

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 26th NOVEMBER 2024

PRESENT: Councillors: Mayor Cr C Oataway (Chair), Cr G Chapman, Cr L Garner, Cr W Miller, Cr J Perry, Cr P Porter, Cr M Quinn, Cr D Tapper, General Manager David Webb, Deputy General Manager – Mark Dowling, Executive Manager – People and Governance – Kirstyn Thronder and Executive Assistant Mia Headon-Doidge.

Apology: Nil

Request to attend by Audio Link: Nil

This meeting was audio recorded.

Confirmation of Minutes

24-115 Resolved that the minutes of the Ordinary Meeting of Council held 22nd October 2024 be confirmed with the following amendment resolution 24-98: remove Cr Quinn from the Australia Day Committee as he was not delegated to the committee. .

(Perry/Tapper)

Declaration of Interest

- Report C2- DA2024-59 522 Clay St, use of Shed as mechanic workshop- Cr Quinn non-pecuniary interest, neighbouring property
- Report C11 – Request for Leave of Absence - Cr Chapman

Mayoral Report

That Council receives and notes the report provided

General Manager's Reports

Action Plan Report

The report was received and noted.

Josh Porker & Tyson Holt from RSD Audit presented to Council on the 2023/2024 Audit.

C1 Presentation of Financial Statements

24-116 Resolved that the Council formally presents the Financial Statements and Audit Reports and considers any submissions received.

(Quinn/Porter)

C2 Development Applications – 12th October 2024 to 15th November 2024

That Council notes the list of Development Applications 12th October 2024 to 15th November 2024

C3 DA2024-27 – Intensification of Ravensworth Feedlot at 32570 Sturt Hwy, Hay

Proponent Ron Harris spoke to Council

24-117 Resolved the DA2024-27 for the Intensification of the feedlot cattle limit from 60,000 head to 100,000 standard cattle units with no change to existing infrastructure and consistent with the original DA 1990/002, at Ravensworth, 32570 Sturt Highway, Hay (Lot 2 DP 1245331), be approved pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, with the following conditions:

General Conditions

1. Compliance with Consent:

The Development being completed in accordance with plans and specifications stamped by Council, except where varied by conditions of this consent. These include:

- Development Application, Statement of Environmental Effects and Plans
- Addendum to Statement of Environmental Effects (Addendum 240621)
- Traffic Impact Assessment

Reason: *To confirm the details of the application as submitted by the applicant and as approved by Council.*

2. 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 and Assessment Regulation.

3. Compliance with Standards:

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act 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.

4. Variations:

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

Reason: To ensure the designs meet regulations and standards and are in line with Council policies.

5. Lapsing of Consent

This consent is limited to a period of 5 years from the date of the Notice of Determination, unless the works associated with the development have physically commenced.

Reason: To ensure compliance with the Environmental Planning & Assessment Act 1979.

6. Noise Control:

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment must comply with all standards outlined in the Noise Policy for Industry 2017 (NSW EPA) & A Guide to the Noise Policy for Industry (NSW EPA).

In the event the use exceeds permitted levels, the person in control of the premises must arrange for an acoustic investigation to be carried out by an accredited acoustic engineer and implement those measures to reduce noise to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

Reason: To protect the amenity of the area and to comply with the Protection of the Environment Operations Act 1997 and Noise Policy for Industry 2017.

7. Minimise dust and noise

The Applicant must undertake measures to minimise dust and noise and ensure the impact on neighbouring properties is minimised.

Reason: To minimise environmental and amenity impacts of the development.

8. Waste:

If the developer would wish to utilise any waste facilities of the Council, a Waste Management Agreement must be agreed upon before commencement of construction.

Reason: To minimise the waste impact.

9. 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 Heritage NSW as soon as practical on 131555 or by emailing ahims@environment.nsw.gov.au, providing any details of the Aboriginal object and its location;
 - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
 - 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 Heritage NSW contacted.

Reason: To ensure the works are completed in accordance with the SEE, approved plans and this approval.

EPA Conditions

10. Water Balance and Irrigation Management

- Within three months of the Proposal being approved, an updated Site Water Balance Assessment is to be completed and submitted to the EPA to demonstrate that the site can effectively manage the increased in volume of wastewater.
- Within three months of the Proposal being approved, an updated Irrigation Management Plan to be submitted to the EPA in accordance with the Environmental Guidelines: Use of Effluent by Irrigation (DEC2004) to demonstrate that the site can effectively manage the increased volume of irrigation water.

11. Greenhouse Gas Mitigation and Adaptation Plan

- Within nine (9) months of the Proposal being approved, the Proponent is to submit an updated Greenhouse Gas (GHG) Assessment and a GHG Mitigation Plan prepared in accordance with the most recent publicly available version of the NSW EPA Guide for Large Emitters.
- Within 12 months of the Proposal being approved, the Proponent is to submit a Climate Change Mitigation and Adaptation Plan (CCMAP) prepared in consultation with NSW EPA or in accordance with the latest publicly available guideline once published by the NSW EPA.

Reason: Compliance with conditions as provided by the relevant Department.

Transport for NSW Conditions

General

12. As a minimum the intersection of the driveway with the Sturt Highway shall be constructed to provide a sealed Basic Left Turn (BAL) treatment in accordance with the Austroads Guide to Road Design for a Road-Train Route.
13. As a minimum the access driveway shall be designed and constructed as a "Rural Property Access" in accordance with the Austroads Guide to Road Design. The driveway shall be sealed from the edge of seal of the Sturt Highway to the existing gates to the subject property with a minimum width of 6 metres to provide for 2 way movement of a 36.5m A-Double articulated vehicle.

Prior to commencing works within the road reserve, the developer must:

14. Enter into a Works Authorisation Deed (WAD) with Transport for NSW (TfNSW), or other suitable arrangement as agreed to by TfNSW, for all works on the Sturt Highway for a Road Train route.
 - a. Notes:
 - a) A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
 - b) To progress the WAD, the developer should review the TfNSW factsheet (Works Authorisation Deed (WAD) - Roads - Private development and other third party work - Partners & suppliers - Business & Industry - Roads and Waterways – Transport for NSW) then email a copy of the conditions of development consent to development.south@transport.nsw.gov.au.
 - c) All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the TfNSW website at: [Prequalified contractors | Transport for NSW](#)
 - d) Any new services or modifications to existing services associated with this development application that involve works on, over or under the Sturt Highway must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
15. Apply for and obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD from Transport for NSW.
 - a. Notes:
 - a) TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
16. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW Traffic Operations Unit (TOU) prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road.
 - a. Notes:

- a) For information on the ROL process and to lodge an ROL application, please visit <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- b) The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant TMP.
- c) The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Speed Zone Authorisation will also be required from the TOU.
- d) An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by TfNSW Project Manager.

Prior to the issuing of the Occupation Certificate, the developer must:

17. Complete the works to construct the driveway and the intersection treatment with the Sturt Highway to the satisfaction of TfNSW.

Reason: Compliance with conditions as provided by the relevant Department.

Essential Energy Conditions

18. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
19. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
20. In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
21. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
22. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

Reason: Compliance with conditions as provided by the relevant organisation.

(Perry Quinn)

For

Cr G Chapman
Cr L Garner
Cr G Miller
Cr C Oataway
Cr J Perry
Cr P Porter
Cr M Quinn
Cr D Tapper

Against

C4 DA2024-47 – Shed at 508 Clay Street, Hay

24-118 Resolved that DA2024-47 for a shed at 508 Clay Street, Hay be approved with the following conditions:

1. Compliance with Consent:

The Development being completed in accordance with plans and specifications stamped by Council being Plans – Project No. TSS03_259092 Drawing 1 to 6 by The Shed Specialist AND Site Plan for Shed at 508 Clay Street, 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.

2. 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 and Assessment Regulation.

3. Compliance with Standards:

Any building and associated works shall comply with the statutory requirements of the Environmental Planning & Assessment Act, Local Government Act 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.

4. Critical Stage Inspections:

A person who is carrying out, or in charge of carrying out the work, must notify Council with 24 hours notice when the relevant inspections are required below:

- a) Pier pads prior to pouring concrete;
- b) All footing excavations, with steel in position, before concrete is poured;
- c) All concrete floors and raft slabs, with steel and damp proof membrane in position before concrete is poured;
- d) Sewer drains before being covered;
- e) Bearers and floor joists before flooring is laid;
- f) Wall and roof framing before being lined;
- g) Insulation of walls, roof, floor, ceilings, soffits, service pipes, ducts and chimney flue dampers;
- h) Wet area flashings after internal linings are installed;
- i) Stormwater drains/connections before backfilling;
- j) Fire-rated wall and ceiling framing;
- k) Sound transmission measures;
- l) Final inspection on completion of the works, and BEFORE any occupation.

***Reason:** The need for Council to ensure that works have been carried out in accordance with the approved plans, specifications and the relevant legislation/standards.*

5. 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.

***Reason:** To ensure no encroachments occur onto neighbouring properties and no changes are made to the approved siting of the property.*

6. Variations:

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

***Reason:** To ensure the designs meet regulations and standards and are in line with Council policies.*

7. Boundary Clearance:

A minimum distance of 900mm shall be provided between the external walls of the building and the side boundaries of the allotment, and a minimum distance of 450mm shall be provided between the overhang of the eaves and guttering and the side boundaries of the allotment.

***Reason:** To adhere to minimum boundary offsets as required by the relevant legislation.*

8. Storm Water Drainage:

Storm water run-off from all roofs and extensive paved areas is to be collected and conveyed by gravity to Council's storm water collection system

via a system of underground pipes having a diameter of at least 90mm and laid at a grade of at least one-in-one hundred (1%).

Reason: Preservation of the integrity of buildings and other structures, soil conservation, and not to impact neighbouring properties.

9. Easements:

The applicant is required to ensure that any easements registered over the title to the land are complied with.

Reason: Compliance with Legal documents.

10. Occupation Certificate:

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 a Principal Certifying Authority. An Occupation Certificate must be applied for via the Planning Portal, select your development and apply for a "Related Certificate".

Reason: Ensure all conditions of the development are met and the building/development is safe for use.

11. Lapsing of Consent

This consent is limited to a period of 5 years from the date of the Notice of Determination, unless the works associated with the development have physically commenced.

Reason: To ensure compliance with the Environmental Planning & Assessment Act 1979.

12. Use of Building – Non-Residential Uses Only

The building must not be used as a dwelling or domicile without Council's consent.

13. Use of Building – Not for Commercial or Industrial Use:

The building/shed must not be used for commercial or industrial purposes or storage of goods associated with industrial or commercial undertakings.

Reason: Development consent is required for any other activity not already approved.

(Quinn/Tapper)

For

Cr G Chapman
Cr L Garner
Cr G Miller
Cr C Oataway
Cr J Perry
Cr P Porter
Cr M Quinn
Cr D Tapper

Against

C5 Council Committees

24-119 Resolved that Council

- a) Nominates two panel members being Councillor Perry and Executive Manager of Planning & Compliance and two alternative members being Councillor Quinn and General Manager for the Western Riverina Planning Panel for the term of Council; and
- b) Dissolves the Bishops Lodge Management Committee; and
- c) Accepts Cr Chapman resignation from the Hay Showground Management Committee.

(Miller/Porter)

C6 2023/2024 Annual Report & End of Term Report 2022-24

24-120 Resolved that Council:

- a) Endorses the 2023/2024 Annual Report including the 2023/2024 GIPA Annual Report, and the End of Term Report 2022-24; and
- b) Authorise the General Manager to forward a copy of the Annual Report to the Minister for Local Government

(Quinn/Miller)

C7 Community Engagement Strategy (incorporating the Community Participation Plan)

24-121 Resolved that Council:

- a) Council rescinds the Notification and Advertising of Development Proposals Policy;
- b) Places the Community Engagement Strategy and Community Participation Plan on public exhibition for a period of no less than 28 days; and
- c) a further report detailing any submissions received during the exhibition period be brought back to Council for consideration and adoption of the plans.

(Miller/Tapper)

C8 Code of Conduct Reporting

That Council note the statistics for Code of Conduct Complaints received for Councillors and the General Manager of the Council.

C9 Code of Meeting Practice and Code of Conduct

24-122 Resolved that Council:

- a) Place the Draft Code of Meeting Practice noting the change to 3.1 being: Ordinary meeting of Council to be held on the following occasions: fourth Tuesday of the end of the month at 3pm, on public exhibition for a period of no less than 28 days, and subsequently open for a submission period of 42 days, as required under S.361 of the Local Government Act 1993.
- b) Receives a further report at the conclusion of the 42-day submission period for determination, outlining the submissions received and a final recommended Code of Meeting Practice for adoption;
- c) Adopts the Model Code of Conduct for NSW Councils and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW as presented

(Perry/Miller)

Cr Garner requested his vote against resolution (a) be recorded

C10 Social Media and Media Policies

24-123 Resolved that Council adopts the draft Media Policy and the draft Social Media Policy as presented.

(Quinn/Tapper)

C11 Application for Leave of Absence

Cr Chapman vacated the room

24-124 Resolved that Council grants leave of absence to Cr Geoffrey Chapman for the 17th December 2024.

(Porter/Quinn)

C12 Request for Assistance

24-125 Resolved that Council

- a) provides financial assistance to Hay Children Services by way of waiving the cost of Building Insurance in the value of \$3,207.02, and
- b) waives the War Memorial Hall Fee of \$100 for the 2024 Christmas Carols and supper planned by St Fergal Catholic Church.

(Perry/Tapper)

Cr Garner requested his vote against resolution (b) be recorded

C13 Quarterly Budget Review Report

24-126 Resolved that the Quarterly Budget Review Report to 30th September 2024 be adopted, by Council, and the amended votes as detailed in attached variation summary be approved.

(Tapper/Porter)

C14 Monthly Financial Data - October

That Council receives and notes the report provided

C15 Library Report

That Council receives and notes the report provided.

C16 Tourism & Economic Development Report

Notes the information and actions being undertaken in the report

C17 Circulars & Other Government Correspondence

That Council receives and notes the report provided.

C18 Major Projects Update

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

C19 Operations Monthly Update Report

Notes the information provided in the report

Reports of Council Committees:

- Bishop Lodge Management Committee 13th November 2024

24-127 Resolved that Council notes the Committees meeting minutes and any recommendations contained within be adopted.

(Porter/Quinn)

In Committee

24-128 Resolved that the meeting be closed during the discussion of the following matters relating to:

IC.1 John Houston Memorial Swimming Pool Replacement & Hay Hydrotherapy Pool

Section 10A of the Local Government Act 1993 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;

(Quinn/Perry)

IC.1 John Houston Memorial Swimming Pool Replacement & Hay Hydrotherapy Pool

24-129 Resolved that Council

- (a) Accepts the tender for the Design and Construction for the Swimming Pools Replacement from ELM group Pty Ltd (trading as ELM Aquatics), in an amount of up to \$6,612,760 (including GST);
- (b) Accepts the tender for the Construction for the Swimming Pools Plant Room Shed from ELM group Pty Ltd (trading as ELM Aquatics), in an amount of up to \$199,870 (including GST);
- (c) Does not award any Contract for the construction of the Hay Hydrotherapy Pool due to insufficient project funding, the project is deferred, and the development application is withdrawn;
- (d) Authorises the General Manager and Executive Manager Engineering & Operations to sign the Contracts; and
- (e) Allocates \$100,000 from Council Reserves towards the pools replacement project at the next Quarterly Budget Review.

(Perry/Tapper)

Open Meeting:

24-130 Resolved that the meeting be opened, and the resolutions made public.

(Porter/Miller)

The General Manager verbally advised the meeting of resolution from the closed session.

There being no further business the meeting terminated at 2.51 pm.

Confirmed _____
Cr Carol Oataway
Mayor