

PRESENT

- Councillor Yvonne Braid
- Councillor Greg Conkey OAM
- Councillor Paul Funnell
- Councillor Dan Hayes
- Councillor Vanessa Keenan
- Councillor Rod Kendall
- Councillor Tim Koschel
- Councillor Kerry Pascoe
- Councillor Dallas Tout

IN ATTENDANCE

- | | |
|---|---------------------|
| General Manager | (Mr A Eldridge) |
| Acting Director Commercial & Economic Development | (Mr J Bolton) |
| Director Corporate Services | (Mr C Richardson) |
| Director Environmental & Community Services | (Mrs J Summerhayes) |
| Manager Project Operations | (Ms C Angel) |
| Manager Corporate Strategy, Communications & Governance | (Mrs C Priest) |
| Manager Finance | (Mrs C Rodney) |
| Strategic Partner – Corporate Governance & Risk | (Mrs N Johnson) |
| Strategic Partner – Strategy & Communications | (Mr B Koschel) |
| Senior Revenue Accountant | (Mr C Katsoolis) |
| Senior Town Planner | (Mr S Cook) |
| Cultural Officer | (Ms T Miller) |
| Corporate Governance & Risk Coordinator | (Mrs J Watkins) |
| Senior Governance Officer | (Mr N McDermott) |
| Executive Assistant (Mayor) | (Ms M Price) |
| CED Administration Coordinator | (Ms A Crossley) |

PRAYER

Almighty God,

Help protect our Mayor, elected Councillors and staff.

Help Councillors to govern with justice, integrity, and respect for equality, to preserve rights and liberties, to be guided by wisdom when making decisions and settling priorities, and not least of all to preserve harmony.

Amen.

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

The Mayor, Councillor R Kendall vacated the chair, the time being 6:01pm.

The General Manager, Alan Eldridge assumed the chair, the time being 6:01pm.

COUNCILLORS' OATH OF OFFICE

Councillors as a group read the Oath of Office outlined below.

I _____ swear that I will undertake the duties of the office of Councillor in the best interests of the people of Wagga Wagga Local Government area and the Wagga Wagga City Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgment.

Upon reading the Oath of Office, each Councillor immediately signed the Oath in the presence of the gallery.

PROCEDURAL MOTIONS

PM-1 ELECTION OF MAYOR AND DEPUTY MAYOR

At this stage of the meeting the General Manager, Mr Alan Eldridge advised the meeting that he has appointed Mr Craig Richardson, Director Corporate Services, as the Returning Officer for the election of the Mayor and Deputy Mayor and that Mr John Hogan has accepted the invitation as scrutineer (together with the General Manager) who would join the Returning Officer in the conduct of the election.

PROCEDURAL MOTION - TERM OF THE DEPUTY MAYOR

16/239 RESOLVED:
On the Motion of Councillors R Kendall and P Funnell

That Council elect the Deputy Mayor for a period of two years from September 2016 to September 2018.

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

Election of the Mayor

The nomination received for the Office of Mayor was:

- Councillor G Conkey

With only one nomination received, the Returning Officer declared Councillor G Conkey OAM elected to the position of Mayor for the City of Wagga Wagga for the ensuing two year period from September 2016 to September 2018.

Election of Deputy Mayor

The nomination received for the Office of Deputy Mayor was:

- Councillor D Tout

With only one nomination received, the Returning Officer declared Councillor D Tout elected to the position of Deputy Mayor for the City of Wagga Wagga for the ensuing two year period from September 2016 to September 2018.

The Mayor, Councillor G Conkey OAM assumed the chair, the time being 6:08pm.

PROCEDURAL MOTION - SUSPEND STANDING ORDERS

16/240 RESOLVED:

On the Motion of Councillors K Pascoe and R Kendall

That Council suspend standing orders and adjourn for a short recess to allow for a media opportunity, the time being 6:12pm.

CARRIED

PROCEDURAL MOTION - RE-INSTATE STANDING ORDERS

16/241 RESOLVED:
On the Motion of Councillors T Koschel and R Kendall

That Council resume the meeting and re-instate standing orders, the time being 6:27pm.

CARRIED

PM-2 ELECTION OF MEMBERS TO RIVERINA WATER COUNTY COUNCIL

At this stage of the meeting the General Manager, Mr Alan Eldridge advised the meeting that he has appointed Mr Craig Richardson, Director Corporate Services, as the Returning Officer for the election of Councillors to the Board of Riverina Water County Council and that Ms Miriam Dayhew has accepted the invitation as scrutineer (together with the General Manager) who joined the Returning Officer in the conduct of the election.

It was noted that, in the event of there being more than five candidates for the Riverina Water County Council, an election will be held in accordance with Clause 396 (Schedule 9) of the Local Government (General) Regulation 2005, and that such election is to be determined by preferential ballot.

Election of five Councillors to the Board of Riverina Water County Council

The nominations received for the Board members of Riverina Water County Council were:

- Councillor Yvonne Braid
- The Mayor, Councillor Greg Conkey OAM
- Councillor Paul Funnell
- Councillor Vanessa Keenan
- Councillor Rod Kendall
- Councillor Tim Koschel
- Councillor Dallas Tout

The Returning Officer, conducted the election of five Councillors to the Board of Riverina Water County Council.

Ballot papers were distributed by the Senior Governance Officer in accordance with Schedule 7 Part 1 (1) of the Local Government (General) Regulation 2005 for the election of the five board members of Riverina Water County Council.

Following receipt of the completed ballot papers, the following votes were recorded:

Round One Preference Count

Following the count Councillor D Tout was eliminated via lot.

Round Two – Preference Count

Following the count Councillor R Kendall was eliminated via lot.

Following the conclusion of the ballot, the Returning Officer declared the following Councillors elected to the position of Board members of Riverina Water County Council until September 2020 with the result of the count being:

- Councillor Y Braid – 2 Votes
- The Mayor, Councillor G Conkey OAM – 2 Votes
- Councillor P Funnell – 1 Vote
- Councillor V Keenan – 2 Votes
- Councillor T Koschel – 2 Votes

APOLOGIES

No apologies were received.

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 29 AUGUST 2016

16/242 RESOLVED:
On the Motion of Councillors K Pascoe and D Tout

That the Minutes of the proceedings of the Ordinary Council Meeting held on 29 August 2016 be confirmed as a true and accurate record.

CARRIED

DECLARATIONS OF INTEREST

No declarations of interest were received.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - CALL FOR DIVISON

16/243 RESOLVED:

On the Motion of Councillors D Tout and P Funnell

That Council receive a report at the October 2016 Ordinary Council Meeting to consider:

- a updating the adopted Code of Meeting Practice to reflect automatically recording a division for every resolution over this four year term of the Council**
- b revising the definition and determination of Supplementary Meetings**
- c amending the order of business in relation to questions/business with notice**

A Division was called for on the motion of Councillors P Funnell and D Tout.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

PROCEDURAL MOTION - ENGLOBO

16/244 RESOLVED:

On the Motion of Councillors P Funnell and K Pascoe

That RP-2, RP-3, RP-4, RP-6, RP-8, RP-9, RP-10, RP-11, RP-12, RP-13 and RP-14 be adopted as recommended in the business papers

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan

R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

REPORTS FROM STAFF

RP-1 DELEGATION OF AUTHORITY TO THE MAYOR

16/245 RESOLVED:
On the Motion of Councillors K Pascoe and Y Braid

That Council delegate the following powers, authorities, duties or functions to the Mayor, as listed below:

1.01 - EXECUTIVE

- (a) to fulfil the functions of chief elected member of the Council and to perform all duties imposed upon the Mayor under the Local Government Act 1993**
- (b) to authorise any work which in the Mayor’s opinion is urgent but at a cost not exceeding \$30,000 providing that the Mayor has advised all Councillors prior to proceeding**

1.02 - COUNCIL MEETINGS

- (a) to call extraordinary meetings of Council in terms of Council’s Code of Meeting Practice**
- (b) in terms of Council’s Code of Meeting Practice and as Chairperson of Council Meetings and on behalf of the General Manager, to direct questions put to Council employees at Council Meetings directly to the employee concerned**

1.03 - POLICY MAKING FUNCTIONS

To exercise, in cases of necessity, the policy making functions of the governing body of the Council between meetings of the Council (Statutory function under Section 226).

1.04 - LEGAL

When considered necessary by the Mayor, to request the General Manager to obtain legal advice or legal representation in any matter in which the Council is or may become involved.

1.05 - CONFERENCES, SEMINARS, MEETINGS AND COURSES

- (a) To approve jointly with the General Manager, the attendance of Councillors at any seminar, conference, meeting or course, provided that:
 - (i) such delegation shall not be exercised if there is a prior Council meeting at which the attendance might be considered allowing sufficient time for registration, arrangements, etc
 - (ii) provision has been made for such expenditure in the Council’s budget.
 - (iii) such seminar, conference etc is for one (1) day or less and does not involve an overnight stay.
- (b) To attend to Council business as considered necessary by the Mayor both within and outside of Council boundaries with reasonable expenses to be reimbursed by Council.

1.06 – MEMBERSHIP BY CONSTITUTION, RESOLUTION OR AGREEMENT

To be the Council’s Delegate/Member of:

- NSW Country Mayors’ Association
- Riverina Eastern Regional Organisation of Councils (REROC)
- NSW Inland Forum
- Riverina Regional Cities
- Regional Capitals Australia

1.07 - CIVIC FUNCTIONS

To carry out the civic and ceremonial functions of the office of Mayor (Statutory function under Section 226).

1.08 - CIVIC RECEPTIONS

To approve and tender Civic Receptions where the Mayor considers it appropriate and the period for arranging the reception does not permit time for a decision to be made by the Council.

1.9 - CITIZENSHIP

To perform Citizenship Ceremonies and present Certificates of Australian Citizenship as provided by the relevant Act.

1.10 - GENERAL MANAGER

- (a) To undertake an annual review of the performance of the General Manager in relation to the General Manager’s contract, as a member of the General Manager’s Review Committee along with at least two (2) other Councillors, in terms of the Local Government Act 1993, Council’s policies, decisions and delegations.

(b) To approve of Annual Leave, Sick Leave, Special Leave or Study Leave for the General Manager in terms of the provisions of the General Manager's Contract of Employment with the Council.

1.11 - MEDIA

To respond to media enquiries in consultation with the General Manager on matters relating to the representative Council, decisions of Council, the community and Wagga Wagga Local Government Area in accordance with Councils media policy

1.12 - HONOURS COMMITTEE

To exercise Council’s powers, duties and authorities contained in the Legislation to receive, consider and grant Council and City Honours to a person and groups.

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

- Y Braid
- G Conkey OAM
- P Funnell
- D Hayes
- V Keenan
- R Kendall
- T Koschel
- K Pascoe
- D Tout

CARRIED

RP-2 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

16/246 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council delegate, as outlined below, to the General Manager, the powers, authorities, duties and functions of the Council as shown in the Schedule hereto, subject to the limitations and exceptions as shown:

SCHEDULE

- a All powers, authorities, duties and functions of the Council conferred under the Local Government Act, 1993 other than the functions listed in Section 377 of that Act as matters incapable of being delegated**
- b All powers, authorities, duties and functions conferred or imposed on the Council under any other Act**

LIMITATIONS

- a A power, authority, duty or function the subject of this delegation shall not be exercised in a particular case if the holder of the office of General Manager receives a direction from the Council withdrawing a power, authority, duty or function in relation to any matter for which the Council is enabled to withdraw that power, authority, duty or function**
- b These delegations may be exercised only in accordance with legislation, prescribed standards, codes, policies and decisions of the Council**

EXCEPTIONS

- a Determination of any development application, which relies on exceptions to development standards under Section 4.6 of the Wagga Wagga Local Environmental Plan 2010 that is required to be referred to Council for determination in accordance with any directive issued by the Department of Planning and Environment**
- b Development applications submitted either as applicant or landowner by Councillors, senior officers or staff with delegations in accordance with Council policy**
- c Those functions or matters which are required to be exercised ‘by resolution’ of the Council**

CARRIED

RP-3 COUNCILLORS' AND MAYORAL REMUNERATION

16/247 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council determine to pay the Councillors' allowance and Mayoral allowance at the maximum allowable level within the range determined annually by the NSW Local Government Remuneration Tribunal for the current term of the Council.

CARRIED

RP-4 COUNCIL MEETING DATES OCTOBER 2016 - DECEMBER 2016

16/248 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a endorse the schedule of Ordinary Council meetings for the period October 2016 to December 2016 as outlined in the report**
- b endorse the schedule of Policy and Strategy Committee meetings for the period October 2016 to December 2016 as outlined in the report**
- c endorse the schedule of Supplementary Council meetings for the period October 2016 to December 2016 as outlined in the report**
- d delegate authority to the General Manager, in consultation with the Mayor, to change a date and/or time of an Ordinary Council, Supplementary Council or Policy and Strategy Committee meeting if deemed appropriate**

CARRIED

RP-5 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - ELECTION OF DELEGATES

16/249 RESOLVED:
On the Motion of Councillors R Kendall and K Pascoe

That Council nominate three Councillor delegates to attend with the Mayor the Local Government NSW Annual Conference to be held in Wollongong from Sunday 16 October to Tuesday 18 October 2016.

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

Councillor D Hayes nominated himself.

Councillor R Kendall nominated himself.

Councillor V Keenan nominated herself.

Councillors D Hayes, R Kendall and V Keenan were duly elected to attend the 2016 Local Government NSW Annual Conference in Wollongong on 16-18 October 2016.

RP-6 POL 025 - PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS

16/250 RESOLVED:

On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a receive the draft POL 025 Payment of Expenses and Provision of Facilities to Councillors Policy**
- b endorse the draft POL 025 Payment of Expenses and Provision of Facilities to Councillors Policy and place on public exhibition for a period of 28 days and invite public submissions on the draft policy**
- c receive a further report following the public exhibition period:**
 - (i) addressing any submissions made in respect of the proposed policy**
 - (ii) proposing adoption of the policy unless there are any recommended amendments deemed to be substantial and requiring a further public exhibition period**

CARRIED

RP-7 REDUCTION IN FINANCIAL ASSISTANCE GRANT - 2016/17

16/251 RESOLVED:
On the Motion of Councillors P Funnell and T Koschel

That Council:

- a receive and note the report**
- b submit a motion to Local Government NSW (LGNSW) seeking its support for the removal of the 'minimum grant' principle which disadvantages regional cities in the determination of allocations to Councils made by the NSW Grants Commission**
- c endorse the Mayor and General Manager to meet with and seek the support from the Hon Michael McCormack and the Hon Daryl Maguire in submitting this motion to LGNSW and lobbying relevant Federal and State Ministers to remove the 'minimum grant' principle applied by the NSW Grants Commission.**
- d endorse the Mayor and General Manager to seek support from the 'evocity' Councils in submitting the motion to LGNSW**
- e note and approve the budget variations as detailed in the budget section of the report**

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

- Y Braid
- G Conkey OAM
- P Funnell
- D Hayes
- V Keenan
- R Kendall
- T Koschel
- K Pascoe
- D Tout

Against the Motion

CARRIED

RP-8 FINANCIAL PERFORMANCE REPORT AUGUST 2016

16/252 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a approve the variations to the 2016/17 original budget for the month ended 31 August 2016 and note the forecast deficit budget of (\$351K) as presented in this report**
- b note the Responsible Accounting Officer’s reports, in accordance with the Local Government (General) Regulation 2005 (Part 9 Division 3: Clause 203) that the financial position of Council is satisfactory having regard to the original estimates of income and expenditure and the recommendations made above**
- c note Council’s external investments as at 31 August 2016**

CARRIED

RP-9 EXTENSION OF AUDIT AND RISK COMMITTEE MEMBERSHIP

16/253 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council extend the appointment of independent members of the Audit and Risk Committee to 31 March 2017 in accordance with the Committee’s Charter.

CARRIED

RP-10 EXTENSION OF PUBLIC ART ADVISORY PANEL MEMBERSHIP

16/254 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council continue the Public Art Advisory Panel and extend the appointment of independent members until 24 December 2016.

CARRIED

RP-11 SECTION 356 DONATION REQUEST CSU PHOTOGRAPHY GRAD SHOW

16/255 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council donate \$600 to support the CSU Photography Grad Show as detailed in the report under Section 356 of the Local Government Act 1993.

CARRIED

RP-12 SECTION 356 DONATION - ASPECT RIVERINA

16/256 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council donate \$455 to Aspect Riverina as detailed in the report under Section 356 of the Local Government Act 1993.

CARRIED

RP-13 PROPOSED CREATION OF AN ESSENTIAL ENERGY EASEMENT OVER LOT 1 DP 535470 AT WAGGA WAGGA

16/257 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council:

- a note the earlier Council resolution (16/165) to create an easement in favour of Essential Energy for electricity purposes over Lot 1 DP 535470 at Wagga Wagga Lawn Cemetery**
- b agree that Essential Energy may proceed with the easement creation via the process of compulsory acquisition from Crown Lands with Council being responsible for all fees and charges incurred by Essential Energy as outlined in this report**
- c delegate authority to the General Manager to execute any necessary documents on behalf of Council**
- d note and approve the budget variation/s as detailed in the budget section of the report**

CARRIED

RP-14 PROPOSED ADDITION TO CROWN RESERVE 1029848 AT TARCUTTA

16/258 RESOLVED:
On the Motion of Councillors P Funnell and K Pascoe

That Council make an application to the Department of Primary Industries – Lands for the addition of part Crown Reserve 3174 being Lot 82 DP 757255 to Council managed Crown Reserve 1029848 at Tarcutta for “Bush Fire Brigade” purposes.

CARRIED

CLOSED COUNCIL

16/259 RESOLVED:
On the Motion of Councillors T Koschel and D Hayes

That the Council now resolve itself into a Closed Council, the time being 6:58pm.

CARRIED

AT THIS STAGE OF THE MEETING THE PRESS AND PUBLIC GALLERY RETIRED FROM THE COUNCIL MEETING.

CONFIDENTIAL REPORTS

CONF-1 PROPOSED ACQUISITION OF EASEMENTS TO DRAIN SEWERAGE

16/260 RESOLVED:
On the Motion of Councillors P Funnell and T Koschel

That Council:

- a agree to acquire an easement two (2) metres wide from the land owner detailed within the report over Lot 28 DP 24158 upon the terms outlined in the body of this report for the drainage of sewerage**
- b agree to acquire an easement two (2) metres wide from the land owner detailed within the report over Lot 1 DP 202581 upon the terms outlined in the body of this report for the drainage of sewerage**
- c delegate authority to the General Manager to execute any necessary documents on behalf of Council**

d note and approve the budget variation/s as detailed in the budget section of the report

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

CONF-2 SECTION 356 DONATION REQUEST - CEMETERY FEES

16/261 RESOLVED:

On the Motion of Councillors D Tout and V Keenan

That Council waive \$1,000 in Cemetery fees as detailed in the report under Section 356 of the Local Government Act 1993.

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

Y Braid
G Conkey OAM
P Funnell
D Hayes
V Keenan
R Kendall
T Koschel
K Pascoe
D Tout

CARRIED

REVERSION TO OPEN COUNCIL

16/262 RESOLVED:

On the Motion of Councillors K Pascoe and D Hayes

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7:00pm.

CARRIED

REPORT OF PROCEEDINGS OF CLOSED COUNCIL

16/263 RESOLVED:
On the Motion of Councillors K Pascoe and D Hayes

That the recommendations contained in the report of the proceedings of the Closed Council be adopted.

A Division was called for on the motion of Councillors D Tout and P Funnell.

For the Motion

Against the Motion

- Y Braid
- G Conkey OAM
- P Funnell
- D Hayes
- V Keenan
- R Kendall
- T Koschel
- K Pascoe
- D Tout

CARRIED

QUESTIONS/BUSINESS WITH NOTICE

The following Question/Business with Notice was raised and responded to at the meeting:

- 1. Councillor P Funnell queried why Councillor mail is opened by Council staff.

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7:04pm.

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MAYOR