

**MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN
THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 19th JUNE 2025**

PRESENT: Councillors: Mayor Cr C Oataway (Chair), Cr M Quinn, Cr G Chapman, Cr L Garner, Cr J Perry, Cr P Porter, Cr D Tapper, General Manager David Webb, Executive Manager – People and Governance – Kirstyn Thronder and Executive Assistant Kerry McRae

Apology: Cr W Miller

25-72 Resolved that Cr Miller be granted leave of absence.

(Perry/Porter)

This meeting was live streamed

This meeting was audio recorded

Request to attend by Audio Visual Link: Nil

Vale Michael (Mick) Beckwith

One minutes silence was observed for former Mayor and Councillor Mick Beckwith.

Confirmation of Minutes

25- 73 Resolved that the minutes of the Ordinary Meeting of Council held 27th May 2025 be confirmed.

(Quinn/Perry)

Declaration of Interest

Cr Tapper declared a pecuniary interest in C3 Unmanned Truck Refuelling Facility as he resides next to the proposed development.

Mayoral Report

M1 Mayoral Report

That Council receives and notes the information provided in the report.

Delegate Report

Nil

General Manager's Reports

Action Plan Report

The report was received and noted.

C1 Development Applications for 16th May 2025 to 12th June 2025

That Council notes the list of Development Applications for 16th May to 12th June 2025.

C2 DA 2024-4 – Bottle Shop at 151 Lachlan St, Hay

The following people addressed the meeting:

Applicant: Will Nadin

Objectors: Tim Robertson; Shane Schulz

Supporter: Ms Julie Lawrence

25-74 Resolved that DA2024-4 for a proposed Bottle shop at 151 Lachlan 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 - Site Plan Mick Fallon Building design for proposed Drive Through Bottle Shop at 151 Lachlan 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. 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. Consolidation of lots

If a building will span a lot boundary, the lots need to be consolidated before an Occupation Certificate can be issued.

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.

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

13. Construction Certificate Required

A Construction Certificate must be obtained from a Principal Certifying Authority prior to the commencement of any work.

Reason: *To ensure that minimal standards relating to structural adequacy, health and amenity are met.*

14. 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 in respect to construction of the development.*

15. Council property

Any damage or deterioration to any Council property including footpaths, road reserves, or removal of any existing street trees, must be reinstated to its original condition at the Applicant's expense to the satisfaction of Council. Replacement tree(s) must be the same species and size as the one removed.

Reason: *To protect Council's infrastructure*

16. Hours of Operation

The hours of operation of the bottle shop are limited to:

- Monday to Saturday: 10:00am – 10:00pm
- Sunday and Public Holidays: 10:00am – 8:00pm

Reason: *To ensure the operation does not adversely impact the amenity of the surrounding area.*

17. Liquor Licence Requirements

The operator must obtain a liquor licence from Liquor & Gaming NSW. Evidence of licence approval must be submitted to Council prior to the commencement of trading.

All licence conditions imposed by Liquor & Gaming NSW must be complied with at all times.

Reason: To ensure compliance with liquor laws and mitigate risks associated with alcohol-related harm.

18. Drive-through Queuing and Vehicle Access

The internal layout must be maintained to ensure vehicles can enter and exit the site in a forward direction and that queuing does not obstruct pedestrian or traffic flow on public roads.

Reason: To protect public safety and maintain traffic efficiency on adjacent roads.

19. Loading and Deliveries

Deliveries to and from the site are permitted only between 7:00am and 7:00pm Monday to Saturday. No deliveries on Sundays or public holidays.

Reason: To minimise noise and disruption to neighbouring properties.

20. Waste Storage and Collection

All waste and recycling must be stored in screened enclosures and collected by a licensed contractor or Council. Waste must not be stored in publicly visible or accessible areas.

Reason: To maintain cleanliness and protect the visual and environmental amenity of the area.

21. Noise Management

The development must comply with the *NSW Noise Policy for Industry (2017)*. Noise emissions must not exceed background noise levels by more than 5dB(A) at any time when measured at the nearest residential boundary.

Reason: To protect the acoustic amenity of neighbouring properties.

22. Lighting Control

All external lighting must be designed and installed in accordance with AS/NZS 4282:2019 – *Control of the Obtrusive Effects of Outdoor Lighting* and must not cause glare to drivers or nearby residences.

Reason: To prevent light pollution and preserve residential amenity and road safety.

23. Accessibility

The development must provide accessible entry and circulation for persons with disabilities in accordance with NCC 2022, AS 1428.1, and Disability (Access to Premises – Buildings) Standards 2010.

Reason: To provide equitable access in compliance with statutory accessibility requirements.

General Conditions provided by TfNSW.

24. No access to the site shall be provided from Lachlan Street.

25. The Drive Thru is to operate in a one-way direction running from east to west with proposed ingress and egress via the eastern two-way driveway and egress only via the single western driveway.

26. As a minimum the proposed eastern driveway to the subject site shall be line marked to delineate the ingress and egress traffic lanes and define 2-way traffic movement.

27. For road safety reasons, all vehicle access driveways, and the internal layout of the development, shall be designed such that all vehicles are able to enter and exit the subject site in a forward direction and not be required to reverse onto the footway or roadway. The swept path of the largest vehicles entering and exiting the subject site and manoeuvrability through the site is to be in accordance with AS 2890.2-2002 "Off-street commercial vehicle facilities" and to Council's satisfaction.
28. Appropriate signage to identify the one-way movement through the Drive Thru shall be erected at each driveway from MacGregor Street to the satisfaction of Council.
29. Street parking along MacGregor Street between the site's two driveways shall be removed via the provision of No Standing signage.
30. Prior to the installation of any signage, TfNSW will require the applicant to lodge a further development application to Council for consideration.

Reason: To comply with TfNSW comments

General Conditions provided by Council Engineers

31. The Exit vehicle crossing should be a one way onto Lachlan Street.
32. Planter box and pavers to be reinstated at the developers cost.
33. A Section 68 application is required for the water, sewer, pavement, kerb and gutter, stormwater and driveway construction.
34. Both vehicle crossing to be constructed as heavy duty, to Council's Engineer's satisfaction.
35. Developer to remove and replace the full length of kerb, guttering and footpath, including laybacks along the property at their cost.
36. New raw and filtered water connection applications and fees applicable
37. Possible scour point for filtered water on nature strip- This will need to be reconstructed to Council engineers' satisfaction as part of conditions of approval.
38. Filtered water mains –The mains will need to be protected during construction works. It needs to be covered over the top by stabilised sand up to underside of the driveway slab (not encased).

Reason: Protection of Council's infrastructure.

39. Car spaces on site are to be made available for public use, and signage must be installed accordingly.

(Quinn/Porter)

For
 Cr G Chapman
 Cr L Garner
 Cr C Oataway
 Cr P Porter
 Cr M Quinn
 Cr D Tapper

Against
 Cr Perry

Cr Tapper vacated the room during this item.

C3 DA2024-67 – Unmanned Truck Refuelling Facility at 310 Moama St, Hay

The following people addressed the meeting:

Applicant: Mr Stewart Morland (OIR)
 Objectors: Mr Tony Domaille; Mrs Sharon Hicks
 Supporters: John Rowell; Damien Mackay

25-75 Resolved that Council:

having considered the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, and the assessment report prepared, **refuse** Development Application No. 2024-67 for an Unmanned Truck Refuelling Facility And with double Ablutions Block at 310 Moama Street Hay (Lot 2 DP 1212081) for the following reasons:

Reasons for Refusal:

1. The site is not considered suitable for the proposed use - The traffic impact and proximity to residential areas make the development inappropriate for an Unmanned Truck Refuelling Facility. (s4.15(1)(c) – Suitability of the site)
2. The development is not considered to be in the public interest - The proposal has potential to negatively affect the local amenity. (s4.15(1)(e) – The public interest)

(Quinn/Perry)

For
Cr L Garner
Cr C Oataway
Cr J Perry
Cr P Porter
Cr M Quinn

Against
Cr G Chapman

Cr Tapper returned to the room at this point.

C4 DA2025-21– Shed at 318 Macauley Street, Hay

25-76 Resolved that DA2025-21 for a shed at 318 Macauley 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 - Job No. 250505, Sheets 1 of 03, 2 of 03, 3 of 03, and Sheets 1 of 06, 2 of 06, 3 of 06, 4 of 06, 5 of 06, 6 of 06 dated May 2025 by Fernleigh Drafting for Glenn Trigg, 318 Macauley 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 24hours 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 dwelling/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.

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.

14. Construction Certificate Required

A Construction Certificate must be obtained from a Principal Certifying Authority prior to the commencement of any work.

Reason: To ensure that minimal standards relating to structural adequacy, health and amenity are met.

15. Further Details Required

The Applicant should submit to Council construction plans and footings details at the time of applying for a Construction Certificate. No work relating to this detail shall be carried out until the information is supplied and approved by Council.

Reason: *To ensure Council has all relevant information to assess, and to minimise further delays on the project.*

16. Owner Builder Permit

Where it is proposed to carry out residential building work as an “Owner Builder”, a copy of the Owner Builder Permit specific to this project, must be provided to Council prior to the issue of a Construction Certificate, or a licenced builder nominated.

Reason: *Legislative requirement to ensure the building works are undertaken in a competent and safe manner.*

17. Materials

Sheds larger than 40m² must be constructed of non-reflective coloured material (such as Colourbond).

Reason: *Compliance with Hay Shire’s Sheds and Shipping Containers in Residential Areas Policy.*

18. Laneway Access

Any gates used to access the rear laneway, must not swing outwards into the road reserve.

Reason: *To not encroach onto a road reserve, and to not cause obstructions/hazards to traffic users.*

(Quinn/Tapper)

For
Cr G Chapman
Cr L Garner
Cr C Oataway
Cr P Porter
Cr M Quinn
Cr D Tapper

Against
Cr J Perry

C5 Delivery and Operational Plan, Revenue Policy and Long-Term Financial Plan 2025

25-77 Resolved that Council

1. Notes the information provided in the report;
2. The 2025/2026 Mayoral fee be set at \$20,800, and Councillor fees set at \$10,530.
3. Adopts the 2025/2029 Delivery and Operational Plan;
4. Adopts the 2025-2035 Long-Term Financial
5. Adopts the 2025/26 Revenue Policy, including Private Hire Rates 25/26; and

6. in accordance with sections 496, 501, 533, 535 and 537 of the Local Government Act 1993 fix the following rates and charges for 2025/2026:-

Rates

- a) **Residential Rate** - being Council's Residential Rate at a rate of 1.111c in the dollar on land value of all rateable land in the Category with a Base Rate of \$271.00. The Base Rate will produce 46.7% of the total amount payable by the levying of the rate.
- b) **Rural Residential Rate** - being Council's Rural Residential Rate at a rate of .72c in the dollar on land value of all rateable land in the Category with a Base Rate of \$271.00. The Base Rate will produce 24.9% of the total amount payable by the levying of the rate.
- c) **Farmland** – Being Council's Farmland Rate at a rate of 0.222c in the dollar on the land value of all rateable land in the category with a Base Rate of \$271.00. The Base Rate will produce 5.0% of the total amount payable by the levying of the rate.
- d) **Farmland Irrigation** - Being Council's Farmland Irrigation Rate at a rate of 0.222c in the dollar on the land value of all rateable land in the category with a Base Rate of \$271.00. The Base Rate will produce 3.8% of the total amount payable by the levying of the rate.
- e) **Business – CBA** – being Council's Business CBA Rate at a rate of 6.06c in the dollar on the land value of all rateable land in the category with a Base Rate of \$271.00. The Base Rate will produce 10.7% of the total amount payable by the levying of the rate.
- f) **Business** – being Council's Business Rate at a rate of 1.46c in the dollar on the land value of all rateable land in the category with a Base Rate of \$271.00. The Base Rate will produce 23.4% of the total amount payable by the levying of the rate.

Charges

- a) **Filtered Water Charge** - \$170.00 on each parcel of rateable land for which the service is provided or proposed to be provided.
- b) **Raw Water Charge-** - \$438.00 on each parcel of rateable land for which the service is provided or proposed to be provided.
- c) **Sewerage Charge – Residential** - \$860.00 on each parcel of rateable land for which the sewerage is provided or proposed to be provided.
- d) **Sewerage Charge – Non- Residential** - \$696.00 on each parcel of rateable land for which the sewerage is provided or proposed to be provided.
- e) **Additional Sewerage Charges** - In addition to the standard Sewerage Charge, Council will charge an additional 50% for each additional unit. \$430.00.

- f) **Domestic Waste Management Charge** – \$572.00 for each parcel of rateable land for which the service is available and additional bin \$161 per service per year.
- g) **Waste Collection Charge (Non-Residential)** - \$572.00 for each parcel of rateable land for which the service is available and additional bin \$161 per service per year.
- h) **Domestic Waste Charge – Hay Vacant Allotments** -\$96.00 for each vacant parcel of rateable land in the Town Improvement Area.
- i) **Tip Access Charge** - \$96.00 for each parcel of rateable land excluding Farmland and Farmland Irrigation categories and those subject to Domestic Waste Management Charge and the Waste Collection Charge (Non-Residential).
- j) **Tip Access Farmland** - \$88.00 for each parcel of rateable land within the Farmland and Farmland Irrigation categories.
- k) **Raw Water usage Charge** - 0.44c kl
- l) **Filtered Water user Charge** - \$1.36 kl up to 300 kl and \$2.04c kl over 300kl for all users.
- m) **Sewerage usage Charge** - \$1.36 per kl discharged
- n) **Interest on Overdue Rates and Charges** – 10.5%

(Quinn/Perry)

C6 Application for Leave of Absence

25-78 Resolved that

- (a) A leave of absence be granted to Cr John Perry for the period 9th July 2025 to 31st August 2025; and
- (b) In the absence of Cr Perry, Cr Porter to be alternate General Manager Performance Review panel member for the upcoming review on 30th July 2025.

(Tapper/Chapman)

C7 Request for Assistance

25-79 Resolved that Council does not provide financial assistance due to funds been fully expended for 2024/2025 FY.

(Tapper/Perry)

C8 John Houston Memorial Swimming Pool Replacement Project

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

C9 Monthly Financial Report – May 2025

That Council notes the information provided in the report.

C10 Circulars and other Government Correspondence

That Council notes the information provided in the report.

C11 Tourism & Economic Development May/June 2025

That Council notes the information provided in the report

C12 Library Report May 2025

That Council receives and notes the report provided.

C13 Major Projects Update

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

C14 Operations Monthly Update Report

That Council notes the information provided in the report.

C15 Tree Removal Requests

25-80 Resolved that Council:

- (i) Council reroutes stormwater pipe away from the tree to gutter at 445 Macauley St and the tree is retained.
- (ii) Remove the tree in the cemetery and plant ten suitable species at the cemetery.

(Quinn/Porter)

Closed Session

At this stage of the meeting the Mayor advised that it is proposed to move into Closed Session for consideration of the following items:

IC1 – Culvert widening 2025-26

Reason for Confidentiality:

- IC.1 (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;

Further that in accordance with Section 10D it is considered that if the matter were discussed in an open Council meeting, it would on balance, be contrary to the public interest as its information that would if disclosed, confer a commercial advantage on person with whom the Council is conducting (or proposes to conduct) business. As such, the matter is appropriately considered in closed session under Section 10A(2)(d) of the Local Government Act 1993.

The Mayor invited representations or submissions from the public as to the reasons why the matters identified are moving into closed session.

0 representations or submissions were received.

The Mayor advised that in accordance with Section 11(2)(a)(b) of the Local Government Act 1993, access to the correspondence and reports relating to the items considered during the course of the Closed Session will be withheld.

25-81 Resolved that the meeting be closed during the discussion of these matters.

(Porter/Tapper)

Accordingly, members of the press and public were excluded from the closed session.

IC1 – Culvert widening 2025-26

25-82 Resolved that Council:

- (a) Accepts the tender for the culvert widening MR319 2025-26 from Naubro Kerb Pty Ltd, in an amount of \$ 410,652 (including GST); and
- (b) Authorises the General Manager and Executive Manager – Engineering & Operations to sign the Contract.
- (c) Council use the remaining Bridge Renewal Program funds, Block grant and RERRF funds to undertake the project in full as outlined in the report.

(Perry/Tapper)

25-83 Resolved that the meeting move out of closed session, and the resolutions closed session be made public.

(Porter/Tapper)

Open Meeting

The Mayor verbally advised the meeting of resolutions from the closed session and these resolutions are recorded without any alteration and amendment thereto.

There being no further business the meeting terminated at 3:52

Confirmed _____
Cr Carol Oataway
Mayor