



Minutes of the Ordinary Meeting of Council

Thursday 27 April 2023

4.00pm

Council Chambers

209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

6.1 Development Application No DA210093 – Residential Subdivision, 46 Hillview Drive, Murrumbateman

Annaliese Caston
Rowan Geddes
Iain McCall
Stephanie McCall
Stephanie Helm
Andrew Connor
Rachel Doberer (DPS)

Dave Salmon, Principal Deloitte - Financial Statements

Council Meeting - The Mayor declared the meeting open at 4.54 pm.

Present

Councillors Allan McGrath, Mayor, in the chair, Jim Abbey, Cecil Burgess, Kristin Butler, Adrian Cameron, Jasmin Jones, Cayla Pothan and Mike Reid.

Also present were the Chief Executive Officer – Chris Berry, Director of Planning & Environment – Julie Rogers, Director of Corporate & Community – Lynette Safranek and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

RESOLVED that apologies be received from Councillor Turner and leave of absence be granted.

(Abbey/Butler) 58

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

Motion

That leave of absence be granted to Councillor Pothan for the May 2023 Council meeting.

(Burgess/Reid) 59

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

3. Declaration of Interest/Disclosures

Nil

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 March 2023 covered by resolution numbers 30-57 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Abbey/Burgess) 60

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

Note: Minutes were checked in relation to Item 6.9 – Local Roads and Community Infrastructure Grant – Phase 4 Funding, and were found to be corrected reported as per the meeting.

5. Mayoral Minute

6. Reports to Council

6.1 DEVELOPMENT APPLICATION NO DA210093 - RESIDENTIAL SUBDIVISION, 46 HILLVIEW DRIVE, MURRUMBATEMAN

SUMMARY

To present the assessment of Development Application No DA210093 for a 37 lot subdivision of Lots 5 and 6 DP1220039, 46 Hillview Drive, Murrumbateman. The application attracted four submissions and relevant concerns can be addressed by conditions. Approval is recommended.

RESOLVED that deferred commencement Development Consent be issued for Development Application No DA210093 for a 37 lot subdivision of Lots 5 & 6 DP1220039, 46 Hillview Drive, Murrumbateman, with the following additions:

- ***Footpath connection from existing footbridge to the Murrumbateman Recreation Grounds***
- ***Entry feature***
- ***Contamination testing.***

(Jones/Butler) 61

FOR: Councillors J Abbey, C Burgess, K Butler, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Councillor A Cameron

6.2 CONTAMINATED WASTE REMOVAL

SUMMARY

Waste transfer stations at Binalong, Bowning, and Murrumbateman have stockpiles of asbestos contaminated waste. Contaminated piles are separated from staff and public with warning signs. The contaminated waste is stable, however it is exposed and requires removal.

RESOLVED that \$215,000 be transferred from the Waste Reserve to fund the removal of contaminated waste piles from Binalong \$120,000, Bowning \$60,000, and Murrumbateman \$35,000 Transfer Stations.

(Butler/Burgess) 62

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.3 MURRUMBATEMAN TRANSFER STATION AUTOMATED PUMP

SUMMARY

The Murrumbateman old landfill site has an approved EPA contaminated water holding pond. The pond retains and circulates water via a manual petrol pump. Water is pumped to sprinklers and dispersed over the capped landfill site.

Access to, and operation of the pump, has been identified in a risk assessment to present an unacceptable risk to staff.

RESOLVED that \$97,000 be transferred from the Waste Reserve for the supply and installation of an automated electrical pump at the Murrumbateman old landfill site.

(Burgess/Pothan) 63

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.4 YASS WATER TREATMENT PLANT UPGRADE PROJECT UPDATE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for Council. Bimonthly update reports are a requirement of the Council.

RESOLVED that the update report and work completed on the Water Treatment Plant Upgrade Project be noted.

(Reid/Pothan) 64

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.5 INVESTMENTS AND BORROWINGS REPORT - MARCH 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 March 2023. 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 Investment & Borrowings Report for March 2023 be noted.

(Reid/Abbey) 65

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.6 PRESENTATION OF AUDITED FINANCIAL STATEMENTS 2021/22

SUMMARY

The Audit Office report on the Annual Financial Statements for the year ended 30 June 2022 have been received. Council is now required to adopt the financial statements and to authorise the presentation of the audited statements to the public.

RESOLVED that the 2021/22 Annual Financial Statements be adopted and approve placing financial statements on public exhibition.

(Reid/Pothan) 66

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.7 2022/23 Q2 AMENDED QUARTERLY BUDGET REVIEW STATEMENTS

SUMMARY

This report provides an amended Second 2022/23 Quarterly Budget Review Statements (QBRS) for the period 1 October 2022 to 31 December 2022. This review shows Council's projected year end **Net Operating Result from Continuing Operations** remaining positive and is predicted to be \$7.18M in the December review. Actuals at 31 December 2022 are showing a positive \$11.22M result with Net Operating result before Capital Items also positive at \$5.34M.

RESOLVED that :

- 1. The amended adjustments to the Income & Expenses Budget for the Q2 Quarterly Budget Review Statements, as detailed in the report, be adopted.**
- 2. In accordance with the Local Government (General) Regulation (NSW) Clause 203 (2)(a), Council's financial position as at 31 December 2022 is satisfactory, having regard to revised projected estimates of income and expenditure, and the original budgeted income and expenditure be noted.**

(Jones/Reid) 67

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.8 ARIC NON-VOTING COUNCIL MEMBER

SUMMARY

Internal audit has no direct involvement in day-to-day operations of Council. A Council's internal audit function reports to an Audit, Risk & Improvement Committee (ARIC) which provides independent advice to the Council's governing body and Chief Executive Officer on the performance and governance of the Council.

RESOLVED that Council nominate Cr Cameron as a Non-Voting Councillor to sit on the CRJO Audit & Risk Improvement Committee.

(Jones/Butler) 68

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.9 GRANTS UPDATE: OCTOBER 2022 TO MARCH 2023

SUMMARY

In line with Council's Community Strategic Plan and Delivery Program, Council staff continually source grant funding to assist council, community groups, and local businesses. This report outlines grant applications covering the period October 2022 to March 2023.

RESOLVED that the report on Community Grants be noted.

(Abbey/Reid) 69

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.10 2023 SENIORS FESTIVAL REVIEW

SUMMARY

Due to the NSW State Government Reconnect grant program, Council was able to offer an extensive range of varied events and activities over 4 weeks during February and March 2023, across the Yass Valley for seniors.

RESOLVED that the 2023 Seniors Festival Review report be noted.

(Cameron/Reid) 70

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.11 TENDER EVALUATION REPORT - PROVISION OF ENGINEERING GEOTECHNICAL SERVICES YVC.IA.07.2023 - 3 YEAR CONTRACT

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Provision of Engineering Geotechnical Services YVC.IA.07.2023 - 3 Year Contract.

RESOLVED that this 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.

(Jones/Pothan) 71

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.12 TENDER EVALUATION REPORT - PROVISIONS OF ENGINEERING SURVEY SERVICES YVC.IA.08.2023 - 3 YEAR CONTRACT

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Provision of Engineering Survey Services YVC.IA.08.2023 - 3 Year Contract.

RESOLVED that this 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.

(Jones/Pothan) 72

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.13 TENDER EVALUATION REPORT - MURRUMBATMAN RECREATION GROUND AMENITIES BUILDING CONSTRUCTION YVC.IA.01.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Murrumbatman Recreation Ground Amenities Building Construction YVC.IA.01.2023 Contract.

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.

(Jones/Pothan) 73

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.14 2023/24 COMMUNITY FINANCIAL ASSISTANCE APPLICATIONS

SUMMARY

This report is to consider all applications for 2023/24FY Community Section 356 Financial Assistance by community, groups, organisations, and individuals.

RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(b and c) of the Local Government Act 1993, which permits the meeting to be closed to the public business relating to the personal hardship of a resident or ratepayer and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

(Jones/Pothan) 74

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

6.15 CRAGO MILL PRECINCT BORROWINGS

SUMMARY

The Crago Mill Precinct Design has been developed to a point where a funding source needs to be accessed and approved to facilitate this project to fruition. Council engaged the services of an experienced Corporate Banking and Advisory Finance Broker, John Bowes of Robo Capital, to obtain funding proposals from major loan institutions.

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 business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

(Jones/Butler) 75

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE COUNTRY MAYORS ASSOCIATION MEETING HELD ON 9 MARCH 2023

RESOLVED that the minutes of the Country Mayors Association meeting held on 9 March 2023 be noted.

(Pothan/Reid) 76

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10. 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:

10.1 Tender Evaluation Report - Provision of Engineering Geotechnical Services YVC.IA.07.2023 - 3 Year Contract.

Item 10.1 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.

10.2 Tender Evaluation Report - Provision of Engineering Survey Services - YVC.IA.08.2023 - 3 Year Contract

Item 10.2 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.

10.3 Tender Evaluation Report - Murrumbateman Recreation Ground Amenities Building Construction YVC.IA.01.2023

Item 10.3 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.

10.4 2023/24 Community Financial Assistance Applications

Item 10.4 is confidential in accordance with section s10(A)(2)(b) of the Local Government Act because it contains the personal hardship of a resident or ratepayer and 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.5 Crago Mill Precinct Borrowings

Item 10.5 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.

(Jones/Pothan) 77

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

Closed Council commenced at 6.20 pm.

Open Council resumed at 7.09 pm

RESOLVED that the meeting move into Open Council.

(Reid/Pothan) 78

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

RESOLVED that the recommendations in Closed Council be adopted.

(Reid/Burgess) 79

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10.1 TENDER EVALUATION REPORT - PROVISION OF ENGINEERING GEOTECHNICAL SERVICES YVC.IA.07.2023 - 3 YEAR CONTRACT.

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Provision of Engineering Geotechnical Services YVC.IA.07.2023 - 3 Year Contract.

RESOLVED that the tender submitted by D&N Geotechnical Pty Ltd To under the Contract YVC.IA.07.2023 for the Provision of Engineering Geotechnical Services YVC.IA.07.2023 - three Year Contract with a two year option for extension be accepted as per the unit rates provided.

(Reid/Pothan) 80

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10.2 TENDER EVALUATION REPORT - PROVISION OF ENGINEERING SURVEY SERVICES - YVC.IA.08.2023 - 3 YEAR CONTRACT

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Provision of Engineering Survey Services - YVC.IA.08.2023 - 3 Year Contract.

RESOLVED that the tender submitted by Diverse Project Solutions Pty Ltd (DPS) To under the Provision of Engineering Survey Services - YVC.IA.08.2023 - 3 Year Contract with an option for a two year extension be accepted as per the unit rates provided.

(Burgess/Reid) 81

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10.3 TENDER EVALUATION REPORT - MURRUMBATEMAN RECREATION GROUND AMENITIES BUILDING CONSTRUCTION YVC.IA.01.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Murrumbateman Recreation Ground Amenities Building Construction YVC.IA.01.2023 Contract.

RESOLVED that the tender submitted by Rice Construction Group under the Murrumbateman Recreation Ground Amenities Building Construction (YVC.IA.01.2023) be accepted for a total cost of \$1,279,000.00 ex gst.

(Reid/Pothan) 82

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10.4 2023/24 COMMUNITY FINANCIAL ASSISTANCE APPLICATIONS

SUMMARY

This report is to consider all applications for 2023/24FY Community Financial Assistance by community groups, organisations, and individuals.

RESOLVED that :

- 1. \$90,950 be approved for 2023/24 Community Financial Assistance applications be included in the 2023/24FY Operational Plan.***
- 2. \$5,000 be approved from the current 2022/23 financial year Economic Development budget towards a community event in conjunction with the impacted community by the recent Murrumbateman Road closure.***

3. ***All successful applicants be placed on public exhibition as part of the draft 2023/24FY Operational Plan.***

(Reid/Pothan) 83

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

10.5 CRAGO MILL PRECINCT BORROWINGS

SUMMARY

The Crago Mill Precinct Design has been developed to a point where a funding source needs to be accessed and approved to facilitate this project to fruition. Council engaged the services of an experienced Corporate Banking and Advisory finance broker, John Bowes of Robo Capital Group, to obtain funding proposals from major loan institutions.

RESOLVED that :

- 1. The Chief Executive Officer be delegated to negotiate a loan up to \$50M with Westpac when the DA is approved by the Regional Planning Panel to proceed with the full build cost plan.***
- 2. The Mayor and the Chief Executive Officer be authorised to use the Council seal, if required, to secure the loan.***

(Jones/Reid) 84

FOR: Councillors J Abbey, C Burgess, K Butler, A Cameron, J Jones, A McGrath, C Pothan and M Reid

AGAINST: Nil

The meeting closed at 7.10 pm.