



## **Minutes of the Ordinary Meeting of Council**

**Wednesday 27 October 2021**

4.00pm

Council Chambers

209 Comur Street, Yass

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## Open Forum

### Presentations to Council – Items on the Meeting Agenda

- **Ross Webster**  
Item 7.6 Walker Park Request for Annual Usage Fee Waiver
- **Kat McGlip- - Ginninderra Catchment Group**  
Item 7.2 Request to Lease Part Road Reserve – Southwell Road, Wallaroo

### Council Meeting - The Mayor declared the meeting open at 4.28 pm.

#### Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost, Nathan Furry, Allison Harker, Jasmin Jones, Michael McManus, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Director Planning & Environment – Julie Rogers, Director Infrastructure & Assets – James Dugdell, Director Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

#### Acknowledgement of Country

##### 1. Prayer

##### 2. Apologies

Nil

##### 3. Declaration of Interest/Disclosures

**Councillor Abbey** declared a pecuniary conflict of interest in Item 6.5 Deferred Development and Head Works contributions and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Abbey declared an interest as Director of SELX and Yass Industrial Park.

**Councillor Abbey** declared a pecuniary conflict of interest in Item 7.3 Permanent Road Closure Telegraph Close and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Abbey declared an interest as the Director of Bellevalle Cattle Co PtyLtd.

**Councillor Burgess** declared a non-significant, non-pecuniary conflict of interest in Item 7.1 Fixing Local Roads Grant Program – Round 3 and stated that he did not believe his interest would preclude him from voting.

**Reason:** Councillor Burgess declared an interest as he owns property on Back Creek Road but not in the vicinity of the proposed works.

**Councillor Harker** declared a non-significant, non-pecuniary conflict of interest in Item 7.2 Request to Lease Part Road Reserve – Southwell Road Wallaroo and stated that she did not believe her interest would preclude her from voting.

**Reason:** Councillor Harker declared an interest as she is the current acting Chair of Local Land Services.

#### **4. Confirmation of Minutes**

**RESOLVED that the minutes of the Ordinary Council Meeting held on 22 September 2021 covered resolution numbers 186-207 inclusive, be taken as read and confirmed.**

**(Furry/Burgess) 208**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **Motion**

**RESOLVED that the late reports in relation to Tesla Electric Vehicle Charging Station and the School Zone Infrastructure Sub-Program Grant be considered as urgent business due to the upcoming caretaker period and dealt with as part of the Director of Infrastructure & Assets Reports.**

**(Furry/Burgess) 209**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **5. Mayoral Minute**

Nil

#### **6. Director of Planning & Environment Reports**

##### **6.1 OPEN SPACE STRATEGY & YASS MAIN STREET MASTERPLAN PROJECT COMMITTEES**

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#### **SUMMARY**

To provide the draft Terms of Reference for the projects committees for the Open Space Strategy and Yass Main Street Masterplan projects.

#### **RESOLVED that :**

- 1. The Terms of Reference for the Yass Valley Open Space Project Committee be amended by specifying the maximum number of members for the Committee is to be seven being two Councillors and five community members. Nominations for the community member positions are to include details of their interest in the project and relevant community based experience.**
- 2. The Terms of Reference for the Yass Main Street Project Committee be amended by deleting the requirement for the two small business owners who have operated in Yass and the two residents who have lived in Yass Valley to have done so "for at least five years".**
- 3. Nominations be sought for the community positions and invitations to participate be issued to groups nominated in the terms of reference for the Yass Valley Open Space Project Committee and Yass Main Street Project Committee.**

**(Frost/Turner) 210**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 6.2 DRAFT HOUSING ISSUES PAPER

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### SUMMARY

To present a draft Yass Valley Housing Issues Paper for feedback from community and stakeholders.

**RESOLVED that feedback be sought on the draft Issues Paper, and that it be finalised if no substantial objections are received or substantial revisions to the paper are required.**

**(Jones/Frost) 211**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 6.3 PLANNING PROPOSAL - 2402 SUTTON ROAD, SUTTON

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### SUMMARY

To present the outcomes of the consultation for the Planning Proposal seeking an amendment to the *Yass Valley LEP 2013* by amending the land use zoning and minimum lot size for 2402 Sutton Road, Sutton. It is recommended that the Planning Proposal be endorsed and an amendment be made to the *Yass Valley LEP 2013*.

**RESOLVED that :**

- 1. The Planning Proposal – 2402 Sutton Road, Sutton (PP.2019.02) be adopted.**
- 2. The opinion of the NSW Parliamentary Counsel's Office (PCO) be sought as to whether the amendment to the Yass Valley LEP 2013 can legally be made.**
- 3. The amendment to the Yass Valley LEP 2013 be made as a local plan-making authority.**
- 4. Any future Development Application lodged for the subdivision of the subject property is to include consideration of pedestrian links between it and the Sutton Village.**

**(Jones/Turner) 212**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 6.4 ENERGY FROM WASTE INFRASTRUCTURE PLAN

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### SUMMARY

To present correspondence from Goulburn Mulwaree Council concerning the State Government's *Energy from Waste Infrastructure Plan* and the proposal for energy from waste precinct at Tarago.

**RESOLVED that :**

1. **Council states its total opposition to waste incineration facilities in the Yass Valley Local Government Area and neighbouring Local Government Areas. Council's position is to ensure that environmental and public health outcomes are the number one priority.**
2. **The State Government be requested to undertake an urgent review be undertaken of the Energy from Waste Infrastructure Plan before any applications for specific Energy from Waste proposals are lodged or determined based on:**
  - **A robust evaluation of the technology used in any existing facilities in addressing any adverse impacts (especially emissions).**
  - **A cost benefit analysis of the best technology facility in comparison to other energy generating alternatives.**
  - **Identifying potential sites and evaluating their suitability based on the preferred technology.**
  - **Use of an Environmental Impact Assessment process to evaluate specific proposals and a merits based review process for those aggrieved by the assessment outcomes.+**
3. **The Minister for Environment and Local Member for Goulburn be advised of Council's determination.**

**(Furry/Reid) 213**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**Motion**

**RESOLVED that Item 7.3 Permanent Road Closure Telegraph Close be brought forward.**

**(McManus/Harker) 214**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:06 pm Councillor Abbey left the Chambers.

Deputy Mayor, Councillor Furry took the chair.

**6.5 DEFERRED DEVELOPMENT AND HEADWORKS CONTRIBUTIONS**

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**SUMMARY**

To provide a status report on the current arrangements for deferred development and head works contributions in Yass Valley.

**RESOLVED that the report on deferred development and head works contributions be noted and a further report be presented at the end of the 2021/22 financial year.**

**(Frost/Turner) 215**

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **6.6 VARIATIONS TO DEVELOPMENT STANDARDS QUARTERLY REPORT**

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### **SUMMARY**

Reporting on development standard variations approved in the third quarter (July – September) of 2021.

***RESOLVED that the report on approved development variations for the third quarter of 2021 be noted.***

***(Reid/Furry) 216***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **7. Director of Infrastructure & Assets Reports**

### **7.3 PERMANENT ROAD CLOSURE TELEGRAPH CLOSE**

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#### **SUMMARY**

Development Consent DA135127 has been issued for the subdivision of 42 Bellevale Road, Yass, Lot 1 DP1272213. Council has received a modification request for Consent DA135127, which includes Permanent Road Closure of Telegraph Close.

***RESOLVED that :***

- 1. The road closure of Telegraph Close, Yass be approved.***
- 2. The road closure process be commenced and notification be undertaken in accordance with the Roads Act 1993.***
- 3. The closed road be dedicated as Operational Land under the Local Government Act 1993 and be sold to the adjacent landowner at the unimproved land value.***
- 4. The General Manager and Mayor be authorised to sign documentation associated with the partial road closure.***

***(Frost/Jones) 217***

FOR: Councillors C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

At 05:10 pm Councillor Abbey returned to the Chambers.

## 7.1 FIXING LOCAL ROADS GRANT PROGRAM - ROUND 3

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### SUMMARY

An offer for grant funding has been received to value of \$2,996,875 under the NSW Fixing Local Roads (FLR) Grant Program Round 3 for sealing of the first 5 kilometres of Back Creek Road Gundaroo commencing from the intersection with Gundaroo/Sutton Road.

### RESOLVED that :

1. *The grant for \$2,996,875 under the NSW Fixing Local Road Grant Program Round 3 be accepted for the sealing of 5km of Back Creek Road Gundaroo commencing from the intersection with Sutton/Gundaroo Road.*
2. *A \$428,125 Council contribution, as required by the grant approval, be allocated from the Contributions Reserve.*
3. *The 2021/22 Operational Plan/Budget be modified to include \$500,000 of capital grant funds to cover \$500,000 capital expenditure.*
4. *The pre-paid grant funding in excess of the 2021/22 expenditure be transfer to the Unexpended Grants Reserve for re-allocation to the project as part of 2022/23.*

*(Furry/Burgess) 218*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 7.2 REQUEST TO LEASE PART ROAD RESERVE - SOUTHWELL ROAD, WALLAROO

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### SUMMARY

To provide Council details on submissions received for the partial public road closure of Southwell Road, Wallaroo road reserve adjacent to 225 Southwell Road.

### MOTION

*That:*

1. *The request to lease part of the Southwell Road Reserve be declined and the landowner directed to relocate the fence to their property boundary.*
2. *The suggestion by the Ginninderra Catchment Group to revegetate the road reserve be declined at this stage.*
3. *A policy framework be developed regarding the undertaking of revegetation works in a road reserve.*
4. *All the submitters be advised of the decision and thanked for their submission.*

*(Furry/Reid)*

MOTION WITHDRAWN

**RESOLVED that:**

- 1. The unused part of Southwell Road adjacent to No 225 is not deemed to be surplus to requirement but is prepared to enter into a temporary short term lease with the applicant.**
- 2. All submitters be thanked and advised of the decision.**
- 3. The suggestion by the Ginninderra Catchment Group to revegetate the road reserve be declined at this stage and that the Group be asked to reapply once the Policy Framework has been adopted.**
- 4. A policy framework be developed regarding the undertaking of revegetation works in a road reserve.**

**(Jones/Burgess) 219**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

#### **7.4 PERMANENT PARTIAL ROAD CLOSURE OF OLD YASS BOOROWA ROAD, KANGIARA**

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**SUMMARY**

To advise of an application for a part road closure of Old Yass Boorowa Road Kangiara.

**RESOLVED that :**

- 1. The part road closure of Old Yass Boorowa Road, Kangiara be approved.**
- 2. The road closure process, including notification, be commenced in accordance with the Roads Act 1993.**
- 3. The closed road be dedicated as Operational Land under the Local Government Act 1993 and sold to the adjacent land owner of 377 Tangmangaroo Road, Kangiara in accordance with Council's Property Acquisition & Disposal Policy.**
- 4. The General Manager and Mayor be authorised to sign all documentation associated with the partial road closure.**

**(Furry/Burgess) 220**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 7.5 YASS VALLEY DEVELOPMENT CONTRIBUTIONS PLAN 2018 - REVIEW OF OPERATION

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### SUMMARY

The *Yass Valley Development Contributions Plan 2018* has now been in operation since 27 March 2019. Council staff have recently undertaken a review of the operations of the Plan and will recommend a number of administrative changes to improve the operations and accountability built into the Plan.

***RESOLVED that the Yass Valley Development Contributions Plan 2018 be amended to incorporate the administrative changes identified in this report and placed on public exhibition.***

***(Furry/Burgess) 221***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 7.6 WALKER PARK - REQUEST FOR ANNUAL USAGE FEE WAIVER

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### SUMMARY

Council has received a request from Yass United Rugby League Football Club Inc. and Yass Touch Football Association to waive current annual usage charge fees to the value of \$10,250. This is in lieu of costs of field remediation work activities which have been incurred by their respective organisations at the Walker Park Sporting complex Yass.

***RESOLVED that :***

- 1. The work undertaken for ground renovation at Walker Park by Yass United Rugby League Football Club & Yass Touch Football Association to the value \$10,250 be acknowledged and the clubs be thanked for their continued contribution to the development of sporting fields for their benefit as well as the benefit for the whole community***
- 2. A reimbursement to the Clubs of 60% of the costs as incurred as noted be allocated from the current maintenance budget in acknowledgement of Council's ongoing responsibility for the grounds and the benefit achieved through the completion of the project outside of Council's budget cycle.***
- 3. An audit of service levels for all Council managed community facilities and recalculation of user fees and charges be undertaken in early 2022 prior to setting Council's Operational budget.***

***(McManus/Jones)222***

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Councillor G Frost

FORESHADOWED MOTION

That :

1. *The work undertaken for ground renovation at Walker Park by Yass United Rugby League Football Club & Yass Touch Football Association be acknowledged and the clubs be thanked for their continued contribution to the development of sporting fields for their benefit as well as the benefit for the whole community.*
2. *An audit of service levels for all Council managed community sporting facilities and recalculation of user fees and charges be undertaken in early 2022 prior to setting Council's Operational Plan.*

(Frost/

**7.7 CORONATION PARK MIRACLE SLIDE**

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**SUMMARY**

To make a determination on the miracle slide that was removed from Coronation Park in 2019.

**RECOMMENDATION**

That:

1. *Yass High School be thanked for their work to date to convert the miracle slide into an art piece.*
2. *Expressions of Interest be sought for an individual or group and if no appropriate submission is received the miracle slide be disposed of.*

(McManus/Furry)

AMENDMENT

**RESOLVED that :**

1. ***Yass High School be thanked for their work to date to convert the miracle slide into an art piece.***
2. ***Expressions of Interest be sought for an individual or group for the miracle slide and if no appropriate Interest is received the miracle slide be disposed of and a history board be installed at Coronation Park.***

(Jones/Turner) 223

FOR: Councillors G Frost, A Harker, J Jones, M Reid and K Turner

AGAINST: Councillors R Abbey, C Burgess, N Furry and M McManus

AMENDMENT BECOMES MOTION

**RESOLVED That:**

- 1. Yass High School be thanked for their work to date to convert the miracle slide into an art piece.**
- 2. Expressions of Interest be sought for an individual or group for the miracle slide and if no appropriate Interest is received the miracle slide be disposed of and a history board be installed at Coronation Park.**

**(Jones/Turner) 224**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **7.8 ADDITIONAL SPACES ALLOCATION REQUEST - TESLA ELECTRIC VEHICLE CHARGING STATION PARK AND RIDE**

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### **SUMMARY**

After the recent approval of a six bay charging station location for Tesla at the Park and Ride on Lead Street at the September 2021 Council Meeting, Tesla have requested an additional six spots due to the increase in sales and expected demand for the charging station in Yass.

**RESOLVED that :**

- 1. The Tesla Supercharger proposal for six additional charging stations in the Yass Park and Ride be supported as EV enabled and spaces are available to any make of EV and with an annual review based on usage of the site to determine the allocation of EV only spaces.**
- 2. The General Manager be approved to execute the licence agreements.**

**(Furry/Jones) 225**

FOR: Councillors R Abbey, C Burgess, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: G Frost

## **7.9 2021/22 SCHOOL ZONE INFRASTRUCTURE SUB-PROGRAM GRANT**

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### **SUMMARY**

To accept funds of \$188,460 provided under the joint Federal and NSW 2021/22 School Zone Infrastructure Sub Program.

**RESOLVED that**

- 1. The 2021/22 School Zone Infrastructure Sub-Program grant for \$188,460 be accepted.**
- 2. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$188,460 of capital grant funds to cover \$188,460 capital expenditure.**

**(Furry/Burgess) 226**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **8. Director of Corporate & Community Reports**

### **8.1 RATES ARREARS**

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#### **SUMMARY**

This report provides Council with an update on rate arrears as at 30 September 2021. Rate arrears totalled \$1,241,261.36 as of 30 June 2021 and has been reduced to \$1,027,357.95 as of 30 September 2021, being a reduction of \$213,903.41 or 17.23 %.

#### ***RESOLVED that :***

- 1. The report on rates arrears be noted.***
- 2. Sale of land for unpaid rates, to be auctioned on 17 November 2021, to be considered in Closed Council.***

***(Frost/Turner) 227***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **8.2 INVESTMENT AND BORROWINGS REPORT - SEPTEMBER 2021**

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#### **SUMMARY**

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 September 2021. In accordance with paragraph (1)(b), it can be certified that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy.

#### ***RESOLVED that the September 2021 Investment Report be noted.***

***(Frost/Harker) 228***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### 8.3 1ST QUARTER BUDGET REVIEW 2021/22

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#### **.SUMMARY**

This report represents the first 2021-22 Quarterly Budget Review Statements (QBRs) for the period 1 July to 30 September 2021. Council's projected year end net operating result before capital is expected to decrease from a budgeted surplus of \$32k to a budgeted deficit of \$349k for 2021/22 financial year.

#### **RESOLVED that :**

- 1. *The Quarterly Budget Review Statements adjustments, as detailed in the attachments, be adopted and the relevant income and expenditure budget adjustments be approved.***
- 2. *In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 30 September 2021 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure.***

**(Frost/Furry) 229**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### 8.4 LIBRARY OVERDUE FINES

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#### **SUMMARY**

This report provides a discussion of the growing trend in public libraries to cease charging overdue fines and provides an argument for the abolishment of overdue fines for the Yass Valley Library.

**RESOLVED that all current overdue fines be waived and charging overdue library fees be discontinued.**

**(Furry/Jones) 230**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **9. General Manager Reports**

### **9.1 TENDER EVALUATION - MURRUMBATEMAN ROAD SAFETY UPGRADE - YVC.IA.36.2021**

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#### **SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Murrumbateman road Safety Upgrade, funded by the Federal Government Black Spot 2021/22 grant program, under contract YVC.IA.36.2021.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied.***

**(Furry/Turner) 231**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **9.2 TENDER EVALUATION - SAFETY AROUND SCHOOLS - YVC.IA.37.2021**

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#### **SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Safety around Schools project funded by the Federal and State Governments Road Safety Program, School Zone Infrastructure Sub Program, under contract YVC.IA.37.2021.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied.***

**(Furry/Turner) 232**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### 9.3 TENDER EVALUATION - BANGO BRIDGE REPLACEMENT - YVC.IA.25.2021 & RFT2021/31

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#### SUMMARY

This report provides advice and recommendations on the submission of tenders for the Bango Bridge Replacement project, funded by the Fixing Country Bridges grant program and Yass Valley Council, under contract YVC.IA.25.2021 and RFT2021/31.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied.***

(Furry/Turner) 233

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### 9.4 PROCUREMENT EVALUATION - COMMERCIAL WASTE COLLECTION VEHICLE - YVC-IA-14-2021

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#### SUMMARY

This report provides advice on the recent Request for Quotation for Contract YVC - IA - 14 – 2021, Supply and Delivery of a 14T Commercial Waste Collection truck.

***RESOLVED that item be classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.***

(Furry/Turner) 234

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### 9.5 LAIDLAW STREET SEWAGE PUMP STATION

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#### SUMMARY

Providing information and seeking approval for a proposal to make provisions in the new sewage pump station (Yarrah SPS1) to be constructed as part of the Stage 1 Yarrah development to allow for future decommissioning of the Laidlaw Street Sewage Pump Station.

**RESOLVED** that item is classified **CONFIDENTIAL** in accordance with Section 10A(2)(c and di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Furry/Turner) 235

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 9.6 LOCAL GOVERNMENT ELECTION 2021

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### SUMMARY

The declaration of the 2021 Local Government Election clashes with the current scheduled Council meeting date. It is recommended that the December 2021 Council meeting not be held and a Council meeting be held on 12 January 2022.

### **RESOLVED that :**

- 1. The 24 November 2021 Council meeting be rescheduled to the 1 December 2021.**
- 2. The 15 December 2021 Council meeting be cancelled and a Council meeting be held on 12 January 2022 for the purposes of taking the oath of office, electing a Mayor and Deputy Mayor, filling vacancies in the first 18 months, delegations and the appointments to any internal committees.**
- 3. The General Manager be delegated all Mayoral delegations, other than those excluded by the Local Government Act 1993, and authorising the General Manager to exercise the Council policy making functions in cases of necessity, with effect from 8am 4 December 2021 until the election of the Mayor at the first Council meeting after the 2021 Local Government Election.**

(Furry/Reid) 236

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## 9.7 CHRISTMAS/NEW YEAR OPENING HOURS

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### SUMMARY

To present a report on the Christmas/New Opening Hours for 2021/22 and the arrangements for various Council services.

**RESOLVED that all Council services be closed from close of business on Thursday 23 December 2021 until Tuesday 4 January 2022, other than the following:**

- **Swimming Pools – open other than Christmas Day and Boxing Day**
- **Yass Valley Information Centre - open other than Christmas Day**
- **Waste Transfer Stations – open other than Christmas Day and New Year’s Day**
- **Waste Collections – collections scheduled for Christmas Day will be collected on an alternate day with customers advised in the week prior to Christmas. Collections on other public holidays will proceed as normal**
- **Roads and Maintenance Services– skeleton crews will be maintained to attend to service needs and emergencies**
- **Water and Wastewater - skeleton crews will be maintained to attend to service needs and emergencies**
- **Duty Officer – an on-call duty officer will be maintained over the entire period**

**(Frost/Reid) 237**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **9.8 YASS WATER TREATMENT PLANT UPGRADE: STAGE 1 CONSTRUCTION - PROJECT MANAGEMENT SUPPORT**

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### **SUMMARY**

This report provides information on the project management support required for the Yass Water Treatment Plant Upgrade Stage 1 Construction.

**RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(di) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

**(Furry/Turner) 238**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **10. Notice of Motion**

Nil

## **11. Questions with Notice**

Nil

## **12. Minutes and Recommendations of Council Committees**

### **12.1 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 28 SEPTEMBER 2021**

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***RESOLVED that the minutes of the Audit, Risk & Improvement Committee meeting held on 28 September 2021 be noted.***

***(Furry/Reid) 239***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **12.2 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL COMMITTEE HELD ON 7 OCTOBER 2021**

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***RESOLVED that the minutes of the Yass Soldiers Memorial Hall Committee meeting held on 7 October 2021 be noted and the following recommendation be adopted:***

#### **Item 5.3**

***That an EOI be lodged with NSW Government, under the Creative Capital Program to cover the cost of refurbishment and redevelopment of the Yass Soldiers Memorial Hall, noting the EOI closes on 3 November 2021.***

#### **Item 5.4**

***That Council apply for other grant funding opportunities should the major funding EOI through the Creative Capital Program application be unsuccessful.***

***(Frost/Turner) 240***

***Note: EOI for the Creative Capital Program closing date extended to 17 November 2021.***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

## **13. Confidential Matters**

***RESOLVED that pursuant to Section 10A of the Local Government Act, 1993 the following items on the agenda be classified as CONFIDENTIAL and considered in the Closed Meeting of Council in accordance with Section 10A(2) of the Local Government Act for the reasons as specified:***

### **13.1 Laidlaw Street Sewage Pump Station**

***Item 13.1 is confidential in accordance with section s10(A)(2)(c) of the Local Government Act because it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***

### **13.2 Tender Evaluation - Murrumbateman Road Safety Upgrades - YVC.IA.36.2021**

***Item 13.2 is confidential in accordance with section s10(A)(2)(di) of the Local***

*Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**13.3 Tender Evaluation - Safety Around Schools - YVC.IA.37.2021**

*Item 13.3 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**13.4 Tender Evaluation - Bango Bridge Replacement - YVC.IA.25.2021 & RFT2021/31**

*Item 13.4 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**13.5 Procurement Evaluation - Commercial Waste Collection Vehicle - YVC-IA-14-2021**

*Item 13.5 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

**13.6 Yass Water Treatment Plant Upgrade: Stage 1 Construction - Project Management Support**

*Item 13.6 is confidential in accordance with section s10(A)(2)(di) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.*

*(Harker/Burgess) 241*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Closed Council commenced at 6.58 pm.

### **13.1 LAIDLAW STREET SEWAGE PUMP STATION**

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#### **SUMMARY**

This report provides information and seeks approval for a proposal to make provisions in the new sewage pump station (Yarrah SPS1) to be constructed as part of the Stage 1 Yarrah development to allow for future decommissioning of Laidlaw Street Sewage Pump Station.

**RESOLVED that :**

- 1. Design and construction of Yarrah SPS 1 to make provisions to receive load from existing Laidlaw Sewage Pump Station (SPS) to enable future decommissioning of Laidlaw Street SPS be approved.**
- 2. The General Manager be delegated to execute the Deed of Agreement with WMD Holdings to design and construct the Yarrah SPS1 to include the load from the Laidlaw Street SPS.**
- 3. An allocation be made from the s64 Sewer Network Reserve to the 2021/22 Operational Plan and Budget to make these provisions following completion of negotiations.**

**(Furry/Reid) 242**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**13.2 TENDER EVALUATION - MURRUMBATEMAN ROAD SAFETY UPGRADES - YVC.IA.36.2021**

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**SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Murrumbateman road Safety Upgrade, funded by the Federal Government Black Spot 2021/22 grant program, under contract YVC.IA.36.2021.

**RESOLVED that :**

- 1. The tender submitted by Denrith Pty Ltd under the Murrumbateman Road Safety Upgrades be accepted for a total cost of \$293,085.50 excluding GST;**
- 2. The units rates submitted by Denrith Pty Ltd as part of their tender submission to undertake additional safety works on Murrumbateman Road to the maximum grant funding amount in accordance with the conditions of the grant.**

**(Burgess/Reid) 243**

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**13.3 TENDER EVALUATION - SAFETY AROUND SCHOOLS - YVC.IA.37.2021**

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**SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Safety around Schools project funded by the Federal and State Governments Road Safety Program, School Zone Infrastructure Sub Program, under contract YVC.IA.37.2021.

**RESOLVED that:**

- 1 the tender submitted by Denrith Pty Ltd under the Safety around Schools Tender for Sutton Pedestrian Refuge; Bywong Street be accepted for a total cost of \$56,540 exc GST;**

2. *That the tender submitted by Denrith Pty Ltd under the Safety around Schools Tender for Berinba School Connectivity Upgrade; Grand Junction Road/Morton Avenue be accepted for a total cost of \$231,350 exc GST;*
3. *That the remaining two separable portions for Mt Carmel School Crossing upgrade (Rossi Street) and Gundaroo School parking upgrades (Lot Street) not be accepted and referred to staff to review the scope of works and then commence a new procurement process.*

*(Furry/Harker) 244*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **13.4 TENDER EVALUATION - BANGO BRIDGE REPLACEMENT - YVC.IA.25.2021 & RFT2021/31**

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#### **SUMMARY**

This report provides advice and recommendations on the submission of tenders for the Bango Bridge Replacement project, funded by the Fixing Country Bridges grant program and Yass Valley Council, under contract YVC.IA.25.2021 and RFT2021/31, and progressed as a joint procurement with Cootamundra-Gundagai Regional Council in accordance with the grant requirements.

#### **RESOLVED that :**

1. *The six tenders for the Replacement of Timber Road Bridges – Design and Construction of six Concrete Bridges were received, of which five were conforming be noted.*
2. *In accordance with Clause 178(1)(b) Local Government (General) Regulation 2021, the tenders be declined .*
3. *In accordance with Clause 178(3)(e) Local Government (General) Regulation 2021, negotiations be commenced with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.*
4. *In accordance with Clause 178(4)(a) Local Government (General) Regulation 2021, invitations for fresh tenders or applications is declined for the following reasons as referred to in subsection (3)(b)-(d) of the Regulation:*
  - *All submitted tenders exceeded the budgets allocated*
  - *A competitive outcome is required to satisfy constraints relating to the upcoming Local Government Election Caretaker Period*
5. *In accordance with Clause 178(4)(b) Local Government (General) Regulation 2021 the reasons for determining to enter into negotiations with the person or persons referred to in subsection (3)(e) of the Regulation are as follows:*
  - *In order to achieve an appropriate outcome prior to the Local Government Election Caretaker Period commencing and to deliver the best value outcome for both Councils, a negotiation with all tenderers and additional persons named in the body of the report is the most appropriate course of action*
6. *The Tender Assessment Panel be authorised to negotiate with all tenderers and additional persons named in the body of the report.*

7. *Following the negotiation process, and the submission of recommendations from the Tender Evaluation Panel, the General Manager of Yass Valley be authorised to execute a contract for the Replacement of Timber Road Bridge – Design and Construction of one Concrete Bridge (Bango Lane) (YVC.IA.25.2021 and RFT2021/31).*

8. *All tenderers be advised of the Council decision.*

*(Burgess/Harker) 245*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **13.5 PROCUREMENT EVALUATION - COMMERCIAL WASTE COLLECTION VEHICLE - YVC-IA-14-2021**

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#### **SUMMARY**

This report provides advice on the recent Request for Quotation for Contract YVC - IA - 14 – 2021, Supply and Delivery of a 14 tonne Commercial Waste Collection truck.

#### **RESOLVED that :**

1. *The quote submitted by Isuzu Australia Pty Ltd + Superior Pak under the Contract YVC – IA – 14 – 2021 be accepted for a total cost of \$267,360 ex GST.*
2. *A future report be provided to Council to determine the best funding model once the vehicle is due for delivery in 6 to 9 months.*

*(Turner/Furry) 246*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

### **13.6 YASS WATER TREATMENT PLANT UPGRADE: STAGE 1 CONSTRUCTION - PROJECT MANAGEMENT SUPPORT**

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#### **SUMMARY**

This report provides information on the project management support required for the Yass Water Treatment Plant Upgrade Stage 1 Construction.

***RESOLVED that engagement of Hunter H2O for design and business case development be retained and include project management service for Yass Water Treatment Plant Upgrade: Stage 1 Construction for a fee of \$325,827.60 (GST inclusive).***

*(Furry/Harker) 247*

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

**SALE OF LAND FOR UNPAID RATES**

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A discussion was held in relation to the upcoming Auction on 17 November 2021, for the sale of land for unpaid rates. Properties to bid on were discussed and further information out of session is to be circulated to Councillors on the process of Council auctioning the properties for unpaid rates and making a bid on purchasing the properties.

***RESOLVED that the meeting move into Open Council.***

***(Furry/Harker) 248***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

Open Council resumed at 7.45 pm.

***RESOLVED that the recommendations in Closed Council be adopted.***

***(Burgess/McManus) 249***

FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner

AGAINST: Nil

The meeting closed at 7.46 pm.