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**NARROMINE SHIRE COUNCIL**  
**ORDINARY MEETING BUSINESS PAPER – 14 FEBRUARY 2024**  
**REPORTS TO COUNCIL - COMMUNITY AND ECONOMIC DEVELOPMENT**

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**5. PLANNING PROPOSAL – GENERAL AMENDMENT**

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

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**Executive Summary**

Council will recall its resolution in December 2023 to send the Planning Proposal for a General Amendment to the LEP to the Department of (now) Planning, Housing & Infrastructure (DPHI) for a gateway determination. Council has now received the gateway determination (15 Jan 2024). Conditions of the gateway are now to be complied with and ratified by Council prior to proceeding to public exhibition.

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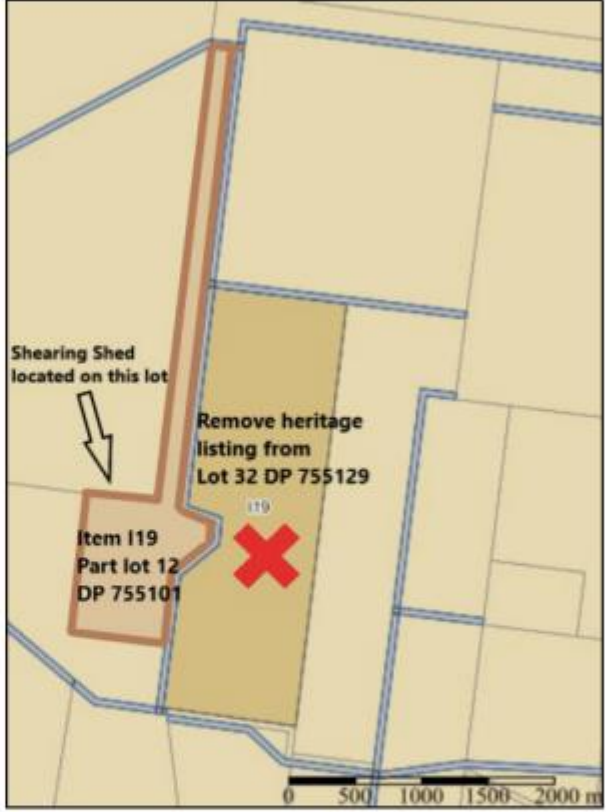
**Report**

Council sent the request for gateway determination to DPHI on 6 December 2023. The gateway determination was received by Council on 15 Jan 2024 (see below).

The following inconsistencies were identified and are clarified below.

Inconsistency	Change Proposed
<i>Heritage Items</i>	
<b>I14 Narromine Aerodrome</b> Council report and PP to both recommend Lots 14 DP 1041297 (Aeroclub and Aviation Museum) and Part Lot 23 DP 1278134 (Airfield, parade ground & Hangar 1) to be included in the curtilage of Narromine Aerodrome	PP to be amended to include both of these lots/part lots
<b>I18 The Masonic Lodge</b> Council report and PP to reflect correct property address as 41 Merilba Street	PP to be amended to include amended address
<b>I19 Waterloo Shearing Shed</b> DPHI recommends mapping to show Part Lot 12 DP 755101 – where the item is located (do not include the access handle)	PP to be amended with mapping and lot description altered to reflect this suggestion. See new map below.

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<p><b>124 Cemetery</b>  Council's report only proposes addition of Lot 7300 DP 1143224 whereas the planning proposal proposes both Lot 7300 DP1143224 and Lot 7009 DP 1024967</p>	<p>Following additional clarification of cemetery lots with rates/crown land – additional lots to be included with proposed amendment. Additional lots owned by the Crown – devolved to Council with a purpose of Plantation (to surround the cemetery).</p>
<p><u>Zoning</u>  DPHI recommend zoning change to SP2 Air Transport Facility in lieu of SP1 Aviation</p>	<p>Noted – this was a typo. Now rectified in PP as attached.</p>

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**5. PLANNING PROPOSAL – GENERAL AMENDMENT**



Department of Planning, Housing and Infrastructure

**Gateway Determination**

**Planning proposal (Department Ref: PP-2023-2722):** Narromine LEP General Amendment 2023

I, the Director, Western Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Narromine Local Environmental Plan 2011 to rectify heritage and land zoning errors should proceed subject to the following conditions:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 31 July 2024.

**Gateway Conditions**

- 1. Prior to community consultation, the planning proposal is to be amended to address the following matters:
  - a) Due to the inconsistencies identified in the planning proposal and Council's report dated 6 November 2023, Council is to ensure the correct amendments to the heritage schedule and mapping are proposed.
  - b) Areas surrounding the Narromine Skypark Residential Estate that are not for residential purposes are to be zoned SP2 Air Transport Facility in lieu of SP1 Air Transport Facility.
  - c) Amend the Project Timeline to reflect the Gateway determination of the proposal and the finalisation milestone date of 31 July 2024.
- 2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 10 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
- 3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 12 January 2024



Garry Hopkins  
Director, Western Region  
Local and Regional Planning  
Department of Planning, Housing and Infrastructure

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**5. PLANNING PROPOSAL – GENERAL AMENDMENT**

**Legal and Regulatory Compliance**

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2021

**Risk Management Issues**

The proposed changes alleviate potential risks in loopholes within Council's planning instrument.

**Internal/ external Consultation**

In accordance with Environmental Planning and Assessment Act/Regs by Department of Planning, Industry and Environment.

**Attachments**

- Planning Proposal General Amendment (**Attachment 1**)

**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:

1. Endorse the above proposed amendments in accordance with the gateway conditions from the Department of Planning, Housing & Infrastructure; and
2. Submit the amended Planning Proposal to the Department of Planning, Housing & Infrastructure for endorsement prior to proceeding to public exhibition.

Phil Johnston

**Director Community and Economic Development**

**5. PLANNING PROPOSAL – GENERAL AMENDMENT**

**RESOLVED** Crs Lambert/Hoey that Council;

1. Endorse the above proposed amendments in accordance with the gateway conditions from the Department of Planning, Housing & Infrastructure; and
2. Submit the amended Planning Proposal to the Department of Planning, Housing & Infrastructure for endorsement prior to proceeding to public exhibition.

**2024/022**

**Cr Davies called for a division on the planning matter. The vote was unanimous.**