

**MINUTES OF THE EXTRAORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD  
IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 6.00PM ON MONDAY 12<sup>th</sup>  
AUGUST 2024**

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**PRESENT:** Councillors C Oataway (Chair, Mayor), D Clarke, J Dwyer, L Garner, P Handford, P Porter, M Quinn, General Manager David Webb, Deputy General Manager Mark Dowling, Executive Manager – Planning & Compliance Jack Terblanche & Executive Manager – People & Governance Kirstyn Thronder

**By Zoom/Teams:** Cr G Chapman

**Apology** Cr Clarke

**24-79 Resolved** that the apology submitted on behalf of Cr Clarke be noted and a leave of absence be granted.

*(Garner/Handford)*

***This meeting was audio recorded.***

**Declaration of Interest**

NIL

**Notice of Motion**

That Council charges a fee of \$20/night for camping at Sandy Point Reserve.

*(Handford/Porter)*

*Motion was put and lost 3-4*

**General Manager's Reports**

**C1 Sandy Point Primitive Camping Ground**

**24-80 Resolved** that Council approves the extension of consent for a further five years for primitive camping at Sandy Point Reserve under Section 107 Local Government Act 1993.

*(Dwyer/Quinn)*

*Cr Handford requested his vote against the recommendation be recorded*

**C2 - PP-2023-2746 – Planning Proposal 310 Moama St, Hay**

**24-81 Resolved that Council:**

- (a) Notes the submissions received during the public exhibition;
- (b) Endorses the planning proposal;

- (c) Provides this report and other relevant information to the NSW Department of Planning, Housing and Infrastructure or delegate of the Minister for Planning and Public Spaces, in accordance with the Environmental Planning and Assessment Act 1979, to enable finalisation and the making of the amendment to the Hay Local Environmental Plan 2011; and
- (d) Provides instructions for the Parliamentary Counsel's Office (PCO) to draft the LEP. Dwyer/Chapman

(Quinn/Dwyer)

**For**

Cr. Oataway  
Cr G Chapman  
Cr J Dwyer  
Cr L Garner  
Cr M Quinn

**Against**

Cr P Handford  
Cr P Porter

**C3 DA2024-32 – Gated fence and shed with office (internal) – Storage of equipment in association with road building business at 25350 Mid-Western Highway, Hay**

**24-82 Resolved that** DA2024-32 for a 'Gated fence and shed with office (internal) – Storage of equipment in association with road building business' at 25350 Mid Western Highway, Hay be **approved** with the following conditions:

**1. Compliance with Consent:**

The Development being completed in accordance with plans and specifications stamped by Council being Plans A, b, C, D & E for 25350 Mid-Western Hwy, Hay proposal, except where varied by conditions of this consent.

**Reason:** *To confirm the details of the application as submitted by the applicant and as approved by Council.*

**2. Signage:**

Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction.

- Stating that unauthorised entry to the site is not permitted;
- Showing the name of the builder or another person responsible for the site and a telephone number at which the builder or other persons can be contacted outside working hours; and
- The name, address and telephone contact of the Principal Certifying Authority for the work.

Any structures erected to meet the requirements of this condition must be removed when it is no longer required for the purposes for which it was erected.

**Reason:** *To meet the minimum requirements of the Environmental Planning and Assessment Regulation.*

**3. Compliance with Standards:**

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act and the National Construction Code (NCC).

**Reason:** *The legal obligations of the Council to administer the New South Wales building and planning laws in order to provide satisfactory standards of living and development.*

**4. Critical Stage Inspections:**

A person who is carrying out, or in charge of carrying out the work, must notify Council with 24hours notice when the relevant inspections are required below:

- a) Pier pads prior to pouring concrete;
- b) All footing excavations, with steel in position, before concrete is poured;
- c) All concrete floors and raft slabs, with steel and damp proof membrane in position before concrete is poured;
- d) Sewer drains before being covered;
- e) Bearers and floor joists before flooring is laid;
- f) Wall and roof framing before being lined;
- g) Insulation of walls, roof, floor, ceilings, soffits, service pipes, ducts and chimney flue dampers;
- h) Wet area flashings after internal linings are installed;
- i) Stormwater drains/connections before backfilling;
- j) Fire-rated wall and ceiling framing;
- k) Sound transmission measures;
- l) Final inspection on completion of the works, and BEFORE any occupation.

**Reason:** *The need for Council to ensure that works have been carried out in accordance with the approved plans, specifications and the relevant legislation/standards.*

**5. Siting:**

The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan.

**Reason:** *To ensure no encroachments occur onto neighbouring properties and no changes are made to the approved siting of the property.*

**6. Variations:**

No alteration to approved plans and specifications is allowed unless separately approved by Council.

**Reason:** *To ensure the designs meet regulations and standards, and are in line with Council policies.*

**7. Site Encroachment Prohibited:**

All structures shall be erected solely within the property boundaries (including overhang of gutters), with the approved boundary clearance/distance.

**Reason:** *To ensure that no encroachments occur onto neighbouring properties.*

**8. Section 68 application** for water and sewer must be applied for and approved for:

- a. Water – from Murray Street
- b. Sewer – from Murray Street
- c. Stormwater – connect to open drain stormwater system in Murray Street

Standard application fees apply, with the potential of additional fees to cover the costs of any extensions to the main supply that may be required.

**Reason:** *To ensure services are connected and available to all lots*

**9. Storm Water Disposal:**

Storm water drainage of the building will be conveyed in pipe system to Council's open drain in Murray Street such that no erosion occurs on the site or to Council's footpath or roadway.

**Reason:** *To ensure that the development does not detrimentally affect the adjoining properties.*

**10. Sewerage Connection:**

All connections to or alteration to any sewerage lines MUST be carried out by a Licensed Plumber/Drainer. All costs to be borne by the applicant.

**Please ensure a Sewerage Diagram is provided to Council on completion (template attached) and prior to the issue of an Occupation Certificate.**

**Reason:** *To ensure a minimum standard of workmanship in relation to any sewer and drainage activity.*

**11. Vehicular Crossing:** Any vehicular crossing being required must be applied for and approved by Section 138 applications to enable satisfactory access and shall be constructed at full expense of the applicant and to Council's specifications. Multiple accesses require separate applications and the associated fees for each application.

**Reason:** *To ensure suitable driveway access.*

**12. Vehicle Access:** Vehicular access to the site is to be provided at the applicant's expense and to the satisfaction of Council's Engineering Department. This will include the road network leading to the site with appropriate designs submitted to and approved by Council prior to construction.

**13. Concrete Pipe:** A 300mm diameter reinforced concrete pipe culvert together with concrete head walls shall be constructed at the Murray Street entrance to property. Pipe to be 3 pipe and spigot (9.76m) Class 4 RRJ.

**Reason:** *To ensure suitable driveway access.*

**14. Costs of Gravelled Road Access:** The applicant shall be responsible for any costs of providing a gravelled road access and piped entrance to service the property, in accordance with the Council's specifications and details.

**Reason:** *To ensure suitable driveway access.*

**15. Easements:**

The applicant is required to ensure that any easements registered over the title to the land are complied with.

**Reason:** *Compliance with Legal documents.*

- 16. Construction Certificate Required:** A Construction Certificate must be obtained from a Principal Certifying Authority prior to commencement of any work.

*Reason: To ensure that minimum standards relating to structural adequacy, health and amenity are met.*

- 17. Further Details Required:**

The Applicant should submit to Council, as part of their Construction Certificate application, specification and construction plans, along with footing details. No work relating to this detail shall be carried out until the information is supplied and approved by Council.

*Reason: To ensure Council has all relevant information to assess, and to minimise further delays on the project.*

- 18. Occupation Certificate:**

Prior to the commencement of the use and/or occupation of the subject development, a satisfactory Final Inspection and/or Occupation Certificate must be issued by a Principal Certifying Authority. An Occupation Certificate must be applied for via the Planning Portal, select your development and apply for a "Related Certificate".

*Reason: Ensure all conditions of the development are met and the building/development is safe for use.*

- 19. Lapsing of Consent**

This consent is limited to a period of 5 years from the date of the Notice of Determination, unless the works associated with the development have physically commenced.

*Reason: To ensure compliance with the Environmental Planning & Assessment Act 1979.*

- 20. Use of Building – Non-Residential Uses Only**

The building must not be used as a dwelling or domicile without Council's consent.

*Reason: Development consent is for a non-habitable building.*

#### Transport for NSW

- 21.** Direct access to the subject site from Mid Western Highway is denied.

- 22.** The proposed gates at the ingress driveway shall be located at least 20 metres from the edge of the south bound carriageway of Stephen Street. This is to allow for the standing of large vehicles when gates are to be opened.

*Reason: Conditions imposed by Transport for NSW.*

- 23. Chemical Storage:** If chemical storage, it needs to be bunded in accordance of the National Construction Code and any other relevant standards and legislation.

*Reason: To ensure that the storage of chemicals is done in a safe manner.*

- 24. Sewer Line Clearance:** All buildings in the vicinity of sewer infrastructure needs to conform to the Hay Shire Council's "Building over Sewer Mains Policy", which would normally entail having no construction to the horizontal distance of the pipe depth and 450mm (the zone of influence is 1:1 area starting 450mm from the centre of the pipe).

**Reason:** *Compliance with Hay Shire Council's "Building over Sewer Mains Policy".*

**24. Noise Control:**

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment must comply with all standards outlined in the Noise Policy for Industry 2017 (NSW EPA) & A Guide to the Noise Policy for Industry (NSW EPA).

In the event the use exceeds permitted levels, the person in control of the premises must arrange for an acoustic investigation to be carried out by an accredited acoustic engineer and implement those measures to reduce noise to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

**Reason:** *To protect the amenity of the area and to comply with the Protection of the Environment Operations Act 1997 and Noise Policy for Industry 2017.*

- 26. Underground Services:** The applicant shall obtain advice from any relevant consent authority as to the location of any underground services which may be in the vicinity.

**Reason:** *To ensure the utility services are protected and satisfactory for the proposed development.*

- 27. Land Use:** The development can only be used for uses allowable in the zoning. The current zoning is Zone RU5 village with the following uses permitted and prohibited:

**Permitted without consent:** Environmental protection works; Home-based child care; Home occupations; Roads; Water reticulation systems

**Permitted with consent:** Centre-based child care facilities; Community facilities; Dwelling houses; High technology industries; Home industries; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

**Prohibited:** Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Electricity generating works; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Industries; Local distribution premises; Marinas; Mooring pens; Moorings; Open cut mining; Roadside stalls; Rural industries; Rural workers' dwellings; Sex services premises; Waste disposal facilities; Wharf or boating facilities.

**Reason:** *Compliance with Hay LEP 2011.*

**28. Hours of operation**

The hours of operation for the business are:

- a) Mondays to Fridays: 07:00-17:00
- b) Saturdays: 08:00-12:00
- c) Sundays, inclusive of Public Holidays: Nil

**Reason:** *To ensure the development occurs as assessed by Council.*

**29. Landscaping**

A Landscaping Plan must be submitted as part of the Construction Certificate application, and construction of the landscaping must be completed before an Occupation Certificate can be issued. Landscaping must be maintained:

- In accordance with the approved plan, and
- In a healthy state, and
- In perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising landscaping dies or is removed, it must be replaced with vegetation of the same species and the same maturity, as the vegetation which died or was removed.

**Reason:** *To ensure the site is appropriately landscaped.*

**30. No obstruction of road reserve permitted**

The road reserve must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. All activities including loading/unloading of vehicles associated with this development must be undertaken within the subject site.

**Reason:** *To protect the amenity of the area.*

**31. Minimise dust and noise**

The Applicant must undertake measures to minimise dust and noise and ensure the impact on neighbouring properties is minimise.

**Reason:** *To minimise environmental and amenity impacts of the development.*

### **32. Signage and Lighting**

The Business Identification Signage must be maintained in a presentable and satisfactory state of repair. If any deterioration of the development becomes noticeable, the Business Identification signage must be replaced or removed as soon as possible to ensure the visual amenity of the area is maintained.

The level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

Lighting Overspill must be minimized.

**Reason: To maintain the visual amenity of the adjoining area.**

### **33. Amenity protection**

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

- The appearance of any buildings, works or materials used.
- The parking or movement of motor vehicles.
- The transporting of materials or goods to or from the site.
- Noise, air and water discharges from the site.
- Electrical interference.
- The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
- Emissions or discharges into the surrounding environment including, from wastewater, sediment, dust, vibration, odours or other harmful products.

Note: The Applicant must notify, at the earliest opportunity, Hay Shire Council of any incident which has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant must notify Council as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide Council with a detailed report on the incident, and such further reports as may be requested.

**Reason: To protect the amenity of the adjoining area.**

*(Garner/Porter)*

#### **For**

Cr. Oataway  
Cr G Chapman  
Cr J Dwyer  
Cr L Garner  
Cr P Handford  
Cr P Porter  
Cr M Quinn

#### **Against**



**C4 Developer Contributions Plan**

**24-83 Resolved**

- (a) That Council proceeds with the drafting of a Section 7.12 Fixed Development Consent Levies Contribution Plan in terms of Section 7.18 of the Environmental Planning and Assessment Act 1979 No 203; and
  - (b) A draft Contribution Plan be brought back to Council in due course.
- (Quinn/Garner)

**C5 Digital Transformation Strategy**

- 24-84 Resolved** that Council adopts the Digital Transformation Strategy, Version 3, dated August 2024 as presented.
- (Quinn/Garner)

**C6 Tree Removal Requests**

**24-85 Resolved** that Council

- (a) Removes the Jacaranda tree at the Visitors Centre, Moppet Street and replaces with 10 roses planted in Ashwill Park as part of the VIC toilet refurbishment project;
  - (b) Removes the 3 Peppercorn trees at the Duck Pond.
  - (c) Removes the 3 Claret Ash trees at 465 Cadell St and replaces with Bottlebrush or crepe myrtle trees; and
  - (d) Retains the Silky Oak tree at 366 Cadell St.
- (Porter/Garner)

**In Committee**

- 24-86 Resolved** that the meeting be closed during the discussion of the following matters relating to:

*Section 10A of the Local Government Act 1993:-*

**IC.1 Update on Housing Proposal & Childcare in Hay**

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret;

**IC.2 Purchase of Patching Truck**

- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret;

(Garner/Handford)

## **IC1 – Update on Housing Proposal & Childcare in Hay**

**24-87 Resolved** that Council:

- (a) Notes the information in the report and the initiatives undertaken by staff to address the critical childcare and housing shortage in Hay.
- (b) Authorises the General Manager or his delegate to enter into a new Licence Application with Crown Lands for Lot 195 DP 756755 and part Lot 193 DP 756755;
- (c) Sets aside the staff house at 342 Church Street when it becomes vacant for childcare; and
- (d) Authorises the General Manager or his delegate to enter into negotiations with Homes NSW in regards to property for childcare as outlined in the report and execute Contracts of Sale of property, under Council Common Seal as required.

*(Porter/Handford)*

## **IC 2 – Purchase of Patching Truck**

**24-88 Resolved** that Council:

- (a) Accepts the tender for the supply of one (1) new Isuzu Jetmaster Patching Truck from Ausroad Manufacturing Pty Ltd, including accessories, in an amount of \$635,481 (Incl GST);
- (b) Authorises the General Manager to sign the purchase order; and
- (c) Disposes of Caterpillar 428C Backhoe, Plant No 3111, at auction.

*(Garner/Handford)*

### **Open Meeting:**

**24-89 Resolved** that the meeting be opened, and the resolutions made public.

*(Handford/Garner)*

*The General Manager verbally advised the meeting of resolution from the closed session.*

There being no further business the meeting terminated at 7.14pm.

Confirmed \_\_\_\_\_  
Cr Carol Oataway  
Mayor