

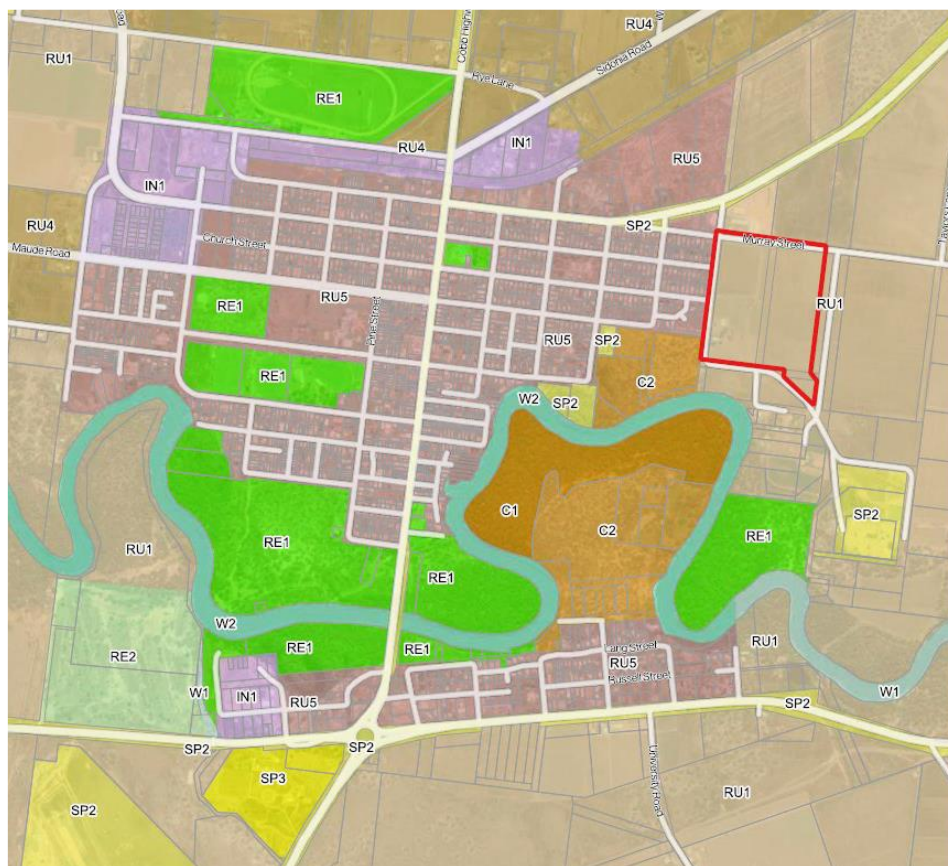
C5 – Hay Shire Housing Facilitation Project

REPORTING OFFICER	Executive Manager Planning & Compliance
ATTACHMENTS	-Hay Structure Plan Scoping Report

INTRODUCTION

Hay Shire Council recently received funding under the Regional Housing Strategic Planning Fund to undertake a Planning Proposal to change the Hay Local Environmental Plan (LEP), which governs the land uses and zoning of properties. The funding covers:

1. The removal of minimum lot sizes in the existing urban areas of Hay
2. The expansion of the Hay urban area, to the east of the town, as per the plan below.



COMMENTARY

1. Removal of minimum lot sizes

Clause 4.1 of the Hay LEP states the following:

4.1 Minimum subdivision lot size

(1) *The objectives of this clause are as follows—*

(a) *to ensure development is undertaken on appropriately sized parcels of land, commensurate with available services, and responds to any topographic, physical or environmental constraints,*

(b) *to prevent the fragmentation of rural lands,*

(c) *to ensure areas of high ecological value and significant land sensitivity are enhanced for future generations,*

(d) *to allow for farm restructuring.*

(2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *This clause does not apply in relation to the subdivision of any land—*

(a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*

(b) *by any kind of subdivision under the Community Land Development Act 2021.*

The minimum lot size for the Hay Urban Area is 550m². This prevents the densifying of the urban area, which is the most economically and environmentally sustainable form of urban development. Removing the minimum lot size will facilitate the development of smaller houses on smaller lots, which can have a positive impact on the housing crisis. The removal of the minimum lot size of the urban area will be within the red marked area on the aerial photo to the right.



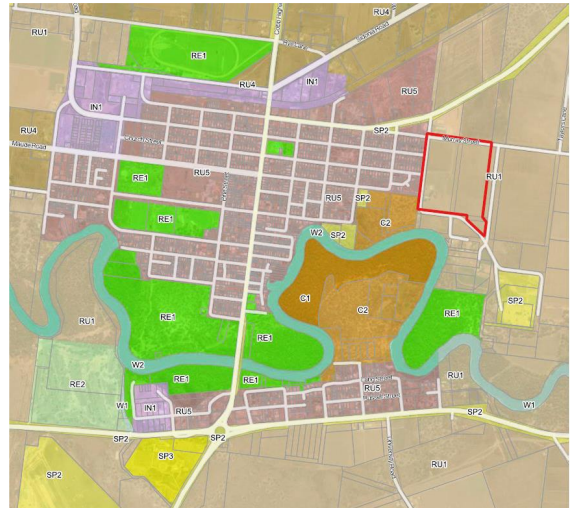
2. Expansion of East Hay

The current zoning for the land is RU1, which is an Agricultural zoning. The Hay LEP defines it as the following:

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.



2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Roads; Water reticulation systems

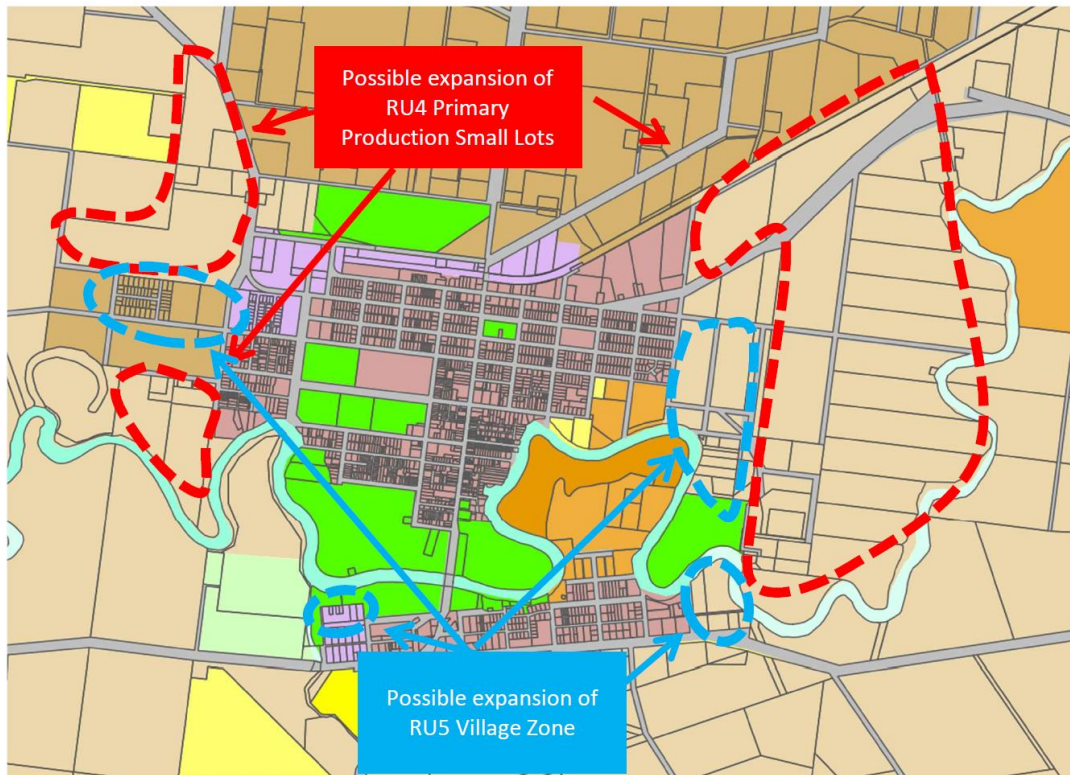
3 Permitted with consent

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Helipads; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Roadside stalls; Rural industries; Rural workers' dwellings; Veterinary hospitals; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Hay Shire Council also completed a Local Strategic Planning Statement (LSPS) in 2020 and a Structure Plan in 2022 that identified the land for urban expansion. The extracts from the Hay LSPS and the Hay Structure Plan are included below.



Potential Expansion of Village and Primary Production Small Lots Zones

Extract from Hay LSPS



Figure 36: Proposed R2 Low Density Residential Zone

5.2 R2 Low Density Residential Zone

The Structure Plan recommends introducing a new R2 Low Density Residential zone on the north eastern side of town. In accordance with NSW Department of Planning Practice Note PN 11-002, the R2 zone is:

"intended to be applied to land where primarily low density housing is to be established or maintained... This is the lowest density urban residential zone and the most restrictive in terms of other permitted uses considered suitable".

Based on the existing development pattern and zoning of the area, environmental constraints and the logical extension of services, the Structure Plan recommends rezoning a number of parcels of land to the north east of the existing township to R2 Low Density Residential with a 1,500m² minimum lot size as identified in Figure 36.

These parcels include the following:

- 229 Bourke Street (Lot 2, DP448476 and Lot 135, DP756755).
- 265 Bourke Street (Lot 10, DP823018).
- Mid-Western Highway (Lot 111, DP1187931).

The recommended rezoning of this land is consistent with previous strategic planning investigations and recommendations identified in Council's LSPS (Figure 5) and are consistent with the environmental constraints of the land.

The properties are currently zoned RU1 Primary Production with a minimum lot size of 90 hectares. Combined, the lots have a total area of approximately 33 hectares.

All properties are largely unconstrained and the topography of the land is generally flat. Vegetation on-site is largely non-native and comprises planted vegetation around an existing dwelling on Lot 2.

The land is not currently used for any large-scale productive farming land and is largely classified as Category 1 land under the provisions of the *Local Land Services Act 2013*.

Extract from Hay Structure Plan

The proposed zoning for the land is a Residential Zone -R2. This is defined as:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Centre-based child care facilities; Dwelling houses; Group homes; Oyster aquaculture; Pond-based aquaculture; Respite day care centres; Tank-based aquaculture

The proposed change of zoning does not mean that the existing agricultural land use cannot continue, existing use rights for agriculture are protected under Clause 4.65 of the Environmental Planning and Assessment Act 1979. It is the use of a building, work or land (previous development) that was lawfully commenced under previous planning instruments, such as a Local Environmental Plan. Existing use rights provide certain protections to landowners from changes to planning laws that apply to their land. They allow people to continue to live in their homes for example or operate their businesses as they did before the change, until they decide they no longer wish to do so.

In September 2023 a report was drafted to Council to exclude the rezoning of the subject land, as the owners were not interested. This has however changed, and after consultation with the owners, they wish to include these sections of land now. The Planning Proposal has been amended (Attachment A) to now include these sections again.

3. Merit of the Planning Proposal

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal directly facilitates the recommendations outlined within Sections 5.1 & 5.2 of the Hay Structure Plan (July, 2022).
- The resultant development/redevelopment of the land will not create any unacceptable environmental or social impacts.
- The proposed amendment will encourage the development of existing urban areas to contribute to a diversity of housing types throughout the Municipality.
- Optimise the use of unconstrained land that is presently underutilised to further contribute to the provision of a diversity of housing options throughout the municipality through a variety of residential lot sizes (both small lot and residential lifestyle).
- The proposal will increase the diversity and type of residential housing that will cater for a range of housing needs and demands, particularly in response to an ageing population and increasing housing costs.
- There will be a net economic benefit for the Hay community in terms of growth and investment via the provision of additional residential allotments.
- To identify and establish the residential growth area of Hay.
- The subject land can be provided with all urban services.

In more detail, the Planning Proposal seeks to:

- Remove the current 550sqm minimum lot size applicable to land located within the RU5 Village Zone (both North and South Hay).

- Rezone land identified as 229 Bourke Street (Lot 2, DP448476 and Lot 135, DP756755) and 41 Cemetery Road (Lot 168, DP756755) from RU1 Primary Production to R2 Low Density Residential Zone.
- Reduce the minimum lot size of land identified as 229 Bourke Street (Lot 2, DP448476 and Lot 135, DP756755) and 41 Cemetery Road (Lot 168, DP756755) from 90ha to 1,500sqm.
- Introduce a new land use zone within the Land Use Table of the LEP, being the R2 Low Density Residential zone.

Details of the proposed changes are illustrated in the figures below.

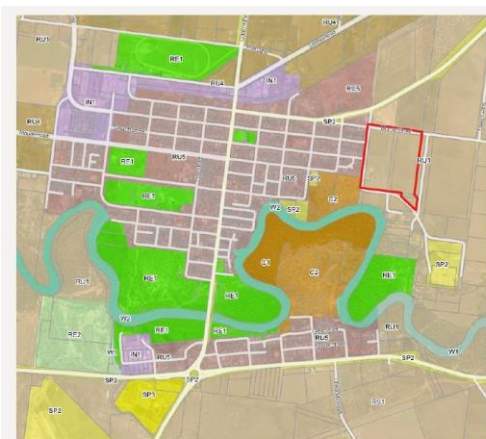


Figure 1 | Existing Land Zoning Map, subject land outlined

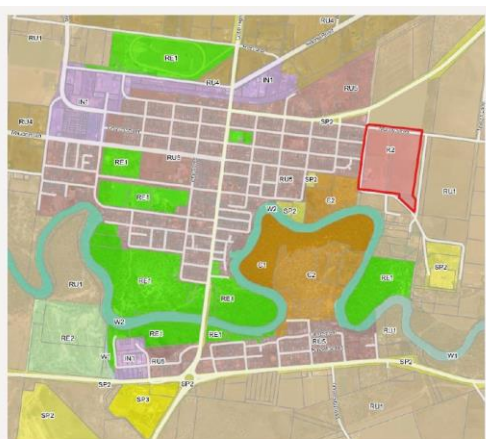


Figure 2 | Proposed Land Zoning Map, subject land outlined

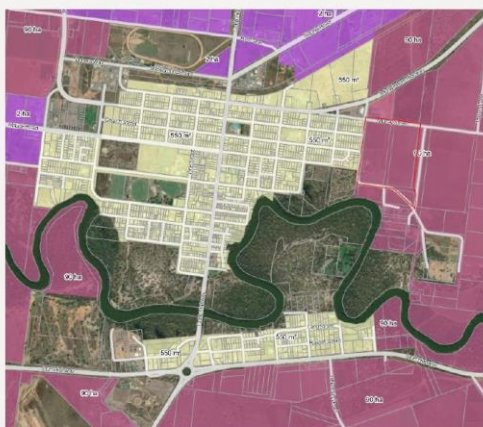


Figure 3 | Existing Lot Size Map, subject land outlined



Figure 4 | Proposed Lot Size Map, subject land outlined

RELEVANCE TO STRATEGIC COMMUNITY PLAN	B. Liveable and vibrant community <i>B2 Our Community has available housing options</i> B2.1 Improve access to diverse range of housing opportunities
FINANCIAL IMPLICATION	Nil
LEGISLATIVE IMPLICATION	Environmental Planning and Assessment Act 1979 No 203,
POLICY IMPLICATION	Amendment of the Hay LEP

ASSET IMPLICATION	Nil
RISK IMPLICATION	Low

RECOMMENDATION

- a)** That Council proceeds with the Planning Proposal for removal of the minimum lot size in the Hay Urban Area; and
- b)** That Council proceed with the rezoning of RU1 Primary Production Land to R2 Low Density Residential as outlined in the report.

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON TUESDAY 23rd APRIL 2024

PRESENT: Councillors C Oataway (Chair, Mayor), Crs G Chapman, Cr D Clarke, Cr L Garner, Cr P Handford, Cr P Porter, Cr M Quinn, General Manager David Webb, Executive Manager – People & Governance Kirstyn Thronder and Executive Assistant Mia Headon-Doidge.

Apology: it was resolved that Cr J Dwyer was granted a leave of absence per report C1.
(Quinn/Porter)

This meeting was audio recorded.

Confirmation of Minutes

24-028 **Resolved** that the minutes of the Ordinary Meeting of Council held 26th March as circulated be confirmed.
(Quinn/Clarke)

Declaration of Interest

- C1 Application for Leave of Absence for Cr Chapman declared a non pecuniary interest.
- C2 Development Application – Haydays Senior Citizen Association–Cr Oataway declared a non-pecuniary interest in DA2023-42, as she is a committee member.
- C3 Development Application– Extension to outdoor dining area (including alfresco), including extending liquor serving area at 371 Murray St, Hay – Executive Manager Kirstyn Thronder declared a non-pecuniary interest in DA2023-37, as she is related to the applicant.

Mayoral Report

C1 Mayoral Report

That Council receives and notes the report provided.

General Manager's Reports

Action Plan Report

The report was received and noted.

C1 Application for Leave of Absence – Councillors Chapman & Dwyer

Cr Chapman vacated the room for consideration of this report.

24-029 Resolved that

- a) A leave of absence be granted to Cr Geoffrey Chapman from the 16th June to 29th July 2024 and,
- b) Cr Jenny Dwyer for the April Ordinary meeting to be held 23rd April 2024.
(Quinn/Porter)

C2 Development Applications – 19th March to 15th April 2024

That Council notes the list of Development Applications for 19th March to 15th April 2024.

C3 DA2023-37 – Extension to outdoor dining area (including alfresco), including extending liquor serving area at 371 Murray St, Hay

Executive Manager Kirstyn Throrder vacated the room upon consideration of this report.

24-030 Resolved that Council

DA2023-37 for the Extension to outdoor dining area (including alfresco), including extending liquor serving area at 371 Murray St, 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 A - B for 371 Murray 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.*

2. Hours of Operation

The hours of operation are limited to the hours set out in the table below

Days	Time Period
Mondays to Fridays	07:00 am to 10:00 pm
Saturdays	07:00 am to 10:00 pm
Sundays	07:00 am to 10:00 pm

Any alteration to these hours will require a modification to this consent or a separate development application.

Reason: *To protect the amenity of the local area.*

3. Clear Public Access Ways

A 2.5m thoroughfare is to be maintained for pedestrian traffic.

Reason: *To allow for the safe operation of the footpath for pedestrian traffic.*

4. Works in road reserve

An application must be made to Council prior to constructing hard surface driveways, footpaths or the like on or over the road reserve. Any works in the road reserve, including landscaping, require approval under the Roads Act 1993.

Reason: *To comply with the Roads Act 1993.*

5. Section 68 Application

An application under Section 68 of the *Local Government Act 1993* must be lodged with Council (application fees apply) and approved prior to the following works commencing on the site:

a. To carry footpath trading in accordance with Part D of Section 68 of the *Local Government Act 1993*.

The application would need to provide details on the seating, shade provision, and protection of customers from motor vehicles.

Reason: *To comply with the Local Government Act 1993*

6. Food Safety Standards

The area used for the activity must, at all times, be operated in accordance with the Food Act 2003.

Reason: *To cater for the health and safety of customers.*

7. Area to be kept clean and tidy

The area used for the activity must, at all times, be kept in a clean and tidy manner.

Reason: *So that the activity does not detract from the aesthetics of the area.*

8. Cleaning of Area

All cleaning of the area used for the activity must be undertaken by the applicant or their agent.

Reason: *To avoid the use of Council resources in the operation of the activity.*

9. Food Handlers – Adequate Skills and knowledge

Food Businesses are to ensure that persons undertaking or supervising food handling operations have appropriate skills and knowledge in food safety and food hygiene matters.

Reason: *Compliance with Food Act 2003*

10. Alcohol Service

This approval permits alcohol to be served in the approved area from a Council perspective, although you will need to ensure your Liquor Licence extends to this area through the correct approval body (Liquor & Gaming NSW).

Reason: *Compliance with Liquor Act 2007 and Gaming and Liquor Administration Act 2007*

11. External Lighting

External Lighting must be prepared by a suitable qualified person. Lighting must meet the following requirements:

- Comply with AS 1158: Lighting for Roads and Public Spaces.
- Comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting.
- Lighting must be placed at all entrances to and exits from the premises.
- Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas.
- Lighting must not interfere with traffic safety.
- External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.

Reason: *To ensure the safe operation of the premises and protect the amenity of the local area.*

12. Signage During Ongoing Use:

During ongoing use of the premises:

- Signage of the building street number and building name must be clearly displayed.
- Advertising signage must not be placed or displayed on any public space (including the public footpath or street)
- Any lighting of signs must comply with Australian Standards AS 4282: Control of the Obtrusive Effects of Outdoor Lighting
- No upward facing lighting sources can be displayed on signs on the premises.
- Signs must only be illuminated when the premises are in operation and only during the operating hours approved under this consent

Reason: *To protect the amenity of the local area.*

13. Essential Fire Safety Measures

In granting this consent, Council requires the essential fire safety measures to be installed and maintained to comply with the requirements of the Building Code of Australia.

Reason: *To comply with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

14. Noise Control

The premises shall not give rise to:

- A transmission of vibration to any place of a separate occupancy;
- An "offensive noise" as defined in the Protection of the Environment Operations Act 1997.

offensive noise means noise—

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—*
 - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

The noise level emitted from the premises shall not exceed the background noise level by more than 5dB(A) from 07.00 am to 10 pm and shall not exceed the background level from 10.00 pm to 07.00 am. Measurement is taken at the boundary of the worst affected residence.

Reason: *To ensure that no noise nuisance occurs to neighbours and conformance to the Noise Guideline for Local Government*

15. Council Property – Water Mains

Council water mains are located in the proposed alfresco area. These need to be accessible at all times.

Reason: *To maintain and protect underground assets*

16. Amenity protection

The approved development must not adversely affect the amenity and environment of the neighbourhood in any way including:

- i. The appearance of any buildings, works or materials used.
- ii. The parking or movement of motor vehicles.
- iii. The transporting of materials or goods to or from the site.
- iv. Noise, air and water discharges from the site.
- v. Electrical interference.
- vi. The storage and handling of garbage, fuels, chemicals, pesticides, gasses, waste products or other materials.
- vii. Emissions or discharges into the surrounding environment including, from wastewater, sediment, dust, vibration, odours or other harmful products.

Note: The Applicant must notify, at the earliest opportunity, Hay Shire Council of any incident which has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Applicant must notify Hay Shire Council as soon as practicable after the Applicant becomes aware of the incident. Within 7 days of the date of the incident, the Applicant must provide Hay Shire Council with a detailed report on the incident, and such further reports as may be requested.

Reason: *To protect the amenity of the adjoining area.*

For

Cr. Oataway
Cr G Chapman
Cr. D Clarke
Cr P Handford
Cr P Porter
Cr L Garner
Cr M Quinn

Against

C4 DA2024-10 – Shed with Carport at 380 Murray St, Hay

24-031 Resolved that Council

That DA2024-10 for Demolish shed and replace with shed/carport and extension to dwelling at 380 Murray St, 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 A, B, C, D, E, F, G, H, I, J, K for 380 Murray 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.*

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. 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
- b) Prior to covering any internal or underfloor plumbing
- c) After excavation for, and prior to the placement of, any footings
- d) Prior to pouring any in-situ reinforced concrete building element
- e) Prior to covering of the framework for any floor, wall, roof or other building element
- f) Prior to covering any storm water drainage connections

After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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 building.*

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. Site Encroachment Prohibited

The structure shall be erected solely within the property boundaries. Guttering and eaves should not overhang into neighbouring properties.

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

8. Storm Water Disposal

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. Sewerage Connection

All connections to, or alteration to, any sewerage lines require a Section 68 application and approval from Council, and MUST be carried out by a Licensed Plumber/Drainer.

Please ensure an updated Sewerage Diagram is provided to Council on completion (template attached) and prior to the issue of an Occupation Certificate.

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

10. Smoke Detectors

In a Class 1a building, smoke alarms must be located in—

- (a) any storey containing bedrooms, every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
- (b) each other storey not containing bedrooms. The smoke detectors/alarms shall be installed as per Australian Standard AS3786.
- (c) powered from the consumer mains source where a consumer mains source is supplied to the building; and
- (d) interconnected where there is more than one alarm.

Reason: To meet the requirements of the National Construction Code and Australian Standards and provide a minimum standard for fire safety in residential buildings.

11. Termite Protection

The building and immediate surrounds shall be treated in accordance with Australian Standard 3660.1 for protection against subterranean termites, and a copy of the guarantee submitted to Council.

NB: If a chemical system is selected for use as a barrier against termite attack, a durable notice shall be attached to the house providing information relating to the treatment supplied and the chemical used. This notice should be affixed permanently in either the electric meter box or at the entrance to the sub-floor area.

Whilst the National Construction Code (NCC) and AS 3660.1 prescribe measures for protection in relation to the structural elements of a building, there are many other elements which may be susceptible to termite attack. Council therefore, encourages builders and owners to take general protective measures against termite attack according to approved industry standards and practices.

No protective measure is permanent. Owners should therefore, arrange regular inspections of their building by appropriate experts.

Reason: To protect the building from termite attack.

12. Water Proofing of Wet Areas

The installation of a water proof membrane of internal wet areas as nominated in this Consent shall be undertaken to the standards of AS 3740 2004 and for a Certificate of Installation to be submitted to the Council. The installer shall be a person who holds a Water Proofing Licence with the Department of Fair Trading. The Certificate issued shall meet the requirements of the Council or PCA in terms of warranty and application. The sealed area in the shower recess shall be subject to a 24 hour water test and is a mandatory inspection requirement. The number of coats shall be applied on the floor outside the door leading to the treated wet area.

Reason: To ensure the water proof measures of the National Construction Code and the Australian Standard are observed and adhered to.

13. 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.*

14. BASIX Certificate A1739739

a) Relevant BASIX Certificate means:-

- i) A BASIX Certificate that was applicable to the development when this consent or complying development certificate was granted (or modified under s.87 or s.96 of the Act and BASIX Certificate subsequently modified or updated); or
 - ii) If a replacement BASIX Certificate accompanies and subsequent application for a construction certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2021.

Reason: *Statutory compliance*

15. Energy and Water Conservation

This consent requires the commitments listed in each relevant BASIX Certificate (**A1739739**) for this development to be fulfilled under Clause 75 of the Environmental Planning & Assessment Regulation 2021.

Reason: *Statutory compliance*

16. Energy and Water Conservation Changes

Where changes are made to the construction, design, materials, orientation or services, a BASIX Certificate has to be obtained for the changes or modifications before an Occupation Certificate will be granted.

Reason: *Statutory compliance*

17. Consumer Insurances (Builder)

Home Building Insurance for residential work - Consent is subject to the condition that the builder, or person who does any residential building work, complies with the acceptable requirements of the Part 6 of the Home Building Act whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the approved work. The builder or person shall obtain and have in force Home Building Insurance and supply to Council a copy of the Certificate in respect of insurance complying with the Home Building Act 1989 prior to the issue of a Construction Certificate and the commencement of any residential building work.

Reason: *Statutory compliance.*

18. Demolition Works

Demolition of existing building or structures is to be carried out in a manner so that the risk of injury to health and safety of site personnel and public persons will be minimised.

Identify and locate service supply mains – Water, Electricity and notify the controlling authority to disconnect such services prior to demolition. All debris is to be removed from the site and disposed of at Hay Waste Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Waste Service Officer for an estimate of costs in this regard.

Reason: To ensure the safety and to minimise the disruption to services through damage to same

19. Excavation Safety

All excavations and back-filling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards. The adjoining property owner is to be given seven (7) days notice.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: Regulatory compliance.

20. Waste Removal

All debris and any waste fill is to be removed from the site and disposed of at Hay Garbage Depot, in the building refuse section of the garbage depot. Please note that a separate fee applies for disposal of waste at Council's waste depot. You should contact Council's Works Operations Manager for an estimate of costs in this regard.

Reason: To ensure that the site is not a source of wind-blown litter.

21. Waste Storage During Construction:

Provision shall be made on site for the proper storage and disposal of waste such that no builders' waste shall be left in the open. Specific attention should be given to items which are subject to relocation by the action of wind, eg. paper, sheets of iron, ridge capping, cement and lime bags and the like.

Reason: To ensure that the site is not a source of wind-blown litter.

22. Asbestos Removal

Any quantity of asbestos, whether it be stabilised or non-stabilised (loose), should be undertaken with care. Stabilised asbestos can include fibro sheets, fibro roofing, fibro water pipes, and bituminous floor tiles. If you are removing more than 10 sq. mtrs. of surface area you will need to have a specially licensed person with Workcover, authorised to undertake such work. If you are removing stabilised asbestos sheeting, roofing, etc. observe the following precautions:

- Remove entire sheets of materials without breaking the product, ie punch nail holes through rather than break the sheet, take down – don't drop.
- Thoroughly wet each sheet of the waste before removing.
- Wrap the sheeting in plastic 200 microns thick.
- When transporting, make sure the top of the trailer is taped over with plastic sheeting and secured.
- Transport to an asbestos authorised disposal area, ie Hay Waste Depot is authorised, provided prior notice has been given so that the disposal pits are specially opened up and protective gear is worn by the operator of the plant.
- When unloading do not drop on the ground but gently place into the areas as directed by the Council operator.
- Do not use power tools which expose the asbestos fibres.
- Do not scrub or water-blast any asbestos cement sheeting.
- Do not slide sheets over other sheets, as this will release fibres.

- Wear a protective mask and goggles.

Websites with additional information are at www.asbestosawareness.com.au and Council's website, www.hay.nsw.gov.au.

Reason: *To minimise the risk of asbestosis and to dispose of this harmful product in a safe secure manner at an accredited disposal point.*

23. Spills or Damage to Road Surface

Any spills on the road surface or damage to Council's roads, kerbs, gutter or any infrastructure needs to be immediately cleaned up or repaired by the developer, to the developer's cost. During construction there can be no sediment running into Council's Stormwater system.

Reason: *Protection of Council's infrastructure.*

24. Occupation Certificate

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. 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.*

(Handford/Garner)

For

Cr. Oatway
Cr G Chapman
Cr. D Clarke
Cr P Handford
Cr P Porter
Cr L Garner
Cr M Quinn

Against

C5 Hay Shire Housing Facilitation Project

24-032 Resolved that Council

- That Council proceeds with the Planning Proposal for removal of the minimum lot size in the Hay Urban Area; and
- That Council proceed with the rezoning of RU1 Primary Production Land to R2 Low Density Residential as outlined in the report.

(Chapman/Clarke)

For

Cr. Oatway
Cr G Chapman
Cr. D Clarke

Against

Cr P Handford
Cr P Porter
Cr L Garner
Cr M Quinn

C6 Sale (Trade) of Water Policy & Resilient Rivers Water Infrastructure Program

24-033 Resolved that Council

- (a) Endorses the draft Sale (Trade) of Water Policy, dated April 2024, for public exhibition for minimum of 28 days;
- (b) Supports the progression of grant application under the Resilient Rivers Water Infrastructure Program for the full roll out of digital meters to all users in the Hay town water supply network; and
- (c) Further report be brought to Council in due course.

(Clarke /Porter)

C7 Risk Management

24-034 Resolved that Council

- (a) Notes the information provided in the report and action taken in regard to Risk Management of the organisation;
- (b) Adopts the updated Risk Management Policy, Terms of Reference - Audit Risk & Improvement Committee, and Internal Audit Charter, all dated April 2024, as presented;
- (c) Accepts the resignation of Mr Rick Warren from the Audit, Risk and Improvement Committee as a voting member effective 30th June 2024; and
- (d) As of 1st July 2024 appoint:
 - (i) Mr John Batchelor as a voting member and Chair on its Audit, Risk, and Improvement Committee;
 - (ii) Ms Sarah Donnelly as a voting member on its Audit, Risk, and Improvement Committee;
 - (iii) Mr Rick Warren as a non-voting member on its Audit, Risk, and Improvement Committee.

(Quinn/Handford)

C8 Long Term Financial Plan, Revenue Policy & Operational Plan Review

24-035 Resolved that:

- (a) Approves the Draft Delivery and Operational Plan 2024/25 incorporating the Draft Revenue Policy and Draft 10-year Long Term Financial Plan attached to this report for public exhibition from 1st May 2024 for community comment until 7th June 2024; and
- (b) Then considers any changes or additions for inclusion in the final report to be adopted at the June 2024 Ordinary meeting.

(Porter/Garner)

C9 Requests for Assistance

- 24-036 Resolved that** Council not to grant the requests from Hay District Cricket Association, Patchers and Quilters of The Hay Plains, Michelle Spence, Country Women's Association and 2024 Australian Hay Mini Nationals Association to waive fees and/or charges.

(Garner/Handford)

Cr Chapman & Cr Quinn requested their vote against the resolution be recorded.

C10 Monthly Financial Report – February 2024

That Council receives and notes the report provided.

C11 Upcoming Conference

- 24-037 Resolved that** Cr G Chapman to attend the Murray Darling Association Basin Water Forum Conference in Mildura on the 2nd May 2024.

(Quinn/Porter)

C12 Circulars and other Government Correspondence

- 24-038 Resolved** That Council notes the information provided and endorses the submissions to the inquiries as outlined in the report.

(Clarke/Handford)

C13 Library

That Council notes the information in the report.

C14 Tourism and Economic Development

That Council notes the information in the report.

C15 Major Projects Update

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

C16 Operations Monthly Update Report

That Council notes the information provided in the report.

Reports of Council Committees:

- Bishop Lodge Management Committee Minutes 10th April 2024

24-039 Resolved that Council notes the Committees meeting minutes and any recommendations contained within be adopted.

(Porter/Clarke)

24-040 Resolved that the meeting be closed during the discussion of the following matters relating to:

IC.1 Supply Culvert Components

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;

IC.2 Potential Land Acquisition

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;

(Clarke/Handford)

IC.1 Supply Culvert Components

24-041 Resolved that Council

- (a) Declines to accept any of the tenders; and
- (b) Authorises the General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a supply contract in relation to the subject matter of the tender as to entering into negotiations rather than re-tendering will have a better result due to the unique nature of the project and to look for cost savings in the design with the suppliers.

(Porter/Clarke)

24-042 IC.2 Potential Land Acquisition Resolved that Council

- (a) notes the information in the report and supports the progression of the initiatives undertaken by staff to address the critical childcare and housing shortage in Hay, including potential land acquisitions for future development; and
- (b) Authorises the General Manager to purchase property within financial limitations as discussed in report.

(Chapman/Porter)

Open Meeting:

24-043 **Resolved** that the meeting be opened, and the resolutions made public.

(Handford/Porter)

The General Manager verbally advised resolutions from In Committee reports IC.1 and IC.2.

There being no further business the meeting terminated at 2.48pm.

Confirmed _____
 Cr Carol Oataway
 Mayor