

Request for Initial Gateway Determination

Instructions to Users

1. When forwarding a planning proposal to the Minister under section 56(1), the relevant planning authority must provide the information specified in this form.
2. Please send this completed form and one (1) electronic copy and two (2) hard copies of the completed Planning Proposal and other information as applicable, to your local Regional Office.
3. This document is a locked word document, please check boxes and type directly into the hi-lighted grey areas of this form.

Relevant Planning Authority Details

Name of Relevant Planning Authority: Central Darling Shire Council

Contact Person: Geoff Laan

Contact Phone and Email: 08 8083 8900 laang@centraldarling.nsw.gov.au

Planning Proposal Details - Attachments

1. **LAND INVOLVED**

ATTACHMENT A - List attached of relevant properties.



2. **MAPS – ATTACHMENT B**



Location map showing the land affected by the proposed draft plan in the context of the LGA



Existing zoning map showing the existing zoning of the site and surrounding land and proposed zoning change for the site/s

3. **PHOTOS and other visual material**



Aerial photos of land affected by the Planning Proposal are located within the planning proposal.



Photos of land involved and surrounding land uses are located within the planning proposal.

4. **COMPLETE PLANNING PROPOSAL** *[provide 1 electronic and 2 hard copies]*



Completed Planning proposal with attachments. Council has provided an electronic copy of the planning proposal prior to sending it to the Department of Planning, Industry and Environment.

5. **PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL**



Council has considered the written planning proposal prior to sending it to the Department of Planning



Council has resolved to send the written planning proposal to the Department of Planning *[attach Council's resolution]*

Geoff Lann **Signed for and on behalf of the Relevant Planning**

Authority

DATE

9 June 2020

Planning Proposal for amendments to the *Central Darling Local Environmental Plan 2012* – to establish the Wilcannia Heritage Conservation area and additional heritage items, and to make corrections to the heritage schedule

Part 1 - Objectives or Intended Outcomes

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 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

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.

Part 3 - Justification

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

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.

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.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The 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.

Section B - Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable **regional or sub-regional strategy** (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

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 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.

There are goals arising from that vision, being:

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

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

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

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.

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 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 Amp wind generated pump, which involves mapping of that item within the Big Amp 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.

4. Is the planning proposal consistent with the local council's **Community Strategic Plan**, or other **local strategic plan**?

The Local Strategic plan is in draft form, however the planning proposal is in line with the objectives and is consistent with the Draft Local Strategic Plan and the Community Strategic Plan for the Central Darling Shire Council.

5. Is the planning proposal consistent with applicable state **environmental planning policies**?

The planning proposal is consistent with the following 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.

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. 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 the 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.

6. Is the planning proposal consistent with applicable **Ministerial Directions** (s.117 directions)?

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

Part 1 of the directions relates to employment and resources.

Part 1.1 of the directions relates to business and industrial zones. It applies where a planning proposal will affect any existing business or industrial zone. 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 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 CDLEP2012. 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 CDLEP2012 *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.

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.

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.

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. How many lots or hectares of residential or employment land are proposed?

There is no residential or employment land proposed.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination, and have they resulted in any variation 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.

Section E – Reclassification of Public Land

13. Is the planning proposal a result of any strategic study or report?

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.

14. Is the planning proposal consistent with the local council's community plan, or other local strategic plan?

The planning proposal to amend the *Central Darling Local Environmental Plan 2012*, by the creation of the Wilcannia heritage conservation zone and add additional heritage items to the heritage schedule; and make minor corrections to the existing heritage schedule, is consistent with the Central Darling Community Plan and the Draft Central Darling Local Strategic Plan.

15. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The planning proposal does add properties to the new Wilcannia heritage conservation zone and adds additional heritage items to the heritage schedule; and make minor corrections to the existing heritage schedule. All land owners have been consulted with the proposed amendments to the Central Darling Local Environmental Plan 2012 and what implications this has on the owners rights regarding further development to the properties. The planning proposal is considered important to protect the heritage items within the Central Darling Shire Council area and to therefore contribute to the areas objective of being a heritage tour destination.

16. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

The planning proposal does add properties to the new Wilcannia heritage conservation zone and adds additional heritage items to the heritage schedule; and make minor corrections to the existing heritage schedule. All land owners have been consulted with the proposed amendments to the Central Darling Local Environmental Plan 2012 and what implications this has on the owners rights regarding further development to the properties.

Part 4 - 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 in 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 Dicken's 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.

Part 5 – Risks to the Planning Proposal

Possible risks to the Planning Proposal are as follows:

1. State or Commonwealth public authority
 - The only issue in regard to the planning proposal is where the maximum security prison and police station and the Courthouse are nominated to be State Heritage item, which may affect the future operations and work to the buildings. However, council has assured the Attorney Generals Office and Property NSW (owner and operators of the facilities) that future work would be permissible with a development application through council. Please note that the Attorney Generals office and Property NSW will not do a formal submission until the legal notification period is carried out.
2. Community objection to the LEP.
 - The heritage study has been advertised and notified by council over the last two years there has been no objections to the proposed Wilcannia Heritage Conservation Area or the additional State or local listed heritage items.
3. Time required to resolve public and or community objections

- The public exhibition period will be for the mandated 28 days, there is no issue with the time period for exhibition. Please note the normal electronic and digital notification may need to be accompanied by a paper mail out to residents due to the low use of computers and smart phones in the Central Darling Shire area (poor data and phone transmission coverage by Telstra). Furthermore, the current covid 19 isolation requirement may hinder the notification to the local aboriginal population. The proposed solution is to provide additional exhibition materials sent to each household. This will need to be investigated further prior to the exhibition period. Objections will be dealt with by council and amendments if required will be made to the planning proposal in agreement with the Department of Planning, Industry and Environment and NSW Heritage.
- 4. Requirement to exhibit.
 - If required re-exhibition will be arranged by council.
- 5. Requirement for a public hearing.
 - If required a public hearing can be carried out by council for the interested parties in each of the Central Darling Shire Council area.
- 6. Missing Council meetings.
 - Central Darling Shire Council has ensured and will present to Council Meetings all issues and information relating to the Planning Proposal. Council will meet the legal requirements for planning proposal process and ensure total transparency in the progress of the planning proposal.
- 7. Delay in finalising the associated development control plan.
 - This is not applicable as the Central Darling Shire Council does not have a Development Control Plan.
- 8. Department of Planning, Industry and Environment delay in resolving or changing the Standard Instrument policy and practice.
 - The planning proposal has addressed all current controls and policies relating to the Standard Instrument, this issue is not viewed as an issue with the current planning proposal.
- 9. Council staff taking leave or resigning
 - The Central Darling Shire Council is a small Far Western NSW Council, Council Staffing levels are controlled. The Council has engaged a private consultant to undertake the Strategic Planning for the current Planning Proposal.
- 10. Council lack of resources..
 - Central Darling Shire Council does lack resources of many of New South Wales Councils, however, the council is endeavouring to meet the documentation requirements for the progress of the planning proposal including mapping.
 - Due to low levels of council staff and financial resources certain areas within the planning proposal could not be provided, including assessment of Threatened Species information and other scientific technical information. Council does not believe the above issues should impact on the making of the planning proposal as these issues do not apply to the proposed Wilcannia Conservation Area and the additional State and Locally listed heritage items
 - There has been a delay in the confirmation of land affected by native title land claims, this will be resolved by Central Darling Council prior to the making of the amendments to *Central Darling Local Environmental Plan 2012*.
 - Council does not believe the above issues should impact on the making of the planning proposal as Council will continue to address any outstanding issues prior to making of the amendment to the *Central Darling Local Environmental Plan 2012*.

Part 6 – Benchmark Timeframes for making the Plan

1. The plan will be made within 3 months (Dependant on the current Covid 19 issues) of the Gateway Determination date.
2. The Planning Proposal will aim to be exhibited within the timeframe specified in the Gateway Determination.
3. Community Consultation will be completed 28 from the last day the Planning Proposal must be exhibited. Please note the normal electronic and digital notification may need to be accompanied by a paper mail out to residents due to the low use of computers and smart phones in the Central Darling Shire area (poor data and phone transmission coverage by Telstra).
4. Public Authority Consultation will be completed within 35 days of the Gateway Determination date.
5. Council's request for the Department to draft and finalise the LEP should be made in 6 weeks prior to the projected publication date, as specified in point 1 above.

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:	July2020
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