

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 28th October 2025

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

Request to attend by Audio Visual Link: Nil

Apology: Cr M Quinn

25-136 Resolved that the apology submitted by Cr Quinn be accepted and a leave of absence be granted.

(Perry/Tapper)

This meeting was live streamed, and audio recorded.

Address to Council: ARIC Chair Mr John Batchelor addressed the meeting and presented the 2024/25 ARIC Annual Report.

Confirmation of Minutes

25- 137 Resolved that the minutes of the Ordinary Meeting of Council held 23rd September 2025 be confirmed.

(Perry/Porter)

Declaration of Interest:

- Cr Oataway – Item M2 – Non-pecuniary as Cr Oataway is a Board Member of Haydays.

Mayoral Report

M1 Mayoral Report

That Council notes the information provided in the report.

M2 Mayoral Minute

As the Mayor declared an interest in Item M2 and in absence of the Deputy Mayor, it was necessary to elect a Chair for the item. Two nominations were received — Cr Miller and Cr Perry. Following a show of hands, Cr Miller was declared elected as Chair.

Cr Oataway vacated the chambers during consideration of item M2. Cr Miler assumed role of Chair.

Lisa Bowen, Haydays Board Member addressed the Council.

25-138 Resolved that Council accept to consider the recission motion.

(Porter/Tapper)

25-139 Resolved that Council:

- (i) Writes to the Federal Minister for Aged Care, The Hon Mark Butler, the Minister for Aged Care and Seniors of Australia, The Hon Sam Rae, the Federal Minister for Regional Development, Local Government and Territories, The Hon Kristy McBain, and the Shadow Minister for Health and Aged Care, The Hon Anne Ruston, Senator for NSW the Hon Deborah O'Neill, and Member for Murray the Hon Helen Dalton MP to make immediate funding for rural aged care compliance and upgrades a national priority.
- (ii) That a meeting with the Federal Minister for Aged Care be requested to ensure this matter is taken to Canberra without delay.
- (iii) Note that a meeting with Federal Member, Sussan Ley was held 16th September 2025.
- (iii) Advocates to NSW Country Mayors Association to lead a coordinated campaign including case studies from other councils and collecting quantitative evidence that demonstrate the scale and urgency of the crisis in aged care service sustainability in rural and regional NSW; and develops a joint advocacy strategy to collectively lobby the Federal Government for a coordinated and adequately resourced national response.

(Chapman/Perry)

Cr Oataway resumed Chair of the meeting.

Delegate Report:

D1 Cr Chapman's report on the MDA Annual Conference

The report was noted.

General Manager's Reports

Action Plan Report

The report was received and noted.

C1 2024/2025 ARIC Annual Report and Attestation

25-140 Resolved that Council:

- a. Accepts the ARIC's 2024/25 Annual Report; and
- b. Endorses the General Manager's attestation for inclusion in the Council's 2024/25 Annual Report.

(Perry/Porter)

C2 DA2025-45 Shed at 332 Macauley Street, Hay

25-141 Resolved that DA2025-45 for a shed at 332 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 A, B, C, D, E & F for 332 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.

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

8. Storm Water Drainage:

Storm water run-off from all roofs and extensive paved areas is to be collected and conveyed by gravity to Council's storm water collection system via a system of underground pipes having a diameter of at least 90mm and laid at a grade of at least one-in-one hundred (1%).

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

9. Easements:

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

Reason: Compliance with Legal documents.

10. Occupation Certificate:

Prior to the commencement of the use and/or occupation of the subject development, a satisfactory Final Inspection and/or Occupation Certificate must be issued by a Principal Certifying Authority. An Occupation Certificate must be applied for via the Planning Portal, select your development and apply for a "Related Certificate".

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

11. Lapsing of Consent:

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

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

12. Use of Building – Non-Residential Uses Only:

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

13. Use of Building – Not for Commercial or Industrial Use: The building/shed must not be used for commercial or industrial purposes or storage of goods associated with industrial or commercial undertakings.

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

For

Cr G Chapman

Cr L Garner

Cr C Oataway

Cr J Perry

Cr P Porter

Cr D Tapper

Cr W Miller

Against

(Perry/Tapper)

C3 Resignation of Councillor Tapper

25-142 Resolved that Council:

- (a) Notes the information in the report and process to elect a replacement councillor; and
- (b) Writes a thank you letter to Cr Darren Tapper for his service to Council and the community of Hay.

(Porter/Chapman)

C4 Request for Leave of Absence

25-143 Resolved that Council grants leave of absence to Cr Martyn Quinn for the period 22nd to 29th November 2025.

(Perry/Tapper)

C5 Annual Disclosure of Interest Returns 2024-25

Council notes the tabling of the Register of Annual Disclosure of Interest Returns for 2024-25.

C6 2024/25 Financial Statements

25-144 Resolved that Council:

- (a) Adopts the Financial Statements for the year ending 30th June 2025;
- (b) Authorises the Mayor, Cr Perry, General Manager and Responsible Accounting Officer to sign the Statements by Council on its opinion of the accounts, and
- (c) Delegates authority to the General Manager to authorise the issue of the accounts on receipt of the auditor's reports and set the date for the public meeting.

(Tapper/Perry)

C7 Australia Day 2026

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

C8 Code of Meeting Practice

25-145 Resolved that Council:

- (a) Places the draft 2025 Code of Meeting Practice, as amended, on public exhibition for minimum 28 days and open for comment for minimum 42 days;
- (b) Authorises the proposed upgrade to the Council Chambers and Administration Building as outlined in the report, to be funded from the Infrastructure Reserve; and
- (c) Notes the technology initiatives being implemented.

(Miller/Porter)

C9 Planning Agreements Policy

25-146 Resolved that Council adopts the Planning Agreements Policy, V1.2 dated August 2025.

(Miller/Perry)

C10 Swimming Pool Management

25-147 Resolved that Council:

- (a) Notes the information provided in the report and actions being undertaken; and
- (b) Awards the lease of the pool canteen for the 2025/26 season to 'Mara on Food' and authorises the General Manager to execute the lease accordingly.

(Perry/Porter)

C11 Update on Childcare in Hay

25-148 Resolved that Council:

- (a) Notes the information in the report and the initiatives undertaken by staff to address the critical childcare shortage in Hay.
- (b) Endorses the new lease with Hay Children's Services, including the property at 342 Church Street, and authorises to the General Manager to execute the lease accordingly;
- (c) Does not reduce or waive the property insurance at 344 Church Street for 2025/26 year; and
- (d) Authorises the General Manager or his delegate to continue the negotiations with Homes NSW in regards to the property for childcare as outlined in the report and execute Contracts of Sale of property, under Council Common Seal as required.

(Perry/Porter)

C12 Circulars and other Government Correspondence

That Council notes the information provided in the report.

C13 Tree Removal Requests

25-149 Resolved that Council:

- (a) Removes two Peppercorn Trees at 436 Orson Street and replace with Crepe Myrtles.
- (b) Removes the Cedar Tree at 339 Lang Street and replace with Manchurian Pear Tree.

(Perry/Miller)

C14 Monthly Financial Report

That Council receives and notes the report provided.

C15 Library Report September 2025

That Council notes the information provided in the report.

C16 Tourism & Economic Development August/September 2025

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

C17 Development and Compliance Report

That Council notes the information in the report provided.

C18 Major Projects Update

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

Cr Porter left the room at this point.

C19 John Houston Memorial Swimming Pool Replacement Project

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

C20 Operations Monthly Update Report

25-150 Resolved that Council:

- a) Notes the information provided in the report; and
- b) Removes of the dead and declining trees on the Lachlan and Macauley Street frontages to the pool precinct and replaces with suitable species and irrigation.

(Miller/Perry)

Reports of Council Committees

- Hay Showground Management Committee held 15th September 2025
- Hay Local Emergency Management Committee held 15th October 2025
- Hay Audit Risk and Improvement Committee held 23rd October 2025

25-151 Resolved that Council notes the Committees meeting minutes, and any recommendations contained within be adopted.

(Perry/Miller)

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:

Reason for Confidentiality:

IC1 – Reseals 2025/26

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)(a) of the Local Government Act 1993.

IC2 – Hay Heavy Vehicle Rest Area and the Hay Aerodrome Heavy Vehicle Entrance Projects

In accordance with Section 10D it is considered that if the matter were discussed in an open Council meeting, it would be contrary to the public interest, as it would disclose information that is privileged, subject to legal professional privilege, or concerns legal proceedings involving Council. As such, the matter is appropriately considered in closed session under Section 10A(2)(a) 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.

Nil 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.

25-152 Resolved that the meeting be closed during the discussion of these matters.

(Miller/Tapper)

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

Cr Porter rejoined the meeting at this point.

IC1 – Reseals 2025/26

25-153 Resolved that Council:

- (a) Accepts the tender for the schedule of rates for Reseals 2025-26 from Bitupave Ltd, in an amount of up to \$590,000 (excluding GST); and
- (b) Authorises the General Manager and Executive Manager – Engineering & Operations to execute the Contract.

(Perry/Miller)

IC2 – Hay Heavy Vehicle Rest Area and the Hay Aerodrome Heavy Vehicle Entrance Projects

25-154 Resolved that Council:

- (a) Notes the information provided in the report and the actions being undertaken;
- (b) Places the draft updated Plan of Management on public exhibition for minimum of 28 days and provide the applicable stakeholder notifications as required; and
- (c) A further report be brought back to Council in due course.

(Miller/Perry)

Cr Miller left the meeting at this point.

25-155 Resolved that the meeting move out of closed session, and the resolutions closed session be made public.

(Perry/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 was terminated at 3.01pm.

Confirmed _____
Cr Carol Oataway
Mayor