

**NARROMINE SHIRE COUNCIL**  
**ORDINARY MEETING BUSINESS PAPER – 8 MARCH 2023**  
**REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT**

**1. DEVELOPMENT APPROVALS**

<b>Author</b>	Director Community and Economic Development
<b>Responsible Officer</b>	Director Community and Economic Development
<b>Link to Strategic Plans</b>	CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

**Executive Summary**

This report provides information to Council on the approved Development Applications for February 2023.

**Report**

The approvals for the month of February 2023 brings the total approved Development Applications for the financial year to 35, with a total value of \$9,448,040.94. This time last year, total approved Development Applications were 61 with a total value of \$15,251.881.

<b>DA No.</b>	<b>Location</b>	<b>LOT/DP</b>	<b>Description</b>	<b>Value</b>	<b>Assessment Time/Days</b>
2023/1	110 Temoin Street, Narromine	1/802662	Carport	\$22,000.00	9
2023/4	123 Moss Ave, Narromine	72/703359	Carport	\$2,311.00	10
2023/5	45 Algalah Street, Narromine	4/667911	Awning	\$10,805.14	2
2023/3	1004 Trangie Dandaloo Road, Trangie	A/408867	Hay Shed	\$78,813.00	15
2022/43	127 Webbs Siding Road, Narromine	14 & 2021/114146 & 1234675	4 Lot Community Title Subdivision	\$170,000.00	102

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2023/9	105 Villeneuve Drive, Narromine	8/1033449	Domestic Storage Shed	\$91,000.00	0
2023/12	9 Kingsford Smith Place, Narromine	56/1271467	Inground Swimming Pool	\$24,000.00	0

There are currently 12 applications under assessment.

### ***Legal and Regulatory Compliance***

Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulation 2000

### ***Risk Management Issues***

Nil

### ***Internal/ external Consultation***

Nil

### **Attachments**

Nil

## **RECOMMENDATION**

That the information be noted.

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## **2. NARROMINE INDUSTRIAL PRECINCT AND FREIGHT EXCHANGE**

**Author** Director Community and Economic Development  
**Responsible Officer** Director Community and Economic Development

### **Link to Strategic Plans**

#### **Economic Development Strategy**

2.5.2 Work with the Economic Development Group to develop a business case utilising industry case studies that support the development of the Inland Rail Project.

4.5 Work with State and Federal Governments to deliver key infrastructure needs

#### **Delivery Plan**

2.1.5.1 Review Land Use Strategies in line with results of Economic Development Strategy to ensure planned new land releases to stimulate economy.

2.2.4.1 Work with State Government agencies to appropriately identify high value land resources, where Government priorities are identified.

2.3.3.2 Identify potential value-added sites with good inter-modal transport links

## **2. NARROMINE INDUSTRIAL PRECINCT AND FREIGHT EXCHANGE (Cont'd)**

### **Executive Summary**

This report is presented to update Council in regards to the development of the Industrial Precinct and Freight Exchange.

This report also seeks to resolve that land soon to be associated with the Freight Exchange will become operational land of Council once purchased..

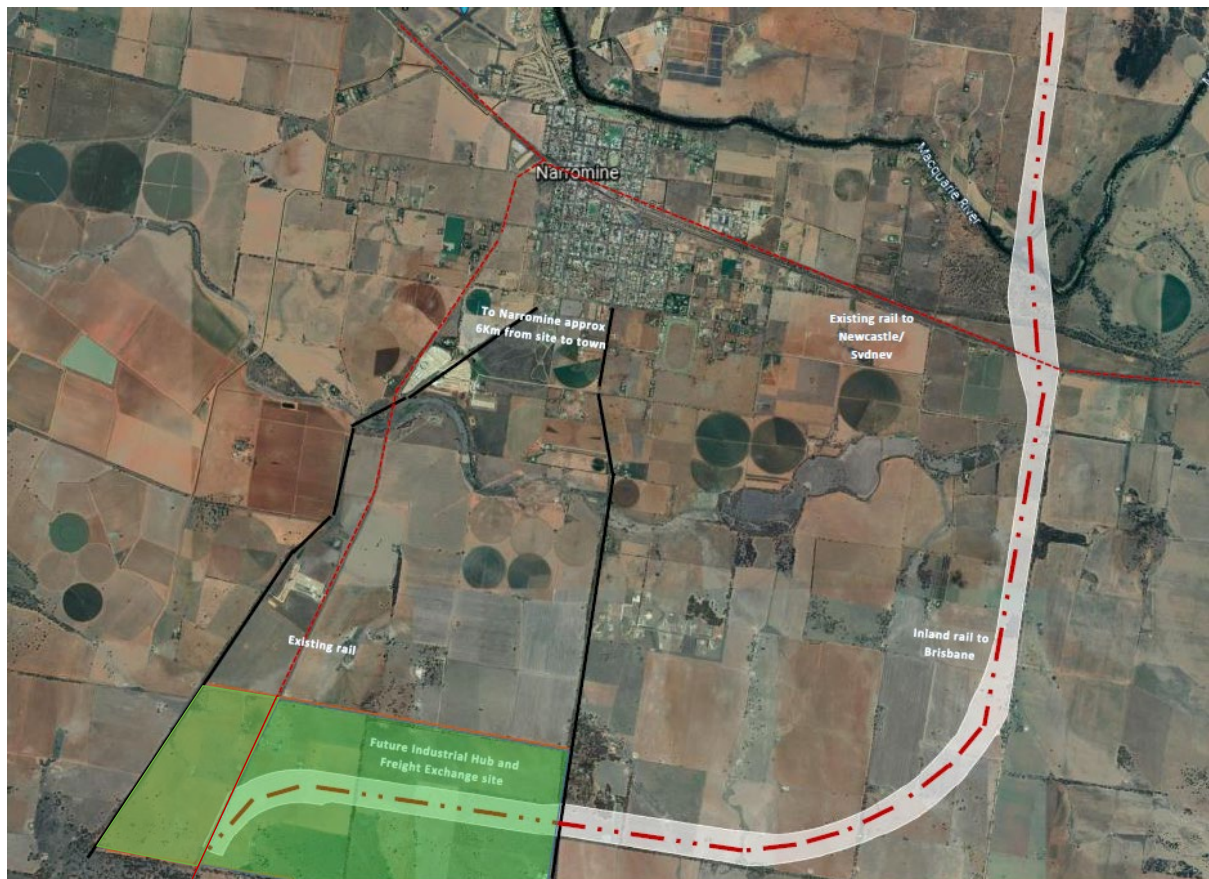
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### **Report**

In November 2021 Narromine Shire Council considered a report outlining the progress made in the development of the Narromine Freight Exchange and Industrial precinct.

The development of the precinct is supported by Council's strategic documents including the Employment Lands Strategy and the Local Strategic Planning Statement. These strategies along with many State and Federal regional plans highlight the importance of the Inland Rail and the development of infrastructure to enable the use of this backbone.

The land identified for development is land that is bound by Narwonah Siding Road and Craigie Lea Lane and is approximately 1000 Ha in size. This land is in one parcel at present and it is planned that the Inland Rail line will run from east to west through the middle of the property. An outline of the location of the property is shown below.



## **2. NARROMINE INDUSTRIAL PRECINCT AND FREIGHT EXCHANGE (Cont'd)**

### **RECENT PROGRESS**

At the Council meeting held 10 August 2022 Council resolved:

1. That Council proceed with the purchase of 494.2HA (approx.) of land from ARTC to enable the immediate development of the Industrial Precinct. The land is outlined as part lot DP 16/755131, DP 17/755131, DP 1/1198931, DP 232/755131, DP 233/755131.
2. That Council proceed with the purchase at a price of \$3626 per HA plus Stamp Duty and legal costs.
3. That the General Manager and Mayor be delegated to sign the Put and Call Deed, Lease to ARTC and Contract of Sale documents.

Following the resolution the Contract documents were finalised to enable the sale and the deed has now been executed to enable the option. The total size confirmed for sale is 522.1 HA.

With the execution deed signed staff at Council have started the work necessary to allow the subdivision of land between the western portion of land and the eastern portion and also begun early work on the rezoning application.

Council is also required to nominate if the land will become operational or classified land once the land transfer is complete. It is recommended that the land at Craigie Lea Lane become 'operational' land which provides for no special restrictions on the land other than those that may already apply.

### **Financial Implications**

This is a large project, quite complex and involves many stakeholders. As such there are a number of financial implications and risks.

The State Government deed will outline that the State will contribute \$9M on the basis that Narromine Shire Council contributes the land purchase.

The declaration as operational land allows for the future sale of the land.

### **Legal and Regulatory Compliance**

Local Government Act 1993.

NSW Planning- Conflict of Interest Policy (Draft)

Disposal of Goods and Property. Local councils are bound by s 55 and s 377 of the *Local Government Act 1993*, and Part 7 of the *Local Government (General) Regulation 2005*.

Part 2, s 31 *Local Government Act 1993*.

Environment Planning and Assessment Act 1979

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**2. NARROMINE INDUSTRIAL PRECINCT AND FREIGHT EXCHANGE (Cont'd)**

***Risk Management Issues***

Risk management issues have been previously considered as:

Risk	Proposed mitigation
Scope Change – the amount of road or utilities to be built changes	Produce a detailed design and costing of infrastructure and services to be built, including a civil engineering survey.
Construction Time goes beyond expectations	Manage events as they arise in accordance with the Risk Management Plan
Construction Costs exceed those estimated in the detailed costings	Include appropriate contingencies and continue to manage cost risks throughout the project.
Planning and Approvals are unable to be obtained	Early consideration of approvals needed and permissible uses
No adequate contractors are available to undertake works	Ensure that tender packages are available for expressions of interest with adequate time margins to allow for businesses to consider their involvement
Key Stakeholders withdraw their support for the project	Continue to develop and maintain relationships with all stakeholders, including residential, commercial, and regulatory.

Mitigation includes the utilisation of grant funding, use of experienced consultants, staging the project and working with stakeholders early on.

No additional risks are raised with the resolution to confirm the 'operational' nature of the land.

***Internal/External Consultation***

- Potential new businesses
- ARTC- Inland Rail
- Rail Hauliers
- Department of Premier and Cabinet
- NSW Department of Planning, Industry and Environment

**RECOMMENDATION**

The land described as part lot DP 16/755131, DP 17/755131, DP 1/1198931, DP 232/755131, DP 233/755131 be classified as operational land following its acquisition by Narromine Shire Council in accordance with Part 2, Division, Section 31 of the Local Government Act 1993.

**3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT**

**Author** Manager Planning  
**Responsible Officer** Director Community and Economic Development  
**Link to Strategic Plans** Delivery Program 2.1.5 New plans and strategies are developed in line with the community's needs and encourages economic growth.  
 LSPS Priority 4A – A range of housing options for the community  
 LSPS – Priority 6 – Sustain and grow our local population.

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**3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT (Cont'd)**

**Executive Summary**

The intention of this report is to update Council on the progress of the Planning Proposal, post exhibition, and seek resolution to proceed to finalisation.

**Report**

The Planning Proposal (PP), as previously reported to Council, is proposing to amend the minimum lot size and zoning in certain areas and rezone to permit further residential and large lot residential developments.

The areas put forward have previously been adopted by Council as part of the Residential and Large Lot Residential Land Use Strategy 2018.

Since the gateway determination, Council has met the gateway conditions, including submission of preliminary contamination investigations and submitted additional information on flood risk and management. Public exhibition was carried out from 27 October 2022 – 24 November 2022. Government agencies were also notified during this time. A number of submissions were received as summarised in the table below. A public hearing was not required as part of the gateway conditions.

<b>SUBMISSIONS FROM THE PUBLIC</b>		
<b>Submission No</b>	<b>Lot/DP</b>	<b>Submission</b>
1	Land surrounding Lot 6 DP 251750, Old Backwater Road	Concern that they will not be able to continue farming their land with adjoining lands to be rezoned to R5. Concern with water supply for new lots – should be supplied by NSC as current private bores struggle with supply during dry periods.
<p><b>Response and Recommendation for this PP:</b>  <b>Note concerns, including water supply. Roof captured supply would be required for domestic water supply, potentially supplemented by new or shared bores. Land can continue to be used for existing farming purpose following adjoining land being rezoned. Nearby land already zoned R5 and Strategy identified these lands for R5 on/around 2008-09. Servicing Strategy currently being drafted for Council will look at servicing of R5 areas. Unserviced lots have a recommended Minimum Lot Size (MLS) of 3.5ha which matches surrounding lot sizes and reduces demand on groundwater. Additional bores in this area would require a groundwater survey and relevant Water Management Act approval, to determine minimum distances from onsite sewage management systems, depth and local impacts.</b>  <b>Recommend: No change to the Planning Proposal. Advise author following Council's decision.</b></p>		

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<b>3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT (Cont'd)</b>		
2	Lot 223 DP 1081087 & Lot 175 DP 755131 Narromine West Area A	Concern with ability to farm their land, including irrigation and hay bailing, once nearby lands developed for R5. Concerns with servicing of new lots – they have a shared bore and have concerns new lots will draw down local bore levels if unserviced by town water. Concern that new zoning will allow higher density of dwellings on lots – eg. units, temporary accommodation, B&Bs.
<p><b>Response and Recommendation for this PP:</b>  <b>Note concerns as above, including water supply. Land can continue to be used for existing farming purposes following adjoining land rezoning. Nearby land already zoned R5 and Strategy identified these lands for R5 on/around 2008-09.</b>  <b>R5 zone prohibits higher density residential developments. Only single dwellings and B&amp;Bs are permitted on R5 lots. As above, additional bores in this area would require a groundwater survey and relevant Water Management Act approval, to determine minimum distances from onsite sewage management systems, depth and local impacts.</b>  <b>Recommend: No change to the Planning Proposal. Advise author following Council's decision.</b></p>		
3	Narromine East Area A2, B and I	<b>East Area A2:</b> - Does not support reduction in MLS. They are neighbours and there will be traffic and noise disturbances, change in quality of life in locality. Prefer MLS of 1.5ha instead of 4,000m2. - Is Webb Siding Road to be upgraded, noting recent waterlogging from heavy rain. - Waterlogged area east of George St unsuitable for future development.
<p><b>East Area A2</b>  <b>Response and Recommendation for this PP:</b>  <b>Noted increases in traffic and subsequent noise. However, this area is already zoned for rural residential development and a reduction in MLS allows for more efficient use of existing zoned land without consuming additional agricultural land. Road upgrades would be assessed as part of any proposal for MLS reductions including addressing local runoff and water flows. Waterlogging may be in reference to stormwater management measures in the road reserve. Recent heavy rainfall in storm events are noted to have stressed the drainage system, which is not a localised issue.</b>  <b>Recommend: No change to the Planning Proposal.</b></p>		

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3 (cont.)	Narromine East Area A2, B and I	<p><b>East Area B:</b> - Disagree with R5 rezoning and 1.5ha MLS. This would mean lots further out of town can be smaller than those on northern side of Webb Siding Road – currently 3.5ha.</p> <p>- Concern again with waterlogging in this area which if developed, could push water into road reserve.</p>
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**East Area B**  
**Response and Recommendation for this PP:**  
**Variations in lot sizes will occur in R5 zones and distance from town centres is one consideration. Land to the northern side of Webbs Siding are developed and constrained by vicinity to the railway.**  
**- Noted stormwater management concern and this would be addressed as part of any comprehensive subdivision design.**  
**Recommend: No change to the Planning Proposal.**

3 (cont.)	Narromine East Area A2, B and I	<p><b>East Area I:</b> - Concerns with biodiversity, bushfire and flooding impacts. More work needed on flood waters entering these areas from Backwater Cowal.</p> <p>- Harmful to include map of post-levee and Inland Rail construction with regard to flooding.</p>
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**East Area I**  
**Response and Recommendation for this PP:**  
**Impacts on biodiversity. Bushfire and flooding would be assessed in detail with a DA for subdivision on these lots.**  
**Using various map overlays is not agreed as 'harmful' but provides better consideration of modelled flood impacts (including Backwater Cowal). The Map of post levee and Inland Rail flooding impacts was requested by Department of Planning and Environment (DPE) to give accurate strategic analysis to known future developments. Current flood controls still apply across the floodplain if the development were to occur without the levee.**  
**Recommend: No change to the Planning Proposal. Author to be notified of Council's decision.**



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**3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT (Cont'd)**

**Summary of public exhibition submissions**

No changes to the areas above are proposed following public exhibition and assessment of issues put forward.

<b>Submissions from Government Agencies</b>	
<b>Government Entity</b>	<b>Comments</b>
Biodiversity, Conservation & Science Directorate, DPE	<p>Areas of interest include:</p> <ul style="list-style-type: none"> <li>- Impacts of settlements on biodiversity</li> <li>- Investigation of environmental constraints of affected land</li> <li>- Avoidance of land use intensification in environmentally sensitive areas</li> <li>- Compliance with the Floodplain Development Manual for proposed developments within the floodplain.</li> </ul> <p>Additional comments:</p> <ul style="list-style-type: none"> <li>- The Biodiversity Conservation Act 2016 and Biodiversity Conservation Regulation 2017 apply to all DA's requiring subdivision of land. Note the requirements of this legislation for the proposed amendments.</li> <li>- Narromine West Area A (Old Backwater Road/Dandaloo Rd) is partially contained inside the Floodplain Planning Area and Council is to consider this and ensure the latest development controls consider minimum floor heights and flood resistance materials.</li> </ul>
<p><b>Response from Council:</b></p> <p><b>Noted concerns. Any subdivision of the areas in the PP will require assessment of whether the Biodiversity threshold has been exceeded, triggering a Biodiversity Development Assessment Report &amp; potential offsets.</b></p> <p><b>Min floor height concerns has been addressed by Council adopting the recent Floodplain Risk Management Study and Plan (FRMS&amp;P) 2021 &amp; implementing latest recommended development controls. This will apply to all new PP areas impacted by the flood planning constraint categories.</b></p>	

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**3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT (Cont'd)**

NSW State Emergency Service

- Majority of areas proposed for changes are located within the Floodplain Area (FPA) however due to larger lot sizes the high hazard areas can be avoided.
- Post-levee construction it should be noted that levees can still overtop and residents living behind still need to evacuate.
- Risk assessment should consider full range of flooding. The author noted our PP does consider this.
- PP to have regard to flood warning and evacuation demand on access routes. PP needs to address evacuation routes during various frequency of floods.
- For future developments, self-evacuation should include minimum SES principles including not walking or driving through flood water.
- Consider evacuation strategy for whole town.
- Development strategies are not to rely on 'shelter in place' or remaining in flooded area. Rezoning of additional floodplain areas are therefore to be avoided.
- Development strategies not to rely on mass evacuation. This could occur in an extreme event in Narromine.
- Private flood evacuation plans are not to be relied upon rather than sound land use planning and flood risk management.
- Consider cumulative impacts of developments on future emergency services resources.

**Response from Council:**

- **The FRMS&P 2021 considered flood forecasting, warning, evacuation and response. Evacuation centres are listed in the Plan as the Narromine USMC and Showground. In shortlisting the areas put forward in this PP, Council have previously consulted with the SES when initially adopting the Strategy. The Strategy extracts with regard to emergency planning will also be reproduced below. As each flood will differ, evacuation routes may not be accurate for each instance and as such, routes will depend on the best emergency advice from a team of experts (including SES, Police, Ambulance, VRA) at the time. Narromine also has a lead time of approximately a week (as noted in the FRMS&P) of flood warning from Burrendong Dam.**
- **Mass evacuation, private flood evacuation plans and 'shelter in place' are not part of Council's latest FRMS&P 2021, in accordance with the recommendations of the Floodplain Development Manual 2005.**

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**3. PLANNING PROPOSAL PP-2022-1579 – RESIDENTIAL AND LARGE LOT RESIDENTIAL AMENDMENT: POST-EXHIBITION REPORT (Cont'd)**

NSW Rural Fire Service All proposed site changes	- No objections to sites put forward. - Note that some sites contain unmapped category 3 (Grassland) bushfire prone vegetation and as such will need to ensure bush fire mitigation practice are in place in accordance with Planning for Bush Fire Protection (PBP) 2019.
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**Response from Council:**  
**Noted re grassland vegetation management.**

**Summary of Government Agency submissions**

No changes to the areas above are proposed following notification to Government Agencies and assessment of issues put forward.

**Legal and Regulatory Compliance**

Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulation 2000

The Gateway Determination requires Council to complete the LEP amendment process within twelve (12) months of the date of Determination i.e. by 18 July 2023.

**Risk Management Issues**

Avoids expense for a site-specific planning proposal in the future.  
Manages residential land supply.

**Internal/ external Consultation**

In accordance with the Gateway Determination, consultation with public authorities or government agencies was carried out under section 3.34(2)(d) of the Act. See above for the summary of Government agency consultation.

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to an environmental planning instrument under that Act, a division is required to be called.

**RECOMMENDATION**

That Council continue with the amendment to the Narromine Local Environmental Plan 2011 to finalisation and that the Council as planning proposal authority proceed with and exercise the functions of the local plan-making authority under section 3.36(2) of the Act, subject to the conditions of the Gateway Determination.

Phil Johnston  
**Director Community and Economic Development**