

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY ON TUESDAY 24th AUGUST 2010

PRESENT Councillor M.A. Rutledge (Chairman), Councillors, P.A. Dwyer, P Fayle, L.A. Garner, D. Low, S McRae, LJ Treloar and the Acting General Manager Bill Moore, Director of Corporate Services Mark Dowling, Director of Environmental Services Ray Mitchell and Executive Officer Kirstyn Thronder.

APOLOGIES: Cr R W Sheaffe

(Treloar/Low)

Confirmation of Minutes

417 Resolved that the minutes of the ordinary meeting of Council held on 27th July 2010 as circulated be confirmed.
(Dwyer/Garner)

Business arising from previous Minutes

Nil

Declaration of Interest

Nil

Mayoral Report was dealt with.

C1 Minute Silence

A minutes silence was held for the passing of Mr Ken Boyle, Dossie Headon and Ian McLaughlin.

C2 Mayoral Functions & Engagements

The report was noted.

Supplementary Mayor Report was dealt with.

S1 Hay Christmas Shopping Bonanza

418 Resolved that Council support the relocation of the Bonanza Night to the Hay Park.
(McRae/Treloar)

S2 Complaints Register

Noted

S3 DA Register

Noted

General Managers Report was dealt with.

C1. 2010/11 Roads Budget

419 Resolved that:-

- a. The 2010/11 budget be modified as follows:

Activity	Budget allocation
Bitumen patching	80,000
Bitumen resealing	65,000
Routine maintenance grading	335,000
Gravel resheeting	100,000
Culvert replacement	50,000
Minor maintenance activities	100,000
Maude drainage project	35,000
Cadell/Hursley Streets drainage	70,000
TOTAL BUDGET ALLOCATION:	\$835,000

- b. Arandt Autos be requested to contribute an amount of \$10,000 to make up the funding shortfall for the drainage project at Cadell and Hursley Streets.
- c. \$200,000 from reserves be transferred to the Rural Roads Program for 2010/11;
- d. that the allocated \$50,00 for Culvert Replacement be included in the 2010/11 Rural Roads Program; and
- e. that the Director of Technical Services present a revised 2010/11 program for the to a future meeting of Council.

(Fayle/McRae)

C2. Roads to Recovery

420 Resolved that the Bank Street project be deleted from the current 2010/11 Roads to Recovery program and that the money released thereby be added to the currently unallocated funds providing a total of \$57,914 and that such funds be used to extend the rural road culvert replacement program.

C3. Development Application 2011/006 – Cobb Inlander Motel

421 Resolved that Council, pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 approve Development Application 2011/006 by Comserve No: 368 P/L to remodel the veranda treatment, Lot 2 DP 522859, 83 Lachlan St Hay subject to the alignment of the canopy posts must be generally in line with the existing posts adjacent to the proposed development and 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 Steven Murray, Architect, sheet number AO1, dated July 2010 and the Statement

of Environmental Effects (& Addenda), 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 Landscape Protection Works

Prior to the commencement of any works on site, the following works shall be undertaken to protect existing landscaping to be retained as part of the development. These works must be consistent with any other requirements of the approved landscape plan:

- a. Isolate the root zone to the drip line (canopy line) of individual or groups of trees through the erection of a clearly marked fence, prior to land clearing or construction work.
- b. No dumping of materials, parking of vehicles, excavation or filling is to be permitted within the fenced root zone.
- c. Minimise soil disturbance in the surrounding area (to twice the canopy width).
- d. Where trenches for services cannot be laid outside the fenced zone, roots greater than 75 mm wide in diameter are to be clean cut and treated with an approved hormone compound and sealed with bitumen.
- e. Tree guards, barriers or other measures as necessary are to be provided.

Reason: To ensure the integrity of vegetation not proposed to be removed as part of the development.

2.6 Completion of Landscaping

Completion of landscaping in accordance with the approved modified landscaping plan prior to commencement of the use of the site and such landscaping is to be continuously maintained in accordance with the approved plan. Maintenance is the landowner's responsibility.

Reason: To ensure satisfactory completion and maintenance of landscaping.

2.7 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.

2.8 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 2011/006, 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.

3.3 Interim Fire Safety Certificate

Prior to the issue of a final/interim occupation certificate, a final/interim fire safety certificate shall be submitted to and approved by the Principal Certifying Authority.

Note: An Annual Fire Safety Statement for the building premises dealing with essential fire safety measures shall be submitted to Council in accordance with the requirements of Clauses 177 and 181 of the Environmental Planning and Assessment Regulation 2000.

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

3.4 Planter Boxes

The proposed planter boxes must incorporate the existing planter boxes into a single planter box on each side of the driveway.

Reason: To maximise pedestrian safety.

4. Fire Safety Schedule

The fire safety measures listed below shall be implemented in the building premises in accordance with the requirements of Clause 168 of the Environmental Planning and Assessment Regulation 2000.

The fire safety measures shall be designed by an accredited person in accordance with the minimum requirements of the relevant Australian Standards, Building Code of Australia and Codes of Practise.

- a) Portable Fire Extinguishers
(Australian Standard 2444)
- b) Smoke Alarm
(Australian Standard 3786)

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

5. 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.

5.1 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

5.2 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

5.3 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 shall 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

5.4 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.

5.5 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.

5.6 Method of Stormwater Drainage

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

- a. The existing street pipeline.
- b. The drainage easement.
- c. The concrete lined channel.
- d. The existing stormwater pit located (*).
- e. Council's street kerb and gutter.
- f. The existing stormwater drainage system.
- g. Council's street kerb and gutter via a charged line. If a charged line is proposed the drainage line across Council's footpath shall have a positive fall of 1:40 for 100mm pipes so as to prevent street water entering the private system.

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 connector 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.

5.7 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. The pier holes/pads 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).
- d. Waterproofing of wet areas prior to fixing of floor and wall coverings.
- e. The fire protection of penetrations to any fire rated element prior to covering.
- 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.

9.1 Disabled Access

Access for disabled people shall be provided in the building or portion of the building in accordance with Clause D3.2, D3.3 of the BCA and to the standards set out in AS1428.1. One (1) room for patron use must be modified to be accessible in accordance with AS1428.1.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

9.2 Disabled Facilities

Sanitary facilities for people with disabilities shall be provided in accordance with Clause F2.4 Table F2.4 of the BCA and to the standards set out in AS 1428.1.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

9.3 Disabled Symbols

Sanitary, parking and direction symbols for disabled facilities shall be provided to AS 1428.1.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

9.4 Threshold of doorways

The threshold of a doorway must not incorporate a step or ramp at any point closer to the doorway than the width of the door leaf. BCA Clause D2.15.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

9.5 Portable Fire Extinguishers

Portable fire extinguishers shall be installed in the building or portions of the building, compatible to the hazard/s posed by equipment or functions associated with the use of the building.

Installation and maintenance of fire extinguishers shall comply with sections 1, 2, 3 and 4 of Australian Standard 2444 and BCA Clause E1.6.

Reason: To ensure compliance with the requirements of the Building Code of Australia.

9.6 Plumbing & Drainage

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.

9.7 Site Waste

Builders/Developers are to provide on site 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.

9.8 Public Health and Safety

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

Reason: To maintain public health and safety.

All Councillors present voted in favour of the recommendation.

(Dwyer/Fayle)

C4. Monthly Financial Data

The report was noted.

C5. Fluoridation Equipment

- 422 **Resolved** that the fluoride dosing equipment be replaced as described in the report and that additional allocation of \$25,000 be voted to the project.

(Low/McRae)

C6. Fees Payable to Mayor and Councillors

- 423 **Resolved** that Council fix its fees for Councillors and the Mayor at \$8450 and \$12700 respectively for the year commencing 1st July 2010.

(Fayle/McRae)

C7. Hay Show Fireworks

- 424 **Resolved** that Council donate \$500 towards the fireworks display to be funded from the contributions allocation.

(McRae/Dwyer)

C8. Health Reform in NSW

The report was noted.

C9. Investment Policy

425 Resolved that the draft Investment Policy be placed on public exhibition.

(Fayle/Low)

C10. Levee Funding

The report was noted.

C11. Proposed Transfer of Waste through Hay Shire

The report was noted.

C12. Removal of Underground Storage Tanks

426 Resolved that:-

- 1) Council accept offer from Enviropacific to remove the three existing underground fuel storage tanks in an amount of \$36,218.92 (excl GST);
- 2) Arrangements be made to install a 5,000 litres above ground storage for diesel fuel at the depot; and
- 3) The budgeted amount for Depot Improvements in 2010/11 be adjusted downwards to \$85,000.

(Treloar/Low)

C13. Replacement of Vehicles

427 Resolved that two replacement Toyota Camry Altise sedans be purchased from Deniliquin Toyota.

(Dwyer/Low)

C14. Waste Metal

The report was noted.

C15. Tourism Reports

The report was noted.

C16. Management Plan Review

428 Resolved that the Management Plan review to June 30, 2010 be noted and that the full consideration of variances be deferred until the September meeting of Council.

(Treloar/Dwyer)

There being no further business the meeting terminated at 2.00pm.

Confirmed _____

M.A. RUTLEDGE

MAYOR