

**MINUTES OF THE EXTRAORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD  
IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 5.00PM ON 29<sup>th</sup> JANUARY  
2025**

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**PRESENT:** Councillors: Cr M Quinn (Chair), Cr G Chapman Cr L Garner, Cr W Miller,  
Cr J Perry, Cr P Porter, Cr D Tapper, General Manager David Webb,  
Executive Manager – People and Governance – Kirstyn Thronder.

**Apology:** Mayor Cr C Oataway

**25-01 Resolved** that Cr Oataway be granted leave of absence.

*(Perry/Porter)*

*This meeting was audio recorded.*

**Request to attend by Audio Link:** Nil

**Declaration of Interest** - Nil

**General Manager's Reports**

**C1 DA2024-58 – Carport/Garage at 465 Orson Street, Hay**

**25-02 Resolved that** DA2024-58 for a Carport/Garage at 465 Orson 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 A, B and C for Carport/Garage at 465 Orson Street, 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. 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.

***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. Boundary Clearance:** A minimum distance of 800mm shall be provided between the external walls of the building and the side boundaries of the allotment, and a minimum distance of 450mm shall be provided between the overhang of the eaves and guttering and the side boundaries of the allotment.

***Reason:** To adhere to minimum boundary offsets as required by the relevant legislation and in keeping with the approved plans.*

**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. 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.*

**10. 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.*

**11. 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.*

**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. 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.*

**14. Surface Water:**

Provision shall be made to keep surface water away from the dwelling and neighbouring properties.

**Reason:** To ensure surface water is kept on the property as per the Local Government Act 1993

(Porter/Chapman)

*For*  
Cr G Chapman  
Cr L Garner  
Cr W Miller

*Against*

Cr J Perry

Cr P Porter  
Cr M Quinn  
Cr D Tapper

**C2 DA2024-64 – Shed at 455 Cadell Street, Hay**

**25-03 Resolved** That DA2024-64 for a shed at 455 Cadell 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 - Site Plan dated 8/12/2024 AND Job No. 0397491210, Sheets 1 to 8 dated 25-10-2024 by Best Sheds, for 455 Cadell Street, 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. 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:

- m) Pier pads prior to pouring concrete;
- n) All footing excavations, with steel in position, before concrete is poured;
- o) All concrete floors and raft slabs, with steel and damp proof membrane in position before concrete is poured;
- p) Sewer drains before being covered;
- q) Bearers and floor joists before flooring is laid;
- r) Wall and roof framing before being lined;
- s) Insulation of walls, roof, floor, ceilings, soffits, service pipes, ducts and chimney flue dampers;
- t) Wet area flashings after internal linings are installed;
- u) Stormwater drains/connections before backfilling;
- v) Fire-rated wall and ceiling framing;
- w) Sound transmission measures;
- x) 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. Boundary Clearances & Encroachments:**

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/public property.*

**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. 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.*

**10. 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.*

**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.*

**11. Use of Building – Non-Residential Uses Only:**

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

**12. Use of Building – Not for Commercial or Industrial Use:** The building/shed must not be used for commercial or industrial purposes or storage of goods associated with industrial or commercial undertakings.

*Reason: Development consent is required for any other activity not already approved.*

**13. Laneway Access:**

Any gates used to access the rear laneway, must not swing outwards into the road reserve.

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

**14. Dividing Fences Act:**

The Dividing Fences Act 1991 must be adhered to

*Reason: Legislative compliance.*

**15. Demolition Works:**

Demolition of existing building or structures is to be carried out in a manner so that the risk of injury to health and safety of site personnel and public persons will be minimised.

Identify and locate service supply mains – Water, Electricity and notify the controlling authority to disconnect such services prior to demolition.

All debris is to be removed from the site and disposed of at Hay Waste Depot, in the

building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Waste Service Officer for an estimate of costs in this regard.

**Reason:** *To ensure the safety and to minimise the disruption to services through damage to same.*

**16. Excavation Safety:**

All excavations and back-filling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. The adjoining property owner is to be given seven (7) days notice.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

**Reason:** *Regulatory compliance*

**17. Waste Removal:**

All debris and any waste fill is to be removed from the site and disposed of at Hay Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

**Reason:** *To ensure that the amenity and unsightly condition is minimised.*

**18. Waste Storage During Construction:**

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind, eg. paper, sheets of iron, ridge capping, cement and lime bags and the like.

**Reason:** *To ensure that the site is not a source of wind-blown litter.*

**19. Asbestos Removal:**

Any quantity of asbestos, whether it be stabilised or non-stabilised (loose), should be undertaken with care. Stabilised asbestos can include fibro sheets, fibro roofing, fibro water pipes, and bituminous floor tiles. If you are removing more than 10 sq. mtrs. of surface area you will need to have a specially licensed person with Workcover, authorised to undertake such work. If you are removing stabilised asbestos sheeting, roofing, etc. observe the following precautions:

- Remove entire sheets of materials without breaking the product, ie punch nail holes through rather than break the sheet, take down – don't drop.
- Thoroughly wet each sheet of the waste before removing.
- Wrap the sheeting in plastic 200 microns thick.
- When transporting, make sure the top of the trailer is taped over with plastic sheeting and secured.
- Transport to an asbestos authorised disposal area, ie Hay Waste Depot is authorised, provided prior notice has been given so that the disposal pits are specially opened up and protective gear is worn by the operator of the plant.
- When unloading do not drop on the ground but gently place into the areas as directed by the Council operator.
- Do not use power tools which expose the asbestos fibres.
- Do not scrub or water-blast any asbestos cement sheeting.

- Do not slide sheets over other sheets, as this will release fibres.
- Wear a protective mask and goggles.

Websites with additional information are at [www.asbestosawareness.com.au](http://www.asbestosawareness.com.au) and Council's website, [www.hay.nsw.gov.au](http://www.hay.nsw.gov.au).

**Reason:** *To minimise the risk of asbestosis and to dispose of this harmful product in a safe secure manner at an accredited disposal point.*

<p><i>For</i></p> <p>Cr G Chapman Cr L Garner Cr W Miller Cr J Perry Cr P Porter Cr M Quinn Cr D Tapper</p>	<p><i>Against</i></p> <p>(Perry/Miller)</p>
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**C3 John Houston Memorial Swimming Pool Replacement Project – Updated Report**

**25-04 Resolved** that Council:

- (a) Notes the information provided in the report and actions being undertaken;
- (b) Endorses the removal of the four trees and planting of ten new trees on site;
- (c) A further report is brought to Council once the design of the heating system is completed; and
- (d) Record a vote of thanks to the General Manager and his team for the successful Growing Regions Program grant application.

(Perry/Tapper)

**C4 Regional Economic Development & Community Investment Program**

**25-05 Resolved** That Council:

- (a) Notes the parking of the grant application under the Resilient Rivers Water Infrastructure Program;
- (b) Submits a grant application under the Regional Economic Development and Community Investment Program for the full roll out of digital meters to all users in the Hay town water supply network; and
- (c) Provides a 25% cash contribution to towards the Regional Economic Development and Community Investment Program from the Water Fund Reserves.

(Tapper/Porter)

There being no further business the meeting terminated at 5.45pm.

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