



Minutes of the Ordinary Meeting of Council

Thursday 28 July 2022

4.00pm

Council Chambers
209 Comur Street, Yass

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Open Forum

Presentations to Council – Items on the Meeting Agenda

Item 6.5– Development Application No DA210298 – Installation of a Moveable Dwelling, 29 Camden Street, Binalong

Cinderella Cronan (Applicant)

Item 6.15 - Binalong Banjo Centre

Nigel Wong
Rod Brown

Presentations

Inspector Dave Cowell, OIC Yass Police Station

Council Meeting - The Mayor declared the meeting open at 4.45 pm.

Present

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

Also present were the Acting General Manager – Lynette Safraneck, Director of Planning & Environment – Julie Rogers, Director of Infrastructure & Assets – James Dugdell, and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

1. Prayer

2. Apologies

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

(Burgess /Turner) 166

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

AGAINST: Nil

3. Declaration of Interest/Disclosures

Councillor Jones declared a significant, non-pecuniary conflict of interest in Item 6.1 – 2022/23 Local Heritage Grant Program and stated that she believed her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as public perception of a close association with Mrs Duncan, an applicant of the heritage grants program, due to both being on a working group.

Councillor Turner declared a non-significant, non-pecuniary conflict of interest in Item 6.1 – 2022/23 Local Heritage Grant Program and stated that he believed his interest would preclude him from voting.

Reason: Councillor Turner declared an interest as the Friends of the Liberty Theatre are potential recipients of heritage funding. His wife is the Chair of that Group.

Councillor Cameron declared a significant, non-pecuniary conflict of interest in Item 6.6 – Yass Historical Society – Request to Relocate and stated that he believed his interest would preclude him from voting.

Reason: Councillor Cameron declared an interest as he is President of the Yass and District Historical Society.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 23 June 2022 covered by resolution numbers 147-165 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Pothan/Cameron) 167

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

AGAINST: Nil

5. Mayoral Minute

5.1 MAYORAL MINUTE - PERMANENT FLYING OF THE ABORIGINAL FLAG AT MEMORIAL HALL, YASS

SUMMARY

Presenting a proposal to fly the Aboriginal Flag permanently at Memorial Hall, Yass in recognition of our first Australians.

RESOLVED that the Aboriginal flag be permanently flown together with the National flag at the front of the Memorial Hall.

(McGrath) 168

FOR: Councillors J Abbey, K Butler, A Cameron, J Jones and A McGrath

AGAINST: Councillors C Burgess, C Pothan and K Turner

MOTION CARRIED

FORESHADOWED MOTION

That a report be brought back to Council following consultation with the RSL and the community at large.

(Turner)

At 05:07 pm Councillors Jones and Turner left the Chambers.

6. Reports to Council

6.1 2022/23 LOCAL HERITAGE GRANT PROGRAM

SUMMARY

To present a report on the completion of the 2021/22 Local Heritage Grants and the recommendations from the 2022/23 Local Heritage Grants Assessment Panel.

RESOLVED that :

- 1. The expenditure and reimbursement for the 2021/22 Local Heritage Grants Program be noted.***
- 2. The following funding be provided in the 2022/23 Local Heritage Grant Program:***

<i>"Benochy" 46 Orion Street Yass</i>	<i>\$2,900</i>
<i>25 Fitzroy Street Binalong (The Old Produce Store)</i>	<i>\$3,000</i>
<i>112-114 Comur Street Yass (Capital Chemist Pharmacy)</i>	<i>\$3,000</i>
<i>Bowning Hall, 3 Short St, Bowning</i>	<i>\$750</i>
<i>124 Comur Street Yass (DJ's Butcher)</i>	<i>\$3,000</i>
<i>42 Cork Street Gundaroo (Grazings- Former Royal Hotel)</i>	<i>\$3,000</i>
<i>172 Comur Street Yass (Liberty Theatre)</i>	<i>\$3,350</i>

(Pothan/Burgess) 169

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

AGAINST: Nil

At 05:08 pm Councillors Jones and Turner returned to the Chambers.

6.2 VICTORIA PARK CROWN RESERVE DRAFT PLAN OF MANAGEMENT

SUMMARY

The draft Victoria Park Plan of Management (POM) is being presented to Council for consideration and it is recommended that it be forwarded to the Minister for Water, Property and Housing to enable public exhibition.

RESOLVED that :

- 1. The draft Plan of Management for Victoria Park, Yass be forwarded to the Minister for Water, Property & Housing as owner of the land and to confirm categorisation.***
- 2. The draft Plan of Management for Victoria Park, Yass be placed on public exhibition under the Local Government Act 1993 and the Plan of Management be adopted if no substantial objections are received.***

- 3. The Plan of Management be forwarded to the Minister for Water, Property & Housing for adoption and publishing on the Department's website.**

(Turner/Jones) 170

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

AGAINST: Nil

6.3 DRAFT PLANNING PROPOSAL: DISCOVERY DRIVE, YASS

SUMMARY

Council purchased land in Discovery Drive in 2014 for the purpose of future development. It is currently classified as Community Land under the *Local Government Act 1993*. To facilitate its development and/or sale, it is required to be reclassified to Operational Land.

RESOLVED that :

- 1. The draft Planning Proposal to reclassify land at Discovery Drive, Yass (PP.2022.02) be endorsed.**
- 2. The draft Planning Proposal be forwarded to the Minister for Planning to request a Gateway determination pursuant to s3.34 Environmental Planning & Assessment Act 1979.**
- 3. Provide public notice of the proposed reclassification of Lot 63 DP1079585 as required under s34 Local Government Act 1993.**

(Jones/Pothan) 171

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

AGAINST: Nil

6.4 DRAFT YASS, BOOKHAM AND WEE JASPER MAIN STREET MASTERPLANS

SUMMARY

To present a report on the preparation of the draft Yass, Bookham and Wee Jasper Main Street Masterplans and recommend the plans be placed on public exhibition.

RESOLVED that :

- 1. The draft Yass, Bookham and Wee Jasper Main Street Masterplans be placed on public exhibition for 28 days.**
- 2. The consideration of the draft entry and directional sign options be deferred to 2023/24 as part of the proposed wayfinding project.**

(Turner/Jones) 172

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

AGAINST: Nil

6.5 DEVELOPMENT APPLICATION NO. DA210298 - INSTALLATION OF A MOVABLE DWELLING, 29 CAMDEN STREET, BINALONG

SUMMARY

To present the assessment of Development Application No DA210298 which seeks to regularise the installation of a moveable dwelling at 29 Camden Street, Binalong. The application was notified and attracted no submissions. Refusal is recommended.

RESOLVED that Council defers this report to the September 2022 Council meeting, to enable staff and the applicant to review the matter.

(Jones/Cameron) 173

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

AGAINST: Nil

At 05:24 pm Councillor Cameron left the Chambers.

6.6 YASS HISTORICAL SOCIETY - REQUEST TO RELOCATE

SUMMARY

A written request has been received from the Yass Historical Society to relocate to office space located at the front northern side of the Yass Soldiers Memorial Hall with main street access.

RESOLVED that :

- 1. Expressions of interest be called for the use of the northern 3 room section and the southern room at the front of the Yass Soldiers Memorial Hall.***
 - The EOI should address a matrix to determine the suitability of the organisation or business to the prime CBD location which sits within a community building with a memorial shrine at its centre.***
 - The EOI should address how the CBD may be activated by increased foot traffic through the number and demographics of their visitors or customers and the number of days and hours they intend to be open for trade or access per week.***
- 2. A further report be brought back to Council to consider any Expressions of Interest.***

(Jones/Turner) 174

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

AGAINST: Nil

At 05:26 pm Councillor Cameron returned to the Chambers.

6.7 INVESTMENT AND BORROWINGS REPORT - JUNE 2022

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 June 2022. 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 Council note this Investment Report.

(Turner/Pothan) 175

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

AGAINST: Nil

6.8 RATES ARREARS

SUMMARY

The report provides an update on rate arrears, charges, and interest for the fourth quarter of the 2021/22 financial year.

RESOLVED that the report on Rates Arrears be noted.

(Turner/Pothan) 176

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

AGAINST: Nil

6.9 AMENDED 2022/23 RATE AD VALOREM, MINIMUM CHARGES, AND BASE CHARGES

SUMMARY

During the preparation for the running of the rates that the Ad Valorem, Minimum Charge, and Base Charge figures were identified as being incorrect in the June 2022 Council report. This report corrects that reporting error. There is no change to Council's financial position.

RESOLVED that the amended Ad Valorem, Minimum Charges, and Base Charge figures as indicated be adopted, and that the 2022/23 Statement of Revenue be amended accordingly.

Category	Sub-Category	Ad Valorem	Minimum Charge	Base Charge
Farmland		0.00188428		\$715.50
Residential	Non Urban	0.00185571		\$466.50
Residential	Yass	0.00392446	\$709.50	
Residential	Binalong	0.00342835	\$709.50	
Residential	Bowning	0.00342835	\$709.50	
Residential	Wee Jasper	0.00342835	\$709.50	

<i>Residential</i>	<i>Bookham</i>	<i>0.00342835</i>	<i>\$709.50</i>	
<i>Residential</i>	<i>Murrumbateman</i>	<i>0.00259263</i>	<i>\$709.50</i>	
<i>Residential</i>	<i>Gundaroo</i>	<i>0.00259263</i>	<i>\$709.50</i>	
<i>Residential</i>	<i>Sutton</i>	<i>0.00259263</i>	<i>\$709.50</i>	
<i>Business</i>	<i>Sutton and Gundaroo</i>	<i>0.00185571</i>		<i>\$466.50</i>
<i>Business</i>	<i>Yass and Villages</i>	<i>0.00923734</i>	<i>\$709.50</i>	

(Turner/Pothan) 177

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

AGAINST: Nil

6.10 VINE CHURCH REQUEST FOR RATES EXEMPTION

SUMMARY

The Vine Church was granted 'recurrent donations' in December 2017 as part of Council's Grant policy at the time, due to their rating category being 'Business'. As a result of recent changes to Council's *Financial Assistance, Grants and Donations Policy* in February 2022, the Yass Vine Church is no longer eligible for this type of Council funding. This report is to address the prior resolution.

RESOLVED that :

- 1. Council advise the Vine Church to seek the transfer of the church site from private ownership to the Church's ownership as soon as possible to meet the exemption from rates under the Local Government Act 1993.***
- 2. Council establish an annual donation for a two-year period commencing 2022-23 to the value of the rates at 11472 Wee Jasper Road, and the difference in fees and charges that which would apply if 11472 Wee Jasper was owned by the church, while ever the site functions as a church in its activities and worship.***
- 3. the arrangement will cease after 2 years with the option of a 12-month extension of 50% relief for one further year if significant progress can be shown that the transfer request has been lodged. No rate relief be offered beyond that term.***

(Jones/Turner) 178

FOR: Councillors J Abbey, C Burgess, J Jones, C Pothan and K Turner

AGAINST: Councillors K Butler, A Cameron and A McGrath

6.11 ALIVE IN THE PARK EVENT BRIEFING

SUMMARY

This report provides a brief on the Alive in the Park event held at the Riverbank Park Yass on Saturday 21 May 2022. This event was a combined effort by Council and YASSArts.

RESOLVED that the report on the Alive in the Park event be noted.

(Cameron/Abbey) 179

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

AGAINST: Nil

6.12 POLICY REVIEW - ROAD NAMING POLICY

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 *Road Naming Policy* has been reviewed and determined to be unnecessary.

RESOLVED that Road Naming Policy be rescinded.

(Pothan/Turner) 180

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

AGAINST: Nil

6.13 RURAL FIRE SERVICE ASSETS

SUMMARY

Local Government NSW are seeking Council support for a campaign on the financial accounting treatment of Rural Fire Service (RFS) mobile assets. The Auditor General has advised all Councils to undertake a stocktake of the rural firefighting equipment vested to Councils and record the value in the Council's financial statement. The Auditor General's management letter to Council highlighted this issue and the response was that Council would not include the rural firefighting equipment in its financial statements as Council does not control the assets. It is recommended that the campaign be supported.

RESOLVED that :

- 1. A letter be sent to the local State Member, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:***
 - a. Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets***
 - b. Advising of the impact of the Government's position on Council finances of this accounting treatment***
 - c. Informing that Council will not carry out RFS assets stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements***
 - d. Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service***

(RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS

- e. *Amending s119 Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of Councils*
2. *A letter be sent to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers & Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:*
 - a. *Advising Members of Council's position, including providing copies of correspondence to NSW Government Ministers*
 - b. *Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence*
3. *The Auditor General be advised that notwithstanding any overtures of future qualified audits, Council will not carry out RFS stocktakes on behalf of the NSW Government and will not record RFS assets in Council's financial statements, noting that the State Government's own Local Government Accounting Code of Practice and Financial Reporting provides for Councils to determine whether or not they record the RFS assets as council assets.*
4. *Re-affirms its complete support of and commitment to local RFS brigades noting that Council's action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by Councils, which Councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.*
5. *Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification finally from the State Government about the accounting treatment of RFS assets.*

(Cameron/Jones) 181

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

AGAINST: Nil

6.14 LEASING/LICENCING OF COUNCIL MANAGED LAND

SUMMARY

A review has been undertaken of users of Council Community Land in Council's ownership or which Council is the appointed Crown Land Manager with priority over current users. This report is to provide information of current and future user groups utilising Council managed Crown Land or Council owned Community Land that will require either a user licence, lease or hire agreement moving forward.

RESOLVED that this item be classified as Confidential in accordance with Section 10A(2)(dii) 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/Pothan) 182

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

AGAINST: Nil

6.15 BINALONG BANJO CENTRE

SUMMARY

This report is a brief from the Binalong Progress Association for Council to consider if they would be prepared to support the development of a Binalong Banjo Centre.

RESOLVED that item is classified CONFIDENTIAL in accordance with Section 10A(2)(c) 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.

(Turner/Pothan) 183

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

AGAINST: Nil

6.16 TENDER EVALUATION - RIVERBANK PARK OPENSOURCE PRECINCT (ADVENTURE PLAYGROUND) CONSTRUCTION - YVC.IA.04.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Riverbank Park Adventure Playground project, funded by the NSW Public Spaces Legacy Program, under contract YVC.IA.04.2022.

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.

(Turner/Pothan) 184

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

AGAINST: Nil

7. Notice of Motion

Nil

8. Questions with Notice

Nil

9. Minutes and Recommendations of Council Committees

9.1 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 16 JUNE 2022 AND 19 JULY 2022

RESOLVED that the minutes of the Sustainability Advisory Committee meeting held on 16 June 2022 and 19 July 2022 be noted.

(Cameron/Butler) 185

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

AGAINST: Nil

9.2 MINUTES OF THE HUMELINK UPPER LACHLAN YASS COMMUNITY CONSULTATIVE GROUP HELD ON 7 APRIL 2022

RESOLVED that the minutes of the HumeLink Community Consultative Group meetings held on 7 April 2022 be noted

(Cameron/Butler) 186

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

AGAINST: Nil

9.3 MINUTES OF THE CANBERRA REGION JOINT ORGANISATION BOARD HELD ON 1 JULY 2022

REPORT

Presenting the minutes of the Canberra Region Joint Organisation Board meeting held on 1 July 2022.

The CRJO adopted a panel of Code of Conduct Reviewers following a joint procurement process. The Panel is suitable for endorsement by Council.

In addition the CRJO adopted the Terms of Reference for the Audit Risk & Improvement Committee Charter for a shared service arrangement. Council has previously agreed to participate in the shared service.

It should be noted that:

- Annual membership fees for the CRJO are to be increased by 2.5%. Provision has been included in the Operational Plan for this increase
- The Board supported a commitment to accepting the recommendations from the NSW Health outcomes and access to health and hospital services in rural, regional and remote NSW
- The Board will write to the Auditor General noting the inappropriate expectation that local government include Rural Fire Service assets in Council's asset listing

RESOLVED that the minutes of the Canberra Region Joint Organisation Board meeting held on 1 July 2022 be noted and the following recommendations be adopted:

Item 8.6 Shared Audit and Risk Services Update

That the CRJO Board adopt the Audit Risk and Improvement Committee Charter, as presented, for the CRJO.

Item 8.7 Update Code of Conduct Reviewer Panel

That the CRJO Board adopt the recommended companies to the Code of Conduct Reviewers Panel:

- 1. Australian Workplace Training & Investigation**
- 2. BAL Lawyers Canberra ACT**
- 3. BDO Services Pty Ltd**
- 4. Centium Pty Ltd Sydney NSW**
- 5. Local Government Legal**
- 6. Maddocks Sydney**
- 7. Mccullough Robertson Lawyers**
- 8. Mediate Today Pty Ltd Sydney**
- 9. Nemesis Consultancy Group**
- 10. O'Connor Marsden and Associates Pty Ltd**
- 11. Pendlebury Work Place Solutions**
- 12. RSM Melbourne**
- 13. SINC Solutions Pty Ltd**
- 14. Train Reaction Pty Limited**
- 15. Weir Consulting (National)**
- 16. Winton Consulting Pty Ltd**
- 17. WISE Workplace**
- 18. Workdynamic Australia**

(Butler/Pothan) 187

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

AGAINST: Nil

9.4 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 28 JUNE 2022

RESOLVED that the minutes of the Economic Development Advisory Committee meeting held on 28 June 2022 be noted.

(Butler/Jones) 188

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

AGAINST: Nil

9.5 MINUTES OF THE AUDIT, RISK & IMPROVEMENT COMMITTEE HELD ON 13 JULY 2022

RESOLVED that the minutes of the Audit, Risk & Improvement Committee meeting held on 13 July 2022 be noted.

(Abbey/Cameron) 189

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

AGAINST: Nil

9.6 MINUTES OF THE YASS SOLDIERS MEMORIAL HALL ADVISORY COMMITTEE HELD ON 14 JULY 2022

RESOLVED that the minutes of the Yass Soldiers Memorial Hall Advisory Committee meeting held on 14 July 2022 be noted

(Pothan/Turner) 190

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

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 Leasing/Licencing of Council Managed Land

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 Binalong Banjo Centre

Item 10.2 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 discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.3 Tender Evaluation - Riverbank Park Openspace Precinct (Adventure Playground) Construction - YVC.IA.04.2022

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.

(Pothan/Burgess) 191

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

AGAINST: Nil

Closed Council commenced at 6.13 pm.

10.1 LEASING/LICENCING OF COUNCIL MANAGED LAND

SUMMARY

A review has been undertaken of users of Council Community Land in Council's ownership or which Council is the appointed Crown Land Manager with priority over current users. This report is to provide information of current and future user groups utilising Council managed Crown Land or Council owned Community Land that will require either a user licence, lease or hire agreement moving forward.

RESOLVED that :

- 1. The proposed arrangement type for each group be noted.**
- 2. The priority order for action of arrangements be endorsed.**
- 3. That Council endorse a lease agreement with the Yass Community Garden Group for a garden allotment within Myles Franklin Park. Lease to be effected as soon as possible for a five year period, lease will be on a cost recovery basis.**
- 4. A further report be brought back to Council for each of the remaining four identified priority 1 facility arrangements for finalisation in accordance with relevant legislation for final approval by Council.**
- 5. Council retire as trustee of the Yass Senior Citizens Club land covered under title 3/523871 and that the General Manager and Mayor be authorised to sign all documents and contracts required to transfer legal title of this land to the Yass Senior Citizens Club Incorporated.**

(Jones/Abbey) 192

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

AGAINST: Nil

10.2 BINALONG BANJO CENTRE

SUMMARY

This report is a brief from the Binalong Progress Association for Council to consider if they would be prepared to support the development of a Binalong Banjo Centre.

RESOLVED that :

- 1. The report be noted, acknowledging the nature of its early concept stage as no site for such a project has yet been identified.**
- 2. Council urges the Progress Association to undertake a community consultation session to determine if strong local support for the project exists within the community.**
- 3. Council acknowledge that such a project could align with the Yass Valley Council Community Strategic Plan objectives noting Council holds the document but is not responsible for funding projects identified as suitable under the Plan.**
- 4. Upon seeking community feedback, Binalong Progress Association (BPA) be welcomed to present their results and summary about the proposal to Council whereupon Council may consider supporting the concept's further development through assistance to BPA in searching for grants.**

(Jones/Abbey) 193

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

AGAINST: Nil

10.3 TENDER EVALUATION - RIVERBANK PARK OPENSOURCE PRECINCT (ADVENTURE PLAYGROUND) CONSTRUCTION - YVC.IA.04.2022

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Riverbank Park Adventure Playground project, funded by the NSW Public Spaces Legacy Program, under contract YVC.IA.04.2022.

RESOLVED that :

- 1. The three tenders for the Riverbank Park Open Space Precinct (Adventure Playground) Construction were received, of which all three 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 project completion date identified within the funding deed**
- 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 project completion date identified within the funding deed and to deliver the best value outcome for Council, a negotiation with the tenderer named in the body of the report is the most appropriate course of action.*
- 6. *The Tender Assessment Panel be authorised to negotiate with the tenderer named in the body of the report including staging of the construction of the Skytower to remain within the available budget.*
- 7. *Following the negotiation process, and the submission of recommendations from the Tender Evaluation Panel, the General Manager be authorised to execute a contract for the Riverbank Park Open Space Precinct (Adventure Playground) Construction – YVC.IA.04.2022.*
- 8. *All tenderers be advised of the Council decision.*
- 9. *A further report be brought back to Council on options for completion of any further stages of the Skytower that can't be completed within the budget.*

(Jones/Pothan) 194

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Turner/Burgess) 195

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

AGAINST: Nil

Open Council resumed at 6.39 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Jones/Butler) 196

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

AGAINST: Nil

The meeting closed at 6.39 pm.