

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY ON TUESDAY 22nd SEPTEMBER 2009 COMMENCING 1.00PM.

PRESENT Councillor M.A. Rutledge (Chairman), Councillors, P.A. Dwyer, P A Fayle, L.A. Garner, D. Low, S McRae, R.W. Sheaffe, J Treloar and the General Manager A.J. Dwyer, Director of Technical Services Bill Moore, Director of Corporate Services Mark Dowling and the acting Director of Environmental Services John Porter.

APOLOGIES: Nil

Confirmation of Minutes

243 Resolved that the minutes of the ordinary meeting of Council held on 24th August 2009 as circulated be confirmed. *(Fayle/McRae)*

Declaration of Interest

- 1) Councillor Garner declared his interest in Item C2 – Quarry Operations and item C3 – Sale of land for unpaid rates, being the owner of the affected land and left the chambers whilst the matter was being considered.
- 2) Mark Dowling declared his interest in item IC3 – Concrete Batching plant being a relative of the person seeking compensation and left the chambers whilst the matter was being considered.

C1. Election of Mayor and Deputy Mayor

244 RESOLVED that an election be held by ordinary ballot. *(FayleTreloar)*

The General Manager (Returning Officer) advised that he had received two nominations for the position of Mayor, that being Councillor M.A Rutledge and Councillor. P.A. Dwyer.

The General Manager conducted the election by ordinary ballot and advised the meeting that the vote was in favour of Councillor Rutledge and declared Councillor Rutledge elected as Mayor for the ensuing term.

The General Manager advised that he had received only one nomination for the position of Deputy Mayor, that being Councillor P. Dwyer and declared Councillor Dwyer elected Deputy Mayor for the ensuing term.

Mayoral Report was dealt with.

C1. Minute Silence

A minute silence was observed was held for the recent passing of Mrs Audrey Booth Mr Tim Myers and Mr Robert Wilson OAM.

C2. Mayoral Functions

The report was noted.

Annual Hay Show

- 244 Resolved** that a letter of congratulations be forwarded to the Hay Show Committee on the success of the 2009 Hay Show.

Supplementary Mayors Report was dealt with.

SC1. Mayoral Functions

The report was noted.

Question Time

Mr Peter Ware raised the matter of his Brewery Street Development and requested that Council meet with him to discuss the matter.

- 245 Resolved** that Council agree to meet with Mr Ware at the conclusion of the meeting.
(*Fayle/Dwyer*)

GENERAL MANAGERS REPORT was dealt with.

C2. Delegation of Authority

- 246 Resolved** That pursuant to section 377 of the Local Government Act Council approve the following delegations to the Mayor, and to the Deputy Mayor when acting in place of the Mayor:-

- (a) To sign in conjunction with the general manager all necessary documents on behalf of council under its common seal.
- (b) To obtain legal advice from council's solicitor and/or the legal advisor of the NSW Shires Association.
- (c) To represent the council, in conjunction with the general manager, in deputations to government, inquiries, appropriate forums and at meetings of organisations which council has resolved to be a member of and for which an alternative delegate has not been specifically appointed. Represent Council on the Regional Development Australia Board.
- (d) To make media statements and issue media releases in respect of council decisions and relevant issues.
- (e) To determine applications by the general manager for various classes of leave.
- (f) To determine, in conjunction with the general manager, quotations for the replacement of items of light plant where such quotations generally comply with the provisions of the annual management plan.
- (g) To determine, in conjunction with the general manager, requests from community groups for minor subsidies of up to \$300 and requests for *in-kind* assistance to an estimated value of \$300.
- (h) To authorise appropriate presentations to be made to visiting dignitaries and to residents in recognition of achievements and milestones.

- (i) To exercise the powers of expulsion from meetings of council pursuant to section 10(2)(b) of the Local Government Act for persons guilty of acts of disorder as prescribed in the Local Government (Meetings) Regulation 1999. (*Fayle/McRae*)

C3. Quarry Operations

- 247 Resolved** that Council write to the two contractors and advise that it has re-affirmed its policy of using local contractors where appropriate. (*Low/Dwyer*)

C4. Booligal Water Supply

- 248 Resolved** that Council proceed with the establishment of an alternative water supply for Booligal as outlined, that a subsidy of 50% be applied for from the State Government and that Cr Sheaffe and the Director of Technical Services liaise on the project. (*Treloar/Garner*)

C5. Emergency Water Supply

- 249 Resolved** that the General Manager be authorised to approve the supply of raw water for both stock and domestic usage and at no charge to those rural residents who have lost access to the traditional water supply source due to the severe drought. (*Treloar/Low*)

C6. Monthly Financial Data

For the information of Council

C7. Tourism Reports

For the information of Council

SC2. Naming of Skate Park

- 250 Resolved** that Council not proceed with the suggested proposal and retain the name of the site as the Hay Skatepark. (*Sheaffe/Garner*)

SC3. Sale of land for unpaid rates

For the information of Council

SC4. Code of meeting practice

For information

SC5. Financial Data

For Information

Committee and Delegate Reports

Report of a meeting of the Works and Planning Committee held 15th September 2009

- 250 Resolved** that the report of the Works and Planning Committee Meeting held on 15th September 2009 be noted and the recommendations contained therein be adopted.
(Fayle/Dwyer)

Report of a meeting of the Tourism Advisory Committee held 16th September 2009

- 251 Resolved** that the report of the Tourism Advisory Committee Meeting held on 16th September 2009 be noted.
(Fayle/Dwyer)

Closed Meeting

- 252 Resolved** that the meeting be closed during the discussion of the matter relating to:
- (1) Illegal Building works** 10A(e) of the Local Government Act on the basis that it contains information that would, if disclosed prejudice the maintenance of law.
 - (2) East Hay Subdivision** 10A(c) of the Local Government Act on the basis that it contains information that would, if disclosed, confer a commercial advantage on the person with whom the council is conducting, or proposing to conduct, business;
 - (3) Concrete Batching Plant** – 10A(a) of the Local Government Act on the basis that it contains personnel matters concerning particular individuals (other than Councillors)
(Low/Treloar)

C1. Illegal building works

- 253 Resolved** that That Council write to Mrs D Curtis, the owner of 462 Orson Street Hay, asking her to submit for Councils consideration a report from a qualified structural engineer or building consultant to advise how the building can be constructed to comply with relevant standards.
(Sheaffe/Fayle)

C2. East Hay Subdivision -

- 254 Resolved** that Council accept the offer of \$18,000 from Mr Anthony Perrotta for Lot 22 in the East Hay Subdivision.
(McRae/Low)

C3. Concrete Batching Plant

- 255 Resolved** that the matter be deferred for consideration in conjunction with a report on the subject.

There being no further business the meeting terminated at 1.55p.m.

Confirmed _____
M.A. RUTLEDGE
MAYOR