

**NARROMINE SHIRE COUNCIL  
ORDINARY MEETING BUSINESS PAPER – 8 MAY 2024  
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 April 2024.

**Report**

The approvals for the month of April 2024 brings the total approved Development Applications for the financial year to 48, with a total value of \$9,813,021. At this time last year there were 45 applications approved with a value of \$11,356,188.42.

<b>DA No.</b>	<b>Location</b>	<b>LOT/DP</b>	<b>Description</b>	<b>Value</b>	<b>Assessment Time/Days</b>
2023/23	244 Old Backwater Road, Narromine	9/-/DP876108	Storage shed	\$19,990	6
2023/62	145 Villeneuve Dr, Narromine	11/-/DP1077239	Dwelling and Pool	\$400,000	19
2024/01	47-49 Manildra St, Narromine	107/-/DP833097	Multi-dwelling Housing (social housing)	\$672,000	31
2024/04	170 Villeneuve Dr, Narromine	18/-/DP1077239	Swimming pool, shed and awning	\$124,500	11
2024/13	1-7 Dandaloo St, Narromine	3/1/DP758759	Signage and Shelter (outdoor dining area)	\$25,000	48

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**1. DEVELOPMENT APPROVALS (Cont'd)**

There are currently 9 applications under assessment.

***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

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**RECOMMENDATION**

That the information be noted.

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**2. PLANNING PROPOSAL – GENERAL AMENDMENT- LEP**

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

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**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.

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**Report**

The Planning Proposal includes a number of general amendments to the Narromine LEP following the previously adopted LEP Health Check. The Planning Proposal's aims and objectives are:

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## **2. PLANNING PROPOSAL – GENERAL AMENDMENT- LEP (Cont'd)**

- To amend the heritage item listings in Schedule 5 to reference correct address and title details for local heritage items and update mapping to refer to the current title; and
- To amend mapping to reflect recent dedication of land for recreation purposes; and
- To amend mapping to reflect boundaries of recent subdivisions to avoid unintentional split zoned parcels.

The Planning Proposal – GENERAL AMENDMENT – was submitted to the Department of Planning Housing and Infrastructure (DPHI) for Gateway Determination. The Gateway Determination was issued subject to conditions 12<sup>th</sup> January 2024 (Department Ref: PP-2023-2722). Conditions requiring amendments to the Planning Proposal were subsequently complied with and Council was advised by DPHI to proceed to public exhibition on 18<sup>th</sup> March 2024.

A condition required the public exhibition of the Planning Proposal. The Planning Proposal was exhibited and the community consultation period is complete. The Planning Proposal was on public exhibition from 28 March 2024 to 22 April 2024. No submissions were received.

The Gateway Determination requires Council to complete the LEP amendment process by 31 July 2024.

### **Legal and Regulatory Compliance**

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

### **Risk Management Issues**

Avoids expense for individual site-specific planning proposals in the future.  
Updated listings and mapping eliminate risk of misinterpretation of LEP intentions and development controls.

### **Internal/ external Consultation**

In accordance with the Gateway Determination, no consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.

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 (General Amendment) 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.

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**3. LEASE PART 37 BURRAWAY STREET, NARROMINE**

Author	Director Community & Economic Development
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.4 Ensure Council's property assets are monitored and well managed

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**Executive Summary**

This report is presented to Council to determine a continuation of lease and lease fee for part 37 Burraway Street, Narromine.

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**Report**

ARTC Inland Rail have requested the continuation of an existing lease of their office space at 37 Burraway Street. In August 2020, Council resolved (**Resolution No 2020/160**) to lease the office to Inland Rail for an initial period of 3 years. The lease was executed in June 2021 for the period from the 1<sup>st</sup> July 2021 to 30<sup>th</sup> June 2024.

The lease amount for the initial three year period was \$80,000.

The request to renew the lease has been made by ARTC under the same conditions as the existing lease. ARTC are requesting the lease be extended by 2 years and 2 by 1 year options be added.

In order to simplify the fee arrangement, it is proposed to revert to a per year lease fee that can more readily account for CPI increases. The year 1 lease fee is proposed to be \$29,500 (ex GST) and that CPI be added for each subsequent year.

The lease arrangement includes the use of the bathrooms and kitchen.

**Financial Implications**

Over the term of the lease period (4 years) an amount of approximately \$120,000 (ex GST) will be payable by Inland Rail- ARTC.

**Legal and Regulatory Compliance**

Subject to completion of lease agreement.

**Risk Management Issues**

The lessee is required to hold public liability insurance coverage in the amount of \$20,000,000 for the area leased from Council.

**Internal/External Consultation**

ARTC Inland Rail

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**3. LEASE PART 37 BURRAWAY STREET, NARROMINE (Cont'd)**

Attachments

Nil

**RECOMMENDATION**

1. That Council lease part of 37 Burraway Street, Narromine for a two year term with an option to renew for two by one years each, at a commencing rental (year 1) of \$29,500 GST excl.
2. That the lease fee increases by CPI in each subsequent year of the lease.
3. That the General Manager be delegated to finalise the details and execute the lease.

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**4. FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY**

<b>Author</b>	Manager Planning
<b>Responsible Officer</b>	Director Community and Economic Development
<b>Link to Strategic Plans</b>	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

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**Executive Summary**

This report is presented to Council to consider adopting the reviewed Heritage Fee Reduction Policy, renamed the Financial Assistance for Heritage Conservation Policy.

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**Report**

The Heritage Fee Reduction Policy was due for review in September 2023. Council originally considered the Heritage Fee Reduction Policy in October 2008 and the current Policy was adopted in 2014. The Policy supports the intentions of the Narromine Shire Summary Heritage Strategy. Conservation incentives were identified as an area which needed attention, to support owners of heritage listed buildings.

The updated Policy continues to encourage owners to contact Council prior to conducting any work on their heritage listed buildings and is supportive of conservation of heritage in our Shire.

**Financial Implications**

Operational budget, if no specific heritage grant funding available.

#### **4. FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY (Cont'd)**

##### ***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 will need to be placed on public exhibition for a period of 28 days.

##### **Attachments**

1. Financial Assistance for Heritage Conservation Policy.

##### **RECOMMENDATION**

That the draft revised Financial Assistance for Heritage Conservation Policy be endorsed and placed on public exhibition for a period of 28 days.

Phil Johnston  
**Director Community and Economic Development**



# Narromine

SHIRE COUNCIL

## Heritage Fee Reduction Financial Assistance for Heritage Conservation Policy

### DOCUMENT VERSION CONTROL

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

## **HERITAGE FEE REDUCTION FINANCIAL ASSISTANCE FOR HERITAGE CONSERVATION POLICY**

**POLICY NAME:** Narromine Shire Council ~~Heritage Fee Reduction 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 ~~Heritage Fee Reduction~~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 ~~reduction or waiving of development applications fees~~consideration of financial assistance requests.

The ~~reduction 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 reduction~~heritage related financial assistance will require Council resolution.



### 1.3 Objectives and Coverage of the Policy

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

- provide conservation incentives for owners of heritage properties through ~~reduction of 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 ~~refund of 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 ~~is proposed on~~ 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 ~~proposed~~ development involves conservation work as all or part of the application;
- A development application has been approved for the ~~proposed~~ 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

<b>Total Development Cost</b>	<b>Development Cost Involving Conservation Work</b>	<b>Percentage of Reimbursement of DA Fees (not total development cost)</b>
\$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 ~~reduction-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 ~~reduction~~ reimbursement will require Council resolution. The application ~~for fee reduction~~ 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 ~~for a heritage fee reduction~~ 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~~ the 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 ~~completes the form~~ provides a written request or form “Application for ~~reimbursement of~~ a heritage DA fee ~~reduction~~” 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 ~~Exempt Development~~ When Consent is not Required

In addition to the above, certain works and activities do not require a Development Application ~~if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area~~ (see ~~Subclause 5.10(3) of Narromine LEP 2011 clause 20(3) of Narromine LEP 1997~~).

~~Full Council must resolve in this manner to give effect to this exemption from the need for development consent.~~ In this instance, this policy does not apply as there are no development application fees to ~~reduce~~ 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).