



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

**Wednesday 28 October 2020**

4.00pm

Council Chambers

209 Comur Street, Yass

## Table of Contents

<b>1.</b>	<b>Prayer .....</b>	<b>3</b>
<b>2.</b>	<b>Apologies .....</b>	<b>3</b>
<b>3.</b>	<b>Declaration of Interest/Disclosures .....</b>	<b>4</b>
<b>4.</b>	<b>Confirmation of Minutes .....</b>	<b>4</b>
<b>5.</b>	<b>Mayoral Minute.....</b>	<b>4</b>
	<b>Urgent Business .....</b>	<b>4</b>
7.6	Urgent business -Yass Swimming Club Carnival December 2020 .....	4
<b>6.</b>	<b>Director of Planning &amp; Environment Reports .....</b>	<b>5</b>
6.1	Graffiti Art Proposal .....	5
6.2	Public Space Legacy Program.....	5
6.3	Development Application No. DA165280 - Highway Service Centre, Yass Valley Way, Yass .....	6
6.4	Development Application DA200184 - Dwelling and Two Lot Subdivision, 2 Rose Street, Murrumbateman .....	6
<b>7.</b>	<b>Director of Infrastructure &amp; Assets Reports .....</b>	<b>7</b>
7.1	Solar Panel Installation Proposal - Yass Water Treatment Plant, Yass Wastewater Treatment Plant and Yass Valley Council Depot .....	7
7.2	Tender Evaluation Report - Yass Sewer Relining Project YVC/IA/WWW/06.2020 .....	7
7.3	Tender Evaluation Report - Design and Construction of Three Concrete Bridges YCC/ASS/05.2020 .....	8
7.4	Tender Evaluation Report - Nanima Road Reconstruction (Stage 1 Ch 0-5km) YVC/ASS/07.2020 .....	8
7.5	Scope of Works - Yass Valley Way Reconstruction YVC/ASS/03.2020.....	8
<b>8.</b>	<b>Director of Corporate &amp; Community Reports .....</b>	<b>9</b>
8.1	Investment and Borrowings Report.....	9
8.2	Rates Arrears.....	9
8.3	Policy Review .....	9
<b>9.</b>	<b>General Manager Reports .....</b>	<b>10</b>
9.1	John Lewis Williams Bequest .....	10
9.2	Australia Day Awards Selection Panel.....	10
<b>10.</b>	<b>Notice of Motion .....</b>	<b>10</b>
<b>11.</b>	<b>Questions with Notice.....</b>	<b>11</b>
11.1	Questions with Notice - Cr Geoff Frost .....	11
<b>12.</b>	<b>Minutes and Recommendations of Council Committees.....</b>	<b>11</b>
12.1	Minutes of the Bango Wind Farm Community Consultative Committee held on 18 August 2020 .....	11
<b>13.</b>	<b>Confidential Matters.....</b>	<b>11</b>
13.1	Tender Evaluation Report - Yass Sewer Relining Project YVC/IA/WWW/06.2020 .....	12

13.2	Tender Evaluation Report - Design and Construction of Three Concrete Bridges YVC/ASS/05.2020 .....	13
13.3	Tender Evaluation Report - Nanima Road Reconstruction (Stage 1 Ch 0-5km) YVC/ASS/07/2020.....	13
13.4	Scope of Works - Yass Valley Way Reconstruction YVC/ASS/03.2020.....	14

## Open Forum

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

- Urgent item – Yass Swimming Club Carnival December 2020  
Donna Wullaert

### Presentation to Council

Police Presentation – Yass Local Area  
Acting Inspector Dave Cowell

**Council Meeting - The Deputy Mayor declared the meeting open at 4.56pm.**

### Present

Councillors Nathan Furry, Deputy Mayor, in the Chair Rowena Abbey, Mayor (via Zoom), Geoff Frost, Allison Harker, Jasmin Jones, Mike Reid and Kim Turner.

Also present were the General Manager – Chris Berry, Director of Planning & Environment – Julie Rogers, Interim Director of Infrastructure & Assets – Steven Beasley, Director of Corporate & Community – Mark Eady and Corporate Planning & Executive Support Officer – Shirree Garland.

### Acknowledgement of Country

#### 1. Prayer

#### 2. Apologies

***RESOLVED that apologies be received from Councillors Burgess and McManus and leave of absence be granted.***

***(Reid/Frost) 165***

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

AGAINST: Nil

### Urgent Business

#### Motion

***RESOLVED that consideration of a request by the Yass Swimming Club to hold a carnival on 6 December 2020 be considered as urgent business and the late Report on the request be accepted into the meeting.***

***(Harker/Turner) 166***

### Reason

The matter is urgent as the November 2020 Council meeting will not give sufficient time for the Club to organise and promote the event.

FOR: Councillors R Abbey, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner  
AGAINST: Nil

**Motion**

***RESOLVED that the urgent business be brought forward as the first report for consideration.***

***(Frost/Harker) 167***

FOR: Councillors R Abbey, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner  
AGAINST: Nil

**3. Declaration of Interest/Disclosures**

**Councillor Abbey** declared a significant, pecuniary conflict of interest in Item 6.3 - and stated that she believed her interest would preclude her from voting.

**Reason:** Councillor Abbey declared an interest as she is part owner of the land that is being sold for the development.

**4. Confirmation of Minutes**

***RESOLVED that the minutes of the Ordinary Council Meeting held on 23 September 2020 resolution numbers 143-164 inclusive be taken as read and confirmed.***

***(Turner/Reid) 168***

FOR: Councillors R Abbey, G Frost, N Furry, A Harker, J Jones, M Reid and K Turner  
AGAINST: Nil

**5. Mayoral Minute**

Nil

**Urgent Business**

**7.6 YASS SWIMMING CLUB CARNIVAL DECEMBER 2020**

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**SUMMARY**

In September 2020 the capacity of the Yass Swimming Pool was limited to 226 persons as a COVID-19 response. This limit did not address swimming carnivals. A request has been received from the Yass Swimming Club to hold a carnival on 6 December 2020 for 500 persons.

This limit has been reviewed in light of the club's submission and it is recommended that the number of persons be limited to 265 (swimmers, spectators and officials) for swimming carnivals at the Yass pool including the Yass Swimming Club carnival on 6 December 2020.

**RESOLVED that:**

- 1. The number of persons for all swimming carnivals at the Yass Swimming Pool complex be limited to 300 persons (including swimmers, spectators and officials).**
- 2. For the swimming carnival on 6 December 2020 the number of persons at the Yass Swimming Pool complex be limited to 300 persons (including swimmers, spectators and officials) in accordance with the Yass Swimming Club's COVID Safety Plan.**
- 3. To minimise the social distancing risk the event be conducted in accordance with the Yass Swimming Club's COVID Safety Plan.**
- 4. The Yass Swimming Pool complex be closed to the general public for the full day on 6 December 2020 to allow the end of event cleaning of the facility by the Yass Swim Club.**

**(Turner/Reid) 169**

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

AGAINST: Nil

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

### **6.1 GRAFFITI ART PROPOSAL**

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#### **SUMMARY**

Council deferred consideration of the graffiti wall proposal pending further consultation. Further consultation has been completed and additional sites identified. Approval of the proposed site is recommended.

***RESOLVED that proposal from Jade Roche to convert the face of the bridge support under the Laidlaw Street end of the Hume Bridge to a 'free wall' for graffiti art be approved as an initial trial.***

**(Frost/Reid) 170**

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

AGAINST: Nil

### **6.2 PUBLIC SPACE LEGACY PROGRAM**

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#### **SUMMARY**

To advise of the application to the Public Space Legacy Program and the development assessment performance for September 2020.

***RESOLVED that the report on the Public Space Legacy Program and development assessment performance for September 2020 be noted.***

**(Jones/Reid) 171**

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

AGAINST: Nil

At 05:50 pm Councillor Abbey left the meeting.

### **6.3 DEVELOPMENT APPLICATION NO. DA165280 - HIGHWAY SERVICE CENTRE, YASS VALLEY WAY, YASS**

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#### **SUMMARY**

To present the assessment of the application for a highway service centre on proposed Lot 1 of the subdivision of Lot 1 DP 842644 and Lot 34 DP 871286 Yass Valley Way, Yass. Two submissions were received in relation to the proposal. It is recommended the application be approved subject to deferred commencement conditions.

#### **RESOLVED that :**

- 1. *A Deferred Commencement Development Consent be issued for Development Application No. DA165280 for the establishment of a Highway Service Centre on proposed Lot 1 of the subdivision of Lot 1 DP 842644 and Lot 34 DP 871286 Yass Valley Way.***
- 2. *The commencement of the Development Consent be deferred until such time that the Applicant has completed the subdivision DA145283 works enabling the creation of legal title for the land subject of DA165280.***

**(Reid/Frost) 172**

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

AGAINST: Nil

At 05:54 pm Councillor Abbey returned to the Meeting.

### **6.4 DEVELOPMENT APPLICATION DA200184 - DWELLING AND TWO LOT SUBDIVISION, 2 ROSE STREET, MURRUMBATAMAN**

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#### **SUMMARY**

To present the assessment of an application for a dwelling and two lot subdivision at 2 Rose Street, Murrumbateman. The application is referred to Council due to a variation (greater than 10%) to the minimum lot size development standard contained in the LEP. There have been no submissions received and approval is recommended.

#### **RESOLVED that :**

- 1. *Conditional Development Consent be issued for a dwelling house and two lot subdivision at 2 Rose Street, Murrumbateman; and***
- 2. *The removal of the two eucalyptus is not approved and the Applicant is encouraged to lodge a separate tree removal application with the necessary supporting documentation.***

**(Reid/Frost) 173**

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

AGAINST: Nil

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

### **7.1 SOLAR PANEL INSTALLATION PROPOSAL - YASS WATER TREATMENT PLANT, YASS WASTEWATER TREATMENT PLANT AND YASS VALLEY COUNCIL DEPOT**

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#### **SUMMARY**

This report is to advise on progress in relation to the possible implementation of solar panels and other associated electricity infrastructure on the Water Treatment Plant, Wastewater Treatment Plant and Council's Works Depot.

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

- 1. The proposed installation of solar panels and associated equipment at the Yass Wastewater Treatment Plant, Yass Water Treatment Plant and Works Depot be considered within the quarterly budget review to allocate funds of \$20,000 for commencement of the project in FY2020/21 and \$130,000 (including contingencies) for installation in 2021/22.***
- 2. Opportunities for external funding of solar energy generation projects on its buildings and facilities where practical continue to be pursued.***

**(Jones/Reid) 174**

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

AGAINST: Nil

### **7.2 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT YVC/IA/WWW/06.2020**

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#### **SUMMARY**

This report provides information on the submission of tenders for the 2020/21 Yass Sewer Relining Project.

***RESOLVED that this item of the Director Infrastructure and Assets Report be classified as Confidential in accordance with Section 10A(2)(d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public relating to commercial information of a confidential nature that would, if disclosed, prejudice the position of the person who supplied it.***

**(Turner/Harker) 175**

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

AGAINST: Nil



### **7.3 TENDER EVALUATION REPORT - DESIGN AND CONSTRUCTION OF THREE CONCRETE BRIDGES YCC/ASS/05.2020**

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#### **SUMMARY**

This report provides advice on the submission of tenders for the design and construction of three concrete bridge structures.

***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 it.***

**(Turner/Harker) 176**

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

AGAINST: Nil

### **7.4 TENDER EVALUATION REPORT - NANIMA ROAD RECONSTRUCTION (STAGE 1 CH 0-5KM) YVC/ASS/07.2020**

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#### **SUMMARY**

This report provides advice on the submission of tenders for the Nanima Road Reconstruction (Stage 1 - Ch 0-5km).

***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 it.***

**(Turner/Harker) 177**

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

AGAINST: Nil

### **7.5 SCOPE OF WORKS - YASS VALLEY WAY RECONSTRUCTION YVC/ASS/03.2020**

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#### **SUMMARY**

This report seeks the allocation of surplus grant funding associated with the rehabilitation of Yass Valley Way to extend the scope of works and thereby vary Contract No YVC/ASS/03.2020.

***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 it.***

**(Turner/Harker) 178**

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

AGAINST: Nil

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

### **8.1 INVESTMENT AND BORROWINGS REPORT**

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#### **SUMMARY**

In accordance with the Clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as at 30 September 2020. 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 Investment Report as at 30 September 2020 be received and it be noted that the summary has been prepared in accordance with the Act, the Regulations and Council's Investment Policy.***

***(Harker/Turner) 179***

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

AGAINST: Nil

### **8.2 RATES ARREARS**

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#### **SUMMARY**

To update Council on rate arrears to the end of the first quarter of the 2020/21 financial year.

Rate arrears totalled \$1,129,323.95 as at 30 June 2020 and this has now been reduced to \$855,511.56 as of 30 September 2020. This represents an improvement of \$273,812.39 or 24.25%.

***RESOLVED that the report on rates arrears be noted.***

***(Reid/Frost) 180***

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

AGAINST: Nil

### **8.3 POLICY REVIEW**

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#### **SUMMARY**

Good governance underpins the effective delivery of Council services to our community. Council policies are a key component of our governance framework and support the outcomes sought in the *Our Civic Leadership* strategic pillar within the *Tablelands Regional Community Strategic Plan 2016-2036*. Council policies are reviewed to ensure they remain fit for purpose. To that end, the *Gifts & Benefits Policy* has been reviewed and determined to be unnecessary.

***RESOLVED that the Gifts & Benefits Policy GOV-POL-21 be rescinded.***

***(Reid/Frost) 181***

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

AGAINST: Nil

## **9. General Manager Reports**

### **9.1 JOHN LEWIS WILLIAMS BEQUEST**

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#### **SUMMARY**

To provide an update on the management of the John Lewis Williams bequest for the advancement of the interests of young people of Yass. The executor of the Estate of John Lewis Williams is supportive of the bequest being forwarded to the Yass District Education Foundation.

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

- 1. The matter be deferred to the November 2020 Council meeting pending further information.***
- 2. A report be prepared for the November 2020 Council meeting regarding the previous handling of bequests.***
- 3. The Executor of the John Lewis Williams Estate be invited to address Council.***

***(Turner/Harker) 182***

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

AGAINST: Nil

### **9.2 AUSTRALIA DAY AWARDS SELECTION PANEL**

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#### **SUMMARY**

Australia Day is a significant civic celebration in Yass Valley. Advertising for Australia Day Award nominations will commence shortly and run until December 2020. Council needs to form an assessment panel to decide on the successful recipients of the 2021 Australia Day Awards.

***RESOLVED that an assessment panel, consisting of the Mayor, Deputy Mayor, Councillors Burgess and Turner, to select 2021 Australia Day award recipients be established.***

***(Jones/Frost) 183***

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

AGAINST: Nil

## **10. Notice of Motion**

Nil

## **11. Questions with Notice**

### **11.1 QUESTIONS WITH NOTICE - CR GEOFF FROST**

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The following Questions on Notice have been received from Councillor Frost:

1. What is the current status of the Wellington Drive development? Has the developer been able to connect to Council services, including water and sewerage to their satisfaction? Have any problems arisen with regard to servicing this estate, how have they been solved and at what cost to ratepayers?
2. What is the current position and status of access to the Yarrah estate across the old tram line? When will Council provide legal access for the estate across the tram line? What is the current state of negotiations with respect to this access?
3. What is the capacity of the Yass sewerage system to provide access to homes in the Yarrah estate? What arrangements have been made with the developer to ensure early stages of the development are able to access existing capacity?
4. Can the General Manager assure Councillors that these developments will not be unduly delayed?

***RESOLVED that the responses provided to Councillor Frost's Questions With Notice be noted.***

***(Frost/Turner) 184***

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

AGAINST: Nil

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

### **12.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 18 AUGUST 2020**

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***RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 18 August 2020 be noted.***

***(Frost/Reid) 185***

FOR: Councillors R Abbey, G Frost, N Furry, A Harker, J Jones, 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 Tender Evaluation Report - Yass Sewer Relining Project YVC/IA/WWW/06.2020**  
***Item 13.1 is confidential in accordance with section s10(A)(2)(dii) of the Local Government Act because it contains commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council and discussion of the matter in an open meeting would be, on balance, contrary to the public interest.***

**13.2 Tender Evaluation Report - Design and Construction of Three Concrete Bridges YVC/ASS/05.2020**

*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 Report - Nanima Road Reconstruction (Stage 1 Ch 0-5km) YVC/ASS/07/2020**

*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 Scope of Works - Yass Valley Way Reconstruction YVC/ASS/03.2020**

*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.*

**(Frost/Turner) 186**

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

AGAINST: Nil

Closed Council commenced at 6.25 pm.

At 06:25 pm Councillor Abbey left the meeting.

**13.1 TENDER EVALUATION REPORT - YASS SEWER RELINING PROJECT  
YVC/IA/WWW/06.2020**

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**SUMMARY**

This report provides information on the submission of tenders for the 2020/21 Yass Sewer Relining Project.

**RESOLVED that :**

- 1. The tender submitted by Interflow Pty Ltd for the Yass Sewer Relining Project (Contract No: YVC/IA/WWW/06.2020) be accepted for a total cost of \$257,880.22 (ex GST); inclusive of a Provisional Sum of \$52,887.56 (ex GST) in accordance with Interflow Pty Ltd's tender documentation, addendum, submission and subsequent clarifications.**
- 2. The General Manager (or delegate) be authorised to execute the Contract documentation necessary for the works and to approve any necessary variations in accordance with the contract.**
- 3. The original budget estimate for the project be increased from \$200,000 to \$260,000 at the next Quarterly Budget Review.**

**4. The unsuccessful tenderers be advised of the tender evaluation decision.**

**(Frost/Turner) 187**

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

AGAINST: Nil

**13.2 TENDER EVALUATION REPORT - DESIGN AND CONSTRUCTION OF THREE CONCRETE BRIDGES YVC/ASS/05.2020**

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**SUMMARY**

This report provides advice on the submission of tenders for the design and construction of three concrete bridge structures.

***RESOLVED that the tender submitted by Complete Civil Pty Ltd to undertake the design and construction of the three concrete road bridges (Contract No. YVC/ASS/05.2020) be accepted for a total cost of \$1,093,590.***

**(Turner/Frost) 188**

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

AGAINST: Nil

**13.3 TENDER EVALUATION REPORT - NANIMA ROAD RECONSTRUCTION (STAGE 1 CH 0-5KM) YVC/ASS/07/2020**

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**SUMMARY**

This report provides advice on the submission of tenders for the Nanima Road Reconstruction (Stage 1 - Ch 0-5km).

***RESOLVED that :***

- 1. The tender submitted by Denrith Pty Ltd to undertake Nanima Road Reconstruction (Stage 1 Ch 05km) (Contract no. YVC/ASS/07.2020) be accepted for a total cost of \$2,631,354.22***
- 2. A contingency of \$200,000 be allocated for latent conditions and unsuitable material.***

**(Reid/Frost) 189**

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

AGAINST: Nil

#### 13.4 SCOPE OF WORKS - YASS VALLEY WAY RECONSTRUCTION YVC/ASS/03.2020

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##### SUMMARY

This report seeks the allocation of surplus grant funding associated with the rehabilitation of Yass Valley Way to extend the scope of works under Contract No YVC/ASS/03.2020.

***RESOLVED that the scope of works for Yass Valley Way Reconstruction Tender YVC/ASS/03.2020 be increased to include additional rehabilitation sites on Yass Valley Way and the extension of the approaches of Old Gap Road to Yass Valley Way to seal to the RFS shed at a total additional cost of \$360,000.***

(Turner/Frost) 190

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

AGAINST: Nil

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

(Reid/Jones) 191

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

AGAINST: Nil

Open Council resumed at 6.31 pm.

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

(Turner/Frost) 192

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

AGAINST: Nil

The meeting closed at 6.32 pm.