

PRESENT

- Councillor Dan Hayes
- Councillor Michael Henderson
- Councillor Richard Foley
- Councillor Tim Koschel
- Councillor Jenny McKinnon
- Councillor Amelia Parkins

IN ATTENDANCE

- | | |
|---|-----------------|
| Director Infrastructure Services | (Mr W Faulkner) |
| Director Strategy and Projects | (Mr P McMurray) |
| Director Regional Activation | (Mr J Sidgwick) |
| Chief Operating Officer | (Mr S Gray) |
| Executive Director - People & Culture | (Mrs F Piltz) |
| Manager Governance and Risk | (Ms I Hensley) |
| Manager Environment & Regulatory Services | (Mr M Gardiner) |
| Library Services Manager | (Ms C Bolton) |
| Corporate Governance Coordinator | (Mrs N Johnson) |
| Communications & Engagement Coordinator | (Mr M Casey) |

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.

At this stage of the meeting Councillor M Henderson requested NOM-1 Notice of Motion - Removal of Book from Library Collection, be withdrawn in accordance with Clause 10.3 of the Code of Meeting Practice.

Councillor D Hayes indicated that he wished to speak to NOM-1 Notice of Motion - Removal of Book from Library Collection, with the matter remaining on the agenda for consideration.

PROCEDURAL MOTION - ENGLOBO

23/222 RESOLVED:
On the Motion of Councillors J McKinnon and 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-2, RP-3, M-1 and CONF-1 be adopted as recommended in the business papers.

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Hayes
 M Henderson
 R Foley
 T Koschel
 J McKinnon
 A Parkins

Against the Motion

PUBLIC DISCUSSION FORUM

NOM-1 NOTICE OF MOTION - REMOVAL OF BOOK FROM LIBRARY COLLECTION

- Jenny Rolfe - Speaking against the recommendation

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NOM-1 NOTICE OF MOTION - REMOVAL OF BOOK FROM LIBRARY COLLECTION

A Motion was moved by Councillors D Hayes and J McKinnon

That Council:

- a supports the book 'Welcome to Sex' belonging to library's physical and on-line collection
- b recognises that the Australian Classification Review Board and the Australian Classification Board are different bodies and because books do not get classified the Australian Classification Review Board cannot reclassify a book that was never classified
- c acknowledges that the Library Act 1939 (NSW) does not allow councils to ban books
- d supports ALIA (Australian Library and Information Association), NSW State Library, and IFLA (International Federation of Libraries Association) anti-censorship stance and recognises they have no authority to ban books
- e knows that the NSW Library Act and Regulations Board does not exist
- f supports public libraries and the amazing work they do in providing information for free to the community and recognises the Wagga Library approach to curating the collection is best practice
- g supports parents, caregivers, and guardians in making decisions for their children and that having access to a range of information and books enhances that decision making
- h fully supports the NSW Library Council Guidelines about access to information in NSW public libraries that says:
 - i. A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on contemporary and historical issues, including controversial issues
 - ii. Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow
 - iii. Library materials that have not been subject to federal and state restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other grounds. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups
 - iv. The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, for example by holding them in special collections or available on request, can be an indirect form of censorship. No library materials should be held in closed access

physically or digitally except for the express purpose of protecting them from damage, theft or due to Australian Classification restrictions

An AMENDMENT was moved by Councillor T Koschel and seconded by Councillor M Henderson

That Council:

- a supports the book 'Welcome to Sex' belonging to library's physical and on-line collection
- b relocate the 'Welcome to Sex' book from the Junior Collection to the Youth Collection of the Wagga Wagga City Library

The AMENDMENT on being put to the meeting was LOST.

RECORD OF VOTING ON THE AMENDMENT

For the Amendment

M Henderson
T Koschel

Against the Amendment

D Hayes
R Foley
J McKinnon
A Parkins

23/223 RESOLVED:
On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a supports the book 'Welcome to Sex' belonging to library's physical and on-line collection
- b recognises that the Australian Classification Review Board and the Australian Classification Board are different bodies and because books do not get classified the Australian Classification Review Board cannot reclassify a book that was never classified
- c acknowledges that the Library Act 1939 (NSW) does not allow councils to ban books
- d supports ALIA (Australian Library and Information Association), NSW State Library, and IFLA (International Federation of Libraries Association) anti-censorship stance and recognises they have no authority to ban books
- e knows that the NSW Library Act and Regulations Board does not exist
- f supports public libraries and the amazing work they do in providing information for free to the community and recognises the Wagga Library approach to curating the collection is best practice
- g supports parents, caregivers, and guardians in making decisions for their children and that having access to a range of information and books enhances that decision making

- h fully supports the NSW Library Council Guidelines about access to information in NSW public libraries that says:**
 - i. A public library has a role as an unbiased source of information and ideas, including online content. It must accept responsibility for providing free access to materials and information presenting, as far as possible, all points of view on contemporary and historical issues, including controversial issues.**
 - ii. Libraries should endeavour to provide access to comprehensive and balanced collections that meet the needs of their communities as far as budget, space and availability of materials allow.**
 - iii. Library materials that have not been subject to federal and state restriction or prohibition should not be excluded from a public library on moral, political, racial, religious, sexist, language, or other grounds. Nor should library materials be included on these grounds alone, whatever pressure may be brought to bear by individuals or groups.**
 - iv. The arrangement of the collection should facilitate access. Restricting access to certain titles or classes of materials, for example by holding them in special collections or available on request, can be an indirect form of censorship. No library materials should be held in closed access physically or digitally except for the express purpose of protecting them from damage, theft or due to Australian Classification restrictions.**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Hayes
 R Foley
 J McKinnon
 A Parkins

Against the Motion
 M Henderson
 T Koschel

NOM-2 NOTICE OF MOTION - CALL FOR A TRIAL AND DEMONSTRATION TO FIX POTHoles PROPERLY & FAST

23/224 RESOLVED:
On the Motion of Councillors R Foley and T Koschel

That Council receive a report at the next Ordinary Council Meeting that includes:

- a an analysis of the JCB Pothole Pro machine and its suitability for our road network**
- b a comparison of the JCB Pothole Pro machine against Council’s existing plant and equipment**

- c a process for organising a comprehensive trial of the JCB Pothole Pro machine (along with any ancillary associated equipment) as soon as possible
- d the potential for other local government areas to participate in the trial of JCB Pothole Pro machine

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Hayes
- M Henderson
- R Foley
- T Koschel
- J McKinnon
- A Parkins

REPORTS FROM STAFF

RP-1 2023 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - ELECTION OF DELEGATES AND MOTIONS

23/225 RESOLVED:
On the Motion of Councillors T Koschel and D Hayes

That Council:

- a endorse the Mayor and three (3) Councillors to attend the Local Government NSW Annual Conference to be held from 12 to 14 November 2023
- b elect three Councillor delegates referred to in (a) above to attend the Conference
- c note that Councillors elected to attend the conference will be Council’s voting delegates for any Local Government NSW elections for the following twelve months
- d endorse submitting motions to the conference as outlined in the report

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- D Hayes
- M Henderson
- R Foley
- T Koschel
- J McKinnon
- A Parkins

Councillor R Foley self-nominated.

Councillor D Hayes nominated Councillors J McKinnon and A Parkins.

Councillors J McKinnon and A Parkins accepted the nomination.

Councillors R Foley, A Parkins and J McKinnon were duly appointed to attend with the Mayor the 2023 Local Government NSW Annual Conference to be held in Sydney from 12 to 14 November 2023.

RP-2 FINANCIAL PERFORMANCE REPORT AS AT 31 AUGUST 2023

23/226 RESOLVED:
On the Motion of Councillors J McKinnon and D Hayes

That Council:

- a approve the proposed 2023/24 budget variations for the month ended 31 August 2023 and note the balanced budget position as presented in this report**
- b approve the proposed budget variations to the 2023/24 Long Term Financial Plan Capital Works Program including new projects and 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 of 31 August 2023 in accordance with section 625 of the Local Government Act 1993**
- e accept the grant funding offers as presented in this report**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Hayes
 M Henderson
 R Foley
 T Koschel
 J McKinnon
 A Parkins

Against the Motion

RP-3 REQUESTS FOR FINANCIAL ASSISTANCE - SECTION 356

23/227 RESOLVED:
On the Motion of Councillors J McKinnon and D Hayes

That Council:

- a in accordance with Section 356 of the Local Government Act 1993, provide financial assistance to the Rotary Club of Wagga \$335.00**
- b note the proposed budget available for financial assistance requests for the remainder of the 2023/24 financial year**

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Hayes	
M Henderson	
R Foley	
T Koschel	
J McKinnon	
A Parkins	

RP-4 PROPOSED LICENCE OF AIRPORT LAND TO THE BUREAU OF METEOROLOGY - PART LOT 6 DP 846849

23/228 RESOLVED:
On the Motion of Councillors D Hayes and T Koschel

That Council:

- a authorise the General Manager or their delegate to negotiate entry into an agreement with The Bureau of Meteorology over land located at Don Kendall Drive, Wagga Wagga (being Part Lot 6 DP 846849)**
- b delegate authority to the General Manager or their 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

<u>For the Motion</u>	<u>Against the Motion</u>
D Hayes	
M Henderson	
R Foley	
T Koschel	
J McKinnon	
A Parkins	

RP-5 QUESTIONS WITH NOTICE

23/229 RESOLVED:
On the Motion of Councillors T Koschel and J McKinnon

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 Hayes	
M Henderson	
R Foley	
T Koschel	
J McKinnon	
A Parkins	

COMMITTEE MINUTES

M-1 CONFIRMATION OF MINUTES AUDIT, RISK AND IMPROVEMENT COMMITTEE - 17 AUGUST 2023

23/230 RESOLVED:
On the Motion of Councillors J McKinnon and D Hayes

That Council endorse the recommendations contained in the minutes of the Audit, Risk and Improvement Committee Meeting held on 17 August 2023.

CARRIED

RECORD OF VOTING ON THE MOTION

<u>For the Motion</u>	<u>Against the Motion</u>
D Hayes	
M Henderson	
R Foley	
T Koschel	
J McKinnon	
A Parkins	

CONFIDENTIAL REPORTS

CONF-1 RFT2024-PLANT & MECHANICAL MAINTENANCE OASIS

23/231 RESOLVED:
On the Motion of Councillors J McKinnon and D Hayes

That Council:

- a accept the offers of Sperling Australia Pty Ltd (ABN:28 137 748 577) and Nibusa Pty Ltd (ABN:82 002 439 885) T/a Bowyerair Refrigeration & Air Conditioning in the schedule of rates submitted with their offers for the plant and mechanical maintenance at the Oasis Regional Aquatic Centre**
- b authorise the General Manager or their delegate to enter contracts with Sperling Australia Pty Ltd (ABN:28 137 748 577) and Nibusa Pty Ltd (ABN:82 002 439 885) T/a Bowyerair Refrigeration & Air Conditioning for the plant and mechanical maintenance at the Oasis Regional Aquatic Centre**
- c authorise the affixing of Council’s seal to documents as required**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion
 D Hayes
 M Henderson
 R Foley
 T Koschel
 J McKinnon
 A Parkins

Against the Motion

THIS COMPLETED THE BUSINESS OF THE COUNCIL MEETING WHICH ROSE AT 7:26pm.

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MAYOR