



Minutes of the Ordinary Meeting of Council

Thursday 27 July 2023

4.00pm

Council Chambers
209 Comur Street, Yass

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Citizenship Ceremony

Ms Sinead Garrett
Mrs Surangani Weerasingha Mudiyansele
Mrs Yolanda Henrieke

Open Forum

Presentations to Council – Items on the Meeting Agenda

6.3 Public Notification – Lease of Yass Memorial Pool Area for Construction of a Heated Pool
Ross Webster

6.7 Murrumbateman Winery Trail – Options to Extend Stage 1 from Scrubby Land to the Barton Highway
Felicity Prideaux
Elizabeth Harris

Council Meeting - The Mayor declared the meeting open at 4.34 pm.

Present

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

Also present were the Acting Chief Executive Officer – Julie Rogers, Director of Infrastructure & Assets – Nathan Cooke, and Corporate Planning & Executive Support Officer – Shirree Garland.

Acknowledgement of Country

Prayer

1. Apologies

Nil

2. Declaration of Interest/Disclosures

Councillor Burgess declared a pecuniary conflict of interest in Item 9.1 – Minutes of the Bango Wind Farm Community Consultative Committee held on 27 June 2023 and stated that he did believe his interest would preclude him from voting.

Reason: Councillor Burgess declared an interest as he is an adjoining land owner and has received financial gain.

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item 6.2 – 2023/24 Local Heritage Grants Program and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as she is on an active working group with the owner of “Benochy”.

3. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 29 June 2023 covered by resolution numbers 111-142 inclusive, copies of which had been circulated to all Councillors, be taken as read and confirmed.

(Burgess/Abbey) 143

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

AGAINST: Nil

4. Mayoral Minute

5. Reports to Council

6.1 PLANNING PROPOSAL - LEP HOUSEKEEPING AMENDMENT

SUMMARY

To present the outcomes from the public exhibition of the Housekeeping Planning Proposal to amend the Yass Valley Local Environmental Plan, 2013. Endorsement of the Planning Proposal is recommended.

RESOLVED that :

- 1. The Planning Proposal – LEP Housekeeping Amendment (PP2022-2147) be adopted.**
- 2. The amendment to the Yass Valley Local Environmental Plan 2013 by made as a local plan making authority.**

(Turner/Reid) 144

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

AGAINST: Nil

6.2 2023/24 LOCAL HERITAGE GRANTS PROGRAM

SUMMARY

To present a report on the completion of the 2022/23 Local Heritage Grants and the recommendations from the 2023/24 Local Heritage Grants Assessment Panel.

RESOLVED that :

- 1. The expenditure and reimbursement for the 2022/23 Local Heritage Grants Program be noted.**
- 2. The following funding be provided in the 2023/24 Local Heritage Grant Program:**

46 Orion Street Yass "Benochy"	\$3,285
Bowning Hall, 3 Short Street Bowning	\$614
Cobblestone Cottage,, 15 Comur Street Yass	\$3,899

<i>The Allambee Club, 76 Comur Street Yass</i>	<i>\$2,925</i>
<i>St Marks Anglican Church Gundaroo, 24 Cork Street</i>	<i>\$3,899</i>
<i>"Ronola, 48 Orion Street Yass</i>	<i>\$478</i>
<i>Old Paterson Pub, 36 Fitzroy Street Binalong</i>	<i>\$3,899</i>
Total	\$19,000

(Pothan/Reid) 145

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

AGAINST: Nil

6.3 PUBLIC NOTIFICATION - LEASE OF YASS MEMORIAL POOL AREA FOR CONSTRUCTION OF A HEATED POOL

SUMMARY

To seek Council approval to give public notice of the proposal to lease the land for the management of the current swimming pool and construction and management of an indoor heated swimming pool at the Yass Memorial Pool site and release an Expression of Interest for the lease.

RESOLVED that :

- 1. The proposal to lease the land for the management of the current swimming pool and construction and management of an indoor heated swimming pool and associated facilities at the Yass Memorial Pool site be placed on public notification for a period no less than 28 days in accordance with the Local Government Act 1993.***
- 2. If no objections are received, Council develop and release an Expression of Interest for the lease.***
- 3. A Councillor Workshop be held prior to release of the Expression of Interest for the lease.***

(Jones/Reid) 146

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

AGAINST: Councillor A Cameron

6.4 INVESTMENTS REPORT - JUNE 2023

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 30 June 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 Report for June 2023 be noted.

(Reid/Pothan) 147

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

AGAINST: Nil

6.5 AGENCY INFORMATION GUIDE

SUMMARY

To inform Council that the Agency information Guide has been updated.

RESOLVED that the updated Agency Information Guide be noted.

(Turner/Abbey) 148

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

AGAINST: Nil

6.6 TENDER EVALUATION REPORT - BACK CREEK BRIDGE REPLACEMENT YVC.IA.12.2023

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Bridge Replacement Contract YVC.IA.12.2023.

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.

(Turner/Burgess) 149

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

AGAINST: Nil

6.7 MURRUMBATEMAN WINERY TRAIL - OPTIONS TO EXTEND STAGE 1 FROM SCRUBBY LANE TO THE BARTON HIGHWAY

SUMMARY

To provide options to extend Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway.

RESOLVED that :

- 1. The preferred option to connect Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway be a shared path located adjacent to McIntosh Circuit;***
- 2. The connection of Stage 1 of the Murrumbateman Winery Trail from Scrubby Lane to the Barton Highway be undertaken as the first priority with the remaining Stage 2 works and not be contingent on the final design of the Barton Highway duplication;***

3. *Council continue to seek grant funding to complete the detailed design and construction of the whole of Stage 2 of the Murrumbateman Winery Trail.*

(Butler/Reid) 150

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

AGAINST: Nil

6.8 COMPULSORY LAND ACQUISITION FOR THE REPLACEMENT OF THE LOW LEVEL CROSSING ON GREENWOOD ROAD OVER MURRUMBATEMAN CREEK

SUMMARY

To obtain Council's approval to compulsorily acquire land for the replacement of the low-level crossing on Greenwood Road over Murrumbateman Creek.

RESOLVED that :

- 1. Council approve the compulsory acquisition of lands adjacent to the low level crossing on Greenwood Road over Murrumbateman Creek, as detailed in this report;*
- 2. The compulsory land acquisitions are to be undertaken in accordance with the requirements of the NSW Land Acquisition (Just Terms Compensation) Act 1991;*
- 3. The land acquisitions are to be undertaken with agreement where possible or, where agreement cannot be obtained, without agreement with the land owner in accordance with the requirements of the NSW Land Acquisition (Just Terms Compensation) Act 1991;*
- 4. The Chief Executive Officer and Mayor be authorised to sign any associated documents and use the Council Seal, as required, on any documentation associated with these land acquisitions;*
- 5. The Chief Executive Officer be authorised to negotiate the terms of any associated agreements;*
- 6. The lands acquired be dedicated as public road and classified as operational land.*

(Jones/Burgess) 151

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

AGAINST: Nil

6.9 MURRUMBATEMAN FIELD DAYS - FEES FOR SEPTIC DISCHARGE AND WATER WITHDRAWAL

SUMMARY

The Murrumbateman Field Days are an annual event held on a weekend in October. The organisers of the event have requested Council to waive the extra charges arising from the Council services from operating on the weekend. This report seeks Council approval to waive extra charges for septic disposal and allow water withdrawal at a designated location in Murrumbateman.

RESOLVED that water is withdrawn at a designated location or another location as agreed by Council in Murrumbateman and charged at the rate of withdrawal from the standpipe at Yass.

(Jones/Abbey) 152

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

AGAINST: Nil

6. Notice of Motion

Nil

7. Questions with Notice

Nil

8. Minutes and Recommendations of Council Committees

At 05:16 pm Councillor Burgess left the Chambers.

9.1 MINUTES OF THE BANGO WIND FARM COMMUNITY CONSULTATIVE COMMITTEE HELD ON 27 JUNE 2023

RESOLVED that the minutes of the Bango Wind Farm Community Consultative Committee meeting held on 27 June 2023 be noted.

(Abbey/Turner) 153

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

AGAINST: Nil

At 05:17 pm Councillor Burgess returned to the Chambers.

9.2 MINUTES OF THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE HELD ON 18 APRIL 2023

RESOLVED that the minutes of the Economic Development Advisory Committee meeting held on 18 April 2023 and adopt the following recommendations:

Affordable Housing Sub Committee

That the next LEP review to include small block sizes around community parks and facilities.

(Jones/Reid) 154

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

AGAINST: Nil

9. 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 - Back Creek Bridge Replacement YVC.IA.12.2023
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.**

(Jones/Abbey) 155

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

AGAINST: Nil

Closed Council commenced at 5.19 pm.

RESOLVED that the meeting move into Open Council.

(Turner/Reid) 156

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

AGAINST: Nil

Open Council resumed at 5.20 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Pothan/Burgess) 157

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

AGAINST: Nil

**10.1 TENDER EVALUATION REPORT - BACK CREEK BRIDGE REPLACEMENT
YVC.IA.12.2023**

SUMMARY

This report provides advice and recommendations on the submission of tenders for the Back Creek Bridge Replacement Contract YVC.IA.12.2023.

RESOLVED that :

- 1. The tender submitted by Murray Constructions Pty Ltd, under the Contact YVC.IA.12.2023 for the replacement of Back Creek Bridge, be accepted for a total cost of \$2,143,248.40 and;***
- 2. The remaining funding from the project budget allocation be utilised as a contingency allowance for latent conditions and/or for undertaking additional schedule of rates works.***

(Burgess/Pothan) 158

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

AGAINST: Nil

The meeting closed at 5.20 pm.