



PLANNING PROPOSAL

***WENTWORTH LOCAL ENVIRONMENTAL PLAN
2011***

AUSTRALIAN INLAND BOTANIC GARDENS

EUCALYPTUS OLEOSA (WOW TREE)

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1. Introduction

1.1 Overview

This Planning Proposal has been prepared by Cadell Consulting Services on behalf of the Australian Inland Botanic Gardens Inc.

The Proposal seeks to amend the Wentworth Local Environmental Plan 2011 (WLEP) by amending Schedule 5 Environmental heritage Part 1 Heritage items and associated heritage mapping by adding a 2,500 year old Eucalyptus Oleosa tree, also known as or commonly referred to as the 'Wow Tree'.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), together with satisfying the requirements of the NSW Department of Planning, Industry and Environment *Local Environmental Plan Making Guideline August 2023* (DPIE Guideline).

This Planning Proposal and the Application prepared by Victor Eddy have been reviewed by Mr Allen Grimwood, Zenith Town Planning Pty Ltd. The outcome of that review supports and recommends the listing of the Wow Tree as an item of heritage significance in the Wentworth LEP 2011.

As a result of a report to Council at its Ordinary Meeting held 20 April 2022, Council resolved to support the listing of the Wow Tree, including preparing the Planning Proposal on behalf of the AIBG.

The Planning Proposal is categorised as a 'Basic' application, as it proposes to list a local heritage item.

1.2 Format of the Planning Proposal

This Planning Proposal has been structured as follows:

- Section 1 introduces the Planning Proposal and supporting documentation
- Section 2 provides a description of the subject site, its locality and the surrounding land uses
- Section 3 contains the Planning Proposal prepared in accordance with the DPIE Guideline.

1.3 Supporting Documentation

The following documentation and plans have been prepared to support this Planning Proposal. These attachments are identified in Table 1 below:

Table 1 Attachments to Planning Proposal

Attachment Name		Prepared by
1.	Application for Heritage Listing of Wow Tree	Victor Ian Pierce Eddy for AIBG
2.	Consistency with State Environmental Planning Policies	Cadell Consulting Services
3.	Consistency with Section 9.1 Ministerial Directions	Cadell Consulting Services
4.	Statement of Heritage Justification	Zenith Town Planning Pty Ltd
5.	Ordinary Meeting Agenda 20 April 2022	Wentworth Shire Council
6.	Ordinary Meeting Minutes 20 April 2022	Wentworth Shire Council

2. Site & Locality Details

2.1 Site Location

The Australian Inland Botanic Gardens (AIBG) is located at 1183 River Road, Mourquong in south western New South Wales between Buronga and Dareton.

The closest town, Buronga, is situated approximately 4.5 kilometres to the south east of the subject site. The regional Victorian city of Mildura is located approximately 7 kilometres to the south via Buronga.

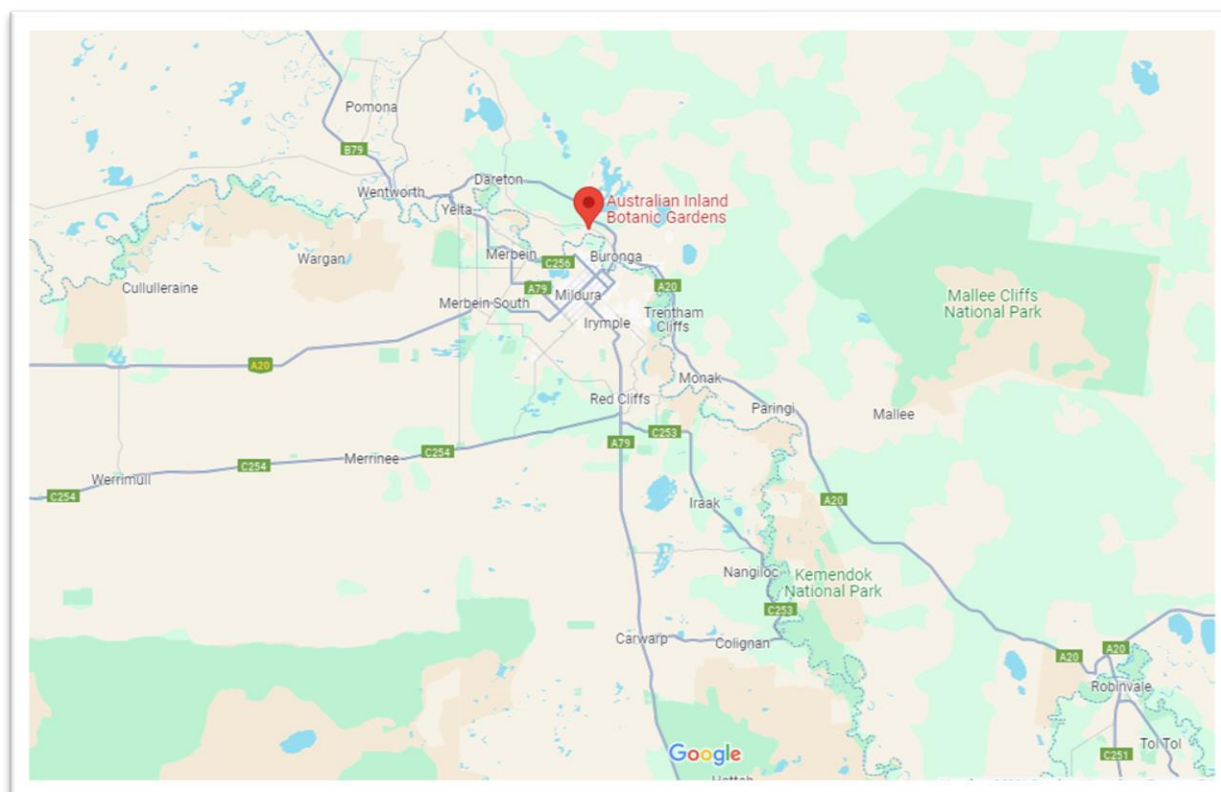


Figure 1 Locality (Source: Google Maps)

2.2 Site Description

The subject site is located at 1183 River Road, Mourquong, with direct access from River Road on the southern boundary and Buronga Hill Road on the north eastern boundary.

Table 2 Lot Identifier & Address

Lot Identifier	Address	Area	Zone	MLS
Lot 1170 DP820161	1183 River Road Mourquong	Total 106 hectares - Planted garden area 50 hectares	RU1 Primary Production zone	10,000 hectares

The subject site is Crown Land with AIBG Inc designated as the Crown Land Manager of NSW Reserve R230087 and R230088.



Figure 2 Subject site (Source: NSW Spatial Viewer)

The planted garden area encompasses an area of approximately 50 hectares and includes multiple buildings used for souvenir sales, weddings, events, conferences and activities include train tours, nature walks and community events.

Figure 3 below shows an aerial of the botanic gardens and the location of the Wow tree within the gardens.



Figure 3 Site Aerial Map of Australian Inland Botanical Gardens (Source: Nearmap)

The subject site is identified as Vegetation Category 1 under bushfire prone land mapping.

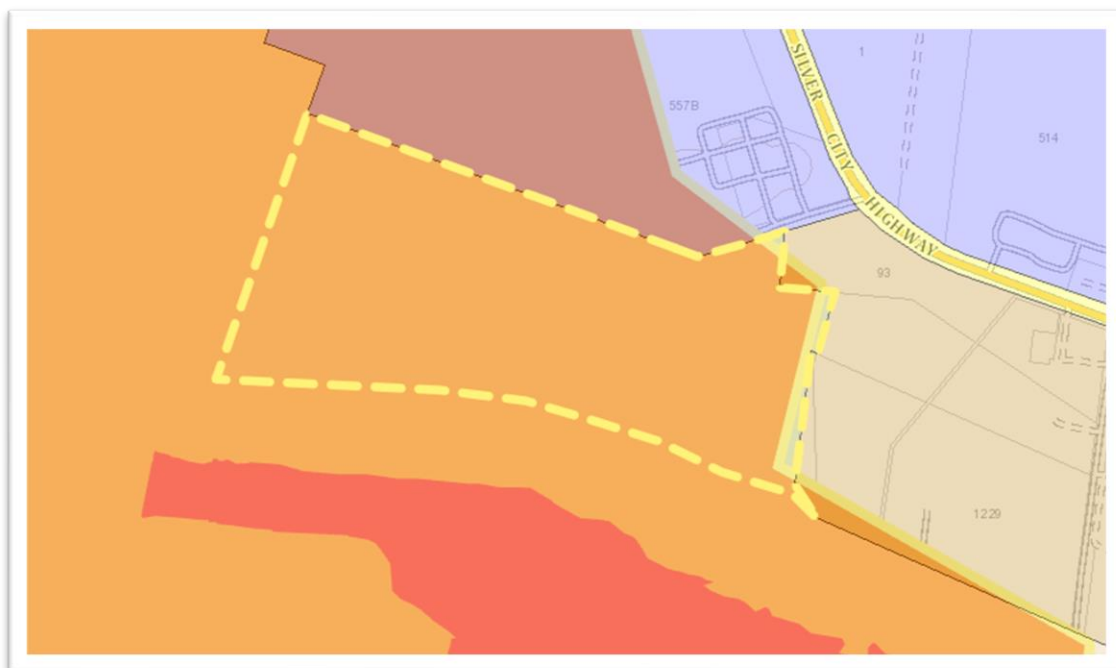


Figure 4 Bushfire Prone Map (Source: NSW Spatial Viewer)

2.3 Surrounding Development

The subject site is surrounded by land zoned RU1 Primary Production, RU4 Primary Production Small Lots and E4 General Industrial.

Surrounding land uses include a mix of pastoral, industrial and horticultural activities.



Figure 5 Surrounding Land Use Map (Source: Nearmap)

3. Planning Proposal

3.1 Objectives or Intended Outcomes

The objective of this Planning Proposal is to amend the *Wentworth Local Environmental Plan 2011* by:

- Adding the *Eucalyptus Oleosa* (Wow Tree) to the local heritage list in Part 1 Heritage items.

The intended outcomes of the Planning Proposal are to:

- Acknowledge and promote the age and resilience of the Wow Tree, and
- Celebrate and recognise the significance of the Wow Tree to the first nations people and visitors to the Australian Inland Botanical Gardens.

It is considered that the above intended outcomes will be achieved by including the Wow Tree in the local heritage list.

3.2 Explanation of Provisions

To achieve the objectives and intended outcomes of the Planning Proposal, the proposal seeks to amend the *Wentworth Local Environmental Plan 2011* by adding the following:

Schedule 5 Environmental heritage Part 1 Heritage items:

Mourquong	2,500 year old <i>Eucalyptus Oleosa</i> (Wow Tree)	1183 River Road	Lot 1 P820161	Local	I98
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Heritage Map – Sheet HER_004 Item – General

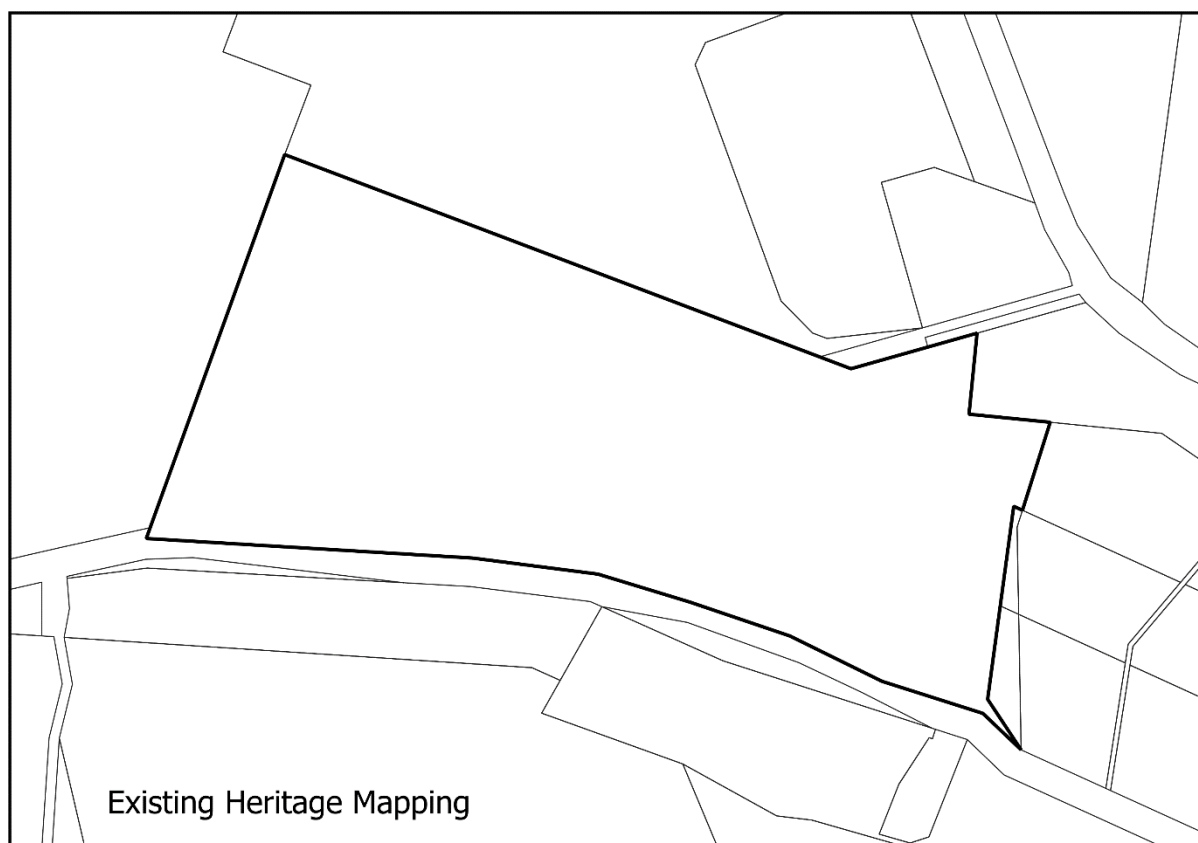


Figure 6 Existing heritage mapping

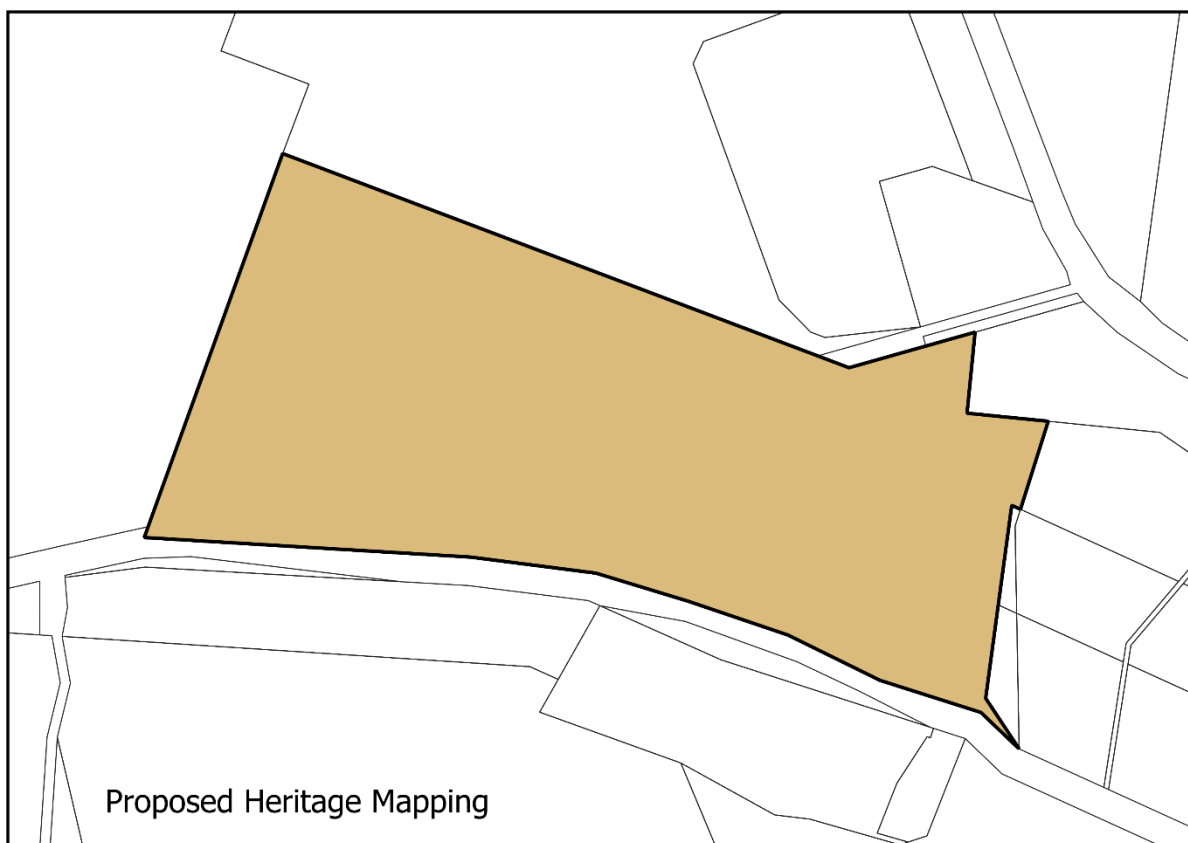


Figure 7 Proposed heritage mapping

3.3 Justification

Section A – Need for the Planning Proposal

3.3.1 Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?

Local Strategic Planning Statement (LSPS)

Though not a direct result of a specific recommendation in the LSPS, the Planning Proposal is consistent with *Planning Priority 8 – Preserve and promote heritage*, as it seeks to preserve and promote the Wow Tree as a significant contributor to the history of the species in the Wentworth region.

Attachment 1 Application for Heritage Listing of the (Wow Tree)

This document is a report on the Wow Tree that has been prepared for AIBG by Victor Eddy, a qualified Forester.

The report provides extensive details of the importance and significance of the Wow Tree, including a response to applicable NSW heritage assessment criteria. This report is also supported by Zenith Planning Pty Ltd.

3.3.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best means of achieving the objectives and intended outcomes for recognising and promoting the heritage significance of the Wow Tree.

Section B – Relationship to Strategic Planning Framework

3.3.3 Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Far West Regional Plan 2036 (FWRP)

Goal 2 Direction 18 aims to respect and protect Aboriginal cultural heritage assets. While the Wow Tree is not a registered cultural heritage site, Section 8 of Attachment 1 provides details of the importance of the species to the local indigenous community, being the Mallee tree, for their water-bearing roots and resilience in times of extreme heat and drought.

Draft Far West Regional Plan 2041 (DFWRP)

Objective 2 Protect and enhance culture and heritage includes narrative that aims to value and protect heritage items as they are irreplaceable. It also states that ‘Better promotion and targeted community education initiatives can increase community support for heritage assets’.

It is therefore considered that the Planning Proposal gives effect to heritage conservation as set out in the FWRP and DFWRP.

3.3.4 Is the Planning Proposal consistent with a Council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Sydney Commission, or another strategy or strategic plan?

Local Strategic Planning Statement (LSPS)

The purpose of the LSPS is to guide and inform new and existing development through a strategic framework that is focused at a local level. It also identifies and aims to negate potential issues through the development of planning priorities and broad actions.

Planning Priority 8 – Preserve and promote heritage

The Planning Proposal is consistent with this planning priority as it seeks to *preserve and promote* a significant item that is not known to exist anywhere else in Australia (refer to Attachment 1).

Wentworth Community Strategic Plan 2022-2032 (WCSP)

The WCSP aims to respond to a holistic vision of the shire community and acts as a guide and reference point for decision making by elected representatives, community members and council staff.

The community vision of the WCSP is ‘*Wentworth Shire will work together to create a thriving, attractive and welcoming community*’.

The four key strategies of the WCSP include:

Economic – A vibrant, growing and thriving region

Social – A great place to live

Environmental – A community that works to enhance and protect its physical and natural environment

Civic Leadership – is supported by strong and ethical civic leadership with all activities conducted in an open, transparent and inclusive manner.

One of the key outcomes of consultation of the WCSP is increasing promotion of built and natural attractions that exist in the Shire, with the aim to increase tourism and economic activity. By

identifying the Wow Tree as a locally significant heritage item, it upscales and enhances its promotional opportunities and provides another environmental and heritage attraction in the AIBG.

3.3.5 Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

There are no other known state or regional strategies or studies applicable to this Planning Proposal.

3.3.6 Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

An assessment of consistency of the Planning Proposal with the State Environmental Planning Policies is provided in Attachment 2.

3.3.7. Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

An assessment of consistency of the Planning Proposal with the Section 9.1 Ministerial Directions is provided in Attachment 3.

Section C – Environmental, social and economic impact

3.3.8 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? There is no likelihood of critical habitat, threatened species, ecological communities or their habitats being present on the subject site.

6.3.9 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other known potential environmental effects as a consequence of this Planning Proposal.

6.3.10 Has the Planning Proposal adequately addressed any social and economic effects?

Promotion and advertising of a heritage site within the AIBG will increase visitor awareness and knowledge of the resilience, importance and age of the Wow Tree. Additional attractions also build interest and may increase the number of visitors, which will contribute to the ongoing financial management of the AIBG.

Section D – State and Commonwealth interests

3.3.11 Is there adequate public infrastructure for the planning proposal?

The outcomes of the Planning Proposal will not require additional public infrastructure.

3.3.12 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

It is understood that initial consultation of the request was undertaken with NSW Heritage and NSW Department of Planning & Environment – Biodiversity & Conservation Division in early 2022. Both agencies had no objection to the proposal.

It is anticipated that any additional relevant agencies will be consulted through the community consultation process, as conditioned by the Gateway Determination.

Wentworth Shire Council requested additional justification for the Planning Proposal by a registered heritage consultant. That request has been satisfied by Zenith Town Planning Pty Ltd. Refer to Attachment 4.

3.4 Mapping

The Planning Proposal seeks to amend the following map in the Wentworth LEP 2011, as it applies to the subject site:

Heritage Map – Sheet HER_004 Item - General

3.5 Community Consultation

In accordance with Section 3.33(2)(e) of the Environmental Planning & Assessment Act 1979, community consultation may need to be conducted.

Schedule 1, Part 1, Division 1, 4 of the EP&A Act prescribes community consultation timeframes are either determined by the Gateway Determination to be issued, or 28 days. This is also consistent with the timeframe set out in Table 4 of the Wentworth Shire Council Community Participation Plan.

For this Planning Proposal, the following consultation process may include:

- ❖ Written notification to adjoining landowners
- ❖ Public notice in the local newspaper and on Council's website
- ❖ Display of the Planning Proposal and supporting documentation made available in Council's administrative buildings
- ❖ Planning Proposal documentation made available for public viewing on Council's website.

During the consultation period, the following documents should be made available for public viewing:

1. Planning Proposal
2. Gateway Determination
3. All attachments and supporting documentation
4. Relevant Council reports and subsequent resolutions.

Consultation with any relevant state agencies will be determined by the Gateway Determination.

At the conclusion of the consultation period, Council will review and consider submissions received regarding the Planning Proposal, and will determine if the Planning Proposal is to be finalised.

3.6 Project Timeline

The *NSW Department of Planning, Industry and Environment Local Planning Guideline August 2023* sets a benchmark timeframe for completion of the Planning Proposal process.

For a 'Basic' Planning Proposal, the benchmark is a total of 220 days for all stages of the process to be completed. This timeframe does not include pre-lodgement of the Planning Proposal with Council for initial review.

There are many factors that can influence the timeframe process. However, the following table provides indicative timeframes for each stage:

Table 3 Indicative Timeframe

Stage	Timeframe
Pre-lodgement	January 2024
Submission of Planning Proposal	April 2024
Gateway Determination	June 2024
Post Gateway	July 2024
Public Exhibition & Assessment	August 2024
Finalisation	October 2024

AUSTRALIAN INLAND BOTANIC GARDENS INC
REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

1. General Information	
Local Council:	Wentworth Shire Council, NSW
Local Area:	Mourquong, NSW
State Electorate:	Murray
Name of Organization:	Australian Inland Botanic Gardens Inc
Address:	1183, River Road, Mourquong, NSW 2739
Postal Address:	P. O. Box 2809, Mildura, VIC 3502
Legal Status:	Not-for-profit
Date of Incorporation/Reg. No:	15 th January 1986/ A0007905N
Organization Structure:	The Australian Inland Botanic Gardens Inc, is led by a Board of Management made up of volunteers. Volunteers work in every area of the Gardens, including the office. The only paid staff are currently the Coordinator and three employees all of whom engage in field work.
Status re NSW Reserve	NSW Crown Land Manager of Reserve nos. 230087 and 230088
Name of Primary Contact:	Christine Gunaratnam
Position:	Office Manager
Contact Details:	M. 0416-459-469; E: aibgfiles@gmail.com;
Name of Secondary Contact:	Brian Cuddy
Position:	Coordinator
Contact Details:	M. 0408-604-879; E: ausibgmw@gmail.com

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REG NO. A0007905N

**APPLICATION FOR HERITAGE LISTING OF THE
2,500-YEAR-OLD EUCALYPTUS OLEOSA (WOW TREE)
AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

2. Summary of Item Description:

The majestic *Eucalyptus oleosa* at the Australian Inland Botanic Gardens (AIBG) is estimated to be around 2,500-years-old. It has weathered drought and threat of bushfire over centuries and has overcome the challenges of climate change. The estimate of its age was undertaken by Victor Eddy, a Forestry Expert who first volunteered his expertise to the AIBG in 2002 and has since then continued his voluntary services at AIBG (refer **Annex A** for Eddy's CV). The *Eucalyptus oleosa* is situated at the top of the ridge at AIBG some distance away from other trees which has enabled to some extent, its protection from bushfires. AIBG has avoided interfering with nature, thus promoting the natural growth and development of the tree. The only protection is a wooden fence erected around the tree as a signal to visitors that they should not progress beyond the fence.

Currently (September 2021), The lignotuber (mallee root) at ground level has an average diameter of 3.075metres (refer **Figure 1** below).

Figure 1. Lignotuber of the WOW Tree



Source: Cuddy, Brian (2021). Coordinator, Australian Inland Botanic Gardens.

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The lignotuber has five stems growing out of it. Some years ago (30+), prior to the creation of AIBG, for whatever reason the northern most stem was cut off at what foresters would refer to as "breast height" (the nominal point for measuring a tree's diameter is referred to as breast height which is 1.4m above ground-level on the high side of the tree if on sloping ground. Usually referred to as 'dbhob' or 'dbhub' depending on whether the measurement was over or under bark). At the time that stem was cut it measured 32.5cm dbhub. That stem now has 7 younger stems (referred to as epicormic shoots) growing out of the stump, these measured at breast height over bark (dbhob) are 21.6cm; 7.4cm; 6.0cm; 8.5cm; 8.4cm; 9.1cm; and 5.7cm. The tree is 13.125 meters tall.¹ (refer **Annex B - C** for photographs of the *E. oleosa*).

AIBG refers to this 'oil mallee' or 'giant mallee' as the '**WOW Tree**' in view of its longevity in comparison to its other neighbors at AIBG and in the local area.

3. Location of the WOW Tree:

Enter the AIBG from River Road and drive the 400 metres through the colonnade of lemon scented gums (*Corymbia citriodora*) and park in the Rose Garden Carparks. At the top of the carparks turn right and walk the hilltop ridge to the west for approximately 450 metres. You will approach a 5-way crossroads intersection near the Australian Summerhouse. Just to the south of the intersection is the WOW Tree. The Tree is enclosed with a wooden post fence, which has a sign "WOW Tree, Australian Flora, Bed 6" and another display board detailing "The Story of the Mallee Tree" and a box of informative brochures about Mallee Trees. (Map of the AIBG - refer **Annex D**).

4. History of the species in Australia:

According to a report prepared by ABARES for the Department of Agriculture, 77% equivalent to 101 million hectares of total native forest area is covered by Eucalypt². The *Eucalyptus* is a genus of trees, shrubs and mallee that belong to the Myrtle family, Myrtaceae. The report further states that almost all types of *Eucalyptus* trees are native to Australia and can be found in all States. Eucalypt forests have remained throughout centuries, because of their unique ability to survive. There are between 700 and 900 species of *Eucalyptus* endemic to Australia. It is noted that over 50 per cent of them are known as Mallees.

Mallee is the Aboriginal name, now a part of common parlance, given to a large group of Eucalyptus species and comes from the Aboriginal word for a multi-stemmed or multi-trunked

¹ Eddy Vic, the WOW tree summary, email dated 13th September 2021.

² ABARES, (2019). [Australian forest profiles, Eucalypt](#).

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tree. The Mallee trees also give their name to the Mallee region. Mallee woodlands and shrublands are considered one of Australia's major vegetation groups.

Large scale clearing of the Mallee for farming began in the late 1800s. The pioneers cleared the land and planted crops only to find the Mallee reshooting and requiring further cutting back before harvest could commence. Serious wind erosion occurred, reducing the fertility due to topsoil losses and increasing the dryland salinity of the soil. However, the Mallee has the capacity to survive even in the harshest conditions.

Today, at least 35% of Mallee in New South Wales, 65% in Victoria and 75% of Mallee vegetation in South Australia has been cleared for agriculture.³ Hence, it is important that remaining Mallee are protected as far as possible and the WOW Tree especially in view of its age from extinction.

5. Background to the species in the Murray region:

In 2016 of around 1.3 million hectares of native forests, 'Eucalypt Mallee Open' occupied 556,000 hectares in the Murray region⁴.

According to a UNESCO study (2017)⁵, the Barkindji Biosphere Reserve lies within the Murray-Darling River Basin. This Basin that encompasses New South Wales and Victoria consists of eleven land systems and the surface area is 191,823 hectares. Among the Administrative Authorities for the Reserve is the AIBG, as the land area falls within the Barkindji Biosphere.

The Barkindji were the original Aboriginal inhabitants of the biosphere area. Many of the Barkindji died in combat or moved away after the first Europeans moved into the area in 1830s. Today, the remnants of the Aboriginal community in the biosphere area are considered to be descendants of the Barkindji community.

It is a well-known fact that ancient Aboriginal communities had the capacity to live and adapt to the natural environment for over 60,000 years, in a way that was not mastered by more recent European settlers. Hence, the Mallee features significantly in Aboriginal history, and particularly in the biosphere.

To quote from the UNESCO report on the biosphere reserve:

"The Biosphere Reserve is of great ecological value, as it is home to 800-year-old river red gums and 3,500-year-old Mallee lignotubers." (UNESCO,2017).

³ Eddy Victor, (2019). AIBG, Mallee Brochure.

⁴ Department of Agriculture, (2021). "[About my region – Murray region New South Wales](#)".

⁵ UNESCO,(2017). Barkindji.

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Hence, the above information gives some credibility to the existence of a 2,500-year-old Mallee tree.

The Aboriginal community's relationship to the Mallee and particularly the *Eucalyptus oleosa* is discussed in a subsequent section.

6. Background to the *Eucalyptus oleosa*:

The word '*oleosa*' is derived from the Latin word, '*olesosus*' that means bearing oil, as the *E. oleosa* has glossy-green oil-bearing leaves. The seedling can be distinguished by the 'dense, spiral linear seedling leaves.' The mature leaves are seen to have oil glands and in the past the leaves were used to manufacture cineole-based Eucalyptus oil.⁶ . Hence, the *E. oleosa* is also called the Oil Mallee or Giant Mallee. Refer **Figure 2** below for a picture of the leaf from the *E. oleosa* at the AIBG. Note the oil glands on the larger section of the leaf below. The tree generally grows to a height of 8 to 10 metres and forms a lignotuber. The lignotuber contains resources, such as starch and buds that may promote re-growth if the tree branches are destroyed for example in a bushfire

Figure 2. The *Eucalyptus oleosa* (WOW Tree) Leaf



Source: Cuddy, Brian, (2021). Coordinator, Australian Inland Botanic Gardens.

⁶ Wikipedia, (2021). Eucalyptus oleosa.

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The *E. oleosa* is commonly found in the Southern parts of Australia, including Western Australia, Southern Australia, Victoria and New South Wales. It is a drought-tolerant tree and has water-bearing roots similar to certain other types in the species.

7. Significance of the *Eucalyptus* in the State of NSW:

The National Parks Association of NSW undertook a preliminary assessment of the Eucalypt forests in the north-east of NSW located in the World Heritage-listed Greater Blue Mountains range.⁷ “Eucalypts are the defining feature of the Australian biota, with almost 900 species occurring continent wide”. (p.8) states the report giving due importance to the Eucalyptus. The Eucalypts ability to adapt to diverse environments, taxonomy and ecology across the continent, has made it significant as a key part of a World Heritage site.

Whilst no other over 2000-year-old *Eucalyptus oleosa* could be identified in Australia, there were a few from other Eucalyptus species. One Eucalyptus is deemed to be around 13,000 years old and the article in the TIME magazine with photograph by renowned photographer Rachel Sussman reports that it is critically endangered and that there are less than five trees of the same kind remaining on the planet.⁸

Other Eucalyptus trees regarded as noteworthy both in and outside NSW are as follows⁹:

- A flooded gum, *Eucalyptus grandis* deemed to be around 400 years old in the Myall Lakes National Park, north of New Castle in NSW.
- Meelup Mallee, six *Eucalyptus phylacis*, that have sprouted from a clone deemed to be around 6,600 years old from a single ridgeline, south of Perth in Western Australia.
- Five Mongarlowe Mallee, *Eucalyptus recurva*, deemed to be in the range of 3,000 to 13,000 years old growing across four distinct sites in the Southern Tablelands of NSW. One of these ice age gums may be around 13,000 years old and corresponds to details of the Eucalyptus mentioned in the preceding paragraph. However, it is understood that it is not available for public viewing, given that it is critically endangered.

We note from the above information, that there appears to be no aged Eucalyptus tree other than those in South-West NSW mentioned above, and observe specifically that no such aged *Eucalyptus oleosa* similar to the WOW Tree exists in the State of NSW, or in Australia.

⁷ Ceresse Boudicca, (2012), The Eucalypt Forests of Northeast New South Wales.

⁸ TIME, (2015). “These are 11 of the Oldest Things in the World.

⁹ Rykers Ellen, (2017). “Oldest continuously living things in Australia”, Australian Geographic.

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8. Significance for the Aboriginal people of Australia:

The Aboriginal people of Australia the earliest known inhabitants of Australia, deemed to have arrived here from around 40,000 to 60,000 years ago, lived close to nature. In their primitive state their lives revolved around satisfying their basic physiological needs utilizing their natural habitat. Water was a part of such basic needs, just as it is for most other organisms. Over centuries the Aborigines developed practices, some of which according to historical records could not be replicated by more recent settlers from the West. In this search for sustainable living plants and trees that had water-bearing roots became of paramount importance.

The first known reference to Aboriginals extracting root water from mallee trees was made by Edward Eyre on his acclaimed travels across southern Australia from 1840 to 1841.¹⁰

Ecologists, Noble and Kimber on the ethno-ecology of mallee root water mention that the *Eucalyptus oleosa* is one among the few mallee trees that retain water in their roots. Hence, in areas that are prone to drought and bushfires, the water bearing mallee trees were of great importance to the early Aboriginal communities, and a key part of their traditional and religious life. The said Ecologists mention that early Europeans were astonished at the abundance of clear, drinking water derived from the roots dug up by the Aborigines, and they (early Europeans) could not replicate this skill. Naturally, the water-bearing mallee became a life-giving resource for the Aborigines.

Quoting from Tindale's 1972 works:

'Men also wave *Eucalyptus oleosa*, water mallee branches, in the air to fetch cold, rainladen southerly winds.' (Tindale 1972, pp. 233, 236, 244)'

Hence, the *Eucalyptus oleosa* was regarded by the Aborigines as having spiritual properties in returning the rains to drought-ridden areas. In this context, it would not be wrong to observe that the *Eucalyptus oleosa* was revered by the Aboriginal community. It was hence, of cultural and spiritual value to the Aborigines who lived in the Murray region during and prior to European settlement in the area approximately 200 years earlier and their ancestors.

9. Significance in terms of NSW heritage assessment criteria:

Assessing the WOW Tree in terms of NSW heritage assessment criteria, it is observed as follows:

¹⁰ Aboriginal History, Volume 21 1997, Noble, James C and Kimber, Richard G, On the ethno-ecology of mallee root water, pp. 170-202.

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AT THE AUSTRALIAN INLAND BOTANIC GARDENS**

- a. The WOW Tree species (*Eucalyptus oleosa*) occupies an important place in both the cultural and natural history of NSW, given its importance in the traditions and religious life of the Aborigines.
- b. This item has a special association with the life and works of 19th century ecologists/explorers who explored the Australian continent, including Edward Eyre, Ernest Giles, Richard Kimber and James Noble.
- c. It demonstrates aesthetic characteristics, in regard to its natural beauty in this semi-arid landscape as can be seen in Annexes B, C and D.
- d. It has special association with the Aboriginal community especially the Barkindji people who were the early inhabitants of the area and whose descendants still remain in and around the Murray region.
- e. The characteristics of the WOW Tree yield important information that enables an understanding of both NSW's natural as well as cultural history, as explained in the preceding sections.
- f. While the WOW Tree is not considered as uncommon or rare as regards its species, it is certainly rare in terms of age, estimated at 2,500 years.
- g. The WOW Tree being the only one of its kind and age according to existing records, is a stand-alone indicator of the ability to withstand natural disasters (bushfires, drought, climate change) over centuries in the natural environment.

10. Analysis of heritage significance:

The analysis of heritage significance is outlined below:

- a. Level of significance: research has not brought to light any other trees of the same or similar age group in the local government area of Wentworth Shire. The WOW Tree is observed to be the only survivor in this area, as well as in the Sunraysia and Murray regions and hence should be noteworthy in this context. Furthermore, it is the only one of the species *Eucalyptus oleosa* of this age in the State of NSW and there is no indication of such an aged *Eucalyptus oleosa* elsewhere in Australia.

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b. Statement of heritage significance:

The 2,500-year-old WOW Tree (*Eucalyptus oleosa*) in the Australian Inland Botanic Gardens is of significant importance in the local government area of Wentworth Shire, as well as in the greater Sunraysia area, as it is observed there are no records of other trees of the same age and same species in these areas. The WOW Tree is historically important to the Aboriginal community in NSW as it has water-bearing roots and hence, has cultural significance for ancient Aboriginal rain-making ceremonies, that has been mentioned in historical records, along with its spiritual significance to the Aborigines.

Hence, Australian Inland Botanic Gardens Inc, submits the heritage listing application for the 2,500-year-old WOW Tree (*Eucalyptus oleosa*), located at the Australian Inland Botanic Gardens in Mourquong, NSW for the further consideration of the Wentworth Shire Council.

Curriculum Vitae
Victor Ian Pierce Eddy B.Sc. (For) ANU

5 Dr. Abramowski Court ~ Mildura 3500
Mobile 0488 038 835 ~ Home 03 5023 4795
E-mail victor.eddy@bigpond.com

5/5/1943 **BORN** in Epping Sydney

EDUCATION

1948-1954 Eastwood Infants and Primary School

1955-1960 Fort Street Boys' High School

1961-1965 Bachelor of Science (Forestry) ANU. [yrs 1 & 2 at Sydney University]

(1962-1965 Trainee, Forestry Commission of NSW. As a trainee 1963 was a compulsory field year which involved thinning natural regrowth *P. radiata* post 1939 wildfires; measuring both *P. radiata* and native hardwood inventory and research plots ranging from Tumut in the south to Coffs Harbour in the north)

EMPLOYMENT

It was the need of employment between school and tertiary education that led me to forestry as a career. I wanted paid work between completing the Leaving Certificate exams and receiving my results. The NSW Forestry Commission provided me with that employment and encouraged me to apply for one of their traineeships.

1966-1988 **Forestry Commission of New South Wales**

Forester Mullumbimby (1966-68)- Native hardwood management & assessment. I designed and established the continuous forest inventory for the native hardwood forests of the Mullumbimby Management Area

Forester Kyogle (1968-70) - Native hardwood, rainforest & hoop pine plantation management; road survey, design & construction; tree nursery supervision; forest fire control

District Forester Forbes (1970-73) - Cypress pine & river red gum management; Amenity nursery management & tree planting extension.

District Forester Glen Innes (1973-84)- Native hardwood management; Pine plantation establishment & management; road survey, design, & construction; forest fire control; management planning.

District Forester Mildura (1984-88) - River red gum forest and arid woodlands, management, protection, and marketing.

1989-2010 **Company Forester, A.B. Rowe & Son Pty Ltd.**

I provided management & initiated assessment of 17 000ha of private river red gum forest (1989 – 2006) on Yanga Station on the Murrumbidgee floodplain at Balranald. I liaised with NSW & Vic Govt. Forest Services. I was the company representative on various committees. Forestry consulting, specialising in all aspects of river red gum forests, standing forest value estimation, establishment, management, harvest and conservation. This position became redundant when NSW Government converted its River Red Gum State Forests to conservation reserves effectively terminating this company's involvement in the river red gum timber industry.

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CV OF VICTOR I P EDDY

ANNEX A

EXPERIENCE

As the District Forester Forbes I managed one of the NSW Forestry Commission's five Amenity Nurseries. Forbes Nursery supplying tree seedlings and extension advice to serve the Central Western Slopes and Plains, and the Southern Tablelands of NSW.

For A.B. Rowe & Son I established some 10ha of woodlot/windbreak plantings involving irrigation including drip, flood, and furrow. I established 20x0.6ha inventory plots

For 19 years I supervised the salvage of 10,000+tonnes/annum of firewood from logging residue on Yanga and Glen Avon Stations

Since the early 2000s I have provided Culpra Station with advice on river red gum forestry. In 2008 and 2010 I supervised a harvesting operation in compliance with the NSW Code of Native Forest Practice for River Red Gum. Culpra Station of 15,884 ha has 230ha of river red gum river frontage. Purchased by the Indigenous Lands Council it has been divested to Culpra Milli Aboriginal Corporation.

Over the past 25 years I have been a keen observer of irrigated woodlot plantings both successful and less than successful. In particular they include effluent irrigation woodlots of Sunraysia, Loxton, and Wagga Wagga.

I have provided specific consultation on the effects of indiscriminate flooding, and irrigation drainage reuse for tree planting on lands to the west of the Murrumbidgee Irrigation Area (MIA).

In 1990 I attended the "Direct Seeding and Natural Regeneration" Conference of Greening Australia. Then in 1992 I presented a paper on "The Lowbidgee Experience" to the "Catchments of Green" Conference of Greening Australia.

In 1992 I attended an international biodiversity conference in Canberra.

In 1993 I presented a poster-paper on "Private Native Forests" to the Inaugural Maurice Wyndham Conference at the University of New England "Sustainable Forests in Australia".

Consultation has included advice on current condition and future management options of private forests, and value estimates of standing forests, both red gum and mountain ash.

In 2005 the NSW National Parks and Wildlife Service purchased Yanga Station owner of the 17,000ha river red gum forest referred to above, to become National Park, specifically for its red gum forest values. This forest was purchased because the NPWS considered it to be a forest in good condition.

MEMBERSHIPS

Pre 1961

I was a member of the Caloola Club that identified itself as an expeditionary society. It owned an ex-airways coach that could carry 27 members and all their necessary camping and hiking gear, Christmas 1959 we set out to survey the flora and fauna of Nadgee Fauna Reserve to the north of Cape Howe (NSW/Vic Border) but due to the weather we spent 2 weeks on Gabo Island instead. I remained a member until 1961.

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ANNEX A

- 1966-2018** *Institute of Foresters of Australia.* I was Secretary/Treasurer of the North Coast NSW Branch 1969/70. From 1989 to 2009 I attended every annual conference. At an Annual Conference in Canberra, I moved a motion that the IFA affirm its support of native forest harvesting. Despite influential efforts to water that motion down it was passed.
- 1966-1980** *Association of Apex Clubs* Elected to Club Board in my first year. I was a member of Mullumbimby; Kyogle; Forbes; and Glen Innes Clubs. I was a Board Member for at least part of every year I was a member, and held the positions of Club President, District Governor, and Zone Secretary/Treasurer along the way.
- 1989-2010** On behalf of A.B.Rowe and Son I represented Glen Avon Station, Balranald on the following: Chairman and Project Manager **Redbank Riparian Landcare Group Inc.** which was a Land & Water Management Planning Committee, within the Lowbidgee Controlled Flooding and Irrigation District on the lower Murrumbidgee River.
Lowbidgee League
Representative of the *League* to the **Murrumbidgee River Water Users Association** from 1997-2000
NSW Farmer's Association: District delegate to Annual Conference 2008 & 2009
- 1989-2000** *Murray Darling Association* Private member.
- 1989-2001** *Australian Conservation Foundation;* Foundation member of the Sunraysia-Mallee Branch
- 1990-1993** *Nyah to the S.A. Border Salinity Management Planning Committee.* I was a member through to the launch of the completed salinity management plan. This Plan is for the private diversion of irrigation water in Victoria from the Murray River downstream of Nyah (near Swan Hill).
- 1994-2016** **Yelta Landcare Group Inc.** Treasurer since its foundation. I was also the Public Officer until the Act determined that this was to be the secretary's responsibility.
- 1995-2018** **Australian Forest Growers**
- 1996-2000** **Lower Murray-Darling Catchment Management Committee.** As a land user member.
- 1996-2003** **Murray-Riverina Farm Forestry.** This was a NSW Dept. Regional Development Committee set up to promote forest establishment, including irrigated plantations, and management. I was the NSW Forest Products Association representative.
- 1996-1997** *Friends of Nyah-Vinifera Forest:* Foundation member but resigned when they amended their constitution to deny those with a commercial interest the right to vote.
- 1998-2000** **Mallee Agroforestry Initiative Steering Committee** Set up by greening Australia in Sunraysia and comprising a select group of some 6 experienced people both private & govt.
- 1999-2003** *Western Riverina Regional Vegetation Committee* As a representative of rural interests through to completion of the management plan.

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CV OF VICTOR I P EDDY

ANNEX A

- 2001- *Palm Terrace Owners Corporation:* A townhouse strata development. President 2008-9 Secretary from 2009.
- 2002-2006 *River Red Gum Forest Industry Strategy:* Chairman of the *Forest and Log Residue Working Group* 2003 to 2006.
- 2002-.... *Australian Inland Botanic Gardens:* Committee member. I was elected Vice-president 2010. From June 2012 to May 2016, I was the Honorary Director. Since June 2016 I have been President of The Friends of the Australian Inland Botanic Gardens. For the last three years I have been working as a volunteer to help overcome a labour shortage. These Gardens are owned and run by a not-for-profit committee and believed it could not afford to replace three staff members that left. I was awarded "Life Membership" on 7th March 2019.
- 2003-2004 *River Red Gum Grading Review & Log Grading Training Committee:* Represented the River Red Gum industry on the committee of State Forests, TEMS (training provider), and industry. Reviewed the Red Gum log grading manual and developed a training programme for the accreditation of red gum log graders. As a result, I received a certificate to certify me as competent to "Grade Logs and Mark for Segregation (Red Gum)" dated 5/07/2004
- 2004 *Private Native Forestry Working Group:* By Ministerial appointment I represented private forest owners and the red gum timber industry. This group's purpose was to write a Code of Forest Practice to serve as the Private Native Forest Regulation under the Native Vegetation Act 2003 (NSW). The Minister disbanded this group for not completing the code within six months and the task was handed to the newly formed Natural Resource Advisory Council (NRAC) Sub-committee. In October 2006, by invitation, I gave a presentation on river red gum silviculture to the NRAC PNF Sub-committee. After some 2.5 years that committee had not completed the regulatory code and the task was given to a Departmental Forester. I claim responsibility for a spatial condition being written into the code for river red gum forests which allows small dense clumps to be thinned.
- 2009-2010 *Private Native Forestry Training Steering Committee:* In March 2009 I was invited to represent the NSW Farmers' Association on this Committee.

THE WOW TREE (POST-DROUGHT) 2020

ANNEX **B**



THE WOW TREE – 30TH SEPTEMBER 2021

ANNEX C

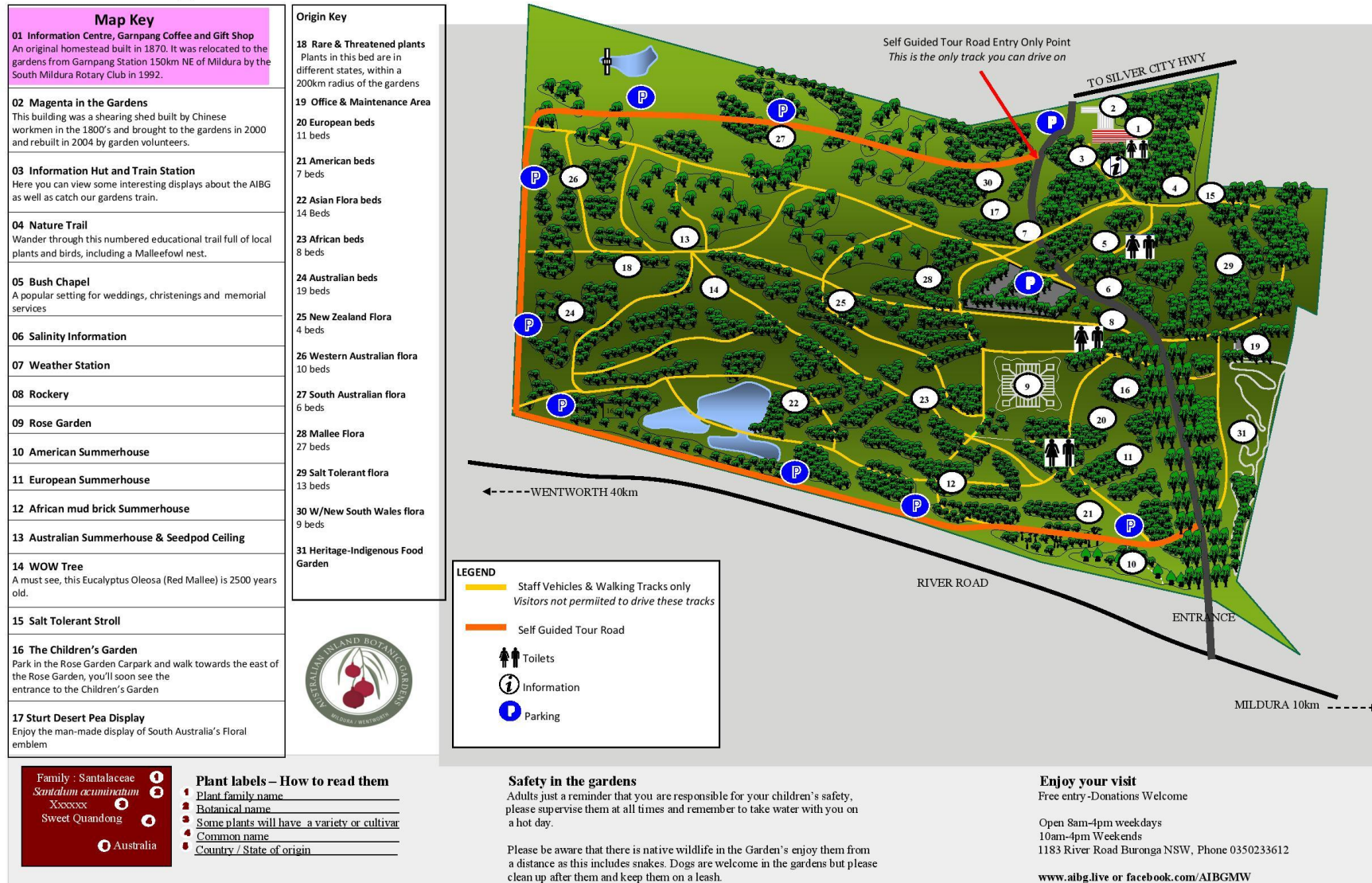


AUSTRALIAN INLAND BOTANIC GARDENS INC
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MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS

ANNEX D

Map : Australian Inland Botanic Gardens



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MAP OF THE AUSTRALIAN INLAND BOTANIC GARDENS

ANNEX D

Features of the Australian Inland Botanic Gardens

Mallee Bed 16 (M 16) Combined with M 18 this bed is made up of plants donated by The Royal Melbourne Botanic Gardens to celebrate their 150th anniversary.

Australia Bed 1 (Aus 1) This bed features a display of some Rare & Threatened Species within a 200km radius of Mildura

Australia Bed 6 (Aus 6) This bed is one of the gardens main features and contains only 1 plant, a 2500+ year old Mallee Tree. We call this our WOW tree.

Australian Beds 17, 18, 19 (Aus 17, Aus 18, Aus 19) These beds contain a variety of Sub Tropical plants from throughout Australia

The Australian Summer House This typical Australian Treated Pine Summer House contains a beautiful Seed Pod Ceiling using an assortment of seed pods and dried flowers to create a spectacular ceiling display.

The Rose Garden The Rose garden consists of over 1500 roses set to range in height and colour. Beautiful scents and amazing colours.

The Bush Chapel The Bush Chapel was created to bring much needed cash injections to the gardens. It is a popular location for weddings, funerals, church services and christenings

The Nature Trail The Nature Trail is an 800m walk through a mixture of Australian Native plants. Interpretative signs, a Childrens class room and a mock Mallee Fowl Nest also add to the experience.

The Salt Tolerant Walk Take the time to walk through one of the first areas planted in the Gardens. This area was affected by salt due to a high water table. Salt Tolerant Australian Native Plants were placed in several beds and were very successful in removing the water table and salt problem. Left mostly untouched it is definitely worth a look.

Desert Pea Display The Desert Pea Display area is certainly worth a visit. Plants have been growing and regenerating for the last few years and when in flower create a beautiful carpet of red. Worth taking the time to find the plant with a different coloured boss (eye).

Garnpang Coffee Shop Garnpang Coffee Shop is located at the end of the bitumen drive. It is an amazing 150+ year old drop log homestead that was transported and re-erected at its current site in 1992. Have a look at the way the building was created whilst you enjoy a drink and something to eat.

Features of the Australian Inland Botanic Gardens

Magenta In the Gardens The Magenta Shearing Shed was erected in 2004 to serve as a function area for a lot of the weddings held at these gardens. It holds around 150 guests and although not re-built to look like a shearing shed inside, the structure, created using Chinese Migrant skills is well worth the look.

Peaka Homestead Peaka Homestead is another 150+ year old drop log homestead that has been added to Magenta. It has been built onto a modern frame and lined outside with all of the original materials. Inside is a modern catering kitchen allowing for the whole Wedding Function to be done in one place.

Self Guided Tour Road The Self Guide Tour road is designed to allow visitor to see as much of the 124 acres as possible. Starting at the Garnpang Coffee Shop carpark it is the only driveable track within the gardens. Carparks are located along its length to allow visitors to stop and wander to the various different sites around the gardens.

Children's Garden European Bed 3 has been adapted into an amazing Children's Garden full of fabulous things for the kids to play with, on or in. Relax on a park bench as the kids run amok.

The gardens are a No Smoking area and we would appreciate those who smoke to please refrain unless you are in the designated area at the rear of Garnpang Coffee Shop
Dogs are permitted within the gardens but must be on a lead and you must clean up any accidents
All tracks apart from the main driveway and the Self Guided Tour Road are walking tracks only. There are plenty of carparks to leave your car and have a wander.
Please be aware of pedestrians and other moving vehicles.



Events at the Australian inland Botanic Gardens

Big Brekkie The Big Brekkie is held on the 4th Saturday of every month. Starting at 8:30 am and running to 12:00pm you can relax and enjoy a gourmet brekkie before doing a Tractor Train Tour of the gardens. These run at 10:00am and 11:00am

Magenta Art Show Held every Easter weekend, the Art Show is a major attraction. Artworks from all around Australia are on display and prizes are determined by reputable judges. A gold coin donation is welcome as you enter.

Magenta Artists The Magenta Artists a group of people who create beautiful artwork using many different types of media. They operate out of Peaka Homestead every Wednesday from 10:00am until 4:00pm and you are more than welcome to visit them and see what they are creating.

Weddings and Functions These can be booked by going to venuehire.aibg@gmail.com or phoning Gwen Wilkinson on 0418 969 475

Tractor Train Tours Tractor Train Tours are available throughout the year. The train will seat 48 passengers and takes approximately 1 hour. The driver will give a running commentary over the PA system as you go along. The cost is \$10 per adult, children 12 and under ride free. To book the train you can ring 03 50233612 or speak to Brian on 0408 604879

Please note that the drivers are volunteers and as such may not be available at certain times



This Speed Limit applies throughout the gardens

These Gardens are run by Donation Money. Please assist us by putting a donation in any of the donation boxes throughout the gardens

Attachment 1 - Application for Heritage Listing of Wow Tree

Refer to separate attachment.

Attachment 2 – State Environmental Planning Policy Assessment

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Y	Y	<p><u>Chapter 2 – Vegetation in non-rural areas</u> The aims of this SEPP are to <i>protect the biodiversity values of trees and other vegetation in non-rural areas and to preserve the amenity of non-rural areas through preservation of trees and other vegetation.</i></p> <p>Not applicable as the subject site is located in a rural zone.</p> <p><u>Chapter 3 – Koala habitat protection 2020</u> The aim of this SEPP is to <i>encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas...and reverse the current trend of koala population decline.</i></p> <p>The Planning Proposal is consistent with this SEPP as it does not seek to alter or harm any vegetation that would decrease koala habitat.</p> <p><u>Chapter 4 – Koala habitat protection 2021</u> The aim of this SEPP is to <i>encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range...</i></p> <p>The Planning Proposal is consistent with this SEPP as it does not seek to alter or harm any vegetation that would decrease koala habitat.</p> <p><u>Chapter 5 – River Murray lands</u> The aims of this SEPP are to <i>conserve and enhance the riverine environment of the River Murray for the benefit of all users.</i></p> <p>The subject site is identified as being included in Map 35 of the Murray Regional Environmental Plan No. 2 – Riverine Land. It is considered that the Planning Proposal is</p>

			<p>consistent with this SEPP as the subject site is well setback from the Murray River and therefore, it is unlikely there will be any impact on or near the Murray River.</p> <p><u>Chapter 6 – Water catchments</u> Not applicable.</p> <p><u>Chapter 13 Strategic conservation planning</u> No applicable.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Y	Y	<p>The aims of this policy are to encourage sustainable residential development and to ensure consistency in the implementation of the BASIX scheme across the state of New South Wales.</p> <p>The Planning Proposal does not detract from the aims of this policy.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	<p>The aims of this policy are to streamline the assessment process for development that complies with specified development standards.</p> <p>The Planning Proposal does not detract from the aims of this policy.</p>
State Environmental Planning Policy (Housing) 2021	Y	Y	<p>The principles of this policy include enabling the provision of diverse housing that meets the needs of the community, whilst ensuring that amenity and services are adequately provided to support the development.</p> <p>The Planning Proposal does not detract from the aims and principles of this policy.</p>
State Environmental Planning Policy (Industry and Employment) 2021	Y	Y	<p><u>Chapter 2 Western Sydney employment area</u> Not applicable.</p> <p><u>Chapter 3 Advertising and signage</u> The aims of this SEPP are to <i>ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.</i></p> <p>The Planning Proposal does not detract from the aims of this policy.</p>
State Environmental Planning Policy No 65 Design Quality of	N		

Residential Apartment Development			
State Environmental Planning Policy (Planning Systems) 2021	N		The proposed development as a consequence of this Planning Proposal is not state or regionally significant, the site is not aboriginal land and will not require concurrence.
State Environmental Planning Policy (Precincts – Central River City) 2021	N		
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021	N		
State Environmental Planning Policy (Regional) 2021	N		
State Environmental Planning Policy (Western Parkland City) 2021	N		
State Environmental Planning Policy (Primary Production) 2021	Y	Y	<p><u>Chapter 2 Primary production and rural development</u></p> <p><i>The aims of this SEPP are to:</i></p> <p><i>(a) to facilitate the orderly economic use and development of lands for primary production,</i></p> <p><i>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p><i>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p><i>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p><i>(e) to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p><i>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p><i>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development</i></p>

			<p><i>assessment regime based on environment risks associated with site and operational factors.</i></p> <p>The Planning Proposal does not detract from the aims of this policy.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	N		<p><u>Chapter 2 Coastal management</u> Not applicable. <u>Chapter 3 Hazardous & offensive development</u> The aims of this SEPP are to:</p> <ul style="list-style-type: none"> <i>a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i> <i>b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i> <i>c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i> <i>d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i> <i>e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i> <i>f) to require the advertising of applications to carry out any such development.</i> <p>This SEPP does not apply as the Planning Proposal does not relate to land in a coastal environment, hazardous or offensive development.</p>

			Therefore, the Planning Proposal will not detract from the aims of this policy. <u>Chapter 4 Remediation of land</u> Not applicable.
State Environmental Planning Policy (Resources and Energy) 2021	N		<u>Chapter 2 Mining, petroleum production and extractive industries</u> Not applicable. <u>Chapter 3 Extractives industries in Sydney area</u> Not applicable.
State Environmental Planning Policy (Transport and Infrastructure) 2021	N		<u>Chapter 2 Infrastructure</u> The aim of this SEPP is to ensure there is an effective delivery of infrastructure to support new development. The Planning Proposal will not detract from the aims of this policy.
State Environmental Planning Policy (Sustainable Buildings) 2022	N		The aims of this policy are to encourage the development of sustainable buildings to minimise the use of natural resources and ensure thermal performance of buildings. The Planning Proposal will not detract from the aims of this policy.

Attachment 3 – Section 9.1 Ministerial Directions Assessment

Section 9.1 Direction	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
1. Planning Systems			
1.1 Implementation of Regional Plans	Y	Y	The Planning Proposal is consistent with the goals, directions and actions of the <i>Far West Regional Plan 2036</i> and the <i>draft Far West Regional Plan 2041</i> .
1.2 Development of Aboriginal Land Council land	N		
1.3 Approval and Referral Requirements	Y	Y	The Planning Proposal does not propose any referral or concurrence requirements, nor does it nominate any development as 'designated development'.
1.4 Site Specific Provisions	N		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N		
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N		
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N		
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N		
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N		
1.10 Implementation of the western Sydney Aerotropolis Plan	N		
1.11 Implementation of Bayside West Precincts 2036 Plan	N		

1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N		
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N		
1.14 Implementation of Greater Macarthur 2040	N		
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N		
1.16 North West Rail Link Corridor Strategy	N		
1.17 Implementation of the Bays West Place Strategy	N		
1.18 Implementation of the Macquarie Park Innovation Precinct	N		
1.19 Implementation of the Westmead Place Strategy	N		
1.20 Implementation of the Camellia-Rosehill Place Strategy	N		
1.21 Implementation of South West Growth Area Structure Plan	N		
1.22 Implementation of the Cherrybrook Station Place Strategy	N		
2. Design and Place			
2.1			
3. Biodiversity and Conservation			
3.1 Conservation Zones	Y	Y	The Planning Proposal is consistent with this Direction as it does not involve land identified as environmentally sensitive and does not seek to reduce environmental protect standards.
3.2 Heritage Conservation	Y	Y	The Planning Proposal is consistent with this Direction as it aims to conserve an additional item on the subject site.
3.3 Sydney Drinking Water Catchments	N		
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N		

3.5 Recreation Vehicle Areas	Y	Y	The Planning Proposal does not enable the land to be developed for the purposes of a recreation vehicle area, as defined by the <i>Recreation Vehicles Act 1983</i> .
3.6 Strategic Conservation Planning	N		The subject site is not identified as avoided land or a strategic conservation area.
3.7 Public Bushland	N		
3.8 Willandra Lakes Region	N		The subject site is not located within the Willandra Lakes World Heritage Property.
3.9 Sydney Harbour Foreshores and Waterways Area	N		
3.10 Water Catchment Protection	N		
4. Resilience and Hazards			
4.1 Flooding	Y	Y	A portion of the subject site is identified as being flood prone. However, the Planning Proposal does not seek to rezone the subject site or to enable new development in the flood affected area.
4.2 Coastal Management	N		
4.3 Planning for Bushfire Protection	Y	Y	The southern portion of the subject site is identified as being bushfire prone land on the NSW Rural Fire Service map. However, the Planning Proposal does not seek to enable new development in the bushfire prone area.
4.4 Remediation of Contaminated Land	Y	Y	The subject site is currently zoned RU1 Primary Production and the Planning Proposal does not seek to rezone the site or to alter the future use of the site.
4.5 Acid Sulfate Soils	N		
4.6 Mine Subsidence and Unstable Land	N		
5. Transport and Infrastructure			
5.1 Integrating Land Use and Transport	N		
5.2 Reserving Land for Public Purposes	Y	Y	The Planning Proposal does not propose to remove or propose any land to be dedicated for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	N		The subject site is not located near an airport or defence airfield.
5.4 Shooting Ranges	N		The subject site is not located near a shooting range.
6. Housing			
6.1 Residential Zones	N		

6.2 Caravan Parks and Manufactured Home Estates	N		The Planning Proposal does not alter the permissibility or prohibition of caravan parks and manufactured homes estates.
7. Industry and Employment			
7.1 Employment Zones	N		
7.2 Reduction in Non-Hosted Short-term Rental Accommodation period	N		
7.3 Commercial and Retail Development along the Pacific Highway North Coast	N		
8. Resources and Energy			
8.1 Mining, Petroleum Production and Extractive Industries	N		The Planning Proposal does not impact mining, petroleum or extractives industries.
9. Primary Production			
9.1 Rural Zones	N		The Planning Proposal is not seeking to rezone from or to a rural zone.
9.2 Rural Lands	N		The Planning Proposal will not affect land within an existing rural zone or alter the minimum lot size applied to rural land.
9.3 Oyster Aquaculture	N		
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N		

Michele Bos
Cadell Consulting Services
michele@cadellconsulting.com.au

27 March 2024

Dear Michele

RE: APPLICATION TO LIST EUCALYPTUS OLEOSA AT THE AUSTRALIAN INLAND BOTANIC GARDENS AS AN ITEM OF ENVIRONMENTAL HERITAGE

As instructed, I have reviewed the application that has been prepared by Victor Eddy to list an eucalyptus oleosa tree known as the 'Wow Tree' located at the Australian Inland Botanic Gardens as an item of environmental heritage in *Wentworth Local Environmental Plan 2011*. I have also reviewed the draft planning proposal prepared by Cadell Consulting to amend the planning scheme.

Qualifications

I am a human geographer and town planner with over 30 years' experience including recognised expertise in heritage conservation and management. I established and managed the heritage conservation program at Eurobodalla Shire Council in 1998 and have prepared many heritage impact statements, assessments of heritage value and conservation management plans as a consultant. I have degrees in the social sciences and planning and attended the Heritage Planning in Practice short course run by the NSW Heritage Office in the year 2000. In my practice as a heritage consultant, I am qualified to carry out a peer review of the assessment of the heritage values of the Wow Tree prepared by Victor Eddy.

Statement

The application prepared by Victor Eddy is comprehensive and demonstrates that the significance of the Wow Tree satisfies the criteria for assessing heritage significance as contained in guideline *Assessing heritage significance* published by the NSW Department of Planning and Environment dated May 2023. These criteria and a response are given below.

Criterion (a) Historic significance - An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The Wow Tree is the longest surviving example of the species *Eucalyptus oleosa*. This species is also known as the water mallee. It occupies an important place in both the cultural and natural history of NSW, given its significance in the spiritual life of the Indigenous tribes of western NSW including the Barkindji nation that occupied the Wentworth district. The species possesses symbolic meaning to the local Indigenous community and was a key part of traditional and religious life. It was regarded by Indigenous peoples as having spiritual properties in returning the rains to drought-ridden areas and the roots of the tree were a source of water during dry times.

sustainable thinking

Criterion (b) Historical association – An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

The Wow Tree has special significance to the Indigenous inhabitants of the Wentworth district who have occupied the Australian continent for around 60,000 years. Ancient communities had the capacity to live and adapt to the natural environment. They lived close to nature and used the roots of the species *Eucalyptus oleosa* to obtain water.

The tree also has a special association with the life and works of 19th century ecologists and explorers of the Australian continent, including Edward Eyre, Ernest Giles, Richard Kimber and James Noble, who witnessed the use of the roots of the species by Indigenous peoples as a source of water.

Criterion (c) Aesthetic/creative/technical achievement – An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

The Wow Tree demonstrates aesthetic characteristics that contribute to the scenic qualities of the semi-arid landscape of the Wentworth district. It is a landmark tree and representative of a landscape that has been largely cleared and modified for European agricultural pursuits.

Criterion (d) Social, cultural and spiritual – An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons.

The *Eucalyptus oleosa*, of which the Wow Tree is the longest surviving example, has a special association with the Barkindji people who were the early inhabitants of the area and whose descendants still remain in and around the Murray River region. The species possesses symbolic meaning to the Barkindji and was sacred due to its life-giving properties as a source of water.

Criterion (e) Research potential – An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

The characteristics of the Wow Tree yield important information that enables an understanding of the natural and cultural history of NSW. As the oldest example of the species, it remains a benchmark or reference for the natural landscape that existed before European settlement in the district. Being located at the Australian Inland Botanic Gardens enables visitors to gain knowledge and an understanding of the importance of the species to the Indigenous people and of the characteristics of the landscape before settlement.

Criterion (f) Rare – An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Over 35% of the *Eucalyptus oleosa* species has been cleared in NSW. The species is not considered uncommon or rare and is not listed as critically endangered, endangered or vulnerable in the *Biodiversity Conservation Act 2016*. However, the Wow Tree is rare in terms of its age which is estimated to be 2,500 years.

Criterion (g) Representative – An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments).

The Wow Tree is a stand-alone indicator of the ability of the species *Eucalyptus oleosa* to withstand natural disasters including bushfires and prolonged drought and more recently human-induced climate change. It is a representative example of the type of vegetation that has thrived and survived over thousands of years in a semi-arid landscape.

In summary, the application to list an *eucalyptus oleosa* tree known as the Wow Tree as an item of environmental heritage is supported. The assessment and *Statement of Significance* adequately demonstrate that the Wow Tree is of local heritage significance within Wentworth local government area. The Wow Tree is deemed to be of cultural significance due to its setting, associations and meanings and is particularly representative in terms of historic, social and spiritual values to past, present and future generations of the Indigenous Barkindji people.

It is recommended that the planning proposal to list the Wow Tree as an item of environmental heritage in *Wentworth LEP 2011* proceed.

Yours sincerely,



Allen Grimwood BA(Hons), MURP, RPIA
Director



Planning
Institute
Australia

9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST

File Number: RPT/22/250

Responsible Officer: Matthew Carlin - Director Health and Planning

Responsible Division: Health and Planning

Reporting Officer: Michele Bos - Strategic Development Officer

Objective: 2.0 Wentworth is a desirable Shire to visit, live, work and invest

Strategy: 2.1 Grow visitation to the Shire by developing a quality visitor experience and promoting our destination

Summary

Council has received a request, from the Australian Inland Botanic Gardens, to add an item to the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage list.

The item is a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree, located within the Botanic Gardens at 1183 River Road, Mourquong.

Recommendation

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Detailed Report

Purpose

The purpose of this report is to provide details of the request received from the Australian Inland Botanic Gardens (AIBG) to add an item to the Wentworth Local Environmental Plan 2011 (WLEP) Schedule 5 Environmental heritage list and the process required to add the listing, should Council support the request.

Background

Council was contacted in July 2021 by the AIBG Office Manager seeking advice as to the process of heritage listing a 2,500 year old Eucalyptus Oleosa tree, also known as the WOW tree.

A subsequent onsite inspection of the tree, including a meeting with relevant Board members, was conducted to discuss the matter and the process of requesting Council to add an item to the WLEP heritage list.

Council is now in receipt of the request from AIBG to consider including the WOW tree to the WLEP Schedule 5 Environmental heritage list.

To support the request, the AIBG engaged a local forestry expert to prepare a report on the subject tree which includes comprehensive details of the tree, the state and national significance of the species and a heritage assessment of the tree based on NSW Heritage assessment criteria. It is considered that this report provides sufficient justification to support the request.

Refer to Attachment 1 – AIBG Request for Local Heritage listing of the WOW Tree.

Matters under consideration

The process to amend the WLEP, including adding items to the list contained in Schedule 5 Environmental heritage, is through the planning proposal process.

The planning proposal process is briefly outlined as follows:

- Preparation of a Planning Proposal which includes details of what the planning proposal aims to do, how it amends the WLEP, its consistency with strategic plans and state policy
- Submitting the Planning Proposal to the Department of Planning and Environment (DPE) requesting a Gateway Determination to proceed
- Exhibition of the Planning Proposal
- Consideration of submissions
- Request for Parliamentary Counsel Opinion
- Final submission to DPE for approval and notification of the amendment to the WLEP on the legislative website.

The request submitted to Council is not a Planning Proposal.

Council could support the request both in principle and by preparing the Planning Proposal on behalf of AIBG. Alternatively, Council could respond in writing advising that while it supports the request, a planning consultant will need to be engaged to prepare the Planning Proposal for the AIBG.

Options

Based on the information contained in this report, the options available to address this matter are to:

- Support the request for adding the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list, and
- Prepare the Planning Proposal on behalf of the AIBG, or
- Advise AIBG that a Planning Proposal must be prepared by a planning consultant to progress the request to add the WOW tree as an item to the WLEP Schedule 5 Environmental heritage list.

Legal, strategic, financial or policy implications

Should Council resolve to prepare the Planning Proposal on behalf of AIBG, the financial implications for Council include forfeiting the planning proposal fee, as per the 2021-2022 Fees and Charges, as it would then be a Council initiated Planning Proposal.

Conclusion

It is concluded that the most appropriate course of action is to advise AIBG that Council supports the request to list the WOW tree in Schedule 5 Environmental heritage of the WLEP and prepare the Planning Proposal on behalf of AIBG.

Attachments

1. AIBG Request for Local Heritage listing of WOW Tree (*Eucalyptus oleosa*).[↓](#)

9.18 AUSTRALIAN INLAND BOTANIC GARDENS HERITAGE REQUEST

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3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Council Resolution

That Council:

1. Resolve to support the request for listing the 2,500 year old Eucalyptus Oleosa tree, known as the WOW tree, in the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage.
2. Resolve to prepare the Planning Proposal to amend the Wentworth Local Environmental Plan 2011 Schedule 5 Environmental heritage on behalf of the Australian Inland Botanic Garden.
3. That a division be called in accordance with S375A of the *Local Government Act 1993 (NSW)*.

Moved Cr Rodda, Seconded Cr Linklater

CARRIED UNANIMOUSLY

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : *Clr.s Beaumont, Cooper, Crisp, Elstone, Evans, Linklater, Nichols and Rodda.*

Against the Motion: *Nil.*