

## 9.12 PROPOSED DEVELOPMENT CONTROL PLAN FOR CENTRAL DARLING SHIRE COUNCIL

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### EXECUTIVE SUMMARY:

To provide Council with information on the proposed Development Control Plan for Central Darling Shire Council, under The *Environmental Planning and Assessment Act 1979*, Part 3 Planning Instruments, division 3.6 Development Control Plans (DCPs).

### RECOMMENDATION:

#### That Council will:

1. **Receive the report and note the information and to endorse the preparation of a Development Control Plan for Central Darling Shire Council local government area.**

### BACKGROUND:

Council is currently receiving a number of large and complex development applications for developments within the Central Darling Shire Council local government area. As Central Darling Shire Council does not currently have a comprehensive development control plan that outlines basic development standards for residential, commercial, industrial, agricultural and other types of development, the assessment of these types of projects is difficult and open to a possible legal challenge.

The current assessment of a proposed Community Health Facility within Wilcannia has highlighted the limitations of not being able to use a development control plan to guide development to an outcome that benefits the community within the Central Darling Shire Council local government area.

The creation of a Central Darling Shire Council Development Control Plan will be undertaken and informed by the required "health review" of the *Central Darling Local Environmental Plan 2012*, that will be carried out by council in 2021.

The process for preparing and approving a development control plan by a consent authority is outlined in The *Environmental Planning and Assessment Act 1979*, Part 3 Planning Instruments, Division 3.6 Development Control Plans (DCPs).

The preparation of the Central Darling Development Control Plan will be based on the objectives of the following documents:

- The Far West Regional Plan 2036
- The Central Darling Community Strategic Plan
- The Central Darling Local Strategic Plan
- The Central Darling Local Environmental Plan 2012.

The purpose of the development control plan as outlined in the *Environmental Planning and Assessment Act 1979* is as follows:

**"3.42 Purpose and status of development control plans**  
(*cf previous s 74BA*)

*(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—*

*(a) giving effect to the aims of any environmental planning instrument that applies to the development,*

*(b) facilitating development that is permissible under any such instrument,*

*(c) achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose are not statutory requirements.*

*(2) The other purpose of a development control plan is to make provisions of the kind referred to in section 3.43(1)(b)–(e).*

*(3) Subsection (1) does not affect any requirement under Division 4.5 in relation to complying development.”*

The proposed development control plan will outline basic development controls guiding the development of the following development types within the Central Darling Shire Council local government area:

- Residential dwellings – single dwellings (urban and rural), secondary dwellings, detached dwellings, dual occupancies, multi unit dwellings.( includes installation of manufactured homes/ villas).
- Commercial development – commercial retail premises, commercial offices, commercial businesses.
- Industrial development – light industrial (artisan food and drink industry), general industrial , heavy industrial, rural industry. (Does not include extractive industry or mining).
- Rural development – rural industry, agricultural works and structures (includes dams, windmills etc)
- Tourist development – hotel or motel accommodation, caravan and camping parks, tourist facilities and structures.
- Education facilities – schools, child care centres (includes installation of prefabricated buildings and structures)
- Health facilities – hospitals, day surgery clinic, community health facility accommodation for nurses or other health workers.
- Community facilities – community halls, sportsgrounds and facilities and structures
- Public Administration buildings.
- Infrastructure – roads, urban and rural streets, water supply and water treatment works, Work depots, waste facilities, airport facilities, telecommunications infrastructure and services infrastructure.

General Development Controls will cover the following issues:

#### Part A – Introduction

- Submitting a development application
- Notification of development
- Environmental Protection
- Roads
- Car parking – car parking rates
- Services
- Environmental consideration issues

- Development on flood prone land
- Recommended tree species
- Areas of high aboriginal archaeological significance

#### Part B – Development in Rural Zones

- Introduction
- Subdivision of rural land
- Dwelling houses
- Farm buildings/ rural industry buildings
- Dams and other rural infrastructure
- Services
- Environmental protection.

#### Part C – Development in residential areas

- Introduction
- Subdivision for detached housing
- Dwelling houses
- Dual occupancy housing and secondary dwellings
- Attached dwellings and multi dwelling housing
- Residential flat buildings
- Seniors housing
- Non residential development in the residential zones
- Transportable/ manufactured homes and villas
- Child care centres

#### Part D – Development in the Business Zones

- Introduction
- The business zones
- General Guidelines for development

#### Part E – Development in Industrial zones

- Introduction
- Ancillary commercial premises in Industrial zones
- Design guidelines
- General services

#### Part F – General Development controls

- Telecommunications facilities
- Registered clubs
- Pubs
- Site waste management
- Landfill guidelines
- Service Stations
- Vehicle repairs and maintenance premises
- Vehicle showroom and hire premises
- Contaminated land guidelines
- Sex services
- Education facilities
- Health facilities

- Public Administration buildings, works depots and community facilities, Emergency services facility.
- Airport facilities, air transport facility, airstrip.
- Infrastructure works – roads, water pipelines, water treatment works.
- Heritage – heritage conservation area, aboriginal archaeological significant sites.

Development Controls for the following will be covered at a later date:

- Wind farms
- Solar farms
- Mining – (including mining exploration camps and projects)
- Dugout development (residential, commercial and mining) White Cliffs.

The creation of a development contributions plan will also be covered at a later stage.

### **Process for formulating Central Darling Development Control Plan**

The process for creating a development control plan for the Central Darling Shire Council is outlined in The *Environmental Planning and Assessment Act 1979*, Part 3 Planning Instruments, Division 3.6 Development Control Plans (DCPs).

Central Darling Shire Council will undertake research and analysis of other New South Wales Council development control plans and select the development controls that best suit the community expectations, environmental issues and site and environmental conditions unique to the Central Darling Shire Council local government area.

The proposed development control plan will cover the entire Central Darling Shire Council local government area with the exception of the White Cliffs dugout development area (residential, commercial, mining). This is due to further research being required and issues such as native title land claim and aboriginal land claims on the affected land.

### **Community Consultation**

The creation of a development control plan under The *Environmental Planning and Assessment Act 1979*, Part 3 Planning Instruments, Division 3.6 Development Control Plans (DCPs), requires mandatory community consultation and advertising of the draft DCP for public comment for a minimum of 60 days ( to cover the lack of access to council offices and poor internet and phone coverage within the Central Darling Shire Council area).

### **State Agency, Commonwealth Agency, community organisations and other affected organisations consultation**

Central Darling Shire Council will undertake the required consultation with New South Wales and Commonwealth Government departments and agencies in the creation of the development control plan.

Community organisations such as the local Aboriginal land Council, Far West Local District health, the Maari Ma Health – Aboriginal Corporation, NSW Education, RFS, RFDS and other interested organisations will be undertaken as part of the consultation process with formulation of the draft development control plan.

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

## Community Strategic Plan Outcome

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

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

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

### Delivery Outcome

OBJECTIVE: 1.1 Closer cooperation and cohesion between community groups

OBJECTIVE: 1.2 Improved community services and facilities

OBJECTIVE: 1.3 Enhanced community spirit, cultural and arts awareness and pride.

OBJECTIVE: 1.4 Improved opportunities for our communities.

OBJECTIVE: 2.1 Expansion of industries and growth in businesses

OBJECTIVE: 2.2 Employment growth

OBJECTIVE: 3.4 Improved infrastructure across the Shire

### SUSTAINABILITY ASSESSMENT:

	Positive	Negative
<b>Social</b>	Yes	N/A
<b>Environmental</b>	Yes	N/A
<b>Economic</b>	Yes	N/A
<b>Governance</b>	Yes	N/A

### Financial and Resource Implications:

The implementation of a Central Darling Development Control Plan will provide development controls that the Central Darling Shire community support and will assist in providing better community, social, environmental (natural and heritage), financial, health and built environment outcomes for the residents of the Central Darling Shire area.

Statutory development controls also promote development that will financially benefit the Central Darling Shire community and give protection to the built and natural environment.

### Policy, Legal and Statutory Implications:

The preparation and making of the development control plan will follow the legal and statutory requirements outlined in the *Environmental Planning and Assessment Act 1979*, Part 3 Planning Instruments, Division 3.6 Development Control Plans (DCPs).

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

Not providing statutory development controls may have legal implications for future

development within the Central Darling Shire Council area. A correctly prepared and adopted development control plan will provide better community outcomes and minimise risk to the community, local businesses, health and wellbeing of the community and the natural and built environment.

**OPTIONS:**

N/A

**COUNCIL SEAL REQUIRED:**

No

**COMMUNITY ENGAGEMENT AND COMMUNICATION:**

**Internal Exhibition**

Yes

**External Exhibition**

Online at Central Darling Shire Council website

Attachments

1. N/A.