

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 11.00AM ON TUESDAY 24 APRIL 2012

PRESENT Councillor R W Sheaffe (Mayor), Councillors P Dwyer, P Fayle, D Low, M Rutledge, and the General Manager Allen Dwyer, Director of Technical Services Bill Moore, Director of Environmental Services Ray Mitchell, Director of Corporate Services Mark Dowling, Executive Officer Kirstyn Thronder, Manager of Tourism and Economic Development Jack Terblanche, Manager of Infrastructure Ashwan Datt.

APOLOGIES: Cr L Garner & Cr S McRae

42 Resolved that an apology submitted on behalf of Councillors Garner and McRae be accepted and leave of absence granted.

(Rutledge/Fayle)

Confirmation of Minutes

43 Resolved that the minutes of the ordinary meeting of Council held on 27th March 2012 as circulated be confirmed.

(Rutledge/Fayle)

Declaration of Interest

- Nil

Mayoral Report was dealt with.

Supplementary 1 - Mayoral Functions & Engagements

44 Resolved that Council congratulate the Hay War Memorial High School Principal and Ms Sargent on their representation of the School and Hay at the Sydney Royal Easter Show.

(Fayle/Rutledge)

General Managers Report was dealt with.

C1. Integrated Planning and Reporting Regulations

45 Resolved that Council prepare contract specifications and invite tenders for:-

- Various options of managing and operating the John Houston Memorial Pool;
- Mowing the Council parks and reserves;
- A new long term (8 years) waste management service to include operation and maintenance of the waste transfer station as an additional option.

That Council consider the tenders received at the earliest opportunity.

(Low/Rutledge)

C2 Council Planning

- 46 Resolved** that Council incorporate the following actions and budgetary considerations in the 2012/2016 Delivery and Operation Plans:-

Environmental Sustainability

- Maintain services in accordance with current levels
- Continue to make representations regarding Hay Weir Pool
- Continue with staged implementation of Hay Levee Bank Design and Construction

Liveable and Vibrant Community

- Maintain Services in accordance with current level
- Source funding to implement the community development plan
- Continue mainstreet improvement program taking advantage of any available external funding

Economic Prosperity and Sustainability

- Maintain services in accordance with current levels
- Implement Economic Development Action Plan

Governance and Organisation Performance

- Maintain appropriate governance and accountability procedures

Our Infrastructure

- Maintain services in accordance with current levels
- Implement asset management plans
- Commit resources to the ongoing restoration of Bishop's Lodge

(Fayle/Rutledge)

C3 Economic Development Action Plan 2012-2017

- 47 Resolved** that Council endorse the Economic Development Action Plan.

(Rutledge/Low)

C4 Monthly Financial Data

The report was noted.

C5 2012-2012 Rural Fire Fighting Funding Estimates

- 48 Resolved** that Council adopt the proposed estimates.

(Low/Dwyer)

C6 Development Application 2012/015 Proposed Subdivision PT Lot 46 DP756782 TA Field Estates P/L

- 49 Resolved** that That Council, pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 approve Development Application 2012/015 by T.A. Field Estates P/L to Subdivide PT Lot 46 DP 75756782, Sturt Hwy Hay, subject to the following conditions:

1. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by T.A. Fields Estates P/L except as modified by any conditions of this consent.

Reason: To clarify the extent of the consent.

2. Registration of Subdivision Plans

In accordance with s.109C of the Environmental Planning and Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919.

The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning and Assessment Act, 1993.

3. Access Requirements

- 3.1 No access to the newly created allotments is permitted from the Sturt Hwy.

Reason: Traffic safety requirements.

- 3.2 Additional access provisions from locally controlled roads must be approved by Council in the form a Road Opening Permit Application.

Reason: Traffic safety requirements.

- 3.3 The provision of any additional access must be at the full cost of the developer.

Reason: To ensure reasonable development opportunities exist for the applicant, while not creating additional costs on Council.

(Rutledge/Dwyer)

All Councillors were in favour of resolution

C7 Development Application 2012/016 proposed subdivision PT Lot 69 DP756782 TA Field Estates P/L

- 50 Resolved** that That Council, pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 approve Development Application 2012/016 by T.A. Field Estates P/L to Subdivide PT Lot 69 DP 756782, Sturt Hwy Hay, subject to the following conditions:

1. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by T.A. Fields Estates P/L except as modified by any conditions of this consent.

Reason: To clarify the extent of the consent.

2. Registration of Subdivision Plans

In accordance with s.109C of the Environmental Planning and Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919.

The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning and Assessment Act, 1993.

3. Access Requirements

3.1 No access to the newly created allotments is permitted from the Sturt Hwy.

Reason: Traffic safety requirements.

3.2 Additional access provisions from locally controlled roads must be approved by Council in the form a Road Opening Permit Application.

Reason: Traffic safety requirements.

3.3 The provision of any additional access must be at the full cost of the developer.

Reason: To ensure reasonable development opportunities exist for the applicant, while not creating additional costs on Council.

(Rutledge/Dwyer)

All Councillors were in favour of resolution

C8 Development Application 2012/014 Proposed Construction of 4 (four) Strata Units

51 Resolved that Council, pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 approve Development Application 2012/014 by D Kenton to construct and Strata 4 (four) units, Lots 1 & 2 DP 504475, 389 Moore St Hay, subject to the following conditions:

1. Approved Plans

1.1. Compliance with Plans

The development shall take place in accordance with the approved development plans as prepared by Hay Shire Council and the Statement of Environmental Effects except as modified in red by Council and/or any conditions of this consent.

Reason: To clarify the extent of the consent.

2. Prior to the Commencement of any works

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. A Principal Certifying Authority can either be Hay Shire Council or an accredited certifier. All of these conditions are to be complied with prior to the commencement of any works on site.

2.1 Construction Certificate Required

Prior to the commencement of any works, a construction certificate is required to be issued by a Principal Certifying Authority.

Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 02 69901100.

Reason: This is a prescribed Condition of the Environmental Planning and Assessment Act and Associated Regulations

2.2 Appointment of a Principal Certifying Authority

Prior to the commencement of any works, the applicant must:

- a. appoint a Principal Certifying Authority; and
- b. notify Council of the appointment.

Reason: This is a prescribed Condition of the Environmental Planning and Assessment Act and Associated Regulations

2.3 Notify Council of Intention to Commence Works

The applicant must notify Council, in writing of the intention to commence works at least two (2) days prior to the commencement of any works on site.

Reason: This is a prescribed Condition of the Environmental Planning and Assessment Act and Associated Regulations

2.4 Kerb, Gutter & Footway Protection

Prior to the commencement of any works on site, the developer shall provide and lay adequate footpath, kerb and gutter protection at all points of entry to the site. This protection shall be maintained in good condition throughout the course of construction.

Any damage to Council infrastructure must be made good at no cost to Council.

Reason: To maintain the integrity of Council infrastructure.

2.5 Erosion and Sedimentation Control

Prior to the commencement of any works on site, controls in accordance with Best Practice Management shall be implemented, to ensure the maintenance of the environment and to contain soil erosion and sediment on the property. Erosion and sediment controls shall be maintained until all construction works are completed and all disturbed areas are restored by turfing, paving and revegetation.

Note: On the spot penalties up to \$1,500 will be issued for any non-compliance with this requirement without any further notification or warning.

Reason: To minimise erosion of the site and prevent deposition of silt within waterways, creeks and wetlands.

2.6 Toilet Facility

Prior to the commencement of any works on site, a flushing toilet facility is to be provided on site. The toilet must be connected to either a public sewer, or an accredited sewage management facility, or to an alternative sewage management facility (chemical closet) approved by Hay Shire Council.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003.

3. Prior to Occupation of Development

The following conditions of consent must be complied with prior to either the issue of an occupation certificate (class 2 to 9 buildings) or the issue of a satisfactory final inspection (class 1 and 10 buildings) for the proposed development.

A Principal Certifying Authority can either be Hay Shire Council or an accredited certifier. If Council is not the Principal Certifying Authority, the accredited certifier must submit a copy of the occupation certificate to the Council within seven (7) days from the date of determination and include all relevant documents that were lodged with the application for the occupation certificate.

3.1 Occupation Certificate Required

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 the Principal Certifying Authority.

Reason: This is a requirement of the Environmental Planning and Assessment Act 1979.

3.2 No Occupation until Compliance with all Conditions

Prior to the commencement of the use (and/or) occupation of the subject development, evidence that all conditions of Development Application 2012/014, issued by Council on DATE, shall be submitted to and approved by the Principal Certifying Authority.

Reason: To ensure compliance with all requirements of the Development Consent.

4. General Conditions (Building)

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land. A Principal Certifying Authority can either be Hay Shire Council or an accredited certifier.

4.1 Compliance with Construction Certificate

All building works approved in this development consent must comply with the terms of the consent the plans, specifications and any other approved documents relevant to the approved Construction Certificate.

Reason: To ensure compliance with the Environmental Planning and Assessment Act and Associated Regulations

4.2 Compliance with the Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia 1996. Compliance with the performance requirements can only be achieved by:

- a. complying with the deemed-to-satisfy provisions; or
- b. formulating an alternative solution which:
 - i. complies with the performance requirements; or
 - ii. is shown to be at least equivalent to the deemed-to-satisfy provisions; or
- c. a combination of (a) and (b).

Reason: To ensure compliance with the Building Code of Australia

4.3 Demolition Requirements

Demolition of the existing building(s) or, parts thereof, shall be carried out in accordance with the requirements of AS 2601 -1991 and the following:

- a. The property being secured to prevent unauthorised entry.
- b. Asbestos sheeting must only be removed by licensed operators in accordance with the requirements of the WorkCover Authority. Proper procedure shall be employed in the handling and removal of asbestos to minimise the risk to personnel and the escape of particles to the atmosphere.
- c. All other materials and debris is to be removed from the site and disposed of to approved outlets in accordance with appropriate standards.

Reason: To ensure compliance with Acts and Associated Regulations

4.4 Excavation and Backfilling

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: This is a prescribed condition of the Environmental Planning and Assessment Regulation 2000.

4.5 Sign During Construction

A sign must be erected in a prominent position on site during construction:

- a. stating that unauthorised entry to the work site is prohibited, and

- b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- c. sign indicating principle certifiers details (supplied).

Reason: This is a prescribed condition of the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003.

4.6 Method of Stormwater Drainage

The stormwater drainage generated from the development shall be directed to:

- a. Council's street kerb and gutter.

Note: Drainage lines across the footpath shall be of galvanised RHS or PVC (sewer grade) laid at a fall not exceeding 1:40 for 100 mm pipes.

Note: If a street outlet is required it shall be constructed using a 100 mm x 50 mm galvanised rectangular connector laid into the kerb with the invert of the converter to be 10 mm above the invert of the gutter.

The complete roof guttering system must be operational as soon as the roof is clad. Surface stormwater shall not be directed or cause nuisance to adjoining properties.

Reason: To provide an adequate pipe connection to Council's stormwater system.

4.7 Inspections

Where Hay Shire Council is nominated as the Principal Certifying Authority, it will be necessary to telephone Council on 0269901100 to request an inspection of the development for each of the following stages during the construction process:

- a. Footings prior to placement of concrete.
- b. Stormwater drainage lines, sewerage lines, connections and pits prior to backfilling of trenches.
- c. Roof and wall framing with external wall cladding and roof cladding in place but prior to the fixing of internal linings (if any).
- f. The building or structure when completed and before occupation or use is commenced.

Reason: To ensure compliance with the Environmental Planning and Assessment Amendment (Quality of Construction) Act 2003, associated legislation and Council requirements.

- 5 All plumbing and drainage work to be carried out in accordance with AS3500 National Plumbing and Drainage Code.

Reason: To ensure compliance with the requirements of the relevant legislation.

- 6 Builders/Developers are to provide onsite waste bins for waste materials generated during construction or they are to remove waste from the site on a daily basis.

Reason: To avoid a public health nuisance.

- 7 All appropriate measures must be implemented to ensure the protection of public health and safety.

Reason: To maintain public health and safety.

- 8 The proposal must comply with the Strata Schemes Management Act 1996 and the Strata Schemes (Freehold Development) Act 1973.

Reason: Legislative requirement.

- 10 Registration of Subdivision Plans: In accordance with s.109C of the Environmental Planning and Assessment Act, the applicant is required to obtain a subdivision certificate from the consent authority that will authorise the registration of the plan of subdivision under Division 3 of Part 23 of the Conveyancing Act, 1919. The subdivision certificate is in the format supplied to the consent authority upon the plan acceptable to the Registrar General.

Reason: The legal obligations of Council to administer the Environmental Planning and Assessment Act, 1993.

- 11 All costs associated with the connection of the premises to public infrastructure must be borne by the developer.

Reason: To ensure reasonable development opportunities exist for the applicant, while not creating additional costs on Council.

- 12 Any works within the road reserve must be approved by Council in the form a Road Opening Permit Application.

Reason: Traffic safety requirements.

- 13 Adequate provision for onsite parking must be provided within the development.

- 1 space per unit
- 1 visitor space per 5 units or part thereof

Parking spaces must be designed in accordance with Australian Standard 2890.

Reason: To ensure adequate off street parking is available to cater for the development.

- 14 The building line be modified to 2.7 metres.

(Rutledge/Low)

All Councillors were in favour of resolution

C9 Complaints April 2012

The report was noted.

C10 Development Applications April 2012

The report was noted.

C11 Drainage – Miller/Moama Streets

- 52 **Resolved** that Council proceed with Miller/Moama Street drainage works as per report presented to 14 February 2012 meeting of Council.

C12 Hay Shire Local Flood Plan

The report was noted.

C13 Lachlan Street Drainage

- 53 **Resolved** that the matter be considered in conjunction with 2012/13 budget preparation.
(Rutledge/Fayle)

C14 Peppercorn Trees - Murray Street

- 54 **Resolved** that the peppercorn trees be removed and replaced with 8 appropriate natives.
(Fayle/Dwyer)

C15 River Gauge

- 55 **Resolved** that a basic post gauge be installed on the western side of the bridge.
(Dwyer/Fayle)

C16 Tourism Reports

The report was noted.

C17 Review of the NSW Livestock Health and Pest Authority (LHPA) Model

The report was noted.

C18 Attendance at Annual Shires Association Conference

- 56 **Resolved** that the Mayor, Deputy Mayor and General Manager attend the 2012 Shires Association Annual Conference to be held in Sydney from the 3rd – 7th June 2012.
(Low/Fayle)

C19 Attendance at National General Assembly of Local Government

- 57 **Resolved** that the Mayor, Deputy Mayor and General Manager attend the National General Assembly to be held in Canberra from 17th – 21st June 2012.
(Low/Fayle)

Supplementary Mayoral Report was dealt with.

Supplementary 2 – Lachlan Street Landscaping

58 Resolved that Council undertake the following works on the southern side of the corner of Lachlan and Bank Streets:

- a) Removal of existing planter area and replacement of pavers to that area;
- b) Construction of raised planter box parallel to kerb line (similar to that outside the bakery and other areas);
- c) Provision of bollards and chain similar to other areas;
- d) Provision of seating and rubbish receptacle; and
- e) Improvements to kerb ramps

(Low/Dwyer)

Supplementary 3 – Rubbish Disposal Costs

The report was noted.

Supplementary 4 – Tree Replacements

59 Resolved that no action be taken with the trees at present and the matter be further considered in conjunction with street beautification planning for the southern end of Lachlan Street.

(Fayle/Low)

Questions Time

- Cr Rutledge requested that an Action Report be included in future Information Bulletins.
- Cr Rutledge enquired as to how the dog audit was going.
- Cr Rutledge asked how the Cloughton House funds were being utilised. The General Manager advised that he will provide a report to a future meeting.
- Cr Low asked if there was any enquiry into the actions of the SES during the recent flood event. The General Manager advised that there is a special session on the SES at the upcoming Annual Shires Conference.

Closed Meeting

60 Resolved that the meeting be closed during the discussion of the matter relating to:

- (1) **Hay Showground Trust Activities & Stable Lessees** - 10A(a) of the Local Government Act on the basis that it is a personnel matters concerning particular individuals (other than councillors);

(Fayle/Low)

1. Hay Showground Trust Activities & Stable Lessees

61 Resolved that:

- a.** The stable area be made an area outside the jurisdiction of the caretaker and members of his family;
- b.** The General Manager hold a mediation meeting with Council Director of Environmental Services, Showground Representative and Stable Lessee;
- c.** Council staff monitor stable lessees to ensure proper Occupational Health and Safety regulations are adhered to;
- d.** Council staff to monitor stable area to ensure the area is kept in an acceptable manner.
(Fayle/Rutledge)

There being no further business the meeting terminated at 2.40pm

Confirmed _____
R W Sheaffe
Mayor