

**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 Jenny McKinnon  
Councillor Amelia Parkins

**IN ATTENDANCE**

General Manager	(Mr P Thompson)
Director Community	(Ms J Summerhayes)
Director Infrastructure Services	(Mr W Faulkner)
Director Strategy & Projects	(Mr P McMurray)
Director Regional Activation	(Mr J Sidgwick)
Chief Financial Officer	(Mrs C Rodney)
Chief Operating Officer	(Mr S Gray)
Executive Director People & Culture	(Mrs F Piltz)
Manager Environment & Regulatory Services	(Mrs C Hood)
Manager Development Assessment & Building Certification	(Mr P O'Brien)
Manager Risk & Governance	(Ms I Hensley)
Contributions Coordinator	(Mr B Maclure)
Senior Strategic Planner	(Mrs C Atkinson)
Strategic Asset Planner (Parks & Recreation)	(Mr B Creighton)
Corporate Governance Coordinator	(Mrs N Johnson)
Communications & Engagement Officer	(Ms C Jones)
Governance Officer	(Ms K West)

**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.

**CONFIRMATION OF MINUTES**

**CM-1      ORDINARY COUNCIL MEETING - 21 NOVEMBER 2022**

**22/414      RESOLVED:**  
On the Motion of Councillors R Kendall and T Koschel

**That the Minutes of the proceedings of the Ordinary Council Meeting held on 21 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  
J McKinnon  
A Parkins

Against the Motion

**DECLARATIONS OF INTEREST**

Councillor R Foley declared a Significant Non-Pecuniary Interest in RP-3 PROPOSED PLANNING AGREEMENT 12 BLAKE STREET, WAGGA WAGGA the reason being that he has recently done construction work for the applicant and vacated the chamber during its consideration.

Councillor R Foley declared a Significant Non-Pecuniary Interest in CONF-2 RFT2023-09 GWMC PLANT SHED DESIGN AND CONSTRUCT the reason being that he has recently done construction work for the tenderer and vacated the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-1 RFT2023-08 LORD BADEN POWELL DRIVE DESIGN & CONSTRUCT the reason being that his business carries out repair work for one of the companies tendering for these works and vacated the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-2 RFT2023-09 GWMC PLANT SHED DESIGN AND CONSTRUCT the reason being that his business carries out repair work for one of the companies tendering for these works and vacated the chamber during its consideration.

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-3 RFT2023-10 MCPHERSON OVAL LIGHTING UPGRADE the reason being that his business carries out sublet work for one of the companies involved in tendering for these works and vacated the chamber during its consideration.

Councillor R Kendall declared a Significant Non-Pecuniary Interest in CONF-2 RFT2023-09 GWMC PLANT SHED DESIGN AND CONSTRUCT the reason being that one of the tenderers is a current client of his and vacated the chamber during its consideration.

Councillor T Koschel declared a Non-Significant Non-Pecuniary conflict of interest in RP-4 FINANCIAL PERFORMANCE REPORT AS AT 30 NOVEMBER the reason being that his employer is named in the report and remained in the chamber during its consideration.

Councillor T Koschel declared a Significant Non-Pecuniary conflict of interest in RP-5 RESPONSE TO NOTICE OF MOTION - PEDESTRIAN ACCESS AROUND EQUEX CENTRE the reason being that a family members business is named in attached letter of original NOM that could benefit from crossing being constructed and vacated the chamber during its consideration.

**PROCEDURAL MOTION - ENGLOBO**

**22/415 RESOLVED:**  
On the Motion of Councillors R Kendall and R Foley

**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-4, RP-7 and RP-10 be adopted as recommended in the business paper.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

<u>For the Motion</u>	<u>Against the Motion</u>
The Mayor, Councillor D Tout	
G Davies	
D Hayes	
M Henderson	
R Foley	
R Kendall	
T Koschel	
J McKinnon	
A Parkins	

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

**NOM-1 NOTICE OF MOTION - PROPOSED ZERO-BASED BUDGET APPROACH**

**22/416 RESOLVED:**  
On the Motion of Councillors T Koschel and D Hayes

**That Council receive a report by the end of March 2023 on undergoing a zero-based budget that includes but not limited to:**

- a costs and timing to undertake a zero based budget including an option for an independent consultant**
- b benefits to council and the community of a zero-based budget**
- c funding options/grants to undertake the project**

**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
- J McKinnon
- A Parkins

**REPORTS FROM STAFF**

**RP-1      DA22/0488 - SINGLE DWELLING 2 BULL STREET, CURRAWARNA  
NSW 2650 LOT 92 DP816412**

**22/417      RESOLVED:**  
On the Motion of Councillors R Kendall and D Hayes

**That Council approve DA22/0488 for a dwelling at 2 Bull Street, Currawarna  
NSW 2650 (Lot 92 DP816412) subject to the conditions outlined in the Section  
4.15 Assessment Report.**

**CARRIED**

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

For the Motion

Against the Motion

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

**RP-2 NOTICE OF MOTION RESPONSE - STRATEGIC PLANNING INITIATIVES**

**22/418 RESOLVED:**  
On the Motion of Councillors A Parkins and R Kendall

**That Council:**

- a note the information provided in the report**
- b support the desired outcomes identified and the proposed priority projects**
- c receive a further report on the items listed in this report as currently unfunded as part of the 2023/24 budget process**
- d approve the budget variation as noted in the financial implications section of this report**
- e complete an internal desktop review of the Wagga Wagga Integrated Transport Strategy in 2023/24 before proceeding to the full review**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

Against the Motion

**RP-3 PROPOSED PLANNING AGREEMENT 12 BLAKE STREET, WAGGA WAGGA**

Councillor R Foley declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:51pm.

**22/419 RESOLVED:**  
On the Motion of Councillors D Hayes and R Kendall

**That Council:**

- a provide in principle support for the proposed Planning Agreement in relation to Blake Street and associated with DA19/0125**
- b place the proposed Planning Agreement on public exhibition from 17 December 2022 to 30 January 2023 and invite submissions until 10 February 2023**
- c receive a further report following the exhibition and submission period:**
  - i addressing any submission made in respect of the proposed Planning Agreement; and**
  - ii recommending whether or not to enter into the proposed Planning Agreement**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

Against the Motion

Councillor R Foley re-entered the chamber, the time being 6:53pm.

**RP-4 FINANCIAL PERFORMANCE REPORT AS AT 30 NOVEMBER 2022**

**22/420 RESOLVED:**  
On the Motion of Councillors R Kendall and R Foley

**That Council:**

- a approve the proposed 2022/23 budget variations for the month ended 30 November 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 30 November 2022 in accordance with section 625 of the Local Government Act 1993**
- e accept the funding offer of \$793,152 from Transport for NSW for the Fixing Local Roads Pothole Repair Round**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

Against the Motion



**RP-5      RESPONSE TO NOTICE OF MOTION - PEDESTRIAN ACCESS AROUND EQUEX CENTRE**

Councillor T Koschel declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 6:53pm.

**22/421      RESOLVED:**  
On the Motion of Councillors M Henderson and D Hayes

**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	
J McKinnon	
A Parkins	

Councillor T Koschel re-entered the chamber, the time being 6:55pm.

**RP-6      ALCOHOL-FREE ZONE AND PROHIBITED AREAS**

**22/422      RESOLVED:**  
On the Motion of Councillors T Koschel and D Hayes

**That Council:**

- a      receive and note the report**
- b      declare the area bounded by and including the following streets and laneways on both sides an Alcohol Free Zone for the period up to 21 February 2027:**
  - **Travers Street (between Trail and Fitzmaurice Streets)**
  - **Fitzmaurice Street (between Travers and Sturt Streets)**
  - **Cadell Place**
  - **Tarcutta Street (between Sturt and Morrow Streets)**
  - **Morrow Street (between Tarcutta and O'Reilly Streets)**
  - **O'Reilly Street (between Morrow and Tompson Streets)**
  - **Tompson Street (between O'Reilly and Berry Streets)**
  - **Berry Street (between Tompson and Morgan Streets)**
  - **Morgan Street (between the Skate Park and Fitzhardinge Street)**
  - **Fitzhardinge Street (between Morgan and Edward Streets)**

- Edward Street (between Fitzhardinge and Peter Streets)
  - Flinders Street
  - Station Place
  - Peter Street (between Edward and Morrow Streets)
  - Morrow Street (between Peter Street and Ivan Jack Drive)
  - Ivan Jack Drive (between The Esplanade and Johnston Street)
  - Trail Street (between Johnston and Travers Streets)
- c prohibit the consumption of alcohol in:
- Victory Memorial Gardens and Wollundry Lagoon Amphitheatre between the hours of 10:00pm and 10:00am
  - Tony Ireland Park at all times and
  - Skate Park area at Bolton Park at all times
- d endorse that the areas within the proposed zone which are leased to food outlets and which have the necessary permission to serve alcohol be precluded from the Alcohol Free Zone whilst they are open for business

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
- J McKinnon
- A Parkins

**RP-7 DRAFT URBAN COOLING STRATEGY**

**22/423 RESOLVED:**  
On the Motion of Councillors R Kendall and R Foley

**That Council:**

- a note the submissions received during the exhibition period from 18 October 2022 to 15 November 2022
- b adopt the Wagga Wagga Urban Cooling Strategy 2022-2052
- c 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
- J McKinnon
- A Parkins

**RP-8 LGNSW WATER MANAGEMENT CONFERENCE**

**22/424 RESOLVED:**  
On the Motion of Councillors D Hayes and T Koschel

**That Council:**

- a endorse sending two Council delegates to the 2023 LGNSW Water Management Conference to be held in Parkes from 26 - 28 June 2023**
- b appoint two Councillors as Council’s delegate to attend the LGNSW Water Management Conference**

**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
- J McKinnon
- A Parkins

Councillor R Kendall nominated Councillor R Foley.  
Councillor R Foley accepted the nomination.

Councillor R Kendall nominated Councillor A Parkins.  
Councillor A Parkins accepted the nomination.

Councillors R Foley and A Parkins were duly appointed to attend the 2023 LGNSW Water Management Conference to be held in Parkes from 26 - 28 June 2023.

**RP-9 CODE OF CONDUCT STATISTICS**

**22/425 RESOLVED:**  
On the Motion of Councillors R Foley and D Hayes

**That Council receive the Reporting Statistics on Code of Conduct Complaints about Councillors and the General Manager, in accordance with Part 11 of the Administrative Procedures of the Code of Conduct.**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

Against the Motion

**RP-10 RIVERINA JOINT ORGANISATION (RIVJO) MEMBERSHIP**

**22/426 RESOLVED:**  
On the Motion of Councillors R Kendall and R Foley

**That Council:**

- a withdraw from Riverina Joint Organisation (RIVJO) at the end of the 2022/23 Financial Year**
- b provide six (6) months written notice to RIVJO in accordance with its adopted charter**
- c delegate authority to the Mayor and General Manager to have discussions with any Council interested in establishing a new Joint Organisation**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

Against the Motion

**RP-11 QUESTIONS WITH NOTICE**

**22/427 RESOLVED:**  
On the Motion of Councillors T Koschel and D Hayes

**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             |                           |
| J McKinnon            |                           |
| A Parkins             |                           |

**CLOSED COUNCIL**

**22/428 RESOLVED:**  
On the Motion of Councillors D Hayes and R Foley

**That the Council now resolve itself into a Closed Council, the time being 7.06pm.**

**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             |                           |
| J McKinnon            |                           |
| A Parkins             |                           |

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

Councillor M Henderson declared a Significant Non-Pecuniary Interest in CONF-1 to CONF-3 and vacated the chamber, the time being 7:07pm and did not return to the chamber.

**CONFIDENTIAL REPORTS**

**CONF-1 RFT2023-08 LORD BADEN POWELL DRIVE DESIGN & CONSTRUCT**

**22/429 RESOLVED:**  
On the Motion of Councillors D Hayes and G Davies

**That Council:**

- a defer the award of the tender pending design clarification, and if required, negotiation with the tenderer**
- b confirmation of grant providers accommodating the additional work and time being applied to the design to achieve public safety goals**
- c receive a further report at the 30 January 2023 Council Meeting**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion  
D Tout  
G Davies  
D Hayes  
R Foley  
R Kendall  
T Koschel  
J McKinnon  
A Parkins

Against the Motion

**CONF-2 RFT2023-09 GWMC PLANT SHED DESIGN AND CONSTRUCT**

Councillor R Kendall declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:40pm.

Councillor R Foley declared a Significant Non-Pecuniary Interest and vacated the chamber, the time being 7:40pm.

**22/430 RESOLVED:**  
On the Motion of Councillors T Koschel and D Hayes

**That Council:**

- a in accordance with Clause 178(1)(b) of the Local Government (General Regulation) 2021, decline all tenders for the Gregadoo Waste Management Centre Plant Shed Design and Construct**
- b pursuant to clause 178(3)(e) of the Local Government (General Regulation) 2021, authorise the General Manager, or their delegate, to enter into negotiations with any person with the intention of entering into a contract for the Gregadoo Waste Management Centre Plant Shed Design and Construct**
- c note that the reason for entering into negotiations is that the tender bids submitted do not completely satisfy Council’s requirements and the scope of clarifications and modifications required can’t be undertaken without entering into negotiations**
- d authorise the General Manager or delegate to enter into a contract, using Council’s Common Seal if required, should negotiations be successful**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

For the Motion  
D Tout  
G Davies  
D Hayes  
T Koschel  
J McKinnon  
A Parkins

Against the Motion

Councillor R Foley re-entered the chamber, the time being 7:41pm.

Councillor R Kendall re-entered the chamber, the time being 7:41pm.

**CONF-3 RFT2023-10 MCPHERSON OVAL LIGHTING UPGRADE**

**22/431 RESOLVED:**  
On the Motion of Councillors D Hayes and T Koschel

**That Council:**

- a accept the tender of JRC Electrical Services Pty Ltd (ABN: 11 600 156 349) for the McPherson Oval Sports Lighting Upgrade Design & Construct for the lump sum price of \$ 406,116.12 excluding GST**
- b authorise the General Manager or their delegate to enter a Contract with JRC Electrical Services Pty Ltd (ABN: 11 600 156 349) for the McPherson Oval Sports Lighting Upgrade Design & Construct for the lump sum price of \$ 406,116.12 excluding GST**
- c authorise the General Manager or his 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**

**CARRIED**

**RECORD OF VOTING ON THE MOTION**

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

**PROCEDURAL MOTION - SUSPEND STANDING ORDERS**

**22/432 RESOLVED:**  
On the Motion of Councillors R Kendall and Councillor T Koschel

**That Council suspended standing orders the time being 7.44pm.**

**CARRIED**

**PROCEDURAL MOTION - REINSTATE STANDING ORDERS**

**22/433 RESOLVED:**  
On the Motion of Councillors T Koschel and R Kendall

**That Council reinstate standing orders the time being 8.00pm.**

**CARRIED**



**REVERSION TO OPEN COUNCIL**

**22/434 RESOLVED:**  
On the Motion of Councillors J McKinnon and T Koschel

**That this meeting of the Closed Council revert to an open meeting of the Council, the time being 8.01pm.**

**CARRIED**

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 8.03pm.

.....  
MAYOR