



Minutes of the Ordinary Meeting of Council

Wednesday 22 September 2021

4.00pm

Council Chambers

209 Comur Street, Yass

Table of Contents

1. Prayer	2
2. Apologies	2
3. Declaration of Interest/Disclosures	2
4. Confirmation of Minutes	3
FOR: Councillors R Abbey, C Burgess, G Frost, N Furry, A Harker, J Jones, M McManus, M Reid and K Turner	3
AGAINST: Nil.....	3
5. Mayoral Minute.....	3
6. Director of Planning & Environment Reports	3
6.1 Draft Filling Policy.....	3
6.2 Development Application No DA210063 – Residential Subdivision, 3 Burrai Place, Yass	4
6.3 Development Applications Nos DA210162 & DA210168 - Dwelling House & Storage Shed, 30 Montem Street, Bowning.....	4
6.4 Re-Establishment of Alcohol Free Zone	5
7. Director of Infrastructure & Assets Reports	5
7.1 Riverbank Park Adventure Playground - Concept Plans	5
7.2 Tesla Electric Vehicle Charging Station Location	6
7.3 Yass Water Treatment Plant Upgrade Project - Design and Business Case Preparation Update ..	6
8. Director of Corporate & Community Reports	7
8.1 Investment and Borrowings Report - August 2021.....	7
8.2 Environmental Upgrade Finance Trial.....	7
8.3 Rates & Charges Donations Policy	8
8.4 Fraud & Corruption Control Policy Review	8
8.5 Flying of Flags Policy Review	9
9. General Manager Reports	9
9.1 Tender Evaluation – Fixing Local Roads Rehabilitation Stage 2 YVC.IA.32.2021	9
9.2 Tender Evaluation - Roadside Slashing YVC.IA-34-2021	10
9.4 Petition - DA210063 - Residential Subdivision, 3 Burrai Place, Yass.....	10
9.3 Hume Link Community Consultative Committee - Request for Council RepresENTative	10
10. Notice of Motion	11
11. Questions with Notice.....	11
12. Minutes and Recommendations of Council Committees.....	11
13. Confidential Matters.....	11
13.1 Tender Evaluation – Fixing Local Roads Grant Program Round 1 - Rehabilitation Stage 2 YVC.IA.32.2021.....	12

Open Forum

Presentations to Council – Items on the Meeting Agenda

- Jodie Newall
Item 6.1 – Draft Filling Policy
- Paul Newall
Item 6.1 – Draft Filling Policy
- Fleur Flanery
Item 6.2 – DA210063 – Residential Subdivision, 3 Burrai Place, Yass
- Darren Manton
Item 6.2 – DA210063 – Residential Subdivision, 3 Burrai Place, Yass

Council Meeting - The Mayor declared the meeting open at 4.35 pm.

Present

Councillors Rowena Abbey, Mayor, in the chair, Cecil Burgess, Geoff Frost (via Zoom), Nathan Furry (via Zoom), Allison Harker (via Zoom), Jasmin Jones, Michael McManus (via Zoom), Mike Reid (via Zoom) 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 Turner declared a pecuniary conflict of interest in Item 9.3 – Hume Link Community Consultative Committee – Request for Council Representative and stated that he believed his interest would preclude him from voting.

Reason: Councillor Turner declared an interest as the Hume Link preliminary line is over a portion of his property. Potential compensation if same line is finally endorsed.

Councillor McManus declared a non-significant, non-pecuniary conflict of interest in Item 9.3 – Hume Link and stated that he believed his interest would preclude him from voting.

Reason: Councillor McManus declared an interest as he is an employee of Transgrid.

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item 6.2 – DA210063 – Residential Subdivision, 3 Burrai Place, Yass and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the applicant is a casual advertiser with her business.

Councillor Jones declared a non-significant, non-pecuniary conflict of interest in Item 9.3 – Hume Link Community Consultative Committee – Request for Council Representative and stated that she did not believe her interest would preclude her from voting.

Reason: Councillor Jones declared an interest as the proponent is a casual advertiser with her business.

4. Confirmation of Minutes

RESOLVED that the minutes of the Ordinary Council Meeting held on 25 August 2021 covered by resolution numbers 164-185 inclusive, be taken as read and confirmed.

(Turner/Reid) 186

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

6. Director of Planning & Environment Reports

6.1 DRAFT FILLING POLICY

SUMMARY

The draft Filling Policy has been exhibited and 12 submissions were received. It is recommended that the draft Policy be adopted.

MOTION

Adoption of the Policy be deferred pending Council facilitating a stakeholder forum, further investigation of options and a Policy review.

(Jones/Furry)

FOR: Councillors N Furry, J Jones, and K Turner

AGAINST: Councillors R Abbey, C Burgess, G Frost, A Harker M Reid and M McManus

FORESHADOWED MOTION

That the draft Filling Policy be adopted and that a stakeholder forum be held for further investigation and Council review in six months.

McManus/

Foreshadowed Motion becomes the Motion

RESOLVED that the draft Filling Policy be adopted and that a stakeholder forum be held for further investigation and Council review in six months.

(Frost/McManus) 187

FOR: Councillors R Abbey, C Burgess, G Frost, A Harker, M McManus and M Reid

AGAINST: Councillors N Furry, J Jones and K Turner

6.2 DEVELOPMENT APPLICATION NO DA210063 – RESIDENTIAL SUBDIVISION, 3 BURRAI PLACE, YASS

SUMMARY

To present a report on Development Application No 210063 for a 57 lot subdivision (including a super lot for future development and an open space lot) of Lot 1 DP 1185454, 3 Burrai Place, Yass. It is presented to Council as it attracted 15 submissions including a petition. Approval is recommended, subject to a Voluntary Planning Agreement for the open space.

RESOLVED that :

- 1. Development Consent be issued for a 57 lot subdivision of Lot 1 DP 1185454, 3 Burrai Place, Yass.***
- 2. The draft Voluntary Planning Agreement for the proposed open space be prepared.***
- 3. A further report be presented to Council on the draft terms of the Voluntary Planning Agreement.***
- 4. Upon dedication to Council the open space lot be classified as Community Land under the Local Government Act 1993.***

(Turner/McManus) 188

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 DEVELOPMENT APPLICATIONS NOS DA210162 & DA210168 - DWELLING HOUSE & STORAGE SHED, 30 MONTEM STREET, BOWNING

SUMMARY

To present the assessment of Development Application No. DA210162 for a manufactured dwelling house and Development Application No. DA210168 for a storage shed at 30 Montem Street, Bowning. The applications are presented to Council as the combined proposal involves a variation to the setback policy as the storage shed is forward of the building line set by the dwelling on two road frontages. The applications attracted no objections. Approval is recommended.

RESOLVED that :

- 1. Conditional Development Consent be issued for Development Application No. DA210162 for dwelling house at 30 Montem Street, Bowning.***
- 2. Conditional Development Consent be issued for Development Application No. DA210168 for storage shed at 30 Montem Street, Bowning.***

(Frost/Burgess) 189

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 RE-ESTABLISHMENT OF ALCOHOL FREE ZONE

SUMMARY

The *Local Government Act 1993* permits Council to establish an Alcohol Free Zone (AFZ). The last AFZ was established in March 2016 and expired in March 2020. It is recommended the AFZ be re-established in the Yass mainstreet.

RESOLVED that :

- 1. The proposed Yass Alcohol Free Zone be placed on public exhibition in accordance with the Local Government Act 1993 and Ministerial Guidelines on Alcohol Free Zones***
- 2. If no significant objections to the proposal are received, the Yass Alcohol Free Zone be established for a four year period as per the map in Attachment A of the report.***

(Furry/Jones) 190

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

7.1 RIVERBANK PARK ADVENTURE PLAYGROUND - CONCEPT PLANS

SUMMARY

The purpose of this report is to seek approval for the public exhibition the two concept designs for the Riverbank Park adventure playground.

RESOLVED that the draft concept designs be placed on public exhibition, evaluated for preferred option and reported back to Council for adoption.

(Jones/Burgess) 191

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 TESLA ELECTRIC VEHICLE CHARGING STATION LOCATION

SUMMARY

This report provided a follow up to the 28 July 2021 Council Report seeking a location on Council land for the provision of a Tesla Supercharger Electric Vehicle charging station.

RESOLVED that :

- 1. The Tesla supercharger proposal for six carparks in the Yass Park and Ride (Option 3) be supported.**
- 2. The Tesla Superchargers be fitted with universal connections.**
- 3. The General Manager be approved to execute the licence agreements.**

(Turner/Jones) 192

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

AGAINST: Councillor G Frost

7.3 YASS WATER TREATMENT PLANT UPGRADE PROJECT - DESIGN AND BUSINESS CASE PREPARATION UPDATE

SUMMARY

The Yass Water Treatment Plant Upgrade Project is an important and challenging project for the Yass Valley Council. Council requested bimonthly update reports be provided on the project. This report is the fourth update.

RESOLVED that :

- 1. The update report and work completed on the Water Treatment Plant Upgrade Project be noted.**
- 2. The decision made in July 2021 to proceed with the design and business case for Stages 2 and 3 based on the outcomes from the Peer Review be reaffirmed.**

(Frost/Reid) 193

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 INVESTMENT AND BORROWINGS REPORT - AUGUST 2021

SUMMARY

In accordance with clause 212 *Local Government (General) Regulation 2005*, this report provides a summary of Council's investments as of 31 August 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 August 2021 Investment Report be noted.

(Turner/Reid) 194

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 ENVIRONMENTAL UPGRADE FINANCE TRIAL

SUMMARY

The purpose of this report is for Council to consider a proposal to offer Environmental Upgrade Agreements (EUA) to business and building owners within the Yass Valley area, under a two-year trial period through Better Building Finance, since offering Environmental Upgrade Finance comes at no financial cost, risk or liability to Council.

RESOLVED that :

- 1. The Environmental Upgrade Agreements within the Yass Valley local government area be supported.***
- 2. Better Building Finance be appointed to deliver streamlined Environmental Upgrade Agreements for a trial period of two years.***
- 3. The integration of Environmental Upgrade Agreements within Council's finance system be supported.***
- 4. Officers prepare a report to Council at the end of the two-year trial period on the performance of the Environmental Upgrade Agreements.***

(Reid/Jones) 195

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

AGAINST: Councillors G Frost and N Furry

8.3 RATES & CHARGES DONATIONS POLICY

SUMMARY

To seek a direction on the continuation of the existing rates and charges donations for 2021/22 financial year.

RESOLVED that :

- 1. The current donation arrangements for the organisations included in the Rates & Charges Donations Policy continue to apply for the 2021/22 financial year.**
- 2. The Rates & Charges Donations Policy be reviewed by Council following the December 2021 Local Government Elections for application in the 2022/23 financial year.**

(Frost/Furry) 196

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 FRAUD & CORRUPTION CONTROL POLICY REVIEW

SUMMARY

The *Fraud & Corruption Control Policy* has been reviewed to ensure Council has a sound policy to prevent, detect, investigate, and recover from fraudulent and corrupt conduct. The revised version of the policy is consistent with Australian Standard 8001:2008 Fraud and Corruption Control.

RESOLVED that draft Fraud & Corruption Control Policy be adopted.

(McManus/Reid) 197

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 draft Fraud & Corruption Control Policy be adopted with the following inclusion to the Policy Principles Section:

“Council recognises the need for proper open and transparent democratic processes and for fraud and corruption measures not to unduly disrupt or impede the operation of effective representative government.”

Frost/

8.5 FLYING OF FLAGS POLICY REVIEW

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 *Flying of Flags Policy* has been reviewed and determined to be unnecessary.

RESOLVED that the Flying of Flags Policy be rescinded.

(Turner/Reid) 198

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 – FIXING LOCAL ROADS REHABILITATION STAGE 2 YVC.IA.32.2021

SUMMARY

This report provides advice and recommendations on the submission of tenders for the road rehabilitation of four local roads in the LGA funded under Stage 2 of the Fixing Local Road (FLR) Round 1 grant – Yass River Road Segment 5B & 6, Walls Junction Road Segment 3, Faulder Avenue Segment 2 and Good Hope Road Segment 9 under contract YVC.IA.32.2021.

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.

(Turner/Reid) 199

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 - ROADSIDE SLASHING YVC.IA-34-2021

SUMMARY

Providing detailed information relating to tenders submitted for roadside slashing within the Yass Valley Local Government Area (LGA) for the period from October 2021 – June 2024 (three year panel contract) - Tender YVC.IA-34-2021.

RESOLVED that item be 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 REASON that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or purposes to conduct) business.

(Turner/Reid) 200

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 PETITION - DA210063 - RESIDENTIAL SUBDIVISION, 3 BURRAI PLACE, YASS

SUMMARY

Tabling a petition lodged in relation to Development Application for DA210063 – Residential Subdivision, 3 Burrai Place, Yass opposing the proposed development.

RESOLVED that the tabled petition on the DA210063 – Residential Subdivision, 3 Burrai Place, Yass be noted.

(Furry/Turner) 201

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

AGAINST: Nil

At 06:19 pm Councillors Turner and McManus left the Chambers.

9.3 HUME LINK COMMUNITY CONSULTATIVE COMMITTEE - REQUEST FOR COUNCIL REPRESENTATIVE

SUMMARY

To present a request from TransGrid seeking a Council representative for the HumeLink Community Consultative Committee (Yass Valley and Upper Lachlan).

RESOLVED that the Director Planning & Environment be nominated for the HumeLink Community Consultative Committee (Yass Valley and Upper Lachlan) until such time as the Council nominates a Councillor as the delegate.

(Furry/Reid) 202

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

AGAINST: Nil

At 06:27 pm Councillors Turner and McManus returned to the Chambers.

10. Notice of Motion

Nil

11. Questions with Notice

Nil

12. Minutes and Recommendations of Council Committees

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 – Fixing Local Roads Grant Program Round 1 - Rehabilitation Stage 2 YVC.IA.32.2021

Item 13.1 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.

13.2 Roadside Slashing - Tender YVC.IA-34-2021

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.

(Jones/Turner) 203

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 6.28 pm.

13.1 TENDER EVALUATION – FIXING LOCAL ROADS GRANT PROGRAM ROUND 1 - REHABILITATION STAGE 2 YVC.IA.32.2021

SUMMARY

This report provides advice and recommendations on the submission of tenders for the road rehabilitation of four local roads in the LGA funded under Stage 2 of the Fixing Local Roads (FLR) Round 1 Grant – Yass River Road Segment 5B & 6, Walls Junction Road Segment 3, Faulder Avenue Segment 2 and Good Hope Road Segment 9 under contract YVC.IA.32.2021.

RESOLVED that :

- 1. The tenders submitted by Denrith Pty Ltd for Yass River Road Segment 5B & 6, Walls Junction Road Segment 3 and Faulder Avenue Segment 2 Stage 1 be accepted for a total cost of \$868,196.33, \$629,417.66 and \$461,123.77 respectively.***
- 2. The tender submitted by Lentro Earthworks for Good Hope Segment 9 Stage 1 be accepted for a total cost of \$459,081.82.***
- 3. \$310,000 be transferred from the Contributions Reserve to fund the estimated funding shortfall.***
- 4. The 2021/22 Operational Plan/Budget be modified to reflect the above recommendations to include \$310,000 of capital funds to cover \$310,000 capital expenditure.***

(Reid/Turner) 204

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 ROADSIDE SLASHING - TENDER YVC.IA-34-2021

SUMMARY

Providing detailed information relating to tenders submitted for roadside slashing within the Yass Valley Council Local Government Area (LGA) for the period from October 2021 – June 2024 (three year panel contract) - Tender YVC.IA-34-2021.

RESOLVED that the tender submitted by 'Triniem' under the Roadside Slashing Contract Tender YVC.IA-34-2021 to mow Yass and all village road verges be accepted for a total cost of \$110,110.00 per annum. That Council accept 'Triniem' schedule of rates as a panel contractor for the provision of mowing, brush cutting and spraying within Yass and villages.

(Burgess/Reid) 205

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

AGAINST: Nil

RESOLVED that the meeting move into Open Council.

(Harker/Frost) 206

Minutes of the Ordinary Meeting of Council held on 22 September 2021

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 6.50 pm.

RESOLVED that the recommendations in Closed Council be adopted.

(Turner/Jones) 207

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 6.51 pm.