

**PRESENT**

The Mayor, Councillor Greg Conkey OAM  
Councillor Yvonne Braid  
Councillor Dan Hayes  
Councillor Vanessa Keenan  
Councillor Rod Kendall  
Councillor Tim Koschel  
Councillor Kerry Pascoe  
Councillor Dallas Tout

**IN ATTENDANCE**

|   |                     |
|---|---------------------|
| Community Sector Manager                        | (Mrs J Summerhayes) |
| Commercial Operations Sector Manager            | (Mrs C Angel)       |
| Commercial Development Manager                  | (Mr P Somerville)   |
| Chief Financial Officer                         | (Mrs N Te Pohe)     |
| Manager Special Projects                        | (Mr C Richardson)   |
| Acting Manager City Strategy                    | (Mrs C Priest)      |
| Manager Finance                                 | (Mrs C Rodney)      |
| Manager Community Services                      | (Mrs M Scully)      |
| Acting Manager City Development                 | (Mrs A Gray)        |
| Manager Executive Support                       | (Mr S Gray)         |
| Manager Audit, Risk and Governance              | (Mrs I Hensley)     |
| Project Manager                                 | (Mr D Woods)        |
| Manager Project Operations                      | (Mr S Postma)       |
| Manager Livestock Marketing Centre              | (Mr P Martin)       |
| Team Leader Visitor Economy                     | (Mrs F Hamilton)    |
| Strategic Partner – Corporate Governance & Risk | (Mrs N Johnson)     |
| Communications and Engagement Officer           | (Mr J Lang)         |
| Governance Officer                              | (Miss B King)       |

**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.

**APOLOGIES**

An apology for non-attendance was received and accepted for the General Manager, Mr Alan Eldridge on the Motion of Councillors V Keenan and D Tout.

**CARRIED**

**LEAVE OF ABSENCE**

**16/336 RESOLVED:**  
On the Motion of Councillors V Keenan and D Tout

**That Council note a leave of absence was granted at the Supplementary Council Meeting held 5 December 2016 to Councillor P Funnell for 12 December 2016.**

**CARRIED**

**CONFIRMATION OF MINUTES**

**CM-1      ORDINARY COUNCIL MEETING - 21 NOVEMBER 2016**

**16/337      RESOLVED:**

On the Motion of Councillors R Kendall and D Hayes

**That the Minutes of the proceedings of the Ordinary Council Meeting held on 21 November 2016 be confirmed as a true and accurate record subject to resolution 16/320 CONF-5 RFT2017/013 LAKEHAVEN REAR OF BLOCK DRAINAGE INSTALLATION being corrected to read:**

**That Council:**

- a      in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 (LG Regulation), decline to accept any of the tenders submitted in response to the RFT**
- b      in accordance with 178(3)(e) of the LG Regulation, authorise the General Manager or their delegate to enter into direct negotiations with any person whether they were a tenderer or not with a view to entering into a contract in relation to the subject matter of the RFT**
- c      note that the reason for declining to invite fresh tenders or applications is that it is not expected that further market testing will provide a more satisfactory result**
- d      note that the reason for determining to enter into negotiations is the terms and conditions are at variance with those of the tender documentation and will be negotiated to settle the final terms of the contract**
- e      subject to successful negotiations authorise the General Manager or their delegate to enter into a contract for the subject matter of this tender**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**CM-2 SUPPLEMENTARY COUNCIL MEETING - 5 DECEMBER 2016**

**16/338 RESOLVED:**  
On the Motion of Councillors R Kendall and D Hayes

**That the Minutes of the proceedings of the Supplementary Council Meeting held on 5 December 2016 be confirmed as a true and accurate record.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**DECLARATIONS OF INTEREST**

Councillor T Koschel declared a Non Pecuniary, Non-Significant Interest in PSRP – 4 POMINGALARNA MULTISPORT CYCLING COMPLEX the reason being that he is a member of the Tolland Cycle Club and remained in the chamber during its consideration.

Councillor T Koschel declared a Non-Pecuniary Interest in CONFMM-1 CONFIDENTIAL MAYORAL MINUTE - LIVESTOCK MARKETING CENTRE CANTEEN the reason being that the people in the tender are all clients of his private business and vacated the chamber during its consideration.

Councillor Braid declared a Non-Pecuniary, Non-Significant Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that she is a member of the Wollundry Rotary and remained in the chamber during its consideration.

Councillor K Pascoe declared a Pecuniary Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that he is a member of the Wollundry Rotary and vacated the chamber during its consideration.

The Mayor, Councillor G Conkey OAM declared a Non-Pecuniary Interest in RP-4 MAJOR EVENTS FUNDING REQUEST the reason being that he is a member of Wollundry Rotary and vacated the chamber during its consideration.

**MAYORAL MINUTE**

**MM-1 AIRPORT ADVISORY COMMITTEE**

**16/339 RESOLVED:**  
On the Motion of The Mayor, Councillor G Conkey OAM

**That Council:**

- a receive and note the draft Airport Advisory Committee Terms of Reference attached to this Mayoral Minute**
- b consult with members identified in the body of this report regarding the draft Terms of Reference before presenting back to Council for endorsement**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**REPORTS FROM POLICY AND STRATEGY COMMITTEE**

**PS-1 POLICY AND STRATEGY COMMITTEE MEETING - 5 DECEMBER 2016**

**The Mayor, Councillor G Conkey OAM requested Councillors to nominate any recommendations from the minutes they wished to discuss.**

**16/340 RESOLVED:**  
On the Motion of Councillors R Kendall and T Koschel

**That the Minutes of the Policy and Strategy Committee Meeting held on 5 December 2016 be confirmed and recommendations numbered PSCM-1, PSRP-3 to PSRP-8 and PSM-1 contained therein be adopted.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

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

Against the Motion

**REPORTS FROM STAFF**

**PSRP-1 DA16/0185 - DEVELOPMENT APPLICATION FOR 2 x 4 BEDROOM HOUSES WITH TORRENS TITLE SUBDIVISION AT 83, BROOKLYN DRIVE, BOURKELANDS**

**16/341 RESOLVED:**  
On the Motion of Councillors R Kendall and D Tout

**That Council approve DA16/0185 - DEVELOPMENT APPLICATION FOR 2 x 4 BEDROOM HOUSES WITH TORRENS TITLE SUBDIVISION AT 83, BROOKLYN DRIVE, BOURKELANDS subject to the conditions outlined in the Section 79C Assessment Report for DA16/0185 with the additional conditions below:**

**Prior to release of Construction Certificate**

**11(a) Prior to the release of Construction Certificate a geo-technical report must be submitted to the Principal Certifying Authority that demonstrates that the proposed excavation will not adversely impact the adjoining properties and will be classified in accordance with Part 3.2.4 "Site Classification", of the Building Code of Australia and AS 2870 Residential Slabs and Footings.**

**This report must be carried out by an experienced geo-technical engineering consultant, with associated testing being conducted by a NATA registered laboratory. The report shall identify the type of "site classification" that exists on the subject site. Any footing/slab design is to be designed having regards to the identified site classification.**

**REASON:** It is in the public interest that all building elements are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

**During Works**

**21(a) If it is required or intended to excavate below the level of the base of the footings of a building or structure on the adjoining allotment, including a public place, the person causing the excavation must:**

- (a) Preserve and protect the building from damage;
- (b) Take into consideration any cut and fill design works that are proposed for any adjoining site(s) in the design of works to the site with the benefit of this consent;
- (c) If necessary, underpin and support the building or structure in an approved manner. Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence; and
- (d) Give at least 7 days notice together with details to the owner(s) of the adjoining allotment of the intention to excavate below the base of the footings;
- (e) Subject to the agreement of the owner(s) of the adjoining allotment, a dilapidation report must be prepared by a qualified structural engineer, for the building or structure on that property, at the expense of the person acting on the consent, and presented to the owner(s) of that property.

Where underpinning is required, details prepared by a practising structural engineer are to be submitted to the Principal Certifying Authority before underpinning works commence.

- (f) engineered design of the retaining structure by a certified practicing engineer prior to the release of the construction certificate

REASON: To minimise the impact of building works on adjoining land and structures and to ensure that all proposed works are designed to be able to withstand the combination of loads and other actions to which they may be subjected. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

**CARRIED**

**RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993**

For the Motion

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

Against the Motion

**PSRP-2 AMENDMENT NUMBER 12 TO THE WAGGA WAGGA DEVELOPMENT CONTROL PLAN 2010**

**16/342 RESOLVED:**  
On the Motion of Councillors T Koschel and D Tout

That Council endorse the exhibition of the proposed amendments to the Wagga Wagga Development Control Plan 2010 in accordance with the Environmental Planning and Assessment Act 1979 public consultation provisions.

**CARRIED**

**RECORD OF VOTING ON DEVELOPMENT OR PLANNING MATTERS - SECTION 375A(3) LOCAL GOVERNMENT ACT 1993**

| <u>For the Motion</u> | <u>Against the Motion</u> |
|-----------------------|---------------------------|
| Y Braid               |                           |
| G Conkey OAM          |                           |
| D Hayes               |                           |
| V Keenan              |                           |
| R Kendall             |                           |
| T Koschel             |                           |
| K Pascoe              |                           |
| D Tout                |                           |



**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**NOM-1 NOTICE OF MOTION - FOOTPATH NETWORK CONNECTIVITY**

**16/343 RESOLVED:**  
On the Motion of Councillors D Hayes and V Keenan

**That Council receives a report as part of the 2017/18 Operational Plan budget process which outlines the gaps and potential funding sources for the consideration of new footpaths to enable improved accessibility and connectivity between the existing footpath network.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

| <u>For the Motion</u> | <u>Against the Motion</u> |
|-----------------------|---------------------------|
| Y Braid               |                           |
| G Conkey OAM          |                           |
| D Hayes               |                           |
| V Keenan              |                           |
| R Kendall             |                           |
| T Koschel             |                           |
| K Pascoe              |                           |
| D Tout                |                           |

**NOM-2 NOTICE OF MOTION - COST SHIFTING OF PUBLIC LIBRARY FUNDING**

**16/344 RESOLVED:**  
On the Motion of Councillors D Hayes and D Tout

**That Council write to the Premier requesting an update on the progress made by the NSW Government in addressing the inequity in funding for public libraries.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

| <u>For the Motion</u> | <u>Against the Motion</u> |
|-----------------------|---------------------------|
| Y Braid               |                           |
| G Conkey OAM          |                           |
| D Hayes               |                           |
| V Keenan              |                           |
| R Kendall             |                           |
| T Koschel             |                           |
| K Pascoe              |                           |
| D Tout                |                           |

**PROCEDURAL MOTION - ENGLOBO**

**16/345 RESOLVED:**

On the Motion of Councillors V Keenan D Hayes

**That the standing orders be varied for the meeting as set out hereunder:**

- **Items where councillors wish to speak**
- **Items where no councillors wish to speak**
- **Confidential**
- **Matter of urgency**
- **Closure of Meeting**

**That RP-3 and M-1 be adopted as recommended in the business papers.**

**REPORTS FROM STAFF**

**RP-1 COUNCIL AND COMMITTEE MEETING DATES AND TERMS OF REFERENCE - DEVELOPMENT ASSESSMENT STANDING COMMITTEE**

**16/346 RESOLVED:**

On the Motion of Councillors R Kendall and D Tout

**That Council:**

- a endorse the schedule of Ordinary Council meetings for the period January 2017 to December 2017 as outlined in the report**
- b that the remainder of the report be deferred to the January 2017 Ordinary Council Meeting**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**RP-2 FINANCIAL PERFORMANCE REPORT NOVEMBER 2016**

**16/347 RESOLVED:**  
On the Motion of Councillors D Tout and T Koschel

**That Council:**

- a approve the variations to the 2016/17 original budget for November 2016 and note the deficit budget of (\$62K) 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**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**RP-3 PETITION - EMBLEN PARK**

**16/348 RESOLVED:**  
On the Motion of Councillors V Keenan and D Hayes

**That Council:**

- a receive and note the petition in opposition to the Pump/BMX Bike Track proposed for Emblen Park Tolland**
- b receive a further report in March 2017 following further community consultation**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**RP-4 MAJOR EVENTS FUNDING REQUEST**

Councillor K Pascoe declared a Pecuniary Interest and vacated the chamber, the time being 6:30pm.

The Mayor, Councillor G Conkey OAM declared a Pecuniary Interest and vacated the chair and the chamber, the time being 6:30pm.

The Deputy Mayor, Councillor D Tout assumed the chair the time being 6.30pm.

**16/349 RESOLVED:**

On the Motion of Councillors R Kendall and T Koschel

**That Council:**

- a authorise the General Manager or his delegate to enter into a one year event support agreement up to an amount of \$20,000 with Wollundry Rotary Club to sponsor the Gears and Beers Festival for 2017**
  - i the one year support agreement is committed from 2016/17 Major Events Sponsorship budget**
- b undertake a review of the Major Events Sponsorship Policy with the objective of creating a competitive multi-year events sponsorship application process in 2017/18**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

Y Braid  
V Keenan  
R Kendall  
T Koschel  
D Tout

D Hayes

Councillor D Tout vacated the chair, the time being 6.38pm.

Councillor K Pascoe re-entered the chamber, the time being 6:38pm.

The Mayor, Councillor G Conkey OAM re-entered the chamber and assumed the chair, the time being at 6:39pm.

**COMMITTEE MINUTES**

**M-1      AUDIT AND RISK COMMITTEE MINUTES - 10 NOVEMBER 2016**

**16/350      RESOLVED:**  
On the Motion of Councillors V Keenan and D Hayes

**That Council endorse the recommendations contained in the minutes of the Audit and Risk Committee Meeting held on 10 November 2016.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

- | <u>For the Motion</u>           | <u>Against the Motion</u> |
|---------------------------------|---------------------------|
| Y Braid                         |                           |
| G Conkey OAM                    |                           |
| D Hayes                         |                           |
| V Keenan                        |                           |
| The Mayor, Councillor R Kendall |                           |
| T Koschel                       |                           |
| K Pascoe                        |                           |
| D Tout                          |                           |

**QUESTIONS/BUSINESS WITH NOTICE**

The following Questions/Business with Notice were raised and answered at the meeting:

- 1. Councillors D Hayes and V Keenan discussed the recent Forest Hill community consultation and concerns of PFAS contamination. Although Council have no authority or responsibility in this matter, Councillors requested feedback on if Council could assist by providing an update or assist in disseminating information provided by the Government to better inform the community.
- 2. Councillor D Hayes enquired if Council was aware of grant funding for the Rural Fire Service, with advice provided that Council are currently processing opportunities in partnership with emergency services.
- 3. Councillor T Koschel requested feedback on what strategies and processes Council have in place and what is planned to proactively share good things that Council does through media and community engagement.

**CLOSED COUNCIL**

**16/351 RESOLVED:**  
On the Motion of Councillors K Pascoe and D Hayes

**That the Council now resolve itself into a Closed Council, the time being 6.49pm.**

**CARRIED**

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

**CONFIDENTIAL MAYORAL MINUTE**

**CONFMM-1 CONFIDENTIAL MAYORAL MINUTE - LIVESTOCK MARKETING CENTRE CANTEEN**

Councillor T Koschel declared a Pecuniary Interest and vacated the chamber, the time being 6:55pm.

**16/352 RESOLVED:**  
On the Motion of The Mayor, Councillor G Conkey OAM

**That Council:**

- a note the lease agreement to the original candidate is no longer proceeding**
- b authorise the General Manager or their delegate to negotiate to enter into a lease for the Livestock Marketing Centre canteen with one of the other applicants noted in the report dated 31 October 2016, or any other party upon similar terms to those detailed in the report**
- c authorise the General Manager or their delegate to execute any necessary documents on behalf of Council**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion  
 Y Braid  
 G Conkey OAM  
 D Hayes  
 V Keenan  
 R Kendall  
 K Pascoe  
 D Tout

Against the Motion

Councillor T Koschel re-entered the chamber, the time being 6:56pm.

**CONFIDENTIAL REPORTS**

**CONF-1 RFT2017/11 ROAD STABILISATION PRODUCTS SUPPLY**

**16/353 RESOLVED:**

On the Motion of Councillors D Tout and K Pascoe

**That Council:**

- a accept the offers of Boral Cement Limited, Independent Cement & Lime Pty Ltd and Stabilised Pavements of Australia Pty Ltd for the supply of road stabilisation products at the schedule of rates in their respective tender submissions and authorise the General Manager or their delegate to enter into Contracts with the aforementioned suppliers**
- b authorise the fixing of Council's seal to documents as required**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**CONF-2 RFT2017/10 CONSTRUCTION OF CATTLE YARDS AND PEN EXTENSION LIVESTOCK MARKETING CENTRE**

**16/354 RESOLVED:**

On the Motion of Councillors T Koschel and D Hayes

**That Council:**

- a accept the offers of Proway Livestock Equipment Pty Ltd for the construction of cattle yards and pen extension in the lump sum amount of \$2,704,565 excluding GST and authorise the General Manager or their delegate to enter into a Contract with the aforementioned supplier**
- b authorise the fixing of Council's seal to documents as required**
- c note and approve the budget variation/s as detailed in the financial implications section of the report**

**CARRIED**



**RECORD OF VOTING ON THE MOTION**

For the Motion

Against the Motion

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

**REVERSION TO OPEN COUNCIL**

**16/355 RESOLVED:**  
On the Motion of Councillors R Kendall and K Pascoe

**That this meeting of the Closed Council revert to an open meeting of the Council, the time being 7.10pm.**

**CARRIED**

**REPORT OF PROCEEDINGS OF CLOSED COUNCIL**

**16/356 RESOLVED:**  
On the Motion of Councillors K Pascoe and R Kendall

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

**CARRIED**

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7.10pm.

.....  
MAYOR