

MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 22nd September 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, 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: Nil

Confirmation of Minutes

26-116 Resolved that the minutes of the Ordinary Meeting of Council held 25th August 2026 be confirmed.

(Porter/Perry)

Declaration of Interest: Nil

Mayoral Report

M1 Mayoral Report

That Council notes the information provided in the report.

Delegates 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.

C01 Mayoral Elections

26-117 Resolved that Council

- (a) Elects a deputy mayor for a two-year period to September 2028; and
- (b) that the election for Mayor and Deputy Mayor be held by open ballot.

(Perry/Quinn)

Cr Oatway vacated the chair.

Mayor

The Returning Officer David Webb advised that he had received 2 nominations for the position of Mayor, that being Councillor Oataway and Councillor Perry.

The Returning Officer conducted the election by open ballot and advised the meeting that Cr Oataway received 7 votes, Cr Perry received 1 vote. The Returning Officer declared Councillor Oataway elected as Mayor for the ensuing term.

Deputy Mayor

The Returning Officer David Webb advised that he had received 3 nominations for the position of Deputy Mayor, that being Councillor Chapman, Councillor Quinn and Councillor Garner.

The Returning Officer conducted the election by open ballot and advised the meeting that Cr Chapman received two (2) votes, Cr Quinn received four (4) votes and Councillor Garner received two (2) votes.

Cr Chapman was chosen by lot and Cr Garner was excluded.

The Returning Officer conducted the second round of deputy mayor votes and Cr Quinn received four (4) votes and Cr Chapman received four (4) votes.

Cr Chapman was chosen by lot.

The Returning Officer declaring Cr Chapman elected as Deputy Mayor for the ensuing term.

Cr Oataway took the Chair as Mayor.

C02 DA2026-11-2 379 Russell St Units Modification

26-118 Resolved that Council: approve DA2026-11-2 Modification to install 2 units. This modification changes the size of the units (x2) – From 60m² to 78m² at 379 Russell St, Hay.

- (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.*

- (14) **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.*

- (15) **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.*

- (16) **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.*

- (17) **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).*

- (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 amenity and unsightly condition is minimised.*

(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) **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 subject*

(Quinn/Porter)

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

C03 Myers Lane Units and Hay Health Precinct

26-119 Resolved that Council:

- (a) Notes the information provided in the report and the actions being undertaken; and
- (b) Proceeds with the “sale” of Myers Lane Units to Argyle Housing and authorises the General Manager to continue negotiations as outlined in the report; and
- (c) Continues the progression of the next steps for the Hay Health Precinct, including the development of a Memorandum of Understanding (MOU) as outlined in the report.

(Townsend/Perry)

C04 Land Purchase

Speaker: Sharon Weymouth spoke to this item

26-120 Resolved that Council:

- (a) Determined the sale price of the land adjoining 407 Lang Street, Hay to be \$5,000; and
- (b) Authorised the Mayor and General Manager to proceed with the sale and execute Contracts under Council Seal as required.

(Porter/Quinn)

Crs' Chapman, Miller & Perry requested their dissent be recorded

C05 Renewable Energy Benefit Fund Committee – Establishment Plan and Revised Terms of Reference

26-121 Resolved that Council:

- (a) Adopts the revised Renewable Energy Benefit Fund Committee Terms of Reference, dated September 2026, and supersedes the Terms of Reference adopted on 27 November 2025;
- (b) Authorises the General Manager to obtain the required legal advice and commence recruitment of the Independent Chairperson and Committee members;
- (c) Establishes an externally restricted reserve and a Planning Agreements Register for contributions received under Planning Agreements,
- (d) Endorses, in principle, the allocation of 70% of available funding to the Council Strategic Allocation and 30% to the Community Allocation, noting that the amount available in each funding cycle will be determined by Council resolution before the relevant round opens; and
- (e) Receives a further report before the first funding round outlining the available funding, program guidelines, assessment criteria, allocation between funding rounds and the outcomes of the required legal and financial reviews.

(Miller/Chapman)

C06 Investment Attraction Strategy Update – September 2026

26-122 Resolved that Council:

- (a) Notes the work undertaken to market test and update the Hay Shire Investment Attraction Strategy 2022-2027
- (b) Adopts the Updated July 2026 Hay Shire Investment Attraction Strategy 2022-2027; and
- (c) Endorses the progression of the Updated July 2026 Strategy, including the actions and priorities outlined in the report.

(Perry/Miller)

C07 Long Term Financial Plan Update

26-123 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) Adopts the cashflow statements and balance sheets as presented.

(Perry/Townsend)

C08 Swimming Pool Management

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

Cr Paul Porter left the meeting at 2:09pm

C09 Circulars and other Government Correspondence

26-124 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) Writes to the Premier and Minister Jackson expressing its support for the “Securing Our Water Supply” Regional Water Action Plan and its proposed actions.

(Perry/Chapman)

C10 Economic Development & Tourism August/September 2026

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

C11 Corporate Performance & Community Monthly Report: September 2026

26-125 Resolved that Council:

- (a) Notes the information provided in the report; and
- (b) Places the draft Closed-Circuit Television Policy on public exhibition for community comment for a period of at least twenty-eight days.

(Miller/Chapman)

C12 Finance Report – September 2026

26-126 Resolved that Council receive and notes the report provided and approves the Material Budget Variances outlined in the report.

(Perry/Miller)

C13 Planning and Compliance Report August/September

That Council notes the information provided in the report.

C14 Major Projects Update

Notes the information provided in the report and the actions being undertaken.

C15 Operations Monthly Update Report

That Council notes the information provided in the report.

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:

IC.1 Reseals 2026-27

IC.2 Refuelling Facility Proposal at Hay Aerodrome

IC.3 Proposal for Provision of Internal Audit Services

Reason for Confidentiality

IC.1, IC.2 & IC.3

- (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 matters 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.

Nil representations or submissions were received.

26-127 Resolved that the meeting be closed during the discussion of these matters.

(Quinn/Miller)

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

IC.1 Reseals 2026-27

26.128 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 \$1,212,033 (including GST)
- (b) Authorises the General Manager and Executive Manager – Engineering & Operations to execute the Contract.

(Quinn/Perry)

IC.2 Refuelling Facility Proposal at Hay Aerodrome

26-129 Resolved that Council:

- (a) Supports the Aero Refuellers proposal in principle.
- (b) Authorises the General Manager to negotiate a timeframe, design, exclusivity, and decommissioning provisions for the refuelling facility.
- (c) Authorises the General Manager to sign all documentation relating to the income of the facility and/or lease of the land.
- (d) All costs are to be borne by Aero Refuellers.

(Perry/Miller)

IC.3 Proposal for Provision of Internal Audit Services

26-130 Resolved that Council:

- (a) Appoints National Audits Group Pty Ltd (NAG) to provide Internal Audit Services to Hay Shire Council for the period 1 October 2026 to 30 June 2028, in accordance with the submitted proposal.
- (b) Approves the development of a four-year Strategic Internal Audit Plan and Annual Internal Audit Program for the period 1 July 2028 to 30 June 2032, in consultation with management and the Audit, Risk and Improvement Committee.
- (c) Authorises the General Manager to exercise the option to extend the engagement for a further four years to 30 June 2032, subject to satisfactory performance and the availability of funding.
- (d) Authorises the General Manager to request targeted or limited scope "spot audits" from NAG, where considered appropriate, subject to the scope, estimated hours and fee ceiling being agreed prior to commencement.

(Perry/Townsend)

26-131 Resolved that the meeting move out of closed session, and the resolutions closed session be made public.

(Townsend/Perry)

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 3:11 pm.

Confirmed _____
Cr Carol Oataway
Mayor