

PRESENT

The Mayor, Councillor Dallas Tout
Councillor Georgie Davies
Councillor Dan Hayes
Councillor Michael Henderson
Councillor Richard Foley
Councillor Rod Kendall
Councillor Tim Koschel
Councillor Amelia Parkins

IN ATTENDANCE

General Manager	(Mr P Thompson)
Director Community	(Ms J Summerhayes)
Director Infrastructure Services	(Mr W Faulkner)
Director Regional Activation	(Mr J Sidgwick)
Chief Financial Officer	(Mrs C Rodney)
Executive Director People & Culture	(Mrs F Piltz)
Manager Governance and Risk	(Ms I Hensley)
Manager Community Services	(Ms M Scully)
Manager Development Assessment & Building Certification	(Mr P O'Brien)
Property Coordinator	(Mr M Dombrovski)
Strategic Asset Planner (Parks & Recreation)	(Mr B Creighton)
Social Planning Coordinator	(Ms S Lehman)
Aboriginal Community Development Officer	(Mr B Higgins)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Mrs M Schoonmaker)

NOTICE TO MEETING

The proceedings of all Council meetings in open session, including all debate and addresses by the public, are recorded (audio visual) and livestreamed on Council's website including for the purpose of facilitating community access to meetings and accuracy of the Minutes.

In addition to webcasting council meetings, audio recordings of confidential sessions of Ordinary Meetings of Council are also recorded, but do not form part of the webcast.

ACKNOWLEDGEMENT OF COUNTRY

Wagga Wagga City Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future and extends our respect to all First Nations Peoples in Wagga Wagga.

We recognise and respect their cultural heritage, beliefs and continuing connection with the land and rivers. We also recognise the resilience, strength and pride of the Wiradjuri and First Nations communities.

REFLECTION

Councillors, let us in silence reflect upon our responsibilities to the community which we represent, and to all future generations and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

APOLOGIES

No apologies were received.

LEAVES OF ABSENCE

22/389 RESOLVED:
On the Motion of Councillors T Koschel and D Hayes

That Council grant leave of absence to Councillor J McKinnon for 21 November 2022.

CARRIED

CONFIRMATION OF MINUTES

CM-1 ORDINARY COUNCIL MEETING - 7 NOVEMBER 2022

22/390 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

That the Minutes of the proceedings of the Ordinary Council Meeting held on 7 November 2022 be confirmed as a true and accurate record.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
D Tout
G Davies
D Hayes
M Henderson
R Foley
R Kendall
T Koschel
A Parkins

Against the Motion

DECLARATIONS OF INTEREST

Councillor T Koschel declared a Significant Non-Pecuniary Interest in RP-2 MOBILE FOOD VENDOR TRADING IN PUBLIC PLACES POLICY (POL 062) the reason being that he has direct family members that own and operate food businesses and vacated the chamber during its consideration.

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-7 POL 075 - INVESTMENT POLICY the reason being that he works for a financial institution and remained in the chamber during its consideration.

Councillor T Koschel declared a Non-Significant Non-Pecuniary Interest in RP-8 FINANCIAL PERFORMANCE REPORT AS AT 31 OCTOBER 2022 the reason being that he works for a financial institution and remained in the chamber during its consideration.

Councillor R Foley declared a Significant Non-Pecuniary Interest in RP-3 RESPONSE TO NOTICE OF MOTION - WAGGA WAGGA ROADS the reason being that he has had communications with a supplier and vacated the chamber during its consideration.

Councillor G Davies declared a Significant Non-Pecuniary Interest in CONF-6 ASSIGNMENT OF AIRPORT HANGAR SUB-LEASE - HANGAR SITES 225, 227 & 301, WAGGA WAGGA AIRPORT the reason being that she has a family member who owns an airport hanger and vacated the chamber during its consideration.

PROCEDURAL MOTION - ENGLOBO

22/391 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

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-6, RP-7, RP-9, RP-10, CONF-3 to CONF-5 be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

PUBLIC DISCUSSION FORUM

RP-1 REVIEW OF DETERMINATION OF DEVELOPMENT CONSENT DA21/0839 - SELF STORAGE UNITS - 43 GUTTLE STREET, URANQUINTY

- Deborah Bewick – Speaking in favour of the recommendation
- Paul Mulholland – Speaking against the recommendation

RP-5 DRAFT INNOVATE RECONCILIATION ACTION PLAN 2022-2024

- Aunty Cheryl Penrith – Speaking in favour the recommendation
- Alicia Green - Speaking in favour of the recommendation

PROCEDURAL MOTION - CHANGE OF STANDING ORDERS

22/392 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council bring forward consideration of the following reports to follow the public discussion Forum:

- **RP-1 - Review of Determination of Development Consent DA21/0839 - Self Storage Units - 43 Guttler Street, Uranquinty**
- **RP-5 - Draft Innovate Reconciliation Action Plan 2022-2024**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

REPORTS FROM STAFF

RP-1 REVIEW OF DETERMINATION OF DEVELOPMENT CONSENT DA21/0839 - SELF STORAGE UNITS - 43 GUTTLER STREET, URANQUINTY

Councillor A Parkins signalled a FORESHADOWED AMENDMENT to the Mayor.

22/393 RESOLVED:

On the Motion of Councillors G Davies and T Koschel

That Council confirm its original determination to refuse Development Application DA21/0839 for the development of self-storage units at 43 Guttler Street, Uranquinty.

CARRIED

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

For the Motion

- D Tout
- G Davies
- M Henderson
- R Foley
- T Koschel

Against the Motion

- D Hayes
- R Kendall
- A Parkins

Following the vote, the FORESHADOWED AMENDMENT lapsed.

RP-5 DRAFT INNOVATE RECONCILIATION ACTION PLAN 2022-2024

22/394 RESOLVED:

On the Motion of Councillors D Hayes and R Kendall

That Council:

- a place the draft Innovate Reconciliation Action Plan 2022 - 2024 on public exhibition for a period of 28 days from 23 November 2022 to 21 December 2022 and invite public submissions on the draft Innovate Reconciliation Action Plan 2022- 2024**
- b receive a further report following the exhibition and submission period:**
 - i addressing any submissions made in respect of the proposed draft Innovate Reconciliation Action Plan 2022- 2024**
 - ii proposing adoption of the draft Innovate Reconciliation Action Plan 2022- 2024 unless there are any recommended amendment deemed to be substantial and requiring a further public exhibition period**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

MAYORAL MINUTE

MM-1 MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD EMERGENCY

22/395 RESOLVED:
On the Motion of The Mayor, Councillor D Tout

That Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

REPORTS FROM STAFF

RP-1 REVIEW OF DETERMINATION OF DEVELOPMENT CONSENT DA21/0839, SELF-STORAGE UNITS, 43 GUTTLE STREET, URANQUINTY was moved forward to follow the public discussion forum.

RP-2 MOBILE FOOD VENDOR TRADING IN PUBLIC PLACES’ POLICY (POL 062)

Councillor T Koschel declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:58pm.

22/396 RESOLVED:
On the Motion of Councillors R Kendall and D Hayes

That Council:

- a note that there were eight (8) public submissions received during the exhibition period for the draft Mobile Food Vendor Trading in Public Places’ Policy (POL 062)**
- b adopt the Mobile Food Vendor Trading in Public Places’ Policy (POL 062)**
- c add the following clause to Section 1.2.1 “maximum of 20 mobile food vendor permits are to be active at one time”**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
D Tout
G Davies
D Hayes
M Henderson
R Foley
R Kendall
A Parkins

Against the Motion

Councillor T Koschel re-entered the chamber, the time being 6:59pm.

RP-3 RESPONSE TO NOTICE OF MOTION - WAGGA WAGGA ROADS

Councillor R Foley declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:00pm.

22/397 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a receive and note the information provided in the report**
- b undertake a series of workshops leading up to the 2023/24 budget workshops to develop funding strategies to close the maintenance and renewal gap as well as the backlog works for roads infrastructure**
- c authorise the General Manager to immediately call for an Expressions of Interest (EOI) from suitable contractors to undertake a variety of emergency road repairs**
- d commence a select tender process of specialised road repair equipment with a view to the purchase of equipment that will assist in undertaking small road repairs in an efficient and more permanent manner as compared to traditional manual ‘pot-hole’ repairs**

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Tout	
G Davies	
D Hayes	
M Henderson	
R Kendall	
T Koschel	
A Parkins	

Councillor R Foley re-entered the chamber, the time being 7:43pm.

RP-4 RESPONSE TO NOTICE OF MOTION - VETERAN'S EMPLOYMENT AT WAGGA WAGGA CITY COUNCIL

22/398 RESOLVED:
On the Motion of Councillors D Hayes and A Parkins

That Council receive and note the report.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

RP-5 - DRAFT INNOVATE RECONCILIATION ACTION PLAN 2022-2024 was moved forward to follow the public discussion forum.

RP-6 PRESENTATION OF THE 2021/22 FINANCIAL STATEMENTS

22/399 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a receive the Audited Financial Statements, together with the Auditor’s Reports on the Financial Statements for the year ended 30 June 2022**
- b receive a further report if any public submissions are received**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

RP-7 POL 075 - INVESTMENT POLICY

22/400 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a note that there were no public submissions received during the exhibition period for POL 075 – Investment Policy**
- b adopt the draft POL 075 – Investment Policy**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

RP-8 FINANCIAL PERFORMANCE REPORT AS AT 31 OCTOBER 2022

22/401 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a approve the proposed 2022/23 budget variations for the month ended 31 October 2022 and note the balanced budget position as presented in this report**
- b approve the proposed budget variations to the 2022/23 Long Term Financial Plan Capital Works Program including future year timing adjustments**
- c note the Responsible Accounting Officer’s reports, in accordance with the Local Government (General) Regulation 2021 (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**
- d note the details of the external investments as at 31 October 2022 in accordance with section 625 of the Local Government Act 1993**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

RP-9 REQUESTS FOR FINANCIAL ASSISTANCE

22/402 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a in accordance with Section 356 of the Local Government Act 1993, provide an additional \$14,642 in financial assistance to the School of Arts Community Theatre (SoACT)**
- b note the one-off NSW Performing Arts COVID recovery support grant that the Civic Theatre has received which is being utilised to fund this financial assistance request**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

RP-10 LICENCE AGREEMENT - 49 SHAW STREET, WAGGA WAGGA

22/403 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a authorise the General Manager or delegate to negotiate entry into a Community Licence Agreement with Demonstration Gardens Wagga Wagga Incorporated over land located at Shaw Street, Wagga Wagga (being Lot A in Deposited Plan 357110 and Lot 2 in Deposited Plan 229422)**
- b authorise the General Manager or delegate to complete and execute any necessary documentation on behalf of Council**
- c authorise the affixing of Council’s common seal to all documents relating to this matter as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Tout
 G Davies
 D Hayes
 M Henderson
 R Foley
 R Kendall
 T Koschel
 A Parkins

Against the Motion

RP-11 RESOLUTIONS AND NOTICES OF MOTIONS REGISTERS

22/404 RESOLVED:
On the Motion of Councillors D Hayes and T Koschel

That Council receive and note the following registers:

- a Active Resolutions as at 16 November 2022**
- b Active Notice of Motions as at 16 November 2022**
- c Resolutions including Notice of Motions completed from 13 September 2022 to 16 November 2022**

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Tout	
G Davies	
D Hayes	
M Henderson	
R Foley	
R Kendall	
T Koschel	
A Parkins	

RP-12 QUESTIONS WITH NOTICE

22/405 RESOLVED:
On the Motion of Councillors D Hayes and T Koschel

That Council receive and note the report.

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Tout	
G Davies	
D Hayes	
M Henderson	
R Foley	
R Kendall	
T Koschel	
A Parkins	

CLOSED COUNCIL

22/406 RESOLVED:
On the Motion of Councillors T Koschel and D Hayes

That the Council now resolve itself into a Closed Council, the time being 8:17pm.

CARRIED

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

CONFIDENTIAL REPORTS

CONF-1 COUNCIL CLEAN UP - 32 TICHBOURNE CRESCENT KOORINGAL NSW 2650

22/407 RESOLVED:
On the Motion of Councillors D Hayes and A Parkins

That Council:

- a receive and note the report**
- b proceed with clean-up of 32 Tichborne Crescent, Kooringal NSW 2650**
- c approve a budget variation for costs associated with the initial clean-up as outlined in the budget section of report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
D Tout
G Davies
D Hayes
M Henderson
R Foley
R Kendall
T Koschel
A Parkins

Against the Motion

CONF-2 RE-DETERMINATION OF ORGANISATION STRUCTURE

22/408 RESOLVED:
On the Motion of Councillors T Koschel and D Hayes

That Council pursuant to Section 333 of the Local Government Act endorse retaining the current organisation structure.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
D Tout
G Davies
D Hayes
M Henderson
R Foley
R Kendall
T Koschel
A Parkins

Against the Motion

CONF-3 RFT2023-11 PROVISION OF SECURITY SERVICES

22/409 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a accept the tender of Complete Fire, Electrical & Security Pty Ltd (ABN: 56 167 435 565) for the Provision of Security Services at the Schedule of Rates within their tender bid**
- b authorise the General Manager or delegate to enter a Contract with Complete Fire, Electrical & Security Pty Ltd (ABN: 56 167 435 565) for the Provision of Security Services at the Schedule of Rates within their tender bid**
- c authorise the General Manager or delegate to extend the Contract as set out in the Contract documents**
- d authorise the affixing of Council’s Common Seal to all relevant documents as required**
- e 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

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

CONF-4 PROPOSED LEASE - CANTEEN AT LIVESTOCK MARKETING CENTRE (LMC)

22/410 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a negotiate entry into a lease agreement for the Livestock Marketing Centre Canteen with the party named in the body of this report upon the terms noted in the body of this report**
- b delegate authority to the General Manager or their delegate to execute the agreement on behalf of Council**
- c authorise the affixing of Council’s common seal to all relevant documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Tout
- G Davies
- D Hayes
- M Henderson
- R Foley
- R Kendall
- T Koschel
- A Parkins

CONF-5 EXPRESSION OF INTEREST - RIVERSIDE FOOD VAN LICENCE

22/411 RESOLVED:
On the Motion of Councillors D Hayes and R Kendall

That Council:

- a authorise the General Manager or delegate to negotiate to enter into licence agreement with EEMJ Pty Ltd ACN 661 885 810 for the operation of the Riverside food van and the exclusive right to provide food and beverage services within the Riverside precinct in accordance with the terms set out in this report for a period of three (3) years**
- b authorise the General Manager or delegate to complete and execute any necessary documents on behalf of Council**
- c authorise the affixing of Council’s common seal to any relevant documents as required.**
- d 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
D Tout
G Davies
D Hayes
M Henderson
R Foley
R Kendall
T Koschel
A Parkins

Against the Motion

CONF-6 ASSIGNMENT OF AIRPORT HANGAR SUB-LEASE - HANGAR SITES 225, 227 & 301, WAGGA WAGGA AIRPORT

Councillor G Davies declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 8:33pm and did not return the chamber.

22/412 RESOLVED:
On the Motion of Councillors D Hayes and T Koschel

That Council:

- a endorse the assignment of sub-leases for hangar sites 225, 227 & 301 at the Wagga Wagga airport on the terms set out in the body of this report**
- b delegate authority to the General Manager or delegate to execute any documents in relation to the assignment of the sub-lease**
- c authorising the affixing of Council’s seal to any documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Tout
 D Hayes
 M Henderson
 R Foley
 R Kendall
 T Koschel
 A Parkins

Against the Motion

REVERSION TO OPEN COUNCIL

22/413 RESOLVED:
On the Motion of Councillors R Kendall and T Koschel

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8:34pm.

CARRIED

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8:38pm.

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MAYOR