

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 22nd OCTOBER 2024

PRESENT: Councillors: Mayor Cr C Oataway (Chair), Cr G Chapman, Cr L Garner, Cr G Miller, Cr J Perry, Cr P Porter, Cr M Quinn, 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: Nil

This meeting was audio recorded.

Welcome to Country: Raymond Woods delivered a Welcome to Country on behalf of the Wiradjuri people.

General Manager's Reports

C1 Oath and Affirmation of Office

24-95 Resolved that each Councillor take the oath or affirmation of office at the commencement of the first Ordinary Meeting of Council.
(Quinn/Miller)

C2 Election of Mayor and Deputy Mayor

24-96 Resolved that Council:

- (a) Elects a deputy mayor for a two-year period to September 2026; and
- (b) that the election for Mayor and Deputy Mayor be held by open ballot.

(Perry/Tapper)

Mayor

The Returning Officer David Webb advised that he had received two nominations for the position of Mayor, that being Councillor Perry and Councillor Oataway

The Returning Officer conducted the election by open ballot and advised the meeting that Cr Perry received 3 votes, Cr Oataway received 5 votes. The Returning Officer declared Councillor Oataway elected as Mayor for the ensuing term.

Deputy Mayor

The Returning Officer David Webb advised that he had received three nominations for the position of Deputy Mayor, that being Councillor Quinn, Councillor Chapman and Councillor Garner.

The Returning Officer conducted the election by open ballot and advised the meeting that Cr Quinn received 4 votes, Cr Garner received 3 votes and Councillor Chapman received 1 vote. Councillor Chapman was excluded following first round vote.

The Returning Officer conducted the second round of deputy mayor vote and Cr Quinn received 5 votes and Cr Garner received 3 votes.

The Returning Officer declared Councillor Quinn elected as Deputy Mayor for the ensuing term.

Cr Oataway took the Chair as Mayor.

Confirmation of Minutes

24-97 **Resolved** that the minutes tabled at the Ordinary Meeting of Council held 27th August 2024.

(Quinn/Porter)

Declaration of Interest

Nil

General Manager's Reports

Action Plan Report

The report was received and noted.

C3 Council Committees

24-98 **Resolved** that Council

- a) Determined its delegates for the various organisations and committees listed in the report for the term of Council as follows:

Council Committees (Section 355): -

- Audit Risk and Improvement Committee – Cr Perry as an observer (non-voting)
- Australia Day Committee – Crs Garner, Miller, Oataway & Perry
- Bishop's Lodge Committee – Cr Oataway
- Floodplain Risk Management Committee – Crs Chapman & Porter, General Manager
- General Manager Performance Review Panel – Mayor, Deputy Mayor, Cr Garner & Cr Perry
- Hay Gaol Management Committee – no longer sufficient members; Committee and staff recommend dissolving this committee. The Gaol to be managed by staff and volunteers.
- Hay Showground Management Committee – Cr Chapman, Cr Garner & General Manager
- Home and Community Care (HMSO) Committee – no longer required; staff recommend dissolving this committee.
- Myers Lane Committee – Crs Garner, Perry, Quinn & General Manager

- Maude War Memorial Hall Committee – Cr Miller & General Manager

Other Committees:

- Audit Risk and Improvement Committees (other Councils) – General Manager, Deputy General Manager
- Bushfire Advisory Committee – Cr Porter, Cr Tapper
- Hay Plains Childcare Centre – Cr Miller
- Murray Darling Association – Cr Chapman, Cr Porter & General Manager
- RAMJO – Mayor, Deputy Mayor, General Manager
- Shear Outback – Cr Tapper & Deputy General Manager
- Traffic Committee – Crs Garner, Porter & Quinn, General Manager, Executive Manager Engineering & Operations,
- Western Riverina Community Library – Cr Oataway and Librarian
- Local Health Advisory Committee – Cr Oataway, General Manager

b) Dissolves the:

- (i) Hay Gaol Management Committee; and
- (ii) Home and Community Care (HMSO) Committee

c) Acknowledges the outgoing Hay Gaol Management and Home and Community Care (HMSO) Committees.

(Quinn/Tapper)

C4 Councillor Information

That Council notes the information provided in the report.

C5 Resignation of Councillors

24-99 Resolved that pursuant to section 291A(1)(b) of the Local Government Act 1993 Hay Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the council on 14th September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the General Manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.

(Perry/Quinn)

C6 Delegations of Authority

24-100 Resolved that Council adopt the delegations of authority to the Mayor, Section 355 Committees and the General Manager as detailed in the attached Delegations of Authority Part 1.

(Perry/Miller)

C7 Annual Disclosure of Interest Returns 2023-2024

24-101 Resolved that Council notes the tabling of the Register of Annual Disclosure of Interest Returns for 2023-2024.

(Quinn/Porter)

C8 Upcoming Conferences

24-102 Resolved that Council:

- (a) Notes the information provided in the report;
- (b) ALGA 2024 National Roads – Cr Garner - attending Councillor to meet the funding of trip except for registration; and
- (c) Endorses the registration of the Mayor, Deputy Mayor and General Manager to attend the 2024 LGNSW Annual Conference in Tamworth 17-19th November 2024 and authorises the Mayor as the voting delegate at the Conference.

(Perry/Quinn)

C9 Development Applications – 17th August 2024 to 11th October 2024

That Council notes the list of Development Applications 17th August 2024 to 11th October 2024.

C10 DA2024-40 – Storage Shed at 435 Macauley Street, Hay

24-103 Resolved DA2024-40 for a storage shed at 435 Macauley Street, 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 Job No. 4897294073, Sheets 1 to 10 by Best Sheds (Emerald Design & Construction) & Revised Location Plan 11/10/2024 for 435 Macauley Street, 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 24 hours 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.

The development should be a minimum of 2.1m of the eastern boundary.

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. Storm Water Drainage:

Storm water run-off from all roofs and extensive paved areas is to be collected and conveyed by gravity to Council's storm water collection system via a system of underground pipes having a diameter of at least 90mm and laid at a grade of at least one-in-one hundred (1%).

Reason: Preservation of the integrity of buildings and other structures, soil conservation, and not to impact neighbouring properties.

- 9. Driveway:** If it is proposed to construct a vehicular crossing on the public footpath/nature strip or road verge, the vehicular crossing must be applied for in a separate application (Road Opening Permit) and further approved and inspected by Council. The driveway should be at least 1m clear from the next property boundary. The access is to be constructed and maintained at the Applicant/Owners cost, such that no soil erosion is caused.

Reason: To ensure that works carried out on public roads conform to the requirements of Council (the responsible authority), and reduce the risk to life and property (neighbours, street lights, power poles, road damage, etc).

10. 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.

11. 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.

12. 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.

13. Use of Building – Non-Residential Uses Only

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

- 14. Chemical Storage:** If chemical storage, it needs to be bunded in accordance with 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.

15. 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.*

16. 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.*

17. Hours of operation

The hours of operation for the business are:

- a) Mondays to Fridays: 08:00am-5:00pm
- b) Saturdays: 08:00-12:00
- c) Sundays, inclusive of Public Holidays: Nil

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

18. 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 of the development.*

19. 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.*

20. 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. All parking must be on site.
- 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.*

21. Landscaping

The developer is to plant trees on the Macauley Street frontage on the property.

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

(Perry/ Quinn)

For

Cr G Chapman
Cr L Garner
Cr G Miller
Cr J Perry
Cr C Oataway
Cr P Porter
Cr M Quinn
Cr D Tapper

Against

C11 DA2024-41 – 1.8m Front Fence at 5 Meakes St, Hay

24-104 Resolved DA2024-41 for 1.8m Front Fence at 5 Meakes St, 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 Plan A & B, for 1.8 Front Fence at 5 Meakes St, Hay, 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 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.*

3 Siting

The applicant is responsible to ensure that the fence is sited on the allotment (no encroachments onto neighbouring properties) 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 building.*

4 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.*

5 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.*

6 Second Hand Materials

No second hand materials are to be used on any external surface of the building unless made available for inspection and separately approved by Council.

***Reason:** To ensure building materials are in good condition, are not unsightly and adhere to the amenity of the area.*

(Quinn/Perry)

For

Cr G Chapman
Cr L Garner
Cr G Miller
Cr J Perry
Cr C Oataway
Cr P Porter
Cr M Quinn
Cr D Tapper

Against**C12 DA2024-43 – Security Fence at 394 Alma St, Hay**

24-105 Resolved DA2024-43 for Security Fence at 394 Alma St, Hay be approved fence with the following conditions:

1 Compliance with Consent

The Development being completed in accordance with plans and specifications stamped by Council being Plan A & B, for 2.1m Security Fence at 394 Alma St, Hay, 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 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.*

3 Siting

The applicant is responsible to ensure that the fence 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 building.*

4 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.*

5 Site Encroachment Prohibited

The structure shall be erected solely within the property boundaries.

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

6 Footpath Construction

All work on the public footpath and roadway shall be carried out with due care and regard for the safety and convenience of the public including pedestrians, cyclists and motorists. Special regard shall be paid to caring for the needs of children, the disabled, the infirm and the elderly.

Reason: Preservation of the life, health and good will of members of the public.

7 Footpath Storage

Building materials/machinery not to be stored on Council footway and/or nature strip at any time.

Reason: To ensure an adequate level of public safety is maintained.

8 Protection of Services & Assets

Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, sewer/water services, kerb & gutters, laybacks or other public land shall be restored to Council's satisfaction and at the full cost of the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponent's cost.

Reason: To protect Council infrastructure.

9 Gates

Any gates must open inwards, and not encroach onto roads/road reserves.

Reason: To not encroach onto a road reserve, and to not cause obstructions/hazards to traffic/pedestrian users.

10 Land boundaries

It is the applicant/owners responsibility to ensure the fence is erected on the property boundary, and it is advised that a registered land surveyor be used.

Reason: To ensure no encroachments occur onto neighbouring/public property.

11 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.

12 Driveways

If it is proposed to construct a vehicular crossing on the public footpath/nature strip or road verge, the vehicular crossing must be applied for in a separate application (Road Opening Permit) and further approved and inspected by Council. The driveway should be at least 1m clear from the next property boundary. The access is to be constructed and maintained at the Applicant/Owners cost, such that no soil erosion is caused.

Reason: *To ensure that works carried out on public roads conform to the requirements of Council (the responsible authority), and reduce the risk to life and property (neighbours, street lights, power poles, road damage, etc).*

13 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.*

(Perry/Quinn)

For

Cr G Chapman
Cr L Garner
Cr G Miller
Cr J Perry
Cr C Oataway
Cr P Porter
Cr M Quinn
Cr D Tapper

Against

C13 Swimming Pool Replacement Loan Agreement

24-106 Resolved In relation to Resolution No. 24-050, Title: Local Roads & Community Infrastructure Program, Part (b) from the Ordinary meeting held 28th May 2024, that Council:

- (a) Approves the borrowing of \$4,000,000, for a period of 20 years, for the replacement of the John Houston Memorial Swimming Pool from NSW Treasury Corporation which was previously adopted as part of Council's Local Roads & Community Infrastructure Program; and
- (b) Authorises the General Manager to sign all required contracts and documents necessary to execute the loan borrowings of \$4,000,000 for the replacement of the John Houston Memorial Swimming Pool.

(Porter/Perry)

C14 2023/2024 Financial Statements

24-107 Resolved that Council:

- (a) Adopts the Financial Statements for the year ending 30th June 2024;
- (b) Authorises the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statements by Council on its opinion of the accounts; and
- (c) Delegates authority to the General Manager to authorise the issue of the accounts on receipt of the auditor's reports and set the date for the public meeting.

(Porter/Tapper)

C15 Library Report

That Council receives and notes the report provided.

C16 Monthly Financial Data - August

That Council receives and notes the report provided

C17 Monthly Financial Data - September

That Council receives and notes the report provided

C18 Tourism & Economic Development Report – May/June 2024

24-108 Resolved that Council :-

- (a) Notes the information and actions being undertaken in the report; and
- (b) Acknowledges the Hay and Carrathool RDRP Summary Consultation Report, dated October 2024.

(Miller/Perry)

C19 Circulars & Other Government Correspondence

That Council receives and notes the report provided.

C20 Major Projects Update

That Council notes the information provided in the report and the actions being undertaken.

C21 Tree Removal Requests

24-109 Resolved That Council:

- a) Removes the Gum Tree at 238 Bourke Street and replace with a suitable species;
- b) Prunes the Christmas Bush at 133 Lachlan Street to reduce the height;
- c) Removes three Claret Ash Trees at 422 Orson Street and replace with suitable species; and

- d) Prunes the Claret Ash tree in front of 190-192 Lachlan Street away from the awning.

(Perry/Tapper)

C22 Operations Monthly Update Report

24-110 Resolved that Council:

- a) Notes the information provided in the report; and
- b) Adopts the new bulk potable water fee from the standpipe of \$20/KL (Ex GST); and
- c) Trials revised Sunday opening hours at the Hay Waste Transfer Station 8am-12pm and 1pm-4pm.

(Perry/Chapman)

Reports of Council Committees:

- Bishop Lodge Management Committee 14th August 2024
- Bishop Lodge Management Committee 11th September 2024
- Hay Showgrounds Management Committee 16th September 2024
- Hay Gaol Museum Committee 18th September 2024
- Hay Shire Audit Risk and Improvement Committee 16th October 2024
- Hay Shire Traffic Committee 16th October 2024
- Bishop Lodge Management Committee 16th October 2024

24-111 Resolved that Council notes the Committees meeting minutes and any recommendations contained within be adopted.

(Porter/Perry)

In Committee

24-112 Resolved that the meeting be closed during the discussion of the following matters relating to:

IC.1 Reseals 2024-25

Section 10A of the Local Government Act 1993 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;

(Quinn/Perry)

IC.1 Reseals 2024-25

24-113 Resolved that Council:

- (a) Accepts the tender for the schedule of rates for Reseals 2024-25 from Bitupave Ltd, in an amount of up to \$680,291 (excluding GST); and
- (b) Authorises the General Manager and Executive Manager Engineering & Operations to sign the Contract.

(Porter/Quinn)

Open Meeting:

24-114 Resolved that the meeting be opened, and the resolutions made public.

(Tapper/Perry)

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

There being no further business the meeting terminated at 3.23 pm.

Confirmed _____
Cr Carol Oataway
Mayor