsistency with that direction.

Part 3.5 relates to development near licensed aerodromes. The planning proposal does not involve any significant inconsistency with that direction.

Part 3.6 relates to shooting ranges. The planning proposal will not affect any shooting range.

Part 4 relates to hazard and risk.

Part 4.1 relates to acid sulfate soils. The planning proposal does not affect any classified acid sulfate soil land.

Part 4.3 relates to flood prone land and restricts specified rezoning within flood prone areas. The land is not flood prone land.

Part 4.4 relates to planning for bushfire protection. The direction does not affect the proposal because none of the affect land is within bushfire prone land.

Part 5 relates to regional plan for specified areas and does not affect the planning proposal.

Part 6 relates to local plan making.

Part 6.1 relates to approval and referral requirements and provides that a planning proposal must minimise the reliance upon concurrence authorities and restricts the use of designated development categories. The planning proposal does not involve development requiring concurrence nor designated development. The planning proposal is therefore consistent with that direction.

Part 6.2 relates to the reservation of land for public purposes and is not applicable.

Part 6.3 relates to site specific provisions. The planning proposal does not include such provisions.

Part 7 relates to metropolitan planning and is not relevant to the planning proposal.

Central Darling Local Environmental Plan 2012

The proposal is considered consistent with the clause 1.2(2)(d) of the Central Darling Local Environmental Plan 2012 (CDLEP2012) which aims to “to minimise land use conflict.”

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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 unlikely to adversely impact on any critical habitat, threatened species, population or ecological communities or their habitats as the site is already as waste disposal facilities and community area with Air transport facilities.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No, The land (Waste disposal facilities) is currently managed by council officers, with daily inspections of each site. The other land is a mix of public and private land and management of the land is not affected.

9. How has the planning proposal adequately addressed any social and economic effects?

The clarification of the legal use of the subject sites will remove substantial red tape for future uses of the land by council. These sites have historic land use – waste disposal facility and community use, the addition to the land use tables establishes a clear legal use of the land.

Social Impact

The clarification of the legal use of the subject sites will remove the need for future objections for improvements to the site by council, particularly with regard to specific funding projects and justification.

Economic impacts

The clarification of the legal use of the subject sites will remove red tape for future uses of the land by council which results in less cost for council in the future use and any works to the sites.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The proposed sites are currently used as waste disposal facilities and community facilities, there is no issue with public infrastructure with the planned changes to the Central Darling Local Environmental Plan.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Any Gateway Determination issued will specify relevant agencies to be consulted.

The planning proposal seeks to amend the written instrument LEP and includes amendments to the land use zone map of the Central Darling Local Environmental Plan.

It is considered appropriate that any Gateway Determination issued requiring public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000.

The Central Darling Shire Council has engaged MB Town Planning to prepare the draft planning proposal for the gateway determination. To MB Town Planning's knowledge, there has been no consultation at this stage with State and Commonwealth public authorities.

PART 4. PROPOSED CHANGES TO THE CDLEP MAPPING

There is no proposed change to the Central Darling Local Environmental maps as the planning proposal adds additional land uses to the land use table and does not change the zone boundaries.

PART 5. COMMUNITY CONSULTATION

It is intended for the planning proposal to be notified by letter to the owners of all properties that are affected by the change to the land use table of the Central Darling Local Environmental Plan. (except where that owner is Council). One of the main landowners is the Crown Reserve Management Unit which is being consulted with during the Crown Reserve Plan of Management project.

Individualised letters are to be sent to each affected property to explain that their property to explain how the additional land use will make the current use of the land permitted with consent.

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 planning proposal 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 planning proposal and also a summary document intended for public viewing with a clear summary of each of the proposed amendments.

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.

STAGE DATE

To be determined following the assessment of the planning proposal by council and the determination of the gateway process.

The anticipated project timeline is as follows, whilst noting that it is only an estimate and depends on factors outside of the control of the proponent:

Report to Council:	January/ February 2020
Request gateway determination:	February /March 2020
Receive gateway determination:	March/ April 2020
Public exhibition:	May 2020
Consider submissions and make final report:	June 2020
Submission to Planning NSW for Parliamentary Counsel:	July 2020
Planning proposal is made:	July/ August 2020

PART 7. SUMMARY

This planning proposal demonstrates why it is appropriate to amend the *Central Darling Local Environmental Plan 2012* land use table to enable the current land uses to be permitted with consent.

Implementation of the planning proposal will achieve relevant goals of the Central Darling Shire Community Strategic Plan and of the Far West Regional Plan 2036. The proposal will make operations for Central Darling Shire Council more efficient with the Waste disposal facilities being permissible uses on the land. The other affected sites will benefit in that the current and, in most case, historic uses of the land will be permitted with consent which will facilitate further development and efficient use of the affected land as commercial and other uses.

It is therefore considered that the planning proposal is worthy of support.

Central Darling Shire

DRAFT LOCAL STRATEGIC PLANNING STATEMENT





ACKNOWLEDGMENT OF COUNTRY

Council wish to acknowledge the traditional owners of the land, the Paakantji people and the Ngiyampaa.

WARNING: Aboriginal and Torres Strait Islander people are warned that this document may contain images of people who have died.

FOR DISCUSSION

1 FORWARD

The Central Darling Shire is an exciting area of Australia to live, encompassing vast lands, rich cultural and social heritage and a strong rural character. However, the practical reality is such that there have been considerable difficulties experienced over recent years by our communities and local institutions, including the Shire Council and government services. Despite the challenges posed by a remote location and a harsh environment, the Shire's history and future has strengths in primary production, renewables, cultural and social diversity.

More than 150 years of work and commitment by our predecessors has seen our community develop under sometimes difficult and challenging circumstances. In order to keep meeting these challenges, and continue the progress made by our forebears, a pragmatic vision for the future is required.

As a community, we have developed and voiced a strong desire for improvement in a broad range of areas including housing, health, infrastructure, education and employment and access to services. To achieve this will require cooperation, collaboration and commitment from all of us and our partner organisations in government and the community.

FOR DISCUSSION

2 WHAT DOES THIS STRATEGY DO?

This Local Strategic Planning Statement (LSPS) sets the framework for the economic, social and environmental land use needs over the next 20 years. The LSPS has also taken account of land use planning in adjacent Councils. It also works with council's Community Strategic Plan (CSP) and Local Environmental Plan (LEP). The LSPS gives effect to the Far West Regional Plan and Regional Economic Development Strategy, implementing the directions and actions at a local level. The LSPS planning priorities, directions and actions provide the rationale for decisions about how we will use our land to achieve the community's broader goals. The Far West Regional Plan Directions and Actions relevant to Central Darling are found on page 9.

This LSPS has been prepared in accordance with clause 3.9 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The LSPS brings together and builds on the planning work found in Council's other plans, studies and strategies, such as the Local Environmental Plan (LEP) and Community Strategic Plan (CSP). The LSPS also gives effect to the Far West Regional Plan 2036, implementing the directions and actions at a local level. The LSPS planning priorities and actions provide the rationale for decisions about how we will use our land to achieve the community's



broader land use vision.

Figure 1: Alignment of the LSPS to other strategic planning documents

3 MONITORING

Council will monitor, review and report on its LSPS annually to ensure that its planning priorities are being achieved. Council will use the existing Integrated Planning and Reporting (IP&R) framework under the Local Government Act 1993 for the purpose of monitoring implementation of the LSPS.

4 THE FAR WEST REGION

The focus for the future of the Far West is to capitalise its competitive advantages and unlock the potential for new economic opportunities. With vast distances, small populations and challenges across government and regional boundaries, all tiers of government and the region's service providers face significant challenges.

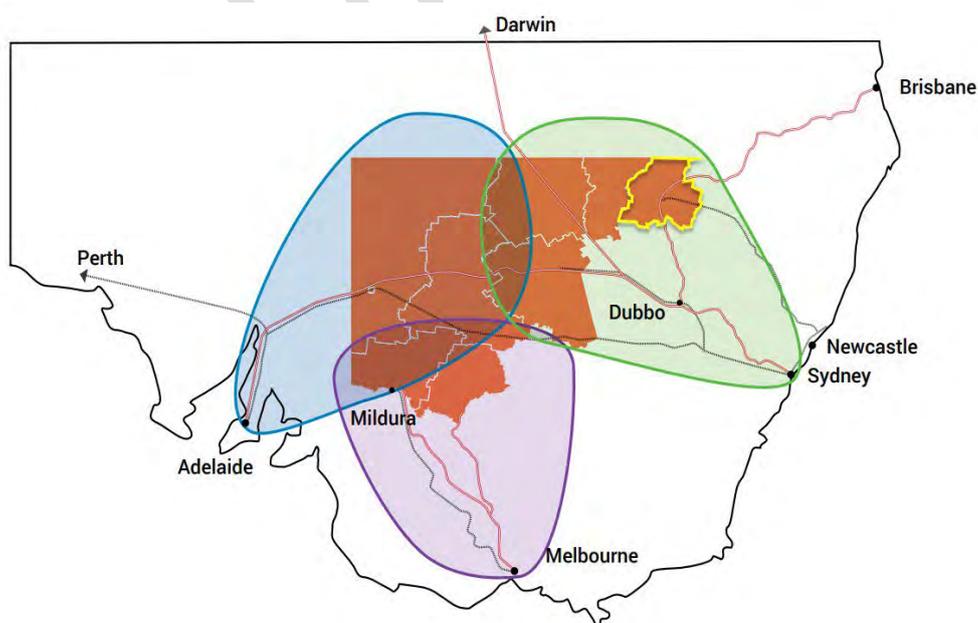
The western area comprises the Broken Hill and Central Darling local government areas and the Unincorporated Area. It is known for its isolation, mining heritage and as the birthplace of the world's largest mining company, BHP Billiton. The area is home to approximately 46 per cent of the Far West population. Of this, 85 per cent of people live in Broken Hill, the largest centre in the Far West. Broken Hill and Wilcannia provide business, office and retail services, and complementary activities such as arts, culture, recreation and entertainment to support the social needs of the community. Strong cross-border relationships with Adelaide and Mildura give residents access higher-order health, education, retail, commercial and transport services.

Major transport and freight links include the Barrier, Silver City and Cobb highways and the Sydney to Adelaide rail route. These link to Sydney, Melbourne, Adelaide and Perth. Passenger flights from Broken Hill to Dubbo and Mildura connect to Sydney and regular flights are available to Adelaide. Broken Hill is the headquarters of the Royal Flying Doctor Service.

Broken Hill and Wilcannia, and to a lesser extent Menindee, Ivanhoe and White Cliffs, provide ancillary service industries to support agriculture and mining. Diverse and unique tourist attractions include the historic mining and European heritage sites, Aboriginal heritage sites, Mutawintji and Kinchega national parks, Menindee Lakes, art and film production sites at Silverton, and outback tourist routes to Cameron Corner and the Darling River Run. Arts and culture-related tourism is an emerging opportunity.

The area contains diverse landscapes and environmental features, arid and semi-arid desert areas, inland freshwater lake systems at Menindee, and the Darling River and its associated floodplains and tributaries.

The traditional owners of this land are the Barundji, Karenggapa, Wadilgali, Malyangaba, Bandjigalia, Wandjiwalgu, Wiljali, Danggali, Barkindji, Barindji and Wongaibon people,⁴⁴ who celebrate their connection to country through cultural heritage sites and experiences.



5 OUR UNIQUE SHIRE

Central Darling Shire covers an area of almost 53,000 square kilometres, making it the largest Local Government Area (LGA) in New South Wales. It covers an area about the size of the main island of Tasmania and has diversity in geography, cultures and economic bases. Population figures for the Shire are one of the lowest in NSW with less than 2,000 residents dispersed throughout the communities of Ivanhoe, Menindee, White Cliffs and Wilcannia, pastoral properties and the localities of Darnick, Mossgiel, Sunset Strip and Tilpa. 98% of the Shire is divided into 268 grazing properties. The Shire is geographically isolated with Wilcannia, the main population centre, located approximately 200 kilometres east of Broken Hill. The impacts of climate change and natural hazards are experienced across the Shire, with temperature and rainfall extremes projected to increase into the future, along with the rest of NSW.

Our Shire boasts the World Heritage listed Mungo National Park (part of the Willandra lake system). This park stretches across the regional board into Balranald shire. The Parro-Darling National Park (home to a recorded 60,000 birds) and the only unregulated river in the Murray Darling basin. Kinchege National Park, home to the Menindee Lake system. Between these three parks there is more than 3,330 km² of significant natural environments in our Shire. The Darling River transverses the Shire as well as the Paroo River. With the prominent catchment area being from Queensland.

The Shire is characterised by a small and declining population. Major issues confronting the shire are water security, lack of employment opportunities, access to health, education, public order and safety, transport, communications, housing and lack of community services such as recreation facilities. The principal economic activities are agriculture: pastoral grazing and horticulture; opal mining and remote area tourism. Large pastoral properties are the dominant land use in the Shire.

A key priority for Council is to maintain and improve levels of service and amenity for residents and visitors while looking to expand the economic and employment base.

5.1 OUR RICH HISTORY

Australia has been inhabited by the Aboriginal people for some 40,000 years. Lake Mungo to the south of Wilcannia and Mutawintji to the north-west give evidence of long occupation. Because of this, 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.

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.

5.2 WILCANNIA

Wilcannia, the administration centre of the Shire has a history of the Darling River heritage having once been the main port for the shipping of wool for the entire western district of NSW. Founded in 1866 as a port on the upper Darling River, Wilcannia is a community in Far West New South Wales with unique and deep history and culture. Wilcannia became an important river port in the 1800's when the paddle steamers from South Australia transverse the Darling River. The iconic, locally quarried sandstone buildings that were built during the 1880's remain a dominant reminder of the link to the historic thriving port economy. The local police station and court house remain, iconic Colonial buildings designed by James Barnet. The post office and London Standard Chartered Bank (1883) are also prominent buildings within the town. The 1896 Wilcannia Bridge is a centre-lift bridge that has been recognised by the National Trust as an example of the bridges built over the western rivers to allow barges loaded high with wool to pass through. The Barkindji people still inhabit the land with which they have a long-standing history, connection and association. The town is also significant as a result of its opal mining history, its role in the iconic brewery industry. Edmund Resch, a pioneer in brewing beer in Australia, opened the Red Lion Brewery in 1883 in Wilcannia, producing Resch's Draught and Pilsner. With gold and opals being discovered in the area as well as the establishment of the Red Lion Brewery and strong port economy Wilcannia was a thriving community in the 1800's. Today, the community is also recognised for its strong ties to traditional Aboriginal culture.

5.3 WHITE CLIFFS

White Cliffs' establishment in 1890 is attributed to exploration that has led to an extensive mining history which still continues today. The community's commercial opal field is considered to be the first of its kind in Australia. It is not uncommon to find locals or visitors fossicking for opal, in fact White Cliffs welcomes visitors to fossick for the gems, so as long as the claims that they are searching are not active. The community is also recognised for its underground dwellings, 'dugouts' where visitors can stay the night or enjoy a variety of activities that the community has on offer. White Cliffs is the gateway to the Paroo Darling National Park which has a rich cultural and environmental history. The community hosts many annual events, including the White Cliffs Underground Arts Festival, Australia outback Rally and the Rodeo. These events allow visitors to experience a unique part of Far West NSW.

5.4 IVANHOE

Located approximately 200 kilometres east of Menindee along the Cobb Highway, Ivanhoe is a small township named after the Sir Walter Scott's historical fiction novel. The township was once situated as a coach and stock route. Today, the community offers both locals and tourists the opportunity to experience the Great Australian Outback acting as a railhead and service centre for the surrounding pastoral industry. The Ivanhoe Heritage Trail offers tourists an introduction to the town's history and the inviting hospitality provided by the local businesses provides comfort to travellers. It is the centre of a traditional pastoral area and remains a prominent agricultural sector in the Shire, particularly sheep grazing.

5.5 MENINDEE

Menindee is recognised as one of the oldest European settlements in western New South Wales. The community is of great significance to the Barkindji people and was a base for Burke and Will's expedition across Australia. Menindee's thriving environment fosters an enormous variety of wildlife, supporting up to 222,000 water birds, and provides the ideal climate for ripening stone and citrus fruits. The nearby Menindee Lakes, a catchment of lakes along the Darling River, has the capacity to hold three and half times as much water than that of Sydney Harbour when full. This destination provides the perfect setting for recreational activities such as fishing and camping. Menindee today has a strong and quickly developing horticulture industry and is a growing tourism destination.

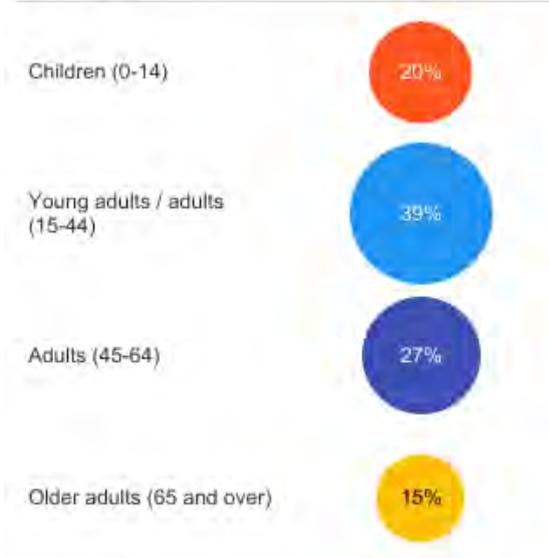
5.6 TILPA

The origin of the name "Tilpa" may be found in the Baakandji word "thulpa", which means "floodwaters", for it is in the vicinity of Tilpa that the Darling River floods up to seventy kilometres wide in major floods. Tilpa was once an important river port, carrying supplies up-stream by paddle steamers and returning laden with bales of wool and, like Louth, they also relied on a punt to allow sheep, horses and people to cross the river safely (for a fee) until the mid-1960's.

Tilpa may well have a population of about 3, however it lays claim to have the shortest Heritage Walk in Australia, two signs on opposite sides of the main street, and the Tilpa Cemetery is the only one in Australia, if not the world, to have no one buried in it. State Governors and Premiers have visited Tilpa but the most important people in the Tilpa district are the "locals" who make Tilpa the village and district that it is. There is accommodation in the village and several local properties also have "farm stay" facilities.

6 CENTRAL DARLING LOCAL GOVERNMENT AREA

Percentage of all people in age group (2016)



6.1

Household type (percentage)

Household Type	Year	
	2016	2036
Couple with children	18%	15%
Single parent family	18%	20%
Couple only	24%	25%
Lone person	41%	40%
Group	0%	0%
Other households	0%	0%

Household income range (2016)



Income classification - Regional

■ Very low
 ■ Low
 ■ Moderate
 ■ High

7 VISION

Central Darling Shire will be a great place to live and work as well as being a unique remote destination for tourists in Far West NSW

We aim to preserve and celebrate the unique stories of locals who live in the Central Darling Shire. The stories of our Shire are quirky and humorous, whilst detailing the delights and unique qualities of living in the Central Darling Shire. Whilst many of our towns have suffered as a result of many long-term residents moving off grazing properties and out of the towns to discover new adventures in life, it is now that we are striving to rebuild our towns through various forms of tourism. The Central Darling Shire is a vibrant area of Australia to live in encompassing, vast lands, rich heritage and diverse culture.

We aim for a better social, economic, environmental and civic leadership future for the Central Darling Shire. As a community we have developed and voiced a strong desire for improvement in a broad range of areas including housing, health, infrastructure, education and employment and access to services. To achieve this will require cooperation and commitment from all of us and our partner organisations in government and the community.

Cultural heritage is of great significance to those living in the region as well as providing opportunities for appropriate tourism development. The Shire has a rich Aboriginal heritage as well as a heritage from European settlement associated with the pastoral industry and riverboat trade in the 19th Century. The built heritage is an important historical reminder of these developments and provides a tourism opportunity as part of a cultural and heritage experience of the region. A number of strategies are identified in this plan to protect and upgrade heritage buildings as part of overall improvements to streetscapes.

The natural environmental assets that make the Central Darling Shire an attractive place for locals to live include the Darling River, Menindee Lakes, Paroo Darling and Kinchega national parks and the unique landscape of White Cliffs are also those that attract many visitors to the region. This underlines the importance of appropriate management and protection measures that involve the Council, the NSW National Parks and Wildlife Service, Catchment Management Authorities, tourism associations and the community.

To further expand the regional economy, a targeted approach to infrastructure investment that provides optimal support to businesses and the community needs to be achieved. Priority areas include roads, telecommunications, accommodation, water quality and supply.

The Shire is characterised by a declining population and issues relating to isolation, including transportation and communications, as well as issues relating to education, health, public order and safety, and a general lack of employment opportunities and what could be called 'normal' community services. The provision of appropriate and high-quality education, health and other community services is paramount to the overall well-being of the community.

Tourism will continue to play an important role in the Shire's productivity and employment with key attractors being national parks, remote tourist experiences, connection to outback NSW and interstate travellers as well as cultural heritage. Employment will be based around primary production and tourism, with renewable energy generation and agricultural value adding being realistic potential opportunities.

8 INDUSTRY SUSTAINABILITY

8.1 AGRIBUSINESS

Central Darling Shire has a rich agricultural history, founded on wool production and pastoral livestock grazing and in more recently goats. These industries remain the main sectors in agriculture in the Shire. Menindee has a strong horticulture sector which produces table grapes, citrus, olives, rock melon and pumpkins.

New opportunities in kangaroo harvesting have been identified by locals with kangaroos being harvested locally, stored in chillers and then transported to processing plants for domestic consumption and export. Supporting a processing plant in the Shire could be a future opportunity for investigation. Another new opportunity that has been identified is a fish hatchery in Menindee along with product diversification in new fruit markets. The fish hatchery will aim to replenish native fish populations that were decimated during the 2019 summer fish kills in the Darling River at Menindee. The facility will create local employment and incorporate local expertise, especially from the local Indigenous population.

Opportunities for diversification of activities within rural areas (including rural industries and tourism related uses) are encouraged, provided that the productive capacity of the land is not significantly altered and conflicts with existing or likely future rural activities in the area are not created, landscape and natural resource values are maintained and risks from natural hazards minimized. It is also important to consider the most appropriate location of new development in terms of access to labour and provision of employment opportunities in existing settlements.

8.2 TOURISM

Tourism is a prominent industry in the Shire and there are opportunities for future development across the sector including the future development of a cultural centre in Wilcannia, local art gallery, improved connectivity between our regions National Parks as well as cultural experiences sharing our strong Aboriginal and European history. The remote location of the area offers an opportunity to be a service centre for travelers, travelling further afield. Attracting people on the way through to other parts of Australia by offering an opportunity to restock supplies as well as refuel before travelling further to more remote areas is an opportunity for the area to further capitalise on.

Our local tourist attractions include being on the Menindee Lakes, Darling River Run, unique underground experience in White Cliffs, farm stays, and the Nationally significant White Cliffs solar farm.

As far as possible, Council will support additional employment opportunities and new businesses to our region, particularly those which build on outback tourism opportunities or provide local services. New development will contribute to the character and identity of our communities and be appropriate for the capacity of local infrastructure.

8.3 EDUCATION AND HEALTH

Ensuring current education and health services remain in each town is essential to Council. Supporting the ongoing funding of Wilcannia and Menindee TAFE will also provide local students with opportunities for tertiary study. The region relies heavily on the services provided by the Royal Flying Doctors Service, with no full-time doctors in the Shire. Aged care is not provided, nor are disability services. Our severe isolation offers an opportunity for our communities to be leaders in the remote delivery of services as new technologies become available.

8.4 OTHER INDUSTRIES

It is important to highlight other industries in the Shire include the Gypsum and ilmenite sand are mined in Balranald Local Government Area and then road transported to rail head at Ivanhoe for onward transportation. Proposal to increase rail head to increase tonnages. There are active opal mining licenses in White Cliffs. The correctional centre is the prominent industry in Ivanhoe.

Future areas of investigation include the development of renewables, particularly solar and wind power. The industry is currently limited by the capacity of the grid to transfer power to larger centres. As technology and connectivity continues to improve there could be an opportunity for renewable energy development in our Shire that take advantage of our close proximity to South Australia.

Shopping, office, community and civic uses will continue to be consolidated within the main streets of each town, making best use of existing buildings and shopfronts.

8.5 SUPPORTING INFRASTRUCTURE

Council are focused on investing in community infrastructure renewal and management for the long-term sustainability of essential town services. Key projects include investigating water treatment options to better utilise waste water, improving telecommunications connectivity and upgrading key passenger and freight routes.

Major transport corridors and infrastructure, including highways and major roads, are protected from encroachment by development which would detract from their safety or operational efficiency.

9 *HEALTHY AND COHESIVE COMMUNITY*

9.1 OUR CHANGING DEMOGRAPHIC

We recognise that our population has fluctuations due to the demographic, but generally the population is in overall decline (last 20 years). This can be attributed to the change in agricultural practices and ancillary industries significantly reducing staff numbers due to efficiencies in technology.

A large proportion of our aging population, who have the means to move away, do so to access higher order services. This however is not the case in White Cliffs, which is often a seasonal retreat for members of the older population.

9.2 HOUSING

The large proportion of zoned land in Wilcannia consists of deceased estates. Council is working closely with Government agencies to determine how to manage the growing number of uninhabitable, deceased estates or vacant dwellings in Wilcannia and Menindee. Improving the state of housing stock across the Shire is a key priority for Council to improve community wellbeing and increase visitor experiences.

Housing is predominantly in the form of detached dwelling houses. New growth and development will be located in the existing urban footprint to assist in consolidating communities. This will help strengthen the identity of the community, enhance heritage, maintaining the viability of infrastructure and services, avoiding natural hazards and reducing pressure on water and land resources. A sufficient supply of suitable land exists within the zoned area to accommodate growth over the next 20 years. No additional rural residential development is intended over the next 20 years.

9.3 PROTECT OUR NATURAL ENVIRONMENT

9.3.1 Increase resilience to climate change and natural hazard risks

Our communities are exposed to the severity of our climate. Improving water security and better equipping our communities to manage extended drought periods will continue to be a focus area for Council. Each of our communities are vulnerable to unprecedented water shortages due to the flow levels of the surrounding river system. The town's raw water relies on storages in the Darling River weir pools. Other sources also include bore fields which produce enough water to supply the town with filtered water only. Council will continue to work with the NSW Government and relevant agencies to put in place long-term solutions, such as installing additional bores and treatment systems, delivering packaged water when needed and water-treatment options.

New development or the intensification of uses in areas potentially affected by flooding or bushfire will be avoided, other than where development that can be designed or sited to minimise risk to people, property and the environment. We recognise our community is susceptible to extreme temperatures and will ensure our current and future developments are adapted to maintain our resilience to temperature variability.

Any future development will consider the potential for extreme weather events and wherever possible is located and designed to suit the local climate, particularly by reducing reliance on non-renewable energy and water consumption, especially during times of drought

9.3.2 Protect and manage environmental assets

The Darling River meanders through New South Wales from its origins in Queensland's Darling Downs till it meets the mighty Murray River at Wentworth. It is a significant landmark in Outback Australia. Much of the pioneering history of the region has centred on the river, and it remains vital for agriculture, horticulture and town life. Following the river will take you through the traditional lands of the Ngemba and Barkindji peoples, who regard the river as an integral part of their lives and lifestyle.

Protecting our natural environment is paramount to everything we do. Within the next 20 year it is expected that Menindee will be declared a Ramsar Wetland which will provide international recognition of the significance of the area across the world. The Menindee Lakes are located on the Darling River, about 200 km upstream of the Darling River's junction with the River Murray. The town of Menindee is close to the lakes. The lakes were originally a series of natural depressions that filled during floods. As the flow receded, the water in the natural depressions drained back into the Darling River. Periods of drought and extended low flow can cause the lakes to run dry. Modifications to make use of the lakes for water conservation and regulation along the lower Darling River were undertaken during the mid-20th century. The lakes are owned by the New South Wales Government and operated by Water NSW.

The Darling River catchment upstream of Menindee is immense and comprises southern Queensland and most of New South Wales west of the Great Dividing Range — an area of 574,200 km². It is only during significant floods that the greater part of this area contributes to the flow in the Darling River. The Darling River is fundamental to Wilcannia and Menindee and will continue to be protected and enhanced as a key asset and focal point.

Protecting our unique vegetation and reducing the presence of overstocked land is a concern for council. The Indigenous and European cultural heritage is also of significance to the Region and state of NSW. Any future development will avoid and be buffered from areas of environmental significance and protect the integrity and viability of habitat and biodiversity values, and biophysical and ecological processes.

9.4 CELEBRATE HERITAGE ASSETS

Significant local heritage underpins the character of our communities. The main historic themes relating to the settlement and growth of Wilcannia evolve out of the spread of remote rural pastoral and mining activities in NSW during the 1860s-1890s, leading to the rise of the river steamer transportation as an essential part of the economic growth of the region and the creation of a government administration centre as the population of the region increased. Wilcannia became one of the major ports of the Murray Darling system and the paddle steamer trade flourished for 70 years. The town of White Cliffs, situated in northwest NSW, was Australia's first viably commercial opal field and was first discovered in 1884. Menindee is the oldest European settlement in western New South Wales, and the first town to be established on the Darling River. Ivanhoe was proclaimed a village in 1890. 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. Future development will not impact on areas and items of cultural heritage significance within the natural environment and rural landscape.

FOR DISCUSSION

10 OUR ACTIONS FOR ACHIEVING OUR VISION

10.1 LIVEABILITY

- 10.1.1 Provide a range of facilities and services to meet community needs
- 10.1.2 Provide diverse housing choice where possible using existing infrastructure and building stock
- 10.1.3 Protect and enhance the towns and villages with tree planting /landscaping in streets and community spaces such as the riverbanks and open spaces to increase amenity and protection from the impacts of climate change

10.2 INFRASTRUCTURE

- 10.2.1 Advocate for existing and new development to be supported by infrastructure
- 10.2.2 Actively seek out new infrastructure investment to facilitate investment in new industries such as renewables and agricultural value adding
- 10.2.3 Work with government agencies to bring enhanced telecommunications to the LGA to facilitate better connections and health, education outcomes.

10.3 PRODUCTIVITY

- 10.3.1 Improve access to and from the LGA
- 10.3.2 Provide for opportunities for local employment

10.4 SUSTAINABILITY

- 10.4.1 Protect, manage and respect heritage assets
- 10.4.2 Proactively, protect and manage environmental assets

10.5 TOURISM

- 10.5.1 Support tourism providers in enhancing the towns and villages with green spaces and opportunities to experience the various forms of heritage etc
- 10.5.2 Work with the Barkindji people to protect and conserve natural and cultural heritage of LGA

11 FAR WEST REGIONAL PLAN DIRECTIONS

Focus	Alignment with Policy	Strategic Outcome	Description
Tourism	Far West Regional Plan – Direction 5	Promote and diversify local tourism market	<ol style="list-style-type: none"> Promote local indigenous cultural opportunities in tourism, including river walks, art workshops and a cultural centre. Ensure experiences are available throughout the year to accommodate seasonal fluctuations Work with National Parks to expand operations into the tourism sector Work with neighbouring regional councils/JO to develop a tourism strategy
Infrastructure	Far West Regional Plan – Direction 4	Diversify energy supply through renewable energy generation	<ol style="list-style-type: none"> Facilitate small-scale renewable energy projects using bioenergy, solar, wind, small-scale hydro, geothermal or other innovative storage technologies through local environment plans.
	Far West Regional Plan – Direction 8	Enhance access to telecommunications	<ol style="list-style-type: none"> Identify options to improve access to shared telecommunication and internet services, including public access to services at community centres and schools.
Changing Demographic	Far West Regional Plan – Direction 20	Plan for a changing demographic	<ol style="list-style-type: none"> Prepare management strategies for declining populations
Housing	Far West Regional Plan – Direction 27	Sustainably manage residential development	<ol style="list-style-type: none"> Ensure any future residential development is located on land that is currently zoned and serviced. Work with agencies to clear uninhabitable housing stock to improve visual amenity and experience in Wilcannia and Menindee.
Protect our Natural Environment	Far West Regional Plan – Direction 26	Deliver long-term water security	<ol style="list-style-type: none"> Ensure that potable and raw water supplies are provided within designated water districts of Ivanhoe and Wilcannia Maintain the consistency of water supply to the White Cliffs community and investigate and improve the provision of a potable supply as a matter of urgency Construct the new water treatment plant and associated infrastructure to ensure improved water supply for White Cliffs, Wilcannia and Ivanhoe
	Far West Regional Plan – Direction 15	Manage land uses along river corridor	<ol style="list-style-type: none"> Develop a management strategy that considers and assesses the potential impacts of new development on biodiversity along the River corridor.
	Far West Regional Plan – Direction 16	Increase resilience to climate change	<ol style="list-style-type: none"> Incorporate the findings of the Far West Enabling Regional Adaptation project to inform land use and planning decisions.
	Far West Regional Plan – Direction 17	Manage natural hazard risks	<ol style="list-style-type: none"> Incorporate the best available hazard information in local plans consistent with current flood studies, flood planning levels, modelling and floodplain risk management plans.
Celebrate Heritage Assets	Far West Regional Plan – Direction 18	Respect and protect Aboriginal cultural heritage assets	<ol style="list-style-type: none"> Protect, manage and respect Aboriginal objects and places in accordance with legislative requirements.
	Far West Regional Plan – Direction 19	Conserve and adaptively re-use European heritage assets	<ol style="list-style-type: none"> Prepare, review and update heritage studies in consultation with the community to recognise and conserve heritage assets and items and include appropriate local planning controls. Investigate opportunities to redevelop and enhance streetscapes and entrances to all towns

CENTRAL DARLING SHIRE COUNCIL

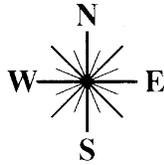
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Council Chambers
21 Reid St
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Menindee Native Fish Hatchery Working Group

Meeting Held at the Menindee RTC 10am Wednesday 29th January 2020

Welcome

Present

Greg Hill	Central Darling Shire Council - Chair
Margot Muscat	Central Darling Shire Council – minute taker
Rob Gregory	Menindee Regional Tourist Association
Derek Hardman	Barkindji Native Title Group Aboriginal Corporation
Gerald Quayle	Barkindji Native Title Group Aboriginal Corporation geraldjamesquayle26@gmail.com
Cheryl Blore	Indigenous Community member
Barbara Quayle	Indigenous Community member
Colleen King	Community Member
Cindy Bates	Indigenous Community member
Sikola Havili	Barkindji Native Title Group Aboriginal Corporation sekola.havili169@gmail.com
Graeme McCrabb	Menindee Regional Tourist Association and Recreational Fishers

Apologies NIL

Minutes of last meeting Thursday 26th September 2019 accepted as circulated Moved: Margot 2nd Cheryl. (note - new email for Gerald)

One Minute Silence held in respect and acknowledgement for Elder's past and present and for recent passing of community members.

General Business:

- **Request for Quote (RFQ) for Consultancy Services** for Scoping Study. Draft tabled by Greg Hill – accepted as is following general discussion of each point to clarify
 - RFQ – Request for Quote;
 - Legislative Processes – DPI and OH&E;
 - Identify potential for synergies – business ventures for other townships
 - Potential Resources – to include Ian Ellis; contact Stephen Bedford Clark for his presentation.
- **Timeline for scoping study and RFQ** – agreed as per Milestones in Draft
- **Evaluation team of the RFQ** – Greg to provide all members with copies of Quotes to evaluate and come back to group in early April.
- Any other business – NIL.

Next Meeting: TBA early April.