

**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 17 JULY 2024
REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT**

1. DEVELOPMENT APPROVALS

Author Director Community and Economic Development
Responsible Officer Director Community and Economic Development
Link to Strategic Plans 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 June 2024.

Report

The approvals for the month of June 2024 brings the total approved Development Applications for the financial year to 64, with a total value of \$14,316,906. At this time last year there were 57 applications approved with a value of \$14,631,367.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2021/102.2	Dandaloo St, Trangie	101/-/832919	Modification (Extension of time)	\$250,250*	1
2022/28	Algalah St, Narromine	1/-/1279788	Group Home	\$3,000,000	127
2024/19	Murgah St, Narromine	73/-/537369	Alterations & Additions	\$66,000	4
2024/22	Trangie Rd, Narromine	12/-/571383	Site refurbishments (Awning)	\$242,550	35
2024/26	Second Ave, Narromine	82/-/535229	Relocated Dwelling	\$110,000	21
2024/27	Temoin St, Narromine	10/-/771882	Electronic Sign	\$23,738	7

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2024/29	Birch St, Narromine	74/-/810143	Inground Swimming Pool	\$47,317	10
2024/30	Dandaloo St, Narromine	1/-/945987	Signage	\$1,100	2
2024/33	Villeneuve Dr, Narromine	1/-/1033449	Domestic Storage Shed	\$35,000	12
2024/34	Sixth Ave, Narromine	9/3/7834	Domestic Storage Shed	\$9,900	7
2024/37	Manildra St, Narromine	6/-/1120543	Carport	\$6,000	1
2024/38	Albert St, Trangie	C/-/370157	Domestic Stroage Shed	\$16,000,	8

There are currently 5 applications under assessment.

**Modification has been accounted for in December 2022 Report.*

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2021

Risk Management Issues

Nil

Internal/ external Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

2. FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY

Author	Manager Planning
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	CSP – 3.1.3 Ensure preservation and maintenance of the Shire's heritage buildings, objects and places of interest CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is a post-exhibition period update for Council to consider adopting the reviewed Heritage Fee Reduction Policy, renamed the Financial Assistance for Heritage Conservation Policy.

Report

The Financial Assistance for Heritage Conservation Policy was considered at the Ordinary Meeting, 8 May 2024. The updated Policy was placed on public exhibition in accordance with the Council resolution. The public could view the Policy via the Council website and in person at the Council Customer Service building.

No submissions from the public were received during the exhibition period (28 days). No further changes to the Policy have been made.

Financial Implications

Operational budget, if no specific heritage grant funding is available.

Legal and Regulatory Compliance

Considered 'financial assistance' in terms of Section 356 of the Local Government Act 1993 and will require a Council resolution.

Risk Management Issues

Nil.

Internal/External Consultation

The revised Policy was placed on public exhibition for 28 days commencing from Monday 13th May 2024. No submissions were received.

Attachments

- Financial Assistance for Heritage Conservation Policy (**Attachment No. 1**)

2. FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY

RECOMMENDATION

That Council adopts the Financial Assistance for Heritage Conservation Policy.

3. PLANNING PROPOSAL FOR DWELLING HOUSE 211 CERES SIDING RD, NARROMINE (LOT 2 DP826750)

Author	Manager Planning
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	LSPS – Priority 6 – Sustain and grow our local population.

Executive Summary

The intention of this report is to update the Council on the progress of the Planning Proposal (PP-2023-746) for Additional Permitted Use at 211 Ceres Siding Road, Narromine and seek resolution to proceed to finalisation in accordance with the Gateway Determination.

Report

Background

Council resolved at the July 2023 meeting to proceed with an amendment to the Narromine Local Environmental Plan 2011 for the site – specific provision of an additional permitted use for a dwelling house at 211 Ceres Siding Rd (Lot 2 DP826750). The Gateway Determination was issued 12 October 2023. Council resolved at the November 2023 meeting to proceed to public exhibition period (minimum 20 working days). The Gateway Determination also required the consultation with the Department of Primary Industries- Agriculture, and NSW Rural Fire Service (minimum 30 working days), which was carried out simultaneously. The Gateway Determination originally required Council to complete the LEP amendment process within 7 months of the determination i.e. 10 May 2024. An extension to this was granted with an Alteration of Gateway Determination, with updated timeframe for completing the LEP by 19 December 2024. Staff were to report to Council after the exhibition and consultation period to review any written objections and submissions.

3. PLANNING PROPOSAL FOR DWELLING HOUSE 211 CERES SIDING RD, NARROMINE (LOT 2 DP826750) (Cont'd)

Compliance with Gateway Conditions

Condition 2 required a Preliminary Site Investigation report be submitted to the planning proposal authority which informs the appropriateness of a dwelling house on the subject site, prior to the finalisation of the LEP. This report was received by Council "Lot 2, DP826750, 211 Ceres Siding Road Narromine 2821 Residual Pesticide Contamination Check (ref EW240756) prepared by EastWest EnviroAg (Consulting Environmental Scientists). This report satisfactorily addresses this condition.

Condition 3 Public Exhibition was required. This was carried out in accordance with the requirements, for the period 18 January 2024 to 15 February 2024 (20 working days). No public submissions were received.

Condition 4 Consultation with public authorities and government agencies was required – NSW Rural Fire Service (NSW RFS) and Department of Primary Industries – Agriculture (DPI -Ag) (30 working days). The NSW RFS responded with correspondence dated 2 February 2024 (**refer to Attachment No. 2**). In summary, the NSW RFS advised that the planning proposal is supported and it generally aligns with the aim and objectives of Planning for Bush Fire Protection (PBP) 2019.

DPI-Ag responded with correspondence dated 6 February 2024 and 28 June 2024 (**refer to Attachment No. 3**). The initial response did not support the Proposal and raised concerns:

- DPI-Ag noted to permit a dwelling house on Lot 2 with consent sets an inappropriate precedent for similar lots and future subdivision of RU1 Primary Production zoned land in the Narromine Local Government Area (LGA).
- The Proposal was not supported by a land use conflict risk assessment.
- The Proposal does not show strategic merit as the Narromine Shire Residential (and Large Lot Residential) Strategy 2018 (the Strategy) does not identify the land for potential residential development and lists the adjoining site (lot 661 Ceres Siding Road) and other land in the "outer-west" precinct as "Not suitable at this time" due to a range of reasons including flooding and impact on agriculture.

An outstanding objection from a public authority would remove Council's authorisation to exercise the functions of local plan-making authority.

The proponent responded to the DPI-Ag feedback and provided Council with a Land Use Conflict Risk Assessment (LUCRA). The LUCRA concluded and identified appropriate management strategies and mitigation measures that if carried out a dwelling house is unlikely to adversely impact on surrounding uses; particularly agricultural land uses within the area. Staff engaged with DPI-Ag, undertaking further consultation with this additional information.

**3. PLANNING PROPOSAL FOR DWELLING HOUSE 211 CERES SIDING RD, NARROMINE
(LOT 2 DP826750) (Cont'd)**

The second response from DPI-Ag, made it clear their feedback was not an objection to the Proposal. The following comments were made:

- With regard to strategic merit, the DPI-Ag acknowledged Council is best placed to make decisions on its future use and sought to ensure that Council gave full and careful consideration to the precedent it may set.
- The LUCRA has appropriately identified the potential impacts that the proposed dwelling house may experience from agricultural land uses in the vicinity. However, the DPI-Ag raised some further matters that may best be addressed at the development application stage for a dwelling, such as buffer plantings and setbacks.

Condition 5 – A public hearing is not required to be held.

Options

Council has the following options:

1. Resolve to proceed to finalisation.

This is the recommended option and last step in the LEP making process. Council staff would then prepare instructions for Parliamentary Counsel to draft the LEP and issue opinion that the LEP can be made. Once it is made it is notified on the NSW legislation web site.

2. Resolve not to proceed make the LEP.

If Council resolves not to make the LEP, staff would notify the Department Planning, Housing and Infrastructure and proponent.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

Risk Management Issues

Addresses site specific merit issues.

Manages expectation and demand and supports growth in the Shire by clarifying development standards.

Internal/External Consultation

The public exhibition involved written letters to neighbouring properties and online through Council website and the NSW Planning Portal. Hard copy was also available at the Council offices.

**3. PLANNING PROPOSAL FOR DWELLING HOUSE 211 CERES SIDING RD, NARROMINE
(LOT 2 DP826750) (Cont'd)**

In accordance with the Gateway Determination, consultation was required with the following government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Department of Primary Industries- Agriculture
- NSW Rural Fire Service.

The agency submissions are addressed in this report. No public submissions were received.

Attachments

- 2 - Copy of NSW RFS submission
- 3 - Copy of the DPI- Ag Submissions

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion (section 375A, Local Government Act 1993).

RECOMMENDATION

That Council proceed 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 for the Additional Permitted Use for a dwelling house at Lot 2 DP826750, 211 Ceres Siding Road, Narromine (Department Ref: PP-2023-746).

Phil Johnston
Director Community and Economic Development



Financial Assistance for Heritage Conservation Policy

DOCUMENT VERSION CONTROL

Version No.	Created by	Adopted By Council	Resolution No	Review Period
No. 1.0	<i>Community & Regulatory Services</i>	<i>14 May 2014</i>	<i>2014/139</i>	<i>Four Years</i>
No. 2.0	<i>General Managers Department</i>	<i>12 September 2018</i>	<i>2018/221</i>	<i>Four Years</i>
No. 3.0	<i>Community and Economic Development</i>			<i>Four Years</i>

FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY

POLICY NAME: Narromine Shire Council Financial Assistance for Heritage Conservation Policy

COUNCIL ADOPTION: 12 September 2018

RELEVANT LEGISLATION: Section 356 (2) Local Government Act 1993

RELATED POLICIES/DOCUMENTS:

- Department of Local Government (now Office of Local Government) Circular to Councils 06-32 dated 18 May 2006
- NSW Heritage Office Local Government Guidelines 2002

1. INTRODUCTION

1.1 Title and Commencement

This policy is titled *Financial Assistance for Heritage Conservation Policy*. This policy (previously titled Heritage Fee Reduction Policy) was first adopted by Council on 14 May 2014.

1.2 Purpose of the Policy

The purpose of the policy is to provide assistance for owners of properties subject to statutory heritage listings by reducing the cost of lodging development applications.

The purpose of this policy is to provide guidelines for consideration of financial assistance requests.

The reimbursement of development application fees, which are statutory charges, is considered 'financial assistance' in terms of Section 356 of the Local Government Act 1993. Therefore, applications for heritage related financial assistance will require Council resolution.

1.3 Objectives and Coverage of the Policy

The objectives of the Financial Assistance for Heritage Conservation Policy are to:

- provide conservation incentives for owners of heritage properties through financial assistance through reimbursement of development application fees.
- encourage investment of savings from the refund to be put towards the cost of any conservation work completed by an owner of a heritage property and thus provide a conservation incentive.

1.4 Definitions

For the purpose of this policy:

“Conservation work” means the restoration of the fabric of a heritage item or property within a heritage conservation area and its setting.

2. POLICY STATEMENT

2.1 Eligibility

This heritage incentive is offered to owners of privately owned residential and commercial properties that are listed as Heritage Items or are within Heritage Conservation Areas listed under Schedule 5 Environmental Heritage of the Narromine Local Environmental Plan 2011.

Government owned properties have been excluded from a reimbursement of DA fees as they are rate exempt or have access to other financial assistance.

2.2 Funding Limits

A reimbursement of development application fees for conservation work will be given provided the following requirements are complied with:

- The development relates to a privately owned property listed as a Heritage Item or is within a Conservation Area under Schedule 5 of the Narromine Local Environmental Plan 2011;
- The development involves conservation work as all or part of the application;
- A development application has been approved for the conservation work;
- The conservation work has been completed in accordance with the development consent and any conditions of development consent;

- An inspection to ensure the conservation work has been completed has been undertaken by a Council Officer;
- Copies of receipts received by the applicant for work undertaken (including any labour and material costs) have been supplied to Council;
- Where the conservation work costs less than the development application fee, the amount refunded will be for the cost of the conservation work only; and
- The reimbursement of fees is to be limited to that part of the development directly associated with the conservation work. Please refer to table 3.1 for examples.

Table 3.1 – % Reimbursement of DA fees for conservation work

Total Development Cost	Development Cost Involving Conservation Work	Percentage of Reimbursement of DA Fees (not total development cost)
\$10,000	\$5,000	50%
\$100,000	\$25,000	25%
\$200,000	\$20,000	10%
\$250,000	\$10,000	4%

The percentage of the reimbursement of fees is equivalent to the proportion of the cost of works involving conservation to the total development costs.

3. Approval Process

3.1 Legislative Requirements

The reimbursement of development application fees, which are statutory charges, is considered 'financial assistance' in terms of Section 356 of the Local Government Act 1993. Therefore, applications for fee reimbursement will require Council resolution. The application will be notified to Council and require approval by Council resolution. Section 377 (1) of the Local Government Act 1993 requires that applications to provide financial assistance must be resolved by Council.

3.2 The Application Process

The process of applying is as follows:

- i) An applicant approaches Council for guidance on conservation and redevelopment of a heritage item/site;
- ii) Inspection by staff and/or an appointed Heritage Adviser at the development site held to determine scope of works and required information (pre-lodgement meeting);
- iii) Development application lodged with Council including a heritage management document, cost estimate of conservation works as well as total development cost;
- iv) If approval is given, the applicant carried out the work in compliance with all conditions of development consent;
- v) Post development, the applicant provides a written request or form "Application for reimbursement of a heritage DA fee" and includes information to support the cost estimate of the conservation work;
- vi) A report is prepared for the next available meeting of Council and a determination is made on the application, and;
- vii) Council notifies the applicant of its decision and, if approved by Council, the refund amount is paid.

3.3 When Consent is not Required

In addition to the above, certain works and activities do not require a Development Application (see Subclause 5.10(3) of Narromine LEP 2011).

In this instance, this policy does not apply as there are no development application fees to reimburse.

3.4 Privacy

Narromine Shire Council collects information for the purposes stated on this Policy. Applications for fee reduction will require a public report to Council, which will include such information as the name of the applicant, the relevant development and the total amount of the fee reduction. Information included will be stored on the relevant Council file and may be accessible by requests for information under the GIPA Act. Council records are disposed in accordance with the General Authority for Local Government Records (GA39).



NSW RURAL FIRE SERVICE

Narromine Shire Council
PO Box 115
NARROMINE NSW 2821

Your reference: (PP-2023-746) Ref-2635
Our reference: SPI20240112000001

ATTENTION: Emma Yule

Date: Friday 2 February 2024

Dear Sir/Madam,

Strategic Planning Instrument LEP Amendment - Planning Proposal

Allow an additional permitted use for the purposes of a dwelling house on the subject land.

I refer to your correspondence dated 11/01/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed the documentation related to the planning proposal to allow the development of a dwelling house on the subject land at Lot 2 DP 826750. It is advised that the planning proposal is supported and it generally aligns with the aim and objectives of *Planning for Bush Fire Protection (PBP) 2019*.

The bush fire assessment provided in Section 4.4.1 of the planning proposal document (Report No: 123125_PP, Rev: 001C, dated 20 October 2023, prepared by Premise) is consistent with the NSW RFS mapping of vegetation, topography and bush fire risk around the proposed dwelling envelope. The woodland vegetation within the subject site is very minor, however, considering that it needs to be retained, relevant asset protection zones (APZs) will need to be provided. The Council can determine the bush fire protection measures at the dwelling construction stage based on a bush fire assessment prepared by a suitably qualified consultant considering the final location of the dwelling.

Considering that the bush fire risk within the area is low due to managed agricultural properties around the subject site, an alternate access, as per the provisions of Table 7.4a of *PBP 2019* for dwellings located more than 200 metres from a public road, is not considered necessary subject to suitable bush fire protection measures.

The future dwelling envelope on the subject lot will need to provide static water supply, in the form of tank, dam, swimming pool or like, of capacity 20,000 litres as per the provisions of Table 5.3d of *PBP 2019*.

For any queries regarding this correspondence, please contact Rohini Belapurkar on 1300 NSW RFS.

Yours sincerely,

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Department of Primary Industries - Agriculture

Department of Regional NSW



OUT24/1403

Ms Jane Redden
General Manager
Narromine Shire Council
PO Box 15
NARROMINE NSW 2821

eyule@narromine.nsw.gov.au

Attention: Emma Yule

Planning Proposal PP-2023-746 – 211 Ceres Siding Road Narromine

Dear Ms Redden

Thank you for your correspondence of 11 January 2024 and the opportunity to provide comment on planning proposal PP-2023-746 to permit a dwelling house with consent on Lot 2 DP 826750, 211 Ceres Siding Road, Narromine.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

NSW DPI Agriculture has reviewed the planning proposal. I note that the planning proposal states that Lot 2 was created for the purpose of agriculture and a restriction on the title prevents the erection of a dwelling.

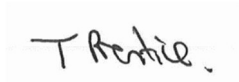
The proposal to amend the provisions of Narromine Local Environmental Plan (LEP) 2011 to permit a dwelling house on Lot 2 with consent sets an inappropriate precedent for similar lots and future subdivision of RU1 Primary Production zoned land in the Narromine local government area (LGA). NSW DPI Agriculture therefore does not support the planning proposal.

It appears that the planning proposal has not been supported by a land use conflict risk assessment which considers the potential impacts that may occur between the proposed dwelling and surrounding cropping activities and any necessary mitigation measures.

I also note that the site does not appear to have strategic merit as the Narromine Shire Residential (and Large Lot Residential) Strategy 2018 (the Strategy) does not identify the land for potential residential development and lists the adjoining site (lot 661 Ceres Siding Road) and other land in the “outer-west” precinct as “Not suitable at this time” due to a range of reasons including flooding and impact on agriculture.

Should you require clarification on any of the information contained in this response, I have arranged for Paul Garnett, Agricultural Land Use Planning Officer to assist you. Paul can be contacted on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au .

Sincerely



Tamara Prentice
Manager, Agricultural Land Use Planning

6 February 2024

Department of Primary Industries - Agriculture

Department of Regional NSW



OUT24/9772

Ms Jane Redden
General Manager
Narromine Shire Council
PO Box 15
NARROMINE NSW 2821

eyule@narromine.nsw.gov.au

Attention: Emma Yule

Land Use Conflict Risk Assessment to support Planning Proposal PP-2023-746 – 211 Ceres Siding Road Narromine

Dear Ms Redden

Thank you for your correspondence of 11 June 2024 and the opportunity to review the land use conflict risk assessment supporting planning proposal PP-2023-746 to permit a dwelling house with consent on Lot 2 DP 826750, 211 Ceres Siding Road, Narromine.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

I note Council's advice that NSW DPI Agriculture's correspondence of 6 February 2024 has been treated as a written objection to the planning proposal. While NSW DPI Agriculture did not support the proposal, we deliberately did not state an objection to the proposal as we are aware of the implications of an agency objection in the plan making process.

It is acknowledged that the planning proposal relates to a single lot with unique circumstances and Council is best placed to make decisions on its future use. NSW DPI Agriculture's submission sought only to ensure that Council gave full and careful consideration to the precedent it may set and the apparent inconsistency with the strategic planning framework for the local government area.

NSW DPI Agriculture has reviewed the land use conflict risk assessment (LUCRA).

The LUCRA has appropriately identified the potential impacts that the proposed dwelling house may experience from agricultural land uses in the vicinity.

To mitigate the expected impacts the LUCRA proposes the use of a vegetated buffer, appropriate setbacks and a building envelope, and construction of any future dwelling to Australian Standard AS 2021 (Acoustics – Aircraft noise intrusion – Building siting and construction).

The LUCRA does not however:

- provide detail on the recommended location, width, plant spacing or plant species that would comprise a vegetated buffer adequate to mitigate the expected impacts. It is noted that pictures of the vegetation along the southern boundary is included in the LUCRA however aerial photographs in the planning proposal indicate that there is no vegetated screen along the north, northeast and western boundaries of the lot.
- confirm whether the location of the building envelope proposed in the planning proposal is adequately setback from the surrounding land uses to mitigate any impacts.

As the planning proposal authority, and ultimately the consent authority for future dwelling house, Council should be satisfied that these potential impacts can be adequately addressed by the mitigation measures proposed. It is accepted that it may be necessary to consider these matters further at development application stage when the final design of the dwelling is known.

The LUCRA cannot however address NSW DPI Agriculture's other concerns with this proposal being the precedent it may set for similar lots and future subdivision of RU1 Primary Production zoned land, and the lack of strategic merit the site has for future residential development. However as mentioned previously we note these are matters that are best and ultimately decided by Council.

Should you require clarification on any of the information contained in this response, please don't hesitate to contact me by phone on 0429 864 501 or by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Paul Garnett
Manager, Agricultural Land Use Planning

28 June 2024