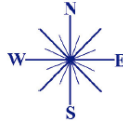


# CENTRAL DARLING SHIRE COUNCIL

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



Wilcannia streetscape photos from McDougall & Vines (2017)

## CONTENTS

1.	Part 1. Introduction Objectives and intended outcomes	4
	1.0 Description of the locality and site	5
	1.1 Strategic and statutory planning context relevant to planning proposal	6
	1.2 Objectives and intended outcomes – under Section 3.33 (2) (a) of EP&A Act 1979	10
2.	Part 2. Explanation of provisions for the proposed amendments to Central Darling Local Environmental Plan 2012	10
	2.0 Far Western Regional Plan 3036	12
	2.1 Relevant State environmental planning policies	15
	2.2 Ministerial directions	16
	2.3 Local Planning Controls	19
	2.4 The proposed provisions	26
3.	Part 3. Justification for the proposed amendments	31
	3.0 Demonstrate justification	31
	3.1 Summary of the finding of the Nomination Report 2006	42
4.	Part 4. Proposed changes to the CDLEP 2012 mapping	43
5.	Part 5. Community consultation	43
6.	Part 6. Project timeline for the Planning Proposal	45
7.	Part 7. Summary supporting the draft planning proposal	45

## FIGURES

Figure 1 –	Location plan Central Darling Local Government area with NSW	5
Figure 2 –	Location towns in Central Darling Local Government area.	4
Figure 3 –	Plan of Wilcannia.	5
Figure 4 –	White Cliffs 6 maps aerial map of Solar power station	7
Figure 5 –	Location map of Big Ampy Windmill	10
Figure 6 –	Map of White Cliffs Solar Power station	20
Figure 7 –	Proposed heritage conservation area and current and proposed heritage items in Wilcannia	30
Figure 8 – map	Proposed Big Ampy Windmill heritage site in relation to Menindee shown on the Central Darling LEP 2012 zoning	32

## PHOTOGRAPHS

Cover photo-	Wilcannia heritage items and streetscapes (McDougall & Vines report)	
Photo 1 –	White cliffs solar power station	9
Photo 2 –	Site of proposed heritage listing of White cliffs solar power station.	18
Photo 3 –	Site of proposed heritage listing of White cliffs solar power station.	19
Photo 4 –	Bank Building 25 Reid Street Wilcannia	33
Photo 5 –	CDEP Building 39 Reid Street Wilcannia	33
Photo 6 –	Row of 6 attached shops 1890's 40 Reid Street Wilcannia	34
Photo 7 –	Park area 41 – 43 Reid Street Wilcannia	34
Photo 8 –	Small shop and house 1919 54 Reid Street Wilcannia	35
Photo 9 –	Wilcannia auto repair 1930's 60 Reid Street Wilcannia	35
Photo 10 –	Former Court House 65-67 Reid Street Wilcannia	36
Photo 11 & 12–	73 Reid Street Wilcannia Old Fuel Store and residence behind	36

Photo 13 –	Two Stone dwellings 1880 83 Reid Street Wilcannia	37
Photo 14 & 15 –	Small workers residence 1880 93-99 Reid Street Wilcannia	37
Photo 16 & 17 –	Wilcannia Central School 33 Hood Street Wilcannia	38
Photo 18 –	Wilcannia Cemetery	39
Photo 19 & 20 –	Big Amp Windmill	40
Photo 21 –	Big Amp Windmill aerial view	40
Photo 22 –	Big Amp Windmill aerial view	41
Photo 23 –	Big Amp Windmill aerial view	41

## TABLES

1. Table 1 –	List of proposed heritage items and addresses	27
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## ANNEXURES

A.	Wilcannia, NSW Community Based Heritage Survey 2017
B.	Short summary of Elizabeth Vines' relevant experience
C.	White Cliffs Solar Power Station Nomination Report 2006
D.	Maps
E.	Stakeholder consultation documents
F.	Council resolution
G.	List of Proposed heritage items and addresses

No	Author	Version
1	MB Town planning Pty Ltd	Version A – 27 August 2018
2	MB Town planning Pty Ltd	Version B – 20 December 2019
3	MB Town planning Pty Ltd	Version C – 20 March 2020
3	MB Town planning Pty Ltd	Version D – 9 June 2020

## 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 LOCALITY AND SITE

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 RELEVANT TO THE PLANNING PROPOSAL

### 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.

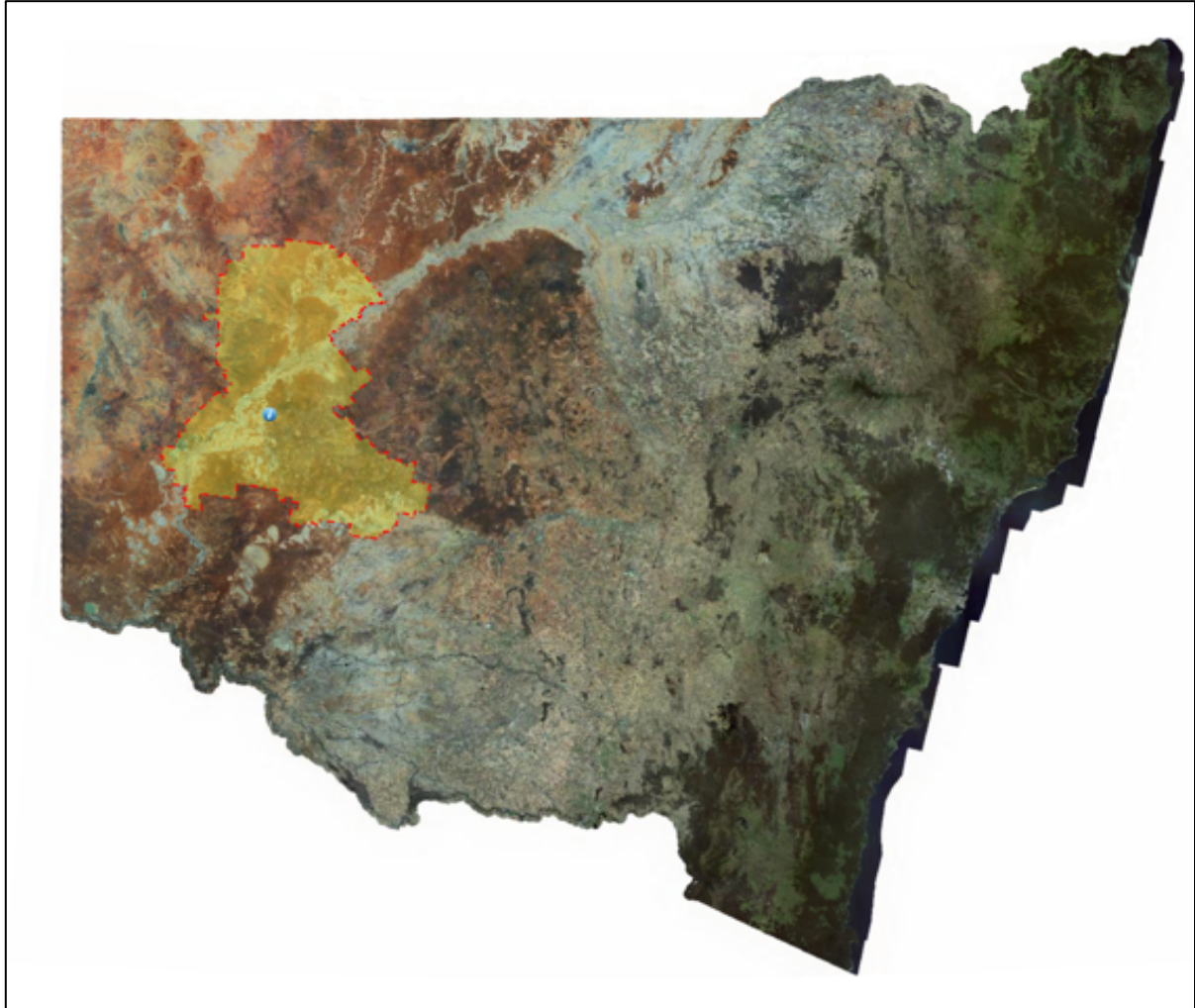


Figure 1: Location of the Central Darling LGA (highlighted in yellow) within NSW (Source: Six Maps)

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.

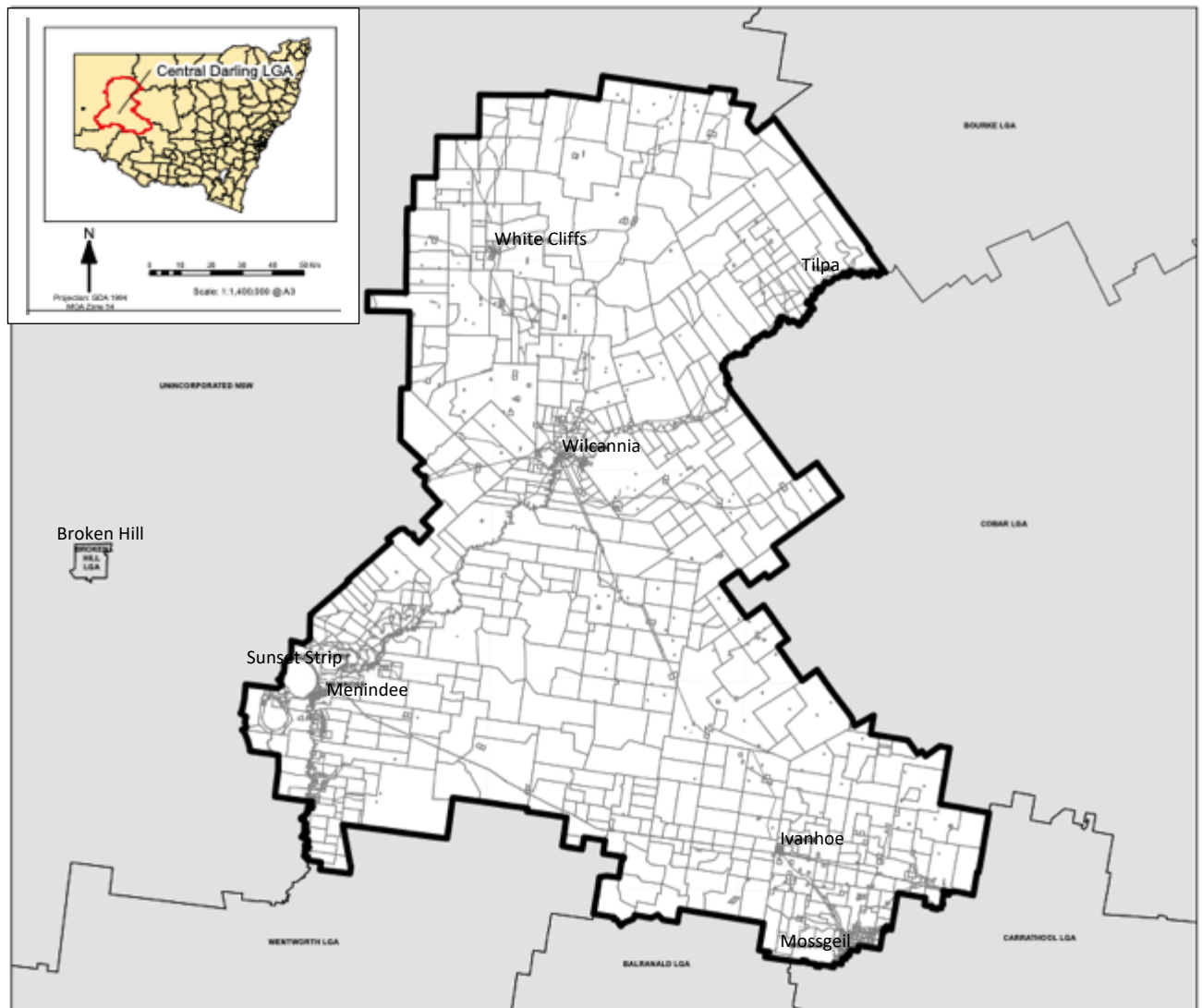


Figure 2: Location of towns and the Darling River within the Central Darling LGA (Source: Central Darling Local Environmental Plan 2012 – land application map)

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.



Photo 1: 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).

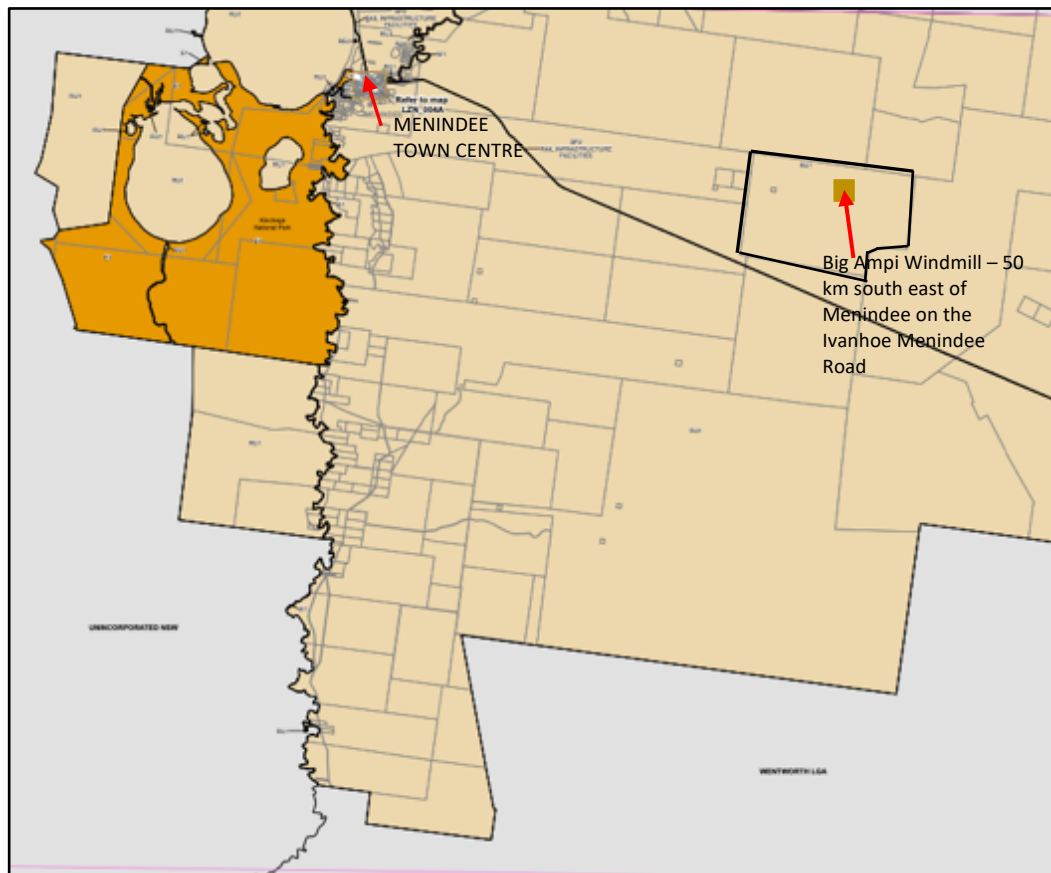


Figure 4: Location of “Big Amp”, show on the Central Darling Local Environmental Plan 2012 sheet 004 (Base source: NSW legislation website 2020))

## 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.

## **2.0 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.

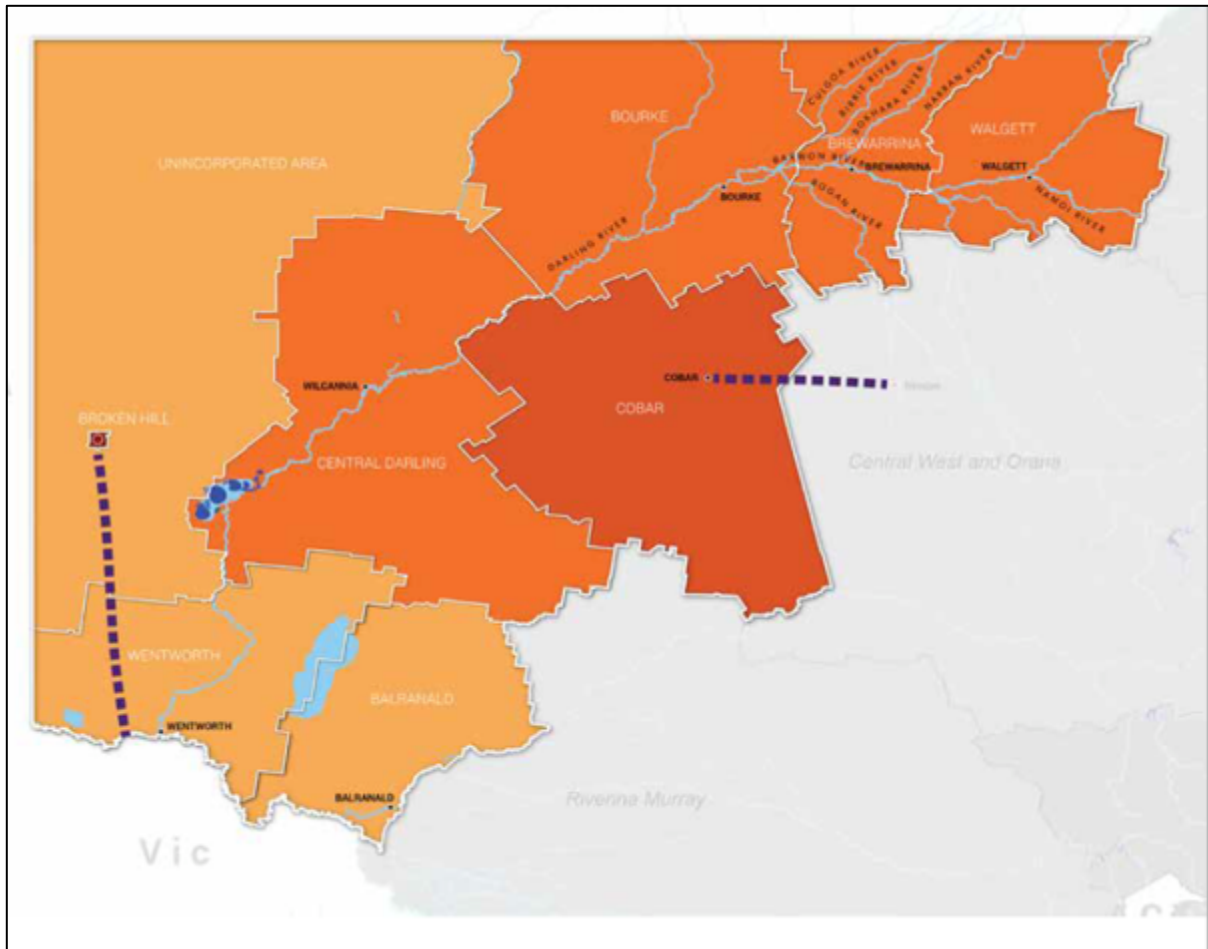


Figure 5: Map of the Far West Region within NSW, covered by the Far West Regional Plan (Source: Draft Far West Regional Plan Report – Department of Planning and Environment 2016).

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.”<sup>1</sup>

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.

<sup>1</sup> 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.”<sup>2</sup>*

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.

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

## 2.1 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.

## 2.2 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.



Photo 2: Site of proposed heritage listing of White Cliffs Solar Power Station (source six maps 2020)

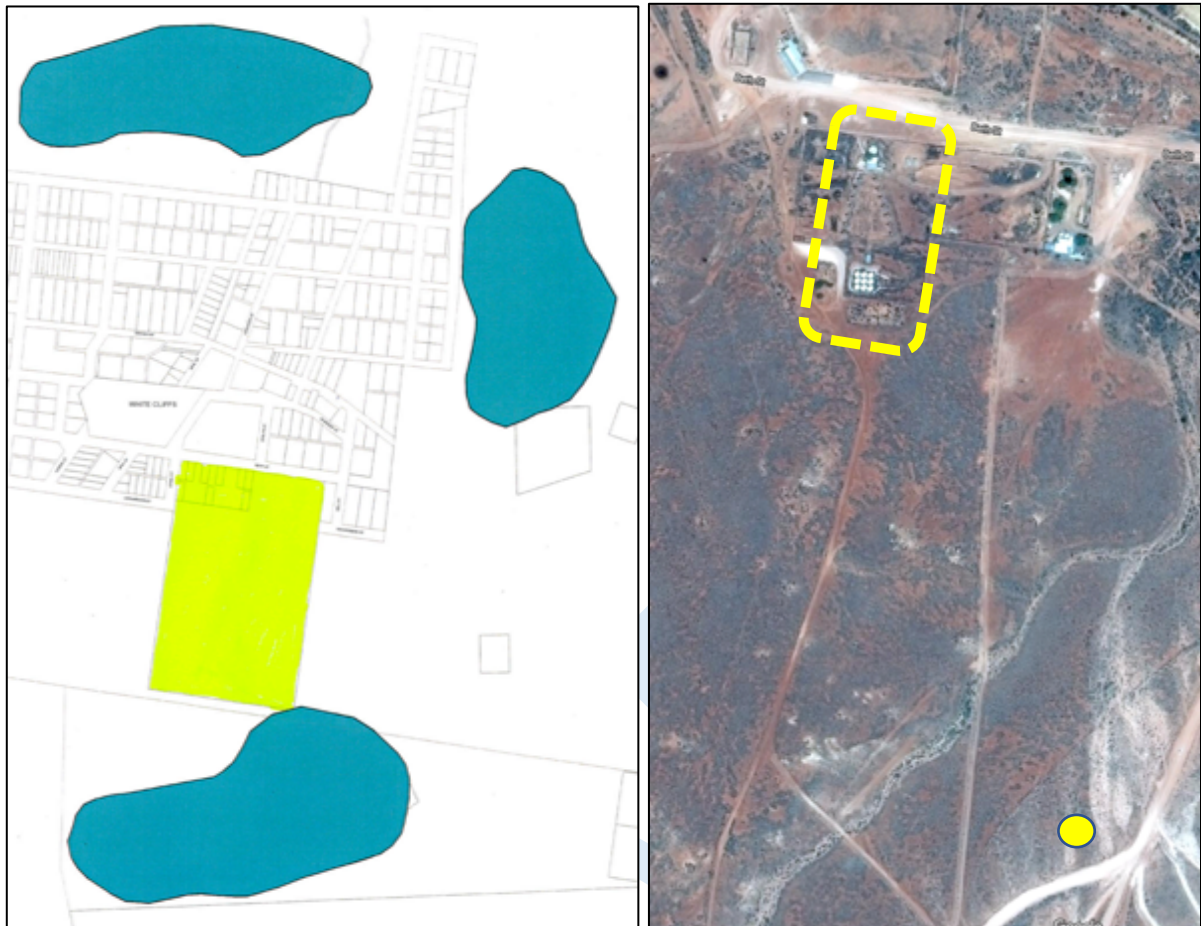


Figure 6 & Photo 3: Site of proposed heritage listing of White Cliffs Solar Power Station within the CDLEP2012 Dugout Areas Map (left) and location of intrusion of one lot into dugout areas map relative – indicated by a yellow dot, relative to the location of power station infrastructure – indicated 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.

## 2.3 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.”<sup>3</sup>*

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 handicraft 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*

<sup>3</sup> 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.”<sup>4</sup>

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

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<sup>4</sup> 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.

## 2.4 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 4742, 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	Part of 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, Lot 15, Section 2, DP759084, Lot 20, 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

Item number	Locality	Item name	Address	Property description
41	Wilcannia	House	15-17 Hood Street	Lot A, DP419309
42	Wilcannia	Former commercial bank	25 Reid Street	Lot 19, Section 3, DP759091
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, DP312008; 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

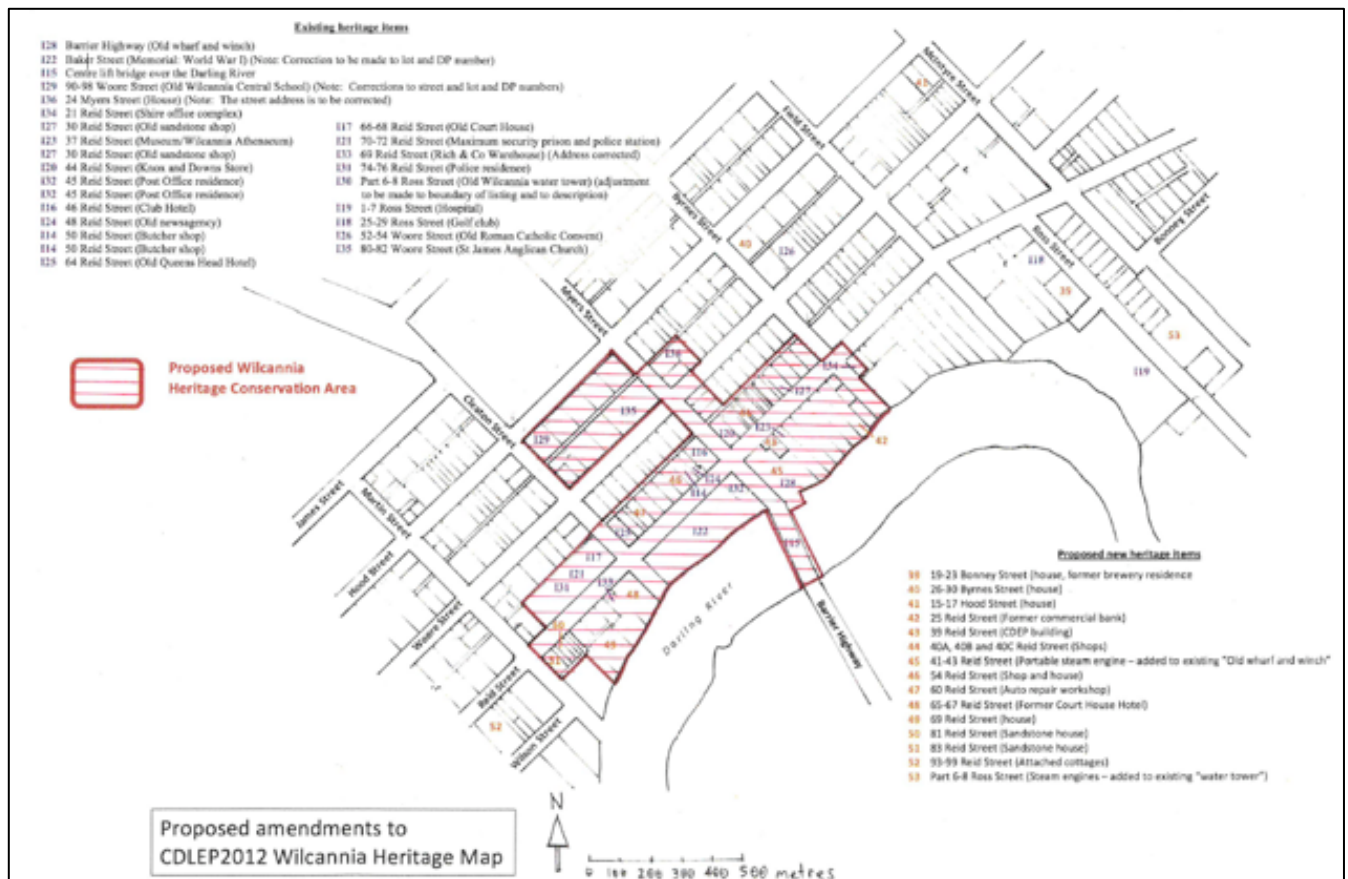


Figure 7: Proposed heritage conservation area and current and proposed heritage items.

6-8 Ross Street is already listed, but it is proposed to change the description from "Old Wilcannia water tower" to "Steam engines and old Wilcannia water tower". Additionally, as that property has a lot and deposited plan number, it is proposed to change the property description from "Crown Land" to "Part 7308, DP1179888". Additionally, it is proposed to change the address from "Ross Street" to "Part 6-8 Ross Street" as that property has that address according to Six Maps data.

The precise location of the Comet wind turbine pump at 14,680 Ivanhoe-Menindee Road (Big Amp) to be confirmed by land owner. Also the item listed at 69 Reid Street, "71 Reid Street" is already listed, being "Rich and Co Warehouse". However, that property address is officially known as "69 Reid Street" (according to Six Maps). The official address of "69 Reid Street" also covers the proposed new heritage item, being "House "Riversleigh"".

The maps in Appendix 3 show the proposed mapping of new heritage items and also show existing heritage items.

The proposed Wilcannia heritage conservation area shown in Annexure C includes:

- 79, 81 and 83 Reid Street and the Reid Street road reserve immediately in front of those properties as well as the rear laneway road reserve immediately behind and to the side of those properties;
- part of 2-8 Martin Street, being Lot 21, DP834330;
- 69 Reid Street and the Reid Street road reserve in front of that property;
- 77 Reid Street and the Reid Street road reserve in front of that property;
- 65-67 Reid Street and the Reid Street road reserve in front of that property;
- the Cleaton Street road reserve south of Reid Street and the part of the Reid Street road reserve adjacent to that road reserve area;
- 74-76 Reid Street and the part of the Reid Lane road reserve adjacent to that property;
- 70-72 Reid Street and the part of the Reid Lane road reserve adjacent to that property;

- 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:

<i>Wilcannia</i>	<i>Memorial: World War I</i>	<i>Baker Park</i>	<i>Lot 3, Section 59, DP759091</i>
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would be deleted and would be replaced by:

<i>Wilcannia</i>	<i>Memorial: World War I</i>	<i>Baker Park</i>	<i>Lot 7301, DP1177652</i>
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That is in order to provide the property description for where the existing memorial is actually located.

- The current listing, being:

<i>Wilcannia</i>	<i>Old Wharf and winch</i>	<i>Adjacent to bridge</i>	<i>Lot 32, DP580065</i>
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would be deleted and would be changed to:

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

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:

<i>Wilcannia</i>	<i>Two sandstone houses</i>	<i>8-10 Myers Street</i>	<i>Lot 4, DP1128425</i>
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would be deleted and would be replaced by:

<i>Wilcannia</i>	<i>Two sandstone houses</i>	<i>24 Myers Street</i>	<i>Lot 4, DP1128425</i>
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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:

<i>Wilcannia</i>	<i>Old Wilcannia Central School</i>	<i>77-79 Hood Street</i>	<i>Lot 8, DP1128425</i>
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would be deleted and would be replaced by:

<i>Wilcannia</i>	<i>Old Wilcannia Central School</i>	<i>90-98 Woore Street</i>	<i>Lots 9-10, DP1128425</i>
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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 4: 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 5: 39 Reid Street Wilcannia – CDEP Building 1940 ( Source: Google maps 2018)

#### **40 Reid Street, Wilcannia**

Row of shops Late 19<sup>th</sup> Century

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



Photo 6: 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 7: 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 8: 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 9: 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 19<sup>th</sup> 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 10: 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 19<sup>th</sup> Century and House late 19<sup>th</sup> or early 20<sup>th</sup> 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 19<sup>th</sup> and early 20<sup>th</sup> 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 11 & 12 (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 13: 81 – 83 Reid Street Wilcannia – Two stone dwellings 1880 ( Source: MB Townplanning 2019)

**93-99 Reid Street, Wilcannia**

Attached cottages latter 19<sup>th</sup> 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 14 &15 : 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 16 & 17: 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 18: 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 19 & 20: Big Ampa Windmill (source: MB Townplanning 2019) and (by Capt James Boland 2017)



Photo 21: Big Ampa Windmill (source: six maps 2020)



Photo 22: Big Amp Windmill on Ivanhoe Menindee Road location in relation to runway on Big Amp property(source: six maps 2020)



Photo 23: Big Amp Windmill shown in location to the Ivanhoe Menindee Road and the closest cross road of Teryawynia Ashmont Road(source: six maps 2020)

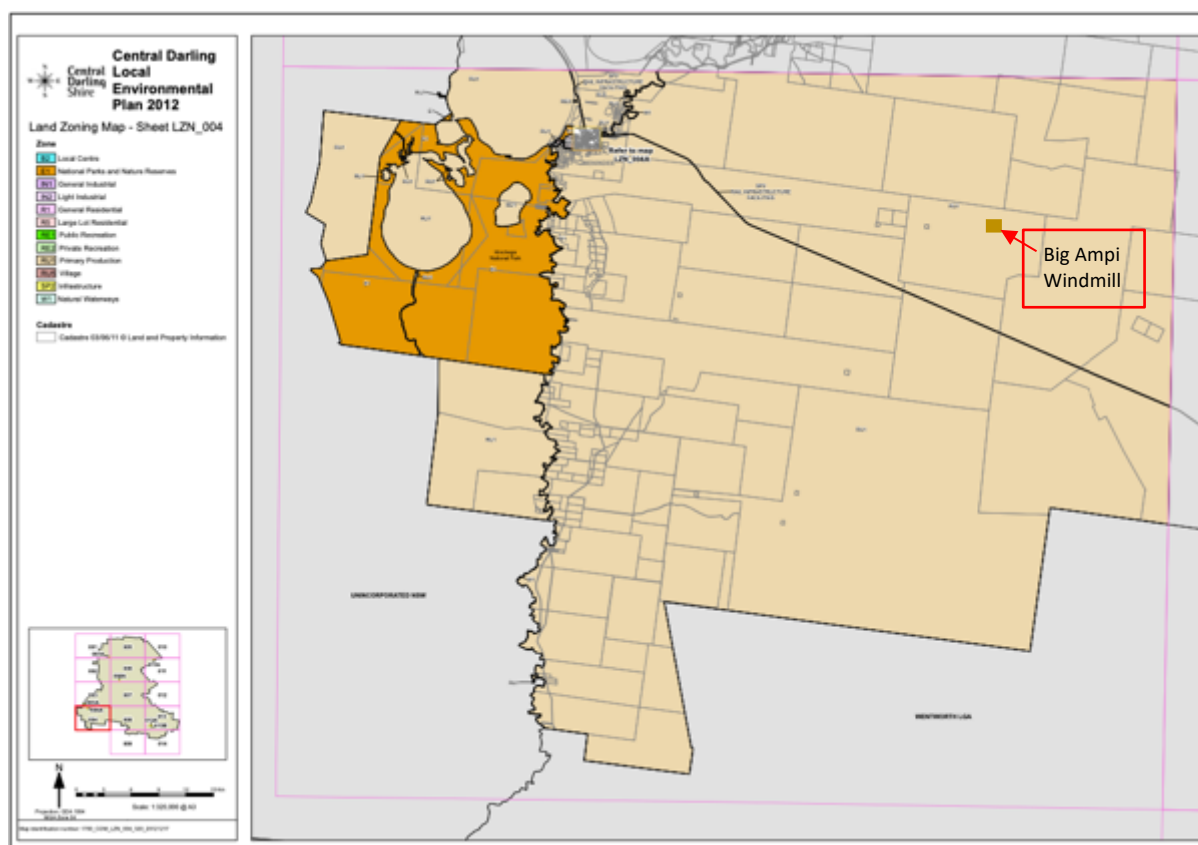


Figure 8: Proposed Big Ampí Windmill Heritage site shown in relation to Menindee on Central Darling Local Environmental Plan land zoning map 004(source: NSW Legislation website 2020)

### 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.	

### 3.1 SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK 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 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.

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".

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.

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 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.

## 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(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. 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.

**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. For Local listed heritage items, BASIX still applies, albeit that BASIX requirements that conflict with heritage requirements may be the subject of an “alternative assessment”.

**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”.

**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 able to utilise some exempt and complying development provisions.

**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 Ampj, 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

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.

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.

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

- Big Ampj, 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. 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 -

- 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,
- Aboriginal objects or Aboriginal places protected under the *National Parks and Wildlife Act, 1974*, and
- 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.

The CDLEP2012 includes provisions relating to Aboriginal heritage. 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. 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 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 does not affect the proposal because none of the affected 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 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.

## Standard Instrument – Principal Local Environmental Plan

### Central Darling Local Environmental Plan 2012

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.

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.”

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 currently prohibited within the R1 General Residential zone within which they are located. However this prohibition is being addressed in another Planning Proposal that adds this use to the land use table for the R1 General Residential zone.

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.

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.

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 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.

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.

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

## 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 proposed heritage items and the proposed heritage conservation area are within the established Wilcannia town centre.

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 is within the established Wilcannia town centre, the land is a mix of private and public owned land. The public land is currently managed by council officers, with daily inspections of each site.

9. How has the planning proposal adequately addressed any social and economic effects?

The clarification of the heritage items and the conservation area will clarify how future development will occur and what is required. This provides a safeguard to the heritage items within the Wilcannia town area from demolition or unauthorised development.

### Social Impact

The clarification of the heritage items and heritage conservation area provides a safeguard to the heritage items within the Wilcannia town area from demolition or unauthorised development which will assist in future heritage tourism. This will benefit the community in the long term.

### 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 heritage items and heritage conservation area is within the Wilcannia town centre, there is no issue with public infrastructure with the planned changes for the heritage items or the heritage conservation area within 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 NSW Heritage has been consulted regarding the proposed planning proposal as have other state Agencies particularly those owning the proposed State Heritage Items

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. The required 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 will be undertaken by Central Darling Shire Council.

## 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 digitally in the *Barrier Daily Truth*, in the Wilcannia News, and in the relevant Council branches in Menindee and Ivanhoe. Due to Covid 19 and the demise of the paper copies of the local newspapers (now digital format only) additional information may have to be distributed to residents in the form of a brochure or letter and other information sent in hard copy. This is due to the low rate of computer and smart phone use in the Central Darling Shire Council area (also lack of mobile and data coverage due to the far western NSW location).

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. Amendments will be made to the Planning proposal if required.

## 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:	February 2020
Request gateway determination:	June 2020
Receive gateway determination:	July 2020
Public exhibition:	August/ September 2020
Consider submissions and make final report:	September/ October 2020
Submission to Planning NSW for Parliamentary Counsel:	October 2020
Planning proposal is made:	October 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.