

**MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 17<sup>th</sup> DECEMBER 2024**

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**PRESENT:** Councillors: Mayor Cr C Oataway (Chair), Cr L Garner, Cr W Miller, Cr J Perry, Cr P Porter, Cr D Tapper, General Manager David Webb, Deputy General Manager – Mark Dowling, Executive Manager – People and Governance – Kirstyn Thronder and Executive Assistant Mia Headon-Doidge.

**Apology:** Cr G Chapman

**24-124** **Resolved** that Council November 2024 Ordinary meeting granted leave of absence to Cr Geoffrey Chapman for the 17<sup>th</sup> December 2024.

*(Porter/Quinn)*

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

**Request to attend by Audio Link:**

**24-131** **Resolved** that Cr M Quinn attend the meeting by audiolink.

*(Miller/Tapper)*

**Confirmation of Minutes**

**24-132** **Resolved** that the minutes of the Ordinary Meeting of Council held 26<sup>th</sup> November 2024 be confirmed with an amendment to (b) item C12, with the word donates replacing waivers as follows:

**24-125** **Resolved** that Council

- a)** *provides financial assistance to Hay Children Services by way of waiving the cost of Building Insurance in the value of \$3,207.02, and*
- b)** *donates the War Memorial Hall Fee of \$100 for the 2024 Christmas Carols and supper planned by St Fergal Catholic Church.*

*(Perry/Tapper)*

*Cr Garner requested his vote against resolution (b) be recorded*

*(Quinn/Porter)*

**Declaration of Interest**

Nil

**Mayoral Report**

That Council receives and notes the report provided

## **Delegate Report**

Cr Perry entered the meeting for this item.

For Council's information

## **General Manager's Reports**

### **Action Plan Report**

The report was received and noted.

#### **C1 Development Applications – 16<sup>th</sup> November 2024 to 5<sup>th</sup> December 2024**

That Council notes the list of Development Applications 16<sup>th</sup> November 2024 to 5<sup>th</sup> December 2024

#### **C2 DA2024-37 – Service Station replacement at 429-431 Moama St, Hay**

**24-133 Resolved** That the DA2024-37 for 'Demolition of existing service station, building and refuelling canopy and associated refuelling areas, including new service station facility with separate light and heavy vehicle refuelling canopies and parking sales building and signage' at 429-431 Moama Street, Hay, be approved with the following conditions:

### **General Conditions**

#### **1. Compliance with Consent:**

The Development being completed in accordance with plans and specifications stamped by Council being Plans:

- Statement of Environmental Effects prepared by Inhouse Town Planning Studio dated 20 June 2024.
- Project No. 22-068 Drawing No. TW-01, TW-02, TS-01, TS-02, TS-03, TS-04, CMP-01, CMP-02, CMP-03, A-01, A-02, A-03, A-04, A-20, A-21, A-23, A-24, A-100, A-101, A-200, A-201, SD-01, L-01, L-02, SS-01, SS-02 6 by Oasis Building Pty Ltd for 429-431 Moama St, Hay, except where varied by conditions of this consent.
- Waste Management Plan dated June 2024, Project No. 22-068
- Traffic Impact Assessment dated June 2024 by Ardill Payne & Partners
- Bush Fire Assessment Report, Reference #: 242002 by BEMC.

***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. Food and Drink premises:**

The fitout of the food preparation and serving areas need to conform to the following standards:

- a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment
- b) Food Act 2003 and Food Regulation 2015
- c) Australian Standard 4674:2004 :Design, Construction and Fit-out of Food Premises
- d) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage.

***Reason: To ensure the premises comply with the relevant standards.***

### **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. 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.***

**8. 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.***

**9. 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.***

**10. Vehicular Crossing**

- Driveway Crossings: All driveway crossings to use a minimum of 32MPa concrete and be constructed to a standard that at a minimum meets the requirements of the Hay Shire Councils Heavy Duty Vehicle Crossing Details at the time. All vehicular crossings shall be constructed at full expense of the applicant.

***Reason: To ensure driveway crossings meet Council requirements.***

- Driveway Crossing maintenance: The driveway crossings are to be maintained to the satisfaction of the Council for the life of the development at no cost to Council.

***Reason: To ensure access and egress is maintained to a high standard***

- A application under Section 138, The Roads Act 1993 must be applied for all vehicular crossings and Council approval received prior to the issue of the construction certificate

- The heavy vehicle driveway and layback vehicular gutter crossing specifications for the property shall be provided to Council's Engineer prior to construction.

#### **11. Vehicle Access**

- Vehicular access to the site is to be provided at the applicant's expense and to the satisfaction of Council's Engineer. This will include the road network leading to the site with appropriate designs submitted to and approved by Council prior to construction.

#### **12. Waste**

- All waste streams must be separated and paid as applicable as per Council's Revenue Policy.
- All extracted materials must be acceptable as general land fill and any contamination detected must be remediated on site or removed to an authorized disposal location. Evidence must be provided to Council of all excavated materials testing every 50m<sup>3</sup>.

***Reason: To ensure the materials being disposed at the Hay Recycling and Waste Centre are within regulatory compliance***

#### **13. Kerb & Gutter**

- Full length of kerb and gutter in Moama Street between vehicle crossings must be replaced at the applicants cost.

#### **14. Stormwater**

- Southern stormwater discharge to be further investigated between Council staff and the developer.
- The stormwater drainage from the development is to be connected directly into Council's stormwater pit adjacent to the property, within the road reserve alternatively to an approved stormwater retention system approved by the Council Engineer. Contact should be made with Council prior to making the connection.

***Reason: To ensure the effective control of stormwater to Council's infrastructure.***

- Stormwater Connection: All stormwater from roofing and hardstand areas must be carried to the street gutter by means of pipes of a type approved by Council.

***Reason: To ensure adequate disposal of stormwater from the site.***

#### **15. Sewer**

- The sewer main running under the current Lots 1-2 DP 997870 from Council manhole ZD3 to Council manhole ZD4 is to be either encased in concrete or in compliance with Hay Shire Councils Building Over Sewer Mains Policy. Sewer manhole ZD3 lid and surrounds must be upgraded to Class E. All costs associated with the sewer services, are to be borne by the developer. Developer needs to submit sewer proposal to Council before construction.

***Reason: The proposed service station is located over or near the existing sewer main and it is required to ensure the existing sewer service and the manhole and sewer main are not impacted on by the building, the driveway or traffic for the life of the development.***

- Sewerage Connection: All connections to or alteration to any sewerage lines must be carried out by a Licensed Plumber/Drainer. A sewerage with as-executed diagram is provided to Council on completion.

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

**16. Removal of Existing Driveway**

- Removal of driveway layback and install new barrier kerb, topsoil and seed to be placed where driveway was removed in Archer Street.

**17. Shoulder**

- Reconstruct and asphalt southern shoulder in Moama Street from kerb and gutter line to edge of travel lane between the two driveways as per Councils specifications.
- The development is to be responsible for the ongoing maintenance of the adjoining nature strips.

***Reason: To maintain the amenity of the streetscape for the life of the development.***

**18. Inspections – Plumbing & Drainage Work**

An inspection must be undertaken by Council prior to the covering of the works specified below:

- sanitary plumbing and drainage
- water supply plumbing
- completion of all plumbing and drainage works.
- All stormwater drainage works

Please note that Council requires a minimum of 24 hours' notice to undertake the inspection.

**19. Demolition Management:**

The work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the Work Cover Authority.

At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

- The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
- The site shall be secured at all times against the unauthorised entry of persons or vehicles.

- Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.
- All debris is to be removed from the site and disposed of at Hay Waste Depot in the appropriate sections.

20. The development must be in accordance with the relevant provisions and Regulations of the Biodiversity Conservation Act 2016, the Fisheries Management Act 1994, the Heritage Act 1977, the Local Government Act 1993, the National Parks and Wildlife Act 1974, the Protection of the Environment Operations Act 1997, the Roads Act 1993, the Rural Fires Act 1997, the Water Management Act 2000, the National Construction Code ("NCC") and all other applicable legislation.

**Reason: To comply with relevant legislation.**

21. The Applicant should be aware that under Section 120 of the Protection of the Environment Operations Act 1997 it is an offence to pollute waters.

**Reason: To comply with NSW Environment Protection Authority requirements.**

22. It is the Applicant's responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). Note: Compliance with the Building Code of Australia does not necessarily meet the requirements of the DDA. You are advised to seek advice from the Australian Human Rights Commission (phone (02) 9284 9600) in respect of your application.

**Reason: To comply with the Disability Discrimination Act 1992.**

**23. Essential fire safety measures**

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia. Prior to the issue of an Occupation Certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

**Reason: To comply with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.**

**24. Water supply work, sewerage work and stormwater drainage work**

Water supply work or sewerage work which is plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011* must comply with that Act and the regulations under that Act. Any water supply work or sewerage work which is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the Plumbing Code of Australia.

The applicant needs to submit a design for the water supply, sewer and stormwater prior to construction commencing.

Any enhancement or on-site systems to accommodate services for the development is at the applicants cost.

**Reason: Council and Statutory requirement of *Local Government (General) Regulation 2021*.**

**25. Soil**

A suitable soil chemical analysis and investigation report is required if any evidence of contamination on the subject site is found during works. If any evidence of contamination is found, all works at the location must cease immediately. If remediation works are required, works must not recommence on the subject site until Council is satisfied any required remediation techniques have been appropriately completed.

**Reason: To ensure the subject site is not contaminated.**

**26. Loading and unloading**

All loading and unloading associated with the development must be carried out within the site.

**Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.**

**27. 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.**

**28. Amenity protection**

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

- i. The appearance of any buildings, works or materials used.
- ii. The parking or movement of motor vehicles.
- iii. The transporting of materials or goods to or from the site.
- iv. Noise, air and water discharges from the site.
- v. Electrical interference.
- vi. The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.



- vii. 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 Hay Shire 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 Hay Shire 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.***

**29. Storage or Hazardous Goods**

Dangerous and hazardous goods shall be stored in accordance with SafeWork NSW requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and SafeWork NSW.

***Reason: To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.***

**30. Liquid Spills**

Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

***Reason: To ensure no amenity impacts occur as a result of the development.***

**31. Aboriginal Cultural Heritage**

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
  - o Not further harm the object(s);
  - o Immediately cease all work at the particular location;
  - o Secure the area to avoid further harm to the Aboriginal object(s);
  - o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location;
  - o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.

- If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

**Reason: To protect Aboriginal heritage and to ensure compliance with the [National Parks and Wildlife Act 1974](#).**

### **32. Construction Certificate**

A Construction Certificate must be submitted to and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal. The Construction Certificate must include a full services plan.

***Reason: To comply with the Environmental Planning and Assessment Act 1979.***

### **33. Erosion and sedimentation controls**

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the document entitled: "Erosion and Sediment Control – A Resource Guide for Local Councils".

***Reason: To prevent water pollution and protect the amenity of the adjoining area, and to comply with the Protection of the Environment Operations Act 1997.***

### **34. Council property**

Any damage or deterioration to any Council property including footpaths, road reserves, or removal of any existing street trees, must be reinstated to its original condition at the Applicant's expense to the satisfaction of Council. Replacement tree(s) must be the same species and size as the one removed.

***Reason: To maintain safe access for pedestrians and to protect the amenity of the area.***

### **35. Minimise dust and noise**

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

***Reason: To minimise environmental and amenity impacts in respect to construction of the development.***

### **36. No pollution of waterways**

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development.

***Reason: To comply with NSW EPA requirements.***

**37. Location of Stockpiles**

Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.

***Reason: To ensure no contamination of waterways occurs as a result of the development.***

**38. 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.***

**39. Fencing Requirements**

Fencing to be installed on the northern boundary (along Russell Street), providing a barrier between the service station and the residential properties. Please adhere to Council's Fencing Policy, or apply to Council if the fence design is outside the Policy.

***Reason: To protect the amenity of the residential area and ensure debris remains on the property.***

**40. Landscaping requirements**

Landscaping as per the approved Landscaping Plan, to be installed prior to occupation.

***Reason: To protect the amenity of the area and assist with filtering any dust/debris from the property.***

**Compliance with Government Department and Council conditions of consent**

**Rural Fire Service**

**41. General Conditions**

- *The recommendations are based on the documents/plans supplied via Councils referral to the NSW RFS.*
- *The plan titled "Proposed Site Plan, by Oasis Building Design Pty Ltd, numbered 22 - 068, revision P4, dated 8/07/2024"; and,*
- *The bush fire assessment prepared by Bushfire Environmental Management Consultancy, reference 242002, dated 6 October 2024.*

***Asset Protection Zones***

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

42. *From the commencement of building works and in perpetuity, the entire property must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:*
- *tree canopy cover should be less than 15% at maturity;*
  - *trees at maturity should not touch or overhang the building;*
  - *lower limbs should be removed up to a height of 2 m above the ground;*
  - *tree canopies should be separated by 2 to 5 m;*
  - *preference should be given to smooth-barked and evergreen trees;*
  - *large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;*
  - *shrubs should not be located under trees;*
  - *shrubs should not form more than 10% ground cover;*
  - *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;*
  - *grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and*
  - *leaves and vegetation debris should be removed regularly.*

#### **Construction Standards**

***The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.***

43. *New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.*
44. *New construction for the refuelling canopies, ordering bay and any other class 10 structure must be undertaken using non-combustible materials.*

#### **Water and Utility Services**

***The intent of measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.***

45. *The provision of water, electricity and gas installed as a part of this application must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:*
- *reticulated water is to be provided to the development where available;*
  - *fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;*
  - *hydrants are not located within any road carriageway;*
  - *reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;*
  - *fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;*
  - *all above-ground water service pipes are metal, including and up to any taps;*
  - *where practicable, electrical transmission lines are underground;*
  - *where overhead, electrical transmission lines are proposed as follows:*

- lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
- no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

#### **Landscaping Assessment**

**The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.**

- 46.** Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation species are used.

#### **Emergency Management**

**The intent of measure is to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.**

- 47.** A Bush Fire Emergency Management and Evacuation Plan must be prepared in accordance with Table 6.8d of Planning for Bush Fire Protection 2019 and be

consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The plan must also include the following:

- a mechanism for the relocation of occupants on days with an 'extreme' or 'catastrophic' fire danger rating or days declared as a total fire ban;
- contact details for the local Rural Fire Service office;
- procedures for coordinated evacuation of the site in consultation with local emergency services.
- provide for the ongoing management and maintenance of bushfire protection measures and annual audit and checking process for the bushfire protection measures.

A copy of the *Bush Fire Emergency Management and Evacuation Plan* should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

### **Transport for NSW**

48. The site shall be established and maintained with one-way circulation through the site restricted to ingress via the western driveway from the Sturt Highway (Moama Street) and egress via the eastern driveway as per the submitted plans. This one-way circulation shall be appropriately sign posted and line marked. No entry signs shall be erected and maintained at the eastern driveway.
49. As a minimum, driveways shall be upgraded to a sealed surface between the back of kerb to the property boundary for the full width of the driveway required to accommodate the largest vehicle anticipated to access the subject site as shown on the submitted plans.
50. The driveways to the Sturt Highway shall be designed and constructed with measures (eg truck mountable kerbing, line marking, etc) to slow vehicles accessing the site from the highway and to direct light vehicles perpendicular to the property boundary within the development site.
51. The order point for the Drive Thru Coffee facility shall be relocated to the northern side of the proposed sales building to maximise available queuing clear of circulation paths to the light vehicle fuel bowsters.
52. All activities including, loading and unloading associated with this development shall take place within the subject development site to remove interference with vehicles and pedestrian movement on public roads. Fill points for onsite petrol and gas storage tanks are to be located so that delivery tankers can stand wholly within the site and clear of access driveways so as not to impede access to and from the subject site.
53. Any signage shall be designed and located so as to comply with the following;
  - a. the sign display shall not include:
    - Any flashing lights,
    - Electronically changeable messages,
    - Animated display, moving parts or simulated movements.
    - Complex display that holds motorist's attention beyond "glance appreciation",
    - Display resembling traffic signs or signals, or giving instruction to traffic by using
    - words such as 'halt' or 'stop';

- b. The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
- c. The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007;
- d. Any proposed sign and support structure (except roadside regulatory signage) shall be located wholly within the confines of the property boundaries and not protrude over any adjoining road reserve.
- e. Any proposed sign and support structure to be located within close proximity to a road reserve is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
- f. Any proposed sign and support structure shall not obstruct any road regulatory, safety or directional signage in the vicinity,
- g. Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.

### **Essential Energy**

*As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 3.5m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.*

*A safety Clearance of 3.5m is required from the front signage to the 11Kv Overhead Network located on Moama Street*

- *It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.*
- *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;*
- *Any activities in proximity to electrical infrastructure 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;*
- *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); the location of overhead and underground*

powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](http://essentialenergy.com.au/lookupandlive).

### **Environmental Protection Agency**

*If remediation is needed Council requires a site audit to confirm that the land will be suitable for the proposed use, and the proponent is to verify that the information provided adheres to appropriate standards, procedures and guidelines.*

**Reason: Conditions as supplied by Departments.**

### **Conditions which must be fulfilled prior to the release of the Occupation Certificate or use of the development**

#### **54. Occupation Certificate**

The Applicant must not allow or permit the building (or part of the building, in the case of alteration or additions) to be occupied or used, until:

- a) All conditions of this consent have been completed in full;
- b) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the NSW Planning Portal; and
- c) The Principal Certifier has issued an Occupation Certificate.

**Reason: To comply with the Environmental Planning and Assessment Act 1979.**  
(Perry/Garner)

*For*

Cr L Garner  
Cr W Miller  
Cr C Oatway  
Cr J Perry  
Cr P Porter  
Cr M Quinn  
Cr D Tapper

*Against*

#### **C3 John Houston Memorial Swimming Pool Replacement Project – Updated Report**

##### **24-134 Resolved** that Council:

- (a) Notes the information provided in the report and verbal update given;
- (b) Endorses proposed Project Control Group with the addition of two Councillors – Crs Perry and Quinn;
- (c) Supports the use of the community raised funds for the purpose of heating the new pools; and
- (d) A further report is brought to Council once the design of the heating system is completed.

(Perry/Miller)

#### **C4 Floodplain Management Program**

##### **24-135 Resolved** that Council

- (a) Notes the information provided in the report;



(b) Endorses the draft full Floodplain Risk Management Study and Plan as outlined in the report be placed on public exhibition for minimum of 28 days; and

(c) A further report be brought back to Council in due course.

*(Perry/Tapper)*

**C5 Murrumbidgee River Master Plan 2021 Update**

**24-136 Resolved** that Council places the amended Pages 14 and 15 of the Murrumbidgee River Master Plan on public exhibition and a further report be brought to the March 2025 meeting.

*(Perry/Tapper)*

**C6 Request for Memorial Bench**

**24-137 Resolved** that Council installs a memorial bench seat in memory of Mr Clive Davenport at No.1 Oval in Hay Park.

*(Tapper/Perry)*

**C7 Classification of Truck Wash Land**

**24-138 Resolved** that Council classify Lot 7308 DP 114431 (Hay Truck wash) as operational land.

*(Quinn/Porter)*

**C8 Review of Risk Management Framework**

**24-139 Resolved** that Council endorse the Risk Management Framework and Risk Register as presented.

*(Porter/Tapper)*

**C9 Review of Payment of Expenses and Provision of Facilities Policy**

**24-140 Resolved** that Council place the draft Payment of Expenses and Provision of Facilities Policy, as presented, on public exhibition for a period of no less than 28 days with any comments received to be considered at the February 2025 Ordinary meeting of Council.

*(Perry/Miller)*

**C10 Application for reduction in water and sewerage usage charges**

**24-141 Resolved** that Council:

- a) not reduce or waive the water usage charge for 31/10/2024; and
- b) writes off 50% of the sewer discharge charges.

*(Tapper/Perry)*

*Cr Garner requested his dissent be recorded.*

- C11      Audit Office - Final Management Letter**  
**24-142    Resolved** that Council receives and notes the NSW Audit Office Final Audit Management Letter for 2023/2024 and the actions undertaken to date.  
*(Porter/Perry)*
- C12      Monthly Financial Data - November**  
That Council receives and notes the report provided
- C13      Library Report**  
That Council receives and notes the report provided.
- C14      Tourism & Economic Development Report**  
Notes the information and actions being undertaken in the report
- C15      Circulars & Other Government Correspondence**  
That Council receives and notes the report provided.
- C16      Major Projects Update**  
That Council notes the information provided in the report and the actions being undertaken.
- C17      Operations Monthly Update Report**  
**24-143    Resolved** that Council:  
    (i) Notes the information provided in the report;  
    (ii) Adopts the new proposed truck wash fees as follows:  
        **(a)** Charge per minute of use \$0.5454/min (excluding GST), based on current annual costs and usage minutes;  
        **(b)** Minimum charge per use is \$2.727 (excluding GST); and  
        **(c)** Sell purchased fobs for \$35 (excluding GST).  
*(Perry/Miller)*
- C18      Tree Removal Request**  
**24-144    Resolved** that Council removes the Pine Tree at 476 Moppett Street and replace with two (2) Manchurian Pear trees.  
*(Porter/Perry)*

**Reports of Council Committees:**

- Maude War Memorial Hall Committee AGM 12<sup>th</sup> November 2024
- Maude War Memorial Hall Committee 12<sup>th</sup> November 2024
- Bishop Lodge Management Committee 27<sup>th</sup> November 2024
- Audit Risk & Improvement Committee 4<sup>th</sup> December 2024
- Hay Floodplain Risk Management Committee 5<sup>th</sup> December 2024.

**24-145 Resolved** that Council notes the Committees meeting minutes and any recommendations contained within be adopted.

*(Quinn/Miller)*

There being no further business the meeting terminated at 2.35pm.

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