

**MINUTES OF THE ORDINARY MEETING OF THE HAY SHIRE COUNCIL HELD IN THE COUNCIL CHAMBERS LACHLAN STREET HAY AT 1.00PM ON 27<sup>th</sup> November 2025**

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

**Request to attend by Audio Visual Link:** Cr D Tapper

**Apology:** Cr M Quinn

**Resolved** at the October 2025 Ordinary meeting that Council grant a leave of absence to Cr Martyn Quinn for the 27<sup>th</sup> of November Ordinary meeting.

**25-156        Resolved** that Cr D Tapper be approved to attend by Audio Visual Link  
(Porter/Miller)

***This meeting was live streamed, and audio recorded.***

**Confirmation of Minutes**

**25-157    Resolved** that the minutes of the Ordinary Meeting of Council held 28<sup>th</sup> October 2025 be confirmed.  
(Perry/Miller)

**Declaration of Interest:**

Cr Tapper declared a pecuniary interest in C2 Review of Determination - Unmanned Truck Refuelling Facility as he is the owner of property neighbouring the proposed development.

**Mayoral Report**

**M1    Mayoral Report**

That Council notes the information provided in the report.

**Delegate Report:**

**D1    Cr Garner's report on the ALGA Roads Conference**

That the report be received.

**D2    Verbal Delegate's Report delivered by Cr Chapman**

Cr Chapman provided a verbal report on his attendance at:-

- Community Safety Precinct Meeting on Thursday 6<sup>th</sup> November 2025.
- MDA Meeting held on Thursday 27<sup>th</sup> November 2025.

## **General Manager's Reports**

### **Action Plan Report**

The report was received and noted.

#### **C1 Presentation of Financial Statements and Management Letter**

##### **25-158 Resolved that:**

1. That Council formally presents the Financial Statements and Audit Reports and considers any submissions received.
2. That Council receives and notes the NSW Audit Office Final Audit Management Letter for 2024/2025 and the actions undertaken to date.

(Perry/Miller)

#### **C2 DA2024- 67 Review of Determination - Unmanned Truck Refuelling Facility at 310 Moama St, Hay**

Cr Tapper left the meeting during consideration of this matter.

##### **The following people addressed the meeting:**

Applicant Speaker: John Rowell from TFA Project Group on behalf of IOR P/L  
Supporters: Ricky Coombs; Damien Mackay.  
Objectors: Tony Domaille; Sharon Hicks; Julie Lawrence.

##### **25-159 Resolved that Council approve the Development Application DA2024-67 for Unmanned Truck Refuelling Facility and with Ancillary Double Ablutions Block at 310 Moama St, Hay (Lot 2 DP 1212081) with the following conditions:**

##### **1. Compliance with Consent:**

The Development being completed in accordance with plans and specifications stamped by Council being Plans:

- Statement of Environmental Effects prepared by TFA Project Group, Revision D dated 19 September 2025.
- Plans – Drawing No. 2023HA (Sheets 001, 002, 003, 004, 005, 006, 007) Revision J dated 19/09/2025, by iOR for 310 Moama St, Hay South.
- Ablution Plans 200228D (Sheets A000, A200, A300, A500) Revision B by ATCO Structures & Logistics Pty Ltd for 4.2 x 3.0m Ablution.
- Sign Plans - Job No. CONCEPTS, Pages 16/21, 05/21 and 07/21 dated 22/07/2019 by emsigns for IOR Petroleum.
- Stormwater & Oily Water Management Statement – TFA Ref: 19297 dated 20 December 2024 by TFA Project Group for 310 Moama St, Hay South – Proposed 24hour Unmanned Truck Refuelling Facility.
- Enviro oily water separator specifications – Plans ENVIRO OE30, Sheets 1 to 5 by ENVIRO, dated 01-Sep-20.
- Traffic Impact Assessment dated 19 September 2025 by The Transport Planning Partnership (Ref: 23249, Version V04), for 310 Moama Street, Hay South.
- Bushfire Assessment Report, Reference #250636 by Building Code & Bushfire Hazard Solutions Pty Limited dated 3<sup>rd</sup> April 2025.

- Land Use Conflict Risk Assessment (LUCRA) by TFA Project Group (TFA Reference: 19297), dated 19 September 2025 (Revision E) for IOR Pty Ltd, 310 Moama St, Hay South.
- Amended Plans 2023HA-008 and 2023HA-009 by IOR dated 21/10/2025

**Reason:** To confirm the details of the application as submitted by the applicant and as approved by Council.

**2. Legislative Compliance:**

The development must be in accordance with the relevant provisions and Regulations of the Biodiversity Conservation Act 2016, the Fisheries Management Act 1994, the Heritage Act 1977, the Local Government Act 1993, the National Parks and Wildlife Act 1974, the Protection of the Environment Operations Act 1997, the Roads Act 1993, the Rural Fires Act 1997, the Water Management Act 2000, the National Construction Code ("NCC") and all other applicable legislation.

**Reason:** To comply with relevant legislation.

**3. 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.

**4. Construction Certificate**

A Construction Certificate must be submitted to and approved by a nominated Certifier prior to any building works taking place on the subject site. The Construction Certificate must be lodged via the NSW Planning Portal. The Construction Certificate must include:

- a full Services Plan.
- An Operational Noise Management Plan
- A Lighting Plan
- A finalised design for all the roadworks in University Rd and the Sturt Highway.

**Reason:** To comply with the Environmental Planning and Assessment Act 1979.

**5. 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.*

**6. Siting and floor levels**

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. Floor levels to be minimum 500mm above the 1% AER.

**Reason:** *To ensure no encroachments occur onto neighbouring properties/road reserves and no changes are made to the approved siting of the property; and protection against flood..*

**7. 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.*

**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. Essential fire safety measures**

In granting this consent, Council requires the essential fire safety measures, as determined by the Principal Certifier upon assessment of the Construction Certificate, to be installed and maintained to comply with the requirements of the Building Code of Australia. Prior to the issue of an Occupation Certificate the owner must cause the Council to be given a fire safety certificate. The fire safety certificate must state in relation to each essential fire safety measure implemented in the building or on the land on which the building is situated:

- a) The measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- b) As at the date of the assessment the measure was found to be capable of functioning at a standard not less than required by the Schedule attached to the Construction Certificate.

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

**10. Water supply work, sewerage work and stormwater drainage work**

Water supply work or sewerage work which is plumbing and drainage work within the meaning of the *Plumbing and Drainage Act 2011* must comply with that Act and the regulations under that Act. Any water supply work or sewerage work which is not plumbing and drainage work under that Act, and any stormwater drainage work, must comply with the Plumbing Code of Australia.

The applicant needs to submit a design for the water supply, sewer and stormwater prior to construction commencing.

Any enhancement or on-site systems to accommodate services for the development is at the applicants cost.

**Reason:** *Council and Statutory requirement of Local Government (General) Regulation 2021.*

#### **11. Noise control**

The emission of noise associated with the use of the premises including the operation of any mechanical plant and equipment must comply with all standards outlined in the Noise Policy for Industry 2017 (NSW EPA) & A Guide to the Noise Policy for Industry (NSW EPA).

In the event the use exceeds permitted levels, the person in control of the premises must arrange for an acoustic investigation to be carried out by an accredited acoustic engineer and implement those measures to reduce noise to acceptable levels. Additional ongoing mitigations will be required to be installed and maintained for the life of the development.

An Operational Noise Management Plan must be submitted as part of the Construction Certificate.

**Reason:** *To protect the amenity of the area and to comply with the Protection of the Environment Operations Act 1997 and Noise Policy for Industry 2017.*

#### **12. Amenity protection**

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

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

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

Shire Council with a detailed report on the incident, and such further reports as may be requested.

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

**13. Storage or Hazardous Goods**

Dangerous and hazardous goods shall be stored in accordance with SafeWork NSW requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and SafeWork NSW.

**Reason:** *To ensure such operations do not interfere with use of the adjoining roadway and/or footpath.*

**14. Liquid Spills**

Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.

**Reason:** *To ensure no amenity impacts occur as a result of the development.*

**15. Storage of Waste Oil**

The premises shall contain adequate holding facilities for the reception of waste oil and a contract for the recycling of this oil shall be provided to Council.

**Reason:** *To ensure the development occurs as assessed by Council.*

**16. Occupation Certificate:**

Prior to the commencement of the use and/or occupation of the subject development, a satisfactory Final Inspection and 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.*

**17. 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.*

**18. Vehicular Crossing**

- a. Driveway Crossings: All driveway crossings to use a minimum of 32MPa concrete and be constructed to a standard that at a minimum meets the requirements of the Hay Shire Councils Heavy Duty Vehicle Crossing Details at the time. All vehicular crossings shall be constructed at full expense of the applicant.

**Reason:** *To ensure driveway crossings meet Council requirements.*

- b. Driveway Crossing maintenance: The driveway crossings are to be maintained to the satisfaction of the Council for the life of the development at no cost to Council.

**Reason:** *To ensure access and egress is maintained to a high standard*

- c. An application under Section 138, The Roads Act 1993 must be applied for all vehicular crossings and Council approval received prior to the issue of the Construction Certificate.
- d. A finalised design for all the roadworks in University Rd and the Sturt Highway , including the heavy vehicle driveway and layback vehicular gutter crossing specifications for the property shall be provided to Council's Engineer prior to the issue of the Construction Certificate.

**19. Vehicle Access**

- a. Vehicular access to the site is to be provided at the applicant's expense and to the satisfaction of Council's Engineer. This will include the road network leading to the site with appropriate designs submitted to and approved by Council prior to the issue of the Construction Certificate.
- b. Approval must be sought/provided for Heavy Vehicles to use University Road prior to the issue of the Construction Certificate.

**20. Waste**

- All waste streams must be separated and paid as applicable as per Council's Revenue Policy.
- All extracted materials must be acceptable as general land fill and any contamination detected must be remediated on site or removed to an authorised disposal location. Evidence must be provided to Council of all excavated materials testing every 50m3.

**Reason:** *To ensure the materials being disposed at the Hay Recycling and Waste Centre are within regulatory compliance*

**21. Waste Containment**

Designated waste containment areas must be provided on site and maintained to prevent any windblown litter escaping from the site.

**Reason:** *To comply with the Protection of the Environment Operations Act 1997 and to preserve the environmental health and amenity of the adjoining area.*

**22. No obstruction of road reserve permitted**

The road reserve must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. All activities including loading/unloading of vehicles associated with this development must be undertaken within the subject site.

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

## **23. Water Connections**

- a. Raw Water: Application to access Council's Raw Water service must be applied for and approved prior to upgrading the access.

***Reason:** Raw Water road crossing required to site.*

- b. Filtered Water: Application to access Council's Filtered Water service must be applied for and approved, with concurrence from other Departments. Under-boring of the Highway will be required, and all costs associated with the works will be borne by the applicant/owner/developer.

All connections will be at the applicants cost.

***Reason:** The Filtered Water is located on the northern side of the Sturt Highway and connecting to Council's system requires relevant approvals.*

## **24. Sewer**

- a. Onsite Sewerage Management System (OSMS): A separate application (Section 68 Application) is required for an Onsite Sewerage Management System such as a Septic Tank. This approval relates to the installation and operation of the system.

***Reason:** To ensure the effluent system is installed in an environmentally safe and hygienic manner, and to ensure the system has the capacity to deal with the volume and nature of wastes being disposed of.*

- b. Sewer Connections: All connections to or alteration to any sewerage lines must be carried out by a Licensed Plumber/Drainer. A sewerage with as-executed diagram is provided to Council on completion.

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

## **25. Inspections – Plumbing & Drainage Work**

An inspection must be undertaken by Council prior to the covering of the works specified below:

- a. sanitary plumbing and drainage
- b. water supply plumbing
- c. completion of all plumbing and drainage works.
- d. All stormwater drainage works

Please note that Council requires a minimum of 24 hours' notice to undertake the inspection.

## **26. Aboriginal Cultural Heritage**

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the National Parks and Wildlife Act 1974.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the Proponent must:
  - o Not further harm the object(s);
  - o Immediately cease all work at the particular location;
  - o Secure the area to avoid further harm to the Aboriginal object(s);



- o Notify Heritage NSW as soon as practical by calling 131 555 or emailing: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au), providing any details of the Aboriginal object(s) and its location;
  - o Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
  - If skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

It is the responsibility of the Proponent to ensure the development is consistent with the [Due diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](#). All reasonable precautions must be taken to prevent damage to Aboriginal objects.

**Reason:** To protect Aboriginal heritage and to ensure compliance with the [National Parks and Wildlife Act 1974](#).

## **27. Erosion and sedimentation controls**

Erosion and sedimentation controls must be installed and maintained on site in accordance with the approved plan for the duration of construction works. Erosion and sediment controls must be installed in accordance with the document entitled: "Erosion and Sediment Control – A Resource Guide for Local Councils".

**Reason:** To prevent water pollution and protect the amenity of the adjoining area, and to comply with the Protection of the Environment Operations Act 1997.

## **28. Council property**

Any damage or deterioration to any Council property including 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 maintain safe access for pedestrians and to protect the amenity of the area.

## **29. No pollution of waterways**

The Applicant must take all necessary precautions and implement measures to prevent pollution of waterways during construction and operation of the development. Section 120 of the Protection of the Environment Operations Act 1997 it is an offence to pollute waters.

**Reason:** To comply with NSW EPA requirements.

## **30. Landscaping requirements**

Landscaping as per the approved Landscaping Plan, to be installed prior to occupation.

**Reason:** *To protect the amenity of the area and assist with filtering any dust/debris from the property.*

**31. Occupation Certificate**

The Applicant must not allow or permit the building (or part of the building, in the case of alteration or additions) to be occupied or used, until:

- a) All conditions of this consent have been completed in full;
- b) An application for an Occupation Certificate has been completed and lodged with the Principal Certifier via the NSW Planning Portal; and
- c) The Principal Certifier has issued an Occupation Certificate.

**Reason:** To comply with the Environmental Planning and Assessment Act 1979.

**Compliance with Government Departments**

**Rural Fire Service**

**General Conditions**

**32.** The development proposal is to generally comply with the following plans/documents except where amended by recommendations below.

- The plan titled Proposed Site Layout prepared by IOR, dated 19th September 2025.
- The bush fire assessment prepared by Building Code & Bushfire Hazard Solutions dated 3rd April 2025.

Council is advised that where a minor amendment to the above-noted documents is proposed, Council may use its discretion to determine whether the minor amendment warrants further assessment by the NSW RFS.

**Asset Protection Zones**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

**33.** From the commencement of building works and in perpetuity, the site surrounding the proposed development must be maintained as an inner protection area for a distance of 50 metres, or the property boundary, whichever comes first. The land must be managed in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 m above the ground;
- tree canopies should be separated by 2 to 5 m;
- preference should be given to smooth-barked and evergreen trees;
- large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed regularly.

## **Water and Utility Services**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

- 34.** The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- reticulated water is to be provided to the development,
  - all above-ground water service pipes external to the building are metal, including and up to any taps,
  - where practicable, electrical transmission lines are underground,
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
    - no part of a tree is closer to a power line than the distance set out in accordance with the
  - specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
  - connections to and from gas cylinders are metal,
  - polymer sheathed flexible gas supply - lines are not used, and
  - above-ground gas service pipes are metal, including and up to any outlets.

## **Emergency and Evacuation Planning Assessment**

*The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.*

- 35.** A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

## **Transport for NSW**

### **General Conditions**

- 36.** Direct vehicular and pedestrian access to the subject site from Sturt Highway (Moama Street) is denied.
- 37.** Prior to issue of any occupation certificate, "No Stopping" signs shall be installed and maintained along the subject site's full frontage to the Sturt Highway.
- 38.** Works within the Sturt Highway shall be located, designed and constructed generally in accordance with the submitted Plan (**attachment 3**) and Austroads Guide to Road Design to the satisfaction of Transport for NSW as amended by the following:
- a) As a minimum the intersection of University Road with the Sturt Highway shall be constructed as a sealed Basic Right Turn (BAR)/Basic Left Turn

- (BAL) intersection treatment in accordance with the Austroads Guide to Road Design and shall be designed for an approved Road Train route.
- b) The design speed for the proposed road works shall be 80km/h (as per Austroads Guide to Road Design Part 4A, Table 7.1 – A Value)
  - c) The design vehicle for the works on Sturt Highway shall be a 36.5m B-Triple heavy vehicle.
  - d) The road works within the road reserve of the Sturt Highway shall be designed and constructed to prevent water from proceeding onto, or ponding within, the carriageway.
  - e) As a minimum the pavement design of the carriageway of the Sturt Highway shall be in accordance with Austroads standards and to the satisfaction of Transport for NSW for a twenty-year design life.

**Prior to the issuing of a Subdivision Works Certificate, the developer must:**

39. Enter into a Works Authorisation Deed (WAD) with the TfNSW, or other suitable arrangement as agreed to by TfNSW, for all works on the Sturt Highway.

*Notes:*

- A WAD is a legally binding contract between TfNSW and the developer, authorising the developer to undertake works on a State road.
- To progress the WAD, the developer needs to email a copy of the conditions of development consent to [development.south@transport.nsw.gov.au](mailto:development.south@transport.nsw.gov.au).
- All roadworks and traffic control facilities must be undertaken by a pre-qualified contractor. A copy of pre-qualified contractors can be found on the RMS website at: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/tenders-and-11>
- Any new services or modifications to existing services associated with this development application that involve works on, over or under the Sturt Highway (as defined the area from kerb to kerb) must be incorporated into, and managed under, the Works Authorisation Deed for the project. Note: It is the developer's responsibility to identify these works to TfNSW project manager.
- More information on WADs can be found at: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/partners-and-suppliers/private-development-1-2>

**Prior to the commencing works within the road reserve, the developer must:**

40. Obtain Section 138 consent under the Roads Act, 1993 for the works associated with the WAD.

*Notes:*

- TfNSW will be exercising its powers under Section 64 of the Roads Act, 1993 to become the roads authority for works associated with the WAD and therefore responsible for issuing the Section 138 consent for those specific works.
41. Apply for, and obtain a Road Occupancy Licence (ROL) from the TfNSW prior to commencing roadworks on a State road or any other works that impact a travel lane of a State road or impact the operation of traffic signals on any road.

*Notes:*

- For information on the ROL process and to lodge an ROL application, please visit: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/road-occupancy-licences>

- *The applicant will need to create an account (this may take a few days to register), prior to submitting the ROL application. The applicant must submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon TfNSW receiving an accurate and compliant Traffic Guidance Scheme (TGS).*
- *The application will require a TGS to be prepared by a person who is certified to prepare TGS. Should the TGS require a reduction of the speed limit, a Speed Zone Authorisation from TfNSW will also be required.*
- *The ROL application must include a copy of the Section 138 consent for the works, or other approval letter.*

**Prior to the issuing of the Occupation Certificate, the developer must:**

- 42.** Provide evidence to Transport for NSW to demonstrate that all works within the road reserve have been completed in line with the development consent.  
(Perry/Chapman)

<i>For</i>	<i>Against</i>
Cr G Chapman	C L Garner
Cr C Oatway	Cr W Miller
Cr J Perry	Cr P Porter

The motion to approve Development Application DA2024-67 was put to the vote and resulted in an equality of votes. The Mayor, as Chairperson, exercised her casting vote in favour of the motion. The motion was carried, and DA2024-67 was approved.

**C3 DA2025- 53 1.8m Front Fence at 386 Russell St, Hay**

- 25-160 Resolved** that Council approve DA2025-53 for 1.8m Front Fence at 386 Russell St, South Hay 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 386 Russell St, South 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. Siting**

The applicant is responsible to ensure that the fence 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.

**4. Site Encroachment Prohibited**

The structure shall be erected solely within the property boundaries.

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

**5. 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.

**6. 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.

**7. 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.

**8. 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.

**Reason:** To protect Council infrastructure.

**9. 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.

**10. 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.

**11. Driveways**

If it is proposed to construct a vehicular crossing on the public footpath/nature strip or road verge, the vehicular crossing must be applied for in a separate application (Road Opening Permit) and further approved and inspected by Council. The

driveway should be at least 1m clear from the next property boundary. The access is to be constructed and maintained at the Applicant/Owners cost, such that no soil erosion is caused.

**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, streetlights, power poles, road damage, etc).

#### 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.

For

Against

Cr G Chapman  
Cr L Garner  
Cr W Miller  
Cr C Oataway  
Cr John Perry  
Cr Paul Porter  
Cr D Tapper

(Perry/Miller)

#### C4 SW Renewable Energy Update – November 2025

**25-161 Resolved that** Council adopts the:

- I. Community Benefit Framework, V2, dated 14 November 2025
- II. Renewable Energy Community Benefit Fund Terms of Reference, V2, 14 dated November 2025
- III. Renewable Energy Position Statements, V5, 14 dated November 2025

(Perry/Chapman)

#### C5 Requests for Assistance

**25-162 Resolved that** Council:

- (a) Does not provide financial support to Hay Inc; and
- (b) Does not waiver part or all of the waste collection charge for 529 Keble Street, Hay.

(Perry/Miller)

#### C6 Policies off Exhibition

**25-163 Resolved that** Council:

1. Hay Shire Council Library Policy, dated September 2025
2. Hay Shire Council Debt Management and Hardship Policy, dated September 2025
3. Hay Shire Council Companion Animals and Livestock Management Policy, dated September 2025

(Perry/Porter)

**C7 Cumberland City Council**

That Council notes the upcoming visit to Hay by a delegation from Cumberland City Council.

**C8 Councillor Conference Attendance**

That Council notes and receives the report.

**C9 2024/2025 Annual Report**

**25-164 Resolved** that Council:

- a) Endorses the 2024/2025 Annual Report including the 2024/2025 GIPA Annual Report; and
- b) Authorise the General Manager to forward a copy of the Annual Report to the Minister for Local Government.

(Porter/Perry)

**C10 Quarterly Budget Review Report**

**25-165 Resolved** that Council:

1. That the Quarterly Budget Review Report to 30<sup>th</sup> September 2025 be adopted and the amended votes as detailed in the report be approved.
2. Note that the Responsible accounting officer believes that the Councils performance is satisfactory and that no remedial action needs to be taken.

(Porter/Miller)

**C11 Monthly Financial Report – October 2025**

That Council receives and notes the report provided.

**C12 Arrangements Over Christmas/New Year Period**

**25-166 Resolved** that:

- a) The Administration Centre and Library close from 4pm Wednesday 24<sup>th</sup> December 2025 and reopen Monday 5<sup>th</sup> January 2026.
- (a) The Mayor and General Manager be delegated authority to make the necessary decisions during the period when there is no Council meeting.

(Perry/Garner)

**C13 Swimming Pool Management**

**25-167 Resolved** that Council:

- (a) Notes the information provided in the report and actions being undertaken; and
- (b) Approves the introduction of Unsupervised Pool Entry System FOB fees of:
  - (i) Refundable deposit on issue - \$20 per FOB
  - (ii) Replacement FOB - \$30

(Perry/Chapman)



**C14 John Houston Memorial Swimming Pool Replacement Project**

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

**C15 Circulars and other Government Correspondence**

That Council notes the information provided in the report.

**C16 Tourism & Economic Development 2025 October/November**

That Council notes the information provided in the report.

**C17 Development and Compliance Report**

That Council notes the information in the report provided.

**C18 Library Report October 2025**

That Council notes the information provided in the report.

**C19 Major Projects Update**

**25-168 Resolved** that Council:

- (a) Notes the information provided in the report and the actions being undertaken;
- (b) Submits an application under the Crown Reserves Improvement Fund (CRIF) 2025-26 Round to renew the existing facilities at Lions Park.

(Porter/Perry)

**C20 Operations Monthly Update Report**

That Council notes the information provided in the report.

**C21 Tree Removal Requests**

**25-169 Resolved** that Council:

- (i) Removes two (2) Lophostemon from 153 Pine Street and replaces them with Crepe Myrtles.
- (ii) Removes two (2) Brush Box from 246 Lachlan Street and replaces them with Crepe Myrtles.

(Perry/Chapman)

**Reports of Council Committees**

- Hay Showground Management Committee held 20<sup>th</sup> October 2025

**25-170 Resolved** that Council notes the Committees meeting minutes, and any recommendations contained within be adopted.

(Porter/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 - 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.

**25-171 Resolved** that the meeting be closed during the discussion of these matters.

(Perry/Miller)

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

#### **IC1- Hay Heavy Vehicle Rest Area and the Hay Aerodrome Heavy Vehicle Entrance Projects**

**25-172 Resolved** that Council:

- (a) Notes the information provided in the report and the actions being undertaken;
- (b) Adopts the updated Plan of Management, dated October 2025 as amended; and
- (c) Proceeds with the construction of both the Hay Heavy Vehicle Rest Area and Hay Aerodrome Heavy Vehicles Access projects as outlined in the report.

(Perry/Porter)

**25-173 Resolved** that the meeting move out of closed session, and the resolutions closed session be made public.

(Perry/Miller)

## **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 3.38pm.

Confirmed \_\_\_\_\_  
Cr Carol Oataway  
Mayor