



Business Paper

Extraordinary Meeting

Thursday, 6.00pm
31st July 2025

28th July 2025

The Mayor and Councillors
Hay Shire Council
PO Box 141
Hay NSW 2711

Ladies and Gentlemen:

NOTICE OF EXTRAORDINARY MEETING

I inform you that an Extraordinary meeting of Council will be held in the Council Chambers, 134 Lachlan Street, Hay on:

**Thursday 31st July 2025 to be held 6.00pm
in the Council Chambers.**

The agenda for the meeting is as follows:

1. Council prayer
2. Apologies
3. Declarations of interest
4. General Manager's Report
5. In Committee Report

This extraordinary meeting will be live streamed, and the link can be found at <https://www.hay.nsw.gov.au/Inside-Hay-Shire-Council/Council-Meetings-and-Reports/Council-Meetings-Webcast>

This extraordinary meeting will also be audio recorded and available on Council's website within 48 hours on completion of the Ordinary meeting.

Yours sincerely,



David Webb
General Manager

Vision

Where our people are resilient, healthy and safe, living together with a strong sense of community in a vibrant and prosperous economy.

Mission Statement

To be a progressive rural council committed to:

- Caring for the welfare of our communities
- Protecting and enhancing the environment;
- Building a climate that encourages opportunities for all;
- Managing the Council's resources in an open and accountable manner consistent with the principles of value for money and equity.

Corporate Values

Integrity

We will be honest, fair and ethical in all our dealings, complying with the letter and the spirit of the law. We will make decisions in an unbiased, objective manner devoid of any personal interests or prejudices. We will treat all people with respect.

Openness

We will be readily accessible and will be transparent in all our dealings. We will communicate truthfully and regularly with our community. We will give reasons for our decisions.

Responsiveness

We will consult with our community and other stakeholders and be guided by their wishes. We will deliver on our promises.

Quality of Service

We will strive to provide best-practice services through continuous improvement and embracing new ideas and we will respond promptly to service problems.

Principles

Council has reviewed its guiding principles in line with the new requirements resulting from the Local Government reform process which are now:-

- actively engage local communities, including through integrated planning and reporting;
- be transparent and accountable;
- recognise diverse needs and interests;
- have regard to social justice principles;
- have regard to the long term and cumulative effects of its actions on future generations;
- foster ecologically sustainable development;
- effectively manage risk;
- have regard to long term sustainability;
- work with others to secure services that are appropriate to meet local needs;
- foster continuous improvement and innovation;
- act fairly, ethically and without bias in the public interest; and
- endeavour to involve and support its staff.

General Manager's Report

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C1 - Sheds and Shipping Containers in Residential Areas

REPORTING OFFICER	Executive Manager Planning and Compliance
ATTACHMENTS	- Sheds and Shipping Containers in Residential Areas Policy, Version 2, dated July 2025

INTRODUCTION

The Sheds and Shipping Containers in Residential Areas Policy was adopted by Council on 26 June 2018. As stated in the objectives, the aim of the policy is to:

- To ensure compatibility with other buildings on adjoining lots.
- To protect and enhance the natural and built environment by ensuring that proposed developments relate to site conditions.
- To ensure industrial/commercial style sheds are not built in residential areas.
- To ensure residential neighbours are not impacted by the development, e.g. overshadowing, privacy, displeasing views.
- To ensure that shipping containers do not have an impact on residential amenity

On 27 May 2025 Council resolved the following:

That Council publicly exhibits the Sheds and Shipping Containers in Residential Areas for a period of minimum 28 days and refer the policy back to Council.

COMMENTARY

There has been an increase of Development Applications in the past year that triggers the policy with mostly the eave requirements. Anecdotal evidence suggest that the height of caravans necessitates a higher eave than the 3.5m. It is suggested that the eave be made higher – to 3.6m.

Council staff have had no issues with the policy at present, and is of the opinion that only minor amendments be made to the policy:

- Making the eave height 3.6m instead of the current 3.5m
- Keeping notification to neighbours as a compulsory requirement if an application does not conform to the policy, but advertising not compulsory, as in most cases it seems excessive.

The proposed amendment to the policy was publicly notified, with no comments received. As such the policy is brought back to Council for adoption with the above changes.

RELEVANCE TO STRATEGIC COMMUNITY PLAN	Environmental 2.1 Council is resilient and adaptive 2.1.1 Council considers climate change resilience in our services, and the maintenance and management of our buildings, public spaces and infrastructure. 2.1.2 Foster sustainable energy solutions and practices to reduce Council's footprint. 2.1.3 Climate change risks and opportunities are embedded in our decision making process.
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	<p>2.2 Our Community is resilient and adaptive</p> <p>2.2.1 Support business with climate risk adaptation and best practice</p> <p>Economic</p> <p>3.1 Our community welcomes new and innovative industry to support our future</p> <p>3.1.1 Future Ready Businesses</p> <p>3.1.2 Strengthen Business Support Services</p> <p>3.1.3 Business Attraction and Investment Growth</p> <p>3.1.4 Facilitate growth industries including workforce development and skills</p> <p>3.1.5 Identify opportunities to grow the agricultural sector</p> <p>3.1.6 Identify opportunities to grow the renewable energy sector</p> <p>Civic Leadership</p> <p>4.1 Our Council leads by example</p> <p>4.1.1 Implement and promote best practice governance</p> <p>4.1.2 Monitor and evaluate Council's strategic planning documents</p> <p>4.1.3 Be environmentally responsible in decision making</p> <p>4.1.4 Council will seek to continuously improve</p> <p>4.2 Our community is supported by a strong and resilient Council that is responsive to its needs</p> <p>4.2.1 Provide an advocacy role on behalf of the community</p> <p>4.2.2 Inform and empower community input into decision making</p> <p>4.2.3 Our community</p>
FINANCIAL IMPLICATION	Nil
LEGISLATIVE IMPLICATION	To be applied in conjunction with the Environmental Planning and Assessment Act 1979
POLICY IMPLICATION	Revision of the existing policy
ASSET IMPLICATION	Nil
RISK IMPLICATION	Nil

RECOMMENDATION

That Council adopts the Sheds and Shipping Containers in Residential Areas Policy, Version 2, dated July 2025.

Hay Shire Council Policy



Title of Policy	Sheds and Shipping Containers in Residential Areas		
This applies to	Hay Shire Local Government Area		
Author	Jack Terblanche	Date Approved:	31/07/2025
Position of Author	Executive Manager and Planning Compliance	Authorised by:	Council
Legislation, Australian Standards, Code of Practice.	<ul style="list-style-type: none">• Local Government Act 1993• Environmental Planning & Assessment Act 1979• Environmental Planning & Assessment Regulation 2000• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		
Related Policies/Procedures	Building Line Policy Notification & Advertising Policy for Development Proposals		
Attachments	Nil		
Aim	Provide guidelines for the development of sheds and shipping containers in residential areas.		
Version	Details		Date
Version 1	Initial Issue		26/06/2018
Version 2	Revision		31/07/2025
Superseded Policies	Nil		
The Policy			

OBJECTIVES

- To ensure compatibility with other buildings on adjoining lots.
- To protect and enhance the natural and built environment by ensuring that proposed developments relate to site conditions.
- To ensure industrial/commercial style sheds are not built in residential areas.
- To ensure residential neighbours are not impacted by the development, e.g. overshadowing, privacy, displeasing views.
- To ensure that shipping containers do not have an impact on residential amenity.

POLICY

Land to which the policy applies

- Zone RU5 – Village (Hay LEP 2011) where there is a residential use on the site, or the lot has residential uses adjacent to it.

Standards

When submitting an application for the development of a shed/outbuilding in RU5 – Village (residential area), please consider the following standards/guidelines:

- **Building Setback** – The outbuilding/shed must not be within the building setback, and not in front of a dwelling. Please see the Building Line Policy for further details.
- **Building Height** – The outbuilding/shed must not exceed 4.5m to the ridge, and 3.6m to the eave.
- **Floor Area** – The floor area of the outbuilding/sheds for:
 - Blocks less than 1012m² must not exceed a floor space of 100m²;
 - Blocks over 1012m² the shed shall cover no more than 10% of the block and be no greater than 175m²;
- **Materials** – Any Sheds larger than 40m² must be constructed of non-reflective coloured material (such as Colourbond).
- **Amenities** – Amenities in an outbuilding/shed are restricted to one toilet and a hand basin. A shower will only be allowed in a pool house or cabana, unless a valid reason is provided for a shower to be installed in a shed.
- **Uses** – The shed/outbuilding must not be used for industrial purposes (see Hay Local Environmental Plan 2011 for definitions).
- Commercial use (see Hay Local Environmental Plan 2011 for definitions) will require approval and must be clearly stated with your development application for the shed.

The shed must not be used as a dwelling unless it was approved as a dwelling or has been successfully converted to a dwelling by meeting the requirements of the BCA and relevant legislation (please see fact sheet on converting a shed to a dwelling).

Matters for Consideration

In unusual or exceptional circumstances, shed sizes greater than the “deemed to satisfy” provisions outlined in this Policy may be approved. These variations are to be decided on a performance basis which requires assessment of the following criteria:

- a. the levels, depth, shape or conditions of the allotment and adjoining allotments;
- b. the nature of any proposed building or structure on the allotment;
- c. the nature of any existing or proposed buildings or structures on adjoining allotments;
- d. whether the allotment is a corner allotment;
- e. whether the allotment has two road frontages;
- f. any other matter it considers relevant.

Council must be satisfied that the building or structure, built on the allotment in the way proposed, would not unduly:

- a. obstruct the natural light or ventilation of an adjoining allotment; or
- b. interfere with the privacy of an adjoining allotment; or
- c. restrict the areas of the allotment suitable for landscaping; or
- d. overcrowd the allotment.

If your development does not meet the standards of this policy, your application will be notified to neighbours, and may be advertised and taken to Council in conjunction with the Notification & Advertising Policy for Development Proposals.

Shipping Containers for Storage

Shipping containers can be used for storage on a lot, with the following conditions:

- Only one container per lot
- It is located behind the existing dwelling
- It complies with Council's Building Line Policy
- It is painted to match the existing dwelling
- It is screened where visible from the street and adjoining properties
- It is only used for domestic storage
- It is not on land that contains a heritage item
- It is not allowed on flood affected land.

CLOSED COMMITTEE NOTIFICATION

**HAY SHIRE COUNCIL
ORDINARY MEETING OF COUNCIL
31ST JULY 2025**

List of items entitled to be dealt with in a Closed Meeting

Section 10A of the Local Government Act 1993 provides that all matters shall be discussed in open other than matters that relate to the following: -

- (a) personnel matters concerning particular individuals (other than councillors);
- (b) the personal hardship of any resident or ratepayer;
- (c) information that would, if disclosed, confer a commercial advantage on the person with whom the council is conducting, or proposing to conduct, business;
- (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;
- (e) information that would, if disclosed, prejudice the maintenance of law;
- (f) matter affecting the security of the council, councillors, council staff or property;
- (g) advice concerning litigation, or advice that otherwise would be privileged from production in legal proceedings on the ground of legal professional privilege, and
- (h) information concerning the nature and location of a place or item of Aboriginal significance on community land.

Council or a council committee may close part of a meeting only for such portion of the debate on an item as is necessary to preserve confidentiality, privilege or security. The resolution closing the meeting must specify:

- the provision of section 10A (2) of the Act under which part of the meeting is being closed,
- the matter to be discussed during the closed part of the meeting, and
- the reasons why it is being closed, including an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to public interest.

Section 11

In accordance with Section 11(2)(a)(b) of the Local Government Act 1993, access to the correspondence and reports relating to the items considered during the course of the Closed Session will be withheld.

General Managers Report: -

IC1 – Hay Sewage Treatment Plant

Reason for Confidentiality:

IC.1 (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Further that in accordance with Section 10D it is considered that if the matter were discussed in an open Council meeting, it would on balance, be contrary to the public interest as its information that would if disclosed, confer a commercial advantage on person with whom the Council is conducting (or proposes to conduct) business. As such, the matter is appropriately considered in closed session under Section 10A(2)(d) of the Local Government Act 1993.