

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 26th May 2026

PRESENT: Councillors: Cr G Chapman, Cr L Garner, Cr W Miller, Cr C Oataway (Chair), Cr J Perry, Cr P Porter, Cr M Quinn, Cr D Townsend, General Manager - David Webb, Executive Manager Corporate Performance and Community – Kirstyn Thronder, Executive Manager Planning and Compliance – Jack Terblanche and Executive Assistant – Kerry McRae

Request to attend by Audio Visual Link: Nil

Apology: Nil

This meeting was live streamed and recorded

Address to Council: – Jim Hutchinson and Cathryn Riddiford from Transgrid, accompanied by Jo Mazzocchi from Elecnor provided an update on the Project EnergyConnect.

Confirmation of Minutes

26-059 Resolved that the minutes of the Ordinary Meeting of Council held 28th April 2026 be confirmed.

(Miller/Chapman)

Declaration of Interest: Cr M Quinn declared a non-pecuniary in Item C15 Tree Removal Request at 522 Clay St.

Mayoral Report

M1 Mayoral Report

That Council notes the information provided in the report.

M2 Mayoral Minute

26-060 Resolved that Council:

1. Notes the release of the LGNSW's "Caring for our Regions" Six Point Action Plan on Rural and Regional Health, which outlines coordinated advocacy priorities to address critical gaps in healthcare access and outcomes for rural, regional and remote communities;
2. Recognises that people living in rural, regional and remote areas experience poorer health outcomes, reduced access to primary and specialist care, and shorter life expectancy compared to metropolitan communities, and that these inequities are unacceptable;

3. Adopts the “Caring for our Regions” Action Plan on Rural and Regional Health as a formal advocacy position of Council;
4. Writes to the NSW Minister for Regional Health, Ryan Park MP; the Commonwealth Assistant Minister for Rural and Regional Health, Emma McBride MP; and the local Member of Parliament (State and Commonwealth), seeking their support for the “Caring for our Regions” Action Plan on Rural and Regional Health and calling for coordinated State and Commonwealth action to improve rural and regional health outcomes.

(Perry/Porter)

M3 Recission Motion – Item C9 – Council Meeting Date Adjustments and Upcoming Conferences Tuesday 24th March 2026.

26-040 – Part B –The Mayor, Deputy Mayor and General Manager attend the Australian Local Government Association National General Assembly to be held in Canberra in June 2026 and the Mayor be the authorised voting delegate.

26-061 Resolved that Council refuses the recission motion.

(Miller/Townsend)

Delegates Report: Nil

General Manager’s Reports

Action Plan Report

The report was received and noted.

C01 DA2026-11 379 Demolition of shed, installation of two units and 1.5m front fence at 379 Russell St, Hay

The following people addressed the meeting:

Applicant: Dylan Lund who read a letter of support Garry Brown

26-062 Resolved that DA2026-11 to demolish a shed, install 2 units and a 1.5m front fence at 379 Russell 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 379 Russell St, Hay, except where varied by conditions of this consent. Detailed siting plans will need to be provided before the approval of Section 68 approvals or the Construction Certificate, showing the distances off all boundaries. Also

- a. No building can be closer than 900mm off any boundary
- b. Any development needs to adhere to Council’s Building Over Sewer Mains Policy.

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 before backfilling;
 - (j) Fire-rated wall and ceiling framing;
 - (k) Sound transmission measures;
- 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 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 Lot boundaries, having a minimum distance of 450mm between the overhang of any eaves/guttering and the side boundaries of the allotment.

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

Stormwater 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 (Russell Street) 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.

(8)

Smoke Detector:

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.
- (c) The smoke detectors/alarms shall be installed as per Australian Standard AS3786.
- (d) powered from the consumer mains source where a consumer mains source is supplied to the building; and
- (e) interconnected where there is more than one alarm.

(9)

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 Building Code of Australia (BCA) 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.

- (10) **Occupation Certificate Required:**
Prior to commencement of the use (and/or) occupation of the subject development, a satisfactory final inspection (and/or) occupation certificate must be issued by the Principal Certifying Authority. An Occupation Certificate must be applied for via the Planning Portal, select your development and apply for a "Related Certificate".

Reason: *To ensure compliance with approval.*

- (11) **Section 68 Certificate Required:**
If the units will be approved under the Local Government Act, an Approval to Install a Transportable Dwelling, pursuant to Section 68 of the Local Government Act 1993, as amended, must be obtained from Council prior to the building being erected/established on the subject land.
NOTE 1: Council will determine the Section 68 Application and impose any relevant conditions. The applicant is advised to read the Approval and comply with the conditions as appropriate.

Reason: To enable the design of the proposed work to be assessed, in detail, before any work commences on site, and because it is in the public interest that the development comply with the appropriate construction standards and Section 68 of the Local Government Act 1993, as amended.

- (12) **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.*

- (13) **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.*

- (14) **Water and Sewerage Connection:**
Before the approval of the Construction Certificate and/or the Section 68 approval, the applicant needs to submit a services plan detailing water and sewer connections, to be approved by Council's Engineer.

All connections to, or alteration to, any sewerage lines MUST be carried out by a Licensed Plumber/Drainer.

Please ensure a 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.*

(15) **Water Proofing of Wet Areas:**

The installation of a waterproof 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 waterproof measures of the National Construction Code and the Australian Standard are observed and adhered to.

(16) **Fencing:**

Any fencing installed on the boundaries of the allotment must be in accordance with Hay Shire Council's Fencing Policy, with the exception of the front fence as per the application.

Reason: *Compliance with Hay Shire Council's Fencing Policy and minimise impact on traffic safety.*

(17) **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.*

(18) **Vehicular Crossing/Driveway:**

If it is proposed to construct a new (or alter) a vehicular crossing on the public footpath or road verge, a Road Opening Permit must be applied for. This will need to be before commencement of construction. All costs to driveways are to be borne by the applicant.

Reason:

To ensure that works carried out on public roads conform to the requirements of Council (the responsible authority), and reduce the risk to life and property (neighbours, street lights, power poles, road damage, etc).

(19) **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.*

(20) **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*

(21) **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 amenity and unsightly condition is minimised.*

(22) **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.*

(23) **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.

(24) **Details Required for Concrete Footings**

Details of all structural concrete footings shall be submitted with the Section 68 application.

Reason: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected.

For

Against

Cr G Chapman
Cr L Garner
Cr W Miller
Cr C Oataway
Cr John Perry
Cr Paul Porter
Cr M Quinn
Cr D Townsend

(Quinn/Perry)

C02 DA2026-12 - Demolition of all buildings at 264 Lachlan St, Hay

The following people addressed the meeting:

Applicant: Lance Edmonds

26-063 Resolved that DA2026-12 to demolish all buildings and structures at 264 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 Plan A for 264 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. **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.*

3. **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.*

4. **Footpath Construction**

All work on the public footpath and roadway shall be carried out with due care and regard for the safety and convenience of the public including pedestrians, cyclists and motorists. Special regard shall be paid to caring for the needs of children, the disabled, the infirm and the elderly.

Reason: *Preservation of the life, health and good will of members of the public.*

5. **Footpath Storage**

Building materials/machinery not to be stored on Council footway and/or nature strip at any time.

Reason: *To ensure an adequate level of public safety is maintained.*

6. **Protection of Services & Assets**

Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, sewer/water services, kerb & gutters, laybacks or other public land shall be restored to Council's satisfaction and at the full cost of the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponent's cost. **PLEASE NOTE, Sewer Mains are located in the back north-west corner of the property.**

Reason: *To protect Council infrastructure.*

7. **Gates**

Any gates must open inwards and not encroach onto roads/road reserves.

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

8. **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.*

9. **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.*

10. Preservation of Historical Details

A comprehensive, high-resolution photographic archival record of all buildings to be completed prior to any demolition work. A copy of this needs to be handed to Council before demolition commences.

Reason: *Permanent preservation of the history of the site in Council's archives for public access.*

For

Cr G Chapman
Cr L Garner
Cr W Miller
Cr C Oatway
Cr John Perry
Cr Paul Porter
Cr M Quinn
Cr D Townsend

Against

(Quinn/Porter)

C03 Lease of Land adjacent to the Maude Cemetery

26-064 Resolved that Council:

Engages Treespec for the use and management of Lot 7018 DP 1019632 and Lot 7003 DP1019633 at the Maude Cemetery, with the following conditions attached:

- a) Period of land management – initial period of 12 months, with option to extend for 2 x 12 months.
- b) Maintenance of land to mitigate bushfire risk and keeping land weed free.
- c) Maintenance of fencing around the site.
- d) Keeping limited vehicular access (for funerals and maintenance) and 24/7 pedestrian access to the cemetery component.

(Perry/Quinn)

Executive Manager Planning and Compliance – Jack Terblanche left the meeting at this point.

C04 Climate Resilience, Infrastructure & Net Zero Plan

26-065 Resolved that Council:

- (a) Notes the integrated approach to Hay Shire Council's Climate Change Adaptation Plan, Critical Infrastructure and Net Zero Emissions Plan into a single, coordinated implementation framework;
- (b) Adopts the Climate Resilience, Infrastructure & Net Zero Plan, Version 2.0 as presented; and
- (c) Authorises the General Manager to progress the Critical Infrastructure, Climate Adaptation & Net Zero Action Plan as outlined in the report, including:
 - (i) Incorporating the Plan's actions into Council's Delivery and Operational Plans.
 - (ii) Receiving annual progress reports on implementation, including emissions reduction and climate resilience outcomes.

- (iii) Undertaking a full review of the Plan every four years, aligned with Council's strategic planning cycle.

(Perry/Miller)

C05 2026-27 Councillor and Mayoral Fees

- 26-066 Resolved** that Council sets the 2026/2027 Mayoral fee at \$21,565 and Councillor fee at \$10,920.

(Perry/Quinn)

C06 Application for Leave of Absence

- 26-067 Resolved** that Council grants leave of absence to Cr Martyn Quinn for the ordinary meeting to be held 25th August 2026.

(Perry/Miller)

C07 Quarterly Budget Review Report March 31, 2026

- 26-068 Resolved** that:

1. The Quarterly Budget Review Report to 31st March 2026 be adopted and the amended votes as detailed in the report be approved.
2. Note that the Responsible accounting officer believes that the Council's performance is satisfactory and that no remedial action needs to be taken.

(Perry/Miller)

C08 Circulars and other Government Correspondence

That Council notes the information provided in the report.

C09 Economic Development & Tourism April/May 2026

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

C10 Corporate Performance & Community Monthly Report: May

- 26-069 Resolved** that Council:

- (a) Adopts the draft Recruitment and Probation Policy, dated April 2026, as presented; and
- (b) Notes the information provided in the report.

(Perry/Miller)

C11 Finance Report – May 2026

26-070 Resolved that Council receives and notes the report provided and approves the Material Budget Variances outlined in the report.

(Perry/Miller)

C12 Planning and Compliance Report April/May

That Council notes the information provided in the report.

C13 Major Projects Update

26-071 Resolved that Council:

- (a) Notes the information provided in the report and the actions being undertaken;
- (b) Endorses the submission of a funding application under the Game on: Teaming up for climate action Round 1 to upgrade facilities at Hay Park to be more climate resilient and energy efficient as outlined in the report;
- (c) Provides co-contribution of up to 20%, subject to the successful receipt of grant funding; and
- (d) Authorise the General Manager to finalise and submit the grant application and, if successful, execute all necessary documentation associated with the funding agreement.

(Perry/Chapman)

C14 Operations Monthly Update Report

That Council notes the information provided in the report.

Cr Chapman put forward a motion to develop a policy on CCTV on the Hay Township.

Motion lost due to not having a seconder

C15 Tree Removal Requests

26-072 Resolved that Council:

- (i) Removes one (1) Gum Tree from 8 Waratah Street, Maude and replace with a suitable species.
- (ii) Prunes one (1) Gum Tree at 87 Pollard Street.
- (iii) Removes two (2) Claret Ash Trees from 522 Clay Street and replace with a suitable species.
- (iv) Removes one (1) Prunus Tree from 379 Cadell Street and replace with a suitable species.
- (v) Removes one (1) Kurrajong Tree from 84 Lachlan Street and replace with a suitable species.
- (vi) Removes seven (7) large Oleander Shrubs from 374 Alma Street and replace with suitable species.
- (vii) Takes no action for Pruning Trees at 152 Lachlan Street as per Council's Street Tree Policy criteria not to consider "obscures or otherwise detracts from advertising signage".

(Miller/Perry)

Reports of Council Committees

- Hay Showground Management Committee held 20th April 2026

26-073 Resolved that Council notes the Committees meeting minutes, and any recommendations contained within be adopted.

(Porter/Quinn)

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 – Hay Sewage Treatment Plant

Reason for Confidentiality:

IC.1 – (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Further, Council is considering a litigation matter in accordance with Section 10A(2)(g) of the *Local Government Act 1993*, which permits the exclusion of the public from a meeting to discuss legal matters that may involve actual or potential litigation. This is to allow Council to receive confidential legal advice and to consider its legal position without prejudicing its interests or compromising the integrity of any current or future proceedings. As such, the matter is appropriately considered in closed session under Section 10A(2)(d) of the *Local Government Act 1993*.

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.

26-074 Resolved that the meeting be closed during the discussion of these matters.

(Perry/Townsend)

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

IC1 - Hay Sewage Treatment Plant

26- 075 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) Delegates authority to the General Manager to undertake negotiations and execute Deed of Agreement with either of the Defendants.

(Perry/Quinn)

26-076 Resolved that the meeting move out of closed session, and the resolutions closed session be made public.

(Miller/Perry)

There being no further business the meeting was terminated at 3:08 pm.

Confirmed _____
Cr Carol Oataway
Mayor