

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON TUESDAY 25th OCTOBER 2016

PRESENT: Councillor R W (Bill) Sheaffe (Mayor), Councillors J Crighton, J Dwyer, P Dwyer, R Howard, M Rutledge, D Townsend, K Walter and General Manager Allen Dwyer, Infrastructure Manager Greg Stewart, Executive Officer Kirstyn Throner, Director of Community Development Jack Terblanche, Director of Corporate Services Mark Dowling.

APOLOGIES: Nil

Michael Ryan and Representatives of Rosella Farming Group were also in attendance.

Confirmation of Minutes

73 Resolved that the minutes of the Extra-Ordinary Meeting of Council held 25th October 2016 as circulated be confirmed.

(Rutledge/P Dwyer)

74 Resolved that the minutes of the Ordinary Meeting of Council held 25th October 2016 as circulated be confirmed.

(Rutledge/P Dwyer)

Business Arising from Minutes

- Nil

Declaration of Interest

- Cr Jasen Crighton declared an interest in Clause 4 DA 2016-048 Water Storage as his business is contracted for works.

Mayoral Report

C1. Mayor's Report

75 Resolved that:-

- a. The report be noted.
- b. Council pursue boundary changes as previously determined to increase its rate base and become more financially viable for the future.

(Rutledge/PDwyer)

Supplementary Mayoral Report

S1. Deputy Mayors Report

The report was noted.

S2. Hay Showground Delegate

- 76 **Resolved** that Cr David Townsend be appointed as Council's delegate to the Hay Showground Trust Committee.

(Rutledge/Howard)

S3. Traffic Data Report

The report was noted.

S4. Councillor Handbook

The report was noted.

General Managers Report was dealt with.

C4 was brought forward. Cr Crighton left the meeting room at this point.

C4. DA 2016-048 Rosella Water Storage

- 77 **Resolved** that Development Application No.2016-048 be **APPROVED** under *Section 80(1) of the Environmental Planning and Assessment Act, 1979* subject to the following conditions:

General conditions

Scope of the development

1. The development shall take place in accordance with the plans and documentation submitted with Development Application No 2016-048 being:
 - Environmental Impact Statement –prepared by Booth Associates Pty Ltd dated February 2016.
2. In the event of an inconsistency between:
 - a) The conditions of this consent and any documents listed in 1, the conditions of consent shall prevail to the extent of the inconsistency.

Statutory Requirements

3. The applicant shall ensure that all licences, permits and approvals are obtained and maintained as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals. The applicant shall ensure that a copy of this consent and all relevant environmental approvals are available on the site at all times during the development.

Reason: *To comply with Environmental Planning & Assessment Act 1979*

Environmental Performance and Compliance

4. The applicant shall provide advice to Council prior to each of the events listed below;
 - (a) Commencement of construction
 - (b) Commencement of operation
5. The applicant must put into place a management system and take reasonable steps to

ensure that employees, contractors and sub-contractors are aware of and comply with the conditions of this consent relevant to their respective activities.

6. The applicant shall be responsible for the works the subject of this consent and the environmental impacts that may result from those works and shall put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors
7. The applicant is required to obtain the relevant approvals under the Water Act 1912, Water Management Act 2000, Threatened Species Conservation Act 1995 and the Native Vegetation Act 2003.

Reason: *To ensure compliance with the consent issued and legislative requirements*

8. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the object;
 - Immediately cease all work at the particular location;
 - Secure the area so as to avoid further harm to the Aboriginal object;
 - Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location; and
 - Not recommence any work at the particular location unless authorised in writing by OEH.
9. In the event that human remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

Water NSW Conditions

10. These General Terms of Approval (GTA) only apply to the activity described in the plans and associated documentation relating to DA2016-048 as provided by Council:
 - i. Site Plan and/or Surveys
 - ii. Structural design and specificationsAny amendments or modifications to the proposed activity may render these GTA invalid. If the proposal is amended or modified WaterNSW must be notified to determine if any variations to these GTA will be required.
11. Prior to the commencement of the proposal, the consent holder must obtain the appropriate approval or amend a current approval under the *Water Management Act 2000* (WMA) from WaterNSW.
12. Any approval or amendment to an approval, will be subject to the rules and mandatory conditions required under the relevant Water Sharing Plan for the site and the policies determined by DPI Water and the State of New South Wales.
13. WaterNSW reserves the right to apply discretionary conditions to any approval granted, from time to time as required.
14. The approval holder must reinstate any waterfront land affected by the carrying out of the proposal.

15. The approval holder must not locate access-ways, within the riparian corridor.
16. The approval holder must apply for a flood work approval for any access-way that may exceed 150mm above natural surface level, when within a floodway.
17. The consent holder must ensure that no materials or cleared vegetation may:
 - i. Obstruct flow,
 - ii. Wash into the waterbody, or
 - iii. Cause damage to riverbanks.
18. The consent holder must ensure that any excavation does not result in
 - 18.1 Diversion of any river or
 - 18.2 Bed or bank instability
19. The consent holder must ensure that the surfaces of any river banks affected by construction of the storage are graded to enable the unobstructed flow of water and works on or over the face of the bank, and do not cause erosion.
20. The consent holder may be required by any approval issued under the WMA by WaterNSW to maintain a riparian buffer zone of certain width.

*All Councillors voted in favour of the resolution
with the exception of Cr Crighton who was absent from the meeting room.
(Cr P Dwyer/Cr Howard)*

C1 DA 2016-35 Extension of Caravan Park and Nailor Street Road Reserve Lease

78 Resolved that:

- a. Council approve the use of the Road Reserve in Nailor Street as an extension to the Caravan Park.
- b. Council approve the use of the Road Reserve in Nailor Street as an extension to the Caravan Park, going through the process as outlined in the Roads Act, and charging a yearly lease fee of \$467,70, with an annual CPI increase.
- c. Council agree to lease 1559m² of the road reserve in Nailor Street to the owners of the adjacent caravan park, TM & LK Percy, for a period of five years, subject to the process as stipulated in Sections 153-157 of the Roads Act 1993, and that the General Manager be authorised to sign all documentation in relation to the lease. All costs associated with the advertising are to be borne by the applicant: and
- d. Development Application No.2016-035 be **APPROVED** under *Section 80(1) of the Environmental Planning and Assessment Act, 1979* subject to the following conditions:
 1. Compliance Standards: Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act, 1993 and the Building Code of Australia ("BCA").

***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.*

2. Compliance with Consent: The Development being completed in accordance with plans and specifications stamped by Council being Plan A 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.

3. Footpath: At least a three metre space from the kerb be left open for pedestrian traffic. No building materials are to be stored in this area, and all safety measures must be kept in place to ensure the safety of pedestrians during construction.

Reason: To ensure pedestrian access and safety

4. No camping to take place either under the powerlines or above the telecommunication lines. It is the responsibility of the applicant to ensure that proper distances from infrastructure is kept. Appropriate warning signs are to be installed on the site.

Reason: To ensure safety of users

5. Access: Access must be provided to any service vehicle at any time requested by utility providers. Gates must be provided to the north and the south of the proposed extension, to allow access to any service personnel for maintenance and construction of any services. Neither Council nor any utility provider will take any responsibility for any damage to fencing, landscaping or any equipment of your customers incurred in the maintenance of any utilities on the site, or in the failing of any utilities.

Reason: To ensure the integrity of utilities.

6. Access: Access (apart from access to utility services personnel) shall be from the east of the site, and no direct access to be had from Nailor Street apart from the existing access to the park.

Reason: To ensure traffic safety

7. Sight distances and Traffic: The tree to the south of the entranceway shall be removed by Council or by a Council approved contractor, to improve sight distances. The "Give Way" sign at the exit shall be replaced by a "Stop" sign. The costs of these shall be borne by the applicant.

Reason: To ensure traffic safety

8. Fencing: The proposed fence shall not be higher than 1.8m
9. Gates must not open outwards.
10. The fence is constructed in such a manner that the natural flow of surface water is not obstructed.
11. All fences are to be constructed adequately and in accordance with the Building Code of Australia.

12. It is a requirement to keep the fence maintained in a satisfactory condition, where the condition of the fence becomes dangerous or unsightly, S124(7) of the Local Government Act can be used to have the fence rectified.

Reason: Compliance with Hay Shire Council Fencing Policy

13. No structures apart from the fence can be erected in the subject area.
14. No permanent cabling of sub circuits from the Caravan Park to the Road Reserve to be allowed.

*All Councillors voted in favour of the resolution
with the exception of Cr Crighton who was absent from the meeting room.
(Cr J Dwyer/Cr Howard)*

Cr Crighton re-entered the meeting at this point.

C2 Contaminated Land Management Policy

- 79 Resolved** that the draft Contaminated Land Management Policy be placed on public exhibition in accordance with Section 160 of the Local Government Act 1193.
(Cr J Dwyer/Cr Townsend)

C3 Hay ‘the NSW Caravanning Capital’

The report was noted.

C4 DA 2016-048 Rosella Water Storage

This clause was considered at the start of the meeting. See page 2 of minutes.

C5 Development Applications – September/October

The report was noted.

C6 2015/2016 Financial Reports

- 80 Resolved** that Council adopt the Financial Statements for the period ending 30/6/2016 and that the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the Statement by Council on its opinion of the accounts, and that Council delegate authority to the General Manager to authorise for the issue of the accounts on receipt of the auditors reports and to set the date for the public meeting.

(J Dwyer/Howard)

C7 Hay Library Development

The report was noted.

C8 Library Report

The report was noted.

C9 Monthly Financial Data

The report was noted.

C10 Works Program Update

The report was noted.

C11 Tourism Report

The report was noted.

C12 Replacement of STP – Detailed Design

The report was noted.

C13 Draft Alcohol and Other Drugs Policy

- 81 Resolved** that the draft Alcohol and other Drugs Policy and Procedure as presented to the September Ordinary meeting be adopted.

Clrs P Dwyer & K Walters voted against the resolution.

(Townsend/Rutledge)

C14 Draft Unsealed Roads – Wet Weather Policy

- 82 Resolved** that the draft Unsealed Roads – Wet Weather Policy as presented to the September Ordinary meeting be adopted.

(J Dwyer/Walter)

C15 Questions with Notice

- 83 Resolved** that the Question with Notice raised by Cr K Walter be referred to the next Plant and Property Committee meeting.

(Rutledge/Howard)

Closed Meeting

- 84 Resolved** that the meeting be closed during the discussion of the matter relating to:

IC.1 Request from Dr Surendra

Under Section 10A of the Local Government Act 1993:-

- (a) Personnel matters concerning particular individuals (other than Councillors);

(J Dwyer/Crighton)

IC.1 Request from Dr Surendra

- 85 Resolved** that Council offer Dr Surendra rental assistance of \$100 per week and meet the cost of mowing the lawns at this residence at an annual cost of about \$6000.

(Rutledge/P Dwyer)

There being no further business the meeting terminated at 2.20pm.

Confirmed _____
R W Sheaffe
Mayor