

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY ON TUESDAY 27th OCTOBER 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.

APOLOGIES: Nil

Confirmation of Minutes

256 Resolved that the minutes of the ordinary meeting of Council held on 22nd September 2009 as circulated be confirmed. *(McRae/Dwyer)*

Declaration of Interest

- 1) Councillor Garner declared his interest in Item C2 – Can Assist Fund Raising, and left the chambers whilst the matter was being considered.

A minute silence was held for local residents Glen Dunbar and Peter Stewart who recently passed away.

Special Guests

Tony McNamarra from the Hay Business Chamber spoke to Council on the activities of the Chamber.

Mrs Pascoe, at the invitation of the Mayor, joined Council for afternoon tea to celebrate her 101st Birthday.

Peter and Maree Harries and family, at the invitation of the Mayor, joined Council for afternoon tea as a thank you for Peter's services to Hay.

Mayoral Report was dealt with.

C1. Mayoral Functions

The report was noted.

Opening of Skatepark – 3rd October 2009

257 Resolved that Council formally thank Mr Catanzariti for attending and presenting a cheque towards the project.

(McRae/Fayle)

258 2010 Western Division Conference

Resolved that Cr Michael Rutledge, Cr Pat Fayle, Cr David Low, Cr Peter Dwyer, Cr John Treloar, Cr Lionel Garner and Cr Sandra McRae attend the 2010 Western Division Conference at Bourke.

(Fayle/Dwyer)

259 Lachlan Street Car Park

Resolved that Council formally acknowledge and thank Country Energy for its contribution to the carpark.

(Treloar/Dwyer)

Question Time

Caledonian Carpark - Airlie Circuitt enquired as to whether large vehicles have a big enough turning circle at the new carpark.

Skatepark – Cr McRae advised that speeding traffic is an issue near the Sandy Point entrance from Belmore Street near the Skatepark.

260 Resolved that a traffic calming device be placed on the Sandy Point entrance near the Skatepark.

(Dwyer/McRae)

Moppett Street Trees – Cr McRae enquired as to why the Peppercorn Trees were removed in Moppett Street. The Mayor advised that they were rotten and needed to be removed.

Shear Outback Board – Cr McRae requested that consideration be given to nominating Council's Manager of Tourism & Economic Development to the Shear Outback Board.

Radio in Pergola – Cr Fayle requested that the pergola speaker system playing the local station be turned off.

261 Resolved that the radio in the new speaker system be turned down.

(Garner/Dwyer)

Medical Centre Lawn – Cr Fayle requested that a section of the lawn at the Hay Medical Centre needs some attention. The Director of Technical Services will investigate.

Pigeon Club Shed at Showground – Cr Dwyer requested that the Pigeon Club Shed be listed on the November Works and Planning agenda.

GENERAL MANAGERS REPORT was dealt with.

C1. Bus Route

262 Resolved that Council offer no objection to the proposed bus route variation provided the applicant acknowledges that Council has no responsibility for the north-south road and that there is no future plan to seal the subject section of Murray Street.

(Fayle/Treloar)

C2. Can Assist Fund Raising

- 263 Resolved** that Can Assist's application for a fund raising walk to One Tree in 2010 be refused and that the organisation be invited to discuss an alternative event with the Hay Local Traffic Committee.

(Treloar/McRae)

C3. Building Line Variation: Pollard Street Hay (DA:19/10)

- 264 Resolved** that approval be given to vary the building line at 81 Pollard Street Hay to 2.010 meters because of the circumstance of the case and that DA:19/10 be approved subject to relevant conditions.

(McRae/Sheaffe)

C4. Monthly Financial Data

The report was noted.

(Fayle/Sheaffe)

C5. 2008/2009 Financial Reports

- 265 Resolved** that Council adopt the Financial Statements for the period ending 30/6/09 and 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.

(McRae/Low)

C6. State Debt Recovery

For the information of Council

C7. Draft Policies

- 266 Resolved** that the draft policies for Grievance; Community Consultation; Councillors Access to Information and their Interaction with Staff; Code of Conduct as presented to the September 2009 Ordinary meeting of Council be adopted.

(Fayle/McRae)

C8. Draft Expenses Policy

- 267 Resolved** that the draft Expenses Policy be place on exhibition for public comment for a period of 28 days.

(Low/Sheaffe)

C9. Better Futures Program

- 268 Resolved that:-**

- (a) Council establish the Hay Regional Action Group and Youth of Hay Committee as an Advisory Committee for the purpose of administering the Better Futures Program.

- (b) Cr Lionel Garner be appointed as Council's delegate to the Committee with Cr Peter Dwyer as an alternate delegate.

(Fayle/Sheaffe)

C. 10 Councils meeting in the Holiday Period

269 Resolved that:

- (a) the December Ordinary meeting be held on Tuesday 15th December 2009 with standing committee meetings to be abandoned for the month.
(b) The January 2009 Standing Committee and Council Meetings be abandoned.

(McRae/Sheaffe)

C.11 Organisation Structure – Section 32 Local Government Act

270 Resolved that:-

- (a) Council adopt the organisation structure as proposed and detailed in Appendix A.
(b) No position in the structure other than that of the General Manager be a senior staff position as defined in the Local Government 1993.

(Low/Fayle)

C.12 Pecuniary Interest Returns

271 Resolved that the Register of Pecuniary Interest Returns be noted.

C.13 Water for future information sessions

The report was noted.

C.14 John Houston Memorial Swimming Pool

272 Resolved that:-

- (a) A working party be formed to investigate options for the refurbishment of the pool complex with a report to be provided to Council no later than 5th February 2010.
(b) Crs Low, Dwyer and Treloar be appointed to the working party.
(c) The Heated Pool Committee be invited to nominate 3 community members to the work group.
(d) the Community be surveyed on the proposal to refurbish the pool complex at an estimated cost \$2.5m to be funded by an increase in base rate of about \$140 per assessment.

(Fayle/Sheaffe)

C.15 Riverina Land Development Pty Ltd (Item 1)

273 Resolved that Council agree to consider an alternative location for the levee easement once the report arising out the current study by Coffey Geotechnics has been received and provided that all costs associated with any such relocation are borne by parties other than Council.

(Fayle/Garner)

C.16 Riverina Land Development Pty Ltd (Item 2)

274 **Resolved that** That the subdivision be approved subject to:

- 1. 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 sub-division 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

- 2. Electricity Availability:** The applicant shall obtain a Certificate of Compliance from the electricity authority with respect to the division of the land. The applicant should contact the Planning Co-ordinator at Country Energy on 6966 906 for assistance.

Reason: To ensure that utility providers have the opportunity to comment on any requirements that they may have with respect to the division of the land.

- 3. Sewer:** The public sewer is to be extended at the cost of the developer to service each proposed allotment. The sewer is to be constructed prior to the release of the subdivision certificate to a design approved by the Director of Technical Services.

Reason: Provide for suitable sewerage services.

- 4. Water:** Both raw and filtered water services are to be provided at the cost of the developer to each proposed allotment prior to the release of the subdivision certificate. The services are to be constructed to a design and standard approved by the Director of Technical Services.

Reason: Provide for suitable water supply.

- 5. Access:** The developer contribute an amount of \$24,000 towards the construction and sealing of the full length Little George Street together with a 140m length of Hursley Street south from Clay Street and a 30m length of Brewery Street east from Hursley Street.

Reason: To provide access to each allotment to a suitable standard.

- 6. Levee Setback:** Any future building is to be set back a minimum of 10 metres from the levee easement.

Reason: To ensure the integrity of any future building and the levee bank.

(Low/Dwyer)

Supplementary Mayors Report was dealt with.

S.1 Local Government (Planning & Reporting) Act 2009

- 275 **Resolved** that Council nominate to be included in the Group 3 Category to have its Community Strategic Plan and Delivery Program adopted by 30th June 2012.
(Fayle/Treloar)

S.2 Tourism Report

The report as noted.

2.30pm - Cr S McRae and Cr L Garner left the meeting at this point.

Committee and Delegate Reports

Report of a meeting of the Traffic Committee held 15th October 2009

- 276 **Resolved** that the report of the Traffic Committee Meeting held on 15th October 2009 be noted and the recommendations contained therein be adopted and further that the Director of Technical Services present a report to the November Council meeting on the road train routes in the Hay Shire.
(Treloar/Dwyer)

Report of a meeting of the Home and Community Care Committee held 19th October 2009

- 277 **Resolved** that the report of the Home and Community Care Committee Meeting held on 19th October 2009 be noted and the recommendations contained therein be adopted.
(Fayle/Sheaffe)

Report of the Works and Planning Meeting held 20th October 2009

- 278 **Resolved** that the report of the Works and Planning Meeting held on 20th October 2009 be noted.

Report of the Tourism Advisory Committee held 21st October 2009

- 279 **Resolved** that the report of the Tourism Advisory Committee Meeting held on 21st October 2009 be noted and the recommendations contained therein be adopted.
(Treloar/Fayle)

Closed Meeting

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

- (1) **Batching Plant Approval** 10A(e) of the Local Government Act on the basis that it contains information that would, if disclosed prejudice the maintenance of law.

(Low/Treloar)

C1. Batching Plant Approval

281 Resolved that Council advise R & T Ellis that it does not accept comments made in their letter of 21/9/09 and that there will not be any reimbursement of monies paid. Further that the contents of this report be made available to them.

(Fayle/Low)

There being no further business the meeting terminated at 3.00p.m.

Confirmed _____
M.A. RUTLEDGE
MAYOR