

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON TUESDAY 27th APRIL 2021.

PRESENT: Councillor J Dwyer (Chair, Mayor), Councillors Cr J Crighton, P Dwyer, R W Sheaffe, K Walter, General Manager David Webb, Director of Corporate and Community Mark Dowling, Director of Infrastructure and Planning Jack Terblanche and Executive Assistant Mia Headon-Doidge.

PRESENT VIA ZOOM:
Cr R Howard

Apologies: Cr D Townsend and Cr M Rutledge

21-039 **Resolved** that apologies submitted on behalf of Cr M Rutledge be accepted and a leave of absence granted.
(Crighton/Walter)

Noted: Cr D Townsend granted a leave of absence in the March Council meeting for the period commencing 23rd March 2021 to 31st May 2021.

This meeting was audio recorded.

21-040 **Resolved** to suspend Items C1 and C2 until Cr Crighton arrived at meeting to ensure a quorum is available to consider item C1 DA 2021-040.
(P Dwyer/Walter)

Confirmation of Minutes

21-041 **Resolved** that the minutes of the Ordinary Meeting of Council held 23rd March 2021 as circulated be confirmed.
(P Dwyer/Sheaffe)

Declaration of Interest

- Cr P Dwyer – C1 & C2 DA 2021-0040 –as he has been appointed as a contractor for the garage/shed building.

Mayoral Report

The report was received and noted.

General Manager's Reports

Action Plan Report

The report was received and noted.

C3 Major Projects Update

That Council notes the information provided in the report and the actions being undertaken.

Cr Crighton arrived at meeting.

C4 Structure Plan Funding 2021

21-042 Resolved that Council allocates from the LEP Reserve Fund a co-contribution of \$15,000 to match funding received from Department of Planning, Industry and Environment, to be utilised for the drafting of a Structure Plan.

(P Dwyer/Crighton)

C1 DA2021-040 – Garage/Shed at 420 Belmore St, Hay

Cr P Dwyer vacated the Chambers during consideration of this matter.

21-043 Resolved DA2021-040 for Garage/Shed be approved with 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 National Construction Code ("NCC").

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 for 420 Belmore St, Hay 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. Signage: Site signage shall apply and must be erected on the site in a prominent, visible position for the duration of the construction.
 - Stating that unauthorised entry to the site is not permitted;
 - Showing the name of the builder or another person responsible for the site and a telephone number at which the builder or other persons can be contacted outside working hours; and
 - The name, address and telephone contact of the Principal Certifying Authority for the work. Any structures erected to meet the requirements of

this condition must be removed when it is no longer required for the purposes for which it was erected.

Reason: *To meet the minimum requirements of the Environmental Planning & Assessment Regulation.*

4. Storm Water Disposal: Storm water drainage from the shed will be conveyed by pipe system to Council's kerb and gutter system such that no erosion occurs on the site or to Council's footpath or roadway.

Reason: *To ensure that the development does not detrimentally affect the adjoining properties.*

5. Variations

No alteration to approved plans and specifications is allowed unless separately approved by Council.

6. Mandatory Inspections

A person who is carrying out or in charge of carrying out the work **MUST** notify Council one working day prior to the following stages of the work and **MUST** stop building work for 24 hours pending an inspection by an authorised officer;

- (a) at the commencement of the building work (*Mandatory*)
- (b) prior to covering any internal or underfloor plumbing (*Council*)
- (c) after excavation for, and prior to the placement of, any footings (*Mandatory*)
- (d) prior to pouring any in-situ reinforced concrete building element (*Mandatory*)
- (e) prior to covering of the framework for any floor, wall, roof or other building element (*Mandatory*)
- (f) prior to covering any stormwater drainage connections (*Mandatory*)
- (g) after the building work has been completed and prior to any occupation certificate being issued in relation to the building (*Mandatory*).

7. Siting

The applicant is responsible to ensure that the building is sited on the allotment and constructed to the design levels approved by Council as specified on the approved site plan.

8. Second Hand Materials

No second hand materials are to be used on any external surface of the building unless made available for inspection and separately approved by Council prior to erection.

9. Site Encroachment Prohibited: The structure shall be erected solely within the property boundaries, including the overhang of gutters.

Reason: *To ensure that no encroachments occur onto neighbouring properties.*

10. The shed is not to be used for residential occupation.

Reason: *Health and safety prohibition.*

11. Occupation Certificate Required: Prior to 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: *To ensure compliance with approval.*

12. Sewerage Connection: All connections to or alteration to any sewerage lines MUST be carried out by a Licensed Plumber/Drainer. Connection must be done internally, not resulting in a new/additional sewerage connection to the property.

Please ensure an updated Sewerage Diagram is provided to Council on completion.

Reason: *To ensure a minimum standard of workmanship in relation to any sewer and drainage activity.*

13. Owner Builder Permit

Where it is proposed to carry out residential building as an 'owner-builder', work shall not be commenced without an Owner Builder Permit obtained from the NSW Department of Fair Trading. **A copy of the owner builder shall be submitted to Council prior to the issue of the Construction Certificate.**

FOR
Cr J Dwyer
Cr J Crighton
Cr R Howard
Cr B Sheaffe
Cr K Walter

AGAINST

(Walter/Crighton)

C2 Development Applications – 17th March to 16th April 2021

Cr P Dwyer DA 2021-040 vacated the Chambers during consideration of this matter.

That Council notes the list of Development Applications for 17th March to 16th April 2021.

C5 Cyber Security and Incident Response Policy

- 21-044 Resolved** that Council adopts the Cyber Security and Incident Response Policy as presented.

(Crighton/Sheaffe)

C6 Tourism

That Council notes the information provided in the report.

C7 Library

That Council notes the information provided in the report.

C8 Circulars and other Government Correspondence

21-045 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) Leaves the decision to the General Manager of who attends 2021 NSW Local Roads Congress.
- (c) Includes the "Procedures for attendance by Councils at Meeting by Audio-Visual link" as an addendum to the Code of Meeting Practice with the exception that a Councillor can request on the day of the Council meeting.

(Sheaffe/P Dwyer)

C9 Application for Leave of Absence

Application was withdrawn prior to the meeting.

C10 General Manager's 2021 Performance Review

21-046 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) The Performance Review Panel meets 5 August 2021, at 2pm, to undertake review of the General Manager's performance and reports back to Council at a future meeting.

(Sheaffe/Walter)

C11 Monthly Financial Report – March 2021

That Council receives and notes the report provided.

Cr Howard left the meeting.

C12 Quarterly Budget Review Report

21-047 Resolved the Quarterly Budget Review Report to 31st March 2021 be adopted and the amended votes as detailed in the attached variation summary be approved.

(Walter/P Dwyer)

C13 Draft Delivery and Operational Plan 2021/22, Revenue Policy and Long-Term Financial Plan

- 21-048 Resolved** that Council:
- a) Approves the Draft Delivery and Operational Plan 2021/22 incorporating the Draft Revenue Policy and Draft 10-year Long Term Financial Plan attached to this report for public exhibition from 1st May for community comment until 11th June 2020; and
 - b) Adopts the Councillor and Mayoral fees for the 2021/22 year being the Councillor allowance set at \$10,000 the Mayoral allowance to be the mid-point, adjusted for any statutory increase set by the Government;
 - c) Applies a Scenario 3 being a split between Scenario 1 & 2 with a 2.5% increase farmland yield and a 10% movement in yield from CBA business to Business.

(Crighton/P Dwyer)

C14 Operations Monthly Update Report

That Council notes the information provided in the report.

C15 Tree removal request at 353 Cadell Street

- 21-049 Resolved** that Council remove the tree at 353 Cadell Street and replaces with a suitable species.

(Walter/Sheaffe)

Reports of Council Committees:

Floodplain Risk Management Committee 29th March 2021

That the minutes of the Hay Showground Management Committee meeting held 24th November 2020 be noted.

Hay Gaol Museum Committee 7th April 2021

- 21-050** Resolved that the minutes of the Hay Gaol Museum Committee meeting held 7th April 2021 be noted and the recommendations contained therein be adopted.

(Crighton/Sheaffe)

Audit Risk and Improvement Committee 12th April 2021

Resolved that the minutes of the Audit Risk and Improvement Committee 12th April 2021 be noted.

Bishop Lodge Committee 14th April 2021

That the minutes of the Bishop Lodge Committee meeting held 14th April 2021 be noted.

Myers Lane Committee 14th April 2021

That the minutes of the Myers Lane Committee 14th April 2021 be noted.

Hay Shire Traffic Committee 14th April 2021

That the minutes of the Hay Shire Traffic Committee 14th April 2021 be noted.

Closed Meeting

21-051 **Resolved** that the meeting be closed during the discussion of the following matters relating to:

IC1 – Potential Land Acquisition

IN COMMITTEE - Section 10A of the Local Government Act 1993:

- (c) information that would, if disclosed, confer a commercial advantage on the person with whom the council is conducting, or proposing to conduct, business;
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret;

(Crighton/P Dwyer)

IC1 – Potential Land Acquisition

21-052 **Resolved** that Council,

- (a) Notes the information provided in the report; and
- (b) Undertakes an independent valuation of Land at a cost of \$2,000
- (c) Participates in further discussions with Transport for NSW regarding the Railway Land.

(Walter/P Dwyer)

Open Meeting:

21-053 **Resolved** that the meeting be opened, and the resolutions made public.

(Walter/Sheaffe)

The resolution was made public verbally at this point.

There being no further business the meeting terminated at 2:55pm.

Confirmed _____
Cr Jennifer Dwyer
Mayor