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**NARROMINE SHIRE COUNCIL  
ORDINARY MEETING BUSINESS PAPER – 13 MARCH 2019  
REPORTS TO COUNCIL – GENERAL MANAGER**

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**1. PROPOSED ACQUISITION OF CROWN LAND – PART LOT 7300 DP 1148668**

<b>Author</b>	Executive Manager Corporate Governance
<b>Responsible Officer</b>	General Manager
<b>Link to Strategic Plans</b>	CSP – 2.3.3 Investigate opportunities to build on the Shire's central location and capture value from truck and freight movements DP – 2.3.3.1 – Upgrade truck wash facilities in Narromine and Trangie

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**Executive Summary**

This report is presented to Council to consider the proposed acquisition of a portion of Lot 7300 DP 1148668 for the essential public purpose of a truck wash facility.

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**Report**

Council currently provides a simple truck wash bay off the Mitchell Highway in Trangie near the Trangie Sewerage Treatment Plant. In order to capture value from truck and freight movements, Council's 2017-2018/2020-2021 Delivery Program identifies the necessity of upgrading the truck wash facility prior to 30 June 2020.

As such Council is applying for grant funding for the proposed upgrade. Part of this upgrade would be to expand the existing turning circle for trucks, install a pump station and construct another wash pond. In order to achieve this Council would need to expand the existing footprint of the Trangie truck wash into a portion of Lot 7300 as per the diagram below.



1. PROPOSED ACQUISITION OF CROWN LAND – PART LOT 7300 DP 1148668 (Cont'd)

Lot 7300 DP 1148668 is a Crown Reserve currently under the care, control and management of the Central West Local Land Services (LLS).

It is noted that the roadway is a Council Public Road as identified on Deposited Plan 1148668.

Contact has been made with both Crown Lands and LLS regarding the potential acquisition of a portion of this Reserve for the essential public purpose of a truck wash facility. Both Crown Lands and LLS have indicated that they have no objections to this proposed acquisition.

The truck wash pond already extends into a portion of the area that Council wishes to formally acquire. See aerial image below:-



A small portion of the proposed area (approximately 2733 sq m) is currently the subject of Aboriginal Land Claim 24116. Contact has also been made with the Trangie Local Aboriginal Land Council who have agreed to withdraw this portion of the claim so that Council can acquire the land for the purpose of the truck wash upgrades.

In order for Council to acquire the land under the Land Acquisition (Just Terms Compensation) Act 1991, it will be necessary for Council to pass the required motions to make application to the Minister for Local Government and the Governor for consent to the acquisition.

1. PROPOSED ACQUISITION OF CROWN LAND – PART LOT 7300 DP 1148668 (Cont'd)

*Financial Implications*

Estimated costs of acquisition:-

Cost of valuation, Purchase price of land, survey acquisition and compile residue, legal costs to obtain title - \$11 000 - \$15 000.

There is no allocation for this proposed acquisition in the budget and Council will need to resolve to allocate funds. Except for the valuation and upfront fees, the payment of the land itself will not be required in this financial year as the acquisition process takes approximately 9 months to complete (if there are no complications encountered).

*Legal and Regulatory Compliance*

Land Acquisition (Just Terms Compensation) Act 1991  
OLG - Guidelines for the Compulsory Acquisition of Lands by Councils  
Section 187 of the Local Government Act 1993

*Risk Management Issues*

Council has identified the need to upgrade the existing truck wash facilities in order to support truck and freight movements within our region. The upgrade will enlarge the existing footprint of the facility into a portion of Lot 7300 DP 1148668, owned by the Crown. Council will therefore need to resolve to acquire an area of approximately 1.524 ha for the provision of this essential public service.

*Internal/External Consultation*

Crown Lands  
Central West Local Land Service  
Trangie Local Aboriginal Land Council

Attachments

Nil

**RECOMMENDATION**

That Narromine Shire Council:-

1. Formally resolves to acquire a portion of Lot 7300 DP 1148668 being approximately 1.524 ha, adjacent to the southern boundary of Lot 7301 DP 1148668, for the essential public purpose of a truck wash facility. This acquisition to be made under the Land Acquisition (Just Terms Compensation) Act 1991.

1. PROPOSED ACQUISITION OF CROWN LAND – PART LOT 7300 DP 1148668 (Cont'd)
  
2. Make formal application to the Department of Industry (Crown Lands) for approval to acquire the portion of Lot 7300 DP 1148668 under the Land Acquisition (Just Terms Compensation) Act 1991.
3. Make application to the Minister for Local Government and the Governor for the acquisition of the portion of Lot 7300 DP 1148668 for the essential public purpose of a truck wash facility.
4. Upon acquisition, in accordance with Section 34 (103) of the Local Government Act 1993, give public notice of a proposed resolution to classify the land as operational land with the notice to include a description of the land and specify a period of not less than 28 days during which submissions may be made to Council.
5. Approval be granted to affix the common seal on any documents relating to the acquisition.
6. Meet all associated costs of the acquisition from the 2018/2019 operating budget.

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## 2. GIFTS AND BENEFITS POLICY

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

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### Executive Summary

This report is presented to Council to consider making the Gifts and Benefits Policy obsolete.

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### Report

Council's Gifts and Benefits Policy is attached (see Attachment No. 1).

Council will recall that at its Ordinary Meeting held in February 2019, the new Model Code of Conduct and Procedures was adopted. There are new rules governing the acceptance of gifts including mandatory reporting.

The Code of Conduct provides specific examples of gifts and benefits together with detailed rules in which gifts and benefits may be accepted or those that must be declined.

2. **GIFTS AND BENEFITS POLICY (Cont'd)**

Gifts and benefits of a token value may be accepted from a person or organisation over a 12 month period that, when aggregated, do not exceed a value of \$50 (including GST).

Should a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12 month period where the value of the gift, added to the value of the earlier gifts received from the same person or organisation, or a person associated with that person or organisation, exceeds \$50 in value, the gift cannot be accepted.

As Part 6 of the Code of Conduct now defines the value of token gifts and benefits and provides mandatory reporting of all gifts and benefits, Council's current Gifts and Benefits Policy is considered superfluous and is recommended to be made obsolete.

*Financial Implications*

Nil

*Legal and Regulatory Considerations*

Part 6 of the Model Code of Conduct 2019

*Risk Management Issues*

Nil – the provisions of gifts and benefits are adequately addressed in the Model Code of Conduct.

*Internal/External Consultation*

Nil

Attachments

- Gifts and Benefits Policy to be made obsolete

**RECOMMENDATION**

That the Gifts and Benefits Policy as attached to the report be made obsolete.

3. TRANGIE PLAYGROUP INC – LEASE PART TRANGIE SHOWGROUND

Author	Executive Manager Corporate Governance
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 the lease fee for the Trangie Playgroup Inc. to utilise a portion of the Trangie Showground facilities.

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Report

In December 2017, Council approved the Trangie Playgroup's use of the verandah and lawn area at the Trangie Showground once a week, as well as use of the room under the Grandstand for storage of their equipment, for a 12 month period, free of charge (*Resolution No 2017/342*).

This 12 month temporary licence agreement has now expired and the Trangie Playgroup have requested renewal for a further 12 month period with the same terms and conditions.

Council is the Trust Manager of this Crown reserve. Under the Crown Lands Management Act 2016, Council is able to manage the reserve as if it were public land under the Local Government Act 1993. Prior to the adoption of a compliant plan of management over Crown Land, Council is able to issue short-term licences of up to one year. It can also renew existing leases as long as the permitted use has not changed.

*Financial Implications*

The facilities have been provided free of charge for the past 12 months.

*Legal and Regulatory Considerations*

The existing temporary licence agreement between Council and the licensee has expired. The licensee has requested renewal on the same terms and conditions.

Crown Lands Management Act 2016  
Local Government Act 1993

*Risk Management Issues*

The licensee is required to hold adequate public liability insurance coverage for the area they lease from Council.

3. TRANGIE PLAYGROUP INC – **LEASE PART TRANGIE SHOWGROUND (Cont'd)**

The licensee is responsible for supervising the activities permitted by the licence agreement.

*Internal/External Consultation*

Licensee  
Director Community and Regulatory Services

Attachments

Nil

**RECOMMENDATION**

That the Trangie Playgroup Inc. be authorised to utilise the verandah and lawn area at the Trangie Showground once a week, in addition to storage of their equipment in the room under the Grandstand, for a further 12 month period, at rental of \$1.00 payable on demand.

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4. TRANSFER – **BENSON'S ROAD**, TOMINGLEY

Author	Executive Manager Corporate Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.6.1 Ensure local and regional roads are safe and well-constructed and maintained

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Executive Summary

This report is presented to Council to consider the transfer of **Crown Road (Benson's Road, Tomingley)** from NSW Department of Industry to Narromine Shire Council.

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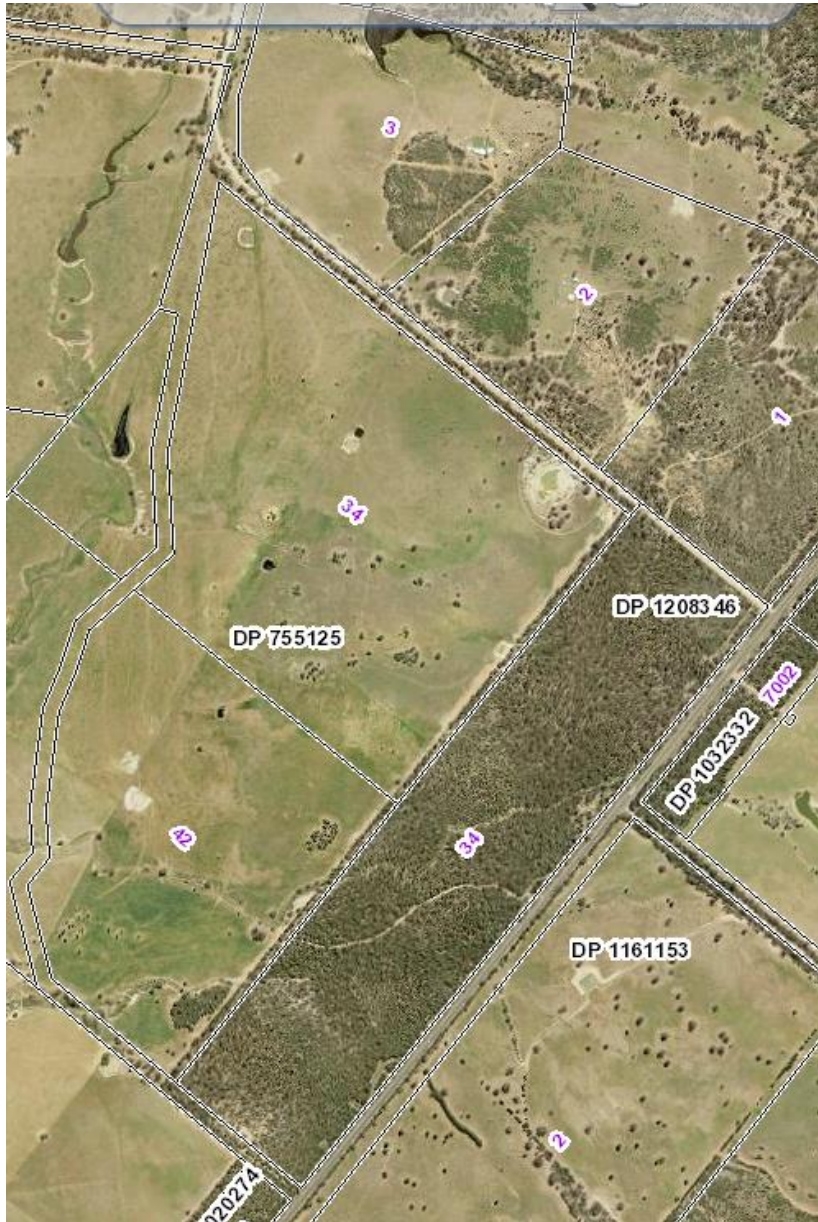
Report

A review of Council's road network has revealed that Benson's Road in Tomingley is a Crown Road. In addition, the Deposited Plan indicates that this Crown Road only extends to the north western boundary of Lot 34 DP 1208346, rather than to the Newell Highway.

The extract of the aerial view of this roadway clearly shows that the formed road extends to the Highway (see below).



4. TRANSFER – **BENSON'S ROAD, TOMINGLEY (Cont'd)**



Council has for many years maintained this roadway, which is locally known as Tantitha Road, however is depicted as Benson's Road on the Deposited Plan. 2 kms of bitumen seal is scheduled for the latter part of the year.

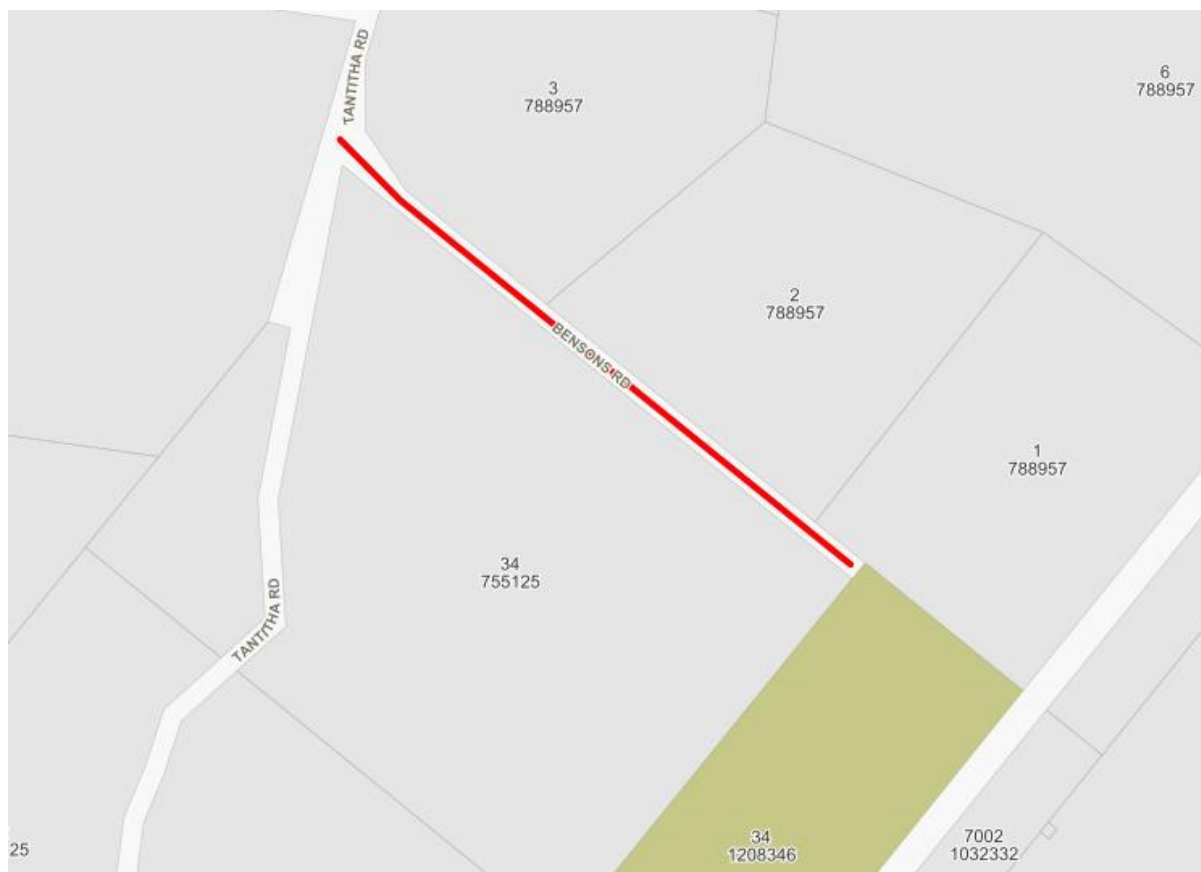
As can be seen on the above image, Tantitha Road extends through Lots 34 and 42 DP 755125, however this portion of the roadway is unformed.

Council is now in the process of seeking to formally register the existing roadway through Lot 34 DP 1208346 (Momo State Forest) via registration of a survey plan. Should the Forestry Corporation agree to this, this portion of the roadway will be dedicated as a Public Road in the registered plan.



4. TRANSFER – **BENSON'S ROAD, TOMINGLEY (Cont'd)**

In the meantime, Crown Lands have suggested that Benson's Road extending from Tantitha Road to the north western boundary of Lot 34 DP 1208346 (as per the diagram below) be dedicated as a public road, via gazettal.



*Financial Implications*

Council already manages Benson's Road, Tomingley and has done so for many years, therefore there should be no substantial cost to Council relating to the transfer of the road from NSW Department of Industry to Council.

There will be a cost to Council for the registration of the portion of roadway through Lot 34 to the Newell Highway.

*Legal and Regulatory Considerations*

Section 152I of the Roads Act 1993 states that the roads authority may, by order published in the Gazette, transfer a specified Crown road to another roads authority. On publication of the order, the road ceases to be a Crown road. If the road has been provided in a subdivision of Crown land for alienation, or has been reserved in the measurement of Crown land, the official plans of survey showing the road adjacent to the land subdivided or measured are evidence of the width, extent and position of the road.

4. TRANSFER – **BENSON'S ROAD, TOMINGLEY (Cont'd)**

*Risk Management Issues*

Now that Council has become aware of the discrepancy between the Deposited Plans and the existing formation of the roadway, it is important that the issue be resolved, particularly registration of the roadway through the Momo State Forest (Lot 34 DP 1208346).

Once in principle consent is received from Forestry Corporation to the registration of the roadway through Lot 34, a report will be provided to Council to formally consider the closure of the unformed portion of Tantitha Road.

*Internal/External Consultation*

NSW Department of Industry (Crown Lands)  
Correspondence has been sent to the Forestry Corporation concerning registration of the roadway through Lot 34 DP 1208346.

Attachments

Nil

**RECOMMENDATION**

That as Narromine Shire Council has for many years undertaken the maintenance of Benson's Road, Council formally agrees to the transfer of the subject Crown Road (Benson's Road, Tomingley) under Section 152I of the Roads Act 1993 from NSW Department of Industry to Council.

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5. DEVELOPMENT APPROVALS

Author	Executive Manager Health Building and Environmental Services
Responsible Officer	General Manager
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

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Executive Summary

This report provides information to Council on the approved Development Applications for the month of February 2019.

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Report

The approvals for the month of February 2019 bring the total approved Development Applications for the financial year to 59 with a total value of \$4,921,599.

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2019/05	Back Tomingley West Road Tomingley	40/755093	Subdivision	Nil	38
2019/06	Industry Avenue Narromine	42/26177	Shed	\$75,000	16
2019/08	Birch Street Narromine	88/810143	Carport	\$17,310	16
2019/9	Manildra Street Narromine	13/535283	Shed	\$12,000	19
2019/10	Mitchell Highway Narromine	4/755119	Shed	\$59,000	7
2019/11	Red Gum Place Narromine	4/1083159	Inground Pool	\$33,836	4

There are currently 2 applications under assessment.

*Financial Implications*

There have been 59 Development Approvals with a total value of \$4,921,599 for the financial year.

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

*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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NARROMINE SHIRE COUNCIL  
ORDINARY MEETING BUSINESS PAPER – 13 MARCH 2019  
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6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY

Author Executive Manger Health Building Environmental Services  
Responsible Officer General Manager  
Link to Strategic Plans CSP – 3.2.2 Ensure regulatory compliance with environmental legislation  
DP - 3.1.6.1 Ensure compliance with relevant building codes and regulations.

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#### EXECUTIVE SUMMARY

Application lodged	26 October 2018
Applicant/s	The Benzina Group c/- Joseph Sgro
Land description	Lots 45 & 46 DP 755110 10-12 Merilba Street, Tomingley
Proposed land use	Highway Service Centre
Value of the proposed development	\$3,000,000.00

#### REPORT

Council's consent is sought for a *Highway Service Centre*. The proposal relates to two (2) RU5 Village parcels described as Lots 45 and 46 DP 755110, and known as 10-12 Merilba Street, Tomingley.

The proposal comprises advertised development pursuant to the Development Control Plan. At the completion of the first public notice and exhibition period, a total of nine (9) submissions were received.

The development was notified a second time due to changes made at the request of the Roads and Maritime Services (RMS). During this period, two (2) submissions were received. The submissions generally related to the potential noise and light pollution and the associated impacts on the neighbourhood.

The proposal does not contravene the planning regime that applies to the land. The impacts of the development are considered to be within reasonable limits, consistent with applicable standards and addressed by appropriate conditions of development consent. Approval of the application is recommended.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)



Figure 1 Site and Surrounding Locality

## DECISION FRAMEWORK

Development in Narromine is governed by two key documents, the Narromine Local Environmental Plan 2011 and the Narromine Development Control Plan 2011.

### Narromine Local Environmental Plan 2011

The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the town and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed aims of the LEP itself are also to be considered and can be used to guide decision making around the appropriateness of development.

### Narromine Development Control Plan 2011

The DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

FINANCIAL IMPLICATIONS

Nil

LEGAL AND REGULATORY COMPLIANCE

Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulations 2000  
Roads Act 1993

RISK MANAGEMENT ISSUES

Nil

INTERNAL/EXTERNAL CONSULTATION

Roads and Maritime Services (RMS)

The Development Application was referred to the RMS for comment. The RMS required a redesign of the original proposal so that there was connectivity between the existing heavy vehicle rest area and the subject site. The RMS required that the connectivity between the two sites be away from the Newell Highway, which the applicant has proposed.

Essential Energy

The Development Application was referred to Essential Energy for comment. Essential energy did not object to the development. The comments provided by Essential Energy have been incorporated into the Conditions of Consent.

FURTHER CONSIDERATIONS

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

SUPPORTING INFORMATION

THE PROPOSAL

The proposal is seeking Council's consent for a *Highway Service Centre* on lots 45 & 46 DP 755110 – 10-12 Merilba Street, Tomingley.



6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

The proposal involves the following elements:

- The construction of a *Highway Service Centre* with a restaurant and convenience store;
- The installation of four double sided fuel dispensers under a car canopy;
- The installation of five double sided hose dispensers under a truck canopy;
- Associated car parking and loading bays and;
- 24 hour operation

#### MATTERS FOR CONSIDERATION

Section 1.7 – Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments.

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is unlikely to significantly affect a threatened species.

A Biodiversity Development Assessment Report is not required in support of the proposal.

It is evident that the parcels are unlikely to contain significant habitat or biodiversity value.

#### Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT S4.15 (1) (A) (I)  
Narromine Local Environmental Plan 2011

#### PART 1- PRELIMINARY

##### Clause 1.2 – Aims of the Plan

The broad aims of the LEP are set out under subclause two (2). Those relevant to the application are as follows:

- (a) *To encourage economic development through tourism activities, business, employment initiatives and fostering industry growth,*

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

(b) To protect and conserve the natural environment including surface and ground water, soil, air and native vegetation by encouraging sustainable development,

(c) To encourage sustainable agricultural practices, including intensive agriculture, by minimising land use conflicts and facilitating farm adjustments.

The application is considered to be broadly consistent with the above.

#### Clause 1.6 – Consent Authority

This clause established that, subject to the Act, Council is the consent authority for applications made under the Local Environmental Plan (LEP).

#### Clause 1.7 – Mapping

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	RU5 Village
Lot Size Map:	Minimum Lot Size 450m <sup>2</sup>
Heritage Map:	No
Flood Map:	No
Terrestrial Biodiversity Map:	No
Groundwater Vulnerability Map:	No
Watercourse Map:	No
Wetlands Map:	No

Those matters that are of relevance are addressed in detail in the body of this report.

#### Clause 1.9A Suspension of covenants, agreements and instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- Covenants imposed or required by Council
- Prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- Any conservation agreement under the *Nature Conservation Trust Act 2001*
- Any property vegetation plan under the *Native Vegetation Act 2003*
- Any bio banking agreement under Part 7A of the *Threatened Species Conservation Act 1995*.
- Any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council staff are not aware of the title of the subject property being affected by any of the above.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

Clause 2.1 – Land Use Zones

The subject land is located within the *RU5 Village zone*. The proposed development is defined as a *Highway Service Centre* under the Narromine LEP 2011 and is permitted with consent. This application is seeking consent.

Clause 2.3 – Zone Objectives and Land Use Tables

References the Land Use Table and Objectives for each zone in LEP 2011. The objective for land zoned *RU5 Village* is as follows:

The objectives of the *RU5 Village Zone* are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*

The development is considered to be consistent with the objectives of the *RU5 - Village zone*. The *Highway Service Centre* is not considered to increase land-use conflict or to have adverse impacts on the environment. The development is to be located fronting a significant highway with a number of heavy vehicles utilising the road network. An adjacent truck rest stop and RMS works depot immediately adjoin the site.

Tomingley also currently has an operating service station on the opposite side of the highway to capture the eastern flow of traffic. However, historic issues with trucks trying to refuel at the existing service station has regularly been raised by residents and the RMS to Council and it is anticipated that the proposal will alleviate some of this pressure for heavy vehicle refuelling.

Clause 2.7 Demolition requires development consent

This clause triggers the need for development consent in relation to a building or work, which the applicant has sought as part of this application. The demolition will be done in accordance with AS 2601-1991 *The Demolition of Structures* – a condition will be imposed on any consent issued.

PART 3 EXEMPT AND COMPLYING DEVELOPMENT

The application is not exempt or complying development.

PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

The Part 4 standards are not applicable to the proposal.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

PART 5 – MISCELLANEOUS PROVISIONS

The Part 5 standards are not applicable to the proposal.

PART 6 ADDITIONAL LOCAL PROVISIONS

6.1 Earthworks

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
- (b) *to allow earthworks of a minor nature without requiring a separate development consent.*

(2) *Development consent is required for earthworks unless:*

- (a) *the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
- (b) *the earthworks are ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters:*

- (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,*
- (b) *the effect of the development on the likely future use or redevelopment of the land,*
- (c) *the quality of the fill or the soil to be excavated, or both,*
- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) *the source of any fill material and the destination of any excavated material,*
- (f) *the likelihood of disturbing relics,*
- (g) *the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) *any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).*

The proposal will require earthworks to be undertaken over the site in order to construct the building; to install and place the Underground Petroleum Storage System (UPSS); install water storage tanks, install a waste water system; and to construct concrete aprons and vehicle crossovers.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

Due to the number of concerns raised regarding mine shafts and stability, the application was supported by a preliminary site assessment for underground works. The preliminary site assessment did not identify any evidence of mine shafts within the site boundary. However, a geotechnical assessment will be required to support the development at the construction certificate stage. This assessment will also need to cover groundwater seepage, fill to be used, and impacts on the site and surrounding lands.

### 6.3 Stormwater

- (1) *The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining downstream properties, native bushland and receiving waters.*
- (2) *This clause applies to all land in residential, business and industrial zones.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
  - (a) *is designed to maximise the use of water permeable surfaces on the land, having regard to the soil characteristics affecting on-site infiltration of water, and*
  - (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
  - (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The proposal was supported by a concept storm water management plan which also incorporates the capture and reuse of water onsite for gardens.

### 6.6 Groundwater vulnerability

- (1) *The objectives of this clause are to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.*
- (2) *This clause applies to land identified as "Vulnerable Land" on the [Groundwater Vulnerability Map](#).*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider:*

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

- (a) *whether or not the development (including any on-site storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

(4) *Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The proposal must demonstrate prior to issue of a construction certificate that the development including the proposed underground water storage, UPSS and waste management system will not have an impact on groundwater resources. A geotechnical assessment shall be undertaken and must include groundwater seepage.

#### 6.8 Essential services

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable road access.*

The proposal is capable of being provided with water, electricity, wastewater management, storm water drainage and suitable road access.

#### STATE ENVIRONMENTAL PLANNING POLICIES

##### State Environmental Planning Policy 55 – Remediation of Land

*State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) is applicable. Pursuant to Clause 7 Contamination and remediation is to be considered in determining development application:*

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 **MERILBA STREET, TOMINGLEY (Cont'd)**

(1) *A consent authority must not consent to the carrying out of any development on land unless:*

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In January 2018, the Department of Planning and Environment released an Explanation of Intended Effect and draft Guidelines outlining the intent to review SEPP 55. The draft Guidelines state that when undertaking an initial evaluation of contamination, a planning authority should consider whether there is any known or potential contamination on nearby or neighbouring properties, or in nearby groundwater, and whether that contamination needs to be considered in the assessment and decision making process.

There are no sites surrounding the subject land that are identified as being potentially contaminated. The proposal has historically been utilised for residential purposes and subsequently, there is no evidence of existing historic land uses causing contamination to the site.

Assessing the requirements outlined above, it is considered that the subject site is highly unlikely to be contaminated.

#### State Environmental Planning Policy 64 – Advertising and Signage

*(1) A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:*

- (a) is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and*
- (c) satisfies any other relevant requirements of this Policy.*

The proposal seeks approval for signage to be displayed at the frontage of the site. This will need to comply with the Fair Trading Act in relation to the display of fuel prices in both directions to the travelling public.

Final signage design and location details will be subject to a separate development application.



6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 **MERILBA STREET, TOMINGLEY (Cont'd)**

State Environmental Planning Policy (Infrastructure) 2007

The subject land has frontage to a classified road that being the Newell Highway, and SEPP Infrastructure 2007 (Division 17 Roads and Traffic) applies.

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*
- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
  - (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
    - (i) *the design of the vehicular access to the land, or*
    - (ii) *the emission of smoke or dust from the development, or*
    - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
  - (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The development has practicable and safe vehicular access to the subject site. Access to the *Highway Service Centre* is from Merilba Street and the Newell Highway. Associated impacts with noise, dust and light have been managed through the conditions of consent.

Clause 45 of SEPP Infrastructure requires a Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists),
- immediately adjacent to an electricity substation,
- within 5m of an overhead power line,
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5m of an overhead electricity power line, or
- placement of power lines underground.

The proposal is located within five (5) metres of an overhead powerline. As such, the development was forwarded to Essential Energy for comment. The commentary provided by Essential Energy has been incorporated into the Conditions of Consent.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1) (a) (ii)

There are no draft environmental planning instruments that apply to the subject land or the proposed development.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 **MERILBA STREET, TOMINGLEY (Cont'd)**

THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN 4.15 (1) (a) (iii)

Narromine Shire Council Development Control Plan 2011 applies to the land.

The following DCP clauses are specifically relevant to the assessment of the proposed development:

*Chapter 4 – Notification requirements*

The application was notified and advertised for a period of 21 days. Nine (9) objections were received during this period. The development was renotified for an additional fourteen (14) days due to a redesign. During this time, two (2) submissions were received.

*Chapter 5a) Residential Development*

Whilst the proposal is not for residential development, the DCP section refers to Tomingley specifically and the RU5 Village zone. The DCP requires a front setback for residential development of 20m however the proposal seeks to provide 19m to the front of the building, incorporating a driveway and landscaping. The minor variation is deemed acceptable on the basis of the site not being utilised for residential development.

Additionally, this chapter of the DCP refers to Mine Subsidence. The development is supported by a preliminary assessment of underground workings and mine shafts which includes the recommendation for geotechnical investigations prior to commencing construction. This will be required to be included as a condition of any consent issued.

*Chapter 5h) Other Development – Demolition*

All demolition work must comply with Australian Standard AS2601 – Demolition of structures. A condition of consent will be required in this regard.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

The development was initially advertised as Integrated Development. Feedback was received from the RMS who advised that under Section 7 of the Roads Act, that the development was not considered to be Integrated Development. As such, the development is deemed to be Local.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 **MERILBA STREET, TOMINGLEY (Cont'd)**

ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4 S4.15 (1) (a) (iiia)

There are no planning agreements currently relating to the site.

The developer is to enter into a Voluntary Planning Agreement (VPA) with Council. The VPA will be subject to a separate report to be determined by Council.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15 (1) (a) (iv)

Division 8 of Part 6 of the Environmental Planning and Assessment Regulation 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application. Consideration of these matters is included below:

- Clause 92 - Government Coastal Policy - Not applicable to the Narromine Shire Local Government Area.
- Clause 92 - Building Demolition - The demolition will be done in accordance with AS 2601-1991 *The Demolition of Structures* – a condition will be imposed on any consent issued.
- Clauses 93 & 94 – Fire Safety Upgrades – not relevant to the proposal.
- Clause 94A - Temporary Structures - not relevant to the proposal.
- Clause 95 - Deferred Commencement - not relevant to the proposal.
- Clause 96 – Ancillary aspects of development - not relevant to the proposal.
- Clause 97 - Modification or surrender of development consent or existing use - not relevant to the proposal.
- Clause 97A - Fulfilment of BASIX commitments – Not applicable to commercial development. Section J requirements will need to be achieved under the National Construction Code (NCC).

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15 (1) (b)

The likely impacts of the development have been considered in the foregoing assessment under the Narromine Local Environmental Plan 2011 and Councils Development Control Plan 2011. It is considered that the likely impacts of the proposed development are acceptable and can be adequately managed via conditions of consent in the attached Notice of Determination.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-**12 MERILBA STREET, TOMINGLEY (Cont'd)**

- Noise and Vibration – There is considered to be a minimal increase in noise and vibration as a result of the proposal. The site fronts a major highway network and also adjoins a heavy vehicle stopping area which includes toilet and rest facilities. The proposal has also been supported by an acoustic assessment and includes recommendation of the following types of acoustic barriers (with no gaps) in the rear boundary of the site within the landscaping:
  - 15mm double lapped thick timber fence at an offset or
  - 15mm thick compressed fibre cement panels or
  - 6mm thick compressed fibre cement panels either side of a 50mm thick steel frame with fibre glass insulation batts in the cavity.

All recommendations within the Acoustic Assessment shall be adhered to in the construction and operational phases of the development.

- Social Impact in the Locality – Social impacts on the locality are deemed to be positive including the ability to provide jobs for the village outside of the mining environment.

The development will have a positive social impact in regard to the potential to minimise the number of complaints regarding illegal parking with particular reference to trucks continually parking across driveways and within the road reserve.

- Economic Impact in the Locality – Economic impact on the locality is identified to be positive with a new business operating in the area, providing jobs and economic activity within the village area. The further benefits include upgrades to an unsealed road and also rectifying the overgrown allotment.
- Site Design and Internal Design – The site design has been modified by the applicant to ensure queuing onto the highway does not impact on the efficiency of the road network and also separates heavy vehicles from light vehicles.
- Cumulative Impacts – Minimal cumulative impact is identified from the proposal however a number of conditions will be included to ensure the development retains a positive impact on the village during operations.

#### THE SUITABILITY OF THE SITE s4.15 (1) (c)

The site has the capacity to support the proposal without creating adverse impacts on the site and adjoining land. The Highway Service Centre will be wholly located on the subject allotment. The proposed development will be in character for the area and will not lead to cumulative impacts on the environment, neighbouring land-uses, cultural or heritage items.

NARROMINE SHIRE COUNCIL  
 ORDINARY MEETING BUSINESS PAPER – 13 MARCH 2019  
 REPORTS TO COUNCIL – GENERAL MANAGER

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
 LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15 (1) (d)

The development was first notified and advertised for a period of 21 days. Nine (9) submissions of objection were received during the notification and advertising period.

An amendment was made to the development at the request of the Roads and Maritime Services (RMS). The amendment required that the development be re-notified for fourteen (14) days. During the second notification period, two (2) submissions were received.

The below provides a summary of the submissions received during both exhibition periods.

Matter Raised	Council Response
Rezoning for commercial occupancy	The subject land has not been rezoned and the RU5 Village Zone permits the proposed land use of a <i>highway service centre</i> .
Noise and light during construction and operation	The proposal will require noise barriers in the manner of fencing within the landscaping of the site. It is to be installed at the rear boundary with light and glare management a condition of the ongoing use of the facility required.
Road for access will not cope with heavy vehicles as it is a laneway	The applicant will be required to upgrade Merilba Street and its intersection with the Highway.
Surface water loss for their dams	The applicant will be required to upgrade Merilba Street which will include new drainage.
Native birds in the trees which are a protected species	The site and immediately surrounding lands are not identified to contain threatened or protected flora or fauna. The site is zoned RU5 Village which allows for the proposed form of development over the site. The Biodiversity Conservation Act 2016 also permits clearing of native vegetation whereby the BOS is not triggered and as a result no further assessment is warranted. It should also be noted that the site will retain a number of trees within the rear of the site for landscaping purposes.
Mine Shafts	The development was supported by a preliminary site assessment to identify any shafts over the land. The site assessment did not identify any immediate shafts or workings however recommended a geotechnical assessment be undertaken prior to construction activities taking place.

NARROMINE SHIRE COUNCIL  
 ORDINARY MEETING BUSINESS PAPER – 13 MARCH 2019  
 REPORTS TO COUNCIL – GENERAL MANAGER

Garbage collection issues	Whilst the development will require garbage collection, this will need to be via a contract arrangement and the proposal cannot control the garbage collection at other locations. It is anticipated however that the improved road upgrade via Merilba Street will allow for improved garbage collection in the vicinity of the site.
Other roadhouse dilapidated in the area	The proposal cannot control other developments in the area and/or the maintenance of the buildings in the village.
Tomingley Advancement consultation not undertaken	The proposal was submitted to Council after the Tomingley Advancement meeting held in October 2018 however notification of the application was mailed to immediately adjoining owners, a sign placed on the front of the site and also a notice placed in the newspaper for 3 weeks advising of the proposal. The development was also renotified for a period of fourteen (14) to adjoining neighbours and those who placed a submission during the first advertising period.
Property Values	Property values and impacts on such values are not considered to be a planning consideration however, the proposal seeks to mitigate impacts on all surrounding lands during construction, operation and for the life of the development. Additional conditions of consent proposed will also mitigate such values.
Traffic congestion	The proposal seeks to improve the traffic, particularly heavy vehicles on the highway road reserve waiting for fuel at the fuel station on the opposite side of the highway. The proposal was also support by a Traffic Impact Assessment and RMS concurrence has been sought.
Dust	The proposal will require dust mitigation during construction and it is not expected that the proposal will generate any further dust during operation with the site fully sealed.
Rubbish	The proposal will require the management of waste during construction and operation including ongoing litter pick up by staff. A condition of consent in this regard will be enforceable.

PUBLIC INTEREST s4.15 (1) (e)

The proposed development is considered to pose no significant impacts on the public interest. The proposal is not inconsistent with any relevant policy statements, planning studies, and guidelines etc., which have not been considered in this assessment.

6. DEVELOPMENT APPLICATION DA 71/2018 – HIGHWAY SERVICE CENTRE  
LOT 45 & 46 DP 755110 – 10-12 MERILBA STREET, TOMINGLEY (Cont'd)

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of the Narromine Local Environmental Plan 2011 and the Narromine Shire Development Control Plan 2011. A section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

A division must be called for this planning matter.

Attachments

- 1 Notice of Determination (this attachment will be presented to Council as a supplementary report prior to the Meeting, due to finalisation of RMS requirements)
- 2 Plans
- 3 Submissions

RECOMMENDATION

That Council resolves to issue consent to development application 2018/71 for a *Highway Service Centre* at lot 45 and 46 DP 755110 – 10-12 Merilba Street, Tomingley, pursuant to the conditions of consent attached in the Notice of Determination.

Jane Redden  
General Manager





## POLICY – GIFTS AND BENEFITS

*Adopted by Council 21 September 2016, Resolution No 2016/268*

1. Introduction
2. Terms
3. Glossary
4. Bribes
5. Gifts and Benefits
6. Improper and Undue Influence
7. Gifts Register

## 1. INTRODUCTION

This policy and its guidelines aim to minimise the risk that unethical or corrupt conduct will occur by providing a framework for Council officials on the ethical considerations involved in the giving and receiving of gifts and benefits in the course of their official duties.

It is essential that all Council officials do not place themselves in situations which could give rise to a conflict of interest.

## 2. TERMS

The term “you” used in this policy refers to all Council officials.

The Code of Conduct defines Council officials as “Councillors, members of staff of Council, Administrators, Council Committee members, Conduct Reviewers and delegates of council. A delegate of Council is a person (other than a Councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the Council is delegated.

For the purposes of this policy, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

## 3. GLOSSARY

Gifts and Benefits – any item, service, prize, hospitality or travel, provided by a customer, client, applicant, supplier, potential supplier or external organisation, which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate (*NSW Public Service Commission*)

Bribe – a gift or benefit offered to or received by any person in public office to **influence that person's behaviour in that office, and to incline that person to act** contrary to accepted rules of honesty and integrity (*NSW Judicial Commission*)

Corrupt Conduct – the conduct of any person (whether or not a public official) that impairs, or could impair public confidence in administration and which could involve any of the following matters:- collusive tendering; fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources; dishonesty obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage; defrauding the public revenue; or fraudulently obtaining or retaining employment or appointment as a public official (*NSW ICAC*)

Gift Register - an official record that details gifts and benefits received by Council officials and how they are managed.

Token In Value - refers to the amount set by Council to guide Council officials in terms of what would be considered a minor amount, currently \$50.00.

#### 4. BRIBES

Bribes should never be accepted. A person offered a bribe should refuse it and report the incident as soon as possible to their supervisor. Council will take steps to report the matter to ICAC and the police immediately.

Receiving a bribe is an offence under both the common law and NSW legislation.

The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence that person's behaviour in that office, and to incline that person to act contrary to accepted rules of honesty and integrity.

#### Guidelines

*What to do if you receive an offer of a bribe.*

1. If you think you have been offered a bribe, your supervisor (or appropriate senior officer) must inform senior management immediately. If your supervisor (or appropriate senior officer) does not do this, you should inform senior management yourself.
2. If you have been offered a bribe, the ICAC and the Police must be notified immediately. This will ordinarily be done by the Council. However, if this action is not taken expeditiously the employee may do so themselves.

Council is committed to promoting ethical behaviour. Reports of unethical behaviour, fraud, corruption, maladministration or waste can be made to your supervisor, Director, General Manager or Council's Public Officer on 02 6889 9999.

External reporting can also be made to:

- Independent Commission Against Corruption 02 8281 5999
- NSW Ombudsman 02 9286 1000
- NSW Office of Local Government 02 4428 4100
- Information Commissioner 1800 472 679

Public officials reporting corrupt conduct, maladministration, waste of public money, breach of the GIPA Act and Local Government pecuniary interest contravention can be protected by the *Public Interest Disclosures Act 1994*. This Act protects public officials who are disclosing the above wrongdoing from reprisal or detrimental action and ensures disclosures are properly investigated. The Council has an adopted policy on *Internal Reporting under the Public Interest Disclosures Act 1994*.

## 5. GIFTS AND BENEFITS

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from Council.

You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

### Token Gifts and Benefits

Generally speaking, token gifts and benefits include:-

- (a) free or subsidized meals, beverages or refreshments provided in conjunction with:
  - (i) The discussion of official business
  - (ii) Council work related events such as training, education sessions, workshops
  - (iii) conferences
  - (iv) Council functions or events
  - (v) Social functions organized by groups, such as Council committees and community organizations
- (b) Invitations to and attendance at local social, cultural or sporting events
- (c) Gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- (d) Ties, scarves, coasters, tie pins, diaries, chocolates or flowers
- (e) Prizes of token value

Council's token value for gifts and benefits is currently \$50.00.

Notwithstanding the above, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

*How are offers of gifts and benefits to be dealt with?*

You must not:-

- (a) Seek or accept a bribe or other improper inducement
- (b) Seek gifts or benefits of any kind
- (c) Accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- (d) Accept any gift or benefit of more than token value
- (e) Accept an offer of cash or a cash-like gift, regardless of the amount

A “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.

Where you receive a gift or benefit of more than token value that you cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

#### 6. IMPROPER AND UNDUE INFLUENCE

You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A Councillor will not be in breach of this clause where they seek to influence other Council officials through the appropriate exercise of their representative functions.

You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

#### 7. GIFTS REGISTER

Council will maintain a gifts and benefits register. The register will be maintained by the Manager Corporate Governance and all staff receiving a gift or benefit greater than token value will complete the register.

The register will contain the following information;

- Date of the offer or receipt
- The name of the recipient
- Signature of the recipient
- The name of the person who offered the gift and their organisation
- Description of the gift or benefit
- Estimated value of the gift or benefit, where possible supported by evidence
- Description of the context in which the gift or benefit was offered and/or received
- Disclosure of any relationship – business or personal – between the giver and receiver
- The decision taken in relation to the gift – accept and retain; accept and dispose; refuse
- Reasons for the decision
- The name and signature of the General Manager or his/her nominee approving



GIFT/BENEFIT REGISTER DISCLOSURE

DATE OF OFFER OR RECEIPT OF GIFT .....

**NAME OF RECIPIENT:**.....

SIGNATURE OF THE RECIPIENT .....

NAME AND ORGANISATION OF GIVER .....

.....

**DESCRIPTION OF GIFT:**.....

ESTIMATED **VALUE OF GIFT:**.....

CONTEXT IN WHICH GIFT OFFERED .....

.....

RELATIONSHIP TO GIVER (Business/Personal/None).....

.....

DECISION TAKEN IN RELATION TO GIFT

Accept and retain .....

Accept and surrender to Council .....

Refuse .....

REASONS FOR THE DECISION .....

.....

.....

APPROVAL OF GENERAL MANAGER/NOMINEE

Name .....

Signature .....

Date .....

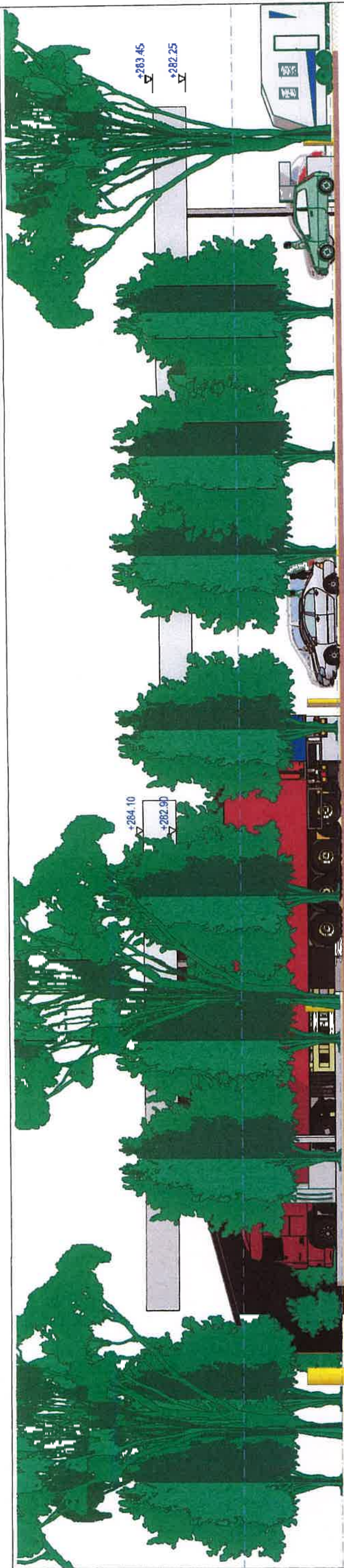


Version Number	Created By	First Adopted By Council	Review Period	Presented to CC
1.0	Belinda Hollingworth	16 October 2012	4 Years	June 2012
2.0	Corporate, Community & Regulatory Services	21 September 2016	4 years	

Return to report








**E-03 EAST ELEVATION**  
1:100

E-03



**E-04 WEST ELEVATION**  
1:100

E-04

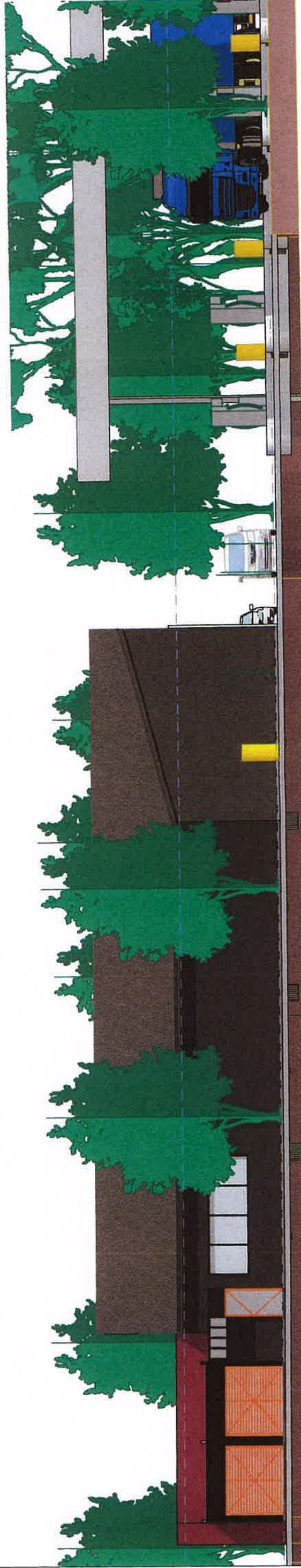
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INTERIORS 1/150-152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000</p>	<p>Project Name: <b>Tomingley Truck Stop</b></p> <p>Client: <b>The Benzina Group</b></p> <p>PO Box 345 Parramatta NSW 2151 P: +61 (0)2 9639 2222   E: info@eco-in-house.com</p>	<p>Site: <b>LOTS 45 &amp; 46 DP755110 Tomingley NSW 2869</b></p> <p>Drawing Title: <b>DA ELEVATIONS E-02 ELEVATION E-02</b></p>	<p>Revision: <b>B</b></p> <p>DA NO: <b>DA 301</b></p>	<p>Drawn By: <b>AB</b></p> <p>Project No: <b>80818</b></p> <p>Plot Date: <b>7/10/18</b></p>
	<p>Scale: 1:100</p> <p>by: <b>AB</b></p> <p>amendment: <b>truck entry</b></p>	<p>date: <b>7/10/18</b></p> <p>revision: <b>A</b></p>	<p>Project Name: <b>Tomingley Truck Stop</b></p> <p>Client: <b>The Benzina Group</b></p> <p>PO Box 345 Parramatta NSW 2151 P: +61 (0)2 9639 2222   E: info@eco-in-house.com</p>	<p>Site: <b>LOTS 45 &amp; 46 DP755110 Tomingley NSW 2869</b></p> <p>Drawing Title: <b>DA ELEVATIONS E-02 ELEVATION E-02</b></p>	<p>Revision: <b>B</b></p> <p>DA NO: <b>DA 301</b></p>






**E-01 NORTH ELEVATION**  
1:100

**E-01**

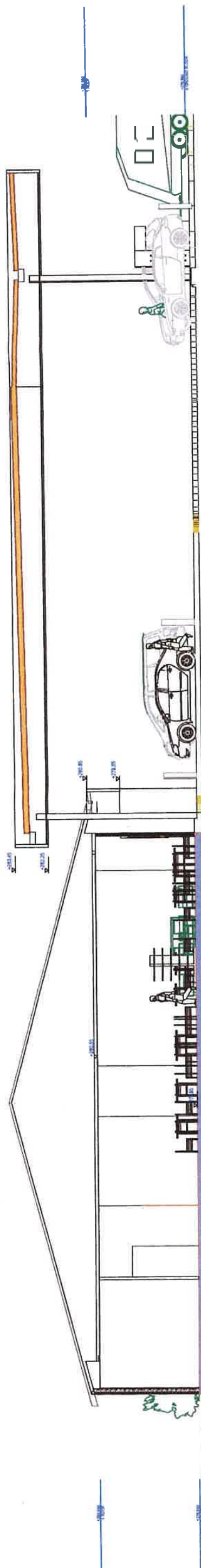


**E-02 SOUTH ELEVATION**  
1:100

**E-02**

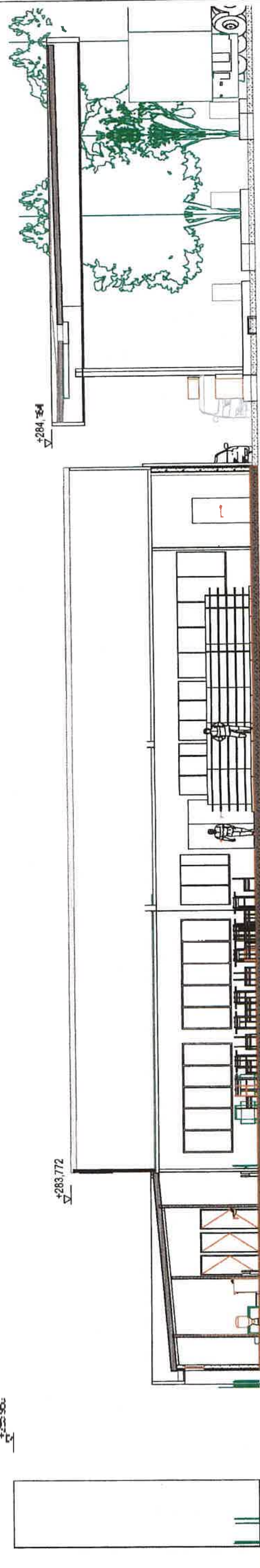
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	<p><b>Scale:</b> 1:100</p>	<p><b>Author:</b> A</p> <p><b>Check:</b> A</p> <p><b>Drawn:</b> A</p> <p><b>Revised:</b> A</p>	<p><b>Project:</b> A</p> <p><b>Revision:</b> A</p>	<p><b>Project:</b> A</p> <p><b>Revision:</b> A</p>	<p><b>Project:</b> A</p> <p><b>Revision:</b> A</p>





S-03 SECTION

1:100



S-04 SECTION

1:100

**PROJECT NAME:** Tomingley Truck Stop

**CLIENT:** The Barza Group

**LOCATION:** Highway 111, Junction 100

**SCALE:** 1:100

**DATE:** 2011

**DRAWING NO.:** DA 201

**SECTION:** SECTION S-02

**PROJECT NO.:** 111/J100/01

**DATE:** 2011

**SCALE:** 1:100

**SECTION:** SECTION S-02

**PROJECT NO.:** 111/J100/01

**DATE:** 2011

**SCALE:** 1:100

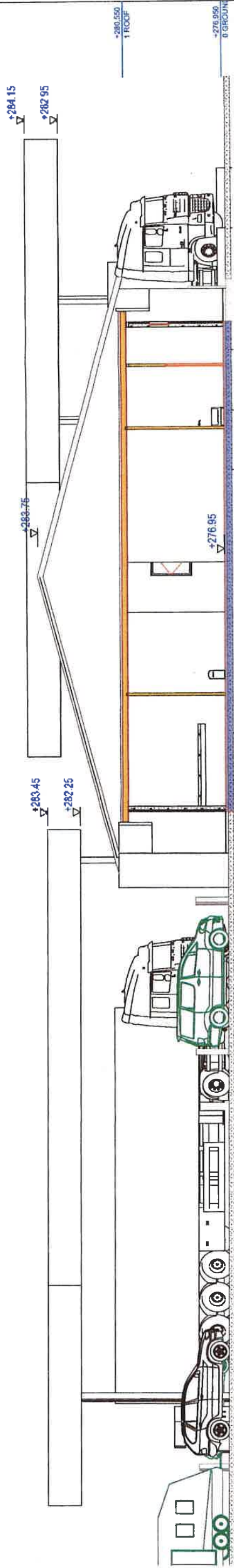
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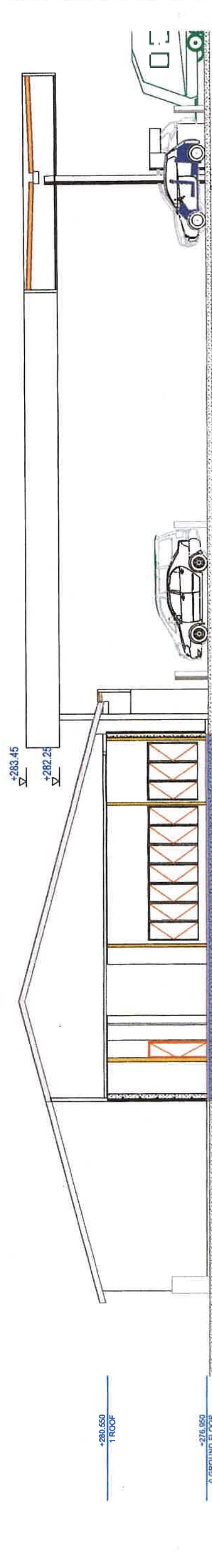
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1:100

S-01 SECTION

S-01



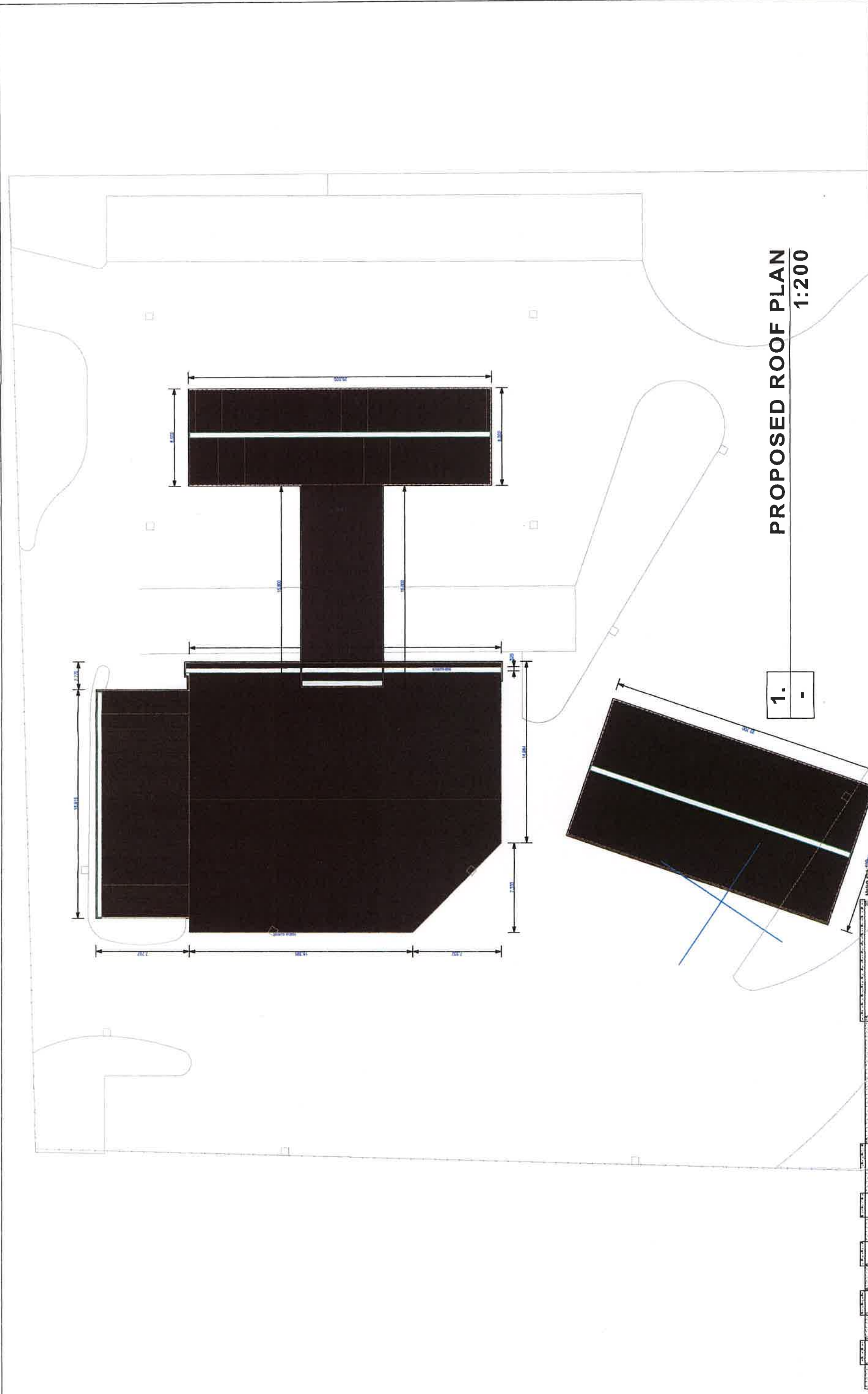
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S-02 SECTION

S-02


	<p><b>Eco In-House</b>          100/102-104/106          2014-2017          www.ecoinhouse.com.au  <b>General Notes</b>          The Builder has used all reasonable endeavours to ensure the accuracy of this plan. Any errors or omissions are the responsibility of the client. All dimensions and materials subject to change.</p>	<p>DATE: 11/10/18          DRAWN BY: [Signature]</p>	<p>PROJECT NAME:  <b>Tomingley Truck Stop</b>          CLIENT:          The Benzina Group          PO Box 385          Perth WA 6150          P: (08) 9488 1111   E: j.p@ecoinhouse.com.au</p>	<p>SITE:          LOTS 45 &amp; 46 DP755110          Tomingley NSW 2869          DRAWING TITLE:  <b>DA SECTIONS          SECTION S-01</b></p>	<p>REVISIONS:          0000000  <b>DA 200</b></p>	<p>PROJECT NO:  <b>B</b>  <b>80818</b></p>	<p>DATE:          11/10/18</p>

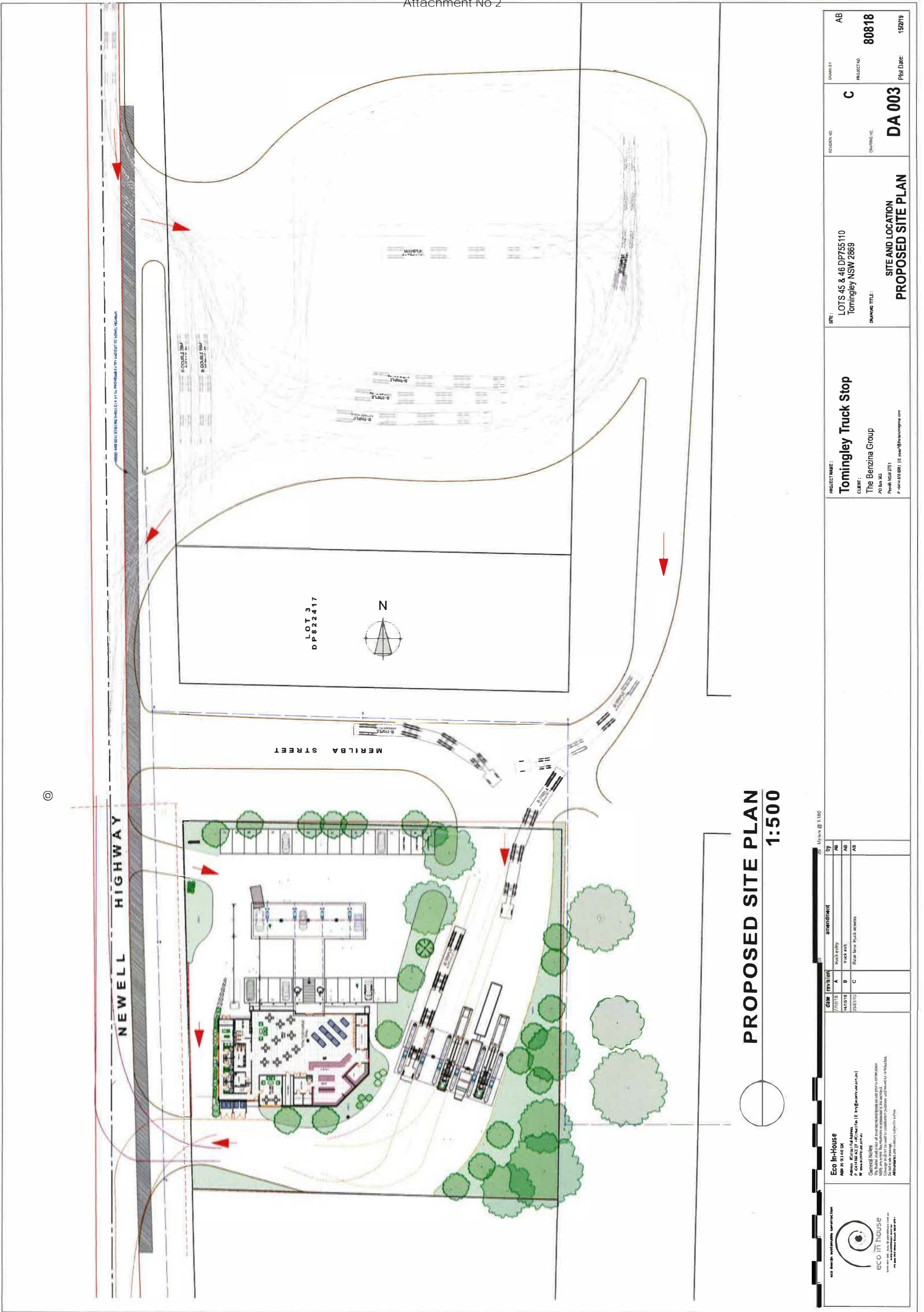





**PROPOSED ROOF PLAN**  
**1:200**

1. -

 <p><b>Eco In-House</b>          1/100 RIVERVIEW DRIVE          WARRIMUN NSW 2539          PH: 08 9438 1211          WWW.ECOINHOUSE.COM.AU</p>	<p><b>date</b> 11/01/18  <b>revision</b> A  <b>description</b> Bulk entry</p>	<p>by          AB</p>	<p><b>PROJECT NAME:</b>  <b>Tomingley Truck Stop</b></p> <p><b>CLIENT:</b>          The Benzina Group          PO Box 304          Perth WA 6150          P: 08 9448 1211   E: info@benzina.com.au</p>	<p><b>SITE:</b>          LOTS 45 &amp; 46 DP755110          Tomingley NSW 2869</p> <p><b>DRAWING TITLE:</b>  <b>DA PLANS</b>  <b>PROPOSED ROOF PLAN</b></p>	<p><b>NOVOLUME:</b>          B</p> <p><b>DRAWING:</b>          DA 101</p>	<p><b>DRAWN BY:</b>          AB</p> <p><b>PROJECT NO:</b>          80818</p> <p><b>Plot Date:</b>          7/10/18</p>
	<p>COPIES OF THIS DRAWING ARE TO BE KEPT AT THE PROJECT SITE AND NOT TO BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF ECO IN-HOUSE. ANY CHANGES TO THIS DRAWING MUST BE APPROVED BY ECO IN-HOUSE.</p>					



 <p>eco in house 1/100-1/1500 1/100-1/1500 1/100-1/1500</p>	<p><b>Eco In-House</b> Address: 2/100-1/1500 Phone: 08 8333 1111 Website: www.ecoinhouse.com.au</p> <p><b>Contractor:</b> The main contractor is responsible for the design and construction of the site. The contractor is responsible for the design and construction of the site. The contractor is responsible for the design and construction of the site.</p>	<p><b>DATE</b></p> <p>7/10/18 14/10/18 24/11/18</p>	<p><b>REVISION</b></p> <p>A B C</p>	<p><b>amendment</b></p> <p>truck entry truck exit Rear lane truck access</p>	<p><b>By</b></p> <p>AB AB AB</p>
		<p><b>PROJECT NAME:</b> Tomingley Truck Stop</p> <p><b>CLIENT:</b> The Benzina Group PO Box 363 Pymba NSW 2351 P: 011 432 889   E: eco@ecoinhouse.com</p>	<p><b>SITE:</b> LOTS 45 &amp; 46 DP755110 Tomingley NSW 2869</p> <p><b>DRAWING TITLE:</b> SITE AND LOCATION PROPOSED SITE PLAN</p>	<p><b>REVISION NO:</b> C</p> <p><b>DRAWING NO:</b> DA 003</p>	<p><b>DATE:</b> 15/2/19</p>



20<sup>th</sup> November 2018

The General Manager,  
Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

**RE: STRONG OBJECTION TO THE DEVELOPMENT APPLICATION FOR ROAD HOUSE AND SERVICE STATION**

We reside at [REDACTED] TOMINGLEY 2860 (or) [REDACTED] and have received in the post on Wednesday 6<sup>th</sup> November a copy of a development application for a road house and service station to be built in front of our property.

Below are our concerns with the proposed application:

1. We would like to know when and if the property was or has been re zoned for "commercial occupancy" and why we were not informed – especially as we have a "Tomingley Advancement Committee" which meets twice a year and this matter was not brought up at this meeting end of last month?
2. Noise and light from the proposed construction will affect us, especially if the proposed service station is a 24hr one with b-double's coming at all times of the night indicating that noise barriers would need to be erected.
3. How can the road that we use at the moment be able to cope with heavy vehicles, as it is a laneway, not a major road.
4. We have had the use of water coming off the road and being channelled into our dams for the last 10 years, and with the proposed new development, we will lose accessibility to this water for our stock and crops, and to replace this there would need to be a bore supplied by the company to replace the water that would be lost to stock and crops.
5. Native birds and animals reside in the trees at the back of the proposed property, some of these are protected species and will be affected.
6. **MINE SHAFTS** are running underground through many of the parts of the properties from our property (we have 3 mine shafts) also there is another mine shaft in the Crown Land lane, and another two across from the road that is proposed to be used for heavy vehicles. I

would imagine that these shafts would run under the road, and quite possibly on the proposed property. Subsidence could be a real worry.....

7. At the moment we have had trouble just getting our garbage collected, as the trucks from the **TRUCK STOP** park across the Genaragie Road that runs at the back of the truck stop which council has put up a temporary piece of cord on steel posts, but these are slowly being knocked down by the trucks .

It took ten weeks for us to be able to gain access to the road for the garbage truck to pick up our bins and trucks continually park across from [REDACTED] now and she is continually complaining about this, but council say they are not able to control this also Cheryl and Rodney Smith have trucks parking across their driveway continuously, and council is not able to police this so our question is: how will council be able to handle more trucks in what we see as a small space?

8. *Tomingley residents have been informed by council over the past 4 years that the rundown roadhouse across from our property was the proposed new development site for the development and had been shown many plans at our "Tomingley Advancement Committee" meetings. These were supplied to the committee when asked about how much longer did we have to put up with the falling down roadhouse which is there already on the Newell Highway and had land bought for this?*

9. How many neighbours were these development plans sent to, and why was this not taken to the last "Tomingley Advancement Meeting" held 3 weeks ago? We feel that there is some sort of slight of hand if other members of the community are not informed of this. [REDACTED] who would be affected by this with lights beaming into her bedroom of a night and noise from the trucks changing gears and taking off across from her house has not received any type of information about this proposal.

Both my husband Barry and myself feel that this will affect our property value. We moved to Tomingley so that we could have a rural way of life with our family, and feel that this being taken away from us.

Please keep us up to date with the proceedings, and sooner would be better than later.

[REDACTED]  
Christine and Barry Unger

20/11/2018

To: Whom it may concern.

I write to you in reference to this proposed Truck Stop, opposite my building in Tomingley no. 42.

According to the evidence I've seen from [REDACTED] diagram the exit from this proposal would be right opposite my house, mainly my bedroom and lounge room, which means lights, motors and noise would be ever seen and heard, night and day, a never ending noise level plus dust.

Having fifty years watching businesses open and close, for the love of me how 2 Truck Stops in the village can work, when a big one is been built at Forbes. Another note is the big open mine nearby some years ago, how had a high gable roof which blew off in a mini cyclone, landed in the mine shaft out of sight, so how far over.

down does it go and where does it come out. It was thought at one stage the shire may put the present tip there, this came to nothing.

A further incident was Mrs Mayo cow fell down a sink hole, now owned by the aboriginals and is still there.

I feel the property is too small and would be sitting on very unfirm ground I am not in favour of it at all and hope the shire gives the locals of Spinningly a lot of consideration as we have enough to cope with trucks parking in our drive ways, and noise of running motors.

I remain  
Yours Faithfully

[Redacted Signature]

P.S. I never got a copy.

NA	RR	CC	IN	CH	IN	CH
FILE NO.						
OWNER						
DATE	19 NOV 2018					
INFO						
CD/MSL						

## Samuel Basha

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**From:** ConveyancingTeam <conveyancingteam@essentialenergy.com.au>  
**Sent:** Wednesday, 28 November 2018 4:24 PM  
**To:** Samuel Basha  
**Subject:** Re: Development Application 71/2018 - Highway Service Centre - 10-12 Merilba Street, Tomingley (Lot 45 DP755110)  
**Attachments:** 29102018133404.pdf

Dear Samuel,

We refer to the above matter and to your correspondence dated 29 October 2018 seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
3. Essential Energy has existing overhead powerlines located at the front and the back of the property. This electrical infrastructure may be affected/damaged when vehicles are accessing the property. Barrier protection around the electrical infrastructure may be required. To enable a further review, Essential Energy requests that detailed plans showing the location of all electrical infrastructure and proposed access points into the property are provided, with such plans noting all distances to the electrical infrastructure. Following receipt of those further plans, Essential Energy will be able to advise if barrier protection is required.
4. The proposed landscaping / vegetation plan for the rear of the property will need to be altered to ensure that large species of trees are not planted too close to Essential Energy's existing overhead powerlines. Please have the Applicant provide revised plans for review and comment by Essential Energy.
5. Minimum clearance requirements must be maintained at all times for all proposed driveway access / exits to the property, as such access will pass under Essential Energy's existing overhead powerlines. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
6. Satisfactory arrangements must be made with Essential Energy for the provision of power to the proposed development. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may include the payment of fees and contributions.
7. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.



8. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the *Electricity Supply Act 1995 (NSW)*.
9. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan  
Conveyancing Officer  
Legal & Conveyancing  
Governance & Corporate Services



T. 02 6589 8773 (Ext 88773) | [conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)  
PO Box 5730 Port Macquarie NSW 2444 | [essentialenergy.com.au](http://essentialenergy.com.au)  
General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

Follow us  

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**From:** Samuel Basha <[SBasha@narromine.nsw.gov.au](mailto:SBasha@narromine.nsw.gov.au)>  
**Sent:** Monday, 29 October 2018 3:11 PM  
**To:** ConveyancingTeam <[conveyancingteam@essentialenergy.com.au](mailto:conveyancingteam@essentialenergy.com.au)>  
**Subject:** Development Application 71/2018 - Highway Service Centre - 10-12 Merilba Street Tomingley

Good afternoon,

Please see the attached referral letter and dropbox link to view the development application.

<https://www.dropbox.com/sh/cub0gi2laemo2iz/AABIBBYNeotSzy2HqPk1KGzsa?dl=0>

We look forward to receiving your comment.


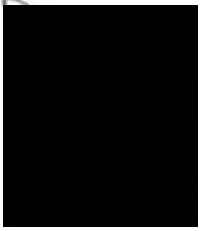
Kind Regards,

**Samuel Basha**  
Trainee Town Planner

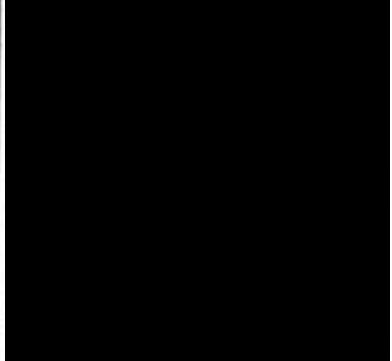

**NARROMINE SHIRE COUNCIL**  
PO Box 115  
NARROMINE NSW 2821  
Ph: 6889 9958  
Fax: 6889 9998  
Email: [sbasha@narromine.nsw.gov.au](mailto:sbasha@narromine.nsw.gov.au)  
[www.narromine.nsw.gov.au](http://www.narromine.nsw.gov.au)

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People opposing the new development of the New Highway Service Centre on 10/12 Merilba  
St Tomingley application no. 2018/71 Lot 45 & 46 DP755110


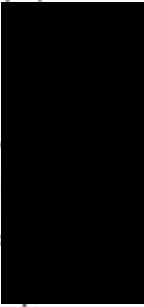
Name	Address	Signature	Reason
Sanjesh Lal Neelam Lal			<p>(1) D.A. for a Service Station already approved on 7, 8, 9, 10 (DP. 758983).</p> <p>(2) Will create a lot of traffic congestion as being adjacent to the truck park.</p> <p>(3) Approved D.A. of Lots 7, 8, 9, 10 truck exit <del>and</del> entry into the truck park is right opposite to the entry of the new proposed site.</p> <p>(4) More Air and Noise Pollution</p> <p>(5) Truck exiting and entering from the truck park into the new site has use both lanes of the Newell Highway which <del>will</del> will block &amp; slow traffic.</p> <p>(6) Possible mine shaft under the new proposed site</p>

People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 & 46 DP755110


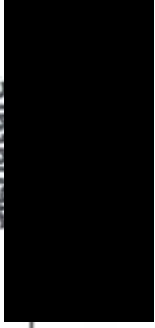
Name	Address	Signature	Reason
BOBBY NARSINGAN			<ol style="list-style-type: none"><li>1. Traffic congestion on Newell Highway. (Tomingley)</li><li>2. Mine shaft on the proposed site</li><li>3. There will be plenty of dust.</li><li>4. Already approved for a Highway Service Centre on dot 7, 8, 9 &amp; 10 Section 19 p.p 758983.</li><li>5. There is already a B.P. Service Station just a few lots away.</li></ol>


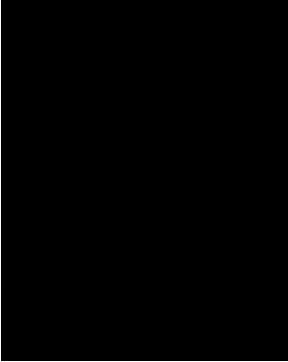


People opposing the new development of the New Highway Service Centre on 10/12 Merilba  
St Tomingley application no. 2018/71 Lot 45 & 46 DP755110

Name	Address	Signature	Reason
R Fenouso			Traffic CHAOS

People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 & 46 DP755110



Name	Address	Signature	Reason
SATISH CHAND			TRAFFIC CONGESTION, NOISE POLLUTION.

<p>People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 &amp; 46 DP755110</p>			
Name	Address	Signature	Reason
<p>Barry Unger</p>			<p>To Close to Harté Cottage to Small a to build a 48 Road House .</p>

People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 & 46 DP755110

Name	Address	Signature	Reason
C SONTLEA	[REDACTED]	[REDACTED]	UNDERGROUND MINES. NEIGHBOURS.

People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 & 46 DP755110

Name	Address	Signature	Reason
STEVEN WATSFORD			Would create alot of traffic and noise.

People opposing the new development of the New Highway Service Centre on 10/12 Merilba  
St Tomingley application no. 2018/71 Lot 45 & 46 DP755110

Name	Address	Signature	Reason
<i>Elaine Buckley</i>	[Redacted]	[Redacted]	<i>Right opposite where trucks will turn out, and noise factor.</i>

People opposing the new development of the New Highway Service Centre on 10/12 Merilba St Tomingley application no. 2018/71 Lot 45 & 46 DP755110

Name	Address	Signature	Reason
BRENDA HARPER	[REDACTED]	[REDACTED]	Too much noise dust + RUBBISH.





21 January 2019

SF2018/134704; WST18/00060/02

General Manager  
Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

Dear Madam

**DA2018/71: Lots 45 and 46 DP 755110; 10-12 Merilba Street, Tomingley; Fuel Station and Restaurant**

I refer to an email from Samuel Basha on 12 December 2018 referring DA2018/71 to Roads and Maritime Services for comment.

I note DA2018/71 is for the construction and operation of a fuel station and restaurant catering for light and heavy vehicles. The subject land is located in Tomingley with frontage to the Newell Highway (HW17), Merilba and Genanagie Streets. Vehicular access to the proposed development is proposed from Merilba Street (heavies) and the Newell Highway (light) with all egress via one driveway onto the Newell Highway.

Significantly, no on-site parking for heavy vehicles is proposed. Instead, the site will rely upon the use of the nearby Tomingley heavy vehicle rest area, north of the site. Roads and Maritime does not object in principle to this arrangement, however, in order to minimise entry and exit movements to/from the Newell Highway, Roads and Maritime requires convenient and safe pedestrian and heavy vehicle connectivity be provided between the rest area and the subject land. Under the current proposal, heavy vehicle operators wanting to use the rest area and refuel in the site will need to exit and enter the highway twice.

Roads and Maritime, pursuant to section 138(2) of the *Roads Act 1993* and section 104 of *State Environmental Planning Policy (Infrastructure) 2007*, objects to the proposal, and withholds its concurrence. To reconsider its position, Roads and Maritime requests the following additional information be provided:

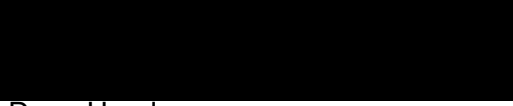
- A redesign of the proposal to either provide on-site parking, or, connectivity between the existing heavy vehicle rest area and the subject site. Connectivity between the two sites must be away from the Newell Highway.
- Swept paths for the largest vehicles that will enter each driveway, manoeuvre through, and then exit the site. The swept path drawing will also need to identify utility infrastructure, in particular, electricity poles, and extend from/to the travel lanes of the Newell Highway. Swept paths for fuel delivery tanker access/egress to the site are/is also required.

**Roads and Maritime Services**



Please confirm with Roads and Maritime that the development application will not be determined until such a time as Roads and Maritime has had an opportunity to comprehensively assess the application following provision of information addressing the above-mentioned matters. Should you require further information in relation to this matter, please contact Andrew McIntyre, Manager Land Use Assessment on 02 6861 1453.

Yours faithfully



Dane Hendry  
Acting Senior Manager Regional Customer Services  
Western



04 March 2019

SF2018/134704; WST18/00060/03

General Manager  
Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

Dear Madam

**DA2018/71: Lots 45 & 46 DP 755110; 10-12 Merilba Street, Tomingley; Fuel Station and Restaurant**

Thank you for additional information received via Council on 25 January 2019 in support of DA2018/71 referred to Roads and Maritime Services for comment.

The documentation has been reviewed. Roads and Maritime notes the application includes:

- Demolition of an existing building and construction and operation of a 24 hour fuel station and restaurant.
- The service station will provide separate refuelling areas for light and heavy vehicles up to 36.5 metres in length.
- Access to the heavy vehicle refuelling area will be via Merilba Street and egress via the Newell Highway.
- Access and egress for light vehicles will be via the Newell Highway.
- Modifications to adjacent truck rest area to formalise and maximise parking, including the provision of safe pedestrian connectivity between the rest area and fuel station.

Roads and Maritime, in accordance with section 138(2) of the *Roads Act 1993*, grants its concurrence to the proposed development subject to the conditions provided bellowing being met:

- A plan is to be submitted and approved to Roads and Maritime confirming safe and convenient pedestrian connectivity between the existing heavy vehicle rest area and the subject site. Connectivity must be away from the Newell Highway. Given the site will be operating 24 hours per day, appropriate and adequate lighting is to be provided as part of this plan. Construction of this pedestrian connectivity is to be completed prior to the issuance of an Occupation Certificate.

**Roads and Maritime Services**

- All vehicle movements to and from the site are to be in a forward direction only. Entry and exit movements between the site and the Newell Highway (HW17) are to be left in/left out only.
- Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site. Safe Intersection Sight Distance (SISD) requirements outlined in *Austrroads Guide to Road Design Part 4A* is to be provided in both directions at the intersection of driveways and the Newell Highway. For a 50km/h speed zone, SISD is 97 metres.
- Adequate turning circles, storage room and vertical clearance are to be provided within the site for the largest type of vehicle (36.5 metre articulated vehicle) that will visit the site during operation.
- All activities including loading and unloading of goods associated with the development are to be carried out on site in the dedicated areas in a forward direction and accessed by vehicles up to 8.8 metres (medium rigid trucks).
- To ensure northbound vehicles can safely manoeuvre around a 36.5 metre vehicle egressing from the site heading northbound, a “No Stopping” zone is to be created by the installation of “No Stopping” (r5-400) signs adjacent to the road shoulder adjoining the northbound travel lane between the intersection of Merilba Street and the Newell Highway and the proposed egress driveway from the development.
- “No Entry” (R2-4) signs are to be provided on the land at each side of the exit driveways. The signs are to face the public (on the Newell Highway) to advise motorists not to enter the exit driveways.
- “No Entry” (R2-4) signs are to be provided on the land on each side of the entry driveway. The signs are to face the site to advise motorists not to exit onto the Newell Highway via the entry driveway.
- Prior to the commencement of construction works, the proponent is to contact Roads and Maritime’s Field Traffic Manager on 1300 656 371 to determine if a Road Occupancy Licence (ROL) is required. In the event that an ROL is required, the proponent is to obtain the ROL prior to works commencing within three (3) metres of the travel lanes on the Newell Highway.
- Prior to the issuance of an Occupation Certificate:
  - All entry/exit driveways onto/from the Newell Highway, internal vehicular manoeuvring, parking and loading areas are to be constructed, sealed and maintained in accordance with submitted plans. Driveways are to match existing road and footpath levels and not interfere with road drainage. The driveways are to be constructed to a sealed standard and able to withstand regular turning movements of the largest and heaviest vehicle to access each driveway.
  - Kerb and gutter to Council standards is to be provided along the edge of public road pavement adjoining the site. Redundant kerb layback crossing accesses in the Newell Highway and Merilba Street, servicing the land, are to be removed and replaced with kerb and gutter.
  - Provision of a 3 metre sealed shoulder from the southern end of the egress driveway of the adjacent truck rest area extending to the northern most point of the ingress driveway of the rest area is to be provided. The seal is to be constructed for a 50km/h speed environment and maintained to an acceptable standard to accommodate and withstand the increased vehicle turning movements.
  - All road works required to facilitate the development are to be completed, including safe pedestrian connectivity between the heavy vehicle rest area and the fuel station.

- A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and Roads and Maritime for the developer to undertake “private financing and construction” of any works on the Newell Highway. This agreement is necessary for works in which Roads and Maritime has a statutory interest.

In accordance with Section 104 of the *State Environmental Planning Policy (Infrastructure) 2007*, the following comments are made for Council’s consideration:

- Signage is not to impede sight lines of traffic and/or pedestrians within, when passing, entering or departing the subject land.
- Advertising signage and associated structures are to be contained wholly within the subject land.

It is noted from the documentation submitted there did not appear to be the provision of details pertaining to outdoor signage as part of the proposed development. Depending upon details in this regard:

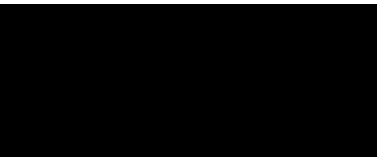
- Referral to Roads and Maritime pursuant to section 18 of *State Environmental Planning Policy No.64 ‘Advertising and Signage’* may be required for concurrence.
- The applicant, in accordance with the Department of Planning and Environment’s *Transport Corridor Outdoor Advertising and Signage Guidelines 2017* may be required to prepare and submit photo montages. Signage is not to flash, move or be objectionably glaring or luminous. A link to the guidelines is below:

<http://www.planning.nsw.gov.au/Policy-and-Legislation/~media/59AD1BE9ABA4448191791490BF67A70D.ashx>

- During construction, all construction related traffic is to access and egress the site via Merilba Street (local road) and not the Newell Highway.
- Light vehicles exiting the site should “Give Way” to heavy vehicles exiting the site. Internal directional signage and or associated internal line marking addressing this matter should be provided for.

Please forward a copy of Council’s determination of the development application to Roads and Maritime at the same time it is sent to the applicant. Should you require further information please contact Ainsley Bruem, Acting Manager Land Use Assessment, on 02 6861 1449.

Yours faithfully



Dane Hendry  
Senior Manager, Regional Customer Services  
Western Region

26<sup>TH</sup> February 2019

The General Manager,

Narromine Shire Council

PO Box 115

NARROMINE NSW 2821

**RE: STRONG OBJECTION TO THE DEVELOPMENT APPLICATION FOR ROAD HOUSE AND SERVICE STATION**

Many thanks for the phone call prior to the documents on the change of Development application for proposed Service Station/Roadhouse.

Below are our concerns with the proposed application:

1. We would like to know when and if the property was or has been re zoned for "commercial occupancy" and why we were not informed – especially as we have a "Tomingley Advancement Committee" which meets twice a year and this matter was not brought up at this meeting end of last month? **This still stands as I have not had any information on this.**
2. Noise and light from the proposed construction will affect us, especially if the proposed service station is a 24hr one with tripple b's coming at all times of the night indicating that noise barriers would need to be erected. **On the new plan there does not appear to be any provision for noise control barriers to be erected along the fence line facing our property?**
3. How can the road that we use at the moment be able to cope with heavy vehicles, as it is a laneway, not a major road. The new plan has the trucks coming from the back of the truck stop, using Genaragie road. **We have had trouble in the past (10 weeks without garbage collection) because of trucks parking on the road. At the moment they just drive through the webbing that has been erected to stop this. How will this be controlled so that we are able to still have access to this road for garbage collection? Council does not seem to have any way of controlling what the trucks do in Tomingley. They park across [REDACTED] house, and when the truck stop is erected they will probably double park in front of her place like they do at the other service station in Tomingley and the Pub? Council do not seem to be able to help [REDACTED] and the police certainly do not want to come out to Tomingley .**
4. We have had the use of water coming off the road and being channelled into our dams for the last 10 years, and with the proposed new development, we will lose accessibility to this water for our stock and crops, and to replace this there would need to be a bore supplied by the company to replace the water that would be lost to stock and crops. **On the new proposed plan, there is no indication of where the water will be channelled to. Hopefully a**

**culvert and gutter can be directed to run down to our property so that we will not loose use of the water for our livestock?**

5. **Native birds and animals reside in the trees at the back of the proposed property, some of these are protected species and will be affected. Some of the vegetation will have to be removed for the trucks to cut across the corner of the Aboriginal designated land, and then the lights will be shining right into our place as they turn? This is also where a mine shaft is, and probably runs under the road from the proposed property.**
6. **MINE SHAFTS** are running underground through many of the parts of the properties from our property (we have 3 mine shafts) also there is another mine shaft in the Crown Land lane, and another two across from the road that is proposed to be used for heavy vehicles. I would imagine that these shafts would run under the road, and quite possibly on the proposed property. **Subsidence could be a real worry.....**

Barry and I are not against the Roadhouse/Service station as long as we do not lose the water access and have noise barriers erected to protect our privacy.

Christine and Barry Unger

26/2/2019

NARRAMORE SHIRE COUNCIL Document No 3
FILE No:
OWNER:
DATE: 28 FEB 2019
INFO:
COMMENTS:

Tomingley 2869.  
21.2.19.

To Narramore Shire Council  
Attention: Mr Guy Marchant

I write a second time in regards to the proposal of a second Truck Stop which is under approval in Tomingley right opposite my residence. I see by the sketch you sent me the locit is right in front of my home, this will be an ever ending noise day and night, my lounge and bedrooms will have, at night, light reflections whenever a truck exits plus noise working its way through the gears. you have it planned that they, the trucks will use the trucking bay to park if they are having eating time, I can tell you now in front of my place they will park. This proposal really only affects 2 residences so it is an uphill battle to get much support from others its not going to effect them!! And, as my talk to you, Guy, triple trailers are on the sketch, even worse!

I appeal to council to think of your rate-payers who have more than enough troubles with the trucks now, not to impose any more on us  
yours faithfully

P.S. I forgot to include its a 24 hr proposal.

INVESTIGATION REPORT
FILE NO.
DATE
DATE: 20 FEB 2018
INFO:
COMMENTS: